



Brent

Cabinet

Monday 20 April 2020 at 4.00 pm

Venue: This will be held as an online virtual meeting.

To view this meeting live please access the webcast via the following link: [Live Streaming](#)

Membership:

Lead Member Councillors:

Portfolio

M Butt (Chair)	Leader of the Council
McLennan (Vice-Chair)	Deputy Leader of the Council and Lead Member for Resources
Agha	Lead Member for Schools, Employment and Skills
Farah	Lead Member for Adult Social Care
Hirani	Lead Member for Public Health, Culture & Leisure
Miller	Lead Member for Community Safety and Engagement
M Patel	Lead Member for Children's Safeguarding, Early Help and Social Care
Krupa Sheth	Lead Member for Environment
Southwood	Lead Member for Housing & Welfare Reform
Tatler	Lead Member for Regeneration, Property & Planning

For further information contact: James Kinsella, Governance Manager, Tel:020 8937 2063; Email: james.kinsella@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: democracy.brent.gov.uk

The press and public are welcome to attend this as an online virtual meeting. The link to join and view proceedings will be made available online via: democracy@brent.gov.uk

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for Absence

2 Declarations of Interest

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Minutes of the Previous Meeting 1 - 8

To approve the minutes of the previous meeting held on Monday 9 March 2020 as a correct record.

4 Matters Arising (if any)

To consider any matters arising from the minutes of the previous meeting.

5 Petitions (if any)

To discuss any petitions from members of the public, in accordance with Standing Order 66.

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

There are no reference reports from either of the Council's Scrutiny Committees for consideration at this meeting.

Community Well-being reports

7 Transfer of Network Homes Temporary Accommodation Portfolio 9 - 34

This report is seeking approval for the Council to take over management of the Network Homes Housing Association Temporary Accommodation portfolio in Brent.

Ward Affected:
All Wards

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

8 Authority to tender contract for procurement and management of the Temporary Accommodation Housing Association Leasing Scheme 35 - 58

This report is seeking approval to invite tenders in respect of the procurement and management of Temporary Accommodation in support of the Council's Housing Association Leasing Scheme (HALS).

Ward Affected: All Wards
Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: Saleema Nuraney, Housing Needs Service
Tel: 020 8937 2076
saleema.nuraney@brent.gov.uk

9 Purchase of 114 Affordable Homes in Alperton 59 - 72

This report is seeking approval to purchase the long leasehold interest in 114 affordable homes at the Grand Union site located in Alperton.

Ward Affected: Alperton
Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: Hakeem Osinaike, Operational Director Housing
Tel: 020 8937 2023
Hakeem.Osinaike@brent.gov.uk

Regeneration and Environment reports

10 Highway Works funded under the HIF Grant in South Kilburn 73 - 78

This report is seeking approval to vary the Development Agreement with Countryside Properties Ltd to include the construction of adjacent and intersecting highway works at the Peel site.

Ward Affected: Kilburn
Lead Member: Lead Member for Regeneration, Property & Planning (Councillor Shama Tatler)
Contact Officer: Emma Sweeney, Senior Project Manager, Estate Regeneration
Tel: 020 8937 1650
emma.sweeney@brent.gov.uk

11 Capital (CIL) Contribution towards the Provision of Three Medical Centres 79 - 84

This report is seeking approval for a capital contribution towards the fit out of three medical centres, proposed as part of regeneration schemes in growth areas – namely Wembley Park, South Kilburn and Alperton.

Ward Affected:
Alperton;
Kilburn;
Tokyngton

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

Digital and Customer Services reports

12 Social Value and Ethical Policy 85 - 120

This report is seeking to update Cabinet on the Social Value and Ethical Policy that aligns the delivery of Social Value to the Borough Plan 2019-2023. As well as setting out the principles as to how Social Value will be delivered the policy also includes an Ethical Policy that sets out standards of integrity and professionalism expected from the Council's suppliers in their dealings and practices.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor
Margaret McLennan)
Contact Officer: Rajesh Shori, Head of
Procurement
Tel: 0208 937 1598
rajesh.shori@brent.gov.uk

13 Authority to Award Contract for Oracle Cloud Subscription Licences 121 - 124

This report is seeking approval to the award of contracts for Oracle Cloud subscription licences.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor
Margaret McLennan)
Contact Officer: Sally Chin, Head of IT
Transformation and Programme Management
Tel: 020 8937 1432
sally.chin@brent.gov.uk

Chief Executive's reports

14 Executive Response to the recommendations from the Air Quality Scrutiny Task Group and recommendations of the Resources and Public Realm Scrutiny Committee 125 - 136

This report sets out, for consideration and approval, the Executive's response to the recommendations from the Air Quality Scrutiny Task Group.

Ward Affected:
All Wards

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

Contact Officer: Chris Whyte, Operational Director, Environmental and Employment Services
Tel: 020 8937 5342
chris.whyte@brent.gov.uk

15 Executive response to the Budget Scrutiny Report and recommendations of the Resources and Public Realm Scrutiny Committee 137 - 142

This report sets out, for consideration and approval, the Executive's response to the recommendations made by the Scrutiny Budget Task Group.

Ward Affected: All Wards
Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Shazia Hussain, Assistant Chief Executive
Tel: 020 8937 5974
Shazia.Hussain@brent.gov.uk

16 Exclusion of Press and Public

The following items are not for publication as they relate to the following category of exempt information as specified under paragraph 3, Part 1 of 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)"

Item 7: Transfer of Network Homes Temporary Accommodation Portfolio – Appendix 1 (staffing and financial implications)

Item 9: Purchase of 114 Affordable Homes in Alperton – Appendix 1 (Financial Investment Appraisal)

17 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting. Any decisions taken urgently under this heading must comply with the provisions outlined in paragraphs 12 and 39 of the Council's Access to Information Rules (part 2 of the Constitution).

Date of the next meeting: Thursday 28 May 2020



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 9 March 2020 at 4.00 pm

PRESENT: Councillor M Butt (Chair), Councillor McLennan (Vice-Chair) and Councillors Agha, Farah, Hirani, Miller, M Patel, Krupa Sheth, Southwood and Tatler

Also present: Councillors Chohan and Colwill

1. **Apologies for Absence**

An apology for absence was received from Gail Tolley (Strategic Director, Children & Young People) with Nigel Chapman attending as her representative.

2. **Declarations of Interest**

None received.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous meeting held on Monday 10 February 2020 be approved as an accurate record of the meeting.

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

None.

5. **Petitions (if any)**

None.

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

None.

7. **Change in Order of Business - Urgent Item: Coronavirus/Covid-19 response and preparedness**

Councillor Muhammed Butt (Leader of the Council) advised of a change in the order of the agenda to enable an urgent update to be provided on the plans being prepared and already in place to respond to a coronavirus/Covid-19 pandemic.

In accordance with the provisions outlined in the Council's Access to Information Rules and Standing Order 60 the Leader of the Council confirmed that he had **AGREED** to the following report being considered by Cabinet as an urgent item.

This was on the grounds that the update had been designed to reflect the pace at which the coronavirus situation was developing both globally and across the UK:

Coronavirus/Covid-19: Response & Preparedness

Dr Melanie Smith (Director of Public Health) introduced the report providing Cabinet with an overview of the current response and preparedness for a coronavirus/Covid-19 pandemic.

Cabinet were provided with an update on the coronavirus as well as the national response being co-ordinated to tackle its spread including the actions taken to date at both a national and local level, as detailed in section 5 of the report. As part of the overall approach, a specific Covid-19 Response Framework had been produced by London Resilience, which was supported by a local multi-agency plan maintained by the Brent Resilience Forum and review of existing Business Continuity Plans and the HR pandemic policy. In view of the urgent nature of the item, Councillor Muhammed Butt, Leader of the Council, agreed to a request to speak at the meeting from Councillor Colwill, Leader of the Conservative Group. Whilst highlighting his support for the actions taken to date, Councillor Colwill was also keen to ensure that the necessary funding and support was provided for the NHS and local hospitals.

As a result of the update, Cabinet **RESOLVED**:

- (1) To note the content of the report and update provided in relation to the response established both nationally and locally to the COVID-19/coronavirus along with the current guidance and advice from Public Health England (PHE).
- (2) To note the current update provided at the meeting in terms of confirmed cases, which now stood at 319 people having been tested as positive in the UK. Of these 61 were located in London, including three in Brent.
- (3) To note and endorse the particular focus on support and communication being provided by the Council for Adult Social Care commissioned providers, including Homecare agencies and Care Homes, which had been designed to reflect the latest guidance from PHE.
- (4) To thank officers for the update provided and their ongoing efforts in developing and delivering the Council's response.

8. Co-operation Agreement with Network Homes

The Cabinet Member for Housing and Welfare Reform, Councillor Eleanor Southwood, introduced the report seeking approval to enter into an agreement with Network Homes to share resources and expertise on a range of projects to deliver new affordable housing.

Cabinet noted the aim, given the ambitious scale of the Council's strategic housing targets to promote strong, local cross-sector co-operation with housing organisations and other partners in order to maximise capacity around delivery. The agreement would not be exclusive, so would provide scope for similar

partnership arrangements to be developed with other organisations and for the incorporation of additional new housing schemes in future.

RESOLVED that Cabinet:

- (1) Note the content of the report.
- (2) Note the management arrangements in place to ensure adherence with the Council's standing orders and financial regulations.
- (3) Note that both organisations had taken legal advice in the development of the agreement to ensure compliance with Regulation 12 (7) of the Public Contracts Regulations 2015.
- (4) Approve entering into an agreement with Network Homes on the basis that the Council and Network Homes operate as two public bodies concerned with the delivery of affordable housing, working in collaboration as per Regulation 12 (7) of the Public Contracts Regulations.
- (5) Delegate authority to the Strategic Director of Community Wellbeing in consultation with the Director of Finance and Cabinet Member for Housing and Welfare Reform, to finalise and sign the agreement.
- (6) Agree that Network Homes internal rules and procedures should govern the procurement of contracts let under the agreement referred to in (4) above, with the Council contributing to Network Homes procurement and management costs.

9. **Uxendon Manor Primary School Expansion Project**

The Cabinet Member for Schools, Employment and Skills, Councillor Amar Agha, introduced the report providing an update on the current position regarding the expansion project at Uxendon Manor Primary School. In considering the report, Cabinet noted the amendment to the date in section 3.3 of the report, which members were advised should read "November 2018" and not 2019.

RESOLVED that Cabinet:

- (1) Note the background and current project position as set out in paragraphs 3.1 – 3.8 of the report and the way forward set out in paragraphs 3.9 – 3.12 of the report.
- (2) Note the increased forecast project costs of £17.3m as set out in paragraph 4.1 of the report as a result of the original contractor failure and the proposed resolution.
- (3) Approve the virement of the sum of up to £6.0m from the basic need capital grant to this project as set out in paragraphs 4.1 – 4.4 of the report to meet the increased forecast project costs.
- (4) Note that it was intended that such losses and costs, including the costs of re-procurement that had arisen as a result of the original Contractor's default of

its obligation, would be pursued to the extent possible under the Parent Company Guarantee. This value stood at £6.3m and was set out in paragraph 4.6 of the report.

- (5) Note that subject to (3) above the Strategic Director of Regeneration & Environment in consultation with the Cabinet Members for Schools, Employment and Skills would approve the award of a Medium Value Works Contract as set out in section 5.1 of the report.

10. **Alperton Housing Zone - use of the Council's compulsory purchase powers on Abbey Manufacturing Estate, Alperton**

The Cabinet Member for Regeneration, Property & Planning, Councillor Shama Tatler, introduced the report providing an overview of negotiations to acquire land interests by private treaty on Abbey Manufacturing Estate within the Alperton Housing Zone and seeking approval to authorise commencing a compulsory purchase process.

RESOLVED that Cabinet:

- (1) Note the background to Alperton Ltd & Alperton Projects 2 Ltd's ('the developer') redevelopment proposals for Abbey Manufacturing Estate and the developer's endeavours to negotiate acquisition of freehold and leasehold interests within the site.
- (2) Note the previous in-principle approval given by Cabinet July 2015 to use compulsory purchase powers in Alperton Housing Zone.
- (3) Agree in-principle, the making of a Compulsory Purchase Order (CPO) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 on Abbey Manufacturing Estate, subject to a further specific resolution of Cabinet in respect of making, confirming and implementing CPOs, if required.
- (4) Agree advancing the preliminary stages of the compulsory purchase process on Abbey Manufacturing Estate, including but not limited to, land referencing, issuing section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (Section 16 notices), engaging, consulting and negotiating with landowners and preparation of documentation and undertaking all matters that the Council might need to undertake to inform a further report to Cabinet to make, confirm and implement the CPO, if required.
- (5) Note that the Strategic Director Regeneration & Environment will approve the procurement of additional compulsory purchase support as set out in paragraph 3.13 of the report, if required, the cost of which will be indemnified by the developer.
- (6) Delegate authority to the Strategic Director Regeneration & Environment, in consultation with the Cabinet Member for Regeneration, Property & Planning, to enter into an indemnity agreement with the developer to indemnify the Council for all costs associated with the compulsory purchase process on Abbey Manufacturing Estate.

11. **Alperton Housing Zone - use of the Council's compulsory purchase powers at Grand Union, formerly known as Northfields Industrial Estate**

The Cabinet Member for Regeneration, Property & Planning, Councillor Shama Tatler, introduced the report providing an overview of negotiations to acquire land interests by private treaty on the former Northfields Industrial Estate within the Alperton Housing Zone and seeking approval to authorise commencing a compulsory purchase process. As with the previous decision, Cabinet noted the economic, social, housing and environmental benefits arising from the regeneration plans and thanked officers for the work undertaken to date in order to progress these comprehensive redevelopment schemes.

RESOLVED that Cabinet:

- (1) To note the background to St George's ('the developer') redevelopment proposals for the former Northfields Industrial Estate and St George's endeavours to negotiate acquisition of freehold interests within the site.
- (2) To note the previous in-principle approval given by Cabinet in July 2015 to use compulsory purchase powers in Alperton Housing Zone.
- (3) To agree in principle the making of Compulsory Purchase Orders (CPOs) pursuant to section 226 (1) (a) of the Town and Country Planning Act 1990 on the former Northfields Industrial Estate subject to a further specific resolution of Cabinet in respect of making, confirming and implementing CPOs, if required.
- (4) To agree advancing the preliminary stages of the compulsory purchase process on the former Northfields Industrial Estate, including, but not limited to, land referencing, issuing notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (Section 16 notices), engaging, consulting and negotiating with landowners and preparation of documentation and undertaking all matters that the Council might need to undertake to inform a further report to Cabinet to make, confirm and implement the CPO, if required.
- (5) To note that the Strategic Director Regeneration & Environment would approve the procurement of additional compulsory purchase support as set out in paragraph 3.13 of the report, if required, the cost of which will be indemnified by the developer.
- (6) To delegate authority to the Strategic Director Regeneration & Environment, in consultation with the Cabinet Member for Regeneration, Property & Planning, to enter into an indemnity agreement with the developer to indemnify the Council for all costs associated with the compulsory purchase process on the former Northfields Industrial Estate.

12. **Brent Bike Hangars**

The Cabinet Member for Environment, Councillor Krupa Sheth, introduced the report seeking approval to use of a Framework Agreement to procure a bike hangar supplier and updating Cabinet on alternative bike hangar arrangements and the

offer for Brent residents. As part of the update, Cabinet noted that it would also be possible to provide bike hangars on Brent Housing managed estates with work being undertaken to identify suitable access and locations for inclusion as part of the future programme.

RESOLVED that on the basis of the update provided, Cabinet delegate authority to the Strategic Director Regeneration & Environment, in consultation with the Cabinet Member for Environment, to award a contract for bike hangars using the Waltham Forest framework.

13. **Performance Report Q3 (Oct - Dec) 2019/20**

The Deputy Leader, Councillor Margaret McLennan, introduced the report setting out details on the Council's performance in the third quarter of 2019/20. Members noted that the report and accompanying performance scorecard had been updated to focus primarily on the Council's Borough Plan, Building a Better Brent (2019-2023) and its priorities. In considering the update, the Leader of the Council took the opportunity to thank Cabinet Members and officers for their ongoing efforts and focus in terms of performance against the key priorities identified.

RESOLVED that Cabinet:

- (1) Note the performance information contained in the report, with Members specifically welcoming the significant progress in performance against the indicators introduced to measure the improvement in Key Stage results for boys of Black Caribbean heritage.
- (2) Note the current and future strategic risks associated with the information provided and agree remedial actions on strategic risks as appropriate with progress being challenged with responsible officers, as necessary.

14. **Brent Neighbourhood Community Infrastructure Levy (NCIL) Projects**

The Cabinet Member for Regeneration, Property & Planning, Councillor Shama Tatler introduced the report seeking approval to the allocation of Neighbourhood Community Infrastructure Levy (NCIL) funds for 12 community projects from Round Two of the 2019/20 NCIL programme.

RESOLVED that Cabinet:

- (1) Approve the following NCIL allocations:
 - (a) £132,400 to support the building of Barn Hall and all of the activities taking place, once built, for the Small Business Incubator Company in Willesden.
 - (b) £326,085 to support the Moving On Up Employment programme for Brent Council's Moving On Up Employment Consortium across all of Brent.
 - (c) £385,000 to support the expansion of the Lexi Hub for the Lexi Cinema in Kilburn and Kensal with Members recognising and commending the

team of volunteers for their ongoing efforts in developing and progressing the application.

- (d) £177,910 to support the Brent goes Wild Project for the Young Brent Foundation consortium in Wembley.
 - (e) £226,000 to support the Riverside Connections: Walking with Nature from Wembley Park to the Welsh Harp for Thames 21 to be delivered by Brent Council in Kingsbury and Kenton and Willesden.
 - (f) £109,620 to support the building of the new Millennium Garden of Peace and Life for Direct Services to be delivered by Brent Council in Willesden.
 - (g) £120,000 to support the financial support and debt management project for Advice4renters in Harlesden and Kilburn and Kensal.
 - (h) £200,000 to support a mentoring and education programme targeting gang members for Access UK across all of Brent.
 - (i) £395,596 to support the building of a second building for SEND pupils and the local community and families for Barham Primary School in Sudbury, Wembley.
 - (j) £140,423 to support the Person Centred Advocacy Project with Casework for the Bosnia and Herzegovina Community Advice Centre (BHCAC) in Harlesden.
 - (k) £105,290 to support the Inspiring Decent Work Futures (IDWF) for SEIDS Hub (Caritas Westminster) in Wembley.
- (2) Note in relation to each of the above awards, that the Assistant Chief Executive, Head of Strategy and Partnerships and Grants Manager would give further scrutiny on ensuring a deliverable measurable outcome analysis was completed in conjunction with the organisation/Brent Council. This would form part of a signed funding agreement regularly monitored. If the outcomes were not in line with Brent Council priorities and not agreed, the funding offer may be withdrawn.
- (3) Note the positive impact of each scheme as a key driver of positive change in local neighbourhoods and in addressing the Council's key priorities across the borough, with members also keen to thank the officers involved in supporting the NCIL process and residents and community groups for their ongoing support. As part of future reports, members also requested that details be provided (for information) on schemes that had also been approved under £100k.

15. **Policy, Procedures and Use of Regulation of Investigatory Powers Act (RIPA) 2000**

The Deputy Leader, Councillor Margaret McLennan, introduced the report informing Cabinet of the Council's use and conduct of surveillance techniques in accordance

with the Regulation of Investigatory Powers Act (RIPA) 2000. In addition, Cabinet were updated on the Investigatory Powers Commissioner's Inspection with approval also being sought to recommended changes to the RIPA Policy.

RESOLVED that Cabinet:

- (1) Approve the proposed changes to the RIPA policy attached as Appendix A to the report.
- (2) Note the oversight role of Audit & Standards Advisory Committee (ASAC), and that the matters identified within the report had been considered by the Committee at its meeting on 20 January 2020.

16. **Exclusion of Press and Public**


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

17. **Any other urgent business**

None, other than considered at the start of the meeting (item 7 above refers).

The meeting ended at 4.38 pm

COUNCILLOR MUHAMMED BUTT
Chair

 Brent	Cabinet 20 April 2020
	Report from the Strategic Director of Community Wellbeing

Transfer of Network Homes Temporary Accommodation Portfolio

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
Background Papers	None
No. of Appendices	Two Appendix 1: (exempt) Financial & Legal Implications Appendix 2: Equality Impact Assessment
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Laurence Coaker Head of Housing Needs Email: Laurence.coaker@brent.gov.uk Tel: 020 8937 2788

1.0 Purpose of the Report

- 1.1 This report requests approval for the Council to take over the management of the Network Homes Housing Association Temporary Accommodation (TA) portfolio in Brent.

- 1.2 This transfer would allow the Council to retain, and eventually increase, the stock of more settled, leased temporary accommodation, to help meet demand from homeless households. This would prevent the Council having to use poorer quality, more expensive, nightly paid temporary accommodation in response to Network Homes leaving the TA market and enable households to continue to live in Brent.

2.0 Recommendations

Cabinet is asked to:

- 2.1 Confirm the decision not to approve the implementation of the Reasonable Rent Scheme, as set out in paragraphs 3.10 to 3.13.
- 2.2 Agree that the Council enters into a Transfer Agreement with Network Homes Limited for the transfer of the temporary accommodation portfolio to the Council and authorises the Strategic Director of Community Wellbeing to finalise the terms of the Transfer Agreement.
- 2.3 Approve the assignment of the leases currently held by Network Homes for the Temporary Accommodation portfolio in Brent to the Council.

3.0 Detail

Demand for affordable housing

- 3.1 The Council's aim is to reduce the use of Temporary Accommodation, and ultimately eradicate its use all together. However, until there is sufficient supply of settled accommodation, which matches the demand, it is important that the accommodation used is of the highest quality and cost effective, that allow people to stay in Brent. The opportunity to secure the Network Homes portfolio is therefore important to maintain a large number of good quality homes in Brent.

The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces, with high demand on the housing needs service being primarily driven by households being evicted from the Private Rented Sector due to affordability. Additionally, as illustrated in Table 1, the implementation of the Homelessness Reduction Act (HRA) 2017, has led to an increase in the number of households seeking the Council's assistance for housing. There has also been a surge in demand from single homeless people, since the inception of the Coronavirus and the associated lockdown. The Winter Shelters in Brent have all been decanted, along with shelter at Ashford Place, to move Rough Sleepers out of accommodation with shared facilities.

Table 1: Number of households seeking the Council's assistance for housing

	HNS Approaches	% increase compared to 2017 figures
April - Dec 17 (prior to HRA 2017 implementation)	2447	
April - Dec 18 (following HRA 2017 implementation in April 2018)	4020	64%
April - Dec 19	4494	83%

- 3.2 The HRA came into effect in April 2018. The first year post implementation saw a 64% increase in the number of homelessness presentations; there were 4020

cases during April to December 2018 compared to 2447 cases in the same period in 2017. The second year (2019) saw an 83% increase in cases in the April - December period compared to the same period in 2017, prior to the implementation of the HRA 2017.

- 3.3 Due to the historic lack of supply of social housing available in Brent, accepted homeless households have to wait for many years in TA before an offer of social housing is available. For example, the average waiting time for a 3-bedroom property is 16 years. The Council has been using its power to meet new demand from homeless households with accommodation in the Private Rented Sector since 2012. However, there is an insufficient supply of affordable Private Rented Sector accommodation in Brent and, as a result; some accepted homeless households are still placed in temporary accommodation.

Temporary Accommodation

- 3.4 The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible, unintentionally homeless and have a priority need for accommodation under Part VII of the Housing Act 1996 (as amended). The duty to provide temporary accommodation usually comes to an end by arranging a settled housing solution with an offer of accommodation either in the public or private housing sector.
- 3.5 With demand from homeless households increasing since the implementation of the Homelessness Reduction Act 2017, and the recent influx of single homelessness driven by the Coronavirus, the pressure to retain and acquire good quality and affordable TA has also increased. The Housing Needs service, working with Housing Supply and Partnerships, are reducing the need for temporary accommodation by delivering 1000 new affordable housing per year over the next 5 years, including 1000 new Council homes. That said, there will likely always be a need for some good quality Temporary Accommodation. This will, in the medium term, be delivered through Council-owned provision. However, the transfer proposed in this report will help to retain existing stock and meet this demand in the short-term, and stop the families currently living in these properties from having to go into more expensive and lesser quality annexes.
- 3.6 Currently, there are three types of Temporary Accommodation: Bed and Breakfast, Annexes, and more settled leased accommodation, the majority of which is delivered through the Housing Association Leasing Scheme (HALS). The overall number of households residing in Temporary Accommodation has reduced in recent years, and so has the number in Bed and Breakfast. However, there has also been a reduction in the number of better quality units available through HALS, so there is still a significant reliance on the use of poor quality and expensive, nightly paid annexe accommodation.
- 3.7 Annexe accommodation is self-contained, which means the family have exclusive use of a bathroom, toilet and kitchen facilities. However, the majority of Brent's annexe accommodation is en-suite rooms, with a kitchenette in the corner of the room. There are still 207 households living in this type of temporary accommodation. A key objective of the procurement outlined in this

report is to maintain the current levels, and possibly increase, HALS provision of TA so that there is a reduction in the use of nightly paid annexe accommodation.

Current HALS provision

- 3.8 There are approximately 2000 homeless households currently living in TA in Brent. Approximately 854 of these households are in a Temporary Accommodation property sourced under HALS. The current contract has been awarded to Notting Hill Genesis Housing Association, Network Homes Housing Association and Shepherd's Bush Housing Association.
- 3.9 Out of the 854 HALS units, Network Homes manages 217 HALS properties. Network Homes has advised the Council that they are exiting the Temporary Accommodation market and has asked if the Council would be willing to take over the management of their entire TA portfolio.

