



Cabinet

Monday 19 July 2021 at 10.00 am

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note that this meeting will be held as a socially distanced physical meeting with all Cabinet members required to attend in person.

Guidance on the safe delivery of face-to-face meetings is included at the end of the agenda front sheet.

Due to current restrictions and limits on the socially distanced venue capacity, any press and public wishing to attend this meeting are encouraged to do so via the live webcast. The link to attend the meeting will be made available [here](#)

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
Farah	Lead Member for Adult Social Care
Knight	Lead Member for Community Safety and Engagement
Nerva	Lead Member for Public Health, Culture & Leisure
M Patel	Lead Member for Children's Safeguarding, Early Help and Social Care
Krupa Sheth	Lead Member for Environment
Stephens	Lead Member for Schools, Employment and Skills
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**

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
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1	Apologies for Absence	
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2	Declarations of Interest	
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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 - 4
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To approve the minutes of the previous meeting held on Monday 14 June 2021 as a correct record.

4	Matters Arising (if any)	
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To consider any matters arising from the minutes of the previous meeting.

5	Petitions (if any)	
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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)	
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To consider any reference reports from any of the Council's two Scrutiny Committees.

Community Well-being reports

7	Affordable Homes Programme	5 - 24
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This report provides an update on progress towards delivering against the Council's housing target for new affordable homes over the five-year period (2019 – 2024).

Ward Affected:
All Wards

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: John Magness, Head of Housing Partnerships
Tel: 020 8937 3272
John.Magness@brent.gov.uk

8 Kilburn Square Housing Projects

25 - 44

This report provides an update on two current Housing projects at Kilburn Square; the major refurbishment of 5-90 Kilburn Square and the proposed infill development of new council homes.

Ward Affected:
Kilburn

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: Kathryn Eames, Senior Project Manager, St Raphael's, Housing Partnerships
kathryn.eames@brent.gov.uk

9 Watling Gardens & Windmill Estate Infill Redevelopment Programme 45 - 78

The report provides an update on the proposed housing development projects at Watling Gardens and Windmill Court.

Ward Affected:
Kilburn &
Mapesbury

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: John Magness, Head of Housing Partnerships
Tel: 020 8937 3272
John.Magness@brent.gov.uk

10 Housing Rechargeable Repairs Policy

79 - 110

This report presents a new Rechargeable Repairs Policy for consideration and approval.

Ward Affected:
All Wards

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: Giuseppe Coia, Head of Property Services
Tel: 020 8937 2652
Giuseppe.Coia@brent.gov.uk

Regeneration and Environment reports

11 Article 4 Directions Removing Permitted Development Rights for Change of Use From Class E commercial, business and service uses to C3 dwelling houses and redevelopment of office, research and development and light industry to C3 dwelling houses 111 - 140

This report provides an update on recent changes to the planning system, implications and options open to the Council in relation to new permitted development (PD) rights.

Please note this report has been republished on 16/07/21 to include an addendum

Ward Affected:

All Wards
(excluding parts
of Harlesden,
Kensal Green,
Stonebridge &
Tokyngton)

Lead Member: Lead Member for Regeneration,
Property & Planning (Councillor Shama Tatler)

Contact Officer: Paul Lewin, Planning, Policy
and Projects

Tel: 020 8937 6710

paul.lewin@brent.gov.uk

Children and Young People reports

- 12 Proposals to change Special Educational Need Designation and change published admission numbers (PAN) for Phoenix Arch School** 141 - 200

This report provides Cabinet with a summary of the proposal to amend the special school designation of Phoenix Arch School from a designation of Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) to ASD only, and the proposal to increase the Published Admission Number (PAN) within the school from 55 to a maximum of 68.

Ward Affected:

All Wards

Lead Member: Lead Member for Education,
Employment & Skills (Councillor Tom Stephens)

Contact Officer: Nigel Chapman, Operational
Director Integration & Improved Outcomes

Tel: 020 8937 4456

nigel.chapman@brent.gov.uk

Chief Executive's reports

- 13 Brent Neighbourhood Community Infrastructure Levy (NCIL) Projects** 201 - 220

This report seeks Cabinet approval to the allocation of Neighbourhood CIL (NCIL) funds for community projects over 100K from round two of the 2020/21 NCIL programme.

Ward Affected:

All Wards

Lead Member: Lead Member for Regeneration,
Property & Planning (Councillor Shama Tatler)

Contact Officer: Kate Lambert, Partnership
Funding Officer

Tel: 02089371170

kate.lambert@brent.gov.uk

- 14 Financial Outturn Report 2020/21** 221 - 242

This report sets out the outturn for income and expenditure versus the revenue budget for 2020/21 and other key financial data.

Ward Affected:

All Wards

Lead Member: Deputy Leader (Councillor
Margaret McLennan)

Contact Officer: Benjamin Ainsworth, Head of Finance
Tel: 020 8937 1731
benjamin.ainsworth@brent.gov.uk

15 Qtr1 Financial Report 2021/22

243 - 254

This report sets out the current forecast of income and expenditure versus the revenue budget for 2021/22 and other key financial data.

Ward Affected:
All Wards

Lead Member:
Contact Officer: Minesh Patel, Director of Finance
Tel: 020 8937 4043 minesh.patel@brent.gov.uk

16 Medium Term Financial Outlook

255 - 286

This report sets out the overall financial position facing the Council and highlights the significant risks, issues and uncertainties with regards to the Council's Medium Term Financial Strategy (MTFS). It also sets out the proposed budget setting strategy for 2022/23.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Ravinder Jassar, Head of Finance
Tel: 0208 937 1487
ravinder.jassar@brent.gov.uk

17 Corporate Performance - Q4 2020/21 Performance Report

287 - 324

This report provides Cabinet with a corporate overview of performance information linked to the Borough Plan priorities for the fourth quarter of 2020/21.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Lorna Hughes, Head of Strategies & Partnerships
Tel: 0208 937 4458
Lorna.Hughes@brent.gov.uk

18 Exclusion of Press and Public

No items have been identified in advance of the meeting that will require the exclusion of the press or public.

19 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 her representative before the meeting. Any decisions taken urgently under this heading must comply with the provisions outlined in paragraph's 12 and 39 of the Council's Access to Information Rules (part 2 of the Constitution).

Date of the next meeting: Monday 16 August 2021

Guidance on the delivery of safe meetings at The Drum, Brent Civic Centre

- We have revised the capacities and floor plans for event spaces to ensure they are Covid-19 compliant and meet social distancing guidelines.
- Attendees will need to main social distancing.
- Signage and reminders, including floor markers for social distancing and one-way flow systems are present throughout The Drum and need to be followed.
- Please note the Civic Centre visitor lifts will have reduced capacity to help with social distancing.
- The use of face coverings is encouraged with hand sanitiser dispensers located at the main entrance to The Drum and within each meeting room.
- Those attending meetings are asked to scan the coronavirus NHS QR code for The Drum upon entry. Posters of the QR code are located in front of the main Drum entrance and outside each boardroom.
- Although not required, should anyone attending wish to do book a lateral flow test in advance these are also available at the Civic Centre and can be booked via the following link:
<https://www.brent.gov.uk/yourcommunity/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>

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LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

Held in the Conference Hall, Brent Civic Centre on Monday 14 June 2021 at
10.00 am

PRESENT(in person): Councillor M Butt (Chair), Councillor McLennan (Vice-Chair) and Councillors Farah, Nerva, M Patel, Krupa Sheth, Stephens and Southwood

1. **Apologies for Absence**

Apologies for absence were received from Councillors Knight and Tatler along with Carolyn Downs (Chief Executive).

2. **Declarations of Interest**

None.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous Cabinet meeting held on Tuesday 6 April 2021 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)**

There were no references from Scrutiny submitted for consideration at the meeting.

7. **Treasury Management Outturn Report 2020/21**

Councillor McLennan as Deputy Leader and Lead Member for Resources introduced a report updating members on Treasury Management activity. In introducing the report Cabinet noted the confirmation provided that the Council had complied with its Prudential Indicators for 2020-21 along with the impact of the Covid-19 pandemic.

Members attention was drawn to the summary of the Council's borrowing and investment activity during 2020-21 along with impact of the reduction in the Public Works Loan Board (PWLB) borrowing rate, which the Council had sought to take advantage of as part of its borrowing strategy. In addition members were advised

that recovery of Council investments from the Icelandic banks had also been concluded during 2020-21.

Having noted that the report had also been subject to consideration by the Audit & Standards Advisory Committee on 11 May 2021, Cabinet **RESOLVED**:

- (1) To note the 2020/21 Treasury Management outturn report for referral on to Full Council for approval, in compliance with CIPFA's Code of Practice on Treasury Management (the Code).
- (2) To note that for 2020/21 the Council had complied with its Prudential Indicators which had been approved by Full Council on 19 February 2020 as part of the Council's Treasury Management Strategy Statement and Capital Strategy Statement.

8. **Neasden Stations Growth Area (NSGA) Masterplan**

Councillor Butt (on behalf of Councillor Tatler, Lead Member for Regeneration, Property & Planning) introduced a report presenting the draft Neasden Stations Growth Area Masterplan Supplementary Planning Document (NSGA Masterplan SPD) for approval in relation to publication and statutory consultation.

Members noted that the draft NSGA Masterplan SPD set out the vision and objectives designed to secure a transformational change of the area, the planning policy framework to which new development would be expected to comply along with a baseline spatial analysis of the current state and land use of the area in order to provide a foundation for future regeneration.

In recognising the work undertaken to develop the draft NSGA Masterplan SPD in partnership with the Greater London Authority and wider range of partners and other stakeholders (including the West London Alliance, Transport for London, local landowners and developers) Cabinet **RESOLVED**:

To approve the draft Neasden Stations Growth Area Masterplan Supplementary Planning Document (NSGA Masterplan SPD) attached as Appendix 1 to the report for publication and statutory consultation.

9. **Brent Technology Roadmap Capital Investment**

Councillor McLennan, Deputy Leader and Lead Member for Resources, introduced a report presenting a five year Capital Investment Programme for delivery of the Shared Technology Service Technology Roadmap within Brent for 2020-2025.

Members noted the key objectives supporting the investment business case, which had been designed to ensure the Council's IT systems and infrastructure remained reliable, resilient, secure and robust in order to enable the Council to continue operating efficiently and effectively. Councillor McLennan highlighted the main categories covered within the Roadmap, which included datacentre and networking improvements, end user modernisation, cyber protection and service improvements with the total investment to be split between the three main authorities across the Shared Service and Brent's contribution identified as £10.3m.

In support of the investment business case, Cabinet also noted the way in which the Roadmap had been aligned with the Council's key strategic objectives and designed to positively impact on local residents and communities by supporting their access to local services.

Cabinet therefore **RESOLVED**:

- (1) To approve the business case for the Brent Technology Roadmap.
- (2) To agree that each subsequent scheme and, where appropriate each project, would be subject to regular status reports which would be submitted to the Strategic Director of Customer & Digital Services at the Customer and Digital Board and Capital Programme Board, in consultation with the Deputy Leader.

10. **Exclusion of Press and Public**

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


11. **Any other urgent business**

None.

The meeting ended at 10.12 am

COUNCILLOR MUHAMMED BUTT
Chair

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 Brent	Cabinet 19 th July 2021
	Report from Strategic Director, Community Wellbeing
Six Month Update on Supply of New Affordable Homes	

Wards Affected:	All
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: Affordable Homes Programme Map
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	John Magness Head of Housing Supply & Partnerships Tel: 020 8937 3272 john.magness@brent.gov.uk Akin Adenubi Development Manager Tel: 020 8937 2518 akin.adenubi@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report provides an update on progress towards delivering against the Council's housing target of 5,000 new affordable homes over the five-year period (2019 – 2024), at least 1,000 of which will be through the Council's own New Council Homes Programme.
- 1.2 In December 2019, it was agreed that Cabinet would receive six monthly reports updating progress since the previous meeting and outlining key decisions required enabling the programme to continue until the next meeting six months hence. This report provides information on the progress since the last Cabinet Report in January 2021.

- 1.3 This report always provides a summary of the numbers of affordable homes that are and will be delivered as well as updating on the progress made over the last 6 months, additional developments being assessed, with an indication of key issues, practical considerations and steps being taken moving forward.
- 1.4 This report also outlines how the approach has been refined to ensure that we are not only building genuinely affordable homes, but that those homes meet the needs of homeless people in Brent. This has always been an ambition underpinning the programme and now the data collated on future demand is shaping the new build programme, as well as informing wider supply work, including how we make best use of existing stock.
- 1.5 And finally, in January 2021 this paper highlighted the upcoming GLA Affordable Homes Programme (AHP) 21-26, and so this report provides an overview of the bid made by the council, which will ensure that we not only exceed the 5000 target for 2024, but also set equally ambitious targets for the next 5 years and continue to take the lead in tackling London's housing crisis and meeting the housing needs of Brent's residents.

2.0 Recommendation(s)

That Cabinet:

- 2.1 Note the contents of this report and progress to date on delivering both the New Council Homes Programme (NCHP) and other programmes and projects to deliver 5,000 new affordable homes in the borough by 2024.
- 2.2 Note the Demand forecasts and that the current programme will continue to reduce the demand for permanent Council Homes.
- 2.3 Delegate authority to the Strategic Director, Community Wellbeing, in consultation with the Lead Member for Housing and Welfare Reform, to agree pre-tender considerations, invite tenders, evaluate tenders and thereafter to award development / construction contracts with developers / contractors in respect of the site listed in section 6.5 (Church End)
- 2.4. Delegate authority to the Strategic Director, Community Wellbeing, in consultation with the Lead Member for Housing and Welfare Reform, to agree pre-tender considerations, invite tenders, evaluate tenders and thereafter to award development / construction contracts with developers / contractors in respect of the sites listed in section 6.3, 6.7 and 6.10 should the Council be unable to agree costs with the contractor appointed from the SCAPE Framework.
- 2.5 Delegate authority to the Strategic Director, Community Wellbeing, in consultation with the Lead Member for Housing and Welfare Reform, to agree pre-tender considerations, invite tenders, evaluate tenders and thereafter to award any High Value supply, services and/or design contracts in respect of the sites listed in section 6.0

3.0 Background

- 3.1 In 2017 the Council made a conscious decision to attempt to influence the delivery of more affordable housing in the Borough by developing closer working ties with Registered Provider (RP) partners in the Borough. Initially this took the form of regular meetings with senior members of staff within the top stock owning Housing Associations in Brent and these meetings continue. The team was developed so that not only numbers but also quality of service is monitored. The Council itself has c9000 rented homes and this will increase as the NCHP produces more homes. The overall number of affordable rented homes in the Borough is c26000, owned by a variety of RP's. The approach has been to create a hospitable environment whereby RPs know who to contact in the Council if they have issues they need to explore. The Housing Supply & Partnerships service provide this function and sign post partners to the relevant departments and also act as advocates if necessary. The most prominent site where this approach worked to good effect was at the former Mahatma Gandhi House site where a mixed tenure site was converted to a 100% affordable scheme from the previous 20% delivered through the Planning process.
- 3.2 In 2016, the London Mayor developed the Building Council Homes for Londoners programme and made capital grant funding available under the Affordable Homes Programme 2016-2021 which was previously only the preserve of Housing Associations. In the first bid round £66.5m was secured to deliver c850 new homes. This grew over the subsequent 3 years through negotiation to £103m and enabled the acquisition of additional sites such as Gloucester and Durham from Telford Homes and Notting Hill Genesis with further grant allocation of £30.55m. As a consequence of an ambitious approach to the programme the Council has become one of the biggest Council House builders in London and as such a key partner of the GLA. Section 4 below describes the approach adopted following the announcement of the successor programme AHP 2021-26.
- 3.3 The Council's Housing Supply and Partnerships (HSP) team is responsible not only for facilitating the supply of new affordable housing, but also ensure that this supply meets the need as defined by approaches to the Housing Needs service and existing overcrowding. This is crucial because at its simplest level the market, left to its own devices would deliver 1 and 2 bedroomed homes, which are needed, but there is also a significant and growing need for larger 3,4 and 5 bed properties.

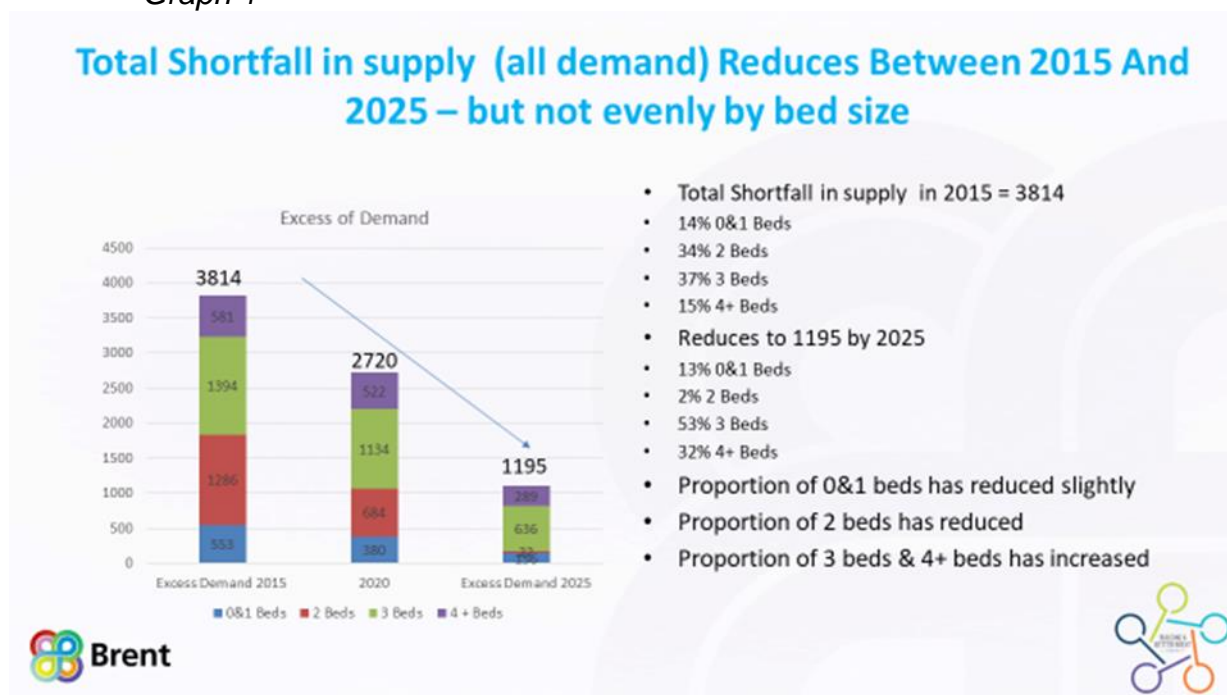
Demand Analysis

- 3.4 In the past the HSP has taken snapshots of demand from the Waiting List including those people currently living in Temporary Accommodation in order to focus the development programme. This was sufficient in the first instance because of the limited genuinely affordable supply. Now that the Council has significantly increased affordable housing supply, there is a need to develop a better understanding (and forecast) of housing needs. The detailed assumptions about increased supply will interact to refine the NCHP focus, but also to identify how other supply routes can contribute. The team use a method called Exponential Smoothing which has based the forecast on data since 2015. However, the model is dynamic and the assumptions will be tested and refined on a 6 monthly basis as needed, so the NCHP can be amended. This is

essential as the model is dependent on information about historic behaviour and this will change as more new Council Homes are handed over.

- 3.5 The initial results of the modelling demonstrate that there is a significant fall in the excess demand experienced in 2015 compared to that anticipated in 2025, which is driven by the significant progress the Council has made to reduce the number of families in Temporary Accommodation even as new demand in housing need has increased. Graph 1 below shows the estimated change in demand profile over the 10 year period.

Graph 1



- 3.6 Detailed analysis of the 2 figures 3814 (2015) and 1195 (2025) shows that there is not a uniform fall in demand for the various property sizes. Fall in demand for 2 beds is high whereas the demand for larger homes increases as a proportion relative to the overall demand. This is likely to be because far smaller units are delivered on most developments due to the costs of construction. In an effort to address the demand for larger units the Council has reflected this need in the GLA bidding process and has wherever possible tried to maximise the number of larger units on all sites. It should also be noted that because the level of New Build delivery was smaller in the period 2015-2020 the increase in Council delivery has not yet been reflected in the statistics. This is currently being updated however the likely outcome is that the fall in demand will be even greater and quicker than currently estimated.

- 3.7 This is not to say that the Council should move away from delivering smaller units as predicted demand from those in greatest need falls. Work is underway to assess the potential level of under occupation in existing properties. This will form the basis of a separate report and recommendations to Cabinet about how we make best use of the stock we have. A supply of good quality smaller homes will still be needed, particularly for assisting residents who wish to downsize. Furthermore smaller homes could be offered to applicants in lower bands on the

Waiting List as we are able to revert to a more traditional Council homes allocations approach.

