



Executive

Monday, 19 September 2011 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/Lead Member for Corporate Strategy and Policy Co-ordination
Butt (Vice-Chair)	Deputy Leader/Lead Member for Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Jones	Lead Member for Customers and Citizens
Long	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults and Health
Powney	Lead Member for Environment and Neighbourhoods

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

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www.brent.gov.uk/committees

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 - 8
3 Matters arising (if any)	
4 Petitions	9 - 10
Details of petitions received in connection with the school crossings patrol report are attached.	
5 Deputations (if any)	
Regeneration and Major Projects reports	
6 The South Kilburn Regeneration Programme	11 - 32
This report summarises the progress made on the regeneration of South Kilburn, and sets out four main processes for approval by the Executive for continuing the momentum established by the Council over the past two years for the regeneration of the area.	
Ward Affected: Queens Park	Lead Member: Councillor Crane Contact Officer: Dave Carroll, Planning and Development Tel: 020 8937 5202 dave.carroll@brent.gov.uk
7 LDF - Wembley Area Action Plan Public Consultation	33 - 42
Having adopted the Core Strategy of the Local Development Framework (LDF) in July 2010 and the Site Specific Allocation DPD in July 2011, it is now proposed to produce a Wembley Area Action Plan as agreed by the Executive in November 2010. This report explains the process for producing the Plan, sets out a draft vision and objectives for Wembley, and proposes an initial public consultation on the key issues and options for the area.	

Appendices circulated separately

Ward Affected:

Barnhill;
Preston;
Stonebridge;
Tokyngton;
Wembley
Central

Lead Member: Councillor Crane

Contact Officer: Ken Hullock, Policy and
Research Team

Tel: 020 8937 5309 ken.hullock@brent.gov.uk

8 Brent's response to the HS2 consultation

43 - 56

An explanation of the current proposals for a new High Speed rail link to Birmingham and beyond is provided, with particular reference to the implications for the Borough of the proposed interchange at Old Oak Common. There are likely to be significant impacts, both negative and positive, upon regeneration in the Borough. It is without doubt, though, a major opportunity to enhance regeneration and economic growth in Brent as well as significantly improving access for Brent residents. Executive is asked to endorse the response to the Government consultation on the route submitted in July.

Ward Affected:

All Wards

Lead Member: Councillor Crane

Contact Officer: Chris Walker, Director of
Planning

Tel: 020 8937 5246 Chris.Walker@brent.gov.uk

9 Proposed Changes to Articles of Association for Brent Housing Partnership

57 - 76

This report informs Members of changes required to the constitution of Brent Housing Partnership (BHP), the arms-length management organisation who manage the local authority's housing stock, and the reasons for those changes in respect of board membership. It seeks Members' approval to change the Articles of Association in light of those changes.

Ward Affected:

All Wards

Lead Member: Councillor Crane

Contact Officer: Andrew Donald, Director of
Regeneration and Major Projects

Tel: 020 8937 1049

andrew.donald@brent.gov.uk

Environment and Neighbourhood Services reports

10 Authority to invite tenders for Highways Maintenance Works

77 - 88

This report considers the contractual situation regarding the Council's management of Highways Maintenance. It proposes an effective seven

month extension of the existing arrangements in order to maximise potential benefits from the emerging collaborative contract procurement across London and accordingly requests authority to award framework agreements as required by Contract Standing Order No 88.

Ward Affected:

All Wards

Lead Member: Councillor J Moher

Contact Officer: Tim Jackson, Transportation Unit

Tel: 020 8937 5151 tim.jackson@brent.gov.uk

11 Review of school crossing patrol service

89 - 112

This report explains that consultation on an early set of proposals took place earlier this year. The results of the consultation are summarised and discussed within the report. The report explains that following consideration of the feedback from the consultation, the proposals, whilst still now involving adoption of a risk evaluation model, are significantly different from those originally proposed.

Ward Affected:

All Wards

Lead Member: Councillor J Moher

Contact Officer: Sue Harper, Director of Environment and Neighbourhood Services

Tel: 020 8937 5192 sue.harper@brent.gov.uk

Central Reports

12 A review of Fairer Contributions Policy for Adult Social Services

113 -
120

Local authorities have discretionary powers to charge adult recipients of non-residential services. The decision as to whether or not to charge and how to charge are matters for local choice subject to public law principles and must comply with the Department of Health's 'Fairer Charging' guidance, issued in 2003. Following consultation with service users, this report recommends that Members agree to adopt a revised policy, namely the Brent Council's Fairer Contributions Policy [the 'policy'] which will ensure that practice in Brent is in line with Department of Health's Guidance.

Appendices circulated separately

Ward Affected:

All Wards

Lead Member: Councillor R Moher

Contact Officer: Alison Elliott, Director of Adult Social Services

Tel: 020 8937 4230 alison.elliott@brent.gov.uk

13 Outcomes of the consultation into the closure of Knowles House Site

121 -
138

Following on from a consultation exercise, this report recommends the closure of the Knowles house site, and the re-provision of care for both

Knowles House Residents and Westbrook Day service attendees to be undertaken by agreed and appropriate approved independent and voluntary sector providers, as near to family and friends as is possible

Ward Affected:
All Wards

Lead Member: Councillor R Moher
Contact Officer: Alison Elliott, Director of Adult Social Services
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

14 Authority to agree changes to the Taxicard scheme in Brent from October 2011 139 - 162

This paper provides: an overview of the Taxicard scheme, a summary of the changes implemented in Brent in January 2010 to reduce a forecast overspend in 2010/11; the funding changes implemented by London Councils to make the funding arrangements for the Taxicard scheme sustainable in the medium term; a summary of the consultation on options for the scheme in Brent, and the options Brent Council could implement now that the consultation has been completed.

Ward Affected:
All Wards

Lead Member: Councillor R Moher
Contact Officer: Alison Elliott, Director of Adult Social Services
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

15 Authority to renew grant funding for the Brent Citizens Advice Bureau and Brent Community Law Centre 163 - 170

This report seeks authority to renew grant funding for a period of six months for Brent Citizens Advice Bureau (BCAB) and the Brent Community Law Centre Limited (BCLC). The renewal of grant funding for a six month period will allow for the convergence of funding streams from the Council to BCAB and the convergence of timelines between the funding bodies.

Ward Affected:
All Wards

Lead Member: Councillors R Moher and Long
Contact Officer: Alison Elliott, Director of Adult Social Services
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

16 Preventing youth offending - overview and scrutiny task group 171 - 194

This report sets out the findings and recommendations of the Preventing Youth Offending Task Group, which are being presented to the Executive for its approval. The Children and Young People Overview and Scrutiny Committee endorsed these at its meeting of 12th July 2011.

Appendices circulated separately

Ward Affected:
All Wards

Lead Member: Councillors Arnold and Beswick
Contact Officer: Mark Cairns, Corporate Policy Officer
Tel: 020 8937 1219 mark.cairns@brent.gov.uk

17 Joint Procurement of Knowledge Management Software (Legal Services) 195 - 200

This report concerns purchase of on-line legal resources for use by Legal Services. It describes a proposal to procure a framework or frameworks for use by an association of London Boroughs known as the London Boroughs Legal Alliance (LBLA). It is proposed that Brent take the lead in the procurement. The report then requests approval for an exemption from the usual Brent tendering requirements for the reasons set out in the report.

Ward Affected:
All Wards

Lead Member: Councillor Butt
Contact Officer: Fiona Ledden, Director of Legal and Procurement
Tel: 020 8937 1292 fiona.ledden@brent.gov.uk

18 Private Hire Framework - WLA 201 - 212

This report requests approval to invite tenders for the framework, as required by Standing Orders 88 and 89. The Framework will operate for a period of four years and will commence in April 2012. The Participating Boroughs have given their agreement that this requirement should be tendered by Brent as Lead Borough for this Procurement.

Ward Affected:
All Wards

Lead Member: Councillor Butt
Contact Officer: David Furse, Procurement
Tel: 020 8937 1170 david.furse@brent.gov.uk

19 Request authority to tender the Insurance Contracts 213 - 226

This report concerns the future provision of the Council's Insurance Services contracts. This report requests approval to invite tenders in respect of the proposed Insurance Services contracts to start 1 April 2012, as required by Contract Standing orders 88 and 89

Ward Affected:
All Wards

Lead Member: Councillor Butt
Contact Officer: Clive Heaphy, Director of Finance and Corporate Services
Tel: 020 8937 1424 clive.heaphy@brent.gov.uk

20 Performance and Finance review - quarter 1 227 - 246

The purpose of this report is to provide Members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively.

Appendices circulated separately

Ward Affected:

All Wards

Lead Member: Councillor John

Contact Officer: Clive Heaphy, Director of Finance and Corporate Services, Phil Newby, Director of Strategy, Partnerships and Improvement

Tel: 020 8937 1424, Tel: 020 8937 1032

clive.heaphy@brent.gov.uk,

phil.newby@brent.gov.uk

Children and Families reports - none

21 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.

22 Reference of item considered by Call in Overview and Scrutiny Committee (if any)

23 Exclusion of Press and Public

The following item(s) is/are not for publication as it/they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

‘information in respect of which a claim to legal professional privilege could be maintained in legal proceedings’.

APPENDIX: Request authority to tender for insurance contracts

Date of the next meeting: Monday, 17 October 2011



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Wednesday, 17 August 2011 at 7.00 pm

PRESENT: Councillor John (Chair), Councillor Butt (Vice-Chair) and Councillors Arnold, Beswick, Jones, Long and Powney

APOLOGIES: Councillors Crane, J Moher and R Moher

ALSO PRESENT: Councillors Cheese, Hashmi, Harrison, Kansagra, Mitchell Murray and BM Patel

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

None made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 18 July 2011 be approved as an accurate record of the meeting.

3. **Order of business**

The Executive agreed to vary the order of business so as to take early in the meeting those items for which members of the public were present.

4. **Deputation - Strategy to provide primary school places in Brent up to 2014-15**

Mr Martin Francis (Green Party Children and Families spokesperson, Governor at Chalkhill and Braintcroft schools) addressed the Executive concerning the joint report from the Director of Regeneration and Major Projects and Children and Families which proposed a strategy for providing school places in Brent up to 2014/12. He recognised the problem the council faced in finding sufficient school places and welcomed the development of a longer term strategy. He expressed support for the lobbying of central government jointly with other local authorities in particular to provide 2FE (form entry) primary schools. Mr Francis advised that special meetings had taken place at both Braintcroft and Chalkhill primary schools to discuss the issue and the governing bodies had made submissions. He felt that proposals would lead to the demise of 1FE primary schools valuable in circumstances where a smaller, more intimate environment was beneficial to children. The proposals for all-through schools would also have the effect of a child's secondary school being chosen at the age of four in order to guarantee a place and this could have an adverse effect on stand-alone primary schools.

Additionally, as most of the secondary schools were in the north of the borough, the number of available secondary school places would reduce further disadvantaging children in the south. Mr Francis expressed concern that the ethos and character of small schools which supported younger and also vulnerable children would be lost in larger all-through school provision and that free schools which offered less impersonal environments would become the preferred option for parents.

The Chair thanked Mr Francis for his contribution.

5. Strategy to Provide Primary School Places in Brent up to 2014-2015

The Director of Regeneration and Major Projects introduced his report which set out the current pressures on the local authority in providing sufficient school places and the proposed strategy for meeting demand by 2014-15. The budget available based on the current costs of school expansion was insufficient to meet projected demand and the Director referred the Executive to the significant net capital deficit of £31.039m. The report recommended that the council adopt a three pronged approach which would involve lobbying central government, taking a medium term approach linked to the council's emerging property strategy, delivering a 'fit for purpose' portfolio on which consultation would take place. Finally, there was a costed short term strategy for delivery by 2012 to maximise the capacity of existing schools to be prioritised based on criteria.

Councillor Arnold (Lead Member, Children and Families) welcomed the feedback received as a result of the consultation exercise and acknowledged the points made earlier in the meeting in the deputation from Mr Martin Francis particularly in relation to finding ways of maintaining the advantages of small schools and the effect on existing schools, stating she would welcome a discussion. The Director of Children and Families agreed that there was a need to look at the whole range of options but pointed out that the pressure for places was very significant and still growing.

The Chair made reference to the work of the overview and scrutiny Early Intervention task group which was meeting at present the report from which Mr Francis may be interested.

The Executive agreed the report.

RESOLVED:

- (i) that the on-going pressures on primary school places as set out in the joint report from the Director of Children and Families and the Director of Regeneration and Major Projects, in particular the requirement for an additional 15 forms of entry (equating to 105 classrooms) by 2014/15 be noted;
- (ii) that it be noted that at the time of writing the government has announced that it will be allocating an additional £500m to fund more new school places in areas of greatest need. However, the allocation model has not been decided as of now and it may not be sufficient to support meeting this on-going pressure;

- (iii) that agreement be given to undertake a robust and co-ordinated lobbying campaign to highlight to government the nature and scale of the challenge faced;
- (iv) that it be noted that a longer term approach to the school's portfolio was being considered as part of the current property strategy work, and will be reported to members in due course;
- (v) that approval be given to the allocation of £13.770m from the Council's Main Capital Programme for providing additional primary school places across Brent schools from September 2012 onwards, as set out in the table under paragraph 9.15 of the joint report;
- (vi) that agreement be given to the current and future allocation of £7.201m from the Section 106 Capital Receipts for providing additional primary school places across Brent schools from September 2012 onwards, as set out in the table under paragraph 9.15 of the Directors' report;
- (vii) that the shortfall in funding of £31.039m by 2014-15 necessary to provide additional primary school places across Brent schools from 2012-13 to 2014-15, as set out in the table under paragraph 9.15 be noted;
- (viii) that agreement be given to the prioritisation of the recommended schemes for spending as set out in the table under paragraph 10.10 for providing additional primary school places;
- (ix) that approval be given to the preparation of feasibility studies for the short listed schools given under paragraph 10.10 of the Directors' report.
- (x) that the allocation of £150k from the Council's Main Capital Programme for updating the information on school condition and cad database which will enable intelligent planning for new expansions and allow timely maintenance work to be scheduled for existing buildings be endorsed.

6. Schools cleaning contract - pre tender amendment

Councillor Arnold (Lead Member, Children and Families) introduced the report which sought authority to invite tenders for a Cleaning Framework Agreement to commence on 2 January 2012 at the May 2011 Executive, which requested an amendment to the pre-tender considerations contained in that report as required by Contract Standing Orders 88 and 89. She advised that the change would allow schools to choose from multiple providers including smaller and local providers.

RESOLVED:

that approval be given to amend the pre-tender considerations so that multiple providers suppliers can be appointed to the framework in place of the single supplier recommended in the previous report to the Executive on 23 May 2011.

7. Removal and replacement of contaminated soil from St Raphael's and Brentfield estates

The report before the Executive referred to the decision on 26 July 2010 following which sixty one properties in St Raphael's and Brentfield estates were formally determined as contaminated and a remediation statement written setting out how the remediation would be undertaken. An award of grant to cover the costs of the remediation works has now been made by the Environment Agency which required the works to be completed by 31 March 2012. The report informed the Executive of the procurement process proposed and of an exemption to Standing Orders approved on the grounds of extreme urgency to allow tenders to be invited to meet the demanding timetable and avoid potential loss of grant. Councillor Powney (Lead Member, Environment and Neighbourhoods) advised that the council had been awarded 30% of the national allocation and Brent Housing Partnership would also be contributing. He congratulated officers for their work in obtaining the funding.

RESOLVED:-

- (i) that approval be given to proceed with the remediation work at St Raphael's and Brentfield Estates in accordance with the remediation design approved by the Environment Agency using the £1,422,525 grant monies allocated;
- (ii) that it be noted that the grant funding will only cover the cost of basic re-instatement of fencing and turf, and that Brent Housing Partnership (BHP) proposes to make a contribution from its capital budgets for necessary works outside the scope of the grant such as re-instatement of sheds etc;
- (iii) that the timing issues relating to the works set out in paragraphs 3.11 – 3.16 of the report from the Director of Environment and Neighbourhood Services be noted and that, in view of the urgent requirement to ensure that works are completed by 31 March 2012, an exemption from Standing Orders has been sought and granted from the Director of Finance and Corporate Resources on grounds of extreme urgency pursuant to Standing Order 84(b) after consultation with the Director of Legal and Procurement, exempting the procurement from the requirement to seek Executive authority to go out to tender for remediation works and exempting the requirement to use a single stage or two stage tender process;
- (iv) that the procurement process for remediation works being followed as set out in paragraphs 3.16 and 3.17 of the report be noted and the Director of Environment and Neighbourhood Services be authorised to award the contract for remediation works following the identification of a preferred contractor.

8. Authority to establish a framework agreement for the provision of a leased maintained vehicle fleet and to establish call off arrangements

The report from the Director of Environment and Neighbourhood Services requested authority to establish a single-supplier Framework Agreement for Brent Transport Services for the provision of vehicle maintenance services and for the supply and maintenance of new vehicles, as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering these requirements and, following the evaluation of the tenders, recommended which supplier should be appointed to the Framework Agreement. The report also advised members of a short review presently being undertaken to confirm Brent's

future requirement for the passenger transport services provided by Brent Transport Services (BTS).

Councillor Powney (Lead Member, Environment and Neighbourhoods) advised that a number of vehicles were not compliant with the London Emission Zone regulations that come into effect on 1 January and this presented additional reasons for replacement. He drew members' attention to a supplementary report from the Director which amended recommendation (i) in the original report so as to delegate to the Director of Finance and Corporate Services the decision to establish a four-year framework agreement in order to allow for further financial analysis.

The Executive also had before them 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 delegate to the Director of Finance and Corporate Services in consultation with the Director of Environment and Neighbourhood Services the decision to establish a four-year framework agreement with Translinc Ltd as sole supplier for (1) maintenance of existing fleet and (2) supply and maintenance of new vehicles, which can also be accessed by other members of the West London Alliance group of local authorities;
- (ii) that authority be delegated to the Director of Finance and Corporate Services in consultation with the Director of Environment and Neighbourhood Services to approve the award of a 4-year call-off contract for the maintenance of the existing Brent fleet to Translinc Limited in the estimated contract sum of £1.1million following completion of the review of future requirements described in paragraphs 3.39 – 3.41 of the report from the Director of Environment and Neighbourhood Services;
- (iii) that authority be delegated to the Director of Environment and Neighbourhood Services to approve individual call-off contracts with Translinc Ltd for the supply and maintenance of new leased vehicles during the course of the framework agreement.

9. Future Customer Services: delivering change to the council's customer services

The report from the Director of Strategy, Partnerships and Improvement set out proposals arising from a project in the One Council Programme designed to improve the way that customers access council services and the level of service they receive. The new Corporate Customer Services approach to be introduced by summer of 2012 aimed to make it much easier for customers to get answers quickly to the problems that most commonly concern them through a restructure of telephone and face-to-face service and redesigning the website to deliver more services online. A key element of these changes was the establishment of a new division, Corporate Customer Services, which would bring together the existing One

Stop Service and Revenues and Benefits service. Phil Newby (Director of Strategy, Partnerships and Improvement) acknowledged that the change while exciting, did not come without risks. Councillor Jones (Lead Member, Customers and Citizens) welcomed the proposed changes which although challenging, would be a positive development.

RESOLVED:-

- (i) that the proposed changes to improve customer access arrangements as part of the Future Customer Services project be noted;
- (ii) that agreement be given, subject to the outcome of consultation with staff, to the creation of a new Assistant Director of Corporate Customer Services post and the deletion of the Head of Revenues and Benefits post;
- (iii) that it be noted that further changes to structures needed to fully implement the Future Customer Services arrangements would be carried out in accordance with the council's Managing Change Policy.

10. **Award of Framework Contracts - young people housing support services**

The report from the Director of Adult Social Services updated members on the outcome of the procurement process of two frameworks for young people housing support services and sought approval to appoint organisations to the frameworks as required by Contract Standing Order 88. The report requested authority to award call-off contracts from the two frameworks for young people housing support services as required by Contract Standing Order 88. The report further requested authority to extend existing contracts for a period of three weeks to the 24 of October 2011 to ensure planned implementation for the new services.

RESOLVED:

- (i) that approval be given to the three organisations detailed at paragraph 3.15 of the report from the Director of Adult Social Services being appointed to the Supporting People Young People Accommodation based Support Services Framework Agreement for a period of three years with an option to extend the framework for a further two years, such organisations being:

Coram (Thomas Coram Foundation for Children;
De Paul UK
Lookahead Housing and Care

- (ii) that approval be given to award a call-off contract from the Supporting People Young People Accommodation based Support Services Framework Agreement to Coram (Thomas Coram Foundation for Children), in respect of Lot A (single sex accommodation based services for young people with complex needs across scattered accommodation) from 24 October 2011 for a period of three years with an option of extending the contract for two years;
- (iii) that approval be given to award a call-off contract from the Supporting People Young People Accommodation based Support Services Framework Agreement to DePaul UK in respect of Lot B (mixed sex accommodation

based services for young people across hostel, crash pad and move on units) from 24 October 2011 for a period of three years with an option to extend the contract for a further two years;

- (iv) that approval be given to the four organisations detailed at paragraph 3.15 of the report from the Director of Adult Social Services being appointed to the Supporting People Young People Floating Support Services Framework Agreement for a period of three years with an option to extend the framework for a further two years, such organisations being:

Lookahead Housing and Care
Coram (Thomas Coram Foundation for Children
De Paul UK
Brent Housing Partnership

- (v) that approval be given to award a call-off contract from the Supporting People Young People Floating Support Services Framework Agreement to Coram (Thomas Coram Foundation for Children) from 24 October 2011 for a period of three years with an option to extend the contract for a further two years;
- (vi) that approval be given to a short extension of existing contracts for young people based accommodation services and floating support services with De Paul Trust, Catch 22, St Christopher's Fellowship, Coram Housing and Support Services, Brent Housing Partnership and Centre Point for the period from 1 October 2011 to 24 of October 2011 to ensure appropriate implementation of services.

11. Treasury annual report 2010/11

Councillor Butt (Lead Member, Resources) introduced the report from the Director of Finance and Corporate Services which set out information on borrowing and investment activity, and performance compared to prudential indicators during 2010/11. As the Treasury Management Annual Report should be agreed by Full Council, the Executive was asked to recommend it to Full Council for approval. The report would also go to the Audit Committee as part of the scrutiny function required under the 2009 Treasury Management Code of Practice issued by CIPFA. Councillor Butt referred to the two deposits outstanding with Icelandic banks which he hoped would be recovered in full.

RESOLVED:

that Full Council be recommended to:

- (i) approve the Treasury Management Annual Report and Annual Investment Strategy Report;
- (ii) note the outturn for prudential indicators;
- (iii) note the updated position in 2010/11.

12. Performance and Finance review 2010/11 Quarter 4

The report from the Directors of Strategy, Partnership and Improvement and Finance and Corporate Services summarised Brent Council's budget position and performance in relation to the delivery of the Borough Plan, Our Brent Our Future 2010-2014. Councillor John (Lead Member, Corporate Strategy and Policy Co-ordination) drew members' attention to the new performance framework and other initiatives introduced to improve performance monitoring and she urged all members to pay close attention. The Director of Strategy, Partnerships and Improvement referred to areas in which data had not been provided and assured that efforts would be made to improve this next quarter. He also referred to the separately circulated crime figures which were positive and the Lead Member (Crime and Public Safety), Councillor Beswick, expressed support for the commitment to the timely availability of information, work on which had already commenced.

RESOLVED:-

- (i) that the finance and performance information contained in the joint report from the Directors of Finance and Corporate Services and of Strategy, Partnerships and Improvement be noted and remedial actions as necessary be agreed;
- (ii) that agreement be given to the 2010-11 budget virements contained in the report.

13. Reference of item considered by Call in Overview and Scrutiny Committee

None.

14. Any Other Urgent Business

None.

The meeting ended at 7.30 pm

A JOHN
Chair

EXECUTIVE
17 September 2011

Petitions - school crossing patrols

The following petitions, each signed by at least 50 residents or people who live and work in the borough have been submitted in accordance with Standing Orders:

1. Save Brent's Lollipops

"I believe the safety of children is very important. I oppose Labour's plans to scrap my local lollipop person and the school crossing patrol they provide."

(Some with above generic statement, others include specific reference to particular crossings in the borough in Sudbury, Convent of Jesus and Mary Infants, Park Avenue and High Road Willesden). (529 signatures approx.)

From: Brent Liberal Democrats

2. Petition is support of Simon Isaacs from the Parents of Gladstone Park Primary School

"We the undersigned wish to express the strongest possible support for Simon Isaacs our school crossing patrolman. We want to emphasise the quality of his personal influence on the safety of children. Pointing out how his happy, positive and inclusive manner affects the whole community crucially including passing drivers with no connection to the school. This criterion to the exclusion of others should be the most important for judging whether he remains in post."

From: Gladstone Park Primary School PSA Committee (301 signatures approx.)

3. The proposed plans to cut the fund for our School Crossing Patrol

"We the parents and children of Leopold School and residents object to our school losing our lollipop lady during the staff cutbacks. She is a valuable community member actively preventing accidents and fatalities around the school in the morning and afternoon. We would like Brent Council to reconsider its decision and keep our lollipop lady."

From: Leopold Primary School (321 signatures approx.)


4. Petition – objection to proposed changes to the School Crossing Patrol

"We the undersigned are deeply unhappy at Brent Council's decision to sack 30 of the 47 School Crossing Patrol Officers currently working near Brent's schools, despite the high rates of child injury and fatality in this country, including many tragic accidents in Brent. We are also very unhappy at Brent allowing just one month for consultation, which gives no real chance for views to be gathered or for preparations to be made. The so-called consultation process is woefully inadequate.

We therefore demand that Brent's current plans be suspended, pending adequate consultation and consideration of all the issues."

Lead petitioner: George Burn (682 signatures approx.)

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	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p style="text-align: right;">Wards Affected: Queen's Park</p>	
<p>South Kilburn Regeneration Progress Update</p>	

1.0 Summary

- 1.1 This report summarises the progress made on the regeneration of South Kilburn, and sets out four main processes for approval by the Executive for continuing the momentum established by the Council over the past two years for the regeneration of the area. It seeks approval to:
- (a) Progress with all relevant statutory processes for decanting residents from phase 2 sites into phase 1b sites ahead of the procurement and appointment of a developer partner by late 2011/ early 2012;
 - (b) Progress with ensuring vacant possession of phase 2 sites to ensure continuation of the programme, including all relevant CPO and other property interests;
 - (c) Progress with measures to address the one bedroom housing shortage in phase 1a by stopping permanent lettings across the estate on one bedroom properties that have been identified for future demolition;
 - (d) Progress with measures to cease permanent lettings in blocks earmarked for demolition within five years of their scheduled demolition date, to ensure that continued progress is made on the regeneration programme.

2.0 Recommendations

- 2.1 That the Executive note the progress made on the South Kilburn Regeneration project as set out in the report.
- 2.2 That the Executive authorise the Director of Regeneration and Major Projects to seek the Secretary of State's consent to the disposal and redevelopment of phase 2 sites on the estate for the purposes of Ground 10A of Schedule 2 of 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, Section 32 of the Housing Act 1985

to dispose of housing land, Section 19 of the Housing Act for appropriation of all housing land within Phase 1b and Phase 2 of the South Kilburn Regeneration project for planning purposes and under the necessary Act (if applicable) to dispose of non housing land (all blocks and phases earmarked for redevelopment are listed in Appendix 2).

- 2.3 That the Executive authorise the Director of Regeneration and Major Projects to appropriate all land comprised within Phase 1b and Phase 2 of the South Kilburn Regeneration project to planning purposes when it is no longer required for the purposes for which it is held prior to appropriation subject in respect of land held for housing purposes to the consent of the Secretary of State under Section 19 of the Housing Act 1985.
- 2.4 That the Executive authorise the making of compulsory purchase orders (CPOs) to acquire (a) all interests and rights in the properties listed in Appendix 1 and comprising the land shown edged red on the plans in Appendix 1 (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, notably Bronte House, Fielding House, Wordsworth House, Masfield House, Durham Court and Gloucester House.
- 2.5 That the Executive authorise the Director of Regeneration and Major Projects to cease long term lettings and authorise the service of demolition notices and the suspension of tenants' Rights to Buy applications in relation to secure tenancies across the estate on all one bedroom properties that have been identified to be demolished as part of the South Kilburn Regeneration Programme and continue to prioritise all new development site lettings in South Kilburn to tenants within sites on the next phase of development (all blocks and phases earmarked for redevelopment are listed in Appendix 2 of this report).
- 2.6 That the Executive authorise the Director of Regeneration and Major Projects to cease all long term lettings in blocks earmarked for redevelopment within five years of their scheduled demolition date (all blocks and phases earmarked for redevelopment are listed in Appendix 2 of this report).
- 2.7 That the Executive authorise 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 & Corporate Services.
- 2.8 That the Executive authorise the serving of demolition notices and the suspension of tenants' Rights to Buy in relation to secure tenancies at Masfield House, Wordsworth House, Durham Court and Gloucester House which are all on the South Kilburn estate, and authorise the Director of Regeneration and Major Projects to issue all and any notices required to be issued in connection with such demolition.
- 2.9 That the Executive authorise the:
 - 2.9.1 The submissions of the CPOs, once made in respect of the CPO Land , to the Secretary of State for confirmation whilst at the same time seeking to acquire the CPO land by private negotiated treaty on such terms as may be agreed by the Director of Regeneration and Major Projects;
 - 2.9.2 Director of Regeneration and Major Projects to enter 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;

- 2.9.3 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;
- 2.9.4 Serving of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPOs;
- 2.9.5 Director of Regeneration and Major Projects to remove from the CPOs in respect of 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);
- 2.9.6 Director of Regeneration and Major Projects within the defined boundary of the CPO Land, to acquire 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;
- 2.9.7 Director of Regeneration and Major Projects, if so advised, to seek 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.

3.0 Detail

Regeneration progress to date

Phase 2a sites – designs for Bronte House, Fielding House and the Queen’s Park Station Area

- 3.1 In July 2011, Officers reported to the Executive on progress on the Regeneration Programme. The Executive noted officers’ intention to progress with the designs for phase 2a sites including Bronte House, Fielding House and the Queen’s Park Station Area (zone 18). Lifschutz Davidson Sandilands Architects and Alison Brooks Architects have been appointed to design Bronte and Fielding House, and Maccreeanor Lavington Architects have been appointed to design the Queen’s Park Station Area (zone 18). It is expected that a planning application for Bronte and Fielding House will be submitted in late 2011, and an application for the Queen’s Park Station Area will be submitted in spring 2012.

Phase 1b sites - decants, vacant possession and disposal of sites

- 3.2 In July 2011, Executive approved the delegated authority for Officers to select a developer partner for phase 1b sites including Wells Court, Cambridge Court, Ely

Court, Bond House, Wood House and Hicks Bolton House (note that the March 2011 report to Executive provided further detail on procurement and selection criteria). The tender documents for the selection of the Developer Partner are due to go out in August, and the council will appoint a developer partner for the phase 1b sites in late 2011/ early 2012.

- 3.3 The phase 1b developments will provide 86 market housing units and 122 affordable housing units. The new affordable homes will be for residents currently living in phase 2 sites at Cullen House, Wordsworth House, Masfield House, Durham Court and Gloucester House. Once a developer partner is appointed, Officers will be in a position to commence with the necessary procedures for moving residents from phase 2 blocks to the new homes in advance of construction of the phase 1b sites, programmed after June 2011. It is important that this process is started at the appointment of the Developer Partner and ahead of construction, to ensure that statutory processes are fulfilled and momentum in the programme is maintained.

Phase 1a – construction progress and housing allocations

- 3.4 Good progress continues to be made on the construction of the phase 1a blocks at the Texaco Garage site, Macdonald House, Marshall House, Albert Road site (zone 11A) and the Carlton Vale Roundabout site (zone 3C). It is expected that the blocks will be completed and occupied from autumn 2011 – early 2013, and Officers are in the process of allocating South Kilburn residents into the new homes. All homes in Macdonald House have been allocated, and good progress is being made on allocations for the Texaco Garage site and 11A the Albert Road site (zone 11a). It is expected that allocations for the Carlton Vale Roundabout site will begin in early - mid 2012.

Withdrawal of long term lettings on one bedroom properties across the estate

- 3.5 Whilst good progress has been made on allocations for phase 1a homes, there has been an overall deficit in one bedroom properties because of a mismatch between overall borough needs (i.e. there is a borough-wide requirement for larger family housing) and local South Kilburn needs, where there are a higher proportion of one bedroom properties across the regeneration area. In order to ease the burden on the allocation process and to continue programme momentum, the Executive are asked to discontinue long term lettings for one bedroom units earmarked for demolition in the estate to alleviate this shortage of one bedroom homes. All of the blocks for which long term lettings are ceased will be used for short life tenancies, ensuring that no extra decant need is created in South Kilburn whilst still meeting the borough's social housing need.

4.0 Legal Implications

- 4.1 The Council has the power (under section 123 of the Local Government Act 1972) to dispose of any of its land. However, unless it grants a lease of 7 years or less, it must obtain the best consideration reasonably obtainable, unless it obtains the consent of the Secretary of State to the transfer. Hence any transfer of the freehold or grant of a lease of any land within the South Kilburn area would require Secretary of State's approval, unless it was for best consideration. There is a General Consent available, but this only applies to sales at an undervalue of less than £2 million, and is therefore unlikely to be applicable.

Procurement of developer partners for Phase 1b sites including Wells Court, Cambridge Court, Ely Court, Bond House and Hicks Bolton House

- 4.2 Officers reported the legal implications of the procurement of developer partners at the July Executive. In summary, it is proposed that Developer Partners are appointed through the South Kilburn Developer Framework which was established by Brent Council in accordance with the Public Contracts Regulations 2006 (the EU Regulations) and on advice from Trowers & Hamlins, the Council's legal advisors on this project. The Framework was agreed by the Executive on 14 March 2011 and following expiry of the mandatory minimum standstill period, developers were appointed to it. The use of the South Kilburn Developer Framework to identify developer partners is considered to satisfy the requirements of recent rulings in the European Court of Justice.

Compulsory Purchase Orders

- 4.3 The Council has power to make a compulsory purchase order under section 226 (1) (a) of the Town and Country Planning Act 1990 if it thinks that the acquisition will "facilitate the carrying out of development, redevelopment or improvement or in relation to the land". Under section 226(1) (A) the Council must not exercise the power under sub paragraph (a) unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic wellbeing of their area; (b) the promotion or improvement of the social wellbeing of their area; (c) the promotion or improvement of the environmental wellbeing of their area.

- 4.4 Compulsory purchase orders must only be made if the Council is satisfied that there is a compelling public interest to do so. Para. 17 of Part 1 of the Memorandum to ODPM Circular 06/04 states:

"A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

- 4.5 For the reasons set out in this report and the report to the Executive Committee meetings on 23rd June 2010, 15th November 2010 and 18th July 2011, it is considered that there is such a compelling case for properties within Phase 2 of the proposed regeneration programme and that the public interest requires that the order be made in order to carry through the necessary redevelopment of the CPO Land.

- 4.6 Further, in making the order there should be no impediments to its eventual implementation. Para's 22 and 23 of Part 1 of the Memorandum to ODPM Circular 06/04 advise (in part):

"In demonstrating that there is a reasonable prospect of the scheme going ahead, the acquiring authority will also need to be able to show that it is unlikely to be blocked by any impediments to implementation. In addition to potential financial impediments, physical and legal factors need to be taken into account. These include the programming of any infrastructure accommodation works or remedial work which may be required, and any need for planning permission or other consent or license."

Where planning permission will be required for the scheme, and has not been granted, there should be no obvious reason why it might be withheld.”

- 4.7 Executive will note that there will be sufficient funds available to meet the compensation costs for the acquisition of the land as South Kilburn Neighbourhood Trust has approval from Government Office for London (now the Department for Communities and Local Government), as well as funds secured from previous and future land receipts. Officers consider that there is a reasonable prospect of the Scheme going ahead subject to continuation of the programme. Whilst planning permission has not been granted for the development, it is considered that there is no obvious reason why it might be withheld, taking into account that a Masterplan has already been approved albeit that it is now intended to revise this slightly. Accordingly, it is considered that there are unlikely to be any impediments to implementation for the CPO for phase 2 sites, as listed in Appendix 1.
- 4.8 It is necessary to consider the human rights implications of making CPOs. This information is covered in the 23rd June 2010 and the 15th November 2010 Reports to Committee.

Appropriation of land for planning purposes

- 4.9 Section 122 of the Local Government Act 1972 provides that a principal Council may appropriate for any purpose for which the Council are authorised to acquire by agreement land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation.
- 4.10 Appropriation is subject to third party rights over the land and in respect of the South Kilburn Estate as it is housing land the prior consent of the Secretary of State under Section 19 of the Housing Act 1985, if the appropriation includes land on which dwellings have been built or land over which owners or occupiers of dwellings have rights.
- 4.11 Section 237 of the Town and Country Planning Act 1990 provides where land has been appropriated for planning purposes any easements such as rights of way which may exist for the benefit of third parties are overridden on erection, construction or carrying out of maintenance of any building and change of use in accordance with planning permission, subject to payment of any compensation. The practical effect is that any rights which may exist do not delay or obstruct the development. This provides effective assurance to the developer that he will have a good title to the land.
- 4.12 The land must no longer be required for the purpose for which it is held immediately before appropriation. This test will be satisfied by deferring the date of the appropriation to a time when it is clear that the scheme will proceed. Once the appropriation is effected, the appropriated land will be held for planning purposes.

Withdrawal of Right to Buy / Demolition Notices

- 4.13 Initial Demolition Notices need to be served on secure tenants in accordance with the provisions of Section 138A and Schedule 5A of the Housing Act 1985 as amended by the Housing Act 2004 to prevent the Council from having to complete Right to Buy sales. Schedule 5A sets out what must be included in the Initial Demolition Notice, including the intention to demolish, the reasons for demolition and identifying the period within which the landlord intends to demolish. The period set out in the notice to carry out the demolition works must be more than reasonable to carry out the

proposed demolition of the relevant properties or in any case not expire more than five years after the date of service of the notice.

- 4.14 There are no statutory provisions regarding a local authority ceasing permanent lettings. This is a decision which the Council's Executive has the power to make. This may have implications in relation to the Housing Revenue Account (HRA) and the subsidy provided to the Council in respect of the HRA.

Ground 10a of Schedule 2 to the Housing Act 1985

- 4.15 The Council is required to obtain the approval of the redevelopment scheme from the Secretary of State when seeking to re-house secure tenants who will not leave the properties that are due to be demolished. Before seeking approval, the Council is required to consult with tenants. Approval from the Secretary of State will enable the Council to use Ground 10A of Schedule 2 to the Housing Act 1985. The paragraph states that the landlord must first:

- (a) serve a notice in writing on all secure tenants whose dwellings are affected by the scheme, stating: the main features of the scheme (or the scheme as it will be after a proposed variation to it); that the Secretary of State's approval is to be sought; and the effect of such approval in relation to proceedings for possession of the dwellings;
- (b) inform the tenants that they have a specified period (which must be at least 28 days) in which to make representations to the landlord; and
- (c) consider any representations received during that period.

- 4.16 Unlike a tenanted transfer, however, no formal ballot is required to be carried out. However, the Secretary of State, before giving his consent, will consider the following:

- (a) the effect of the scheme on the extent and character of housing accommodation in the neighbourhood;
- (b) over what period of time it is proposed that the disposal and redevelopment will take place in accordance with the scheme;
- (c) to what extent the scheme includes provision for housing provided under the scheme to be sold or let to existing tenants or persons nominated by the landlord.

- 4.17 The landlord, in this case, the Council, must not apply to the Secretary of State for approval of a scheme unless the statutory consultation procedure has been carried out.

Disposal of Sites – Secretary of State's consent

- 4.18 At the appropriate time, officers will seek the approval of the Executive to dispose of relevant sites that need to be disposed of pursuant to the South Kilburn regeneration scheme to relevant organisations/housing providers at relevant values and seek the approval of the Executive to apply to the Secretary of State to obtain his consent to dispose of such sites, either under the relevant General Consents that have been granted under the Housing Act 1985 or the Local Government Act 1972 or pursuant to specific applications to the Secretary of State. In respect of Housing Revenue

Account land, consent is required under sections 32 to 34 and 42 to 43 of the Housing Act 1985. If the sites are disposed of for less than market value or financial assistance is provided by the Council consent is also required from the Secretary of State under section 25 of the Local Government Act 1988. In respect of Council owned land that is not Housing Revenue Account land, the Council must take into account the content of section 123 of the Local Government Act 1972 and either confirm that the General Consent under that section applies or apply to the Secretary of State to obtain his specific consent to the disposal of the necessary sites.

- 4.19 The Prudential Capital Finance System, which was introduced in 1st April 2004, under regulation 12(1) imposes a pooling requirement (percentage of capital receipt to be payable to the Secretary of State) on receipts from sales of housing land which regulation 1(5) defines as any land, house or other building which was held within the Housing Revenue Account immediately before its disposal. The pooling rate for HRA assets (non RTB sales) is 50%. However, the regulations allow for certain types of capital receipts to be treated as reduced before calculating the pooling percentage by reference to the "capital allowance", which is the total of past or planned expenditure on affordable housing and regeneration projects as specified in regulations 17 and 18. The overall effect of the capital allowance is to allow capital receipts to be recycled into the authority's own affordable housing and regeneration projects. Currently there are sufficient resources in the authority's Capital Allowance to provide that none of the forecast capital receipts earmarked to this scheme would need to be pooled.

5.0 Financial Implications

Financial implications for the South Kilburn Programme, financial year 2011/12

- 5.1 The table below summarises the current forecast position for the progression of the South Kilburn Regeneration Project in 2011/12.

South Kilburn Regeneration Programme	£
<u>Forecast Expenditure</u>	
Masterplanning	200,000
General Development Costs	1,000,000
Albert Road Day Care centre	4,300,000
Bronte/ Fielding development site	800,000
Site 18 (Queens Park Station)	800,000
Site 11B (Albert Road)	100,000
Leaseholder Buyouts	9,000,000
Site 3c (Roundabout Site)	1,000,000
Total Forecast Expenditure	17,200,000
<u>Forecast Resources</u>	
Surplus Resources carried forward from 2010/11	11,700,000
Forecast Capital Receipts for 2011/12	10,928,000
Total Forecast Resources	22,628,000
Forecast Surplus Resources to Carry Forward to 2012/13	5,428,000

- 5.4 As indicated in the table above, the resource envelope for taking forward the South Kilburn Regeneration Programme in 2011/12 and beyond is determined by the level of the capital receipts to be secured from the disposals (by way of the 999 year lease) of land.

- 5.5 The financial model for South Kilburn is for the regeneration scheme to be self financing from this point forward. In other words the Council should be able to progress the scheme on an ongoing basis within the cash envelope generated from ongoing disposals, provided it remains committed to ring fencing these receipts into South Kilburn. This delivery strategy has been agreed and endorsed by the Homes & Communities Agency.
- 5.6 Oversight of this project is provided by an officer board that regularly monitors progress and reviews updated costs plan information. In the event of any cost overruns on this project, the board will review all possible options in order to bring the cost plan back into budget. In the event that this is not possible, then any cost overrun will sought to be met from within existing Regeneration and Major Projects budgetary provision.
- 5.7 The cost of development of Queens Park Station Area (Site 18) will be met from the overall resource envelope for the regeneration of South Kilburn, specifically including land receipts from Albert Road (Zone 11A) and Carlton Vale Roundabout (Zone 3C) as outlined in the table above. This delivery strategy has been agreed and endorsed by the Homes & Communities Agency, and is a condition of their grant funding for both the Albert Road and the Carlton Vale roundabout sites.

Financial implications for the Housing Revenue Account

- 5.8 In the event that HRA dwellings are held void pending demolition, or are demolished, then the HRA will no longer receive the rent income for those dwellings. This loss of rent income will need to be addressed as part of the annual HRA budget setting process so that HRA budgeted expenditure is reduced to reflect that reduction in income. Furthermore, officers will be seeking to ensure that dwellings to be demolished at South Kilburn are taken account of in the HRA settlement under the new HRA self financing regime. This will be done in line with CLG guidance for the settlement.

6.0 Diversity Implications

- 6.1 South Kilburn is a designated council priority regeneration and growth area and was previously a New Deal for Communities area and as such, all interventions are specifically targeted at those people who suffer disadvantage in society. South Kilburn Neighbourhood Trust has a Race & Equality strategy, and through its widening participation theme seeks to find ways of involving and engaging with all local residents and particularly those who traditionally are 'hard to reach'. There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of the area are developed and delivered.
- 6.2 At a project level, each South Kilburn Neighbourhood Trust sponsored and supported project is subject to a full and independent appraisal undertaken by a panel of local residents and relevant officers. Part of the appraisal process is to test each activity against the Partnership's Race & Equality strategy to ensure full compliance. In line with the Council's Equality standards, all expenditure is monitored against equalities indicators on a regular basis.

7.0 Staffing/Accommodation Implications

- 7.1 There are no specific staffing or accommodation implications associated with the proposals contained within this report.

