



## Executive

**Monday 16 September 2013 at 7.00 pm**

Boardroom - Civic Centre, Engineers Way, Wembley,  
HA9 0FJ

### Membership:

#### Lead Member Councillors:

#### Portfolio

Butt (Chair)	Leader/Lead Member for Corporate Strategy & Policy Co-ordination
R Moher (Vice-Chair)	Deputy Leader/Lead Member for Finance and Corporate Resources
A Choudry	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Denselow	Lead Member for Customers and Citizens
Hirani	Lead Member for Adults and Health
Mashari	Lead Member for Environment and Neighbourhoods
McLennan	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
Pavey	Lead Member for Children and Families

**For further information contact:** Anne Reid, Principal Democratic Services Officer  
020 8937 1359, [anne.reid@brent.gov.uk](mailto:anne.reid@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
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<b>1</b>	<b>Declarations of personal and prejudicial interests</b>	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

<b>2</b>	<b>Minutes of the previous meeting</b>	1 - 8
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<b>3</b>	<b>Matters arising</b>	
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<b>Adult and Social Care reports</b>		
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<b>4</b>	<b>Extra Care Sheltered Housing Scheme Management Grant</b>	9 - 22
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This report requests that the Executive authorise the award of a grant for the purpose of providing scheme management within local extra care services.

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Hirani and Crane  
**Contact Officer:** Phil Porter, Acting Director,  
Adult Social Services  
Tel: 020 8937 5937 phil.porter@brent.gov.uk

<b>5</b>	<b>Funding to develop community based meals on wheels</b>	23 - 78
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This report describes a proposal to cease the provision of a Council meals-on-wheels service, and progress made to date on developing and facilitating transition to service users being sign-posted to community organisations able to provide such services. This report also sets out the current meals on wheels budget, and provides an illustration on the projected savings from this service restructure over the next 2 financial years. The report seeks approval to proceed with the transition to this model of meeting service users' needs.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Steven Forbes, Integrated  
Commissioning  
Tel: 020 8937 4061 steven.forbes@brent.gov.uk

## Environment and Neighbourhood Services reports

### 6 Statutory consultation on proposed changes to Business Permits 79 - 86

Proposed changes to business permits were agreed by the Executive on 19 September 2012 in the report entitled "Parking Service Simplification and Pricing". This report summarises the representations received from the subsequent statutory consultation process in relation to the proposed changes to business permits and makes recommendations in relation to the issues raised from these.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Mashari  
**Contact Officer:** Michael Read, Operational  
Director (Environment and Protection)  
Tel: 020 8937 5302 michael.read@brent.gov.uk

## Regeneration and Major Projects reports

### 7 Lease disposal - land adjacent to 19 Dudden Hill Lane and 290 High Road, Willesden 87 - 122

An investment opportunity has arisen to provide a high quality table tennis centre including the possible development of residential accommodation, proposals provide for the regeneration of land that is currently in a poor state at Dudden Hill Lane and High Road Willesden.

*Appendix also below*

**Ward Affected:**  
Willesden  
Green

**Lead Member:** Councillor Crane  
**Contact Officer:** James Young, Property and  
Asset Management  
Tel: 020 8937 1398 james.young@brent.gov.uk

### 8 Stonebridge redevelopment proposals including primary school expansion and the Stonebridge Day Centre 123 - 152

The subject land is as detailed comprising the former Stonebridge Day Centre currently Stonebridge Primary School Annexe, Stonebridge Primary School including the Welsh School and adjoining lands including the Adventure Playground and Stonebridge Open Space. The report sets out redevelopment proposals, as per the Urban Initiatives options and capacity study and South Studio RIBA stage A & B options and capacity study.

**Ward Affected:**  
Stonebridge

**Lead Member:** Councillor Crane  
**Contact Officer:** Fred Eastman, Property and  
Projects  
Tel: 020 8937 4220 fred.eastman@brent.gov.uk

**9 Residential leasehold property strategy** 153 -

184

This report recommends the use of the Leasehold Reform Act 1967 and the Leasehold Reform, Housing and Urban Development Act 1993 by the Council to carry out a rolling programme of enfranchisements in line with the Council's draft HRA Asset Management Strategy, utilising the enfranchisement pot to fund the programme. Enfranchisement is the process by which the Council can seek to buy the freehold interest outright or purchase an extended lease term in relation to residential leasehold properties which the Council owns for a defined period of time under long leases.

**Ward Affected:**

All Wards

**Lead Member:** Councillor McLennan

**Contact Officer:** Sarah Chaudhry, Head of Strategic Property

Tel: 020 8937 1705

sarah.chaudhry@brent.gov.uk

**10 National Non-Domestic Rate Relief – review of policy**

185 -  
200

The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of relief is based on policy and criteria last agreed by the Executive in 2008. As this was more than 5 years ago a review should be undertaken to ensure the criteria remain appropriate and relevant. Officers have reviewed the current policy and criteria and are proposing that no amendments are made. From 1 April 2013 there have been changes to the financing of the cost of awarding relief and the respective proportions met by the council, the government and the GLA. These changes are part of the broader changes concerning NNDR arising from the new Business Rate retention scheme. The report also includes new applications for relief received since February 2013.

**Ward Affected:**

All Wards

**Lead Member:** Councillor Crane

**Contact Officer:** Richard Vallis, Revenue and Benefits

Tel: 020 8937 1503 richard.vallis@brent.gov.uk

**Central Reports**

**11 Performance and Finance 2013/14 quarter 1**

201 -  
236

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.

**Ward Affected:**

All Wards

**Lead Member:** Councillor Butt

**Contact Officer:** Cathy Tyson, Strategy,

**12 WLWA Capital Contribution update**

237 -  
244

On 15 July 2013 the Executive agreed in principle to a capital contribution of up to £15million to the West London Waste Authority (WLWA) in respect of a waste treatment facility being built, in return for an annual interest payment from the WLWA. This report provides an update on the loan agreement being developed.

*Appendix also below*

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Butt  
**Contact Officer:** Mick Bowden, Deputy Director  
of Finance  
Tel: 020 8937 1460 mick.bowden@brent.gov.uk

**Children and Families reports**

**13 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.

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

**15 Exclusion of Press and Public**

The following items are not for publication as they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

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

**APPENDICES:**

- Lease disposal - land adjacent to 19 Dudden Hill Lane and 290 High Road, Willesden
- WLWA Capital Contribution update

*Reports above refer*

**Date of the next meeting: Monday 14 October 2013**



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 on a first come, first served basis.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE EXECUTIVE Monday 19 August 2013 at 7.00 pm

PRESENT: Councillor R Moher (Vice Chair, in the Chair) and Councillors A Choudry, Crane, Denselow, Hirani, Mashari, McLennan, J Moher and Pavey

Also present: Councillors Chohan, S Choudhary and Hashmi

Apologies for absence were received from: Councillor Butt

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

Councillor McLennan declared an interest in the item relating to tender contract for an energy company obligation (ECO) as the council's representative on Energy Solutions (North West London).

#### 2. **Minutes of the previous meeting**

RESOLVED:

that the minutes of the previous meeting held on 15 July 2013 be approved as an accurate record of the meeting.

#### 3. **Matters arising**

None.

#### 4. **Petition - Public Realm contract**

The Executive heard from Elizabeth Lindsay, speaking on behalf of the Brent and Harrow Palestine Solidarity Campaign who presented a petition calling on the council to excluded Veolia Environmental Services from the list of contractors approved to bid for the for the Public Realm Contract because Veolia was said to be complicit in the illegal Israeli occupation of Palestinian territory. She urged the council be concerned about ethical procurement and cited accounts of alleged violation of international humanitarian law. She presented information that she indicated evidenced a link between Veolia in the UK and Veolia in Israel, gave examples of decisions she indicated had been taken by other local authorities not to included Veolia in their list of preferred bidders and asked the council to have regard to its commitment to equality and to take a principled stand.

On behalf of the Executive, the Councillor R Moher (Deputy Leader of the Council, in the Chair) thanked the petitioners for attending the meeting and advised that they would receive a formal response from the Borough Solicitor.

## **5. Authority to tender public health contracts**

The report from the Acting Director of Adult Social Services put forward proposals to retender the existing public health service areas currently under contracts which were transferred from the NHS to the Council on 1 April 2013. The report requested approval to invite tenders in respect of a framework agreement as required by Contract Standing Order 88 and outlined a timetable for the proposed procurement process including a description of the extensions which would be required on current contracts to allow sufficient time for officers to complete the retendering process. Councillor Hirani (Lead Member, Adults and Health) advised that the contracts were due to expire as of 21 March 2013 and that the retendering process would be on-going. He pointed out that while the majority of public health contracts were included in the framework, some agreements were specific to GPs and pharmacists and could not be provided by non-clinical providers. Councillor Hirani welcomed the initiative as a positive one for the borough in its role as a public health provider and assured that procurement would be in accordance with the council's standards.

### **RESOLVED:**

- (i) that the approach to procuring services as set out in paragraph 3.6 to 3.16 of the report from the Acting Director of Adult Social Services to include the establishment of a framework agreement consisting of four lots in respect of substance misuse, sexual health services, children's services and community services be noted;
- (ii) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 4.1 of the report in respect of the framework agreement detailed in (i) above;
- (iii) that approval be given to the invite of tenders in respect of the framework agreement detailed in (i) above and their evaluation in accordance with the approved evaluation criteria referred to in (ii) above;
- (iv) that the intention to explore the possibility of collaboratively procuring sexual health services and children's services through the West London Alliance be noted;
- (v) that approval be given to the extension of current public health contracts for the duration and on the terms detailed in the table at paragraph 3.16 of the Director's report;
- (vi) that the intention to explore the possibility of collaboratively procuring LES services (excluding breast feeding) through the West London Alliance be noted;
- (vii) that where officers wish to collaboratively procure the services referred to in (iv) and (vi) above through the West London Alliance and the proposed lead authority is not Brent Council, approval be given to the collaborative procurement and exempt the procurement from the normal requirements of



Brent's Contract Standing Orders in accordance with Contract Standing Order 85(c) and 84(a) on the basis that there are good operational reasons as set out in paragraphs 3.14 to 3.15 of the Director's report.

**6. Determination of the proposals for the future Special Educational Needs developments for September 2013.**

Councillor Pavey (Lead Member, Children and Families) introduced the report which set out the outcome of the statutory proposals to alter the character of certain schools from September 2013. The proposals involved the closure of the Additionally Resourced Provision at Kensal Rise Primary School, increased places at the Additionally Resourced Provision at Oakington Manor Primary School and increased places at Woodfield Special School. Councillor Pavey referred to the outcome of the consultation process and specifically regarding Kensal Rise School acknowledged that the majority of contributors did not support the expansion. Concerns expressed had been discussed in detail, responded to and parents, who so wished, had been offered places elsewhere.

RESOLVED:

- (i) that approval be given to the permanent closure of the Additionally Resourced Provision (ARP) at Kensal Rise Primary School with effect from September 2013;
- (ii) that approval be given to the change to the character of Oakington Manor Primary School by increasing the number of Additionally Resourced Places (ARP) from 25 to 35 places and to change the designation from SLCN to SLCN and ASD from September 2013;
- (iii) that approval be given to the expansion of Woodfield Special School by adding 40 new places for students aged 14 to 19 and change the designation of the school to provide for the needs of students with moderate learning difficulties (MLD), severe learning difficulties (SLD) and autistic spectrum disorders (ASD) from September 2014;
- (iv) that it be noted that Brent Council was addressing the increased demand for special school places through a number of initiatives guided by careful analysis of SEN incidence data and the development of projections that take account of the overall projected increase in the Borough's population.

**7. Tricycle Theatre Grant**

The report from the Strategic Director, Environment and Neighbourhoods set out the services provided by the Tricycle Theatre through a Service Level Agreement (SLA), linked to a grant from the council, the benefits to Brent residents of the partnership and recent performance levels. In January 2012 the Executive decided that grants to the voluntary sector would be for three years and the report proposed moving the grant to the Tricycle to a similar arrangement using a stepped approach. Councillor Mashari (Lead Member, Environment and Neighbourhoods) referred to the activities the Tricycle Theatre agreed in the 2013/14 SLA which included 400 sessions for organised school groups, sessions with young people living on the Traveller site and other workshops. Consideration was also being given to

emphasising employment opportunities and progress was being made in attracting new audiences.

**RESOLVED:**

- (i) that the productive partnership to date between the council and the Tricycle Theatre and its benefits to Brent residents be noted;
- (ii) that the initial two year grant cycle to run from 1 April 2013 – 31 March 2015 for the Tricycle Theatre worth £198,000 per annum and to a three year grant cycle thereafter be approved;
- (iii) that the grant to the Tricycle Theatre be managed through a Service Level Agreement and be dependent on delivery of agreed performance targets set by the council.

**8. Authority to tender contract for an energy company obligation (ECO) project partner**

Councillor McLennan (Lead Member, Housing) introduced the report from the Strategic Director of Regeneration and Growth which sought approval to invite tenders as required by Contract Standing Orders 88 and 89 for a single partner to deliver an energy efficiency programme, with a specific focus on the Energy Company Obligation (ECO) which was designed to tackle fuel poverty, affordable warmth and carbon emission problems at no cost to some householders in the highest need. Councillor McLennan welcomed the initiative and stressed the need to address fuel poverty which had implications for public health and referred to the impact the proposals would have on employment and the rebuild of the economy. The Strategic Director of Regeneration and Growth clarified that a green deal for private households would be available in due course.

**RESOLVED:**

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.13 of the report from the Strategic Director, Regeneration and Growth;
- (ii) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in (i) above.

**9. Property disposal - Linden Avenue, Kensal Rise NW10 2RE**

The report before the Executive from the Strategic Director of Regeneration and Growth sought approval to proceed with the disposal of the council's long leasehold interest in a vacant ground floor residential Housing Revenue Account dwelling on Linden Avenue NW10. Councillor Crane (Lead Member, Regeneration and Major Projects) stated that the proceeds from the sale would be ring-fenced to meet future enfranchisement costs.

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 the disposal of the council's long leasehold interest in the subject property on the open market for a capital receipt;
- (ii) that approval be given to the Operational Director of Property and Projects, Regeneration and Growth, to agree the terms of the disposal and the most appropriate disposal route;
- (iii) that agreement be given to ring fence the net capital receipt to the enfranchisement pot, which needs to be maintained at a sufficient level to enable the Council to fund the purchase of the freehold or new extended lease term interests in suitable properties within the residential leasehold portfolio where the fixed term leases are coming to an end, as set out further in paragraphs 4.4 to 4.5 of the report from the Strategic Director of Regeneration and Growth.

10. **Lease disposal - land adjacent to 19 Dudden Hill Lane and 290 High Road, Willesden**

RESOLVED:

that consideration of the report be deferred.

11. **Lease renewal - Kingsbury Library Plus, 522 Kingsbury Road**

Members had before them a report from the Strategic Director of Regeneration and Growth concerning the renewal of the lease at Kingsbury Library Plus and premises, 522 Kingsbury Road, Kingsbury, NW9 9HE. Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive that the library had relocated from Stag Lane approximately five years ago and advised that the outcome of on-going discussions with the landlord over a new lease would be reported back.

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:

that a new lease from 22 October 2013 be entered into in accordance with the details set out in the report from the Strategic Director of Regeneration and Growth and the confidential appendix 1 and on such other terms as the Operational Director Property and Projects considers in the best interests of the Council.

**12. Lease renewal - Brent Transport Services, East Lane**

Councillor Crane (Lead Member, Regeneration and Major Projects) introduced the report which sought consent to the renewal of the lease of property utilised by Brent Transport Services at the East Lane Business Park, North Wembley.

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:**

that agreement be given to a new five year lease from 29 September 2013 in accordance with the details in the report from the Strategic Director, Regeneration and Growth and in the confidential to the report and on such other terms as the Operational Director Property and Projects considers in the best interests of the Council.

**13. Brent Council submission to the Independent Reconfiguration Panel Review into Shaping a Healthier Future**

The Executive heard that the Leader of the Council had that the Leader of the Council had submitted a statement to the Independent Reconfiguration Panel (IRP), which was reviewing the proposed changes to health services in North West London, known as Shaping a Healthier Future. The Leader had requested that his statement was presented to Executive for endorsement. Members expressed enthusiasm for the statement and support to be given to deprived communities, the emphasis on the need to guarantee delivery of hours hospital care. Additionally, GP support for the reconfiguration plans was seen to be essential. Members also expressed concern for the future of Accident and Emergency services at Northwick Park Hospital if out of hours services elsewhere were being reduced. Councillor Hirani (Lead Member, Adults and Health) stressed the importance of capacity and infrastructure and ensuring the long term future of other services at the hospital.

**RESOLVED:**

that the submission sent by the Leader of the Council to the Independent Reconfiguration Panel Review into Shaping a Healthier Future be endorsed.

**14. Leasehold, right to buy and mortgage property insurance**

The report from the Deputy Director of Finance concerned the award of the Council's leasehold, right to buy and mortgaged property insurance contract. Councillor R Moher (Lead Member, Resources) summarised the tender process and was pleased to report that the outcome would be a saving of £308,000 per annum for leaseholders as costs were recharged to them.

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:

that approval be given to award the Leasehold, Right to Buy and Mortgaged Property Insurance contract to Acumus Ltd for a period of three years (with an option to extend for a further 2 years).

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

None.


16. **Len Snow**

Councillor J Moher advised the Executive that former councillor and mayor Len Snow had recently been in hospital and would now welcome visitors. Members extended their best wishes to him for a speedy recovery.

The meeting ended at 7.30 pm

R Moher  
In the Chair

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 <b>Brent</b>	<p style="text-align: center;"><b>Executive</b> 16 September 2013</p> <p style="text-align: center;"><b>Report from the Director of Adult Social Services and Regeneration &amp; Major Projects</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;"><b>Approval to award Extra Care Sheltered Housing Scheme Management Grant</b></p>	

## **1.0 Summary**

- 1.1 This report requests that the Executive authorise the award of a grant for the purpose of providing scheme management within local extra care services.

## **2.0 Recommendations**

- 2.1 That Executive authorise award of a 4 year grant of £84,864 p.a. to Willow Housing and Care for the provision of the housing support element of extra care scheme management to the occupiers of 136 extra care units.

## **3.0 Detail**

### ***Background***

- 3.1 Extra care housing is a type of supported housing for older people that aims to enable tenants to live independently in appropriate housing for as long as possible by having access to flexible care and support services on-site that are responsive to their needs.
- 3.2 There are currently 136 units of extra care housing (in four schemes) available in the borough, which are provided by a Registered Social

Landlord (RSL), Willow Housing and Care. Willow own the properties and the service users are their tenants. The landlord's role within the extra care service model includes provision of the scheme management function, which involves (a) undertaking housing management duties on behalf of tenants (e.g. repairs, maintenance, etc.) as well as (b) the provision of support to tenants with housing-related needs (e.g. support to access activities, maintain social contacts, and assistance with daily living). The personal care element is separate and is currently provided by the Homecare Partnership, a domiciliary care provider.

- 3.3 The housing management element of the scheme management role is funded via housing benefit. The housing-related support element, however, is not eligible for housing benefit and is therefore resourced via the Council's Supporting People budget. The split between these two funding sources per scheme manager is roughly 50/50.
- 3.4 Funding of the housing support element for the existing 136 units is currently provided to Willow as part of a larger contract, which also includes sheltered housing-related support, emergency response, and activities co-ordination. On 17<sup>th</sup> June 2013, the Executive authorised officers to disaggregate these four elements and re-procure them on a phased basis between October 2013 and March 2014; however in relation to the existing arrangement for extra care scheme management no decision was made apart from that it would terminate on 30<sup>th</sup> November 2013. Officers also indicated that they would return to Executive before then with a separate proposal for the continuation of the housing-related support part of the scheme management function within extra care services (see Section 3.1.3 of that report, appended below) and this is the subject matter of this report.
- 3.5 If the support element of the scheme management service were to be subject to a standard procurement exercise under the Council's contract standing orders, it may result in a contract being awarded to a separate provider who would then require access to the Willow premises. In the view of officers, however, introducing a third provider into the service model would have a detrimental impact on the quality of the service provided to users of extra care, and would also pose a risk to the financial viability of other service elements. There is also the synergy between the housing management element of scheme management (provided by Willow as landlord and funded by housing benefit) and the housing support element. While this could be put into place through the Executive approving an exemption from standing order requirements and a direct award to Willow, officers are satisfied, however, that because there is sufficient rigor in the quality assurance of the care received by tenants in the form of care plan reviews, and that the support provided through the scheme management function essentially supplements this care, that monitoring of the scheme management function in the manner usual to contract management will not be required. Therefore award of a grant would be appropriate and



preferable. This will be subject to conditions of grant, including withdrawing the grant in future years on notice should the Council no longer be in a position to fund the service, and also withdrawal of the grant for failure to apply it to the agreed purpose of housing-related support.

- 3.6 The majority of services funded through the Supporting People budget are provided through block contract awarded via the Council's Supporting People Framework. The framework would not be an appropriate mechanism for the resourcing of this service, however, because scheme management is not one of the designated lots on the Framework, and because Willow are not one of the providers on this Framework.
- 3.7 Officers accordingly recommend that a grant of £84,864 p.a. (in line with the current cost of the service) is awarded to Willow Housing and Care for financial year 2013/14 (first payment effective 1<sup>st</sup> December 2013) for continuing to provide the support element of the scheme management function for four years as per the table below:

2013/14	2014/15	2015/16	2016/17	Maximum Value
£84,864	£84,864	£84,864	£84,864	£339,456

- 3.8 The service is good value relative to other housing-related support services, as the support element is effectively provided at a cost £12 per tenant per week.
- 3.9 The four year term of the grant will be subject to an annual review by the Council, with the Council being able to give notice to Willow that it is unable to give the grant in the subsequent financial year.

#### **4.0 Financial Implications**

- 4.1 The Supporting People programme budget for 2013-14 is £8.4m. This budget has been reduced by £3.3m since 2010-11. The expected cost of these services has been budgeted for within the reduced financial envelope and the relevant Directors are satisfied that there are no adverse capital finance or other negative implications. The grant is costed at a level equal to the amount spent on this service under the current contract.

#### **5.0 Legal Implications**

- 5.1 Under the Localism Act 2011, local authorities have a general power of competence. It is therefore open to the Council to provide financial assistance in the form of grant funding in order to secure delivery of housing support by Willow to its tenants.

5.2 The key difference between a grant and a contract is that a contract creates a legal relationship with legally binding obligations, such that the Council can enforce against the provider any failure to perform the contract, including getting damages for any additional costs that the Council has as a result of the failure. However a grant is a gift, albeit made subject to conditions about how it is to be spent; therefore the only consequence for failure to comply with the conditions is withdrawal of funding.

5.3 Under part 4 of the Constitution, grants over £5,000 per annum require Executive approval, and the relevant Director must also be satisfied that there are no adverse capital finance or other negative implications.

## **6.0 Diversity Implications**

6.1 This report seeks authority to continue a service targeted at older people. It is therefore expected that the proposals within this report will produce a net benefit for local older people. No other diversity implications are anticipated.

## **7.0 Staffing Implications**

7.1 The actions proposed do not have any staffing implications.

## **8.0 Other Implications**

8.1 There are no other known implications that may impact upon the award of this grant.

## **9.0 Background Papers**

9.1 See Appendix A below.

## **Contact Officers**

Integrated Commissioner, Chris Pelletier

## APPENDIX A

	<p style="text-align: center;"><b>Executive</b> 17 June 2013</p> <p style="text-align: center;"><b>Report from the Director of Adult Social Services and Regeneration &amp; Major Projects</b></p>
For Action/Information	Wards Affected: ALL
<b>Report Title: SUPPORTING PEOPLE SERVICES – APPROVAL OF CONTRACT EXTENSIONS AND PRE- TENDER CONSIDERATIONS</b>	

### 1.1 Summary

- 1.1 This report requests that the Executive authorise the extension of Supporting People contracts for (a) Sheltered Housing services and (b) Handyperson and Accident Prevention services, and give approval to the pre - tender considerations and criteria for new procurement exercises.

### 2.0 Recommendations

- 2.1 The Executive to agree to an exemption from the usual tendering and quotation requirements of Contract Standing Orders to allow the award of interim contracts for Supporting People funded (a) Sheltered Housing Service and (b) Handyperson and Accident Prevention services to the incumbent providers, on the basis of good operational and financial reasons as set out in paragraphs 3.4 - 3.11 of this report.
- 2.2 That, if the Executive approve recommendation 2.1, the Executive to approve the award of a interim contract for Sheltered Housing Services to Willow Housing Limited to expire no later than 31<sup>st</sup> March 2014, and a seven (7) month contract for the Handyperson and Accident & Prevention service to Elder's Voice as outlined in Para 3.10 and 3.11 of this report.

- 2.3 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders for a new Handyperson and Accident & Prevention Service and an Emergency Response Service as set out in paragraphs 3.11 of this report.
- 2.4 The Executive to give approval to officers to invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.3 above.

### **3.0 Detail**

#### ***Background***

- 3.1 Supporting People is a national preventative programme administered by local government which aims to enable vulnerable people to live independently in the community through providing housing-related support services.
- 3.2 Handyperson and accident prevention services are part of the portfolio of services commissioned within the Supporting People programme. The aim of this service is to increase the independence of people living in their own home and to prevent the occurrence of accident and/or illness which may result in people accessing higher threshold forms of care (i.e. hospital, residential and/or nursing care). A contract for the delivery of these services in Brent has been in place continuously since April 2009.
- 3.3 The Sheltered Housing Contract is also part of the portfolio of services commissioned within the Supporting People programme. It expired on 31<sup>st</sup> March 2013 and has not yet been replaced for the reasons outlined in paragraph 3.8 below. However, the services continue to be provided by Willow on a spot purchase basis. This contract is for services targeted at older people and is comprised of 4 elements:
- housing-related support for people living in sheltered housing,
  - scheme management for people living in extra care schemes,
  - emergency response for out of hours support, and
  - activities co-ordination to enable older people to participate in meaningful activities during the day.
- 3.4 Responsibility for the commissioning of these services sits with Brent Council's Adult Social Care (ASC) department and the budget is held by Regeneration and Major Projects. Governance of this service area is maintained jointly by the ASC Departmental Management Team and the One Council Supporting People Project Board.

## Procurement

- 3.5 On 12<sup>th</sup> November 2012, the Executive authorised the appointment of service providers to a Supporting People Framework procured by Brent, to enable the re-commissioning of local housing-related support services. This Framework has been live since 1<sup>st</sup> December 2012. The Framework has 4 lots covering different client groups and service types, one of which is Lot 3: Accident Prevention and Handyperson Service. In addition there are lots that cover the current Willow service.
- 3.6 Under the framework agreement, bidders are contractually committed to the rates set out in the tender to deliver services in accordance with the relevant Lot service specification. The framework agreement call off protocol outlines the process by which the Council will award contracts from the framework. It is at this call-off stage that bidders are provided with TUPE information (if applicable). Bidders then have the opportunity to submit a TUPE pricing schedule to incorporate any staffing costs that they may incur as a result of the transfer of staff from current providers.
- 3.7 Officers invited the sole provider on Lot 3 to submit a TUPE pricing schedule for a Handyperson and Accident Prevention Service in accordance with the call-off protocol on 12<sup>th</sup> April 2013, which concluded on 1<sup>st</sup> May 2013. Officers have considered the pricing schedule submitted by the bidder and have rejected the submission in line with the published procurement documentation which states that the Council shall not be bound to accept the lowest or any Call Off with TUPE submission. This decision was taken because the submission did not demonstrate the expected value for money.
- 3.8 In addition, in January 2013 officers invited providers on the Brent Supporting People Framework to participate in a process to award contracts for older people floating support, activities co-ordination, and emergency response services. This covered three of the four services outlined in paragraph 3.3 above. The floating support and emergency response services were combined into a single contract with the expectation that doing so would deliver best value; however, an insufficient level of interest from the providers on the framework was received to produce this result and a contract was not awarded. Furthermore, the relevant Lot on the Framework was used to call off a contract for the Activities Co-ordination Service. This process, however, highlighted problems with the TUPE information received from the incumbent provider which officers are now working to resolve, and did not, therefore, result in an award of contract.
- 3.9 It has therefore been decided to re-procure the Accident Prevention and Handypersons service by open competition rather than continue further with the sole provider on the Brent SP framework. Officers outline the process to re-procure this in paragraph 3.11.

3.10 In relation to the Sheltered Housing Service currently provided by Willow, the results of the procurement process described above have led to the decision to re-procure all four elements of the current service separately. Two of the four elements will be re-procured using the Brent SP framework (see further paragraph 3.13), while a third will be subject to open competition as set out in paragraph 3.11 below.

### **Pre-Tender Considerations**

3.11 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(i)	The nature of the service.	Contract 1: Handyperson and Accident Prevention Services Contract 2: Emergency Response for out of hours support
(ii)	The future estimated value of the contract.	Contract 1: The current comparable contract is valued at £133,658 per annum. Officers anticipate the value of the new contract to be a High Value Contract (as defined in CSO) over the four years.  Contract 2: The current comparable service element is valued at £100,00 per annum. Officers anticipate the value of the new contract to be a Medium Value Contract (as defined in CSO) over the four years.
(iii)	The contract term	Both contract would be awarded for up to 4 years (2 years plus 1 plus 1).
(iv)	The tender procedure to be adopted.	A one stage (open) tender process in accordance with the Council's Standing Orders 96 (b) will be followed for both contracts.  As Social Care transactions are 'Part B Services', under the Public Contract Regulations 2006 ("the Regulations"); the Regulations apply only in part to the tender namely, (adoption of a technical specification and forwarding a Contract Award notice)
(v)	The procurement timetable	<b>Both contracts will be in accordance with</b>

		<p><b>the following indicative timetable:</b></p> <ul style="list-style-type: none"> <li>• Adverts placed/ Invite Tender 1.7.13</li> <li>• Deadline for tender submissions 5.8.13</li> <li>• Complete Panel evaluation in accordance with the stages set out in section vi below 01.9.13</li> <li>• Executive approval Nov 2013 (date TBC)</li> <li>• Contract start date 1<sup>st</sup> February 2014 (pending Executive approval date)</li> </ul>	
(vi)	The evaluation criteria and process	<p><u>Invitation to Tender (ITT)</u></p> <p><u>Both contracts will be procured separately in accordance with the following process:</u></p> <p>All bidders who express an interest in response to the advert will be required to submit both a pre-qualification questionnaire (PQQ) to assess capacity and financial standing, as well as a tender as to how they would deliver the service. This in accordance with the open tender process.</p> <p>Bidders who pass the PQQ will have their tenders evaluated in accordance with the following:</p> <p>30% of the evaluation weightings will be proportioned to the following quality criteria, which may be subject to minor change as required:</p> <ul style="list-style-type: none"> <li>• Working together</li> <li>• Achieving outcomes</li> <li>• Giving individuals choice and control</li> <li>• Creating a positive environment</li> <li>• Health &amp; Safety</li> </ul> <p>70% will consist of the price evaluation. This</p>	

		will be evaluated through the application of a formula that underpins a proportional scoring which will award the maximum of 70% to the lowest priced tender.
(vii)	Any business risks associated with entering the contract	No specific business risks are considered to be associated with agreeing the recommendations in this report.
(viii)	The Council's Best Value duties	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met.
(ix)	Any staffing implications	See sections 7 below
(x)	The relevant financial, legal and other considerations	See sections 4, 5 and 6 below

3.12 The current comparable service contract (Accident Prevention & Handyperson Service) expires on the 30<sup>th</sup> June 2013. In order to carry out the above procurement process officers request an interim contract is awarded to the incumbent provider, Elders Voice, with a duration of 7 months.

3.13 The Willow Sheltered Housing contract has 4 distinctive service elements which officers intend to procure separately. In order to award the 4 contracts to deliver the service elements separately, officers request an interim contract is awarded to the incumbent provider, Willow Housing, with a final end date of 31<sup>st</sup> March 2014. During this period officers intend to replace the current service provision by agreeing with Willow to split the service elements and costs into 4 elements and phase the termination dates. Officers will propose the following indicative timetable:

<b>Contract Element</b>	<b>Indicative Willow Termination Date</b>	<b>Proposed procurement method</b>
Older people's floating support	31 <sup>st</sup> October 2013	Direct call-off with TUPE from Brent Framework
Emergency Response	31 <sup>st</sup> January 2014	Please refer to tender considerations outlined at section 3.11
Activities Co-ordination	31 <sup>st</sup> March 2014	Direct call-off with TUPE from Brent



		Framework
Extra care scheme management	30 <sup>th</sup> November 2013	Officers will return with a report to outline the proposal for the Extra Care Scheme Management service element

#### **4.0 Financial Implications**

- 4.1 Investment associated with the current service specification for handyperson and accident prevention services is £133,658k per annum and £505,145 per annum for the Willow Sheltered Housing Contract.
- 4.2 The Supporting People programme budget for 2013-14 is £8.4m. This budget has been reduced by £3.3m since 2010-11. The expected cost of these services has been budgeted for within the reduced financial envelope.
- 4.3 This report sets out proposals to procure contracts in accordance with local procurement arrangements and the Council's contract standing orders. 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 approve the award the call off contract in respect of other matters identified in Standing Order 89.

#### **5.0 Legal Implications**

- 5.1 The contracts for the Supporting People funded Handyperson and Accident & Prevention service and the Emergency Response service are Part B services contract for the purposes of the Public Contracts Regulations 2006 ("EU Regulations"), and thus only subject to partial application of the EU Regulations to include requirements in relation to technical specifications and the need to publish a Contract Award Notice.
- 5.2 The estimated value of one of the contracts proposed to be tendered in this report over its term (including possible extensions) is in excess of £500k. As such the contract is a High Value contract for the purposes of the Council's Contract Standing Orders and Financial Regulations and thus Executive approval is required to invite tenders and to evaluate tenders for the contract.
- 5.3 In the present case, there is an incumbent provider currently providing elements of the service being procured. As a result, the Transfer of Employment (Protection of Employment) Regulations 2006 ("TUPE")

may apply if the contract is awarded to a new provider, where immediately before the change of contractor, there is an organised grouping of employees situated in Great Britain which has, as its principal purpose the carrying out of the activities concerned on behalf of the Council and where the employees are assigned to that organised grouping. Subject to the right of the employee to object to transferring, the employee's contract of employment will transfer to the new contractor. Further information concerning the staffing issues is detailed in paragraph 7 of this report.