Reasonable Rents

- 3.10 The recent review of the Council's Allocation Scheme included a proposal to implement the Reasonable Rent Scheme, as a way of mitigating against the loss of HALS units. Members decided not to implement the Reasonable Rent proposal as part of the review of the Allocation Scheme, and asked to review this proposal by January 2020.
- 3.11 The Reasonable Rents Scheme allows the status of leased properties under the current HALS scheme to be changed so that they no longer classify as TA, and therefore are not subject to the limits on Housing Benefit payable in TA. It would therefore be possible to pay owners a more attractive lease rent, which would facilitate better retention of HALS properties.
- 3.12 Network Homes exiting the Temporary Accommodation market presents an opportunity for the Council to take over the management of their entire TA portfolio, significantly increasing the in-house leasing scheme – Brent Direct Leasing (BDL), described further below in 3.19. This will give the Council more control of the portfolio, especially in negotiating lease renewals, providing an alternative way of offering more attractive lease rents to the Reasonable Rents scheme, without changing the status of the properties.
- 3.13 Officers have already successfully converted 33 properties for which the lease with Network Homes has expired (These are not included in the 217 figure above, which corresponds to the HALS units Network Homes continue to manage) The owners have (in principle, subject to further enquiries surrounding the BDL lease) agreed to lease their properties directly to the Council. Given that this opportunity offers an alternative way to achieve a similar retention of HALS properties to the Reasonable Rent scheme, it is recommended that Cabinet decide not to implement the Reasonable Rent Scheme.

Proposed Transfer of the Network Homes Portfolio

- 3.14 Network formally contacted the Council in November 2019 to advise that their Board had determined to exit the TA market, and invited the Council to take over their TA portfolio.
- 3.15 If the Council decide not to take over the management of these properties, Network Homes may start to give 1 months' notice to the owners of the properties, to bring the lease to an end and hand the property back, as is their right according to the HALS contract and the property leases.
- 3.16 As well as the 217 HALS units, Network have 117 properties in other Private Sector Leasing Schemes with the Council, broken down by scheme in the table below:

Table 2: breakdown of Network Homes PSL portfolio.

Name of Scheme	Number of properties	Description
HALS	217	Privately owned properties, leased and managed by Housing Associations, who are responsible for the rent collection
DPS	63	Privately owned properties, leased and managed by Housing Associations. The council is responsible for the rent collection
PMA	57	Privately owned properties, leased and managed by Housing Associations. The council is responsible for the rent collection
HALD	2	These are privately rented properties where the landlord issues the client with an Assured Shorthold Tenancy (AST) directly.
Total	339	

- 3.17 The Council still owes the main rehousing duty to all households living in these properties, with the exception of the 2 HALD properties. If the properties are handed back to the owners, the Council will have a statutory duty to find alternative accommodation for them. Due to the difficulties in securing alternative accommodation, this will most likely result in a move to emergency B&B or hotel annex accommodation which may not be in Brent.
- 3.18 The loss of this portfolio of TA would therefore has a significant negative impact on the Council and on the homeless households currently residing in these homes. The opportunity for Brent to take over the portfolio will guarantee that the Council retains this supply of TA in Brent, which will minimise the need for annexes.
- 3.19 As mentioned above, the Council has its own in-house Temporary Accommodation leasing scheme, called Brent Direct Leasing (BDL). This service currently manages 82 properties and households. If the Network Homes portfolio transfers into the Council, it would be managed alongside the BDL portfolio, increasing the in-house leasing scheme to approximately 450 homes.

3.20 Officers have visited Kingston Council, who manage a similar size TA portfolio through their own in-house leasing scheme. The visit confirmed that having a larger in house scheme presents opportunities to develop relationships with owners of local properties. It also enables more control over the service provided to owners, which helps to build a positive reputation, which in turn leads to a higher percentage of leases being renewed. This, coupled with the avoidance of negative impacts described above, leads this report to recommend that the Council take over the management of the Network portfolio.

4.0 Proposed Transfer

4.1 If the Network portfolio does transfer to Brent, the Council will be bound by the current terms and conditions of the existing leases with the owners of the properties. These leases are staggered, with end dates ranging from the present day to 2026. The Council will therefore be responsible for the rent collection, as well as minor repairs.

4.2 It is expected that the staff TUPE'd from Network, as well as an additional income collection post, will fulfil these requirements in a manner in line with Brent's current processes.

4.3 Under the Council's current leasing scheme (BDL), the landlords are responsible for managing repairs. Where this is not fulfilled, then the Council carries out the necessary repairs and recharges the landlord. The rent is collected by the Council for these properties.

4.4 As the leases end on the Network portfolio, the Council will contact the owners of the properties to negotiate a new arrangement from one of two options.

4.5 One option is to convert the property to a Private Rented Sector Offer (PRSO). This would end the main housing duty to the client, (and would only be possible if the household living in the property were accepted as homeless post November 2012). In this arrangement, the landlord would issue our client with an Assured Shorthold Tenancy (AST). Additionally, this approach will require the landlord's agreement to convert. Landlords are often reluctant to convert to a PRSO as this arrangement does not guarantee their rent.

4.6 If the landlord is not willing to convert to a PRSO, because they want to continue with a leasing scheme which guarantees the rental income, then officers will attempt to negotiate to enter into a new BDL lease with the Council.

4.7 In the last month, Council officers have been liaising with landlords where property leases have expired or are due to expire between January 2020 and May 2020. So far, 36 properties have been assessed for conversion to the Council's in house BDL scheme, and 33 landlords have agreed in principle. It should be noted that all of the properties inspected so far have been found to be in a good condition with only minor works required.

4.8 Through the current Network Homes lease, the Council will inherit some repairs obligations.

- 4.9 In the lease between Network Homes and Landlords, the tenant (Network Homes), is responsible for keeping the property in a habitable state of repair. This arrangement means that the majority of repairs in the property is the tenant's responsibility, with the exception of "fair wear and tear" repairs and some voids repairs, depending on the lease in place for each property.
- 4.10 Analysis of data received from Network Homes has shown that their average repairs spend in 2018/19 was £577 per property, and in 2019/20 (up to 26 February 2020 when the information was sent), the average repairs spend was £430 per property.
- 4.11 A stock condition survey has been undertaken to determine the condition of the portfolio, and help to inform any potential financial risks further. A sample of 23 properties (c.7%) have been inspected, with estimated repairs costs averaging £737.60 per property. At least a small portion of these repairs and associated costs would be the responsibility of the landlord.
- 4.12 The indicative timetable for the proposed transfer is as follows:

20 April	Cabinet meeting
27 April	Call in period expires
28 April	TUPE process starts (consultation for 28 days)
26 May	Transfer of stock go live

- 4.13 Legal Officers have advised that, in theory, landlords do not need to agree / provide written agreement for the leases to be assigned to Brent prior to the transfer taking place, as the local authority is named as a "permitted assignee" on the lease. However, due diligence needs to be carried out to ensure there aren't any breaches of covenant by Network Homes that Brent could become liable for.
- 4.14 As part of our due diligence, all cases of landlord and repair disputes., as well as cases of environmental protection / EPA notices, have been requested from Network Homes.
- 4.15 Network Homes have responded confirming that there are no current legal, financial or service delivery disputes with any Brent landlords, nor have any legal proceedings ever been issued against Network by a landlord. They have said there is currently one ongoing disrepair case that their legal team is dealing with, and that all historical disrepair claims have been dealt with. They have also said that there are currently no environmental health / EPA notices and no notices have been issued over the last two years.
- 4.16 For further due diligence, the Housing Needs Service are in the process of writing to all the landlords whose leases may be assigned to Brent Council to request feedback on the transfer and leasing scheme as a whole.
- 4.17 Network Homes have proposed a transfer agreement, which will be entered into by Network Homes and the Council. The transfer agreement will set out the respective party's rights and responsibilities in respect of the transfer of the

temporary accommodation portfolio including the dowry payment (see paragraph 5.3) and TUPE indemnities.

- 4.18 Cabinet is asked to agree that the Council enters into a Transfer Agreement with Network Homes Limited for the transfer of the temporary accommodation portfolio to the Council and authorises the Strategic Director of Community Wellbeing to finalise the terms of the Transfer Agreement

5.0 Financial Implications

- 5.1 Bringing the staff and management of the Network Homes portfolio in-house to manage as BDL properties is expected to lead to net additional costs.
- 5.2 Repairs & maintenance costs will be incurred on the 339 properties in scope at the time of the transfer. The Council's repairs contractor, Wates, have selected 23 properties across the portfolio to help inform any potential financial risks to the Council, in taking on the repairs and lease end costs, under the Network Homes lease. From the completed survey reports that the Council has received to date, the estimated repairs costs average £737 per property.
- 5.3 Other costs, such as bad debts on rents, may be incurred. £50k has been included to cover these expenses.
- 5.4 Most of the properties being brought in-house are managed under the Housing Association Leasing Scheme. The management and nomination fees for these properties currently total £70/week. However, £40/week is covered through the Housing Benefit payments to tenants. As such, the net cost to Brent will be £30/week per property. Applying this rate to the entire portfolio of properties being managed will lead to annual savings of £585k per annum.
- 5.5 In summary, the net financial impact is estimated to be £41k per year.

	£'000
Staff Costs	293
Repairs & maintenance	227
Other Costs	50
(less) Savings on management fees	(529)
Net Annual Costs	41

- 5.6 Further additional costs may be incurred if BDL increases the rent paid from the current levels and this cannot be covered by Housing Benefit. If an additional

£20/week was paid this could cost an additional £390k per annum. However, it is likely that rents will be reviewed on a case by case basis, reducing this cost. In addition, paying a higher rent may still be cheaper than the property returning to the landlord and the Council needing to use alternate forms of TA such as Annexes and B&B's which would come with higher costs.

- 5.7 The Financial Implications above look at the annual cost increases and ignore one-off payments such as any potential 'dowry' which may be paid by Network Homes in order to take over the management of these properties.

6.0 Legal Implications

- 6.1 The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996. The circumstances in which this duty can be discharged include the following: (i) if the homeless person accepts an offer of permanent accommodation from the Council or registered provider of social housing in the form of a secure tenancy or assured tenancy under Part 6 of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) for homeless applications accepted after 9 November 2012, if the homeless person accepts an offer of private rented accommodation where there is a fixed term of at least 12 months – this is also known as a private rented sector offer (PRSO) of accommodation. There are other defined circumstances where the rehousing duty can be discharged if a suitable offer of temporary or permanent accommodation is refused by the applicant.
- 6.2 If Network Homes terminate their leases with private landlords which have been providing temporary accommodation to those homeless households to whom the Council has accepted a duty to secure suitable temporary accommodation, the Council will remain under a duty under section 193 of the Housing Act 1996 to continue to secure the provision of suitable temporary accommodation to such homeless households until such circumstances arise in which the duty can be discharged.
- 6.3 The Council will need to be careful to ensure that if the leases are assigned from Network Homes to the Council, that the tenancies are not secure tenancies and come within one of the exception as set out in Schedule 1 to the Housing Act 1985. The most frequently used exception is paragraph 4 to Schedule 1 to the Housing Act 1985 which states that a tenancy granted in pursuance of any function under Part VII of the Housing Act 1996 (homelessness) is not a secure tenancy unless the local housing authority concerned has notified the tenant that the tenancy is to be regarded as a secure tenancy.
- 6.4 Officers within legal services are currently reviewing the Transfer Agreement put forward by Network Homes and will enter into negotiations with Network Homes' solicitor regarding the rights and responsibilities therein.
- 6.5 The Council's HALS contract with Network Homes is split into two phases. The first phase was for acquisition and management of HALS properties. This

phase expired on 31st of January 2020. The second phase is for ongoing management of HALS properties until their leases expire with a final contract expiry date of 31st January 2023. The parties will need to agree to terminate the HALS contract as part of the transfer process. This can be addressed in the Transfer Agreement.

- 6.6 The PMA scheme refers to a Framework Agreement for temporary accommodation for the council's private managed accommodation scheme. The Framework expired on the 3rd of July 2015. The DPS scheme refers to a Dynamic Purchasing System for temporary accommodation for private sector managed accommodation. The DPS expired on the 14th of July 2019. Notwithstanding the fact that both the framework agreement and the DPS have expired, call-off contracts which were issued under those contracts may continue to be valid. Any such call-off contracts will need to be terminated as part of the transfer process. This can be addressed in the Transfer Agreement.
- 6.7 Careful consideration should be given to the terms of the lease to be assigned to the Council, Officers should review the yield up provisions in the lease. This provision sets out the obligations of Network Homes in relation its liability owed to the Landlord in respect of its duty to place the property in a good standard of repair once the lease expires. Particular attention should also be given to the provisions of the lease that set out the Networks Homes duty to repair the property. Once the lease is assigned the repairing obligation both in relation to ongoing repairs during the lease term and at the end of the term will become the responsibility of the Council.
- 6.8 In relation to the new leases to be entered into between the Landlord and the Council. The Council should inspect the property thoroughly and agree a schedule of condition with the Landlord that can be appended to the lease as a supplemental document.

Employment/staffing issues

- 6.9 Based on the information gleaned to date, it is reasonable to believe that TUPE is likely to apply to this situation. Any transfer of staff is governed by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE 2006). TUPE applies where there is a 'relevant transfer' this can be; 1) a business transfer or, 2) service provision change (a change in the provider of a service). This is service provision change and is governed by TUPE 2006 Regs 3(1)(b)(iii) TUPE 2006. To satisfy the conditions of TUPE 2006 there must be immediately before the service provision change—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 client; the client intends that the activities will, following the service provision change, be carried out by the transferee other than in connection with a single specific event or task of short-term duration; and the activities concerned do not consist wholly or mainly of the supply of goods for the client's use. Further details relating to TUPE and staffing are contained in Appendix 1.
- 6.10 Under TUPE 2006 there is a requirement for the transferor to inform and consult with affected staff. Brent Council and Network Homes will be jointly and

severally liable if Network Homes fails to do so. An award of up to 13 weeks' pay, for each member of staff could be made, It is essential to include adequate indemnity in the transfer agreement.

- 6.11 Under TUPE 2006 any dismissals made prior to the transfer that are connected to the transfer, will be automatically unfair. On transfer, Bent Council will become jointly and severally liable therefore it is essential to include adequate indemnities in the transfer agreement.
- 6.12 The transferred employees will be part of a pension scheme, the details of which are yet to be known. There will be associated costs in either maintaining the employees' membership in their current pension scheme or, offering membership into the Local Government Pension Scheme.
- 6.13 Further legal implications relating to Employment and Staffing Issues are contained in Appendix 1

7.0 Equality Implications

- 7.1 The Households living in the Network Temporary Accommodation are all households to whom the Council has accepted the main rehousing duty to under homelessness legislation. The provision of this accommodation has a positive impact on service users, by providing good quality, well managed, self-contained accommodation, which is affordable for households on low income.
- 7.2 A full equalities impact assessment is available in Appendix 2.

Report sign off:

Phil Porter
Strategic Director of Community Wellbeing

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

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EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Transfer of Network Homes Temporary Accommodation Portfolio
DEPARTMENT:	Community Wellbeing
TEAM:	Housing Needs Service
LEAD OFFICER:	Saleema Nuraney
DATE:	15-03-2020

NB: Please ensure you have read the accompanying EA guidance and instructions in full.

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

In November 2019, Network Homes Housing Association formally contacted the Council to advise that their Board had determined to exit the Temporary Accommodation (TA) market, and invited the Council to take over their TA portfolio.

This equalities analysis is on the proposed transfer of Network Homes Housing Association's Temporary Accommodation (TA) portfolio.

This change is designed to retain and increase the stock of more settled leased temporary accommodation to help meet demand from homeless households. This will prevent the council having to use poorer quality, more expensive nightly paid temporary accommodation and to enable households to continue to live in Brent.

At the end of January 2020 there were 375 TA units in use managed by Network Homes Housing Association. Out of the 375 units, 258 are under the Housing Association Leasing (HAL) Scheme and the remaining 117 are in other Private Sector Leasing Schemes with the Council.

The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible, unintentionally homeless and have a priority need for accommodation under Part VII of the Housing Act 1996 (as amended). The duty to provide temporary accommodation usually comes to an end, by arranging a settled housing solution with an offer of accommodation either in the public or private housing sector.

With demand from homeless households increasing since the implementation of the Homelessness Reduction Act 2017, the pressure to retain and acquire good quality and affordable TA has also increased. The Housing Needs service working with Housing Supply and Partnerships have a plan to reduce the need for Temporary Accommodation by delivering 1000 units of affordable housing a year, including 1000 new council houses over the next 5 years. However, there will always be a need for

some good quality Temporary Accommodation, and while this will be in the medium term be delivered through council provision, there continues to be a need for TA and this procurement will help retain the existing stock of leased accommodation, and stop families having to go into nightly paid Annexes and Bed and Breakfast accommodation.

As Network Homes has advised the Council that they are exiting the Temporary Accommodation market, this presents an opportunity for the Council to take over the management of their entire TA portfolio, significantly increasing the in-house leasing scheme – Brent Direct Leasing (BDL). This will give the Council more control of the portfolio, especially in negotiating lease renewals. . When the lease ends under the Network scheme, the property will be converted onto a Brent lease, and so will still be temporary accommodation.

The Council enters into leases with the property owners, generally for a 3 year term. The tenants enter into a non secure tenancy agreement the Council and pay rent (generally via Housing Benefit paid to homeless families). The Council provides housing management services and pays the landlord a weekly rent amount based on the TA subsidy rates. There are minimum property standards and furniture standards specified by the Council.

If the Council decide not to take over the management of these properties, Network can start to give 1 months' notice to the owners of the properties, to bring the lease to an end, and hand the property back.

The Council still owes the main rehousing duty to the households living in these properties. If the properties are handed back to the owners, then the Council will have a statutory duty to find alternative accommodation for them. Due to the difficulties of securing alternative accommodation, this will most likely result in a move to emergency B&B or hotel annex accommodation which may not be in Brent.

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

The policy will directly benefit homeless families currently residing in TA to whom the Council still owes the main rehousing duty. The families are from various ethnic backgrounds and include those who may not have English as their first language as well as those who do.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

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

The tenant will still remain in the property once the proposed transfer to Brent has taken place. Once the Network lease comes to an end, the property will be converted to a Brent lease and the tenant will enter into an agreement directly with the Council. The property would initially have been allocated in line with Brent's TA Placement Policy to ensure that everyone's housing need is met in a fair, consistent and non discriminatory manner.

BDL properties will meet the "minimum property standard" to ensure they are suitable and habitable. The Council will also ensure (amongst other things) that all safety certificates are valid for the property, that the property has buildings insurance that the property adheres to current fire regulations.

Advice and assistance will be provided by the Council in the event of any queries or complaints with regards to Landlord conduct.

All clients are allocated a Housing Resolutions Officer (HRO). The HRO acts as the client's caseworker and assists with undertaking reviews on the suitability of the TA offer (should the client feel the accommodation is not suitable, the Reviews would investigate the merits of the suitability review) , fear of violence investigations and works with accommodation providers and other agencies to resolve complaints and tenancy support issues including claims of harassment or discrimination.

The Council will deal with housing management issues e.g. dealing with complaints of anti social behaviour (including discrimination, victimisation and harassment) and take action to resolve the situation or to mitigate the impact on the client. The Council also has a complaints procedure to prevent unlawful discrimination and to promote equal opportunities for everyone;

The Council is committed to equality and diversity and will ensure that their services are accessible to all users and take into account service user's individual needs. This includes using sign language or translation services, using large print or Braille, ensuring we have hearing loops for hearing impaired customers and ensuring our offices are accessible to wheelchair users.

The Council also has a complaints procedure to prevent unlawful discrimination and to promote equal opportunities for everyone.

Advance equality of opportunity;

Clients with learning disabilities, mental health issues, sensory or physical impairment are also able to access floating support either through a self referral or through a referral from the Council.

Support is also provided by Families Floating Support Service who provide support to families with housing related needs. They are able to arrange interpreters where necessary and help clients liaise with various services e.g. mental health services, hospitals, GP, social services and schools. They work closely with other agencies such as Look Ahead who deal with people with physical or learning difficulties, Elders Voice who deal with elderly applicants, Sanctuary who deal with victims of domestic abuse, Thames Reach who provide floating support for applicants with mental health issues. Whilst this list is not exhaustive, access to these services ensures a sensitive and responsive approach is taken with regard to meeting their housing needs and ensure equal access.

The Council will ensure there is a consistent approach to complaints and that the housing need is being provided with a caring and responsive approach with regards to complaints of harassment, discrimination or victimisation.

The Service will facilitate better monitoring of families who are housed through this scheme by ensuring that protected characteristics are captured by all staff via the current monitoring mechanisms currently in place.

4. Please indicate with an “X” the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	IMPACT		
	Positive	Neutral/None	Negative
Age		x	
Sex		x	
Race	x		
Disability		x	
Sexual orientation		x	
Gender reassignment		x	
Religion or belief		x	

Pregnancy or maternity	x		
Marriage		x	

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

SCREENING CHECKLIST		
	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	x	
Does the policy or proposal relate to an area with known inequalities?	x	
Would the policy or proposal change or remove services used by vulnerable groups of people?	x	
Has the potential for negative or positive equality impacts been identified with this policy or proposal?	x	
If you have answered YES to ANY of the above, then proceed to section B. If you have answered NO to ALL of the above, then proceed straight to section D.		

SECTION B – IMPACTS ANALYSIS

1. Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

The information used for this analysis is taken from the Housing Northgate database as at March 2020.

2. For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

AGE	
Details of impacts identified	Households will not be discriminated against because of their age. Analysis indicates that there will be a positive impact on clients aged between 30-52 as they currently make up 72% of households in TA. This is the most significant group of people who are positively impacted in relation to families with children.
DISABILITY	
Details of impacts identified	<p>Households will not be discriminated against because of their disability. The provision of accommodation is based on client need. Due to the shortage of adapted properties, preference is given to households who require properties that have been adapted or developed for people with a disability.</p> <p>Analysis indicates there have been 0 households who have been accommodated in adapted properties by Network Homes. Applicants who have an illness or disability are required to complete a medical form and include as much detail as possible to enable an accurate assessment. Medical priority is awarded following an assessment and recommendation from the Council’s District Medical Officer (DMO).</p> <p>The DMOs recommendations are always taken into consideration before an offer of TA is made to the applicant. If the DMO has made a recommendation for a specific type of property e.g. ground floor or single level access accommodation but where none is available, accommodation with downstairs facilities are sought to meet the applicant’s housing need. This flexible approach is adopted largely due to the difficulties in procuring adapted properties to meet the needs of disabled applicants.</p>

	<p>Clients with learning disabilities, mental health issues, sensory or physical impairment are also able to access floating support either through a self referral or through a referral from the Council. All referrals are submitted to Thames Reach who would identify their support needs and assist directly or refer to relevant organisation.</p> <p>Support is also provided by Families Floating Support Service who provide support to families with housing related needs. The types of support offered are :</p> <ol style="list-style-type: none"> 1. helping families to access appropriate welfare benefits 2. helping people into education, training and employment 3. support with finding debt-cancelling agencies where applicable 4. support with finding appropriate agencies for physical and mental health needs 5. helping families to keep tenancies and prevent repeated homelessness 6. helping families reintegrate into the community 7. supporting people experiencing domestic violence 8. supporting families with social/cultural issues <p>They are also able to arrange interpreters where necessary and help clients liaise with various service e.g. mental health services, hospitals, GP, social services and schools to name a few.</p>
RACE	
Details of impacts identified	<p>A sensitive and flexible approach to meeting clients' housing need is taken to ensure adequate and suitable provision is made. People from black and minority ethnic communities are also more likely to be impacted because they are over-represented among homeless acceptances (compared to the general population).</p> <p>The majority of households who access TA are from BAME households and are therefore positively impacted (specifically the Black African community). There are 42% of households in TA from the Black community (African, Caribbean, Somalian, Other), 20% are from the White community (Irish, UK, European, Other) and 38% are from the Asian community (Indian, Pakistani, Chinese, Other).</p>

SEX	
Details of impacts identified	The provision of accommodation will have a positive impact on both men and women , although it can be noted that 70% of households in TA are headed by women.
SEXUAL ORIENTATION	
Details of impacts identified	Unfortunately there is insufficient data on this protected characteristic due to a lack of responses by clients.
PREGANCY AND MATERNITY	
Details of impacts identified	There will be a positive impact on households with children or pregnant mothers as only eligible families with children can access this service. Pregnancy is also classified as a priority need when determining if a household is eligible for assistance under the Housing Act 96 (as amended).
RELIGION OR BELIEF	
Details of impacts identified	There is insufficient data to undertake an effective analysis. Households will not be discriminated against this characteristic.
GENDER REASSIGNMENT	
Details of impacts identified	There is insufficient data to undertake an effective. Households will not be discriminated against this characteristic.
MARRIAGE & CIVIL PARTNERSHIP	
Details of impacts identified	This service is accessible to families with children and households will not be discriminated against this characteristic. Analysis indicates there are currently 36% of households in HALS accommodation who are married .

3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

No

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

N/A

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

N/A

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

N/A

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

There will be on-going performance monitoring via quarterly contract meetings held with the relevant Council officers.

The number of complaints will also be used as a monitoring mechanism to ensure customers have been treated fairly and have not experienced discrimination on the basis of any of the protected characteristics.

Regular performance monitoring will ensure that the scheme does not operate in a manner that disadvantages or discriminates against any particular group.

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

Overall the policy is intended to retain the stock of more settled leased temporary accommodation to help meet demand from homeless households. This will prevent the council having to use poorer quality, more expensive nightly paid temporary accommodation and to enable households to continue to live in Brent.

