



General Purposes Committee

Tuesday 6 January 2015 at 6.00 pm

Board Room 7&8 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Butt (Chair)
Moher (Vice-Chair)
Crane
Denselow
Hirani
Kansagra
McLennan
Pavey

Substitute Members

Councillors:

Kabir, Khan, Mahmood, Mashari, McLeish,
J Mitchell Murray and Nerva

Councillors:

Colwill and BM Patel

For further information contact: Bryony Gibbs, Democratic Services Officer
020 8937 1355, bryony.gibbs@brent.gov.uk

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democracy.brent.gov.uk

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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1	Declarations of personal and prejudicial interests	
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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.

2	Minutes of the previous meeting	1 - 6
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3	Matters arising	
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4	Deputations (if any)	
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5	Calculation of Council Tax Base 2015-16	7 - 10
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This report sets out council tax base calculations to be used for 2015/16. The level of council tax base set is used in the calculation of the council tax for 2015/16. Regulations require that the council tax base is set by 31st January prior to the start of the financial year.

Wards Affected:

All Wards

Contact Officer: Conrad Hall, Chief
Finance Officer

Tel: 020 8937 6528

conrad.hall@brent.gov.uk

6	Calculation of business rates (NNDR) income 2015-16	11 - 16
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This report sets out the calculation of the estimated income from National Non Domestic Rates (NNDR), also known as Business Rates, to be used for 2015/16. This figure is used in the calculation of the council tax for 2015/16. Regulations require that the calculation is agreed by 31 January prior to the start of the financial year. The final figure will be taken from the NNDR1 return to be submitted to central government by 31 January 2015. At the time of writing this report the NNDR1 return had not been issued by the Department for Communities and Local Government (DCLG). This report is therefore the latest estimate, incorporating the impact of announcements on NNDR within the Autumn Statement.

Wards Affected:

All Wards

Contact Officer: Conrad Hall, Chief
Finance Officer

Tel: 020 8937 6528

conrad.hall@brent.gov.uk

7 Stopping Up Order - Durham Court, Kilburn Park Road and Gloucester House, Cambridge Road 17 - 36

This report seeks authorisation to make a Stopping Up Order for an area of public highway consisting of footpaths, roads, a podium area and ancillary land at Durham Court, Kilburn Park Road and Gloucester House, Cambridge Road, London NW6 under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).

Wards Affected:

Kilburn

Contact Officer: Eric Marchais,
Transportation Unit

Tel: 020 8937 5452

eric.marchais@brent.gov.uk

8 Appointments to Sub-Committees / Outside Bodies

9 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.



Please remember to set your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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LONDON BOROUGH OF BRENT

MINUTES OF THE GENERAL PURPOSES COMMITTEE

Wednesday 5 November 2014 at 6.00 pm

PRESENT: Councillor Butt (Chair), Councillor and Councillors Denselow, Hirani, Kansagra, McLennan, Pavey and Perrin

Also present: Councillor Chohan

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

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 July 2014 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Deputations (if any)**

None.

5. **Appointments to Sub-Committees / Outside Bodies**

RESOLVED:

- (i) That Councillor S Choudhary be appointed Chair of the Brent Pension Fund Sub Committee in place of Councillor Crane;
- (ii) That Councillor Perrin be appointed to the Brent Pension Fund Sub Committee in place of Councillor Crane;
- (iii) That Councillor Kabir be appointed as a substitute member to the Staff Appeals Sub Committee in place of Councillor Crane;
- (iv) That Councillor Crane be appointed as substitute member to the Senior Staff Appointments Sub Committee in place of Councillor Perrin;
- (v) That Councillor Crane be appointed to the West London Waste Authority in place of Councillor Perrin;

- (vi) That Councillor crane be appointed to the London Road Safety Council in place of Councillor Perrin.

6. Learning and development policy

Cara Davani (HR Director) presented a report to the committee detailing the proposed new Learning and Development Policy. The Policy set out the council's position regarding Learning and Development opportunities available to staff and would replace the current arrangements as part of the ongoing review of HR policies and procedures. The Policy was in line with best practice and had been agreed by the Trade Unions and HRIG, the feedback from which had been incorporated in the draft before the committee.

Cara Davani advised that the new Policy would establish a consistent approach across the council to work experience, internships and support for staff pursuing professional qualifications. Highlighting the key changes encompassed by the Policy, Cara Davani explained that work experience opportunities offered by the council would be targeted at those who lived in the borough. The council would no longer support unpaid internships and it was proposed that a minimum term of three months be established. It was explained that the draft before the committee referenced a minimum term of six months; however, following discussions with managers it had been considered appropriate to amend the proposal. A further policy was in development to provide a greater level of advice and guidance regarding work experience and internships and this would be submitted to the committee in due course. Members' attention was directed to paragraph 4.3 of the Learning and Development Policy. It was explained that in view of the budgetary pressures being faced by the council funding for professional qualifications could no longer be supported, though funding would still be made available for specific initiatives such as BAME Senior Management Development Programmes.

During the subsequent discussion, members sought an explanation of the rationale for setting a minimum internship term of three months. It was queried whether interns would be formally employed by the council and what the implications of this might be for the organisation. A member questioned whether the numbers of work experience and internship opportunities across the council were expected to change as a result of the policy. Further detail was sought regarding the recruitment and management of interns and those undertaking work experience and it was queried whether the council intended to consult businesses in the borough with regard to creating appropriate pathways into employment. The committee queried how work experience opportunities would be communicated to schools. Members agreed that the reference in the policy to paid time-off for those pursuing professional qualifications should be clarified to state that this was subject to the qualifications being relevant to their position as set out in the terms of the Time-Off policy. It was further agreed that applications from residents for internships should be prioritised above those of non-residents.

Responding to the points raised, Cara Davani advised that the proposal of a minimum period of three months for internships had arisen due to budgetary considerations; namely it had been felt that there would be greater opportunity to fund shorter internships. It was further explained that interns would be provided with

a contract of employment but this would be for a fixed term only and would specify that a particular piece of work was to be undertaken. Members were advised that while the existing arrangements had been reviewed the council had not offered any work experience or internship opportunities in recognition of the importance of ensuring that any positions made available were of a good quality. Further guidance regarding the recruitment and management of interns would be provided in the policy currently being developed; however, it was intended that a selective recruitment process would be applied for interns and, similarly, work experience applicants would be required to complete an application form, as it was considered a valuable part of the experience. It was acknowledged that there was a need to ensure that HR was more closely aligned with the Employment and Skills requirements of the borough. Consideration would be given to how best to make schools aware of the opportunities available.