Contact Officer

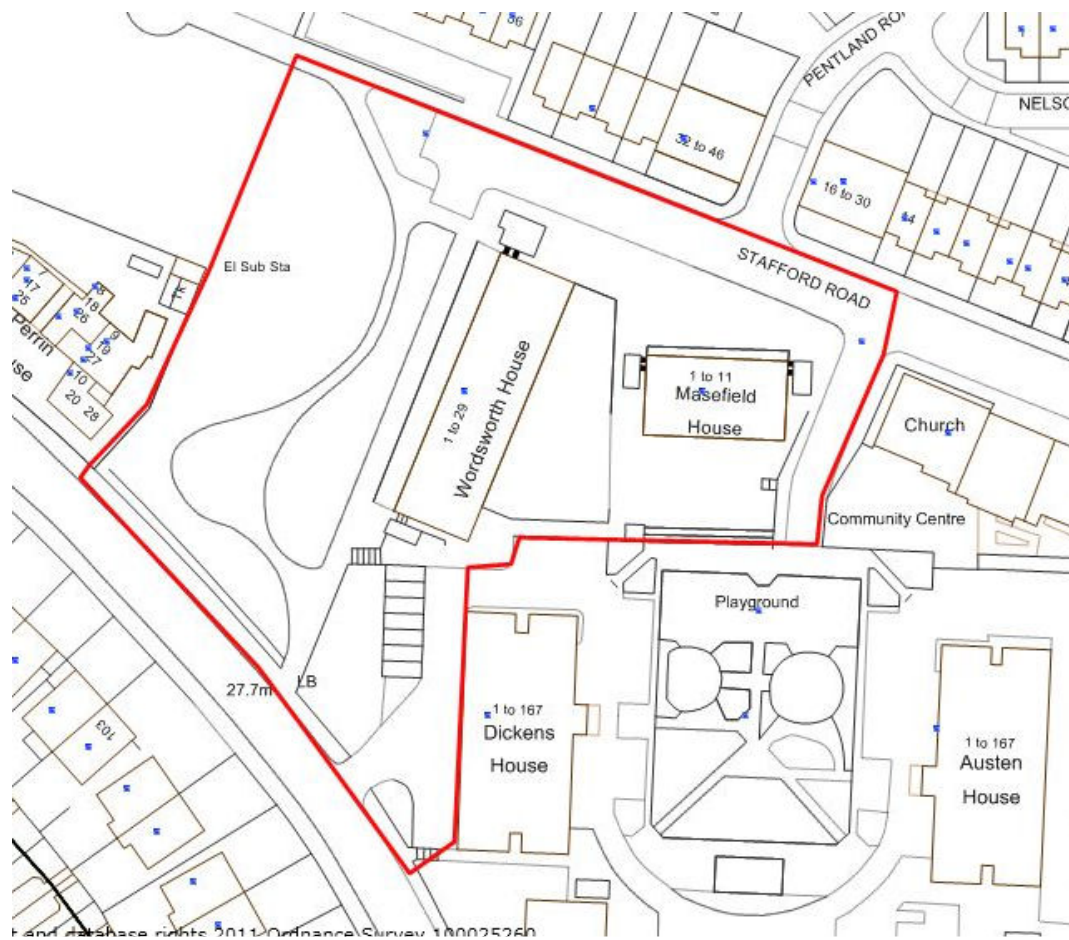
Dave Carroll
Head of New Initiatives

Tel: 0208 937 5202

Email Dave.Carroll@brent.gov.uk

Appendix 1 - The CPO Land

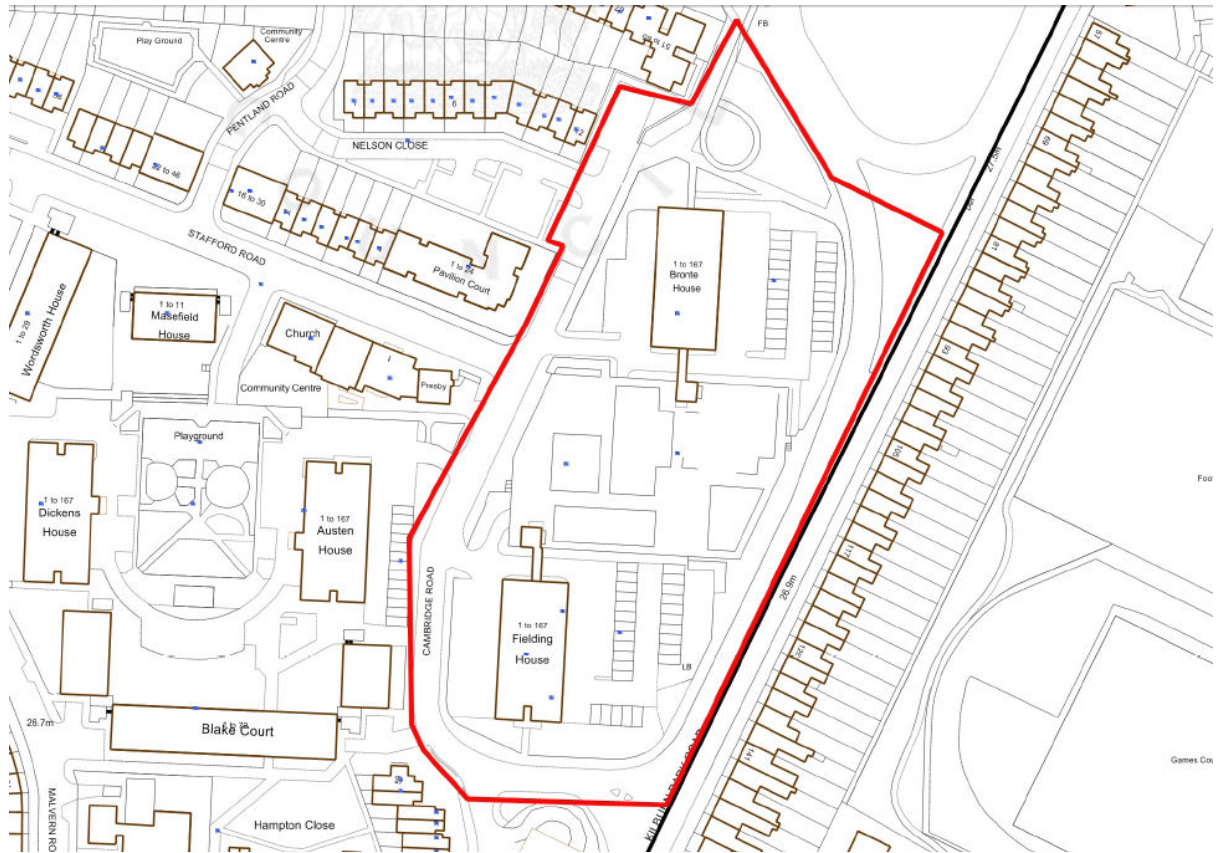
Masefield House and Wordsworth House and surrounding CPO land, Stafford Road, NW6



*Durham Court and Gloucester House and surrounding CPO land, Kilburn Park Road/
Cambridge Road*



Bronte and Fielding House and surrounding CPO land, Cambridge Road/ Kilburn Park Road



Appendix 2 – all blocks earmarked for redevelopment across the South Kilburn Programme

Phase 1a

Site 11A Marshall House
3C Roundabout site
Texaco Garage site/ Merle Court. Carlton Vale
Gordon House/ McDonald House

Phase 1b

Wells Court
Cambridge Court
Ely Court
Bond House
Hicks Bolton House
Wood House

Phase 2a

Bronte House
Fielding House
The Queen's Park Station Area site (including the Falcon PH, Premier House, Keniston Press, London Transport Offices, Cullen House and the Queen's Park Car Park).

Phase 2b

Site 11B Albert Road Daycare Centre/ British Legion
Masefield House
Wordsworth House
Durham Court
Gloucester House

Phase 3a

Carlton House (numbers 113-136 and 97-112)
Peel Precinct
Hereford House
Exeter Court
Kilburn Park Junior School
Carlton Vale Infant School

Phase 4a

Austen House
The Marian Community Centre
Neville House
Winterleys
Craik Court

Phase 4b

John Ratcliffe House
Dickens House
Blake Court
Crone Court
Zangwill House

Other sites earmarked for regeneration

4-26 Stuart Road

Argo House (private development)
Post Office and 5-9 Chippenham Gardens (private development)

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Impact Needs/Requirement Assessment Completion Form

Department: Regeneration and Major Projects	Person Responsible: Ian Hamilton
Service Area: New Initiatives Team	Timescale for Equality Impact Assessment : 19 th September Executive
Date: 15 th August	Completion date: 15 th August 2011
Name of service/policy/procedure/project etc: South Kilburn Regeneration Programme	Is the service/policy/procedure/project etc: New <input type="checkbox"/> Old <input checked="" type="checkbox"/>
Predictive <input type="checkbox"/> Retrospective <input checked="" type="checkbox"/>	Adverse impact <input checked="" type="checkbox"/> Not found <input type="checkbox"/> Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	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 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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:
Signed:	Date:

Impact Needs/Requirement Assessment Completion Form

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.

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

The South Kilburn Regeneration Programme.

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

The aim of the service area is to deliver an ambitious 20 year vision, as set out in the Regeneration Strategy 2010-2030, to transform the borough with a specific focus on those people and places most in need within six key area including South Kilburn. These areas are of the highest priority for the service area, and are ranked as strategic priority 1 within the Regeneration Strategy. The specific aims of the South Kilburn regeneration Programme is to deliver regeneration through providing 1,243 new replacement affordable homes and 1,134 new market homes for South Kilburn, alongside the social infrastructure needed to support this development.

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

The council's Equality and Diversity Policy statement makes reference to the importance of ensuring that the services that we provide meet the needs of the community. The policy seeks to ensure that everyone has equal access to services, regardless of their race, heritage, gender, religious or non religious belief, nationality, family background, age, disability or sexuality. Services must be relevant, responsive and sensitive, and the council must be perceived as equitable in its provision of services by its service users, partners and the wider community.

The South Kilburn Programme will help Brent to achieve this through delivering improved employment, education, health and quality of life outcomes and by reducing levels of deprivation and focusing resources on those most in need. The South Kilburn Programme seeks to provide housing and facilities for the South Kilburn community based on their housing needs, their requests to stay in South Kilburn or whether to move from the area, and to provide social infrastructure to help support further social regeneration that respects and represents all of the South Kilburn residents. In this respect, the South Kilburn regeneration Programme will deliver a number of mutually beneficial objectives including the council's Regeneration Strategy (2010-2030), the Housing Strategy (2009-14) and the objectives to deliver social and economic growth and regeneration and protect services and the environment in the "Brent Our Future" strategy (2010-2014).

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?

There is no evidence that the regeneration Programme would adversely impact on certain groups of people, and on the contrary would provide a number of benefits to new and existing residents.

The council's Household surveys show that there are a high number of people living in unsuitable accommodation and a number of households are overcrowded. The regeneration of the area will address this problem and residents are surveyed before being allocated new housing to ensure that their needs are met.

The Brent Priority Neighbourhood Profiles data identifies that South Kilburn has a higher than average percentage of children aged 0-15, and the Kilburn Park Junior School currently scores the lowest at Key Stage 2 out of all of the schools across the council's priority areas. The South Kilburn Programme aims to deliver an improved and consolidated school to respond to the demand and the improved facilities will help to improve attainment results across the area.

The Programme will provide a new Healthy Living Centre, a new Multi Use Games Area and has already delivered a new Sports Hall at Cambridge Road. South Kilburn residents are the least likely to use parks and sports facilities out of any other priority area in the borough. The strategy seeks to improve the health of residents in the area through the promotion of healthy lifestyles with the provision of new sports and health facilities.

South Kilburn residents are the most fearful of crime compared to any other priority area in South Kilburn and around 20% are dissatisfied with the maintenance of the public realm (Brent Priority Neighbourhood Profiles Data, 2009). New building designs aim to reduce the fear of crime by "designing out" areas where crime can take place, with design input from police officers, and the designs seek to attain a higher level of public realm quality.

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 and disability etc).

Impact Needs/Requirement Assessment Completion Form

The South Kilburn regeneration Programme has been in inception since 2004 and aims to deliver the mutual improvement objectives in the Housing Strategy and the Regeneration Strategy to improve housing, community

facilities, improvements in attainment and social cohesion. The Programme will provide for every aspect of both the existing and new community, and the qualitative and quantitative rationale for this is outlined in Section 4 above.

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?

A large number of consultation events have been undertaken since 2003, at the original inception of the programme. Consultation was required to be carried out for a minimum of six weeks before the South Kilburn Masterplan (2005) could be adopted.

Since 2009, a number of consultation events have been held including:

- Revisions to the Masterplan – four consultation events and drop in sessions for residents. The consultation shaped the outcomes of the Masterplan, i.e. a reduction in overall heights of buildings.
- Designs for phase 1 developments – twelve consultation events were held for phase 1 developments which fed into the designs of the developments which informed residents of design progress and the main processes involved in the overall process.

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

The results of many of the consultations since 2009 have been fed back to the community in the local magazine for the area, Connect SK, and details of the events and feedback have been kept in council databases.

In summer 2010, there were six consultation events held to design new housing at Wells Court, Cambridge Court, Ely Court, Bond House, Hicks Bolton House, Wood House and the shop at 1 and 2, Denmark Road.

An initial event was held to provide residents with an update of work undertaken so far and what was planned over the next year up to 2011; 60 people attended this event.

Three of the events sought to gauge residents' views on the designs of the homes and provide feedback to the architects in designing the blocks through a Resident's Design Group; these events were attended by 11 residents for the first meeting, 21 residents for the second and 23 residents at the third meeting.

Two New Homes Exhibitions were held between the first and second Resident's Design Group, which sought to show residents the latest designs of the homes. The first event was attended by around 30 people, and the second around 20 people.

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

The Kilburn Times reported on the positive progress of the regeneration of South Kilburn on 31st March 2011. A number of issues that were raised at consultation included the detailed design of the new homes (i.e. internal features); heights of buildings; parking and landscaping. These issues have been resolved and compromises have been made to achieve the best outcomes for all parties.

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.

n/a

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

Impact Needs/Requirement Assessment Completion Form

n/a

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

n/a

13. What is the justification for taking these measures?

n/a

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

A number of aspects of the South Kilburn Programme are monitored by the Planning Service's Annual Monitoring Report, which is published yearly and provides information on completions and building standards. Progress on the programme itself is monitored by the Capital Portfolio Office's Project Management Initiation documents, and progress on the Programme is reported monthly to the South Kilburn Programme board.

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

The South Kilburn Programme is positively delivering new high quality homes and community facilities for new and existing residents of South Kilburn, and the findings of the Equality Impact Assessment supports the continuation of the South Kilburn Programme.

Should you:

1. Take any immediate action? No
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? No

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

n/a

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

n/a

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):

Date:

Service Area and position in the council:

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

Impact Needs/Requirement Assessment Completion Form

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
19 September 2011

Report from the Director of Regeneration and Major Projects

Wards affected:
Wembley Central, Tokyngton, Barnhill,
Preston, Stonebridge

LDF - Wembley Area Action Plan Issues and Options Public Consultation

1.0 Summary

- 1.1 Having adopted the Core Strategy of the Local Development Framework (LDF) in July 2010 and the Site Specific Allocation DPD in July 2011, it is now proposed to produce a Wembley Area Action Plan as agreed by the Executive in November 2010. This report explains the process for producing the Plan, sets out a draft vision and objectives for Wembley, and proposes an initial public consultation on the key issues and options for the area.

2.0 Recommendations

- 2.1 That Executive agrees the proposals for processing the Area Action Plan to adoption and in particular agrees the Issues and Options for the proposed public consultation commencing on 27th September.
- 2.2 That the Assistant Director, Planning & Development is authorised to make further editorial changes to the Issues and Options consultation document prior to finally issuing it for public consultation.

3.0 Detail

Introduction

- 3.1 The proposal to produce an Area Action Plan (AAP) derives from the need to bring UDP policy, particularly the Wembley Regeneration Area chapter, first drafted in 2000 and adopted in 2004, up-to-date. It was a commitment made by the Council at the beginning of the LDF process in 2005 and is a logical step in drawing up the folder of Development Plan Documents (DPDs) that will make up the LDF and ultimately supersede the UDP. The policies in the proposed AAP will include more detailed requirements for development than in the Core Strategy. It has also been made clear

to stakeholders such as Quintain, in the examinations of both the Core Strategy and SSA DPD, that an AAP will be produced which brings forward more detailed policy for sites within the Wembley area including those in their ownership, and this commitment is reflected in the Core Strategy, paragraph 4.42. The production of the AAP will also consolidate detailed policy and guidance currently contained in a number of documents.

- 3.2 It should be borne in mind, however, that there will continue to be a need for more detailed guidance outside of the development plan in SPD, such as that in the Wembley Masterplan and the Wembley Link SPD. The rationale for ensuring key policies and proposals are in a DPD is that this gives them greater weight, and more certainty about what will happen for developers and the community, as they will have been through a more rigorous process, including examination.

Progress to date

- 3.3 Officers have begun the process of gathering evidence necessary to support policies and proposals in the Plan which it is intended will form the basis of the initial public consultation based on what are seen to be the key issues and what the options are for policy and proposals to deal with these. Views will be sought from residents and other stakeholders on what they think ought to be in the Plan. It is proposed that this consultation will commence on September 27th. A sustainability appraisal, which is a requirement for the development plan, is also being undertaken. During consultation the appraisal results of all of the policy options will be made available. The proposed boundary of the AAP is shown in appendix 1.

Vision and Objectives

- 3.4 The Vision and objectives for the Plan will be shaped by the Core Strategy and the Wembley Masterplan. There are also key policies in the Core Strategy, particularly policy CP7 dealing with the Wembley Growth Area, which determine what the basic strategy for the area is. This includes targets such as the number of homes to be built (11,500 from 2007 to 2026) of which 50% should be affordable, a target of 10,000 new jobs and a range of new development including expansion of the town centre eastwards. All this is to be supported by new infrastructure including, for example, new schools, new health facilities, new public open space, a new community pool and a new combined heat and power plant if financially viable. It is proposed that the vision and objectives for the Wembley Area Action Plan will be formulated over the period before the draft Plan is prepared and will draw in views from across the council and beyond. It is intended that a half-day workshop be organised to refresh the council's position on the future of Wembley and to produce a vision for the Wembley area appropriate for the Area Action Plan.

Public Consultation on Issues and Options

- 3.5 The AAP will bring forward the detailed policy to achieve the vision and objectives. This will include reviewing existing policy, such as the defined extent of the protected employment area (called a Strategic Industrial Location) and how better access to the area can be achieved. A number of issues have been identified for consideration during the public consultation and are broken down to themes such as Transport or Town Centres and Shopping. Appendix 2 sets out in full the draft Issues and Options

document. Executive is asked to agree this for public consultation subject to officers making further minor changes such as improving the documents legibility with better images, illustrations, etc.

- 3.41 This first stage of consultation is seeking initial views on the issues identified and the options put forward for dealing with them. A publicity leaflet will be prepared and the consultation will be advertised in the Brent magazine. Residents' associations, etc. in the Wembley area will be targeted for consultation and the Wembley area Consultative Forum will provide a mechanism for publicity/discussion. Officers will also seek opportunities to consult with other interest groups. Those who wish to respond will have the opportunity to do so by filling in a short questionnaire (included as an appendix to the document) which will be made available online as well as in paper form. In addition there will be an opportunity to respond in detail to separate parts of the document via the online consultation module and to make written submissions including by e-mail. Although the formal consultation will be for 6 weeks commencing on 27th September, there will still be an opportunity for groups and individuals to comment prior to the preparation of the draft Plan in early 2012. All comments received will be taken into account in drafting the Plan.

Timetable for Preparing the Area Action Plan

- 3.42 The timetable for preparing the area action Plan has, because of a reduction in available staff resources, changed from that originally agreed by Executive in November 2010. Below is set out the latest estimated timetable

Evidence Gathering	ongoing – Dec 2011
Consultation on Issues and Options	Sept 2011
Consultation on Draft Plan	Feb 2012
Pre- submission Consultation (Publication)	May 2012
Submission	Aug 2012
Examination Hearings	Dec 2012
Adoption	July 2013

After comments and other responses have been considered, a draft Plan will be prepared and will be put to Executive for approval prior to it going out on public consultation in early 2012. There will then be further consideration of comments and changes made to the Plan before it is published and submitted to the Secretary of State for examination. It is anticipated that the Plan could be adopted in July 2013.

4.0 Financial Implications

- 4.1 The preparation and ultimate adoption of an Area Action Plan will provide a more up to date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the Plan have a good chance of receiving planning consent.
- 4.2 The costs of preparing the WAAP will be met mainly from Planning & Development budget. However, additionally there may be a need for studies, particularly dealing with transport matters, to provide evidence to support new policies and proposals.

Officers are currently identifying where such studies are necessary and will prepare a business case for undertaking the work. Funding will be sought from existing budgets in Regeneration and Major Projects Department. If all studies identified to date were necessary to take the Plan forward then this could be up to £100,000.

- 4.3 Costs associated with public consultation are likely to be no more than £10,000 for each round (3 rounds in total) and there will be a cost of Examination in 2012/13 of about £60,000. There is currently no budget allocation for the Examination.

5.0 Legal Implications

- 5.1 The preparation of the LDF, including the Wembley AAP, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the DPD will have substantial weight in determining planning applications and will supersede part of the UDP.

6.0 Diversity Implications

- 6.1 Full statutory public consultation will be carried out in preparing the DPD and an Impact Needs / Requirement Assessment (INRA), which assessed the process of producing the LDF, was prepared and made available in 2008. An Equalities Impact Assessment will be prepared to accompany consultation on the draft Plan.

7.0 Staffing/Accommodation Implications

- 7.1 The reduced level of staff available to work on the Plan means that it is not possible to bring it forward according to the timetable agreed by Executive in November. Future progress will be dependent upon priorities identified for limited staff resources.

8.0 Environmental Implications

- 8.1 The DPD deals with the development of the Borough's main regeneration area and thus will have a significant effect on controlling impacts on the environment including requiring measures to mitigate climate change. Sustainability appraisal will be undertaken at all stages of preparing the DPD.

9.0 Background Papers

Brent Core Strategy July 2010
Brent Site Specific Allocations Development Plan Document
Wembley Masterplan, June 2009

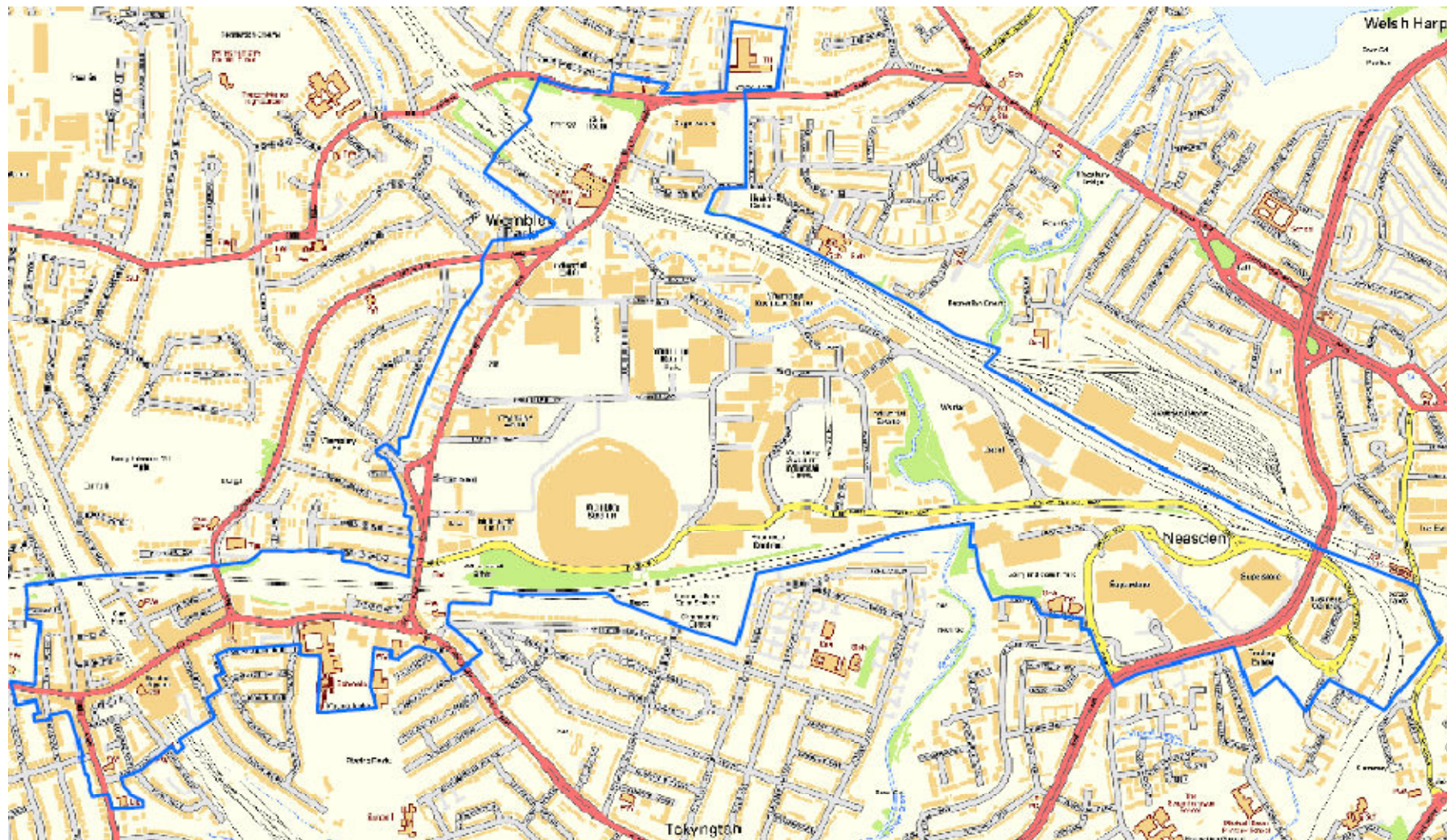
Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development 020 8937 5309

Andy Donald

Director, Regeneration & Major Projects

Appendix 1 – Area Action Plan Boundary



Appendix 2 – Wembley Area Action Plan Issues and Options for Consultation

Impact Needs/Requirement Assessment Completion Form

Department: Regeneration & Major Projects	Person Responsible: Ken Hullock
Service Area: Planning & Development	Timescale for Equality Impact Assessment :
Date: 27 August 2011	Completion date:27/8/11
Name of service/policy/procedure/project etc: Executive Report: LDF - Wembley Area Action Plan issues and Options	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact Not found <input checked="" type="checkbox"/> Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	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 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Person responsible for arranging the review: N/A	Person responsible for publishing results of Equality Impact Assessment: N/A
Person responsible for monitoring: Ken Hullock	Date results due to be published and where: N/A
Signed:	Date:

Impact Needs/Requirement Assessment Completion Form

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.

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

Executive Report: LDF – Wembley Area Action Plan

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

New statutory Development Plan for the Wembley regeneration area

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 adverse effects can be identified at this stage

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 and disability etc).

This stage is an early public consultation on the planning issues identified for the Wembley area and the options for dealing with these. The consultation will seek to include all sections of the community.

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)

None identified

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?

No external consultation undertaken prior to preparation of consultation document.

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

Consultation yet to be carried out.

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.

No adverse impacts can be identified at this stage

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

N/A

Impact Needs/Requirement Assessment Completion Form

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

N/A

13. What is the justification for taking these measures?

N/A

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

The council will monitor the implementation of the Plan once adopted

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

No further action necessary at this stage.

Should you:

1. Take any immediate action? No
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? Yes. This will be undertaken as part of the continuing preparation of the Plan.

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

N/A

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

N/A

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):KEN HULLOCK

Date:27/8/11

Service Area and position in the council: Planning & Development, Head of Planning & Transport Strategy

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

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**

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Executive

19 September 2011

Joint report from the Directors of Regeneration & Major Projects and Environment & Neighbourhood Services

For Action

Wards affected:
All

HS2 – Response to Government Consultation

1.0 Summary

- 1.1 An explanation of the current proposals for a new High Speed rail link to Birmingham and beyond is provided, with particular reference to the implications for the Borough of the proposed interchange at Old Oak Common. There are likely to be significant impacts, both negative and positive, upon regeneration in the Borough. It is without doubt, though, a major opportunity to enhance regeneration and economic growth in Brent as well as significantly improving access for Brent residents. Executive is asked to endorse the response to the Government consultation on the route submitted in July.

2.0 Recommendations

- 2.1 That Executive endorses the response set out in paragraph 3.24 which was submitted to the Secretary of State for Transport in July 2011.

3.0 Detail

Background

- 3.1 In February 2011, the Government commenced public consultation on its High Speed rail proposals. The consultation closed on 29th July and it is anticipated that there will be a Ministerial decision about whether to proceed before the end of 2011. A briefing session for Members was organised by officers on June 21st and was attended by officers from HS2 and TfL who presented their proposals and answered questions about them. Concerns have been expressed about the route of the tunnel, and potential impact on residential amenity, by Kensal Triangle Residents' Association and others. It is known that local authorities expressed differing views on both the principle of HS2 and the proposed route. Some local authorities, particularly outside of London but including Hillingdon, have made known their opposition to the proposed route. LB Ealing put in a "holding objection".

- 3.2 London Councils' response to the consultation is broadly supportive of the development of a high speed network but indicates concern about: the adequacy of information provided within the consultation, a number of particular aspects in relation to the proposed route, plans to manage onward dispersal from Euston and the opportunity to improve the proposals further by making use of the existing rail station at Stratford.

The Proposals for HS2

- 3.3 The proposals were first put forward by the previous Government who published a Command Paper in March 2010 setting out its preferred route option for a new high speed rail link (High Speed 2) between London and the West Midlands and potentially beyond. The overall proposal, shown below, is for a Y-shaped national high speed rail network linking London to Birmingham, Manchester and Leeds, and including stops in the East Midlands and South Yorkshire, as well as direct links to the HS1 line and into Heathrow Airport. Phase 1 of this is the route from London to Birmingham which it is hoped will be operational in 2026.



- 3.4 The proposals include a London terminus at Euston and a tunnel between Euston and Old Oak Common, where there would be a new interchange station with Crossrail, Heathrow Express and Great Western rail services.
- 3.5 Within Brent, the route will cross Kilburn in a tunnel to a new interchange station with Crossrail at Old Oak Common (in Hammersmith & Fulham). Along the tunnelled route in Brent a ventilation and construction shaft is proposed at the site of the Council-owned car park off Salusbury Road, south of Queens Park Station. There is also a proposal to link the channel tunnel high speed line (HS1) with HS2 utilising the surface level North London Line.

The Implications for Brent

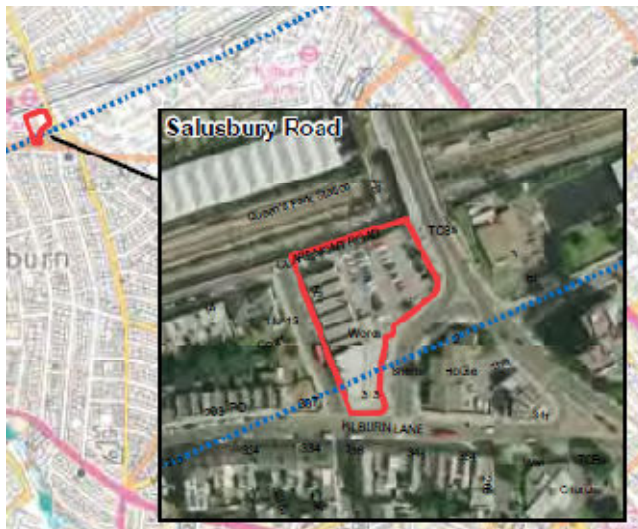
- 3.6 A more detailed plan of the route of the proposed tunnel through Brent is shown below.



- 3.7 The line is proposed to emerge from the tunnel at North Acton and then will run along the Chiltern Line corridor, skirting past Coronation Road and the Veolia depot at Alperton, to the M25 and beyond. The tunnel, necessary because the existing track into Euston is operating at full capacity, will be at a depth of 25 to 40 metres. This is the same as the HS1 tunnel in east London where no claims relating to noise or vibration have been made.

Queens Park Vent Shaft

- 3.8 The proposed location of the vent shaft on the Queens Park station site is shown in the diagram below.



- 3.9 The shafts for tunnels are essential to provide for emergency access in the event of an incident, as well as relieving air pressure and thus maintaining passenger comfort. Vent shafts are provided at strategic points and the minimum number required for the length of tunnel is 3. The building would contain fans which would operate only in emergencies and occasional testing. In day to day use the building would be passive and would not generate any noise. The shaft building is approximately 25 metres across and also requires land adjacent to it to accommodate four emergency vehicles. The alignment of the proposed tunnel has been adjusted to enable it to pass directly beneath the shaft.
- 3.10 The Queens Park station site is a key development site in the South Kilburn regeneration area and, therefore, the proposal for the shaft is a major concern. The size of the shaft building and space required means that the development potential, and therefore the value, of the site is substantially reduced.

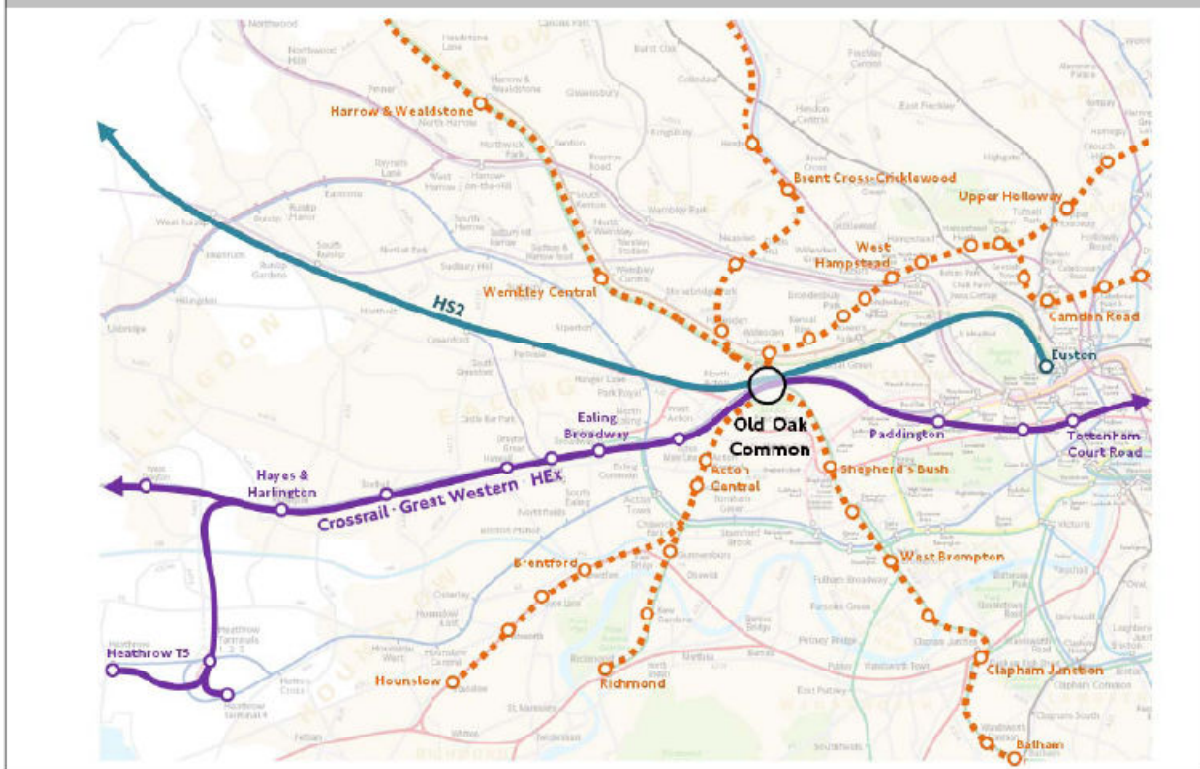
Old Oak Common

- 3.11 Old Oak Common (OOC), in Hammersmith and Fulham, has been chosen as the location of an interchange station between HS2, Crossrail and the Great Western mainline. This would be similar to the international interchange on HS1 at Stratford in east London. It would also provide a rapid link to Heathrow using the existing Heathrow Express. An analysis shows that one third of passengers on HS2 would use OOC to change onto Crossrail to travel on into central London, thus reducing the pressure of crowding at Euston.
- 3.12 The proposed new interchange will be less than 800 metres from Willesden Junction station and, hence, the borough boundary. Clearly, a major new international interchange at OOC is likely to have a significant effect upon Brent and on the Harlesden and Kensal Rise areas in particular. The nature of the proposals is such that they make no mention of how the OOC hub interchange might be connected to the surrounding area (surface connectivity) or to the local rail/underground network.
- 3.13 It is inconceivable that, ultimately, there would not be major development associated with such an accessible location. There is also an opportunity to provide further interchange with the rail network in this part of London which would mean that the regenerative and economic benefits will be spread beyond the immediate local area.

This is, without doubt, a major opportunity to enhance regeneration and economic growth in Brent.

- 3.14 There is an opportunity to ensure that this major new international interchange station is a catalyst for major economic regeneration of the area and, in particular, the exact location and layout should maximise the opportunity for development. Appropriate forms of development can deliver economic growth and job opportunity in what is currently a low-grade industrial environment, but which is also identified as a major Opportunity Area in the London Plan. HS2 Ltd. estimates that 20,000 jobs will be generated by the interchange. Brent officers are liaising with officers from Hammersmith & Fulham and other relevant west London boroughs about the potential for regeneration at OOC. Hammersmith & Fulham have appointed Terry Farrell as consultants to advise on the future development of the area and the council's formal response to HS2.
- 3.15 There is also an opportunity to maximise the potential for interchange between different rail routes at Old Oak Common, not only to enhance access to the new High Speed line but also so that it can be a catalyst for greater economic benefit and regeneration. This could mean providing interchange with the North London line and the West London line, both of which run close to the proposed new station.
- 3.16 However, a potentially much greater benefit could be achieved by providing a direct link to the current West Coast Mainline which is approximately 800 metres to the north. There are options for achieving this. This could be by means of a physical (travelator or similar) link together with the re-instatement of platforms at Willesden Junction.
- 3.17 Alternatively, a proposal that is being developed by TfL, with much wider benefits for London and beyond and which would make better use of the track capacity freed up by HS2, is to provide another branch of Crossrail onto the existing West Coast Mainline. This branch could include a stop at Wembley Central and would significantly enhance access to the Borough's largest and most important regeneration area. This would place Wembley within a relatively easy (1 change) and speedy journey to Heathrow. It would also mean that Wembley could be much better linked to central and east London.
- 3.18 The diagram below has been produced by TfL to demonstrate the potential rail connectivity at OOC. In addition to Crossrail northwards to Wembley Central, use could also be made of the existing Dudding Hill freight line to provide passenger services connecting Brent Cross and beyond, through Brent, to OOC. TfL have also indicated that there is also a possibility that a new spur off the Bakerloo line could link to OOC.

Old Oak Common – potential connectivity



Connection to HS1

- 3.19 A direct link from HS2 at OOC onto HS1 (Channel Tunnel rail link) is proposed to allow for direct high speed services from across Britain to European destinations via the Channel Tunnel. This is proposed to comprise of a tunnel from OOC to the North London Line at Chalk Farm where it will run on existing track to join with HS1 north of St. Pancras. Although HS2 Ltd suggest that this will consist of only 3 trains per hour, there are concerns that this could have a detrimental impact upon suburban services on the North London Line and compromise the benefits of recent investment in the line.

Impact on West London Waste Authority Site in Hillingdon

- 3.20 Brent Council also has an interest in the impact of the route on the existing West London Waste Authority (WLWA) site at Victoria Road in the London Borough of Hillingdon. The route proposal at this location is likely to reduce the size of the site and compromise connectivity between sidings on the site and the mainline rail network. This would have a serious negative impact on the operation of the site, with significant potential cost implications for WLWA members, including Brent.
- 3.21 Critically the WLWA has embarked on a procurement process to find a partner to provide waste treatment facilities so as to divert waste away from landfill. The Victoria Road site is a critical site in that procurement/development strategy. The existence of the HS2 proposals will create uncertainty which may in turn compromise that procurement/strategy.

Consultation

3.22 The Government's consultation on the HS2 proposals closed on 29th July 2011. There were seven questions on which the Government was seeking views as follows:

- i. Do you agree that there is a strong case for enhancing the capacity and performance of Britain's inter-city rail network to support economic growth over the coming decades?
- ii. Do you agree that a national high speed rail network from London to Birmingham, Leeds and Manchester (the Y network) would provide the best value for money solution (best balance of costs and benefits) for enhancing rail capacity and performance?
- iii. Do you agree with the Government's proposals for the phased roll-out of a national high speed rail network, and for links to Heathrow Airport and to the High Speed 1 line to the Channel Tunnel?
- iv. Do you agree with the principles and specification used by HS2 Ltd to underpin its proposals for new high speed rail lines and the route selection process HS2 Ltd undertook?
- v. Do you agree that the Government's proposed route, including the approach proposed for mitigating its impacts, is the best option for a new high speed rail line between London and the West Midlands?
- vi. Do you wish to comment on the Appraisal of Sustainability of the Government's proposed route between London and the West Midlands that has been published to inform this consultation?
- vii. Do you agree with the options set out to assist those whose properties lose a significant amount of value as a result of any new high speed line?

3.23 Brent's response focuses upon questions i to iii and v, with particular emphasis on the issues associated with the proposed (tunnelled) route through the Kilburn/Queens Park area, the proposed air vent close to Queens Park station, the issues of connectivity to/at the proposed interchange at Old Oak Common and impact on the WLWA site in Hillingdon.

Proposed Brent Response

3.24 The following was put in as Brent Council's formal response to the Government consultation on HS2.

- i. Brent Council supports, in principle, the development of high speed rail to help provide the basis for long-term and sustainable economic growth, whilst having the potential to deliver reductions in carbon emissions by achieving a modal shift from air travel. However, investment in high speed rail should not detract from funding for other rail infrastructure.
- ii. Brent Council supports the proposals for the Y' shaped network as one which delivers the greatest benefits for connecting the Midlands and the North to London.

- iii. Brent Council welcomes the commitment to link HS2 to HS1. However, it is considered that the current proposal, to use existing track on the North London Line, could adversely impact upon existing suburban services, or upon future proposals to improve these. Any link should have dedicated infrastructure so as not to compromise capacity on the North London Line and/or the frequency or running speed of the HS operation.

The proposal for an interchange station at Old Oak Common is also supported in principle.

However, this must maximise the potential for surface and rail connectivity with the surrounding area so that it can become a major transport hub for West London in the same way that Stratford has developed as a major hub in East London.

There is an opportunity for interchange not only with Crossrail and the Great Western line, but also with the North and West London lines and with the existing West Coast Main Line and London Midland services at Willesden Junction, less than 800 metres away.

The Council believes that maximum benefit would be gained from linking Crossrail at Old Oak Common to the existing West Coast Main Line so that Crossrail trains could then run through onto this track and extend Crossrail northwards through Wembley Central station. This would support Brent's largest growth area where substantial mixed use development is proposed, and make use of the track capacity anticipated to be generated by HS2.

Such a proposal would not only help maximise connectivity at Old Oak Common but would, more importantly, further relieve pressure from passengers arriving at Euston. The Council are of the view that the scope of HS2 should be widened to develop this proposal hand in hand with HS2.

Additionally the Council is concerned that the proposals do not contain details of arrangements for surface level connectivity to the hub station. The Council are of the view that the hub station should provide increased opportunity for residents in Brent, particularly those in the Harlesden and Kensal Green areas, to access employment opportunities in the region. This should be afforded by direct and suitable surface connectivity to the OOC hub station through Willesden Junction.

- v The Council echoes concerns that have been expressed by residents in Brent about the potential effect on residential amenity of a tunnel for high speed trains located directly beneath their homes. Those concerns have not been addressed by information HS2 has provided during the consultation period about the impact during construction and when HS2 is in operation.

It is Brent Council's view that it should be possible for a tunnel to be constructed under the current West Coast Main Line track for a substantial part of the route from Old Oak Common to Euston, thus avoiding the possibility of such additional disturbance.

The Council is of the view that HS2 should undertake further work to explore the possibility of re-aligning the route (to the North Acton portal) beneath the WCML.

Additionally HS2 should ensure that construction and operational arrangements for any length of HS2 (or the HS2-HS1 link) in tunnel clearly demonstrate the absence of any impact on properties above the route so as to eliminate current concerns about amenity and blight.

The Council is also concerned about the potential impact of the proposed vent shaft on the Queens Park Station site at Salusbury Road. This is an important site which is a key part of the South Kilburn regeneration proposals, providing a mix of housing (around 200 homes) over lower ground commercial uses. The Council understands that the vent shafts are required approximately every 2 kilometres of tunnel, and that this is the distance between vents implemented on HS1. It is also understood that there is some flexibility over the precise siting of the vent shafts.

The Council is proceeding with the development of the Queens Park station site and therefore asks that the vent be located on an alternative site that is of less value to the South Kilburn redevelopment programme. For example, the vent shaft could be located on land to the east of Queens Park station which is currently used as a builders yard/depot.

Brent Council also has an interest, as a member of the West London Waste Authority, in the potential impact of the route on the waste management site at Victoria Road in the London Borough of Hillingdon. Brent would wish to see a re-consideration of the route at this point so that it no longer impacts upon the operation of, or future operational proposals at, the Victoria Road waste transfer station.

Finally, and in the wider context, the Council is concerned about the development of HS2 proposals in the absence of plans to manage onward dispersal from Euston. Notwithstanding the positive impact of the OOC hub station on the numbers of passengers needing to use Euston, the Council is concerned that proposals for HS2 are developed and progressed in tandem with a package of measures to ensure that the transport network at, around and beyond, Euston can cope with the additional passenger numbers anticipated as a result of HS2 and regional growth.

4.0 Financial Implications

- 4.1 There are no financial implications arising directly from this report. However, should HS2 go ahead as proposed in the consultation document, and land is safeguarded, then statutory blight provisions would become available to qualifying property owners. The Council would be a qualifying property owner in relation to the car park at Queens Park station where the vent shaft is proposed. It is proposed in the consultation document that a bond-based property compensation scheme be used whereby a qualifying property owner applies to the Government for a compensation guarantee. This is intended to provide people with a Government-backed guarantee that the holder would be compensated for a loss in the value of the property.
- 4.2 The Council's membership of the West London Waste Authority means there could be an impact financially on the Council if the route, as currently proposed, impacts upon the potential operation of the waste transfer station at Victoria Road in Hillingdon.

5.0 Legal Implications

5.1 There are no legal implications arising directly from this report

6.0 Diversity Implications

6.1 The development of an international interchange station at Old Oak Common is likely to have a major regenerative and economic impact on the local area. The extent of this will be dependent upon the level of connectivity with surrounding areas. Nevertheless, the proposed new hub at Old Oak Common is close to deprived areas in Brent where disadvantaged groups have been identified. It is anticipated that major regeneration locally should assist in providing economic benefits with the prospect of new jobs being provided locally in the long term.

7.0 Staffing/Accommodation Implications

7.1 There are no staffing or accommodation implications arising directly from this report.

8.0 Environmental Implications

8.1 The environmental implications of a proposed new High Speed line would be considerable, although these will be less substantial locally in Brent because it is not proposed that the route would run on the surface in any part of the borough. However, there may be some potential for impact on residential amenity of the tunnel running directly underneath homes as explained in paragraph 3.24v above.

9.0 Background Papers

High Speed Rail: Investing in Britain's Future, Consultation Feb. 2011

<http://highspeedrail.dft.gov.uk/>

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development 020 8937 5309 or Tim Jackson, Transportation Unit (x5151)

Andy Donald

Director of Regeneration & Major Projects

Sue Harper

**Director of Environment & Neighbourhood
Services**

Impact Needs/Requirement Assessment Completion Form

Department: Regeneration 7 Major Projects	Person Responsible: Ken Hullock
Service Area: Planning & Development	Timescale for Equality Impact Assessment :
Date: 18 August 2011	Completion date:21/6/11
Name of service/policy/procedure/project etc: Executive Report: Response to HS2 Consultation	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact Not found <input checked="" type="checkbox"/> Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	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 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Person responsible for arranging the review: N/A	Person responsible for publishing results of Equality Impact Assessment: N/A
Person responsible for monitoring: Ken Hullock	Date results due to be published and where: N/A
Signed:	Date:

Impact Needs/Requirement Assessment Completion Form

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.

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

Executive Report: Response to HS2 Consultation

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

Formal response to Govt. consultation on High Speed Rail proposal

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

N/A

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 adverse effects can be identified at this stage

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 and disability etc).

Response based upon officer estimation of potential effects and upon recorded concerns of the Brent public / Members.

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)

None identified

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?

No external consultation undertaken.

Impact Needs/Requirement Assessment Completion Form

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

N/A

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

Not aware of any.

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.

No adverse impacts can be identified at this stage

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

N/A

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

N/A

13. What is the justification for taking these measures?

N/A

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

The council will monitor what progress the Government makes in bringing forward the HS2 proposal

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

No further action necessary at this stage.

Should you:

1. Take any immediate action? No
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? No

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

N/A

Impact Needs/Requirement Assessment Completion Form

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

N/A

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):KEN HULLOCK


Date:22/8/11

Service Area and position in the council: Planning & Development, Head of Planning & Transport Strategy

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

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.