The policy is also intended to provide more certain and sustainable outcomes for homeless households and enable them to remain within Brent. The proposed transfer will allow them to remain in their settled accommodation and neighbourhood as well as continue to engage with local services.

No negative impacts have been identified. The positive equality impacts which have been identified will remain due to the eligibility criteria of the households who can access the service.

Brent Council will be responsive, accessible and sensitive to the needs of all applicants, will not tolerate prejudice and discrimination and will actively promote equality.

The contract terms will ensure applicants receive the best possible service in accordance with their individual needs and requirements and there is a clear understanding of the relationship between the Council and the Landlord.

The Council will ensure properties meet rigorous standards, including adhering to the Minimum Property Standard.

Brent Council is committed to the principle of equal opportunities in the delivery of all of its services to ensure it is delivered in a manner that is fair to all sections of the community regardless of their protected characteristic.

SECTION D – RESULT

<i>Please select one of the following options. Mark with an "X".</i>		
A	CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED	X
B	JUSTIFY AND CONTINUE THE POLICY/PROPOSAL	
C	CHANGE / ADJUST THE POLICY/PROPOSAL	
D	STOP OR ABANDON THE POLICY/PROPOSAL	

SECTION E - ACTION PLAN

This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.


Action	Expected outcome	Officer	Completion Date

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Saleema Nuraney
REVIEWING OFFICER:	
HEAD OF SERVICE:	Laurence Coaker

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 Brent	Cabinet 20 April 2020
	Report from the Strategic Director of Community Wellbeing
Authority To tender contract for procurement and management of Temporary Accommodation Contract for Housing Association Leasing Scheme	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix 1: Equality Impact Assessment
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Laurence Coaker Head of Service – Housing Needs Tel: 020 8937 2788 Email: Laurence.Coaker@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report requests approval to invite tenders in respect of the Procurement and Management of Temporary Accommodation in support of the Council's Housing Association Leasing Scheme (HALS) as required by Contract Standing Orders 88 and 89.
- 1.2 This procurement exercise is designed to retain the stock of more settled leased temporary accommodation to help meet demand from homeless households. This will prevent the council having to use poorer quality, more expensive nightly paid temporary accommodation and to enable households to continue to live in Brent.
- 1.3 The proposed contract is anticipated to commence on 1 August 2020 for an acquisition and management period of three (3) years, with an option to extend for up to a further two (2) years. The contract will continue for a further three (3) year management period following expiry of the acquisition and management period. This will ensure existing properties continue to be managed, even if no new properties are acquired.

2.0 Recommendation(s)

Cabinet:

- 2.1 Approve inviting tenders for Procurement and Management of Temporary Accommodation in support of the Council's Housing Association Leasing Scheme (HALS) on the basis of the pre - tender considerations set out in paragraph 3.25 of the report.
- 2.2 Approve Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.25 of the report.
- 2.3 Delegate authority to the Strategic Director of Community Wellbeing, in consultation with the Lead Member for Housing, to award contracts for Procurement and Management of Temporary Accommodation for an acquisition and management term of 3 years, with an option to extend for up to a further 2 years, and a further management term of 3 years following expiry of the acquisition and management term

3.0 Detail

Demand for affordable housing

- 3.1 The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces with high demand being primarily driven by households being evicted from the Private Rented Sector due to affordability. Additionally, as illustrated in Table 1, the implementation of the Homelessness Reduction Act (HRA) 2017, has led to an increase in the number of households seeking the Council's assistance for housing.

	HNS Approaches	Variance
April - Dec 17	2447	0%
April - Dec 18	4020	64%
April - Dec 19	4494	83%

Table 1: Number of households seeking the Council's assistance for housing

- 3.2 In the first year post HRA 2017, there was a 64% increase in the number of homelessness presentations during April to December 2018 compared to the same period in 2017. In the second year there was an 83% increase compared to the same period prior to the implementation of the HRA 2017.
- 3.3 Due to the historic lack of supply of social housing that is available in Brent, accepted homeless households have to wait for many years in TA before an offer of social housing is available, for example the average waiting time for a 3 bed household is 16 years. The Council has been using the power to meet new demand from homeless households with accommodation in the Private Rented Sector. However, there is an insufficient supply of Private Rented Sector accommodation that is affordable in Brent and, as a result, some accepted homeless households are still placed in temporary accommodation.

Temporary Accommodation

- 3.4 The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible, unintentionally homeless and have a priority need for accommodation under Part VII of the Housing Act 1996 (as amended). The duty to provide temporary accommodation usually comes to an end, by arranging a settled housing solution with an offer of accommodation either in the public or private housing sector.
- 3.5 With demand from homeless households increasing since the implementation of the Homelessness Reduction Act 2017, the pressure to retain and acquire good quality and affordable TA has also increased. The Housing Needs service working with Housing Supply and Partnerships have a plan to reduce the need for Temporary Accommodation by delivering 1000 units of affordable housing a year, including 1000 new council houses over the next 5 years. However, there will always be a need for some good quality Temporary Accommodation, and while this will be in the medium term be delivered through council provision, there continues to be a need for Temporary Accommodation and this procurement will help retain the existing stock of HALS units, and stop families having to go into annexes.
- 3.6 Currently, there are three types of Temporary Accommodation: Bed and Breakfast, Annexes, and more settled leased accommodation, the majority of which is delivered through HALS. The overall number of households residing in Temporary Accommodation has reduced in recent years, and so has the number in Bed and Breakfast. However, there has also been a reduction in the number of better quality units available through HALS, so there is still a significant reliance on the use of poor quality and expensive nightly paid annexe accommodation. There are still 207 households living in this type of temporary accommodation.
- 3.7 Annexe accommodation is self-contained, which means the family have exclusive use of a bathroom, toilet and kitchen facilities. However, the majority of the annexe accommodation that is used are en-suite rooms, with a kitchenette in the corner of the room. A key objective of this procurement is to maintain the current levels, and possibly increase, the HALS provision so that there is a reduction in the use of nightly paid annexe accommodation.

Current HALS provision

- 3.8 There are approximately 2000 homeless households currently living in TA in Brent. Approximately 854 of these households are in a Temporary Accommodation property sourced under HALS. The current contract has been awarded to Notting Hill Genesis Housing Association, Network Homes Housing Association and Shepherd's Bush Housing Association.
- 3.9 Out of the 854 HALS units, Network Homes manages 258 HALS properties. Network Homes has advised the Council that they are no longer interested in working in the Temporary Accommodation Market and has asked if the

Council would be willing to take over the management of their entire TA portfolio. A separate report detailing this proposal will be submitted for consideration at the Cabinet Meeting on 20 April 2020: "Transfer of Network Homes Temporary Accommodation Portfolio". Therefore, this report only concerns the remaining 596 HALS properties.

- 3.10 Under the existing and proposed contracts, the Registered Providers (RPs) source suitable properties and enter into head leases with the property owners, generally for a 3-year term. The Council is provided with nomination rights to these properties and uses them to accommodate accepted homeless households in settled TA, while they wait for a final offer of either social housing or a Private Rented Sector property to end the main homeless duty. The tenants enter into an assured short hold tenancy with the RP and pay rent (generally via Housing Benefit paid to homeless families). The Council currently has a total of 854 HALS units, however, following Network Homes decision to exit the scheme, there will be 596 units, predominately managed by Notting Hill Genesis (527), but also Shepherds Bush Housing Association (69).
- 3.11 The RP's provide management and maintenance services which are covered by the rent. In line with TA subsidy rules, the weekly rent is calculated using 90% of the January 2011 Local Housing Allowance (LHA) for the size of the property plus an element for management costs, (increased from £40 to £60 per week in 2018). In addition, the Council pays a weekly tendered nomination fee to the relevant RP for each property.
- 3.12 In 2017, the RPs approached the Council to say that the HALS scheme was no longer financially viable and they required an increase in the management element of the rent of £40 per week. An increased management element of £60 per week per property was negotiated and implemented from June 2018. £40 of this is covered by Housing Benefit. The balance of the management element of £20 and the nomination fee of £10 per week is covered by Housing Need's General Funds budget which includes the Council's allocation of Flexible Homelessness Support Grant.
- 3.13 The current contract expired on 1 February 2020 and it is proposed that the new contract will commence on 1 August 2020. However, the providers are still contractually obliged to continue management of their portfolio of properties until lease end. Although the current providers cannot acquire new units, or renew leases until the new contact is in place, this will not have a significant impact as new acquisitions have been low, and the Council can renew any lease ends onto the in-house leasing scheme as the Council seeks to build its in-house leasing provision.
- Impact of not re-procuring***
- 3.14 If the council does not re-procure this, it will either need to try and bring those units into the in-house leasing scheme, or, over time as the leases end, lose 596 units of good quality, managed and affordable accommodation. As households are evicted due to leases coming to an end, they will require

alternative accommodation. Due to the difficulties of securing alternative accommodation, this will most likely result in a move back to poor quality, and expensive emergency B&B or hotel annex accommodation which may or may not be in Brent.

- 3.15 Table 2 highlights the number of properties the council stand to lose if the HALS contract is not retendered. This is because, as leases come to an end under the existing HALS contracts, the council will continue to lose properties year on year; by 2024 the council will all lose all properties under the existing HALS contracts.
- 3.16 Table 2 also illustrates the cost saving of keeping clients in their current HALS property compared to accommodating them in emergency B&B accommodation. In addition, there are social implications for households that must be considered, including disruption to school and family life and being placed far from their support networks.

	HALS Lease End	HALS costs @£60p/w	B&B costs &£120p/w	Variance/Savings
2020	213 properties	£664,560	£1,329,120	£664,560
2021	166 properties	£517,920	£1,035,840	£517,920
2022	144 properties	£449,280	£898,560	£449,280
2023	32 properties	£99,840	£199,680	£99,840
2024	41 properties	£127,920	£255,840	£127,920
Total	596 properties	£1,859,520	£3,719,040	£2,655,120

Table 2: Number of properties lost if HALS contract is not retendered and potential cost of placing households in B&B accommodation.

- 3.17 The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces. The HALS TA portfolio is a vital component of the Council's resource in meeting the increased housing demand from homeless households in Brent. This procurement exercise is designed to ensure the retention and provision of good quality, managed and affordable TA properties and thereby reduce the need for high cost nightly paid accommodation.

Procurement

- 3.18 The procurement sets out to maintain the current service, no changes are being proposed to the service. The minimum property standards and furniture standards specified by the Council will be maintained and the contractor has to provide a high-quality housing management service. The scope of services include a full property management service to include property acquisition, viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks and performance management. Performance is monitored through performance indicators and regular contract monitoring meetings.
- 3.19 The nomination fee for the service to be procured will be determined by this competitive tender. The contract will make provision for the adjustment of the nomination fee to take account of the effects of changes to legislation and

benefit rates and arrangements to ensure that value for money and the required supply are maintained.

- 3.20 It should be noted that although the name of the scheme suggests that provision has typically been by housing associations, this procurement is open to any suitably qualified bidder.
- 3.21 The ITT will be evaluated upon 50% quality, 40% price and 10% social value. The Council wishes to award contracts to between 3 and 5 organisations however, this will depend on the quality of the submissions and number received. It may be the case that the Council awards a smaller number of contracts if there is an insufficient number of satisfactory bids. Bidders will be asked to submit quality method statements. Any bidders who do not score satisfactorily for any of the quality questions will be excluded from the process. The Tender documentation will clearly set out the quality threshold required. The evaluation has been weighted heavily towards quality because of the fundamental importance of the selected contractors' ability to deliver the supply of units required at scale; from past experience, for comparable arrangements, contractors that have priced over-competitively with insufficient track record and capacity have found it difficult to supply accommodation at the quantities required.
- 3.22 The contracts will be awarded for an initial 3 year management and acquisition period with the potential to grant two 1 year extensions to this period. During the management and acquisition period, the successful Organisation will enter into head leases for new properties and manage those properties. Following expiry of the management and acquisition period the contract will continue for a further 3 year management period. During the management period, the successful RPs will continue to manage the properties with existing head leases but will not enter into new head leases. The Council will have nomination rights in respect of the properties with head leases throughout the full period of the contract (maximum of 8 years).
- 3.23 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response
(i)	The nature of the service	The provision of a full property management service for temporary accommodation let to homeless families nominated by the Council covering property acquisition, managing viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks.
(ii)	The estimated value.	Estimated to be in the range of £2m to £2.5m based on the weekly nomination fee of £10 per property in respect of 596 properties for the duration of the contract.
(iii)	The contract term.	Acquisition and Management period of 3 years, with the possibility of two 1-year extensions to be granted, plus an additional 3 year management period (up to a total maximum contract term of 8 years)

Ref.	Requirement	Response	
(iv)	The tender procedure to be adopted.	Open	
v)	The procurement timetable.	Indicative dates are:	
		Adverts placed and Invitation to Tender Issued	28 April 2020
		Deadline for tender submissions	1 June 2020
		Panel evaluation and moderation	2 June – 13 June 2020
		Report recommending Contract award circulated internally for comment	22 June – 29 June 2020
		Contract Award – Delegate Authority to Strategic Director with Lead Member to award	3 July 2020
		[Cabinet call in period of 5 days (mandatory unless excluded by the Cabinet) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	3 July 2020 to 13 July 2020
		Contract Mobilisation	14 July 2020 1 August 2020
		Contract start date	1 August 2020
(vi)	The evaluation criteria and process.	<p>1. As an open tender process will be undertaken, all tenderers will be assessed to ensure they meet the Council's minimum requirements in respect of financial standing, technical capacity and technical expertise.</p> <p>At tender evaluation stage, the panel will evaluate the tenders against the following criteria: 50% Quality – delivery of the service, 10% Social Value and 40% Price as follows:</p>	

Ref.	Requirement	Response																										
		<table border="1"> <thead> <tr> <th data-bbox="738 266 1201 338">Quality</th> <th data-bbox="1206 266 1361 338">Area Weighting</th> <th data-bbox="1366 266 1540 338">Overall Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="738 344 1201 819"> Procurement of Properties – A demonstrated ability to provide a full property management service covering property acquisition, managing viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks. Demonstration of value for money in the delivery of high quality services </td> <td data-bbox="1206 344 1361 819">50%</td> <td data-bbox="1366 344 1540 1883" rowspan="7"> The Quality Method Statements will be evaluated out of 100 and then given an overall weighting of 50% </td> </tr> <tr> <td data-bbox="738 826 1201 1095"> Repairs and Maintenance – A demonstrated commitment to the operation of a quality assurance policy in all aspects of service delivery and ability to ensure that properties are repaired and maintained to the specification. </td> <td data-bbox="1206 826 1361 1095">25%</td> </tr> <tr> <td data-bbox="738 1102 1201 1245"> Complaints and Management – A demonstrated ability to deal with tenancy management issues and complaints. </td> <td data-bbox="1206 1102 1361 1245">15%</td> </tr> <tr> <td data-bbox="738 1252 1201 1357"> Anti – Social Behaviour – A demonstrated ability to deal with anti-social behaviour </td> <td data-bbox="1206 1252 1361 1357">5%</td> </tr> <tr> <td data-bbox="738 1364 1201 1581"> Equalities – A demonstrated ability to identify and respond to changing priorities with due regard to the diversity and varying needs of the community </td> <td data-bbox="1206 1364 1361 1581">5%</td> </tr> <tr> <td data-bbox="738 1588 1201 1621"> Total For Quality </td> <td data-bbox="1206 1588 1361 1621"></td> <td data-bbox="1366 1588 1540 1621">50%</td> </tr> <tr> <td data-bbox="738 1628 1201 1733"> Social Value – bidders will be asked how they will deliver Social Value priorities in Brent </td> <td data-bbox="1206 1628 1361 1733"></td> <td data-bbox="1366 1628 1540 1733">10%</td> </tr> <tr> <td data-bbox="738 1740 1201 1845"> Commercial (Price) Evaluated on the basis of the weekly nomination fee </td> <td data-bbox="1206 1740 1361 1845"></td> <td data-bbox="1366 1740 1540 1845">40%</td> </tr> <tr> <td data-bbox="738 1852 1201 1886"> Total </td> <td data-bbox="1206 1852 1361 1886"></td> <td data-bbox="1366 1852 1540 1886">100%</td> </tr> </tbody> </table>	Quality	Area Weighting	Overall Weighting	Procurement of Properties – A demonstrated ability to provide a full property management service covering property acquisition, managing viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks. Demonstration of value for money in the delivery of high quality services	50%	The Quality Method Statements will be evaluated out of 100 and then given an overall weighting of 50%	Repairs and Maintenance – A demonstrated commitment to the operation of a quality assurance policy in all aspects of service delivery and ability to ensure that properties are repaired and maintained to the specification.	25%	Complaints and Management – A demonstrated ability to deal with tenancy management issues and complaints.	15%	Anti – Social Behaviour – A demonstrated ability to deal with anti-social behaviour	5%	Equalities – A demonstrated ability to identify and respond to changing priorities with due regard to the diversity and varying needs of the community	5%	Total For Quality		50%	Social Value – bidders will be asked how they will deliver Social Value priorities in Brent		10%	Commercial (Price) Evaluated on the basis of the weekly nomination fee		40%	Total		100%
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Commercial (Price) Evaluated on the basis of the weekly nomination fee		40%																										
Total		100%																										
(vii)	Any business risks associated with entering the	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this																										

Ref.	Requirement	Response
	contract.	contract
(viii)	The Council's Best Value duties.	Full advertising in OJEU, Contracts Finder and on the London Tenders Portal and a robust tender evaluation process will be carried out in order to support the Council's best value duties.
(ix)	Consideration of Public Services (Social Value) Act 2012	10% of the evaluation is included for Social Value benefits.
(x)	Any staffing implications, including TUPE and pensions.	See section 8 below.
(xi)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.

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

4.0 Financial Implications

4.1 As referenced at section 3.9, the management fees for the HALS properties currently total £60 per week. However, £40 per week is covered through the Housing Benefit payments to tenants. As such, the net cost to Brent is £20 per week per property. Applying this rate to the HALS portfolio leads to a cost of £5m which is funded from the Flexible Homelessness Support Grant. The weekly management fee is not part of this tender process. The estimated contract value is based on the nomination fee.

4.2 The estimated value of this Services contract is £2.5m.

4.3 The value of this contract has been based on a £10 weekly nomination fee in respect of properties over an 8 year period. This is based on the initial 3 year management and acquisition period, 2 years of extension to the initial contract and a further 3 year management period.

4.4 Expiration of leases is expected during the further management period (Years 6-8). For the purposes of the contract value, it is assumed that the leases will expire on 10 properties per month in the final 3 years.

4.5 It is anticipated that the cost of this contract will be funded from the existing Housing General Fund budget.

4.6 The value of the contract reflects that HALS properties provide a significant proportion of the temporary accommodation available in the borough,

providing a vital supply of properties to households who would otherwise be placed in less stable forms of accommodation.

5.0 Legal Implications

- 5.1 The contract is a public services contract under the Public Contracts Regulations 2015 ('EU Regulations'). The estimated value of the contract(s) is above the EU procurement threshold for services contracts (currently £189,330). The procurement is therefore subject to the requirements of the EU Regulations. Based on the value of the contract, it is also deemed a High Value Contract under the Council's Contract Standing Orders.
- 5.2 For High Value Contracts, the Cabinet must approve the pre-tender considerations set out in paragraph 3.20 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.3 Cabinet is being asked to delegate the award of contract(s) to the Strategic Director of Community Wellbeing, in consultation with the Lead Member for Housing. Once the tendering process is undertaken Officers will report to the to the Strategic Director of Community Wellbeing, explaining the process undertaken in tendering the contracts and recommending award in consultation with the Lead Member for Housing.
- 5.4 As this procurement is subject to the full application of the EU Regulations, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the EU Regulations before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 5.5 Homeless applicants who are accepted by local housing authorities as being homeless, eligible for assistance, unintentionally homeless and in priority need must be provided with suitable temporary accommodation pursuant to section 193 Housing Act 1996, until the duty to provide temporary accommodation comes to an end if one of the events set out in section 193(5) – (7AC) of the 1996 Act occurs, usually by arranging a settled housing solution with an offer of accommodation either in the public or private housing sector. The HRA 2017 increased the scope of assistance which local authorities are required to
- 5.6 The Homelessness Act 2017 imposes two further duties on local housing authorities they are as follows:
- *Duty to prevent homelessness* - an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days,

meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage (section 4 of the Homelessness Reduction Act 2017);

- *Duty to relieve homelessness* - a relief duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation (section 5 of the Homelessness Reduction Act 1996).

6.0 Equality Implications

6.1 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. Cabinet is referred to the contents of this report for information, in particular the Equality Analysis at Appendix 1 and paragraph 6.1 of the report.

7.0 Consultation with Ward Members and Stakeholders

7.1 N/A

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is currently provided by external contractors and there are no implications for Council staff arising from retendering the contracts.

9.0 Public Services (Social Value) Act 2012

9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

9.2 Social value contributes to 10% of the overall tender evaluation weighting. Bidders will be required to provide proposals for providing social, environmental and economic benefits to the borough.

Report sign off:

Phil Porter

Strategic Director Community Wellbeing.

Appendix 1

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Retendering of the Housing Association Leasing Scheme
DEPARTMENT:	Community Wellbeing
TEAM:	Housing Needs Service
LEAD OFFICER:	Saleema Nuraney
DATE:	14-02-2020

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

This equality analysis is on the retendering of the Housing Association Leasing Scheme as the current contract expired on 1st February 2020. This procurement exercise is designed to retain existing stock and provide a sufficient supply of temporary accommodation (TA) to meet demand from homeless households, to allow the council to move away from the use of expensive and less desirable nightly paid accommodation and to enable the placement of households in or closer to Brent. At the end of January 2020 there were 596 HALS units in use managed by Notting Hill Genesis and Shepherds Bush Housing Association.

The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible, unintentionally homeless and have a priority need for accommodation under Part VII of the Housing Act 1996 (as amended). The HAL Scheme is used to provide temporary accommodation for homeless families.

The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces with high demand being primarily driven by households being evicted from the Private Rented Sector due to affordability. Additionally, the implementation of the Homelessness Reduction Act (HRA) 2017, has led to an increase in the number of households seeking the Council's assistance for housing.

Due to the lack of supply of social housing that is available in Brent, accepted homeless households have to wait for many years in TA before an offer of social housing is available, for example the average waiting time for a 3 bed household is 16 years. The Council has been using the power to meet new demand from homeless households with accommodation in the Private Rented Sector. However, there is an insufficient supply of Private Rented Sector accommodation that is affordable in Brent and, as a result, some accepted homeless households are still placed in temporary accommodation.

With demand from homeless households increasing since the implementation of the Homelessness Reduction Act 2017, the pressure to retain and acquire good quality and affordable TA has also increased.

The Council contracts with the Housing Associations are to source suitable housing for homeless families. The Housing Associations source suitable properties and enter into head leases with the property owners, generally for a 3 year term. The Council is provided with nomination rights in order that the Council can nominate tenants to properties made available by the Housing Associations. The tenants enter into an assured short hold tenancy with the Housing Associations and pay rent (generally via Housing Benefit paid to homeless families). The Housing Associations provide management and maintenance services which are covered by the rent. The Council pays a weekly nomination fee to the relevant Housing Association for each property. There are minimum property standards and furniture standards specified by the Council, and the Housing Associations have to provide a high-quality housing management service. Performance is monitored through performance indicators and regular monitoring meetings.

The principal aim of the HAL scheme is to:

- Continue to meet the housing need for eligible, homeless persons with a priority need for whom the Council has a statutory duty to provide suitable TA under part VII of the Housing Act 1996 (as amended).
- Meet housing need through provision of appropriate affordable housing
- Make best use of leased accommodation to meet housing need
- To specify the affordability thresholds to be complied with by Contractors when setting rents
- Encourage Housing providers to pay full regard to the affordability of TA
- Promote a consistent approach to the letting and management of TA in the borough
- The intention of the HAL scheme is to meet the gap between the need for housing and the supply of affordable temporary accommodation.

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

The policy will directly benefit homeless families who have approached the Council and are eligible for suitable accommodation. The families are from various ethnic backgrounds and include those who may not have English as their first language as well as those who do.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

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

The council will allocate TA in line with Brent's TA Placement Policy which will ensure that everyone's housing need is met in a fair, consistent and non-discriminatory manner.

The specification of the HALS contract will ensure that properties procured by Contractors will meet rigorous standards, including adhering to the "minimum property standard" as defined in the HALS specification. This specifies the standards each property must meet before they can be accepted for the HALS scheme. The

Contractor should ensure (amongst other things) that all safety certificates are valid for the property, that the property has buildings insurance that the property adheres to current fire regulations.

The specification also includes Brent's commitment to Equality and Diversity in Procurement and states clearly the commitment we expect from Provider to promote equality and diversity, taking into account the needs of the people protected under the Equality Act 2010 in respect of the Protected Characteristics.

Advice and assistance will be provided by the Council in the event of any queries or complaints with regards to Provider conduct.

Once clients are accepted under the Housing Act 96, they are allocated a Housing Resolutions Officer (HRO). The HRO acts as the client's caseworker and assists with undertaking reviews on the suitability of the TA offer (should the client feel the accommodation is not suitable, the Reviews would investigate the merits of the suitability review) , fear of violence investigations and works with accommodation providers and other agencies to resolve complaints and tenancy support issues including claims of harassment or discrimination.

As part of the tender process, we will also be asking Bidders to demonstrate how effectively they deal with tenancy and housing management issues e.g. dealing with complaints of anti-social behaviour (including discrimination, victimisation and harassment) and actions taken to resolve the situation or to mitigate the impact on the client. Providers are also contractually required to have a complaints procedure to prevent unlawful discrimination and to promote equal opportunities for everyone; Bidders also need to ensure that all staff should be CRB checked .