Supply routes

- 3.8 The HSP team has focused on new homes until now:
- Identifying new development opportunities on existing Council owned land and new sites
 - Working with partner Registered Providers and I4B to maximise the amount of affordable housing they are able to provide and tailoring this to housing need in Brent
 - Being aware of new private developments and the proposals for Affordable Housing and working with Planning colleagues to maximise the amount.
- 3.9 However, the HSP team is now considering how better use might be made of existing stock in particular identifying current tenants whose needs can be better met by moving to more appropriate accommodation. This has led to:
- Working with Private Housing Services to ensure that Adaptations meet housing need and that Empty Properties brought back into use also meet the housing need identified in the model
 - Analysing cases of overcrowding with a view to considering whether extending the property is a practical solution to alleviate the issue.
 - Analysing identified under occupied Council homes and working with residents to identify the type of offer that will help and encourage them to downsize, thereby freeing up larger homes for families who need them
 - Analysing cases where Council tenants are receiving care support and whether their circumstances can be improved by moving to newly built homes, including NAIL homes.
 - An initial pilot of a downsizing project led to 15 properties being made available, therefore, there is comparatively small, but still significant, opportunity to focus on by developing an improved "movers" offer / support plan to encourage downsizing, which responds to practical barriers to downsizing and adapts incentive proposals to alleviate them.

Delivery and impact

- 3.10 The Council continues to deliver one of the most ambitious Council building programmes in London and has made a further ambitious bid to the GLA following the publication of the GLA's prospectus Homes for Londoners: Affordable Homes Programme 2021-2026. Achieving 1000 affordable new homes remains on target (see Table 1 below). The Table demonstrates the continued reliance upon Registered Provider Partners to achieve the delivery target of 5000 homes over the 5 year period.

Table 1:

Financial Year	Affordable Rent	Shared Ownership	Temporary Accommodation	s106	*DLP	**SS	NAIL	Total
2018/19	259	388	0	0	0	25	11	683
2019/20	76	104	0	79	0	0	12	271
2020/21	477	489	0	104	0	157	0	1227
2021/22	668	317	92	119	12	126	70	1404
2022/23	902	701	0	0	0	80	48	1731
2023/24	378	297	0	0	0	50	23	748
Total	2,760	2296	92	302	12	438	164	6064

*Developer Lead Property

** RP Delivered Supported Housing

4.0 Homes for Londoners: Affordable Homes Programme 2021-2026

4.1 The London Mayor published the new prospectus outlining guidance in respect of the new Affordable Homes Programme (AHP) in November 2020. This contained some significant changes from the previous AHP. The 3 key changes as far as the Council are concerned are:

- Abolition of the tariff which previously provided a fixed rate of grant depending upon the tenure of the new home. The key tariff for the Council was the allocation of £100,000 grant per rented unit.
- Removal of ability to apply grant to replacement properties meaning that any properties that are demolished as a consequence of the need to deliver a larger more ambitious project must be replaced using the Council's own resources.
- A reduction in rent levels from London Affordable Rent to Social Rent meaning in effect a minimum rent reduction of c9% or more in areas where property values and incomes are low however in real terms the reduction is likely to be around the 9% level in Brent.

4.2 The tariff mechanism has been replaced by a negotiated rate based upon construction costs. The Council has estimated the construction costs of a range of property types ranging from 1 Bed 2 person apartments to 5 Bed 8 person Houses and then estimated the level of grant required to ensure that the properties can be delivered within the viability parameters set by Finance and letting them at Social Rent.

- 4.3 The process of submitting bids uses the GLA's OPS system. The bidding commenced in February and the system closed on 9th April 2021. Following closure the GLA enter a negotiation and clarification phase, which results in a periodic opening and closing of the system to allow for changes to be made to OPS as changes to the bids are negotiated and agreed with the GLA. This phase has now concluded.
- 4.4 The Council has made bids to deliver c700 homes in 5 key activity areas:
- The St Raphael's Estate
 - A continuation of the Infill programme
 - Airspace development using an offsite Modern Methods of Construction(MMC) solution
 - New Build for Rent in South Kilburn
 - A New Build opportunity in Wembley Central.
- 4.5 Following the negotiation process the Council's final bid was for £110m grant to deliver c700 homes on the basis of an indicative bid meaning that if allocated the amount bid for, the Council would have significant discretion on which priorities it will choose and how best to use the grant in order to maximise delivery. This will be particularly useful when considering the various options in relation to St Raphael's Estate.
- 4.7 We now anticipate an outcome is not likely to be announced until at least August/September 2021.

5.0 New Council Homes Programme (NHCP) Progress to Date

- 5.1 As part of the 5000 affordable homes target, the Council has developed an ambitious programme of pipeline developments in order to achieve its strategic target of delivering 1000 new council homes at genuinely affordable rent. The pipeline consists of four elements:
- Sites with building underway (on-site)
 - Sites with planning permission awaiting start on site
 - Sites deemed feasible submitted for Planning Permission
 - Sites currently being assessed for feasibility and financial viability.
- 5.2 The current position in terms of delivery of the NCHP can be summarised as follows:
- 262 new homes have been built and let (229 in January 2021)
 - 579 homes are currently on site and being built (579 in January 2021)
 - 332 homes have been given planning consent and are now going through procurement to identify a building contractor.(332 in January 2021)
 - 1276 active feasibilities of which;
 - 576 are infill sites
 - 257 are airspace developments
 - 100 as yet to be identified new build opportunities
 - 343 in the initial phases of St Raphael's

Clearly a significant number of the active feasibility schemes will be dependent upon a successful allocation from the GLA under AHP 21-26.

- 5.3 Table 3 below shows the current anticipated delivery of sites for which the Council currently has funding identified. i.e it does not include homes which comprise part of the AHP 21-26 Bid. The Map attached at Appendix 1 shows the spread of development across the Borough.

Table 3

Financial Year	General Needs Rent	Shared Ownership	NAIL	TA	Total
19/20	15	0	19	0	34
20/21	124	0	0	0	124
21/22	249	0	57	92	398
22/23	133	23	61	0	217
23/24	231	0	13	0	244
Total	752	23	150	92	1,017

- 5.4 This represents a fall of 248 homes reported in January 2021 however 354 new homes within developments at Watling Gardens, Windmill Court and Kilburn Sq have moved to completion in Financial Year 2024/25 therefore in real terms the programme has grown further albeit with a reduced number of homes completed in 2023/24. Changes in programme are a natural part of a dynamic development programme. Conversely Phase 2 handovers at the Gloucester and Durham site have been brought forward 5 months from November 2021 and will now commence in July 2021.

6.0 Progress on Large Development Sites

6.1 Gloucester and Durham

In 2019 the council agreed the purchase of 235 properties at the Gloucester and Durham site from Telford Homes and Notting Hill Genesis to support the regeneration of the South Kilburn Estate and increase the increased provision of new homes for people living in Temporary Accommodation. Two years on the Council has taken handover of 83 properties in the 1st Phase, starting November 2020 and is now looking forward to the handover of the second Phase commencing July 2021. Phase 2 comprises of 152 properties, an event space and 92 car parking spaces. A team of council officers across several departments are working closely together to ensure the handover process is as smooth as possible.

6.2 Grand Union (Northfields Site), Alperton

The council entered into a Development Agreement with Berkley Homes in the summer of 2020 to purchase 115 properties – 92 for rent and 23 for Shared Ownership. Once completed the site will comprise at least 2,900 properties, a riverside piazza with cafes, restaurants, bars, a community centre, landscaped gardens, riverside meadows and waterside path. Handover of Block A, which contains 46 rented properties, is anticipated to start in Q4 of 2021 whilst Block B containing the remaining 46 rented properties will handover in Q1 of 2022. The Shared Ownership properties will also come over in two phases the first tranche in Q3 of 2022 and the remaining property in Q2 of 2023. Meetings to discuss the

handovers have been set up with council officers to ensure the handovers are adequately planned and the properties let promptly.

6.3 Dudden Hill Community Centre (BICC)

This site has planning to deliver 29 affordable new homes and a new community centre. In April 2021, the Council appointed Willmott Dixon via the SCAPE Framework to complete the Technical Design stage and on-site demolition works by December 2021. Upon completion of the Technical Design and on-site demolition works, the Council will seek to agree a fixed cost with Willmott Dixon for the main works. Should the Council be unable to agree fixed cost, officers are seeking delegated authority to procure and award a single stage works contract via an alternative contractor procurement route/framework that would be suitable for expediting the delivery of this project.

6.4 Honey Pot Lane

In June 2020 the Council entered into Contract with United Living to build 61 high quality One-Bedroom self-contained residential flats on the site of the former Willows Care Facility. GLA Grant funding of £6.5m has been secured to assist with the financing of this scheme. The development which also contains an external landscaped courtyard, private amenity space, a lounge and dining/café area, kitchen and assisted bathroom, is currently in week 42 of a 101 week construction programme with the anticipated completion date being June 2022. To date there has been a large amount of engagement with an adjoining neighbour, The Kingswood Centre, where we have partnered a Disability Awareness day, commissioned community art and in a few weeks will part fund a Garden Party for the residents.

6.5 Church End (99 homes £5m+)

Further to the previous Cabinet report the Church End site is now being self-delivered by the Council. A new Employer's Agent (EA) has been appointed to oversee the construction of this scheme. With the EA in place, Tenders for a building contractor are programmed to be issued by the end of July 21, with the preferred Contractor being appointed by November 21. The current timetable anticipates a Practical Completion date of March 2024. To facilitate the temporary relocation of the current market at Church End to Neasden Lane, the appointment of a Market Engagement Consultant will be necessary. The role of the Market Engagement Consultant will be to establish the number of traders seeking to relocate, identify their operational requirements, raise awareness about the market relocation to local residents and ensure that the market traders have the necessary support to thrive in their temporary home while the new market is being built. The Engagement Strategy for the temporary relocation of the current market will be led by the Council with support from the Market Engagement Consultant.

6.6 Learie Constantine Centre (26 homes £5m+)

This site has planning to deliver 26 affordable homes and a new community centre. In March 2021, the Council appointed Willmott Dixon via the SCAPE Framework to complete the Technical Design stage and on-site demolition works by November 2021. Upon completion of the Technical Design and on-site demolition works, the Council will seek to agree a fixed cost with Willmott Dixon for the main works. Should the Council be unable to agree fixed cost, officers are seeking delegated authority to procure and award a single stage works contract

via an alternative contractor procurement route/framework that would be suitable for expediting the delivery of this project.

6.7 Preston Community Library Redevelopment (12 homes)

In January 2021, the Council's planning permission to deliver 12 affordable homes and a new community library was upheld through the Judicial Review process. In April 2021, the Council appointed Kier to complete the Technical Design stage and on-site demolition works by September 2021. Upon completion of the Technical Design and on-site demolition works, the Council will seek to agree a fixed cost with Kier for the main works. Should the Council be unable to agree fixed cost, officers are seeking delegated authority to procure and award a single stage works contract via an alternative contractor procurement route/framework that would be suitable for expediting the delivery of this project.

6.8 Watling Gardens and Windmill Court

Cabinet will receive a separate report on this scheme which will deliver up to 125 new homes at Watling Gardens and 60 new homes at Windmill Court.

6.9 Kilburn Square

A separate paper will also be presented to Cabinet outlining proposals to develop up to 179 new homes on infill sites around the Kilburn Square estate.

7.0 Sites Currently Undergoing Feasibility Assessment

7.1 The following sites form the existing feasibility pipeline, none have yet got Planning Permission

Development	New Homes Predicted
Clement Close –	15
Broadview Garages –	3
Greenhill Park –	10
Yates Crt –	3
Westcroft Crt –	27
Newland Court -	7
Moot Court –	8
Fairfield Crt –	3
The Oaks	80
Eskdale Close –	3
Gauntlett Crt –	5
Brentfield Garages –	9
Hargood Close –	2
Minterne Rd –	1
Chalfont House –	6
Sutherland Crt –	1
Townsend Lane –	1
Comber Close –	61
Rokesby Place –	3
Gladstone Pk Ph2 –	19

8.0 St Raphael's Estate

- 8.1 The GLA's change of approach to the funding of replacement units using grant has placed a large number of regeneration schemes in jeopardy across London and has meant a fundamental rethink into the approach to the overall funding of these schemes. Essentially the Council has reworked the cashflow model and split the first 2 phases into 4 creating phases 1A, 1B and 2A, 2B. A bid has been made for grant funding under AHP 2016-21 to deliver Phase 1A and a bid has been made under AHP 21-26 for phases 1B and 2A. The results of the outcome of both bids will determine what proposals can be taken forward to ballot if applicable.
- 8.2 To recap information provided in the last Cabinet update. *In line with the original mandate from Cabinet, two masterplans have been developed; one for infill and one for redevelopment. These designs have been developed through the conversations and feedback from all previous events and a series of co design workshops with the community.*
- 8.3 *The redevelopment masterplan delivers 2065 new homes, the rehousing of 504 tenants with the option to provide new homes for existing leaseholders/freeholders and up to 550 additional affordable rented homes*
- 8.4 *The infill masterplan consists of clusters of new homes in the north and south of the site it delivers 370 new homes, 334 flats and 36 houses, providing the opportunity to rehouse St Raphael's tenants who are over-crowded plus the provision of net additional c300 affordable homes.*
- 8.5 *The intention is that a ballot will be held with eligible residents and the outcome will determine which Masterplan will be recommended subject to both options remaining financially viable.*
- 8.6 It should be noted that as no final decision has yet been made detailed design work has not yet taken place in respect of the two Masterplan options. Therefore all numbers are estimates and may be subject to change once a detailed design exercise has been undertaken, irrespective of the final decision.

9.0 South Kilburn Regeneration

- 9.1 Unity place (Gloucester & Durham) is progressing well towards completion later in the year, with Phase 2 handover taking place over the summer. This will deliver 152 council homes as well as the Community Hub, an event space, car parking and open spaces and improved public realm.
- 9.2 The Neville and Winterley's scheme is currently out to tender for a delivery partner this is expected to conclude towards the end of 2021. The affordable housing delivered on this site, as well as future developments, is anticipated to remain in the ownership of the Council.
- 9.3 Officers continue to explore opportunities in South Kilburn to deliver an increased number of Council homes while still ensuring a sensible balance between

different housing tenures and place making priorities, as required in the Master Plan.

- 9.4 Officers are currently exploring ways of speeding up the decant of certain blocks. This has arisen due to the desire to avoid long-term maintenance works, which will create expense, both for the Council and Leaseholders. This can be achieved by a variety of means including identifying more decant options for residents and accelerating the acquisition and building programme.
- 9.5 Grant bids to the GLA in respect of sites known as Carlton and Granville and Granville Park total £6.24m with a view to delivering 36 large family homes at Social Rent levels

10.0 Engagement

- 10.1 The approach used at St Raphael's Estate is being used as a template to rolling out engagement across the programme. It has to be recognised that developing new homes adjacent to existing homes will not be universally popular however encouraging residents to contribute will ensure that as many views, particularly on how the external environment can be enhanced following completion of the development process, are captured. The dedicated resource for engagement activities is being increased to better facilitate this.
- 10.2 The Six Stages of Engagement, which is an additional process to the Statutory planning process were outlined in the paper presented to Cabinet in January 2021.
- 10.3 Statutory Planning policy and consultation requirements will continue in respect of each site (in parallel with the Engagement plan) and will provide additional opportunities for members and residents to comment on aspects of design and location.

11.0 Other Sources of Supply - I4B (Holdings Ltd)

- 11.1 i4B Holdings Ltd (i4B) was established in 2016 to reduce homelessness by providing affordable, good quality homes and invest to deliver regeneration and financial benefits for its sole shareholder, Brent Council. It is a wholly owned subsidiary of the Council.
- 11.2 I4B's initial activity provided PRS homes to support the Council's Temporary Accommodation Reform Plan. As of June 2021, i4B has purchased 328 private sector homes and switched the tenure to an affordable PRS product. All properties have been refurbished to a high standard and let to families nominated by the Council.
- 11.3 I4B continues to expand its portfolio and 153 homes were acquired in January 2021 intended for Key Workers as determined by the Council's Key Worker Policy. I4B continues to investigate new opportunities to deliver Affordable Housing and providing a service offering wider than the Council's primary focus of Affordable Rent products.

12.0 Other Sources of Supply - Registered Providers (RPs)

- 12.1 Registered Providers continue to play a significant role in the delivery of new affordable homes in the Borough. Table 5 shows the new homes that are anticipated to be delivered over the next two financial years from RPs funded by the GLA.

Table 5

Developer	Financial Year 20/21	Financial Year 21/22
Notting Hill Genesis	165	40
Catalyst	66	66
Network Homes	6	501
Origin	0	24
Octavia	28	103
Home Group	178	0
Clarion	135	121
Metropolitan TV	33	0
Hyde	179	0
Innisfree	25	0
PA Housing	0	80
Peabody	198	0
Riverside	7	0
St Mungo's Community	6	0
Total	1026	935

13.0 Procurement Approach

- 13.1 Developments with estimated values over £5,000,000. The development sites listed in sections 7.5 to 7.7 above have been reviewed to confirm the most appropriate method for procuring an experienced contractor to deliver the works.
- 13.2 For large value procurements, suppliers need to spend a significant amount of time and money in preparing their bids and therefore would only participate if the number of bidders were restricted (normally between 3 – 5 suppliers). Due to the size, scale and value of the larger development sites, the procurement options available for sourcing a contractor are either by (i) carrying out an OJEU procurement where the opportunity would be advertise to the market or (ii) via a mini competition from a framework.
- 13.3 Advertising the opportunity via OJEU means all suppliers in the market have an opportunity to bid for the contract. All suppliers would need to be checked for compliance. This process can take significant amount of time versus procuring from a framework. A framework has a list of pre-approved suppliers where compliance checks have already been undertaken. The frameworks allow for mini-competitions to be undertaken to appoint a contractor and tend to be a much quicker process.
- 13.4 It is proposed to use the following approach for each of the development sites:

Developments with estimated values under £5,000,000

- 13.5 Projects with a contract value less than £5,000,000 can be authorised using delegated powers. The procurement approach is listed here for information purposes.
- 13.6 For the smaller developments (infill) sites, interest from suppliers in the market tend to be from the smaller/SME contractors. Programmes of this nature can be difficult to manage in terms of finding suitably skilled small to medium sized contractors who are experienced in delivering high-quality projects on small sites.
- 13.7 There are some frameworks available with contractors for contract values less than £5,000,000. Where it is deemed suitable with sufficient interest from the suppliers on the framework a mini competition will be undertaken.
- 13.8 For the majority of the small sites developments (infills), the best platform for sourcing and appointing qualified contractors is through the open tender procurement approach.
- 13.9 An open tender is where the opportunity is widely advertised to all contractors in the market allowing them to submit a proposal.
- 13.10 The open tender approach could have the following benefits for the Council:
- It will afford the Council an opportunity to engage with local suppliers and businesses who could benefit from the Council's Development Programme and this could help ease unemployment and bring revenue into the Borough.
 - Provide the Council with a wider selection of small to medium sized contractors who are more suited to the Infill Programme.
 - Small to medium sized contractors are thought to be more competitive and will seek to offer value for money in terms of quality and costs.
 - It gives the Council better scope to seek the best supplier for the works as tenders are carefully evaluated for cost and quality. There will also be a wider selection of suppliers to choose from.
 - Open tendering also offers ease of entry into the market for smaller suppliers, and this can help new experienced firms to get a foothold in the market or industry, which will help lower the traditional barriers faced by many small but very experienced contractors.

14.0 Social Value

- 14.1 The Council is committed 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. This duty does not strictly apply to the proposed contract, as it is not a services contract. Nevertheless, Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.
- 14.2 The procurement of contractors will follow Brent Council's Social Value Policy. 10% of the overall evaluation will be used for social value commitments. It is

envisaged that the successful contractors will be able to offer local employment, apprenticeships and work experience to residents in Brent as part of their bid. It would be expected that the successful contractors would also offer other community benefits to the residents in Brent

14.3 Historically deriving social value from contracts has been uncoordinated and based largely on local priorities identified during the contract period. However efforts are now being made to drive a more strategic view particularly linking potential contracts to the London Borough of Culture Legacy (LBoC). Opportunities to include various art projects and long term art facilities will be considered at design stage. The temporary artist studios at Kilburn Square are an excellent example of the NCHP supporting the work of Metroland and signpost how more permanent facilities could be included at larger new build sites. In addition to LBoC the Council will continue to identify opportunities to support local schools and community groups when working in an area.