- 5.4 The Executive on 12 November 2012 gave approval for the appointment of providers onto the Brent Supporting People Framework ("the Framework") which, consisted of 4 Lots of which, the Handyperson and Accident & Prevention service falls under Lot 3 (being a single provider Lot). In accordance with the Framework call-off protocol Officers undertook a direct call-off, with TUPE with the single provider; the results of which are outlined in paragraph 3.6 of this report. As the price tendered by the Framework provider under Lot 3 did not represent value for money to the Council, Officers had no choice but to reject the bid submitted and not to award a call-off contract under the Framework. The Council is not bound under the Framework to accept the lowest bid or any bids submitted for a call-off contract and the Framework is not exclusive, nor does it guarantee any work.
- 5.5 Officers therefore seek an exemption from Contract Standing Orders to award interim contracts to the incumbent providers, Elders Voice and Willow, to enable its expiry to coincide with the commencement of the competitively tendered Handyperson and Accident & Prevention services contract and the proposed re-procurement of the various elements of the current Willow service, and also to deliver continuity of service. Although this award does not require Executive approval, being of relatively low value, under Contract Standing Orders members are required to approve exemptions from standing orders, and are able to do so where there are good operational/ financial reasons.
- 5.6 As stated above, the Sheltered Housing Scheme and Handyperson and Accident & Prevention services are deemed Part B services for the purposes of the EU Regulations. Where such services are of interest to providers located in other EU Member States, they must be procured in line with the Treaty on the Functioning of the European Union of non-discrimination, equal treatment, fairness and transparency in the award process. Therefore, a contracting authority that makes a direct award of such Part B contracts without adequately advertising the contracts or indeed seeks to extend such contracts where this is not provided for in the contract will be in breach of the Treaty on the Functioning of the European Union (previously known as the EU Treaty Principles).
- 5.7 The proposed extension of contracts goes beyond the period of extension (if any) provided for in the current contracts. It is arguable

whether the service contracts in issue would be of interest to providers located in other EU Member States, but there is a low risk of challenge to the Council. However, it is for Members to weigh up the limited potential for challenge against the need for the current contracts to be extended by a limited period to enable continuity of service and for its expiry to coincide with the commencement of new competitively procured contracts.

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

## **6.0 Diversity Implications**

- 6.1 An Equalities Impact Assessment (EIA) has been undertaken in accordance with the Equality Act 2012. A copy of the EIA is appended to the 12<sup>th</sup> November Executive report which requested authority to award the Supporting People Framework. This EIA has been approved by the Customer and Community Engagement Team. As the two services recommended for tendering in this report will be essentially the same as those currently delivered by the incumbent providers, it is considered that a further Equalities Impact Assessment is not required.

## **8.0 Staffing Implications**

- 7.1 There will be TUPE implications arising from the award of the contract, if there is a change in service provision. The assumption is that TUPE is likely to apply to the incumbent provider's staff currently providing a proportion of the services that are included in this process. As such, protection will be afforded under the TUPE regulations to such staff assigned to the service immediately prior to the contract start date and who do not object to transferring; so that they will transfer to the organisation awarded the contract on their existing terms and conditions.

## **8.0 Other Implications**

- 8.1 There are no other known implications that may impact upon the award of this contract.

## **9.0 Background Papers**

- 9.1 None.

**Contact Officers**

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Strategic Director of Regeneration and  
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 <b>Brent</b>	<p style="text-align: center;"><b>Executive</b> 16 September 2013</p> <p style="text-align: center;"><b>Report from the Director of Adult Social Services</b></p>
Wards Affected: ALL	
<b>Funding to develop community-based meals on wheels</b>	

## **1.0 Summary**

- 1.1 This report describes a proposal to cease the provision of a Council meals-on-wheels service, and progress made to date on developing and facilitating transition to service users being sign-posted to community organisations able to provide such services. This report also sets out the current meals on wheels budget, and provides an illustration on the projected savings from this service restructure over the next 2 financial years.
- 1.2 The report seeks approval to proceed with the transition to this model of meeting service users' needs.

## **2.0 Recommendations**

### **That the Executive:**

- 2.1 Note the progress made to date in developing a market within the community, for the provision of meals to vulnerable individuals through developing a network of providers who will contract directly with the individual to provide meals.
- 2.2 Note the progress made to date in informing service users of the proposed change and beginning to shift service users into services with community-based providers.
- 2.3 Approve the cessation of a Council meals on wheels service.
- 2.4 Approve the development of a community directory of local providers for service users to choose from, whilst allowing scope for service users to make their own choices and spend their money (including, possibly direct payments to assist with the cost of delivery) on alternative meal options.

- 2.5 Approve the process of reviewing the care needs of all those who currently receive a meals on wheels services so that effective care plans can be set up to ensure that, notwithstanding the termination of the contract with Apetito, we continue to fulfil our statutory duty. This may include facilitating individuals, unable to access community resources independently, to receive a meal in their home via a direct payment of £3.50 towards the 'transactional costs' of food delivery and preparation. (As is required currently any individual will be required to make a £3.50 client contribution towards each meal).
- 2.6 To note proposals for Adult Social Services to procure an emergencies and major incidents meals service to provide hot meals to rest centres where there is a need for these to be provided following a major disaster or other emergency situation, pending the termination of the Apetito contract.
- 2.7 To note the meals on wheels budget and savings projections.

### **3.0 Background**

- 3.1 Currently Meals on Wheels (MoW) is a hot/frozen food delivery service for vulnerable people who meet FACS criteria 'Substantial' and 'Critical' and do not have capacity to prepare or purchase a meal for themselves. The council has a statutory responsibility within section 2 of the 1970 Chronically Sick and Disabled Person's Act to make arrangements for the provision of meals, whether at home or elsewhere, to chronically sick or disabled people.
- 3.2 The statutory obligations laid out in the 1970 Act do not require the local authority to run an actual MoW's service, only to ensure that where a person does have an assessed need for regular meals to be provided, the Council has some way of ensuring that this occurs.
- 3.3 The Apetito contract expires on 29<sup>th</sup> November 2013. The council has the option of approaching Apetito to extend the contract for no more than two additional years (up to 29<sup>th</sup> November 2015) but unless this is exercised the contract will expire on 29<sup>th</sup> November 2013.
- 3.4 In March 2012, an options appraisal was presented to Adult Social Services DMT where it was agreed that the development of a community-based MoW service involving service users choosing their preferred meals provider via direct payments would be explored following a thorough needs analysis of the current service users receiving MoW.
- 3.5 In August/September 2012 reviews were undertaken of 20 service users in the Harlesden area. From this, it was determined that, whilst it might be possible to reduce the number of individuals currently receiving MoW delivery service because some individuals can access resources in the community independently, it would still be necessary for the Council to ensure the provision of a hot/frozen food delivery service to people's homes to ensure

some service users receive a meal and meet their nutritional needs, because a proportion of service users do not have capacity to purchase food themselves or leave their home unaided.

- 3.6 The reviews undertaken also found that services users might not necessarily have capacity to accept and manage direct payments to purchase that support directly. However, as the figures below demonstrate, this remains the most effective and cost efficient means to meet this need, therefore to enable service users to receive a direct payment, integrated commissioning would need to commission a support planning service to enable service users to make payments and to provide advocacy on behalf of these service users to providers (see below).
- 3.7 It was subsequently agreed at DMT in January 2013 that a pilot would be run with Harlesden Methodist Church, in order to:
- Test the capacity of a community-based organisation to deliver a door-to-door meals to clients with high-end needs
  - Test the efficacy of direct payments as a means of managing the cost to the community groups/service users of delivering meals to individual's homes, and of the capacity of two providers (Age UK and Elders Voice) to enable service users without capacity to receive direct payments by managing these on the service user's behalf.
  - It was also agreed that a scoping exercise be undertaken around the wider market for community-based meals services, to ascertain whether there is capacity to roll out a community-based model by 29th November 2013.

### **Harlesden Methodist Church Pilot**

- 3.9 From March 2013 a meals pilot service has been set up with Harlesden Methodist Church, whereby the church have prepared and delivered hot food to service users with an assessed need for meals on wheels in Harlesden.
- 3.10 This pilot has involved the following:
- Developing a functioning meals service within Harlesden Methodist Church
  - Cancelling the Apetito service for 10 service users in the Harlesden area, and setting them up with a direct payment mechanism (pre-paid card) to pay for the church's meals service
  - Referring individuals with a lack of capacity to manage their own funds to Age UK or Elders Voice to manage their direct payment on their behalf in the form of a pre-paid card, and for these organisations to provide a form of advocacy/check with the church around the quality of the service
  - Evaluating the quality of the service and collecting feedback from service users

- 3.11 All service users received a direct payment in the form of a pre-paid card and were assisted / required to set-up standing orders onto these pre-paid cards with client contributions of £3.50 per meal. The council added £3.50 per meal onto the pre-paid cards to subsidise the transactional costs of the meal (e.g. delivery costs) to ensure that the council's responsibility to make arrangements for the delivery of meals was met by fully compensating providers for the costs of delivering and preparing meals.
- 3.12 A key intention for the service was for it to be as self-sustaining as possible. On-going support was provided, as was £15,000 by way of start-up payments (for kitchen equipment and ramp-up costs); however, the church was engaged as a partner with the council rather than a contracted provider. A memorandum of understanding was drawn up in consultation with Legal and Procurement and signed by both parties prior to the commencement of the pilot; mapping out expectations around when meals should be delivered, procedures that the provider would be expected to comply with if they received no-reply from a service user and other safeguarding procedures or other requirements of service (e.g. health and safety, registration of premises and food hygiene).
- 3.13 Harlesden Methodist Church was required to coordinate DBS checks for all volunteers and staff engaged with service users as part of the pilot. The Church was also required to attend courses run by Learning and Development on the department's safeguarding and no-replies procedures and on dementia awareness. Prior to the commencement of the service, the council also undertook checks of the provider to ensure that:
- They had capacity to meet the dietary requirements of all service users
  - They had capacity in relation to staffing levels and delivery capacity to cover the service 7 days a week
  - They had contingency plans in place to cover the service in the event of service disruption (e.g. staffing illness/kitchen un-operational etc.)
  - They were registered with environmental health/food standards and conducted the required health and safety and food hygiene checks
- 3.14 The pilot was evaluated through a mix of regular meetings with the Church, reviews of the Church's data records, the completion of reviews by care assessors in the review team, and the collection of service user feedback via telephone interviews.
- 3.15 The church has subsequently delivered over the pilot to date in that they have:
- Not missed a delivery
  - Developed the capacity to deliver meals on Sunday from May 2013 (2 months into pilot), subsequently evidencing a capacity to deliver a full 7-days a week service
  - Followed the no-replies procedure and conducted the requisite checks to ascertain service users whereabouts



- Consistently delivered meals within the defined timeframe of 12.30pm-2pm

3.15 Of the 10 people identified to be referred to the pilot, 8 had direct payments set up either to self-manage or to be managed by Age UK or Elders Voice via a companion card. Both of the service users who were not referred were because they were admitted to hospital prior to the pilot start date. As such, 100% of the service users referred to the service had a DP set up. Of these 6 received a companion card to be managed by Age UK and Elders Voice.

3.17 In relation to service user outcomes, the feedback received throughout has been largely positive. Of the 8 service users reviewed 2 months after starting on the pilot service by the Support Planning and Review Team:

- 6 stated they were happy or 'extremely happy' with the quality of meals provided and the quality of service
- 1 opted to leave the service and has set-up a private arrangement with her carer
- 1 stated that the lack of a fresh meal delivery on a Sunday meant that they were opting to set-up a private arrangement on Sunday, but were happy with the rest of the weeks service

<b>Mr. A</b>	Mr A was joined by his niece. He stated that he is happy with the current arrangements, and is pleased with the standards of foods delivered. There has been the occasional late arrival of food, however he stated that staff are friendly at all times. He stated that he is unable to have any spicy food or hot foods. His niece stated that there continues to be some confusion around paying for the service, as his niece indicated that there is a considerable amount of money still in DP accounts.
<b>Mr. H</b>	Mr H remains extremely happy with the current arrangements for his meals. He is able to manage the packing and states that the food is always hot and a big improvements from previous providers. He prefers his food in one container. Suggestion made of possible yogurt or fruit as a pudding; he also asked if soup can be included on the menu. Outstanding issue remain with the complexion of the standing order forms. This issue is now being dealt with by his niece who was recently given information from post office website.
<b>Mrs. H</b>	Mrs H is happy with the current arrangements in place via Harlesden Methodist Church.
<b>Mrs. L</b>	Mrs L was unhappy with the limited choice of foods on the menu from pilot scheme, and therefore decided to terminate the service on 9 <sup>th</sup> April for a private arrangement. Carer's assistance with heating up her meals.
<b>Mrs. V</b>	Mrs V stated that she was unhappy with the curry meals provided and has now opted for English type meals i.e. cottage pie, fish and chips and spaghetti Bolognese. She is happy to continue to receive meals 3 times a week. Mondays, Wednesdays and Fridays.
<b>Mrs. SH</b>	Mrs SH started off by stating that she was pleased with the meals in the beginning, however she feels that the standards have dropped slightly. She stated that at times the food presentation is poor, and in unhappy that it comes in one container, describing as baby food appearance. She is pleased with the taste of the food, and remains happy that there is further room for improvements.
<b>Mr. V</b>	Home visit to Mr V to review meals on wheels as well as services in place. who is his NOK. Mr V is happy with current arrangements in place with his meals on wheels providers.
<b>Mr. T</b>	Home visit to Mr T to discuss MOW pilot. Mr T stated that at times the food is very

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	<p>bland and tasteless. He would prefer more seasonings. He remains happy with the amount provided and the choices in the menu, however he was unable to tell me what he was having the next day even though food was chosen advance. Occasionally the food has arrived luke warm, but he is happy with the times the food arrives.</p> <p>Finally he stated that he would have liked a pudding with his meal as was the case with Apetito.</p>
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## Market Scoping

3.18 Parallel to the Harlesden Methodist Church pilot, a market scoping programme has been run to:

- Engage community groups and organisations, restaurants and public/private organisations who could potentially provide a community-based meals service
- Ascertain the demand for home delivered meals in the borough, and the geographical location of this demand, in order to map a geographical directory of providers linked to service users, to evidence the capacity of the market to meet the needs of those currently receiving a service
- Begin to scope out project plans for community organisations, to potentially begin referrals to these organisations from August.

3.19 The approach to engaging the market has involved:

- Posting 2 adverts in the Brent and Kilburn Times and the Wembley Observer
- Advertising on the Brent website
- Drawing up a directory of community organisations and restaurants in Brent and forwarding the advert on to them.
- Forwarding the advert to schools and day centres in Brent
- Planning to attend the multi-faith forum on 8 July to explain the project and obtain expressions of interest.
- Setting up a provider forum for 3 July for all interested organisations

3.20 Following this, we have engaged and began developmental work with the following providers:

- Cricklewood Homeless Concern
- Harlesden Methodist Church
- Early Bird Catering
- Sudbury Neighbourhood Centre
- Catalyst Housing – Unity Centre
- Hermolis Catering
- Jalaram Foods

3.21 Alongside this, using data from the performance team, we have also been able to map demand and get an indication of interested parties' capacity to deliver a service to the diverse range of needs and preferences of Brent service users. This data analysis shows that there are 187 service users

receiving MoW at present. These are divided across the borough in the following way:

South (Kilburn; Queens Park; Kensal Green; Brondesbury)	27
Central East (Dollis Hill; Mapesbury; Dudden Hill)	16
Central West (Stonebridge; Harlesden; Willesden; Cricklewood)	49
North East (Alperton; Wembley; Preston; Tokyngton; Sudbury; Northwick Park)	59
North West (Barnhill; Fryent; Queensbury; Kenton; Kingsbury)	36

3.22 The data analysis also shows that the majority of meals provided are Western European (58%), with the others in descending order of quantity; African-Caribbean (19%); Kosher (9%); Asian Vegetarian (7%); Asian meat (4%); Soft/Pureed (3%).

3.23 After receiving initial expressions of interest, Integrated Commissioning have worked with the providers to enable them to provide the service and check that they meet certain service requirements. This has involved:

- Developing sustainable and realistic service delivery plans with all providers (involving developing a cash flow and asking providers to produce delivery plans for discussion)
- Conducting initial checks on food standard, health and safety and hygiene and ensuring providers are registered with environmental health
- Ensuring all providers have sufficient levels of staffing and that these staff are DBS checked
- Providing training on 'No-replies', 'Safeguarding' and 'Working with Vulnerable Adults' to all providers

3.24 The outcome of the market scoping and development subsequently means that there is capacity to cover the whole borough, with some providers working in zones and some across the borough:

- Cricklewood Homeless Concern – can cover the whole of Brent, and provide Western European/Caribbean/Indian meals
- Early Bird Catering – can cover the Wembley/Sudbury/Kingsbury/Tokyngton area and provide Western European/Caribbean meals
- Harlesden Methodist Church – can cover Harlesden, Stonebridge and Kensal Rise and provide Western European/Caribbean/Indian meals
- Catalyst Catering – can cover Harlesden, Stonebridge and Willesden and provide Western European/Caribbean meals
- Sudbury Neighbourhood Centre – can provide for day centres only and provide Western European/Caribbean meals
- Jalaram Foods – who can cover the whole borough and provide Asian Vegetarian meals

- Hermolis – who can cover the whole borough and provide Kosher meals

3.25 The current level of interest in the market provides a sufficient basis to cover most of the borough. Currently, a bespoke Halal meals service is a gap to be filled via on-going market engagement. Cricklewood Homeless Concern have stated that they could provide this if required.

## Day Centres

3.26 In addition to providing hot and frozen meals to service users homes, Apetito also provide meals to day centres in Brent. For these meals, the council currently subsidises the cost of each meal by £3.50, and service users also contribute £3.50 per meal. The breakdowns for these are below:

Kingsbury Resource Centre	384
John Billam	430
Elders Voice	118
Hibiscus Club	24
Aspects Unit	38
Asian Disability Alliance	5
Wise Project	250
Rendezvous Club	96

3.27 The community directory represents a vehicle to promote alternatives to Apetito for day centres. In regards to John Billam, the day centre has agreed that they will provide its meals independently from the Apetito service, and the council will subsequently look to procure a provider to set up a kitchen/café service in the John Billam Centre. Kingsbury Resource Centre will need to receive a service from a community provider, and this will also have procurement implications owing to the volume of meals being provided because it is a council run centre. The remaining day centres are run by independent providers, and these have been engaged with by the council and will look to liaise individually (with support from the council) with providers to make a choice over their preferred meal provider.

## Assessment of Care Needs

3.28 To date, 15 MoW service users in the Harlesden area have received individual face-to-face assessments of their care needs to draw up effective care plans to meet their nutritional needs. Of these 15 service users, 12 were enabled to receive a direct payment in the form of a pre-paid card, and set-up £3.50 client contributions onto these cards via a standing order. The council then put £3.50 onto the pre-paid cards per meal to cover the 'transactional costs' of meals. These service users then used the pre-paid cards to purchase a hot food delivery service from Harlesden Methodist Church. Of the 15 service users assessed, 3 have opted to meet their nutritional needs independently by

either purchasing care to shop and cook for them, or getting meals via a private arrangement (e.g. a family member).

- 3.29 All of these 15 service users initially received a letter before they were visited by a care assessor for a face-to-face review, which stated that the council was changing the way service users would receive meals on wheels, and that service users would be assessed and enabled to receive a direct payment to purchase a service from a community based provider.
- 3.30 The commissioning team will be sending out letters to all service users receiving meals on wheels in the week of the 19<sup>th</sup> August informing them of the proposed change and that they will receive an individual assessment and enabled to receive a direct payment. The letter will inform service users that they will be required to make a £3.50 client contribution per meal onto their pre-paid card and they can use this card to purchase a service from a community provider, or make their own arrangements to meet their nutritional needs. Adult Social Services then intends to review the care needs of every service user receiving meals on wheel between September and November, and setting up direct payments in the form of pre-paid cards for them to purchase meals where they are assessed as unable to meet their own nutritional needs.

#### **4. Financial Implications**

- 4.1 Compared with the Apetito service, the community-based meals model has the potential to yield significant savings for the council. This is because although there are additional associated costs to the community meals service (e.g. market development costs; commissioning costs of the managed budget providers; contingency planning and emergency provision costs for rest centres), the cost model for the community meals service door-to-door delivery service is based on a fixed £3.50 charge to the council per unit; whereas the Apetito charge rate to the council is £8.52. Similarly the costs to the council to provide meals to day centres is reduced with the community meals service. The cost per meal to the council for day centre meals is £3.50 with Apetito, this will be £2 per meal with community meals because the transactional costs associated with delivering these meals is less than for door-to-door deliveries to multiple households, and Integrated Commissioning have subsequently negotiated a lower rate with community providers.
- 4.2 Of note, the client's contribution for the community meals (both door-to-door delivery and day centres) will be £3.50 per meal. This is the same as the current charge rate of £3.50 per meal, although this constitutes a contribution onto a pre-paid card for door-to-door delivery, rather than a charge, which should further minimise any risk to the Council against non-payment by the service user.
- 4.3 The following illustrates how these savings were estimated. The first section looks at the commissioning costs of the Apetito service on a unit and annual

basis and the proposed costs of the community meals service in terms of meal costs; market development costs, contingency funding and associated running costs, with explanations behind these assumptions. The 2<sup>nd</sup> section then looks at the comparative costs of the community-based model and Apetito from December 2013 to April 2014 (the remainder of the financial year from the point to which the Apetito contract lapses), and then for next financial year (2014/15).

- 4.4 It should be noted that the contingency costs earmarked in this paper reflect the worse-case scenario to ensure service continuity. The table below details the steps that would be taken before the £62,000 approach would be taken. During the market engagement and community-development phase of this project, work has been undertaken with providers to develop internal provider contingency plans to ensure service continuity.

### Service Costs

Apetito:

Meal cost to the council	£8.52
Annual Cost (Budgeted cost of Apetito hot/frozen meal service for 2012/13 PLUS Actuals for day centres)	£613,000

Community Meals:

Meal cost to the council	£3.50 (for door-to-door provision); £2 (for day centre provision)	
Annual Meal Cost (176 service users, average of 6 meals per week – NOTE – 6 meals the average number from Apetito actuals)	£224,000	
Associated costs	Cost area and assumptions	Cost
	Estimated cost of Market Development: Cap of £15,000 for start up costs for an estimated 8 providers	£120,000
	Estimated cost of managed Budget annual support by Age UK/Elders Voice: based on rate of 15% of weekly direct payment element value for 163 service users (based on the proportion of those receiving DP's with Harlesden Methodist Church who required a managed budget)	£22,000 p.a

	<p>Contingency costs: In the event of a provider in a local area being unable to continue their service, the council will set aside £62,000 for contingency funding. This covers the logistical cost of food preparation for 40 service users (an estimated number for a single regional provider) and the cost of 30 minutes care for service users to deliver food for 6 months, after which at the latest a permanent solution will have been identified</p> <p>Of note, prior to this contingency measure being put into practice, the following measures would be taken:</p> <ul style="list-style-type: none"> <li>- For providers to put in place their temporary contingency measure (memorandum of understanding will stipulate that providers should have a 1 week contingency), and for the effected service users to be supported to identify another provider</li> <li>- For other local providers to be asked whether they have delivery capacity to provide a service for these service users.</li> </ul>	£62,000
	<p>Emergency Planning costs to provide meals to day centres: Within the current Apetito contract, there is a clause which states that Apetito will provide meals to rest centres 365 days a year when required as a result of an emergency/disaster. This is a statutory requirement, so Integrated Commissioning will contract a provider to provide this service following the termination of the Apetito contract. The costs are based on a retainer of £10 per day, 365 days a year, which is set at that level owing to low historical demands for service usage. The council would have to incur costs in addition to this if more than 500 meals were to be provided over the course of a year.</p>	£4,000

#### **Comparative costs to the council, December 2013-April 2014 and April 2014-April 2015**

- 4.6 The data below shows that the community meals service represents a potential saving of £30,000 against the Apetito contract if extended until the end of this financial year, largely owing to the start-up costs associated with

market development. As stated the service may run over-budget for this financial year owing to the costs of withdrawal from the Apetito contract. From 2014/15 onwards however, the community meals service has the potential to yield £300,000 worth of savings each year.

#### December 2013 to April 2014

Apetito	<b>£281,000</b> (=£613,000 x 0.42)
Community Meals	<b>£251,000</b> (=5 months of 6 meals per week for 176 people; plus cost of provision to day centres; plus £120,000 start up cost; plus 5 month costs for Age UK/Elders Voice; plus 5/12 of the annual contingency planning cost and the emergency continuity costs)
Saving	<b>£30,000</b>

#### April 2014 to April 2015

Apetito	<b>£613,000</b>
Community Meals	<b>£313,000</b> (=12 months of 6 meals per week for 176 people; plus day centre costs; plus annual cost for Age UK/Elders Voice; plus annual contingency cost and annual emergency continuity costs)
Saving	<b>£300,000</b>

## **5 Legal Implications**

- 5.1 Section 2(g) Chronically Sick and Disabled Persons Act 1970 requires a local authority to provide meals for a person, either in their home or elsewhere, who is assessed as requiring services by way of s29 National Assistance Act 1948. Presently the Local Authority fulfils this function by completing needs assessment, in line with their duties under s47 NHSCC Act 1990, and where a need for meals to be delivered to a person's home is identified, securing that service via the contract with Apetito.
- 5.2 There is no requirement under the CSDPA 1970 that the Local Authority manage a meals on wheels service or contract for such a provision. However, where an individual has an assessed need for the provision of meals in their home or elsewhere that need must be met and cannot be withdrawn unless a reassessment of their needs demonstrates that this is no longer a need or that it could be met by alternative provision. It should be noted that it is proposed to review all those currently in receipt of meals on wheels services before the current contract with Apetito is due to expire to ensure that, if the person has an assessed eligible need for the provision of meals either in their own home



or a day centre, that the community based provision will adequately meet this need from December 2013.

- 5.3 Under the Health and Social Care Act 2001 (and 2008) it is permissible for the Local Authority to arrange for individuals to receive a direct payment rather than directly commissioned services. Again it is noted that the Local Authority propose that, where an individual lacks capacity to consent to direct payments, either Age Concern or Elder's voice will be appointed as their 'suitable person' in line with s146 HSCA 2008, to manage this payment on their behalf.
- 5.4 It is also noted that the Local Authority does not propose to have a binding contract with the service providers, as is the case with other organisations who deliver services direct to service users. As a result there are no procurement implications for the Council. There will however be a need for each service user to have a simple contract with their provider, and it is proposed to use this to ensure that those organisations comply with the relevant legal obligations regarding health and safety, food preparation and the vetting of those working with vulnerable groups and individuals. That service user contract will also set out expectations for the providers to consider the Pan London Safeguarding Procedures and Policies and adhere to operational guidance regarding "no replies" etc. This should ensure that the Local Authority is alerted to any safeguarding concerns or welfare issues for the individuals. Although this contract will be between the service user and provider it is proposed that the Council have the right as a third party to enforce the contract on service users' behalf, in accordance with the Contracts (Rights of Third Parties) Act 1999.
- 5.5 In conclusion the commissioning team has set up arrangements, described above, to ensure that any needs identified within a s47 NHSCCA needs assessment are appropriately met.
- 5.6 Under paragraph 3.1(m) of the Constitution, it is not possible for Chief Officers to take decisions about a permanent and significant reduction in level of service. Such matters are reserved for Executive decision. Although in this case the Council will be securing the delivery of service in a different way, so delivering on its statutory obligations, legal advice has been given that the ending of a Council meals service does fall within this paragraph, hence this report to the Executive.

## **6. Diversity Implications**

- 6.1 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 policy 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 undertaken in 2011 has been used in this analysis.

- 6.2 The proposal is likely to impact on older and disabled residents (two characteristics now protected under the Equality Act). A full Equality Impact Assessment is attached to this report as Appendix C and 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.

## **7. Staffing/Accommodation Implications**

TUPE is unlikely to apply at the end of the contract with Apetito to transfer their staff to the new providers. Apetito may therefore have to make their staff currently engaged in the Brent service redundant. However there is no requirement on the Council to reimburse those redundancy costs.

### **Background Papers (TBA)**

APPENDIX A - PROJECT PLAN  
APPENDIX B – RISK LOG  
APPENDIX C – EIA

### **Contact Officers**

Steven Forbes  
Head of Integrated Commissioning, Adult Social Services

Samuel Jacobson  
National Management Trainee, Adult Social Services

PHIL PORTER  
Acting Director, Adult Social Services

APPENDIX A - PROJECT PLAN  
APPENDIX B – RISK LOG  
APPENDIX C – EIA FROM PILOT

Appendix A - Project Plan

Workstream	Work Area	Timescale/Deadline	Responsible Officer
Harlesden Methodist Church	Evaluate and work-through future operating model	June	SJ
	Ramp up to 30	September	SJ/Review
Direct Payments	Commission Elders Voice/Age UK	July	SJ/SF
	Brief Review and get resource for ramp-up	July	SJ/Review
	Shift service users onto direct payments	September	Review/MNS/SJ
Market Engagement	Market Forum	July	SJ/SF/SS/MNS
	Develop memorandum of understanding with providers	August	SJ/MNS/Legal
Market Development	Work with providers in parallel with review to ramp-up numbers (start with 1 month trials)	August-November	SJ/MNS
Governance	DMT	July	SJ
	ASC Programme Board	August-November	SJ
	Exec	August-September	SJ/SF
	DMT Update	October	SJ
Apetito	Formal decision re. contract	September	SF/JK
	Wind-down engagement	September-November	SF/JK

## Appendix B – Risk Log

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Risk	Potential Impact	Probability	Mitigation	Risk Owner
Service users are unable to purchase services themselves/use DP's	High	Low	Use of Age UK/Elders Voice to manage payments on S.U behalf	SJ/SF
Service users are unwilling to purchase service themselves	Low	Medium	Review Team instructed to 'sell' service; wide a market as possible developed	SJ/Review/Finance
Lack of capacity in market to manage demands of service	High	Medium	Extensive engagement work; scope out market and work with it on an on-going basis	ICU
Lack of capacity means contract with Apetito must be extended - increasing unit costs	High	Low	Extensive engagement work; scope out market and work with it; engage review team at early juncture to identify resource to shift service users onto DP's	ICU/Review Team
Apetito have a destabilising impact on pilot (i.e. through conversations with service users/withdrawal of service) where they fear loss of commerce	Medium	Low	Engage Apetito from early point.	Jas Kothiria/SF
Lack of market capacity leads to service users going without meals	High	Medium	Extensive engagement work and monitoring of providers for first few months; Age UK/EV/ICU to monitor on on-going basis; contingency fund to ensure if a provider is unable to provide the service then service users are	ICU

			covered for a period of 6 months until an additional provider is found	
Risk of challenge under Equality Act 2010 because of unviability of alternatives for vulnerable service users	Low	Low	Ensure Age UK/Elders Voice provide support to those unable to manage DP's; provide range of local options to meet need. An Equalities Impact Assessment will be completed prior to executive	ICU
Service users purchasing food direct from market purchase food of poor nutritional value	Low	Low	Wide market engagement; develop 'nutritional guide' and vet provider list	
Day centres experience discontinuity of meals provision	Medium	Low	Engage with day centres to explain change and signpost to community providers	SF/SJ
Review Team cannot facilitate shifts to direct payments for the 170 service users between Sept and November	High	Medium	Work with Charlie McNally to identify a resource; provide intensive initial support and coaching for review team	CM/SF

Appendix C – Equalities Impact Assessment telephone interviews from meals on wheels pilot with Harlesden Methodist Church

Service User	Date called	How does the quality of the food compare with the previous service?	Does the new food offer meet your dietary needs?	Does the new food offer meet your cultural needs/personal preferences?	Does the new food offer provide more or less choice?	Is the service more or less flexible and responsive than Apetito?	Does the food come in a timely manner as expected?	Is the food presented and delivered in a way that you are able to eat?	Has your health or social care needs changed as a result of the change in service?
Ms L	Unable to reach								
Mr T	08/08/2013	Similar - Tavistock meals have improved - good deserts	Yes	Yes	More	Same	Yes - 12.30pm	Yes	No
Ms H	Unable to reach incorrect number								
Mr. V	07/08/2013	Seems fine	Seems ok	Requested food not to be mashed up - need recognise food	Same	Not sure	Yes	Yes	Not Sure
Mr. A	08/08/2013	Good - likes the meals - had fish & chips today	Yes	Yes	Not sure	Not sure	Yes	Yes	No
Ms. V	07/08/2013	Not as good		No I need	Less choice	Less	Yes	Yes - but	Not eating

				Indian/ Halal/Curry meals				don't like it	the food
Ms SH	01/08/2013	Didn't want to take part in telephone survey							
Mr. H	Unable to reach								
Ms. D	08/08/2013	Didn't like the meals	Wasn't eating them so family now provide meals which carer heats up	No wants "English" only type meals	Didn't provide meals I wanted so have cancelled the service	Less	Yes		
Mr G	07/08/2013	Good - likes the meals - had chicken, cauliflower, potatoes today	Yes	Yes	Same	Same	Yes	Yes	Client has LD
Mr E	07/08/2012	Very bad the main meal has no taste	No	No I want West Indian food	Less choice main meal but like the pudding	Same	Yes	No following stroke I can't open wrapping	
Mr. GR	Unable to reach								

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2013

# Equality Analysis

## Guidance and Form



## Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate: Adult Social Services</b>  <b>Service Area: Integrated Commissioning</b>	<b>Person Responsible:</b> Name: Samuel Jacobson Title: National Management Trainee Contact No: 02089372728 Signed: SAMUEL JACOBSON
<b>Name of policy: EIA for the termination of the Apetito meals on wheels service and the development of a non-contracted, community-based meals on wheels service</b>	<b>Date analysis started: August 2012</b> <b>Completion date: September 2013</b> <b>Review date:</b>
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Elizabeth Bryan Title: Principal Diversity Officer Date: 15.08.13 Contact No: 0208 937 1190 Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Steven Forbes Title: Head of Service, Integrated Commissioning Date: Contact No:	<b>Decision Maker: Executive</b> Name individual /group/meeting/ committee: September 12 <sup>th</sup> 2013 Date:

Signed:

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

Please refer to stage 2 of the guidance.

The policy relates to a proposed change to the commissioning of meals on wheels in Brent from a contracted, single-provider service, to a non-contracted service provided by community-based providers.

Meals on Wheels is a service provided to vulnerable people who meet the council's Fair Access to Care criteria as having 'Substantial' or 'Critical' social care needs, and who have no capacity to either prepare or purchase meals for themselves. The types of service users who receive meals on wheels range from older people, people with physical disabilities, learning disabilities and mental health conditions. Meals on Wheels provides up to one main meal per day for these service users. Service users have to make a client contribution of £3.50 per meal, and the council covers the remainder of the cost of the meal. Service users pay for their meals via invoice from the council.

The council provides a variety of different meal types within this service to meet the cultural needs and preferences of service users. These meal types are demarcated below:

Meal Type	Percentage of Service Users receiving this type of meal
Asian Vegetarian	7.00%
Kosher	9.00%
Afro-Caribbean	19.00%
Western European	58.00%
Asian Meat/Halal	4.00%

Meals on Wheels is currently provided by a private provider, Apetito, who are contracted by the council to deliver the service. The Council has a statutory responsibility within Section 2 of the 1970 Chronically Sick and Disabled Person's Act, to make arrangements for the provision of meals, whether at home or elsewhere, to chronically sick and disabled people. Adult Social Care and Legal have interpreted this as meaning that the legislation does not require the local authority to run an actual MoW service only to ensure that where a person does have a need for regular meals to be provided we have some way of ensuring this occurs.