	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>Proposed changes to Articles of Association for Brent Housing Partnership</p>	

1.0 Summary

- 1.1 This report informs Members of changes required to the constitution of Brent Housing Partnership (BHP), the arms-length management organisation who manage the local authority's housing stock, and the reasons for those changes in respect of board membership. It seeks Members' approval to change the Articles of Association in light of those changes.

2.0 Recommendations

Members are asked to:

- 2.1 Agree that the following clause is inserted into BHP's Articles as paragraph 16(1)(d):

“PROVIDED THAT all Independent Board Members will retire from office on expiry or termination of the Management Agreement dated 1st October 2002 or such earlier date as the Council may determine by notice to the Company Secretary”

- 2.2 Agree that BHP will not advertise their Tenant Board Member vacancy until the governance review, due to commence in September 2011, has been concluded.

3.0 Detail

- 3.1 BHP is a wholly owned subsidiary of Brent Council and BHP's constitution, its Memorandum and Articles of Association, cannot be changed without the approval of the Council. The Executive agreed at their last meeting that three

pieces of detailed work need to be undertaken at BHP between July and October 2011 to inform the future arrangements;

- A full governance review;
- An efficiencies review;
- Heads of terms for a new management agreement

3.2 One of a number of considerations to be made during the governance review is whether there is a need to change the size and constituent groups of BHP's board. It is by no means certain that any changes will take place, but to cover all eventualities the Council must have the flexibility to make changes to the Board if required with the minimum of disruption to the current board arrangements and to ensure that board members are treated equitably should it be necessary to make any changes.

3.3 BHP's Articles of Association prescribe that two Independent Board Members will retire every three years at their AGM, those being the longest in office, the next retirement occurring in September 2011. In accordance with Article 16(3) of BHP's Articles of Association (which is set out in **Appendix A** to this report), if there are no other candidates to fill the post the retiring Board Member(s) shall, if willing to act, be deemed to have been re-appointed.

3.4 The existing four independent members have been on the Board for several years, three having served (through the process of reappointment as described in 3.3 above) since BHP's inception in 2002 and one was appointed in 2005. Although the Council have the power to remove Board Members at any time as stated in Article 14(3), it is considered to be beneficial to have an arrangement in place where all four Independent Members retire at the same time to avoid any conflict between them, to treat them all fairly and to ensure that Independent Members with the required skill sets for a new 'optimised ALMO' are those that will be appointed in the future.

3.5 The existing four Independent Members would of course be eligible to stand for re-election alongside any new candidates and those with the most appropriate skills set (determined by the governance review) would be appointed to the Board.

3.6 It is proposed that a new clause be inserted as Article 16(1)(d):

PROVIDED THAT all Independent Board Members will retire from office on expiry or termination of the Management Agreement dated 1st October 2002 or such earlier date as the Council may determine by notice to the Company Secretary

3.7 In the event that all four Independent Board Members are retired and a board meeting takes place before Independent Board Members have been appointed, there will be no difficulties with quorum arrangements since the current Article 27(1) is clear on the point that if the number of Board Members in one or more category of Board Member falls below one then the quorum requirement shall be reduced accordingly in respect of such category or categories. Therefore, in such an event the overall number of board members

would reduce to eleven and there would need to be a minimum of four board members present at the start of a board meeting with at least one council member and one tenant member present.

- 3.8 Following the retirement of one Tenant Board Member in July 2011, BHP have put on hold an advertisement for a replacement in light of the forthcoming governance review. The number of Tenant Members on the Board remains at seven with one vacancy.

4.0 Financial Implications

- 4.1 Following research into board member payments across the country in the social housing sector, BHP introduced Board Member payments in 2006 following their last governance review in order to attract and retain members of the highest calibre which largely follows the trend of Housing Association boards. Payments to individual board members is determined by a Board Remuneration Panel following set criteria and three of the four current Independent Members received payments in the last twelve months.
- 4.2 BHP would want to ensure the Council received value for money and to this end it will be reviewing board member payments as part of the governance review.

5.0 Legal Implications

- 5.1 Any changes to BHP's Articles needs to be registered at Companies House and should the proposed change be agreed by Members a revised version will be sealed by the Council as the sole member, initialled and sent to Companies House by BHP's Company Secretary.
- 5.2 The Council's approval is required to give effect to the proposed changes of BHP's Articles of Association. This is why the approval of the Council's Executive is sought regarding the proposed changes as set out in this report. The last time in which the Council approved changes to BHP's Articles of Association was at its meeting of November 2007 where changes were made regarding the BHP Board membership and quorum arrangements.

6.0 Diversity Implications

- 6.1 BHP and the Council is committed to ensuring that members of the BHP board is representative of the community in which it serves and will continue to recruit tenant and independent members who reflect this commitment.

Contact Officers

Linda Footer, Head of Corporate Services (Company Secretary)
Brent Housing Partnership
Tel: 020 8937 2356

Andrew Donald
Director of Regeneration and Major Projects

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THE COMPANIES ACT 1985

**COMPANY LIMITED BY GUARANTEE
AND NOT HAVING A SHARE CAPITAL**

ARTICLES OF ASSOCIATION

-OF-

BRENT HOUSING PARTNERSHIP LIMITED

DEFINITIONS AND INTERPRETATION

1. In the Articles unless the context otherwise requires:

"the Act"	Means the Companies Act 1985 (as amended by the Companies Act 1989) and any statutory modification or re-enactment thereof for the time being in force.
"the Articles"	Means these Articles of Association as originally adopted or as altered from time to time.
"Board"	Means the Board of Directors of the Organisation from time to time.
"Board Members"	Means the directors for the time being of the Organisation.
"Chairman"	Means the Chairman of the Organisation appointed pursuant to Article 31(1) or in his absence any vice or deputy chairman appointed pursuant to Article 31(3).
"clear days"	In relation to the period of a notice means that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect.
"Council Board Member"	Means a Board Member appointed by the Council Member pursuant to Article 14.
"Council Member"	Means Brent Council or any successor body

- thereto who shall be the sole member of the Organisation.
- "executed" Means in relation to any contract, agreement or other document consent thereto and includes any mode of execution.
- "Independent Board Member" Means a Board Member appointed pursuant to Article 16 and who is not a Local Authority Person or an employee of the Organisation but who may be a Tenant.
- "Local Authority Person" Means any person:
- (i) who is a member of the Council Member; or
 - (ii) who is an officer of the Council Member (which for these purposes shall not include employees with non-management posts apart from housing employees).
- "Office" Means the registered office of the Organisation.
- "the seal" Means the common seal of the Organisation.
- "Secretary" Means the secretary of the Organisation or any other person appointed to perform the duties of the secretary of the Organisation, including a joint, assistant or deputy secretary.
- "Tenant" Means an individual who holds a secure tenancy or lease of a residential property from and occupies a property belonging to the Council Member.
- "Tenant Board Member" Means a Board Member appointed pursuant to Article 15.
- "the United Kingdom" Means Great Britain and Northern Ireland.
2. (1) Unless the context otherwise requires, words or expressions contained in these regulations bear the same meaning as in the Act but excluding any statutory modification thereof not in force when these regulations become binding on the Organisation.
- (2) In these Articles words importing individuals shall, unless the context otherwise require, include corporations and words importing the singular number shall include the plural, and vice versa and words importing the masculine gender shall include the feminine gender.

ADMISSION OF MEMBERS

3. No person other than the Council Member shall be admitted to membership of the Organisation.
4. The Council Member shall nominate a person to act as its representative in the manner provided in Section 375 of the Act. Such representative shall have the right on behalf of the Council Member to attend meetings of the Organisation and vote thereat, and generally exercise all rights of membership on behalf of the Council Member. The Council Member may from time to time revoke the nomination of such representative, and nominate another representative in his place. All such nominations and revocations shall be in writing.
5. The rights of the Council Member shall be personal and shall not be transferable.

GENERAL MEETINGS AND RESOLUTIONS

6. All general meetings other than annual general meetings shall be called extraordinary general meetings.
7. The Board Members may call general meetings and, on the requisition of the Council Member pursuant to the provisions of the Act, shall forthwith proceed to convene an extraordinary general meeting for a date not later than eight weeks after receipt of the requisition. If there are not within the United Kingdom sufficient Board Members to call a general meeting, any Board Member or the Council Member may call a general meeting.
8.
 - (1) An Annual General Meeting and an Extraordinary General Meeting not called on the requisition of the Council Member pursuant to Article 7 shall be called by at least twenty-one clear days' notice or by shorter notice if it is so agreed by the Council Member.
 - (2) The notice shall specify the time and place of the Meeting and, in the case of an Annual General Meeting, shall specify the Meeting as such.
 - (3) The notice shall be given to the Council Member and to the Board Members and auditors.
9. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.
10. No business shall be transacted at any general meeting unless a quorum is present. The presence of a duly authorised representative of the Council Member shall be a quorum.

11. If the Council Member makes a decision which is required to be taken in a general meeting or by means of a written resolution, that decision shall be valid and effectual as if agreed by the Company in general meeting. Any decision taken by the Council Member pursuant to this Article 11 shall be recorded in writing and delivered by the Council Member to the Company for entry in the Company's minute book.
12. An entry stating that a resolution has been carried or lost in the minutes of any meeting shall be conclusive evidence of the fact.

NUMBER OF BOARD MEMBERS

13. Subject to clause 13(6):

- (1) The number of Board Members shall be fifteen.
- (2) Four Board Members shall be Council Board Members.
- (3) Seven Board Members shall be Tenant Board Members, not less than one and not more than two of which will be a leaseholder in occupation of residential property belonging to the Council Member.
- (4) Four Board Members shall be Independent Board Members.
- (5) No more than eight Board Members shall be Tenants.
- (6) No more than eight Board Members shall be Local Authority Persons.
- (7) In the event that the number of Board Members shall be less than the numbers specified in this Article 13 the remaining Board Members shall use reasonable endeavours to appoint further Board Members and may act notwithstanding this Article.
- (8) The first Board Members shall be those persons named in the statement delivered pursuant to section 10(2) of the Act who shall be deemed to have been appointed under these Articles but who shall hold office only until the Council Member appoints persons to be the first Council Board Members, the first Tenant Board Members and the first Independent Board Members and such persons so appointed by the Council Member shall hold office until the first annual general meeting of the organisation whereon the future Board Members shall be appointed as provided in the Articles.

APPOINTMENT OF COUNCIL BOARD MEMBERS BY THE COUNCIL MEMBER

14. (1) Subject to Article 13 the Council Member shall from time to time appoint four persons as Council Board Members and shall have the power to remove from office any such Board Member.

- (2) Appointment or removal pursuant to Article 14(1) shall be effected by an instrument in writing signed by the Council Member and shall take effect upon lodgement at the registered office of the Organisation or such date later than such lodgement as may be specified in the instrument.
- (3) Notwithstanding any other provisions in these Articles the Council Member shall have power at any time by notice in writing to the Secretary to appoint and remove any Board Member.

RETIREMENT AND ELECTION OF TENANT BOARD MEMBERS

15. (1) At the first annual general meeting of the Organisation all the Tenant Board Members shall retire from office. Thereafter Tenant Board Members shall retire from office in the following rotation:
 - (a) at the third subsequent annual general meeting in 2006, three Tenant Board Members shall retire;
 - (b) at the sixth subsequent annual general meeting in 2009, a further three Tenant Board Members shall retire and so forth such that the Tenant Board Members shall subsequently retire in a rotation which mirrors that in sub-paragraphs (a) and (b).
- (2) The Tenant Board Members to retire at any such subsequent annual general meeting shall be those who have been longest in office since they last became Tenant Board Members, but as between persons who became Board Members on the same day those to retire shall be chosen by lot PROVIDED THAT where a Tenant Board Member is appointed as a consequence of the death or retirement (other than by operation of this sub-paragraph) of another Tenant Board Member ("the Predecessor"), the period of time for which the Tenant Board Member shall have held office shall, for the purposes only of this Article 15(2) be deemed to include the period since the last election or appointment of the Predecessor.
- (3) Prior to every annual general meeting, direct or indirect elections shall be held among the Tenants for the number of Tenant Board Members to be appointed thereat. Only Tenants shall be eligible to be appointed as Tenant Board Members but otherwise the mode and manner of such elections shall be as the Board may from time to time agree subject at all times to compliance with Article 13.
- (4) The company secretary shall announce the results of the elections referred to in Article 15(3) at each relevant annual general meeting and the Tenants so elected shall be duly appointed as Tenant Board Members.

RETIREMENT AND ELECTION OF INDEPENDENT BOARD MEMBERS

16. (1) At the first annual general meeting of the Organisation all of the Independent Board Members shall retire from office. Thereafter Independent Board Members shall retire in the following rotation:
- (a) at the second subsequent annual general meeting in 2005, two Independent Board Members shall retire from office;
 - (b) at the fifth subsequent annual general meeting in 2008, a further two Independent Board Members shall retire; and
 - (c) at the eighth subsequent annual general meeting in 2011, a further two shall retire and so forth such that the Independent Board Members shall subsequently retire in a rotation which mirrors that in sub-paragraphs (a) to (c).
- (2) The Independent Board Members to retire at any such subsequent annual general meeting shall be those who have been longest in office since they last became Independent Board Members but as between persons who became Board Members on the same day those to retire shall be chosen by lot PROVIDED THAT where an Independent Board Member is appointed as a consequence of the death or retirement (other than by operation of this sub-paragraph) of another Independent Board Member ("the Predecessor"), the period of time for which the Independent Board Member shall have held office shall, for the purposes only of this Article 16(2) be deemed to include the period since the last election or appointment of the Predecessor.
- (3) If, at the meeting at which a Board Member retires in accordance with Article 16(1), there are no other candidates to fill the post the retiring Board Member shall, if willing to act, be deemed to have been re-appointed unless a resolution not to reappoint the Board Member is passed by the meeting.
- (4) No person other than an Independent Board Member retiring by rotation shall be appointed as an Independent Board Member at any general meeting unless he is recommended by the Board.
- (5) Subject to Articles 16(1) - (4) the Council Member may by Ordinary Resolution in General Meeting appoint any eligible person who is willing to act as an Independent Board Member.
- (6) Subject to Articles 13, 16 and 18 the Organisation may by Ordinary Resolution in general meeting appoint any person who is willing to act as a Board Member to fill a vacancy.
- (7) Subject to Articles 13, 16 and 18 the Board may appoint any person who is willing to act as an Independent Board Member to fill a vacancy until the next Annual General Meeting.

- (8) Not less than seven nor more than twenty-eight clear days before the date appointed for holding a general meeting notice shall be given to the Council Member of any person (other than a Board Member retiring by rotation at the meeting) who is recommended by the Board for appointment or reappointment as an Independent Board Member at the meeting. The notice shall give the particulars of that person which would, if he were so appointed or re-appointed, be required to be included in the Organisation's register of Board Members.

CASUAL VACANCIES

17. Subject to Article 13 the Board may appoint a person who is willing to act to be a Board Member to fill a vacancy. The Board may only fill vacancies occurring among Council Board Members where the Council Member shall have failed within three months of a written request by the Organisation to make the appropriate appointments pursuant to Article 14(1). The Board may only fill vacancies occurring among Tenant Board Members where the Area Housing Boards shall have failed within three months of a written request by the Organisation to make a nomination to fill such vacancy. A Board Member appointed under this Article 17 shall hold office only until the next following annual general meeting. If not re-appointed at such annual general meeting he shall vacate office at the conclusion thereof.

DISQUALIFICATION AND REMOVAL OF BOARD MEMBERS

18. (1) A person shall be ineligible for appointment to the Board and if already appointed shall immediately cease to be a Board Member if the relevant individual:-
- (1) ceases to be a Board Member by virtue of any provision of the Act or becomes prohibited by law from being a company director; or
 - (2) is or becomes a person disqualified from elected membership of a local authority; or
 - (3) becomes bankrupt or makes any arrangement or composition with his creditors generally; or
 - (4) is, or may be, suffering from mental disorder and either:-
 - (a) is admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act 1960; or
 - (b) an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his/her detention or for the

appointment of a receiver, curator bonis or other person to exercise powers with respect to his property or affairs; or

- (5) resigns his office by notice to the Organisation; or
- (6) is removed from office by a resolution (or written notice signed by) at least three quarters of all the other Board Members from time to time; or
- (7) shall for more than six consecutive months have been absent without permission of the Board from meetings of the Board held during that period and the Board resolves that his office be vacated; or
- (8) in any period of 12 months, he shall have been absent (without the permission of the Board Members) from at least 60% of the meetings of Board Members held during that period and the Board Members resolve that his office be vacated; or
- (9) in the case of a Tenant Board Member he ceases to be a Tenant of the Council Member PROVIDED THAT this Article 18(9) shall not apply in respect of a Tenant Board Member temporarily ceasing to be a Tenant as a result of the demolition of or works carried out to that Tenant Board Member's home; or
- (10) is a Tenant Board Member and is (in the reasonable opinion of a majority of Board Members) in serious breach of their obligations as a Tenant; or
- (11) is a Council Board Member and is or becomes a Tenant leading to a breach of the limit in Article 13(5); or
- (12) is a Tenant Board Member and is or becomes a Local Authority Person leading to a breach of the limit in Article 13(6); or
- (13) is an Independent Board Member and is or becomes a Local Authority Person or an employee of the Organisation; or
- (14) is removed by resolution of the Council Member pursuant to Article 14; or
- (15) is a person who has been a Board Member but whose appointment ceased under provisions of Article 18(1) to 18(4) inclusive unless the Board by Resolution of (or written notice signed by) at least three quarters of Board Members agree that person is eligible.

- 18(2) The Board may adopt a code of conduct for Board Members and may amend the same from time to time. The Board shall have powers to enforce the provisions of any such code.

POWERS OF THE BOARD

19. Subject to the provisions of the Act, directions of the Council Member in general meeting and the Memorandum and the Articles, the business of the Organisation shall be managed by the Board who may exercise all the powers of the Organisation. No alteration of the Memorandum or Articles or directions of the Council Member shall invalidate any prior act of the Board which would have been valid if that alteration had not been made. The powers given by this Article shall not be limited by any special power given to the Board by the Articles and a meeting of the Board at which a quorum is present may exercise all powers exercisable by the Board.
20. The Board may, by power of attorney or otherwise, appoint any person to be the agent of the Organisation for such purposes and on such conditions as they determine, including authority for the agent to delegate all or any of his powers.

BORROWING POWERS

21. Subject to Clauses 5 and 6 of the Memorandum the Board may exercise all the powers of the Organisation to borrow money without limit as to amount and upon such terms and in such manner as they think fit, and to grant any mortgage, charge or other security over its undertaking and property, or any part thereof, and to issue any debenture, whether outright or as security for any debt, liability or obligation of the Organisation or of any third party.

DELEGATION OF BOARD MEMBERS' POWERS

22. (1) The Board may delegate any of their powers to any committee consisting of three or more Board Members together with such other persons as the Board sees fit (but so that Board Members shall constitute a majority). They may also delegate to any executive officer such of their powers as they consider desirable to be exercised by him. Any such delegation may be made subject to any conditions the Board may impose, and either collaterally with or to the exclusion of their own powers and may be revoked or altered. Subject to any such conditions, the proceedings of a committee with three or more members shall be governed by the Articles regulating the proceedings of the Board so far as they are capable of applying.
- (2) The Board will periodically review committee structures, delegated responsibilities, and reporting arrangements. The terms of reference of each committee and the terms of delegation to the Chief Officers shall be reviewed and approved annually by the Board. When reviewing and approving the system of delegation the Board shall take fully into

account then current best practices to achieve the highest standard of governance, accountability and probity.

ALTERNATE BOARD MEMBERS

23. No Board Member shall be entitled to appoint any person as an alternate Board Member.

BOARD MEMBERS' EXPENSES

24. The Board Members may be paid all travelling, hotel, and other expenses reasonably and properly incurred by them in connection with their attendance at meetings of the Board or committees of the Board or general meetings or otherwise in connection with the discharge of their duties and such other sums as may be determined by the Council Member PROVIDED THAT no sum shall be paid to a Board Member in excess of that which would be permitted to be paid to a board member of a social landlord registered under the Housing Act 1996 and PROVIDED FURTHER THAT no sum shall be paid to a Board Member who is an elected member of the Council Member in excess of that permitted by the Order.

BOARD MEMBERS' APPOINTMENTS AND INTERESTS

25. A Board Member may not have any financial interest personally or as a member of a firm or as a director or senior employee (being an employee with managerial status) or in any contract or other transaction of the Organisation unless it is permitted by these Articles and is not prohibited by Clause 6 of the Memorandum.
26. Each Board Member shall ensure that the Secretary has at all times an up to date list of:-
- (1) all bodies trading in which he or she has an interest as:
 - (a) a director or senior employee,
 - (b) a member of a firm,
 - (c) the owner or controller of more than 2% of the issued share capital in a company,
 - (2) all interests as an official or elected member of any statutory body;
 - (3) all interests as the occupier of any property owned or managed by the Organisation or the Council;
 - (4) any other significant or material interest.

PROCEEDINGS OF BOARD MEETINGS

27. (1) Subject to any regulations established from time to time by the Organisation in general meeting and compliance with Section 10(1) of the Local Authorities (Companies Order) 1995 the Board may regulate their proceedings as they think fit and the quorum for the transaction of the business of the Board at the time when the meeting proceeds to business shall be six of which there shall be one Tenant Board Member, one Independent Board Member, and one Council Board Member PROVIDED THAT if the number of Board Members in one or more category of Board Member falls below one then the quorum requirement shall be reduced accordingly in respect of such category or categories.
- (2) 33 1/3 percent of the total number of Board Members (or such whole number of Board Members nearest to 33 1/3 percent) may call a meeting of the Board. It shall not be necessary to give notice of a meeting to a Board Member who is absent from the United Kingdom.
- (3) If a quorum is not present within half an hour from the time appointed for a Board Meeting the Board Meeting shall, if requested by a majority of those Board Members present, be adjourned to the same day in the next week at the same time and place or to such other day and at such other time and place as the Board Members present may determine.
- (4) If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting then notwithstanding Article 31(1) the Board Members present shall constitute a quorum.
28. Questions arising at a Board Meeting shall be decided by a majority of votes and each Board Member present in person shall be entitled to one vote. In the case of an equality of votes, the Chairman shall have a second or casting vote.
29. (1) Any Board Member having an interest in any arrangement between the Organisation and another person or body shall disclose that interest to the meeting before the matter is discussed by the Board or committee of the Board. Unless the interest is of the type specified in Articles 29(2) or 29(3) the Board Member concerned shall not remain present during the discussion of that item unless requested to do so by the remaining members of the Board or committee of the Board. Unless permitted by Articles 29(2) or 29(3) the Board Member concerned may not vote on the matter in question, but no decision of the Board or any committee of the Board shall be invalidated by the subsequent discovery of an interest which should have been declared.
- (2) Provided the interest has been properly disclosed pursuant to Article 29(1) a Board Member may remain present during the discussion and

may vote on the matter under discussion where the interest arises because:

- (a) the Board Member is a Tenant so long as the matter in question affects all or a substantial group of Tenants; or
- (b) the Board Member is a director or other officer of a company or body which is a parent, subsidiary or associate of the Organisation; or
- (c) the Board Member is an official or elected member of any statutory body.

(3) A Board Member shall not be treated as having an interest:

- (a) of which the Board Member has no knowledge and of which it is unreasonable to expect him to have knowledge;
- (b) in the establishment of a policy in respect of Board Member expenses payable pursuant to Article 29.

30. If a question arises at a meeting of the Board or of a committee of the Board as to the right of a Board Member to vote, the question may, before the conclusion of the meeting, be referred to the chairman of the meeting and his ruling in relation to any Board Member other than himself shall be final and conclusive.

31. (1) At the first Board Meeting following each annual general meeting the Board Members shall appoint one of their number to be the chairman of the Board to hold office until the next annual general meeting and may at any time remove him from that office.

(2) Unless he is unwilling to do so, the Board Member so appointed shall preside at every meeting of the Board at which he is present. But if there is no Board Member holding that office, or if the Board Member holding it is unwilling to preside or is not present within five minutes after the time appointed for the meeting, the Board Members present may appoint one of their number to be chairman of the meeting.

(3) The Board may appoint a vice or deputy chairman to act in the absence of the Chairman on such terms as the Board shall think fit.

32. All acts done by a meeting of the Board, or of a committee of the Board or by a person acting as a Board Member shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of any Board Member or that any of them were disqualified from holding office, or

had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a Board Member and had been entitled to vote.

WRITTEN RESOLUTION

33. (1) A resolution in writing signed by four Council Members, four Tenant Members and four Independent Members who are entitled to receive notice of a meeting shall be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held and may consist of several documents in like form each signed by one or more of such Board Members.
- (2) A resolution in writing signed by one Council Member, one Tenant Member and one Independent Member of a committee of the Board each of whom are entitled to receive notice of meetings of that committee of the board shall be as valid and effectual as if it had been passed at a meeting of such committee duly convened and held and may consist of several documents in like form each signed by one or more of such member of such committee of the Board.

SECRETARY

34. Subject to the provisions of the Act, the Secretary and any deputy or alternate Secretary shall be appointed by the Board for such term, at such remuneration and upon such conditions as they may think fit and any Secretary so appointed may be removed by them.

MINUTES

35. The Board shall cause minutes to be made in books kept for the purpose:-
- (1) of all appointments of officers made by the Board Members; and
- (2) of all proceedings at meetings of the Organisation and of the Board, and of committees of the Board and of the Council Member in its capacity as the sole member of the Organisation, including the names of the Board Members present at each such meeting.

RECORDS ACCOUNTS AND RETURNS

36. The Organisation shall comply with the provisions of Part VII of the Act in respect of:-
- (1) the keeping and auditing of accounting records;
- (2) the provision of accounts and annual reports of the directors; and
- (3) in making an annual return.

THE SEAL

- 37 (1) If the Organisation has a seal it shall only be used with the specific or general authority of the Board or of a committee of the Board. The Board may determine who shall sign any instrument to which the seal is affixed and unless otherwise so determined it shall be signed by a Board Member and by the Secretary or a second Board Member.
- (2) The Organisation may exercise the powers conferred by Section 39 of the Act with regard to having an official seal for use abroad, and such powers shall be vested in the Board Members.

NOTICES

38. Any notice to be given to or by any person pursuant to the Articles shall be in writing except that a notice calling a meeting of the Board or of a committee of the Board need not be in writing.
39. The Organisation may give any notice to the Council Member either personally or by sending it by post in a prepaid envelope addressed to the Council Member at their registered address or by leaving it at that address.
40. The Council Member present by duly authorised representative at any meeting of the Organisation shall be deemed to have received notice of the meeting and, where requisite, of the purposes for which it was called.
41. Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted.

INDEMNITY

- 42 (1) Every Board Member or other officer of the Organisation shall be indemnified out of the assets of the Organisation against all losses or liabilities which he may sustain or incur in or about the execution of the duties of his office or otherwise in relation thereto, including any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted or in connection with any application under Section 727 of the Act in which relief is granted to him and no Board Member or other officer shall be liable for any loss, damage or misfortune which may happen to or be incurred by the Organisation in the execution of the duties of his office or in relation thereto PROVIDED THAT this Article shall only have effect in so far as its provisions are not avoided by Section 310 of the Act.

- (2) The Board shall have power to purchase and maintain for any Board Member or officer of the Organisation insurance against any such liability as is referred to in Section 310(1) of the Act.

NAMES, ADDRESSES AND DESCRIPTIONS OF SUBSCRIBER

THE LONDON BOROUGH OF BRENT
TOWN HALL
FORTY LANE
WEMBLEY
MIDDLESEX HA9 9HD

The COMMON SEAL of **THE**)
LONDON BOROUGH OF BRENT)
was hereunto affixed in the presence of: -)

RWVale


Solicitor

DATED



WITNESS to the above.-

NAME
Address

	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Environment and Neighbourhood Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>Authority to award Highways Maintenance Framework Agreements</p>	

1.0 *Summary*

- 1.1 This report considers the contractual situation regarding the Council's management of Highways Maintenance. It proposes an effective seven month extension of the existing arrangements in order to maximise potential benefits from the emerging collaborative contract procurement across London and accordingly requests authority to award framework agreements as required by Contract Standing Order No 88.

2.0 *Recommendations*

- 2.1 The Executive notes the contents of this report which identifies opportunities for collaborative procurement and improved service provision in the future.
- 2.2 The Executive agree to an exemption from standing orders for the procurement of interim Highway Maintenance Framework Agreements on the basis of good operational reasons as set out in Section 3 of this report and approves the establishment of these Framework Agreements as listed in paragraph 3.2
- 2.3 The Executive approve the appointment to the Highways Maintenance Framework Agreements of the contractors listed in Appendix 1 from 1st August 2012 until 31st March 2013.

3.0 *Detail*

The current contractual arrangements for Highways Maintenance Works

- 3.1 The Council spends between £7-8M a year on highways works across the borough, a significant proportion of which is funded by Transport for London, and from the Council's own capital programme and some from the Council's revenue budget. This is a fluctuating budget, and covers a wide range of works, from significant investments in junctions to minor repairs of tarmac.
- 3.2 At present the Council is not in any collaboration to deliver this work. In 2008, the Council let framework agreements for the following activities:
- Cold planing and carriageway resurfacing
 - Hand laid bituminous surfacing
 - Paving and repairs
 - Anti-skid road surfacing (high friction coating)
 - Street furniture painting and repairs
 - Line markings
- 3.3 European legislation permits the award of either a single contractor framework or a multi-contractor framework which must, where possible, have a minimum of 3 contractors on it. The framework agreements let in 2008 are all multi-supplier framework agreements with 3 contractors appointed to each framework. The multi-contractor framework agreements mitigate the risk of not being able to resource labour to meet the required outputs.
- 3.4 In procuring the framework agreements in 2008, at the contract evaluation stage, the contractor offering the best value for money was determined for each framework, not only overall but also for each type of work delivered within the framework. As such the Council contracts with different contractors under the framework agreements depending on the nature of the works or services required.
- 3.5 The appointed contractors are used to deliver work ranging from minor responsive maintenance repairs to carriageway resurfacing, pavement upgrades, traffic schemes, CPZs and town centre improvements. Selection of contractors to deliver these defined works has been in accordance with the best value evaluation detailed in paragraph 3.4 although a mini-competition is held between contractors on the framework where elements of the work are outside the scope of the contract, to ensure best value for money.
- 3.6 The framework agreements commenced in August 2008 for a period of 3 years with an option to extend for a further year. The contractors have performed satisfactorily with no claims and disputes. Only one supplier has dropped out of frameworks 4 & 5 as they were unable to continue to commit to the contracted rates. Following meetings with contractors to discuss further efficiencies (resulting in potential savings in the region of 2% p.a.) and an evaluation of whether the framework agreements still provide value for money

in today's market, they were extended in accordance with the provisions of the framework agreement by a further one year and are due to expire at the end of July 2012. They cannot be further extended under EU legislation, which prohibits frameworks running for longer than four years.

- 3.7 Given existing framework agreements cannot be extended, Officers have been looking into future options for the delivery of highways maintenance service in Brent following their expiry. Officers have been reviewing other procurement approaches in London and sub-regionally.

London-wide context

- 3.8 The London Technical Advisory Group (LoTAG), London Councils and Capital Ambition, London's Regional Improvement and Efficiency Partnership (RIEP) have set up a working group to look at potential models for Pan-London efficiency savings for the delivery and procurement of highway works. The Transforming London's Highway Management working group has been set up focussing on three main areas; Governance and Collaboration, Standardisation and Culture Change with work streams including, common specifications and contract conditions, Supplier Relationship Development, Highway Systems Collaboration, and E-Auctions.
- 3.9 The work programme is heavily influenced by Transport for London (TfL) requirements to implement a new contractual regime for their 580km road network on red routes and 2500 road structures such as bridges and tunnels. The London-wide contractual arrangement will be in place for 2013. Because of logistics and the potential high value of these contracts, there will be 4 regional contracts in London, North West, North East, Central and South. The scope will include 24 service areas ranging from public lighting to bridge inspections, and ongoing participation in this project will ensure that Brent's procurement strategy is informed by the London-wide opportunities.
- 3.10 Over recent months, highways works have been the subject of intense examination for potential collaboration between authorities. The pan-London approach has two main elements of interest to Brent:
- The '*common specification*' for works which aims to resolve the many minor differences between specifications and intervention levels (e.g. the type of road and pavement construction and materials used or the depth at which a pothole should be fixed) which can result in significant differences in costs
 - The contract structure, and in particular whether Brent could 'call off' work as from a framework without committing in advance to volumes or values of work over the contract life
- 3.11 This work is still ongoing. There is considerable liaison with the boroughs, and Brent specifically through:

- The Transforming London's Highways Management project outlined above, which brings together all the boroughs, TfL, Capital Ambition and London Councils, specifically to maximise procurement benefits.
 - Officer meetings with TfL involving both highways and procurement specialists
 - Discussions with the London Technical Advisors Group (LoTAG), on which Brent is well represented
- 3.12 Brent has participated in these discussions and remains actively interested in the opportunities they may represent. In particular, developing a common specification for highways works in London could improve costs by reducing process costs (for both clients and contractors) and reduce risks from lack of clarity.
- 3.13 However, there are perceived risks and definite difficulties in simply joining the TfL contract structure:
- The timing is not aligned with Brent, as the TfL arrangements will not begin until seven months after the current frameworks expire.
 - It is not clear exactly how the contracts will work, and what the terms of any call-off would be
 - The TfL contractual arrangements will be very large, within which any individual borough will be a minor player, with consequent risks of poorer service and unrealisable savings
 - The common specification will not be completed until September / October 2011 at the earliest.
- 3.14 Thus, although the TfL work is of great importance and needs to be acknowledged in the borough's contract strategy, it should not be a dictating factor.

Sub regional context

- 3.15 Officers have explored with WLA colleagues the opportunities for collaborative procurement on highways. These have so far proved to be limited, with only LB Harrow being in a position (in terms of contract alignment and strategic direction) for potential collaboration. Harrow is about to go to market for an envisaged single supplier contract (as compared to the framework arrangements currently in place in Brent), which is due to commence in April 2012.
- 3.16 Brent expressed an interest in being able to access this contract where it would offer improved value for money. This might apply in certain specific instances (e.g. bridge inspections), and be relevant more broadly depending on the specific market offer. However, it should be noted that
- Brent has had limited opportunity to feed into the specification
 - It is impossible in the time available to properly evaluate the potential benefits to Brent, and therefore

- It is inappropriate for Brent to commit to buying specific volumes or values of work off this contract in advance of its procurement or Brent's own options analysis.
- Direct access arrangements to the contract, with Harrow acting as the central purchasing body (CPB), would need to be determined as there are implications in terms of legal structure.

As a result of the issues above, Harrow decided at the beginning of August that they did not wish Brent to be involved in this procurement, but to operate independently. Officers will continue to monitor developments to make the most of opportunities as they arise.

- 3.17 The Procurement Officers group at WLA has also recently begun to look at Highways procurement to see if other opportunities arise. Brent officers are keen to participate in these discussions, from both highways and procurement, but remain committed to promoting the common specification as a central plank of achieving potential economies of scale savings.
- 3.18 There are therefore no immediate opportunities to enter into wholesale collaborative procurement of highways maintenance services at a sub-regional level. Officers will however continue to monitor developments to make the most of opportunities as they arise.

Issues of specification and scope

- 3.19 As identified, within the core work of highways maintenance, there are significant variations in specification. Some of these are visible and can be locally controversial, such as the quality of materials or the speed of pothole repair. Others are much less obvious but can have major cost implications, for example the index used to manage price fluctuations affected by the increasing costs of materials. The Brent highway contracts use the RPI for price adjustments, rather than ROADCON or TPI, which have been higher in recent years. Boroughs also use different contract conditions, usually either NEC or ICE standard conditions. Successful collaborative procurement will rely on transparency and shared understanding of such issues, which takes a great deal of time and effort to achieve, which is why officers have been supporting the move to the common specification.
- 3.20 In addition there are questions of scope of contractual arrangements. To give some pointers as to the questions which are being considered by other boroughs and contractors in the market, the following table gives examples of services which might be managed in different ways:

Example service	Brent position	Comments and alternatives
Gulley cleaning	In house	Can be contracted either as part of street cleaning or as part of highways maintenance. Companies in both sectors keen on work, but evaluation in discussions with existing suppliers offered no immediate savings. Space for economies in equipment investment are likely to be explored within the next street cleaning procurement.

Client side design and specification of works (inc. TfL and S106 safety / improvement schemes)	Largely in-house, with substantial flexible (temporary) work force	Wide variety of models, including fully managed services, call-off frameworks etc. Hot market where permanent recruitment historically difficult
Contract Management and inspection of works	Largely in-house, with small flexible (temporary) work force	Again a wide variety of models. Important opportunities to be much smarter about eyes and ears on the street.
Aboricultural works	New contract just being let	Not currently aligned with highways maintenance and market interest unknown

- 3.21 This shows the importance, in a rapidly evolving market place, of thoroughly reviewing the scope of the relevant contracts, to determine the best position for Brent.

Value for money and potential for savings

- 3.22 Clearly, it is always possible to spend less on highways maintenance, but this must be balanced against a poorer quality network. The prize is to spend less but obtain the same or better quality. The procurement debate is centred on the presumption that better specification, larger contracts and market certainty will produce improved value for money.
- 3.23 Where there are commodity elements to these contracts, this seems likely, as do savings generated by more efficient client side activities. However, it is interesting to note that in October 2009 Brent participated in a London-wide benchmarking exercise providing information on our network, contract specification and type, expenditure levels and unit rates. The results of this benchmarking exercise were published in May 2010 and distributed to the London boroughs by TfL.
- 3.24 Benchmarking data included boroughs that have either a single contract or multiple contracts and the report stated that ‘the cheapest overall contracts for both Inner and Outer London were as a result of single larger contracts being let, not as a result of multiple contracts, and were contractors who had a larger share of the market not niche local contractors’.
- 3.25 Despite the conclusion from the report detailed in paragraph 3.24, it is interesting to note, that of the 24 Inner and Outer London boroughs participating, the cost of Brent’s combined model was the 3rd lowest. (The value of Brent’s combined model was the 2nd lowest of the 15 participating outer London boroughs.) . Notwithstanding that there would be some differences in contract requirements in terms of service standards, this demonstrated that the existing Brent framework agreements provided value for money and informed the decision to extend them for the 12 months period.

- 3.26 This shows that the presumptions at 3.22 are not automatically true, and that Brent would be well served by further market testing of different models.

Continuing work and next steps.

- 3.27 The issues set out in this report show clearly that the highways maintenance procurement market is in a state of extreme flux in London. Key issues can be summarised as:

- The opportunities presented by the development of a common specification, due in October 2011
- The as yet unknown opportunities for call off from TfL contractual arrangements or other developments in London
- The emerging WLA thinking in this domain, although Brent may be further ahead than other colleagues
- The evolving market, influenced by the TfL procurement but also seeking new opportunities which might shape the most cost-effective scope for Brent.

- 3.28 In this complex environment, it is not recommended to simply replicate the existing contract arrangements. In particular, being able to adopt key elements of the common specification and align contract timetables with TfL (which will eventually pull other players into the same calendar) represent strong motivations for enabling some extension of the current arrangements to 31 March 2013. This would also enable some further discussion about the most effective contract strategy, including use of frameworks, broad or narrow collaborations and scope of contracted services.

Current arrangements and short term contract provision

- 3.29 As noted above, the current frameworks cannot be simply extended. However, the seven months involved, from August 2012 to March 2013, represents limited values of work, below those required for EU tendering.

- 3.30 It is therefore recommended that the Council appoints the contractors detailed at Appendix 1 that are working under its existing framework agreements to the 6 multi-provider interim highways maintenance frameworks. This would be for seven months. Detailed below is the estimated value for each of the proposed frameworks for the seven month duration:

Framework	Works/Services Provided	Value over 7 months
1	Machine Laid bituminous surfacing	£1,520k
2	Hand Laid Surfacing	£ 930k
3	Footway Paving	£2,300k
4	Anti-Skid Surfacing	£75k
5	Street Furniture	£50k
6	Line Marking	£90k

3.31 Officers have considered whether the above arrangements should be aggregated. If this was done, the estimated value of the proposed arrangement would be in excess of EU thresholds. On balance however, Officers consider it is appropriate to proceed with 7 interim individual framework agreements as:

- The existing disaggregation of these works is considered to be appropriate to the Council's current needs and such arrangements have been in place for four years, operating successfully.
- The framework agreements are for quite different types of activities, and although some schemes involve a combination of works, the works / services are usually delivered independently of other operations
- The current disaggregated arrangements have achieved value for money for the Council as detailed in paragraph 3.25.
- The Council's clear intention to go to the market very shortly,
- The intention is to appoint current contractors to these short term frameworks

3.32 As these are new interim framework agreements, there is also a risk that the existing contractors will not agree to continue to carry out the work for the existing rates (RPI adjusted annually). However, as these are multi-framework agreements with three suppliers appointed to each, and it is less than 12 months since the last round of negotiations, it is likely that one or more of the contractors will be willing to work to existing prices Officers would also try to negotiate further discounts or savings that could be made for this period. The prices would be evaluated within each framework, and work would be awarded to the most economically advantageous.

3.33 Under the Council's standing orders, any contract over £156K (the EU threshold for services) should be subject to tendering by public advertisement. The recommended course of action therefore requires Members to agree an exemption to standing orders in accordance with Standing Order 84(a) on the basis of good operational reasons as set out in this report.

3.34 Officers have begun a process of reviewing the scope and specification, and anticipate returning to Executive in January or February 2012 with a detailed recommendation for future contract strategy which would align contracts to a start date of 1 April 2013.

4.0 Financial Implications

4.1 A seven month extension should not result in contractor prices increasing and it may even give Brent some efficiency savings, depending on further negotiations. A 2% efficiency saving on an estimated value of approximately £5m would result in around £100k worth of savings.

4.2 However, this assumes that all the contractors currently in the Highways Maintenance framework would continue to commit to existing or lower rates. A

2009 benchmarking exercise with other London Boroughs showed that Brent's Highways Maintenance costs were amongst the lowest in London.

- 4.3 The extension would give officers adequate time to explore other options of collaborative working with TfL and other London Boroughs. Brent is particularly interested in developing a common specification for works, which could reduce process costs and result in significant savings.

5.0 Legal Implications

- 5.1 Section 41 of the Highways Act 1980 imposes a duty on the Council to maintain those highways for which it is the highway authority. This includes all the public highways in the Borough, except the North Circular Road.
- 5.2 The interim highway maintenance framework agreements outlined at paragraph 3.30 in this report are classified as "works" (Frameworks 1 -4) and as "services" (Frameworks 5 and 6) in accordance with the Public Contract Regulations 2006 ("the EU Regulations"). For works contracts the EU threshold for the full application of the EU Regulations is £3,927,260 whilst for services contracts the relevant threshold is £156,442. As a result of the estimated values of the interim frameworks agreements, all of the frameworks are regarded as below threshold and are therefore not subject to full application of the EU Regulations.
- 5.3 However, EU aggregation rules require that where there is a single requirement for works or services, then if this requirement is split into smaller contracts or frameworks, the value for the purpose of the EU rules is still the aggregate value, and it is this value that has to be used in deciding whether there should be an EU-compliant advertised process. There is however no definition of what is meant by "single requirement" and therefore it could be argued that the forecast expenditure for the seven month period, the Council has a single requirement for highways maintenance, which would exceed the threshold. As detailed at paragraph 3.31 above however, Officers have considered whether the above arrangements should be regarded as a single requirement for the purpose of the aggregation rules but have concluded that this is not appropriate. Officers consider that each of the 6 framework agreements is for quite different types of activities, and although some schemes involve a combination of works, the works / services are usually delivered independently of other operations. The proposed interim arrangements replicate current arrangements which have operated successfully for a number of years, providing value for money for the Council. Officers therefore consider that the division of Highways maintenance into defined areas is justifiable, and aggregation is not appropriate so as to require any of the interim framework agreements to be subject to full application of the EU Regulations.
- 5.4 When the time comes to award the interim framework agreement, officers will consider whether it is appropriate to use a voluntary award notice to reduce the range of remedies available to potential challengers. However the risk of

challenge is considered very low because officers do not consider that the aggregation rules apply so as to require the following of the EU Regulations.

- 5.5 Under Contract Standing Order 84, all contracts or frameworks with an estimated value in excess of £156,442 (the EU tendering threshold for services) must be tendered in accordance with the Council's Standing Orders and Financial Regulations. Pursuant to Contract Standing Order 84(a), the Executive may grant an exemption from such requirements on the basis of there being good operational and/or financial reasons for doing so. Officers have detailed at Section 3 that they consider that there are good operational reasons for seeking an exemption from the usual tendering requirements.

6.0 Diversity Implications

- 6.1 The nature of highways works may have important diversity implications, ensuring that the street scene is a safe and welcoming environment. However, the precise contractual arrangements and this interim provision, is not perceived to have diversity implications.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 Given the proposed interim arrangements are in line with existing contractual arrangements Officers do not consider that there are any staffing or accommodation implications at this stage.

Background Papers

Pan-London Collaborative Working Business Case (Chris Tunstall),
Dana Skelley, Director of Roads, Transport for London

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Sue Harper
Director of Environment & Neighbourhood Services

Appendix 1

APPROVAL OF THE APPOINTMENT OF CONTRACTORS TO FRAMEWORKS FOR HIGHWAYS MAINTENANCE WORKS.

Framework	Description	Contractor recommended for appointment to framework
1.	Machine Surfacing	London Surfacing Company Ltd Aggregate Industries UK Ltd trading as Bardon Contracting Ringway Infrastructure Services Ltd
2.	Hand Surfacing	FM Conway Ltd Aggregate Industries UK Ltd trading as Bardon Contracting O'Hara Bros
3.	Footway Relay	J & B Construction Co. Ltd VolkerHighways Ltd Aggregate Industries UK Ltd trading as Bardon Contracting
4.	Anti Skid Surfacing	VolkerHighways Ltd FM Conway Ltd
5.	Street Furniture Painting & Incidental Repairs/Replacement	VolkerHighwaysLtd J & B Construction Co. Ltd
6.	Line Markings	Wilson & Scott (Highways) Ltd Volker Highways Ltd FM Conway Ltd

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	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Environment and Neighbourhood Services.</p>
<p style="text-align: right;">Wards Affected: All</p>	
<p>Proposed changes to the School Crossing Patrol Service.</p>	

1.0 Summary

The School Crossing Patrol (SCP) service is a discretionary one. The Council currently provides one of the largest services in London.

Alongside a number of other factors the service has contributed to a significant improvement in road safety and a significant reduction in road accident casualties in recent years.

Since the SCP service was first provided by the Council many physical measures have been introduced around school entrances to improve road safety there. However, unlike most other Council services, there has been no fundamental review to determine whether or not the service should continue to be provided and, if so, the extent to which the service should be provided.

This report explains that, following a review and consultation, a set of proposals has been developed and is recommended for adoption. At the heart of the proposals is the use of a model to assess where priority should be given to providing a SCP. This model assesses the level of risk at any site and the extent to which it is mitigated by measures (such as the presence of a controlled crossing).

A threshold has been set above which priority would be given to providing cover. Sites below the threshold would be defined as lower priority sites. Over time, as a result of natural staff wastage (only), provision at lower priority sites would be discontinued unless alternative arrangements were agreed with schools.