RESOLVED:

- (i) That subject to the following amendments, the Learning & Development policy be agreed:
 - a. that the six month minimum internship term detailed in paragraph 4.4.1 be changed to three months.
 - b. that the reference to paid time-off for staff pursuing professional qualifications be clarified to explain that the qualification must be relevant to the position held by the member of staff.
- (ii) That the HR Director in consultation with the Chief Executive and then consultation with the relevant trade unions be authorised to make such other changes as might be necessary from time to time to the Learning & Development policy to ensure it remains 'fit for purpose'.

7. Any other urgent business

None.

8. Exclusion of press and public

RESOLVED:

that the press and public be excluded from the meeting as the following items contained exempt information as specified in Schedule 12A of the Local Government (Access to Information) Act 1985 (Variation Order 2006): namely, information relating to any individual and information which is likely to reveal the identity of an individual.

9. Senior manager restructuring proposals

The committee had before them a report from the Chief Executive detailing senior management restructuring proposals. The report was not for publication as it referred to exempt information as specified in the Local Government Act 1972.

In presenting the report the committee, Christine Gilbert (Chief Executive) acknowledged that the past four years had seen some of the most challenging financial conditions ever faced by local government and advised that the funding position for local government and the public sector over the next four years would become even more severe. The proposals set out in the report reflected the need to refocus the Council's senior management and corporate centre to meet the associated challenges of this funding environment and to deliver further savings by streamlining senior management costs. Christine Gilbert provided a detailed overview of the proposed restructure which would deliver savings of £1.4m and advised that, subject to the committee's approval, the statutory consultation period with staff would commence immediately.

In the subsequent discussion, members sought further detail regarding the rationale for elements of the proposal, including the placement within the structure of regulatory services, the web team and commissioning functions. It was queried whether the savings identified in the report accounted for redundancy costs and how the proposed structure compared to that of other London Boroughs. Members commented on the importance of working with the council's partners and queried how this would be affected by the proposals.

Addressing the committee's queries, Christine Gilbert explained that a review of regulatory services was currently underway and the suggested position within the new structure was anticipated to be a temporary solution pending the outcome of the review; however, further consideration could be given to this during the consultation period. Similarly, the proposed position of the web team could be re-examined during this time. The committee was reassured that the transfer of the commissioning functions from Adults did not remove the service delivery carried out by the department, which would retain appropriate oversight from the Strategic Director, Adults. The savings identified in the report did not account for redundancy costs but internal recruitment would be pursued before seeking to appoint externally. The resulting senior management team would be small compared to other London boroughs and it would be the responsibility of those at strategic director and operational director level to ensure that the council worked effectively with partner organisations. A further report would be submitted to the committee in due course following a review of terms and conditions to ensure that there was parity between the council and other local authorities.

RESOLVED:

That subject to staff consultation the following be agreed:


- (i) The Environment and Neighbourhoods Department and the Assistant Chief Executive's Service be deleted and their functions be reallocated as set out in section 4 of the report;
- (ii) That the changes to the Regeneration and Growth Department as set out in section 4 of the report be made;
- (iii) That the Chief Operating Officer's Department be created as set out in section 4 of the report;

- (iv) That the commissioning functions from Adults, Children and Young People and Public Health be transferred to the new Strategic Commissioning Service in the Chief Operating Officer's Department;
- (v) That the posts set out at paragraph 2.5 of the report be deleted;
- (vi) That the following posts be created:
 - Chief Operating Officer (at Strategic Director level)
 - Operational Director, Strategic Commissioning and Business Intelligence
 - Head of Procurement
 - Operational Director, Community Services
 - Head of Performance and Programme Management
 - Chief Legal Officer
 - Head of Partnership and Transformation
 - Head of Culture
 - Head of Digital Services
 - Head of Brent Customer Services
- (vii) That the Chief Executive, in consultation with the Leader of the Council, be authorised to make such other changes as may be needed to give effect to the proposals in this report.

The meeting closed at 6.50pm

M BUTT
Chair

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 Brent	<p style="text-align: center;">General Purposes Committee 6 January 2015</p> <p style="text-align: center;">Report from the Chief Finance Officer</p>
For Action	Wards Affected: ALL
Calculation of Council Tax Base 2015/16	

1. Summary

- 1.1 This report sets out council tax base calculations to be used for 2015/16. The level of council tax base set is used in the calculation of the council tax for 2015/16. Regulations require that the council tax base is set by 31st January prior to the start of the financial year.

2. Recommendations

- 2.1 To agree that:
- (i) The collection rate for the council tax for 2015/16 is set at 96.50%.
 - (ii) In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the amount calculated by the council as its council tax base for 2015/16 is set at 82,799.

3. DETAIL

3.1. Background

- 3.1.1. The calculation of the tax base is one of the main stages in the process of setting the council tax, which is scheduled for the Council Meeting on 2 March 2015.
- 3.1.2. Under regulations issued in 1992, the calculation must be carried out by 31 January prior to the start of the financial year
- 3.1.3. The calculation is initially based on the council tax base return submitted to the Department of Communities and Local Government in October 2014,

which is used in Government grant calculations. For 2015/16 the tax base is 85,802 Band D equivalent properties.

- 3.1.4. The 85,802 figure assumes 100% collection of council tax. In practice, actual amounts collected will vary, principally due to non-collection of council tax and changes in the numbers of properties in the borough. The council tax base set by the council takes account of what is expected to be collected eventually, not just by the end of the financial year in question.
- 3.1.5. Any adjustment to the tax base figure will have an effect on the precept from the GLA (i.e. if the tax base figure increases, then the precept from the GLA would increase accordingly – currently the GLA precept accounts for 22.02% of the total council tax bills in Brent).

3.2. Council Tax Collection Rate

- 3.2.1 Between 2001/02 and 2012/13 the council's collection rate was set at 97.5% as an assessment of the amount to be collected for the relevant year. For 2013/14 this was reduced to 96% to take account of the anticipated impact of households formerly receiving council tax benefit who now have to pay at least part of their council tax bill. In practice the effect of this has been less than anticipated, and an assumption of 96.5% eventual collection is recommended for 2015/16 (96.25% had been assumed for 2014/15).
- 3.2.2 In-year collection levels have improved in recent years from 93.2% in 2006/07 to 95.9% in 2012/13 (arrears collection will continue for several years after the end of the financial year). For 2013/14, it had been anticipated that the introduction of Council Tax Support would have a significant impact on collection levels, but in fact the final collection figure was 95.7%. There was an increase in the collection level for full ratepayers, with a higher than expected level from those formerly on Council Tax Benefit now having to pay a portion of their Council Tax bill. At the end of November 2014 in year collection was 73.9%, which is 0.4% below November 2013. However there is a slightly higher amount due to be collected in monthly instalments for the rest of the year, so collection is expected to be broadly comparable to last year. Therefore there is some scope to increase the eventual collection assumption. It is recommended that the 96.25% collection assumption for 2014/15 be increased to 96.50%. This has the effect of increasing the Council Tax income assumption feeding in to the overall budget for the Council.
- 3.2.3 If an over-optimistic assumption of the achievable collection rate is made, at some later stage a deficit in the Collection Fund will have to be declared, resulting in the need to increase the level of Council Tax in that year. Alternatively if the assumed collection rate is exceeded, a surplus could be declared later on. For 2015/16 it is considered prudent to assume an overall eventual collection level of 96.5%, as outlined above.