As part of their tender response, each provider is asked to submit a welcome pack. This outlines all the information a tenant will require not only about their new home, local area and amenities but also information about the Provider. It should include their equal opportunities policy and how to make a complaint if a tenant feels they have been treated unfairly. Bidders will be required to provide this in a range of formats to meet the individual's communication needs.

There will be a requirement for Bidders to demonstrate their commitment to our Equality and Diversity Policy by ensuring that their services are accessible to all users and take into account service user's individual needs. This includes using sign language or translation services, using large print or Braille, ensuring they have hearing loops for hearing impaired customers and ensuring their offices are accessible to wheelchair users. This will be monitored as part of the monthly performance indicators.

Bidders will also be required to ensure that there are appropriate systems in place to ensure that the communication needs of service users are reflected on systems which may relate to maintenance so that contractors are made aware.

During the tender process, Bidders will be evaluated on both procurement and tenancy management issues. This includes how their company policies and procedures deal with complaints of harassment and nuisance (this includes sexual, racial and transphobic harassment , domestic abuse, anti-social behaviour and homophobia). The number of complaints is also one of the performance indicators upon which their performance is regularly monitored. All complaints of harassment would be dealt with by the Provider in the first instance in line with their company's complaints procedure. If the client is not satisfied with the outcome, they can contact their caseworker at Brent Council. Providers are also contractually

required to have a complaints procedure to prevent unlawful discrimination and to promote equal opportunities for everyone.

Regular performance monitoring allows the Council to ensure there is a consistent approach to complaints and that the housing need is being provided with a caring and responsive approach with regards to complaints of harassment.

Advance equality of opportunity;

Clients with learning disabilities, mental health issues, sensory or physical impairment are also able to access floating support either through a self-referral or through a referral from the Council or the Housing Association.

Support is also provided by Families Floating Support Service who provide support to families with housing related needs. They are able to arrange interpreters where necessary and help clients liaise with various services e.g. mental health services, hospitals, GP, social services and schools. They work closely with other agencies such as Look Ahead who deal with people with physical or learning difficulties, Elders Voice who deal with elderly applicants, Sanctuary who deal with victims of domestic abuse, Thames Reach who provide floating support for applicants with mental health issues. Whilst this list is not exhaustive, access to these services ensures a sensitive and responsive approach is taken with regard to meeting their housing needs and ensure equal access.

Regular performance monitoring will enable the Council to ensure there is a consistent approach to complaints and that the housing need is being provided with a caring and responsive approach with regards to complaints of harassment, discrimination or victimisation.

The Service will facilitate better monitoring of families who are housed through this scheme by ensuring that protected characteristics are captured by all staff via the current monitoring mechanisms currently in place.

4. Please indicate with an “X” the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	IMPACT		
	Positive	Neutral/None	Negative
Age		X	
Sex		X	
Race	x		
Disability		X	
Sexual orientation		X	
Gender reassignment		x	
Religion or belief		x	
Pregnancy or maternity	x		

Marriage		x	
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5. Please complete **each row** of the checklist with an “X”.

SCREENING CHECKLIST		
	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	x	
Does the policy or proposal relate to an area with known inequalities?	x	
Would the policy or proposal change or remove services used by vulnerable groups of people?	x	
Has the potential for negative or positive equality impacts been identified with this policy or proposal?	x	
If you have answered YES to ANY of the above, then proceed to section B. If you have answered NO to ALL of the above, then proceed straight to section D.		

SECTION B – IMPACTS ANALYSIS

1. Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

The information used for this analysis is taken from the Housing Northgate database as at January 2020 and consists of households currently residing in HALS accommodation.

2. For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

AGE	
Details of impacts identified	Households will not be discriminated against because of their age. Analysis indicates that there will be a positive impact on clients aged between 30-59 as they currently make up 87% of households in TA. This is the most significant group of people who are positively impacted in relation to families with children.
DISABILITY	
Details of impacts identified	<p>Households will not be discriminated against because of their disability. The provision of accommodation is based on client need. Where adapted or single level accommodation is required, Providers are informed to procure suitable accommodation. Due to the shortage of adapted properties, preference is given to households who require properties that have been adapted or developed for people with a disability. Analysis indicates there have been 3 households who have been accommodated in adapted properties.</p> <p>Applicants who have an illness or disability are required to complete a medical form and include as much detail as possible to enable an accurate assessment. Medical priority is awarded following an assessment and recommendation from the Council’s District Medical Officer (DMO). The DMOs recommendations are always taken into consideration before an offer of TA is made to the applicant. If the DMO has made a recommendation for a specific type of property e.g. ground floor or single level access accommodation but where none is available, accommodation with downstairs facilities are sought to meet the applicant’s housing need. This flexible approach is adopted largely due to the difficulties in procuring adapted properties to meet the needs of disabled applicants.</p> <p>Part of the tender evaluation will assess how Housing Associations ensure disabled clients are able to access service provision effectively. In the past, they have conducted customer surveys to identify language and accessibility needs of all tenants to establish communication needs. When clients are nominated to TA, the Housing Association is</p>

	<p>also given detailed information on the family with regards to any disabilities to ensure they have made suitable arrangements e.g. providing the welcome pack in braille for those who are visually impaired and to ensure the accommodation provided is suitable for the household's needs.</p> <p>Clients with learning disabilities, mental health issues, sensory or physical impairment are also able to access floating support either through a self-referral or through a referral from the Council or the Housing Association. All referrals are submitted to Thames Reach who would identify their support needs and assist directly or refer to relevant organisation.</p> <p>Support is also provided by Families Floating Support Service who provide support to families with housing related needs. The types of support offered are :</p> <ol style="list-style-type: none"> 1. helping families to access appropriate welfare benefits 2. helping people into education, training and employment 3. support with finding debt-cancelling agencies where applicable 4. support with finding appropriate agencies for physical and mental health needs 5. helping families to keep tenancies and prevent repeated homelessness 6. helping families reintegrate into the community 7. supporting people experiencing domestic violence 8. supporting families with social/cultural issues <p>They are also able to arrange interpreters where necessary and help clients liaise with various service e.g. mental health services, hospitals, GP, social services and schools to name a few.</p>
RACE	
Details of impacts identified	<p>A sensitive and flexible approach to meeting clients' housing need is taken to ensure adequate and suitable provision is made. People from black and minority ethnic communities are also more likely to be impacted because they are over-represented among homeless acceptances (compared to the general population).</p> <p>The majority of households who access TA are from BAME households and are therefore positively impacted (specifically the Black African</p>

	community). There are 44% of households in TA from the Black community (African, Caribbean, Somalian, Other), 11% are from the White community (Irish, UK, Other) and 17% are from the Asian community (Indian, Pakistani, Chinese, Other).
SEX	
Details of impacts identified	The provision of accommodation through the HAL scheme will have a positive impact on both men and women , although it can be noted that 67% of households in TA are headed by women.
SEXUAL ORIENTATION	
Details of impacts identified	Unfortunately there is insufficient data on this protected characteristic due to a lack of responses by clients. However, households will not be discriminated against this characteristic.
PREGANCY AND MATERNITY	
Details of impacts identified	There will be a positive impact on households with children or pregnant mothers as only eligible families with children can access this service. Pregnancy is also classified as a priority need when determining if a household is eligible for assistance under the Housing Act 96 (as amended).
RELIGION OR BELIEF	
Details of impacts identified	Unfortunately, there is insufficient data on this protected characteristic to undertake an effective analysis. Households will not be discriminated against this characteristic.
GENDER REASSIGNMENT	
Details of impacts identified	Unfortunately, there is insufficient data on this protected characteristic to undertake an effective analysis. Households will not be discriminated against this characteristic.
MARRIAGE & CIVIL PARTNERSHIP	

Details of impacts identified	This service is accessible to families with children and households will not be discriminated against this characteristic. Analysis indicates there are currently 37% of households in HALS accommodation who are married .
--------------------------------------	---

3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

No

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

N/A

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

N/A

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

N/A

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

There will be on-going performance monitoring via quarterly contract meetings held with the Providers and by reviewing their KPIs which are submitted on a monthly basis. The number of complaints will also be used as a monitoring mechanism to ensure customers have been treated fairly and have not experienced discrimination on the basis of any of the protected characteristics.

Regular performance monitoring will ensure that the scheme does not operate in a manner that disadvantages or discriminates against any particular group.

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

Overall the policy is intended to ensure availability of enough suitable accommodation for homeless households to allow the council to meet its duties at a cost that it can sustain and which are affordable to homeless households, against the background of an increasingly difficult market, marked by rapid increases in rent costs.

The policy is also intended to provide more certain and sustainable outcomes for homeless households and enable them to be accommodated within Brent. The offer of a temporary accommodation will mean that households can move into more settled accommodation that is affordable, enabling them to settle in a neighbourhood, engage with local services and opportunities and plan their futures with more certainty.

No negative impacts have been identified. The positive equality impacts which have been identified will remain due to the eligibility criteria of the households who can access the service.

Brent Council is committed to the principle of equal opportunities in the delivery of all of its services and will seek to ensure that the HAL scheme is applied in a manner that is fair to all sections of the community regardless of their protected characteristic.

Brent Council and its partners will be responsive, accessible and sensitive to the needs of all applicants. They will not tolerate prejudice and discrimination and will actively promote equality.

The contract terms will ensure applicants placed by the Council receive the best possible service in accordance with their individual needs and requirements and there is a clear understanding of the relationship between the Council and the Provider.

The tender process will also include method statements which allow the panel to assess how well the Provider is able to meet our clients' needs. Bidders are required to demonstrate their experience by providing examples of how they will deal with tenancy and housing management issues. The panel will also be assessing Providers to ensure their staff are CRB checked.

The Council will allocate TA in line with Brent's TA Placement Policy which will ensure that everyone's housing need is met in a fair, consistent and non-discriminatory manner.

The specification of the HALS contract will ensure that properties procured by Contractors will meet rigorous standards, including adhering to the "minimum property standard" as defined in the HALS specification.

The specification also includes Brent's commitment to Equality and Diversity in Procurement and states clearly the commitment we expect from Providers to promote equality and diversity, taking into account the needs of the people protected under the Equality Act 2010.

SECTION D – RESULT

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


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

SECTION E - ACTION PLAN

This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.

Action	Expected outcome	Officer	Completion Date

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	Cabinet 20 April 2020
	Report from Strategic Director, Community WellBeing
Purchase of 114 Affordable Homes in Alperton	

Wards Affected:	Alperton
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	4 Appendix 1 (exempt): Financial Investment Appraisal Appendix 2: Site location Appendix 3: Site plan Appendix 4: Site Illustration
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Hakeem Osinaike Operational Director of Housing Email: Hakeem.Osinaike@brent.gov.uk Tel: 020 8937 2023 Nick Ljustina Operational Director of Property & Assets Email: Nick.Ljustina@brent.gov.uk Tel: 020 8937 5025

1.0 Purpose of the Report

- 1.1 This report seeks permission to purchase the long leasehold interest of 999 years in 92 affordable rented homes (flats) and 22 shared ownership homes

(flats) at the Grand Union site located in Beresford Way, Alperton HA0 1NW ('the scheme'), from St. George Development Ltd who is the freeholder and 'developer'. The scheme is currently in development with an estimated practical completion date of November 2021 for the affordable rented homes, and May 2023 for the shared ownership homes. See images in Appendices 2-4.

- 1.2 The purchase price agreed in principle for the 114 affordable homes is £27m (Twenty Seven million pounds) exclusive of Stamp Duty Land Tax (SDLT) and disbursements – see financial model in Appendix 1.
- 1.3 The developer will grant the Council a 999-year lease at a peppercorn rent on completion of the contract for the 114 affordable homes. The developer will continue to insure the premises during the construction and until completion of the contract.

2.0 Recommendation(s)

2.1 Cabinet is asked to:

- (i) Note the contents of this report;
- (ii) Approve the proposed purchase of the long leasehold interest in 114 affordable homes within the scheme currently in development for the purchase price of £27m (plus statutory costs), subject to contract and subject to a) clean and marketable title b) financial and legal due diligence and c) vacant possession, with a target exchange of contract in May 2020; and;
- (iii) Delegate authority to the Strategic Director of Regeneration & Environment in consultation with the Lead Member for Regeneration, Highways, Planning, to negotiate and agree the terms and thereafter enter into a contract with the developer for the purchase of the scheme.

3.0 Detail

- 3.1 The Grand Union development will deliver a total of 3,030 homes in the Alperton area. It is a development spanning 10-15 years but the first homes are now being built. The planning application reference of the development is 18/0321.
- 3.2 Under the section 106 agreement between the developer and the Council dated 28th September 2018, 35% of these homes will be affordable. This totals about 1,050 homes of which 30% (315) will be shared ownership and 70% (735) rented. The rent is required to be capped at Local Housing Allowance (LHA).
- 3.3 The developer is seeking a buyer for the 92 affordable rented homes and the 22 shared ownership homes, totalling 114 affordable homes. The 114 affordable homes are being sold as a package within blocks A and B (affordable rented homes) in phase 1 and block D (shared ownership) in phase 3 (see appendix 3). Construction of the 1st phase of this development comprising 92 affordable rented homes commenced in December 2019.

3.4 The breakdown of the 114 affordable homes is as follows:

	Shared Ownership	Rented	Total
Manhattan/Studio	5	0	5
1 Bed 2P	3	31	34
2 Bed 3P	7	24	31
2 Bed 4P	1	34	35
3 Bed 5P	0	2	2
3 Bed 6P	6	1	7
Total	22	92	114

3.5 The Head of Housing Needs has confirmed that the size breakdown will meet the essential housing needs of households on the housing register and the location of the scheme will be beneficial.

3.6 Officers have approached the developer regarding the possibility of purchasing these homes. An agreement in principle has been reached on a purchase price of £27m via private treaty, which means an average of just under £237K for each home.

3.7 The target average development cost under the New Council Homes Programme (NCHP) is £280K per home. As such, at just under £237K per home, this purchase represents good value for money.

4.0 Grand Union Site

4.1 The Grand Union site is a former 22-acre industrial estate in the borough.

4.2 The site is bounded by Beresford Avenue to the north, the A406 to the east and the Grand Union canal to the south.

4.3 Bisected by the River Brent, the development is formed of two parcels of land – the northern parcel which forms the majority of the site and a smaller southern parcel.

4.4 The development is expected to have 6 phases. Demolition commenced in May 2019 and the completion of the entire scheme is expected by 2038.

4.5 The scheme will be a mix site development, which will also include offices, a nursery, shops, cafes, bars and a community centre.

5.0 Financial Implications

5.1 The analysis assumes that 92 homes will be let at London Affordable Rent (LAR) rates and 22 will be Shared Ownership (with rent capped at 2.75% of market value).

- 5.2 The purchase price offer is £27m whilst the total cost of the scheme to the Council is £30m (when including 12% for fees and contingency) and would sit within HRA. The average cost per home is £265k including all on costs (£237k based on purchase price only).
- 5.3 The net annual rental income after allowing for voids and bad debts on the 114 residential homes amounts to c £0.9m. The appraisal shows the scheme to be financially viable with a payback period of 44 years. See Appendix 1 (excerpt) for summary of the financial assessment undertaken.

In addition to this a number of different scenarios have been modelled and are included in Appendix 1 for information. The scenarios are:

1. Failure to secure the SDLT exemption noted below would increase the cost of the scheme by c £1m and increase the payback period by 3 years to year 47.
 2. Impact of homes being completed/handed over late (assumed 6 months after Nov 2021 completion date) would increase the payback period by 1 year to year 45.
- 5.4 Circa 30% of the scheme will be funded from retained Right to Buy (RTB) receipts which have been applied to the total build cost of the 92 homes, this comes to value of £7.3m. Under current GLA guidance, RTB receipts cannot be applied to the Shared Ownership elements of the scheme.
- 5.5 It has been assumed that the Council will receive 100% Stamp Duty Land Tax (SDLT) relief based on the assumption that:
- a) the Council is deemed to be a relevant housing provider that is controlled by its tenants; and
 - b) the application of RTB receipts meets the requirements of a qualifying public subsidy.

These assumptions will need to be fully tested along with the Council's tax advisors and HMRC. Failure to secure the SDLT exemption noted above would increase the cost of the scheme by c £1m and push the payback period to year 47.

5.6 Risks

- 5.6.1 The rent level(s) under Shared Ownership is based on market value and is capped at 2.75%. Any changes to market value will have an impact on income and thus the financial viability.

5.7 Main Assumptions

The following assumptions have been made in undertaking the financial viability.

- Shared ownership staircasing (25% ownership, 75% rent)

- Rents assumed at LAR rates
- Rent increase assumed at CPI plus 1% for 5 years, thereafter at CPI
- CPI assumed at 2%
- Housing management at £600 and maintenance cost at £600, per property
- 2% Bad debt and 2% Void
- Service charges will be cost neutral
- Cost of Capital – Interest rate on borrowing at 3%

6.0 Legal Implications

6.1 Section 120 of the Local Government Act 1972 provides that

For or the purposes of —

- (a) any of their functions under this or any other enactment, or
- (b) the benefit, improvement or development of their area.

The Council may acquire by agreement any land, whether situated inside or outside their area.

6.2 The Council will be purchasing 22 affordable homes that will be rented to Council tenants. Section 79 of the Housing Act 1985 provides that the tenant of a council property will be a secure tenant provided that in accordance with section 81 of the Housing Act 1985 the dwelling is the tenants main or principal home. Accordingly, the provisions of the Housing Act will entitle the secure to purchase their home under the right to buy scheme.

6.3 The shared ownership leases will be entered into between the Council and the long leaseholder. It is likely that the tenants will be required to purchase percentage shares usually a minimum of 25 percent or more in the dwelling and pay the Council rent. Rent will be paid until such time as the Tenant acquires 100 percent of the equity in the property.

6.4 The Council has the power to dispose of property under Section 123 of the Local Government Act 1972 for the best price reasonably obtainable (This type of disposal would be covered under the General Consents and would not need specific consent under Circular 06/03)

6.5 The Council legal department will undertake all the necessary due diligence Prior to exchange of contracts. Accordingly, all the necessary searches and Title information will be examined prior to entering into the contract to ensure that the Council will acquire the property with good and marketable title.

6.6 For both Low Value and Medium Value Contracts, the relevant Operational Director has delegated authority to authorise the procurement of such contracts and award the contracts.

7.0 Equality Implications

7.1 No equality implications have been identified.

8.0 Consultation with Ward Members and Stakeholders

8.1 This paper will be circulated to all Ward Members.

9.0 Human Resources / Property Implications

9.1 There are no further property implications or human resources implications in relation to this report.

10.0 Public Services (Social Value) Act 2012

10.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental wellbeing of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers will have regard to considerations contained in the Social Value Act in relation to the proposed procurements and where appropriate, include reference to social value being 10% of the evaluation score.

Report sign off:

Phil Porter

Strategic Director for Community Wellbeing

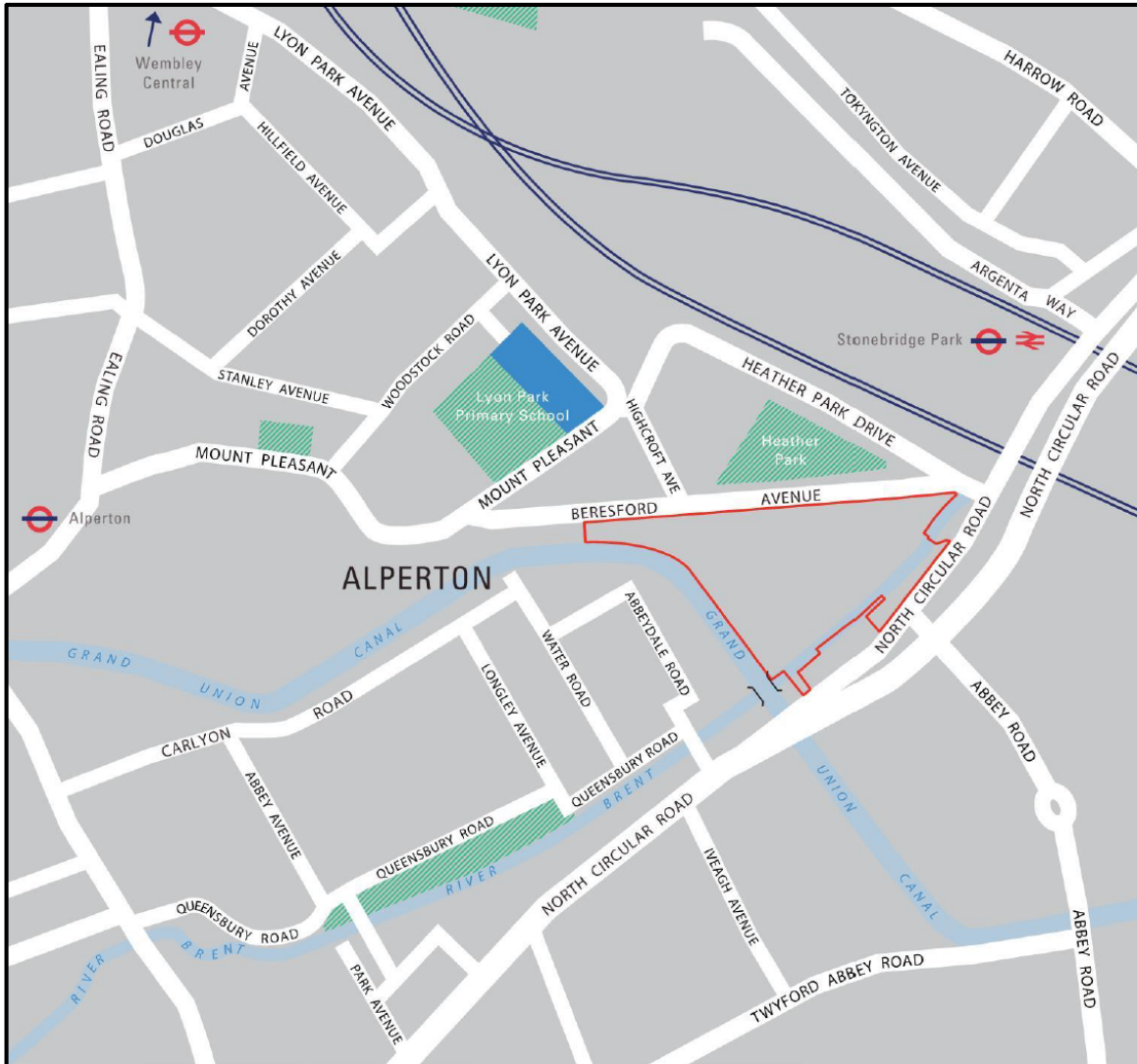
By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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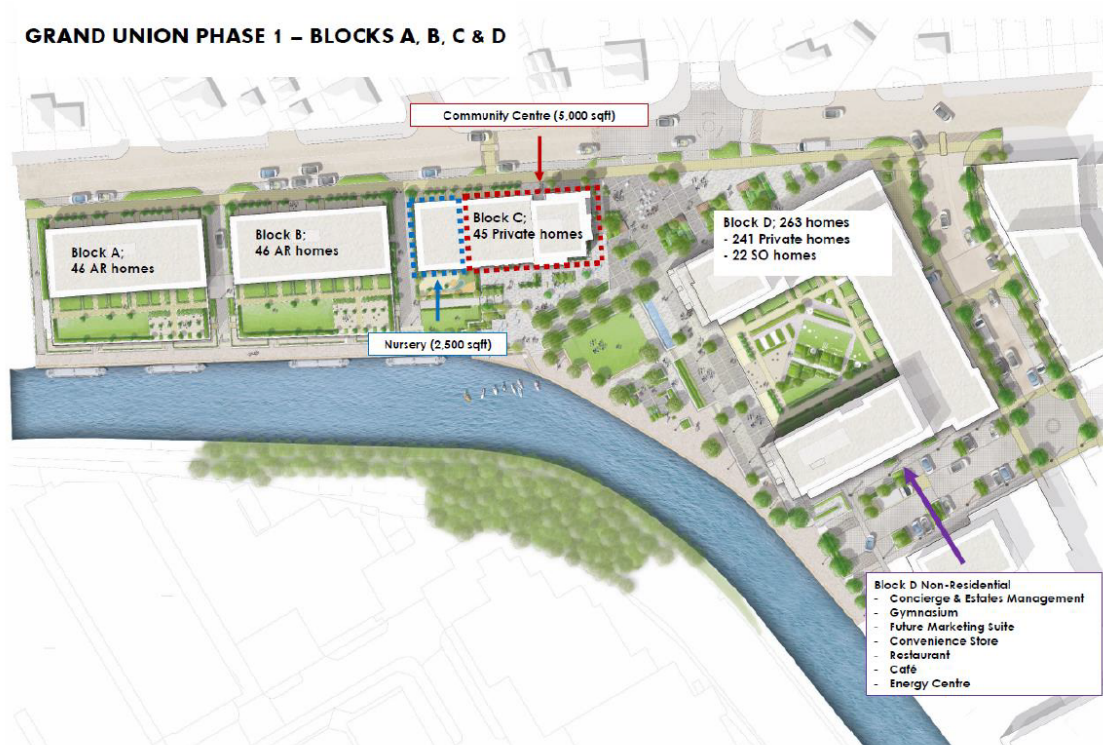
Appendix 2: Site location

Address Beresford Avenue, Wembley, HA0 1NW



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Appendix 3: Site Plan




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Appendix 4: Illustration



Phase 1 (Buildings A, B, C and D) Affordable Housing Opportunity

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 Brent	Cabinet 20 April 2020
Report from Strategic Director Regeneration & Environment	
Highway Works funded under the HIF Grant in South Kilburn	

Wards Affected:	Kilburn
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One Appendix 1: Site Area
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Emma Sweeney, Programme Manager Estates Regeneration Email: emma.sweeney@brent.gov.uk Tel: 020 8937 1650

1.0 Purpose of the Report

- 1.1 To seek agreement to vary the Development Agreement with Countryside Properties Limited to include the construction of adjacent and intersecting highway works at Peel.