The proposed policy therefore is to terminate the contracted service with Apetito, and develop a community-based meals on wheels service with non-contracted

community providers. The service will still constitute a door-to-door delivery service of hot and frozen meals, with a variety of meals to be offered to meet service users cultural, dietary and personal needs. The difference will be that the service will be delivered by a number of non-contracted providers, providing service users with greater choice. There will be 3 providers in the South, Centre and North of the borough providing a mix of Western European/Caribbean and Asian meals, and an additional 3 providers across the borough providing culturally specific Kosher, Asian Vegetarian and Halal meals.

These providers will not be contracted with the council; however, the council will ensure that they meet the requisite health and safety and hygiene standards, as well as having the capacity to provide a service 365 days a year and for all cultural groups/dietary needs. Service requirements will also be laid out in a memorandum of understanding between the council and the providers.

Service users who require meals on wheels will receive a direct payment in the form of a pre-paid card to make a choice of community-provider. The charge to the service user per meal will not change (remaining at £3.50); however, it is proposed that the payment be made via a standing order onto the pre-paid card. For service users who do not have capacity to manage their own direct payment, Age UK and Elders Voice have been commissioned to manage these payments on behalf of the service user, and advocate on their behalf with the provider.

### **3. Describe how the policy will impact on all of the protected groups:**

**Age:** Neutral – the service will encompass the same door-to-door delivery to ensure service users with limited mobility receive a meal; and the same mix of dietary considerations (e.g. pureed meals/low-salt/diabetic) to ensure that older people's dietary needs are met. Age UK and Elders Voice have been commissioned to ensure older people and people with disabilities can make routine payments and to advocate on their behalf.

**Disability:** Neutral – the service will encompass the same door-to-door delivery to ensure service users with limited mobility receive a meal; and the same mix of dietary considerations (e.g. pureed meals/low-salt/diabetic) to ensure that dietary needs are met. Age UK and Elders Voice have been commissioned to ensure older people and people with disabilities can make routine payments and to advocate on their behalf.

**Gender Reassignment:** Irrelevant to this service

**Pregnancy/Maternity:** Irrelevant to this service

**Marriage/Civil Partnership:** Irrelevant to this service

**Race:** Positive: The proposed service model involves the use of local community providers that provide meals to match the cultural/religious/ethnic needs of service

users in the borough. Subsequently as opposed to one service provider, service users will have the choice within the new community-based model of 3 local providers providing Western European and Caribbean meals, and a Kosher, Halal and Asian Vegetarian provider as well. It is felt that in the long-term this will ensure that the make-up of meals on wheels service users correlates to a greater degree with the demography of Brent than it does at present

**Religion or Belief: Positive:** The proposed service model involves the use of local community providers that provide meals to match the cultural/religious/ethnic needs of service users in the borough. Subsequently as opposed to one service provider, service users will have the choice within the new community-based model of 3 local providers providing Western European and Caribbean meals, and a Kosher, Halal and Asian Vegetarian provider as well. It is felt that in the long-term this will ensure that the make-up of meals on wheels service users correlates to a greater degree with the demography of Brent than it does at present

**Sex:** Irrelevant to this service

**Sexual Orientation:** Irrelevant to this service

**Please give details of the evidence you have used:**

For this stage of the equality impact assessment a pilot of the service was undertaken with Harlesden Methodist Church involving 15 service users (out of 176 who receive meals on wheels) to test the capacity of the community sector to provide a meals on wheels service to older people and people with disabilities, and for these service users to manage direct payments. An EIA involving telephone interviews and face-to-face reviews of the service users on this pilot was undertaken as an evaluation (see appendix A):

**Face-to-face reviews (pilot):**

<b>Mr. A</b>	Mr A was joined by his niece. He stated that he is happy with the current arrangements, and is pleased with the standards of foods delivered. There has been the occasional late arrival of food, however he stated that staff are friendly at all times. He stated that he is unable to have any spicy food or hot foods. His niece stated that there continues to be some confusion around paying for the service, as his niece indicated that there is a considerable amount of money still in Direct Payment accounts.
<b>Mr. H</b>	Mr H remains extremely happy with the current arrangements for his meals. He is able to manage the packing and states that the food is always hot and a big improvements from previous providers. He prefers his food in one container. Suggestion made of possible yogurt or fruit as a pudding; he also asked if soup can be included on the menu. Outstanding issue remain with the complexion of the standing order forms. This issue is now being dealt with by his niece who was recently given information from post office website.
<b>Mrs. H</b>	Mrs H is happy with the current arrangements in place via Harlesden Methodist Church.
<b>Mrs. L</b>	Mrs L was unhappy with the limited choice of foods on the menu from pilot scheme, and therefore decided to terminate the service on 9 <sup>th</sup> April for a private arrangement. Carer's assistance with heating up her meals.
<b>Mrs. V</b>	Mrs V stated that she was unhappy with the curry meals provided and has now

	<p>opted for English type meals i.e. cottage pie, fish and chips and spaghetti Bolognese.</p> <p>She is happy to continue to receive meals 3 times a week. Mondays, Wednesdays and Fridays.</p>
<b>Mrs. SH</b>	<p>Mrs SH started off by stating that she was pleased with the meals in the beginning, however she feels that the standards have dropped slightly.</p> <p>She stated that at times the food presentation is poor, and is unhappy that it comes in one container, describing as baby food appearance.</p> <p>She is pleased with the taste of the food, and remains happy that there is further room for improvements.</p>
<b>Mr. V</b>	<p>Home visit to Mr V to review meals on wheels as well as services in place..</p> <p>Mr V is happy with current arrangements in place with his meals on wheels providers.</p>
<b>Mr. T</b>	<p>Home visit to Mr T to discuss MOW pilot. Mr T stated that at times the food is very bland and tasteless. He would prefer more seasonings. He remains happy with the amount provided and the choices in the menu, however he was unable to tell me what he was having the next day even though food was chosen advance.</p> <p>Occasionally the food has arrived luke warm, but he is happy with the times the food arrives.</p> <p>Finally he stated that he would have liked a pudding with his meal as was the case with appetito.</p>

#### Face-to-face reviews (current service)

Data was also collected on the proportion of service users receiving different meal types, and was compared with the Census data/Brent demographic profile to gauge whether the current service user base was reflective of the diversity of Brent.

Analysis of this data revealed that the mix of service users receiving meals on wheels did not reflect the demography of Brent. This could be a product of service users opting out of meals on wheels out of a preference to purchase services from more local, specialist providers. Alternatively, this could be as a result of certain communities sourcing the service via their extended families.

#### Mix of meal types received:

Meal Type	Proportion of current services receiving these meals
Western European	59% (111/187)
Asian Vegetarian	6% (12/187)
Halal/Meat	4% (8/187)
Caribbean	17% (32/187)
Kosher	9% (17/187)
Misc. (soft/pureed/vegan)	3% (6/187)

#### Brent Ethnicity in 2011 (Census data)

Ethnicity	Proportion of borough population
White British/Irish	21%
White Other	15%
Mixed Total	5%

Asian Total	34%
Black Caribbean	8%
Black African/Other	11%
Chinese or Other Ethnic Group	6%

A broad market scoping and expressions of interest process was undertaken to ensure that the demand on the provider side existed to provide meals services that could continue to cater for the range of cultural/religious needs and preferences of Brent residents. The resultant provider list, listed below, illustrates that there is extensive scope within the proposed service structure to provide service users with greater choice of providers matched to their cultural/religious needs. Moreover, by using direct payments, service users will have the option of choosing an alternative specialist provider or service to source meals if they wish. In using local providers too, the intention is to provide a service to service users which is more responsive to local need. An identified issue at present is the lack of a Halal provider, however, Integrated Commissioning are currently looking to source this provider within the community:

- Cricklewood Homeless Concern – who have capacity to cover the whole of Brent, and provide Western European/Caribbean/Indian meals
- Early Bird Catering – who have capacity to cover the Wembley/Sudbury/Kingsbury/Tokington area and provide Western European/Caribbean meals
- Harlesden Methodist Church – who have capacity to cover Harlesden, Stonebridge and Kensal Rise and provide Western European/Caribbean/Indian meals
- Catalyst Catering – who have capacity to cover Harlesden, Stonebridge and Willesden and provide Western European/Caribbean meals
- Jalaram Foods – who can cover the whole borough and provide Asian Vegetarian meals
- Hermolis – who can cover the whole borough and provide Kosher meals
- In the initial wave of engagement, no specialist Halal provider have expressed an interest in being involved. However, we are currently in the process of engaging with a variety of Muslim organisations and mosques to address this need. Cricklewood Homeless Concern have also stated that they could provide Halal meals if required.

**This enabled the project team to conclude that:**

- The new service would not discriminate on the grounds of race/disability/age or religion
- The new service would continue to provide a range of services to meet specific cultural/religious needs, whilst allowing the option for service users to source meals from other providers using their direct payment if they wish, allowing us to conclude that the new service will be accommodating to a broad range of service users.

**4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

**(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;**

The policy will not discriminate against any service user eligible for the service, by ensuring that the providers reflect the demography of the borough and offer service users reasonable choice of meals, and that all service users regardless of age or disability are able to access to service (through provision for door-to-door delivery, and through the use of Age UK and Elders Voice to manage direct payments on behalf of individuals without capacity).

Providers have also been informed that they must pay due regard to the variety of languages in Brent, and manage their services (in terms of menus/linguistic skills of delivery staff) with consideration for different cultural/linguistic groups. Service users with English as a 2<sup>nd</sup> language or with no English speaking skills will be visited by the review team with assistance from the Language Centre to fully explain the proposed change, explain the direct payments process and communicate the choices available to service users. Elders Voice and Age UK, who will call service users on a monthly basis where they are managing their direct payment, will be informed of service user linguistic needs by Adult Social Services and will have to pay due regard to these in delivering their service.

**(b) Advance equality of opportunity;**

The policy will advance equality of opportunity by ensuring that all service users religious/cultural food preferences are accounted for in the provider mix; and also by allowing service users to choose a provider or means of purchasing food outside of the provider list if it more closely matches their preferences. On an on-going basis, it is the intention of Integrated Commissioning to continuously engage with the market to involve new providers into the community directory, and ensure as much choice is available to the service user as possible.

The long-term intention of the policy is also to signpost service users outside the Fair Access to Care Services (FACS) eligibility thresholds of 'substantial' and 'critical' (e.g. 'mild' and 'moderate' needs) to community providers for meals, as a door-to-door delivery service and also potentially as luncheon clubs. This will subsequently widen the level of access to these services further.

**(c) Foster good relations**

The policy will foster good relations via opening the service up in the long-term to a greater number of service users and generating luncheon clubs, which would provide a vehicle for socialisation between different service user groups.

Key to the policy is also engagement and development of community-based providers who provide other services for older and disabled people, for example social clubs, day centres, befriending services etc. The community-based meals



service is potentially a means for increasing older and disabled people's involvement with these community groups.

The developmental aspect of the policy has also involved a large amount of joint-working, by way of information sharing and mutual delivery agreements between a number of community groups. Providers have worked together to build their capacity and share learning, and this has improved relations between local community providers and businesses.

The policy may also foster good relations between service users and adult social care, chiefly because it involves a reorientation of service design around personalisation. Service users will now have a real choice over their meals provider, and social services and the voluntary sector (Age UK and Elders Voice) will actively work with service users to enable them to navigate this market and make informed choices. This compares with the previous service, where only one provider was available to service users who required meals on wheels.

## **5. What engagement activity did you carry out as part of your assessment?**

Please refer to stage 3 of the guidance.

### **i. Who did you engage with?**

Out of the 176 individuals receiving the service, 20 current meals on wheels service users in Harlesden, including older people, people with dementia, people with learning disabilities, people with physical disabilities and people with mental health conditions were surveyed on their views of the current service and on whether they would like a change of service

15 service users who received the pilot service from Harlesden Methodist Church

30 service users on the 'Strategy Development Group' in Adult Social Care, representing a broad mix of Adult Social Care's user groups, including carers and advocates.

All 176 service users will also receive a letter explaining the proposed change, and giving service users the opportunity to suggest a meal provider or source of receiving meals themselves if they have a preference for this.

### **ii. What methods did you use?**

Current service users were engaged via face-to-face reviews. Advocates/carers were present during these reviews where there were communication barriers between the care assessor and the service user

The service users on the pilot were engaged via a mixed methods approach:

- Face-to-face reviews
- Telephone interviews – by Age UK and Elders Voice and the council. Age UK and Elders Voice were used with the council to provide a counterpoint

and potential challenge to the council's findings. As part of Adult Social Care's broader service user engagement strategy, intermediaries from the voluntary sector are used as a matter of course to get service user feedback as service users have reported that they are more receptive to providing honest feedback to groups other than the council

#### Strategy Development Group:

- These were engaged on 2 separate occasions at strategy forums and the 'B-Heard' service user involvement group on the concept, the use of direct payments and the range of community providers. Service users were invited to express their views verbally and in writing
- The Strategy Development Group will also meet on the 28<sup>th</sup> August to try the food from all providers, consult and provide input into what support is required to service users to take on a direct payment, and provide feedback as to whether the breadth of meal choices on offer is wide enough. This consultation will be facilitated by Lift, who have experience in enabling vulnerable service users to engage and ensuring that all voices are heard in a consultative setting.

### iii. What did you find out?

#### Current service users:

- From this analysis we found that a vast majority of service users disliked the current service provider

Comment	Frequency
Disliked service	10
Liked service	2
No comment	4
Cancelled the service	4

- We also found from the analysis that a majority of service users had issues with capacity to purchase food themselves, to mobilise and go to a supermarket and to prepare food themselves. From this we were able to construct a service user profile of certain service user types receiving meals on wheels, to inform the design of the service and ensure all needs were accounted for and there would be full equality of access

Service User Type	Proportion of service users who fit this category
Can mobilise independently but has no food preparation capacity	9%
Requires some support/encouragement in mobilising and with food preparation	15%
Can mobilise independently but requires	18%

<b>support/encouragement with food preparation</b>	
<b>Limited/no mobility and limited/no food preparation capacity</b>	<b>58%</b>

#### **Pilot service users:**

- From the face-to-face reviews we found that a vast majority of service users were satisfied with the service provided by Harlesden Methodist Church and preferred it to the Apetito service:
- Of the 8 service users reviewed 2 months after starting on the pilot service by the Support Planning and Review Team (see appendix 1 for full transcript):
- 6 stated they were happy or 'extremely happy' with the quality of meals provided and the quality of service
- 1 opted to leave the service and has set-up a private arrangement with her carer
- 1 stated that the lack of a fresh meal delivery on a Sunday meant that they were opting to set-up a private arrangement on Sunday, but were happy with the rest of the weeks service
- From the Equality Impact Assessment telephone questionnaire undertaken:
- 4/7 service users who responded to the survey stated that they like the service and that it met their cultural/personal needs
- 3/7 stated that they disliked the service and it did not provide the type of meals they wanted
- 4 service users did not respond to the survey

#### **Service user Feedback:**

- The initial service user feedback received at B-Heard sessions has been positive, and has indicated a desire amongst service users for increased choice. This preliminary engagement also indicated that there is a need for service users to assess the level of variety within the community-based model following market engagement to see if there are any service gaps, and to try the food. A larger 'Strategy Development Group' session has been arranged for 28<sup>th</sup> August for this purpose.

#### **iv. How have you used the information gathered?**

##### **Feedback from current service users:**

- This feedback illustrated that a change to the Apetito service was required owing to clear concerns regarding quality resulting in the migration of some service users off the service, and concerns about the demographic mix of service users receiving the service as compared to the demographic mix of the borough
- The feedback also shaped the project team's thinking in relation to the form a non-contracted service could take. Owing to the needs of service users receiving meals on wheels, any service would have to remain a door-to-door delivery service to ensure that those with physical disabilities/mobility issues could still access meals, and in relation to direct payments, support would

need to be given to manage these budgets on behalf of those without capacity to do so themselves

**Harlesden Methodist Church:**

- The information gathered here demonstrated that the non-contracted service form did not have adverse effects on service user access or service quality. The information was therefore used as a basis to progress with developing a broader market of non-contracted providers
- The Equalities Impact Assessment did raise some concerns as 3 service users stated that the service was not responsive to their needs or provide the type of meal they required. The Church were informed and the council reviewed its quality assurance processes. The Church actively collects feedback on a weekly basis from service users and stated that it does tailor its menu based on individual preferences/needs. The Equality Impact Assessment telephone interviews of Harlesden Methodist Church service users however did point out that not all service users will like the meals, and there is subsequently value in giving people the choice to use their direct payment on a private solution to their meal needs (e.g. a local food provider)

**Feedback from service users in strategy group:**

- A larger 'Strategy Development Group' session has been arranged for 28<sup>th</sup> August to ensure service users are able to assess the quality of food and provide their feedback on the scope of services offered.
- The feedback to date has indicated the perceived value of the service in theory

**v. How has it affected your policy?**

**Current service users:**

- The reviews of current service users had a large bearing on the proposed model. From this activity it was determined that a door-to-door hot food delivery service would be required, as opposed to luncheon clubs/signposting, owing to service users mobility/physical disabilities.
- The service user profiles also affected the policy in that it demonstrated the need to commission services to manage direct payments on behalf of service users to ensure they could all receive one and navigate a broad range of providers

**Harlesden Methodist feedback/Community engagement**

- The feedback from the Methodist Church illustrated the efficacy of the community-based model

**Service user strategy group:**

- The Strategy Development Group feedback will be used to determine whether there are any gaps in the service through analyses of the providers/menu's offered. Integrated Commissioning will undertake additional market development/engagement if gaps are identified.


**6. Have you identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.**

Please refer to stage 2, 3 & 4 of the guidance.

Unmet needs/requirements:

- Older People/People with Disabilities capacity to manage direct payments. To mitigate against this, Age UK and Elders Voice have been commissioned to manage payments on service users behalf. At the point of review, a care assessor will also work with each service user individually to explain what direct payments are, the choices available to them, and how to set up standing orders onto the pre-paid cards

**Please give details of the evidence you have used:**

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## 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age			✓
Disability			✓
Gender re-assignment			
Marriage and civil partnership			
Pregnancy and maternity			
Race	✓		
Religion or belief	✓		
Sex			
Sexual orientation			

## 8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only).  
Please refer to stage 4 of the guidance.

## **No major change**

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

**From the analysis and the engagement activity undertaken it is felt that the policy is lawful and requires no change. This is explained below in relation to the 2 key tenets of the policy, the switch to non-contracted community-based providers, and the use of direct payments as a mechanism of making payments:**

### **Switch to non-contracted providers**

- **The range of providers to be included on the community directory will cover the range of meals offered by Apetito, and will also involve the use of specialist providers for people with specific religious/cultural needs (e.g. Asian, Kosher and Halal meals)**
- **Providers will be non-contracted, but memorandum's of understanding will lay out our expectations of service in relation to dietary requirements (e.g. low salt/high fibre/diabetic etc). all providers will also be checked prior to commencement of service that they provide this range of meals as required.**

### **Use of direct payments:**

- **The evidence from the pilot has shown that the use of Age UK and Elders Voice is sufficient in ensuring service users are able to regularise payments**
- **The support given by the review team at the point of referral will ensure service users understand direct payments and can set up standing orders onto pre-paid cards.**

**Continue the policy**

*This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.*

*In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.*

*Explain the countervailing factors that outweigh any adverse effects on equality as set out above:*

*Please document below the reasons for your conclusion and the information that you used to make this decision:*



**Stop and remove the policy**

*If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

**9. Monitoring and review**

Please provide details of how you intend to monitor the policy in the future. Please refer to stage 7 of the guidance.

**10. Action plan and outcomes**

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Monitoring service quality via face-to-face reviews and call monitoring	Call monitoring (monthly); face-to-face reviews (service user interviews quarterly/reviews annually)	Samuel Jacobson	Assessment of service quality/service responsiveness/service consistency and extent to which it meets service user needs to feedback to providers	On-going	

Provider monitoring	Quarterly from Dec 2013	SJ	Assessment of service quality and compliance with MoU	On-going	
No-reply trend analysis	Quarterly from Dec 2013 (monthly for first 2 months)	SJ/CSC	Assessment of no-replies trends to ensure providers are following no-replies up correctly	On-going	
Referral trend analysis	Quarterly from Dec 2013	SJ	Assess referral rate and drop-off rate	On-going	

**Please forward to the Corporate Diversity Team for auditing.**

## **Introduction**

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

## ***The Equality Act 2010***

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)

- Sexual orientation

### ***What is equality analysis?***

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### ***What should be analysed?***

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

### ***When should equality analysis be done?***

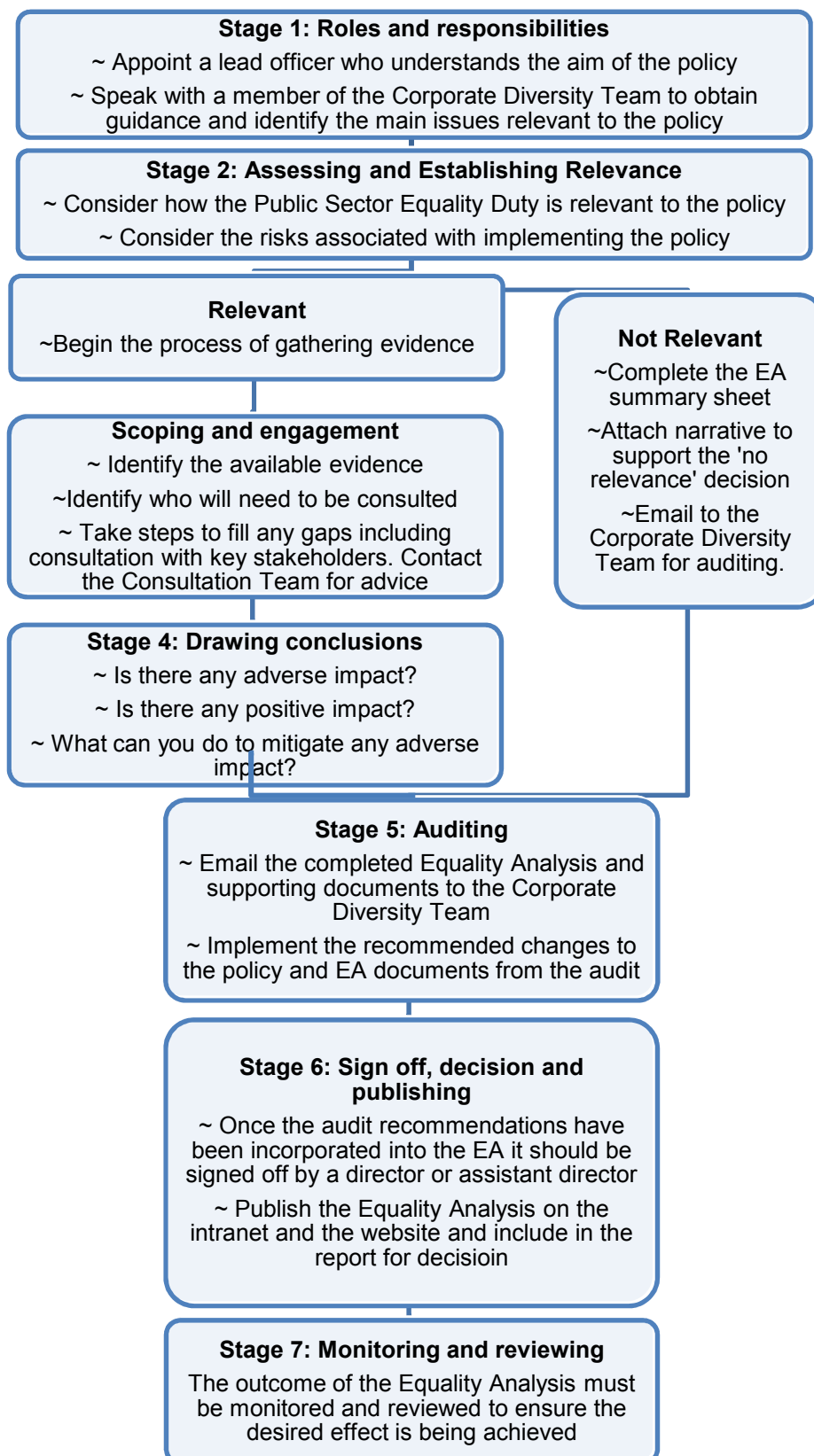
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

### ***Positive action***

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

### **Key Questions:**

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

### **“Not relevant”**

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

## **Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

### ***Sources of information***

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.

- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### ***Service user information***

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### ***Identify your information gaps***

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### ***Engagement***

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement



can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

## ***Decision-making***

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

## **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

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

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.




## Appendix A

Service User	Date called	How does the quality of the food compare with the previous service?	Does the new food offer meet your dietary needs?	Does the new food offer meet your cultural needs/personal preferences?	Does the new food offer provide more or less choice?	Is the service more or less flexible and responsive than Apetito?	Does the food come in a timely manner as expected?	Is the food presented and delivered in a way that you are able to eat?	Has your health or social care needs changed as a result of the change in service?
Ms L	Unable to reach								
Mr T	08/08/2013	Similar - Tavistock meals have improved - good deserts	Yes	Yes	More	Same	Yes - 12.30pm	Yes	No
Ms H	Unable to reach incorrect number								
Mr. V	07/08/2013	Seems fine	Seems ok	Requested food not to be mashed up - need recognise food	Same	Not sure	Yes	Yes	Not Sure
Mr. A	08/08/2013	Good - likes the meals - had fish &	Yes	Yes	Not sure	Not sure	Yes	Yes	No

		chips today							
Ms. V	07/08/2013	Not as good		No I need Indian/ Halal/Curry meals	Less choice	Less	Yes	Yes - but don't like it	Not eating the food
Ms SH	01/08/2013	Didn't want to take part in telephone survey							
Mr. H	Unable to reach								
Ms. D	08/08/2013	Didn't like the meals	Wasn't eating them so family now provide meals which carer heats up	No wants "English" only type meals	Didn't provide meals I wanted so have cancelled the service	Less	Yes		
Mr G	07/08/2013	Good - likes the meals - had chicken, cauliflower, potatoes today	Yes	Yes	Same	Same	Yes	Yes	Client has LD
Mr E	07/08/2012	Very bad the main meal has no taste	No	No I want West Indian food	Less choice main meal but like the pudding	Same	Yes	No following stroke I can't open wrapping	

Mr. GR	Unable to reach								
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 <b>Brent</b>	<p style="text-align: center;"><b>Executive</b> 16 September 2013</p> <p style="text-align: center;"><b>Report from the Strategic Director of Environment and Neighbourhoods</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<b>Statutory consultation on proposed changes to business permits</b>	

## **1.0 SUMMARY**

- 1.1 Proposed changes to business permits were agreed by the Executive on 19<sup>th</sup> September 2012 in the report entitled "Parking Service Simplification and Pricing".
- 1.2 This report summarises the representations received from the subsequent statutory consultation process in relation to the proposed changes to business permits and makes recommendations in relation to the issues raised from these.

## **2.0 RECOMMENDATIONS**

- 2.1 Members are asked to:
  - 2.1.1 To consider the representations received in relation to the notices of proposals dated 9<sup>th</sup> May 2013 and 6<sup>th</sup> June 2013 and summarised in section 5.0 of this report.
  - 2.1.2 To approve the proposals previously agreed by the Executive on 19<sup>th</sup> September 2012 in the report entitled "Parking Service Simplification and Pricing" and further summarised in section 4.2 of this report without change.
  - 2.1.3 To authorise officers to proceed with the implementation of the proposals set out in Section 4.2 of this report as previously agreed by the Executive on 19<sup>th</sup> September 2012.

### **3.0 BACKGROUND DETAILS**

- 3.1 On 19<sup>th</sup> September 2012, the Executive agreed proposed changes to business permits as set out in Section 4.2 of this report.
- 3.2 This report incorporates details of the representations received in relation to the above matters and any comments and associated recommendations concerning these.
- 3.3 The statutory consultation process undertaken for the agreed changes referred to in Section 3.2 above comprised the publication of notices in the press (i.e. Wembley Observer, Brent and Kilburn Times and the London Gazette) and consultation with statutory consultees (principally the emergency services) in accordance with the requirements associated with the Road Traffic Regulation Act 1984, as amended, and the Road Traffic Act 1991.
- 3.4 Two separate notices were issued in relation to business permits on 9<sup>th</sup> May and 6<sup>th</sup> June respectively. The first notice incorporated a range of proposed changes to parking permits and parking tariffs and included business permits. The second notice related to the pricing mechanism for business permits only as this detail was omitted from the first notice.
- 3.5 Arrangements were made so that representations to the proposals could be made by post and e-mail. The statutory consultation period for the first notice commenced on 9<sup>th</sup> May 2013 and closed on 30<sup>th</sup> May 2013. The statutory consultation period for the second notice commenced on 6<sup>th</sup> June 2013 and closed on 27<sup>th</sup> June 2013. The summary results of the consultation are set out in Section 4 of this report.

### **4.0 PROPOSALS SUBJECT TO CONSULTATION**

- 4.1 Below is a summary of proposals that were previously agreed by the Executive on 19<sup>th</sup> September 2012 in relation to business permits and formed the basis of the consultation:
- *A new single business permit be created.*
  - *Existing liveried and non-liveried business permits be withdrawn.*
  - *The range of permit durations be extended to include 1 and 24 month permits.*
  - *The number of business permits allowable remains at three per CPZ, but in the case of businesses with bases in more than one CPZ, this will be extended to give larger businesses greater scope to grow by allowing up to three permits per CPZ in which the business has a base.*
  - *A new business-friendly option of a non-vehicle-specific business permit subject to a 50% supplement on the per vehicle charge.*
  - *The price of business permits be increased to match levels of comparable neighbouring boroughs and the increase to be phased-in in three gradual*

*increases on April 2013, April 2014 & April 2015. Appendix 1 shows comparative rates in neighbouring boroughs.*

- *Flat-rate charges to remain (no emission-based charges).*
- *Differential permit pricing be introduced to incentivise businesses to apply, and pay for, permits using the method that incurs least cost to the Council, i.e. internet application and payment by debit card.*
- *Business permits to be subject to automatic RPI price increases.*
- *Permits remain specific to location of the business.*

## **5.0 CONSULTATION RESPONSES RECEIVED**

- 5.1 There were three representations / comments received of which one was from a statutory consultee (i.e. the Fire Service) indicating that they had no comment to make.
- 5.2 The other two representations received incorporated a number of distinct and separate points. These were received by email and are outlined below together with proposed Officer responses:

### **Consultation comment 1**

Can you please ensure that the advert specifies the extra charges for paying by credit card, etc.

#### **Officer response**

The Council advertised in its notice of proposal dated 9<sup>th</sup> May 2013 its intention to increase the base price of permits and discounts that may be obtained for different payment methods and types of payment. It did not therefore need to further re-advertise these in its notice of 6<sup>th</sup> June 2013.

### **Consultation comment 2**

It is not acceptable to simply cross refer to an advert issued on 9<sup>th</sup> May 2013 - how can you expect business people to have read it or checked it if it only related to non business issues.

#### **Officer response**

The advertisement dated 9<sup>th</sup> May 2013 incorporated changes to both business and non-business related matters. The advert of the 6<sup>th</sup> June 2013 related exclusively to the levels of charges proposed for business permits. The cross reference to the earlier advert was to ensure that readers were aware of the previous notice and the fact that it also contained proposals that were relevant to business permits.

### **Consultation comment 3**

Can you provide details of any increases in the charges listed as compared to the last set of charges.

#### **Officer response**

The proposed levels of charges for the new unified business permits (excluding the proposed increase in base rate and cumulative discounts) are as set out in the table below.

For a specific vehicle		For non-specific vehicles	
1 month	£85.60	1 month	£128.40
3 months	£171.20	3 months	£256.80
6 months	£256.80	6 months	£385.20
12 months	£428.00	12 months	£642.00
24 months	£834.60	24 months	£1251.90

These compare to the charges in respect of 2013/14 for liveried and non-liveried business permits which are currently as follows:

Permit Type	3 Months	6 Months	12 months
Liveried	£100	£150	£250
Non Liveried	£140	£210	£350

### **Consultation comment 4**

Does an inflation escalator apply to these charges too and should the advert make this clear too?

#### **Officer response**

There is no statutory requirement to include a reference to the inflation escalator in the advert and any changes to the future pricing of business permits will be effected by a notice of variation as provided by statute.

### **Consultation comment 5**

Please advise what the equivalent charges were prior to May 2010?

#### **Officer response**

Liveried business permits were priced as follows:

Three month permit - £60

Six month permit - £100

Annual permit - £180

Non-liveried permits were priced as follows:

Three month permit - £90

Six month permit - £160

Annual permit - £300



### **Consultation comment 6**

Could I have a copy of the order of 9th May 2013.

#### Officer response

There was not an order made on the 9<sup>th</sup> May. A notice of proposal was however advertised on 9<sup>th</sup> May in two local papers and the London Gazette, as indicated in Section 3.3 of this report.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 There are no new financial implications arising from this report as these were already considered in section 7.0 of the Executive report dated 19<sup>th</sup> September 2012.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The Council is empowered by the Road Traffic Regulation Act 1984 (as amended) and the Road Traffic Act 1991 to provide parking places on and off the highway and to charge for their use, which includes business permits. The proposed changes will be introduced by the passing of a Traffic Regulation Order by the Council under the Road Traffic Regulation Act 1984. The consultation with statutory consultees and the publication process which the Council has carried out in relation to the proposed changes regarding business permits were pursuant to the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

## **8.0 DIVERSITY IMPLICATIONS**

- 8.1 There are no new diversity implications arising from this report as these were already considered in section 8.0 of the Executive report dated 19<sup>th</sup> September 2012.

## **9.0 STAFFING / ACCOMMODATION IMPLICATIONS**

- 9.1 There are no new staffing or accommodation implications arising from this report as these were already considered in section 9.0 of the Executive report dated 19<sup>th</sup> September 2012.