Alongside the use of a model is a proposal to provide the service to schools that otherwise would have no service through arrangements which would see the schools “buying” a SCP or providing volunteers.

Another part of the proposals would be the undertaking of actions, such as additional road safety education, at schools where the service would no longer be provided to mitigate the impact of any changes.

This report explains that consultation on an early set of proposals took place earlier this year. The results of the consultation are summarised and discussed within the report.

The report explains that following consideration of the feedback from the consultation, the proposals, whilst still now involving adoption of a risk evaluation model, are significantly different from those originally proposed.

Once the model is adopted, reductions in the number of SCP sites covered could be expected in future years through staff natural wastage at lower priority sites and as improvements to priority sites, such as the installation of controlled crossings, result in those sites being re-classified as lower priority sites.

The report describes the work that would be undertaken at any sites where the service would no longer be provided to minimise impact. This work formed an integral part of the original proposals and has not been revised. The report also recommends that officers undertake a detailed consultation with schools, including governors, encouraging them to contribute voluntarily to the costs of the service and further promoting the importance of road safety education in schools.

2.0 Recommendations

- 2.1 Agree not to proceed with the proposed withdrawal of School Crossing Patrol officers at this time,
- 2.2 Agree that the Director of Environment & Neighbourhood Services, together with the Director of Children & Families, undertake a detailed consultation with schools, including governors, encouraging them to contribute voluntarily to the costs of the service and further promoting the importance of road safety education in schools,
- 2.3 Agree the adoption of the risk evaluation matrix set out in Section 4.2, based on rates of vehicular and pedestrian traffic flows, additional risk factors and evaluation of mitigation, and the safety ranking of sites implied by that matrix,
- 2.4 Agree that this matrix be used to prioritise the deployment of school crossing patrol officers at such time when there is natural turnover of staff within the service, ensuring that sites with a higher risk assessment (with an adjusted score greater than 1×10^6) are prioritised for cover.
- 2.5 Note the prioritisation of risk mitigation measures at school crossing patrol sites, particularly the introduction of speed reduction interventions and controlled crossings that will continue to reduce the adjusted risk scores of sites.

3.0 Detail

3.1 Background – General

The concept of having a School Crossing Patrol (SCP) officer outside of schools in the UK, to assist pupils crossing to/from school safely, is well established and was originally facilitated by the School Crossing Patrol SCP Act 1954.

Until 2000 the SCP service in London was provided by the Metropolitan Police. After that date responsibility for the service was transferred to London Boroughs, along with the staff.

The Road Traffic Regulation Act 1984 provides that London Boroughs *may* make arrangements for patrolling school crossings but there is no duty to do so. As a consequence there is, nationally and within London, a wide range of service provision. In London there are authorities where there is no service provision, others where the minority of schools are provided with a SCP and others including Brent where the majority of schools are provided for.

The Schools Finance (England) Regulations 2008 specifically prescribe that the SCP service cannot be funded through the Schools Budget. SCPs *may* be funded by schools from sources other than the (delegated) Schools Budget. Consequently SCP services are typically funded from Local Authority General Fund (Revenue) budgets.

3.2 **Background – The SCP service in Brent**

In Brent the service is delivered by the Directorate of Environment & Neighbourhood Services. Historically, Brent has given priority (and allocated resources) to providing an extensive service.

On transfer from the Metropolitan Police there was provision for 27 school sites (locations) to be covered although only 17 staff were in post due to recruitment difficulties. The subsequent recruitment of staff, together with budgetary growth in 2001 and 2006, has seen the service expand significantly.

The service is not provided to secondary schools although secondary school pupils may use it as part of their home-school journeys.

At the present time, there is provision for 47 sites although a small number are currently unstaffed due to long term sickness and staff departures. This makes the service one of the largest SCP services in London.

The locations of the existing sites are shown at Appendix “A.”

The focus of the service has been on maintaining/improving road safety although in recent years the service has also supported the wider transport agenda (encouraging sustainable transport modes such as walking & cycling and School Travel Planning).

The service comprises 48 SCP officers (1 to provide cover) with 2 supervisors. The SCP officers work part time (10 hours per week) and have term time contracts. SCP officers are contractually obliged to work where directed although generally they operate at sites which suit their lifestyles and/or travelling arrangements.

The SCP service, and the individual SCP officers (SCPOs), are generally well valued by users (pupils and carers), the schools and the community at large. SCPOs are often an integral part of the local school community. Many SCPOs and their supervisors visit schools regularly to reinforce key road safety alongside sustainable transport and healthy lifestyles messages.

At a number of SCP sites there are measures, such as traffic signal controlled (pelican) or uncontrolled (zebras or islands) crossings and/or traffic calming features which mitigate the risk associated with crossing the road at those locations. Effectively the presence of a SCPO provides an added level of protection at those locations.

3.3 Background – Road casualty reduction

In recent years Brent has been one of London's highest performers in relation to the reduction of road casualties (of all classes and severities).

The number of children killed or seriously injured (KSI) in road accidents casualties has fallen from over 40 pa in the late 1990s to less than 15 pa in the late 2000s. Over the last 6 years 74 children have been injured on Brent's road - this represents a very small proportion (in the region of 0.15%) of the school population (circa 43,800).

Road casualty reduction targets are set nationally and regionally. Brent exceeded its (London mayoral) target of reducing children KSI by 60% by 2010 (based on the 1994/98 average baseline) in 2005.

A similar situation exists in relation to children receiving "slight" injuries as a result of being involved in a road accident.

Road casualty reduction, in Brent and nationwide, is the result of the combination of a wide range of activities and initiatives. In particular – improved and focussed road safety education, the introduction of engineering measures and changes in vehicle technology. Consequently, although the SCP service has been an integral part of the Council's successful strategy to reduce road, particularly child, casualties, it is impossible to identify the direct contribution that the SCP service has made to the reductions.

In general road accidents are rare, random and multi-factor events and always preceded by a situation in which one or more road users have failed to cope with the road environment.

Data on road accidents involving personal injuries in London is collected by the Police and verified, collated and disseminated (at a Borough level) by Transport for London. Despite the wealth of data available, within and outside London, there is no known correlation between the use of SCPs and road accidents/casualties. The nature of the data precludes the analysis that would be necessary to correlate use of SCPs and accident trends.

An analysis of the location of accidents resulting in all types (KSI and slight) of child casualties as a result of road accidents (over the last 3 year period for which data is available) has been undertaken and correlated with the location of current SCP sites.

The analysis indicates that:

- (i) The majority of child casualties are not associated with school related journeys (ie they take place when children are not moving to and from school)
- (ii) The majority of child casualties associated with school related journeys occur away from SCP sites
- (iii) There have been no child KSI casualties associated with school related journeys at in or the immediate vicinity of SCP sites.
- (iv) There has been 1 accident, resulting in a slight injury to a child, associated with a school related journey in the immediate vicinity of a SCP site
- (v) There is no evidence of clusters of accidents in the vicinity of schools that do not currently have a SCP

3.4 Background – current SCP site prioritisation arrangements

Currently all Brent sites are risk assessed on an annual basis to meet the Council's obligations in relation to the welfare of its employees. Additionally a full site review is completed every 2 years within a rolling programme. The site review includes a traffic (V) and pedestrian (P) count to determine a PV^2 score. This "activity/risk" score is used to rank sites so as to determine where to prioritise cover in the event of staff absence.

Guidelines exist (the "School Crossing Patrol Service Guidelines 2008") published by the Local Authority Road Safety Officer's Association (LARSOA) in conjunction with ROSPA to assist Council's which provide a SCP service.

The Guidelines describe what is considered to be best practice. They are not binding. The preface to the Guidelines states "*Authorities...should decide how best to apply the guidelines and the criteria for assessing SCP sites*", The Guidelines are essentially a general tool and are used accordingly by Brent officers.

The Guidance applies the long accepted principle that the higher the activity (in terms of pedestrians and vehicles at any location) the higher the risk of conflict and the hence higher the risk of accidents. This principle is used throughout the industry in various formats to guide decisions about the use of traffic control features (provision of crossings, traffic signals etc).

The Guidance effectively uses a formula to calculate a numerical value which is then used to determine whether provision might be appropriate at a site where no service exists.

Measured vehicle (V) and pedestrian (P) flows are used in the formula (PV^2) to calculate a value which is taken as empirical measure of potential conflict between pedestrians and vehicles and delays to pedestrians. The Guidance suggests that SCPs should be provided at sites where the PV^2 is above a certain value (and should not be provided where the PV^2 value is below a certain value).

Where the calculated PV^2 value for a site is close to the threshold the Guidance uses weightings related to site specific conditions to adjust the

coarse PV² score so as to produce a more refined result. This moves the score away from the threshold so as to produce a more definitive result in cases where it would otherwise not be clear whether an SCP should or should not be provided.

There are shortcomings to the Guidance:

- It was not designed as a mechanism for evaluating a service as a whole or prioritising within it. It has no specific recommendations around disestablishing sites and is not definitive when considering the impact of traffic control/calming measures (such as crossings) on the need for a SCP at a particular site.
- It implies that an SCP is not necessary where traffic signal controls are in place (ie where there is a pelican, toucan or puffin crossing or where the crossing point is a signal controlled junction with “green man” facilities) but is not specific on this issue.
- It is silent on the provision of SCPs at sites where there are zebra crossings although narrative within the guidance could be interpreted as saying that SCPs are unnecessary at zebra crossing sites.

In law there is little difference between the status of a light controlled (pelican or traffic signal) crossing and a zebra crossing. The flashing amber beacons at zebra crossings mean vehicles (motorists & cyclists) must get ready and then stop if a pedestrian is waiting to cross (or stop if a pedestrian is on the crossing). Pedestrians at pelican or signal controlled crossing have priority over vehicular traffic when the signals are red or flashing amber. However there is a general perception that light controlled crossings are safer than zebra crossings.

4.0 Proposals

This section of the report describes proposed changes to the service. The rationale for making changes is also described.

The proposals described in this section are different from an initial set of proposals that were developed earlier this year and the subject of consultation during May and June. The proposals described below have been revised significantly in response to the feedback received from that consultation exercise.

4.1 Proposals – rationale

The SCP service has continued to operate in the absence of a fundamental review to determine whether the service should continue to be provided and, if so, which sites should be given priority.

Across the country, local authorities are reviewing their SCP services. In the absence of comprehensive national guidance, other local authorities appear to have used an ad-hoc approach to determining the extent of their SCP service.

In recognition that the SCP service is a discretionary one, and in the face of reducing Central Government financial support, it is appropriate to review the service and to consider the introduction of a transparent and rational mechanism for prioritising continued provision.

4.2 **Proposals – adoption of a risk evaluation model**

Officers have developed a “risk evaluation model” which can be used to prioritise SCP sites according to the evaluated road safety risk at those sites.

In addition to being used to prioritise SCP sites, the model could also assist in prioritising where best to implement mitigation measures in the future. Using professional judgement, and with regard to the (limited) advice set out in the Guidance, officers have devised a scoring mechanism which takes into account both risk and mitigation at sites.

The model uses the LARSOA Guidance (the PV^2 formula with the site specific adjustments) to provide a measure of the risk (essentially based on activity) at sites.

The model then applies a measure of the extent of mitigation to the risk score. Key mitigating factors - whether there is a signal controlled crossing, a zebra crossing, traffic calming, a traffic island, within a 20mph zone or whether children are always accompanied at the site – are given percentage risk mitigating scores according to officers assessment of how far they mitigate against the risk. A site with a signal controlled crossing has a higher mitigating factor applied than a site with, for example, a simple traffic island. The model applies the “mitigation score” to a “risk score” for each site to provide a score of re-evaluated risk. By applying the measure of mitigation to the measure of risk the model provides an evaluation of how safe the site is. So if 2 sites are equally “busy” and one has no mitigation features whilst the other has a zebra crossing the former site would have a higher evaluated score (ie it would be considered riskier).

In essence there are 5 steps within the model:

1. Calculating the PV^2 score to evaluate the “base” risk
2. Adjusting the PV^2 score to take account of site factors
3. Calculating the mitigation level based on the type of school served and the existence of mitigating features and the type of road
4. Applying the mitigation score to the adjusted risk score to determine an evaluated risk score
5. Determining whether or not the evaluated risk score is above or below a defined threshold

Above the threshold, the re-evaluated risk is currently considered to be high enough to warrant the provision of a SCP. Below this threshold level, having given due weight to usage and site specific conditions, officers consider the risk to be adequately mitigated to an acceptable point, such that the provision of a SCP at the Council’s expense should not be a priority.

A model is recommended for adoption within which:

- (i) Sites at pelican or signalled controlled crossings on any road are considered adequately mitigated
- (ii) Sites at (infant only) schools where pupils are always accompanied by adults are considered adequately mitigated
- (iii) Sites at zebra crossings on classified A,B and C roads are not considered adequately mitigated
- (iv) Sites at zebra crossings on non-classified roads are considered adequately mitigated
- (v) Sites where there is traffic calming or traffic island or are within a 20mph zone would be considered as having a level of mitigation but lower than that provided by zebra or signalled controlled crossings
- (vi) The threshold for continued provision is set at 1×10^6

The model reflects the fact that classified roads are, by their nature, the roads that carry the majority of the Boroughs traffic, have a higher proportion of heavy goods, bus and emergency service vehicles and are more likely to have a higher proportion of vehicles travelling close to or above the speed limit in free flowing conditions than other roads.

This also reflects the general perception that motorist's level of compliance with the Highway Code in relation to zebra crossing is lower than in relation to signal controlled (pelican and traffic light) crossings.

The model has been run and the model output is provided at Appendix B.

4.3 **Proposals – how the risk evaluation model would be used.**

It is proposed to use the model to ensure that those “priority sites” above the threshold continue to be covered. As is the case currently, the service would not cover secondary schools.

Where the number of staff within the service is reduced through natural wastage, cover at those priority sites would continue through a re-assignment of staff from the pool of sites that are below the threshold and, by definition a lower priority. For practical operational reasons staff would be re-assigned away from lower priority sites on a geographical basis.

Where, through natural wastage, staff at lower priority sites (below the threshold) leave the service those sites would no longer be covered unless the costs of continued provision (or staff to provide the service) are provided by schools.

At the current time there are lower priority 2 sites which are being covered by temporary workers until such time as decisions on the proposals described in this report have been made. If the proposals described within this report are agreed that provision would cease from the start of the 2012 summer term (ie after Easter 2012) unless alternative arrangements are agreed with the affected schools.

Appendix C shows the priority sites and the lower priority sites.

Recognising that the Council will continue to implement measures (such as traffic calming or new or improved crossing facilities) in the vicinity of SCP sites, all sites will be reviewed annually and scores adjusted. Depending on the type of measure(s) introduced, this may mean that priority sites are re-classified as lower priority sites which would no longer be covered (if the staff member left the service or there was a need to re-assign that staff member to a priority site).

Additionally, surveys to measure activity (and hence the PV² scores) would be undertaken on a 2 year cycle and used to re-run the model. This would ensure that where there is major change (such as an enlarged or new school) an assessment of whether the site should be a priority one would take place.

4.4 Proposals – alternative arrangements open to schools

It is recognised that individual schools value their SCP service and that schools with lower priority sites where cover might cease through application of the model might wish to make arrangements such that the service could continue.

Bearing in mind that the Schools Finance Regulations preclude schools from funding SCPs from the Schools Budget, any school wishing to make arrangements to continue to have a SCP (in the event of the Council ceasing to provide one at a particular site) would need to ensure that arrangements are made to finance the service using funding sources (external income etc) other than the Schools Budget.

Officers have identified 3 options open to those schools:

- (i) To “buy back” the service from the Council. In this scenario, a SCPO would be provided within any continuing service for that particular school at a cost of £6000 per year (at 2012/13 prices). A Service Level Agreement would need to be entered between to school and the Council covering issues such as service length, notice period, cover arrangements etc. The Council would supply the service in entirety (staff, supervision, equipment, training etc). The Council would effectively be trading with the school and would have financial, managerial and operational responsibility for that element of the service (though the school would bear associated redundancy costs should they withdraw from the service)
- (ii) For the school to employ someone or identify volunteers who would be risk assessed, trained etc by the Council at the schools expense but at relatively low cost (£500 per SCP). The School would have financial and operational responsibility for the service. Arrangements would need to be made to ensure that SCP powers (to stop traffic) can be and are properly delegated to the individuals concerned,

- (iii) For individual schools to make their own arrangements to deploy individuals to encourage children (and their carers) to cross safely in the vicinity of the school. In those circumstances the Council would not be able to delegate authority to stop traffic to those concerned and consequently there would be potential liability issues for the schools to consider. Individual schools would have to make arrangements for risk assessment, training etc.

Subject to the Committee's agreement to the recommendations set out within this report officers would (i) immediately undertake a programme of engagement with schools which would ensure that they are aware of the alternative arrangements open to them should provision at their site cease and (ii) engage with any school as soon as possible after it has been identified that provision would cease (through implementation of the proposals) to explore the opportunities to continue provision through the "buy back" and other arrangements described above.

4.5 Proposals – other mitigation initiatives

It is also recognised that where a SCP has been provided at a site for many years children and parents/carers and motorists would have become used to the presence of a SCPO.

Regardless of the timing, when it is proposed, through implementation of the proposals described, to cease providing a SCP at any site a number of measures would be taken to ensure that children, parents/carers and motorists would be aware of the changes and their impact would be reduced.

Those actions would comprise:

- Reviewing, and adjusting/refreshing if necessary signage and road markings in the vicinity of the site,
- Visiting the schools affected by the changes to offer additional road safety education training, prioritising materials and training for children identified as particularly at risk of road accidents (specifically boys and children from Afro-Caribbean communities)
- Ensuring additional enforcement of "school keep clear" and yellow lines around the affected site.

4.6 Proposals – mitigation through the prioritisation of physical mitigation measures

In recent years the Council has implemented physical measures outside many schools to improve road safety. Measures have included new crossings (zebra or pelicans), traffic calming measures (speed humps etc), road narrowing's, kerb build outs, speed awareness signage and additional parking controls.

In the main the proposals have been funded by Transport for London (TfL) through the annual (LIP) programme and the type of measure to be introduced has been informed by the individual school's Travel Plan. Typically measures have been introduced at around 3-5 schools each year.

It is proposed to prioritise future submissions to TfL such that this work continues with priority being given to undertaking works, where practicable, at those SCP sites described (ie above the threshold) as priority sites. Over time this would see the number of lower priority sites increase and, subject to natural wastage, the number of SCP officers reduce.

4.7 Proposal – consultation with schools

The consultation exercise described later in this report has demonstrated that a number of schools are ambivalent about the value of the SCP service and that most schools do not believe that they should contribute to funding the service.

Additionally, although schools do support the provision of road safety education that provision is, to a degree, patchy.

The opportunity exists to improve the take up of road safety education and engage with schools on the subject of contributing to the cost of the service.

It is proposed that the Director of Environment & Neighbourhood Services and Children & Families undertake a detailed consultation exercise with schools to ensure they are aware of the proposals described, encourage them to contribute voluntarily to the costs of the service and improve the take up of road safety training in schools. The consultation would include engagement with school governing bodies.

5.0 Consultation

5.1 Consultation arrangements

Consultation on proposed changes to the service took place in May/June this year.

The proposals outlined in 4.2 above have been developed following an analysis of feedback from consultation on a set of original proposals that:

- (i) Proposed the adoption of a risk evaluation model that followed the same principles as that now proposed but evaluated the level of mitigation differently and proposed a different threshold,
- (ii) Proposed cessation of provision at all sites below the threshold (unless schools agreed buy-back arrangements) from September 2011,
- (iii) Proposed arrangements for mitigation and alternative (buy-back) arrangements with schools identical to those within the current proposals.

If implemented those (original) proposals would have seen the number of SCP sites reduced (unless alternative arrangements were to be agreed with schools) from 47 sites to 17 from September 2011.

Appendix D identifies which sites would have continued and where provision would have ceased had this set of proposals been implemented.

There were 3 strands to the consultation:

- (i) Consultation with staff
- (ii) Consultation with schools
- (iii) Open (public) consultation

The 3 strands of consultation took place more or less simultaneously. The consultations were timed to end on a date which would afford adequate opportunity for responses as well as opportunity for this report to be drafted and presented to Committee such that, if the Committee were minded to approve changes, those changes could be implemented by the start of the 2011/12 school year.

The Consultation report at Appendix E provides details of the consultation arrangements for each strand and provides details of the responses received.

The Director of Children and Families has been actively involved in both promoting the consultation to schools and in considering the outcomes of the consultation. She has specifically commented on issues that directly relate to schools and their pupil populations.

5.2 Analysis and discussion of consultation responses.

The consultation report at Appendix E sets out the responses received to the consultation in summary and in detail. It also describes the proposals (and the model) that were the consulted on. The number and nature of the responses received is such that it is not practicable to discuss and analyse each response.

- 5.3 Nine recurring themes can be identified within the responses. These themes are set out and discussed in turn below. In considering this narrative the Committee will need to be mindful that the responses were made to a set of proposals, particularly the model, which differs from those that are now proposed (and are described at 4.2).

Recurring themes:

- The consultation was poorly timed and/or inadequate
- The proposals will reduce road safety, at all sites or specific sites (where a SCP would no longer be provided) and this would inevitably increase accidents and road casualties
- The proposed model fails to adequately take into account of issues such as traffic volumes and composition, traffic speeds, congestion, general “busy-ness”, driving standards and user behaviour at each site

- The proposed model fails to take account of issues associated with the school roll at each school such as the level of autistic, SEN or financially disadvantaged pupils
- The proposed model fails to take into accounts schools with expansion plans or split sites or with large catchment areas
- The proposals will be detrimental to the environment and the health of pupils (and the Council's wider environmental and transport objectives) since they will reduce the number of pupils walking or cycling to school and the continuation of "walking bus" initiatives
- The proposals are wholly cost (savings) driven
- The Council is responsible for road safety and should continue to provide the service in entirety
- The cost savings that would be generated are minimal (in relation to road safety risk) and cannot be justified.

5.3.1 ***Issue/theme: The consultation was poorly timed and/or inadequate***

The consultation took place as soon as practicable after the service had been reviewed.

There are no prescribed time periods for consultation (other than staff consultation) on service specific proposals of this nature. The 30 day period for consultation with staff is consistent with the Council's managing change policies and procedures and the relevant legislation.

Officers are of the view that the proposals would directly affect a well-defined group of service users (the nursery & primary school community), that the proposals were relatively simple and the outcomes clear. Consequently the 30 day period offered sufficient time for the proposals to reach the desired audience, to be understood and for any responses to be composed and presented.

The consultation was timed to take place such that responses could have been analysed and a decision made by the Executive (at their 17th July meeting) and communicated to schools before the end of the school summer term so that, where necessary, alternative arrangements could have been put in place before the start of the Autumn term. A longer period of consultation would have compromised that timetable.

It is accepted that the consultation period included the school half term holiday period when schools would have been closed. Nevertheless officers are of the view that this did not compromise schools ability to respond – recognising that they were given an early warning of the proposals, a reminder during the consultation period and opportunity to clarify queries through the convenors group at a mid-way stage.

Officers are of the view that the consultation arrangements were adequate and proportionate, as evidenced by the number of, and content within the, responses received and provide a sound base for the Committee to make any decisions.

5.3.2 *Issue/theme: The proposals will reduce road safety, at all sites or specific sites (where a SCP would no longer be provided) and this would inevitably increase accidents and road casualties*

The risk-evaluation model has been developed in a way that prioritises those sites where road safety risk (after mitigation) is greatest.

The proposals also contain measures (review of signage, the provision of additional road safety training and prioritisation of parking enforcement) to ensure that motorists and users would be aware of changes (at sites where the SCP would be withdrawn unless provided by the school) to further mitigate against risk.

Officers have not been able to find any significant research correlating the impact of SCPs on accidents or accident trends or evidence to support the proposition that removing SCP will increase accidents or casualties. In general road accidents are rare, random and multi-factor events and always preceded by a situation in which one or more road users have failed to cope with the road environment.

There is no evidence that the withdrawal of a SCP at a particular site or sites will inevitably increase accidents or casualties there – just as there is no evidence that accidents will not take place at sites where a service would continue to be provided.

The proposals are consistent with the LARSOA guidance. Officers are of the view that adoption of a risk evaluation model based approach which appropriately weights mitigating measures is a reasonable approach in relation to this discretionary service.

Nevertheless the implementation of a revised model (with a higher number of priority sites) will reduce the impact of the proposals. The programme of consultation with schools will promote improved awareness of the importance of road safety education with schools and the implementation of the proposals through natural wastage rather than as originally proposed will spread the impact over time and afford opportunity for adjustment.

5.3.3 *Issue/theme: The proposed model fails to adequately take into account of issues such as traffic volumes and composition, traffic speeds, congestion, general “busy-ness”, driving standards and user behaviour at each site*

It is recognised that every site is unique. It is not practicable to measure and weight every particular issue at every site.

The “risk” part of the model evaluates the level of activity at each site which is a well-accepted proxy indicator of risk modified using the LARSOA guidelines to take into account certain risk factors.

The “mitigation” part of the model evaluates the impact of certain key factors on the level of risk.

The development of the model has been informed by annual site assessments which indicate that speed and driver compliance are not significant issues at current sites during operational times.

A number of risk issues raised in the consultation are transitory (they might vary throughout the day, or by the day or even by time of year) and could not be measured practically or incorporated within a usable model. The impact of other issues such as congestion or general busy-ness is difficult to evaluate – there is a view that congestion lowers speeds and makes sites safer whilst the contrary view is that congestion increases accident risk.

It is the case that road users generally amend their behaviour in a response to the road conditions that prevail at the time so as to reduce the level of risk. Hence drivers and pedestrians would act differently so as to reduce risk to themselves and others in response to certain factors (such as congestion) in a way that could never be adequately incorporated into a model.

Officers are of the view that the model takes account of the principal risks and mitigating arrangements and its application would be a reasonable approach.

However officers are of the view that the model but could be improved by adjustments that differentiate between zebra and signal crossings on different categories of roads. This would provide an improved assessment of the level of mitigation the crossings provide at certain sites and has been accommodated within the amended model now recommended for adoption.

5.3.4 *Issue/theme: The proposed model fails to take account of issues associated with the school roll at each school such as the level of autistic, SEN or financially disadvantaged pupils*

Officers are of the view that variations in the school population such as the proportion of pupils with special needs are essentially transitory, can vary from year to year and it would not be appropriate to take account of such factors within the model.

The Director of Children and Families has specifically made the point that this element of the school population should not be a factor in the model.

This issue has been considered as part of the Equalities Analysis.

5.3.5 *Issue/theme: The proposed model fails to take into accounts schools with expansion plans or split sites or with large catchment areas*

The extent of a schools catchment area is considered irrelevant. Although the model does not take expansion plans into account risk is measured in the model in relation to activity and hence any school that expands significantly will have an increased risk as evaluated by the model. Similarly the impact of split sites is taken into account in the measure of (pedestrian) activity used in

the model. Where movement takes place between split sites during the day that would be outside of SCP operational times and an issue for schools to consider and mitigate.

The introduction of an annual review of the risk assessment of SCP sites, plus a biannual survey of foot and vehicle traffic, will also identify any significant changes including additional demand due to school expansion.

5.3.6 *Issue/theme: The proposals will be detrimental to the environment and the health of pupils (and the Council's wider environmental and transport objectives) since they will reduce the number of pupils walking or cycling to school and the continuation of "walking bus" initiatives.*

The assumption here is that the removal of a SCP will, because of a perceived additional road safety risk, result in a significant number of pupils travelling to school by car – with an associated impact on health of pupils and the environment.

Officers are of the view that this is unlikely to be a significant issue. There are a number of factors in addition to the perceived level of risk at the crossing site which influence a parent/carers decision on whether to take a pupil to school by car. These factors include distance, vehicle availability, cost, parent travel patterns, the whole "home to school" route and individual values.

Wider behavioural change messages, within and outside schools, about the benefits of walking and cycling to school will continue and, together with prioritised parking enforcement outside school entrances, will mitigate against the likelihood of a significant number of parents/carers driving their children to school as a result of implementation of the proposals.

Similarly there is no evidence that the proposals would compromise the continuation of existing walking bus arrangements. It may be the case that, if parents/carers perceive that the absence of a SCP increases risk they may be more inclined to support walking bus arrangements.

5.3.7 *Issue/theme: The proposals are wholly cost (savings) driven*

The original proposals would, if implemented, result in a cost saving. The proposals were developed as a response to (i) a fundamental review of the service that had not been undertaken (unlike most other services) before now, (ii) the recognition that conditions at many sites had changed and (iii) the recognition that the service was significantly larger than many services (in similar condition) across London.

Inevitably, at the current time any contribution to savings (particularly from discretionary services) is of value but identifying savings has not been the principle driver for the proposals.

In response to the consultation the proposals have been amended such that any changes will now be made in response to natural staff wastage. As

natural wastage cannot be predicted no specific cost savings have been identified.

It is erroneous to suggest that the original proposals were wholly cost driven but notwithstanding that point it is clear that the revised proposals are not based around cost savings.

5.3.8 *Issue/theme: The Council is responsible for road safety and should continue to provide the service in entirety*

There is no legislation requiring the Council to provide a SCP service. The provision of the service is discretionary and the Council has no duty to provide the service in whole or in part.

All sections of the community (motorists, schools, parents, carers etc) have a general obligation to contribute reasonably to road safety through their actions. Parents/carers have a general responsibility to ensure children in their care are safe and this extends to ensuring they are safe in journeys to and from school.

The Council has a general duty to maintain its highway network in a safe condition so far as is reasonably practicable but this does not extend to an ultimate responsibility for the behaviour and safety of all road users and does not extend to a specific responsibility for providing a SCP service.

The proposals have been amended to include the consultation programme with schools to improve understanding that responsibility for road safety does not stop with the Council and to improve the take of road safety education within schools.

5.3.9 *Issue/theme: The cost savings that would be generated are minimal (in relation to road safety risk) and cannot be justified.*

There is no evidence that the proposals, if implemented, will significantly adversely impact on road safety. Officers are satisfied that the approach represents a reasonable approach to provision of a discretionary service. The proposals have been amended so that they will be introduced by natural (staff) wastage rather than as originally proposed which will result in relatively small savings over a number of years. The financial implications of implementing the proposals are set out in this report. It is for the Committee to decide, based on the information provided, including the responses to the consultation whether the proposals, with associated savings, are justified – with reference to the Council's wider priorities and financial position.

6.0 Proposed way forward

Officers are recommending that the Executive approve the use of the risk evaluation model (as described in 4.2) to determine which priority sites should have continual cover and which lower priority sites would cease to be covered over time as a result of natural staff wastage.

The responses to the consultation demonstrated a general opposition to the proposals and support for the status quo. Key themes are considered above, and the consultation responses set out in detail at Appendix E,

Officers are of the view that the rationale for making changes and using a risk evaluation model to determine where provision should be made is sound but that it would be reasonable to adjust the way the level of mitigation in the model is assessed in response to concerns about traffic volumes, speed and the perceived level of mitigation provide by different types of controlled crossing.

Accordingly the model has been amended and it is proposed that the model described at 4.2 is adopted.

Officers are also of the view that it is not reasonable to maintain the status quo in recognition of improvements to the environment around schools and road safety levels generally in recent years but that it is reasonable, recognising the feedback to the consultation, to introduce the changes through natural wastage rather than as originally proposed.

This means that provision will continue at the 27 priority sites until such time as they fall below the threshold and become (through the introduction of mitigating measures) lower priority sites and affected by staff natural wastage.

It also means that provision will continue at the 20 lower priority sites until such time as staff leave those sites through staff natural wastage or by re-assignment to priority sites following staff natural wastage there.

Arrangements would be put in place to allow continued provision at any site (where provision would otherwise cease) through “buy-back” or other arrangements with schools should the schools be minded to take that course of action.

Additionally separate arrangements will be made to provide targeted road safety education, additional parking enforcement and review, and refresh where necessary, road markings and signs in the vicinity of schools where provision would cease (unless alternative arrangements are agreed).

7.0 Financial Implications

The Schools Finance (England) Regulations 2008 specifically prescribe that the SCP service cannot be funded through the Schools Budget. However schools are free to use non-schools budget funds to procure these services or alternatively to provide such services using voluntary means (such as parents).

Schools in Brent have collective reserves as at 31st March 2011 of £13.6m

The approval of the recommendations set out in this report would see any reductions in the SCP service come about through natural staff wastage only. Since it is not possible to identify when staff might leave the Council’s service

through retirement and/or resignation, it is difficult to predict the timing or extent of any savings.

However, it would be reasonable to assume that up to 3 members of the SCP service may leave through natural wastage each year. Accordingly it is envisaged that savings of around £18,000 per year could be anticipated from 2012/13 onwards until such time as the service is reduced to the minimum acceptable level.

The cost of changing some of the existing high priority sites into lower priority ones by the introduction of Zebra crossings or traffic calming mechanisms would be covered by funding provided from TfL's Local Implementation Plan (LIP).

Costs of consultation incurred to date have been met from within existing budgets. The cost of the programme of further consultation with schools and any mitigating measures to be undertaken in the event that cover is no longer provided at a number of schools are not budgeted for but would need to be met from within existing departmental resources.

The current cost of the SCP service is £345,000 pa. There were no assumptions in the 2011/12 budget of any savings as a result of reducing this service but savings have been factored in from April 2012. Should reductions in this service not be approved, alternative savings of equivalent or greater value will need to be made from April 2012.

8.0 Legal Implications

There are two specific legal matters which members need to be apprised of when making the decision regarding the future of the SCP service. These are in addition to general public law principles relating to decision making.

The first of those specific legal matters is the Council's role in relation to the SCP service. The Road Traffic Regulation Act 2004 provides that the Council *may* make arrangements to appoint people for the patrolling of places where children cross roads on their way to or from school, at such times as the Council thinks fit. There is no statutory requirement placed upon a local authority to provide school crossing patrols. There is no "duty". There is however a power, that is, a discretion, to do so. In the exercise of those powers the Council must act reasonably, taking into account all relevant considerations and complying with other administrative law requirements.

There is no criteria set in law which must be applied by a Council in deciding SCP arrangements. There are national guidelines, but they are only guidelines and not binding. There is not a statutory duty to provide the service in a particular way. The Council is entitled to determine its own set of criteria to decide whether and if so where SCP provision should be made, provided those criteria are reasonable and fit for purpose. It is also entitled to review and alter the criteria for that service.

The Council has historically chosen to decide the allocation of SCPs by application of the School Crossing Patrol Service Guidelines 2008 published by Local Authority Road Safety Association. Officers have now reviewed the

criteria to be applied going forward. The proposed revised criteria are objectively relevant and reasonable for the purpose of assessing a need for a SCP.

In addition to the application of the revised risk criteria, consideration will also need to be given to whether exceptional circumstances at individual sites exist such that there should be a departure from application of the criteria.

In reaching a decision as to how and when the revised criteria should be applied Members must also take into account the outcome of the consultation exercise and comply with the public sector equality duty.

With regards the alternative arrangements available the Council is permitted under the Local Authorities Goods & Services Act 1970 to enter into arrangements with schools to provide such services and to charge for such services, or where there is a community school to cost recover.

The second specific duty is in relation to the Equality Act 2010.

'Meeting the general equality duty requires 'a deliberate approach and a conscious state of mind'. R (Brown) v Secretary of State for Work & Pensions [2008] EWHC 3158 (Admin).

Members must know and understand the legal duties in relation to the public sector equality duty and consciously apply the law to the facts when considering and reaching decisions where equality issues arise.

The Equality Act 2010 introduces a new public sector equality duty which came into force on 6th April 2011. The duty placed upon the council is similar to that provided in earlier discrimination legislation but those persons in relation to whom the duty applies have been extended.

The new public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

A 'protected characteristic' is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;(including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and

gender.

Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.

The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.

Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.

Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.

In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty. The advice set out to members in this report is consistent with the previous Codes and published guidance.

The equality duty arises where the Council is deciding how to exercise its discretion under the Road Traffic Regulation Act 2004 in relation to the provision of a SCP service.

The Council's duty under Section 149 of the Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions on the provision of SCPs. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision.

There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups, and by gathering details and statistics on who use the service and how the service is used. The potential equality impact of the proposed changes to the SCP service has been assessed, and that assessment is found at Appendix F and a summary of the position is set out in 9.0. A careful consideration of this assessment is one of the key ways in which members can show "due regard" to the relevant matters.

Although certain parts of the information on equalities issues relating to the SCP service was gathered before the new duty came into force the information is considered sufficient to enable compliance with the new duty.

Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect (mitigation). The steps proposed to be taken are set out in 4 of the report and considered in Appendix F.

Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which includes the discretion to provide a SCP service). “Due regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. There must be a proper regard for the goals set out in s.149. At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important, and are brought together in the report. The weight of these countervailing factors in the decision making process is a matter for members in the first instance

9.0 Diversity Implications

The proposals described in this report have been closely examined for their impact on service users. The full EIA and its supporting Annexes are at Appendix F.

The EIA considers the “worst case” scenario in which there would be no SCP’s at any of the 20 lower priority sites as evaluated through the use of the risk evaluation model. This is a worst case in that (i) it assumes that no alternative provision is made at any of those sites through “buy back” or other arrangements with schools and (ii) the proposals are to be implemented through natural staff wastage and are therefore unlikely to be implemented in entirety for a number of years, but the EIA considers the full impact of those potential staff changes.

Detailed demographic information was used to inform the analyses in this report, and is described within the EIA.

The EIA draws from a wide range of sources, including:

- the boroughs demographic information including studies of indices of deprivation
- road accident casualty data
- other surveys and strategies, for example the Council’s work to reduce transport related accidents which has successfully reduced injuries through targeted work with young people from BME communities.
- Information on school rolls
- The responses to the consultation

The primary reason for providing a SCP service is to maintain or improve road safety outside schools. The analysis therefore primarily focussed on the potential adverse impact (potential reduction of road safety) on those groups with protected characteristics.

Mitigation of the possible effect of the cessation of provision of SCPs at certain location was an integral part of the original (and revised proposals). The mitigation proposed has been considered for these potential adverse impacts within the Analysis.

The EIA shows that the identified adverse impacts are mitigated by proposed actions, in particular through targeted activities to be undertaken at locations impacted by proposed changes in advance or at the start of the introduction of the proposed changes.

Officers therefore consider that the potential adverse impact on a small group of users which is not completely mitigated by other steps is justified by the need to review and adjust the service and the tight financial restrictions on the Council.

10.0 Staffing Implications

The implementation of the proposals described in this report will result in the cessation of provision at lower priority SCP sites as staff leave the service through natural wastage. The implementation of the proposals would, over time, also see staff re-located from lower priority sites to priority sites in response to staff leaving those sites through natural wastage.

SCP staffs are contractually required to work at any site as directed although, in general, people remain at a particular site throughout their careers to accommodate where they live and their lifestyles.

The report sets out the arrangements that have been made to consult with staff. Further consultation will be required, particularly around re-locating staff, if the proposals are approved. The proposals will be implemented in accordance with the Council's managing change policies and procedures

11.0 Other Implications

There are no significant implications other than those discussed within this report.

Background documents

None

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List of Appendices

- Appendix “A” – List of current SCP sites
- Appendix “B” – Risk evaluation output
- Appendix “C” – List of priority and lower priority sites (through applying the model)
- Appendix “D” – Changes to provision proposed within the May/June 2011 consultation.
- Appendix “E” – Consultation report
- Appendix “F” – Equalities Analysis

	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Adult Social Services</p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p>A review of Fairer Contributions Policy for Adult Social Services</p>	

1.0 Summary

- 1.1 Local authorities have discretionary powers to charge adult recipients of non-residential services. The decision as to whether or not to charge and how to charge are matters for local choice subject to public law principles and must comply with the Department of Health's 'Fairer Charging' guidance, issued in 2003.
- 1.2 In 2009 the Department of Health published a consultation paper on proposed procedures for Councils in England to use when determining what contribution, if any, a person receiving a personal budget should make towards it. Following the consultation, a new Fairer Contributions Guidance was published. This complements the 'Fairer Charging' Guidance. All Councils offering personal budgets are expected to implement the new guidance.
- 1.3 Following consultation with service users, this report recommends that Members agree to adopt a revised policy, namely the Brent Council's Fairer Contributions Policy [the 'policy'] which will ensure that practice in Brent is in line with Department of Health's Guidance.

2.0 Recommendations

- 2.1 To agree to adopt the Fairer Contributions Policy (attached at **Appendix A**). The main changes that will be introduced with the adoption of this policy are outlined in paragraph 5.1 below).
- 2.2 To agree that the new policy should begin to be implemented from 1st October 2011.

3.0 Detail

3.1 Background

In order to achieve greater consistency in the charging policies of local authorities, the Department of Health published "Fairer Charging for Home Care and other non-residential Social Services" - Guidance in September 2003. This required that, where Council choose to charge for non-residential care services, they did so subject to certain minimum levels. Local Authorities are specifically prohibited from charging for services provided under section 117 Mental Health Act 1983 or for charging for any services provided to those suffering from Creutzfeldt Jacob Disease. Furthermore charges cannot be applied for the provision of certain social care functions (such as the carrying out of assessments) and any charges which are applied must be subject to a means test to ensure that service users are afforded a minimum income.

3.2 In Brent, the last major review of charges for non-residential services was implemented in 2006. Increases in charges since then have been related to the rate of inflation and increases in state benefits.

3.3 The Audit Commission in its guidance on good practice in the design of charging policies expects authorities to consider how the use of public subsidy can be targeted to promote Council's broader social inclusion objectives.

3.4 In order to promote greater consistency and to reflect the move towards 'personalisation' of adult social care this report and the policy refers to 'contributions' rather than to charging for non-residential adult social care services.

3.5 Under the current scheme, income from the contributions of service users constitutes about 3.5% of the funding available for non-residential care services locally, the remaining 96.5% of care costs are being met from government grant and Council Tax. Service users' contribution to non-residential care costs, in 2010/11, was £2.5m. All contributions are subject to a means test (as set out within the policy) and as a result in 2010/11 26% of service users did not contribute to their care costs due to their low income), 4% contributed below £10 per week, 29% contributed between £10 and £49, 34% contributed between £50 and £99.99, 5% contributed between £100 and £199.99 and 2% at £200 or above per week. Only 19% paid the full cost of their care with 81% of service users receiving a subsidy towards the cost of their care. It should be noted that previously the overall service users contribution is dependent on both their income profile and the type of service delivered to them. The proposed changes aim to ensure that inequalities within the previous scheme are addressed and the significant contribution from public funds is directed at those most in need.

3.6 Guiding Principles - there are 5 principles that support the proposed policy, namely to make sure that the Council:

- a. Recovers contributions from service users for non-residential services based on the service user's ability to

pay. It is intended that no one would be put in a position of financial hardship as a result of this charging policy as a maximum contribution will be set at either the full cost of the services provided or at a level that affords the service user a basic living allowance whichever is the lowest.

- b. has a clear and transparent contributions policy which is easy to understand and is consistently applied to all service users, taking into account their individual circumstance and needs.
- c. provides an early notification to service users of their contribution to non-residential care costs.
- d. ensures that service users have an opportunity to maximise welfare benefits thus maximising their ability to contribute to their non-residential care costs.
- e. ensures administrative efficiency and convenience for service users (including netting of service user contributions at the point of resource allocation for personal budget).

3.7 It is intended for this policy to assist with delivering the Council's vision to promote Service Users' independence, choice and control over the support they may receive from the Council as set out in Customer Journey. The transformation of the Customer Journey is aimed at improving the prevention work through information, advice and signposting; improving the ability of people who need immediate support to remain independent for longer in their own homes; to improve the safeguarding of adults who might be at risk or are being abused so that they can remain as independent as possible and risk free; and focus the resources for people who require long term support on those with the most complex needs, through a Personal Budget and a Personal Support Plan. One key plank of the Customer Journey project is to provide a focus on re-ablement, which assists service users to regain or maintain their independence thus minimising their long-term dependence on social care services. Re-ablement service is provided free of charge for a six week period. The implementation of this policy will ensure the success of the implementation of the Customer Journey and the development of appropriate processes and practices for implementing Self Directed Support (SDS).

4.0 The rationale for reviewing the current policy

4.1 The Council's current charging practice focuses on service users who receive home care. Current home care charges are based on the 'notional' cost rather than the 'actual' cost. Different notional rates are applied to home care in the community and to extra care sheltered housing. Home care provided in the community is charged at a 'notional' hourly rate of £17.48 whilst home care provided in Extra Care housing is currently charged at a 'notional' rate of £5.99 per day. This creates possible disincentives for service users to remain at home which is discouraged in the 2003 guidance. In some instances the 'notional cost' to service users may exceed the actual cost of providing this service to the council which is contrary to the 2003 Guidance. Brent Council does not charge service users for Day Centre provision at the present time.

- 4.2 Current practice is considered to be out of line with best practice and not 'fit for purpose'. It is based on a mixture of 'notional' costs, 'standard' rate charges which are not based on a person's ability to contribute, and some service users who receive equivalent services are not charged at all. Current practice would appear to be unfair. It is also not in line with the Personalisation agenda, in that, it applies charges only for some traditional services (e.g. Homecare) but not all, so does not afford the service user genuine flexibility and choice in how they seek to achieve the outcomes they have identified and which form the basis of the calculation for their personal budget to meet their social care needs.
- 4.3 The Council must implement the recommendations outlined within the Department of Health's published guidance for a Fairer Contributions policy as soon as possible.

5.0 Proposed Changes

- 5.1 The following changes are proposed to the current charging policy:

- a) Chargeable services** - it is proposed that service users are required, subject to the financial assessment, to contribute to all non-residential services that could form part of a Personal Budget.
- b) Extra care** – it is proposed that all contributions to home care provided in an extra care setting is calculated at the actual cost of the service in line with all other home care.
- c) Day Care** – it is proposed that people who attend Day Services should contribute towards these for the first time based on actual cost, depending on their ability to pay,.
- d) Cost of care** – rather than charges on the basis of 'notional' costs, it is proposed that any contribution is based on the actual costs of the services provided as agreed with the service user and set out in their support plan.
- e)** In recognition that some existing service users may be adversely affected by the proposed changes, it is proposed that increases in contributions for these service users be introduced on a tapering basis over a 12 month period.

Full implementation of the policy will ensure that no individual service user will suffer excessive financial hardship because the maximum amount that can be contributed is set by the 2003 guidance and enables services users to retain an income 25% above income support levels [the 'basic living allowance']. The further measure of tapering of the implementation will also ensure that any increase is manageable by the service user.
- f) Reablement** – The current practice of not requiring any contribution towards the cost of a reablement package (which can run for up to six weeks) is proposed to continue. Reablement services include service provision to people who are returning home after a hospital admission, as such, may constitute a 'Qualifying Service' which are exempt from

charging in accordance with the Community Care (Delayed Discharges etc) Act (England) Regulations 2003 and LAC (2003)¹⁴. In addition, it is important to note that over the course of the six weeks the level of care often changes on a weekly basis and therefore the cost of undertaking financial reassessments outweighs the income that might be collected.

g) The implementation of this policy will be done by reassessing each service user. Each service user will be offered a face to face appointment under the new policy. It is anticipated that these reviews will be conducted between 1 October 2011 and 1 December 2011.