14.4 Examples of the Social Value driven by the Council's development activity;

- IT equipment donated to 2 local schools to support primary school children / families access learning during lockdown
- Green panels to be installed to play area school perimeter fencing to both schools.
- Jason Roberts foundation, event held in June 2021 and more ongoing projects planned.
- 14 Brent based, ex-offenders registered and all participated in wanting to learn for construction
- Arranging a community clean up (litter and fly tipping)
- Working with Metrolan on additional landscape and borough of culture for Albert terrace
- Working with local schools year 5 & 6 on time capsule project. Arrange celebration event for July completion.
- Local Brent artist for art on hoarding
- Currently in discussions on combining local community garden/ art project
- Arranged Disability awareness event with local hospital
- Installed new pump in pond for hospital

15.0 Financial Implications

15.1 Financial appraisals are carried out regularly on individual schemes to ensure affordability, with proposals developed and considered in line with Financial Regulations and existing governance arrangements for the programme. The Council policy is to target a payback period of 60 years for new builds.

15.2 The tenders will be evaluated to ensure that cost is financially viable prior to awarding the contract. In the event, where Council is unable to agree cost or tendering price is higher than what is required to make individual scheme financially viable, then it will be presented to Capital Programme Board for review.

15.3 It is anticipated that certain schemes may require additional budget to better reflect the anticipated capital expenditure required during the remainder of the delivery programme. This can be incorporated to the normal revenue and capital budget setting process in early 2021.

- 15.4 A substantive level of borrowing is expected in order to achieve a target of building 1000 new homes. The associated financing costs will create revenue budget pressures in the short-term, at least until properties are ready to be let out to tenants and rental income can be generated. Borrowing levels will remain open to risk associated with interest rate fluctuations. Budget pressures will need to be managed through re-profiling of service plans and investment strategies on existing stock.

16.0 Legal Implications

- 16.1 As High Value Contracts under the Council's Standing Orders, approval of pre-tender considerations, inviting tenders, evaluating tenders and thereafter awarding of development / construction contracts for sites with a value over £5,000,000 require Cabinet approval pursuant to Standing Order 88 and 89. In order to ensure an efficient delivery programme as detailed at paragraph 10.2 previously agreed Cabinet will be provided with full details of each proposed contract on six monthly basis and requested to delegated authority to the Strategic Director of Community Wellbeing, in consultation with the Lead Member for Housing and Welfare Reform, is sought for to award such contracts.
- 16.2 Development or construction contracts with an estimated value of less than £5,000,000 do not require a Cabinet approval because they are classed as Medium Value contracts under the Standing Orders and procurement and award of such contracts is delegated to the Strategic Director/Operational Director. In these cases, Members will receive information via the six monthly update.
- 16.3 Significant grant funding has been secured from the GLA. The Council has entered into grant agreements with the GLA governing the award of such funding to include the requirement to deliver specified numbers of new homes. Failure to observe grant conditions or achieve specified delivery numbers may lead to a requirement to repay grant funding and therefore efficient and timely delivery approaches are essential to mitigate the risk.

17.0 Equality Implications

- 17.1 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.

- 17.2 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.

- 17.3 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.
- 17.4 Equality Impact Assessments (EIAs) have been / will be completed as part of the planning application process to demonstrate that the Council has considered the quality impacts of its decisions in relation to design and development. EIAs / screening assessments will be available prior to the exercise of any delegated decision to award and will be taken into account in making any decision to award in relation to the key projects brought forward.

18.0 Human Resources / Property Implications

- 18.1 The Council's Development Team manages the contracts that are established and is supported by technical consultants as required. The Council has also ensured that it has access to additional capacity to deliver the programme by entering into the collaboration agreement with Network Homes.
- 18.2 The Council's Housing Supply and Partnerships Team will continue to facilitate and bring forward development sites in conjunction with a wide range of stakeholders, including acting as 'responsible client' for ensuring the NCHP is delivered in line with cost, quality and time expectations.
- 18.3 Support from a variety of Council teams in delivering the NCHP remains critical, covering specialisms such as planning, legal, communications, finance etc. A Design and Delivery Board provides the co-ordination required internally, whilst remaining accountable to the Housing and Care Investment Board that provides oversight and strategic direction.
- 18.4 To maximise the number of affordable homes being delivered and ensure rents can be set at London Affordable Rent levels, the Council is generally utilising Council owned land, which is under developed or unused. This means a number of sites are located within the grounds of existing Council developments.
- 18.5 Existing properties which are being used by local community groups and residents will continue to need proactive engagement, prior to and during transition into new facilities on site. Landowners adjacent to the development sites (i.e. NHS at Honeypot Lane) are also proactively engaged.

Related Documents:

Cabinet Paper - New Council Homes Programme December 2019

Cabinet Paper – New Council Homes Programme July 2020

Cabinet Paper – Supply of New Affordable Homes January 2021

Cabinet Paper – Watling Gardens and Windmill Court Estates Infill Schemes – July 2021

Cabinet Paper – Kilburn Square Infill Housing Projects – July 2021

Report sign off:

Phil Porter

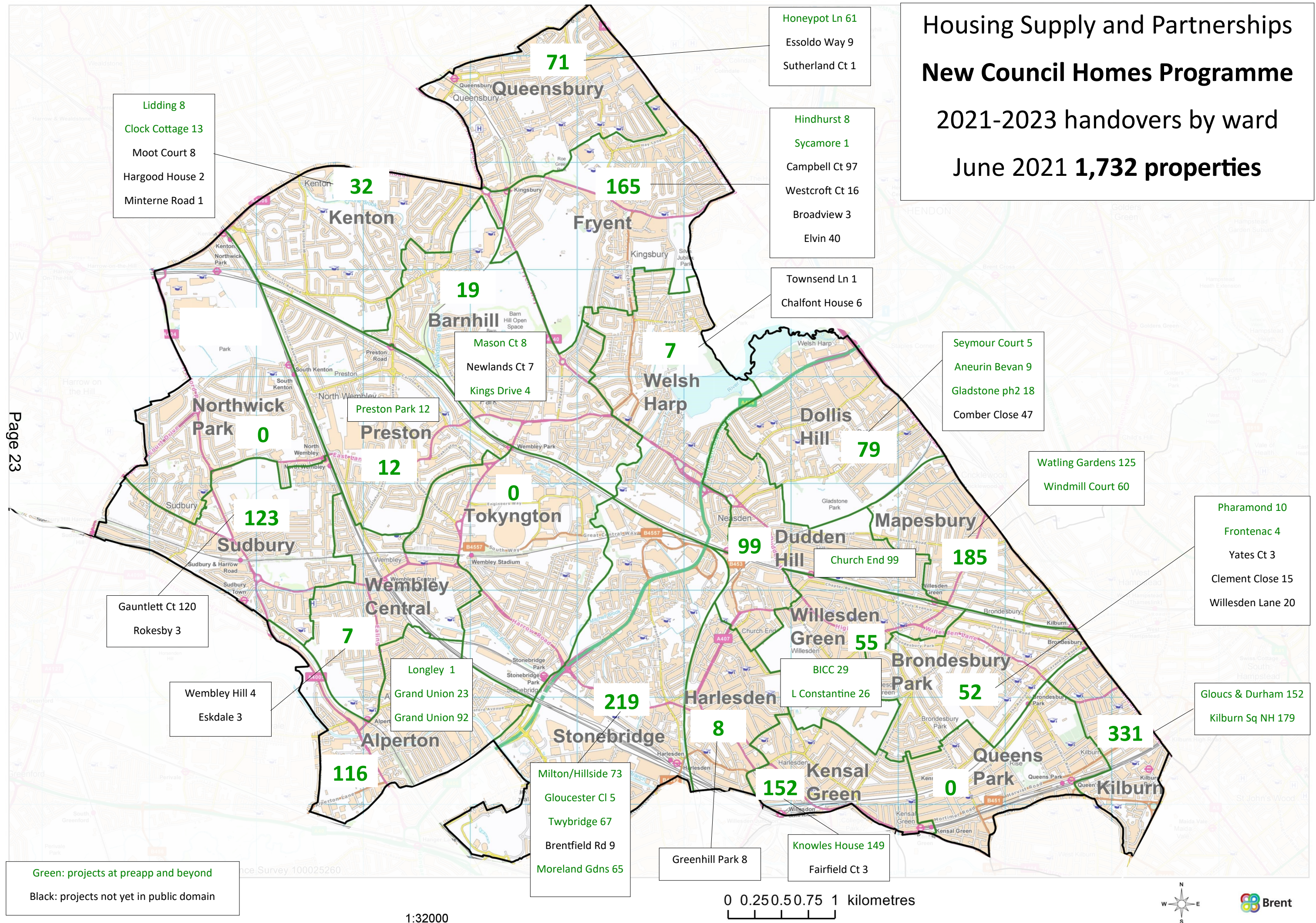
Strategic Director for Community Wellbeing

Housing Supply and Partnerships


New Council Homes Programme

2021-2023 handovers by ward

June 2021 **1,732** properties



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	Cabinet Meeting 19 th July 2021
	Report from Strategic Director, Community Wellbeing
Kilburn Square Housing Projects	

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: Kilburn Square Existing and Proposed Appendix 2: Project Timeline
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	John Magness Head of Housing Supply & Partnerships Tel: 020 8937 3272 john.magness@brent.gov.uk Kathryn Eames Senior Project Manager Kathryn.Eames@brent.gov.uk

1. Purpose of Report

- 1.1. This report provides an update on two current Housing projects at Kilburn Square; the major refurbishment of 5-90 Kilburn Square and the proposed infill development of new council homes.
- 1.2. Brent Council is committed to being a good Landlord, both to its existing tenants and residents, but also to the c.1700 families living in Temporary Accommodation and further 900 in priority bands A and B on the Waiting List. Both projects highlighted in this report are being delivered in order to fulfil that commitment.
- 1.3. This report also seeks authority to seek approval from Cabinet, subject to the considerations set out below in sections 5.8 to 5.11, for the appropriation for planning purposes of the Council-owned land within

Kilburn Square under section 122 of the Local Government Act 1972. Appropriation is proposed in order to facilitate the redevelopment of the site for which Planning Permission is being sought.

2. Recommendations

Cabinet is asked to:

- 2.1. Note the importance of the refurbishment works for the tower block and low rise maisonettes, and endorse the timeline and intention to establish a portfolio of options to support leaseholders with the payment of the recharge for the refurbishment works.
- 2.2. Note the increased engagement that is planned, primarily but not exclusively with residents of Kilburn Square for the proposed development, and endorse the project team to recommended changes to the designs following the outcome of engagement.
- 2.3. Delegate authority for the Strategic Director Community Wellbeing in consultation with the Lead Member for Housing and Welfare Reform to consult with those affected by the appropriation of Kilburn Square Site, the Clinic Site or the Brondesbury Road Site, (the Sites) and to consider the results from the equality monitoring highlighted in 6.2 of this report to ensure compliance with the Public Sector Equality Duty as well as the responses of the consultation and thereafter, and where relevant, to appropriate the Sites for planning purposes in order to facilitate the redevelopment of the site for which planning permission is being sought.
- 2.4. Delegate authority to the Strategic Director Community Wellbeing in consultation with the Lead Member for Housing & Welfare Reform to make an application to seek the Secretary of State's consent under section 19 of the Housing Act 1985 to appropriate for another purpose (here for planning purposes in order to facilitate the redevelopment of the Sites for which Planning Permission is being sought) any part of Kilburn Square Site, the Clinic Site or the Brondesbury Road Site including any part consisting of a house or part of a house so that parts of these sites are no longer held for the purposes of Part II of the Housing Act 1985.
- 2.5. Delegate authority to the Strategic Director Community Wellbeing in consultation with the Lead Member for Housing and Welfare Reform to undertake the consultation pursuant to section 122 (2A) of the Local Government Act 1972 to consider the response to the consultation to appropriate the open space for planning purposes in order to facilitate the redevelopment of the open space for which Planning Permission is being sought.

- 2.6. Agree to apply section 203 of the Housing and Planning Act to override third party rights and to pay affected third parties compensation where required by statute

3. Detail

- 3.1. Kilburn Square is located in the south of Brent and is bordered by Victoria Road and Brondesbury Road to the north and south respectively, as well as Algernon Road and Kilburn High Road to the west and east. The current site comprises 9 buildings, 7 that accommodate residential use (please see *Appendix 1* for a site map).

There are 270 residential properties in total. The tenure breakdown is shown below in Table 1.

Table 1: Kilburn Square Tenure Breakdown¹

Block	Tenants	Leaseholders	Total
Kilburn Square	70	16	86
Sandby House	11	17	28
Barrett House	28	20	48
Rathbone House	29	27	56
Varley House	13	15	28
Sandwood Court	24	0	24
TOTAL	175	95	270
	65%	35%	

- 3.2. The site also consists of 2 non-residential buildings. The first of these two buildings is the former Clinic site, which was vacated in 2018 and had prior to being temporarily occupied by the Borough of Culture Team, been vacant for up to two years. The second building, 13-15 Brondesbury Road is currently occupied by the NHS for the provision of mental health services. Discussion on the relocation of this service is ongoing and provides an opportunity to evaluate the current way of working.
- 3.3. Under the New Local Plan both the Clinic site and 13-15 Brondesbury Road form part of the Kilburn Square site allocation (described as the 'principal opportunity site in Kilburn Major Centre'). The allocation, including the market fronting Kilburn High Road is for a mixed-use development including residential (indicative 100 properties), retail including a new market and a new public Square. This paper is concerned only with the housing elements of the proposed development.

¹ Tenure breakdown shown is correct according to current council records

- 3.4. In the autumn of 2020, two significant projects for the Council's Housing service commenced on Kilburn Square: the major refurbishment of 5-90 Kilburn Square and the proposed infill development of new council homes.
- 3.5. Communicating with residents about the projects has been challenging for a number of reasons. The Tenant Management Organisation (TMO) has been undergoing significant change and this has created an unstable (and sometimes volatile) environment. Both the council and TMO are working to regularise and stabilise the situation, but unquestionably this dynamic consumed energy for both parties in the early part of this year. The current MMA (Modular Management Agreement), which sets out the services for which the TMO is responsible, requires updating in line with current practice and this work is ongoing.
- 3.6. Whilst initially the council produced joint communications on both projects, it has become clear that each needs to be approached differently, not least because we understand that leaseholders in particular have legitimate concerns about the potential cost of works.
- 3.7. Finally, the pandemic has prevented the team from being as physically visible as we would like. We are now working hard to improve the situation and indications are that engagement, particularly with tenants, is much improved when we are able to have a physical presence.
- 3.8. A Tenant Management Organisation or TMO is an organisation set up which enables residents of Council housing or Housing Association homes to take over responsibility for the running of their homes. The Kilburn Square TMO was set up formally in 1994 although it is believed that a form of local housing management at Kilburn Square may predate this formal arrangement. The council recognises that this arrangement is historically important and that continuing to support and work constructively alongside the modern TMO is a critical part of both housing projects.

Kilburn Square Refurbishment

- 3.9. The tower block at Kilburn Square and the low rise maisonettes were built in 1966 and are concrete framed purpose built blocks. Whilst the block has been maintained over the years, this has taken the form of key component repair and sometimes replacement. However, many of the block elements and components are now at the end of their serviceable life. These now require replacing in order that the block can achieve another major 40-year lifecycle.
- 3.10. Various works such as external fabric, roofing, windows, sprinklers, lifts, and others, are all required now. The common parts and structural works

proposed are, in the main, necessary works of repair to the fabric of the existing building which the Council is obliged to carry out as landlord under right to buy leases and under Council tenancy agreements in the block.

3.11. The refurbishment impacts on 86 residents of which 70 are council tenants and 16 are leaseholders.

3.12. The aim of the refurbishment is to ensure that the next major lifecycle refurbishment can be extended for a maximum life and that the homes provide a good standard of accommodation for its residents. An additional benefit of the works will be to ensure the block does not look out of place once the proposed infill development scheme is delivered.

3.13. The following works are required:

Work Required	Tenant	Leaseholder
Kitchens and bathrooms, and associated decoration	✓	✗ Although may be gifted to compensate for disruption
Mechanical extract ventilation	✓	✓
Water mains and soil stacks	✓	✓
New insulated roof	✓	✓
High performance windows	✓	✓
Structural repairs	✓	✓
Balcony doors	✓	✓
Sprinkler system to dwellings	✓	✓
Replacement of existing passenger lifts	✓	✓
Replacement of door entry phone system	✓	✓
Installation of smoke alarms to dwellings	✓	✗
Replacement of smoke extract automatic opening ventilators to lift lobby landings	✓	✓
Electrical upgrades to flats and communal areas	✓	✓
Fire compartmentation	✓	✓
External fabric insulation and finish climate emergency	✓	✓
Heating options appraisal – communal heating enabling	✓	✓

3.14. In total, the refurbishment works required will cost in the region of £9M and will be delivered over 18 months. The specification of works will be independently verified.

3.15. Some of these works will be intrusive and, for some households, will take 4 to 6 weeks to complete. Residents will be individually assessed regarding their ability to remain in their homes during the internal works phase. This will involve individual household consultations to determine any specific issues or concerns with the practical aspects of the works. Residents will be walked through the proposals in detail, and a personal plan developed for their household. This will include, as best as possible, preferred dates, respite and/or temporary accommodation if necessary. Access to all dwellings is essential so as to minimise the duration of the overall project.

3.16. A high level project timeline is as follows:

- Consultation (throughout)
- Planning approval – Community Engagement Report April 21
- Procurement June 21
- Specification and section 20 Consultation Letter June 21
- Leaseholder section 20 consultation Jul 21
- Tender award and internal sign-off – Oct 21
- Mobilisation – Oct 21
- On site – 18 months

3.17. A comprehensive calendar of resident consultation and engagement was established at project commencement and is being delivered as follows:

Date	Event	Action
12 th January	Virtual consultation drop in	Feed back to project team
19 th January	Virtual consultation drop in	
25 th January	Send out colour choice consultation letter /questionnaire	
1 st February	Begin telephone consultation on colour choice with residents	Produce Resident Engagement planning report
29 th March	Virtual consultation drop in	
W/C 12 th April	Telephone follow up on mail out questionnaire	Collate responses for further action.
W/C 26 th April	Virtual consultation drop in	Update team around the project.
W/C 21 st June	Meet the contractors virtual event	Tower block/ Maisonette residents/ Newsletter
June/July	Leasehold S20 consultation letter and consultation commences	Entire team/ Leaseholders.
W/C 6 th September	Flyer/notice of programme of works.	All tower block and maisonette residents. Information fed into estate newsletter.

W/C 27 th September	Virtual consultation meeting /presentation/display detailing the first stage of refurbishment work.	Information fed into estate newsletter/website.
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- 3.18. Engagement to date has been limited. All impacted residents have been formally contacted and invited to virtual meetings. We expect much higher engagement as we move into more purposeful dialogue with residents on the costs and implications of works for their household.

Leasehold recharge in respect of exterior, structure and common part works to existing buildings at 5-90 Kilburn Square

- 3.19. The Council is usually obliged as Landlord under Right to Buy Leases, to repair and maintain the structure, exterior and common parts of a building containing flats and maisonettes. It is also entitled to recover its costs of repair and improvement by way of service charges and improvement costs to the extent that the safeguards against excessive charges referred to below are observed.
- 3.20. Leaseholders do not have an option as to whether to pay for repair and improvement works, as they are contractually obliged to pay for them under their leases, subject to the safeguards, assistance, waivers and reduction referred to in the paragraphs below.
- 3.21. Successful recovery of service charges depends on the Council's observance of statutory controls and safeguards that protect leaseholders against excessive service charges stemming mainly from the Landlord and Tenant Act 1985 and other mainly housing legislation. The costs of repair and improvement works incurred by a landlord such as the Council must be reasonably incurred and incurred on services or works of a reasonable standard, under section 19 of the Landlord and Tenant Act 1985.
- 3.22. The service of compliant Notices on leaseholders informing them of the Council proposed works and their costs (section 20 Notices), and subsequent leaseholder consultation prior to the letting of relevant works, is crucial to future recovery. Due consultation may result in the presentation by leaseholders or the TMO of useful representations and even reasonable alternative quotes, which the Council will have to take reasonable account of when planning the letting of the relevant works.
- 3.23. Once the S20 consultation is completed, the Council will be in a position to verify what the lessees will have to pay for the Council's works to the exterior, structure and common parts of the existing buildings at Kilburn Square. This will enable the Council to assess how feasible it is for

individual lessees to pay the resultant service charge by reference to their individual financial circumstances.

- 3.24. The Council will then be better able to consider what assistance might be offered to leaseholders under the Social Landlords Discretionary Reduction of Service Charges (England) Directions 2014, or under the Housing (Service Charge Loans) Regulations 1992 SI 1992/1708 or other similar legislation or Guidance.)
- 3.25. A portfolio of support options will be established for exploration with leaseholders. The options available could range from voluntary charges against the equity held by the lessee agreed with independent legal advice to leaseholders, buy back and change of tenure, loans or the opportunity to spread payments and other legal means of support that may be available at the time.