## **BACKGROUND PAPERS**

- Executive Report entitled "Parking Service Simplification and Pricing" dated 19<sup>th</sup> September 2012

**CONTACT OFFICERS**

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Strategic Director Environment and Neighbourhoods

## Appendix 1

### Comparative rates for business permits in neighbouring boroughs

<b>Borough</b>	<b>Annual permit (specific vehicle) £'s</b>	<b>Annual permit (non- specific vehicle) £'s</b>	<b>Notes</b>
Harrow	-	-	No business permit option
Barnet	525	840	
Westminster	2,400 - 9,600	-	* Business permits only sold daily. Annual figure calculated by assuming 300 days per year
Hammersmith & Fulham	791 - 1,310	-	791 for 1st vehicle. £1,310 for second vehicle
Kensington & Chelsea	-	-	No business permit option
Ealing	600	-	
Camden	300		75% discount for electric or bio-fuel vehicles
Brent 2013-14	428	642	
Brent 2014-15	482	723	Based on 2013/14 base price
Brent 2015-16	535	803	Based on 2013/14 base price

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 <b>Brent</b>	<p style="text-align: center;"><b>Executive 16 September 2013</b></p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p style="text-align: right;">Wards affected: Willesden Green</p>	
<p><b>Disposal of open land adjacent to 19 Dudden Hill Lane &amp; 290 High Road, Willesden NW10 2EU</b></p>	

**Not for publication ('below the line')**

Appendix 1 is not for publication as it contains the following category of exempt information as specified in Schedule 12A of the Local Government Act 1972, namely:

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

**1.0 SUMMARY**

- 1.1 An investment opportunity has arisen to provide a high quality table tennis centre including the possible development of residential accommodation, proposals provide for the regeneration of land that is currently in a poor state at Dudden Hill Lane and High Road Willesden.

**2.0 RECOMMENDATIONS**

That Member's approve:

- 2.1 To a sale by private treaty with Greenhouse Charity.
- 2.2 That Officer's negotiate and enter into an agreement for a lease on the subject lands, as per the attached plan to enable the construction of a table tennis centre, with if required residential development.
- 2.3 That on satisfactory completion of building works, the Council enters into a lease of up to 250 year lease subject to negotiation with Greenhouse Charity in accordance with the terms set out in the confidential Appendix

- 2.5 That Member's agree that authority be delegated to the Operational Director Property and Projects to agree such terms that are in the best interests of the Council.
- 2.5 That Member's ask Officers to advertise (at the appropriate time) the proposed letting of public open space (as set out in paragraph 5.3 below) under Section 123 of the Local Government Act 1972 and if in the opinion of the Operational Director – Property and Projects, there are significant objections to report back to the Executive for it to consider.
- 2.6 That Member's note that the Brent Indian Community Centre (BICC) have enjoyed informal use of an adjacent play area, the Greenhouse proposal will terminate such arrangement and Officer's will involve BICC in future consultation.
- 2.7 That Member's note that due to the emerging Housing Revenue Account Growth Strategy the site has been forwarded to them to appraise, should a feasible option come forward then Member's will be provided with a verbal update.

### **3.0 DETAIL**

- 3.1 The Dudden Hill open space is a freehold site acquired by Brent Council in 1984 and is about 996 m<sup>2</sup> (0.294 acres) and shown vertically hatched on the plan. The land is controlled by the Sports & Parks service. It has been a problem area for many years and has generally been a difficult area to manage. Permission was granted in 1981 for a play area. Officers understand that it has not been open to the public since at least 1999. The site has been in a poor state or repair for a number of years.

- 3.2 The planning Core Strategy 2010 has the following site allocation and states:

Allocation: A small mixed use development with community, leisure or retail use on the ground floor with residential above. Financial contributions will be sought towards provision of a new play area and open space improvements in the vicinity, namely Learie Constantine Open Space on Villiers Road, and Willesden Communal Gardens, Dudden Hill Lane. Indicative development capacity 20 units, development phasing 2011-12.

Justification: The playground is a former brownfield site which was given permission as a play area in 1981, however it currently has no play equipment and is disused as a play area. The site is maintained by Brent Sports and Parks Service but no funding is available to redevelop the site as a playground. In terms of meeting the needs of local residents the site is not well positioned as it is next to a main intersection and busy road.

- 3.3 The land is at the end of a retail pitch and located at a busy road junction close to Willesden Bus Depot and 400m from Dollis Hill Tube( Jubilee Line). The site has the potential, with the right building design and use, to make a real

improvement to the area and lift the surrounding environment. The existing urban fabric is largely made up of the original Victorian development of the late 19<sup>th</sup> century which in many cases is looking tired particularly the commercial premises. There have been aspirations going back many years to improve the area.

### Greenhouse

- 3.4 The Council has been approached by Greenhouse Charity who requested assistance in seeking to secure a site for a state of the art table tennis centre of excellence, large enough for between 20 and 30 tables. Their requirement has been known to Brent Council following their unsuccessful underbid to acquire the Council's former Charteris Sports Centre in Kilburn over 18 months ago which ultimately was sold to a private school.
- 3.5 Greenhouse are a charity whose charitable purpose is enshrined in its objects to "improve the conditions of life of children and young people in the UK who are deprived or disadvantaged or who do not ordinarily have access to sports and arts facilities by the provision of sports and arts programmes. In 2012 they had a gross income of £4.7m and have a wide range of support including businesses.
- 3.6 Green house was founded in 2002 by their Chief Executive, Michael de Giorgio who set up a multi-sport pilot to give young people on a local housing estate something positive to do in the school holidays. Using the sports facilities at St Paul's School, an independent school in West London, the pilot programme helped troubled teenagers with support from the Metropolitan Police. It was so successful and continued in demand, that it continued over the following years and merged with Table Tennis for Kids (TTK).
- 3.7 Greenhouse empowers young people in London's most disadvantaged communities to realise their potential through high quality, intensive sport and performing arts programmes delivered by inspirational coaches. By working full time in schools and in the community Greenhouse coaches develop strong relationships with young people. They help them to improve their health and fitness whilst mentoring them to improve their engagement with their education and community.
- 3.8 Greenhouse puts inspirational coaches into schools and community clubs to work with 8 to 18 year old across 10 areas: football, basketball, table tennis, volleyball, judo, swimming, drama, multi-sports for young people with special educational needs, tennis and athletics. The coaches run full time programmes, working with young people before, during and after school and in the holidays. This means they can intensively engage young people over long periods of time and for a number of years as they move through school. Their programmes are open to everyone but the coaches target young people most in need of support, such as those struggling with their education or behavior. They set high expectations of self discipline, attitude and time keeping.
- 3.9 Greenhouse coaches try to deliver three major outcomes:

1. Improved effort with education, leading to better educational achievement;
  2. Improved engagement with their community (avoiding negative influences such as crime, drugs, anti-social behaviour); and
  3. Improved health and wellbeing (a reduction in obesity, better health and happiness)
- 3.10 All the coaches are specialists in their fields and include current and former Olympians, Commonwealth and national champions. Currently they run 49 programmes across London, working with between 7,500 to 10,000 young people on a weekly basis.
- 3.11 Greenhouse has a strategic ambition to develop a high quality table tennis centre in West London. Their aims are set out below;
- To design and deliver programmes to promote participation of young people at risk of social institutional exclusion in order to encourage and support their re-engagement, re-integration and the development of motivation;
  - To enable young people to develop personal, social and life skills;
  - To promote tolerance, social inclusion and an appreciation of diversity amongst young people;
  - To set high standards Greenhouse believes that the young people it engages have a right to good quality facilities, high quality coaching and to effective and sensitive mentoring and support.
- 3.12 Greenhouse has been in discussions with a variety of owners and Council's in the West London area seeking to secure a site or buildings. They already work with a number of Brent schools in the local area. Given the potential benefits of such a use to the Borough Officers from Property & Projects and Sports & Parks have reviewed a range of Brent landholdings in an attempt to identify a suitable site. In particular the Sudbury Court Pavilion, East Lane located on the edge of the Vale Farm – the area was considered but ultimately discounted because it failed to meet Greenhouse's locational criteria and because there is an on-going need to retain changing provision in support of the outdoor pitches.

### The Proposal & Planning

- 3.13 Utilising our site, Greenhouse propose to build a high quality table tennis centre of sporting excellence. The centre will be open seven days a week and used predominantly for training and the occasional tournament. It will be open for use by schools that they work with and the local community. The facility would be about 1500-2000 m<sup>2</sup> and will cost in the order of £3m. Greenhouse is considering whether they need to incorporate an element of residential into



the scheme in order to provide an income stream to support the running of the centre. Although at this stage they believe it will probably not be necessary to incorporate residential.

- 3.14 Outline proposals have been discussed with the planning department who consider that the proposals for the table tennis centre broadly meet the requirements of the site allocation. In particular the provision of a community sporting facility makes the loss of the open space more acceptable. Some of the receipt should be made available if appropriate to improve other open spaces in the area.

#### Sale by Private Treaty

- 3.15 The Council usually seeks to market surplus property on the open market or through developer framework agreements. The subject site because of its location has been a problem area for many years. It is located in an area with generally poor public/community facilities. Attempts over the years have failed to produce any exciting proposals that could give a real boost to this end of the High Street. The current proposal offers a one off opportunity to secure considerable private investment in community infrastructure, as well as a modest capital receipt for the Council.
- 3.16 Whilst it is impossible to say a better community offer might not come along on balance the advantage of the proposed use, the credibility of the applicant and their financial resources present the Council with a one off opportunity to receive a capital payment, helping to regenerate this part of Willesden and provide a high quality community sporting facility.

#### Benefits to Brent

- 3.17 Greenhouse's preference is to be as close as possible to public transport links and to be easily accessible from a wide part of the borough. Whilst no site is ever going to be ideal Brent's site represents a very good compromise. The Charity have received a large anonymous donation to develop and purchase a dedicated table tennis centre. Greenhouse is now looking to secure a site relatively quickly and if this site cannot be made available the search will be extended to cover alternative locations outside Brent.
- 3.18 The proposal represents an excellent opportunity to deliver improvements to young people's health and well being and it meets with the Council Sport and Physical Activity strategy that aims to:
- Increase provision of appropriate facilities;
  - Get more people active;
  - Develop local sports providers; and
  - Increase sports opportunities for young people.

- 3.19 The provision of these sports facilities when set against the demographic profile of Brent further strengthens the case for the facility. Brent has a very high population of young people. 311,200 (Census 2011) people live in Brent. The child population in Brent is 77,500 (Census 2011). 23 per cent of the population is 19 or under. Health inequalities are also greater in Brent, with significantly high levels of child obesity, particularly affecting children living in Harlesden and Willesden and children of black Caribbean and black African backgrounds. There has also been a reduction in crime over the last four years with significant reductions in gun crime, knife crime, robberies and youth violence, although they remain at a higher rate (per capita) than Brent's statistical neighbours and the London average.
- 3.20 This proposed scheme represents a very significant investment in sporting/community facilities in the borough. The location is highly accessible by public transport for young people there are many bus routes and Dudden Hill Tube station (Jubilee Line) is only a short distance away. The College of North West London is close by.

#### Adjoining land owners

- 3.21 Adjacent to the Council's site on the north western boundary is an adjacent property (site area 455 m<sup>2</sup>) shown cross hatched on the plan, sold by Brent on a long lease for term of 99 years from 1997 at £1pa to the BICC. The site is fully covered by a two storey hall. In the past (2010) were prepared by Family Mosaic, who were one of the Brent Council's preferred partners for social housing development schemes. The plan was to incorporate a community centre on part of the ground floor which could have been occupied by BICC assuming terms could have been agreed. The proposals were later found to be unviable. In the context of current proposals we refer Member's to the plan attached. It is noteworthy BICC have enjoyed informal use of the adjacent play area shown outlined by the broken black line, the Greenhouse proposals will terminate such arrangement and Officer's will involve BICC in future consultation.
- 3.22 The eastern boundary is a back-land site of about 334 m<sup>2</sup>. This site is owned by Jabac Finances Limited shown dotted on the attached plan. Planning consent was granted 14/3/2008 for the development of a car free 3 storey scheme that provides 3 x 1 bed units and 2 x 2 bed units (ref 06/2852). The building on site is burnt out and the site is extremely untidy and a significant eyesore. If the Council's site can be developed this should send out a positive signal which will hopefully result in this owner now seeking to develop their site and attracting further investment into the area.
- 3.23 Recently the adjacent property owners, BICC and Jabac have had aspirations to redevelop their respective sites utilising the Council's land for the construction of a 1,110 m<sup>2</sup> community centre along with around 27 residential units (20 x 2 beds and 7 x 1 bed). The financial proposal was for a very modest payment to the Council. The confidential appendix sets out the lack of any reasonable financial offer that would support the case for disposing of the

site to BICC/Jabac. Subject to consultation, there maybe an opportunity to incorporate adjoining land-owner aspirations, within the Greenhouse plan.

#### Further options

- 3.24 The site is being reviewed by Brent Housing Partnership as to whether it would be suitable for direct development within their development programme. The site as set out in planning policy has the potential for 20 homes. If BHP developed these units they would need to provide an element of community, retail or leisure use on the ground floor. Member's will be updated verbally.

#### Recommendation

- 3.25 The recommended option is a leasehold disposal to Greenhouse and a provisional sum has been negotiated.
- 3.26 Officer's recommend that the sum offered represents good value for money when taking account of the planning allocation in the Planning Core Strategy 2010. The sum is probably less than would be achieved if a wholly residential non-affordable housing scheme could be developed on the site, however this would be unacceptable in planning terms. An independent valuation of the land has been commissioned which will be used to satisfy any Audit requirements to demonstrate best value.

#### Contracting terms

- 3.27 It is proposed that an agreement for a lease will be entered into which will require the construction of the facility and which on satisfactory completion will require that the Council then grants a long lease. This helps guard against the situation where a building might only be half built and full control of the site has been passed out of the owner's control.
- 3.28 A lease of 99 years is the preferred option although a longer period of up to 250 years may need to be proposed to give trustees the confidence to invest. The peppercorn rent requires no on-going administration. The lease does give the Council the ability to control the site and certainly prevents any redevelopment that could lead to the owner making large financial gains at the expense of the previous owner.
- 3.29 The proposed lease will restrict the use to sports facility and community centre.

#### Next steps

- 3.30 The proposed scheme will make a fantastic landmark entrance to a presently rather run down part of the High Road, Willesden early proposals have demonstrated the great potential for a brand new quality building. It is a unique one off opportunity for the Council to secure a wide range of regeneration benefits and social benefits.

- 3.31 Greenhouse is keen to engage in a public consultation and present their proposals for the area. This would include both local residents and Councillors, sport Officer's, schools, those working with young people and adjacent landowners including BICC.
- 3.32 It is recommended that a suitable scheme is agreed within certain parameters with Council Officers. Greenhouse would contractually commit in the agreement for the lease to build out a certain scheme and on satisfactory completion the Council would be legally required to complete the lease.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 A capital receipt will be paid as set out in the confidential appendix. This property is not included within the Capital Disposals Programme and as such this will constitute an additional receipt to the funding of the Capital Programme and could reduce the requirement to undertake an equivalent level of unsupported borrowing for a balanced position on the overall Capital Programme.
- 4.2 A part of this capital receipt could be allocated to help improve other open spaces in the local area.
- 4.3 If the recommendation for disposal is agreed this will prevent Brent Housing Partnership from utilising the site for any direct development and rental income to the HRA will be forgone.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 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.
- 5.2 Disposals on the open market, either by way of auction or by way of appointing a marketing agent, will satisfy the best consideration requirement. In this case the disposal will seek an external Valuer to provide valuation advice in addition to Council internal RICS Registered Valuer recommendation.
- 5.3 Since the land is held as public open space the disposal of the same will need to be advertised at the appropriate time under Section 123 of the Local Government Act 1972 in a local newspaper for two weeks and any objections which are made will need to be considered.

#### **6.0 DIVERSITY IMPLICATIONS**

- 6.1 An INRA has been prepared and is attached.

#### **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

7.1 None

## **8.0 BACKGROUND PAPERS**

- Planning Core Strategy 2010
- Plan for Children and Families 12-15

## **9.0 APPENDIX**

- Plan
- Confidential Appendix
- INRA

### **Contact Officers**

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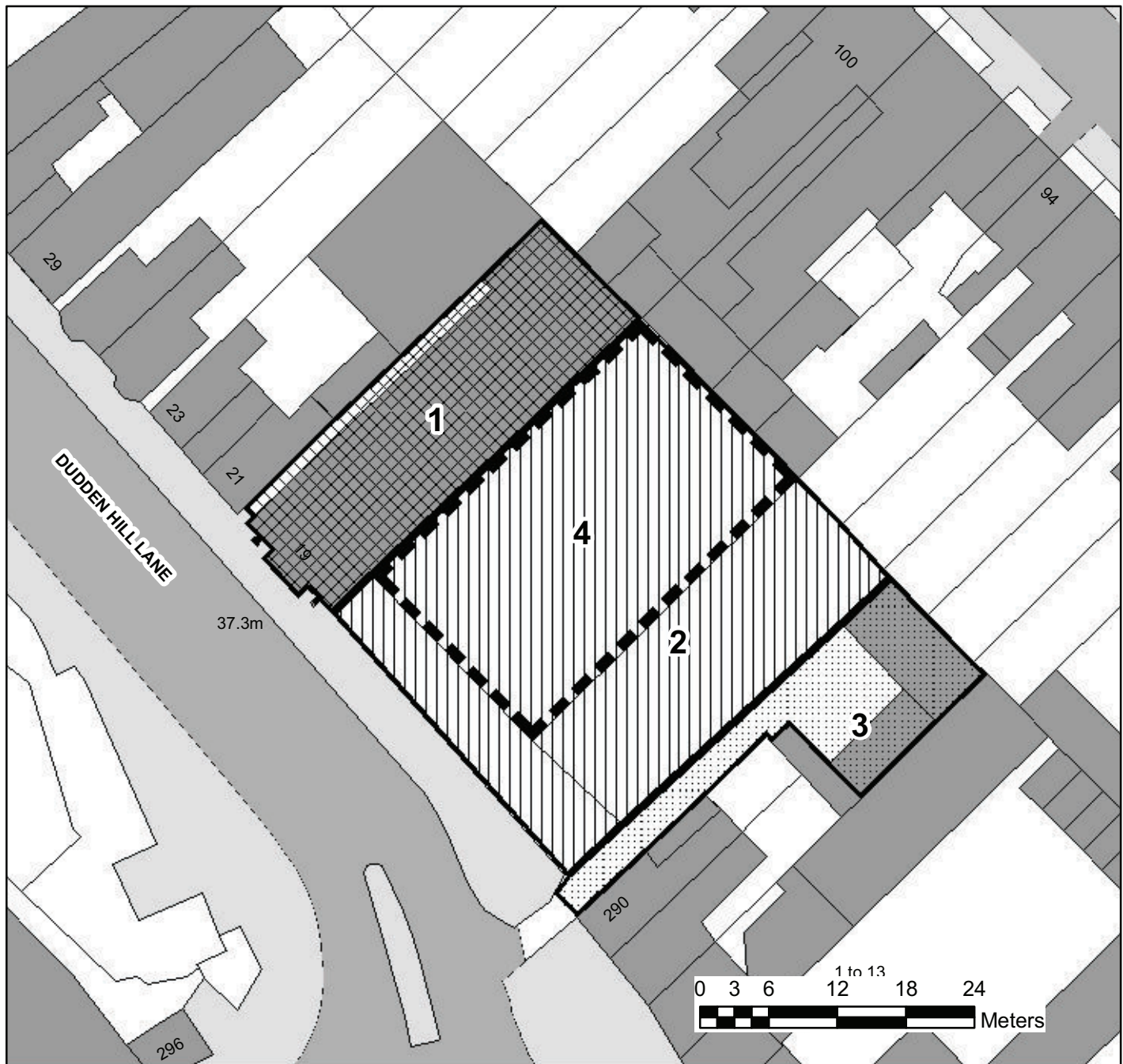
**ANDY DONALD – STRATEGIC DIRECTOR OF REGENERATION & GROWTH**







# EXECUTIVE COMMITTEE

## APPENDIX 1

### Open Land Adjacent to 19 Dudden Hill Lane and 290 High Road, Willesden, NW10 2EU



-  1, Brent Indian Community Centre
-  2, Brent Council
-  3, JABAC Finances Ltd
-  4, Informal Space

**Plan for information purposes only.**

**NORTH**



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
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2012

# Equality Analysis

## Guidance and Form



### Brent Council Equality Analysis Form – Appendix 3

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b>  <b>Regeneration and Growth</b>   <b>Service Area: Property and Projects</b>	<b>Person Responsible:</b>  Name: <b>Denish Patel</b>  Title: <b>Mr</b>  Contact No: <b>2529</b>  Signed: <b><i>Denish Patel</i></b>
<b>Name of policy: Disposal of open land adjacent to 19 Dudden Hill Lane &amp; 290 High Road, Willesden NW10 2EU (for redevelopment of a sports centre).</b>	<b>Date analysis started: 02/08/2013</b>  <b>Completion date</b>  <b>Review date:</b>
<b>Is the policy:</b>  <b>New</b>  New <input type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b>  Name: <b>N/A</b>  Title:  Date  Contact No:  Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring  Name: <b>Sarah Chaudhry</b>  Title: <b>Ms</b>  Date: <b>02/08/2013</b>  Contact No: <b>1705</b>  Signed: <b><i>Sarah Chaudhry</i></b>	<b>Decision Maker:</b>  Name individual /group/meeting/ committee:  <b>Executive Committee</b>   Date: <b>19 August 2013</b>

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

The playground is a former brownfield site which was given permission as a play area in 1981, however it currently has no play equipment and is disused as a play area. The site is maintained by Brent Sports and Parks Service but no funding is available to redevelop the site as a playground. The Council has been approached by Greenhouse Charity who requested assistance in seeking to secure a site for a state of the art table tennis centre. Outline proposals have been discussed with the planning department who consider that the proposals for the table tennis centre broadly meet the requirements of the site allocation (planning core strategy 2010).

The Council usually seeks to market surplus property on the open market or through developer framework agreements. The subject site, because of its location, has been a problem area for many years. It is located in an area with generally poor public/community facilities. Attempts over the years have failed to produce any exciting proposals that could give a real boost to this end of the High Street. The current proposal offers a one off opportunity to secure considerable private investment in community infrastructure, as well as a capital receipt for the Council.

**3. Describe how the policy will impact on all of the protected groups:**

Adjacent to the Council's site on the north western boundary is an adjacent property sold by Brent on a long lease for term of 99 years from 1997 at £1 pa to the Brent Indian Community Centre (BICC). The Council's site is excluded from BICC's lease, however, it is understood that BICC have enjoyed informal use of the site which they use as a play area. The Greenhouse redevelopment proposals will end that use and BICC will need to make their own alternative arrangements as their lease does not include the provision of the Council's site.

The eastern boundary is a back-land site owned by Jabac Finances Limited. The building on site is burnt out and the site is extremely untidy and a significant eyesore. If the Council's site can be developed this should send out a positive signal which will hopefully result in this owner now seeking to develop their site and attracting further investment into the area.

Subject to consultation there may be an opportunity to incorporate adjoining landowner aspirations within the Greenhouse proposals.

**Please give details of the evidence you have used:**

N/A

**4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

**(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;**

The proposals will aim to improve engagement with all sections of the community (reducing negative influences such as crime, drugs, anti-social behaviour) and improve health and wellbeing (a reduction in obesity, better health and happiness).

The provision of the sports facilities when set against the demographic profile of Brent further strengthens the case for the facility. Brent has a very high population of young people and health inequalities are also greater in Brent, with significantly high levels of child obesity, particularly affecting children living in Harlesden and Willesden and children of black Caribbean and black African backgrounds.

**(b) Advance equality of opportunity;**

The proposal represents an excellent opportunity to deliver improvements to young people's health and well being and it meets with the Council Sport and Physical Activity strategy that aims to:

- Increase provision of appropriate facilities;
- Get more people active;
- Develop local sports providers; and
- Increase sports opportunities for young people.

**(c) Foster good relations**

Encouraging people to mix and share experiences.

**5. What engagement activity did you carry out as part of your assessment?**

Greenhouse, established since 2002, are a charity whose charitable purpose is enshrined in its objectives to "improve the conditions of life of children and young people in the UK who are deprived or disadvantaged or who do not ordinarily have access to sports and arts facilities by the provision of sports and arts programmes.

**Who was consulted on the plan, which protected characteristics were included in consultation?**

Greenhouse is keen to engage in a public consultation and present their proposals for the area. This would include local residents and Councillors, sport Officers, schools, and those working with young people and adjacent landowners including BICC.

- i. **Who did you engage with?**
- ii. **What methods did you use?**
- iii. **What did you find out?**
- iv. **How have you used the information gathered?**
- v. **How has it affected your policy?**

**6. Have you identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.**

Under the proposals BICC will no longer have the use of the Council's site, however it is worth noting that BICC's lease does not include the site, which they have been using informally. BICC will however be consulted on any redevelopment proposals.

**Please give details of the evidence you have used:**

N/A

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive	Adverse	Neutral
-----------------	----------	---------	---------

	impact	impact	
<b>Age</b>	X		
<b>Disability</b>	X		
<b>Gender re-assignment</b>			X
<b>Marriage and civil partnership</b>			X
<b>Pregnancy and maternity</b>			X
<b>Race</b>	X		
<b>Religion or belief</b>	X		
<b>Sex</b>	X		
<b>Sexual orientation</b>			X

#### **8. The Findings of your Analysis**

Please complete whichever of the following sections is appropriate (one only).  
Please refer to stage 4 of the guidance.

##### **No major change**

Our analysis demonstrates that:

- The policy is lawful
- The evidence shows no potential for direct or indirect discrimination
- The proposals will help to advance equality and foster good relations between groups.

##### **Adjust the policy**

The proposals will help to remove barriers or to better advance equality.

##### **Continue the policy**

Proposals to continue as no adverse effects on equality and positive impact on disadvantaged groups.

##### **Stop and remove the policy**

Proposals to continue subject to approvals as there are no adverse effects that are not justified.



### 9. Monitoring and review

Please provide details of how you intend to monitor the policy in the future.  
Please refer to stage 7 of the guidance.

The proposals will be subject to the Council's project management and governance.

Use monitoring of main objectives-what are the indicators relevant to diversity e.g. BME attainment. Have we identified any potential equality issues, how will we monitor impact of the plan?

N/A

### 10. Action plan and outcomes

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Add here any new monitoring actions and any plan for reviewing the plan	N/A				

Please forward to the Corporate Diversity Team for auditing.

### Introduction

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.

- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

### ***The Equality Act 2010***

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

### ***What is equality analysis?***

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### ***What should be analysed?***

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services

- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

#### *When should equality analysis be done?*

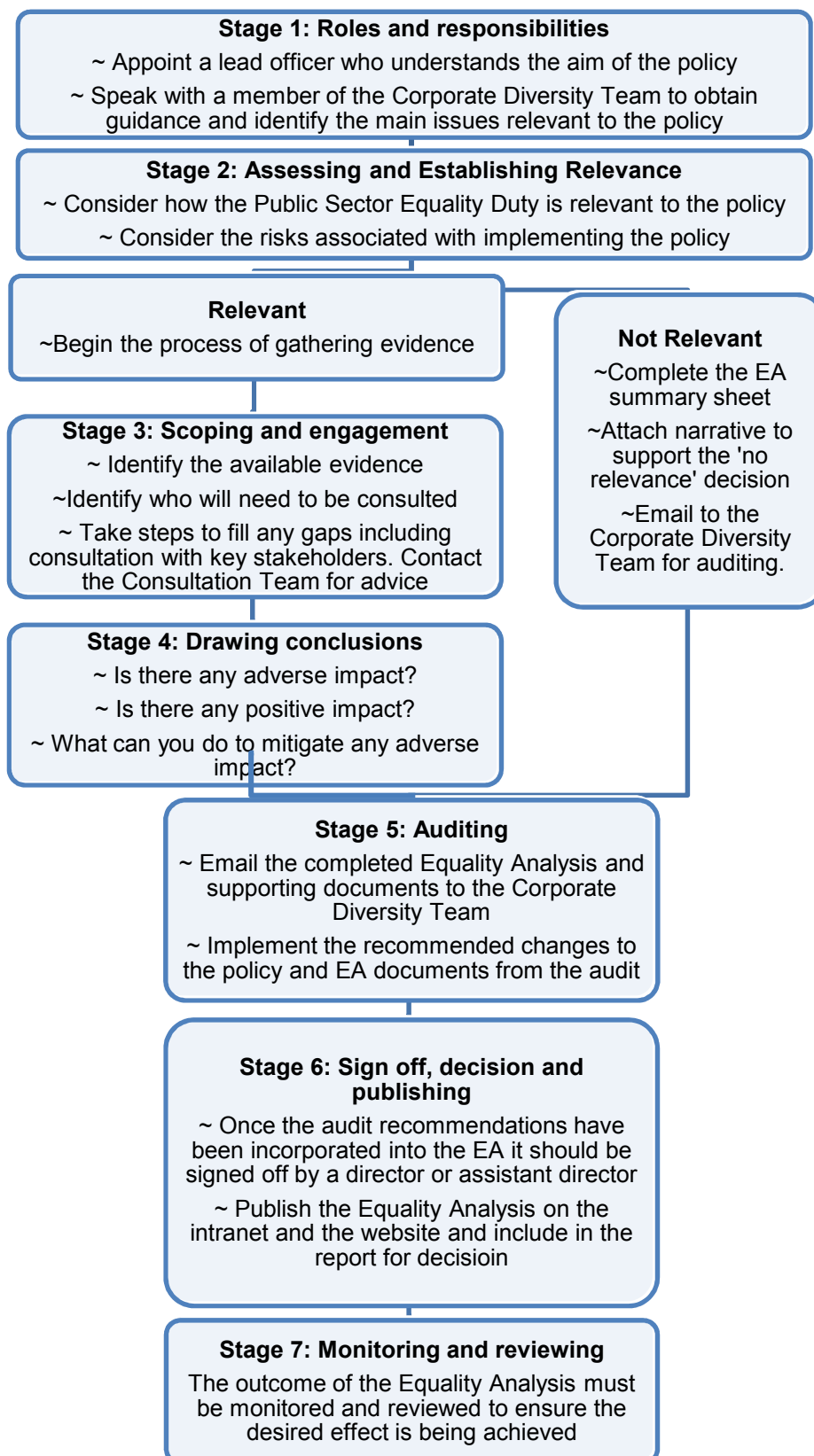
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

#### **Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

### **Key Questions:**

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

### **“Not relevant”**

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

## **Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

### ***Sources of information***

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.

- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### ***Service user information***

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### ***Identify your information gaps***

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### ***Engagement***

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement



can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

## ***Decision-making***

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

## **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

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


These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.



 <b>Brent</b>	<p style="text-align: center;"><b>Executive 16 September 2013</b></p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p style="text-align: right;">Wards affected: Stonebridge</p>	
<b>Stonebridge redevelopment proposals including Primary School Expansion and the Stonebridge Day Centre</b>	

## 1.0 Summary

1.1 The subject land is as detailed in Appendix 1 and 2, comprising the former Stonebridge Day Centre currently Stonebridge Primary School Annexe, Stonebridge Primary School including the Welsh School and adjoining lands including the Adventure Playground and Stonebridge Open Space.

1.2 The report sets out redevelopment proposals, as per the Urban Initiatives options and capacity study (Appendix 3) and South Studio RIBA stage A & B options and capacity study (Appendix 4) which indicate that the following could be achieved:

- That the existing Stonebridge Day Centre be redeveloped to provide new housing;
- That the listed Stonebridge Primary School be permanently expanded from two Forms of Entry (2FE) to three Forms of Entry (3FE) accommodating 'bulge classes' currently located at Stonebridge Day Centre – subject to School Governing Body consent;
- That the existing Adventure Playground be re-planned and improved;
- That the Stonebridge Open Space be re-planned and improved; and
- That residential development is bought forward in order to better utilise the lands.

## 2.0 Recommendations

That the Executive approve:

- 2.1 The principles of redevelopment as described in 1.2 above.
- 2.2 To undertake public consultation and negotiation on the development proposals with local stakeholders in particular, the managers of the Adventure Playground, the Welsh School and the Secretary of State in relation to land adjacent to Stonebridge Primary School.
- 2.3 The disposal of the surplus former Stonebridge Day Centre (Appendix 1) and of any new housing land (Appendix 2).
- 2.4 To provide delegated authority to the Operational Director Property and Projects, to agree the detailed terms of the disposal transaction(s) in conjunction with the Director of Finance and Corporate Services.
- 2.5 That Executive note that, subject to confirmed scheme costs, there could be a requirement for additional funding. If this is required there will be a separate report to Executive. This could be met from the potentially increased receipt from the Day Centre over and above that included in the capital disposals programme.
- 2.6 The Stonebridge Open Space will be taken as a contribution toward the funding of overall redevelopment scheme proposals

### **3.0 Detail**

#### Background

- 3.1 The former Stonebridge Day Centre comprises a 1960's building of 1,500 m2 on a site of 0.59 Ha in the middle of which is a residential building that was sold many years ago on a long leasehold basis. The Day Centre was closed as part of the review of day centre provision in 2012 (Appendix 1).
- 3.2 The Day Centre is currently being partially used to accommodate primary school/bulge classes until 2015/16. These bulge classes are being managed by Stonebridge Primary School.
- 3.3 Stonebridge Primary School is located very close to the Day Centre, comprising a handsome Grade II listed Victorian Building of 3,000m2 which currently operates as a 2FE primary school, which given its age does not offer the flexibility that modern schools provide (Appendix 2).
- 3.4 The school is owned by Brent Council, along with the difficult to manage adjoining open space, a relatively well used and popular adventure playground and waste land. Opposite the school is the Our Lady of Lourdes Roman Catholic Primary School owned by the Diocese of Westminster.
- 3.5 The sites are located close to Stonebridge tube station, with good bus routes. It is noteworthy that these Stonebridge lands are located around 0.5 miles away from Bridge Park Sports Centre.

- 3.6 A cross departmental Officer group involving Property, Planning, Education, Health and Social Care, Environment and Neighbourhood Services, have worked in partnership reviewing land and existing arrangements in order to better utilise lands for the benefit of Brent.

#### Options – Stonebridge Day Centre

- 3.7 Officers appointed Urban Initiatives to undertake an options and capacity study at the Day Centre site (Appendix 3). The key outcome was confirmation of the ability to develop the site with or without the existing leasehold interest.
- 3.8 Officers have attempted to open negotiations with the leaseholder to acquire its interest so that a combined site could be offered for disposal which have proven to be unsuccessful. Officers could not recommend Acquisition via Compulsory Purchase as there is negligible marriage value to be realised and the Day Centre can be offered for disposal once the existing bulge class has moved out.

#### Options - Stonebridge School & adjoining lands

- 3.9 Following a competitive tendering process South Studio architects were appointed to consider the options to redevelop the Stonebridge Primary School and Adjacent lands area comprehensively, to include the Primary School expansion.
- 3.10 South Studio identified 10 options for the redevelopment of the Day Centre, Primary School and adjoining lands including the following which were rejected by the Project Team:-
- Provision of a Primary School on the Day Centre site which was rejected due to the lack of open space.
  - Expansion on the Primary School site and adjoining lands to provide an education campus including a 6 Form of Entry (6FE) secondary school to the south east of the existing Primary School. This would have been dependant on shared use of facilities between primary and secondary schools (e.g. MUGA, Sports Hall and Library) and access to Stonebridge Recreation Ground along Hillside and re-provision of the Adventure playground on the open space fronting Hillside. This was rejected on qualitative grounds.
  - Demolition of the existing Primary School and redevelopment was rejected due to the listed status of the existing premises.
  - Various options for additional housing on the Primary School site and adjoining lands which were rejected due to the loss of open space on the School site itself and Stonebridge Open Space.
- 3.11 Officers preferred option is the expansion of the Primary School through re-configuration and sensitive extension, re-provision of the Adventure Playground exploring opportunities for dual use with the School, re-plan and improvements to open space and the release of part of the School site fronting Milton Avenue

for residential development, Appendix 4 Option A. With part of the open space fronting Hillside being released for residential development, in addition, Appendix 4 Option B.