3.3 Setting the Council Tax Base

3.3.1 The tax base for 2015/16 is as follows:

Band D equivalent properties on the return to the DCLG (attached as Appendix A =85,802);

Multiplied by:

The estimated rate of collection (96.5%)

3.3.2. This produces the following calculation:

$$85,802 \times 96.5\% = 82,799$$

4 FINANCIAL IMPLICATIONS

- 4.1 The proposed council tax base for 2015/16 of 82,799 represents an increase of 3,594 over the figure for 2014/15. This will form part of the overall calculation of the Council's budget. The increase is due to a combination of factors: a significant reduction in the total claimed for Council Tax Support (which pushes up the taxbase figure) new properties coming in to rating, a reduction in the level of exemptions and discounts, and the increase in the collection level assumptions of 0.25%. It is unlikely that there will be a similarly large increase in subsequent years.

5. LEGAL IMPLICATIONS

- 5.1. The Council Tax Base is the equivalent number of Band D dwellings (after taking account of discounts and exemptions) which would raise the same amount of tax as the actual number of liable dwellings in the borough, with their actual spread of bands. The Band D equivalent total is then multiplied by the estimated collection rate for the year, to give the Council Tax Base figure. In the Council Tax calculation process to be undertaken at Full Council on 2 March 2015 this figure will be used to calculate the amount of tax to be levied for a Band D dwelling. The Council Tax level for each valuation band is then calculated by a fixed ratio which each band bears to the Band D figure. The Council's Constitution currently requires that the calculation of the Council Tax Base be carried out by the General Purposes Committee.
- 5.2 Section 11A of the 1992 Local Government Act enables the Secretary of State to designate by regulations:
- (i) Categories of properties in respect of which the discount available in respect of empty properties may be reduced to a percentage of at least 10% (section 11A(3)); and
 - (ii) Categories of properties in respect of which the discount may be reduced to any percentage or eliminated entirely (section 11A(4)).

In the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 the Secretary of State has designated furnished dwellings which are not

the sole or main residence of an individual for the purposes of section 11A(3) (except caravan pitches and boat moorings) and unfurnished unoccupied properties for the purposes of section 11A(4).

Sections 11 and 12 of the Local Government Finance Act 2012 give billing authorities the discretion to vary the discounts applicable to specific classes of empty properties, second homes and long term empty properties from 1 April 2013.

6. DIVERSITY IMPLICATIONS

- 6.1. The proposals in this report have been subject to screening and officers believe that there are no diversity implications arising from it.

7. STAFFING IMPLICATIONS

- 7.1. None arising directly from this report.

8. BACKGROUND INFORMATION

Local Government Finance Act 2012


The Local Authorities (Calculation of Council Tax Base) Regulations 2012.

Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003

Contact Officer: David Huberman, Finance Manager, Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ. Telephone 0208-937-1478.

CONRAD HALL

Chief Finance Officer

 Brent	General Purposes Committee 6 January 2015 Report from the Chief Finance Officer
For Action	Wards Affected: ALL
Calculation of Business Rates Income 2015/16	

1. Summary

- 1.1. This report sets out the calculation of the estimated income from National Non Domestic Rates (NNDR), also known as Business Rates, to be used for 2015/16. This figure is used in the calculation of the council tax for 2015/16. Regulations require that the calculation is agreed by 31 January prior to the start of the financial year.
- 1.2. The final figure will be taken from the NNDR1 return to be submitted to central government by 31 January 2015. At the time of writing this report the NNDR1 return has not been issued by the Department for Communities and Local Government (DCLG). This report is therefore the latest estimate, incorporating the impact of announcements on NNDR within the Autumn Statement.

2. Recommendations

- 2.1 To agree the estimated income from NNDR for 2015/16 of £115m, with Brent's share of this being £34.07m.
- 2.2 To delegate to the Chief Finance Officer the authority to amend these figures to reflect any changes necessary once the final statutory calculation has been made.

3. DETAIL

3.1. Background

- 3.1.1. The Local Government Finance Act 2012 entailed major changes to the funding of local government, including the introduction of local Business Rates retention. Previously all business rates collected were paid to central government, in the form of the national NNDR pool. The government then redistributed the nationally collected amount to local authorities according to a very complicated formula for spending need. From 2013/14 this system has changed, with 50% of the income still being paid to central government and then redistributed to local authorities, but with the other 50% being retained locally. In the case of London, the Greater London Authority (GLA) receives 20%, leaving London boroughs with the remaining 30%.

- 3.1.2. The DCLG calculated a baseline figure as the starting point for the estimate of NNDR income to be raised by each local authority in 2013/14. Because Brent used to receive more from the pool than it paid in, it receives a “top-up” payment (£47.44m in 14/15) to bring it back to the position it would have been had the changes not been introduced. This is uprated each year by RPI inflation only but is not updated to reflect changes in need.
- 3.1.3. If there is growth in the total business rates collected in the borough then Brent will keep 30% of that growth. However if there is a decline Brent will need to meet 30% of the shortfall.
- 3.1.4. The estimate for the actual income figure (or net rate yield) for 2015/16 is based on a return to the DCLG called the NNDR1. This has to be finalised by 31 January, and calculates the amounts to be paid to central government and to the GLA during the course of the year, as well as the figure to be used as part of Brent’s budget setting process.

3.2. Estimating the net rate yield for 2015/16

- 3.2.1. The starting point is the aggregate rateable value for Brent as at 31 December 2014. The latest figure as at 8 December 2014 is £278.55m. This is very close to the figure as at 31/12/2013 of £278.7m, but this is by coincidence and includes the net effect of new and deleted properties, and revaluations. This is a fixed figure based on the Valuation Office’s (VO) valuations for all properties at Brent at that date. A multiplier is then applied to this rateable value as set by central government (the rate in the pound charged for that year, which for 2015/16 will be 48.0p in the £). This gives a figure of £133.7m. There are then a number of deductions for exemptions and discounts, as outlined below.
- 3.2.2. Estimating the final income figure is extremely difficult, as there are many factors which can significantly affect the overall figure. These include:
 - Changes in rateable value from new properties entering rating or properties being taken out of rating
 - Revaluations due to the backlog of appeals which, if successful, will be backdated in most cases to April 2010 (see paragraph 3.4.1)
 - Empty and charitable reliefs
 - Losses in collection

All figures quoted in the sections below relate to the overall figures (i.e. Brent’s share would be 30% of the figures mentioned).