The Council could also consider the waiver and reduction of service charge and any other means by which the Council might assist leaseholders under the Social Landlords Discretionary Reduction of Service Charges (England) Directions 2014, or under the Housing (Service Charge Loans) Regulations 1992 SI 1992/1708 or other similar legislation or Guidance.

Infill Development

- 3.26. There is a shortage of truly Affordable Housing in London, including Brent. To address this, Brent Council has committed to developing 1,000 new Council homes between 2019 and 2024. Officers have identified that most opportunities to supply new and affordable homes in the most cost effective way will come from developing estates owned by The Council. Accordingly, Kilburn Square has been identified as providing a significant development opportunity to increase the amount of affordable housing.
- 3.27. In March 2020, Cabinet received and approved a report that sought approval to enter into Collaboration Agreement with Network Homes to share resources and expertise in the delivery of housing schemes at Watling Gardens, Windmill Court and Kilburn Square. Network Homes are responsible for the project management of the design stage, submitting Planning Applications, managing the detailed design and construction process and the co-ordination and resolution of defects once the properties have been built. The Kilburn Square is currently at the design stage.
- 3.28. The current development proposal (please see *Appendix 1*) retains all the existing residential properties and demolishes The Clinic and 13-15 Brondesbury Road sites that are part of the New Local Plan as

development opportunities. The current project timeline can be seen at *Appendix 2*.

- 3.29. The proposal provides 179 high quality energy efficient homes, a much needed Extra Care facility and a revised landscape strategy to reorganise the amenity and parking facilities with a focus on designing out crime. The proposals also provide residents on the estate, with a housing need, the opportunity to apply for one of the new properties through the Local Lettings Plan.
- 3.30. In accordance with 'Better Homes for Local People: The Mayor's Affordable Housing Capital Funding Guide', the scheme does not require a resident ballot to deliver it (and be eligible for GLA funding), as although the scheme currently proposes the construction of more than 150 new homes, there is no demolition of social homes. Both conditions have to be met in order to require a resident ballot under current GLA guidance. As such it is not considered and nor should it be referred to as 'regeneration' as this implies a more resource intensive approach to design and delivery.
- 3.31. The current accommodation schedule for the proposal provides:
- **Block A**, 5 & 7 storeys, 57x Extra Care properties
 - **Block B**, 17 storeys, 79 flats mostly 1 and 2 bed
 - **Block C**, 5 storeys, 19 flats, mainly 3bed+
 - **Block D**, 5 storeys, 14 flats, all 3bed+
 - **Block E**, 6 storeys, 10 flats, all 3bed+
- 3.32. £12.3m of GLA funding has been secured for the General Needs properties and an additional £5.7m is being negotiated for the Extra Care development. Start on site conditions are in place for both elements of grant funding. Estimated total scheme costs are currently £57m.
- 3.33. There is no cost to leaseholders for the construction of the new homes or associated external landscaping being delivered as a result of the housing development.
- 3.34. Some individuals, by virtue of leases held or other means, may have gained rights such as a "Right of Way" or a "Right to Light". The process of appropriation converts an individuals' rights to the benefit bestowed by the right to compensation for the loss of the benefit. Once effected, appropriation would enable the use of the powers in section 203 of the Housing and Planning Act 2016 which allow development with the benefit of planning permission and which accords with the purpose of the appropriation to proceed despite breach of existing third party rights (such as easements, restrictive covenants and rights of light), thereby facilitating the redevelopment proposals. Accordingly, this report seeks

approval to appropriate the site at Kilburn Square for planning purposes in order to facilitate the redevelopment of the Sites for which Planning Permission is being sought.

Communications and Engagement

- 3.35. Alongside the refurbishment project, communications with residents across the estate started with a newsletter in October 2020. The TMO Board were also briefed. The strategy for engagement focused on putting in place Resident Panels and virtual drop-ins, with wider communication through estate newsletters. This was made more difficult due to Covid restrictions.
- 3.36. A communications and engagement programme has been established with monthly Resident Panel meetings, estate wide questionnaires supported by phone calls and most recently, an in person estate exhibition. Monthly newsletters have continued and a dedicated Kilburn Square Estate webpage has been established.
- 3.37. In response to resident feedback, an Independent Tenant and Leasehold Advisor (ITLA) has been appointed, with the involvement of residents in the drawing up of the specification and the scoring of bids. This is considered good practice.
- 3.38. Approximately 22% of households have provided input to the design of the scheme through panel meetings and events. In addition, 111 questionnaire responses have been received over two questionnaires, although these were anonymous so can't be tracked. Attendance at panel meetings has been primarily from leaseholders.
- 3.39. In May, engagement with wider stakeholders and neighbours commenced. The project team hired a market stall just outside the estate to be used as base of resident and wider engagement. This was communicated to almost 5000 addresses, the area for which was determined by Planning. A consultation brochure is being developed to share with wider stakeholders and neighbours and a series of virtual engagement meetings for both residents and, separately, community groups has been arranged.
- 3.40. Given the relatively low levels of engagement to date as referenced at paragraph 3.28, it is recommended that the project team increase the engagement with Kilburn Square residents, in order to get a better sense of how residents on the estate feel about the proposed development. This will be supported by the new ITLA Source Partnership, which will have the added advantage of being independent of the Council thereby potentially encouraging greater engagement from some residents.

- 3.41. The project team will present the plans as they stand throughout the consultation so that everyone has seen the same proposals. Depending on the outcome of this consultation, changes may be made to the designs, but no final decision will be made on the proposal until the consultation is complete, including statutory consultees like the Kilburn Neighbourhood Forum.

4. Financial Implications

- 4.1. The total cost of the scheme is expected to be £66m, of which £57m relates to the development of c.180 homes and £9m to the refurbishment of the tower blocks. The total development cost of £57m includes professional fees and contingency.
- 4.2. The cost of the scheme for the affordable homes will be supplemented by a GLA grant of £100k per home, which equates to £18m. This includes £5.7m being negotiated for the extra care development
- 4.3. The scheme is financially viable, based on LAR rent levels and payback period in year 49.
- 4.4. The 2021/22 Housing Revenue Account (HRA) budget for the major works programme was approved by Cabinet in February 2021 for £15m. The planned programme was re-profiled and the £9m refurbishment works to Kilburn Square will be contained within the existing programme for 2021/22 and 2022/23 in line with the HRA Business Plan. The budget profile for Kilburn Square consists of £1m in 2021/22 and £8m in 2022/23. The major works budget for 2022/23 will be sought as part of the budget setting process by Cabinet in February 2022.
- 4.5. These refurbishment costs would make up a significant allocation of the major works budgets over the next two years. It is highly likely that the re-profiling of the planned maintenance works could create a requirement for an increased call on capital in future years due to the delaying of a number of planned activities. This would result in a requirement for a revenue contribution in the form of additional capital financing, so will need to be accounted for in setting future years HRA budgets.

5. Legal Implications

- 5.1. If the Council engages with residents in respect of infill design, it is advisable to ensure that engagement occurs at a time when proposals are still at a formative stage; sufficient reasons for any proposed design are given to permit intelligent consideration and response; adequate time is given for consideration and response; and that any decision taken as to the final design takes into account the product of that consultation.

- 5.2. The Council has some flexibility in the way consultations are carried out during the pandemic. The Council may be entitled to shorter timescales or it may be entitled to consult by informal means such as letters, web-site publication, e-mails and phone call. However, the fundamental principles of good consultation practice as described in paragraph 5.1 must still be complied with to comply with the law.
- 5.3. In relation to consultation for the purpose of recovering service charges from leaseholders in relation to major works, such consultation in relation to major works will need to comply with the Service Charges (Consultation Requirements England) Regulations 2003 and section 20 of the Landlord and Tenant Act 1985 or else the Council will only be able to recover £250 per year from each leaseholder in respect of the major works. Leaseholders can challenge major works charges in the First Tier Tribunal on grounds that (i) the works are of the sort that are not recoverable leaseholders under the lease, (ii) the works are not reasonably required, (iii) the charges for those works are not reasonable, (iv) the works have not been carried out to a reasonable standard for the cost; and (v) neglect and repair has affected the leaseholder's property.
- 5.4. The Housing (Service Charge Loans) Regulations 1992 (SI 1992/1708) sets out certain circumstances where a leaseholder can apply to the Council for a loan in respect of service charges where the Council is the freehold landlord. The criteria as set out in the Social Landlords Discretionary Reduction of Service Charges (England) Directions 2014 will need to be considered where applications are made to seek a waiver or reduction of service charge, including applications are made on the grounds of exceptional hardship where the landlord should have regard to certain circumstances. The Social Landlords Mandatory Reduction of Service Charges (England) Directions 2014 will not apply as they only apply to a certain specific set of Government funds (Decent Homes Backlog) which Councils were able to apply for in 2014 and Brent Council did not apply for such funds.
- 5.5. The balance of Legal Comment in respect of service charge recovery for the Council's Works to the exterior, structure and common parts of 5-90 Kilburn Square is incorporated within Paras 3.20 - 3.30 of this report.
- 5.6. In relation to the development of open space, Section 122 (2A) of the Local Government Act 1972 provides that prior to the appropriation of any land consisting or forming part of an open space, the Council must advertise its intention to appropriate the open space and must consider any representations or objections made by the public in response to the advert. Accordingly, the Council is required to advertise its intention to appropriate the open space for two consecutive weeks in a local newspaper circulating in the area in which the land is situated. Section

241 of the Town and Planning Act 1990 provides for the development of open space.

- 5.7. Following the advertisement of the Council's intention over two consecutive weeks, there must be a two week period for consultation during which the public may make and submit representations (objections) to the Council. After the two week consultation period, the Strategic Director Community Wellbeing, in consultation with the Lead Member for Housing and Welfare Reforms, will decide whether the appropriation of the open space should occur, having taken into consideration the representations made in response to the advertisement and consultation, together with consideration of matters set out in the paragraph below.
- 5.8. In considering whether or not the Council-owned land within the Sites should be appropriated for planning purposes, thereafter engaging the powers conferred by Section 203 of the Housing and Planning Act 2016, the Strategic Director Community Wellbeing, in consultation with the Lead Member for Housing will consider:
- Whether the land which is to be appropriated is already owned by the Council (this is a prerequisite to appropriation);
 - Whether the land which is to be appropriated is no longer required by the Council for the purposes it is currently held (this is a prerequisite to appropriation);
 - Whether the purposes for which the Council would be appropriating the land is a purpose authorised by statute (in the case of land to be appropriated for planning purposes, the relevant purposes would be authorised by sections 226 and 227 of the Town and Country Planning Act 1990);
 - Whether the proposed redevelopment of the site would be in the public interest;
 - Whether the public interest benefits which would arise from the redevelopment of the site would be sufficient to justify the interference with any private rights, such that the interference was proportionate;
 - Whether the Council could (in the alternative) acquire the land compulsorily for the purposes of the redevelopment;
 - Whether any related financial liabilities of the Council would be indemnified and
 - Whether prior consultation had taken place (as outlined above).
- 5.9. The Sites are currently held for Housing purposes pursuant to part II of the Housing Act 1985. According, prior to appropriating the sites the Council must seek the consent of the Secretary of State pursuant to section 19 of the Housing Act 1985, Appropriation of part of the Sites for

planning purposes would facilitate the carrying out of the development. There is a compelling case in the public interest to appropriate the sites for planning purposes, as developing the sites would serve the public interest by providing new and improved housing and accordingly, such development outweighs the effect of the appropriation on the private rights of individuals.

In addition, the carrying out of the proposed development and improvement of the Sites will ultimately contribute to the promotion and improvement of the economic and social wellbeing of the Council's area – and these benefits could not be realised within a reasonable timescale (in the context of the GLA Deadlines) without interference with the private (third party) rights affected by the appropriation.

5.10. If a third party is able to establish that it has an easement or a right over the Sites or part thereof (such easements could include but not limited to a right of way or a Right of Light) then the third party could potentially obstruct the redevelopment of the Sites by applying for an injunction to prevent the delivery of the development. The effect of appropriation, and the resulting engagement of the powers in section 203 of the Housing and Planning Act 2016, is therefore to facilitate the re-development and improvement of the Sites despite interference with the existing third party rights over the site (subject to the payment of compensation as required by statute). It should be noted that third parties may be entitled to compensation for loss of their rights. Such compensation would be awarded for injurious affection (compensating for any depreciation in the value of the land or property arising from the interference with the right) rather than on a reinstatement or ransom basis.

5.11. Section 204 of the Housing and Planning Act 2016 provides for compensation payable to third parties in respect of the diminution in value of the third party's land. A specialist valuer will need to be undertake assessment to confirm the amount of compensation payable in respect of such loss.

6. Equality Implications

6.1. When making decisions in regards to service delivery, the Council has a duty to prevent discrimination, harassment and victimisation in relation to the Public Sector Equality Duty that covers the nine protected characteristics. The Council must also advance equality of opportunity and foster good relations between persons who share and do not share a protected characteristic. This would involve removing or minimising disadvantages and taking steps to meet the needs of each individual.

6.2. Throughout the engagement to date, equality monitoring has been undertaken at all events to track progress on reach and identify gaps.

The project team are in the process of analysing the feedback in order to identify if persons who share a relevant protected characteristics have been reached.

- 6.3. Targeted initiatives and approaches will be implemented to increase reach with certain groups if required.
- 6.4. Through ongoing equality impact assessment, the project team will continue to monitor the reach and the targeting of the engagement, and the impact of the proposed development plan on residents with protected characteristics, considering and implementing measures to mitigate negative impacts and maximise positive impacts.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The Cabinet Member for Housing and Welfare Reform and the ward councillors have been consulted on the recommendations in this report.

8.0 Human Resources/Property Implications

- 8.1 None.

Report sign off:

Phil Porter

Strategic Director of Community Wellbeing

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1.0 Existing Estate



Key

- NHS Clinic to be demolished
- 11-90 Kilburn Square to be refurbished
- Existing blocks to be retained

Existing Site Photographs



1. Kilburn Square
Visual amenity



2. Play space at the north-west corner
Accessible amenity



3. Kilburn Estate Homezones
Visual amenity



4. Hardstanding feature on Algernon Road
Accessible amenity



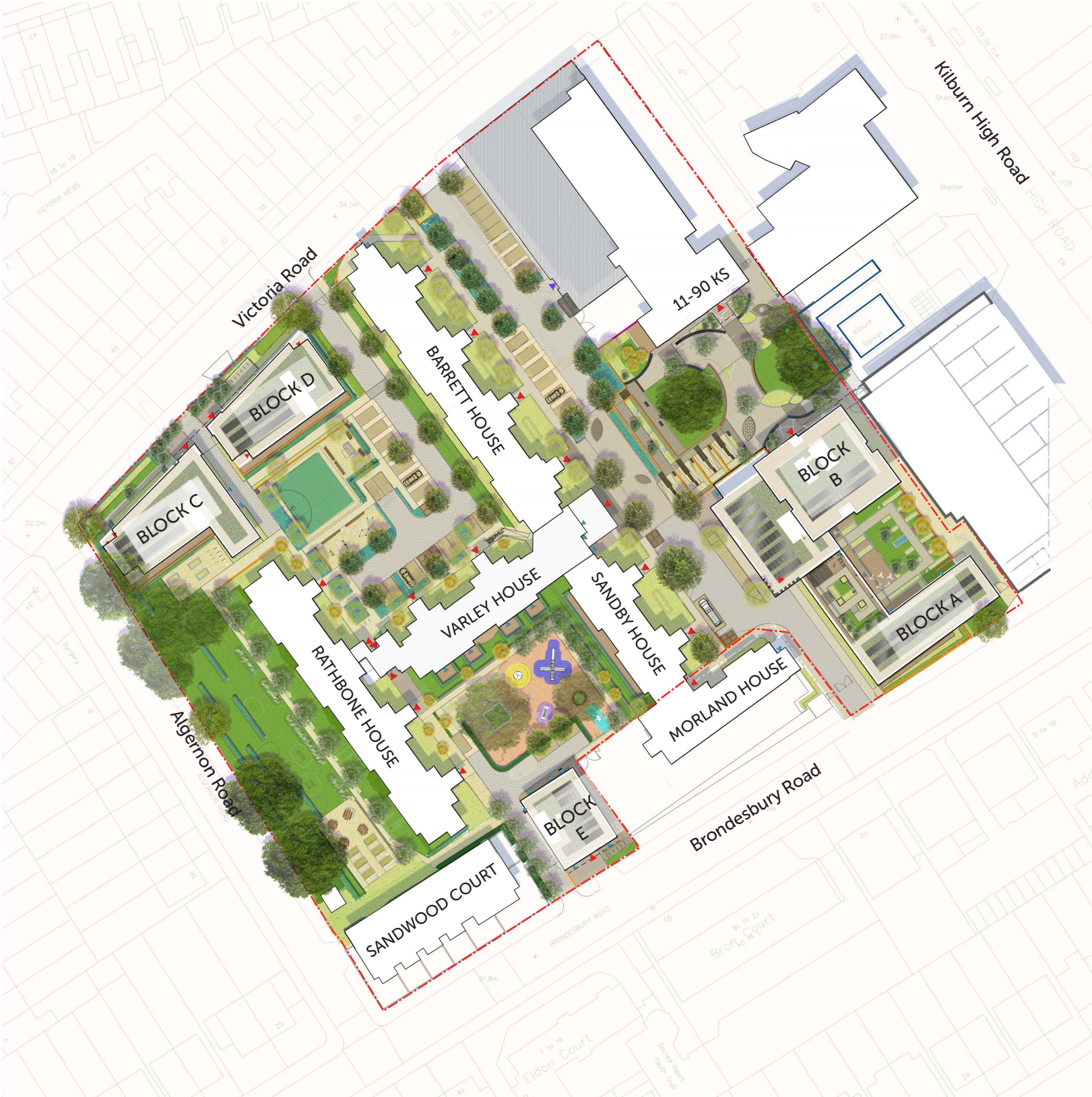
5. Ball court
Accessible amenity



6. Existing Central Street
Accessible amenity

1.1 Proposed Estate

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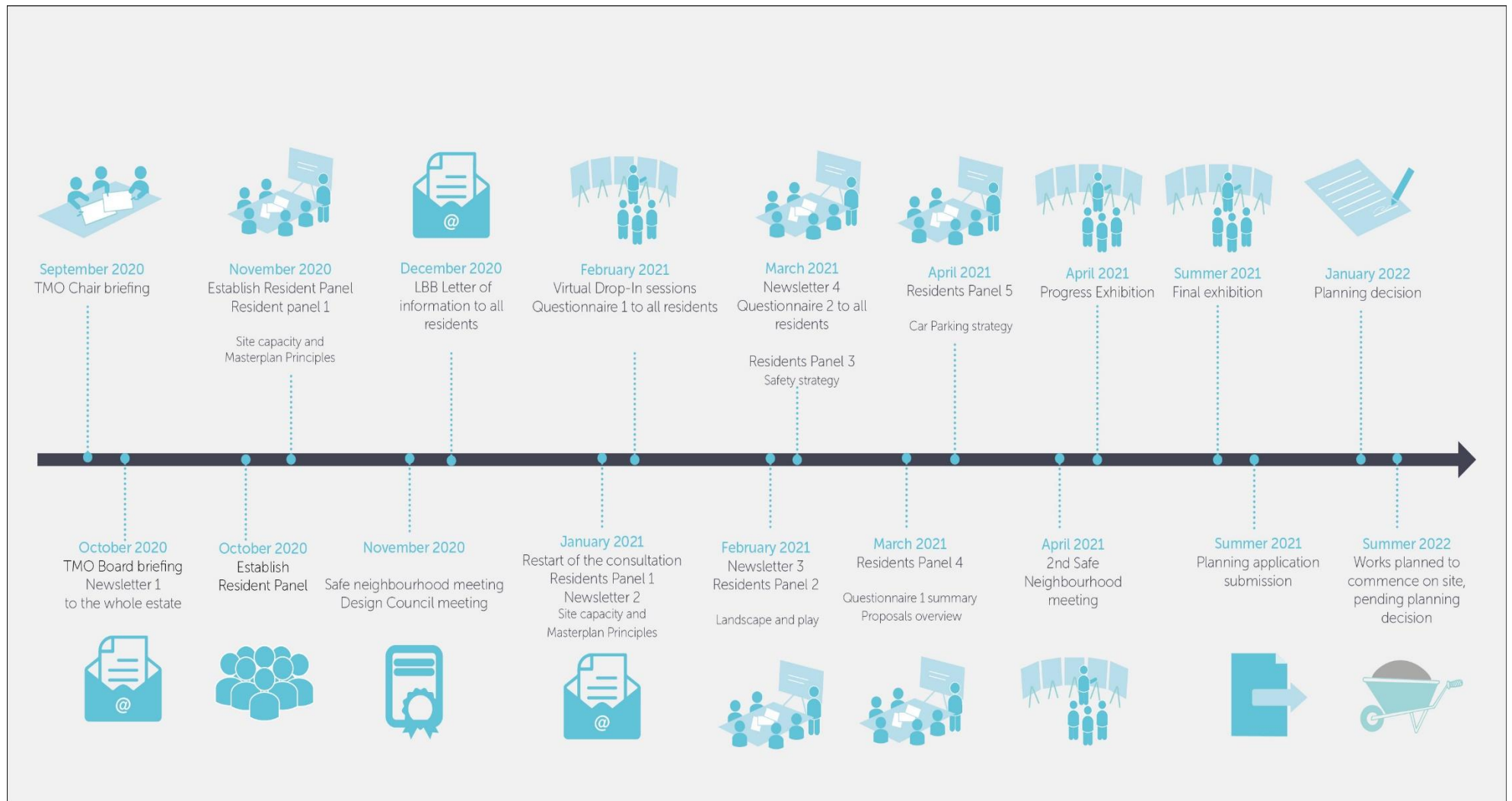
Proposed Landscape Masterplan



Block AB Central Street



Block CD Courtyard



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	Cabinet 19 th July 2021
	Report from the Strategic Director of Community Well Being
Watling Gardens & Windmill Estate Infill Redevelopment Programme	

Wards Affected:	Kilburn & Mapesbury
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:	Six Appendix 1: Offer to Secure Tenants Appendix 2: Offer to Leaseholders Appendix 3: Watling Gardens Existing and Proposed Appendix 4: Watling Gardens Demolition Area Appendix 5: Windmill Court Existing and Proposed Appendix 6: Windmill Court Demolition Area
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	John Magness Head of Housing Supply & Partnerships Tel: 020 8937 3272 john.magness@brent.gov.uk Akin Adenubi Development Manager Tel: 020 8937 2518 akin.adenubi@brent.gov.uk

1.0 Purpose of Report

- 1.1 The report provides an update on the proposed housing development projects at Watling Gardens and Windmill Court which aim to deliver 125 new Council Homes at Watling Gardens and 60 new homes at Windmill Court. These developments form part of the Councils approach to delivering 1000 new affordable homes over the period 2019-2024 using land already owned by the Council as the most cost effective method of development.