2.0 Recommendations

- 2.1 That cabinet approves the Development Agreement between the Council and Countryside Properties Limited entered into on 31 July 2018 be modified to include the construction of an adjacent and intersecting highway works at Peel as shown in Appendix A (Peel Highway Works) at an estimated value of three million pounds (£3,000,000).

3.0 Detail and brief summary of decision

3.1 Reasons for decision

3.2 On 16th December 2019 Brent Council entered into a funding agreement with GLA for the Highways Infrastructure Funding (HIF) in South Kilburn. HIF is a government capital grant programme to help unlock new homes in areas with the greatest housing demand. An award of £10m was agreed for South Kilburn for:

- (a) A route through the Peel development to assist with the reconnection of the South Kilburn estate into the wider area, reconnect cul de sacs, give a greater emphasis to pedestrians and cyclists;
- (b) The acquisition of Blue Box storage company currently sited in Hereford and Exeter; and
- (c) The gyratory system around the Queens Park Cullen site.

3.3 Item a) above is a section of road that intersects the existing site of Peel which is the site already in a Development Agreement with Countryside Properties. The HIF works area is also covering the access route for the main site. The site areas can be seen in Appendix A.

3.4 Programme synergies could be found by using the same contractor across both elements which is of benefit to the HIF funding as the tight timescales for spending is important.

3.5 The estimated value of the Peel Highway Works is three million pounds (£3,000,000). This is less than 3% of the value of the Development Agreement with Countryside Properties.

3.6 The agreement for the construction of the Peel Highway Works will be a variation of the Development Agreement.

4.0 Alternative Options Considered

4.1 The alternative option is to procure the Peel Highways Works contained within the HIF Grant as a separate contract.

This option was discounted due to complications on site with having more than one contractor and access routes to the main site being blocked by the HIF works.

Also there are stringent timescales associated with the HIF Grant, engaging in a new procurement exercise could make meeting these deadlines difficult.

5.0 Additional background

5.1 On 13th August 2018 Cabinet resolved as follows:

- (i) Cabinet agreed to receive grant funding and enter into grant agreements with the Greater London Authority for two Housing Infrastructure Fund

bids relating to South Kilburn and Northwick Park regeneration Programmes

(ii) Cabinet delegated to the Strategic Director Regeneration and Environment in consultation with the Chief Finance Officer and the Lead Member for Regeneration, Highways and Planning authority to agree the detail of the grant agreements for the bid relating to South Kilburn (emphasis added)

(iii) Cabinet delegated to the Strategic Director Regeneration and Environment in consultation with the Chief Finance Officer and the Deputy Leader (as Lead Member for Resources) authority to agree the detail of the grant agreements for the bid relating to Northwick Park.

5.2 On 12th December 2019 a Recordable Decision to the Strategic Director Regeneration and Environment agreed the detail of the Grant Agreement with the GLA for South Kilburn HIF

6.0 Financial Implications

6.1 This decision will increase the value of the Peel Highways Works to be carried out by Countryside Properties by £3m.

6.2 This highways works value is in accordance with the agreed HIF funding. The full HIF allocation for South Kilburn is £10m.

6.3 The cost of the works will initially be paid from available budget within the programme prior to reimbursement from the GLA at six monthly milestones.

7.0 Legal Implications

7.1 The power to proceed with the proposed variation without engaging in a new procurement process is covered by Section 72 (1) (f) and 72(5) of the Public Contract Regulations 2015 (Regulation).

7.2 The Council's Contract Standing Orders give Chief Officers the powers to agree a variation to contracts in Part 3, section 9.5 at paragraph 3(b) of the table contained therein. Sub paragraphs (f) (i) limits this powers to variations estimated to be less than one million pounds (£1,000,000). The estimated value of this variation is three million pounds (3,000,000), therefore the power to approve it, lies with the Cabinet. Subject to the approval sought, the proposed variation is legally permissible.

7.3 Officers should be aware that the variation would require a construction contract.

8.0 Equality Implications

8.1 The Council must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment and victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

8.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

8.4 The decision sought in this proposal has been subject to screening and officers believe that there are no adverse equality implications.

9.0 Consultation with Ward Members and Stakeholders

9.1 Ward members and stakeholders have not been consulted on the details of the grant agreement. For the wider programme, consultation is an ongoing part of the programme and bi-monthly meetings are offered to ward members. At a project level projects have a series of consultation activities in taking the projects forward. The South Kilburn masterplan review took place in 2016 with a high level of consultation and engagement with residents and stakeholders, which directly fed into the drafting of a revised South Kilburn SPD (2017).

9.0 Human Resources/Property Implications (if appropriate)

9.1 The contract management requires the input of expertise from Regeneration officers.

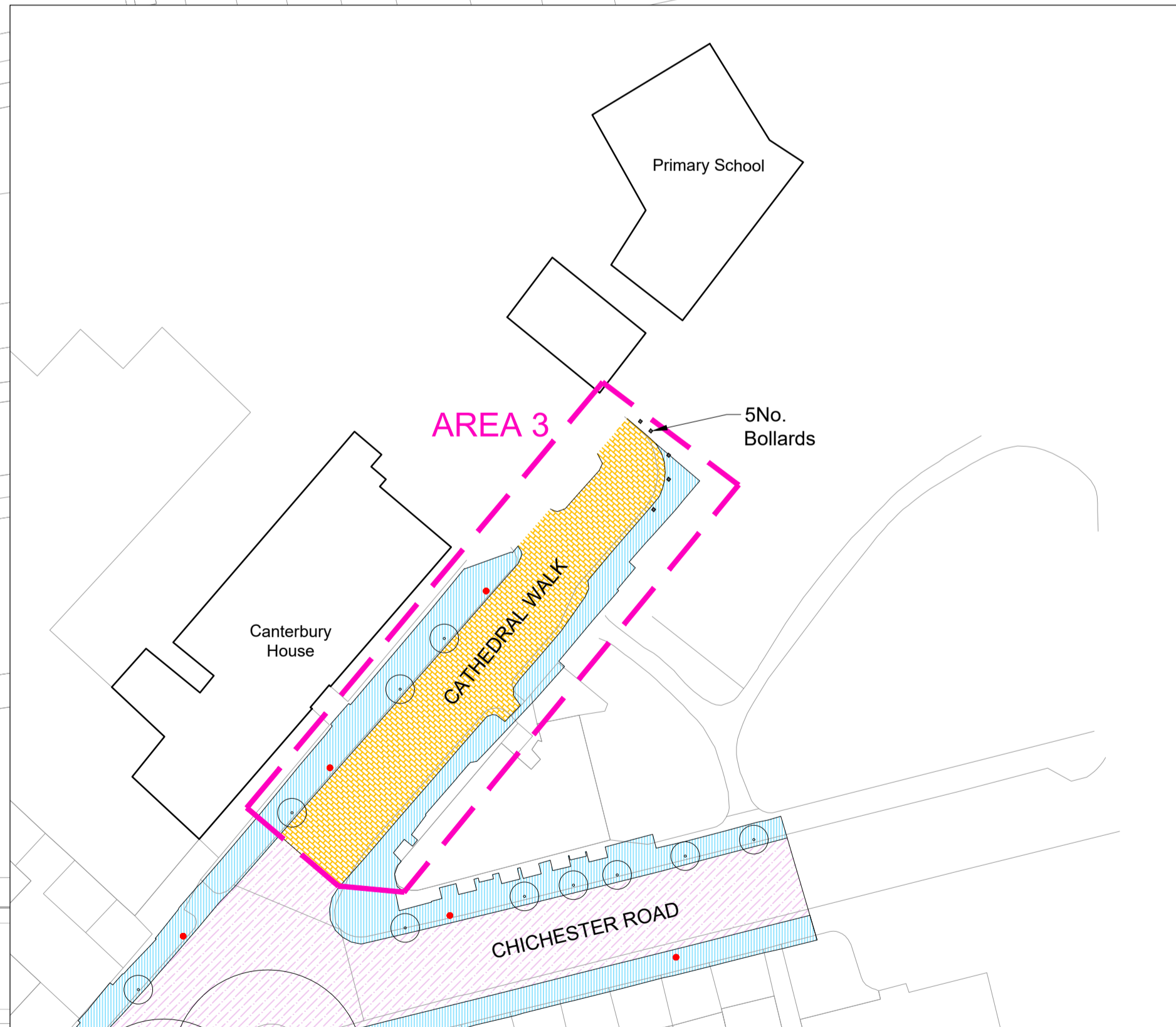
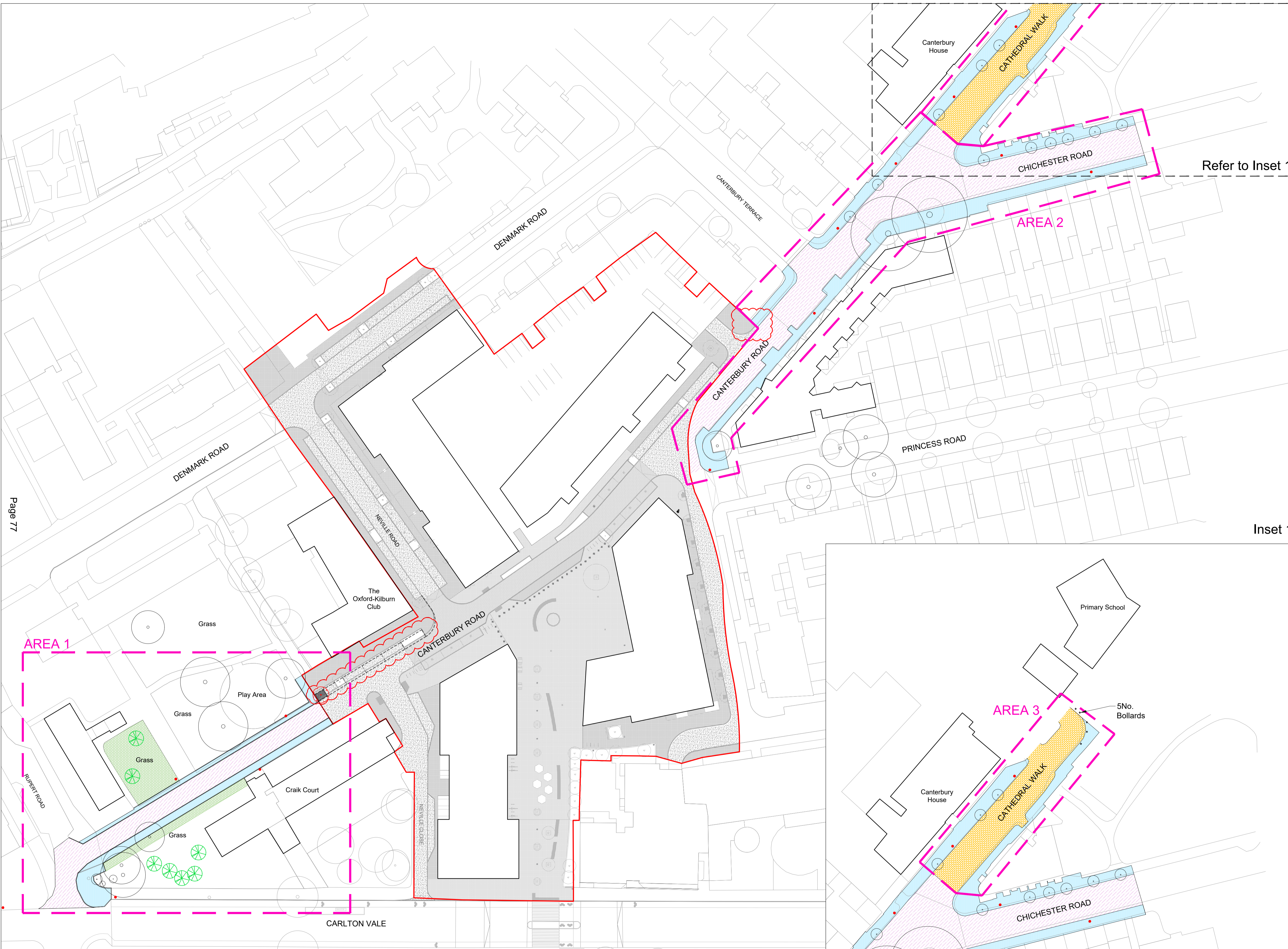
Related Document

Cabinet report: Peel – Development Site South Kilburn - 24 April 2017

Report sign off:

Amar Dave

Strategic Director Regeneration and Environment



- LEGEND**
- General**
- Site Boundary Peel Precinct
 - Existing Tree
 - Existing Lamppost
 - Proposed amendment within Peel Precinct Site to align with proposed highway works.
 - Proposed tree to align with proposed highway works
 - Peel Proposed Paving**
Paving Type 6. Modal Concrete Pavers
Supplier: Marshalls or Similar Approved.
Size: 300x300x80mm, stack bond.
Colour: 'Blush Granite', Finish: Smooth.
 - Peel Proposed Paving**
Paving Type 8. Asphalt
To Engineer's detail and specification.
- Highway Improvement Works**
Permanent Finishes Following Enabling Works
- Paving Type to match Peel Paving Material**
Modal Concrete Pavers - Pedestrian
Supplier: Marshalls or Similar Approved.
Size: 300x300x80mm, stack bond.
Colour: 'Blush Granite', Finish: Smooth.
Area: 1382m².
 - Asphalt
To Engineer's detail and specification.
Area: 1940m².
 - Modal Concrete Pavers - Vehicular
Supplier: Marshalls or Similar Approved.
Size: 300x300x80mm, stack bond.
Colour: 'Blush Granite', Finish: Smooth.
Area: 458m².
 - Furniture Type 7. Flat Top Bollard (Area 3)** to replace existing ones. Product: Kent Anti Ram Car PAS68 Bollard KARCKFT101. Supplier: Kent Stainless or Similar Approved. Size: 1200mm overall height, Ø300mm. Finish: TBC. Approximately 5 No.
 - Proposed trees as part of enhancement works
 - Lawn Reinstatement
Area: 337m²
 - Proposed landscape design for Peel Precinct to be adjusted to match proposed highway works.

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Refer to Inset 1

Inset 1

Notes:
 1) All dimensions are in millimeters unless otherwise shown.
 All dimensions to be checked on site. Figured dimensions take precedence over scale. Do Not Scale from Drawings. Outerspace to be informed of discrepancies prior to commencement of works.


Revisions:
(see rev clouds and notes for additional explanation of change)

Rev.	Description	Dwn.	Chk.	Date
P01	Issued for Comment	GG	AG	06.09.2019

Rev.	Description	Dwn.	Chk.	Date

Client COUNTRYSIDE		Project No 0936	
Project Peel - Highway Improvement Works		Dwg No SK01	
Drawing Title SCOPING PLAN		Status INFORMATION	
Date 05.09.2019	Scale 1:500@ A1	Rev P01	Dwn by: GG Chk by: AG

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 Brent	Cabinet 20 April 2020
	Report from the Strategic Director Regeneration and Environment
Capital (CIL) Contribution Towards the Provision of Three Medical Centres	
Wards Affected:	Alperton, Kilburn & Tokynton
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Alice Lester, Operational Director Regeneration, Growth and Employment Email: Alice.Lester@brent.gov.uk Tel: 020 8937 6441

1.0 Purpose of the Report

- 1.1 To seek Cabinet agreement for up to £3.472m as a capital contribution towards the fit out of three medical centres, proposed as part of regeneration schemes in growth areas – namely Wembley Park, South Kilburn and Alperton, subject to confirmation from the CCG that it is committed to the ongoing revenue funding of the proposed new South Kilburn centre.
- 1.2 The report sets out the background to the provision of the health centres and the reasons that capital funds are being sought.

2.0 Recommendations

That Cabinet approves:

That, subject to confirmation from the CCG that it is committed to the ongoing revenue funding of the proposed new South Kilburn centre, a capital contribution from Strategic Community Infrastructure Levy funds of up to

£3.472m is agreed for use towards the fit out costs of three new medical centres, in Wembley Park, South Kilburn and Alperton.

3. **Detail**

- 3.1 Planning permission has been granted for three medical centres in the growth areas, as part of major developments, in Wembley Park, Alperton and South Kilburn. The expansion of health care facilities will help to meet the needs of the Borough's growing population, as set out in the Infrastructure Delivery Plan, and in the relevant planning policies in the draft Local Plan (2018).

Although the CCG were involved in the initial discussions and supportive of the proposals when planning permissions for the developments were granted, the CCG has since stated that due to its financial situation it is unable to finance the fit out costs for the medical centres. The CCG also states that they are unable to finance any increase in the day to day running costs of the practices in Alperton and South Kilburn, over and above their existing revenue annual liabilities. They have, though, indicated their agreement to funding the revenue costs in the Wembley Park scheme (this remains subject to their Board's agreement).

- 3.3 The CCG has estimated that the additional revenue costs from the three new centres would amount to over £900,000 a year. The Council has not seen a breakdown or detail to explain this amount.

- 3.4 The CCG has requested that strategic CIL is used to contribute towards the capital and revenue costs of delivering the medical centres. Officers believe that a contribution towards revenue costs would not be compatible with CIL regulations, but would be for some of the capital costs.

- 3.5 The CIL contribution, subject to agreement on Heads of Terms, would be allocated to the provision of furniture rather than the building fabric, fixtures and fittings. These costs are being borne by Quintain in Wembley, estimated to be around £2m. It is envisaged that Nexus, on behalf of Primary Health Properties (PHP) would take the long lease of the new health centre in South Kilburn. The facility at Grand Union (Alperton) is not expected to be delivered until 2026 and the finance arrangements for provision beyond shell and core (which St George will do) are unknown.

- 3.6 Agreeing CIL funds does not guarantee that the facilities will be provided, it demonstrates that the Council is doing what it can to support the CCG in improving the primary care offer in the growth areas. The funds would not be drawn down, however, until the centres are being provided and there is certainty that the ongoing revenue costs will be funded.

- 3.7 The requested costs, based on information supplied by the CCG are:

Capital Investment Required				
Project Task	2021-22	2022-23	2024-25	Total
	£000	£000	£000	£000
Construction	–	–	–	–
Acquisition	–	–	–	–
Equipment	750	600	600	1,950
ICT	150	150	150	450
Consultancy	–	–	–	–
Fees	70	70	70	210
Other	84	100	100	284
SUBTOTAL	1,054	920	920	2,894
VAT	210	184	184	578
Total Investment	1,264	1,104	1,104	3,472

Wembley Park

- 3.8 This is part of the masterplan consent (reference 15/5550) and is located in plots NW09/10 (the other side of Elvin Gardens). The proposed area is approximately 1016sqm, for two existing local GP practices, with capacity for an expanded patient list to accommodate population growth in Wembley Park. This centre is the closest to delivery as the scheme is already on site, with ground works currently underway. Completion is expected around 2022. Quintain are financing the fixtures and fittings (the fixed bits). The District Valuer set the rent, plus car park rent, at £257,570 per annum (subject to final review). The CCG has stated it can finance the revenue costs for this new centre, although this is subject to Board sign off.

As a consequence of the regeneration programme an additional 14,000 new households are expected to live in the Wembley Growth Area, with an estimated population growth of 35,000. The increasing population is placing pressure on existing primary care services many of whom do not have the capacity to take on additional patients. Much of the existing estate is ageing and in converted residential homes. The new Wembley facility will offer additional capacity as well as modern, fit for purpose premises to deliver both core and enhanced services.

South Kilburn

- 3.9 This facility is part of the masterplan for the area and is included in the Peel development (phase 2), being delivered by Countryside. It is an important part of the 'place-making' offer to the existing and new residents in South Kilburn.
- 3.10 The net internal area is approximately 800sqm and was originally proposed to accommodate three existing medical practices. However one of these surgeries is currently not operating, and one (Blessing) has merged with a nearby

practice. Discussions are ongoing with the CCG about the actual need, however the layout of the proposed redevelopment does not lend itself to reducing the size of the facility. In the event that all the space is not needed for relocated practices, other options will be explored e.g. for other health services such as physiotherapy.

- 3.11 The CCG estimate, based on floorspace, that the annual rent would be approximately £230,400.
- 3.12 The anticipated population growth over the 15 year regeneration programme in the South Kilburn growth area is 2,700, based on an additional 1,000 new homes (in addition to that already built). Many of the existing practices are in converted residential premises and cannot easily support patient population growth or additional services. The new development with Countryside and Nexus offers existing practices new fit for purpose premises to deliver increased capacity for patients in modern, fit for purpose, premises.
- 3.13 Due to the quality of the existing primary care premises available in South Kilburn, and the importance of the new centre from a place-making perspective in the whole South Kilburn Regeneration Programme, this new facility is considered to be the most important of the three proposed.
- 3.14 It is therefore recommended that a commitment needs to be secured from the governance of the CCG that they will fund the ongoing revenue costs for the South Kilburn practice, in order for the Council to agree to release CIL funds.

Grand Union (formerly Northfields), Alperton

- 3.15 This is the least advanced of the schemes and is scheduled for delivery around 2026. It is approximately 800sqm and is based on the relocation of at least one existing practice, with an expanded patient list to accommodate the homes being delivered as part of the outline consent for the Grand Union site (former Northfields Industrial Estate). The scheme forms part of the St George development, which will see the delivery of approximately 3,000 new homes. Around 5,000 new homes are expected in the Alperton Growth Area over the next 15 years with an estimated population growth of 13,000.
- 3.16 The estimated rent payable by the CCG is £230,400, however given that this will not be delivered until 2026 and the scheme has not been fully designed yet, this is very much an estimate. Alperton is another area of growth much of which is planned over the next 5-10 years. The St George Development offered a new fit for purpose healthcare space for existing practices in the area. Like many practices in Brent most operate from converted residential accommodation that is limited in adaptation. Practices now work as part of a Primary Care Network which this facility will benefit by delivering not just core GP and nurse patient appointments but offer other community services as needed or required by the PCN.

Use of Strategic CIL

- 3.17 Strategic CIL is able to fund capital projects such as medical facilities. Health facilities are on the Council's Reg 123 list as appropriate infrastructure for CIL to be spent on (however as of September 2019 Reg 123 lists were removed, to be replaced by an Infrastructure Funding Statement to be produced by December 2020). Both the Regeneration Board and the Capital Investment Panel have agreed that this is an appropriate use of strategic CIL.
- 3.18 If agreed, a funding agreement will need to be entered into with the CCG or nominated body to ensure payment timings and adequate scrutiny of spend. Discussions are ongoing with the CCG around resolving the ongoing revenue challenges. If these cannot be resolved and the South Kilburn and Alperton facilities are not progressed, there will be no draw down of CIL.
- 3.19 Whilst securing this CIL contribution is an important step in aiding the delivery of these facilities, unless the ongoing revenue costs can be funded then it does not guarantee the delivery of the medical centres.

4.0 Alternative Options Considered

- 4.1 Not contributing CIL funds towards the fit out of the practices. This would jeopardize the provision of all the facilities. The Wembley Park facility (the development of this is currently on site) would most likely become a private medical or health related unit.
- 4.2 Making the CIL contribution for the 3 centres conditional upon the CCG securing ongoing revenue funding for the South Kilburn facility, in order to achieve the place-making ambitions for the Council.
- 4.3 This option would jeopardize the provision of any of the centres if the CCG did not agree to this.

5.0 Financial Implications

- 5.1 This report is seeking agreement to the CCG's request for £3.472m funding from Strategic CIL to pay for the capital costs of the three medical centres at South Kilburn, Wembley Park and Grand Union, Alperton.
- 5.2 There will be some officer time required on the progress of the project and the funding agreement, to be met from 'business as usual' costs.
- 5.3 The Council has sufficient Strategic CIL funding to meet the costs and as per the Council's Regulation 123 it is appropriate for CIL to be spent on health facilities.

6.0 Legal Implications

- 6.1 The Planning Act 2008, and CIL Regulations 2010, provide for local authorities to apply the CIL to infrastructure to support development. It covers not just the

provision of infrastructure but also the improvement, replacement, operation or maintenance of infrastructure.

- 6.2 The Council will need to produce annual Infrastructure Funding Statements. These documents will provide information on the total amount of CIL demanded, collected and spent during the year. The purpose is to ensure transparency in terms of how the Council deals with CIL.

7.0 Equality Implications

- 7.1 The planning applications and relevant masterplans have all been subject to an equalities impact assessment. The provision of modern and accessible health centres is an important part of place-making and providing social infrastructure in growth areas to support development.

8.0 Any Other Implications (HR, Property, Environmental Sustainability - where necessary)

- 8.1 There are no HR, Property or Environmental Sustainability matters arising.


9.0 Proposed Consultation with Ward Members and Stakeholders

- 9.1 Ward Members were consulted on the planning applications; more detailed ward member briefings on the development proposals in the areas have also taken place.

Report sign off:

Amar Dave

Strategic Director Regeneration and Environment

 <p>Brent</p>	<p>Cabinet 20 April 2020</p>
<p>Report from the Strategic Director of Customer and Digital Services</p>	
<p>Social Value and Ethical Policy</p>	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two Appendix 1: Social Value & Ethical Policy Appendix 2: Social Value & Ethical Policy Delivery Plan
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Rajesh Shori Head of Procurement Email: Rajesh.Shori@brent.gov.uk Tel: 0208 937 1598

1.0 Purpose of the Report

- 1.1 To provide Cabinet with an updated Social Value and Ethical Policy that aligns the delivery of Social Value to the Borough Plan 2019 - 2023 by setting out the principles of how Social Value will be delivered. The policy also includes an Ethical Policy that sets out the standards of integrity and professionalism expected from the Council's suppliers in their dealings and practices.