- 3.2.3. Because there are so many uncertainties, it is inevitable that the final figure at the end of 2015/16 will be different to the estimate. A further calculation is required at the end of each year of a surplus or deficit on the NNDR part of the collection fund (as is also done for Council Tax). This calculation is also derived from the NNDR1 return. If the estimate agreed in this report proves too high, a deficit will need to be declared, with Brent bearing 30% of the deficit, central government 50% and the GLA 20%. If the final figure is higher than the estimate, then a surplus will be declared with the relative shares being the same as for a deficit.

3.3. Changes in total rateable value (estimated net growth)

- 3.3.1. This figure relates to changes anticipated from the total rateable valuation as at 31 December 2014 over the 12 months to December 2015 from new or deleted properties. This is very difficult to predict because it is not possible to assess accurately the valuations the VO will give to new properties, or how long it will take the VO to give a valuation. Therefore the figure used can only be an estimate.
- 3.3.2. In 2013 there was a large increase in rateable value, due principally to the new Civic Centre and most of the occupied units in the new London Designer Outlet, as well as some new warehouses. The value of new properties in 2014 has been much lower, largely relating to remaining assessments for the Outlet, and a large new office block in Park Royal. For 2015, it is still anticipated that there will be some growth, although again much lower than in 2013. There may be some properties coming out of rating due to redevelopment (Brent House being an example). An allowance has been made for a net increase in rateable value of £2m, which equates to just under £1m of income, of which the Council's share is just under £300k. These figures do not take account of reductions due to revaluations, which are covered in 3.4 below.

3.4 Adjustments due to appeals

- 3.4.1. There are currently around 560 appeals outstanding against the 2010 VO valuations, which account for 18% of the total rateable value (approximately £50m of rateable value). Many of these will be unsuccessful or lead to small reductions, and some may not be settled until after the 2015/16 year. The government has committed to dealing with 95% of outstanding appeals by July 2015. However the most complex and high value cases may well be left until last in order to meet this target (there are currently 8 outstanding appeals, each with a rateable value of over £1m (totaling £16m rateable value in total). It is likely that there will be some successful appeals leading to significant reductions and these will be backdated in most cases to April 2010. The DCLG has allowed the anticipated costs of backdated refunds (from April 2010 to March 2014) to be spread over five years, to avoid large fluctuations in income and this has been reflected in calculating the overall figure for the year. An allowance was made in the 2013/14 accounts for £6.1m of refunds to be made for the years 2010/11 to 13/14, for all outstanding appeal cases as at 31 March 2014. Spreading Brent's share of this over five years amounts to £366,000 per annum, which reduces the retained income figure for the Council.
- 3.4.2. The average outcome for appeals settled to date would indicate that this provision level was fairly accurate, but with so many appeals outstanding this could still change (particularly if the high rateable value cases eventually have a low or high average reduction). Any revaluations will also have an effect on 2014/15 and 2015/16 as well. An allowance has been made for an average 6% reduction for outstanding appeals, which is in line with resolved cases to date, and also with the provision allowed for as above. This was included in the retained income calculation figure for 14/15. For 2015/16 a 6% average reduction on outstanding appeals would reduce the total debit by approximately £1.5m

3.5 Empty rate relief

- 3.5.1. There are various types of empty rate relief, which reduce the net rate yield. The figure will vary, partly due to economic conditions (e.g. properties owned by companies entering liquidation receive 100% relief), and by the speed with which properties which have fallen out of use are taken out of rating. A figure of £4.6m has been used, which is largely based on the current figure for 2014/15, allowing for anticipated changes. The figure has reduced this year, largely due to properties in the Oriental City complex being deleted from the list.

3.6. Charity relief

- 3.6.1. Organisations which are charities or charity equivalent automatically receive 80% relief. In addition discretionary relief can be granted to charities on the remaining 20% of the bill, and to non-profit making organisations. An allowance has been made of £7.5m, based on the 2014/15 figure and anticipated changes in 2015. The bulk of the figure is accounted for by schools (academies, foundation and voluntary aided) and further education colleges.

3.7. Losses in collection

- 3.7.1 This relates to amounts which are considered irrecoverable, and which will need to be written off. A figure of £2.4m has been used, based on the 2% average figure over recent years.

3.8. Other

- 3.8.1 These relate to government schemes to provide additional reliefs to small business and to the majority of retail establishments, with the cost to Brent of these discounts (i.e. Brent's 30% share) being funded by a special government grant. The relief for retail establishments will increase from £1,000 in 2014/15 to £1,500 in 2015/16. The overall effect is a reduction of £4.0m.

3.9. Final estimate

- 3.9.1 Using the figures outlined above, gives a final estimated rate yield for Brent for 2015/16 of approximately £115m. Brent's 30% share of this (after allowing for the effect of spreading the appeals provision as per paragraph 3.4.1.) is estimated at £34.07m.

4. FINANCIAL IMPLICATIONS

- 4.1 The estimated of the retained business rate figure for Brent to be used in the overall budget calculation for the Council is currently £34.07m. However the final figure will be derived from the NNDR1 return to be submitted to DCLG by 31 January 2015.

5. LEGAL IMPLICATIONS

- 5.1. Section 5 and Schedule 3 to the Local Government Finance Act 2012 make amendments to the Local Government Act 1988 and they will effectively introduce a new system of Business Rates retention whereby local authorities share in any growth or contraction in the net rate yield for their authority. The aim of the change is to incentivise local authorities to seek to increase the rates yield of their area (e.g. by encouraging business expansion).
- 5.2. Under the changes, central government will retain 50% of the income (previously it received 100%). In London the GLA receives 20%, and the boroughs the remaining 30%. Some boroughs (tariff boroughs where income exceeds the previous share received from the national pool) will have limits on the income they can retain, but for top-up boroughs including Brent there is no limit. Therefore Brent will retain 30% of any business rates growth, but will also have to bear 30% of any reduction.
- 5.3. Under the Non Domestic Rating (Rates Retention) Regulations 2013 authorities are required to estimate the net yield (i.e. business rates income) for their authority for

the following year, by 31 January each year. This estimate will be used to calculate the shares of income to be paid to central government and in London to the Greater London Authority, as well as the share to be retained by the local authority itself. The latter figure then feeds in to the overall budget for the Council, and the calculation of the Council Tax to be charged to local taxpayers.