5.2 A summary of what the changes will mean to service users is provided as **Appendix B**.

6.0 Consultation

6.1 Consultation on the proposed changes to the contribution policy ran from 11 April to 4 July 2011. The purpose of the consultation was to seek views on changes to the charging policy, seek alternative options, how best to inform people of the changes and what transitional support ought to be put in place to help people whose contributions have increased.

6.2 A number of consultation activities took place. There were five consultation meetings on 6th & 23rd May and 3rd, 24th & 27th June at Partidar House. The meetings on 3rd & 27th June were specifically for people with learning difficulties. In addition the proposals we discussed within relevant forums such as the LINK and the Pensions Forum to ensure that relevant groups were aware of the consultation and how to respond. People who were unable to attend any of the consultation meetings were given the opportunity to give their views in different ways by completing a short questionnaire, send their views via email or completing an online survey. Information on the proposed changes, timetable and decision making process by the Council's Executive was given at each meeting. 95 people attended the meeting on 6th May, 35 people on 23rd May, 46 people on 3rd June, 15 people on 24th June and 20 people on 27th June. Translator and British Sign Language expertise were provided at the meetings. The question and answer session at each meeting provided opportunity for people to explore issues of concern to them including questions about implementation date if changes are agreed, monitoring and service standards, and what the changes will mean to people who use the services. The result of this consultation was published on the 30 August 2011 on the Council's website at www.brent.gov.uk/consultation. For people who may not be able to access the website, provision will be made for alternative means of communicating the result of the consultation to them.

6.3 The total number of responses to the survey was 162. An analysis of the survey is attached as **Appendix C**. The headlines are:

a) Respondents are split between disagreeing (40%) and having no view either way (39%) on the question – 'Brent Council should charge for all non-residential social services that could form a part of a

personal budget, instead of just charging for home care services'. 21% of respondents agree that service users should contribute towards all non-residential services.

b) Respondents are fairly evenly split between agreeing (30%) and disagreeing (31%) on the questions 'Brent Council should use the actual cost of providing non residential services to work out how much a service user should pay instead of the average cost' **and** 'Brent Council should put in place a transitional arrangement of equal monthly increments over a 12 month period' (agreeing – 33%, disagreeing – 32%). In both cases slightly larger proportions (39% and 35% respectively) don't have a view either way.

- 6.4 Some open text comments from respondent support the guiding principles as outlined in paragraph 3.6 above, in terms of 'fairness' and 'contributions policy based on ability to pay'. The principle of fairness was further tested in relation to people who have worked most of their lives, contributed into the state and saved their money who now have to further contribute to their care cost when other people who haven't made the effort are getting their care free for a lack of means. Other comments draw upon the current national economic climate and rising cost of living and how care should be taken to avoid financial hardship for vulnerable people. It was also suggested that social care should be free like it is in Scotland or should be seen as an extension of a NHS service and should be free at the point of delivery. Some respondent have used the opportunity to raise unrelated problems with the state, health & social care system and the Council. Useful suggestions were also received in relation to how best to communicate with service users.

7.0 Financial Implications

- 7.1 The proposed changes are expected to have a neutral financial effect on the Council as there will be an increase in contributions for some service users and a decrease for others. In particular there will be an adverse financial impact on service users who use Day Care and those in Extra Care Housing accommodation. Currently Day Care is not a chargeable service, and Extra Care Housing clients pay a fixed amount per day for home care services received. Under the new policy all services users will be expected to contribute to the cost of these services just like any other Community Care Services, and the amount payable will be determined by the service user's ability to pay. Importantly however the implementation of this policy will ensure more effective collection of the service user's contribution as their personal budget will be provided net of their contribution. Currently services are usually commissioned by the Council. The council is then responsible for recovery of the contribution for these from the service user and including, in some cases, having to incur legal costs to pursue individual service users for large debts.
- 7.2 For existing service users who may be adversely affected (those who may have their contributions increased) by the proposed changes, it is proposed that increases in contributions for these service users be tapered over 12 months. The financial impact of this transitional arrangement is expected to be self balancing.

7.3 Contributions to non-residential care costs are subject to the income profile of service users and may therefore fluctuate over time as a result of changes in national and personal financial and economic situations. The policy will therefore be subject to an annual review and update.

7.4 Service users' contribution to non-residential care costs, in 2010/11, was £2.5m. Under the current charging scheme, income from service users contributions constitutes about 3.5% of the funding available for non-residential care services locally, the remaining 96.5% of care costs are being met from government grant and Council Tax. Clearly this proportion will not change under the new proposals.

8.0 Legal Implications

8.1 Under s.17 of the Health and Social Services and Social Security Adjudications Act 1983 [HASSASSAA] a local authority has a power to charge for non-residential services provided under s29 NAA, s45(1) NHA, s8 Residential Homes Act 1980 and s2 Carer and Disabled Children Act 2000 where the charge is reasonable and the service user has means to pay. Any charges must comply with Section 47(4) of the Community Care Assessment Directions 2004 which requires that *"the local authority must consult the would be service user ... take all reasonable steps to reach agreement with the person and, ... on the Community Care Services ...and must provide information ...about the amount of the payment (if any) which the person will be liable to make in respect of the Community Care Services which they are considering providing to him."*

8.2 The 'Fairer Charging Policies for Home Care and Other Non-residential Social Services' Guidance issued by the Department of Health in 2003 allowed local authorities discretion as to the design of their charging policies but did stress that an authority should have regard to the effect of any charge on a user's net income, which should not be reduced below the level of Income Support plus 25%. Further Guidance was issued in 2009 and 2010 in respect of Fairer Contributions and the new policy takes this guidance into account.

8.3 The Contributions policy if implemented would accord with the obligations as set out above and promote greater equality of service for those in receipt of non-residential services.

9.0 Diversity Implications

9.1 The proposed changes to the Fairer Charging Policy will promote Service Users' independence, choice and control over the support they may receive from the Council. The resulting service users' contribution, using the new policy, will also take into account service users' means and ability to contribute to their care costs and promote social inclusion for all. The new policy will be applied consistently across all recipients of non-residential care services. Whilst it is not believed that it will have any adverse impact it is likely that the implementation of the policy will impact on those within the protected

characteristics of age and disability. A full Equality Impact Assessment is attached to this report as **Appendix D** and your attention is drawn to this.

10.0 Staffing/Accommodation Implications (if appropriate)

- 10.1 There will be no staffing or accommodation implications resulting from this report.

Background Papers

- 1) Department of Health's Fairer Charging for Home Care and other non-residential Social Services Guidance - September 2003
- 2) Department of Health's Fairer Contributions Guidance - July 2009
- 3) Fairer Charging consultation survey
- 4) Brent Council Fairer Charging Policy

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Executive
19 September 2011

**Report from the Director of
Adult Social Services**

Wards affected:
ALL

Outcomes of the consultation into the closure of Knowles House Site.

1.0 Summary

- 1.1 The 'Knowles House Site' has two Council-owned care facilities situated on it - the Knowles House residential home and the Westbrook Community Day Centre. The property also incorporates a separate single storey annexed section on the ground floor, known as Anansi Nursery.

As the facilities did not meet the CQC current quality standards and the cost of mitigating against these factors was unacceptably high, a consultation on the possible closure of Knowles House was instigated.

- 1.2 A consultation period ran from 18th April to the 9th July 2011, details of which were published on the Brent council website. The consultation was undertaken in three waves and 11 consultation meetings were held at Knowles House. These consisted of separate meetings with staff, key stakeholders, permanent residents and their families, temporary residents and their families, individual meetings with residents and their families. All meetings apart from those with staff, were supported by an independent advocate and minuted by a palentypist, and were held both in the afternoon and evening, to allow maximum participation. Staff meetings also included representation from the major unions. Similarly meetings have also been held with Westbrook day centre clients and families.

Contributions to the consultation could also be emailed or sent by letter to the Communications team at the council.

2.0 Recommendations

Meeting
Date

Version no. 2
Date

- 2.1 The closure of the Knowles house site, and the re-provision of care for both Knowles House Residents and Westbrook Day service attendees to be undertaken by agreed and appropriate approved independent and voluntary sector providers, as near to family and friends as is possible.

3.0 Detail

- 3.1 The 'Knowles House Site' has two Council-owned care facilities situated on it - the Knowles House residential home and the Westbrook Community Day Centre. The property also incorporates a separate single storey annexed section on the ground floor, known as Anansi Nursery. The nursery is an integrated children's facility for both disabled and non-disabled children but has been unused since 2007.
- 3.2 The site is a three storey building constructed in the 1970's and the complex includes gardens and car parking spaces. The third floor is unused as it does not comply with registration standards and there is no lift to the third floor. The other two floors have a disabled shower room with WC and the ground floor has a lounge/dining area, activity room, kitchen, a large dining room and staff office.
- 3.3 The residential home has been a Council run service since it was constructed in the late 1970's. The third floor is completely dilapidated and no longer used as part of the main care home. Knowles House does not meet current CQC standards and is unsuitable for many older people in the borough. It is not able to meet the needs of people who have significant mobility difficulties, and the overall design of the building means that it requires a higher staffing ratio than would otherwise be required to ensure the safety and supervision of the residents.
- 3.4 Knowles House residential home stopped taking permanent residents on the 15/12/2009. Since then it has been used for temporary admissions, respite, step down admissions from hospitals and/or Accident and Emergency, and for emergency admissions from the community. It has a total of 39 units available and currently the utilisation of the facility is low (an average of approximately 18 units at the end of August 2011). The low utilisation of the facility is partly because there have been no permanent admissions since 2009, and the temporary admissions are for relatively short periods of time. Currently there are 12 permanent and 6 temporary residents.
- 3.5 The respite facility is an important part of the preventative agenda, enabling carers, many of whom are older people themselves, to continue to provide care at home. The provision of emergency placements is also an important resource that is utilised by social workers from the community.
- 3.6 The Westbrook Community Day Centre is the only council operated day centre for older people with dementia in the borough. Capacity is for up to 15 clients per day, with average usage being 7-10. Although it is the only Council operated service, the voluntary sector actively provide dementia specific day care services across Brent, which are well established and integrated within local communities.

3.7 The day centre is linked to a ring fenced fund for commissioning Older People Services (left to the Council through a bequest from a former user of the Council services). There is no covenant of restriction on being able to close or amend Knowles House as a part of this ring fenced fund.

3.8 In 2004 an options appraisal was commissioned by Corporate Services to determine the future use of Knowles House. The appraisal concluded that the preferred option was to extend the centre to be suitable for extra care housing units, excluding the day centre and reduce communal facilities at a cost of approximately £2.7m.

Implementation of this option was dependent on receiving HCA grant funding. However, HCA funding has subsequently become significantly more difficult to obtain, resulting in delays to the programme initiation. This programme has never begun.

3.9 Knowles House has a 2011/12 operating cost budget of £817k per annum. However, Knowles House has reported a regular overspend (Operating cost outturn of £335K overspend in 2010/11, against an operating cost budget of £1,030K), year on year, due to ever increasing maintenance and heating costs. The current cost per bed utilised is approximately £1312 per week (based on the average utilisation rate of 20 clients as at end of August 2011). This is largely due to the high staffing requirements for the building and the fact that we cannot place people with higher level physical needs in this facility. The usual rate for residential dementia care in the independent sector is £529 per week

3.1.0 Re-provision of the clients using Westbrook Day Centre is already part of the 'Direct Services' project and a core part of the strategy for personalisation. This strategy is seeking to move day care services away from Council run facilities and to other mechanisms (for example, access to community facilities). The voluntary sector are already providing high quality specific dementia day care services within the Borough.

3.1.1 The Council currently has 1003 beds across 28 homes for older people of which 244 are available for suitable usage for residential dementia clients (however, it should be noted that these beds can be used for other residential clients also). Beyond the 244 dementia specific beds, there are further residential beds that can be used for dementia cases through application of variations to existing capacity.

3.1.2 It is possible to re-provide the beds at Knowles House through other providers. Although some commissioning input will be required in order to enable the successful re-provision of existing clients (both permanent and emergency respite), there is adequate capacity across these, Extra Care Homes and other residential facilities to re-provide the required care.

4.0 Consultation Outcomes

- 4.1 Most residents and their families do not want Knowles House to close, but they recognise that it is not just about the fabric of the building, but lack of quality facilities within it, and that it will never come up to the standards currently required by the Care Quality Commission (CQC).
- 4.2 Most residents and their families have expressed a strong preference to have a service which is consistent with the current care provision, and were particularly complimentary about the care provided by the current staff.
- 4.3 Regular respite clients and families wanted to be able to access services in a similar way, and not have to go through a complicated system
- 4.4 There was a clear wish expressed that if residents were to move to alternative homes, they could remain within their friendship groups, and be as near to their families and friends as possible
- 4.5 Access to culturally appropriate services and to be able to visit places of worship were also considered very important to many residents
- 4.6 One temporary resident felt particularly vulnerable and stated that the council wanted to build flats on the land, and that is why he was being moved. His right of expression was ably supported by Age UK.
- 4.7 Staff, whilst concerned about their personal futures, were united in their views that the residents must come first, and have been immensely supportive and generous to residents and their families through out the process.
- 4.8 Many contributors to the consultation felt a Brent Dementia Strategy would also be a helpful support for both residents and their families, to increase a wider understanding of the complexities of dementia
- 4.9 The families of Westbrook day services were similarly concerned regarding accessing alternative provision and travelling time for their loved ones

5. Responding to the Consultation

- 5.1 Each of the group sessions was scheduled to last approx 2 hours with individual sessions lasting approx 30 mins. Feedback from residents and families at the end of the sessions or in conversations after the event, were on the whole very positive, with many families reporting that they felt that we were doing our very best in very difficult circumstances.
- 5.2 The main concerns were, what alternative provision was there, how accessible was it, any additional contribution costs and would the quality of care be comparable to Knowles House.
- 5.3 In order to address these specific concerns and the more general ones above, all permanent residents along with their families or Independent Mental Capacity Advocate (IMCA) as appropriate, are having a review of their support plans by dedicated staff from the assessment and review teams located within

Adult Social Care. Independent advocacy support is also available as deemed necessary.

- 5.4 The specific areas raised for individual residents will be taken into account, as well as their indicated friendship groups.
- 5.5 As part of the current review process, several clients have been identified as not requiring residential care but extra sheltered care, which may allow opportunities for living more independently.
- 5.6 There are some risks associated with re-providing the current service at Knowles House:
- Moving elderly people from their home can potentially be stressful for them. Every care would be taken to ensure that the move was managed in such a way as to minimise the stress and concern. In addition, they would be moving to services that meet current CQC standards.
 - There is a risk of reliance on external provision of emergency care at a time of financial instability related to specific key suppliers. This risk is actively managed by the Commissioning team who are in regular conversations with key suppliers, with the Council receiving regular progress reports.

6. Conclusions

- 6.1 The facilities on the site do not meet current CQC standards. The costs of providing these services are over double the estimated cost of re-providing them through existing capacity within the independent market.
- 6.2 There is capacity within the market to re-provide care services currently delivered at Knowles House through the independent sector. Some commissioning activity and a clear plan would be required to ensure a successful and value-for-money transition.
- 6.3 Whilst we acknowledge for some residents and their families the potential closure may cause some initial distress, we are and continue to be committed to work with them, and other key stakeholders through continuous communication, review of current support plans, timely access to independent advocacy and the high quality support provided by current staff. Thus ensuring that access to services that do meet and will continue to meet current CQC standards, as well as a meet the other needs of individual clients can be met as close to relatives and friends as is appropriate, can be delivered.

7.0 Financial Implications

- 7.1 If Knowles House continues in its current condition, the existing annual overspends (2010/11 Operating cost outturn of £335K overspend) are likely to continue (and potentially increase as the facility degrades further).
- 7.2 Should the council agree to the closure of Knowles, based upon current projections and the current state of the housing market, the site is expected to achieve approximately £2.5m in capital receipts. As the scheme is currently overspending, there would be no adverse impact on the revenue budget arising from this option
- 7.3 Assuming all current users of Knowles House retain the same level of care requirement and are provided at the Council's usual rate for residential dementia care (£529 per week) in the independent sector, the potential annual saving for the Council can be up to £800,000. However, allowing for additional cost of placement for people with higher dependency level, potential annual saving for the Council can be approximately £400,000.

8.0 Legal Implications

- 8.1 The Council has a duty under s21 National Assistance Act 1948 ['NAA'] to provide residential accommodation for persons over 18 who by reason of age, illness, disability or any other circumstance are in need of care and attention not otherwise available. The accommodation can be provided in the Council's own homes, in a home managed by another authority or by the voluntary or private sector (Section 26 NAA). Where a person qualifies for residential accommodation under s21 NAA the local authority owes a duty of care to ensure that placement meets the person's needs. This report suggests that Knowles House does not meet the standards required for registration by the Care Quality Commission or Health and Safety legislation. Whilst provision under s21 NAA does not have to be in a registered care home, the possible breach of Health and Safety legislation and the reported high needs of residents would suggest that the Council might be found to be failing in its duty to meet the assessed needs of the individuals.
- 8.2 It is noted that many residents have indicated a desire to remain within the current placement. Those placed under s21 NAA are entitled to benefit from the Choice of Accommodation Directions 1992 this would not extend to care homes that the local authority was satisfied did not meet the assessed eligible needs and therefore it is permissible to require that residents move in order to ensure that their needs are met.
- 8.3 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtain (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable. Disposals on the open market, including by way of auction, after proper marketing will satisfy the best consideration requirement.
- 8.4 ASC the estimated value of this property will be in excess of the value of properties which can be sold under the delegated authority of the Head of

Property and Asset Management the Executive will need to agree to this disposal before this can be undertaken.

9.0 Diversity Implications

- 9.1 The Equality Act 2010 section 149 requires the Council, when exercising its functions to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. Under the legislation there are eight protected characteristics including age, gender, disability and race. This proposal will primarily impact on those with the protected characteristics of age and disability. A full Equalities Impact Assessment has been undertaken and information resulting from the consultation has been used in this analysis. This is attached at Appendix A. Members are respectfully asked to consider this document and its conclusions so that they are in a position to pay due regard to their duty under s149 Equality Act 2010 when reaching a decision.
- 9.2 Careful consideration has been given to ensure the proposal reduces the adverse impact on those with disabilities and the elderly either by ensuring that alternative suitable provision that will be made available to better meet the needs of current residents and the objectives set out in s149 Equality Act.

10.0 Staffing/Accommodation Implications (if appropriate)

- 10.1 Currently there are 12 full time staff and 4 part time permanent staff, the remainder are agency staff. 11 of the staff have already expressed a wish to explore voluntary redundancy/retirement should Knowles House close, with the remainder keen to be redeployed. All staff have been encouraged to arrange individual sessions with HR and pensions advice sessions, to discuss potential options for their individual futures.
- 10.2 The major unions have been fully appraised and involved in the consultation process.

Background Papers

Communication papers

<http://intranet.brent.gov.uk/pressreleases.nsf/News/LBB-1572>

Contact Officers

Alison Elliott
Director of Adult Social Services

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Impact Needs/Requirement Assessment Completion Form

Department: Adult Social Services	Person Responsible: Alison Elliott Director of ASS
Service Area:	Timescale for Equality Impact Assessment : April 2011 to September 2011
Date: 15 th April 2011	Completion date: 31 st August 2011
Name of service/policy/procedure/project etc: Closure of Knowles House	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input checked="" type="checkbox"/> Not found <input type="checkbox"/> Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	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 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Consultation conducted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Person responsible for arranging the review: Nancie Alleyne	Person responsible for publishing results of Equality Impact Assessment: Nancie Alleyne
Person responsible for monitoring: Alison Armstrong	Date results due to be published and where: September 2011 to DMT initially
Signed:	Date: 30 th August 2011

Impact Needs/Requirement Assessment Completion Form

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.

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

This is a proposed closure programme involving to Knowles House Older People residential home. The proposed closure programme will require currents services provided from Knowles House to be re-provided and the building and land sold for its capital receipt.

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

The Council has a duty to provide residential accommodation for those in need of care and attention which is not otherwise available under s21 National Assistance Act 1948. Any residential placement must meet the identified needs of the service user and must comply with the quality standards as set by the Care Quality Commission.

The aim of the Project is to improve the accommodation standard of the current residents living in Knowles House, by moving them to an alternative, fit for purpose, older people residential home in the borough and to maximise the capital receipt from the disposal of Knowles House. Based upon current projection and current state of the housing market, the site is expected to achieve approximately £2.5 million. Residents and their relatives, carers and others views will be taking into account about the closure of the services provided at the home and vulnerable adults will continue to receive services if they need them but provided in a different way.

The council provides number of different services from this building. These are:

- specialist residential care for older people with dementia,
- respite for people with dementia to enable carers to continue to provide care at home,
- services for older people who require a short period of rehabilitation or re-enablement. This is to help them regain their confidence and independence to enable them to return home (step down from hospital and/or Accident and Emergencies); and
- short term services for emergency admissions for people with dementia, whilst a longer term support package is put in place.

This EIA focuses on the 12 residents who live permanently at Knowles House and the 6 who use it for respite care. Westbrook is a Day Centre adjoining Knowles House which supports older people with dementia. The closure programme does not include the day centre however; the carers of the uses attending the centre have been consulted with to provide information.

Current and future users who access the service through hospital discharge and/or emergency basis will receive the same service but will be placed in an alternative home within the borough where their needs can be met.

Rational for Change

- Knowles House is unsuitable for service users with dementia as corridors do not allow for secure freedom of movement and overall the facility lacks appropriate security. Rooms have no en-suite facility which is one of the requirements to meet CQC standards, and this puts extra pressure on the staffing levels particularly in the mornings and evenings, when residents require support with personal care.
- The second floor is completely dilapidated and no longer used as part of the main care home. Knowles House is not generally suitable for many older people in the borough. It is not able to meet the needs of people who have significant mobility difficulties, and the overall design of the building means that it requires a higher staffing ratio than would otherwise be required to ensure the safety and supervision of the residents. This could potential double the staff ratio as support would be required to assist residents when performing personal care
- Knowles House residential home stopped taking permanent residents on the 15/12/2009. Since then it has been used for temporary admissions, respite, step down admissions from hospitals and/or Accident and Emergencies, and for emergency admissions from the community.

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- Knowles House has reported a regular overspend year on year. The current cost per bed utilised is approximately £1312 per week (based on the average utilisation rate of 20 clients as at end of August 2011). This is significantly higher than alternative provision. This is largely due to the staffing requirements for the building and the fact that we cannot place people with higher level of physical needs in this facility. The usual rate for residential dementia care in the independent sector is £529 per week
- The council is committed to improving the quality of care and to provide services according to changing needs. To improve the condition of the building, to a standard that the council would like, the council will have to spend a significant sum of money.
- As result of the Government's cuts to the amount of money it has to spend on its services, it has no alternative than to consider closure of the building and consider more cost effective ways to provide the services.

The Benefits

- The benefits of the change is that current residents and users of Westbrook Day Centre who require a more cultural specific residential home will be able to have those needs addressed through their assessment and support plans.
- By re-locating the current residents to a residential home which is fit for purpose Adult Social Care (ASC) will be meeting its obligation in relation to the Care Quality Commission Standards in terms of providing the right environment for this vulnerable group of people.
- Adherence to Corporate Health and Safety standards in terms of moving residents to a safer environment
- In re-locating, current residents will have a choice of the home where they would like to move to. ASC will endeavour to relocate residents close to their family members so that they can maintain close contact.
- A number of potential providers are located within the borough. However, alternative arrangements can be made with other boroughs as a request from an existing resident or their family representative.
- Capital receipt of £2.5 million for the Council following the sale of the Knowles House site.

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

Yes the aims are consistent. The Council policy highlights the following:-

Brent Council is committed to ensuring that the services we provide are relevant to the needs of all sections of the community and that our workforce represents the people we serve. We aim to ensure that our services meet the varied individual needs and expectations of local people and that everyone has equal access to services, regardless of their race, heritage, gender, religious or non-religious belief, nationality, family background, age, disability or sexuality

By re-providing services to this vulnerable group of residents the council will be promoting greater personal choice and well-being. Families, carers and advocates will be involved within the consultation and the assessment and support planning process and this will help to ensure that all residents and respite care needs are taking into consideration.

Residents and other stakeholders will be informed of the outcome of the Council's Executive decision and its implication and impact. This in line with the Council's policy.

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?

There is evidence to suggest that there will be an adverse affect in terms of gender, health and disability Knowles House permanent residents consist of 11 females and one male. This is representative of the growing older population within Brent and the UK as a whole demonstrated below:

Brent Population by Gender and Age 2011				Brent Population by Gender and Age 2026		
Age	Male	Female	Total	Male	Female	Total
65 - 69	4,356	5,093	9,449	5,599	6,680	12,279
70 - 74	4,006	4,677	8,683	4,476	5,315	9,791
75 - 79	3,534	3,957	7,491	3,754	4,750	8,505
80 - 84	2,238	3,066	5,304	2,743	3,801	6,553
85 - 89	1,130	2,107	3,237	2,077	3,069	5,146

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90 + 617 1,629 2,247 1,938 3,731 5,670

Source GLA population estimates

The proposed closure programme is focus on addressing people's individual needs specifically. An example of this is as an outcome of the consultation where an Asian family member requested a more culturally appropriate home for their mother currently residing within Knowles House. This request can now be taken into consideration at the point of the assessment and support planning process.

There are however, some other barriers that will need to be specifically addressed in the transition through reassessment, support planning and strategic commissioning. Below are a selection of the issues that were raised during the consultation:

- Some families felt that the move of their relative from Knowles House will have a negative impact on their health.
- A relative stated that the move to any new residential home for their relative will need to be timely managed. It was felt that with some residents the pace of change could cause anxiety and impact on their overall well-being.
- At a consultation meeting one family member in particular felt that in the Council stating that they wanted what was best for residents, what they considered to be best was for their relative to remain at Knowles House and that option should be available to them.
- Equity, standards and value was brought up as an issue by some residents who were concerned that they could be provided with lower standard of care or a higher cost in any new residential placement.
- Concerns about where residents would be moved to were also expressed.

These issues need to be tackled at a number of levels:

- Assessment and support planning will need to take into consideration the vulnerability and frailty of the residents of Knowles House and the individual impact this would have on them. Any risk associated with a move to another residential home will need to be carefully assessed and effectively planned and managed in collaborative with the resident's, family members and/or advocate. Independent mental capacity assessment (IMCA) services will also be involved for those users who do not have anyone to support them, and may not fully understand the proposed closure programme.
- Knowles House in its current form does not to meet the Care Quality Commission and Health and Safety Standards and will be unable to do so without sizable investment to bring it up to standard is secured. This is unlikely to happen given the reduction made to the overall Council's budget. Ensuring residents are in an environment that is comfortable, safe and meets their expectation in terms of appropriate accommodation and high standards of the care and support is essential to the success of this closure programme. In moving residents every effort will be made to ensure that the Council works effectively with families, advocates and residents to establish and agree on a suitable alternative home. Any new placement agreed will be monitored, evaluated and reviewed.
- Social care management and Commissioning will identify suitable local residential solutions and work with those providers to ensure Knowles House residents and respite users are supported and made to feel safe and cared for as they had been at Knowles House.
- It is expected that as part of the individual reassessment and support planning process different people will have different concerns that will need to be addressed in different ways. Person centred planning will ensure that individuals' specific concerns are addressed and the right solution is found for that person which will include a range of suitable elderly care options.
- All residents and their families will be provided with a list of potential homes and will be able to visit or spend time in the new home before any decision is made.

The impact and affect on the protected characteristics

Age – The proposed closure programme will affect adults who reside at Knowles House, age 70 and above, some with dementia needs some with support for living needs and some with both needs. Moving older people to a new environment could potentially have an adverse impact on their health, however, recent experience of similar closures outside the local authority's control has ensured that staff have taken every precaution to minimise any risk. In particular the proposed closure programme will address the needs of older people through care management and commissioning arrangements and will identify the support and services that an increasingly growing ageing population will require and plan accordingly.

Disability – There are no residents or respite users registered as disable at Knowles House, but most residence would be considered as disabled as four residents are wheelchair users and 6 residents have mobility problems and either use a Zimmer frame or a walking stick. All residents who have mobility problems are female and are from the upper age range within the age protected characteristic group. In placing residents in an alternative home consideration will be given to appropriate width of corridors and overall ease of movement for wheelchair users as

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well as the new homes ability to support additional users who have mobility problems.

Gender reassignment – This Information has not been previously recorded and there are no known cases within Knowles House. With the implementation of the Customer Journey project in April 2011 the new assessment process, the Adult Contact Form and the SSA Screening form the Gender reassignment needs and requirement of older people will now be captured and used in decision making and forward planning for older people age 65+ (see Performance Framework Q4).

Gender- The proposed closure programme impacts more so on women than on men. At Knowles House 11 out of the 12 permanent residents are females and within the respite cohort of residents 4 out of the 6 are females. This is because women tend to live longer than men represented in Brent's and national profile (see charts above and below for more information).

Race - The impact the proposed closure programme has on religion and belief was demonstrated by the comments made by an Asian family member at one of the consultation meetings who suggested that it would be preferable for them if their mother were placed in a more cultural appropriate home and demonstrates the positive impact this proposal will have in terms of the public sector Equality Duty as this request will be addressed through the assessment and support planning process. There are a number of white Irish residents who live at Knowles House however to date they have not expressed a desire to live in home more culturally connected to their background. If this issue is brought up as part of the assessment and support planning process every effort will be made to either find an appropriate home or alternatively to move that group to one home where they can all be together

Religion or belief – No comments or issues were raised by residents or relatives in relation to religion or belief. However, this area will be measured at the point where residents are being assessed and will be addressed, catered and recorded for appropriately

Sexual Orientation – It is not possible to conclude whether or not the closure programme negatively impacts on sexual orientation. Information is not currently collected about sexual orientation within the home but will be collected and recorded as part of the Customer Journey to future services.

Marriage and Civil Partnership – No Impact

Pregnancy and Maternity – No Impact

Service Users Profile **Permanent Residents** **Age**

Gender	Ethnic Origin	No	Age Range	66-75	76-85	86-95	96-100
F	Irish	3	Male		1		
M	Irish	1					
F	White UK	5	Female	2	6	2	1
F	Asian	1					
F	Spanish	1					
F	African-Caribbean	1					

Service Users Profile **Respite t Residents** **Age**

Gender	Ethnic Origin	No	Age Range	66-75	76-85	86-95	96-100
F	Irish	1	Male		1		
F	White UK	3	Female	2		3	
M	White UK	1					
M	African-Caribbean	1					

It is not believed that the proposal will have any adverse impact on the equality of opportunities afforded to those from the protected characteristic, rather this proposal is likely to have a positive impact as careful care planning will ensure that all those affected are given a full range of options which, in many cases, will enhance their opportunities within the community. It will also eliminate the current disadvantage suffered by those affected by this policy as their current placement does not meet the CQC standards expected.

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to make your judgement separately (by race, gender and disability etc).

The evidence used to inform our judgements are the qualitative information from the consultation meetings, the one to one discussion held with residents and feedback from advocates and family members. Quantitative information has also been used in terms of the Brent's older people current and projected population and UK wide information. Source of information is from GLA Population Projection produced in January 2011.

The evidence, based on information from the consultation, suggests a range of issues need to be addressed:

- Many residents have said that they do not want change and want the Council to invest to make the building safe and meet the required standards by the Care Quality Commission and Health and Safety. One male resident however did suggest that it was time for the home to close and for residents to move on to something more modern with en-suite facilities.
- A family member from the Asian community would prefer a more cultural specific environment for their relative. This was because of their desire for their mother to practice her faith together with other people from her own community. In addition, it is found that with some older people suffering from dementia as they age they tend to revert back to their mother tongue.
- Some relatives requested that care workers in any new home needed to reflect the racial and cultural diversity of the residents within Knowles House. As the older BME population grows this issue will need to be addressed (see data below)
- There may be fierce competition for new homes given the recent announcement of demise of all the homes operated by Southern Cross
- A group of female residents said what was important for them was to remain with their friends

The closure programme is being set up to ensure that there are close links between assessment, support planning and strategic commissioning. In this way additional gaps or any adverse impacts can be addressed in a systematic way.

The Council's current Capital programme does not have the financial capacity to invest in Knowles House, however, by re-providing the care and accommodation needs ASC will ensure that the current residents benefit from living in a modern environment where care support is provided to the highest of standards and that the residents and their family are completely satisfied with the new placement and its location. ASC already has good relationships with a number of providers and can confidently find suitable alternatives despite the current market conditions.

Consideration will be given to the staffing complement of any potential new home to reflect adequate staff numbers, and appropriate racial, and gender mix to ensure the home complement that which currently exist at Knowles House. Discussion has already been held with a number of external providers to facilitate this. Information will be collated from the comprehensive reassessment process of all residents which is fundamental to the implementation of any change. As part of the Customer Journey project performance data on current and future clients, within the client record system FWi, will facilitate information that can be used to measure, monitor and review the outcomes of individual residential care and respite users new placement. The information will also be used to plan future services around residential, nursing and extra care accommodation commissioned by the Council.

Brent Growing BAME community source JSNA 2011



Brent population
data 2011 (2).pptx

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)

The aim of this proposed closure programme is to meet the assessed needs of the people who reside at Knowles House or those who use Knowles House for respite or emergency placement, provided those people meet the Council's eligibility criteria for provision under s21 National Assistance Act 1948. Currently the council applies the eligibility criteria of Critical and Substantial Needs.

Guidance in relation to the provision of adult social care requires that consideration is given to specific needs, including cultural and diversity issues and these factors will be taken into account to ensure any adverse impact is eradicated. Again, the reassessment and support planning process will identify more of these unmet needs and requirements and the process will be designed to record and address these issues wherever possible.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did

Impact Needs/Requirement Assessment Completion Form

you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

There has been a comprehensive consultation process. The proposed change programme and its impact to residents have been explained through a series of consultation meetings and one to one interviews with residents supported by their advocate or family member. ASC officers set aside approximately 2 hours at each consultation meetings to hear the views of the proposed change programme from all interested parties. These included: a wide range of Providers and Residents Support Groups, stakeholders such as the NHS, the Knowles House and Westbrook staff group, current residents and respite users and their relatives.

After a presentation of the proposed change programme by the Interim Director for Direct Services. The consultation took the form of a question and answering session. A leaflet with the key messages of the proposed change programme in Plain English was available at the meeting.

Questions and responses were captured by a palentypist. In addition to Knowles House staff an advocates were present to assist residents expressing their views. Facilities such as Translators and British Sign Language (BSL) signers were also available but were not requested by residents or family members. At the end of the session, the Interim Head of the Direct Services summarised the next steps and stated that a record of the meeting would be made available at the next meeting and on the Council's web-site.

The above consultation commenced in May 2011 with staff with a second meeting held in the same month to take account of the night staff and any day time staff who were not able to attend the first scheduled meeting

For residents, relatives, respite users, Westbrook Day Centre and all other stakeholders' consultation meetings were arranged in June and again repeated in July. ASC then set up an individual one to one consultation event with residents in August to establish if there was any additional impact that did not come out of the open consultation meetings.

Individual advocacy support was provided in July for resident who had no family or alternative support. A mental capacity assessment was also provided to residents who ASC consider may have needed additional support to clearly understand the implication of the proposed closure programme.

All the consultation events, 11 in total, have been recorded using a note taker or a palentypist which provided a complete typed verbatim record of what had been discussed.

The above information has been collected and a report has been produced for each round of consultation held in May, June, July and August 2011. Copies of the reports have been provided to carers and staff and all reports have been placed on the council's website

The information from the consultation meetings was used to inform this report which will be published on the Councils website from 30.08.11

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

A report from each of the consultation meeting is on the Council's web-site. In addition to this a Fact Sheet and the dates of the consultation meetings are also available on the Council web-site. A consolidate report will be made available prior to any Executive decision.

The following attachments represent the palentypist report from all meetings held with residents, respite users and their relatives and Westbrook Carers.



Palentypist report



Palentypist report



Palentypist report



Palentypist report



Knowles House



Individual

Knowles House users respite users 14th J service users and rel Westbrook carers 16tv0.4Plainenglish1104:consultation with resi



Consultation report
wave 1 Direct Service



Consultation report
wave 2 Direct Service



Consolidated reports
(2).ppt

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

The public concern to date has been the concerns expressed by residents and their families on the closure of the home and a genuine concern for where current residents have moved to and how their needs will be met in the future. These concerns are not related to the proposed closure programme being discriminatory and they have

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been set out and addressed within the Consultation and the Executive reports.

The person centred planning approach which underpins these proposed changes should ensure that support and services meet people's individual needs in the future. The care management team will work with individual residents and their family members to ensure they receive the right services and accommodation to support their needs. The closure programme is about providing choice of accommodation needs and support to the end user taking into consideration the comments, issues and requests of all the people who care for them.

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.

The proposed closure programme will impact positively on older white women in the main, some with mobility problems. It can be justified because the women affected by the change programme will secure improved accommodation at a home chosen by themselves with people they want to be with. They will benefit from en-suite a facility which is an important move away from shared bathroom facilities at Knowles House. The accommodation standards within the new home will meet the required expectation to support users who have mobility problems and this will support the Council to meet its duty of Care and Health & Safety standards.

As expressed within the consultation process residents who have said they want to be with the friends they have made at Knowles House will be catered for as part of the assessment and support planning process and will be move together should they wish that to happen.

It is ASC intention to ensure residents and their relative are keep inform of the process and progress of the closure programme. A Direct Services Newsletter has been produced and will now include information related to the proposed closure of Knowles House and the re-provided services for current residents. The newsletter will be distributed every quarter.

There is an Issue and Risk Logs which is maintained on a weekly basis and consists usually of operational and service development concerns. Maintaining and providing the right standard of care to this vulnerable group will be appropriately managed and tracked through the logs and decisions for mitigations agreed through the Direct Services Strategic Board and/or DMT. It is also ASC intention to work closely with residents and families to minimise any negative impact of the closure programme.

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

There are limited solutions for ensuring that the Council maintains its statutory obligation in terms of providing high quality services to vulnerable people in the community. The Council cannot continue to keep the residents of Knowles house in a building which is not fit for purpose. This could have an adverse impact on the health and well-being and neglects the Council duty of care. The solutions are narrow down to either move the residents to a suitable alternative home or find the capital sums to invest in the Knowles House, but given the substantial works that this would require the residents would have to be decanted whilst building works were undertaken, therefore necessitating a move in any case..

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

The closure programme is about re-providing current services from Knowles House residential home. Maintaining high standards and effective communication with residents and their relatives will be key to the success of the closure programme. The closure programme is not about increasing up take but more about improvement to the way accommodation needs are provided taking on board the expressed choice from current and future residents who will need that type of service. It is about re-providing the current services at Knowles House in a different way to bring about improve quality, efficiency and choice and control for one of the most vulnerable group of people within our community.

The take up of the services available still depends on a person's eligibility for services according to the eligibility criteria but it is the aim of the closure programme to bring about improved accommodation and overall well-being for people who have assessed accommodation and care needs with the borough.

13. What is the justification for taking these measures?

The justification for this is to ensure ASC adhered to its statutory obligation by supporting assessed

Impact Needs/Requirement Assessment Completion Form

accommodation needs, and meeting those needs and facilitating choice and control to enable older people to exercise their right as citizens.

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.

The assessment and support planning process will set a clear baseline against key indicators: which will include the 9 protected characteristics. In addition, the following information will be collected and used for future planning purposes

- % of users accessing culturally specific services
- % increase in dementia services
- % increase in women only service
- Improvement to quality of resident overall well-being
- Satisfaction rate of residents and their family members

The above will be monitored on a monthly basis and will support an action plan of for future service development.

Regular Reports to the Pensioner Forum will be produced as well as to the disabilities forums of Brent

The attached Performance Framework links directly in to reports in the customer database FWi from which can extracted individual data on current and future residents including data that covers all 6 areas of possible discrimination



Performance
framework the Custoi

The Head of Commission and Service Development will then be responsible for ensuring that where possible services and support is identified and developed to meet unmet needs.

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

Although the closure programme impact more so on older women the current standard of accommodation provided at Knowles is not suitable to their needs and remaining in the home could have a negative impact on their well-being. By closing the home and moving current residents to more suitable and modern facilities that meets their assessed need could bring health benefits and lifestyle benefits because of the improved new home environment and therefore more likely to achieve the aims set out in the Public Sector Duties as included in the Equality Act 2010..

The recommendation is therefore to implement Option 4 of the report presented to the Executive in September 2011 putting forward the case for closure and the re-provision of services for residents

Should you:

1. Take any immediate action?

This will be done after the Executive decision in September and would involve feed back to residents and their relatives of the implications of the Executive decision and how it will affect them. It would provide clear information about the next steps.

2. Develop equality objectives and targets based on the conclusions?

This will be done as part of the performance setting and monitoring arrangements of the Direct Services operations.

3. Carry out further research?

This will be done at the point when residents are being assessed and/or being moved dependant on the Executive decision in September

Impact Needs/Requirement Assessment Completion Form

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

Data can be collected from all 9 protected characteristic areas and through the Performance Framework as part of the customer's journey. An analysis of this data both in terms of input numbers and outcomes will enable ASC to assess whether the service is impacting disproportionately on any of those 9 protected characteristic groups.

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

- The Head of Service Re-ablement and Safeguarding will be responsible for ensuring accurate data input related to assessed residents
- The Interim Head of Direct Service will have responsibility for acting on performance issues and planning
- The Head of Commissioning and Service Development will have the responsibility for strategic commissioning of new services to support clients who require residential care
- Learning and Organisational Development will provide the resource to develop staff skills where needed

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): NANCIE ALLEYNE

Date: 12TH August 2011

Service Area and position in the council: Adult Social Care Special Project Manager

Details of others involved in the assessment -

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.



Executive
19 September 2011

Report from the Director of Adult Social Services

Wards Affected:
ALL

Authority to agree changes to the Taxicard scheme in Brent from October 2011

1.0 Summary

1.1. This paper provides:

- an overview of the Taxicard scheme
- a summary of the changes implemented in Brent in January 2010 to reduce a forecast overspend in 2010/11
- the funding changes implemented by London Councils to make the funding arrangements for the Taxicard scheme sustainable in the medium term
- a summary of the consultation on options for the scheme in Brent, and
- the options Brent Council could implement now that the consultation has been completed.

2.0 Recommendations

2.1 This paper recommends the Executive should:

- Agree to implement Option 3 from 1 October 2011 in order to manage demand in the future and focus the scheme on those with the highest needs. This option is focused on the following changes:
 - Introduction of a mobility assessment to replace the current GP assessment for people who do not automatically qualify for a Taxicard
 - A reduced trip limit of 48 as the standard with provision to extend the number of trips based on clear criteria related to the mobility assessment, wider need and available circle of support
 - Re-introducing double swiping and continuing to allow 'roll overs' to ensure that Taxicard members have control over their allocation and can use it to meet their individual needs.
- Agree delegated authority (to Director of Adult Social Care in consultation with the Director of Finance and Corporate Services) to adjust the trip level if the monthly monitoring data from London Councils indicates there will be an overspend in 2011/12.

3.0 Overview of the Taxicard Scheme

- 3.1. The Taxicard Scheme was set up to allow London residents who have a mobility impairment that prevents them from using public transport, to travel in the contractor's licensed radio taxis at subsidised rates. This service is commissioned by London Councils and provided by ComputaCab.
- 3.2. To qualify for a Taxicard you must be unable or virtually unable to use buses or trains due to severe sight impairment, or have a permanent disability which seriously impairs their ability to walk. Automatic qualification for the Taxicard scheme is based on:
- Receipt of High Rate Mobility Component of Disability Living Allowance (HRMCDLA)
 - Receipt of the War pension Mobility Supplement, or
 - Being registered blind.
- 3.4. In Brent people can also qualify for the scheme if an individual's GP confirms that the person is unable/virtually unable to use public transport. Different Boroughs use different methods to allow people who do not automatically qualify for the scheme to access the benefits.
- 3.5. The Taxicard scheme is one of a range of measures to provide concessionary transport within the borough. For instance:
- *Freedom Pass*, which is automatically available to anyone over 65, people who are in receipt of HRMCDLA or people who are eligible after a Brent Mobility Assessment
 - *Blue Badges*, which are available to anyone who is in receipt of HRMCDLA, has War Pensioner's Mobility Supplement, is Registered Blind or is eligible after a Brent Mobility Assessment.
 - Provision of transport to assist individuals to access adult social care services e.g. through Dial-a-Ride and Brent Community Transport as well as independent taxis. This is available to those who qualify for community care support under s29 National Assistance Act 1948 and have no other means to access adult social care services.
- 3.6. Currently, there are 4,546 Taxicard members. 1544 of these have automatic qualification and 3,002 have qualified through a GP assessment.
- 3.7. London Councils works with all Boroughs to try to deliver a consistent service across London. It does this through a number of parameters including, Council subsidy per trip, member charge per trip, member trip limits, additional trip limits, and double swiping. These are set out in more detail 4.2.
- 3.8. Taxicard funding has been based on a tripartite formula with contributions from TfL, the Mayor and the participating Boroughs - although two Boroughs, Barnet and Redbridge, do not contribute to the costs of the scheme in their Borough.

4.0 Recent Changes to the Taxicard Scheme

- 4.1. The Taxicard scheme has grown considerably across London in recent years, but projected growth last year (2010/11) was even higher than expected. Therefore, in October 2010 the Transport Executive Committee (TEC) of London Councils agreed a co-ordinated response to manage a forecast overspend of £1.4m across London. The response was co-ordinated on the basis that if the measures recommended by London Councils were not implemented in an individual Borough that Borough would have to cover the additional costs incurred.
- 4.2. A report was presented to Brent Council Executive on 15th November 2010 outlining the recommended changes by London Councils TEC, and the following changes were agreed and implemented as of 4th January 2011:
- **The maximum subsidy per trip.** This is the maximum amount that TfL and the Borough will fund for a single trip. This plus the member charge per trip defines length of a journey that can be paid for with a single swipe of a Taxicard. In January the subsidy was reduced by £2, so the current maximum subsidy is (£8.30 day time, £9.30 in the evening, and £10.80 at night). This means that for every trip worth £10.80, the Borough pays £8.30
 - **Member charge per trip.** The member charge per trip was increased from £1.50 to £2.50. This means for every journey with a cost of up to £10.80 during the day (£11.80 evenings and weekends or £13.30 at night) the member pays £2.50. The member charge per trip had not increased for 15 years and now better reflects the price of bus travel
 - **Member trip limits.** Every London Borough sets a maximum number of trips per month and decides whether or not these trips can be rolled over to the next month(s). Currently in Brent members can have 8 trips per month (96 per year) and can roll them over if they don't use them
 - **Additional trips.** Individual Boroughs can also allow additional trips above the normal limit if there are exceptional circumstances. Any costs incurred from Taxicard members taking more than the agreed number of trips per year are to be funded by the participating Local Authority
 - **Double swiping.** Double swiping allows people to take longer trips at fully subsidised rates. For example, with a double swipe a member could take a trip with a value of £21.60 (£10.80 times 2) for £5. Without a double swipe the journey would cost £13.30 (£2.50 plus £10.80). Double swiping was stopped in January 2011 in Brent. This decision was in line with the original rationale for Taxicards – to allow members to take short journeys by taxi rather than public transport.
- 4.3. In addition to these measures, London Councils also agreed that Boroughs should put a moratorium on new members for the rest of the financial year 2010/11.
- 4.4. The majority of Boroughs (24) implemented all or most of these changes in January. However, three London Boroughs have since

reversed some of the changes. A detailed overview of the current position across London is set out at Appendix A.