2.0 Recommendations for Cabinet

- 2.1 Cabinet is asked to review and comment on the updated Social Value and Ethical Policy and deliver plan set out in appendix A & B.

3.0 Social Value

- 3.1 The Council wants to ensure Social Value, is integral in all its procurements, benefitting Brent's communities and embraced by all involved.

- 3.2 The new policy sets out how Procurement working with Employment Skills and Enterprise and Strategy and Partnerships departments, will reach out to Members, communities and local businesses, schools and colleges to draw up a list of Brent Social Value Commitments.
- 3.3 The Social Value Commitments will be aligned to Brent Council's strategic themes and support Brent's commitment to ensure social value also supports Community Wealth building and reviving local economies. Under each strategic theme the policy provides guidance on the types of areas we can increase the delivery of social value with the aim to continue building a repository of Brent Social Value Commitments, some examples are provided below:
- Strong Foundations – Number of community engagements / events delivered to improve outcomes in the community.
 - Every Opportunity to Succeed – Number of local jobs created, including focus on disadvantaged groups
 - A Future Built for Everyone, An Economy Fit for All – Number of SME's and third sector organisations that benefit from the procurement exercise.
 - A Cleaner, More Considerate Brent – We will strive for carbon neutrality by 2030 and have KPI's associated to this e.g. Miles of travel or transportation per year converted to zero or low emissions.
 - A Borough Where We Can All Feel Safe, Secure, Happy and Healthy – Support charities who encourage and enable increased physical and mental wellbeing.
- 3.4 To give focus to the implementation of their Social Value commitments suppliers will be encouraged to allocate a financial commitment they are willing to forego, if they do not deliver the social value they have contractually committed to delivering.
- 3.5 The Procurement Team will collate centrally Brent's Social Value commitments identified through the Council's procurements and provide support to the contract managers to ensure the delivery of the commitments.
- 3.6 In addition the Procurement Team will support annual reviews with key suppliers to ensure adherence of contract performance including delivery of social value.
- 3.7 The Procurement Team will also prepare reports on a monthly basis for the Commissioning and Procurement Board, quarterly for the Cabinet Member and annually for Cabinet with regard to delivery of the social value commitments.
- 4.0 Ethical Policy**
- 4.1 The Council is committed to ensuring a high standard of ethical trade practices across its commissioning and procurement activities.
- 4.2 In accordance with this policy, the Council expects its suppliers, service providers and contractors to observe the policy's provisions and to demonstrate a similar commitment to an ongoing programme ethical practices locally and globally.

4.3 Below the key principles in the policy are identified along with one example highlighting the standards we are expect:

- Acting with integrity and transparency – procurement processes are conducted in a transparent way
- Working conditions are safe – workers shall receive regular and recorded health and safety training and such training shall be repeated for new and assigned workers.
- Good Health promoted – Invest in measures for tackling ill health as healthy employees experience a better quality of life and tend to be more productive.
- Employment is freely chosen – Afford employees the freedom to choose to work and not use forced, bonded or non-voluntary labour.
- No Prejudgement –Suppliers, service providers and contractors shall not unlawfully compile, use, sell or supply a prohibited list to deliberately or unfairly exclude some sub-contractors or workers.
- Working hours are not excessive – comply with national laws on employee working hours.
- Wages and Contracts - In accordance with council's aspirations and objectives we commend the adoption of the LLW to our suppliers.
- Regular employment is provided – Excessive use of zero hours contracts should be avoided and suppliers should work with us post award to ensure zero hours contracts are used only when clearly beneficial to both employer and employee.
- Training is provided – raise employee's skills through training and access to professional development as befits their role to improve quality and secure greater value for money.
- Mediation and disputes procedures for employees – Provide clear and accessible processes for resolving disputes with employees.
- No discrimination – In relation to age, disability, gender reassignment, marriage/civil partnership, pregnancy and maternity, race and religion or belief, sex and sexual orientation also to practice no discrimination in hiring, compensation, training, promotion, termination or retirement either directly or indirectly.
- Child labour is eliminated – Support the elimination of child labour. The course of action shall be in the best interest of the child and conform to the provisions of the International Labour Organisation (ILO).
- No inhuman treatment is allowed – Prohibit physical abuse or coercion, the threat of physical abuse, sexual or other harassment and verbal abuses and other forms of intimidation.
- Monitoring compliance with this code – Suppliers should inform Brent council about any concerns they have in applying the above principles. Additionally, they are encouraged to keep written records to demonstrate that their actions are fair and above reproach and where relevant they should report on progress and future planned activity if requested to do so by Brent Council
- Whistleblowing – Brent maintains a Whistleblowing Policy for all employees and suppliers. Our suppliers are encouraged to use these policies when appropriate and also to ensure an appropriate policy is in place in their own organisation.

5.0 Alternative Options Considered

5.1 Not applicable

6.0 Financial Implications

6.1 A change in policy that adds additional responsibilities within a tender process could add a financial burden on the supplier that would be passed on to the council, but this would be dependent on the specific contract and social value requirement.

7.0 Legal Implications

7.1 In January 2013 The Public Services (Social Value) Act 2012 (the 'Social Value Act') came into force. The Social Value Act requires the council, to consider how it can improve the economic, social and environmental well-being of its area through the procurement processes for services contracts subject to the Public Procurement Regulations 2015. The council is also required to consider whether it should consult on such issues.

7.2 Many local authorities have adopted a social value and ethical procurement policy that builds on the Social Value Act to include a requirement for the Council to consider how it can improve the economic, social and environmental well-being of its area through all council procurement and in turn to measure the benefits that this brings to its communities.

7.3 In adopting a social value and ethical procurement policy, the authority should be mindful of the need to ensure that such policy is flexible to ensure the authority only considers matters which are relevant to what is proposed to be procured and only consider those matters to the extent to which it is proportionate, in all the circumstances, to take them into account.

8.0 Equality Implications

8.1 Not applicable

9.0 Any Other Implications (HR, Property, Environmental Sustainability - where necessary)

9.1 Not applicable

10.0 Proposed Consultation with Ward Members and Stakeholders

10.1 Not applicable

Report sign off:

Peter Gadsdon

Strategic Director of Customer and Digital Services

Social Value and Ethical Procurement Policy

April 2020



Foreword



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and just as we come together to share and celebrate our rich and diverse history, we collectively embrace the new and walk hand-in-hand into the ambitious future we are forging. These are the values that make Brent great, and the reason that it is one of the best places to live and work in the UK.

Just as our borough continues to grow and adapt, so too do our procurement principles, policies and practices; helping to ensure that every pound spent by Brent enables better outcomes for communities, residents and local businesses.

We are proud to have been an accredited London Living Wage employer through the Living Wage Foundation since November 2013 and offer other businesses in Brent a range of incentives to encourage them to become accredited London Living Wage employers too.

As we move into a new decade, Brent is in the midst of a renaissance and renewed transformation that will see us working and collaborating with an array of partners, businesses and voluntary community sector organisations to build a better Brent, and a brighter future for all.

This year we celebrate being the London Borough of Culture,

With expenditure of over £400M per year, Brent council are one of the largest buyers of goods and services in the borough. This presents us with a significant opportunity to ensure that we leverage our purchasing power to secure and deliver wider benefits for the borough of Brent and ensure those with whom we choose to do business reflect our values and standards. We want to see as much of Brent's money invested, in every sense of the word, in this borough.

To help us achieve this, we have developed a new Social Value and Ethical Procurement Policy that will both help to ensure our suppliers are committed to delivering wider social value in Brent but also that they uphold and promote our strong values.

This policy will enable us to effectively prioritise, target and monitor Social Value investments and ensure that Social Value is embedded in our procurements, delivered in our communities and embraced by all involved.

A handwritten signature in black ink, which appears to read 'Margaret McLennan'. The signature is fluid and cursive.

Cllr Margaret McLennan
Deputy Leader, London Borough of Brent

Introduction

Social Value at Brent is about more than driving a hard bargain when procuring services – it is a statement of our principles. It is these same principles which underpin the council’s vision and priorities. From committing to paying the London Living Wage, to our values of collaborative working that enables the council, its partners and businesses in Brent to create opportunities that enhance our communities and improve the lives of our residents. Brent’s definition of Social Value through commissioning and procurement is:

“Outcomes and activities that will improve the quality of life & life chances of Brent’s residents and enhance the sustainability of the local area”

Key enablers for this will be creating the necessary culture, conditions and processes to ensure that our supply chain contributes as much as possible to the overall wellbeing of our residents and that social value is included wherever possible as part of the procurement process. This means that all organisations and companies bidding for Brent contracts have to give social value serious consideration when putting tenders together.

Brent is firmly committed to social value and has joined the Co-Operative Councils’ Innovation Network, a collaboration of 28 like-minded authorities, with a view to finding better ways of working for, and with, people to the benefit of their communities.



Social Value can help support Community wealth-building aims to revive local economies, renew trust in local services and deliver a renaissance of local government; by giving local businesses and local communities a bigger stake in the local economy.

“we want to see as much of Brent’s money invested, in every sense of the word, in this borough”.

To enable and support this vision, we have developed a new Social Value and Ethical Procurement Policy which sets out how we will ensure that our local community is central to the way we purchase goods and services, demonstrating that small changes can have big impacts across the local economy.

Introduction

Policy Context

On 31 January 2013, The Public Services (Social Value) Act 2012 (Act) came into force. The Act requires local authorities and other commissioners of public services to consider how their services benefit people living in the local community, including any economic, social and environmental benefits. Under the existing legislation, local authority procurers must consider how they can improve the social impact of their public service contracts before they start the procurement process. In particular, the Act states that:

The authority must consider —

(a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area,

(b) how, in conducting the process of procurement, it might act with a view to securing that improvement.

The Public Contracts Regulations 2015 expressly allow contracting authorities to incorporate social and environmental aspects into specifications, award criteria and contract conditions, where these are linked to the subject-matter of the contract, proportionate to what is being procured or provided, and will not result in unequal treatment of bidders. This needs to be of additional benefit to the local community over and above the goods, works, services themselves and in an addition to the contract.

Borough Plan

Our vision for 2023 is to make Brent a borough of culture, empathy, and shared prosperity. A borough where people from different backgrounds feel at ease with one another, share in cultural opportunities and activities, and value the principles of fairness, equality, good citizenship and respect for people and place.

People will feel that they and their children are safe, cared for and able to achieve, and that they receive excellent services when they need them. Brent will be a great place to live and work, where business and enterprise prosper and local people have opportunities to change their lives for the better. The Borough Plan focuses on five themes:

- Strong foundations
- Every opportunity to succeed
- A future built for everyone, an economy fit for all
- A cleaner, more considerate Brent
- A borough where we can all feel safe, secure, happy and healthy

We will harness the opportunities presented through procurement and social value to help to deliver this vision and build a better Brent.



THE
GRANVILLE



Brent's Priorities and Social Value



Strong Foundations

To achieve our goal of improving the satisfaction of residents with the way the council does things, we must think carefully and creatively about the best ways to obtain value for money from our suppliers.

The ability of residents and businesses in Brent to get online and access services through digital platforms will be an essential skill. Social value initiatives will provide opportunities for developing these digital skills with our residents as well as with businesses within the supply chain.

Understanding local needs, and working closely with residents and community organisations in the design and delivery of services and outcomes that address those needs are key principles of Brent's strong foundations. Through social value we will seek opportunities for co-design and community engagement and will also take every opportunity to maximise the number of Brent organisations that participate in the council's supply chain.

Opportunities for social value include

- Training and Development around digital skills for residents and businesses; Initiatives to involve disengaged and underrepresented groups;
- Providing specialist training and support for Residents Associations and Voluntary Sector groups; Encouraging participation, collaboration and co-design: Engaging and encouraging user and employee involvement in service design and delivery;
- Engaging residents to support key initiatives in their local community;
- Working alongside residents and organisations in parts of Brent that are particularly disadvantaged, with a view of improving outcomes.



Strong Foundations

How we will measure social value impact

Some of the KPI's we will use to measure the impact of social value work undertaken will include:

- Number of digital skills courses provided or sponsored in the community for residents and businesses;
- Number of training courses provided for Residents Associations and Voluntary groups tied in specifically to their requirements;
- Number of community engagements events delivered to improve outcomes in the community;
- Number of workshops / events targeted at underrepresented and disengaged groups;
- Hours contributed toward supporting / financial commitment for sponsorship of community-led initiatives.



Every opportunity to succeed

Education is crucial to helping people fulfil their potential and achieve their ambitions. Here in Brent, we are rightly proud of our early years' provision, the teaching and leadership in our schools and the further education opportunities available within the borough.

More generally we need to raise people's skills and formal qualifications, and improve the below-average employment level. Although the situation has improved, household income in Brent is the third lowest in London.

Our ambition is to create a borough where everybody has an opportunity to succeed and thrive; a place where they are able to realise aspirations of education, work and family. We will utilise social value initiatives to improve inclusion, equality and representation of groups currently underrepresented in further education and work.



Opportunities for social value include

- Working with schools to ensure young people in Brent develop the skills and knowledge to succeed in the labour market;
- Work experience for school students; in particular, support for young people with complex needs, including; young offenders, care leavers and children with special educational needs and disabilities (SEND);
- Partnering or sponsoring schools, particularly in more disadvantaged areas, to provide award / reward schemes to recognise and celebrate achievement;
- Employment support and skills provision, including CV clinics and mock interview events as well as significantly increasing the take-up of apprenticeships;
- Ensure that residents can access affordable training and learning opportunities, so that they can secure and remain in employment and enhance their careers;
- Ensuring businesses in the supply chain encourage improved gender pay balance;
- Ensuring businesses in the supply chain encourage increased representation and in-work support for people with disabilities and mental health conditions in the workforce;
- Ensuring businesses in the supply chain encourage increased Black, Asian and Minority Ethnic (BAME) representation in the workforce.

Every opportunity to succeed

How we will measure social value impact

Some of the KPI's we will use to measure the impact of social value work undertaken will include:

- Number of CV / interview clinics provided;
- Number of work experience placements for young people;
- Number of events / hours spent providing skills / advice / guidance sessions for young people;
- Amount invested in school partnership / sponsorship schemes;
- Number of new local jobs created, including focus on disadvantaged groups (full time equivalent);
- Number of local apprenticeships / work experience opportunities (including focus on disadvantaged groups);
- Number of hours delivering or funding employment-focussed skills and learning opportunities.



A future built for everyone, an economy fit for all

We have made huge strides in regenerating the borough, with thousands of new homes, hundreds of new jobs, and much-needed growth in our tax base, not to mention hundreds of millions of pounds spent in the local and regional economy.

We must now ensure we continue to build upon the inward investment in Brent, creating an attractive and prosperous place for businesses to operate and grow. Furthermore, in order to encourage more people to shop, work and travel to Brent we need to continue to improve our transport network as well as change behaviours around how people choose to travel. We will work with SME's to make sure they are best placed to bid for Brent Contracts.

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Opportunities for social value include

- Local investment from Contractors;
- Contributing a number of hours to local businesses, voluntary and community organisations for: business support, financial advice, legal advice, HR advice;
- Encouraging a diverse base of suppliers: Promoting supplier diversity; including the participation of SME's, Third sector organisations and local suppliers in general;
- Maximising opportunities for Brent organisations to participate in the council's supply chains and encouraging suppliers to make a social contribution to the local area of Brent;
- Promoting and supporting travel that will reduce the burden on our roads and keep traffic moving;
- Service delivery models that would help ease the burden on our roads – particularly during peak travel times – such as better coordination and reductions in deliveries and vehicle movements.

A future built for everyone, an economy fit for all

How we will measure social value impact

Some of the KPI's we will use to measure the impact of social value work undertaken will include:

- Financial value of investment / support in the community;
- Number of events / hours provided for the community, businesses and voluntary organisations for financial, legal and HR advice;
- Number of volunteer hours provided by the supplier to be delivered within Brent;
- Amount of money to be spent locally within the Brent community;
- Number of local suppliers including SME's and third sector organisations;
- Proportion of work / services delivered outside of peak travel hours;
- Hours invested in delivering Mental Health and Wellbeing awareness and support training to SME and third sector organisations in Brent.

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A cleaner, more considerate Brent

The environment is a major factor in the quality of life for our residents, who have identified clean streets, parks and trees, and collection of waste and recycling, as three of the top five priorities that they value the most in Brent. However, in common with much of London, the quality of our air is not as good as it could or should be.

Brent council will strive for carbon neutrality by 2030 after joining more than 260 other councils and the Mayor of London, in declaring a climate and ecological emergency.

The motion, which was passed unanimously by Full Council on 8 July 2019, aims to:

- Promote the importance of local biodiversity and natural habitats;
- Deliver reductions in carbon emissions by supporting renewable alternatives;
- Create a Carbon Offset Fund, to ensure that new developments fund projects that reduce toxic emissions elsewhere in the borough.

The council is committed to taking a systematic approach to tackling the climate emergency, focusing on the following environmental issues: carbon emissions reduction, warm homes, local resilience to the impacts of global heating, clean air, a circular economy, greener spaces and water conservation. Everyone in Brent has the ability to help do something to reduce their impact

on the environment and to make choices that support greater sustainability. Social value provides significant opportunities to deliver outcomes that will improve our environment; from the quality of air that we breath to making Brent the cleanest, greenest borough in London

Opportunities for social value include

- Encouraging people to contribute to clean air in Brent by using alternatives to cars for those journeys where it makes sense, by prioritising more walking and cycling routes, promoting sustainable means of transport and the health benefits of being more active;
- Contributing toward increasing the number of trees and biodiverse, bee-friendly and sustainable planting on our streets, in our public spaces, and our award-winning parks;
- Promoting, encouraging and actively working to change behaviours around recycling and making sustainable choices;
- Helping with community clear up days gardening and food growing projects;
- Promoting greater environmental sustainability: Minimising waste and pollution, supporting carbon reduction initiatives, reduction of waste to landfill;
- Suppliers reviewing how best to deliver energy efficiency products to prevent fuel poverty for local residents.

A cleaner, more considerate Brent

How we will measure social value impact

Some of the KPI's we will use to measure the impact of social value work undertaken will include:

- No. of trees to be planted on our streets, in our public spaces and parks;
- Hours spent contributing to environmental events in the community, including; clear up days, planting, gardening and food growing projects;
- Hours / £ spent on promotion and education in Brent on sustainable living;
- Miles of travel or transportation per year converted to zero or low emissions within Brent;
- Reduction of waste sent to landfill / reduced packaging and increase in recycling rates;
- the amount of new green spaces created as part of the project or bought back into use as part of the project;
- Hours / £ spent on promotion and education in Brent encouraging more sustainable travel and help reduce traffic on Brent roads;
- Use of recycled / refurbished goods in contract delivery.

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A borough where we can all feel safe, secure, happy and healthy

Brent has a rich cultural history and heritage, and we were delighted to be awarded the title of London's 2020 Borough of Culture. We have ambitious plans to ensure that 2020 will bring Brent even closer together, with the benefits felt long afterwards, especially by young people.

Crime is falling in Brent, and residents are clear that safety is what they value most. However, we still have work to do to prevent crime and anti-social behaviour, as well as reducing the fear of crime.

It is vital for the council to support our most vulnerable residents - safeguarding children and young people and helping vulnerable adults to be independent at home.



Opportunities for social value include

- Engaging residents to identify and support key initiatives in their local community;
- Working alongside residents and organisations in parts of Brent that are particularly disadvantaged, with a view of improving outcomes;
- Reducing isolation for older people – coordinating and running a befriending service;
- Supporting local culture and heritage including events sponsorship;
- Getting children and young people to be more active and reduce their sugar intake, in partnership with schools, the NHS, and the community;
- Promoting, supporting and raising awareness of good mental health and wellbeing for Brent residents Supporting adults to take up physical activity, including making use of improved facilities on offer in the borough, such as our leisure centres and the Gladstone Park tennis courts;
- Working with communities and voluntary sector to help tackle anti-social behaviour and serious youth violence;
- Supporting or developing initiatives to reduce crime.

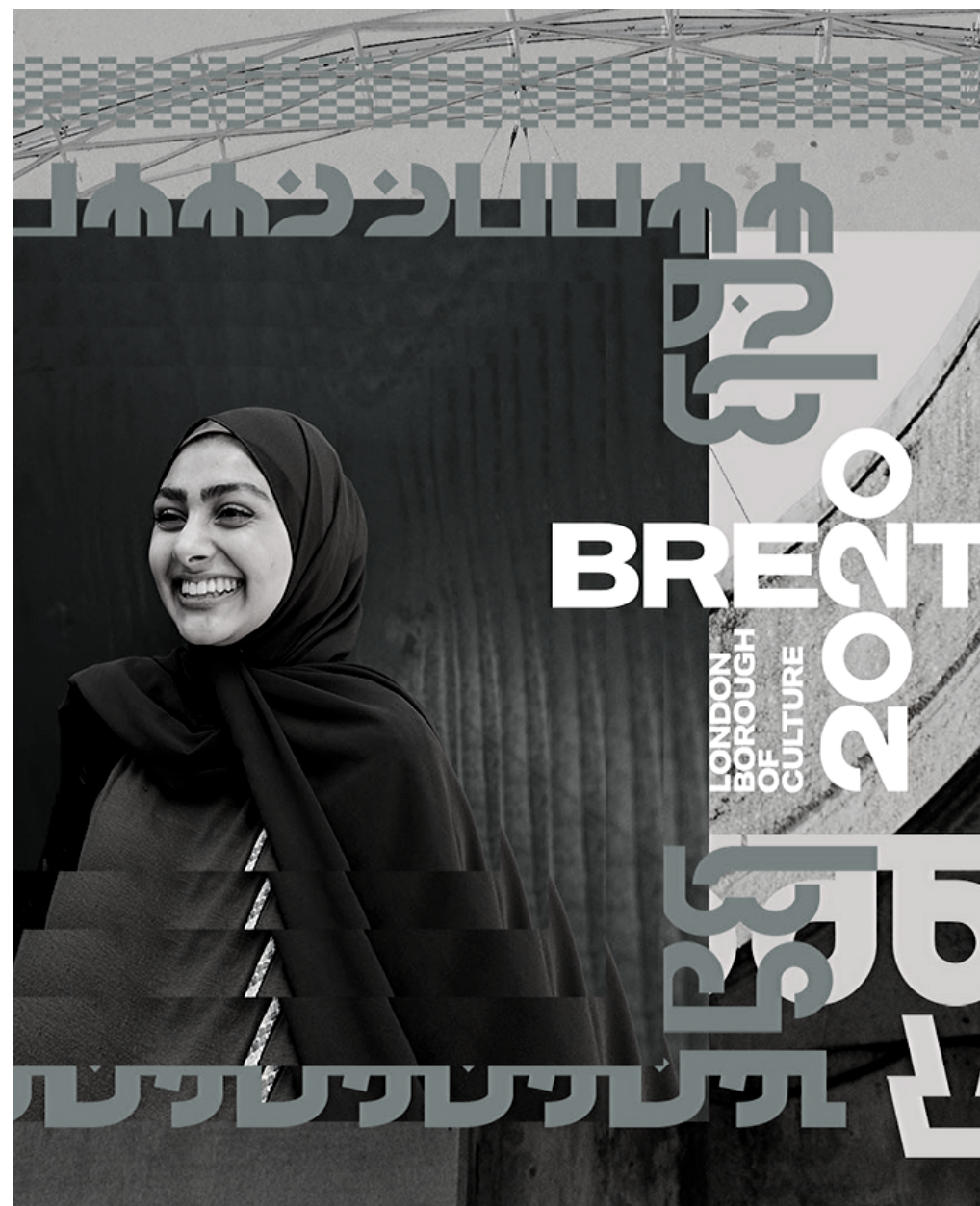
A borough where we can all feel safe, secure, happy and healthy

How we will measure social value impact

Some of the KPI's we will use to measure the impact of social value work undertaken will include:

- Provision of facilities / resources, for use by the local and wider community which promote healthier lifestyles and community cohesion;
- Organise a number of social events for more isolated groups in Brent;
- Hours invested in community events and activities that promote, support and raise awareness of good mental health and wellbeing;
- Support charities who encourage and enable increased physical / mental wellbeing;
- Sponsor neighbourhood schemes to promote local culture and heritage events;
- Reduction in crime linked to social value initiatives.

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Making it happen: delivery, reporting and governance



Making it happen

Using the above as a guide will help to shape the thinking about the different types of Social Value that would be of benefit to end users and the community.

We will work with our councillors and departments to reach out to the communities and local business, schools and colleges at least annually to draw up a local list of Brent Social Value Commitments which informs and supplements those set out in this policy.

The Brent 'Social Value Commitments' is a great way for the Council to align its Social Value to high priority issues in the local areas such as Brent Connects forums and our network of Community Hubs.

This list of Brent Social Value Commitments will be held by the Procurement Team and used, working with the Services, to understand what items within the list will be of additional benefit to the local community over and above the tendered services being procured. Supporting Brent's main priority of developing a localised approach to Social Value, as the best way to support the community and its residents in the long term.

Delivering and reporting

The Social Value Delivery Plan will ensure all the key activities required to deliver Brent's social value objectives are clear and achievable.