#### **4.0 Proposal**

4.1 In order to further develop site design, following a competitive tender process Officer's will be:

- Appointing the Planning & Development Design Team to develop the Urban Initiatives Options and Capacity Study and to obtain outline planning consent for the redevelopment of the Day Centre site for housing.
- Appointing South Studio architects to obtain detailed planning consent to expand the Primary School from two Forms of Entry (2FE) to three Forms of Entry (3FE) and outline planning consent to redevelop part of the School site fronting Milton Avenue for housing – subject to School Governing Board and Secretary of State Consent. South Studio will prepare illustrative proposals for consultation with the School in September. South Studio will review the relationship between the School and Adventure Playground. And obtain outline planning consent for the overall development – and as deemed appropriate specific to the school obtained detailed planning consent.

4.2 It is proposed to undertake public consultation on the proposed expansion of Stonebridge Primary School and development proposals with the School initially and then local stakeholders.

4.3 It is proposed that Stonebridge Primary School be permanently expanded from two Forms of Entry (2FE) to three Forms of Entry (3FE).

4.4 It is proposed that the former Stonebridge Day Centre, verged red on Appendix 1, part of the Primary School site fronting Milton Avenue, and part of the Open Space fronting Hillside, Appendix 2 would form disposals for development purposes.

4.5 It is proposed that Officers work with a residential social housing partner or adult social services to see if an internal use can be identified, either for the purposes of affordable housing or a care related use. Depending upon the powers under which the land(s) is(are) held, that the District Valuer be appointed to agree a transfer value.

4.6 It is proposed that should an internal use, i.e affordable housing or care related provision be deemed unsuitable, that site(s) would be brought to the open market through an informal tender process through the appointment of marketing agents.

4.7 It is likely a conditional exchange of contracts will be required subject to the developer:

- Submitting and obtaining detailed planning consent(s) for residential development.

- The developer agrees to undertake all necessary site works at their own expense.
- 4.8 The former Day Centre site could accommodate between 35 and 49 residential units (15 town houses, 2 mews houses and 18 flats) or (15 town houses 2 mews houses and 32 flats) and could reasonably expect to have a value in the order of £3.0m.
- 4.9 If planning consent could be obtained for a relatively low density development of 29 three storey town houses on part of the Primary School site fronting Milton Avenue the site could have a market value in the order of £2.9m. This would be subject to Secretary of State approval to disposal of school land including any land swap.
- 4.10 If planning consent could be obtained for a three – six storey development of 60 flats on part of the Open Space site fronting Hillside the site could have a market value in the order of £3.6m.
- 4.11 Following initial consultation, detailed consultation plans will be developed aiming to negate any local concerns regarding these proposals and issues around development will be dealt with through the statutory planning consultation process.

#### Benefits of the proposal

- 4.12 What happens with the Stonebridge Day Centre after the bulge class move out is unclear. These proposals will help to secure a long term use and help bring about redevelopment and regeneration including associate benefits such as investment in Brent.
- 4.13 The expansion of Stonebridge Primary School, to take an additional form of entry, will help meet the boroughs significant demand for school places. That will provide permanent school places in accommodation that is appropriately designed and of good quality.
- 4.14 A review of the existing adventure playground and its relationship with the school should help improve asset utilisation through possible integration, enabling release of part to form open space along the canal feeder.
- 4.15 Remodelling the School site and adjoining lands, including the Adventure Playground, would enable open space to be used more effectively. In particular the Open Space which is difficult to manage, maintain and prone to attracting ant-social behaviour.
- 4.16 The proposals will help bring forward much needed housing in Brent.
- 4.17 It is noteworthy that these proposals bring forward the supply of family houses, homes that are in the greatest demand in the borough.

- 4.18 If a suitable scheme and terms can be agreed with a residential social housing partner or adult social services the site may provide for continued Brent ownership and use including the provision of affordable housing or care provision for people on the housing waiting list.
- 4.19 Although, it is noteworthy that there is already a strong concentration of social housing in the area, a market disposal of residential lands that enables homes for sale to come forward, will provide opportunity to help create a sustainable mixed tenure and mixed income community positively impacting the local area.
- 4.20 Through working with a residential social housing partner, adult social services or a Brent lead marketing process, we will emphasis the need to bring forward proposals that provide for good quality homes making this a key criteria for selection.
- 4.21 The existing roads, can at times get quite congested, through redevelopment road improvements can be delivered, allowing simple but very effective changes in the way in which drivers navigate the local area.
- 4.22 To realise the opportunity the Canel feeder offers to raise the quality of open space.
- 4.23 It is anticipated that disposing of all three properties as a single site for redevelopment will realise receipts in excess of £9m + maximising value from surplus and under-utilised assets with redevelopment also contributing s106, CIL, plus new homes bonus receipts.

#### Other impacts

- 4.24 The Welsh School provides for up-to 30 children, it is understood that take up is well below the maximum. The school does not only serve Brent, providing a service to children from various locations. The occupation of part of Stonebridge School is a historic arrangement between it and the school. This needs to be regularised and put on a commercial footing following consultation with the Primary School or terminated.
- 4.25 The management and operation of the Adventure Playground will be reviewed as part of the overall project plan. The current arrangement benefits from Lottery Funding and receives significant grant funding from Brent. Brent owns the buildings and is responsible for insurance and maintenance thereof. The facility is understood to be well used and popular. As part of the process opportunities for joint working with the Primary School will be explored and revenue implications of which will need to be understood.

#### Planning Comments

- 4.26 The above options will be subject to obtaining planning permission and listed building consent. Planning policy recognises and supports the need to expand school provision within the borough.

- 4.27 Historically, Members as recommended by Officers, resolved to grant permission, for the redevelopment of the school and adjoining open spaces in June 2008. This scheme included the re-provision of the school and new housing. It resulted in a net reduction of the open space but was considered acceptable given the significant improvements to the quality and safety of the remaining reconfigured open space.
- 4.28 While this scheme did not progress, the policy justification for a reconfiguration of the open space is still considered valid today.

## **5.0 Financial Implications**

- 5.1 Capital funding for the expansion of Stonebridge Primary School was originally approved as part of the Phase 3 programme in the August 2012 Executive report on the strategy for provision of sufficient primary school places, and subsequently re-affirmed in the May 2013 Executive report. Targeted basic needs funding of £260,000 has been secured and must be spent by September 2015.
- 5.2 The former Stonebridge Day Centre site is currently included within the Capital Disposals Programme at a total forecast receipt of £1.5m which contributes to the funding of the Council's 2015/16 overall Capital Programme. Any increase to this level of receipt could result in a decreased requirement for unsupported borrowing to balance the Capital Programme with an associated reduction to the level of debt charges arising to the revenue account.
- 5.3 The Council's Capital Disposals Programme does not include any provision for a receipt arising from a part disposal of the Primary School site and as such the proposal to ring-fence any receipt arising to re-provision of leisure facilities, in order to facilitate the overall scheme proposal, will not impact on existing funding forecasts for the overall Capital Programme.
- 5.4 The Council's Capital Disposals Programme does not include any provision for a receipt arising from a part disposal of the Stonebridge Open Space and as such any proposed ring-fencing to the funding of the overall proposed scheme will not impact on existing funding forecasts for the overall Capital Programme.
- 5.5 The capital receipts arising from the proposed disposals are estimated to be in excess of £9m. Costs arising directly from the sale of the sites will be met from the capital receipt generated in line with accounting guide-lines these are estimated at £90k.
- 5.6 The overall proposed scheme costs will be met from the combination of capital receipts and Community Infrastructure Levy income arising from the scheme, negating any requirement to undertake any additional unsupported borrowing.
- 5.7 Expenditure to be incurred in securing planning consents and marketing the properties could fall into different financial years (2014/15 and 2015/2016). If this is the case, there will be a requirement to meet expenditure from existing capital resources as part of closing of the accounts for 2014/15 until the capital

receipt is available. It is likely that slippage in the capital programme will compensate for any cash-flowing requirement on this schemes expenditure.

- 5.8 Approval for residential use on the site would provide the council with additional resources from the New Homes Bonus over a period of six years. The level of funding would be determined by the council tax band and whether it related to affordable housing. The New Homes Bonus provides councils with additional resources to meet the costs of services arising from increased development in an area.
- 5.9 The results of consultation on the Welsh School's ongoing occupation of the site is likely to impact lease income derived by Stonebridge Primary School and on the capital receipt generated from part of the Stonebridge Primary School site fronting Milton Avenue.

## **6.0 Legal Implications**

- 6.1 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 obtains the best consideration that is reasonably obtainable.
- 6.2 Disposal on the open market either via auctioneer, marketing agent (sealed bids tender) or to a special purchaser by way of private treaty will satisfy the best consideration requirement.
- 6.3 The Adventure Playground was part funded by the Big Lottery Fund (BPL) and therefore is subject to title restrictions to reflect the funding agreement which required the consent of the BPL to any works or disposal of the site.
- 6.4 The Shakespeare Road site is subject to a covenant in favour of the Homes and Communities Agency in summary providing for relevant percentage of the disposal proceeds of redevelopment of the land other than for educational facilities to be invested within a 3 year period thereafter in the re-provision or enhancement of facilities at Our Lady of Lourdes and /or Stonebridge School or in any other education or community facilities in the Stonebridge Area – potentially assisting proposals at Bridge Park.
- 6.5 The disposal or land swap of qualifying school playing fields forming part of the site will require an application to the Secretary of State for the consent under education legislation if it does not come within the categories which have deemed consent under the General Consent.

## **7.0 Diversity Implications**

- 7.1 At the appropriate time, the property will be advertised by the marketing agents in the specialised property and local press and on the marketing agents and the Council's web-site, which will ensure that any interested party was aware of the disposal.



- 7.2 As this method of disposal is open, transparent and anybody is able to bid, there should not be any public concern as to this method of disposal being discriminatory.
- 7.3 The development plans will on balance have a positive impact on the local community and support the Council's social and financial objectives.
- 7.4 Stonebridge Park has the largest Bangladeshi community and the largest 5-19 age group in the Borough as well as a large Black African/Caribbean population so these groups will be the most significantly affected.
- 7.5 Though the proposals do not need to be adjusted at present it is important to ensure monitoring and review is in place on an on-going basis.

## **8.0 Staffing/Accommodation Implications (if appropriate)**

- 8.1 There are no staffing implications.

## **9.0 Background Papers**

- 9.1 Major Projects Review Panel paper 23<sup>rd</sup> May 2013.

## **10.0 Appendix**

Appendix 1: Stonebridge Day Centre

Appendix 2: Stonebridge Primary School and adjoining lands

Appendix 3: Urban Initiatives Options and Capacity Study

Appendix 4: South Studio RIBA Stage A & B Options and Capacity Study

Appendix 5: Equality Analysis

Appendix 6: Ward Census Brief Stonebridge

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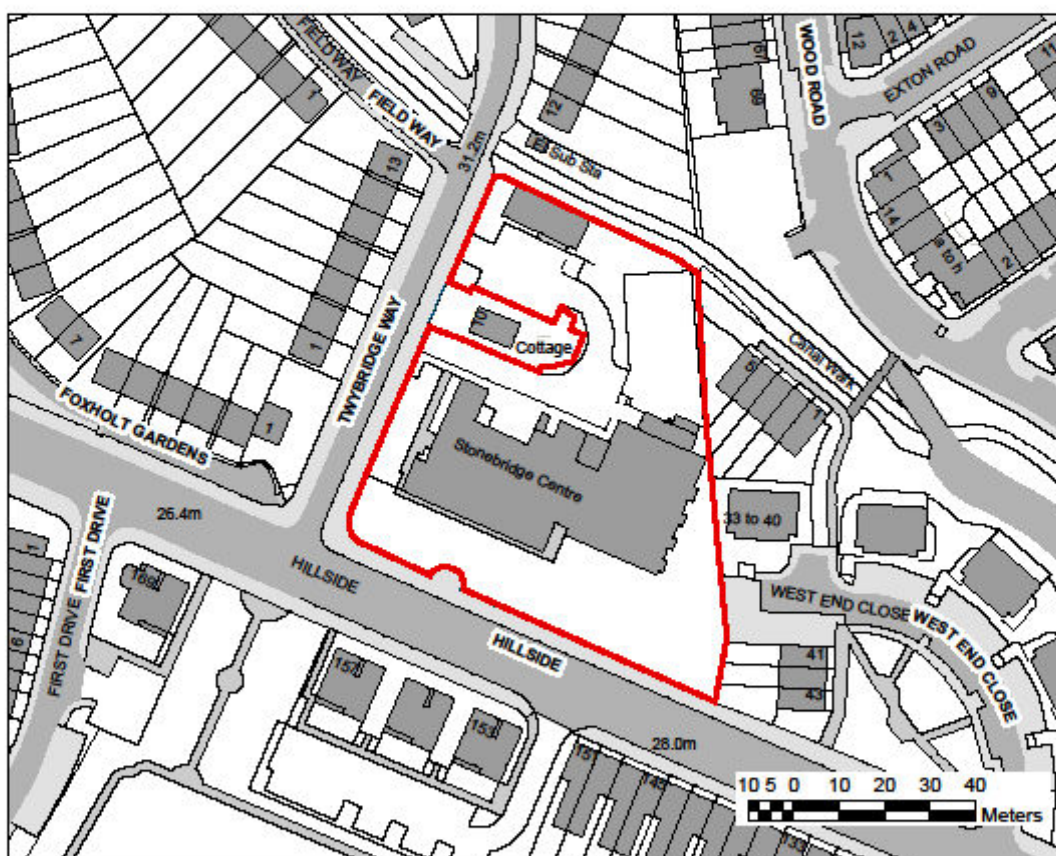
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ANDREW DONALD

Strategic Director Regeneration and Growth

# Stonebridge Day Centre, Twybridge Way, London, NW10 0ST



**Brent**

**Premises shown outlined red.**

**1:1,250**

Plan to stated scale if printed at A4.

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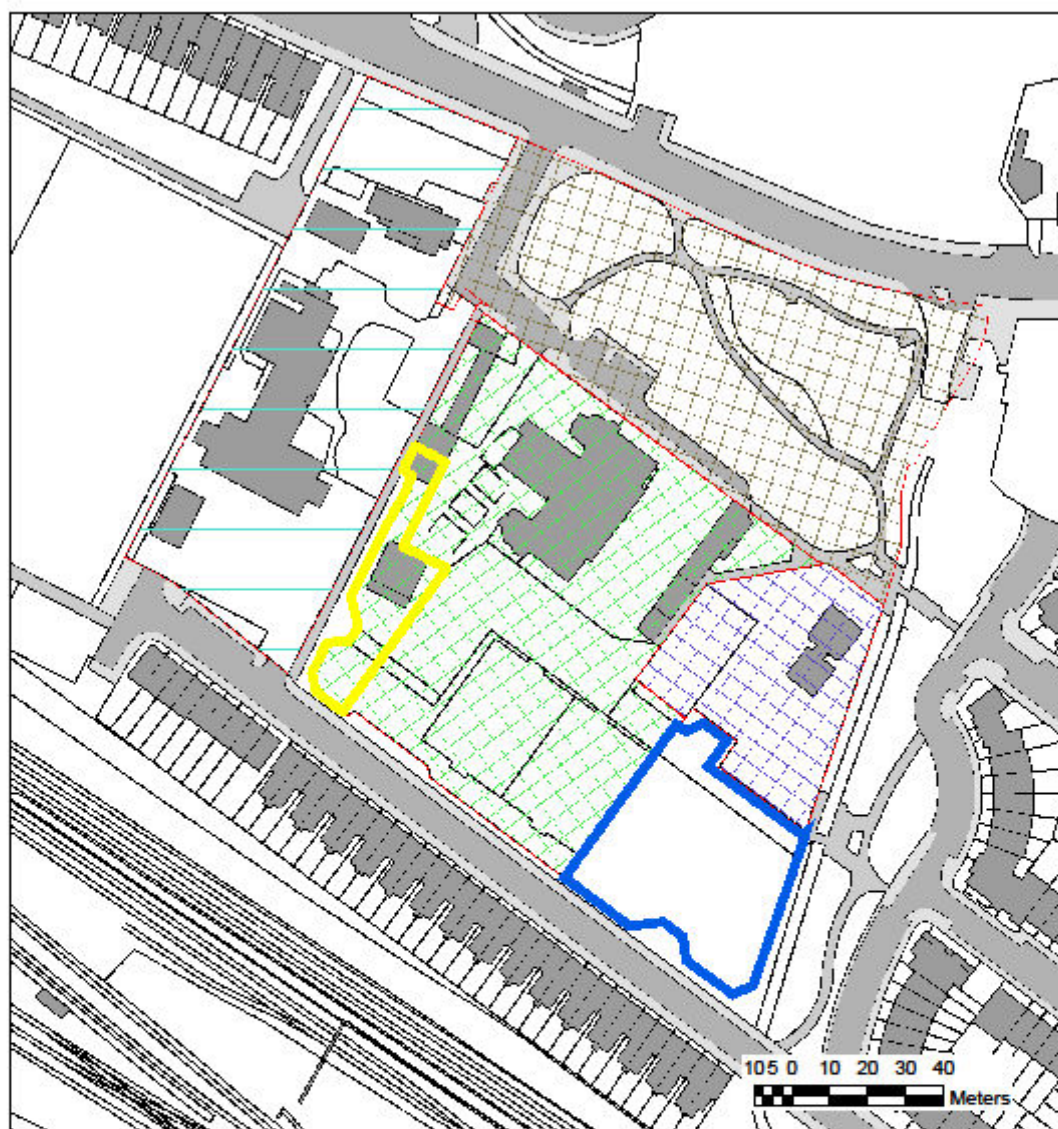
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**NORTH**



## Appendix 2 – Stonebridge Primary School and adjoining lands



**Stonebridge  
Primary School,  
Shakespeare Avenue,  
London, NW10 8NG**



**Brent**


**Legend**

- SHAKESPEARE AVENUE, STONEBRIDGE PRIMARY SCHOOL
- STONEBRIDGE ADVENTURE PLAYGROUND
- STONEBRIDGE ESTATE OPEN SPACE
- WESLEY ROAD, OUR LADY OF LOURDES RC PRIMARY
- WASTE LAND
- WELSH SCHOOL

**1:1,500**  
Plan to stated scale if printed at A4.

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**NORTH**





### **Appendix 3 – Urban Initiatives Options and Capacity Study**

#### **Urban Initiative Studio – 35 unit proposal**

Site area: 0.57ha

3 x mansion block with 6 units per block	18 units
Townhouses	15 units
Mews houses	02 units
Total No units	35 units
Density	61.4 dpha
No. of parking spaces	32
Parking ratio	0.91
Class B trees removed	0
Class C trees removed	8





## Urban Initiative Studios – 49 units proposal

Site area: 0.57 ha

Apartment block with	28 units
Townhouse	15 units
Mews Houses	02 units

Total number	49 units
--------------	----------

Density	86 dpha
---------	---------

No. of parking spaces	32
Parking ratio	0.65

Class B trees removed	0
Class C trees removed	11











## Stonebridge Re-development Option A

Southstudio

### 6.0 Development Principles

#### 6.1 Option A1

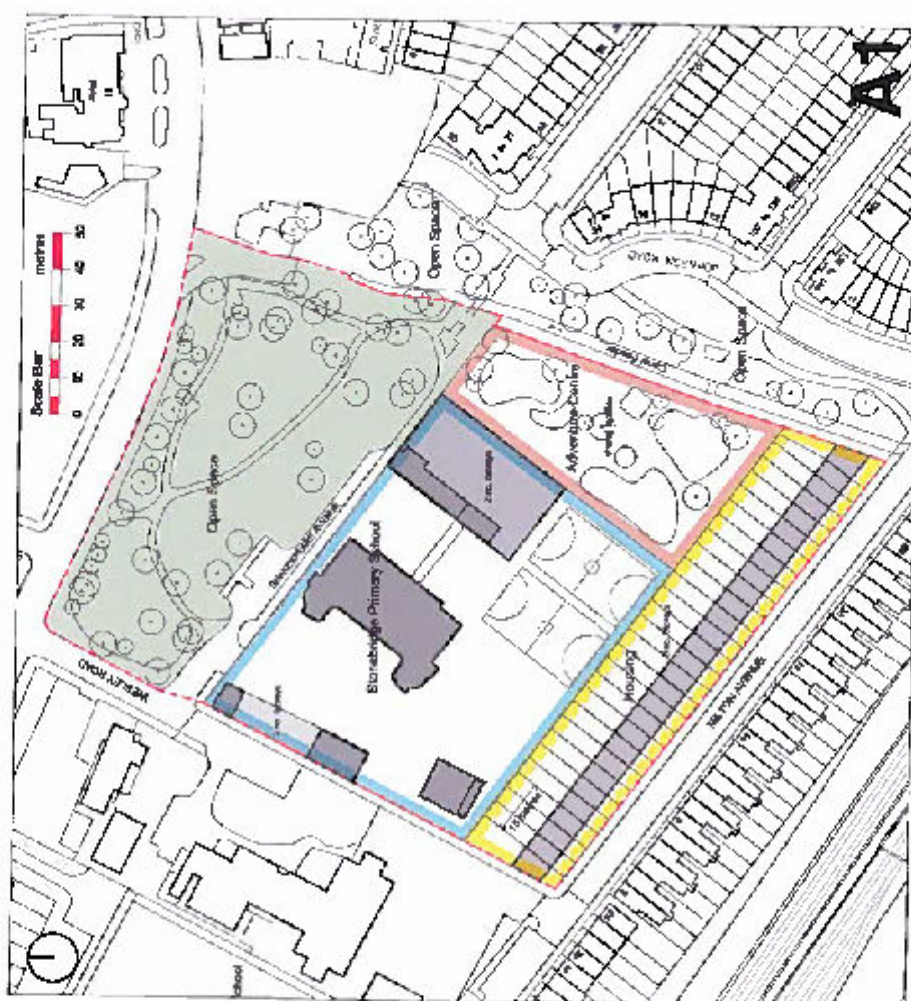
This development option, to be tested and further developed, provides for an expanded Stonebridge Primary School plus housing on Milton Avenue.

#### Public open space and play facilities

Open space is to be retained as existing between Shakespeare Avenue and Hillside. The adventure play facility is to be reconfigured to serve the primary school during school hours and the wider community at other times.

#### Infrastructure

No major alterations to the existing site infrastructure are proposed, however the scope to improve access to the primary school, and parking for both housing and the school should be considered.





## 6.2 Option A2

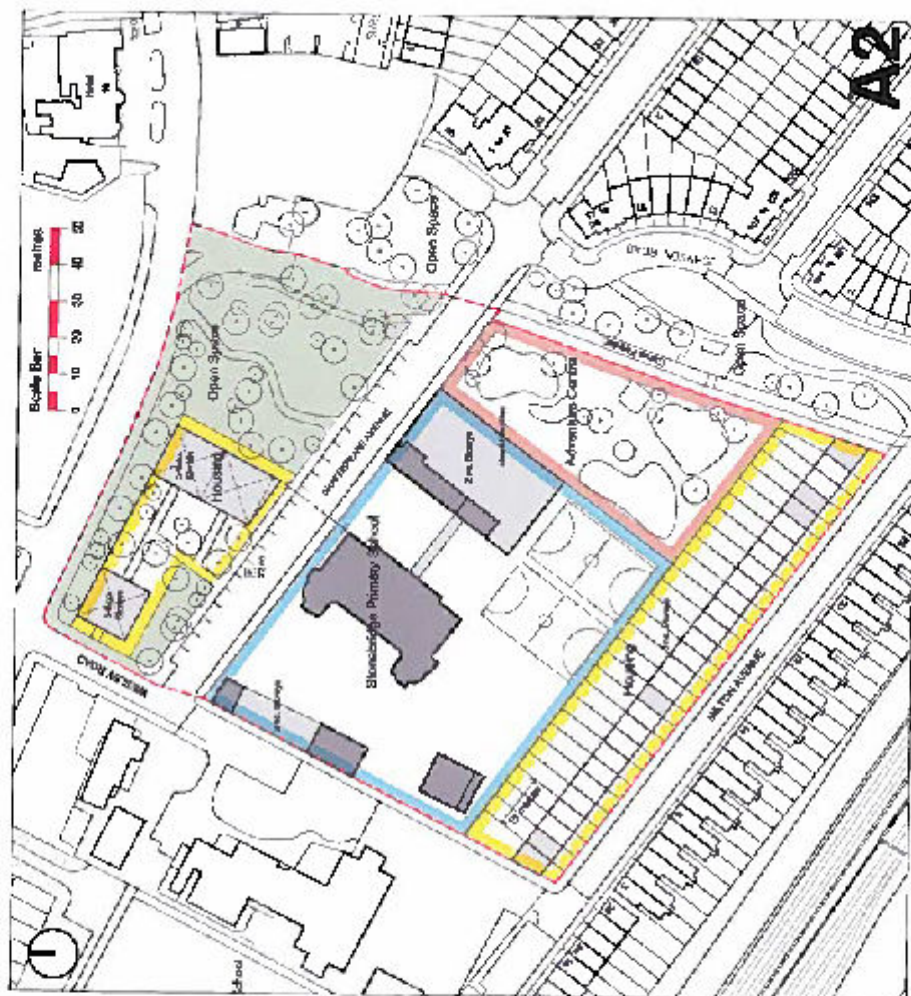
This development option to be tested and further developed, provides for an expanded Stonebridge Primary School plus housing on Milton Avenue and between Shakespeare Avenue and Hillside.

Public open space and play facilities

As this option proposes housing development on the existing open space, it is proposed that a similar amount of high quality open space should be provided along the canal feeder. The adventure play facility is to be reconfigured to serve the primary school during school hours and the wider community at other times.

### Infrastructure

The feasibility of connecting Shakespeare Avenue to Lawrence Avenue across the canal feeder is to be investigated. This would provide improved access to both the Stonebridge Primary School and housing development to the north of the site. The scope to improve parking arrangements for both housing and the school should also be considered.





# Equality Analysis

EASTMAN, FRED  
BRENT COUNCIL



## Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b>  <b>Regeneration &amp; Major Projects</b>  <b>Service Area:</b>  <b>Property &amp; Asset Management</b>	<b>Person Responsible:</b>  Name: Fred Eastman  Title: Estate Surveyor  Contact No: 0208 937 4220  Signed: Fred Eastman
<b>Name of policy:</b>  <b>This is a transaction for the sale of the surplus Stonebridge Day Centre part of Stonebridge Primary School site and part of public open space fronting Hillside.</b>	<b>Date analysis started: 15/07/2013</b>  <b>Completion date: 28/07/13</b>  <b>Review date:</b>
<b>Is the policy:</b>  New <input type="checkbox"/> Old <input checked="" type="checkbox"/>	<b>Auditing Details:</b>  Name: Eoin Quiry  Title: Senior Practitioner (Diversity)  Date: 31/07/2013  Contact No: 0208 937 4220  Signed:
<b>Signing Off Manager:</b> Responsible for review and monitoring.  Name: Sarah Chaudhry Title: Head of Strategic Property Strategic Property Team Property & Projects  Date: 16/8/13 Contact No: 0208 937 1705  Signed:	<b>Decision Maker:</b>  Name individual /group/meeting/ committee:  <b>Executive Committee</b>  Date: 16 <sup>th</sup> September 2013

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

To dispose of surplus Council owned property to obtain a capital receipt to meet the resources forecasts for the Council Capital Programme through a competitive tendering process.

Details include:

- That the existing Stonebridge Day Centre be redeveloped to provide new housing;
- That the listed Stonebridge Primary School be permanently expanded from two Forms of Entry (2FE) to three Forms of Entry (3FE) – subject to School Governing Board consent;
- That the existing adventure playground be re-planned and improved;
- That the open space be re-planned and improved; and
- That remaining land be used for residential development purposes.

**3. Describe how the policy will impact on all of the protected groups:**

The properties will be disposed of, subject to Executive Committee's approval, on a subject to planning basis following a high profile marketing campaign by external agents and receipt of informal tenders.

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way. It ensures that there is no discrimination to any potential bidder.

There has been no adverse effect on previous users of the former Day Care Centre, with services provided at the recently constructed Short-break Centre.

**Potential negative impacts of disposal:**

Open Space

Possible loss of open space would affect the Community at large rather than any particular group, the proposal would be to replace with a qualitative improvement to the benefit of the community.

Who's affected?

Stonebridge was has the most residents aged 5 to 19 years, the largest number of Bangladeshi residents, so these groups will be most affected by any loss of open space (see appendix 6 for census briefing).

London Welsh School

Stonebridge Primary School leases part of its site to the London Welsh School and should these proposals proceed that use might cease – subject to further negotiation with the Welsh School and Stonebridge Primary School. The London Welsh school is an independent fee paying school but the council should carefully consider any impact on the school and the Welsh Language community going forward.

### **Potential positive impacts of disposal:**

#### Social Housing

The provision of Housing is a core Council objective, and would benefit communities who suffer from overcrowding or living in temporary accommodation. Stonebridge Park already has the most social rented households in the borough.

Who's affected?

Though it's difficult to determine who exactly will benefit from possible future housing developments, we can assume that provision is more likely to benefit the local community. As well as having the largest Bangladeshi community in the borough, Stonebridge Park has a large black African/Caribbean population who could be expected to benefit from the proposals

#### Adventure Playground

Re-modelling of the Adventure Playground would benefit the whole community qualitatively, particularly with Stonebridge Park having the most residents aged 5 to 19 in the borough. Improved playground may also contribute to fostering good relations and reducing anti-Social Behaviour and crime amongst the young.

#### Current Day-Centre use

The use of Stonebridge Day Centre for 'Bulge' classes is only a temporary measure. The proposal is for these classes to be accommodated on an expanded Stonebridge Primary School site. Co-location in a refurbished-modernised Primary School will be a considerable enhancement to the users.

#### Dimensions analysis

Ethnicity/Race: Bangladeshi and Black African/Caribbean communities most affected (See above).

Women: Neutral impact

Religion: The largest religious communities in Stonebridge Park are Christians and Muslims so these groups are likely to be most impacted by the proposals.

Disability: Neutral impact The existing School is not DDA compliant and expansion/refurbishment will enable this issue to be addressed.

Marriage and Civil Partnership: Neutral



Pregnancy and maternity: Neutral

Sexual orientation: Neutral

Gender reassignment: Neutral

Age: Improved school and playground provision will be of most benefit to the young. Impact on the elderly appears to be neutral though some loss of open space and some possible reductions in anti-social behaviour.

A separate EIA will be included in the School expansion paper which will be submitted considering the school issues in detail.

**Please give details of the evidence you have used:**

The evidence used to justify this assertion is the results achieved from the marketing of the subject property and previous property transactions.

Borough Census report (see appendix 6)

**4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

**(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;**

There are no unmet needs or requirements that can be identified that affect specific groups.

No one from a protected characteristic is prevented from entering a bid for this property.

**(b) Advance equality of opportunity;**

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

No one from a protected characteristic is prevented from entering a bid for this property.

Improved housing provision and school and playground provision will benefit some of the most vulnerable communities in Brent, improving equality of opportunity.

**(c) Foster good relations**

This is an open and transparent method for the sale of property assets and

permits all sections of society to purchase the property in an open and transparent way.

No one from a protected characteristic is prevented from entering a bid for this property.

The disposal should have a long term positive affect on relations as there will be improved housing provision, school and playground provision which should benefit some of the most vulnerable communities in Brent.

**5. What engagement activity did you carry out as part of your assessment?**

Please refer to stage 3 of the guidance.

It is proposed to undertake public consultation on the proposed expansion of Stonebridge Primary School and development proposals with local stakeholders.

Who was consulted on the plan, which protected characteristics were included in consultation?

- i. **Who did you engage with?**
- ii. **What methods did you use?**
- iii. **What did you find out?**
- iv. **How have you used the information gathered?**
- v. **How has it affected your policy?**

No consultation has taken place.

**6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigated against this impact.**

**See section 3. Some possible negative impacts have been identified for the loss of open space and the potential impact on the London Welsh School. These are considered to be mitigated by the positive benefits to the wider community of improved school and playground facilities and possible increase in social housing provision.**

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

**Please give details of the evidence you have used:**

Census 2011 data.

## **7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

<b>Protected Group</b>	<b>Positive impact</b>	<b>Adverse impact</b>	<b>Neutral</b>
<b>Age</b>	Potential positive impact for 5-19 age group		X
<b>Disability</b>			X
<b>Gender re-assignment</b>			X
<b>Marriage and civil partnership</b>			X
<b>Pregnancy and maternity</b>			X
<b>Race</b>	Potential positive impact on local BAME population.		X
<b>Religion or belief</b>			X
<b>Sex</b>			X
<b>Sexual orientation</b>			X

## **8. The Findings of your Analysis**

Please complete whichever of the following sections is appropriate (one only).  
Please refer to stage 4 of the guidance.

**No major change**

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

The property was advertised by the marketing agents in the specialised property and local press and on the marketing agents and the Council's web-site, which ensured that any interested party was aware of the disposal.

As this method of disposal is open and transparent and anybody is able to bid, there should not be any public concern as to this method of disposal being discriminatory.

The plans will on balance have a positive impact on the local community and support the Council's social and financial objectives.

**Though the proposals do not need to be adjusted at present it is important to ensure monitoring and review is in place on an ongoing basis.**

**9. Monitoring and review**

Please provide details of how you intend to monitor the policy in the future. Please refer to stage 7 of the guidance.

I am responsible for monitoring the results of the marketing exercise and with the marketing agent the number of enquiries received regarding the property and types of bids received.

**Action plan missing? Action plan should include review date and consultation schedule if possible.**

**10. Action plan and outcomes**

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Add here					

any new monitoring actions and any plan for reviewing the plan					
We will undertake further consultation when the school expansion has been completed and land disposed off.	September 2015	Cheryl Painting	No adverse impact.		