6. DIVERSITY IMPLICATIONS

6.1. None arising directly from this report.

7. STAFFING IMPLICATIONS

7.1. None arising directly from this report.

8. BACKGROUND INFORMATION

Local Government Finance Act 2012


The Non Domestic Rating (Rates Retention) Regulations 2013.

Anyone wishing to inspect the above documents should contact David Huberman, Finance Manager, Brent Financial Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ. Telephone 0208-937-1478.

CONRAD HALL

Chief Finance Officer

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	<p style="text-align: center;">General Purposes Committee 6 January 2015</p> <p style="text-align: center;">Report from the Strategic Director of Environment and Neighbourhoods</p>
For Action	Wards Affected: Kilburn
<p>Stopping Up Order – Durham Court, Kilburn Park Road and Gloucester House, Cambridge Road</p>	

1.0 Summary

- 1.1 This report seeks authorisation to make a Stopping Up Order for an area of public highway consisting of footpaths, roads, a podium area and ancillary land at Durham Court, Kilburn Park Road and Gloucester House, Cambridge Road, London NW6 under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 This Order is required to complete the development of the Durham Court and Gloucester House site which will provide for 4-8 storey blocks comprising 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, and the provision of a replacement public space and play area.

2.0 Recommendations

- 2.1 That members note that the draft Stopping Up Order has been advertised in accordance with the requirements of Section 247 TCPA 1990 and that in response to the consultation, 5 consultees have informed the Council that they had apparatus in the area. Of these responses, the Nationalgrid objected to the draft Stopping Up Order and Thames Water reserve the right to object if assurances are not given regarding its apparatus.
- 2.2 That the Committee note the objections in this report, and approve the Stopping Up Order and agree that it should be advertised following the resolution of these objections.

3.0 Detail

- 3.1 Planning consent was granted following the Planning Committee meeting of 23rd September 2014 for demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.
- 3.2 This development is part of the Council's South Kilburn Regeneration development programme.
- 3.3 There will be no other significant changes to the design or traffic and parking management arrangements on the area of highway to be stopped up.
- 3.4 A draft Stopping Up Order was made under Section 247 TCPA 1990 to enable the redevelopment to take place. A copy of the Order is attached at Appendix 1, together with the relevant plan showing the proposed area to be stopped up and the notice advertised on 14th November 2014 in the local press and the London Gazette. Statutory consultees, namely utility companies with apparatus at the site and the Greater London Authority were notified of the proposed Stopping-Up Order by e-mail and correspondence.
- 3.5 The Council advertised the Stopping Up Order and received five responses from utility companies with apparatus in the vicinity. These were from:
- OpenreachBT dated 24th November 2014
 - Nationalgrid dated 14th November 2014
 - Thames Water dated 13 November 2014
 - Virgin Media dated 20th November 2014
 - London Underground dated 13th November 2014
- 3.6 The response from Nationalgrid was an objection as it has apparatus in the vicinity. Nationalgrid require a more detailed assessment, following which they may decide to retract their objection, or require a grant of easement over the affected main or the diversion of that main prior to retracting their objection. Council officers will pursue a more detailed assessment and negotiate with Nationalgrid to have this objection withdrawn.
- 3.7 The response from Thames Water was a request of confirmation that their apparatus will not be affected by the proposed works, that their rights of access will not be impeded and that there are no proposals to build over or close to their apparatus. Council officers will provide assurances and seek confirmation from Thames Water that they do not object to the order.
- 3.8 The letter from Virgin Media was a notice of apparatus in the vicinity with an invitation to seek the diversion of its apparatus if required by the development. The developer will make such arrangements if required.
- 3.9 The response from OpenreachBT was of notice of apparatus in the area and a request to be informed of the developer's details as diversionary works may

be required. This will be provided to OpenreachBT and arrangements made for any necessary diversions.

- 3.10 The letter from London Underground was information relating to apparatus to the north of the site which will be unaffected by the development.
- 3.11 Members are now requested to approve the making of the Stopping Up Order to complete the development of the site, subject to the withdrawal or resolution of objections.

4.0 Financial Implications

- 4.1 The Stopping Up Order making costs of approximately £5,000 will be initially met by Regeneration and Growth and recharged to the developer partner with the related negative cash flow being managed within the South Kilburn Programme budget.
- 4.2 There are no other financial implications on the Council's revenue budgets.

5.0 Legal Implications

- 5.1 Officers have taken the Council's legal advice in all aspects of the promotion of the Stopping Up Order. If it is agreed to make the Order following the withdrawal or resolution of the Nationalgrid objection and confirmation from Thames Water that it has no objections, then the making of the Order will be publicised. It will not be open to further objection by the public or other authorities.

6.0 Diversity implications

- 6.1 There are no diversity implications associated with the approval of this Stopping Up Order.

7.0 Staffing / Accommodation Implications

- 7.1 None specific.

Appendices

Appendix 1 – Stopping Up Order with notice and plan
Appendix 2 – Responses to consultation

Background Papers

Correspondence of Highway and Transport Delivery File TO/23/019/EAM
Planning Committee, 20th August 2014, Agenda item No. 06, Case No.
14/1896.

Contact Officers

Eric Marchais – Transportation Service, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ. Telephone: 020 8937 5452. E-mail eric.marchais@brent.gov.uk.

Noreen Twomey – Project Manager (South Kilburn), 7th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ Telephone: 020 8937 6482. E-mail noreen.twomey@brent.gov.uk.

Appendix 1 – Stopping Up Order with notice and plan



LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS)(NO.) ORDER 201

1. **NOTICE IS HEREBY GIVEN** that the Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 of the above Act to authorise the stopping up of an area of public highway described in Schedule 1 to this notice.
2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted to the Estate Regeneration Team by the London Borough of Brent in its capacity as Local Planning Authority by way of Committee approval on 23rd September 2014 under Planning Reference No. 14/1896.
3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 13th November 2014 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Transportation, Transportation Service, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, quoting the reference TO/23/019/EAM, within the period of 28 days from the 13th November 2014.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 13th November 2014.

Tony Kennedy
Head of Transportation

SCHEDULE 1

The area of public highway to be stopped up comprises of all carriageway, footway and footpaths, including elevated footpaths, in an area bounded by Rudolph Road to the north-east, Kilburn Park Road to the south-east, Carlton Vale to the south, Cambridge Road to the west and the southern and south-eastern curtilage of the Cambridge Garden playground to the north.

SCHEDULE 2

Demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.