In practice this Policy will be applied as follows:

- (i) Nationally, the Act applies to the procurement of Public Service contracts (not Works or Supplies contracts) above the EU thresholds for Services. But in Brent the council has agreed that as a minimum, all procurements over £100,000 in value will be required to include Social Value, provided it is deemed to be appropriate and proportionate to what is being procured. However, wherever possible to do so, procurements below this value should also seek to include social value benefits from contracts.
- (ii) The standard weighting for Social Value will be a minimum 10% of the overall evaluation score.
- (iii) Once a procurement exercise is concluded, the responsibility for ensuring the committed Social Value benefits are actually delivered will fall to those officers identified within the services responsible for contract management.
- (iv) All procurements for Social Value, will apply the strategic themes that the council are looking to deliver through its borough plan. Suppliers will set out under each strategic theme what Social Value they will be able to deliver. Where relevant alongside this the supplier will be asked to provide a monetary value that will be passed back to the council if that element of Social Value is not delivered. This monetary value will be allocated to the Social Value Fund and used to deliver social value projects and initiatives that meet our social value core priorities set out above.

Making it happen

- (v) To ensure this, all procurements incorporating Social Value will have a monetary value applied by the Supplier to the Social Value they are looking to deliver. The monetary value of the Social Value shall be set at 10% of the contract value including any extension period, aligning to the 10% weighting.
- (vi) The Social Value will be scored and evaluated on the quality of the Social Value being provided weighed up against the financial compensation allocated. The evaluation will look to ensure the Supplier has demonstrated the impact and the outcomes of the Social Value commitment to the local community and how proportionate it is against the financial compensation they are willing to forego, if the Social Value commitments don't transpire during the period of their contract.
- (vii) Any financial compensation that is provided where the contracted Social Value commitments are not delivered will be allocated to the Social Value Fund. The council will aim to include in all our procurements the principles and measures set out above. But will remain flexible on how or if the monetary value is applied dependent on the type of Service we are procuring.

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Governance and Monitoring

Brent Social Value Commitments, delivery and the Social Value Fund will be monitored by the Commissioning and Procurement board who meet on a monthly basis. In addition to this:

- The Lead Cabinet Member will receive a report on a quarterly basis of what Social Value has been committed to / and delivered across our procurements for that period.
- The Cabinet will receive an annual report detailing:
 - what social value has been delivered vs committed during the previous 12 months for all procurements in the period;
 - the list of social value commitments;
 - the monetary value of the Social Value Fund relating to those contracts where Social Value has not been delivered;
 - recommendations of which Social Value commitments should be supported by the Social Value Fund
- Member development sessions will be held during the year to monitor implementation and review progress.

Training and Review

Brent council will review its Social Value Policy on an annual basis coinciding with the annual report to Cabinet. In doing so, it will take account of any changes in legislation pertaining to the Public Services (Social Value Act) 2012, the Local Government Act 1999, EU Regulations and any changes to the Borough Plan. It will also set out the annual training plan to ensure Social Value continues to be embedded within the council.



Ethical Procurement Policy

Ethical Procurement Policy

1. Introduction

The council is committed to ensuring a high standard of ethical trade practices, across its commissioning and procurement activities. In accordance with this policy the council expects its suppliers, service providers and contractors to observe the policy's provisions and to demonstrate a similar commitment to an ongoing programme ensuring and where necessary improving ethical practices locally and globally.

Brent council expects its suppliers to maintain high standards of integrity and professionalism in their dealing and practices, adhering to the laws of the countries where they operate. These are not normally included explicitly in the subject matter of the contracts as most are governed by employment law and as such are legal requirements which if breached would be grounds for excluding the supplier from further contracts for non-compliance.



2. Ethical Procurement Principles

Acting with integrity and transparency

- Procurement processes are conducted in a transparent and honest way.
- There is transparency in spending public money.
- Suppliers have systems and processes in place to ensure high standards of correctness which makes sure public money is used for the purpose it is intended.

Ethical Procurement Policy

Working Conditions are safe

- Operate appropriate health and safety policies and procedures overseen by a senior manager responsible for compliance and monitoring and ensuring employees have the necessary training and health and safety equipment.
- Provide hygienic working conditions with clean toilets and water suitable for drinking and washing.
- Adequate steps are taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as reasonably practicable, the causes of hazards inherent in the working environment.

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Workers shall receive regular and recorded health and safety training and such training shall be repeated for new and reassigned workers.

Good Health Promoted

- Invest in measures for tackling ill health as healthy employees experience a better quality of life and tend to be more productive.

Employment is freely chosen

- Afford employees the freedom to choose to work and not use forced, bonded or non-voluntary labour.



Prejudgement

Suppliers, service providers and contractors shall not unlawfully compile, use, sell or supply a prohibited list to deliberately or unfairly exclude some sub-contractors or workers

Working hours are not excessive.

- Comply with national laws on employee working hours.
- Provide clear, easily understood disciplinary, grievance and appeal procedures that are lawful and appropriate. Any disciplinary measures should be recorded and suppliers should not seek to deprive employees of their legal or contractual rights.

Ethical Procurement Policy

Wages and Contracts

- Provide wages and benefits at rates that meet at least national legal standards. Wages should be monetary and not in kind (e.g. goods, vouchers) with no deductions made unless permitted under national law of that country or agreed by the employee, without duress.
- Brent council has been a member of the London Living Wage Foundation since 2013 and supports the London Living Wage (LLW) in meeting many of its social, economic and environmental objectives, including:
 - Ensuring that wages in London can sustain families and individuals;
 - Attracting and retaining motivated employees, thereby reducing the impact of staff turnover;
 - Helping to underpin a thriving economy.
- In accordance with council's aspirations and objectives we commend the adoption of the LLW to our suppliers.
- Provide employees with an easy to read contract of employment clearly explaining wage levels and other benefits. Where employees are unable to read, the contract should be explained to them by a union representative or another appropriate third party.



Regular employment is provided.

- To every extent possible work performed must be on the basis of recognised employment relationship through national law and practice.
- Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through use of labour-only contracting, sub-contracting, or home working arrangements, nor shall any such obligations be avoided through the excessive use of fixed term contracts of employment.
- Excessive use of zero hours' contracts should be avoided and suppliers should work with us post award to ensure zero hours' contracts are used only when clearly beneficial to both employer and employee.

Ethical Procurement Policy



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Training is provided

- Raise employee's skills through training and access to professional development as befits their role to improve quality and secure greater value for money.

Mediation and Disputes procedures

- Provide clear and accessible processes for resolving disputes with employees.

No discrimination, being inclusive and embracing diversity

- In relation to age, disability, gender reassignment, marriage/civil partnership, pregnancy and maternity, race and religion or belief, sex and sexual orientation, to practice no discrimination in hiring, compensation, training, promotion, termination or retirement either directly or indirectly.

Child labour is eliminated

- Support the elimination of child labour. The course of action taken shall be in the best interest of the child and conform to the provisions of the International Labour Organisation (ILO).
- 'Child' refers to any persons less than 15 years of age, unless local legislation on the minimum age stipulates a higher age shall apply as defined by the ILO.
- Ensure no children and young persons (over the age of a child, as defined above, but under the age of 18) are employed at night or in hazardous conditions, as defined by the ILO.



Ethical Procurement Policy



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Safeguarding employees – No inhuman treatment allowed

- Prohibit physical abuse or coercion, the threat of physical abuse, sexual or other harassment and verbal abuses other forms of intimidation.

Monitoring compliance with this code

- Suppliers should inform Brent council about any concerns they have in applying the above principles. Additionally, they are encouraged to keep written records to demonstrate that their actions are fair and above reproach and where relevant they should report on progress and future planned activity if requested to do so by Brent council.
- On an annual basis, we will invite a small number of suppliers to share good practice and case studies and identify initiatives for continuous improvement.

Whistleblowing

- Brent maintains a Whistleblowing Policy for all employees and suppliers. Our suppliers are encouraged to use these policies when appropriate and also to ensure an appropriate policy is in place in their own organisation

Equality Act 2010

The Equality Act 2010 is designed to help tackle discrimination and inequality.

Under the Equality Act the Council has a “Public Sector Equality Duty” requiring it in exercise its functions to have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

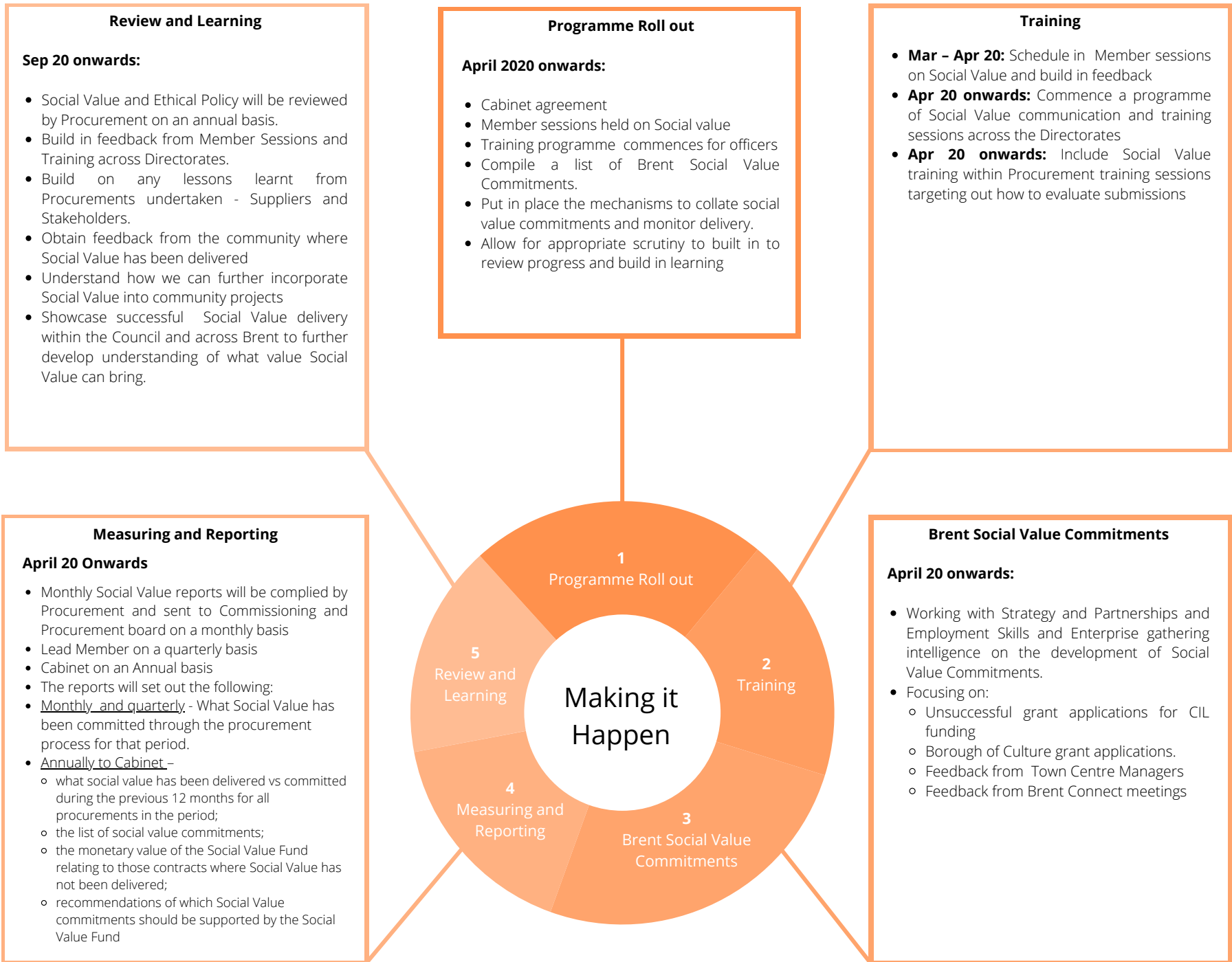
The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

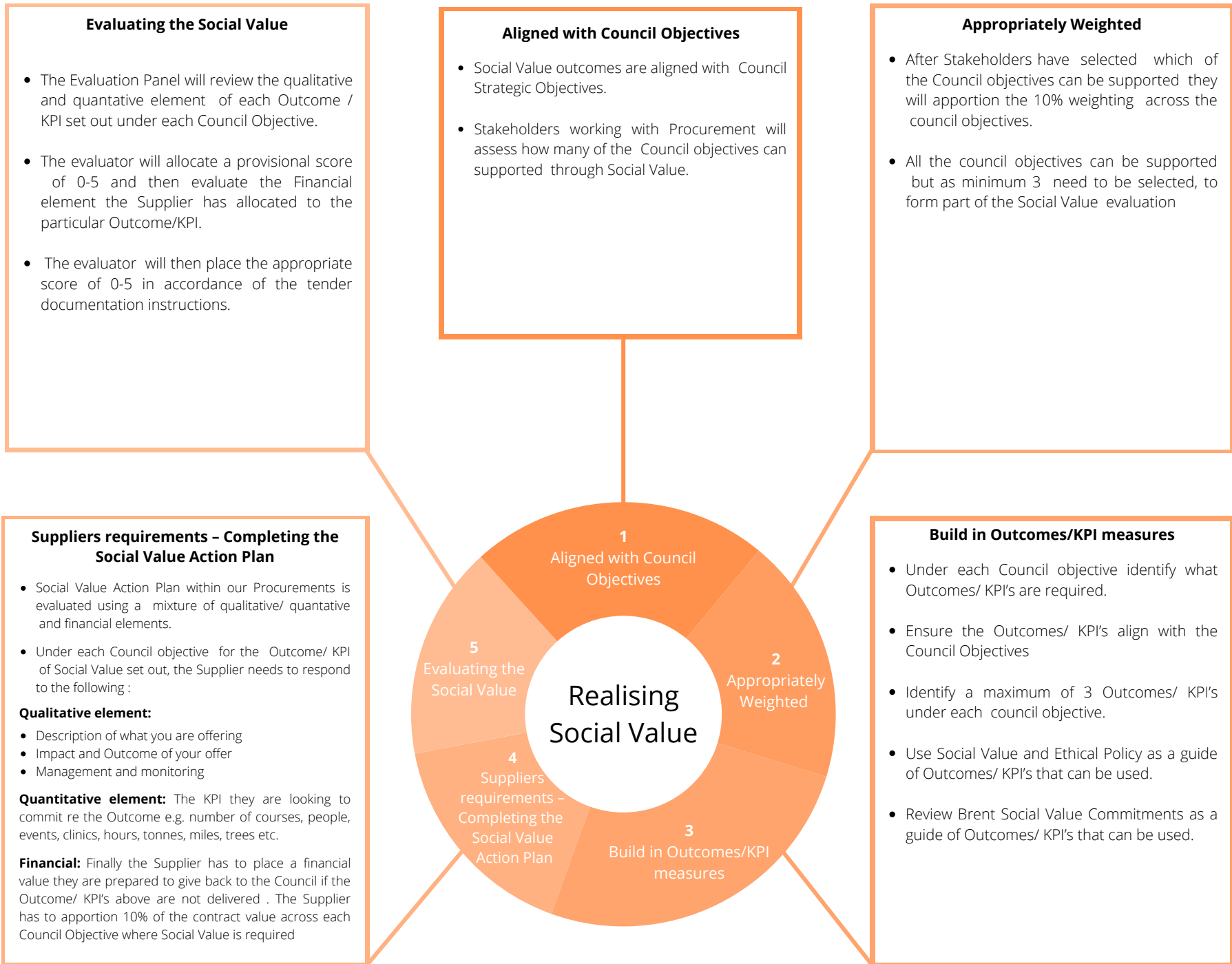
The Public Sector Equality Duty will apply directly to council contractors where they exercise public functions under a contract on behalf of the Council. In all other cases, the Council will require contractors to comply with their own obligations under the Equality Act.

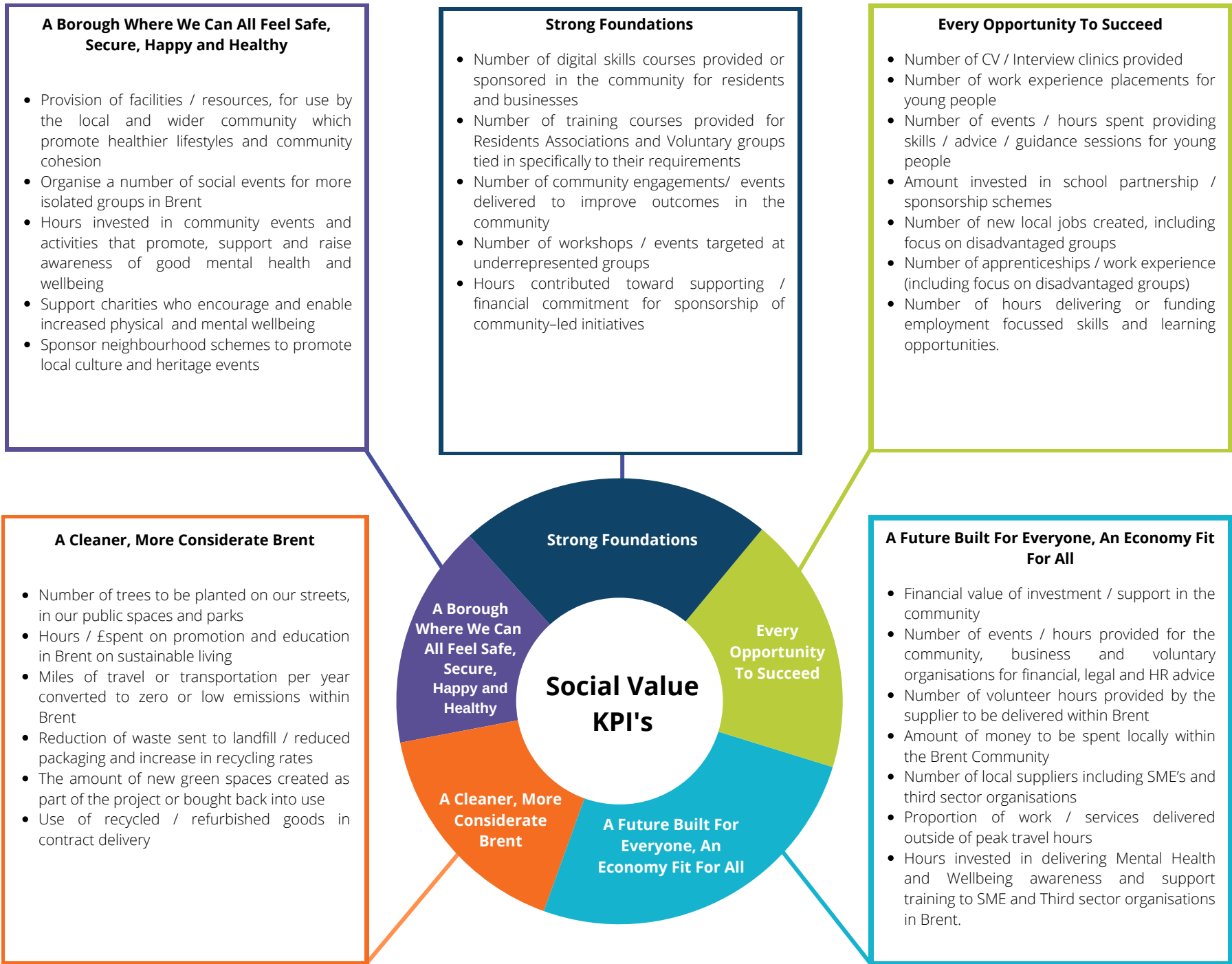
Social Value Delivery Plan


April 2020









	<p align="center">Cabinet 20 April 2020</p>
	<p align="center">Report from the Strategic Director of Customer and Digital Services</p>
<p>Authority to Award Contract for Oracle Cloud Subscription Licences</p>	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Sally Chin Head of ICT Client & Applications Support Tel: 0208 937 1432 Email: Sally.chin@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report concerns the award of a contract of Oracle Cloud subscription licences. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

2.0 Recommendation

That Cabinet approve the award of the contract for Oracle Cloud Subscription licences to Insight Direct UK Limited at an estimated total cost of £4.8 million for a term of up to 10 years.

3.0 Detail

- 3.1 The Council currently uses Oracle for the Enterprise Resource Planning (ERP) system. To stay on a supported version of this software there is a need to migrate to the Oracle Cloud version. This means that the current Oracle

licences need to be replaced with subscription based licences specifically for the Oracle Cloud product.

- 3.2 The cost of the Oracle Cloud subscription licences is in the same region as the current cost of the Oracle licences; therefore there is no request for any increase in revenue expenditure to fund this, as it is considered to be a like for like basis and therefore revenue cost neutral.
- 3.3 The Oracle Cloud system will replace the current Oracle system that is used for the financial, procurement, payroll and HR transactions of the Council. A lot of the functionality remains the same or broadly similar however, to ensure a smooth transition to the new system there will be a need to take users through a process of business change and this is all included as part of the implementation plan.
- 3.4 The tender process used framework Y17038 (Software Products and Associated Services) (the “Framework”) let by Kent County Council through KCS Professional Services. Under the Framework licence resellers were invited to bid for this contract. This was to ensure that the Council obtained best value for money and that the market had been tested properly.
- 3.5 There was only one bidder for this tender, which was from the licence reseller Insight Direct UK Limited. The cost of the contract is an estimated total cost of £4.8 million for a term of up to 10 years – the exact cost being dependant on the actual number of Oracle licences, the term of the contract (it is for a possible term of 5 years, plus 5 possible further 1 year extensions), and the base price of the Oracle licences.

The Tender Process

- 3.6 The new contract will be let for an initial term of 5 years, plus 5 possible further 1 year extensions.
- 3.7 Tenders were invited from the 9 suppliers on the Framework using the London Tenders Portal on 19 February.
- 3.8 Tenderers were asked to submit their price for the Bill of Materials (list of licence requirements) that had already been agreed with Oracle.
- 3.9 The tendering instructions stated that the contract would be awarded on the basis of the lowest price.
- 3.10 As a result of the above further competition the only bid received was from Insight Direct UK Limited, and it is therefore recommended that the contract is awarded to this supplier.

Evaluation process

- 3.11 The tender evaluation was carried out by a panel of officers from the Shared

ICT Service and ICT Client & Applications support.

3.12 All tenders had to be submitted electronically no later than 4pm on 25 February 2020. Tenders were opened on 25 February and one valid tender was received.

3.13 The contract will commence on 11 May 2020. As the proposed contract represents a call-off under a framework agreement, a mandatory standstill period is not required.

4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that contracts for services / supplies exceeding £2 million shall be referred to the Cabinet for approval of the award of the contract.

4.2 The estimated value of this contract is £4.8m over 10 years.

4.3 It is anticipated that the cost of this contract will be funded from the current ICT Applications budget. These licences will replace the current on premise Oracle system licences, the cost of which are broadly similar and are already contained within the Council's revenue budget.

5.0 Legal Implications

5.1 The estimated value of this contract is £4.8M over its lifetime and is thus in excess of the EU threshold for Services and Supplies and the award of the contract is therefore governed by the Public Contracts Regulations 2015 (the "EU Regulations"). The Council has used the Framework that has been let in accordance with the EU Regulations and Officers have observed the call-off procedure set out in the Framework when identifying the preferred bidder.

5.2 The award of the contract is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations. As a result, Cabinet approval for the award is required.

5.3 Any decision to award will be subject to observance of a 5 clear day call in period, following which Officers may formally accept the bid from Insight Direct UK Limited.

6.0 Equality Implications

6.1 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 Key service users in Finance, HR and Procurement have been consulted in relation to the services being procured.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is relates to the procurement of software licences and therefore there are no implications for Council staff or property considerations arising from the contract.


9.0 Public Services (Social Value) Act 2012

9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement, and it was considered that, due to the nature of the services, best value would be delivered by evaluating on a price only basis.

Report sign off:

Peter Gadsdon

Strategic Director of Customer and Digital Services.

	Cabinet 20 April 2020
	Report from the Assistant Chief Executive
Executive Response to the Air Quality Scrutiny Report and Recommendations of the Resources and Public Realm Scrutiny Committee	

Wards Affected:	All
Key or Non-Key Decision:	Non Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix 1: Executive Response to the Air Quality Report and Recommendations of the Resources and Public Realm Scrutiny Committee
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Sandor Fazekas Project Development Manager Email: sandor.fazekas@brent.gov.uk Tel: 020 8937 5113

1.0 Purpose of the Report

- 1.1 The purpose of this report is to agree the draft Executive Response to the Air Quality Scrutiny Report and Recommendations of the Resources and Public Realm Scrutiny Committee made at its meeting on 4 December 2020 and considered at Cabinet on 14 January 2020.

2.0 Recommendation

- 2.1 That the draft Executive Response to the Air Quality Scrutiny Report and recommendations of the Resources and Public Realm Scrutiny Committee be agreed.

3.0 Detail

- 3.1 In accordance with Part 4 of the Brent Council Constitution (Standing Orders of Committees) Brent Council scrutiny committees may make recommendations

to the Full Council or the Cabinet with respect to any functions which are the responsibility of the executive or of any functions which are not the responsibility of the executive, or on matters which affect the borough or its inhabitants. The Community and Wellbeing Scrutiny Committee may also make recommendations to the relevant NHS bodies or relevant health service providers or Full Council.

- 3.2 Cabinet is being asked to consider its Executive Response to the Air Quality Scrutiny report and recommendations and either agree, reject or agree as amended, the scrutiny recommendations made, as set out in the draft Executive Response attached at Appendix 1 to this report.
- 3.3 Scrutiny committees may not make executive decisions and scrutiny recommendations therefore require consideration and decision by the appropriate decision maker; usually the Cabinet, but also to full Council for policy and budgetary decisions and the NHS where it is the decision maker, in accordance with the terms of reference for scrutiny committees set out in the Council Constitution.
- 3.4 The report of the scrutiny committee, considered at Cabinet on 14 January 2020, provides the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made. At the Cabinet meeting on 14 January 2020, it was stated that a full response to the report's recommendations from the Cabinet Member for Environment would follow.
- 3.5 Scrutiny recommendations may include those made in scrutiny reports agreed in committee (eg through Scrutiny Task Groups), or scrutiny other scrutiny recommendations made in committee. These are usually dealt with through a referral to the Cabinet, (or where relevant, an NHS body), which requests an Executive Response to the scrutiny report and recommendations.
- 3.6 The scrutiny committee will be notified of the Executive Response and executive decisions made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising from the scrutiny recommendations, for example, service improvements, value for money savings and outcomes for residents.