- 1.2 A number of legal recommendations are required to be approved in order to facilitate the development relating to potential Compulsory Purchase and Appropriation of Council owned Land. As part of the proposals to build new homes at Watling Gardens and Windmill Court it will be necessary to demolish 59 properties however this will not be sufficient to trigger any ballot requirement dictated by the London Mayor as a condition of obtaining grant. The recommendations will enable Officers to pursue Compulsory Purchase of 16 Leaseholder owned properties should it be necessary however the primary objective will be to negotiate a positive offer to affected leaseholders and a Compulsory Purchase Order (CPO) will only be considered as a last resort.
- 1.3 At both Watling Gardens and Windmill Court individuals, by virtue of leases held or other means, may have gained rights such as a “Right of Way” or a “Right to Light”. The process of appropriation converts an individuals’ right to the benefit bestowed by the right to compensation for the loss of the benefit. This report seeks approval to commence the process of Appropriation which creates the mechanism for individuals to receive compensation for the loss of these rights.

2.0 Recommendations

For Cabinet to agree

- 2.1 To authorise the Strategic Director Community Wellbeing to seek the approval of the Secretary of State to redevelop the sites under Ground 10A of Schedule 2 of the Housing Act 1985 to obtain vacant possession of properties at Watling Gardens and Windmill Court separately in order to redevelop and or demolish each of the Sites.
- 2.2 To delegate authority for the Strategic Director Community Wellbeing to make an application to seek the Secretary of State’s consent under section 19 of the Housing Act 1985 to appropriate any part of Watling Gardens, Windmill Court or Kilburn Square including any part consisting of a house or part of a house so that parts of these sites are no longer held for the purposes of Part II of the Housing Act 1985.
- 2.3 To delegate authority to the Strategic Director Community Wellbeing in consultation with the Lead Member for Housing & Welfare Reform to consider the impact of the Public Sector Equality implications and to ensure compliance with such duty and thereafter to consult with those affected by the appropriation of Watling Gardens and Windmill Court and to consider the responses of the consultation and thereafter and where appropriate to appropriate each of the sites separately for planning purposes to in order to facilitate the redevelopment of the site for which planning permission is being sought.
- 2.4 To note the offers made to secure tenants and leaseholders within Appendix 1 and 2 which aim to maximise choice and secure a better match with individual circumstances, by offering shared ownership and

shared equity options and reversion to tenancy for vulnerable leaseholders.

- 2.5 Authorise the purchase of leasehold interests required for the schemes by private treaty and delegate authority to Strategic Director Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property and Planning to agree the terms of each purchase and enter into Contracts and to agree the payment of compensation in accordance with the Circular mentioned in Section 6 below.
- 2.6 That Cabinet agrees to delegate authority to the Strategic Director Community Wellbeing to take all necessary steps to commence the process for the making, confirmation and implementation of a Compulsory Purchase Order (CPO) for Watling Gardens or Windmill Court separately, including securing the appointment of suitable external advisors for each of the Sites and preparing all necessary CPO documentation under delegated authority. The key steps to make a CPO are set out in paragraph 6.0. Prior to doing so will consider and have due regard to the impact of the Council's Public Sector Equality Duty
- 2.7 Agree that the use of CPO powers is exercised after balancing the rights of individual property owners with the requirement to obtain vacant possession of properties at Watling Gardens and Windmill Court.
- 2.8 That Cabinet authorise serving of the Initial demolition notices to suspend the secure tenants' right to buy at Watling Gardens and Windmill Court and to serve the final demotion notices once the date for demolition is known.

3.0 Background

Housing Need and New Council Homes Programme

- 3.1 There is a shortage of genuinely Affordable Housing in London. Brent has 1734 families living in Temporary Accommodation as at the end of April 2021, plus a further 900 in priority bands A and B on the Waiting List. Brent Council committed to developing 1,000 new Council homes between 2019 and 2024. Officers have identified that most opportunities to supply new and affordable homes within the Borough will come from further developing estates owned by The Council on existing land.
- 3.2 Accordingly, Watling Gardens and Windmill Court are estates that have been identified as providing sufficient development opportunities to increase the amount of affordable housing on each of the sites. In May 2020 and December 2021, PCG received an update report on the progress made towards delivering the Council's housing target of 1000 new affordable homes over the 5-year period (2019 – 24), and amongst other sites, Watling Gardens and Windmill Court were included. Accordingly, the redevelopment and development of Watling Gardens and Windmill Court will contribute towards the improvement of the economic social and environmental wellbeing of the area.
- 3.3 Watling Gardens and Windmill Court were chosen due to the relatively low density of housing on the sites compared to modern developments

in London and the fact that the land is wholly owned by the Council and thus avoids land acquisition costs. Furthermore the development provides the opportunity to carryout extensive long term soft and hard landscape improvement works. The infill programme on each of the sites will deliver new play facilities, activity areas, revised parking arrangements, improvements to a community hall, improved environmental and wellbeing spaces and solve the current problems of anti-social behaviour in the undercroft. It is possible to omit some or all of these improvements however this will reduce the positive impact of the development.

- 3.4 The Council's objective, as it is all on all New Councils Homes sites, is to provide high quality and energy efficient new homes. The redesign of each of the Sites has been carefully considered to contribute to a better standard of living for the incoming and existing residents, for example, by developing a new landscape strategy to re-organise and improve the amenity spaces, by creating employment and training opportunities through Contractor Local Labour requirements, and by offering existing residents on these estates, who have a housing need, the opportunity to move into the new and more suitable properties.
- 3.5 As part of these infill proposals the design team(s) will focus on improving the quality of external landscaping and amenity space so that all residents will benefit from improvements to the external environment. These areas will be designed following close consultation with existing residents. It should be noted that this consultative process will not be classed as a co-design opportunity and ultimately the Councils objective of delivering more affordable homes will be the primary objective. The Plans at Appendix 3 and 5 show the layout of the current sites and existing images against what is proposed: Proposals on the 2 estates will add 185 Social rent, London Affordable rent and Extra Care properties to The Council's Housing portfolio.

Watling Gardens

- 3.6 Watling Gardens is located in the Mapesbury Ward adjacent to the boundary with LB Camden, which runs along Shoot-Up Hill. Built in 1958 the estate is home to more than 500 residents who occupy 167 properties. The current estate layout provides little or no personal garden space (defensible space) to ground floor dwellings, inadequate natural surveillance and poor segregation between pedestrian and motor vehicle routes creating isolated and remote car parking areas and poorly overlooked pathways. The parking area beneath the podium at Claire Court has experienced some issues with anti-social behaviour over recent years. Overall this is a pleasant estate managed by a Tenant Management Organisation (TMO) however some of the current parking arrangements and the external arrangement is dated leading to problems as described above. The photographs at Appendix 3 show aspects of the site as it currently is.
- 3.7 The redevelopment proposals which include the demolition of 1 – 11 Watling Gardens, 1-30 Claire Court and the associated podium parking mentioned above, will facilitate the construction of 125 new Council homes (80 Residential and 45 Residential for Older People) in 3 buildings, five and fourteen stories in height, a revised parking layout that

provides natural surveillance and increases security. In addition to increasing the number of affordable homes on the estate, the re-development will also increase the percentage of family sized properties to address housing needs on the estate and in the borough, provide energy efficient homes that will meet the aims of the Council's Climate Emergency, tackle some of the negative issues with the current layout by increasing active frontages and overlooking of the public realm. Landscape proposals will improve the current open lawns and derelict play areas by providing activity areas for residents of all ages and ability and create opportunities for social interaction. The images/drawings at Appendix 3 show how the site could be following development. Appendix 4 shows the Demolition Area for Watling Gardens

Windmill Court

- 3.8 Windmill Court is made up of a 17 storey concrete slab tower block and a series of 2 and 3 storey structures comprising 1-18 Windmill Court, a two-storey carpark and a community room. Built in 1967 the estate comprises of 138 family homes, 120 in the tower block and 18 in the maisonettes. The base of the tower is dominated by concrete, low quality hard landscaping and car-parking. There is little to no active frontages addressing the public realm and when approaching it on foot, it is not clear where the main entrances are. This is exacerbated at night where the poor quality lighting adds to the intimidating atmosphere. Similar to the podium parking at Watling Gardens, the ground floor of the parking area has experienced issues with anti-social behaviour and criminality over the years. The photographs at Appendix 5 show some of the aspects of the site as it currently is.
- 3.9 The redevelopment proposals, which include the demolition of 1 – 18 Windmill Court and the two storey parking area at the base of the tower will facilitate the construction of 60 new affordable energy efficient Council homes in 2 buildings, seven stories in height, a revised parking layout that provides natural surveillance and increases security. In addition to increasing the number of affordable homes on the estate the re-development will also enhance the existing landscaping spaces, resolve how the existing tower meets the ground, to create a more welcoming, attractive and safer environment and provide integrated cycle, car parking and practical refuse and recycling storage. The images/drawings at Appendix 5 show the vision for the estate following development. Appendix 6 shows the Demolition Area for Windmill Ct.
- 3.10 In addition to the development works proposed there is also a need for significant planned works. Windmill Court is planned to be the Council's fourth major tower block refurbishment. This will follow Kilburn Square, Lodge Court and Manor House. It is currently anticipated, and subject to budget availability that works will commence at Windmill Court mid to late 2023. The works will comprise major works such as the external fabric, energy efficiency measures, internal refurbishment. The full specification will be developed following a detailed survey.

4.0 Engagement and consultation with local residents

- 4.1 The Housing Supply and Partnerships Team (HSP) are working with Network Housing to deliver these schemes, this is as a result of the

March 2020 Cabinet decision to enter into a Co-operation Agreement with Network Homes in order to share resources and expertise in the delivery of social housing. HSPT leads the resident engagement process and ensures the scheme is in line with Council priorities. Network Homes will be responsible for submitting Planning Applications, managing the detailed design and construction process and the co-ordination and resolution of defects once the properties have been built. Both sites are currently at the design stage. Consultation started with the Watling Gardens TMO in September 2019 and has continued with both the Board and the Resident Panel set up to engage on the design proposals. Consultation with the Windmill Residents started in January 2020 and since the first on-site even most of the engagement has been conducted via Newsletters and virtual Resident Panel meetings. In total there are 59 properties due to be demolished and this is shown in the appendices.

- 4.2 The consultation has and will continue to focus on the following:
- a) Design
 - b) Allocations policy
 - c) Market Purchases (Leaseholders)
 - d) Vulnerable Households
 - e) Advanced Acquisition (Leaseholders) and compensation (Tenants)
- 4.3 The project team will be basing early engagement offers of alternative accommodation and decant options for secure residents on the current Allocation Policy and the statutory consultation required in connection with the use of Ground 10A of the Housing Act 1985
- 4.4 The current Allocation Policy will apply to secure residents to be decanted from 1-11 Watling Gardens, 1-30 Claire Court and 1-18 Windmill Court. Under the current allocation policy secure residents affected by the infill developments will be placed into Band A on a phased basis to bid for an alternative home. Early engagement with residents and leaseholders has started with a view to obtain vacant possession of the required blocks as soon as possible
- 4.5 From 18 July 2018, the Mayor requires any landlord seeking GLA funding for estate regeneration projects which involve the demolition of social homes to show that residents have supported their proposals through a ballot. This is to make sure that GLA funding only supports estate regeneration projects if residents have had a clear say in plans and support them going ahead. The requirement applies to projects that involve the demolition of any social homes and the construction of 150 or more homes (of any tenure). Therefore the proposals at Windmill Ct and Watling Gardens are exempt from the need to undertake a ballot, but design has been underpinned by detailed engagement with residents and this will continue to be a feature.
- 4.6 A key principle of the New Council Homes Programme is that Engagement should commence at an early stage with ward members and residents. The Council has started early consultation on both sites, seeking views on design considerations and the principals in relation to tenant and leaseholder offers.

- 4.7 Consultation conducted to date has been within the existing Borough housing policy as it relates to acquisitions, decanting and rehousing.
- 4.8 There has been a series of meetings with residents of the two sites. The strategy includes putting in place resident panels that will work in partnership with TMOs and TRAs, where they exist. Consultation with residents due to be decanted has been mostly positive, especially where residents have been living in properties that do not meet their housing needs or require a substantial amount of repairs.

Tenants

- 4.9 As a result of this engagement, decanted residents have been and will continue to be moved from properties that no longer meet their housing needs to properties that are of an appropriate size. For example, discussions started with the residents at Watling Gardens in October 2019 and to date 17 secure tenants have already moved as a result of choosing to move to new properties, or just leaving their current property. In addition, secure tenants at 1 – 11 Watling Gardens will be moving from properties needing significant refurbishment works to more suitable properties.
- 4.10 A Landlord Offer has been developed which gives tenants a right to return, home loss and disturbance payments, where relevant. Only 3 residents have indicated an interest to return to Watling Gardens. The Allocations Team have made contact with all the affected tenants and are making offers of alternative accommodation when suitable properties become available.

Leaseholders

- 4.11 As part of the development of the sites it will be necessary to acquire a total of 16 of the leasehold properties at 1-30 Claire Court and 1-18 Windmill Court by way of private treaty. Officers will progress talks with each leaseholder, with a view to purchasing the leaseholder's interests to achieve vacant possession of Watling Gardens and Windmill Court. Securing the leaseholder's interests will ultimately ensure that the redevelopment at Windmill Court and Watling Gardens can progress without delay.
- 4.12 Offers made to the leaseholders are based upon the leaseholder offer shown in Appendix 2 and will typically include market value, and loss and disturbance payments at the relevant point in the process. The leaseholder offer accords with the CPO Compensation Code, best practice published in the Better Homes for Local People – The Mayor's Good Practice Guide to Estate Regeneration and the current Council policy as exercised at the South Kilburn Estate. Consultation has taken place with the affected leaseholders and will continue through to purchase completion.
- 4.13 The Council officers will seek to reach a negotiated settlement with leaseholders whose interests are required to deliver the remainder of the two sites according to the planned delivery of new homes. Should private treaty negotiations with the Leaseholders fail, the Council may, as a last resort, be required to use its CPO Powers in relation to Watling Gardens

and Windmill Court. The authority given in this report will assist the Council by making it clear to all landowners that the Council is committed to delivering the Scheme and is willing to use its Compulsory Purchase Powers if absolutely required.

- 4.14 An offer for leaseholds that need to be bought out has also been produced following six months of consultation with those affected and this follows the South Kilburn template, The Mayor's Good practice guidelines and government guidance. There have been objections to selling, but officers are continuing to work with Leaseholders to resolve these issues and find acceptable solutions.
- 4.15 Leaseholders are waiting for cabinet approval of the Leaseholder offer so they can benefit from the compensation that comes with the Council's purchase of their property. To ensure leaseholders are able to maximise choice and secure a better match with individual circumstances, officers are proposing to offer equity swap/shared ownership options and reversion to tenancy for vulnerable leaseholders.
- 4.16 Under the Shared Ownership option the Council will check to acquire a number of properties from the local market and offer these as shared equity or shared ownership homes to eligible leaseholders. Where necessary the Council will purchase a property from the local market that meets the need of the resident leaseholder. At the same time, the Council will purchase the leaseholder's property in a back-to-back transaction. The resident leaseholder will use funds made available from the buyback to purchase a percentage of the equity in the replacement property. Any value gap (typically 25-50%), will be met by the Council and the Council's stake in the property is entered as a charge against the property. The resident leaseholder will not pay rent on the equity they do not own and will be able to purchase the share they do not own in accordance with the shared equity agreement (known as staircasing). Any shared Ownership Scheme, if available, will be a part buy part rent scheme.
- 4.17 In exceptional circumstances, where assessment by a financial advisor indicates reduced financial security and that they reside in the property to be demolished as their principal home and are unable to secure a mortgage and are over the national retirement age or due to ill health are unable to work, a leaseholder can be offered a Council tenancy as part of the acquisition of their existing leasehold property. The offer of a tenancy will be reflected in a reduced valuation of the leasehold.

5.0 Scheme Viability

- 5.1 The Council's NCHP was developed on Infill sites on existing Council owned land. Grant allocated under the AHP 2016-21 was paid on a fixed tariff of £100k per property irrespective of property size. The difference between the grant received and the total scheme costs was met by Council borrowing. In exceptional circumstances additional grant could be negotiated for strategically important schemes agreed with the GLA and the Council has experience of this with the Gloucester and Durham sites.

The viability assessment was developed considering a number of key factors.

1. The estimated Construction costs
2. Rental income driving the ability to repay the initial capital costs.
3. An estimate of management and maintenance costs
4. A maximum repayment for the scheme of 60 years.

5.2 The basic viability does not allow for the costs likely to be incurred by delivering more complex schemes. As the Council has become more ambitious in its efforts to continue developing one of the largest Council building programmes in London , more complex sites will have to be considered which will incur additional cost. Watling Gardens is viable using the current viability assessment criteria however Windmill Court remains non-viable using the same criteria.

5.3 The basic viability assessment does not cater for the more complex elements of the development e.g:

- Infrastructure improvements such as landscaping , parking and children's play area
- Buy backs of Leasehold Properties (RTB sold)
- Improved Community facilities
- Decanting of residents and rehousing on the Estate

5.4 The Council is faced with a number of key considerations when considering viability such as;

- Identify an additional funding resource to meet the viability gap.
- Develop a cross subsidy model similar to that employed by RPs. In short ,develop some of the new units for sale to cover the scheme viability gap.

5.5 Three main options to the delivery of Windmill Court have been considered:

- Option 1- On Estate Decant (Without Landscape and Communal work)
- Option 2 -Off Estate Decant (Without Landscape and Communal work)
- Option 3- On Estate Decant (With Landscape and Communal work)

5.6 The costs associated with each option are outlined in section 9.0 Financial Implications.

6.0 Compulsory Purchase

6.1 CPO Guidance Paragraph 1 (Compulsory Purchase and the Crichel Down Rules) ("the Circular") provides the statutory guidance for the making of a CPO (the Guidance). In accordance with the Guidance, the Council needs to demonstrate that compulsory purchase is used as a measure of last resort and once made, is only enforced after all efforts to acquire by agreement have been exhausted.

6.2 Officers will progress talks with each of the leaseholders with a view to purchasing the leaseholder's interests to achieve vacant possession of the required properties at Watling Gardens and Windmill Court. Securing the leaseholder's interests can ultimately ensure that the redevelopment

at Windmill Court and Watling Gardens can progress without indeterminate delays.