THE LONDON BOROUGH OF BRENT

TOWN AND COUNTRY PLANNING ACT 1990

THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. *) ORDER 201*

Made * ** 201***

The Mayor and Burgesses of the London Borough of Brent, in exercise of their powers conferred by Section 247 of the Town and Country Planning Act ("the Act") 1990 hereby make the following order:-

1. The Mayor and Burgesses of the London Borough of Brent authorises the stopping up of an area of highway described in Schedule 1 to this order and shown hatched black on the deposited plan, in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act to the Estate Regeneration Team by the London Borough of Brent in its capacity as Local Planning Authority by way of Committee approval on 23rd September 2014 under Planning Reference No. 14/1896.
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of highway is stopped up as they had immediately beforehand.
3. In this order "the deposited plan" means the plan deposited in the offices of the Transportation Service, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under plan reference 202203928/AJN/5 until *** ** 201*, after which it will be deposited in the offices of the Transportation Service, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0ES.
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and be cited as The London Borough of Brent (Stopping Up Of Highways) (No. *) Order 201*.

SCHEDULE 1

The area of public highway to be stopped up comprises of all carriageway, footway and footpaths, including elevated footpaths, in an area bounded by Rudolph Road to the north-east, Kilburn Park Road to the south-east, Carlton Vale to the south, Cambridge Road to the west and the southern and south-eastern curtilage of the Cambridge Garden playground to the north.

SCHEDULE 2

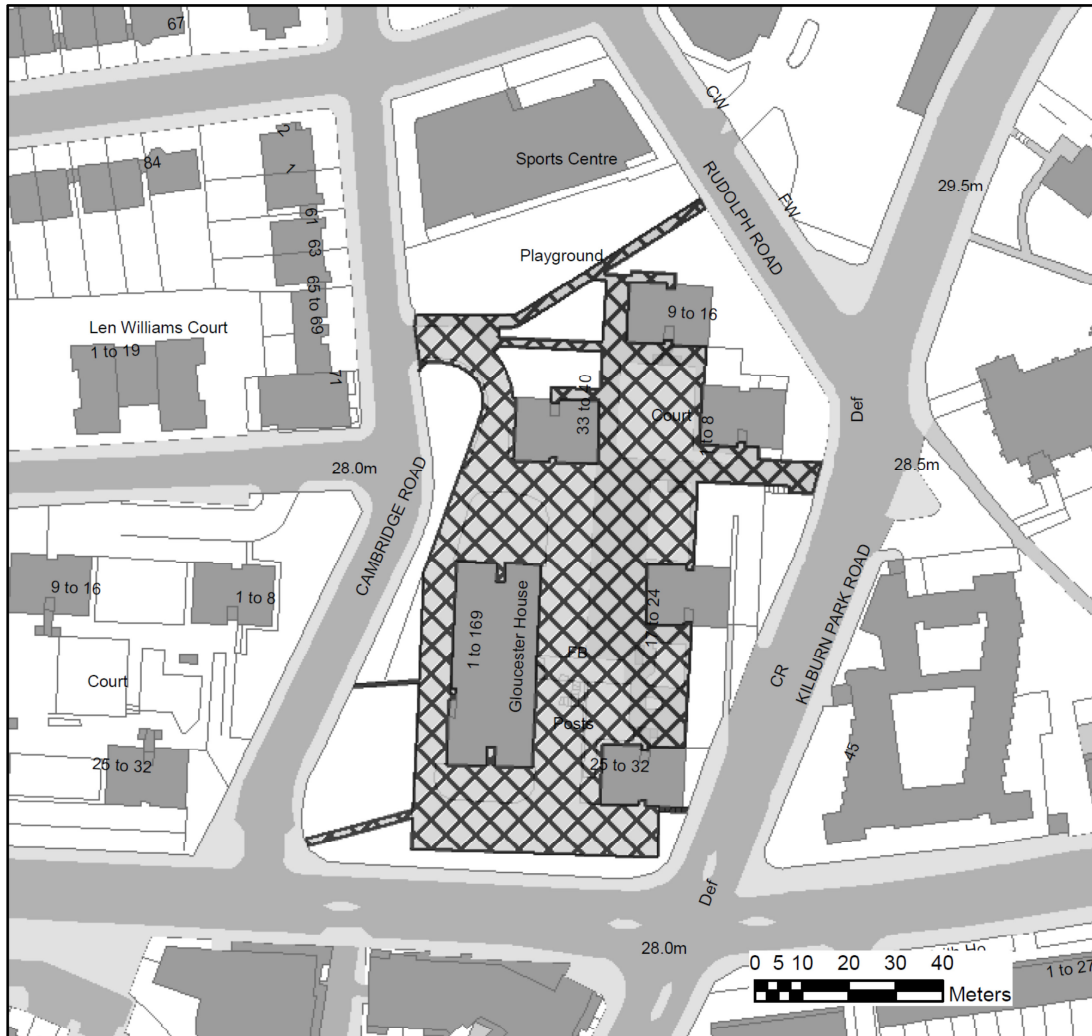
Demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.

The Common Seal of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF BRENT was hereunto affixed in the)
presence of:)

.....
Solicitor

Dated this *** day of *** 201*

**Area to be Stopped Up:
Footpaths, Roadways, Podium Area and
Ancillary Land at Gloucester House,
Cambridge Road; and Durham Court,
Kilburn Park Road, London NW6**



Area to be Stopped Up



Brent

Plan Ref: 202203928/AJN/5

NORTH



1:1,250
Plan to stated
scale if printed
at A4.

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OS Open data copyright statement:
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Appendix 2 – Responses to Consultation

Hi Sahil

As this is listed as Section 247 of the Town and Country Planning Act 1990.

This makes it a Short form of protection.

Therefore we have no objections to the Stopping up.

Please keep us informed of the developers who will be undertaking the works, as possible diversionary work may be required at that time.

Thank you

Regards

Derek Allen,

Repayments Project Engineer.

Access Operations and Planning / Openreach

Tel : 020 8456 8208

Fax : 020 8205 5700

Web: www.openreach.co.uk

Openreach is delivering fibre broadband services to communities across the UK as well as installing and maintaining the communications infrastructure that links homes, businesses, public and voluntary sector organisations to their Communications Providers' networks.

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Eric Marchais
Brent Council
Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ

Plant Protection
National Grid
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@nationalgrid.com
Telephone: +44 (0)800 688588

National Grid Electricity Emergency Number:
0800 40 40 90*

National Gas Emergency Number:
0800 111 999*
* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.nationalgrid.com

Date: 14/11/2014

Our Ref: NL_TE_Z5_3FWP_022076

Your Ref: TO/23/019/EAM (JH)

RE: Formal Enquiry, NW6 5XG, Gloucester House, Cambridge Road; and Durham Court, Kilburn Park Road, London

Thank you for your enquiry which was received on 13/11/2014.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.