- 4.5. The following bullet points summarise the level of service provision in Brent, before the changes in January 2011:
- There were 4,583 Taxicard members in the Borough. There was an increase of 355 members (8%) between April 2010 and December 2010 (when the moratorium on new members was implemented)
 - Up until January 2011, 3027 of the Taxicard members had used their card, and had taken an average of 23 trips each
 - On average, between April 2010 and December 2010, 1,617 Members used their Taxicard each month.
- 4.6. The level of service provision has changed since January when the changes were implemented. There are now 4,546 Taxicard members in the Borough – a reduction of 37 members. On average, between January 2011 and July 2011, 1,223 Members used their Taxicard each month (a reduction of almost a quarter).
- 4.7. The average cost per month in 2010/11 to the Borough was £71k before the measures were introduced in January. The implementation of the changes in January reduced the average cost per month in the last 3 months of the financial year to £40k, significantly reducing the overspend for 2010/11. This was mirrored across London. London Councils achieved an under spend for the budget as a whole, and this was used to fund overspends in Boroughs like Brent which still had an overspend even after implementing all the required changes.

5.0 Future funding arrangements

- 5.1. Historically Taxicard funding had been based on a tripartite formula with contributions from TfL, the participating Boroughs and the Mayor. Any overspend was met from a central TfL fund provided Boroughs ran the scheme within the agreed parameters.
- 5.2. Given the significant growth in the scheme, in Brent and across London, it was agreed at London Councils that the previous funding arrangements were no longer fit for purpose. Therefore, London Councils undertook a review of the management of the TfL funding for the scheme. A decision was taken by London Councils to distribute the funding to the participating Boroughs according to a formula and make them accountable for the costs in their Borough. It has been agreed between London Councils and TfL, that Borough money will be spent first before the TfL allocation is supplied. Therefore any underspend of funds will be from the TfL allocation and will be returned to TfL as applicable.
- 5.4. Various options and formulae were discussed and a report was presented to the TEC on 10th February 2011, where Boroughs agreed a formula for the redistribution of TfL's Taxicard funding based on:
- The number of Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA) claimants
 - The number of residents over 65 in the Borough, and

- The number of active Taxicard members in the Borough.
- 5.5. As the impact of this new formula will have differing effects on the participating Boroughs, it was agreed that the transition to the new formula would be delivered over 3 years with the full effect being from 2014/15.
- 5.6 The TfL and Mayoral contribution to the Brent Taxicard scheme for the next four years is set out below:
- 2011/12: £537,044
 - 2012/13: £532,777
 - 2013/14: £524,718
 - 2014/15: £516,897

6.0 Consulting on the Options for the Future

- 6.1 In April 2011, under delegated authority a 12 week consultation began on the future of the Taxicard scheme because although the changes implemented in January had managed the immediate budget crisis, it was not clear at this point in time that:
- the scheme was targeted at those most in need,
 - the way it was structured, after the changes in January, reflected the needs of the members.
 - given the increased demand (at least 200 people are waiting to access the Taxicard scheme), the scheme was financially sustainable in the medium term given the overspend in Brent in 2010/11.
- 6.2 The consultation explored a range of options to ensure the scheme targets the available funding at those residents who are in greatest need. The full detail on the consultation can be found in the summary consultation report at Appendix B, but an overview is set out below.
- 6.3 The consultation ran from 11 April 2011 and finished on 4 July 2011. There were 4 public consultation meetings, which were attended by approximately 150 people in total. The questionnaire was sent to everyone with a Taxicard and was also available on the Brent website. 1007 paper responses were received and 48 online responses as well as a range of individual comments. The proposed changes were also discussed at a number of existing forums including: the Pensioners Forum (6 June 2011) and the Brent Local Improvement Network (9 June 2011).
- 6.4 The consultation was built around the 5 key proposals for change. These are set out below with a summary of the responses to each proposal.
- 6.5 **Mobility assessment.** It was proposed that a mobility assessment was introduced for those people who do not automatically qualify for a Taxicard. This would be a consistent set of tests that could be applied rather than rely on the discretion of individual GPs. Some concerns were raised about this proposal, but in general there was support for the proposal. 53% of the people who responded to the questionnaire

agreed with the proposal; 18% neither agreed nor disagreed, and 29% disagreed

- 6.6 **Concessionary travel schemes.** It was proposed that:
- People with a Freedom Pass should not be able to access the Taxicard scheme. There was strong opposition to this proposal
 - Blue Badge holders who are NOT owner drivers, should have a reduced trip allocation. Again there was significant opposition to this proposal
 - Blue Badge owner drivers should not be able to access the Taxicard scheme. There was some opposition to this proposal, but it was more popular than the proposals in the previous two bullet points.

The overarching point that was made about these three proposals was that Taxicard members should have the flexibility to use different schemes as appropriate to their needs and situation. The point was also made that making people choose between different schemes could actually increase costs if people chose the most expensive option for the Council

- 6.7 **Maximum number of trips.** The proposal was to keep the maximum number of trips per year the same. In both the meetings and the questionnaire responses this was broadly supported although consultees also suggested that there could be variable trip limits to better reflect different levels of need.

- 6.8 **Member charges and Borough subsidy.** The proposal was not to change the minimum charge (£2.50) (82% supported this proposal) or the maximum subsidy - £8.30 day time, £9.30 in the evening, and £10.80 at night (76% supported this proposal).

- 6.9 **Double swipes.** It was proposed that double swipes should not be reinstated. There was strong opposition to this proposal in the consultation meetings. However, the questionnaire responses were less clear cut: 1014 people responded to this question. 445 (44%) agreed with the proposal not to change the policy on double swipes, 440 (43%) disagreed with the proposal. 293 specific comments were received in answer to this question; the vast majority of which were supportive of reinstating double swipes.

- 6.10 A number of other themes and issues became clear through the consultation meetings:
- **Choice/flexibility.** The scheme needs to recognise all disabilities that may impact on a person's ability to travel, and to recognise how the impact may change day to day and over time. The Taxicard scheme should allow people to meet their individual needs in a personalised way

- **Quality of transport services.** A number of people challenged the quality of the Taxicard service, claiming that routes were not always direct and the meter was sometimes running before the journey started. A number of people also claimed that they needed to use the Taxicard scheme because buses are not accessible, it is difficult to get on and drivers often stop suddenly, so people do not feel safe
- **Hospital appointments.** It was clear that for a lot of people the Taxicard scheme is important for them because they use the scheme to attend hospital and other medical appointments rather than rely on hospital transport due to perceived difficulties with that service. Activity data suggests they account for approximately 20% of all trips
- **Budget for Taxicard.** Although the consultation and the consultation meetings were focused on how the Taxicard scheme could be redesigned to deliver the greatest benefit within a defined budget, a number of people challenged why the budget could not be increased within Brent or by lobbying more widely.

7.0 Options for Implementation

Option 1: Do not make any changes to the Taxicard scheme

7.1 The changes implemented in January have had a significant impact on the budget. The average monthly cost since April 2011 is £30k, so the forecast for this year is an underspend. It would be possible to open up the membership again and run the scheme with a maximum trip limit of 96 but without access to double swiping and still deliver within budget. This option is not recommended because

- it was made clear by those taking part in the consultation that they valued the availability of double swiping because of the choice and flexibility this permits. Without double swiping the scheme is likely to attract less use, even with an increased membership
- is not clear that the scheme is currently focused on those who are most in need within the borough
- nor would this option respond to the key issues raised by those who took part in the consultation as it does not afford flexibility and choice in the way service users can utilise the scheme.

Furthermore, although it will likely lead to an underspend, it has been agreed between London Councils and TfL, that Borough money will be spent first before the TfL allocation is supplied. Therefore, any underspend of funds will be from the TfL allocation and will be returned to TfL as applicable. In effect this means that less money would come to Brent to meet this need so Brent residents would not have the full benefit of this London wide scheme.

Option 2 – Implement the changes proposed in the consultation

7.2 This option again ensures that any financial pressures would be effectively managed, and the implementation of the mobility assessment would ensure that the scheme is more clearly focused on

those who are most in need within the Borough. However, user flexibility and choice would be restricted because double swipes would not be reinstated, and users would not be able to access other concessionary travel schemes to meet their individual needs and circumstances.

Again the likely consequence of this is that less people will be attracted to the scheme or will underutilise their allocation, preferring instead to rely more heavily on alternative provision within the local authority such as that provided by way of s29 National Assistance Act 1948. Again this is likely to result in a decrease in the money which is made available through this scheme from London Councils and possibly a consequential increase in the cost of transport provision under the Adult Social Care budget.

Option 3 – Implement a revised set of proposals that reflect the issues raised in the consultation

7.3 Unless Brent Council's contribution to the Taxicard scheme is increased significantly, there is no way to introduce increased flexibility without either:

- Reducing member's annual trip limits
- Restricting access to the scheme.

7.4 Although introducing a mobility assessment ensures that the scheme is targeted at those who are most in need, demographic pressures in the Borough and the number of people with HRMCDLA and with Blue Badges, mean that ultimately that there is a likelihood that membership will continue to grow which in turn creates a significant risk in managing the limited budget. Therefore, the best way to manage the potential pressure on the budget is by reducing the member's annual trip limit. Option 3 proposes a revised set of proposals that better reflect the outcome of the consultation and the budget pressure:

- Introduce the mobility assessment to target the scheme at those who are most in need. The consultation results demonstrate support for this proposal.
- Increase the flexibility in the scheme, maintaining 'roll overs', allowing people to continue to use different concessionary schemes and re-introducing double swipes. Again the consultation results demonstrate very clear support for these proposals.
- Reduce the trip limit to 48 per year (from 96). This is a new proposal although reduced/variable limits were discussed at the consultation events. As it was not formally proposed it is difficult to accurately reflect the response in the meeting, but varied trip limits were suggested by people in the meetings. In addition, in 2010/11, 2415 of the 3027 people who used the Taxicard scheme used less than 48 trips per year. Therefore, 80% of the members would be unaffected by the proposals. A further 10% used between 49 and 72 trips (with an average of 60 trips) and the final 10% used more than 72 trips (with an average of 90 trips). These figures have been adjusted to account for changes in the scheme in January 2011.

Those users who can demonstrate additional need for an increased trip limit could apply for exceptional allowance and this would be assessed on their individual circumstances based on clear criteria relating to the mobility assessment, level of need and the circle of support an individual has

- 7.5 This option targets the scheme at those who will be most in need, reflects the strong focus on choice and flexibility from the consultation, but is also likely to deliver within budget. There is still a risk of an overspend with this option, unlike the other 2 options. However, it is proposed that this is managed through making further adjustments to the trip limit in the future if necessary.

Responding to other issues raised in the consultation

- 7.6 Whichever option is implemented, there will be a need to address the other issues raised in the consultation, for example, the quality of the service by communicating more clearly to members what standards they can expect from the provider, and ensuring they are able to complain and that their complaints are addressed. There are also wider issues that will need to be considered such as the accessibility of other transport services, and the possibility of working more closely with health to mitigate for the fact that the majority of trips are to and from health appointments.

8.0 Financial Implications

- 8.1 The proposals outlined in this paper have been designed in response to the changes in the Taxicard funding arrangements which make individual Boroughs accountable for the Taxicard spend. They are designed to target limited resources at those most at need, while managing the potential demand in the Taxicard scheme.

- 8.2 The Taxicard budget for 2011/12 is set out below:
- | | |
|------------------------------------|-----------------|
| Brent contribution to trip costs | £168 532 |
| TfL and Mayoral allocation 2011/12 | £537,044 |
| Total Budget for Trips | <u>£705,576</u> |

Plus Brent contribution to administration costs £19,132

- 8.3 A summary of the financial implications of each of the options is outlined below. All options are predicated on a minimal increase in membership numbers.

Option	Financial Implications
Option 1 Do not make any changes to the Taxicard scheme	<ul style="list-style-type: none"> Monthly cost to the Borough is currently approximately £30k, which means the forecast for the full financial year is £360k London Councils allocation for Brent is £537k, so Brent would not receive all this funding as London Councils say it has been agreed between London Councils and TfL, that Borough money will be spent first before the TfL allocation is supplied.
Option 2 Implement the proposals as set out in the consultation:	This option could deliver a reduction in membership. 1340 of the active users do not have a Blue Badge, so may not qualify if they have a mobility assessment.

	<p>The 'unknown' and potential cost increase in this option is the impact of removing the flexibility of having access to a Taxicard and other concessionary schemes. This was supposed to reduce costs, but feedback from the consultation suggests some people may give up their Freedom Pass and/or Blue Badge to maintain their Taxicard, which could increase costs for the scheme. It is also foreseeable that a reduction in the use of this service could increase the Adult Social Care transport costs.</p>
<p>Option 3 Implement the revised set of proposals</p>	<p>Option 3 could deliver a potential reduction in membership as in Option 2 because of the introduction of the mobility assessment, but the increased flexibility in the scheme under this option could also make the scheme more popular.</p> <p>The proposed trip limit has been set at 48 on the basis that:</p> <ul style="list-style-type: none"> • Last year 2415 people used less than 48 trips (even when double swipes were available). The average number of trips was 23, which means the cost would be £461k. • 612 active members used more than 48 trips. If the maximum trip limit was set at 48 (all trip limits were reduced to 96 from January), then this would cost a further £243,821 • Therefore, the total cost of the scheme would be £704,844, which is within budget. <p>It is anticipated that higher trip limits would be available only where need and lack of alternative was demonstrated.</p> <p>The risk of an overspend in 2011/12 is based on all Taxicard members using all 48 trips for the last six months of the year. This would be a significant increase on the average number of trips. If this was to happen from 1 October, it would cost £602k, which would create a financial pressure of £75k in 2011/12. The proposal is that this is monitored after October and the trip limit amended if 48 trips is not affordable.</p>

- 8.4 To ensure that expenditure is contained within the allocated budget in 2011/12, there will be regular monthly monitoring of activity and spend data and appropriate action will be taken in accordance with the delegated authority to vary the annual trip limit as necessary.
- 8.5 The financial implications for the different options are significant and reflect the different outcomes.
- 8.6 It should also be noted that:
- The figures are based on current numbers of Taxicard members, which are expected to continue to grow

- If the cost of the scheme is reduced below the TfL formula funding level, TfL will reduce its funding to Brent potentially disadvantaging the residents of Brent
- Any significant reduction in the number of active Taxicard Members will have an impact on future funding levels
- Implementation plans and timelines will be different for different options. However, if people who do not automatically qualify require reassessments this could take up to 6 months to complete.

9.0 Legal Implications

- 9.1 The Taxi Card Scheme arrangements are made between the Council and other boroughs and TfL under S240 of the Greater London Authority Act 1999 which enables local authorities to enter into agreements with Transport for London for concessionary travel. Unlike the Blue Badge Scheme and Freedom passes which are required to be provided by law, Taxicards are a discretionary service. The Council together with other London boroughs entered an agreement to participate in the scheme in 2001.
- 9.2 The Taxicard Scheme is managed by London Councils Transport and Environment Committee on behalf of the participating boroughs under the joint committee arrangements. However, the terms of the scheme, including matters relating to discretionary eligibility and number of trips remain a matter for the individual Boroughs.
- 9.3 Whilst the taxi-card service is discretionary the Council is required by virtue of s2 Chronically Sick and Disabled Person's Act 1970 ['CSDPA'] to provide home based services for disabled and ill people ordinarily resident in their area where *'it is necessary to meet the needs of that person'*. These services extend to *"travelling to and from his home for the purpose of participating in any services provided under s29 National Assistance Act 1948 and s2 CSDPA"*. However when assessing if it is necessary to provide transport for an individual the council can take into account the availability of alternative transport provision. This includes access to concessionary schemes such as this one. As such this scheme can assist the Council to meet its statutory duty to those with community care needs.

10.0 Diversity Implications

- 10.1 The Equality Act 2010 section 149 requires the Council, when exercising its functions to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. Under the legislation there are eight protected characteristics including age, gender, disability and race. This proposal will primarily impact on those with protected characteristics of age and disability. A full Equalities Impact Assessment has been undertaken and information resulting from the consultation has been used in this analysis. This is

attached at Appendix C. Members are respectfully asked to consider this document and its conclusions so that they are in a position to pay due regard to their duty under s149 Equality Act 2010 when reaching a decision on this policy.

- 10.2 The principle driving the consultation proposals is that the limited resources of the council should be targeted at those in the most need. In addition careful consideration has been given to ensure the proposal reduces the adverse impact on those with disabilities and the elderly either by ensuring that the scheme is redesigned to better meet the concerns of those who took part in the consultation and the objectives set out in s149 Equality Act.

Background Papers

London Councils TEC Report 10.02.11

London Councils TEC Report 17.03.11

Contact Officer

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Director of Adult Social Care

Appendix A – Current position

Borough	Increase minimum member charge to £2.50	Reduce subsidy by £2.00	Stop double swiping
Barking and Dagenham	Yes	Yes	Yes
Barnet	Yes	Yes	Yes
Bexley	Yes	Yes	Yes
Brent	Yes	Yes	Yes
Bromley 5	Yes	Yes	No
Camden	Yes	No	No
City of London	Yes	Yes	Yes
Croydon	Yes	Yes	No
Ealing 1	Yes	Yes	No
Enfield	Yes	Yes	Yes
Greenwich 2	Yes	Yes	No
Hackney 3	Yes	Yes	No
Hammersmith and Fulham	No	No	No
Haringey	Yes	Yes	Yes
Harrow 5	Yes	Yes	Yes
Havering	Yes	Yes	Yes
Hillingdon	No	No	No
Hounslow	Yes	Yes	Yes
Islington	Yes	Yes	No
Kensington and Chelsea	Yes	Yes	No
Kingston upon Thames	Yes	Yes	No
Lambeth	Yes	Yes	No
Lewisham	Yes	Yes	No
Merton	Yes	Yes	No
Newham 4	Yes	Yes	Yes
Redbridge	Yes	Yes	Yes
Richmond on Thames	Yes	Yes	No
Southwark	Yes	Yes	No
Sutton	Yes	Yes	No
Tower Hamlets	No	No	No
Waltham Forest	Yes	Yes	Yes
Wandsworth	Yes	Yes	Yes

Notes

1. LB Ealing reversed all its changes on 1 February 2011
2. LB Greenwich reintroduced double-swiping on 1/2/11
3. LB Hackney reintroduced double-swiping on 1/3/11
4. LB Newham has different charges for Saver and Standard trips

Appendix B

Taxicard Consultation: 4 April to 11 July 2011 Consultation Report

1. Background:

The London Taxicard scheme provides subsidised door-to-door transport in taxis and private-hire vehicles for people who have a serious mobility or visual impairments. It is funded by Transport for London (TfL), the participating London Boroughs and the mayor of London. The London Councils Transport and Environment Committee (TEC) manage the scheme on their behalf.

The number of people who want a Taxicard has grown considerably over recent years. Therefore, in October 2010 London Councils requested that all London Boroughs agree to a number of changes to the Taxicard scheme itself to manage the Taxicard budget across London. In addition, changes were proposed and agreed to the way the Taxicard scheme is funded in the future so that individual London Boroughs receive a fixed budget for their Borough. If costs exceed this defined budget, then the individual Borough will have to find the additional funding.

Therefore, Brent needs to change the way the scheme is run so that it can target the limited funding available at those residents who it will benefit most.

In April 2011, under delegated authority a 12 week consultation began on the future of the Taxicard scheme.

2. Consultation process:

The 12 week consultation started on 11 April 2011 and finished on 4 July 2011. The consultation was built around the 5 key proposals for change. The main focus for the consultation was:

- Four public consultation meetings held: 12th May, 26th May, 3rd June and 24th June. These meetings were attended by about 150 people in total. Each of these meetings followed the same format. A presentation which gave an overview of the consultation process (including the fact that the responses would be presented to Brent council Executive at the end of the summer); why the changes are required and what Brent Council is proposing. This was followed by an open discussion with all the points being recorded
- The questionnaire, which was sent to everyone with a Taxicard with a pre-paid envelope, and was also available on the Brent website. 1007 paper responses were received and 48 online responses as well as a range of individual comments. The results for paper responses and the online version were broadly comparable.

The proposed changes were also discussed at a number of existing forums including: the Pensioners Forum (6 June 2011) and the Brent Local Improvement Network (9 June 2011).

3. Consultation responses: the proposals

The issues raised at the consultation meetings and the responses set out in the returned questionnaires are organized below according to the specific proposals and in a general comments section. The notes from each of the public meetings and the detailed analysis of the questionnaire responses are also available.

Proposal 1: introduction of a mobility assessment.

Access is currently based on meeting the automatic criteria or the provision of acceptable disability information by a doctor. The proposal was that in the future access would be based on meeting the automatic criteria or a satisfactory completion of a Brent mobility assessment.

Consultation meetings

General discussion at the meeting was neutral on this proposal. There were very few specific comments. However, in two of the meetings it was questioned whether a mobility assessment could 'know you better' than your GP, and questions were asked about how the mobility assessment works and how it could be accessed. There was also concern that any mobility assessment did not disadvantage people with particular disabilities, for example, people who are registered blind or who have a personality disorder.

Questionnaire responses

1037 people responded to this question. 547 (53%) agreed with the proposal, 29% disagreed and 18% neither agreed nor disagreed with this proposal.

Proposal 2: other concessionary travel schemes.

The proposal was that access to the Taxicard schemes would also be dependent on whether or not people accessed other concessionary transport schemes:

- If you have a Freedom Pass, you will no longer be able to access the scheme
- If you have Blue Badge and are an owner driver, you will no longer be able to access the scheme
- If you have a Blue Badge and are not an owner driver, your trip limit will be reduced from 8 per month to 2 per month.

Consultation Meetings

In the consultation meeting there was a strong negative response to stopping people with a Freedom Pass accessing a Taxicard. The main focus of the criticism was that the proposal would limit flexibility. People said that they took the bus when they could, on 'good days' or at certain times during the day when they were not so busy, and wanted to have the choice and flexibility to do this. The feedback on the Blue Badge proposals while not as strongly negative as for the Freedom Pass proposal was not positive. Again people felt that they should have the flexibility to choose the most appropriate mode of transport, and that removing the flexibility could increase costs and would certainly not help savings. For example, one person said that if they had to choose between a Blue Badge and a Taxicard, they would choose the Taxicard, which would be more expensive for the Council.

Questionnaire responses

However, the strongest response was against removing the Freedom Pass. 1023 people responded to the question on this proposal. 797 people (78%) of the people who responded to this question were opposed to this proposal.

The responses to the other two elements were more evenly balanced

- Of the 1022 people who responded to the question on this proposal, 42% disagreed with the proposal that owner drivers would no longer be able to access Taxicards. 40% agreed with this proposal and 17% neither agreed nor disagreed
- Of the 1019 people who responded to the question on this proposal, 49% disagreed with the proposal for a reduced trip limit if you are a Blue Badge holder but not an owner driver. 32% agreed with the proposal and 19% neither agreed nor disagreed.

No further changes to the scheme were proposed, but the changes that had been implemented in January were also highlighted to get feedback:

Proposal 3: trip limits

There is currently a trip limit of 8 per month although Brent Council funds higher trip limits above the maximum under special circumstances. Taxicard members can roll over 8 trips into the following month. It was proposed in this consultation that this does not change.

Consultation Meetings

This proposal did not provoke a lot of debate in the meetings. The overall feedback was that the trip limit should not change and people should be able to roll over trips because that gives them more flexibility. "If we have an allocation of 8 trips we should be able to choose how to use them/People should be able to use their 8 credits how they want." However, some people did say that 8 trips was not enough.

One additional proposal that was made was for a variable trip limit linked to need. There was a discussion at each meeting about the balance between trip limits and flexibility and the impact this would have on the budget for the Taxicard scheme. In one meeting people rated 'double swipes' a higher priority than 'roll over' on monthly trips, and in another it was suggested that there should be a lower trip limit, but increased flexibility to roll over. However, people also asked why the budget could not be increased, so these trade offs were not necessary.

Questionnaire Responses

1038 people responded to this question, 816 people (79%) agreed that the trip limit should remain the same. 1034 people responded to the question about 'roll overs' and 808 people (78%) agreed that 'roll overs' should remain. 140 people (14%) felt that 'roll overs' should stop or change and 86 people (8%) neither agreed nor disagreed.

Proposal 4: a minimum charge/maximum subsidy

Currently, Taxicard members are required to make a £2.50 contribution to every trip, which leads to a maximum subsidy per trip of £8.30 day time, £9.30 in the evening and £10.80 at night. It was proposed in this consultation that this does not change.

Consultation meetings

Changes to the charge and maximum subsidy were not a focus in the meetings. When these issues were discussed it was mainly in relation to the delivery of the current service and the actual cost of journeys. For example, the fact that the meter is already running when the taxi arrives, which increases the cost. This issue was raised a number of times with one person asking if there was a fixed amount that should be on the meter when they are picked up.

Questionnaire responses

1021 people responded to the question about the minimum charge and 840 people (82%) agreed that the minimum charge should remain the same. 1016 people responded to the question about the maximum charge and 775 (76%) agreed that should not change. 215 people made additional comments about these two questions. The comments were wide ranging and included:

- Broader challenges to the proposed changes, for example, changes to the Taxicard service are targeting the most vulnerable, so charges should be reduced
- The impact of the service itself on the charges, for example, the impact of heavy traffic on the cost of the journey and the high cost of trips with this service compared to ordinary Minicabs

- range of positive comments about not changing the charge or subsidy.

Proposal 5: no double swiping

Currently, if a daytime trip costs more than £10.80 (£2.50, customer contribution, plus £8.30, Brent contribution), then the Taxicard customer has to fund the additional cost because double swipes are not allowed. Double swipes mean that a £21.60 journey can be taken for £5, rather than £13.30. Double swipes were stopped in January and it was proposed in this consultation that this does not change.

Consultation Meetings

This was the most discussed topic at the meetings. The consensus at the meetings was that double swipes were an essential part of the scheme, and the removal of double swipes has had a significant impact on the cost of journeys that people take using the Taxicard scheme. One person said that a double swipe was the minimum required to make the scheme useful, and another person said that a double swipe is often not enough to make some journeys, the specific example they gave was of a trip to Barnet.

Questionnaire Responses

1014 people responded to this question. 445 (44%) agreed with the proposal not to change the policy on double swipes, 440 (43%) disagreed with the proposal. 293 specific comments were received in answer to this question as well and the vast majority state that double swipes should be started again.

4. Consultation responses: themes

As well as setting out the feedback from the meetings as they relate to specific proposals in the consultation, below we have set out the broader themes that emerged, some of which are additional to what has been set out above, some of which cross cut the proposals:

- **Choice/flexibility.** People have individual and in many cases varying circumstances. The feedback in the meeting was clear about the need to recognise all the disabilities that may impact on a person's ability to travel, and to recognise how the impact may change day to day and over time. Therefore, it was clear that people value the flexibility in the Taxicard scheme (for example, double swipes/roll overs) and across the concessionary transport schemes (ability to use the bus on a good day, taxi on a bad day). This allows them to meet their needs in a personalised way
- **Quality of transport services.** A number of people challenged the quality of the Taxicard about routes taken and the meter running before the journey. A number of people also challenged the accessibility of the bus services
- **Hospital appointments.** It was clear that for a lot of people the Taxicard scheme is important for them because it is how they attend hospital appointments
- **Budget for Taxicard.** Although the consultation and the consultation meetings were focused on how the Taxicard scheme could be redesigned to deliver the greatest benefit for those who need the service most within a defined budget, a number of people challenged why the budget could not be increased within Brent or by lobbying more widely.

Appendix C - Equalities Impact Assessment

Department: ADULT SOCIAL SERVICES	Person Responsible: Alison Elliott Director of Adult Social Services
Service Area: Adult Social Care	Timescale for Equality Impact Assessment : Immediate
Date: 24.08.11	Completion date: 24.08.11
Name of service/policy/procedure/project etc: Taxicard scheme	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact Not found <input type="checkbox"/> Found <input checked="" type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	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 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Person responsible for arranging the review: Phil Porter	Person responsible for publishing results of Equality Impact Assessment: Phil Porter
Person responsible for monitoring: Alison Elliott	Date results due to be published and where:
Signed:	Date:

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

Proposed changes to the Taxicard service, which have been devised to ensure that the scheme is targeted at the people with the most need.

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

Context

The Taxicard Scheme was set up to allow London residents with a mobility impairment that prevents them from using buses or trains to travel in the contractors' licensed radio taxis, black cabs or Private Hire Vehicles at subsidised rates. The aim of the scheme is to facilitate access and travel within the community.

Eligibility Criteria

- Resident within one of the participating London Boroughs
- The individual must be unable or virtually unable to use buses or trains due to severe sight impairment or blind, or have a permanent disability which seriously impairs their ability to walk. This is assessed based on either the applicant being in receipt of High Rate Mobility Component of DLA which is an automatic qualifying benefit for the scheme or the individual's GP confirming in their opinion the individual is unable/virtually unable to use public transport.

The Taxicard Scheme is one of a number of concessionary fares services for Disabled People. The other services include the Blue Badge Scheme, which entitles the badge holder to park in specially designated parking places, and Freedom Passes, which entitles the pass holder to free public transport. Both Blue Badges and Freedom Passes are assessed on either:

- the applicant being in receipt of High Rate Mobility Component of DLA, which is an automatic qualifying benefit for the scheme, or
- a mobility assessment, which identifies that the individual has severe mobility limitations and in respect of Blue Badges is virtually unable to walk.

Unlike the Blue Badge Scheme and Freedom passes which are statutory services provided under primary legislation, Taxicards are a discretionary service and provided under an agreement through The London Councils.

Scheme Administration

The scheme is managed on behalf of the participating London Boroughs by the London Councils with funding from TfL, the Mayor and individual London Boroughs. Residents submit their applications to their Local Authority for checking of eligibility and eligible forms are forwarded to London Councils for the cards to be issued.

Recent changes to the scheme

The management reporting data from the outset of 2010/11 by the London Councils identified significantly increased activity rates across all the participating boroughs and as a result by October 2010 a projected overspend of £1.4m was being forecast. In Brent by November 2010 the increase in activity rates was 57% when compared to the previous year.

London Councils in response to the increasing take up and use of taxicards prepared a report which was presented to the Transport and Environment Committee (TEC) on 14th October 2010. The report's recommendations to the boroughs on measures to be implemented to bring the budget in line and to manage the projected overspend for 2010/11 as of 15th November 2010 are as follows:

- To increase the minimum customer contribution from £1.50 to £2.50
- To reduce the maximum subsidy by £2.00 per trip
- To end double swiping - this is where two subsidised fares could be used together on one trip. If boroughs wished to continue for double swiping to be available, the costs would be borne by the individual borough
- That boroughs fund their own additional Taxicard trips for those Disabled People who had been allocated more than the standard allowance of trips per year.
- Moratorium on new members joining the scheme.

A report was then presented to Brent Council Executive on Monday, 15 November 2010 at which it was agreed that:

- that in light of further information received from London Councils, agreement be given to a moratorium for all new applicants
- that authority be delegated to the Director of Housing and Community Care to agree to the recommended budget control measures with the London Councils to pull the spend back in line with the budget for 2010/11.

Therefore, all of the changes outlined above were implemented in order to manage the budget pressures across London and in Brent.

Consultation on further changes to the scheme

These changes ensured the short term sustainability of the scheme. In April 2011, under delegated authority a 12 week consultation began on the future of the Taxicard scheme because it was not clear at this point in time that:

- the scheme was targeted at those most in need,
- the way it was structured, after the changes in January, reflected the needs of the members.
- given the increased demand (at least 200 people are waiting to access the Taxicard scheme), the scheme was financially sustainable in the medium term given the overspend in Brent in 2010/11.

The consultation was based around 5 key proposals:

- Introduction of a mobility assessment for people who do not have automatic access to the scheme
- Making access to the Taxicard scheme (and/or trip limits) dependent on not accessing other concessionary travel schemes
- Retaining the current trip limit of 96 trips per year
- Confirming the minimum charge and maximum subsidy for each trip
- Not reinstating double swipes.

The 12 week consultation started on 11 April 2011 and finished on 4 July 2011 (more detail is provided in section 7). A summary of the responses and feedback from the meetings is set out in detail in the Summary Consultation report. The consultation process led to significant changes in the proposed changes put to the Council Executive, which are:

- Introduction of a mobility assessment for people who do not have automatic access to the scheme – to ensure that those most in need access the service
- Increase flexibility in the scheme – not making access dependent on access to other concessionary schemes, retaining 'roll overs' for trips and reinstating double swipes
- Reduce the annual trip limit to 48 trips (from 96).

These changes were proposed in response to the consultation and the need to deliver the scheme within a defined budget.

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

The aims of the Taxicard Scheme are consistent in that the service does not set out to intentionally discriminate against any of the groups in the Equality Policy or against any individual person on those grounds. The scheme positively aims to improve access to and within the local community for Disabled People of all ages. The changes proposed reflect the need to manage the budget, and the focus of the scheme on people in need means that any changes to the scheme will have a positive impact on these groups as it ensures that the scheme remains sustainable in the medium term. The changes may have a particular impact on those people who have less need, defined by whether or not they meet the criteria set out in the mobility assessment, however any adverse impact would be mitigated because those who no longer qualify for the scheme would be signposted to alternative support as detailed below.

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?

There is no evidence to suggest that the changes will have an adverse impact on the basis of race, gender, faith, or sexual orientation.

The Taxicard scheme is focused on supporting people with a disability (of any age). As stated in the previous section this means that any changes to the scheme will impact this group. However, the proposed mobility assessment will make the application for a Taxicard more transparent and equitable. The clear criteria for a higher trip limit based on the mobility assessment score, level of need and other support (including access to other funding sources) will also increase transparency and ensure the resources are targeted at those with the most need.

For people who no longer meet the criteria after a mobility assessment, the implications will differ on the basis of age, but not because of this scheme. For example, Freedom Passes are available to everyone over the age of 60 (eligibility age increasing by phases to 65 by 2020), so if a person aged 70 does not meet the criteria for a Taxicard after a mobility assessment, they will still have their Freedom Pass. If somebody aged 45, does not meet the criteria after a mobility assessment, they will not be able to access a Freedom Pass. However, in both cases, the team that administers the Taxicard scheme would offer information and advice on other discretionary and community based services that may be available.

The increased costs explicit in the proposals that were consulted on may also have an impact, and this may also have a differential impact across age groups – again because of other schemes. For example, there is some evidence to suggest that there could be an adverse impact for people over 65. People aged under 66 can access the Higher Rate Mobility component of Disability Living Allowance (HRMCDLA), which is provided to assist with transport costs and is therefore an eligible source of assistance to support additional costs experienced by any changes to the Taxicard scheme. For people aged 66 and older, who will not be in receipt of HRMCDLA, the impact of the changes, will be dependant upon their own financial circumstances. Because socio-economic conditions are not protected characteristics under the Equality Act 2010 the Council does not record information in relation to the financial circumstances of certain groups, however it is generally believed that a high percentage of Elderly and Disabled People live in lower income groups and therefore it would be expected that those not in receipt of HRMCDLA will experience a greater impact and restrictions on their capacity to fund longer trips. However, as stated above this will be taken into account when considering applications for higher trip limits and any adverse impact therefore minimised.

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 and disability etc).

The decisions made about the scheme have been based on:

- The consultation on proposed changes (questionnaire responses and discussions at the consultation meetings and other public forums). More information provided in section 7, and a summary of findings from the consultation is available separately.
- The activity data that is available from London Councils who administer the scheme for boroughs.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Equality Act 2010 and the regulations if applicable)

The new mobility assessment will ensure that those people with the most need receive a service from the Taxicard scheme. The two possible unmet needs that could be identified are:

- Where the individual, when assessed, does not evidence a high enough level of need to get a Taxicard or to get a higher trip limit. In this instance the individual can be signposted to any alternative statutory provision for assistance, thereby minimising any adverse impact. Moreover the introduction of the mobility assessment will provide an objective and transparent assessment of need, so when it is introduced the Council will be able to evidence that only people who have a genuine need at the right level are accessing the scheme
- Where the person has a regular transport need which means 48 trips per year will not be enough. The right to apply for a higher trip limit, which reflects your higher level of need, will ensure that where this need is genuine and cannot be met in other ways the Taxicard scheme has the flexibility to meet that need.

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

There has been a 12 week consultation on the changes. There were:

- Four public consultation meetings held: 12th May, 26th May, 3rd June and 24th June. These meetings were attended by about 150 people in total. Each of these meetings followed the same format. A presentation which gave an overview of the consultation process (including the fact that the responses would be presented to Brent council Executive at the end of the summer); why the changes are required and what Brent Council is proposing. This was followed by an open discussion with the all the points being recorded
- The proposed changes were also discussed at a number of existing forums including: the Pensioners Forum (6 June 2011) and the Brent Local Improvement Network (9 June 2011).
- The questionnaire, which was sent to everyone with a Taxicard with a pre-paid envelope, and was also available on the Brent website. 1007 paper responses were received and 48 online responses as well as a range of individual comments (this represents a response rate of 23%). The results for paper responses and the online version were broadly comparable.

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

Yes, on the Brent Council website in the consultations section.

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

There has been media interest across London regarding the changes which were adopted in January 2011 to varying degrees across the 32 participating London Boroughs. There have also been some enquiries from the local MPs and individual representations about these changes and the subsequent consultation.

Most interest has been upon the impact of the changes implemented in January 2011. The issues of concern have since been addressed by this consultation and the propose changes to the policy, and there has not been any media interest in the consultation and the proposals set out in the consultation.

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.

The changes will make the Taxicard scheme more transparent and will clearly focus limited resources on those people with the greatest need. However, the fact that the Council needs to focus the resources on people with more need, means that there will be a negative impact on those people with lower needs, some of whom may well be benefiting from the Taxicard scheme at the moment. This is set out in more detail in section 4.

The increase in the minimum charge and the reduction in the maximum subsidy means that the scheme could be considered to be less affordable. Assuming all trips are taken (4 per month), that these trips are not longer than the distance covered by the maximum subsidy, this means that the increase in costs to the individual would be £4 per month. While this is not an insignificant amount to someone on a low income, it does need to be put in the context of the subsidy for the same trips, which equates to £37.20.

Therefore although the proposal may have some adverse financial impact for a limited number of users with lower needs, overall it will have a positive impact in terms of eliminating discrimination as it will ensure that those in the community with high needs due to disability will be able to continue to access the scheme which in turn will promote equality of opportunity for those with disabilities of all ages. Without the proposed changes the scheme would remain unattractive and unaffordable to members, because of the unavailability of double swiping.

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

In discussing the changes to the Taxicard scheme in consultation with the public and within the context of the discrete and finite budget for the scheme, it is argued that the adverse impact for those with lower needs can be justified in terms of focusing the Taxicard scheme on those in the most need and in terms of balancing the contribution of the individual and the Borough.

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

There are 4546 members of the Taxicard scheme. It is a well publicised scheme across the participating

London Boroughs and well known to user groups and social care staff, who refer individuals to the scheme. The success and take up the scheme has in part been the cause of the increase in activity rates which generated the budget overspend.

13. What is the justification for taking these measures?

N/A

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

The management data from the London Councils will be reported back to Adult Social Care Departmental Management Team and the Director of Adult Social Care on a quarterly basis to ensure that the proposals made, if agreed by the Executive, are sustainable.

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

Should you:

1. Take any immediate action?

Implement the proposed changes if agreed by the Executive to ensure the scheme is focused on the people with the highest level of need.

2. Develop equality objectives and targets based on the conclusions?

Request from the London Councils activity data on the recorded user groups, age, gender, ethnicity and automatic or discretionary criteria for a more detailed break down of the Brent membership, and confirm whether the marketing of the scheme needs to change to reflect the current membership and the desired future membership.

3. Carry out further research?

Not applicable.

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

Data is collated by the London Councils on behalf of Brent. An analysis of this data in both terms of user numbers and activity will enable the department to assess whether the service is impacting disproportionately on any of these groups.

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

The resources required for action are primarily focused on London Councils. However, management capacity and mobility assessment capacity will also be crucial to the successful implementation of the proposed changes.

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):


Date:

Service Area and position in the council:

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

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**

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	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director Regeneration and Major Projects and Director of Adult Social Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>Authority to renew grant funding for the Brent Citizens Advice Bureau and Brent Community Law Centre</p>	

1.0 Summary

- 1.1 This report seeks authority to renew grant funding for a period of six months for Brent Citizens Advice Bureau (BCAB) and the Brent Community Law Centre Limited (BCLC).
- 1.2 The renewal of grant funding for a six month period will allow for the convergence of funding streams from the Council to BCAB and the convergence of timelines between the funding bodies.

2.0 Recommendations

- 2.1 That the Executive agree:-
 - 2.1.1 To renew the grant for the BCAB for a further 6 months from 1st October 2011, to conclude 31st March 2012.
 - 2.1.2 To renew the grant for the BCLC for a further 6 months from 1st October 2011, to conclude 31st March 2012.

3.0 Detail

Brent Citizen's Advice Bureau

- 3.1 The current grant agreement with the BCAB is for 1 year from 1st October 2010 and expires on 30th September 2011.
- 3.2 The BCAB is funded by the Regeneration and Major Projects (R&MP) budget (formerly Housing & Community Care) to provide a generalist legal advice

service across all categories of law with a total annual value of £359k; the existing grant arrangement is due to expire 30th September 2011.

- 3.3 In addition to the Council's R&MP funding, the BCAB also receives approximately £175k one year funding from the Council's Children and Families (C&F) Department, delivering an outreach advice service across a number of Children's Centres which is due to expire 31st March 2012.
- 3.4 The total Council funding amounts for the BCAB for 2011/12 is £534k¹, the BCAB has also secured a total of £319k from a range of other external funding sources during 2011/12.

Brent Community Law Centre (BCLC)

- 3.5 The grant agreement with the BCLC is for 6 months from 31st March 2011 and expires on 30 September 2011.
- 3.6 The BCLC is funded by R&MP to provide a specialist legal advice service across all categories of law with a total annual value of £183k. The existing grant arrangement is due to expire 30th September 2011.
- 3.7 The BCLC has also secured a total of £390k from a range of other external funding streams.

4.0 Financial Implications

- 4.1 The current commissioning budget for advice services for 2011-12 is circa £542k, covering advice services provision by Brent Community Law Centre (BCLC) - £183K and Brent Citizens Advice Bureau (BCAB) - £359K. The proposed renewal of the existing arrangement will be contained within the Regeneration and Major Projects budget.
- 4.2 The cost of the existing BCAB generalist advice service funded by R&MP is circa £179k in 2011/12 because the current grant expires half way through the financial year and this renewal to 31 March 2012 will increase this cost by £180k to £359k. The total annual funding will not change.
- 4.3 The cost of the existing BCLC specialist advice service by R&MP is circa £92k for 2011/12 because the current grant expires half way through the financial year and this renewal to 31 March 2012 will increase this cost by £91k to £183k. The total annual funding will not change.

5.0 Legal Implications

- 5.1 Under section 2 of the Local Government Act 2000 ("LGA") whereby the Council is authorised to do anything that is likely to promote or improve the economic, social or environmental well being of its area, the Council has the power to provide financial assistance for the provision of advice services to the public of the sort provided by the BCAB and the BCLC.

¹ Regeneration & Major Projects Funding

- 5.2 Importantly, section 2(3) of the LGA provides that in exercising the power described in paragraph 8.1 above, the Council must have regard to its sustainable community strategy ("the Strategy"). Brent's Strategy sets out how the Council will meet the needs and aspirations of Brent's residents and expressly points to partnerships with voluntary organisations. The Strategy addresses issues pertaining to the overall wellbeing of Brent's residents and in particular the Strategy focuses upon enhancing income and employment levels within the Borough and supporting vulnerable tenants within the Borough regardless of the nature of their tenure.
- 5.3 As noted in this Report, part of the work of the BCAB and the BCLC relates to housing advice and information. Section 180 of the Housing Act 1996 provides that the Council (being the local housing authority) may give assistance by way of grant or loan to voluntary organisations concerned with homelessness or matters relating to homelessness. The BCLC in particular is tasked with giving advice which is considered beneficial to the prevention of homelessness.
- 5.4 The renewal of grants is treated under the Council's Constitution as the award of new grants. The Executive should be aware that the decision to award a grant is discretionary and the Council's discretion must not be fettered by previous commitments. The Council should therefore make its decision in the light of present circumstances described in this Report. The Council is bound to act reasonably and must take into account only relevant considerations and its fiduciary duty towards taxpayers in the Borough.

6.0 Diversity Implications

- 6.1 An impact needs risk assessment (INRA) is attached as Appendix A.

7.0 Background Papers

Previous Executive Reports available regarding the award of grant funding to the BCLC and BCAB

Contact Officers

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Andy Donald
Director of Regeneration & Major Projects

Alison Elliot
Director Adult Social Services

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Impact Needs/Requirement Assessment Completion Form

Department: Adult Social Care & Regeneration & Major Projects	Person Responsible: Jas Yembra
Service Area: Service Development & Commissioning	Timescale for Equality Impact Assessment :
Date: 15/8/11	Completion date: 15/8/11
Name of service/policy/procedure/project etc: Advice Service	Is the service/policy/procedure/project etc: New <input type="checkbox"/> Old <input checked="" type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input checked="" type="checkbox"/> Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	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 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Person responsible for arranging the review: Jas Yembra	Person responsible for publishing results of Equality Impact Assessment: Not published
Person responsible for monitoring: Jas Yembra	Date results due to be published and where: post review
Signed: Jas Yembra	Date: 15/8/11

Impact Needs/Requirement Assessment Completion Form

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

Advice Services funded by Regeneration & Major Projects

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

The services provide independent advice, assistance and advocacy, both at a generalist and specialist level across a number of categories of law.

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 and disability etc).

A formal decision is yet to be made for the proposed extensions however; there is unlikely to be any major impact on any specific client group as services will continue to be provided for the next six months.

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)

None

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?

A formal decision on funding has not been made on the proposed extension for six months; presently no consultation has taken place with any of the stakeholders.

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

No

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.

Neutral impact

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

N/A

Impact Needs/Requirement Assessment Completion Form

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

Increased partnership working and referral mechanisms.

13. What is the justification for taking these measures?

Provides for a better understanding of the services for the purposes of signposting, referral mechanisms allow agencies to make better use of the available resources in the borough.

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.

On-going monitoring information is received quarterly from providers; this is reviewed and discussed as appropriate with a particular emphasis on any change in the profile of services users.

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

The proposal to extend the services will not have an adverse impact on the residents in the borough.

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. **Carry out further research? Post the advice review**

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

It may be necessary to develop objectives and targets upon completion of the advice review.

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

Continued monitoring of quarterly data to be adjusted in line with the outcome of the review.

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

Signed by the manager undertaking the assessment: Jas Yembra

Full name (in capitals please): Jas Yembra Date: 15/8/11

Service Area and position in the council: H&CC Procurement & Contract Monitoring Officer

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

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**

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Executive
19 September 2011

**Report from the Director of
Strategy, Partnerships and
Improvement**

Wards Affected:
ALL

Preventing Youth Offending Task Group – Final Report

1.0 Summary

- 1.1 This report sets out the findings and recommendations of the Preventing Youth Offending Task Group, which are being presented to the Executive for its approval. The Children and Young People Overview and Scrutiny Committee endorsed these at its meeting of 12th July 2011.