4.0 Procedure for Reports and Recommendations from Scrutiny Committees

- 4.1 Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response and the issue will be published on the Council's Forward Plan. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
- 4.2 At the next available meeting of Cabinet, Cabinet will receive notification of the committee's report or recommendations under the standing agenda item *Reference of item considered by Scrutiny Committees*, to consider any reference reports from any of the Council's scrutiny committees.

- 4.3 Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.
- 4.4 Where scrutiny committees have powers under their terms of reference to make reports or recommendations external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
- 4.5 Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

5.0 Financial Implications

- 5.1 The Council has established annual revenue budgets in place specifically for two members of staff to monitor air quality and for policy and projects. This is a total of £122,400, of which £58,200 is within Regulatory Services for air quality monitoring and £64,200 in Highways and Infrastructure for Policy and Projects. It is envisaged that an additional member of staff will be required to deliver air quality improvements in the borough, the cost of which will be £58,200 per annum to be funded from existing Council budgets.
- 5.2 There are also capital budgets available for the delivery of infrastructure improvements and initiatives which include supporting sustainable travel, the primary source being £2.247m of TfL grant funding to deliver the Councils Local Implementation Plan. For 2020/21 this includes £200k for Healthy Neighbourhoods, localised measures to encourage safe and sustainable travel, £90k for improved walking and cycling amenities, £30k for greening and £15k for localised air quality monitoring using diffusion tubes / reports / studies.
- 5.3 For 2019/20 TfL also allocated £1m from their bus priority programme for infrastructure improvements to benefit bus accessibility and reduce journey times. Officers anticipate a similar level of funding will be available for 2020/21, this will be confirmed in April 2020.
- 5.4 The Council have invested £20m of capital funding for 2019/20 and 2020/21 for a footway improvement programme, which will help encourage walking in the borough. This is in addition to the annual £3.5m capital funding allocation which for 2019/20, has been targeted towards improving the condition of the boroughs roads.
- 5.5 The Council can bid for TfL Liveable Neighbourhood funding to support Healthy Streets projects and also Mayors Air Quality Funding for air quality projects and initiatives.

- 5.6 Additionally, approximately £1m of funding is available through S106 developer contributions for schemes to mitigate the impact of development in the borough and this can be used to support sustainable transport.
- 5.7 Officers are also considering the use of Community Infrastructure Levy (CIL) towards infrastructure projects to improve sustainable travel.
- 5.8 There may also be opportunities in the future to secure partnership funding for joint initiatives.
- 5.9 The financial implications on revenue and capital budgets on delivering air quality actions will be assessed in detail as projects and initiatives are further developed.

6.0 Legal Implications

- 6.1 Section 9F, Part 2 of the Local Government Act 2000, *overview and scrutiny committees: functions*, requires that Executive Arrangements by a local authority must ensure that its overview and scrutiny committees have the power to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are or are not the responsibility of the executive, or on matters which affect the authority's area or the inhabitants of that area.
- 6.2 Section 9Fe, *duty of authority or executive to respond to overview and scrutiny committee*, requires that the authority or executive;-
- (a) consider the report or recommendations,
 - (b) respond to the overview and scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,
 - (c) if the overview and scrutiny committee has published the report or recommendations, publish the response, within two months beginning with the date on which the authority or executive received the report or recommendations.
- 6.3 The management and improvement of air quality is largely driven by European Union (EU) legislation. The 2008 ambient air quality directive (2008/50/EC) sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO2). With Brexit, the UK may opt to adopt the stricter standards of the World Health Organisation (WHO) objectives, or enshrine the EU limit values into UK law.
- 6.4 In the UK, responsibility for meeting air quality limit values is devolved to the national administrations in Scotland, Wales and Northern Ireland. The Secretary of State for Environment, Food and Rural Affairs has responsibility for meeting the limit values in England and the Department for Environment, Food and Rural Affairs (Defra) co-ordinates assessment and air quality plans for the UK as a whole.
- 6.5 The UK Government and the devolved administrations are required under the Environment Act 1995 to produce a national air quality strategy. The strategy sets out the UK's air quality objectives and recognises that action at national,

regional and local level may be needed, depending on the scale and nature of the air quality problem.

- 6.6 Clean Air Act 1993 (CAA) was introduced to address air pollution from smog caused by widespread burning of coal for residential heating and by industry. The CAA covers England, Wales and Scotland and there is separate legislation for Northern Ireland. The legislation targets smoke emission from chimneys and premises and smoke emissions from residential and non-residential furnaces. Although some activities fall on Defra and the Devolved Administrations, the key CAA measures are applied and supervised by Local Authorities. The CAA is the legal instrument to address such pollution.
- 6.7 Vehicle idling is an offence under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The law states that; is an offence to idle your engine unnecessarily when stationary. If you fail to turn your engine off after being asked to do so by an authorised officer, you may be issued with a fixed penalty notice of £20 increasing to £40 if the fixed penalty is not paid before the expiry of the prescribed time'. As part of the Pan-London Vehicle Idling Action campaign, Brent is pursuing this aspect of enforcement to help reduce air pollution from idling vehicles in the borough.

7.0 Equality Implications

- 7.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 7.2 There are no diversity implications arising from this report and its recommendations at this time. However, an Equality Assessment will be carried out for any future proposals for strategies, initiatives and projects to improve air quality in the borough.

8.0 Human Resources/Property Implications

- 8.1 The need for an additional member of staff to assist with the delivery of these Air Quality actions and future initiatives has been identified, please refer to the finance section for further information.
- 8.2 There are no requirements for the alteration of accommodation.

Related Document:

Brent Breathes - Air Quality Scrutiny Report, the Resources and Public Realm Scrutiny Committee, December 2019

Report sign off:

Shazia Hussain –
Assistant Chief Executive

Draft Executive Response to the Air Quality Report and Recommendations of the Resources and Public Realm Scrutiny Committee

20 April 2020

1. On 4 December 2019, the Resources and Public Realm Scrutiny Committee made a report and recommendations to the Cabinet on Air Quality, after consideration of substantial oral and written evidence through a series of meetings by a scrutiny task group. The Cabinet's Executive Response and decisions against those recommendations are provided below, under the respective agenda item subjects provided in the minutes of that meeting.

Recommendations and Proposed Air Quality Actions

Recommendation 1. That the Council update the Air Quality Strategy and set out an aspiration to meet World Health Organisation (WHO) limits on air pollution, commit to addressing inequality in air quality, and compliment the wider climate emergency agenda. We should also lobby national government where we are unable to effect change ourselves.

2. Our Air Quality Action Plan 2017-2022 currently uses the EU legal requirements, which may change with Brexit with central Government legislative changes. The WHO limits are clearly lower and therefore far more challenging to meet.
3. In relation to air quality inequality, the areas within Brent which are likely to exceed national air quality objectives have been allocated as an Air Quality Management Area (AQMA). Within the AQMA, the worst affected areas for air pollution have been identified as hot spots, and have therefore been designated as air quality action areas. Both the AQMA and action area allocations were reviewed in 2016. The Greater London Authority (GLA) are due to review designated air quality hot spots in 2021. Improvement projects should concentrate on these areas as a matter of priority in the strategy. The main monitoring and project work is currently focussed with the AQMA and action areas. The AQMA encompasses the whole of the south of the borough due to high levels of vehicle emissions (particularly cars, heavy goods vehicles and busses) as well as higher levels of background pollution.
4. The Council will continue to work with the GLA and London Councils to deliver air quality improvement initiatives and the London Environment Strategy 2018.

Recommendation 2. That the Council, in consultation with Transport for London, and the Football Association, agree a strategy to reduce the air quality impact of non-resident car use in Brent.

5. The Council recognises the negative impact of non-residential car use has on air quality in Brent and the need to reduce car travel both to and through the borough.
6. The Council will be developing a Parking Management Strategy in 2020 in preparation for the expansion of ULEZ to the area south of the A406 North Circular Road in October 2021 and the potential impact on congestion and air quality.

7. The Council will work with the Football Association, TfL and strategic partners in developing a strategy for reducing car use and the negative impact on air quality.
8. Local journeys also contribute towards congestion and air quality. The Council have an emissions based permit charging scheme and introduced a diesel levy in April 2019, and will continue to raise awareness of the effects of car travel on air quality and encourage behavioural change towards sustainable travel.

Recommendation 3: That the council set up a Green Brent Partnership: a forum with organisations impacting air quality in Brent- including the private sector, community organisations and campaign groups – to agreed shared targets to improve air quality locally. We should also lead by example taking steps to reduce the air quality impact of Brent Councils own activities.

9. Steps are being taken to form a Brent Community and Environmental Action Network to encourage partnerships in response to the Climate Emergency. The Interim Report on Brent's Response to the Climate and Ecological Emergency to Full Council on 25th November 2019 sets out the steps the Council has taken and includes an Annual Green Summit;
<http://democracy.brent.gov.uk/documents/s91750/14.%20Interim%20Climate%20Emergency%20Report.pdf>
10. A forum dedicated to air quality may be an effective way of working with local community groups and businesses to raise awareness and improve air quality in the borough, and this will be explored further.
11. The Council will explore future opportunities for reducing emissions from its activities and has an extensive programme of installing electric vehicle charging points across the borough, providing cycle hangers and cycle parking and will continue to promote sustainable travel.

Recommendation 4: That the Council closely monitors and review the air quality impact of current policies and, most particularly the Ultra-low emission zone, and consider implementing or lobbying for stronger measures if necessary. It should also keep the provision of air quality monitoring sites under review.

12. Monitoring is ongoing as part of Brent's Air Quality Action Plan obligations. Further funding would be required for more extensive air quality monitoring, however, Brent are planning to proactively pilot low-cost air quality sensors utilising emerging technologies. The Council will also benchmark with neighbouring boroughs on collating air quality data.
13. TfL will monitor and report on the potential effects of the ULEZ expansion, officers will raise concerns with TfL on the measurement of the impact in neighbouring areas or arrange local air monitoring.

Recommendation 5: That the Council make the delivery of Healthy Streets a central; corporate and political priority across the borough, working closely with residents to expand the number of healthy street locally.

14. The Healthy Streets Approach puts people, and their health, at the heart of decision making to provide a healthier, more inclusive environment where people choose to walk, cycle and use public transport.
15. The Council recognises that Healthy Streets schemes have been delivered successfully across London, and have resulted in behavioural change and reduced congestion and air pollution, particularly where there has been a significant investment. The development of a strategy to consider how areas of the borough should be prioritised for healthy streets investment would be beneficial. Whilst there is a place for well-established road safety and traffic calming measures, this approach could be embedded into the design of future projects. The Local Implementation Plan (LIP) Annual Spending submission report to Cabinet on 11th November highlighted a healthy neighbourhood approach; <http://democracy.brent.gov.uk/documents/s91056/10.%20LIP%20Annual%20Spending%20Submission%20Report%20Cabinet%20v6%20Final.pdf>
16. Two 'schools streets' are being piloted with the aim to roll out to other areas in the borough as part of our LIP programme. These are schemes that prohibit vehicles, (except emergency, service and residents vehicles), from entering streets near schools during morning and afternoon peak hours. They are enforced using CCTV cameras with Automated Number Plate Recognition (ANPR) technology.

Recommendation 6: That the council outline, publish and consult on a clear strategy for engagement with TfL on active travel initiatives – including the planned Willesden to Wembley cycle superhighway , measures to improve public transport provision, and any future initiatives to improve accessibility over the North Circular.

17. The Council have established Active Travel and Public Transport forums, which are attended by partners, including TfL, with a focus on improvements that need to be made to promote active travel and the use of public transport within the borough. We will continue to work with TfL on active travel initiatives.
18. TfL in partnership with the Council are now developing a Healthy Streets Corridor between Wembley and Willesden. The scheme will include improvements for walking, cycling, public transport accessibility, as well as greening along the corridor.
19. Pre-engagement meetings with members were held in January 2020, with pre-engagement surveys with residents and businesses taking place in February 2020. A report will be taken to Cabinet in the late spring 2020.
20. The Council plan to engage with TfL to discuss emission reduction on the North Circular, which is the single highest source of transport related pollution in the borough and improving accessibility.

Recommendation 7: That the Council expand the number of initiatives for dealing with the impact of housing and the built environment, and engage closely with experts to consider further steps as new evidence and technology emerges.

21. The impact of the built environment on air quality in Brent will require assessment and our policies can be aligned to our strategies for growth to reduce any negative impact
22. Brent's Energy and Sustainability team have a number of active initiatives that aim to reduce emissions from housing and in regeneration areas, and will consider further opportunities.
23. A cross council Air Quality Action Group has been established which is attended by the Lead Member for the Environment to focus on meeting air quality improvement targets. This group shall also consider evidence and emerging technologies and initiatives to support lower emissions. Brent are applying to the Greater London Authority for Cleaner Air Borough status in June 2020.

Recommendation 8: That the council continues to support green space as a way of supporting active travel, and because of its wider benefits to health, the climate and biodiversity, but ensure that measures to improve greening are not promoted as an alternative to dealing with the underlying causes of poor air quality.

24. Greening including the planting of trees, creating rain gardens, meadowing and providing pocket parks and parklets are integral to a Healthy Streets approach to create an environment that encourages active travel, and will be considered in future schemes.
25. While greening may act as a physical barrier to air pollution, it may not mitigate against the impact of poor air quality apart from some particulate matter adhering to foliage, and will not be considered as an alternative to addressing wider issues. Consideration will be given to on the type of greening that should be used to maximise benefits including sustainable urban drainage and biodiversity, and minimise ongoing maintenance costs. Local community groups or schools could assist in maintaining plantings and greening and this would have a benefit in helping to promote civic pride in our neighbourhoods.
26. Brent's Local Plan 2020 will set out our vision for protecting and enhancing the built and natural environment, and transport for continuing growth to 2041 and beyond. Sustainable infrastructure, with an aim for all development in growth areas to be Air Quality positive, and a focus on sustainable travel and a healthy streets approach will support improvement to air quality in the borough.

Recommendation 9: that the council continues to promote measures to improve air quality in our schools, and where possible enhance and expand on existing initiatives. It should work in partnership with schools and students to agree a shared approach to improving air quality in the borough.

27. The Council has established a robust and on-going programme of air quality auditing and education at schools in the borough. Our 'Breathe Clean' Project,' targeted 56 primary and 10 secondary schools; two air quality assemblies were delivered at each school covering London's current air quality, methodologies for measuring air quality and ways of combatting pollution. In the weeks between assemblies, air quality was measured, with the help of the pupils, across each school. We are now launching

phase two, which targets infant schools. This initiative has helped raise awareness and will encourage behavioural change amongst parents and carers.

28. We continue to engage with schools on their travel plans and raise awareness about the effects of poor air quality to encourage behavioural change.
29. The focus is now on rolling out a 'school streets' programme as it is recognised that school travel plans and engineering work to improve safety for walking and cycling have not addressed congestion around many of our schools.

Recommendation 10: That the Council, working with the health sector, statutory partners and Brent's Public Health team, spearhead a public health awareness and behavioural change campaign about air quality. The local NHS should also play its part in delivering this, and lead by example in the measures they take to improve air quality.

30. Brent acknowledges that in order for air quality to improve in the Borough, strong partnerships with local NHS trusts need to be forged.
31. The Council is working with hospitals in the borough to establish the Clean Air Hospital Framework, a programme of assessing the hospital for air pollution processes and find ways of mitigating such emissions, to protect patients, workers and visitors. There will also be a major public health awareness raising aspect to this initiative.
32. In relation to public awareness, the Brent Public Health Team is working to develop an online Public Health Dashboard to enable residents to access health data relating to air quality (amongst other things) more readily.
33. Our Public Health team can explore further opportunities to make information available through the NHS locally as well as through GPs surgeries to promote both the health benefits of active travel and reducing exposure to indoor air pollution.

Conclusion


34. Clean air is the joint responsibility of local authorities, government, the private sector and individuals, and the Council clearly must take a partnership approach to taking these priority actions forward and making changes to tackle poor air quality in the borough.
35. The recommendations in the Brent Breaths report recognises clean air as one of our two most pressing environmental concerns alongside the Climate Emergency and identifies opportunities for improvement.
36. The Council will help our residents and businesses to understand the issue, its links to inequality and climate change, and how they can change their behaviour to make a positive difference, and ensure that they support interventions that are designed to protect their health and wellbeing.

37. We will develop and support policies and programmes that encourage residents to embrace active travel by walking, cycling and promote the use of public transport instead of car travel.
38. The Council recognises the challenges ahead in delivering the Air Quality Actions identified within this report and the need to deliver real change in the borough working with agencies, partners, businesses and our community.
39. Whilst the recommendations within the Brent Breaths report are welcomed and supported, progress will be dependent on establishing strong collaborative partnerships and funding available.
40. The delivery of air quality actions will be programmed and monitored at future cross council Air Quality Action Group meetings, which are attended by the Lead Member for the Environment.

Cabinet Member: Cllr Krupa Sheth - Cabinet Member for Environment

Lead Department: Regeneration and Environment

Lead Officer: Amar Dave - Strategic Director of Regeneration and Environment

 Brent	Cabinet 20 April 2020
	Report from the Assistant Chief Executive
Executive Response to the Budget Scrutiny Report and Recommendations of the Resources and Public Realm Scrutiny Committee	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix 1: Executive Response to the recommendations of the Resources and Public Realm Scrutiny Committee Budget Scrutiny Report
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Shazia Hussain Assistant Chief Executive Email: Shazia.Hussain@brent.gov.uk Tel: 0208 937 5974

1.0 Purpose of the Report

1.1 The purpose of this report is to agree the Cabinet's response to the recommendations to the Budget Scrutiny Task Group, as set out at Appendix 1.

2 Recommendation

That the draft Executive Response to the Budget Scrutiny Report and recommendations of the Resources and Public Realm Scrutiny Committee be agreed.

3.0 Background

- 3.1 As part of the budget setting process for 2020/21, a Budget Scrutiny Task Group was established by the Resources and Public Realm Scrutiny Committee, and convened after the Cabinet published the draft budget proposals in November 2019. The panel, made up members of the two scrutiny committees (Resources & Public Realm and Community Wellbeing), reviewed the proposals, as well as the budget development process, with relevant Lead members and officers.
- 3.2 The panel's report and recommendations were considered and adopted by the Resources & Public Realm Scrutiny Committee on 29 January 2020 and referred to the Cabinet for consideration.
- 3.3 At the Cabinet meeting of February 2020, Cabinet considered the recommendations of the Budget Scrutiny report and agreed to formally respond to each of the recommendations. This report contains the formal response, as set out in full in Appendix 1.

4.0 Financial Implications

- 4.1 Any financial implications with regards to accepting the recommendations of the Budget Scrutiny report are contained within the formal response, as set out in Appendix 1.

5.0 Legal Implications

- 5.1 None applicable.

6.0 Equality Implications

- 6.1 Not applicable.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Not applicable.

8.0 Human Resources

- 8.1 Not applicable.

Related Documents:

- Budget and Council Tax 2020/21 report to Full Council 19 February 2020
- Report of the Budget Scrutiny Task Group - January 2020

Report sign off:

Shazia Hussain
Assistant Chief Executive.

**Executive Response to the recommendations of the Resources and Public
Realm Scrutiny Committee Budget Scrutiny Report**

20 April 2020

- 1. Brent's finance team should continually review the headline budget totals allocated to each department in a bid to avoid repeated budget under/overspends.**

As part of the budget setting process, growth assumptions and cost pressures are regularly reviewed to ensure, where possible, departments have the necessary budgets to contain unavoidable growth in expenditure, for example contractually obliged inflation, demographic growth in various age cohorts and other inflationary pressures. Over the last few years, this has been largely successful where, overall, the Council has kept within its budget.

- 2. The council should change its procedure to ensure that its financial reports clearly state which lead member has signed off on which mitigating steps, and on which date.**

The budget monitoring process has now been updated to ensure Lead member briefings take place before forecast reports are presented to Cabinet to ensure a consistent approach. Operational changes or financial mitigations that do not have an impact on policy outcomes are dealt with via correspondence between officers and the Lead member.

- 3. Cabinet members should also feel that it is incumbent upon them to bring back any mitigation steps which might change council policy, to the lead group.**

This is a matter for the Leading Group.

- 4. All incoming cabinet members should receive bespoke local government finance training as part of their induction. This training should also be made readily available for backbenchers, so they can gain the confidence to hold the cabinet to account on budgetary issues.**

At present, all members receive an induction, which includes a section on an introduction to local government finance. This will continue to be reviewed and developed so that it is up to date on recent local government finance issues.

In addition, 1-1's have now been arranged between Lead members and their finance lead. These sessions will be used to provide regular/topical updates as well as training on key financial matters within their portfolio.

- 5. The Audit committee should analyse the council's recent capital investments to discover the extent to which they have achieved their goal of reducing Brent's ongoing revenue costs.**

This recommendation is accepted.

6. Brent should explore all possible avenues to support businesses in Brent, particular by looking at how local public sector organisations procure services.

The Council has a Social Value Policy that encourages local spend to support the Brent economy. The policy requires 10% of contract evaluation weighting to relate to social value for all contracts over £100k, and within tender documents the bidding contractors are asked to clarify how they will engage with the local supply chain. Procurement guidance also states that for low value contracts of £25-189k, where three quotes are required for tenders, one should be a local supplier if possible. The Social Value Policy is currently being reviewed and once published can be shared with local partner organisations to encourage good practice across the borough.

To support local SMEs to access the supply chain in Brent, the council's Brent for Business programme now includes an annual construction Meet the Buyer event, taking place on the 18th March 2020. This will be attended by developers and local suppliers, connecting them to live or upcoming contract opportunities. This includes developers that hold Section 106 Planning Agreements with the council who are encouraged to engage with local suppliers. In addition, a Business Expo is taking place on the 22nd April 2020 that will provide a range of business support. Procurement will be involved to promote council contract opportunities and provide advice.

7. A report on the way the DSG, and in particular its high needs block, is spent should be sent to the community and wellbeing scrutiny committee as soon as possible.

This recommendation is accepted. A report will be referred to the Community and Wellbeing Scrutiny Committee.

8. The council should ringfence the money generated by the one-off sale of additional burial plots for a programme of street tree planting and maintenance.

In general, Cabinet accepted the spirit of this recommendation at its meeting on the 10th February 2020. Recommendation 2.5 was revised to recommend to full Council that any overall underspend across the General Fund at the end of March 2020 is ring fenced for expenditure on yet to be agreed spending proposals on the climate change emergency. This proposal will be revisited once the year end accounts are closed.

9. The council should explore the opportunity to 'spend to save' by hiring new trading standards officers to rigorously pursue money under proceeds of crime legislation.

Trading Standards already offers its financial investigation service to other local authorities. In return, a contractually agreed share of 'incentivisation money' awarded by the Home Office is retained as a fee for this service or an hourly rate is charged to cover costs in the event that a confiscation order is not obtained.

The scope to extend this work is limited as many local authorities employ their own in-house financial investigators whilst others offer a service very similar to our own. Furthermore, some local authorities have not prioritised the prosecution of offenders within their enforcement work reducing options for financial investigation.

To avoid legal challenge, the Council must take care that it is not preserved as using the confiscation process as a way of generating itself income and that powers are used correctly, where necessary and proportionately to do so. However, current volumes of work are high and the option of rigorously pursuing cases would be welcomed. Exploring this recommendation further is agreed.

10. Brent should work with other boroughs, through London Councils and LGA, to lobby for the powers to levy proportionate charges on parked motorcycles. The council should also step up their campaign for the powers to levy a tourist tax in Brent.

These proposals have already been raised with London Councils.

11. Brent's Infrastructure Delivery Plan should direct how CIL spending is prioritised. This document should come to the appropriate scrutiny committee for pre-scrutiny.

A strategy for prioritising strategic CIL spend is being worked on, for consideration by Cabinet later in the year. This will prioritise CIL spend on infrastructure identified in the Infrastructure Delivery Plan, which is needed to support development in the Borough outlined in the Brent Local Plan.

12. Opportunities to drive efficiency by aggregating CIL funds, for example for new trees and recycling friendly bins, should be pursued.

The CIL strategy mentioned above will look at opportunities for amalgamating spend, however it must be stressed that strategic CIL has to be spent on infrastructure to support development in the Borough and cannot be used to make up for existing infrastructure deficits or other items that do not support the development in the Borough.

13. The council should develop a strategy to ensure its officers signpost residents to voluntary sector alternatives wherever possible.

The Council has made a significant investment in expanding and improving advice services within the borough. Residents who are in need can be signposted to appropriate voluntary sector support through this provision.

The Council also funds an advice website, <https://www.bam.org.uk> which offers information on a range of services for example health and wellbeing, housing and immigration. The website can be accessed directly by local people, in addition it is used by officers to signpost residents to relevant voluntary sector alternatives. Brent CVS is funded to publicise and raise awareness of this website to all local stakeholders.

14. The work of budget scrutiny should be more closely coordinated with the audit committee, who should have a place on next year's panel.

This recommendation is accepted.

The last Audit and Standards Advisory Committee on 20 January 2020 (agenda item 14 on the link below) commented on the complimentary roles of the audit committee and the scrutiny committee. This recommended that a more joined up approach to setting work programmes be taken forward to identify any areas where the potential for complementary work could be undertaken in order to support the respective reviews.

<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=717&MId=5472&Ver=4>