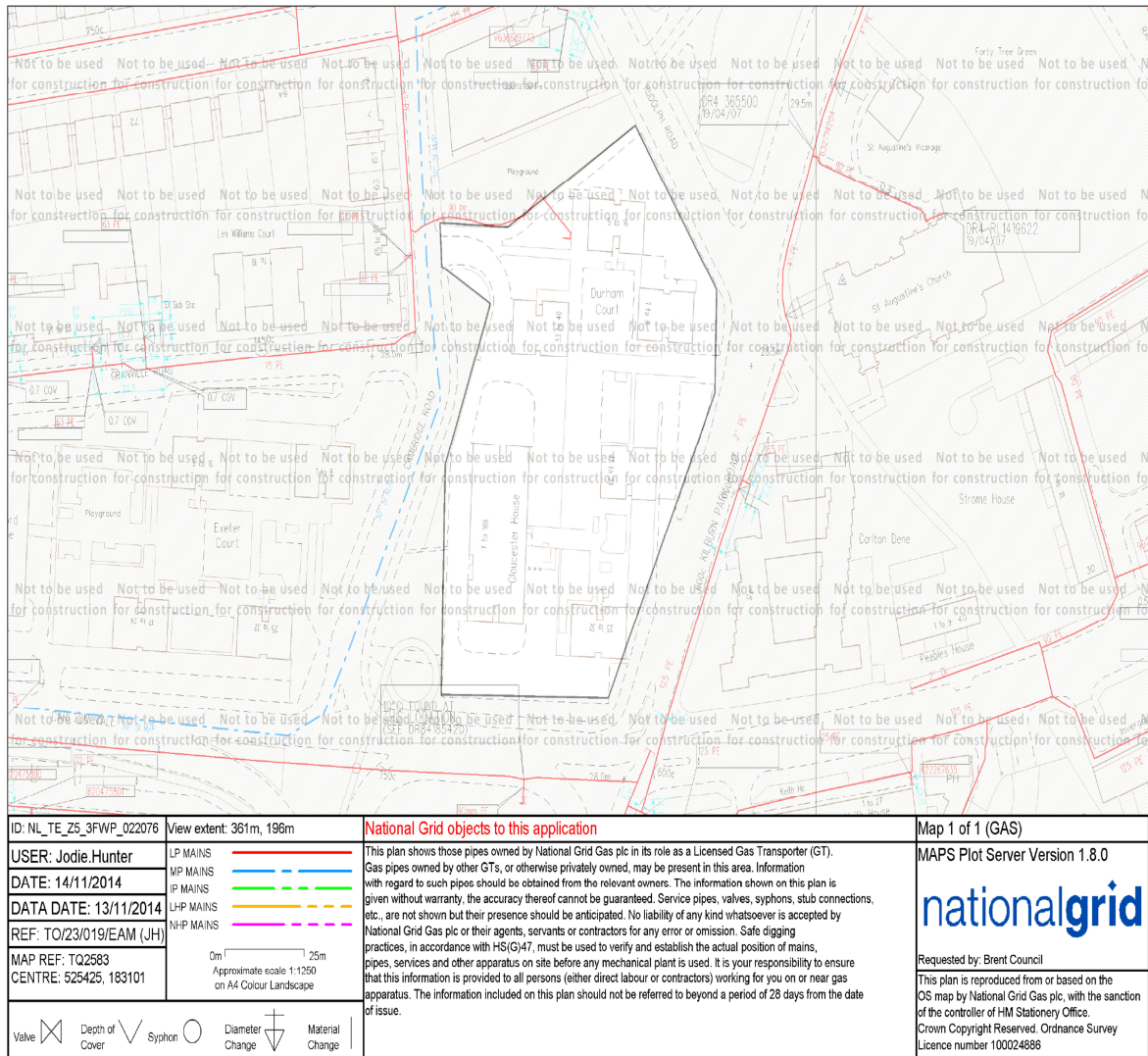
National Grid therefore formally objects to these activities pending further consultation.

National Grid objects to the Order on the grounds that the level of protection currently afforded to the apparatus it has in the subject land may be diminished notwithstanding Paragraph 4, Schedule 12, Part II of the Highways Act, 1980.

See Assessment section below for details of how to deal with National Grid's objection.

National Grid is a trading name for:
National Grid Electricity Transmission plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2366977

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000



From: Devcon Team
Sent: 13 November 2014 15:37
To: 'traficorders@brent.gov.uk'
Subject: Your Ref: TO/23/019/EAM Our Ref: 5781



13 November 2014

STOPPING UP: Gloucester House / Durham Court

Dear Sir / Madam,

I acknowledge receipt of your letter dated 12 November 2014 regarding the above proposals.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We may be willing to rely on the rights preserved in the Order under Section 261 (4) of the Town and Country Planning Act in respect of apparatus in the land. However, before we can determine this could you please confirm that our apparatus will not be affected by the proposed works, that our rights of access will not be impeded and that there are no proposals to build over or close to our apparatus.

If we are satisfied with your assurances, we will not raise any objection to the proposed Order.

Attached is an extract from our GIS showing the location of the site. If you have any queries, please do not hesitate to contact me

Regards

Margaret Keen

Planner

Development Planning

Thames Water Utilities Ltd, Maple Lodge STW, Denham Way, Rickmansworth, Herts WD3 9SQ

☎ 0203 577 9998

Asset Management

Driving Intelligent Investment



Brent Council's

Virgin Media
Field Services
Units 1-12
Broad Lane
Mayfair Business Park
Bradford
Yorkshire
BD4 8PW

Tel: 0870 888 3116 Opt 2

Plant Enquiry Ref: VM.16715
Letter Date 12/11/14
Your Ref: NA
Date: 20/11/14

Dear Sahil,

Enquiry Location

Cambridge Road; and Durham Court, Kilburn Park Road, London NW6 5XE

Thank you for your enquiry regarding work at the above location.

I enclose a copy of our above referenced drawing, marked to show the approximate position of plant owned and operated by Virgin Media.

You will be aware that you have a duty to ensure that no damage results to this equipment as a result of your proposed works. Please note that this apparatus may contain Fibre Optic, Coaxial and/or 240v Power Cables and as such, special care must be taken when excavating this area.