2.0 Recommendations

- 2.1 It is recommended that the Executive endorse the approach and findings of the task group and request that the recommendations are passed to the One Council Programme Board to be addressed within the new project focusing on early intervention and services to children.

3.0 Details

- 3.1 In late 2009, a task group examining the safety of pupils travelling to and from school found that a small number of young people committed a disproportionate amount of crime. In response, a task group to review youth offending was convened early in 2010, but was unable to complete its work before the council elections that year. The task group was revived in October 2010 with a new membership and a revised scope, placing greater emphasis upon the prevention agenda and diversionary projects, evidence from local young people, and a holistic approach which went beyond reviewing the work of a specific service. Early evidence persuaded the task group to place its focus on the decisive factors much earlier in a child's life which influence important outcomes; and on the services which aim to reduce those factors where they are harmful or promote them where they are helpful.

3.2 In order to carry out its review, between October 2010 and April 2011 members of the task group:

- Carried out a review of literature on developing policy and practice in the field of youth crime prevention and early intervention in families by the Audit Commission, the Independent Commission on Youth Crime and Antisocial Behaviour, the Graham Allen Review of Early Intervention, the Ministry of Justice, and NHS Croydon with Croydon Council;
- Consulted guidance and support for professionals working in the relevant fields, such as Brent's guidance for practitioners and managers working within the Common Assessment Framework, and a briefing by the Social Care Institute for Excellence;
- Considered relevant local strategic plans and resources, such as Brent's Children and Young People's Plan 2009-11, the draft Children and Young People's Needs Assessment as at 2010, the Brent Parenting Strategy 2010-11, and an early draft of the Service Plan for 2010/11-2011/12 by the Youth Offending Service;
- Reviewed relevant reports shedding light on local performance and circumstances, including the findings of an Ofsted unannounced inspection in November 2010, a report of the Early Intervention Locality Team Manager to the Schools Forum, the latest available progress update on the Parenting Strategy, an assessment of the potential impact of terminating funding to the Place2Be hub in Brent, a report to the Children and Young People's Overview and Scrutiny Committee by the Youth Offending Service, and a report to that committee by the School Improvement Service on education standards;
- Took evidence from a range of practitioners and managers from within the Children and Families directorate of the council, as well as from witnesses in other sectors, including Brent Centre for Young People, Hornstars, The Place2Be, the Tricycle Theatre and Brent Youth Radio;
- Attended a seminar held by the Independent Commission on Youth Crime and Antisocial Behaviour;
- Met and spoke with young people at Hornstars, Brent Youth Matters 2, the Right Track and Brent Youth Parliament; as well as using other methods to consult Brent Care In Action, and young people known to the Youth Offending Service; and
- Were interviewed live on air on Brent Youth Radio.

3.3 The members of the task group were Councillor Helga Gladbaum (chair), Councillor Patricia Harrison, and Councillor Ann Hunter.

3.4 The task group has made 19 recommendations which it hopes will be fully supported and approved by the Executive to enable youth offending, and potentially other negative outcomes, to be more effectively prevented. The recommendations address the following subject areas:

- A change in emphasis to effective early intervention
- Changes in practice
- Collaboration between agencies
- The crucial role of schools
- The crucial role of parents, and
- Other organisational issues.

3.5 The task group recommends that:

1. Brent should develop a comprehensive Prevention Strategy, joining up and coordinating the prevention of all negative outcomes for children and young people including poor educational achievement, poor mental, emotional and physical health, teenage pregnancy, drug and alcohol misuse and offending and antisocial behaviour. The Strategy should:

a) include an explicit commitment to prevention as a cost-effective long term approach to managing demand on services, which is embedded in practice amongst the council and its partners;

b) set out the joint commitment of all partners to working together at all levels to prevent and intervene early against poor outcomes, based on “Think Family”;

c) revise the existing data-sharing protocol to address issues preventing the quick and convenient sharing of secure data electronically by the NHS with relevant teams in the council;

d) explore options for embedded working across disciplines, such as virtual teams or co-location;

e) feature supporting parenting as a major component, including any unmet objectives from the Parenting Strategy 2010-11; and

f) be implemented with specific, measurable, time limited actions; individual accountability; and regular and rigorous monitoring by the Children’s Partnership Board’s Executive.

2. Early Years settings, primary and secondary schools, and other relevant institutions should cooperate to enable early intervention in relation to needs arising from transitions.

3. Universal Early Years practitioners, such as health visitors, child minders, and nursery nurses, should be equipped to identify additional needs early and

encouraged to provide support to children and families where possible, to reduce demand for Tier 2 services. This should focus in particular on social and emotional development and parenting support, and should include appropriate professional supervision.

4. The Task and Finish Group on Complex Families should consider opportunities for pooling resources to enhance the effectiveness of early intervention, for the purposes of realising longer-term savings for all public service providers.

5. Preventative work by the Council and its partners should address each of the eight categories set out by the Independent Commission; and that any new programmes funded in future should be selected from those approved by the Graham Allen review.

6. A regularly-updated needs assessment should be undertaken to inform the Prevention Strategy, including:

- a) a profile of relevant risk factors, protective factors and outcomes for children;
- b) an audit of existing services and programmes for their effectiveness and supporting evidence;
- c) the findings of the final report on the Parenting Strategy 2010-11; and
- d) in-depth research and analysis regarding families' experiences of preventative and early intervention services.

7. The tools used to assess risks in young people include all risk factors identified by the Independent Commission.

8. Future Child Poverty Needs Assessments and Strategies take into account the findings of this report.

9. The needs assessment and Prevention Strategy are overseen by the Children's Partnership Board.

10. The Strategic Implementation Group acts to address weaknesses and inconsistencies in Team Around the Child meetings, including non-attendance by professionals, unwillingness to take on the Lead Professional role, and perceptions of meetings' ineffectiveness amongst participants.

11. Work is undertaken to benchmark reintegration rates of excluded pupils in Brent against peer authorities. This should take into account reintegrated pupils who are subsequently permanently excluded again.

12. The School Improvement Service prioritises and advocates programmes on the Allen list intended for educational settings, and focuses on increased support for Early Years providers.

13. The availability of opportunities for young people in Brent to engage in alternative and vocational forms of learning is expanded where possible; and takeup is encouraged where appropriate to pupils' aptitudes and abilities.

14. Croydon's Peer2Peer Support measures are examined and evaluated, and effective elements replicated in Brent to support networks for vulnerable and isolated parents.

15. Options are examined for the views of parents to be represented on an ongoing basis, such as via a Parents' Council.

16. With the support of the Corporate Policy Team, Mosaic Public Sector is used to analyse and determine the most effective methods of promoting parenting support, and determining the best access channels for different groups of parents.

17. Strategic objectives and measures of success for preventative services should focus on achievement of sustained outcomes beyond the lifetime of specific interventions.

18. Professionals from the relevant teams and agencies are trained jointly, to ensure consistent understanding of obligations, and to build relationships. The benefits of working together and complementing each others' services should be a core learning point.

19. Learning and development for all professionals incorporates opportunities to reflect and learn about emerging practice, and fosters innovation, eg time away from the day-to-day working environment and learning from peers.

The initial responses to these recommendations of relevant units within the Council are included in Appendix 1 to this covering report.

4.0 Financial Implications

4.1 Responses from the relevant service areas to each of the recommendations have been reviewed for any related financial implications and these are included as an appendix to this report.

Many of the recommendations could be implemented using existing resources through changes in processes or approach. There are however additional resource requirements for a number of the recommendations which are detailed in the appendix. In particular recommendations 1, 6(b)-(d) and 15 have significant cost implications amounting to £70k, approximately. Currently, the Children and Families Department has its resources allocated to other priorities and on that basis would not be able to implement these recommendations at this stage.

For Recommendation 1, the development of a comprehensive Prevention Strategy is estimated to be approximately £30k. There may also be additional cost implications if specific prevention programmes are implemented and any new parenting projects would need additional funding. Recommendation 6 (b)-(d) would require an extensive piece of work which would need to be commissioned. The approximate cost for this work would be £20k. Recommendation 15 would also require additional dedicated support amounting to £20k per annum.

Recommendation 7 would be cost neutral if the existing Asset tool for offending /anti-social behaviour is used.

Other recommendations could be implemented from within existing resources as detailed in the Appendix.

5.0 Legal Implications

- 5.1 Under section 2 of the Local Government Act 2000, the Council has the power to implement the recommendations contained in this report, to develop a comprehensive prevention strategy in respect of negative outcomes for children and young people. The recommendations are consistent with Brent's duties under s10 of the Children Act 2004, to work with its partners with a view to improving the wellbeing of children in its area.
- 5.2 In respect of the task group's recommendation to revise the data-sharing protocol with the NHS, care must be taken to ensure that all data sharing remains consistent with the local authority's duties under the Data Protection Act 1998.

6.0 Diversity Implications

- 6.1 The recommendations relating to establishing effective networks for vulnerable and isolated parents, and determining the most effective methods for promoting parenting support, will include targeting those parents for whom English is not their first language, and who are less likely to take up such services.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 Staff across relevant teams in the council, and in partner agencies (particularly the NHS), must be enabled to work differently to meet the aims of the new Prevention Strategy (including a revised data-sharing protocol and potential cross-disciplinary working), to make the Team Around the Child more effective, and generally improve collaboration between agencies. This will include joint training, and opportunities for reflection and learning about emerging practice in their professional development.

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Appendix 1

Recommendation	Service Response	Financial Implications
1. Brent should develop a comprehensive Prevention Strategy, joining up and coordinating the prevention of all negative outcomes for children and young people including poor educational achievement, poor mental, emotional and physical health, teenage pregnancy, drug and alcohol misuse and offending and antisocial behaviour. The Strategy should:	Agreed. The importance of prevention and early help underpins the current children and young people's plan. There is a stated commitment to 'supporting universal services to promote resilience to risk, ensuring that vulnerable children and young people are identified early and offered targeted interventions to prevent poor outcomes.'	This is a significant piece of work and would need a dedicated resource of approximately £30k.
<p>a) include an explicit commitment to prevention as a cost-effective long term approach to managing demand on services, which is embedded in practice amongst the council and its partners;</p> <p>b) set out the joint commitment of all partners to working together at all levels to prevent and intervene early against poor outcomes, based on "Think Family";</p> <p>c) revise the existing data-sharing protocol to address issues preventing the quick and convenient sharing of secure data electronically by the NHS with relevant teams in the council;</p>	<p>Agreed that this should be incorporated into the strategy.</p> <p>Agreed that this should be incorporated into the strategy.</p> <p>Revision of data-sharing protocol will be subject to discussion at joint executive team meetings between the local authority and NHS.</p>	<p>This is cost neutral, although implementation of specific programmes would have cost implications.</p> <p>This is cost neutral.</p> <p>Time spent by staff to revise and consult on a refreshed Information Sharing Protocol. This can be undertaken from existing resources.</p>

<p>d) explore options for embedded working across disciplines, such as virtual teams or co-location;</p> <p>e) feature supporting parenting as a major component, including any unmet objectives from the Parenting Strategy 2010-11; and</p> <p>f) Be implemented with specific, measurable, time limited actions; individual accountability; and regular and rigorous monitoring by the Children's Partnership Board's Executive.</p>	<p>There are already examples of virtual and co-located teams and further opportunities for effective multi-disciplinary work will be explored.</p> <p>Agreed that this should be incorporated into the strategy. Our 'parenting' offer has been reduced as projects funded through the Children's Fund came to an end at the close of last financial year.</p> <p>Agreed.</p>	<p>Officer time. This can be undertaken from existing resources.</p> <p>Any new parenting projects would need to be funded.</p> <p>The parenting strategy refresh and consultation is currently underway</p> <p>Officer time to monitor. This can be undertaken from existing resources.</p>
<p>2. Early Years settings, primary and secondary schools, and other relevant institutions should cooperate to enable early intervention in relation to needs arising from transitions.</p>	<p>Work is already undertaken in supporting transitions into school from early years settings and from primary schools into secondary schools but further consideration will be given to strengthening this work and promoting consistency of practice.</p>	
<p>3. Universal Early Years practitioners, such as health visitors, child minders, and nursery nurses, should be equipped to identify additional needs early and encouraged to provide support to children and families where possible, to reduce demand for Tier 2 services. This should focus in</p>	<p>Appropriate multi-agency training developed and further training and support identified. Strong working relationships developing which should ensure a multi-agency response. Social and emotional development and parenting support all</p>	

particular on social and emotional development and parenting support, and should include appropriate professional supervision.	prioritised. Appropriate professional supervision – in place from September 2011. This will help to equip tier one workers to reduce escalation as appropriate.	
4. The Task and Finish Group on Complex Families should consider opportunities for pooling resources to enhance the effectiveness of early intervention, for the purposes of realising longer-term savings for all public service providers.	The task and finish group are to develop a business case for the project. Partners for Brent Executive has drawn together interest from a number of the strategic partnerships in Brent to set up a pilot project to support what national pilots are describing as 'complex families'. A review of projects elsewhere in the country has informed the scope for this project. The concept is to draw together multi agency packages of early intervention relating to employment, health, crime, housing, education and social care for a cohort of families. We are presently at the stage of developing a business case and operational model for the pilot project to enable prevention. This will involve considering opportunities for pooling resources to both enhance the effectiveness of early intervention, and realise longer-term savings. The findings and recommendations from this task group will inform the work of the complex families task and finish group.	The work to support this coming from existing resources in Strategy, Partnerships and Improvement.

<p>5. Preventative work by the Council and its partners should address each of the eight categories set out by the Independent Commission; and any new programmes funded in future should be selected from those approved by the Graham Allen review.</p>	<p>To be discussed at the BCP Executive. The list of effective Early intervention programmes in the Graham Allen report should inform the work of the Council and its partners and, as the Allen report states, the list should be constantly reviewed and expanded.</p>	<p>This is cost neutral. This will apply to funded programmes.</p>
<p>6. A regularly-updated needs assessment should be undertaken to inform the Prevention Strategy, including:</p> <p>a) a profile of relevant risk factors, protective factors and outcomes for children;</p> <p>b) an audit of existing services and programmes for their effectiveness and supporting evidence;</p>	<p>A Needs Assessment was undertaken to inform the Child Poverty Strategy which is currently out for consultation. This will also inform the Children & Young People Plan. The BCP Executive should agree how often a full Needs Assessment should be undertaken. Biannual updating would be advisable</p> <p>An analysis of demographic data alongside the child needs assessment (recently published to inform the child poverty strategy) can be used to produce a profile of risk and protective factors. BCP to agree timescale.</p> <p>An audit can be produced using existing quantitative performance data, including self assessment and inspection. Consideration will have to be given by the BCP as to whether this should be a cross partnership audit or focus solely on the</p>	<p>Officer time to undertake needs assessments, research and monitoring etc. This can be undertaken from existing resources.</p>

<p>c) the findings of the final report on the Parenting Strategy 2010-11; and</p> <p>d) In-depth research and analysis regarding families' experiences of preventative and early intervention services.</p>	<p>Council</p> <p>Agreed.</p> <p>To be discussed at the BCP Executive in terms of level and breadth of research required and how this might be carried out</p>	<p>This would be an extensive piece of work which would need to be commissioned – approximate cost £20k.</p>
<p>7. The tools used to assess risks in young people include all risk factors identified by the Independent Commission.</p>	<p>The risk factors will be considered for inclusion in the CAF process which is currently being reviewed.</p> <p>The YOS does not currently have any preventative programmes, the funding for both the Senior and Junior YIPs and the Children Support Programme having come to an end at the close of the last financial year. There have been no further funds identified to reinstate these programmes or to design and implement a different preventative offer under the auspices of the YOS.</p> <p>The tool which was used to assess young people for both of those programmes (Onset) was the one prescribed by the YJB as that which should be utilised for approved, funded programmes; we complied with this requirement. This tool did cover the domains identified as key</p>	<p>Head of YOS recommends using the existing Asset tool for offending /anti-social behaviour. This would be cost neutral. Developing a new tool would have cost implications.</p>

factors in determining both the risk and protective factors of significance in assessing and intervening in early signs of offending or anti – social behaviour. Were the LA to determine that it wished to establish a preventative programme based on the YIP or CSP models or to design other programmes to meet the preventions agenda, there would of course be no obligation to use this particular tool in order to meet grant – funding requirements as was the case in the past.

The YOT currently uses a more detailed assessment tool (Asset) again a prescribed tool, for those young people who are engaged with us on court ordered sentences or pre-court disposals. Asset is about to undergo a process of review by Oxford University who designed it originally (commissioned by the YJB) This process is expected to take 18 months and will take into account any new evidence about risk and protective factors not available when it was constructed originally. It is recommended that if an assessment tool is to devised locally that it should be based very closely on the Asset model which is amenable to inclusion of all of elements proposed by the Independent Commission (particularly

	in the form of detailed guidance notes to ensure that any additional information required is captured). Depending on the timescales for the establishment of preventions programmes it may also be the case that the revised Asset tool will be available for use.	
8. Future Child Poverty Needs Assessments and Strategies take into account the findings of this report.	<p>Both the Child Poverty Needs Assessment and Strategy are currently being developed and consulted on but reference to the Preventing Youth Offending report has been made and there has been officer representation from the task group on the Child Poverty group.</p> <p>The Child Poverty agenda has also been driven by both Frank Field and Graham Allen reviews and as such, places particular importance on early intervention to improve life chances for our most deprived children and ensuring early intervention services are targeted to those families most in need. Taking a lifecycle approach, the strategy will also look to address transitional phases in a young persons life and to ensure there is effective data sharing between those organisations involved in supporting vulnerable families and children.</p>	Officer time. This can be undertaken from existing resources.

	<p>The purpose of the Needs Assessment is to highlight the key issues facing children and families at the moment within Brent and this has been used to inform the strategy which in itself will provide an overarching framework to tackle poverty. There are four key outcomes within the Strategy that complement the findings of the task group, namely:</p> <p>Objective 1: To provide a safe and secure environment where all children are respected and cared for so that they grow into successful and responsible people.</p> <p>Objective 2: To ensure all children have a happy and healthy life and lifestyle to be able to progress and thrive.</p> <p>Objective 3: To provide children with the best possible education in an environment where they can thrive; socially emotionally, physically and intellectually.</p> <p>Objective 4: To ensure all children are in happy, confident and ambitious capable to aim high and achieve whatever they aspire to.</p>	
9. The needs assessment and Prevention Strategy are overseen by the Children's	Agreed that the Children's Partnership Board should have the overview role.	This is cost neutral – oversight would be provided by existing Board.

Partnership Board.		
10. The Strategic Implementation Group acts to address weaknesses and inconsistencies in Team Around the Child meetings, including non-attendance by professionals, unwillingness to take on the Lead Professional role, and perceptions of meetings' ineffectiveness amongst participants.	The process and implementation of identification referral and support for all vulnerable children and young people is being reviewed. A more effective CAF, team around the child and multi-agency participation process will be developed.	This is cost neutral.
11. Work is undertaken to benchmark reintegration rates of excluded pupils in Brent against peer authorities. This should take into account reintegrated pupils who are subsequently permanently excluded again.	Detailed information is not in the public domain and disclosure from other LAs will depend upon their cooperation on a case-by-case basis. Policies in relation to provision for excluded pupils and criteria and procedures for re-integrating previously excluded pupils vary between LAs. This will present challenges for any benchmarking exercise. However, an approach will be made to relevant authorities for this information.	Officer Time. This can be undertaken from existing resources.
12. The School Improvement Service prioritises and advocates programmes on the Allen list intended for educational settings, and focuses on increased support for Early Years providers.	There are currently 16 trained teachers delivering Reading Recovery in Brent primary schools to the lowest attaining children in Year 1. In 2009-10 86.3% of children in receipt of the programme were discontinued from it because they had reached age-related expectations in reading. In the same year, 87% of the	Increased support in the Early Years will have significant cost implications.

	children who had benefited from Reading Recovery in the previous year attained Level 2+ in the end of Key Stage 1 assessments.	
13. The availability of opportunities for young people in Brent to engage in alternative and vocational forms of learning is expanded where possible; and take-up is encouraged where appropriate to pupils' aptitudes and abilities.	<p>Currently, Brent Connexions, as part of Brent Youth and Connexions Service provides information, advice, guidance (IAG) and support for all young people to make informed choices about learning and work options and to make effective transitions to adult and working life. The service is available to young people aged 13 to 19, (up to age 25 for young people with special needs/learning difficulties and disabilities).</p> <p>Under the Education Bill responsibility for careers IAG for pupils in years 9-11 (and possibly to age 18 to be confirmed) transfers to schools from September 2012.</p> <p>Various delivery models are being considered including buy back from schools.</p> <p>LA will retain some responsibilities for young people with special needs & learning difficulties & disabilities.</p>	

	<p>The service as it is currently provided promotes sources of information about options, for example the mychoicelondon.co.uk website which provides information about courses, training and jobs.</p> <p>In addition, events are organised to give young people the opportunity to try different skills and find out more about local provision.</p> <p>Presentations and events for parents are held to explain the various routes and education options available to young people post 16. Opportunities bulletins for young people have ceased as part of the reductions in the service.</p> <p>The Youth and Connexions Service collects and records information from all young people aged 16 and 17 about their plans. This information is collated and is used to inform the planning of provision. Advisers maintain links with local companies to identify opportunities for young people and to promote the development of work-based learning and training.</p> <p>The Education Bill 2011 sets out a range of changes to the duties of schools and</p>	<p>This is cost neutral.</p> <p>In future this will depend on buy back from schools.</p> <p>In future this will depend on buy back from schools.</p> <p>Due to forthcoming changes in legislation it is not clear at this stage whether the local authority will have the duty or the resources to collate information for all young people in the borough.</p>
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local authorities in relation to careers advice. Under the Education Bill, local authorities will retain their statutory duty to encourage, enable or assist young people's participation in education and training. The Early Intervention Grant will continue to be available to local authorities to support vulnerable young people to engage in education and training, including providing early support to young people at risk of disengagement. Under the new arrangements there will be a national all-age careers service which will provide a website and telephone helpline for young people up to age 18. The new service will not offer face to face information, advice and guidance for young people. From September 2012 schools will have a duty to secure access to independent, impartial careers guidance for their students in years 9-11. Schools will be free to make arrangements for careers guidance that fit the needs and circumstances of their students. From September 2012 there will be no face-to-face universal careers advice for young people, except that which is bought in by schools.

The council also looks to maximise apprenticeship opportunities through its

Major Projects & Regeneration.

<p>Section 106 agreements and major physical redevelopments. Any opportunities that are sourced are promoted and filled by local employment and training providers, including the CNWL.</p> <p>The College also runs a variety of courses and qualifications for young people aged over 16 and makes every effort to ensure their vocational courses are linked to skills need within the local economy</p> <p>Two of the 14-19 priorities agreed this year by Brent 14-19 Partnership for the next three years are to:</p> <ul style="list-style-type: none"> • Develop curriculum breadth and choice to meet the needs of all young people • Increase the availability of apprenticeship programmes <p>The partnership has used the Early Intervention Grant to support education and training providers to develop Foundation Learning pathways which are vocationally oriented to meet the needs of learners working at Entry Level and Level 1 at age 14 to ensure improved progression and attainment for these learners at age 16. This work will</p>	
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continue as foundation learning is extended across more providers over the next two years.

The partnership has used the Local Delivery Support Grant to develop diploma pathways. This work will continue over the next year. However, the partnership in furthering this work is looking at ways to overcome some of the challenges that changes to national policy have created. This includes: the removal of the 14-19 diploma entitlement whereby all young people would have had the right to study vocational qualifications and the withdrawal of the grants to support its introduction; the introduction of the English Baccalaureate performance measure for schools; the downgrading of vocational qualifications in performance tables.


The partnership is working with its providers to develop appropriate vocational provision that will engage the young people that are currently NEET aged 16-18.

The partnership has an alternative provision prospectus at age 14 and has agreed protocols and quality assurance procedures to ensure young people at

	alternative provision receive high quality training and/or education.	
14. Croydon's Peer2Peer Support measures are examined and evaluated, and effective elements replicated in Brent to support networks for vulnerable and isolated parents.	We are exploring this through Children's Centres' volunteers and will develop appropriate process.	Financial implications of this programme are yet to be determined.
15. Options are examined for the views of parents to be represented on an ongoing basis, such as via a Parents' Council.	Parents Forum for each locality are now in place for those with children under 5 years old. Systems are being explored for families with older children.	Parent's Councils would need to be serviced and supported. It is not possible to absorb this work in current structures.
16. With the support of the Corporate Policy Team, Mosaic Public Sector is used to analyse and determine the most effective methods of promoting parenting support, and determining the best access channels for different groups of parents.	This work will be progressed in September-December 2011.	This is cost neutral.
17. Strategic objectives and measures of success for preventative services should focus on achievement of sustained outcomes beyond the lifetime of specific interventions.	Agreed but with clear milestones set to track progress with implementation	This is cost neutral.
18. Professionals from the relevant teams and	A programme of joint training is already in	This is cost neutral.

agencies are trained jointly, to ensure consistent understanding of obligations, and to build relationships. The benefits of working together and complementing each others' services should be a core learning point.	place eg safeguarding, common assessment framework. Further opportunities can be explored.	
19. Learning and development for all professionals incorporates opportunities to reflect and learn about emerging practice, and fosters innovation, e.g. time away from the day-to-day working environment and learning from peers.	Whilst undoubtedly important, it is becoming increasingly difficult to have time away from day to day work for staff involved in front line activity in areas of growing demand and a standstill or reducing staff base. Opportunities to combine 'reflection' with training will be sought.	

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	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Legal and Procurement</p>
<p style="text-align: right;">Wards Affected: [ALL]</p>	
<p>Authority to exempt the procurement of a multi-borough framework for on- line legal resources from tendering</p>	

1.0 Summary

- 1.1 This report concerns purchase of on-line legal resources for use by Legal Services. It describes a proposal to procure a framework or frameworks for use by an association of London Boroughs known as the London Boroughs Legal Alliance (LBLA). It is proposed that Brent take the lead in the procurement. The report then requests approval for an exemption from the usual Brent tendering requirements for the reasons set out in the report.

2.0 Recommendations

- 2.1 The Executive to note the proposal for Brent to act as lead authority for a collaborative procurement (with other members of the London Boroughs Legal Alliance) of a framework or frameworks for the procurement of on-line legal resources.
- 2.2 The Executive to agree that tenders need not be sought for the collaborative procurement described in paragraph 2.1 for reasons connected with the protection of exclusive rights, as described in paragraphs 3.6 – 3.10 of the report, in accordance with Contract Standing order 86(e)(i).

3.0 Detail

- 3.1 The provision of on-line legal resources encompasses a range of reference material and sources that are used by local authority lawyers in preparing legal advice. Access to up to date case law, precedents and information of a legal nature is a necessity for lawyers and is acknowledged as a large expenditure item in both law firms and in house legal departments. These resources include but are not limited to:
- UK and EU case law;
 - Authoritative commentary from leading legal authors on key areas of law such as housing, social services and planning;
 - Full text of primary and secondary legislation;

- Guidance on practical application of the law;
 - Leading journals with articles on emerging legal issues or complex legal problems;
 - Standard forms and precedents (eg court forms or industry standard leases);
 - Updating services that notify users of changes to legislation or significant developments in case law.
- 3.2 Discussions between the Heads of Legal Services in the London Boroughs Legal Alliance authorities revealed the fact that each borough spent a large amount of money on the procurement of hard copy law books and/or on line legal knowledge management systems from a handful of specialist companies. Some hard copy books are still required, for lawyers to use in court, however the main trend is to online resources. These services are currently provided to Brent and other London Boroughs by a mixture of publishers - LexisNexis, Thomson Reuters and other smaller organisations such as the Practical Law Company. It is a small and specialised market.
- 3.3 As many of these contracts will be expiring later this year or early next it is the intention through the London Boroughs Legal Alliance, of which Brent is a member, to develop an on-line legal resources framework to enable the Boroughs collectively to leverage their combined purchasing power to receive a high quality service at a lower overall cost. The estimated value of the proposed procurement is between £729,553 and £1,024,908 over a 4-year term.
- 3.4 A bench-marking exercise of current provision was carried out, and concerns expressed by the Heads of Legal primarily related to the following:
- Wide variation in the amounts of money being spent by boroughs for what should be a similar service
 - Lack of availability of comparative prices offered to other boroughs when negotiating subscription prices
 - Lack of adequate identifiable audit trail to demonstrate the achievement of value for money
 - Difficulties in negotiating significant cost reductions due to the specialist nature of the information and consequent limited number of suppliers.
- 3.5 Consideration was given to the best means of addressing these concerns. The LBLA members were aware that attempts by some individual boroughs to streamline the resources needed (including Brent) had already yielded significant savings. However a tender process leading to the establishment of a framework with agreed rates and an agreed standard level of knowledge provision across all participating boroughs was seen as being the most effective means of addressing the concerns in paragraph 3.4.

Proposed Procurement Process

- 3.6 The London Borough of Brent is leading on the collaborative procurement project in conjunction with Kennedy Cater Ltd, the company providing administrative help to the LBLA. It is considered that the most straightforward and cost effective means of procuring a framework agreement for the London Boroughs Legal Alliance is for a combined procurement exercise where one borough's Standing Orders are used. Therefore the procurement will be as provided for within Brent's Standing Orders and Financial Regulations.
- 3.7 Once a detailed analysis of the market and of the LBLA boroughs different requirements had been undertaken, it was agreed by the LBLA Heads of Legal that use of a standard tender process would be difficult. This is because the majority of the on-line resources required by the boroughs are published exclusively by one of the legal publishers already referred to, and therefore are only available from that publisher. Even where there are equivalent resources eg an on-line database of up-to-date legislation, it was found that each publisher then bundles this with its exclusive copyright material, such that it would not be possible to tender only the non-exclusive material. As a result the LBLA Heads of Legal have decided that a negotiated approach would be better.
- 3.8 Therefore the proposal is to approach the three suppliers referred to in paragraph 3.2 and ask them to quote for a place on the proposed framework(s) based on various configurations of exclusive material. These different configurations will then be subject to evaluation using evaluation criteria similar to those that would apply for a tendered process. It is proposed that this exercise will focus mainly on price, but with information being sought on the quality side about training, customer care etc.
- 3.9 The proposed approach is lawful if it is done in compliance with both EU public procurement law and Brent's Contract Standing Orders. Under EU procurement law, the type of services required are electronic information services which are part A services. This requires the following of a fully compliant tender process under the relevant regulations, unless one of the exemptions applies as set out in the regulations. However, there is an exemption that allows use of a negotiated procedure in these circumstances. This exemption applies where for "for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the... contract may only be awarded to a particular economic operator" (reg 14(1)(a)(iii) of the Public Contracts Regulations 2006). This exemption is most often relied upon in the context of intellectual property rights such as copyright.
- 3.10 Turning to the position under Brent Standing Orders, the standard procurement approach for a contract or framework of this value is tendering. Contract Standing Order 86(e)(i) provides that tenders need not be invited where for reasons connected with the protection of exclusive rights, the services may only be provided by a particular provider. Although the exact configuration of the framework(s) is still to be negotiated, it will be the case that each framework will only be awardable to that particular provider because of copyright restrictions and therefore the exemption applies.

4. Establishment of Proposed Framework

- 4.1 The evaluation of bids for inclusion on the proposed framework(s) would be evaluated and awarded on the basis of most economically advantageous offer(s) to the participating boroughs. At this stage it is not clear whether this will result in the establishment of only one single-provider framework, or whether there could be more than one single-provider framework. The fact that nearly all content is exclusively available only from one provider means that multi-provider frameworks cannot be established.
- 4.2 The Heads of Legal from the different boroughs will be represented on the evaluation panel in the selection of the provider(s) to be appointed to the framework(s). This Council will then seek approval from the Executive in December 2011 to make this appointment, such that the framework will then be in use for the other boroughs to call off.
- 4.3 The framework will set out the standard terms upon which individual boroughs can 'call off' a contract for their own use, at the price tendered by the company. It is proposed that the framework would be for 3 years with provision for a one-year extension, with call-off contracts having to be co-terminous with the framework. Once a company is appointed to a framework, the participating authorities would expect to 'call off' a subscription to the company on the framework to achieve the benefits of agreed rates and service standards. The boroughs would not however be obliged to use the company in all circumstances and could depart from the use of the framework if, for example, the company on the framework did not have a publication or other resource required for a specific legal speciality outside of the 'core basket' eg data protection.
- 4.4 The framework approach will enable individual Boroughs to buy-in to the service as and when existing contracts terminate with the option of also allowing other London Boroughs to join at a future date to secure greater savings through increased numbers of users.
- 4.5 The negotiation process will also be used to secure significant discounts on any residual hardcopy text materials that are still required by individual Boroughs eg textbooks required to be taken to court. This analysis will be carried out once the main negotiation process is complete.

5.0 Financial Implications

- 5.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive as High Value contracts.
- 5.2 The estimated value of this service framework is a minimum of £729,553.
- 5.3 It is anticipated that the cost of this contract will be funded from existing resources across individual London Borough Legal Alliance members. Brent's current expenditure is £41,945 per annum (including hardcopy text requirements), against which it is anticipated this framework will deliver savings.

6.0 Staffing Implications

This service is currently provided by an external contractor and there are no implications for Council staff arising from establishing this framework agreement.

7.0 Legal Implications

- 7.1 The majority of legal issues surrounding the proposed procurement are set out in the body of this report.
- 7.2 There is a risk to Brent in leading the procurement. This is because if an unsuccessful bidder is unhappy with any aspect of the process then it would make a challenge against Brent, which Brent alone would be responsible for defending. The most likely ground for challenge would be the adoption of a negotiated procedure rather than a tendered process as described in the body of the report. Officers are currently investigating the use of insurance to cover the proposed risk, either through the Council's existing insurance or through a specially-arranged policy. Alternatively there is the possibility of seeking an indemnity from the other boroughs in relation to the legal costs of defending such a challenge.

8.0 Diversity Implications

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

9.0 Background Papers

Procurement File (save for legally privileged papers)


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	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Services</p>
For Action	Wards Affected: ALL
Authority to tender for the provision of a framework for passenger transport services for participating boroughs in the West London Alliance	

1.0 Summary

- 1.1 Brent Council is participating in the West London Alliance Transport Efficiency Programme (“the Programme”) in collaboration with the London Boroughs of Barnet, Ealing and Hounslow (known here collectively as the “Participating Boroughs”), with the potential for wider collaboration over the next few years with other future partner organisations including London Boroughs, the NHS, Transport for London and other relevant public sector providers.
- 1.2 The Programme seeks to deliver savings in the cost of transport provision for participating partners, whilst maintaining or improving service standards, through a wide range of collaborative initiatives including the procurement of a single framework for the provision of contracted passenger transport services for the carriage of vulnerable adults, children/young people with Special Educational Needs (SEN) children, disabled people, patients and other authorised individuals (“the Framework”). The provision of high quality accessible passenger transport services is a crucial enabler for these groups to access services and facilitates inclusion and independence.
- 1.3 Officers have proposed that Brent Council acts as the lead borough and central purchasing body for the procurement of the framework to facilitate the widest possible access to the framework for Participating Boroughs and relevant public partner organisations. The Framework is expected to provide savings through greater economy of scale, and more efficient operating arrangements than the current single borough arrangements.
- 1.4 The new Framework will replace existing frameworks and contracts for passenger transport services held by Participating Boroughs. Participating Boroughs and other public partner organisations will call off from the new Framework subject to acceptance and completion of appropriate access agreements.

- 1.5 This report requests approval to invite tenders for the framework, as required by Standing Orders 88 and 89. The Framework will operate for a period of four years and will commence in April 2012.
- 1.6 The Participating Boroughs have given their agreement that this requirement should be tendered by Brent as Lead Borough for this Procurement.

2.0 Recommendations

- 2.1 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 7.1 of the report.
- 2.2 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.1 above.

3.0 Background

- 3.1 Councils provide passenger transport services to meet their statutory duties to facilitate access to schools/colleges for children and young people with Special Educational Needs, and to provide access to care centres and other facilities for vulnerable adults. Typically, these services are provided using a mixture of in-house or contracted transport services, determined by value for money considerations and local requirements.
- 3.2 Amongst the Participating Boroughs for the Programme, Barnet, Brent and Hounslow operate such a mixture of in house and outsourced services whilst Ealing uses only contracted transport services. It is intended that the mixed approach will continue as part of the collaborative approach being adopted by the Programme, although there may be some adjustment in the balance between the use of contracted transport and in-house according to the relative costs prevailing at the time.
- 3.3. The intention is that the Programme will establish a Regional Transport Bureau (the “Bureau”) to be hosted in Hounslow in the autumn of 2011. This Bureau will act on behalf of the Participating Boroughs to provide passenger transport and other transport related services. Initially, the Bureau will call-off passenger transport services from existing passenger transport frameworks and contracts established by Participating Boroughs, and from the in-house transport services operated by the Participating Boroughs, as appropriate, to provide best value. These arrangements will operate on the basis of a Service Level Agreement (SLA) between the Bureau and the Participating Boroughs; this SLA forms part of an Inter-Borough Agreement for the whole Programme.

3.4. However, the intention is to procure a new single Framework for the provision of contracted transport services for all Participating Boroughs by 1 April 2012 that will offer better value for money than the current individual Borough contracts/Frameworks through economy of scale and a continuously competitive Framework. The new Framework will be used by the Bureau to provide contracted transport services required by Participating Boroughs, where required, as existing contracts/frameworks expire or options to extend are not taken up, or are terminated.

3.5 Amongst Participating Boroughs, current frameworks/contracts are currently due to expire as follows:

- Barnet - April 2012 or September 2012 with 6 month extension
- Brent - December 2012
- Ealing - April 2012 (Adults), September 2012 (Children)
- Hounslow - 2014

Participating Boroughs may elect to terminate existing frameworks/contracts early to benefit from the new Framework if this is permitted contractually, would be advantageous and would not incur unacceptable financial penalty.

3.6 The proposed Framework will provide passenger transport services that meet the requirements of Participating Boroughs, as described in the detailed Specification that will be prepared as part of the Invitation To Tender. These services will include:

- Provision of regular passenger transport services to and from a range of destinations within and beyond the boundaries of Participating Boroughs
- Provision of ad hoc passenger transport services for the movement of staff and clients on behalf of Participating Boroughs. Additionally, provision may be made for clients with Personal Budgets to make use of the Framework through arrangements commissioned by the Participating Boroughs through the Bureau, according to the requirements of Participating Boroughs.
- Provision of a range of vehicle types from saloon cars to 55-seat coaches and including wheelchair accessible vehicles
- Provision of vehicles, drivers and (where required) passenger attendants to carry out the required services that meet the

standards described in the Specification including vehicle roadworthiness, staff vetting and staff training

- 3.7 The Specification is being developed within the Programme by the Contracted Transport Working Group which comprises representatives from all of the Participating Boroughs. This will draw upon best practice from all Participating Boroughs and from the knowledge and experience in this area provided by the supporting consultants for the Programme to produce a single common Specification.
- 3.8 The requirement to continue to provide high quality contracted passenger transport services is a key requirement of all Participating Boroughs. This will be ensured through the Framework terms and conditions of contract and associated detailed Service Specification. Moreover, the Bureau will monitor the required standards of quality, performance, training, Public Carriage Office licensing, and Enhanced Criminal Record Bureau compliance from providers appointed to the Framework through regular monitoring and compliance meetings. The need to maintain safe, secure and suitable providers for vulnerable clients will continue to be paramount.

4.0 Approach to the Market

- 4.1 The general Private Hire market in London is well-developed, well-regulated (through the Public Carriage Office) and highly competitive, with companies ranging in size from small local private hire providers (known colloquially as 'minicabs' and hired on a booking only basis by the general public), to large private hire and 'black cab' companies operating across all, or large parts, of London, and to providers that specialise in contracted work with generally larger wheelchair-accessible vehicles. Some of the companies can provide Passenger Attendants but others provide vehicle and driver only. Across this range of companies, many have acquired considerable experience in meeting local authority requirements.
- 4.2 Experience has shown that local authority contracted transport frameworks are generally best comprised of a mixture of companies across the range described in paragraph 4.1 above. Typically, local private hire providers prove most economic for the shorter journeys that take place within the borough because their price model spreads costs over a large number of such journeys and their vehicles and drivers are highly-utilised. However, such companies may have limited resources, particularly with regard to accessible vehicles, they may not always be commercially stable although many have been in business for many years, and they may not be able to provide, or be willing to recruit and manage, Passenger Attendants. Whilst the larger companies in the private hire market may often offer newer vehicles of a higher presentational standard than the smaller companies, and may have greater experience in local authority work, this is reflected in their pricing

which does not always represent best value in the scale of a single local authority contract. Moreover, their overheads are often higher and their pricing may be less flexible than is required for local authority work. The more specialist companies may better understand the needs of local authority service users, and often have well-developed training regimes for drivers and Passenger Attendants, but their larger vehicles are generally poorly utilised and their pricing, when profit and overheads are taken into account, does not always compare favourably with the most efficient local authority in-house transport providers. Moreover, because such companies do not generally ply for 'hire and reward', they may be less well-regulated than the wider private hire market and require greater monitoring for compliance and operating standards. A properly configured procurement of a contracted hire framework will balance these competing factors and ensure that Participating Boroughs can benefit from the use of the most appropriate providers across the whole range of providers and secure the best value in every circumstance.

- 4.3 It is also recognised that local private hire providers contribute to local economies in terms of employment opportunities and vehicle purchase and maintenance, and many have a history of providing services to Local Authorities. Therefore, to the extent that considerations with regard to EU procurement legislation, value for money and service requirements will allow, the procurement of the Framework will make opportunities available for local companies to participate through the tendering of four Lots based on the origin of required journeys across Participating Boroughs.

5.0 Procurement Approach

- 5.1 The analysis of the market demonstrates the need for the Framework to be able to draw upon the whole range of private hire providers available in London to meet the needs of Participating Boroughs. This will be achieved through a strategic sourcing approach to the market through the tender process which will ensure that the Framework incorporates a range of providers that can meet all of the WLA's needs in terms of vehicle size/type, accessibility, provision of Passenger Attendants and so on, whilst not requiring all of the participating providers to be able to meet all of them.
- 5.2 Tenderers will be required to provide pricing on a per mile basis, across distance bands, according to vehicle type (including cars, wheel chair accessible vehicles, minibuses and coaches). This provides a firm and generally indisputable basis for pricing each journey, provides a simple and inclusive basis for journey price costing and payment, and ensures that providers that can operate most cost-efficiently on shorter or longer distance journeys, or across all journey lengths, will be readily apparent to the Bureau. However, it is accepted that in some circumstances it may be more cost beneficial for the Bureau to carry out a secondary competition for specific

journeys amongst providers participating in the Framework, and the Terms and Conditions of the Framework will allow for this.

- 5.3 The new Framework will operate on the basis that passenger transport services will only normally be offered to providers within the Framework, and that such work will be awarded to the provider offering the best price within the agreed pricing matrix for the service required or resulting from a secondary competition, and with the capacity to provide the service. Once the Framework is in place, it is intended that price variations will be strictly controlled within the agreed Conditions of Contract through the application of a price adjustment mechanism. It is anticipated that providers will only be permitted to vary the 'per mile' prices offered on an annual basis, and only with full supporting justification, unless there are exceptional circumstances. The inclusion of a price adjustment mechanism is considered essential to enable providers to reasonably reflect the volatile costs (e.g. fuel) of transport services in their prices and, importantly, to enable them to compete more aggressively for business during the life of the Framework. Experience in Brent and elsewhere has shown that the competitive pressures that operate within a framework configured in this way act to constrain speculative price increases and gives the potential for providers to increase their share of the business available by managing their costs tightly and reducing prices.
- 5.4 In a single local authority in London, it would be expected, normally, that at least 8-12 providers would be required in a framework to provide adequate coverage and capacity across the range of journey/vehicle requirements, continuous price competition within the period of the framework, and a degree of redundant capacity against the possibility of the failure of a company or a withdrawal from the framework over the course of its life. In the case of the new Framework, simply scaling this number of providers over the number of participating, and potential, participating Boroughs/organisations, would run the risk of engaging an unmanageable number of providers. Therefore, it is envisaged that the approach to the market, whilst remaining as open as possible and aiming to secure sufficient capacity across all requirements, will also wish to recognise the benefits of a more consolidated approach to the tender requirement that some companies may be able to offer or be able to develop through acquisition or partnering/sub-contracting arrangements, or by acting as consolidators.
- 5.5 It is difficult at this stage to anticipate how the market will respond to the WLA's aggregated requirements for Participating Boroughs, and it is important that the ITT should not be unnecessarily restrictive, so as to encourage innovative responses. These requirements were explained to current and prospective transport contractors at a Trade Briefing on 4 August and it was made clear to them that the ITT will be developed carefully to balance the benefits of more consolidated offers with the need for best value and flexibility

across the spectrum of the requirement and the need to offer opportunities for local providers, subject to complying with the requirements of EU procurement legislation. The tender evaluation model will also take these requirements into account.

- 5.6 The contract value (approximately £46M over 4 years for the 4 Participating Boroughs) dictates that EU procurement regulations apply. It is the intention to use the restricted (two-stage) tender procedure, to be managed jointly by Corporate Procurement and the West London Alliance acting on behalf of all Participating Boroughs.
- 5.7 The procurement will follow a two stage process with suppliers invited to respond initially to a PQQ. These responses will be evaluated against published criteria and those successful will then be invited to submit tenders.
- 5.8 The evaluation of tenders will be weighted on a 60/40 ratio for price and quality, respectively, with the aim of securing the most economically advantageous tender for the Participating Boroughs; refer to Section 7 below.

6.0 Access by Other Public Bodies

- 6.1 It is intended that the Framework should be made available to other public bodies, including the Participating Boroughs, other London boroughs and NHS Primary Care Trusts/Hospital Trusts (for non-emergency patient transport).
- 6.2 To enable other public bodies to access the Framework, Brent Council will act as a central purchasing body under the EU procurement regulations when establishing it. Other public bodies will be able to access the Framework by signing an access agreement which will require such organisations to comply with the terms of the Framework.

7.0 Pre-Tender and Procurement Considerations

- 7.1 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	Framework agreement for the Provision of Passenger Transport Services
(ii)	The estimated value.	£11.5m per annum for the Participating Boroughs (£1.125m per annum for Brent) and, over a four year period, approximately £46m for the Participating Boroughs (4.5m for Brent)
(iii)	The contract term.	Framework Agreement for a term of 4 Years. To start from 1 April 2012.

Ref.	Requirement	Response	
(iv)	The tender procedure to be adopted.	Restricted procedure - 2-stage tender process	
v)	The procurement timetable.	Indicative dates are: Adverts placed in trade press Place OJEU notice Expressions of interest returned Shortlist drawn up in accordance with the Council's approved criteria Invite to tender Deadline for tender submissions Panel evaluation Report recommending Contract award circulated internally for comment Executive approval Mandatory minimum 10 calendar day standstill period notification issued to all tenderers Contract start date	20 Sep 11 20 Sep 11 31 Oct 11 18 Nov 11 18 Nov 11 30 Dec 11 3 Jan - 10 Feb 12 15 Feb 12 12 Mar 12 19 Mar 12 3 Apr 12
(vi)	The evaluation criteria and process.	Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines. The Pre-Qualification Questionnaire will probe the financial standing of the companies, business probity, technical expertise, experience, health, safety and environmental standards as well as available human resources and equipment.	