- 6.3 Approving the making of the CPO under delegated authority now, will not result in any reduction in efforts to continue negotiations to achieve vacant possession by voluntary agreement. The CPO is, however, an essential step to confirm the Council's continued and formal support for the scheme
- 6.4 Known interests in the land are currently being compiled any other interests may emerge through land referencing across the red-line area for the proposed CPO.
- 6.5 The Circular states that " compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute toward effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.
- 6.6 The Council should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail."
- 6.7 The Council should plan a compulsory purchase timetable at the same time as conducting negotiations." This is to reflect the amount of time that needs to be allowed to complete the compulsory purchase process. The guidance goes on to state "it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations. This will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations."
- 6.8 There must be a balance struck between ensuring a compelling case in the public interest and that the regeneration project sufficiently justifies interfering with the human rights of those with an interest in the land affected. It reads as follows: *"A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected."*
- 6.9 Paragraph 13 of the Circular states – *"If an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire, and cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest... land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss."*
- 6.10 Consideration is given to the human rights implications of the decision to make a CPO in section 10 below.

- 6.11 An example of the circumstances in which CPO may be used by relevant Authorities is summarised as follows:
- To unlock situations where a scheme is being blocked by an owner (or owners) unwilling to dispose of property either at all or only at a price considerably in excess of market value (a ransom situation).
 - To ensure effective negotiations for land assembly where there is a Multiplicity of ownerships and absent landlords.
 - Where there are unknown owners.
- 6.12 The delegated authority to make the CPO and pursue its confirmation includes in summary the following activities:
- a) Authorising the making of the compulsory purchase order under Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004) and if required for any new rights over the land pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 in order to secure the regeneration of the Estate as described in this report;
 - b) The wide power in section 226(1)(a) is subject to the restriction under section 226(1A). This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility
 - c) Acquiring all known interests in land and any additional interests identified through the land referencing process within the CPO boundary either by private agreement or compulsorily. The proposed CPO boundary containing the proposed Order Lands is shown on the plans at Appendices 6 and 7 ;
 - d) acquiring any new interests in land necessary for the delivery of the Scheme either by private agreement or compulsorily;
 - e) arranging for the publication and/or service of any notices required in respect of the CPO, including its implementation;
 - f) ensuring on behalf of The Council that appropriate efforts have been made to reach negotiated settlements before the CPO is made;
 - g) seeking confirmation of the CPO by the Secretary of State (or, if permitted, by The Council pursuant to Section 14A of the Acquisition of Land Act 1981), including the preparation and presentation of The Council's case at any public inquiry which may be held in respect of the CPO, or any written representations procedure;
 - h) implementing the CPO by way of general vesting declaration and or

notice to treat / notice of entry or other means; and

- i) Dealing with any disputes relating to the CPO including as regards compensation and any references of matters to the Upper Tribunal (Lands Chamber).
- j) Dealing with the payment of compensation in accordance with the CPO Compensation Code.

6.13 Before and during the compulsory acquisition process, The Council will continue the process of seeking to acquire the properties sought by negotiation and private agreement.

6.14 It is important that regeneration of the 2 sites gives due consideration to the circumstances of, and the options available to, leaseholders and to the equality and human rights implications of any proposals. There is a need for early, continuing and meaningful engagement with leaseholders collectively and individually so that barriers and solutions are identified and agreed at an early stage. It is also important to stress that solutions must be practical, legal and proportionate. There could be a risk that a small number of leaseholders could effectively block, or delay, the regeneration programme and it is therefore important that there should be clarity from an early stage about what The Council can or cannot offer. The options for leaseholders and tenants is communicated through personal engagement, consultation meetings and various publications.

6.15 The initial design proposals for Watling Gardens and Windmill Court have been submitted for Pre- Planning Application discussions with planning officers employed by the Council, outlining how they are likely to determine any subsequent Planning Applications, and changes that are likely to be needed, if any, to give the schemes the best chance of being granted a planning permission. No major issues have been raised so far.

6.16 The developments will also form part of the 2021 – 22 Borough Plan as they will contribute to the pipeline of new homes, which will extend the Council's direct contribution to the increase in housing supply and reduce the number of households in temporary accommodation.

7.0 Options Considered

7.1 Refurbishment of the properties recommended for demolition was considered. Due to potential cost, current layout, characteristics and impact on the overall revised Estate layouts this was deemed not to be an economic option. When similar issues were considered at South Kilburn the cost of bringing up decent homes standard was seen as not providing sufficient value for money. This refurbishment option does not allow the other benefits associated with the proposed development, such as the increase in the number of homes and the ability of existing residents, with a housing need, to move into the new properties. There is no economically viable option to redevelopment, as refurbishment would represent poor value for money in terms of improvements achieved for the cost and wider benefits.

- 7.2 A comprehensive approach which delivers the maximum number of properties allowed within current planning policy guidance delivers maximum benefits across the estates
- 7.3 The net increase in the number of affordable rented homes on the sites (185) would not be achieved without redevelopment.
- 7.4 Overall, it is concluded that there is no credible alternative, which could meet the Council's development objectives for the sites within a reasonable timeframe.
- 7.5 Officers therefore consider that compulsory acquisition is essential to the delivery of the proposed schemes at Watling Gardens and Windmill Court, although it will continue to seek to secure the outstanding interests on the sites by agreement, wherever possible.
- 7.6 Officers are satisfied that there is a compelling case in the public interest for compulsorily acquiring the properties on the sites mentioned and believes that benefits the three schemes would secure in the public interest outweigh the effects of the acquisition on the rights of individuals. It is considered that in this case, the requirements of the guidance, domestic legal requirements and the requirements of the European Convention on Human Rights are met.

8.0 Appropriation

Rights to Light, Access and other Rights

- 8.1 Section 122 (2A) of the Local Government Act 1972 provides that prior to the appropriation of any land consisting or forming part of an open space, the Council must advertise its intention to appropriate the open space and must consider any representations or objections made by the public in response to the advert. Accordingly, the Council is required to advertise its intention to appropriate the open space for two consecutive weeks in a local newspaper circulating in the area in which the land is situated.
- 8.2 Following the advertisement of the Council's intention over two consecutive Weeks, there must be a two week period for consultation during which the public may make and submit representations (objections) to the Council. After the two week consultation period, the Strategic Director Community Wellbeing, in consultation with the Lead Member for Housing and Welfare Reforms, will decide whether the appropriation of the open space should occur, having taken into consideration the representations made in response to the advertisement and consultation, together with consideration of matters set out in the paragraph below.
- 8.3 In considering whether or not the Council-owned land within the sites should be appropriated for planning purposes, thereafter engaging the powers conferred by Section 203 of the Housing and Planning Act 2016, the Strategic Director Community Wellbeing, in consultation with the Lead Member for Housing & Welfare Reform will consider:
- Whether the land which is to be appropriated is already owned by the Council (this is a prerequisite to appropriation);

- Whether the land which is to be appropriated is no longer required by the Council for the purposes it is currently held (this is a prerequisite to appropriation);
- Whether the purposes for which the Council would be appropriating the land is a purpose authorised by statute (in the case of land to be appropriated for planning purposes, the relevant purposes would be authorised by sections 226 and 227 of the Town and Country Planning Act 1990);
- Whether the proposed redevelopment of the three sites would be in the public interest;
- Whether the public interest benefits which would arise from the redevelopment of the 3 sites would be sufficient to justify the interference with any private rights, such that the interference was proportionate;
- Whether the Council could (in the alternative) acquire the land compulsorily for the purposes of the redevelopment;
- Whether any related financial liabilities of the Council would be indemnified and
- Whether prior consultation had taken place (as outlined above).

8.4 Appropriation of part of the Sites for planning purposes would facilitate the carrying out of the development. There is a compelling case in the public interest to appropriate the sites for planning purposes, as developing the sites would serve the public interest by providing new and improved housing and accordingly, such development outweighs the effect of the appropriation on the private rights of individuals. In addition, the carrying out of the proposed development and improvement of the land within the 3 sites will ultimately contribute to the promotion and improvement of the economic and social wellbeing of the Council's area – and these benefits could not be realised within a reasonable timescale (in the context of the GLA Deadlines) without interference with the private (third party) rights affected by the appropriation and will facilitate the redevelopment of the site for which planning permission is being sought.

8.5 If a third party is able to establish that it has an easement or a right over any of the Three Sites or part of a site (such easements could include but are not limited to a right of way or a Right of Light) then the third party could potentially obstruct the redevelopment and regeneration of the sites by applying for an injunction to prevent the delivery of the development. The effect of appropriation, followed by the engagement of the powers in section 203 of the Housing and Planning Act 2016, which override such third party rights that may exist within the three sites and convert them into a right to compensation only (as opposed to a right to apply for an injunction), is therefore to facilitate the re-development and improvement of the sites. It should be noted that third parties may be entitled to compensation for loss of their rights. Such compensation would be awarded for injurious affection (compensating for any depreciation in the value of the land or property arising from the interference with the right) rather than on a reinstatement or ransom basis.

9.0 Financial Implications

- 9.1 The total cost of the schemes at Watling Gardens is expected to be circa of £43m, and Windmill Court is between £23m to £26m depending on carrying out Landscape and Communal work options.
- 9.2 The cost of the scheme for the affordable homes will be supplemented by a GLA grant of £100k per home, which equates to £12m for Watling Gardens and £6m for Windmill Court.
- 9.3 The Watling Gardens scheme is financially viable based on LAR rents with payback period in year 53.
- 9.4 The Windmill Court is not financially viable and require additional funding source of £4m to £7m depending on option selected to achieve a payback period of 60 years. This is a high risk scheme even with the additional funding source. The financial appraisal includes 5% contingency, however any additional cost or overspend will make this scheme financially unviable.

	Windmill Court			Watling Gardens
	Option 1 On Estate Decant (Without Landscape and Communal work)	Option 2 Off Estate Decant (Without Landscape and Communal work)	Option 3 On Estate Decant (With Landscape and Communal work)	LAR Rent
No of affordable (LAR Rent)	51	60	51	71
No of affordable (Social Rent)	9	0	9	9
NAIL				45
Total Homes	60	60	60	125
Constructions costs (inc. Fees)	£18m	£18m	£21m	£40m
Leaseholder buy back including compensation	£5m	£5m	£5m	£2m
Total Cost	£23m	£23m	£26m	£43m
Total Grant	£6m	£6m	£6m	£13m
NPV (at Year 60)	£1m	£2m	£1m	£12m
Payback period	No payback within 60 years	No payback	No payback	Year 53

		within 60 years	within 60 years	
Price per home	£252k	£252k	£290k	£273k
Price per home (on cost)	£390k	£389k	£431k	£340k
Financially Viable	No	No	No	Yes
<i>Additional Funds required to make scheme viable</i>	£4m	£3m	£7m	-

- 9.5 The total costs of the CPO settlement is estimated at circa £7m. The cost will be funded from the current approved budget. Please note additional budget will be required for build cost.

10.0 Legal Implications

Ground 10A of Schedule 2 of the Housing Act 1985

- 10.1 The Council is required to obtain approval of redevelopment schemes from the Secretary of State when seeking to re-house secure tenants who will not leave the properties that are due to be demolished in furtherance of redevelopment schemes. Before seeking such approval, the Council is required to consult with affected tenants. Approval from the Secretary of State will enable to Council to use Ground 10A of Schedule 2 to the Housing Act 1985. The paragraph states that the landlord must first:
- serve a notice in writing on all secure tenants whose dwellings are affected by the scheme, stating: the main features of the scheme (or the scheme as it will be after a proposed variation to it); that the Secretary of State's approval is to be sought; and the effect of such approval in relation to proceedings for possession of the dwellings;
 - inform the tenants that they have a specified period (which must be at least 28 days) in which to make representations to the landlord; and
 - Consider any representations during that period.
- 10.2 Unlike a tenanted transfer, however, no formal ballot is required to be carried out. The Secretary of State before giving consent will consider the following:
- The effect of the scheme on the extent and character of housing accommodation in the neighbourhood;
 - Over what period of time it is proposed that the disposal and redevelopment will take place in accordance with the schemes timetable.
 - To what extent the scheme includes provision for housing provided under the scheme to be sold or let to existing tenants or persons nominated by the landlord
 - Any representation made to the Secretary of State and, or far as they brought this notice any representation made to the landlord.

Section 105 of the Housing Act

- 10.3 Section 105 of the Housing Act 1985 places a statutory duty upon the

Council to enable consultation to take place with its secure Tenants on matters of housing management. The Council must accordingly publish details of their consultation arrangements and make them available to members of the public at their principal office.

- 10.4 These arrangements must enable the secure tenants likely to be affected to be informed of the Council's proposals and to make their views known to the Council within a specified period.
- 10.5 Matters of housing management includes those, which in the opinion of the Council relate to the management, maintenance, improvement or demolition of dwelling-houses let under secure tenancies or the provision of services or amenities that are likely to affect its secure tenants. Accordingly, prior to making the decision to serve the notices and further notices there must have been consultation with the residents.

Demolition Notices

- 10.6 An initial notice under Schedule 5A of the Housing Act 1985 is a notice served on a secure tenant stating that the Landlord intends to demolish the premises.
- 10.7 Whilst the initial notice remains in force the Council will not be obliged to convey the leasehold interest to the secure tenant. It is important to note that the initial notice does not prevent a claim being made to exercise the Right to Buy. The initial notice served must state that there is a right to compensation.
- 10.8 The period of suspension must not allow the Council more than what is in the circumstances a reasonable period to carry out the proposed demolition but in any case must expire no more than seven years after the date of service of the notice on the tenant.
- 10.9 There is a statutory restriction on service of a further demolition notice in that no further demolition notice may be served during the period of 5 years following the time when the notice comes in to force unless the further notice is served with the consent of the Secretary of State.
- 10.10 Accordingly the Secretary of State when consenting to an extension may impose further conditions.
- 10.11 A final demolition under Schedule 5 of the Housing Act 1985 is a notice stating that the Council intends to demolish the premises and must state a date upon which the notice will cease to be in force.
- 10.12 The final demolition notice state that section 138(c) confers a right to compensation for the secure tenant.
- 10.13 The proposed demolition date must fall within 24 months beginning with the date of service of a notice on the Tenant.

Compulsory Purchase

- 10.14 The Council may make a compulsory acquisition under section 226 of the TCPA

- (a) If it thinks the acquisition will facilitate the carrying out of development or redevelopment or improvement on or in relation to the land: or
 - (b) Which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- 10.15 In order to make an acquisition under (a), The Council must also consider that the development, redevelopment or improvement will contribute to the promotion or improvement of the economic social or environmental well-being of its area.

11.0 Human Rights Implications

11.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights. Various convention rights are likely to be relevant to the Order, including:

- Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process.
- Peaceful enjoyment of possessions (First Protocol Article 1). This right includes the right to peaceful enjoyment of property and is subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.
- Right to life, in respect of which the likely health impacts of the proposals will need to be taken into account in evaluating the scheme (Convention Article 2).

11.2 The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.

11.3 The Council is therefore required to consider whether its actions would infringe the human rights of anyone affected by the making of the CPO. The Council must carefully consider the balance to be struck between individual rights and the wider public interest.

11.4 It is considered that any interference with the Convention rights caused by the CPO will be justified in order to secure the social, physical and environmental regeneration that the project will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the national Compensation Code.

12.0 Diversity Implications

- 12.1 The public sector equality duty, as set out in 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, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 12.2 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.
- 12.3 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.
- 12.4 The Council, through widening participation, seeks to proactively engage with all local residents living at Watling Gardens, Windmill Court and Kilburn Square and particularly those equality groups who are affected. There has been and will continue to be widespread consultation and community engagement as proposals for the Estates are developed and delivered. The new homes at Watling Gardens, Windmill Court and Kilburn Square are available for all secure tenants directly affected by the redevelopment and decanted to return should they choose to do so.
- 12.5 The Council will ensure it takes action as necessary to mitigate any unintended adverse equality impacts brought to light through the ongoing analysis as the programme progresses, or as circumstances change.

13.0 Staffing/Accommodation Implications

- 13.1 For all three Estates there will be an increase in the number of properties being managed, Watling increases by 83, Windmill by 42 and Kilburn Square by 184. The increases may mean that the Estates need additional resources to carry out their day- to -day management functions. Under the current proposals, the Community space at Windmill Court will be upgraded.

14.0 Public Services (Social Value) Act 2012

- 14.1 The Council is under a 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 regard to the Act in planning proposed procurements.

15.0 Consultation with Ward Members and Stakeholders

- 15.1 There have been regular meetings with key stakeholders since November 2019. This series of meetings has included existing users of the buildings as well as Mapesbury and Kilburn ward members.

Report sign off:

Phil Porter

Strategic Director, Community
Wellbeing

Windmill Court Landlord Offer (Subject to planning) Our Promise

Secure Council tenants living at 1-18 Windmill Court, 1-11 Watling Gardens and 1 – 30 Claire Court.

The Council aim is to build high quality energy efficient homes on the Windmill Estate and to improve landscaping and security.

If we continue the redevelopment proposals of the above blocks Court, secure council tenants, will get-

- A new home on the estate, or the option to move to another council home / Housing association property elsewhere if you prefer
- A £6,400 home loss payment when you move
- Removals, and other reasonable moving expenses, paid for
- A home that is the right size for your needs
- A home adapted to your needs, if you have a disability
- A safe and secure home, meeting all current building regulations
- A well-insulated and easy to heat home
- Disturbance payments will be made, where relevant

Your new home offer

You will only need to move **once** to one of the new homes built at Windmill Estate. The new accommodation will be matched to the housing need of your household.

If you want to move off the estate, we will try to relocate you to your area of choice. However, this will be dependent on suitable homes to match your needs being available.

What will happen next?

We will be consulting with affected residents over the coming months through a number of drop in events where you can talk to council officers face to face about the proposals.

We will also carry out a visit to your home and complete a Housing Needs Assessment to have a clear understanding of your personal housing requirements, which will confirm:

- **Changes in your circumstances**
- **Medical and other needs**
- **Other preferences (we will try to meet your preferences but cannot guarantee this in all cases).**

The size of your new home will be determined in line with the council's Housing Allocation Policy. For further information, please review document on council website www.brent.gov.uk

Getting involved

We want residents to get involved in the improvements proposals for the Windmill Estate to address poorly designed areas on the estate that have led to a rise in anti-social behaviour. Please pop along to our design sessions to discuss the proposals with our project development team and architects.

Sessions will take place on a fortnightly basis going forward.

Get in touch

If you have, any queries regarding the proposals please contact

Sarah Robbins, Community Engagement Officer on Tel: 0208 937 4681 or email us newhomes@brent.gov.uk

DELIVERING 1000 NEW COUNCIL HOMES IN BRENT

BUILDING FOR BRENT



SUPPORTED BY
MAYOR OF LONDON

Landlord Offer (Subject to planning) Our Promise

Leaseholders

The Council is planning to build new high quality, energy efficient homes and improve the landscaping and security on Windmill Estate and Watling Gardens. As a result, it is proposing to redevelop the area covered by 1-18 Windmill Court, 1- 11 Watling Gardens, 1 – 30 Claire Court and some of the shared landscape areas on the Estate. If we continue the redevelopment proposals for 1-18 Windmill Court, 1 – 11 Watling Gardens, and 1 – 30 Claire Court and obtain planning permission, leaseholders selling their property back to the council and leaving the estate will get-

- **Market value for their property plus;**
- **10% home loss payment (resident leaseholders), or 7.5% home loss payment (investor leaseholders)**
- **Solicitor's fees, survey fees and other reasonable moving expenses paid.**
- **An option to participate in an Equity share or Shared Ownership scheme.**
- **Tenancy reversion**

In some cases, it may be possible for the council to acquire all property interests by agreement early in the projected timeframe to deliver the much-needed new homes.