Should you require Virgin Media apparatus to be diverted to accommodate your works and require a detailed estimate, please send a cheque to the value of £720.00 (Bus) / £240.00 (Res) Inc VAT to:

Diversiory Works, Virgin Media, 1 Dove Wynd, Strathclyde Business Park Bellshill ML4 3AL

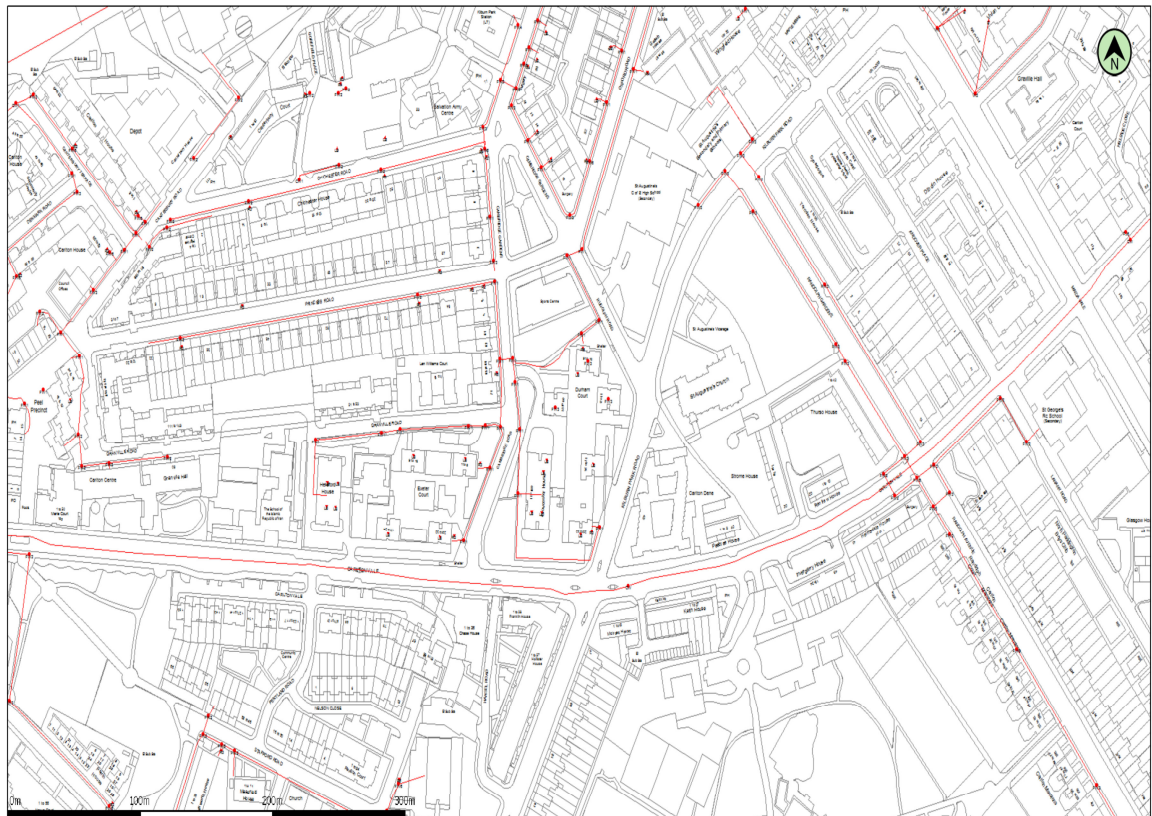
Or Call the Diversiory Team on: 0800 408 0088 Option 1

Should your request be in relation to a new development and you require an estimate to be prepared for Virgin Media to service your proposed development, please submit this request for costs along with site drawings (scale 1:500) to the New Build Team also at the above address.

Yours faithfully

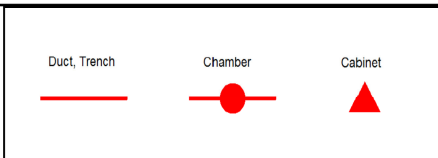
National Plant Enquiries Team, email: plant.enquiries.team@virginmedia.co.uk

Please note: National Plant Enquiries are now able to accept all major cards with the exception of American Express for credit/debit card payments. If you wish to use this facility please contact us at the above telephone number. Please note: National Plant Enquiries Team (Bradford) cover and respond to plant enquiries for all ex ntl:Telewest franchise areas.



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Important information - please read
 The purpose of this plan is to identify Virgin Media apparatus. We have tried to make it as accurate as possible but we cannot warrant its accuracy. In addition, we caution that within Virgin Media apparatus there may be instances where mains voltage power cables have been placed inside green, rather than black ducting. Further details can be found using the 'Affected Postcodes.pdf' which can be downloaded from this website.
 Therefore, you must not rely solely on this plan if you are carrying out any excavation or other works in the vicinity of Virgin Media apparatus. The actual position of any underground service must be verified by cable detection equipment, etc. and established on site before any mechanical plant is used. Accordingly, unless it is due to the negligence of Virgin Media, its employees or agents, Virgin Media will not have any liability for any omissions or inaccuracies in the plan or for any loss or damage caused or arising from the use of and/or any reliance on this plan.
 This plan is produced by Virgin Media Limited from Ordnance Survey © Crown Copyright 100019209



joel.janumala@virginmedia.co.uk
VM.16715



Our Ref: PU48585
Your Ref:
Date: 13 November 2014



Name: SAHIL DALSANIA

Title

Address:
BRENT COUNCIL
BRENT HOUSE
349 - 357 HIGH ROAD
WEMBLEY
WEMBLEY

London Underground
Asset Performance Power
Units 7 & 8, Station Road
Drawing Office:
Tufnell park
London
N19 5UW
0203 054 8418

Dear Sir/Madam

Subject Consultation - Stopping Up Proposal - GLOUCESTER HOUSE / DURHAM COURT
(TO/23/019/EAM)

We acknowledge receipt of your Letter / New Roads & Street Works Act Enquiry, dated 12-Nov-14

We do have apparatus in the area in question, as shown on the enclosed plan(s).

With Drg No(s): R2521/1, R2521/2

Please note we only manage High Voltage and Pilot Cables for London Underground distribution network.

For further assistance please contact Sylvie Stroud in our Drawing Office on 0203 054 8354.

Please ensure that any contractors or sub-contractors engaged by you for these works are made aware of this response and its contents. In some cases our cable ducts may be used by a third party, for which we have no information or drawing records.

Yours sincerely

On behalf of Mr D Beavan, H.V. Cables Manager

Name: Anis Naili

Title: NRSWA co-ordinator

Email: LULHVpowerassets@tfl.gov.uk

MAYOR OF LONDON

London Underground Limited
trading as London Underground
whose registered office is
55 Broadway
London SW1H 0BD

Registered in England and Wales
Company number 1900907

London Underground Limited is
a company controlled by a local
authority within the meaning of
Part V Local Government and
Housing Act 1989. The controlling
authority is Transport for London.