Ref.	Requirement	Response
		<p>Tenders will be evaluated and the contract awarded using the following criteria:</p> <ul style="list-style-type: none"> • Price (60% weighting) • Quality (40% weighting) covering: <ul style="list-style-type: none"> - Proven ability to meet the requirements of the Service Specification. - Approach to the delivery of the service - Approach to ensuring standards are achieved - Development of good working relationship with the Council. <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.	<p>The following business risks are considered to be associated with entering into the proposed contract.</p> <ul style="list-style-type: none"> - Potential default by a contractor – mitigated by including a number of contractors appointed to the Framework. - Price escalation over the term of the contract mitigated by competition and requirements for a price adjustment mechanism.
(viii)	The Council's Best Value duties.	<p>The established Framework with pence per mile pricing, and potential for further competition amongst Framework providers where appropriate will ensure best value for the Participating Boroughs. In addition further value for money will be achieved through aggregated spend within the Framework and across Participating Boroughs.</p>
(ix)	Any staffing implications, including TUPE and pensions.	<p>There are no implications for existing Council employees in Participating Boroughs. There may be 'Second Generation TUPE' implications for some Boroughs (excluding Brent) and there may be TUPE implications for employees of existing transport providers in relation to the transfer of work to new providers under the Framework, although this is likely to be limited because of the predominance of self-employed drivers within the industry. This will be clarified prior to the issue of tenders.</p>

Ref.	Requirement	Response
(x)	The relevant financial, legal and other considerations.	See sections 8.0 and 9.0 below

- 7.2. A fully detailed Evaluation Document will be prepared for the procurement and it is intended that members of the Contracted Transport Working Group drawn from all Participating Boroughs will participate in the technical/quality elements of the tender evaluation. A member of the Brent Council Finance and Corporate Services Department will undertake the price evaluation on behalf of all Participating Boroughs.
- 7.3. During the evaluation, Participating Boroughs will wish to confirm that the new Framework meets their own value for money requirements and that they will wish to enter into access agreements to enable the Bureau to call off from the Framework, if awarded, on their behalf. It is understood that Participating Boroughs may need to seek formal approval (e.g. Cabinet or Executive, as appropriate) to enter an access agreement, according to local requirements.
- 7.4. The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

8.0 Financial Implications

- 8.1. The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 90.
- 8.2. The estimated value of this Framework is £46M for all Participating Boroughs with the value of call-off made by Brent Council under the Framework estimated to be £5.6m.
- 8.3. The call-off cost of transport provided by providers under the Framework for Brent Council will be met from Children & Families and Housing & Community Care budgets, as agreed under the Service Level Agreement that will operate between the Bureau and the Participating Boroughs.
- 8.4. This procurement is necessary as the means whereby each Participating Borough can re-tender a continuing requirement for the provision of transport services when their current contracts/frameworks come to an end. Nevertheless, it is anticipated that re-procurement will deliver savings against current costs through the approach proposed and further incremental savings arising from the consolidation of requirements from Participating Boroughs. These savings are broadly estimated at between 5% and 20% according to the cost effectiveness of current arrangements prevailing in Participating Boroughs. In the case of Brent, specifically, the savings are estimated at the lower end of this scale because Brent's existing Framework was procured in 2009 using the methodology proposed for this procurement.

- 8.5 Once tenders are received, full financial implications will be reported to Brent and the other Participating Boroughs before the Executive is invited to consider the appointment of providers to the Framework. However based on the detailed business case for the four Participating boroughs, the project as a whole is expected to yield £15m net savings over the next four years with this Framework contributing £7.4m over the four years.
- 8.6 The cost of developing tendering documentation, receiving legal advice and managing the tendering process will be shared, proportionately, by Participating Boroughs under the terms of the West London Alliance Inter-Borough Agreement for the Transport Efficiency Programme and will be net of any grant awarded by Capital Ambition.

9.0 Legal Implications

- 9.1 The estimated value of the Framework over its lifetime is in excess of £500,000 and therefore the procurement and award of the Framework is subject to the Council's Contract Standing Orders and Financial Regulations in respect of High Value Contracts.
- 9.2 As the Framework is for the provision of transport services, it falls within Part A of Schedule 3 of the Public Contracts Regulations 2006 (the "EU Regulations"). The estimated value of the Framework over its lifetime is in excess of the EU threshold for services contracts. As a result, the Framework is subject to the full application of the EU Regulations. A restricted tendering procedure is to be used to procure the Framework.
- 9.3 Under the Council's Standing Orders, as the Framework is classed as a High Value Contract, approval of the Executive is required for authority to tender. Approval of the Executive is also required by Contracts Standing Orders for the award of such Framework and once the tendering process is undertaken, Officers will report back to the Executive explaining the process undertaken in tendering the Framework and recommending award.
- 9.4 The procurement of the Framework is a collaborative procurement with other WLA authorities. Standing Order 85 details that any collaborative procurement should comply with the Council's Standing Orders and Financial Regulations. It is intended to use Brent's own Standing Orders and Financial Regulations for the procurement of the Framework.
- 9.5 In procuring the Framework, Brent Council will act as a central purchasing body under the EU Regulations. As detailed in Section 6, once the Framework is let, it is proposed that other public bodies will be able to access the Framework through signing an access agreement with Brent Council. In advertising the Framework, Brent Council will need to be specific as to the description of public bodies or categories of public bodies able to access the Framework.
- 9.6 The Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the EU Regulations before the

Framework can be awarded. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the Framework may commence.

- 9.7 The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request.

10.0 Diversity Implications

- 10.1 Officers have screened the proposals in this report and believe that there are no diversity implications. The Framework will simply replace the existing provision of contracted transport services in Participating Boroughs.

11.0 Staffing/Accommodation Implications (if appropriate)


- 11.1 The services are currently provided by external contractors and there are no implications for Council staff in Participating Boroughs arising from tendering the requirement.

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CLIVE HEAPHY

Director of Finance and Corporate Services

	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Services</p>
For Action	Wards Affected: [ALL]
<p style="text-align: center;">Authority to invite tenders for insurance services contracts</p>	

Appendix 2 is NOT for publication.

1.0 Summary

- 1.1 This report concerns the future provision of the Council's Insurance Services contracts. This report requests approval to invite tenders in respect of the proposed Insurance Services contracts to start 1 April 2012, as required by Contract Standing orders 88 and 89

2.0 Recommendations

- 2.1 The Executive approve the pre - tender considerations and the criteria to be used to evaluate tenders for the Council's Insurance Services as set out in paragraph 3.10 of the report.
- 2.2 The Executive to give approval to officers to invite expressions of interest, agree shortlists, invite tenders in respect of the Council's Insurance Services contracts and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.
- 2.3 The Executive to give approval to the extension of the current insurance services contract with Zurich Municipal for a period of six months.

3.0 Detail

- 3.1 The Insurance Service contract provides for a comprehensive insurance cover for the Council (see Appendix A for full details). The contract was last tendered in 2008 when Zurich Municipal was awarded the contract for a 1 year term with an option to extend for two further years. The option to extend has been exercised with the current

contract due to expire on 30 September 2011. It is clear that it will not be possible to re-tender this service by this date.

- 3.2 In order to allow for the maximum number of participants to respond to this invitation to tender, it is intended to extend the existing arrangement by 6 months by endorsement in order to commence the new contract conterminously with the start of the new financial year on 1 April 2012.
- 3.3 Not used.
- 3.4 The procurement route will be subject to European (OJEU) rules but in view of the extremely limited market for Insurance Services in local government, Officers consider that the most appropriate procurement route under the Public Contract Regulations 2006 is the Restricted (two stage) procedure.
- 3.5 The renewal of insurance policies can be complex and the use of brokers is common in this area across both the public and private sectors. It is therefore proposed to work with Marsh Ltd, a major national Insurance Broker familiar with the local government sector. Marsh are an existing broker for Brent in respect of a number of existing insurance policies and therefore know and understand Brent's risk profile as well as having a specialist Public Sector department.
- 3.6 Based on market research and advice from Marsh, it is clear that the current market climate is competitive in favour of the client. On this basis, it is intended to request tenders on two bases: a 3 year initial period plus an option to extend to 5 years at the council's discretion, and 5 years with an option to extend to 7 years.
- 3.7 The insurance providers are restricted in the length of the policy (contract) that they are able to offer. To take advantage of the current premium levels, and to gain cost savings by entering into a multi-year commitment, officers intend to request a Long Term Agreement (LTA). The LTA will agree the basis by which premium levels are calculated for subsequent years. Any premium increase should be pegged against policy performance (the level of losses sustained).
- 3.8 Insurance companies and other financial service providers are required to operate within highly regulated parameters and would be unlikely to depart significantly from their usual terms of business. This means that it may be necessary for there to be clarification with potential tenderers regarding some of their policy terms and conditions.
- 3.9 To enable points of clarification to occur, it is proposed to build into the procurement process an extended period following the issue of the Invitation to Tender so as to allow a period of clarification (where required). The purpose of seeking clarifications is to ensure that the tenderers have understood the council's requirements and to clarify

any issues arising within the council's specification. This will enable the Council to refine any aspect of its specification requirements, where applicable. Potential tenderers may then suggest revisions to the Council's proposed cover so as to bring them in line with commercial practice, and following full consideration, the Council may decide to adopt or reject the suggested revisions. Prior to the deadline for receipt of tenders, but allowing sufficient time for detailed consideration, the Council may issue revised specification requirements reflecting accepted amendments.

- 3.10 The tender will be split into four 'lots' (Property, Casualty (principally employee & public liability), Motor and Additional Cover) to allow for more than one provider depending on the best option for the Council upon evaluation of the tenders. Those tenderers tendering for more than one lot will be asked to indicate any discounts that apply if being appointed for more than one lot, or all lots.
- 3.11 Procurement and Legal Services will assist with the tender process and identify any other associated areas where further savings and improvements can be made. Consultation will take place with Finance & Corporate Services senior management, Transport Services, and Health & Safety officers across the Council and external contractors who use the service on Brent's behalf to identify additional services or changes required in preparation of the services specification for the re-tender.
- 3.12 Following evaluation of tenders in respect of all lots, it is proposed that a further report will be brought before members in February 2012 to seek approval for the award of the contracts.
- 3.13 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	See Appendix 1
(ii)	The estimated value.	<p>Property - £746K over the life of the 5 year contract or £1.1M over the life of the 7 year contract (including the optional 2 year extension).</p> <p>Motor - £1.1M over the life of the 5 year contract or £1.6M over the life of the 7 year contract (including the optional 2 year extension).</p> <p>Casualty- £884K over the life of the 5 year contract or £1.3M over the life of the 7 year contract over the life of the contract (including the optional 2 year extension).</p>

		Additional Cover - £1.4M over the life of the 5 year contract or £2.1M over the life of the 7 year contract over the life of the contract (including the optional 2 year extension).	
(iii)	The contract term.	<p>Property – 3 or 5 years with an option to extend for 2 years.</p> <p>Motor – 3 or 5 years with an option to extend for 2 years.</p> <p>Casualty – 3 or 5 years with an option to extend for 2 years</p> <p>Additional Cover - 3 or 5 years with an option to extend for 2 years</p>	
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted by electronic means and whether there will be an e-auction.	European Public Procurement Restricted Procedure for Service Contracts. This means that there will be a separate pre-qualification stage. This information will be considered before tenderers are invited to submit a tender.	
v)	The procurement timetable.	Indicative dates are:	
		Adverts placed seeking expressions of interest and tenders	20 September 2011
		Deadline for return of PQQ	20 th October 2011
		Panel evaluation and shortlisting	21 st to 27 th October 2011
		Issue Invitation to Tender	28 th October 2011
		Clarification period	31 st October to 25 th November 2011
		Deadline for return of tender submissions	9 th December 2011

		Panel evaluation and interviews	12 th to 16 th December 2011
		Panel decision	January 2012
		Report recommending Contract award circulated internally for comment	23 rd January 2012
		Executive approval	13 th February 2012
		Mandatory minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers	14 th to 24 th February 2012
		Contract start date	1 April 2012
(vi)	The evaluation criteria and process.	<p>Tenderers will be asked to complete the Council's pre qualification questionnaire to ensure they meet the Council's financial standing requirements, technical capacity and technical expertise. The panel will then evaluate the tenders against the following criteria:</p> <p><u>Property</u></p> <p>(1) Price 40%</p> <p>(2) Quality 60%, consisting of</p> <ul style="list-style-type: none"> • Conditions and extent of cover • Quality and service standards • Range of services offered • Expertise with Public Sector or other complex business sector • Efficiency and Continuous Improvement • Contract offered <p><u>Motor</u></p> <p>(1) Price 40%</p> <p>(2) Quality 60%, consisting of</p> <ul style="list-style-type: none"> • Conditions and extent of cover • Quality and service standards • Range of services offered • Expertise with Public Sector or other complex business sector • Efficiency and Continuous Improvement • Contract offered <p><u>Casual</u></p> <p>(1) Price 40%</p>	

		<p>(2) Quality 60%, consisting of</p> <ul style="list-style-type: none"> • Conditions and extent of cover • Quality and service standards • Range of services offered • Expertise with Public Sector or other complex business sector • Efficiency and Continuous Improvement • Contract offered <p><u>Additional Cover</u></p> <p>(1) Price 40%</p> <p>(2) Quality 60%, consisting of</p> <ul style="list-style-type: none"> • Conditions and extent of cover • Quality and service standards • Range of services offered • Expertise with Public Sector or other complex business sector • Efficiency and Continuous Improvement • Contract offered
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract, apart from the risk of having no Insurance Cover should the procurement fail. Financial Services and Legal Services have been consulted concerning this contract.
(viii)	The Council's Best Value duties.	The Corporate Best Value Strategy is to provide best value services and to serve our community. The competitive tender for Insurance Cover will ensure value for money.
(ix)	Any staffing implications, including TUPE and pensions.	None
(x)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.

3.14 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite

tenders and in respect of other matters identified in Standing Order 90.

- 4.2 The estimated value of these services contracts in total for 5 years is £4.16M or £6.13M for 7 Years (including 2 years option to extend). See 3.13 (ii) for breakdown.
- 4.3 The estimated value of future contracts has assumed that;
- The premia charged by the providers will increase by a maximum of 5% each year;
 - The property portfolio will reduce during the contract period however until the new Civic Centre is built and inspected the risk and therefore the premia are unknown.
- 4.4 Efficiency savings may be achieved ;
- By working with the provider to identify risk and loss prevention and management activities;
 - Improved claims management and reporting
 - Greater communication between providers and Brent IT systems
- 4.5 It is anticipated that the cost of this contract will be funded from existing service unit budget provisions for Insurance costs.
- 4.6 Legal assistance, brokerage fees and advertising cost are expected to be £10K for which a budget has been allowed by Finance & Corporate Services.

5.0 Legal Implications

- 5.1 It is noted that the proposal is to let a series of insurance contracts / policies via a single procurement process.
- 5.2 The estimated sum total of each of the Insurance Premia contracts are higher than the EU threshold for Services and the nature of these services means they all fall within Part A of Schedule 3 of the Public Contracts Regulations 2006 ("the EU Regulations"). The tendering of the services is therefore governed in full by the EU Regulations. As the estimated value of each of the contract lots over its lifetime is in excess of £500k, the procurement and award of the contracts are subject to the Council's own Standing Orders in respect of High Value Contracts and Financial Regulations.
- 5.3 As detailed in paragraph 3.7 to 3.9, Officers have identified the Restricted procedure as the most appropriate procedure given the limited number of service providers in the market capable of providing these services. Once the tendering process is undertaken, Officers will report back to the Executive in accordance with Contract Standing

Orders, explaining the process undertaken in tendering the contracts and recommending award.

- 5.4 As this procurement is subject to the full application of the EU Regulations, the Council must observe the requirements of a mandatory minimum standstill period imposed by the EU Regulations before the contract can be awarded. The 10 day standstill period will provide unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable, and greater remedies are available to tenderers in some circumstances. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 5.5 Due to the nature of these contracts, tenderers are unlikely to be willing to depart significantly from their own terms and conditions. As detailed in paragraphs 3.8 and 3.9, an attempt to overcome these difficulties whilst ensuring that the tender process is compliant with EU Regulations is proposed whereby any amendments that tenderers wish to make will be considered prior to the deadline of submission of tenders. Revised specification requirements will then be issued to all tenderers invited to tender and it is on these revised terms that tenderers will tender.
- 5.6 This report is also requesting that the Executive approve a six month extension to the current insurance contract held with Zurich Municipal to cover the period of the re-tender exercise while ensuring the council has cover pending the conclusion of the tender. The estimated value of the extension contract as proposed is in the region of £400,000, which is classified under the Council's Contract Standing Orders as a medium value contract. Under contract Standing Orders there is a requirement to follow a tender process for the award of contract exceeding £156,442 in value.
- 5.7 Members are referred to Appendix 2 for further legal implications.

6.0 Diversity Implications

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.

8.0 Background Papers

8.1 Insurance Services Procurement File excluding confidential information. .

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Director of Finance & Corporate Services

Appendix 1

Nature of the Service

Insurance Cover

The London Borough of Brent requires Insurance cover to ensure all risks to property, vehicles and staff have adequate recourse in the event of a claim being made by or against the Council.

The Council has varied Insurance Cover needs for contents, property and vehicles for which a schedule of cover is written and a premium calculated according to risk and amount of cover required.

The Insurance Services contract will require the service provider to provide comprehensive policies for the following areas:

Property

- The property portfolio extends to:
 - all Council Buildings (offices, lodges, pavilions, other properties)
 - Schools under direct Council control.

Council-housing and Leasehold Property is covered under a separate contract managed by Brent Housing Partnership.

Motor

- Council vehicles – including those of Brent Transport Services
- Mayor's Leased Car
- Enforcement vehicles (CCTV cars etc)
- Lawn mowers / tractors

Casualty

- Public Liability (excluding subsidence claims – self insured)
- Officials Indemnity
- Libel & Slander
- Local Land Charges
- Professional Negligence – External Losses
- Employers Liability

Additional Services

- Specialities
- Terrorism
- Industrial Commercial
- Financial policies (Fidelity Guarantee, Money)

The contract will require the service provider to:-


- Improve efficiency, accessibility and adhere to the principles of the E-Government strategy via provision of Web based systems and user access via a secure Internet link with appropriate security protocols to ensure confidentiality and adherence of the Data Protection Act.
- Work in Partnership with the Council to produce
 - a structured programme to facilitate risk surveys,
 - a loss prevention programme, and
 - training and education material for council staff
- Apply changes in legislation and/or as a result of case law with prior consultation and adequate notice.
- Be able and willing to work with the Council when changes to the service specification requirements are needed as a result any future re-organisation i.e. the move to the Civic Centre in 2013.

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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	<p style="text-align: center;">Executive 19 September 2011</p> <p style="text-align: center;">Report from Director of Strategy, Partnerships and Improvement and Director of Finance and Corporate Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">Performance and Finance Review, Quarter 1, 2011-12</p>	

1. Introduction

Brent's Borough Plan sets out three overarching strategic objectives:

1. To create a sustainable built environment that drives economic regeneration and reduces poverty, inequality and exclusion.
2. To provide excellent public services which enable people to achieve their full potential, promote community cohesion and improve our quality of life.
3. To improve services for residents by working with our partners to deliver local priorities more effectively and achieve greater value for money from public resources.

The unprecedented 28% reduction in central government funding over the next four years continues to intensify pressure on Council services, and difficult economic conditions have directly affected levels of employment across the borough. The scale and pace of national policy changes, particularly in relation to Housing Benefits and the implementation of the new Universal Credit, is expected to fuel increased demand for services, which will have an enduring effect on the borough. However despite these challenges, the Council remains committed to preserving services and protecting the most vulnerable residents.

2.0 Report Structure

This report summarises Brent Council's budget position and performance in relation to the delivery of the Borough Plan, Our Brent Our Future 2010-2014.

The report is structured as follows and further details can be found in the supporting appendices.

4.0	Executive summary – overall budget position
5.0	Executive summary - Performance
8.0	Adult Social Care – Finance & Performance
8.3	Public Health - Performance
9.0	Children & Families – Finance and Performance
10.0	Environment and Neighbourhood Services – Finance and Performance
11.0	Regeneration and Major Projects – Finance and Performance
12.0	Central Services – Finance and Performance
Appendix A	Very latest budget position – if major changes have occurred between period end and executive reporting dates. Not applicable for this quarter.
Appendix B	Detailed summary of the council's finance position
Appendix C	Exception report of strategically important key performance indicator set.
Appendix D	Detailed report of all performance indicators.

The purpose of this report is to provide Members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively.

3.0 Recommendations

The Executive is asked to:

- a. Note the Finance and Performance information contained in this report and agree remedial actions as necessary.
- b. Agree the 2010-11 budget virements contained in the report.

4.0 Executive Summary - FINANCE

The Council's budget position for the quarter 1 is as follows:

Item	Budget £000	Forecast Outturn £000	Variance £000
Adult Social Care	92,155	92,555	400

Children & Families	57,831	58,230	399
Environment & Neighbourhood Services	42,567	42,567	0
Regeneration & Major Projects	21,974	21,974	0
Finance & Corporate Services / Central Services	26,407	26,407	0
Service Area Total	240,934	241,733	799
Central Items	24,455	24,950	495
Total Council Budget	265,389	266,683	1,294
Transfer to Balances	2,500	1,206	(1,294)
Total after transfer to balances	267,889	267,889	0

- The Council is currently forecasting an over-spend of £1.294m, primarily due to demand pressures on service budgets.
- This will reduce our contribution to balances from £2.5m to £1.206m and reduce our overall general fund non earmarked balances to £8.786m subject to the finalisation of figures in the 2010/11 audit.

5.0 Executive Summary - PERFORMANCE

Of the current set of Vital Signs, 37% are currently on target or just below, representing a 19% decrease from last quarter. 32% are below target or are missing targets altogether, compared to 24% last quarter.

Overall Council Performance				
	Low risk	Medium risk	High risk	No data
All quarter 1 key performance indicators	31.6%	5.2%	31.6%	31.6%

The figure of 31.6% includes indicators where no performance target has been set as yet for the coming year. It is anticipated that this will reduce considerably when targets have been agreed as part of the planning process.

Please note that a departmental breakdown of risk is not provided this quarter to allow for further development of the core performance indicator set.

High risk indicators for this quarter include:

Adult Social Care:

- NI130: Clients receiving self-directed support
- NI135: Carers receiving needs assessments

Data quality and performance for both of these indicators is weak at present, however these issues are being systematically redressed as the Customer Journey Project becomes embedded across the department.

Children & Families:

- *NI 51: Child and Adolescent Mental Health Services*

This indicator is not being systematically monitored at present as funding for the dedicated posts has been withdrawn as part of the ending of the Local Area Agreement 2008-2011. However it is anticipated that monitoring will resume as part of the transfer of public health to the local authority in the coming months.

- *Complaints*

The percentage of Stage One complaint responses issued within timescales (15 working days) is 58% compared to the target of 85%.

Regeneration & Major Projects:

- *NI156: number of households living in temporary accommodation*

There was an increase of around 19% in the number of homeless applications received in this quarter compared to quarter 1 of 2010/11. This equates to an additional 54 new applications. Reducing the number of households in temporary accommodation over the coming months will remain challenging, especially in light of the introduction of the new Housing Benefit cap.

- *NI 152: percentage of working age people on out of work benefits*

The percentage point gap between working age residents in Brent claiming out of work benefits and the rest of London has remained fairly constant over the past two years. However the depressed economic outlook limits the Council's ability to directly reduce the number of claimants.

6.0 Background

'Brent Our Future 2010-14' is a four year strategy document, which sets out the Administration's priorities over the coming years. These priorities form the core of our corporate Planning Framework, and monitoring is facilitated through a series of performance scorecards. These scorecards are designed to provide managers with a consistent set of management information. Each indicator has a designated owner who is individually responsible and accountable for validating and reporting. This newly introduced system enables us to be more performance-oriented and cost-aware at an operational level, as well as being more evidence-focussed when taking decisions at a strategic level.

7.0 Corporate context

Given the depressed economic outlook and the policy changes which continue to emanate from central government, difficult decisions will need to be taken over the coming years. The challenge to balance reduced funding with the anticipated sustained increase in demand for services, particularly by the most vulnerable in our community, remains constant.

Therefore prudent financial planning and continuous improved performance are essential to preserve service quality and provision for the medium term. To this end, in 2010 we rolled out the Oracle Financial system across the organisation and the system is now fully operational. This system will improve the quality of financial reporting and improve the efficiency of transactional processes.

'One Council' is Brent's four year project delivery programme, which comprises a broad and diverse portfolio of strategic service improvement projects. The aim of the One Council Programme is to improve significantly the way the council organises itself and delivers services in order to limit the impact of budget reductions on Brent residents. It provides a robust framework to deliver complex change quickly and effectively. To date, the programme has delivered substantial savings and is on track to deliver more in the future as we seek to mitigate the negative impacts of a prolonged period of reduced funding.

Departmental Summaries

8.0 ADULT SOCIAL CARE - FINANCE

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Outturn 2011-12 £000	Variance £000
Adult Social Care	92,155	92,555	400

Adult Social Care Revenue

The main pressure on the Adult Social Care budget is the cost of transitions.

- The responsibility for paying the cost of care transfers each year on 1st August from Children and Families for all young people aged 19. The majority of the transfers relate to learning disabilities and can require residential, homecare respite and day care services.
- Adult Social Care are currently forecasting an over-spend of £1m on transitions in Learning Disabilities with a further £200k of demand pressures spread over the other services. During the 2011/12 budget process a growth bid of £800k was submitted by Adults and a centrally

held provision was established. Allowing for this provision the forecast overspend is £400k.

Adult Social Care Capital

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Adult Social Care	1,102	1,724	622

The variance on the Adults Social Care capital programme has arisen as a result of the re-phasing of £622k expenditure from 2010/11 to 2011/12 as reported in the 2010/11 Qtr 4 report.

8.1 ADULT SOCIAL CARE (ASC) – PERFORMANCE

NI 130 Social Care Clients receiving Self Directed Support

This indicator measures the percentage of adults, older people and carers per 100,000 of population who currently receive social care through direct payments or individual budgets. The overall target for 2010-11 was not achieved, in spite of the fact that steady progress was made throughout the year. However plans are in place to achieve a step change in this area through the rollout of the Customer Journey Project. This project is designed to deliver a more simplified customer experience, which is less bureaucratic and enables more efficient and accurate processing routines.

NI 135 Carers receiving Needs Assessment or Review

This indicator provides a measurement of engagement with and support to carers. Support services include carer's breaks, advice and information during the year or following a review. Data quality continues to be a problem in this area. However, plans are actively underway to improve this through the Customer Journey Project.

NI 141 Vulnerable People achieving Independent Living

This indicator measures the number of people currently receiving a Supporting People Service who have moved on from supported accommodation in a planned way, as a percentage of the total service users who have left the service.

The performance data for this indicator has a time lag of 6 weeks and hence the data provided relates to actual data for Quarter 4, where 67% of departures from homes were 'planned moves', compared to 73% in the previous quarter. The decrease is attributable to an increase in the number of unplanned moves reported by the two single homeless hostels due to offending behaviour.

NI 131 Reducing Delayed Transfers of Care

This indicator measures the impact of hospital services (acute and non-acute) and community-based care in facilitating timely and appropriate discharge from all hospitals for all adults. It measures the effectiveness of the whole system and indicates the effectiveness of the interface between health and social care services. A delayed transfer occurs when a patient is ready for transfer from a hospital bed, but is still occupying such a bed and the measure is the average weekly rate per 100,000 of population.

A number of changes have been implemented which collectively helped to improve overall performance for this indicator. NHS Brent Specialist Nurse Assessors have been allocated to acute hospitals to facilitate discharges, discharge planning has improved and data recording and reporting has been improved. Performance this quarter is 2.14 which compares favourably to the previous quarterly measure of 4.44.

8.3 PUBLIC HEALTH

NI 40 Number of Drug Users Recorded as being in Effective Treatment

This indicator shows the change in the total number of drug users using crack and/or opiates recorded as being in effective treatment. Effective treatment is defined as discharged from the treatment system 12 weeks or more after triage, remain in treatment 12 weeks after triage or discharged within the 12 weeks with care plans in place. Performance for the latest rolling 12 month data period (March 2010 to February 2011) shows 1003 against a target of 1040.

Tuberculosis Treatment Completion Rate

This indicator continues to perform well. The target of 85% for quarter 1 has been exceeded, with actual performance recorded as 85.9%. The unit will continue to support North West London Hospitals TB Board to bring services in line with the proposed model for care in London.

NI 121 Mortality Rate from all Circulatory Diseases at Ages under 75

The NHS Health Check programme aims to help prevent heart disease, stroke, diabetes and kidney disease amongst adults. Everyone between the ages of 40 and 74, who has not already been diagnosed with one of these conditions, will be invited (once every five years) to have a check to assess their risk of acquiring one of these conditions, and to provide support and advice to help them reduce or manage the risk. This indicator uses the average of three previous years of mortality data to estimate the current year's mortality rate.

The latest available data is for 2007-09 and currently stands at 81.4 deaths per 100,000 of population. This ranks Brent as having the 14th highest circulatory mortality rate amongst the London Boroughs. However the overall trend shows a consistent fall in circulatory disease mortality rates, which is attributed to smoking cessation initiatives, better management of patients in primary care, improved treatment of acute cardiovascular events and cardiac rehabilitation.

NI 112 under 18 Conception Rate

This indicator has an 18 month reporting delay and conception data is calculated on calendar years. The rolling quarterly average for the current quarter is 38.2 conceptions per 1000 teenage females (aged 15-17 years resident in the area) or the latest available data (2009). This represents an overall reduction of 20% since 1998 but is below the target of a 41.4% reduction. However Brent's rate remains below the London and England averages.

9.0 CHILDREN & FAMILIES – FINANCE

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Children and Families	57,831	58,230	399

Children & Families Revenue

Children & Families are currently forecasting an overspend of £399k.

- This includes £133k due to shortfalls in income within the Youth Service. Alternative savings are being looked at for covering this shortfall.
- There are also additional costs of £100k associated with the Children's Social Care Transformation project.
- In addition there are the continuing pressures on the social care legal budget. Recent years have seen significant increases in the number of child care cases following the death of baby Peter and the overspend in this area is currently projected to be £831k, however 700k has been set aside centrally to meet these costs giving a net overspend of £131k.

Children & Families Capital

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Children and Families	631	4,461	3,830

The variance on the Children and Families capital programme has arisen as a result of:

- Re-phasing of £3.660m expenditure from 2010/11 to 2011/12 as reported in the 2010/11 Qtr 4 report.
- Additional Local Authorities Short Breaks funding has been received in the sum of £170k.

Schools Budget

The quarter 4 report identified issues with the schools budget.

- A cumulative over-spend on the Schools budget of £5.738m at the end of 2010/11 was reported after an overspending of £2.761m during 2010/11.
- The situation for 2010-11 arose primarily from overspending on SEN budgets due to pressure on recoupment, residential, out of borough and in year 'Statementing'. An increase in pupils with statements and limited capacity in Brent schools has resulted in an increase in expensive out of borough placements in independent or private provision. Pressures on SEN budgets are continuing in 2011/12 and the Schools Budget is forecast to overspend by £1.5m.
- The measures introduced in 2011/12 to reduce and eliminate the cumulative overspend now need to be reviewed in consultation with the schools forum in the light of the current financial position.

9.1 CHILDREN & FAMILIES – PERFORMANCE

NI 019 Rate of Youth re-offending

This indicator can be complex to understand and is subject to national change. Six different measures of re-offending are used across the criminal justice system (youth, adult, substance misuse, etc). The Ministry of Justice is in the process of introducing a single universal measure in order to assist comparative analysis. This new measure will be applied to data held in the Police National Computer (PNC) and analysis will be extended to a 12 month "rolling" cohort – the Youth Justice Board requires Youth Offending Teams to use a 3 month cohort (January to March).

The local target for 2010/11 was <408. The target was centrally imposed upon Brent by the Department for Education in 2009, having been derived from the First Time Entrant (FTE) rate per 100,000 – the Department set borough-specific targets for all local authorities and required targets to be reduced by 2% each year for the next ten years.

While the Quarter 1 total of 53 suggests that Brent is making good progress it should be noted that the actual number of FTE's is likely to be higher than this due to the disparity between PNC data and data held locally by the YOS. This month's FTE performance is exactly within target (100) when extrapolating an estimate of likely PNC performance, based on the 2010 disparity between local and PNC performance. However, it should also be pointed out that the number of Quarter 1 FTE's held in YOIS (Youth Offending Information System) may increase slightly due to the time delay associated with receiving out of borough court results.

NI 111 First Time Entrants to the Youth Justice System aged 10-17

The Youth Offending Service Triage Programme is an early intervention programme that diverts First Time Entrants (FTEs) away from the Youth Criminal Justice System by issuing final warnings and reprimands. This

programme continues to have a positive impact in our efforts to reduce the number of first time entrants to the Criminal Justice System.

The total number of first time entrants for 2010/11 was 190 against an annual target of 408. This quarter's performance shows a total of 53 first time entrants, which compares favourably to last quarter's figure of 64.

NI 62 Stability of Placements of Looked After Children

There has been a sustained increase in the number of looked after children over the past twelve months and the number for the current quarter is 390, compared to 387 last quarter. Efforts to reduce the Council's dependency on independent fostering agencies continues and although the placement numbers are slowly reducing, the current figure of 113 is still higher than the target of 89.

Rising costs and an increased number of care proceedings significantly impacts on the capacity and resources of the care planning service in providing robust and focussed support to all children and young people in care. To mitigate this risk the Council adopts a pro-active approach to the identification of cases where there are initial signs of possible breakdown of the placement.

10.0 ENVIRONMENT & NEIGHBOURHOOD SERVICES - FINANCE

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Outturn 2011-12 £000	Variance £000
Environment and Neighbourhood Services	42,567	42,567	0

Environment & Neighbourhood Services Revenue

Environment & Neighbourhood Services are currently forecasting a breakeven position though there are still a number of pressures on the budget mainly around delivering savings around the waste and recycling contract and on staffing costs due to slippage for staff leaving as part of wave 2 of the staffing and structure review.

Capital Programme

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Environment and Neighbourhood Services	7,540	12,662	5,122

The main variance on the Environment and Neighbourhoods capital programme has arisen as a result of:

- Re-phasing of £3.553m expenditure from 2010/11 to 2011/12 as reported in the 2010/11 Qtr 4 report.
- Additional Contaminated Land Grant funding for the St Raphael's Estate has been received in the sum of £1.428m.
- Additional Transport for London funding has been identified in the sum of £141k.

10.1 ENVIRONMENT AND NEIGHBOURHOOD SERVICES – PERFORMANCE

NI 192 Percentage of Household Waste sent for Reuse, Recycling and Composting

This indicator measures the percentage of household waste which has been sent by the Council for re-use, re-cycling, composting or anaerobic digestion. Councils are expected to maximise the percentage.

The main work in the past year has been to design and produce a new waste strategy. This sets a vision for 60% recycling in Brent by 2015. The policies contained within the strategy will be introduced this year. These include work programmes around waste recycling, reduction and reuse. A project plan for delivering these policies has been produced.

Crucially, a new recycling collection method will be implemented on October 3rd 2011, the start of the third financial quarter. Residents will be given a larger wheeled bin to replace the current green box and will provide them with more recycling capacity and the collection of mixed recyclables. The recycling and refuse collections will now happen fortnightly on alternate weeks. The new service will start to be communicated to residents from July. Bins will be distributed from September and collections will commence from 3rd October. The roll-out will be followed by a period of intensive monitoring, focusing on contamination, participation and service standards.

NI 188 Plans to adapt to Climate Change

This indicator measures progress on assessing and managing climate risks/opportunities, as well as how we incorporate appropriate action into local strategic planning.

Overall this priority has achieved its Level 3 target of adapting to climate change. Actions are being undertaken to achieve Level 4, but many of these need to be developed further and integrated more deeply into strategic council-wide decision-making. Climate change adaptation papers have been written and sent out to key service areas to provide them with the necessary information to be able to start adapting and working this adaption into future plans. In addition, the London Climate Change Partnership's report, '*London's Changing Climate - In Sickness and in Health*' has been circulated and discussions have taken place with Northwest London Hospitals to discuss opportunities to collaboratively adapt to the challenges posed by climate change.

NI 08 Adults participation in sport (3 x 30 minutes per week)

Sports and Parks Service have implemented a number of activities and sessions to help increase the number of people in Brent participating in more sessions of sport and physical activity each week. There are two National Governing Body (NGB) projects in the Borough. The Netball Development Officer is running 'Return to Netball' sessions to help target women who may have stopped playing this sport after school age. The Football Development Officer is running targeted activities for adults who want to take up football as well as 'Return to Football' sessions. These two officers are making use of new facilities within the borough such as Ark Academy and the new Netball courts in Gladstone Park.

New outdoor facilities have been created included MUGAs and refurbished tennis courts across the borough. At our sports centres, they are working to encourage new participants through exercise referral schemes, outreach to local community groups to encourage them to participate in sessions at the centres. These include US girls scheme at Bridge Park Community Leisure Centre which targets women who don't usually do any activity to use the gym. There are tennis coaching programmes across the borough throughout the year thus providing more opportunities for more residents.

Willesden Sports Centre has over the last 6 months installed a computer based gym users retention programme which ensures staff work at communicating with customers in the gym or by phone, who are not training regularly, to encourage more regular training. All centres are working hard to get customers into the habit of training or taking part in physical activities.

Number of people doing no sport at all (0x30minutes per week)

Sports and Parks Service have implemented a number of activities and sessions to help decrease the number of people in Brent doing no sport at all. The new Netball Development Community Coach is running 'Return to Netball' sessions to help target women who may have stopped playing this sport after school age. The Football Development Officer is running targeted activities for adults who want to take up football as well as 'Return to Football'

sessions. These two officers are making use of new facilities within the borough such as Ark Academy and the new netball courts in Gladstone Park.

At our sports centres, they are working to encourage new participants through exercise referral schemes and outreach to local community groups to encourage them to participate in sessions at the centres. These include US Girls scheme at Bridge Park Community Leisure Centre which targets women who don't usually do activity to use the gym. The 'Healthy Walks' programme is encouraging residents to walk with sessions all across the borough. Alongside the jogs programme, this sessions help participants get some training for the 'Family Fun Run and Walk' at Fryent Country Park in September.

Further developments include improving and providing new outdoor facilities including resurfaced tennis courts at Gladstone Park, new multi-use games areas (MUGAs) and resurfaced tennis courts in Woodcock Park and a new MUGA in Gibbons recreation ground. There will be an 'Open Club' fortnight allowing interested residents who would like to take up a sport within a club an opportunity to go along to club training sessions. It is hoped that the Olympics in 2012 will be a catalyst for many people to take up a sport during the year. The 2012 action plan is in place and is being used to drive awareness and action through engagement.

Number of Visits to Sports Centres for Sport

All three centres continue to meet their targets. We have accounted for the closure of Charteris Sports Centre and the ending of the government sponsored Free Swim campaign. Both Vale Farm and Willesden Sports centres are working on retention of customers as well as sales leading to improved usage. All three centres have Outreach staff whose role is to engage with non users and offer them activities within the centre. Once they get the new customers in, the next step is to make attendance a habit.

Library Visitor Numbers

The Libraries Transformation project is designed to improve facilities in the borough, and widen community access to on-line resources. Visitors use the service for a variety of reasons – book borrowing, access to information technology resources, community activities etc. The project business case anticipated a degree of service disruption during the transition period, however visitor numbers of 1,637 for this quarter compare favourably to last quarter's figure of 1,629 against a quarterly target of 1,575.

11.0 REGENERATION AND MAJOR PROJECTS - FINANCE

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Regeneration and Major Projects	(1,323)	(1,323)	0
Housing	23,297	23,297	0

Regeneration and Major Projects Revenue

The main pressure within Regeneration and Major Projects relates to the Housing area and the Housing Benefit scheme changes which are having an impact on the temporary accommodation budget.

- With significant increases in the number of acceptances for homelessness applications in 2011/12 now coming through an overspend of £1m is currently forecast in this area.
- As part 2011/12 budget process monies were set aside centrally to meet pressures from changes in Housing Benefit

Regeneration and Major Projects Capital Programme

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Regeneration and Major Projects	111,161	139,603	28,442

The variance on the Regeneration and Major Projects capital programme has arisen as a result of:

- Re-phasing of £25.417m expenditure from 2010/11 to 2011/12 as reported in the 2010/11 Qtr 4 report.
- Required adjustment to re-phasing of expenditure from 2010/11 with regard to Co-Location and Play-builder capital grant in sum of £1.341m.
- Additional scheme costs identified on Sudbury School expansion scheme totalling £1.684m. This is offset by additional school contribution with a nil impact to the funding of the programme overall.

Housing Capital

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000

Housing	4,780	7,334	2,554
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The variance on the Housing (General Fund) capital programme has arisen as a result of:

- Re-phasing of £2.439m expenditure from 2010/11 to 2011/12 as reported in the 2010/11 Qtr 4 report.
- Additional forecast expenditure totalling £115k on the Granville New Homes development. This is to be funded from the earmarked capital receipt arising for this scheme with a nil impact to the funding of the programme overall.

Housing Revenue Account (HRA)

The Housing Revenue Account (HRA) is a ring-fenced account containing the income and expenditure relating to the Council's Landlord duties.

- The HRA forecast outturn for 2010/11 indicates a surplus carried forward of £400k, which is in line with the budget

HRA Capital

Housing Revenue Account			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Housing	9,284	20,529	11,245

The variance on the Housing (HRA) capital programme has arisen as a result of:

- Re-phasing of £8.496m expenditure from 2010/11 to 2011/12 as reported in the 2010/11 Qtr 4 report.
- The programme has been reduced in the sum of £1.045m as the Health and Safety works in South Kilburn to be funded from an HRA revenue contribution will not be progressing.
- Additional Loft Conversion grant funding has been identified in the sum of £400k.
- Additional Major Repairs Allowance works funding has been identified in the sum of £1.078m.
- Forecast expenditure on council dwelling repairs to be funded from the HRA revenue budget has increased in the sum of £2.316m.

11.1 REGENERATION AND MAJOR PROJECTS - PERFORMANCE

The ongoing poor economic outlook continues to negatively impact upon the Council's ability to tackle worklessness in the borough and the cap on Housing Benefit is expected to cause displacements, which will put pressure on the Temporary Accommodation budget. However the department is currently engaged in a variety of horizon-scanning exercises in an effort to

ascertain the potential impacts of national policy changes, with a view to developing a robust response.

NI 152 Working Age People on Out of Work Benefits

This indicator measures progress on reducing worklessness within the borough. The percentage point gap between working age residents in Brent claiming out of work benefits and the rest of London has remained consistently high over the past two years. Similarly number of claimants as a proportion of working age people in Brent has also remained fairly constant. While the Council now has little scope to directly impact on reducing the number of claimants, it is working to influence and support the new Work Programme providers to help them place the most hard to reach claimants into employment and training.

NI 156 Number of Households Living in Temporary Accommodation

This indicator monitors progress towards reducing the number of households in temporary accommodation provided under homelessness legislation. The Council has a duty to secure temporary accommodation until a settled home becomes available.

The confirmed figure for quarter 1 is 3027, which represents the total number of homeless households in all forms of temporary accommodation provided by the Council. There was an increase of around 19% in the number of homeless applications received in this quarter compared to quarter 1 of 2010/11 (this equates to an additional 54 new applications). However temporary accommodation usage has remained stable – whilst we have seen an increase in hotel usage during the quarter, good performance on permanent lettings to homeless households has meant that overall numbers have not increased.

12.0 CENTRAL SERVICES - FINANCE

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Finance and Corporate Services and Central Services	26,407	26,407	0

Central Services Revenue

Finance and Corporate Services and the Central Service areas are currently forecasting a breakeven position though with the various restructuring and virements currently being factored into budgets further work is still ongoing and a clearer position will be available in the next quarter.

Central Services Capital

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Finance and Corporate Services and Central Services	2,831	4,307	1,476

The variance on the Central Services capital programme has arisen as a result of the re-phasing of £1.476m expenditure from 2010/11 to 2011/12 as reported in the 2010/11 Qtr 4 report.

12.1 CENTRAL ITEMS - FINANCE

General Fund			
Item	Latest Budget 2011-12 £000	Forecast Out-turn 2011-12 £000	Variance £000
Central Items	24,455	24,950	495

Central Items Revenue

For Central Items we are currently forecasting an overspend of £495k in quarter 1. The main area of potential overspend is the budget for centrally held budget pressures which is forecast to overspend by £500k

- As part of the budget process a budget of £2m was established centrally to meet the costs of children social care legal fees, transition of clients to Adults from Children & Families and housing benefit changes.
- Service areas are now experiencing pressures in these areas as discussed above and are looking to draw upon this budget. Current forecasts indicate that £2.5m would be required to meet these pressures (Adult Social Care £800k, Children & Families £700k and Regeneration and Major Projects £1m).
- Further savings will be required to meet these service pressures.

Central Services

There has also been no returned data for the Brent claimant count this quarter but figures for the number of people on out of work benefits shows an increase since September 2010 which has remained.

12.2 CENTRAL SERVICES - PERFORMANCE

NI 16 Serious Acquisitive Crimes

Performance this quarter was 2.89 compared to the target of 2.35 for the number of serious acquisitive crimes per 1000 of population. Over this first

quarter London saw a rise in domestic burglary and Brent was no exception. A programme of reminding people to lock their homes is underway. Work is also ongoing with the prison service to prevent reoffending by newly released inmates.

The other key driver is a rise in the robbery rate of gold because of its soaring market price. The ease of disposing of gold for cash by post is being tackled across London and nationally. Locally, the Crime Prevention Strategy Group is running various projects with communities who traditionally wear or own more gold to increase awareness. These include property marking and other preventative initiatives.

NI028 Serious Knife Crime

The total number of serious violent offences recorded by the police involving the use of a knife or other sharp instrument has matched the target of 0.16 per 1,000 of population, which compares favourably to the previous quarter's figure of 0.21. Many knife crime offence rates are not the result of stabbings or threats, rather the outcomes of a range of local pro-active initiatives, such as Stop and Search or knife searches at venues which pick up weapon hauls. As a result, the success of these initiatives has the perverse effect of raising the overall figures.

NI029 Gun Crime

The total number of serious violent offences recorded by the police involving the use of a gun for this quarter is 0.2 compared to a target of .04. Like knife crime, offence rates are predominantly the result of a range of local pro-active initiatives, such as Stop and Search or the executing of warrants. Again the success of these initiatives has the perverse effect of increasing the figures.

Importantly, 'Black on Black crime' shows a sustained reduction, as have the number of guns being fired. Overall a review is taking place in Integrated Community Safety as to what to count and what available data can tell us about life in Brent for the communities we serve.

13.0 Financial implications

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

14.0 Legal implications

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 budget set out in March 2009 and are not covered by the Scheme of Transfers and Virements will therefore need to be referred to Full Council.

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

15.0 Diversity implications

This report has been subject to screening by officers and there are no direct diversity implications.

16.0 Contact officers

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PHIL NEWBY

**Director of Strategy, Partnerships &
Improvement**

CLIVE HEAPHY

**Director of Finance & Corporate
Services**

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