## Appendix 6: Ward Census Brief Stonebridge

### 2011 Census: Stonebridge

#### Population



2001: 15,935

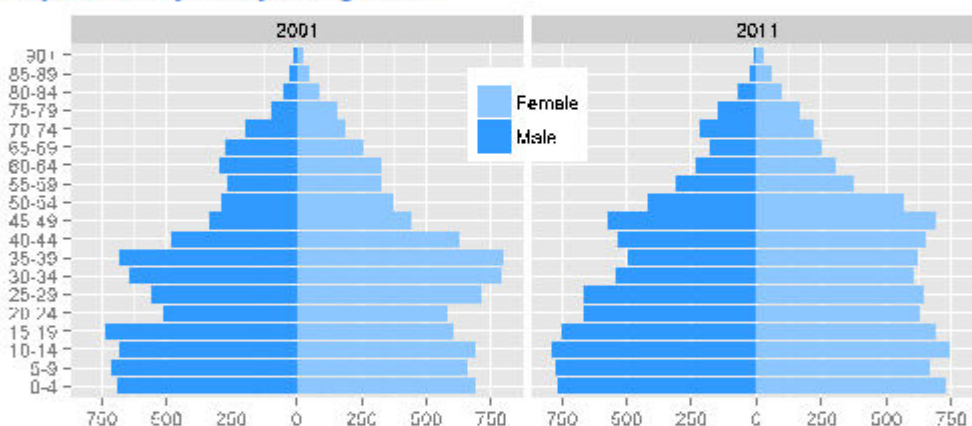
2011: 16,903



#### Points of note

- Population increased by 6% - third smallest increase
- Most residents aged 5 to 19 years
- Largest number of Bangladeshi
- Most people with a religion
- Fewest people with a Level 4 or higher qualification
- Most social rented households

#### Population by five-year age band



#### Ethnicity



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 <p><b>Brent</b></p>	<p><b>Executive 16 September 2013</b></p> <p><b>Report from the Director of Regeneration and Growth and the Chief Executive of Brent Housing Partnership</b></p>
<p>Wards affected: All</p>	
<p><b>Residential leasehold property strategy</b></p>	

## 1.0 SUMMARY

- 1.1 This report recommends the use of the Leasehold Reform Act 1967 and the Leasehold Reform, Housing and Urban Development Act 1993 by the Council to carry out a rolling programme of enfranchisements in line with the Council's draft HRA Asset Management Strategy, utilising the enfranchisement pot to fund the programme.
- 1.2 Enfranchisement is the process by which the Council can seek to buy the freehold interest outright or purchase an extended lease term in relation to residential leasehold properties which the Council owns for a defined period of time under long leases.

## 2.0 RECOMMENDATIONS

- 2.1 That Members approve the proposed residential leasehold enfranchisement strategy, under the approach set out in paragraphs 3.31 to 3.34, which recommends a combination of options for dealing with the Council's fixed term residential leasehold interests.
- 2.2 That Members approve 'in principle' the recycling of capital receipts arising from the disposal of leasehold properties that are surplus to requirement into the enfranchisement pot.
- 2.3 That Members also approve 'in principle' that where the Council is the freeholder and where the leaseholder is exercising his or her enfranchisement rights to buy the freehold or a lease extension, that these capital receipts are also recycled into the enfranchisement pot.

- 2.4 That Members approve 'in principle' that where the available funding in the enfranchisement pot potentially delays or prevents the Council being able to carry out enfranchisements, that such costs be met directly from HRA Resources.
- 2.5 That Members note that Officers shall produce a report for the Executive on individual property transactions where the prescribed delegated authority limit of the Operational Director of Property and Projects is exceeded.
- 2.6 Members to note that the Council owns the leasehold interest in two large blocks consisting of approximately 65 flats. The lease has 54 years remaining and Officers are investigating the option of extending the lease. A separate report will be produced for the Executive on the recommendations once the options have been considered with BHP and discussions with the parties holding superior interests have taken place.

### **3.0 DETAIL**

#### **Background**

- 3.1 The Council currently has approximately 194 properties within its residential portfolio which it owns under long leasehold interests. A long leasehold interest is one which is granted for an original term of more than 21 years. The properties are held within the Housing Revenue Account (HRA).
- 3.2 The Council granted secure tenancies to homeless households out of its leasehold interests and Brent Housing Partnership (BHP) manage the tenancies and properties on the Council's behalf. Some of the properties are now coming close to the end of their leases.
- 3.3 When the Council's lease expires it loses its legal interest in the property and the Council is required to deliver up the property with vacant possession to the freeholder. Once the lease expires, the secure tenancy will also automatically terminate.
- 3.4 The Council can, however, preserve its legal interest in the property beyond the expiry of the existing lease by exercising its enfranchisement rights. The exercise of enfranchisement is a form of compulsory purchase.
- 3.5 The Leasehold Reform Act 1967 relates to houses and provides statutory rights to acquire the freehold (i.e. purchase the land), known as enfranchisement, or to extend the lease by a term of 50 years.
- 3.6 The Leasehold Reform, Housing and Urban Development Act 1993 relates to flats and provides statutory rights to a joint acquisition of the freehold, acting together with other leaseholders in the building, or to an individual extension of the lease by a term of 90 years (at a peppercorn rent i.e. nil rent).
- 3.7 Provided that the Council satisfies the qualification criteria, these actions can be commenced at any time during the term of the lease or after the date of expiry where the landlord has not yet served a notice to terminate the lease.



- 3.8 The valuation process required by law to determine the price to be paid for enfranchisement is complicated. Put simply, this is based on the aggregate of the capitalised value of ground rent, marriage value, the value of reversion and the remaining lease term.
- 3.9 The timing of the enfranchisement can have a significant impact on the purchase price because the cost of enfranchisement increases exponentially as the lease approaches its expiry date. In other words, the sooner the Council purchases the freehold or a new extended lease term the more cost effective it can be.

### **Existing arrangements**

- 3.10 Over the past few years, the Council has dealt with each property on a case-by-case basis as the lease has come to an end. After enfranchisement, properties that were vacant and performing poorly, or that were surplus to requirement, were disposed of, which has resulted in a net surplus.
- 3.11 The table below shows the enfranchisements carried out between 2008 and 2013 and the resulting net surplus of £346,368.

Table 1: Enfranchisements between 2008 and 2013

Property reference	Enfranchisement price	Disposal receipt	Surplus	Year
1	-£260,048	£459,000	£198,952	2008/09
2	-£201,945	£324,273	£122,327	2008/09
3	-£231,664	0	-£231,664	2009/10
4	-£1,016	0	-£1,016	2009/10
5	-£133,439	£371,170	£237,731	2010/11
6	0	£410,000	£410,000	2011/12
7	-£186,489	0	-£186,489	2012/13
8	-£263,273	0	-£263,273	2012/13
9	£0	£22,300	£22,300	2012/13
10	0	£37,500	£37,500	2012/13
<b>Total funds</b>	<b>-£1,277,874</b>	<b>£1,624,243</b>	<b>£346,368</b>	<b>2012/13</b>

- 3.12 The accumulated surplus is held within an enfranchisement pot, which is being utilised to fund the enfranchisement of suitable alternative properties that are coming to the end of their fixed term leases.
- 3.13 Out of the residential leasehold portfolio, there are a number of properties that are coming close to the end of their leases, as shown in table 2. All of the properties are let to secure tenants (at the time of writing).

Table 2: Leasehold interests approaching lease expiry

Property reference	Address	Lease expiry	Beds	House/Flat
1	Boycroft Avenue NW9	2014	3	House
2	Franklyn Road NW10	2014	3	House
3	Lyon Park Avenue HA0	2014	2	House
4	Gladstone Park NW2	2016	1	Flat
5	Gladstone Park NW2	2016	1	Flat
6	Harlesden Road NW10	2023	2	Flat
7	Harlesden Road NW10	2023	2	Flat
8	Gladstone Park NW2	2023	3	House
9	Holland Road NW10	2023	4	House
10	Liddell Gardens NW10	2023	3	House
11	Liddell Gardens NW10	2023	3	House

- 3.14 The cost of enfranchisement for each property shown above is estimated to be in the region of £100,000-£300,000 but could be lower or higher depending on the timing of enfranchisement and the market value of the property. All other things being equal, the cost of purchasing the freehold of a house can be approximately two-thirds cheaper than purchasing a new extended lease term on a flat.

### **Strategic context**

- 3.15 The objectives of the Council's Draft HRA Asset Management Strategy include:

- Stock optimisation – appraisal and selective disposal of poorly performing units;
- Stock rationalisation – disposal of leasehold and freehold-only interests and selected minority interests in order to improve management efficiency;
- Stock rebalancing – disposal of smaller units and the re-investment of resources in larger family and other homes that are under-represented in the stock.

- 3.16 These objectives will be achieved through a combination of strategic approaches, which for the residential leasehold portfolio will include the options below.

### **Options appraisal (per property basis)**

#### Option 1: Disposal of vacant property which is surplus to requirement

- 3.17 The disposal option could apply to any vacant property within the residential leasehold portfolio where there is a strategic fit. The gain on the disposal of a vacant property could in certain circumstances be significant, however, voids

occur infrequently within the residential leasehold portfolio and consequently the cash that can be raised from such sales is low overall.

- 3.18 Alternatively, if a property is identified as being suitable for disposal but is tenanted, the Council could seek vacant possession of the property by offering alternative accommodation to the existing tenant and rehousing could take place with their consent.
- 3.19 A lease is a wasting asset and a property with a short lease term remaining has very little market value. Under certain circumstances, acquiring the freehold or a new extended lease term prior to disposal could significantly enhance the market value of the property. However, the enfranchisement process could delay the timing of the receipt, and this will need to be weighed against the benefits and cost of enfranchisement.
- 3.20 Under this option, there would be a loss of rental income to the HRA but a gain in capital receipt, which could be recycled into the enfranchisement pot for future enfranchisements.

Option 2: Do minimum (the Council's lease will expire by effluxion of time with the result that any sub tenancy will also terminate)

- 3.21 At the end of a lease the Council's legal ownership of the property will automatically transfer to the freeholder. This would have a number of consequences for the Council and any existing secure tenant.
- 3.22 The Council has an obligation to the freeholder to yield up the property with vacant possession at the end of the lease. Such an obligation requires delivering up the property free of any 3<sup>rd</sup> party occupation (including any sub leases) as well.
- 3.23 The secure tenant's existing right to occupy the property is time limited by the fixed term of the Council's lease. At the end of the lease the tenant will cease to be a secure tenant and will have no right to remain in their home and will become homeless and will return to the Council for rehousing.
- 3.24 The Council would take all reasonable steps to secure possession, such as serving the secure tenant with a notice to quit and/or offering suitable alternative accommodation, however, there is not much else the Council can do to secure vacant possession because the tenant has security of tenure and no statutory ground for possession is likely to apply.
- 3.25 Failure of the Council to deliver up with vacant possession on the expiry of the lease could involve the landlord in a loss for which the Council might be held liable. For example, the landlord may seek a market-level rent until such time vacant possession is delivered, and seek damages, such as for the cost of removing the tenant and for any 'terminal dilapidations', which could run into the tens of thousands of pounds.
- 3.26 The opportunity cost of this option is the value of the housing asset foregone and could result in the loss of a much needed family home from the stock. The investment made in the property over the past few decades will also be

lost and the Council will no longer have use of the asset or the benefit of the rental income. This option is therefore not cost-neutral to the Council. Under this option, however, there would be no enfranchisement costs.

Option 3: Enfranchise to retain the property within the social housing stock

- 3.27 Under this option the Council would exercise its enfranchisement rights to purchase the freehold or a new extended lease term to retain the property within its social housing stock.
- 3.28 Homelessness would not arise and the existing tenant would be able to continue to let their home from the Council under their existing secure tenancy.
- 3.29 There would be no loss of rental income to the HRA.
- 3.30 Enfranchisement costs would need to be met by the Council.

**Methodology**

- 3.31 This report recommends that the Council considers a combination of options with respect to the affected properties with BHP and report to the Executive on the preferred option for each property on a case-by-case basis.
- 3.32 In coming to a view as to which option is suitable for any given property, Officers will apply a test which takes into account a number of factors. The relevant factors include:
- Value of the property - if the property is a very high value property, this is a factor in favour of disposal;
  - Type of property - if the property is a family home, this is a factor in favour of retaining the property within the stock and, conversely, if the property is a one or two bedroom flat, this is generally a factor in favour of disposal;
  - Level of funding available - the cost of enfranchisement and the economic and social case will need to be considered;
  - Condition of the property - the level of expenditure on regular maintenance will be considered;
  - Level of occupancy - under-occupation and overcrowding will be considered;
  - Status of the property - a vacant property will yield more options than one that is tenanted.
- 3.33 The approach in each case will depend on the number of factors present and the fit with the Council's strategic objectives. Officers will aim to implement a rolling programme of enfranchisements, financed by the enfranchisement pot or directly from HRA resources as appropriate.
- 3.34 A strategic approach will ensure the portfolio is effectively managed and optimised for the longer term, helping to avoid claims for damages and dilapidation costs by the freeholder and minimising any adverse impact on the existing secure tenants.

Table 3: Summary table of options:

Option	Description	Implications
1	The Council disposes of vacant property surplus to requirement.	<ul style="list-style-type: none"> <li>• Loss of rental income;</li> <li>• Gain in capital receipt, which if recycled into the enfranchisement pot, could fund the enfranchisement of alternative properties within the stock;</li> <li>• Loss of a housing asset;</li> <li>• Council may incur enfranchisement costs.</li> </ul>
2	The Council does the minimum i.e. the lease expires.	<ul style="list-style-type: none"> <li>• Loss of a housing asset;</li> <li>• Loss of rental income;</li> <li>• Any sub-tenancy (i.e. secure tenancy) terminates;</li> <li>• Existing tenant becomes homeless;</li> <li>• Gives rise to claims for damages and dilapidations by freeholder;</li> <li>• No enfranchisement costs.</li> </ul>
3	The Council exercises its right to enfranchise and retains the property.	<ul style="list-style-type: none"> <li>• Council acquires freehold or new extended lease term and retains the property within the residential leasehold portfolio;</li> <li>• No impact on the existing tenant;</li> <li>• Council continues to collect rent to HRA;</li> <li>• The Council incurs enfranchisement costs.</li> </ul>

## 4.0 FINANCIAL IMPLICATIONS

- 4.1 The Council's Capital Programme does not make any budgetary provision for expenditure on the enfranchisement of leases beyond reflecting the individual purchases in year as approval is obtained from the Executive Committee to the extent that this expenditure can be funded from the enfranchisement pot. As such, in order to progress a strategy for leasehold enfranchisement it will be necessary to maintain the enfranchisement pot at a sufficient level through gain on disposal of vacant leasehold properties or inclusion of capital receipts arising from the compulsory disposal of the Council's freehold interests or lease extensions so that there is sufficient funding available for future enfranchisements.
- 4.2 If capitals receipt arising from the compulsory disposal of the Council's freehold interests or lease extensions are ringfenced to the enfranchisement pot, this impacts upon the level of receipts that pass to the overall funding of the Capital Programme via the Capital Disposals Programme. Capital receipts foregone to the Capital Programme through the process of ringfencing could impact on the Council's requirement to undertake unsupported borrowing in order to produce a balanced Capital Programme at year-end.

- 4.3 In certain circumstances it may be beneficial to not dispose of such properties, as outlined above, but instead retain them in the HRA to meet housing need within the context of the overall HRA Asset Management Strategy. Similarly it may provide greater Value for Money to undertake enfranchisement earlier rather than later, but the available funding in the enfranchisement pot potentially delays or prevents this. In such instances consideration could be given to meeting costs directly from HRA Resources subject to competing priorities.
- 4.4 The valuation process to determine the price to be paid for enfranchisement includes consideration of the remaining lease term on the property. As such greater Value for Money can be achieved through the enfranchisement of leases with significant remaining periods on the lease. Any proposals brought forward for such long term decisions would include consideration of the net present value of the opportunity cost of monies invested against the savings achievable through an early purchase.
- 4.5 The HRA self financing settlement left the Council with a level of debt that could be supported over 30 years from the dwellings remaining in the HRA. That settlement includes these leasehold dwellings. Therefore, the debt that is associated with each dwelling would be provided for from the capital receipt to keep the HRA in line with the settlement. The sum to be provided to the HRA will be calculated on a case-by-case basis.
- 4.6 The estimated liability for the enfranchisement of the properties listed in table 2 at paragraph 3.13 above is approximately £2,120,000 under the current terms of the leases.
- 4.7 There are HRA revenue implications in terms of loss of rental income under options 1 and 2 detailed above unless the leasehold properties were retained within the stock as per option 3. Any individual proposals brought forward would include consideration of such losses in the recommended option.
- 4.8 The separate report to be produced with regard to long leasehold interest in two large blocks located above a railway line in Wembley, as outlined in paragraph 2.6 above will include consideration of the potential to fund proposals through Unsupported Borrowing on a Spend-to-Save basis.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Under the Leasehold Reform Act 1967, where a claim has been admitted by the freeholder and offer made, the terms are determined by the Leasehold Valuation Tribunal in the absence of agreement between the parties.
- 5.2 The Council is obliged to pay the freeholder's and LVT's reasonable costs i.e., solicitors' and surveyors' fees. These include those relating to considering and assessing the Council's statutory claim and generally dealing with the statutory process (other than tribunal proceedings) the valuation fee and the transfer of the freehold.

- 5.3 There are two primary statutes that govern Leasehold Reform. These are the Leasehold Reform Act 1967 (the 1967 Act) and the Leasehold Reform, Housing and Urban Development Act 1993 (the 1993 Act).
- 5.4 The Borough Solicitor has confirmed that pursuant to the Council's constitution Part 4, Paragraph 4.3, the Operational Director, Property and Projects has the delegated authority to approve the terms of the transactions, being less than the prescribed £150,000 Delegated Authority Limit or less than £250,000 Delegated Authority Limit in conjunction with the Lead Member.
- 5.5 The Council will need to obtain the secure tenant's agreement to being re-housed given the protected status of secure tenants under the Housing Act 1985. There are also statutory consultation requirements to engage with tenants pursuant to this Act in respect of any re-housing proposals under schedule 3A and 105 of the Housing Act 1985.

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 An Equality Analysis has been completed.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 None

## **8.0 Background Papers**

None

## **9.0 Appendices:**

Appendix 1: Equality Analysis

### **Contact Officers**

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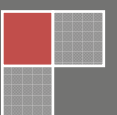
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2012

# Equality Analysis

## Guidance and Form



## Brent Council Equality Analysis Form – Appendix 1

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b>  <b>Regeneration and Growth</b>   <b>Service Area: Property and Projects</b>	<b>Person Responsible:</b> Name: <b>Denish Patel</b> Title: <b>Mr</b> Contact No: <b>x2529</b> Signed: <b><i>Denish Patel</i></b>
<b>Name of policy: Residential Leasehold Enfranchisement</b>	<b>Date analysis started: 22/08/2013</b>  <b>Completion date</b>  <b>Review date:</b>
<b>Is the policy:</b>  <b>New</b>  New <input type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: <b>N/A</b> Title: Date Contact No: Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring Name: <b>Sarah Chaudhry</b> Title: <b>Ms</b> Date: <b>22/08/2013</b> Contact No: <b>x1705</b> Signed: <b><i>Sarah Chaudhry</i></b>	<b>Decision Maker:</b> Name individual /group/meeting/ committee: <b>Executive Committee</b>  Date: <b>16 September 2013</b>

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

The use of the Leasehold Reform Act 1967 and the Leasehold Reform, Housing and Urban Development Act 1993 by the Council to carry out a rolling programme of enfranchisements (the compulsory purchase of the freehold or new extended lease term interests in relation to residential leasehold properties) in line with the Council's draft HRA Asset Management Strategy, utilising the enfranchisement pot or alternative HRA resources to fund the programme.

**3. Describe how the policy will impact on all of the protected groups:**

The vast majority of properties are let under general needs and the impact will depend on the option chosen for each property under the proposed strategy and cannot be predetermined.

If the Council does nothing and the Council's leases expire, there will be a loss of housing dwellings from the social housing stock and the existing secure tenants will become homeless and return to the Council for rehousing, which may be within temporary accommodation if no settled accommodation is available.

If the Council carries out the enfranchisement on any given property then there will be no consequential impact on the existing tenant who will be able to continue to remain in their home under their tenancy agreement.

If the Council disposes of a property it will be a vacant property and therefore no impact other than the loss of a property surplus to requirement.

**Please give details of the evidence you have used:**

The Council's leases are fixed term leases and governed by lease agreements and law and will come to an end by the effluxion of time unless the Council carries out enfranchisement of the properties to retain the properties within the social housing stock.

**4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

**(a) Eliminate discrimination (including indirect discrimination),**

**harassment and victimisation;**

The proposal is to preserve settled accommodation wherever possible subject to the availability of funding to carry out enfranchisements, which will allow the Council to retain the properties within the social housing stock and reduce or negate any impact on existing vulnerable households/tenants who may be affected.

**(b) Advance equality of opportunity;**

Unless the properties are surplus to requirement, it is as a general rule far better to retain the properties within the social housing stock, especially if they are large family homes, to meet housing need and demand.

**(c) Foster good relations**

N/A

**5. What engagement activity did you carry out as part of your assessment?**

Consultation with BHP who manage the properties and tenancies.

**Who was consulted on the plan, which protected characteristics were included in consultation?**

**i. Who did you engage with?**

All relevant internal departments including BHP.

**ii. What methods did you use?**

Meetings and circulation of proposals.

**iii. What did you find out?**

As per report.

**iv. How have you used the information gathered?**

Incorporated into the final proposals.

**v. How has it affected your policy?**

No change other than on legal and financial aspects.

**6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.**

The proposals potentially have an impact across all target groups depending on the option chosen on any given property. Where vulnerable tenants are identified the case will be discussed with BHP and actions to mitigate will be proposed on a case by case basis. As the approach on any given property will be determined on a case by case basis it has the potential to have a positive impact, an adverse impact or a neutral impact and cannot be predetermined.

**Please give details of the evidence you have used:**

N/A

## 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	X	X	X
Disability	X	X	X
Gender re-assignment	X	X	X
Marriage and civil partnership	X	X	X
Pregnancy and maternity	X	X	X

<b>Race</b>	X	X	X
<b>Religion or belief</b>	X	X	X
<b>Sex</b>	X	X	X
<b>Sexual orientation</b>	X	X	X

### 8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only).  
Please refer to stage 4 of the guidance.

#### No major change

Our analysis demonstrates that:

- The policy is lawful
- The evidence shows no potential for direct or indirect discrimination
- The proposals will help to advance equality and foster good relations between groups.

#### Adjust the policy

No

#### Continue the policy

Yes because the do nothing option potentially has the most adverse impact.

#### Stop and remove the policy

No

### 9. Monitoring and review

Please provide details of how you intend to monitor the policy in the future.  
Please refer to stage 7 of the guidance.

The proposals will be subject to the Council's project management, governance and separate reports being produced for the Executive Committee on a case by case basis.

Use monitoring of main objectives-what are the indicators relevant to diversity e.g. BME attainment. Have we identified any potential equality issues, how will we monitor impact of the plan?

N/A

## 10. Action plan and outcomes

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Add here any new monitoring actions and any plan for reviewing the plan	Ongoing				

Please forward to the Corporate Diversity Team for auditing.

## Introduction

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

## *The Equality Act 2010*

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

### ***What is equality analysis?***

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### **What should be analysed?**

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues



It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

*When should equality analysis be done?*

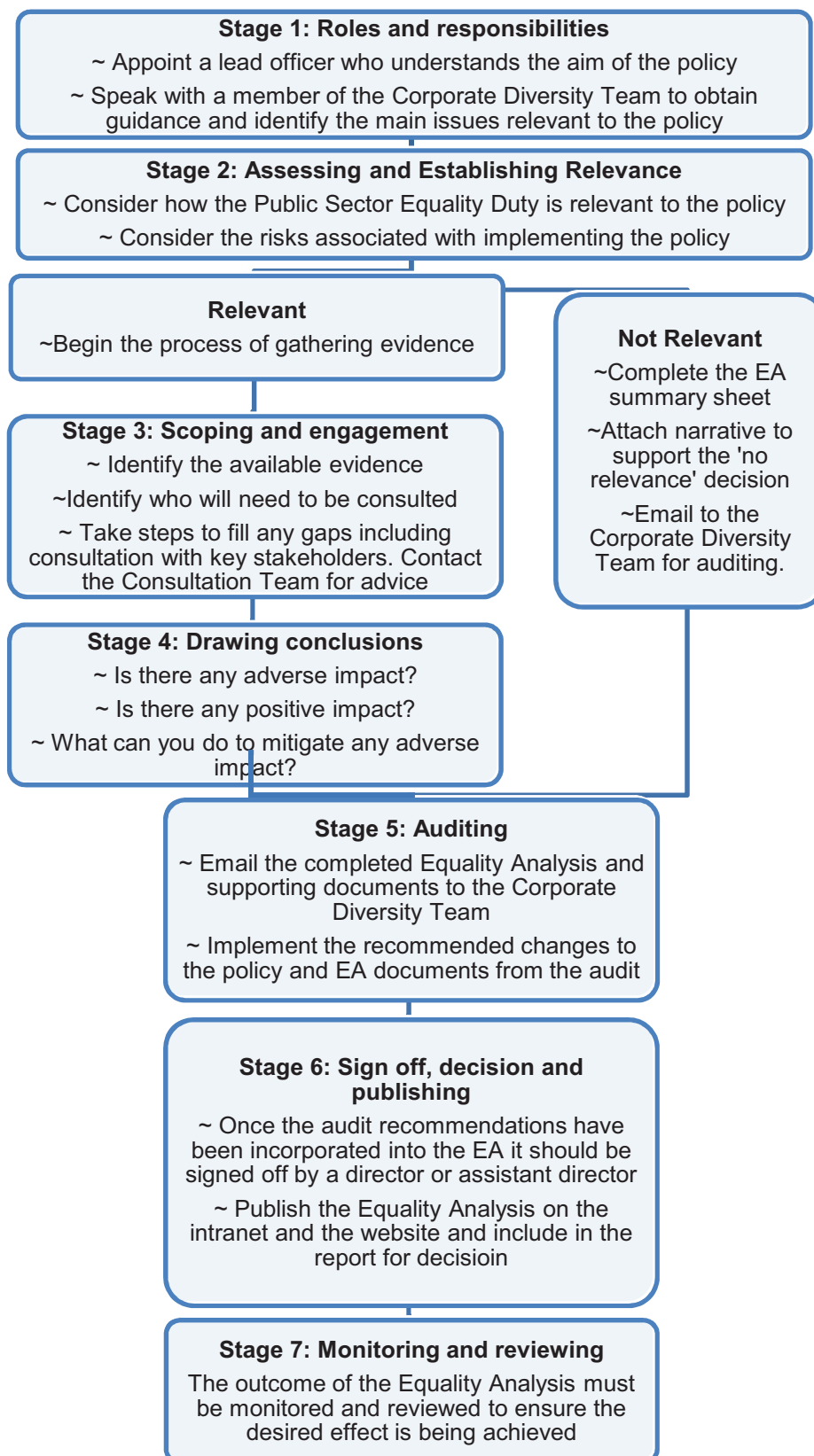
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

**Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

### **Key Questions:**

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

### **“Not relevant”**

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

## **Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

### ***Sources of information***

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.

- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### ***Service user information***

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### ***Identify your information gaps***

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### ***Engagement***

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement

can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?



If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

## **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

## **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.



## ***Decision-making***

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

### **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

### A Summary of the Equality Act 2010

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### The Public Sector Equality Duty

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:


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

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.

 <b>Brent</b>	<b>Executive</b> 16 September 2013  <b>Report from the Strategic Director of Regeneration and Growth</b>
For Action	
Wards affected: ALL	
<b>National Non-Domestic Rates – Review of Discretionary Rate Relief Policy and Applications for Relief</b>	

## 1.0 Summary

- 1.1 The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of relief is based on policy and criteria last agreed by the Executive in 2008. As this was more than 5 years ago a review should be undertaken to ensure the criteria remain appropriate and relevant. Officers have reviewed the current policy and criteria and are proposing that no amendments are made.
- 1.2 From 1 April 2013 there have been changes to the financing of the cost of awarding relief and the respective proportions met by the council, the government and the GLA. These changes are part of the broader changes concerning NNDR arising from the new Business Rate retention scheme.
- 1.3 The report also includes new applications for relief received since February 2013.

## 2.0 Recommendations

- 2.1 That the policy and criteria for determining entitlement to discretionary rate relief in respect of National Non-Domestic Rates as detailed in Appendix 1 be agreed and to be effective from 1 April 2014 and that this be reviewed every 3 years.

- 2.2 That the changes to the financing of discretionary rate relief as detailed in paragraph 3.8 and 3.9 be noted.
- 2.3 That the applications for discretionary rate relief detailed in Appendix 3 be agreed.

### **3.0 Detail**

- 3.1 The criteria for awarding discretionary rate relief focuses on ensuring that the arrangements are consistent with corporate policies and relief is directed to those organisations providing a recognised valued service to the residents of Brent. The current policy and criteria is set out in Appendix 1.
- 3.2 Charities and registered community amateur sports clubs are entitled to 80% mandatory rate relief and the council has discretion to grant additional relief up to the 100% maximum
- 3.3 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum
- 3.4 Legislation requires that 1 years' notice be given to organisations advising that relief will be terminated if the termination is due to a change in the council's policy. Letters have therefore been sent to all organisations who currently receive relief advising them that relief will cease on 31 March 2014, this will enable the council to review the current policy in awarding relief. Applications will then be sent out in October 2013 inviting them to re-apply, entitlement will be based on the new policy and the circumstances of the organisation.
- 3.5 The policy to be reviewed is the criteria for determining entitlement and the amount of relief to be awarded to charities (local and non-local) and non profit making organisations
- 3.6 The current criteria have proved to be robust and flexible, with 108 organisations currently receiving relief (detailed in Appendix 2). This excludes foundation and voluntary aided schools and Meanwhile Space occupations, where the cost of relief is borne by these organisations.
- 3.7 In view of the current financial pressures facing the council, local charities and organisations can provide access to advice, support and facilities that the council may be unable to provide. When reviewing the current policy, officers considered whether to recommend tightening the existing NNDR relief criteria so as to make these more restrictive however on balance considered against this. Officers are therefore recommending that the existing policy remains unchanged. In considering this recommendation, officers have considered:
- Whether all organisations should have to pay a small proportion of their non-domestic rates?
  - Whether there should be a cap on the amount of relief awarded?



- Whether the amount of relief to different organisations should change ( for example Amateur sports clubs, non profit making organisations or local / national charities )

- 3.8 A new system of Business Rates Retention was introduced from 1<sup>st</sup> April 2013. Prior to this, all business rates collected were paid over to the National Business Rates Pool, and then re-distributed to local authorities by central government. From 1<sup>st</sup> April 2013, local authorities in London now retain 30% of all business rates income, with 50% paid to the National Pool, (and then redistributed as before) and 20% going to the GLA. The estimate for the 30% due feeds in to the Council's overall budget for the year. As a result, the Council will benefit by 30% from any increase in the total net collectable debit (the total rates income after various forms of relief such as empty rate relief and mandatory and discretionary relief). Conversely any reduction in the debit will entail a 30% cost to Brent. Therefore Brent will have to bear 30% of the cost of any discretionary relief granted. The estimated business rates figure used in the 2013/14 budget assumed the same level of discretionary relief being granted as in 2012/13. Although other factors will affect the final debit figure for the year, any additional relief above the level in 2012/13 would not have been allowed for in the budgeted overall business rates share for 2013/14.
- 3.9 Section 4 below details the financial changes that took effect from 1 April 2013 as part of Business Rates Retention. In effect the cost borne by the council in awarding relief is now considerably less than it was prior to 1 April. The percentage of relief borne by the council has reduced from 75% to 30% in respect of charities receiving additional relief on top of the 80% mandatory relief they receive, whereas the cost of awarding relief to non charities has increased from 25% to 30%. The majority of organisations receiving relief are charities. The cost of awarding relief is now partially borne by the Collection Fund and these changes have been reflected in the Council's budget for 2013/14 as detailed in paragraph 3.8.
- 3.10 In view of these changes it is recommended that the Relief policy remains unchanged. It would be difficult to gauge the cost to the General Fund if the scheme was made more generous and if made less generous may detrimentally affect the ability of qualifying organisations to continue to provide these facilities to the residents of Brent. The existing criteria have proved to be robust and enabled relief to be targeted effectively. Applications for relief will also be considered in conjunction with the council's corporate policy team who decide on other grants to charities and voluntary organisations. This will ensure there is a consistent approach.
- 3.12 With regards to non profit making organisations the current award is limited to 25%. This should remain but with the proviso that in exceptional circumstances this can be increased. Those classes of property currently excluded from relief should remain.
- 3.13 In view of the current financial climate it is recommended that this policy be reviewed every 3 years.

- 3.14 All applications for hardship relief will be considered on a case by case basis and referred back to the Executive.
- 3.15 Applications for relief have been received from the organisations detailed in Appendix 3. These meet the criteria for relief currently applicable and as such are recommended for approval for the periods shown. The cost to the collection fund of awarding these organisations relief is £1,529.16.

## **4.0 Financial Implications**

### **Discretionary Rate Relief**

- 4.1 Charities and registered community amateur sports clubs receive 80% mandatory rate relief. The Council has the discretion to grant additional relief up to the 100% maximum. Prior to 1 April 2013 75% of the cost of this would have been met by the council, however from 1 April 2013 30% is met by the council with 50% being met by central government and 20% by the GLA.
- 4.2 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. Prior to 1 April 2013 the Council met 25% of the cost of any relief granted, however this has also changed with 30% being met by the council with 50% being met by central government and 20% by the GLA.
- 4.3 The financial implications of these changes have been reflected in the projected Business Rates Retention income for 2013/14. The new Business Rate Retention scheme was introduced from 1 April 2013 and means that the Council no longer receive a fixed payment from the national pool but instead receive 30% of amounts collected with a top up payment from CLG. It should be noted that any additional awards of relief will reduce income to the Council by 30%.

### **Hardship Relief**

- 4.6 Prior to 1 April 2013 25% of the cost of any relief granted was met by the council with the remaining 75% being met by the National Pool. However, as from 1 April 2013 30% of the cost of hardship relief is met by the council, 50% met by central government and 20% by the GLA. As the award of this relief is very rare there is no specific budget, the cost of any relief awarded would be met from the discretionary rate relief budget.

## **5.0 Legal Implications**

### **Discretionary Rate relief**

- 5.1 Under the Local Government Finance Act 1988, charities are only liable to pay 20% of the NNDR that would otherwise be payable where a property is used wholly or mainly for charitable purposes. This award amounts to 80% mandatory relief of the full amount due. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not

it is registered with the Charity Commission. Under the Local Government Act 2003, registered Community Amateur Sports Clubs also qualify for 80% mandatory relief.