Contact Us

To talk to someone about the proposals for 1-18 Windmill Court and Watling Gardens/Claire Court please contact Fathia Ansah, Project Leaseholder Liaison Officer on Tel: 0208 937 2531 or email us at newhomes@brent.gov.uk

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Key

- 1-30 Claire Court to be demolished
- 1-12 Watling Gardens to be demolished
- Existing Towers to be retained



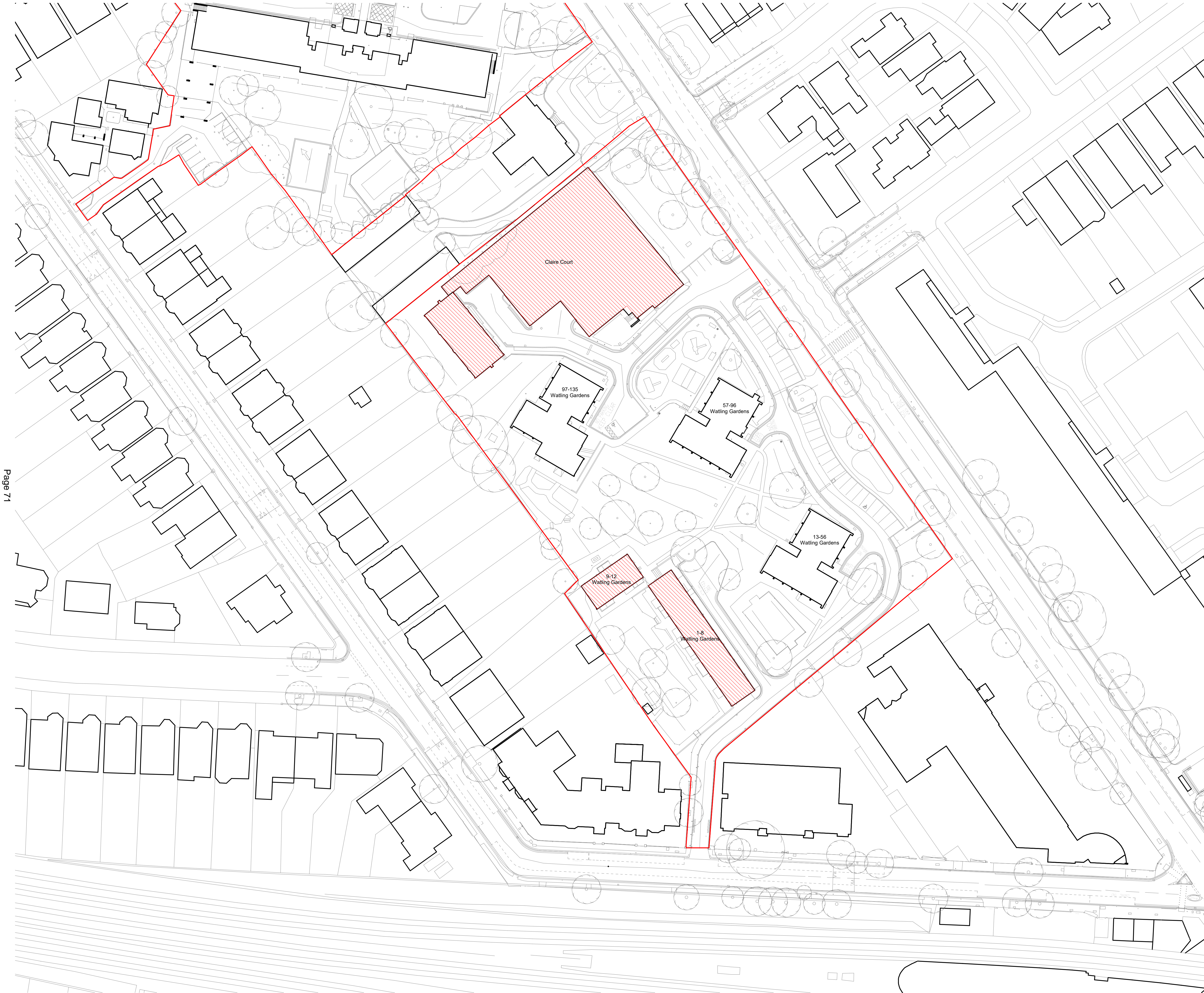
29.10.2020
19-007
Watling Gardens
Existing Estate

Pollard Thomas Edwards



29.10.2020
19-007
Watling Gardens
Proposed Estate

Pollard Thomas Edwards



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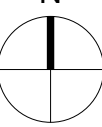
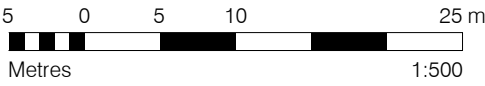
If in doubt, ask.

SETTING OUT NOTES:
All setting out to be confirmed on site prior to construction - any discrepancy must be immediately reported to the Architect.

All setting out to face of structure or to grid. All partitions set out to studwork or structure.

For setting out and specification of M&E services refer to M&E Consultants documents.

For setting out and specification of structure refer to Structural Engineer's documents.



BS 1192 NAMING CONVENTION KEY						
Project Code	Consultant	Volume	Level	Doc Type	Role	Drawing Number
XXX - PTE - ZZ - ZZ - XX - A - 00001						
						Package /Series

 Existing buildings/structures to be demolished

rev	date	description	drawn	audited
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WORK IN PROGRESS

Diespeker Wharf
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www.pollardthomasedwards.co.uk

**Pollard
Thomas
Edwards**

project	job number	drawn	scale	date created
Watling Gardens, Kilburn	19-007	LCR	1 : 500@A1	Mar '20
drawing title	drawing number	revision	suitability	
Watling Gardens - Site Plan - Demolition Plan	WGK- PTE- XX-XX-DR-A-99001			







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2.2 Local Context

The site is located in the Mapesbury Ward, LB of Brent adjacent to the boundary with LB of Camden which runs along Shoot-Up Hill.

The site is well served by public transport (PTAL 5) with Kilburn and Brondesbury Stations a 5-10 minutes walk to the south of the site. Bus stops adjacent to the estate provides access to frequent bus services running on Shoot-Up Hill.

The Mapesbury conservation area is located to the west of the site and is characterised by streets of grand Victorian villas. The immediate context as experienced from Shoot-Up Hill is more mixed and comprises a number of post war housing estates and buildings of various scales.

-  Kilburn Station (Jubilee line)
-  Bus Stop
-  Windmill Court Estate
-  Watling Gardens Estate
-  Mapesbury Conservation Area
-  LB Camden Boundary



2.3 Existing Site Photos



1. EXISTING PLAY AREAS LOCATED WITHIN SITE PREVIOUSLY IDENTIFIED FOR INFILL DEVELOPMENT.



2. VEHICULAR ACCESS FROM EXETER ROAD IS NOT CURRENTLY SUITABLE FOR REFUSE VEHICLES, FIRE APPLIANCES OR CONSTRUCTION ACCESS. WHICH PRECLUDES DEVELOPMENT OF PLOT BEHIND MAISONNETTES.



3. EXISTING MAISONETTE BLOCK WHICH RESTRICTS ACCESS FROM EXETER ROAD



KEY TO PHOTOGRAPHS



4. CAR PARK RAMP AND GARAGES DOMINATE APPROACH TO WINDMILL COURT. PUBLIC REALM SUFFERS FROM LACK OF PASSIVE SURVEILLANCE AND POOR LEGIBILITY FOR VISITORS.



5. EXISTING MAISONETTE BLOCK WHICH STRADDLES BOUNDARY WITH PETRIE CLOSE

2.3 Existing Site Photos



6. EXISTING MATURE TREES (3 CATEGORY A) ON CORNER OF MAPESBURY ROAD AND SHOOT-UP HILL BRING CONSIDERABLE VISUAL AMENITY TO THE ESTATE.



7. TWO STOREY OPEN SIDED CAR PARK LOCATED WITHIN AREA MOST SUITABLE FOR REDEVELOPMENT. EXTENT OF PARKING PROVISION TO BE RE-PROVIDED WILL DICTATE PROPOSED BUILDING FOOTPRINT AND QUANTUM OF ACCOMMODATION.



8. EXISTING RETAINING WALL ALONG SITE BOUNDARY WITH MAPESBURY ROAD AND SHOOT-UP HILL



KEY TO PHOTOGRAPHS



9. POOR QUALITY PUBLIC REALM AND VISUALLY DOMINANT BIN STORES RESULT IN AN UNINVITING ENTRANCE TO THE EXISTING TOWER



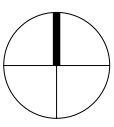
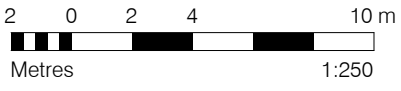
10. AD-HOC PARKING ARRANGEMENT AND POOR QUALITY PUBLIC REALM ON APPROACH TO THE ESTATE FROM THE SOUTH

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BS 1192 NAMING CONVENTION KEY						
Project Code	Consultant	Volume	Level	Doc Type	Role	Drawing Number
XXX - PTE - ZZ - ZZ - XX - A - 00001						
						Package /Series

 Existing buildings/structures to be demolished


rev	date	description	drawn	audited
drawing status				

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**Pollard
Thomas
Edwards**

project	job number	drawn	scale	date created
Windmill Court, Kilburn	19-007	LCR	1 : 500@A1	Oct'20
drawing title	revision	drawing number	submittal	
Windmill Court - Demolition Plan		WCK- PTE- XX-XX-DR-A-99007		

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	Cabinet 19 th July 2021
	Report from Strategic Director, Community Well Being
Rechargeable Repairs Policy	

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:	Three: Appendix 1: Draft Rechargeable Repairs Policy Appendix 2: Equality Analysis Appendix 3: Consultation Outcome
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Giuseppe Coia Head of Housing Management Services 020 8937 2652 Giuseppe.Coia@brent.gov.uk Hakeem Osinaike Operational Director, Housing 020 8937 2023 Hakeem.Osinaike@brent.gov.uk

1.0 Summary

- 1.1 The purpose of this report is to present a new Rechargeable Repairs Policy for review. Housing Management do not currently have a policy in place to recharge former and current tenants and leaseholders of Brent Council for responsive repairs, service charge and void works as well as the financial

recovery of garage repairs, household clearance, vehicle removal and garden maintenance, which result directly from their action(s) or negligence.

- 1.2 The primary objective of the policy is to discourage wilful neglect and/or abuse, rather than being punitive. Having this policy in place will contribute to the effective maintenance of Brent Council's housing stock as well as related spend as rechargeable repairs do have a significant impact on expenditure.
- 1.3 The ability to recharge residents who are negligent or cause intentional damage will assist in changing behaviours as residents will be held to account for their actions.
- 1.4 Once approved, an awareness campaign will be launched to ensure all tenants, leaseholders and elected members become aware of the policy.
- 1.5 We acknowledge that some people are currently struggling financially and now may not seem the best time to introduce a policy such as this. However, the majority of people do look after their homes and not only do we want to encourage them to keep doing so, we do not believe it is right that they pay for those who do not.
- 1.6 Residents were given an opportunity to engage with the consultation but the response was poor. This is not surprising, as we would expect to see a higher interest in policies residents feel are punitive and/or detrimental to them. What the policy does however, is provide officers with an additional tool with which to address wilful damage and neglect in Council properties. On this basis, we would not propose any further consultation.

2.0 Recommendations

2.1 Cabinet is asked to:

- 2.1.1 Note the contents of this report including the results of the resident consultation exercise and the Equality Impact Assessment
- 2.1.2 Approve the policy for implementation.

3.0 Background

- 3.1 It is normal practice for social landlords, such as Housing Associations and Local Authorities, to have a recharge policy in place. This is important to achieve value for money. We must manage our homes and tenancies effectively and achieve value for money by ensuring:
 - We minimise the cost of carrying out work, which is not our responsibility.
 - We recharge the costs back to those responsible, where we know who they are, rather than the current situation where every tenant and leaseholder being responsible.
 - That we chase those who do not pay, following the Council's debt recovery process.

- We enforce tenancy and lease conditions consistently.
 - That we have a clear audit trail for our customers, should they refute the recharge.
- 3.2 Brent Council's Housing Management Team dealt with in excess of 38,000 repair works orders in financial year 2019-2020. The cumulative cost of these works orders was £11m (inclusive of the Price per Property contract payments Brent Council make).
- 3.3 Out of the total orders raised, 4,819 works orders were exclusions, which means the repair works are not covered by fixed contract payments to repairs contractors.
- 3.4 Based on a sample testing by officers, it is estimated that 386 (8%) works orders arise directly because of damages caused by tenants. The average cost per work order for exclusions was £362. This gives a potential to recover £0.14M from residents.
- 3.5 Examples of works that will be rechargeable are:
- Garden clearances / removal of items from communal areas
 - Rectifying unauthorised alterations to properties e.g. removal of a load bearing wall.
 - Replacements for damaged internal doors (except when they are related to Domestic Violence or a vulnerability).
 - Excessive and premature damage to the property, including to kitchens and bathrooms.
- 3.6 Regarding the above example of property clearances at the end of tenancies, tenants are expected to leave the property in a reasonable condition, with all their personal belongings removed from the premises. In reality the Council's voids team undertake extensive clearances following the end of tenancies. It has been calculated that the Council spent about £100K on void clearances in 2019/20.
- 3.7 The total estimated rechargeable amount for voids is £0.1M plus excessive day-to day repairs of £0.14M, totals £0.24M. These are funds that could cover some of the income loss from rent payments or contribute to savings, which will bring the HRA reserves to a more reasonable level. Alternatively, these are funds that could be spent on other essential works, such as:
- 40 Kitchen renewals (approximate unit cost of £6,000) or,
 - 80 Bathroom renewals (approximate unit cost of £3,000) or,
 - 80 full rewires (approximate unit cost of £3,000) or.
 - 120 boiler renewals (approximate unit cost of £2000).
- 3.8 Although the recovery of cost is important, the primary objective of this policy is preventative i.e. to discourage wilful damage and neglect and thereby prevent the cost of addressing them.

- 3.9 The intention to introduce this policy has been mooted at TalkBack sessions with residents and indications are that residents will welcome this policy, as it will reduce service charge expenditure for damage caused in communal areas and encourage responsible behaviour, plus adherence to tenancy/lease conditions.
- 3.10 For the policy to be successful, we have to ensure we recognise residents who may not have deliberately or wilfully created one or more of the rechargeable situations above e.g. damage resulting from domestic violence or mental illness. We will ensure that we provide appropriate support, rather than create any extra burden in these circumstances. As part of our response to the lockdown, we have identified and now have more regular contact with many of our residents who may need support. Our records will be updated so we can be confident that the policy will not be inappropriately applied.

4.0 Rechargeable Repairs Policy

- 4.1 The policy sets out the Council's intention to recharge former and current tenants and leaseholders of Brent Council for responsive repairs, service charge and void works as well as the financial recovery of garage repairs, household clearance, vehicle removal and garden maintenance, which result directly from their action(s) or negligence. Section 4 of the policy sets out when the Council will consider recharging residents and are summarised below:

- When a resident has not completed works in line with their tenancy agreement (such as garden clearances) or when they have been formally asked to complete work (such as removing items from a communal area).
- When a resident has completed unauthorised alterations and where further alterations need to be made to return the property to Brent's void standard.
- When a tenancy ends due to a resident moving and items are left in the premises and are cleared at a cost to the Council.
- In the event of a tenancy ending because of death, the estate can be recharged for any clearance, neglect or damage when it is deemed appropriate. This will only be done where there is evidence that the estate can meet the cost.
- Repairs that become necessary as a result of negligence or abuse. In cases of accidents, a decision will be made on a case-by-case basis.
- Excessive and premature damage to internal doors, kitchens and bathrooms.
- Graffiti in communal areas.

- 4.2 The work will be recharged to the resident at cost, which is detailed in section 5 of the policy, plus a 15% administration fee. The administration fee is to cover the resource used to consider and process recharges.
- 4.3 The Housing Management Service will accept appeals to the charges. Appeals will be considered by a more senior officer than the one who initially assessed the charge. This can be managed within existing resources, as we have estimated under 400 cases a year and 10% appeals. Appeals can relate to whether the calculation of the charge is correct and whether it is reasonable to apply the charge in a particular circumstance. Existing resources will administer the policy as they would be involved in commissioning the repairs or services in any event. Appeals should be decided within four weeks.
- 4.4 Appeal decisions are final. Tenants can make complaints relating to appeals but as is the case with other appeal processes, the complaints procedure can only consider administrative issues (such as, was the appeal considered within a reasonable time scale, was all the relevant evidence considered, etc.), not the substance of the appeal itself.
- 4.5 This Rechargeable Repairs policy is a new proposal, and requires implementation of processes at an operational level. The housing service need to ensure systems are able to distinguish between repairs costing data recorded in systems and repairs considered as recoverable from residents, so that it enables accurate charging and monitoring of cost.

5.0 Consultation

- 5.1 Following the Lead Member's decision to consult on the policy and procedure document, the document went for resident consultation on 19 November 2020, until 30 December 2020.
- 5.2 This consultation included information on the website, a link in housing management officers' email signatures and engagement with resident associations.
- 5.3 By 27 November 2020 there had been no responses, and by 4 December there had been only one response. Therefore, a decision was taken to extend the consultation by two weeks (until 13 January 2021) and to promote the consultation more widely on social media and a second round of engagement of resident associations. In addition, the details of the consultation were included in Brent's Your Voice newsletter.
- 5.4 In total, seven responses were received by 4 Jan 2021, despite the extended consultation period and the increased promotion of the policy across different platforms.
- 5.5 Upon reflection, it was determined that the results of this consultation were not viable, which may be because of the nature of the questions asked.

- 5.6 A further consultation exercise was undertaken in February 2021, this time using a focus group. The discussion points and questions asked in the Focus Group were broader and open-ended. This enabled residents to discuss their views in a more informal setting, which allowed us to gain more insight into their honest opinions and concerns.
- 5.7 Seven Brent Residents attended the Focus Group. All seven residents are members of Brent Resident Associations. There were six tenants and one leaseholder present at the meeting.
- 5.8 Resident Consultation Questions and Summary (all comments referred to are appended in Appendix 3).
- 5.9 Five discussion points informed the Focus Group. Overall, the resident attendees were supportive of the Policy. The responses detailed in the survey results are close quotes from the attendees. Analysis of the comments indicates that those who disagree, are basing their views on perception of the Council and its services, rather than a consideration of what the Council is attempting to achieve by introducing this policy and procedure. The detailed results of the following five discussion points are detailed in Appendix 3. The general findings are as follows:
1. The principle of recharging residents. Do you agree or disagree with the principle of recharging residents?

The residents generally supported the Policy but suggested that the implementation should be sensitive to the particular circumstances affecting the particular household.
 2. Should residents receive a reduced service if there are outstanding recharges? If so, what form could that take?

The residents were in overwhelming support of this. They also suggested possible financial penalties.
 3. When should exemptions from recharges be valid? Under what circumstances should Brent waive recharges?

The residents suggested those households with mental health issues, older people, low income families and those with young children.
 4. Are there any recharge items listed that you did not agree with?

The group advised that there should be no recharge for rectifying poor quality workmanship from Council contractors. They also suggested that residents could perhaps recharge the Council if outstanding repairs were left unattended.

Whilst pertinent, these two issues should be managed by the Council effectively following the Contract Administration procedures. In addition,

residents already have existing statutory rights to apply to Court to compel the Council to comply with their legal repairing obligations.

5. Are there any recharge items that are not listed that you think should be included?

Fly-tipping was mentioned as a possible recharge, and has been incorporated.

5.10 The consultation exercises demonstrated that there has not been a high level of interest in the Council's proposal to launch the new Rechargeable Repairs Policy. However, the revised consultation did achieve good insight into resident's views. Generally, the residents are supportive of the policy, save for a few caveats referred to above.

5.11 There were some objections, but these seem to be based on personal experience of services provided to individuals, rather than the principles of the policy. The objections referred to in Appendix 2 were:

1. Residents agreed that the policy was fair but had to be correctly administrated.
2. Residents had some concern about the policy being utilised where the Council was not delivering the required level of service.

5.12 Based on the consultation results, amendments have been made to the policy to reflect the views of participants. On that basis, the policy is presented for sign-off and implementation.

6.0 Financial Implications

6.1 The Housing Revenue Account (HRA) has a total budget of £12.6m for repairs and maintenance of the Council housing stock during 2021/22. The cost of repairs from damages caused by residents, such as intentionally breaking doors and walls, are outside of the Councils fixed cost repairs contract (price per property). It is therefore an additional cost pressure to the Council.

6.2 There is potential to recover circa £0.24m per annum, which is a combination of annual voids and repairs cost recovery, with an average net invoice value of £362, excluding the admin fee and VAT. The ability to recover cost from residents will allow Brent Housing Management to reduce budget pressures and reinvest recovered costs towards other essential improvement works, such as kitchen and bathroom renewals.

6.3 Repairs expenditure recharged to residents will be based on the schedule of rates paid by the Council to external repairs contractors. An admin fee of 15% is in line with the Council's service charge policy to leaseholders. The fee is to cover additional costs associated with officer responsibilities of issuing and pursuing charges to residents for recoverable repairs.

- 6.4 The rechargeable repairs policy will seek to collect the full amount of the invoice charged to a resident. The risk of non-payment from residents will be monitored through the existing debt recovery procedures.

7.0 Legal Implications

- 7.1 Section 11 Landlord and Tenant Act 1985 (LTA 1985) states that, a secure tenancy of a dwelling house, for a term of seven years or less contains an implied covenant for the landlord to:

- keep in repair the structure and exterior of the dwelling house including drains, gutters and external pipes
- keep in repair and proper working order the installations in the dwelling house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity)
- keep in repair and proper working order the installations in the dwelling house for space heating and heating water

- 7.2 The obligation does not extend to parts of the building in which the landlord has no estate or interest.