- 5.2 The Council has discretion to grant relief of up to 100% of the amount otherwise due to charities, Community Amateur Sports Clubs, and non-profit making organisations meeting criteria set out in the legislation. These criteria cover those whose objects are concerned with philanthropy, religion, education, social welfare, science, literature, the fine arts, or recreation. Guidance has been issued in respect of the exercise of this discretion and authorities are advised to have readily understood policies for deciding whether or not to grant relief and for determining the amount of relief.
- 5.3 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow Brent to grant the relief for a fixed period. One year's notice is required of any decision to revoke or vary the amount of relief granted, if in the case of a variation, it would result in the amount of rates increasing. The notice must take effect at the end of the financial year.
- 5.4 The operation of blanket decisions to refuse discretionary relief across the board would be susceptible to legal challenge on grounds that the Council would be fettering its discretion. The legal advice provided to officers and Members is that each case should be considered on its merits.

### **Hardship Relief**

- 5.5 Under Section 49 of the Local Government Finance Act 1988, the Council can reduce or remit any amount a person is liable to pay by way of NNDR, if it is satisfied that the ratepayer would otherwise sustain hardship and if it is reasonable to do so having regard to the interests of Council Tax payers. Council Tax payers are affected by decisions under this section because 30% of the cost of exercising this power has to be funded by the Council (formerly 25% prior to 1/4/2013).
- 5.6 Case law relating to similar provision in earlier legislation indicates that this discretion should be exercised on the basis of adequate information (financial and other) being provided by applicants in support of their application which will enable the Council to assess the capacity of the ratepayer to pay the amounts due.
- 5.7 Government guidance indicates that exercise of discretion in favour of a ratepayer should be exceptional and identifies a number of factors to be taken into consideration in exercising this discretion. The guidance also states that it would not be proper for the authority to have a blanket policy, as all applicants should be considered on their merits.

## **6.0 Diversity Implications**

- 6.1 Applications have been received from a wide variety of diverse charities and organisations, and an Impact Needs Analysis Requirement Assessment

(INRA) was carried out in 2008 when the criteria was originally agreed. As there are no changes to the criteria an Equality Impact assessment is not required. All ratepayers receive information with the annual rate bill informing them of the availability of discretionary and hardship rate relief. Details of all the applicants currently receiving discretionary rate relief are shown in the Appendices.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None

### **Background Papers**

Report to Executive 11<sup>th</sup> February 2008 – National Non-Domestic Relief and Hardship Relief

### **Contact Officers**

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Andrew Donald  
Director of Regeneration & Major Projects  
[

## Appendix 1

### **ELIGIBILITY CRITERIA FOR APPLICATIONS FOR NNDR DISCRETIONARY RELIEF FOR CHARITIES & FROM NON PROFIT MAKING ORGANISATIONS**

#### **Introduction**

The following details the criteria against which the Local Authority will consider applications from non profit making organisations. In each case the individual merits of the case will be considered.

- (a) Eligibility criteria**
- (b) Factors to be taken into account**
- (c) Parts of the process.**

#### **(a) Eligibility Criteria**

- The applicant must be a charity or exempt from registration as a charity, a non-profit making organisation or registered community amateur sports club (CASC).
- All or part of the property must be occupied for the purpose of one or more institutions or other organisations which are not established or conducted for profit and whose main objects are charitable or otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or
- The property must be wholly or mainly used for the purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

#### **(b) Factors to be taken into account**

The London Borough of Brent is keen to ensure that any relief awarded is justified and directed to those organisations making a valuable contribution to the well-being of local residents. The following factors will therefore be considered:

- a. The organisation should provide facilities that indirectly relieve the authority of the need to do so, or enhance or supplement those that it does provide
- b. The organisation should provide training or education for its members, with schemes for particular groups to develop skills
- c. It should have facilities provided by self-help or grant aid. Use of self-help and / or grant aid is an indicator that the club is more deserving of relief
- d. The organisation should be able to demonstrate a major local contribution.

- e. The organisation should have a clear policy on equal opportunity.
- f. There should be policies on freedom of access and membership.
- g. It should be clear as to which members of the community benefit from the work of the organisation.
- h. Membership should be open to all sections of the community and the majority of members should be Brent residents
- i. If there is a licensed bar as part of the premises, this must not be the principle activity undertaken and should be a minor function in relation to the services provided by the organisation.
- j. The organisation must be properly run and be able to produce a copy of their constitution and fully audited accounts.
- k. The organisation must not have any unauthorised indebtedness to the London Borough of Brent.

Rates are due and payable until a claim for discretionary rate relief is heard

**(c) Parts of the process**

**No Right of Appeal**

Once the application has been processed, the ratepayer will be notified in writing of the decision. As this is a discretionary power there is no formal appeal process against the Council's decision. However, we will re-consider our decision in the light of any additional points made. If the application is successful and the organisation is awarded discretionary rate relief, it will be applied to the account and an amended bill will be issued.

**Notification of Change of Circumstances**

Rate payers are required to notify any change of circumstances which may have an impact on the award of discretionary rate relief.

**Duration of award**

The new policy will award relief for a period of three years. New applications will be sent to current recipients inviting them to re-apply, this will ensure the conditions on which relief was previously awarded still apply to their organisation. This will help ensure that the Council's rate records remain accurate.

**Withdrawal of relief**

One years notice has to be given by the Council for the withdrawal of relief

**Unlawful activities**

Should an applicant in receipt of discretionary rate relief be found guilty of unlawful activities for whatever reason, entitlement will be forfeited from the date of conviction.

	<b>Type of Charitable/Non-Profit Making Organisation</b>	<b>Current Policy</b>
		<b>Discretionary Relief Limited to</b>
1	Local charities meeting required conditions (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
2	Local Non-profit-making organisations (not entitled to mandatory relief)	<b>25%</b>
3	Premises occupied by a Community Amateur Sports Club registered with HM Revenue & Customs. (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
4	Non-Local charities (80% mandatory relief will apply)	<b>25% (of remaining liability)</b>
5	Voluntary Aided Schools (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
6	Foundation Schools (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
7	All empty properties	<b>NIL</b>
8	Offices and Shops occupied by national charities	<b>NIL</b>
9	An organisation which is considered by officers to be improperly run, for what ever reason, including unauthorised indebtedness.	<b>NIL</b>
10	The organisation or facility does <b>not</b> primarily benefit residents of Brent.	<b>NIL</b>
11	Registered Social Landlords (as defined and registered by the Housing Corporation). This includes Abbeyfield, Almshouse, Co-operative, Co-ownership, Hostel, Letting / Hostel, or YMCA.	<b>Nil</b>
12	Organisations in receipt of 80% mandatory relief where local exceptional circumstances are deemed to apply.	<b>Up to 20% (100% of remaining liability)</b>

## Appendix 2

### Organisations Qualifying for Relief

<b>1. Non-Local Charities – All receive 80% mandatory relief – Awarded a further 5% discretionary rate relief</b>				
<b>Organisation</b>	<b>Address</b>	<b>Post Code</b>	<b>Charge net of 80% mandatory relief</b>	<b>Amount of Relief (5%)</b>
Lebanese Welfare Community	14 Brondesbury Road, London	NW6 6AY	£744.18	£186.04
Swaminarayan World Org (UK)	Unit 6 (Front); Bowmans Trading Est, Westmoreland Road London	NW9 9RN	£1,695.60	£423.90
Swaminarayan World Org (UK)	Unit 6 (Rear) Bowmans Trading Estate, Westmoreland Road, London	NW9 9RN	£1,860.45	£465.11
Willesden & St Marylebone Sea Cadet Corps	Cambridge Hall, Cambridge Avenue, London	NW6 5BB	£471.00	£117.75
British Wizo	127 Cricklewood Broadway, London	NW2 3JG	£1,263.60	£315.90
British Heart Foundation	267-271 Cricklewood Broadway, London	NW2 6NX	£4,545.15	£1,136.29
Brent Mind	Gnd Floor, 1b Dyne Road, London	NW6 7XG	£3,155.70	£788.92
Somali Carers Project	4th Floor, Dexion House, Empire Way London	HA9 0XA	£659.40	£164.85
Middle East Relief Fund	Office 107 Empire House, Empire Way, Wembley, Middx	HA9 0EW	£143.65	£35.91
Age Concern (Brent peoples centre)	28a, Fortune Gate Road, London	NW10 9RE	£268.47	£67.12
Shree Sattavis Gam Paridar Samaj	Forty Avenue, Wembley, Middx	HA9 8JX	£26,376.00	£6,594.00
Oxfam GB	405, High Road, Wembley, Middx	HA9 7AB	£4,568.70	£1,142.17
New Testament Church of God	1st Flr, 165-167 High Road, London	NW10 2SG	£2,119.50	£529.87
RSPCA Middlesex North West	225, Kenton Road, Harrow, Middx	HA3 0HD	£1,436.55	£359.14
Aid for All Ltd	97, Kilburn High Road, London	NW6 6JE	£6,217.20	£1,554.30
The Samaritans	1 Leopold Road, London	NW10 9LN	£1,083.30	£270.82
British Assoc of Psychotherapists	37, Mapesbury Road, London	NW2 4HJ	£3,838.65	£959.66
Liberal Jewish Synagogue	Liberal Jewish Cemetery, Pound Lane, London	NW10 2HG	£989.10	£247.27



RSPCA Middlesex North West	282, Preston Road, Harrow, Middx	HA3 0QA	£1,299.45	£347.36
Samaritans of Brent	11 Walm Lane, London	NW2 5SJ	£1,624.95	£406.24
Greater London Fund for the Blind	62, Walm Lane, London	NW2 4RA	£838.38	£209.59
Hope Charity	228, Walm Lane, London	NW2 3BS	£1,295.25	£323.81

**2. Local Charities – All receive 80% mandatory relief – Awarded a further 20% discretionary rate relief, therefore have nothing to pay**

<b>Organisation</b>	<b>Address</b>	<b>Post Code</b>	<b>Charge net of 80% mandatory relief</b>	<b>Amount of Relief (20%)</b>
South Kilburn Neighbourhood Trust	1 Albert Road, London	NW6 5DT	£1,436.55	£1,436.55
Sea Cadets Association	London Area Sea Cadets (1), Welsh Harp, Birchen Grove. Kingsbury, London	NW9 8SA	£301.44	£301.44
Wise Education Project	W.I.S.E. Education Project, New Building, Alric Avenue, London	NW10 8RA	£1,884.00	£1,884.00
Dar Al-Islam Foundation	61, Anson Road, London	NW2 3UY	£1,695.60	£1,695.60
20th Willesden Scout Group	Adj 83 Anson Road London	NW2 4AB	£334.41	£334.41
B T Y C Sail Sports Welsh Harp Reservoir	BTYC Sailsports, Welsh Harp, Birchen Grove, London	NW9 8SA	£240.21	£240.21
Energy Solutions (North West) London	Planet House, Birchen Grove, London	NW9 8RY	£357.96	£357.96
Sea Cadets Association	Sea Rangers (Caprice); Welsh Harp, Birchen Grove, London	NW9 8SA	£48.98	£48.98
Sea Cadets Association	London Area Sea Cadets(2); Welsh Harp, Birchen Grove, London	NW9 8SA	£414.48	£414.48
22nd Hampstead Sea Scout Group	Baden Powell Scout Assoc (Sea Cadet), Birchen Grove, London	NW9 8SA	£60.29	£60.29
Middlesex Itec Limited	Suite 1b East Block, Alperton House, Bridgewater Road, Middlesex	HA0 1EH	£800.76	£800.70
New Life Christian Centre	Community Centre, St Michaels Avenue, Wembley, Middx	HA9 6SA	£574.62	£574.62
Plias Resettlement Ltd	Unit 10; Bridge Park, Brentfield, London	NW10 0RG	£471.00	£471.00
Plias Resettlement Lt	Unit 11; Bridge Park, Brentfield, London	NW10 0RG	£471.00	£471.00
Plias Resettlement Ltd	Unit 12; Bridge Park, Brentfield, London	NW10 0RG	£508.68	£508.68
Brent Community Transport	Unit 13; Bridge Park, Brentfield, London	NW10 0RG	£381.51	£381.51
Bang Edutainment Ltd	Unit 16; Bridge Park, Brentfield, London	NW10 0RG	£518.10	£518.10
Safe Start	Gnd Flr, 1 Bridgehill	HA0 1AT	£423.90	£423.90

Foundation	Close, Wembley, Middx			
Centre For Peaceful Solutions	18 Chamberlayne Road, London	NW10 3JD	£621.72	£621.72
Hopscotch	215a Chevening Road, Kilburn	NW6 6DT	£4,168.35	£4,168.35
Afghan Cultural Centre	210 Church Road, London	NW10 9NP	£772.44	£772.44
Afghan Islamic Cultural Centre	212-214 Church Road, London	NW10 9NP	£1,813.35	£1,813.35
3rd Wembley Scout Group	Clifton Way, Wembley, Middx	HA0 4PQ	£164.85	£164.85
Asian Womens Resource Centre	108 Craven Park, London	NW10 8QE	£1,342.35	£1,342.35
Somali Employment Rights	3; Library Parade, Craven Park Road, London	NW10 8SG	£1,083.30	£1,083.30
Age Concern Brent	120 Craven Park Road, London	NW10 8QD	£1,130.40	£1,130.40
St Kitts & Nevis Friendly Assn	Kingfisher Youth Club, Warren Road, London	NW10 7LL	£339.12	£339.12
Black Umbrella Ltd	2G 2 <sup>nd</sup> Floor, 289 Cricklewood Broadway London	NW2 6NX	£819.54	£819.54
Al Zahra Womens Centre	2F 2 <sup>nd</sup> Floor, 289 Cricklewood Broadway London	NW2 6NX	£574.62	£574.62
South Kilburn Neighbourhood Trust	2 Canterbury Road, London	NW6 5SW	£2,001.75	£2,001.75
Maharashtra Mandal London	306 Dollis Hill Lane, London	NW2 6HH	£1,483.65	£1,483.65
Brent Indian Community Centre	Dudden Hill Centre, Dudden Hill Lane, London	NW10 1BY	£1,012.65	£1,012.65
The Brent Indian Association	116, Ealing Road, Wembley	HA0 4TH	£847.80	£847.80
Brahim Society North London community Centre	1st Floor, 128 East Lane, Wembley	HA0 9NL	£343.83	£343.83
Brent Community Transport Ltd	1; Pellatt Road, East Lane Business Park, Wembley	HA9 7RQ	£1,672.05	£1,672.05
Brent Community Transport Ltd	Studio 41; 1st Fl South Bldg, 56 Magnet Rd; East Lane Business Pk, East Lane, Wembley	HA9 7RG	£324.99	£324.99
Brent Community Transport Ltd	Studio 42 1st Fl South, Bldg 56, Magnet Road East Lane Business Park, East Lane, Wembley	HA9 7RG	£343.83	£343.83
Kings Hall Community Association	155 Harlesden Road, London	NW10 2BS	£942.00	£942.00
Loud & Clear Mental Health Advocacy	Suite 1 3rd Flr, Wembley Point, 1 Harrow Road, Wembley	HA9 6DE	£2,472.75	£2,472.75
Islamic Cultural Centre	72-74 Harrow Road, Wembley	HA9 6PL	£3,179.25	£3,179.25
Local Employment Access Projects	Kensal Green Centre, Hazel Road, London	NW10 5QE	£942.00	£942.00
Friends Of Barham	428 High Road, Wembley	HA9 6AH	£1,130.40	£1,130.40

Park Library				
Bosnia & Herzegovina Community Advice Centre Brent	Ro 108, High Road, London	NW10 2PP	£508.68	£508.68
Brent Community Law Centre	387 & 389, High Road, London	NW10 2JR	£1,483.65	£1,483.65
Bang Edutainment Limited	2nd F 91-93, High Street, London	NW10 4NT	£942.00	£942.00
St Lukes Hospice (Harrow & Brent) Ltd	Store Adj Clock Cottage, Kenton Road, Harrow	HA3 0YG	£838.36	£838.38
Stanmore & District Scou	Kenton & Kingsbury Scout Headqtrs, Adj Kenton Grange, Kenton Road, Harrow	HA3 0UQ	£372.09	£372.09
The Tricycle Theatre Co Ltd	Ground Floor, 269 Kilburn High Road, London	NW6 7JR	£1,460.10	£1,460.10
Tricycle Theatre Co Ltd	The Tricycle Theatre, 269 Kilburn High Road, London	NW6 7JR	£8,741.76	£8,741.76
Tricycle Theatre Co Ltd	1st F 269 Kilburn High Road, London	NW6 7JR	£640.56	£640.56
28th Willesden Scout Group	Stember Hall, 28th Willesden Group, Leighton Gardens, London	NW10 3PR	£282.60	£282.60
Federation Of Patidar Assoc	Patidar House, 22 London Road, Wembley	HA9 7EX	£13,376.40	£13,376.40
Barnardos Freeman Family Centre	Freeman Centre At 59 Longstone Avenue, London	NW10 3TY	£3,085.05	£3,085.05
The Minster Centre	Ground & Part 1st Flr, 20 Lonsdale Road, London	NW6 6RD	£9,796.80	£9,796.80
Middlesex Association For The Blind	Units 18 & 19, Freetrade House, Lowther Road, Stanmore	HA7 1EP	£1,106.85	£1,106.85
Preston & Mall Youth & Community Centre	Preston Hill, Harrow	HA3 9UJ	£555.78	£555.78
Caribbean Cultural Organisation	134 Minet Avenue, London	NW10 8AP	£452.16	£452.16
Kensal Green Under Fives Group	130 Mortimer Road, London	NW10 5SN	£800.70	£800.70
Elders Voice	Next to 181, Mortimer Road, London	NW10 5TN	£819.54	£819.54
Kilburn Youth Centre	2; Masfield House, Stafford Road, London	NW6 5YU	£791.28	£791.28
Brent Victim Support	1 Morland Gardens, London	NW10 8DY	£885.48	£885.48
Oxford Boys Club Trust	St Lukes Memorial Hall, Canterbury Road, London	NW6 5SU	£1,978.20	£1,978.20
Age Concern	F33; Design Works, Park Parade, London	NW10 4HT	£230.79	£230.79
Age Concern	Unit G6 Design Works, Park Parade, London	NW10 4HT	£287.31	£287.31
Uganda Community Relief Association	Room 6 & 9 The Bridge Suite, Design Works, Park Parade, London	NW10 4HT	£489.84	£489.84
Horn Stars	Room 8 The Bridge Suite, Design Works, Park	NW10 4HT	£254.34	£254.34

	Parade, London			
Age Concern Brent	Unit G1 Design Works, Park Parade, London	NW10 4HT	£148.36	£148.36
Refugees Into Jobs	3-7 Lincoln Parade, Preston Road, Wembley	HA9 8UA	£2,661.15	£2,661.15
37th Willesden Boys Scout Group	Ro 121-123 Randall Avenue, London	NW2 7SX	£155.43	£155.43
Mandhata Youth & Community Assn	20a Rosemead Avenue, Wembley	HA9 7EE	£965.55	£965.55
Brent Homeless User Group	Unit 1 At 16a St Thomas's Road, London	NW10 4AJ	£508.68	£508.68
Brent Homeless User Group	Unit 2 At, 16a St Thomas's Road, London	NW10 4AJ	£678.24	£678.24
Kenton Youth Aid Trust	Youth Centre, Shaftesbury Avenue Kenton	HA3 0QX	£2,449.20	£2,449.20
Greenford & District Scout	Scout Hut Station Grove, Wembley	HA0 4AR	£339.12	£339.12
Pakistan Workers Association	Pakistan Community Centre, Station Parade, London	NW2 4PU	£649.98	£649.88
Church Of God (Seventh Day) West Hendon Ltd	9 Station Road, London	NW10 4UJ	£1,365.90	£1,365.90
Turning Point Brent Drug &Alcohol Service	27 Station Road, London	NW10 4UP	£1,318.80	£1,318.80
Wembley & Sudbury Tennis Squash & Social Club	Sylvester Road, Wembley	HA0 3AB	£1,083.30	£1,083.30
Willesden District Scout Council	Ro 22 Village Way, London	NW10 0LH	£480.42	£480.42
Wembley Sports Association	Vale Farm Sports Ground, Watford Road	HA0 3HG	£1,083.30	£1,083.30
Brent Private Tenants Group Ltd	Gf 36-38, Willesden Lane, London	NW6 7ST	£1,106.85	£1,106.85
Brent Adolescent Centre	51 Winchester Avenue, London	NW6 7TT	£2,307.90	£2,307.90

<b>3. Non Profit Organisations – 25% discretionary rate relief</b>				
<b>Organisation</b>	<b>Address</b>	<b>Post Code</b>	<b>Charge</b>	<b>Amount of Relief (25%)</b>
The Institute Of Contemporary Music Performance Ltd	Foundation House, 1a Dyne Road, London	NW6 7XG	£49,926.00	£12,481.50
Mahogany Community Ventures Ltd	28 High Street, London	NW10 4LX	£9,009.00	£2,252.25
Kingsbury Town Football Club	Kingsbury Town Sports Club, Townsend Lane, London	NW9 7NE	£3,080.00	£770.00
New Challenge Ltd	3rd Flr Rear Heron House, 109 Wembley Hill Road, Wembley, Middx	HA9 8DU	£3,603.60	£900.90

## Summary

### Cost of awarding Relief to Brent


Type of Relief	Amount Of Relief	Cost of relief 2013/14
Non Local Charities (5%)	£16,646.02	£4,993.81
Local Charities (20%)	£107,932.84	£32,379.85
Non Profit Organisations (25%)	£16,404.64	£4,921.40
<b>Totals</b>	<b>£124,337.48</b>	<b>£42,295.06</b>

The cost of relief shown above has been allowed for in the budget for 2013/14

## Appendix 3

### New Applications for Discretionary Rate Relief – Local Charities

	100% Relief to be awarded	Charge	Bill net of statutory relief	Cost to Brent at 30%
	<b><u>Organisation</u></b>			
32936642	Uganda Community Relief Assn Room 10 The Bridge Suite 1/4/2012 – 31/3/2013 1/4/2013 – 31/3/2014	£1854.90 £1907.55	£370.98 £381.51	£111.29 £114.45
32957357	Lift People Unit 3 Ajax House 1/4/2012 – 31/3/2013 1/4/2013 – 31/3/2014	£2931.20 £3014.40	£586.24 £602.88	£175.87 £180.84
32975163	Archive Inst Ltd Unit 26 Cygnus Business Centre 1/4/2013 – 31/3/2014	£11068.50	£2213.70	£664.11
32973654	Centre for Peaceful Solutions 79 Chamberlayne Road 1/4/2013 – 31/3/2014	£4710.00	£942.00	£282.60
<b>Total</b>		<b>£25486.55</b>	<b>£5097.31</b>	<b>£1529.16</b>

 <p><b>Brent</b></p>	<p><b>Executive</b> <b>16 September 2013</b></p> <p><b>Report from Assistant Director of Policy and Deputy Director of Finance</b></p>
For Action	Wards affected: ALL
<b>Performance and Finance Review, Quarter 1, 2013-14</b>	

## 1.0 Introduction

A revised Borough Plan for 2013 - 2014 was agreed by Full Council June 2013. The Borough Plan – creating opportunities, improving lives, provides a vision for the borough and sets out the key priorities for achieving that vision. The priorities are:

- Building a Strong Community
- Improving Health and Well-Being
- Better Lives for Children and Families
- Making Brent Safer, Cleaner and Greener
- Promoting Jobs, Growth and Fair Play
- Developing Better Ways of Working

The Borough Plan is an overarching plan interconnected with a range of other plans including the Council's Corporate Plan which is currently being developed. The performance reporting section of this report will be redesigned to reflect the key performance indicators highlighted in the Corporate Plan once it is finalised. The performance section of the appendix therefore represents a transition towards revised performance reporting.

The planned reduction in central government funding 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.

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.





## 2.0 Recommendations

The Executive is asked to:

- Note the Finance and Performance information contained in this report and agree remedial actions as necessary.
- Consider the current and future strategic risks associated with the information provided and agree remedial actions as appropriate.
- Challenge progress with responsible officers as necessary.
- Agree the budget virements as set out within the appendix to this report.

## 3.0 Executive Summary - Performance

There are currently 39% on target (green) or just below target (amber) and 13% are well below target (red). The rest are considered indicative only and have no targets set. Please note that indicators with no data returns against them are classed as high risk.

Overall Council Performance						
						Total
	Low	Med	High	IO	MD	Total
<b>Adult social care</b>	4	0	0	8	0	12
<b>Children &amp; F</b>	6	5	3	4	0	18
<b>Environment &amp; N</b>	5	2	5	2	1	15
<b>Regeneration &amp; G</b>	3	1	0	9	3	16
<b>Central services</b>	3	0	2	8	0	13
<b>Total</b>	21	8	10	30	5	74
<b>Percentage</b>	<b>28</b>	<b>11</b>	<b>13</b>	<b>41</b>	<b>7</b>	<b>100</b>

The performance section of the Performance and Finance Review report includes a benchmarking column which will provide information from the



London Council's benchmarking club. Benchmarking will only be available for those indicators that other councils also wish to benchmark against. To ensure that the information relevant and meaningful it is drawn from the same quarter in the previous financial year. So for this quarter the information provided comes from Q1 2012/13.

### 3.1 ***Adult Social Services***

A new set of national indicators for Adult Social Care will be phased in over a period of two years and they are designed to more accurately reflect practice changes which have occurred over the last three years. In the meantime a set of local indicators will be monitored to ensure that the service closely monitors productivity and expenditure.

### 3.2 ***Children and Families***

New indicators are included for Q1 which are designed to reflect how schools in Brent have been judged by Ofsted. The number of secondary and primary schools judged as being inadequate is showing as below the target of zero and red. A new indicator which provides the estimated number of troubled families where successful engagement has been achieved is just below target with an amber rating. The rate of reoffending at 8% compares favourably with the 23% recorded in Q1 2012/13. While the percentage of care leavers in employment, education and training is, at 67%, just below the target of 70% this represents an improvement on 54% recorded in Q3 2012/13 and 64% in Q4 2012/13. The number of looked after children placed with in-house foster carers has gone down slightly since Q4 and the number placed in independent fostering agencies has gone up and showing a high risk status.

### 3.3 ***Environment and Neighbourhood Services***

The time lag means that figures for the volume of residual waste and percentage of household waste sent for recycling for Q1 are provisional and may be subject to amendment. All of the alerts for these indicators are currently showing as red and are therefore high risk. The number of flytipping inspections and investigation is below target and is red, however the number of enforcement actions taken remains above target. A new local indicator which reflects the number of active library users as a percentage of the population shows a year to date total of 20% against a target of 22% and is medium risk.

### 3.4 ***Regeneration and Major Projects***

The borough employment rate continues to show an upward trend, with the percent of working age residents in employment moving from 65.9% in Q4 2012/13 to 68.1% in Q1 2013/14. The number of households in temporary accommodation has been increasing since Q1 2012/13, though this is within the forecasted rise it is currently showing a medium risk status.

Actions to mitigate the impact of welfare reform include ensuring that those that are most impacted are supported into work and to make effective use of the flexibility provided by the housing reform. The current rent collection rate is on target and is highlighted in the appendix as a low risk. The average number of days taken to re-let a property is well below target, and a low risk.

### 3.5 **Central Service**

Performance against the national indicator N181, time taken to process all new Benefits claims, dipped in the first quarter of 2013/14 due to the exceptionally high demand on the Benefits' Service. This demand was as a direct consequence of the Welfare Reform changes, 21,000 customers were adversely affected by changes to how financial support is given for Council Tax alone and many customers contacted the council during the first quarter concerned about the changes. Performance in July is significantly better so it is anticipated that there will be a significant improvement in this indicator during the second quarter.

### 3.6 **Complaints Summary**

The number of complaints received was broadly in line with Q4 2012/13. BHP and Environment & Neighbourhoods continue to account for two-thirds of the complaints. They are also the two services that experience the best performance in terms of response rates with 80% of complaints responded to on time. Response rates across the rest of the council are mixed with less than 50% of Children & Families and Adult Social Care complaints being responded to on time. A series of projects are being progressed by the Complaints Service Team designed to bring about across the board improvements in response rates during 2013/14.

## 4.0 Executive Summary - FINANCE

4.1 The Council's revenue budget position for quarter 1 is as follows:

Item	Budget £000	Forecast £000	Variance £000
Adult Social Services	109,015	109,458	443
Children & Families	44,205	44,378	173
Environment & Neighbourhood Services	36,076	36,174	98
Regeneration & Major Projects	30,487	28,948	(1,539)
Central Services	41,638	41,638	0
Transfer to Reserves		1,539	1,539
<b>Service Area Total</b>	<b>261,421</b>	<b>262,135</b>	<b>714</b>
Central Items	22,876	22,876	0
<b>Total Council Budget</b>	<b>284,297</b>	<b>285,011</b>	<b>714</b>

- The Council is currently forecasting an over spend of £714k, due to various demand and cost pressures on service budgets. It is expected that action taken by service areas and the Council will ensure that by year end these over spends will be either brought back into balance or compensating savings will be found and there will no requirement to use the Council's non earmarked general fund balances to meet the overspend.
- For Adult Social Services there is a forecast overspend of £443k. The main factor contributing to the overspend relates to the Mental Health Service. In order to reduce this overspend an efficiency programme has been put forward and agreed by the department. The efficiency programme is being monitored on a monthly basis and a programme board has been set up to review progress.
- Children & Families are currently forecasting an overspend of £173k predominantly in the area of Social Care and more particularly in the purchasing and placements budget. The number of children in foster care has increased by 14 in June after an initial fall at the start of the year. This has seen increases in placements in both in house fostering and independent fostering agencies as the pressure on out of borough placements, the placing of siblings and children with very challenging needs has increased. There has been a reduction in residential placements though the full impact of this improvement is not expected until later in the year
- Environment and Neighbourhood Services Major Projects is forecasting an overspend of £98k with continuing pressures on the recycling and waste budget which is forecasting an overspend of £226k following higher than expected waste tonnage figures at the start of this financial year. This budget

is being closely monitored and action being taken to target improved performance.

- Regeneration and Major Projects is forecasting an underspend of £1.539m. In 2012/13 additional resources were provided for temporary accommodation for the changes resulting from the introduction of the Local Housing Allowance caps. Further resources of £2.45m were provided in the 2013/14 budget for the changes in the housing benefit subsidy coming into force in 2013. During 2012/13 the impact of the Local Housing Allowance caps was not as great as originally anticipated consequently this allowed the temporary accommodation budget to deliver an underspend at the end of the year and to allocate monies to reserves to meet pressures in 2013/14. The effects of this underspend have rolled into the 2013/14 temporary accommodation budget and together with a revised estimate following the go live date of 12 August 2013 for the Overall Benefit Cap this has led to a forecast underspend of £1.539m. It is proposed that this underspend is transferred to an earmarked reserve at the end of the year to fund future pressures on the Temporary Accommodation Budget. This underspending will be monitored as part of the budget monitoring process in 2013-14.

#### 4.2 The Council's capital budget position for Quarter 1 is as follows:

Item	2013/14 Budget	Forecast	Variance
	£000	£000	£000
Adult Social Services	722	722	0
Children & Families	0	0	0
Environment & Neighbourhood Services	8,789	8,789	0
Regeneration & Major Projects	70,007	70,007	0
Housing – General Fund	6,868	6,868	0
Housing - HRA	17,232	17,232	0
Central Services	450	450	0
<b>Total Capital Programme</b>	<b>104,068</b>	<b>104,068</b>	<b>0</b>

The Council's quarter 1 position shows the current forecast to be line with budget. The rephrasing of 2012/13 carry forwards will be incorporated into the quarter 2 figures. Further details of the budgets are included in the appendix to this report.

## **5.0 Financial implications**

These are set out in the attached Performance and Finance Review quarter 1 appendix.

## **6.0 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 those by Full Council) can only be agreed in accordance with the Scheme of Transfers and Virements contained in the Council's Constitution. Any decisions the Executive wishes to take and any changes in policy which are not in accordance with the budget and are not covered by the Scheme of Transfers and Virements will need to be referred to Full Council.

The Deputy Director of Finance is satisfied that the criteria in the scheme are satisfied in respect of virements and spending proposals in this report.

## **7.0 Diversity implications**

This report has been subject to screening by officers and there are no direct diversity implications.

## **8.0 Contact officers**

Cathy Tyson (Assistant Director of Policy) Brent Town Hall, Forty Lane, Wembley Middlesex, HA9 9HD 020 8937 1030

Mick Bowden (Deputy Director of Finance) Brent Town Hall, Forty Lane, Wembley Middlesex, HA9 9HD 020 8937 1460.

**CATHY TYSON**  
**Assistant Director of Policy**

**MICK BOWDEN**  
**Deputy Director of Finance**

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**Brent**

**Performance & Finance  
Review**

# **Performance Report 2013-14 Quarter 1**

This report is designed to supplement the covering Performance & Finance Review report. It summarizes the Council's key performance indicators for the current reporting period.





**Produced by: Strategy, Partnerships & Improvement and  
Finance & Corporate Services**

# How to interpret this report





This report is designed to supplement the covering Performance & Finance Review report and includes a much wider suite of performance indicators. It summarizes performance information in relation to the Health & Wellbeing Strategy and other strategies which collectively enable the Council to deliver Brent's Borough Plan.

The indicators contained in this report are those which are considered essential at the current time, given the pressures which the Council faces, and are reported on a quarterly basis. The Council also has a suite of annual performance indicators which are reported on an annual basis.

**Performance information** is assessed using the following "Alert" symbols:

	If performance is below target.
	If performance is below the level of expected performance but is within tolerance of the target.
	If performance is as expected and the target has been met or exceeded.
	If performance cannot be fairly measured against a target because it is difficult to set a target or influence performance due to external factors then the indicator is marked as indicative only.

**Finance information** is assessed using the following symbols:




	If there is an overspend on the budget of more than £50k or more than 5% of the budget.
	If there is an overspend on the budget of up to £50k or less than 5% of the budget.
	If the budget is underspent or at breakeven. Or additionally, for capital budgets where increased expenditure is matched by an equivalent sum of additional funding. In these cases the capital programme remains in balance and no further action is required.
	If there has been slippage in the Capital Programme with expenditure being re-phased to future years.

The LAPS Benchmark figures– are the national average benchmark figures taken from LAPS for the same quarter the previous year.



# ADULT SOCIAL CARE

Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
CA5	Number of Fair Access to Care Services screenings deemed eligible.	3,108	-	641	n/a	●	Cumulative
SG1	Number of Safeguarding Alerts	812	-	167	n/a	●	Number of alerts by age, primary client group and gender of alleged victim.
LPI1	Proportion of Customers receiving a community based service as a proportion of all Customers receiving a service	83%	-	81%	n/a	●	Proportion of clients receiving a service (Homecare and Direct Payments)
NI 135	Carers receiving needs assessment or review and a carer's service.	686	13.7% (4.0%)	314	1000	●	Cumulative. Measures the number of carers receiving needs assessment or review and a specific carer's service, or advice and information.
LPI12	Number of delayed hospital discharges (Social Services).	15		3	12	●	Measures the quarterly number of delayed discharges from hospitals.
NI 130	Social Care clients receiving self-directed support in the community.	100%	50.4% (58.5)	100%	100%	●	Cumulative. Measures the percentage of clients receiving self-directed support per 100,000 of population in the community.
Local	Domiciliary care Customer numbers	1184	-	1193	n/a	●	Number of Domiciliary care Customers - Personal Care, Domestic support and Independent Living
LPI11	Number of customers in residential care who suffer from dementia	308	-	210	n/a	●	Latest. Gives a snapshot of the number of residential care clients who also have dementia.
LPI13	Number of clients in nursing and residential care.	985	-	971	n/a	●	Latest. Gives a snapshot of social care clients in nursing and residential care in the borough.

Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
NI 132	Timeliness of Social Care assessments:	54%	-	86%	70%		Cumulative. Measures the percentage of adult assessments completed within 4 weeks
Local CMP10	Total number of complaints received (stage 1).	101	-	31	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2	1	-	0	Indicative only		Cumulative. Measures the number of local resolution responses sent.

#### Comments

- This quarter we are seeking to consolidate improvements to date and have a number of local projects which are currently at the initiation phase of development. These projects are designed to further improve efficiency and improve existing working practices.
- Later this year we will see the introduction of a new set of national performance indicators for Adult Social Care. These will be phased in over a period of two years and have been eagerly anticipated because they are designed to more accurately reflect practice changes which have occurred over the last three years.
- The Care and Support Bill, which is currently out to consultation, is also welcomed as it will help us in our efforts to raise the profile of carers in the community and acknowledges the valued contribution which carers make. In order to prepare for these changes we have developed a project to improve our data recording practices. In the meantime we have strengthened our existing local indicators to ensure that we continue to monitor expenditure and productivity closely.








## PUBLIC HEALTH









Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition




#### Comments

- The performance indicators for Public Health are currently under review, and will be made available as soon as they have been agreed.

# CHILDREN & FAMILIES

Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
EDC 05	Number of Primary Schools that are judged as good or outstanding by Ofsted	-	-	44	50		Number of Primary Schools that are judged as good or outstanding
EDC 06	Number of Secondary Schools that are judged as good or outstanding by Ofsted	-	-	11	12		Number of Secondary Schools that are judged as good or outstanding
EDC 07	Number of Primary Schools that are judged as inadequate by Ofsted	-	-	4	0		Number of Primary Schools that are judged as inadequate
EDC 08	Number of Secondary Schools that are judged as inadequate by Ofsted	-	-	2	0		Number of Secondary Schools that are judged as inadequate
CSC TF 05	Estimated number of troubled families where successful engagement has been achieved (a CAF/contract is in place)	-	-	75	76		Target number of families to be engaged with between April 2013-April 2014
EDC SEN 03	Percentage of statements issued within 26 weeks (including exceptions)	79%	-	91%	98%		Special Educational Needs – statements issued within 26 weeks including exceptions
NI 019	Rate of proven re-offending by young offenders in Brent.	37%	13% (35)	8%	37%		Measures the percentage of young offenders who go on to re-offend.












Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
CSC YS 08	Number of first time entrants to the youth justice system aged 10 to 17 years old.	151		48	210		The rate of first time entrants to the criminal justice system, where first time entrants are defined as young people (aged 10 - 17) who receive their first substantive outcome (relating to a reprimand, a final warning with or without an intervention, or a court disposal for those who go directly to court without a reprimand or final warning).
NI 148	Percentage of care leavers in employment, education or training	64%	58.1% (64)	67%	70%		Measures the percentage of care leavers who are in Education, Employment or Training.
CSC MT 23	Number of under 18 year olds subject to a child protection plan per 10,000 population.	24.2	-	22.7	n/a		Indicative only: target for monitoring. Measures the number of under-18 year olds who have a child protection plan in place.
NI 062	Stability of placements for looked after children (LACs): 3 or more placement moves.	15%	6.0% (5.8)	4%	13%		Cumulative: Measures the rate of looked after children (as part of Brent LAC total) who have had 3 or more different placements.
NI 062 d	Number of looked after children per 10,000 population	51.9	-	48.9	n/a		Snapshot: Measures the number of looked after children in Brent.
CSC MT 66	Number of looked after children placed with in-house (Brent) foster carers.	125	-	123	130		Measures the number of looked after children placed with local foster carers in Brent.
CSC MT 65	Number of looked after children placed with Independent Fostering Agencies.	90	-	98	88		Measures the number of looked after children placed with independent fostering agencies.
Local	The number of looked after children adopted to date	19	-	3	15		Measures the number of looked after children to date




Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
CSC ADOPT 07	Average time between a child entering care and moving in with its adoptive foster family, for children who have been adopted (days)	565	-	309	530 (Annual)		Average time between a child entering care and moving in with its foster family, for children who have been adopted by their foster parents (days)
Local CMP10	Total number of complaints received (stage 1).	167	-	37	n/a		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	6	-	2	n/a		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

#### Comments

- A first quarter reoffending rate of 8% represents an encouraging start to the year and compares favourably to the 23% recorded in quarter 1 2012/13
- The number of first quarter FTEs (48) represents a quarter on quarter increase of nine – there were a total of 39 in the previous quarter. Despite this progress remains on track to meet the annual target of 210 (this has been reduced this year from the 2012/13 target of 220).

# ENVIRONMENT & NEIGHBOURHOOD SERVICES

Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
NI 191	Volume of residual waste kg per household.	464	150.8 (124.6)	119.7*	89		Cumulative. Measures household waste that is not re-used, recycled or composted.
NI 192	Percentage of household waste sent for recycling.	42.2%	35.3% (43.8)	42%*	55.6%		Measures the percentage of household waste re-used, recycled or composted.
EP RW 05	Tonnes of waste sent to landfill.	67,560		16,313*	13,110		Measures the volume of waste sent to landfill sites.
EP SS 03	Number of small reported flytips	2203		398	565		Latest. Measures the number of small fly tipping incidents reported
EP SS 04	Number of large reported flytips	4591		892	1075		Latest. Measures the number of large fly tipping incidents reported
EP SS 05	Flytipping Enforcement: No of Inspections and Investigations	1560		330	1000		Latest. Measures the number of inspections and investigations relating to fly tipping incidents
EP SS 06	Flytipping Enforcement: No of Enforcement Actions Taken	219		148	100		Latest. Measures the number of enforcement actions taken relating to fly tipping incidents
NB LIB 07	Number of library visits per 1000 population.	4,814		1,150	1,215		Cumulative. Measures the number of visits to Brent libraries.
NB LIB 08	Active library users as a percentage of population.	20.3%		20%	22%		Measures the proportion of people to borrow books from the libraries.
NI LIB 11	Online and automated phone interactions within the library service	224,025		57,899	54,824		Measures online and automated phone interactions with the library service, including transactional data for online reservations and online renewals.
NB SP 10	Number of visits to Brent Sports Centres to partake in sports activity	1.27m	20.8 (16.1)	365,964	1,286,546		Cumulative. Measures the number of adults to visit sports centres to actively partake in sport.
NI 195a	Percentage of Streets below standard for litter.	12.5%		TBC	12.5%		Measures the percentage of streets which fail to meet environmental cleanliness standards. Per 4 month tranche.








Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
NI 184	Food premises broadly compliant	84%		81.4%	85%		Measures the percentage of food establishments within Brent which are broadly compliant with food law.
Local	Percentage of local resolution complaints responded to on time	71%		79.5%	n/a		Cumulative. Measures the percentage of new complaints relating to each service area at the first stage.
Local CMP11	Percentage of complaints escalated to stage 2.	4.23%		3%	n/a		Cumulative. Measures the percentage of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments
<ul style="list-style-type: none"> <li>* These are provisional figures for the quarter.</li> <li>NB LIB 08 - Active library borrowers indicator has been replaced with active library users as this is more reflective of the way libraries are now being used, online etc. The target for active library users will be revised at the start of the new financial year to reflect the increase in population in Brent as per the 2011 census</li> <li>NI 195a - Percentage of streets below standard for litter is collected on a 4 month tranche period, and therefore is unavailable for reporting in this quarter.</li> </ul>

# REGENERATION & GROWTH

Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
NI 154	Net additional homes provided	TBC	0 (5 returns excl. Brent)	Annual	915	○	Cumulative: Measures the number of additional homes provided
NI 157a	Percentage of major Planning applications processed within 13 weeks.	33%	68.9% (80.0%)	23%	70%	●	Measures the efficiency of the Planning applications process.
NI 157b	Percentage of minor Planning applications processed within 8 weeks.	80%	67.9% (78.0%)	72%	80%	●	Measures the efficiency of the Planning applications process.
NI 157c	Percentage of other Planning applications processed within 8 weeks.	84%	77.8% (85.0%)	86%	90%	●	Measures the efficiency of the Planning applications process.
Local	Percentage of working age residents in employment	65.9%	68.1% (64.2%)	68.1%	Indicative only	●	Measures the percentage of eligible age residents who are currently employed.
NI 152	Gap between Brent and London for working age people on out of work benefits.	0.7%	12.2% (3.5%)	0.2%	Indicative only	●	Measures how Brent's cohort of working age people on out of work benefits compares to the London average figures.
NI 156	Number of households living in Temporary Accommodation.	3249	1133.3 (3118)	3484	3600	●	Cumulative. Measures the number of households in temporary accommodation provided under Homelessness legislation.
Local	Percentage of residents with no qualifications	1.9%		-2.6%	Indicative only	●	Latest. Measures the percentage gap between Brent and London average. Minus figure reflects higher than average.
Local	Percentage of empty commercial properties in the borough	12.64%		12.30%	Indicative only	●	Latest. Percentage of total commercial properties which remain unoccupied.












Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
Local	Current rent collection rate as a percentage of total rent due (excl. arrears)	98.7%		98%	98%		Latest. Percentage of rent collected by the Council as a proportion owed by Housing Revenue Account dwellings.
Local	Average days taken to re-let Council properties	19.4		16.6	20		Measures the average number of days taken to re-let Council properties.
Local	Percentage of repairs completed on the first visit.	97.25%		99.0%	95%		Measures the efficiency of the Housing Repairs system.
Local CMP10	Total number of complaints received (stage 1).	275		51	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	38		0	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
<b>Brent Housing Partnership (BHP)</b>							
Local CMP10	Total number of complaints received (stage 1).	428		94	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	43		11	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

#### Comments

- NI 154 – These figures cannot be confirmed at present.













# CENTRAL SERVICES

Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
Local	Violence with injury offences.	2295	-	593	545		Cumulative: Measures the number of violence with injury offences
Local	Number of personal and business robbery: offences.	1454		302	345		Cumulative. Measures the number of personal and business robberies
Local	Number of residential and non – residential burglaries: cumulative	3706		646	880		Cumulative. Measures the number of residential and non – residential burglaries
NI 181	Time taken to process all new Benefit claims.	8.47		10.96	8.50		Measures the average number of days taken to process all new Housing Benefit/Council Tax Benefit claims and change events.
BV009D	Council Tax collection rates.	95.88%	31.7% (32%)	30.63%	30.03%		Cumulative. Percentage. Measures Council Tax collected as an amount against the net debit raised at the start of the financial year.
NI 185	Volume of CO2 emissions from council main buildings.	2,807,036		794,207	n/a		Cumulative. Measures the amount of CO2 emissions in tonnes from Mahatma Gandhi House, Brent House and Town Hall.
Local	Average number of working days lost due to sickness absence.	4.14	7.8 (excl. Brent)	0.78	n/a		Measures the average number of days lost across the Council due to sickness absence.
Complaints: Strategy partnerships and improvement							
Local CMP10	Total number of complaints received (stage 1).	0		0	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	0		0	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
Complaints: Customer and community engagement							

Reference	Performance Indicator	2012-13 End of year	LAPS Bench mark 2012-13 Q1 (Brent)	2013-14 Year to date	2013-14 Current YTD Target	Alert	Definition
Local CMP10	Total number of complaints received (stage 1).	10		0	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	0		0	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
Complaints: Finance and corporate services							
Local CMP10	Total number of complaints received (stage 1).	106		41	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	6		1	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments
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# One Council Programme Quarterly Snapshot Position

PROJECT NAME		PROJECT SPONSOR	PROJECT STAGE	RAG STATUS
<b>Projects in Delivery and Reporting into the OC Programme (12)</b>				
1.	Digital Post Room	Margaret Read	Delivery	
2.	Customer & Visitor Management (CC Operations)	Margaret Read	Delivery	
3.	Civic Centre (including Move to the Civic Centre)	Andy Donald	Delivery	
4.	Brent One Oracle (formerly called Project Athena: E-business suite)	Andy Donald	Delivery	
5.	Streamlining Management & Corporate Services	Christine Gilbert	Delivery	
6.	Special Educational Needs (SEN) Review: Phase 2	Sara Williams	Delivery	
7.	Alternative Education Behaviour & Attendance	Sara Williams	Delivery	
8.	Parking Enforcement Review	Michael Read	Delivery	
9.	Managing the Public Realm	Jenny Isaac	Delivery	
10.	Improving Waste Management	Jenny Isaac	Delivery	
11.	Supporting People Phase 1	Steven Forbes	Delivery	
12.	Working with Families Phase 2	Fiona Ledden	Delivery	
<b>Other Projects (not reporting directly into the OC Programme) (6)</b>				
1.	Realigning Corporate and Business Support	Fiona Ledden	Delivery	N/a
2.	Review of Employee Benefits	Fiona Ledden	Awaiting closure	N/a
3.	Services for Young People (Phase 1)	Cathy Tyson	Delivery – PSR not required	N/a
4.	Review of School Improvement Service	Sara Williams	Delivery- PSR not required	N/a
5.	Libraries Transformation	Jenny Isaac	Awaiting closure	N/a
6.	Highways	Jenny Isaac	Awaiting closure	N/a
<b>Planned Projects (at the pre-Delivery stage) (3)</b>				
1.	ASC – Mutual	Phil Porter	Pre-delivery	N/a
2.	ASC Mental Health Review	Phil Porter	Pre-delivery	N/a
3.	Integrating Health and Social Care	Phil Porter	Pre-delivery (6mths +)	N/a
<b>Completed Projects (20)</b>				
1.	Finance Modernisation Project	Clive Heaphy	Closed	N/a - closed
2.	Income Maximisation	Clive Heaphy	Closed	N/a - closed
3.	Staffing & Structure Review Wave 1	Gareth Daniel	Closed	N/a - closed
4.	Staffing & Structure Review Wave 2	Gareth Daniel	Closed	N/a - closed
5.	Temporary Labour Project	Fiona Ledden	Closed	N/a - closed
6.	Strategic Procurement Review	Fiona Ledden	Closed	N/a - closed
7.	Future Customer Service	Toni McConville	Closed	N/a - closed
8.	Procurement (Training and Practice / E-	Fiona Ledden	Closed	N/a -
















PROJECT NAME	PROJECT SPONSOR	PROJECT STAGE	RAG STATUS
Procurement / Additional Operational Savings from Procurement Activities)			closed
9. Web Enhancement	Toni McConville	Closed	N/a - closed
10. Transitions into Adult Life	Alison Elliott	Closed	N/a - closed
11. SEN Review Phase 1	Krutika Pau	Closed	N/a - closed
12. Children's Social Care Transformation	Krutika Pau	Closed	N/a - closed
13. Children with Disabilities	Graham Genoni	Closed	N/a - closed
14. Waste & Street Cleansing Review	Sue Harper	Closed	N/a - closed
15. Adult Social Care: Customer Journey	Alison Elliott	Closed	N/a - closed
16. Adult Social Care Commissioning	Alison Elliott	Closed	N/a - closed
17. Adult Social Care - Direct Services (Learning Disabilities)	Alison Elliott	Closed	N/a - closed
18. Housing Needs Transformation	Andy Donald	Closed	N/a - closed
19. Working with Families Phase1	Phil Newby	Closed	N/a - closed
20. Developing a Model for Public Health in Brent	Phil Newby	Closed	N/a - closed




**PMO Note** – Snapshot taken from OC Programme Delivery Board – 18/06/13

**Performance and Finance Review**

# **Finance Report**

# ADULT SOCIAL SERVICES

Budget: GENERAL FUND					
Adult Social Services					
Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
<b>Welfare Payments</b>	<b>15,155</b>	<b>15,437</b>	<b>15,437</b>	<b>0</b>	
<b>Social Care</b>					
Transitions	6,769	6,135	6,135	0	
Adults with Learning Disabilities	15,216	15,415	15,415	0	
Adults with Physical Disabilities	7,156	6,449	6,449	0	
Adults with Mental Illness	6,900	7,001	7,444	443	
Older People	21,381	22,484	22,484	0	
Reablement	2,843	3,001	3,001	0	
Support Planning	2,631	2,513	2,513	0	
Direct Services	5,496	5,573	5,573	0	
Client Affairs & Safeguarding	1,181	1,407	1,407	0	
Grants	1,294	1,362	1,362	0	
Public Health	0	17,417	17,417	0	
<b>Total Social Care</b>	<b>70,867</b>	<b>88,757</b>	<b>89,200</b>	<b>443</b>	
<b>Directorate</b>	<b>4,899</b>	<b>4,821</b>	<b>4,821</b>	<b>0</b>	
<b>Total</b>	<b>90,921</b>	<b>109,015</b>	<b>109,458</b>	<b>443</b>	

Budget: CAPITAL					
Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
Adults: Individual schemes	360	0	0	0	
Supported Living to Extra Care	0	722	722	0	
<b>Total</b>	<b>360</b>	<b>722</b>	<b>722</b>	<b>0</b>	

Key Financial Risks






### Adult Social Services Revenue

The current forecast is an overspend of £443k, the main factor contributing to the overspend relates to the Mental Health Service. In order to reduce this overspend an efficiency programme has been put forward and agreed. The efficiency programme is being monitored on a monthly basis and a programme board has been set up to review progress.

### Adult Social Services Capital

The rephrasing of 2012/13 carry forwards will be detailed in quarter 2

## CHILDREN & FAMILIES

Budget: GENERAL FUND					
Children and Families					
Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
Early Help & Education	47,537	51,518	51,519	1	
Social Care	35,438	32,623	32,795	172	
Central Support & Other	1,432	3,689	3,689	0	
Schools and Dedicated School Grants	(34,192)	(43,625)	(43,625)	0	
<b>Total</b>	<b>50,215</b>	<b>44,205</b>	<b>44,378</b>	<b>173</b>	

### Key Financial Risks

#### Children and Families Revenue

Children & Families are currently forecasting an overspend of £173k predominantly in the area of Social Care and more particularly in the purchasing and placements budget. The number of children in foster care has increased by 14 in June after an initial fall at the start of the year. This has seen increases in placements in both in house fostering and independent fostering agencies as the pressure on out of



### Key Financial Risks

borough placements, the placing of siblings and children with very challenging needs has increased. This is partly offset by a reduction in residential placements though the full impact of this improvement is not expected until later in the year.





The schools budget is currently forecasting an underspend of £100k. There are two main elements to this

- The review of the Alternative Education Services is anticipated to deliver full year savings of £1.027m
- The Pupil Parent Services has an overspend of £929k mainly due to a £1m overspend over pupils without places and it is likely there will be continued pressures on this budget with the new September 2013 intake of pupils.









### Children and Families Capital

Capital expenditure and grant allocations transferred to Regeneration and Major Projects capital programme.

## ENVIRONMENT AND NEIGHBOURHOOD SERVICES

Budget: GENERAL FUND					
Environment and Neighbourhood Services					
Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
Directorate	840	1,166	1,165	(1)	
Neighbourhood Services	32,214	32,632	32,858	226	
Environment & Protection	1,454	2,278	2,151	(127)	
<b>Total</b>	<b>34,508</b>	<b>36,076</b>	<b>36,174</b>	<b>98</b>	

## Budget: CAPITAL

Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
TfL grant funded schemes	4,445	4,539	4,539	0	
Civic Centre CCTV	320	0	0	0	
Leisure & Sports schemes	900	535	535	0	
Environmental Initiative schemes	7	0	0	0	
Public Realm	4,347	0	0	0	
Highways scheme	3,099	3,550	3,550	0	
Parks & Cemeteries schemes	820	165	165	0	
<b>Total Environment &amp; Neighbourhoods Capital Programme</b>	<b>13,938</b>	<b>8,789</b>	<b>8,789</b>	<b>0</b>	

## Key Financial Risks














### Environment and Neighbourhood Services Revenue




Environment and neighbourhood Services is currently forecasting an overspend of £98k. The main factor in this is an overspend of £226k on the waste and recycling budget with higher than expected waste tonnages in April and May. As part of the 2013/14 budget process this budget received £1.325m of additional funding to meet demand and price pressures. Further investigation into this overspend is on-going and will be closely monitored. This overspend is partly offset by underspends in Transport Services and Business and Consumer Protection.

### Environment and Neighbourhood Services Capital


The rephrasing of 2012/13 carry forwards will be detailed in quarter 2

# REGENERATION & MAJOR PROJECTS







Budget: GENERAL FUND					
Housing					
Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
Housing Benefit Deficit	491	662	662	0	
Housing Needs	7,622	9,412	7,873	(1,539)	
Private Housing Services	727	685	685	0	
Supporting People	9,745	8,353	8,353	0	
Other Housing Services	1,260	345	345	0	
<b>Total</b>	<b>19,845</b>	<b>19,457</b>	<b>17,918</b>	<b>(1,539)</b>	
Non Housing					
Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
Civic Centre & Major Projects	2,346	2,590	2,590	0	
Directorate & Business Support	561	608	608	0	
Planning & Building Control	1,036	644	644	0	
Policy & Regeneration	418	0	0	0	
Property & Asset Management	9,108	7,188	7,188	0	
<b>Total</b>	<b>13,469</b>	<b>11,030</b>	<b>11,030</b>	<b>0</b>	
<b>Total Regeneration and Major Projects</b>	<b>33,314</b>	<b>30,487</b>	<b>28,948</b>	<b>(1,539)</b>	

Budget: CAPITAL					
Housing	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
PSRSG & DFG Council	4,769	6,868	6,868	0	
Housing: Individual schemes	476	0	0	0	
<b>Total Housing Capital Programme</b>	<b>5,245</b>	<b>6,968</b>	<b>6,968</b>	<b>0</b>	









### Budget: CAPITAL





Housing	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,		2013/14 (Under)/Over Spend £000,	Alert
<b>Total Housing Revenue Account Capital Programme</b>	<b>10,875</b>	<b>17,232</b>	<b>17,232</b>		<b>0</b>	

### Budget: CAPITAL

Regeneration & Major Projects	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,		2013/14 (Under)/Over Spend £000,	Alert
Civic Centre	48,534	1,517	1,517		0	
Children & Families	36,542	48,508	48,508		0	
Property	0	610	610		0	
Strategy, Partnership and Improvement	16,610	13,872	13,872		0	
S106 & CIL Works	2,450	5,500	5,500		0	
<b>Total Regeneration and Major Projects Capital Programme</b>	<b>104,136</b>	<b>70,007</b>	<b>70,007</b>		<b>0</b>	

### Budget

Housing Revenue Account (HRA)	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,		2013/14 (Under)/Over Spend £000,	Alert
Rent and Rates	1,317	1,744	1,744		0	
Capital Financing	10,742	10,536	10,536		0	
Depreciation (MRA)	10,826	14,052	14,052		0	
General/Special Management/Services	16,894	16,637	16,637		0	
Housing Repairs	12,925	11,402	11,402		0	
Provision for Bad Debts	515	1,158	1,158		0	
Rent Income	(53,186)	(53,519)	(53,519)		0	
Other Income	(726)	(438)	(438)		0	

Transfer to/(from) Reserves	375	0	0	0	
<b>Total</b>	<b>(318)</b>	<b>1,572</b>	<b>1,572</b>	<b>0</b>	
Balances b/fwd	(2,268)	(1,972)	(2,586)	0	
Surplus c/fwd	(2,586)	(400)	(1,014)	0	

### Key Financial Risks

#### Regeneration and Major Projects Revenue

Regeneration and Major Projects are forecasting an underspend of £1.539m.

As part of the 2013/14 budget process additional resources of £2.45m were provided to reflect changes in the housing benefit subsidy for temporary accommodation coming into force during 2013. These are in addition to changes resulting from the introduction of the Local Housing Allowance caps.

The impact of the Local Housing Allowance caps in 2012/13 was not as great as originally anticipated either at the start of the year or at the time of budget setting for 2013/14. Consequently this allowed Temporary Accommodation to deliver a greater underspend at the end of the year and to allocate more monies to reserves to meet pressures in 2013/14. The effects of this underspend have rolled into 2013/14 budget.

In addition 2013/14 forecasts have taken into consideration a revised go live date of 12 August 2013 for the Overall Benefit Cap and proposals to reduce the Temporary Accommodation budget by 30% over the next four years. The forecast for the Temporary Accommodation Budget for 2013-14 has been reduced by the £1.539m to reflect this. It is proposed that this underspend is transferred to an earmarked reserve at the end of the year to fund future pressures on the Temporary Accommodation Budget. This underspending will be monitored as part of the budget monitoring process in 2013-14 and beyond.

#### Housing Revenue Account (HRA) Revenue

The HRA forecast is currently in line with budget. The provisional 2012/13 outturn figures for the HRA show that surplus carried forward is likely to increase from £2.268m to £2.586m subject to external audit and this will increase the forecast balances carried forward at the end of 2013/14.

#### Regeneration and Major Projects Capital

At the Executive on 19 August 2013 members agreed to the cost of providing the 40 place expansion at Woodfield School forecast at £1.5m, of which the school governing body has approved a contribution to the capital costs of £200k. The balance of funding is to be provided from unsupported borrowing which the Schools Forum has agreed to meet the capital repayment and borrowing charges from the Dedicated Schools Grant. The rephrasing of 2012/13 carry forwards will be detailed in quarter 2.

## Key Financial Risks

### Housing General Fund Capital

The rephrasing of 2012/13 carry forwards will be detailed in quarter 2







### Housing Revenue Account (HRA) Capital

The rephrasing of 2012/13 carry forwards will be detailed in quarter 2




## CENTRAL SERVICES

### Budget: GENERAL FUND

#### Central Services

Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
Chief Executive's Office	414	327	327	0	
Customer & Community Engagement	3,755	3,283	3,283	0	
Legal and Procurement	5,286	10,055	10,055	0	
Finance & Corporate Services	20,436	22,171	22,171	0	
Strategy, Partnerships and Improvement	5,050	5,802	5,802	0	
<b>Total</b>	<b>34,941</b>	<b>41,638</b>	<b>41,638</b>	<b>0</b>	

### Budget: CAPITAL

Unit	2012/13 Out-turn £000,	2013/14 Budget £000,	2013/14 Forecast £000,	2013/14 (Under)/Over Spend £000,	Alert
ICT schemes	2,497	400	400	0	
Central Items	1,607	50	50	0	
<b>Total Corporate Capital Programme</b>	<b>4,104</b>	<b>450</b>	<b>450</b>	<b>0</b>	

## Key Financial Risks

## Key Financial Risks

### **Central Services Revenue**

There is currently a breakeven forecast for central services. The main issues include:

- Various departments are currently been reviewed and restructured and there will be a clearer idea of the forecast once this has been complete.

### **Central Services Capital**

The rephrasing of 2012/13 carry forwards will be detailed in quarter 2

# SUMMARY

Overall Summary						
		Original Budget £000,	Latest Budget £000,	Forecast £000,	Variance £000,	Alert
Departmental Budgets						
Adult Social Services		109,015	109,015	109,458	443	
Children and Families		44,205	44,205	44,378	173	
Environment and Neighbourhood Services		36,076	36,076	36,174	98	
Regeneration & Major Projects		30,487	30,487	28,948	(1,539)	
Finance & Corporate Services & Central Services		41,638	41,638	41,638	0	
Transfer to Reserves		0	0	1,539	1,539	
<b>Total</b>		<b>261,421</b>	<b>261,421</b>	<b>262,135</b>	<b>714</b>	
Central Items						
Capital Financing and Other Charges		25,107	25,107	25,107	0	
Levies		3,427	3,427	3,427	0	
Premature Retirement Compensation		5,224	5,224	5,224	0	
Insurance Fund		1,500	1,500	1,500	0	
Centrally Held Cost Pressures		164	164	164	0	
Transformation Enabling Fund		2,500	2,500	2,500	0	
One Council Programme		(500)	(500)	(500)	0	
South Kilburn Development		900	900	900	0	
Affordable Housing PFI		76	76	76	0	
Carbon Tax		67	67	67	0	
Redundancy & Restructuring Costs		2,611	2,611	2,611	0	
Inflation Provision		3,467	3,467	3,467	0	
Government Grants		(22,883)	(22,883)	(22,883)	0	
Other Items		1,466	1,466	1,466	0	
<b>Total central items</b>		<b>23,126</b>	<b>23,126</b>	<b>23,126</b>	<b>0</b>	
Movement in Reserves		(250)	(250)	(250)	0	
Contribution to/(from) balances		0	0	(714)	(714)	
<b>Total Budget Requirement</b>		<b>284,297</b>	<b>284,297</b>	<b>284,297</b>	<b>0</b>	
Balances c/Fwd 1 <sup>st</sup> April 2013		12,041	12,041	12,060	19	
Contribution from balances		0	0	(714)	(714)	
<b>Total Balances for 31<sup>st</sup> March 2014</b>		<b>12,041</b>	<b>12,041</b>	<b>11,346</b>	<b>(695)</b>	



# BUDGET VIREMENTS

## Revenue Virement Schedule 2013/14

	Adult Social Services £000,	Children & Families £000,	Environment & Neighbourhood Services £000,	Regeneration & Major Projects £000,	Central Services £000,	Finance & Corporate Services £000,	Central Items £000,
Trading Standards – Property Lease			60				(60)
Willesden Sports Centre PFI Contract			76				(76)
Waste & Recycling savings on contract			(533)				533
Homelessness Grant- funding secondment				100		(100)	
Accommodation for Metropolitan Police in Civic Centre	(8)	(8)		16			
Business Support Stationery transfer	(8)	(20)	(15)	(15)	88	(30)	
Customer Services – transfer of security posts		(24)		(47)		71	
Transfer of courier service					(10)	10	
Transfer of printing budgets	(24)	(75)	(49)	(40)	(35)	223	
Transport Strategy transfer			121	(121)			
Transfer of telephone and mobile budgets	(227)	(297)	(241)	(149)	(113)	1,027	
<b>Total</b>	<b>(267)</b>	<b>(424)</b>	<b>(581)</b>	<b>(256)</b>	<b>(70)</b>	<b>1,201</b>	<b>397</b>

1. The move of responsibilities between service areas for Transport strategy is reflected in the transfer of £121 between Regeneration & Major Projects and Environment & Neighbourhood Services.
2. There are number of transfers which have resulted from the move to the Civic Centre including additional storage for Trading Standards, the transfer of security posts, the courier service, accommodation for the Metropolitan Police, stationery and telephone budgets.

3. Other transfers are capturing savings including the additional income from recyclates as part of the Waste and Recycling Contract and reduction in printing costs from the introduction of One print .
4. In addition there is a transfer of homeless grant monies from Audit to Housing following a change in DCLG funding and a transfer of monies held centrally monies for the Willesden Sports Centre PFI Contract

There are also two transfers within central services for £3k of telephony charges between Customer & Community Engagement and Legal & Procurement as well £32k for administrative support between Strategy, Partnership & Improvement and Legal & Procu

 <p><b>Brent</b></p>	<p align="center"><b>Executive</b> 16 September 2013</p> <p align="center"><b>Report from the Deputy Director of Finance</b></p>
<p>For information <span style="float: right;">Wards affected: ALL</span></p>	
<p><b>West London Waste Authority – Capital Contribution Update</b></p>	

**Not for publication**

Appendix 1 is not for publication

## **1.0 Summary**

- 1.1 On 15 July 2013 the Executive agreed in principle to a capital contribution of up to £15million to the West London Waste Authority (WLWA) in respect of a waste treatment facility being built, in return for an annual interest payment from the WLWA. This report provides an update on the loan agreement being developed.

## **2.0 Recommendations**

- 2.1 The Executive is asked to note the latest position.

## **3.0 Detail**

- 3.1 In addition to Brent, three of the constituent boroughs have agreed in principle to make a capital contribution to the WLWA – Ealing, Harrow and Richmond.
- 3.2 The respective legal teams from each council have reviewed the initial draft loan agreement which will form part of the overall financial closure of the contract being negotiated between the WLWA and SITA. It is anticipated that this will be completed in October.
- 3.3 It is planned that each council will contribute £15million, providing £60million of capital in total. In return each council will receive an annual repayment of

principal and interest over a period of 25 years. Further detail on the repayment and anticipated returns is set out in Appendix 1.

#### **4.0 Financial Implications**

- 4.1 The proposal is for each of the boroughs to invest £15m in this project via a loan to WLWA that they subsequently provide as funding for the SITA project. WLWA would then repay this loan over the life of the SITA agreement together with an interest rate based on the savings achieved from removing part of the equity or commercial debt currently assumed. As the project has yet to reach financial close the exact interest payable cannot currently be provided. However, the confidential section of this report provides an estimate based on a prudent set of assumptions. These figures are commercially sensitive and hence must remain confidential at this stage.
- 4.2 Irrespective on whether this investment is financed from cashflow (by reducing external investments) or through borrowing, the investment offers a significant net financial benefit for the Council.
- 4.3 Clearly in making this (or any) investment there is a risk. However, the risk has both been reviewed by the WLWA advisors (PwC) and independently on behalf of all the Boroughs by Treasury Advisors (Sector). The view from both is that the major risk to WLWA (and therefore the Boroughs) is contained in the commitment to the overall procurement deal and is only marginally increased by the decision to provide direct investment (such risk being largely associated with the potential delay in realising the benefits if the contractor were to fail in its obligations). The advisors have stressed the importance of ensuring that the WLWA contract with SITA contains appropriate conditions to maintain this position. Officers are working with WLWA to ensure that the contract contains appropriate conditions and safeguards.
- 4.4 Each of the other constituent boroughs is currently considering their position on this issue and it is likely to require the majority to contribute in order to provide sufficient funding for SITA to progress with this offer.

#### **5.0 Legal Implications**

- 5.1 Under section 12 Local Government Act 2003 a local authority has power to invest for any purpose relevant to its functions or for the purposes of the prudent management of its financial affairs.
- 5.2 The loan to WLWA would involve a formal, legally binding loan agreement to be drawn up at financial close of the procurement. WLWA would then similarly enter into a legally binding commitment with SITA to provide project funding.
- 5.3 The form of the loan agreement is under review by the Council's legal team. Although the loan will not be formally agreed until financial close it should be recognised that if the constituent boroughs agree to this proposal now, WLWA and SITA will begin finalising the project funding on this basis. Should, for any reason, the boroughs decide subsequently not to sign the final loan

agreement, this will involve additional cost for WLWA which would have to be met by the constituent boroughs.

## **6.0 Diversity Implications**

6.1 None identified.

## **7.0 Staffing/Accommodation Implications**

7.1 None identified.

### **Background Papers**

Report to Executive on 15 July 2013

### **Contact Officers**

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