- 7.3 Section 11(2) LTA 1985, states that the landlord is not required to:

- carry out works or repairs for which the tenant is liable by virtue of their duty to use the premises in a tenant-like manner, or would be so liable but for an express covenant on their part
- rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident
- keep in repair or maintain anything which the tenant is entitled to remove from the dwelling house

- 7.4 In addition, as of 20 March 2019, section 1 of the Homes (Fitness for Human Habitation) Act 2018 amended LTA 1985, to imply a covenant on the part of a landlord into a lease of a dwelling (as defined in LTA 1985, s 38) in England which is let wholly or mainly for human habitation, that:

- the dwelling is fit for human habitation at the time the lease is granted or created, or at the beginning of the term of the lease if this is later, and
- will remain fit for human habitation during the term of the lease

These provisions apply to a lease granted for a term of less than seven years, or a secure or introductory tenancy for a fixed term of seven years or more.

7.5 The tenancy terms and conditions dated 29 September 2017 state at Part C, Repairs, paragraph 5 that:

7.5.1 “You [the tenant] are responsible for any damage caused to your home by you or anyone who lives with or visits you. As we are not responsible for repairing any such damage, you must pay us for any necessary repairs. However, we will give you a chance to carry out the repair.”

7.6 Section 151 of the Commonhold and Leasehold Reform Act 2002 (which replaced the previous consultation procedure in the Landlord and Tenant Act 1985, section 20 though the old title ‘section 20’ is still used) sets out the requirements for consulting leaseholders. Under the provisions of s151 Landlords must consult leaseholders before carrying out qualifying work or entering into a long-term agreement for providing services. S20 does not apply in this case.

7.7 The individual leaseholder’s repairing responsibilities will be set out in their lease. There are several variants of the RTB lease so each leaseholder’s responsibilities should be checked before action is taken against them.

8.0 Equality Implications

8.1 Pursuant to section 149 of the Equality Act 2010 (“the Act), the Council has a duty to have ‘due regard’ to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, advancing equality of opportunity between persons with a protected characteristic and those without, and foster good relations between persons with protected characteristics and those without.

8.2 The Council has completed an Equality Impact Assessment (EIA) of the Policy in order to ensure that no one with a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including political opinions), sex or sexual orientation) will be adversely affected by the implementation of this policy. The results will be provided to Cabinet for consideration when the report and policy are submitted for a decision.

8.3 Particular emphasis will be placed on safeguarding residents with diagnosed or suspected mental health issues.

9.0 Human Resources / Property Implications

9.1 None

10.0 Consultation with Ward Members and Stakeholders

- 10.1 All key stakeholders have been fully consulted on this policy and their feedback has been incorporated in developing the attached policy for consideration by Cabinet.
- 10.2 The draft policy has also been shared with residents as part of the formal consultation process.

Report sign off:

PHIL PORTER

Strategic Director, Community Wellbeing



LONDON BOROUGH OF BRENT

Rechargeable Repairs Policy

2020-2024



1.0 Introduction

This document sets out the recharge policy for tenants and leaseholders (residents) of Brent Council. It is relevant to current tenants, former tenants and leaseholders through responsive repairs, service charges and void works as well as the financial recovery of garage repairs, household clearance, vehicle removal and garden maintenance.

The Council Tenancy Agreement states, amongst other things, that the Tenant, those living with the Tenant and their visitors must take reasonable care to prevent damage to the property, decoration, fixtures and fittings, Council supplied furniture (if applicable), communal areas and neighbouring properties.

The Lease Agreement states, amongst other things, that the Leaseholder shall be responsible for the performance of the covenants (promises) contained in the Agreement for or relating to the repair, decoration or maintenance of the property.

The Council has different tenancy agreements, the terms of which vary. Items which are the residents' responsibility to maintain, but are repaired by the Council will be subject to recharge of the resident.

- Leaseholders are responsible for all items within the demise of their lease.
- Items that are the tenant's responsibility to maintain are (this list is not exhaustive):

- Draught exclusion, provided the doors and windows fit reasonably
- Fitting TV aerials/satellite dishes (subject to the council's permission)
- Repairing minor cracks to plaster
- Adapting doors to accommodate carpets
- Fixing minor gaps between skirting boards and doors
- Fitting extra catches and safety device to doors and windows and installing burglar alarms
- Replacing locks if you lose your keys
- Plumbing in washing machines and dishwashers
- Repairs and replacement of all floor coverings, for example carpets, vinyl, hardwood or laminated floorboards (subject to Brent's permission).

And supplying and fitting things like:

- shower heads,
- toilet seats,
- bathroom cabinets,
- towel rails,
- toilet roll holders,
- mirrors,

- plugs and chains on sinks,
- baths and basins,
- curtain rails,
- washing lines,
- tidy-driers,
- rotary driers,
- plugs,
- light fittings,
- shelving
- coat and hat hooks

The Council recognises that the vast majority of residents have high standards and will look after their homes. However, there are a small number of residents who may not look after their homes or take responsibility for ensuring they comply with the terms and conditions of their tenancy or lease relating to property standards. The intention of this policy is not to penalise residents for accidental damage. This Recharge Policy provides guidance to residents and to the Council and each case will be dealt with on its merits. In line with this Policy, the Council has the tools to be able to re-charge the residents who do not comply; and thereby help to keep rents and service charges low.

This policy applies across all tenancy and property services functions at Brent Council.

2.0 Equality and Diversity

This policy supports the Council's commitment to championing equality and ensuring procedures are in place so all residents are treated fairly and without unlawful discrimination in line with the Equality Act 2010.

The Council is committed to providing a fair service to all its Residents. The Council aim to treat all customers fairly, and with respect and professionalism. To this end the Council will ensure that no individual is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including political opinions), sex or sexual orientation.

3.0 Links to the Council's corporate aims

Our [Borough Plan](#) sets out a clear commitment to make Brent a great place to live and work, where people feel that they have opportunities to change their lives for the better. It should be read alongside the Council's [Tenancy Strategy](#), [Allocations Scheme](#) and [Homelessness, and Rough Sleeper strategy](#).

4.0 Policy objectives

The Recharge Policy sets out which repairs the Council is responsible for and which repairs are the responsibilities of the resident.

The objective is to recover costs of rechargeable work. The definition of work that is rechargeable is work that the Council is not responsible for (as set out in section 1.0 above), any repair needed that is not due to fair wear and tear, or work that has to be undertaken when the resident

has failed to do so after a request from the Council such as clearing items from outside the property or maintaining gardens.

The charge for any work will be determined through reference to the National Housing Federation book, known as M3NHF Schedule Responsive Maintenance and Void Property Works.

The aims of the recharge policy are to:

- Promote a responsible behaviour from Residents towards their property proactively through the provision of information and support and reactively by ensuring that costs, where justified, are pursued from those who are negligent or deliberately cause damage.
- Ensure rechargeable items are set out with transparency, clearly communicated and dealt with efficiently and fairly.
- Recover the costs of rechargeable items, where justified, from current and former Tenants, those who have previously received short-term recoverable financial assistance and Leaseholders.
- Maximise income by the recovery of debts owed relating to rechargeable items in the interest of both the Council and its residents whilst having regard to the Council's overall statutory duties including to the vulnerable (such as through the provision of affordable repayment plans).
- Repairs required as a result of negligence by a resident (or their visitor).
- Malicious damage which has not been reported to the Police, or has not been classed as a crime by the Police (e.g. wilful damage caused by residents, their visitors or pets to any part of the property or communal areas through an act of violence or mistreatment).
- The cost of removing graffiti and rectifying damage where this has been done by the resident or visitors to the property.
- Residents who have made alterations to properties without the correct written permission, and where the work is not to Brent's void standard, will have to return the property back to its original condition or be recharged for this work.
- Items cleared from communal areas, where residents have been formally asked to remove them.
- Legal action to gain access. Where the provision of access was enforceable under the terms of the tenancy agreement or lease.
- Other court costs and legal fees. There are occasions where it might be necessary for the council to take a resident to court (e.g. possession proceedings for non-payment of rent/services charges, Anti-social behaviour or other reasons). Where awarded the resident will be responsible for costs incurred.
- Replacement of lost or broken key fobs.
- The storage of residents' goods following eviction.

4.0 Identifying rechargeable repairs

Listed below are the types of works and repairs that might be rechargeable (this list is not exhaustive):

When a tenant ends their tenancy, Brent will consider recharging for the following items:

- Missing items (e.g. fire doors)
- Property alterations
- Damage other than fair wear and tear
- Clearance of rubbish and floor finishes (including items left in loft spaces, gardens and communal areas)
- Removal or lopping of trees and garden clearance where this was the residents' responsibility and has not been maintained.
- Removal or making good of residents' fittings or fixtures.

A final inspection of the property should be carried out by a Housing Officer before the property is vacated to ensure all Rechargeable Repairs have been completed to the Council's satisfaction.

5.0 Calculating the cost/payment of recharges

Once a Rechargeable Repair has been identified, a report will be compiled highlighting each item, details of the repair(s) and an estimated cost. This will be used to create an invoice for the cost of completing all of the listed works. This invoice will be issued to the resident.

The costs of Rechargeable Repairs are based on the repair costs (usually in accordance with the schedule of rates unless a specialist repair service is required) and might vary. Admin fees will be charged at £20 or such other amount as from time to time might be agreed by the Council.

If there are multiple debts owed by the Resident, the payment of rent arrears will always be the priority debt.

Where Resident(s) are unable to pay the amount due for a recharge in full, a repayment plan can be discussed with Tenancy Services and, if appropriate in the particular circumstances of the case, agreed at a reasonable/affordable level.

Payments can be made via standing order or direct debit.

Where an invoice is raised against an estate and there are no funds available, the executor/administrator of the estate, next of kin or other persons managing the financial affairs must provide a copy of the deceased's closing bank statement.

Residents should not need to wait for a reminder to pay outstanding charges if they know that the payment is due.

6.0 Enforcement

Where an invoice has been issued but the Resident fails to pay the sums owed, the matter will be dealt with in accordance with the Council's debt recovery procedure (including in accordance with any legislative requirements under the relevant provisions relating to Tenants and the relevant provisions relating to Leaseholders).

7.0 Disputes & exceptions

Subject to any legislative requirements, disputes of recharges and the evidence to support the dispute, must be received in writing by the Head of Housing & Neighbourhoods (or an officer nominated for the

purpose by the head of Housing) within 10 working days of the invoice been sent and should meet the following criteria:

- Proof of how the damage was caused (i.e. the tenant/leaseholder was not responsible. E.g. with a crime reference number).
- Evidence of vulnerability to support dispute.
- Evidence of severe financial hardship.
- Where there is a safeguarding issue (such as domestic violence).

When a dispute is lodged a decision will be made in writing to the Resident within 20 working days. It is the resident's responsibility to provide the requested evidence. If not received, then it will be assumed that the resident(s) no longer wishes to pursue the matter.

The Council will fully investigate any disputed rechargeable costs. If after investigation the original costs are upheld, the resident/person responsible will be advised that steps will need to be taken to repay the amount owing. Or if they remain dissatisfied with this, residents can make complaints relating to administrative aspects of the appeals process (such as, was the appeal considered within a reasonable time scale, was all the relevant evidence considered, etc.), not the substance of the appeal itself.

The cost of a recharge might be waived (in full or in part) in exceptional circumstances where evidence can be provided to justify such waiver, e.g. it might be appropriate to waive if the Resident has a disclosed, prolonged or considerable disability, mental health issue, learning difficulties or where a recharge would result in considerable financial hardship.

The Council has the right to refuse to carry out Rechargeable Repairs providing that by doing so, the Council are not placing the Tenant/Leaseholder or any other residents at risk of harm and the Council is not acting in breach of any legal obligations to the Tenant/Leaseholder. Reasons for this include requests for additional works where previous payments have not been made or repayment plans have not been kept.

8.0 Monitoring and review of policy

This Rechargeable Repairs Policy will be reviewed on an annual basis to ensure it remains relevant in accordance with other service policies.

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Rechargeable Repairs Policy
DEPARTMENT:	Housing
TEAM:	Property Services service
LEAD OFFICER:	Valesca Wilton-Smith
DATE:	22 March 2021

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 of its objectives and the intended results.

The purpose of the Rechargeable Repairs Policy is to be able to recharge former and current tenants and leaseholders of Brent Council for responsive repairs, service charge and void works as well as the financial recovery of garage repairs, household clearance, vehicle removal and garden maintenance, which result directly from their action(s) or negligence.

Having this policy in place will contribute to the effective maintenance of Brent Council's housing stock as well as related spend as rechargeable repairs do have a significant impact on expenditure.

The ability to recharge residents who are negligent or cause intentional damage will also assist in changing behaviours, as residents will be held to account for their actions.

We acknowledge that some people are currently struggling financially and now may not seem the best time to introduce a policy such as this. However, majority of people do look after their homes and not only do we want to encourage them to keep doing so, we do not believe it is right that they pay for those who do not.

In addition, a number of residents also suffer from diagnosed and undiagnosed mental health issues. Safeguarding policy will be followed in these instances.

Therefore, the primary objective of the policy is to discourage wilful neglect and/or abuse, rather than being punitive.

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

- All Brent residents who live in social housing
- Leaseholders

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.

Yes, specifically:

Equality of opportunity is expanded by placing a duty on the council to have due regard to the need to remove or minimize disadvantages connected to a characteristic of a protected group; take steps to meet the needs of protected groups; and to encourage participation of protected groups in public life where participation is proportionately low.

In relation to fostering good relations, there is a duty to have due regard to the need to tackle prejudice and promote understanding.

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.

There is little evidence that can be considered for this analysis. The intention of this policy is only to discourage wilful neglect and/or abuse and we take due care in ensuring residents understand the Council's expectations about the condition of the property and their responsibilities when they move in to the property, therefore our judgment is that recharges will necessarily not impact any particular demographic group. We expect that, in line with the policy, recharges are proportionate to the repair works required and will not have an outsized financial impact on residents.

In order to ensure our judgment of the impact is correct, going forward we will monitor:

- Number of recharges and the demographics of the recipients
- Financial impact on recipients

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	<p>There may be a negative impact on “young” tenants – who might be more reckless, more prone to damage council property in anger or have friends who cause damage from wild parties, they generally have less money than other tenants or leaseholders - but this could potentially be mitigated, by early engagements with problematic tenants who are known to police, entering into ABCs, injunctions etc.</p> <p>There may be a potential negative impact on “elderly” tenants – who might cause damage as a result of falls in the home, installing unauthorised adaptations in the home as a consequence of old age, mobility and other aids, damage caused by aggression associated with dementia and alzheimer's or an inability to care for themselves, causing deterioration in the property beyond wear and tear. The mitigations can be the same as for disability individuals.</p>
DISABILITY	
Details of impacts identified	<p>There is potential for a negative impact amongst disabled residents, as they are more likely to cause internal damage to their properties due to the use of mobility and other aids. To mitigate this impact, in line with the Rechargeable Repairs Policy, we will take the decision not to recharge repairs that arise as a result of these circumstances. Disabled residents may also have accessibility barriers to understanding the policy, therefore all communications to residents will be made available in a variety of formats to suit particular needs.</p>

RACE	
Details of impacts identified	There is a potential for negative impact amongst residents where certain groups of residents may face language barriers. To mitigate this impact, all communications to residents will be made available in other languages as needed to ensure accessibility.
SEX	
Details of impacts identified	
SEXUAL ORIENTATION	
Details of impacts identified	N/A
PREGANCY AND MATERNITY	
Details of impacts identified	N/A
RELIGION OR BELIEF	
Details of impacts identified	N/A
GENDER REASSIGNMENT	
Details of impacts identified	N/A
MARRIAGE & CIVIL PARTNERSHIP	

Details of impacts identified	N/A
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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?

Two consultations took place. The first was via online surveys. Little interest was shown by residents regarding participation. This was despite several attempts at promoting the engagement opportunity over several forums. 7 residents participated in the survey.

The residents were all in the 40 to 70 age group; and comprised 6 tenants and 1 leaseholder. The demographics were:

- 3 ladies
- 4 men

The results of the survey were inconclusive. Therefore a further on-line consultation took place with open questions. This provided a better understanding of residents' perspective.

The key feedback was:

1. Residents agreed that the policy was fair but had to be correctly administered.
2. Residents did not want to subsidise costs arising from other tenants who did not look after their homes.
3. Residents had some concern about the policy being utilised where the Council was not delivering the required level of service.

The only comment about inequality was that the policy may have a greater impact on poorer residents. However, it was pointed out to the group that officers had discretion in these situations.

Unfortunately, there was no great interest in residents participating in the consultation. This is not unusual as higher interests are usually seen when residents perceive that a policy is punitive and/or will have an adverse effect on them.

As such, we don't believe further consultation will add any value.

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

None

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

N/A

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

- Monitor number of recharges and the demographics of the recipients
- Monitor the financial impact on recipients
- Following the six-monthly review, the EIA will be updated with additional data and conclusions

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.

Based on the level of resident participation, it is unfortunate that a robust equalities analysis has not been possible. Having said that, the feedback received has informed some amendments to the original draft policy.

While there is potential for negative impact on disabled residents, there is already mitigation within the policy as we will take the decision not to recharge the resident where damage has occurred due to the use of mobility aids/etc.

There is also the potential for negative impact on younger and older residents. There is mitigation within the policy to support both age groups, and especially the elderly. The younger age group will benefit from early intervention, the older age group will benefit from a more considerate approach.

In addition, officers will ensure that the application of the policy is clearly communicated to residents who do not have English as a first language. Officers will be empowered to use their discretion where there is evidence that the resident does not clearly understand the policy and its implications. As these are tenants and leaseholders of the Council, officers are already in regular communication with them and are aware of the appropriate channels and language to use when doing so.

The intention of this policy is to discourage wilful neglect and/or abuse and we take due care in ensuring residents understand the Council's expectations about the condition of the property and their responsibilities when they move in to the property, therefore our judgment is that recharges will necessarily not impact any particular demographic group.

We will also ensure that the Safeguarding policy is followed in terms of dealing with vulnerable residents and those who have diagnosed or suspected mental health issues.

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
Monitor number of recharges and the demographics of the recipients	Policy demonstrates fairness amongst all demographics.	Valesca Wilton-Smith	6 monthly
Monitor the financial impact on recipients	Recharges in line with the policy are proportionate to the specific recharge.	Valesca Wilton-Smith	6 monthly
EIA will be updated after reviews to reconsider the implications in light of the new data		Valesca Wilton-Smith	6 monthly

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Valesca Wilton-Smith
REVIEWING OFFICER:	Bryony Gibbs
HEAD OF SERVICE:	Giuseppe Coia 17 April 2021

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Rechargeable Repairs Policy – Focus Group Consultation Feedback

1.0 Purpose of this Report

- 1.1 The purpose of this report is to update the consultation on the Rechargeable Repairs Policy. A virtual Focus Group discussed the policy and attendees raised any opinions and concerns.

2.0 Background

- 2.1 The initial resident consultation that took place 19th December, until 13th of January did not provide sufficient feedback (the consultation received seven responses by 4th January 2021).
- 2.2 The survey questions in the consultation did not relate closely enough to the Policy. Therefore the discussion points used in the Focus Group were broader and open-ended. This allowed residents to discuss their views in a more informal setting, which allowed us to gain more insight into their honest opinions and concerns.
- 2.3 Seven Brent Residents attended the Focus Group. All seven residents are members of Brent Resident Associations. There was one leaseholder and six tenants present at the meeting.

3.0 Focus Group Questions and Summary

- 3.1 Five discussion points informed the Focus Group. These are detailed in Tables 1-5 below.
- 3.2 Tables 1-5 summarise the responses to the discussion points. Overall, the attendees were supportive of the Policy.
- 3.3 The responses detailed in the tables below are close quotes from the attendees.

Table 1.

Discussion Point 1		
1	The principle of recharging residents. Do you agree or disagree with the principle of recharging residents?	
1		<p>"Whilst I've been working from home I have been talking to residents and it would be a good idea to start charging the residents who constantly damage their properties. Say for instance, someone like me, who takes good care of my property, when I want something, the Council cannot do it because it is out of budget. It is a good idea - from what I hear from residents it would help them, it would give them a bit more confidence in the Council that they are actually taking steps and not just being taken for granted when something's broken. There is a mentality of 'yeah it's okay the Council will fix it.'"</p>
2		<p>"One of the problems we seem to have is where people put fat and grease down their drains and they get blocked. Instead of charging the individuals who have done the damage, it seems to go across the Estate; everyone in the block has to pay for the work. I think everyone should be responsible for where they live and their surroundings"</p>
3		<p>"I am wondering when we start on this, it is true that everyone should be responsible; the Council should quite rightly put this amendment out. However, they should be mindful that there are many places that are not as fortunate as others; some areas are abused by strangers, using parking spaces, urinating etc. How does the Council go about ensuring that the right people are punished? Before we look at punishment let us look at something else. The Council has done a fantastic job but we need to see the Council move towards fixing existing problems or dealing with things in the pipeline and having information on this relayed to the tenants. Once we see something is happening then you can implement these packages. Would not like to think that this Council or any council would hide behind the Covid-19 situation and punish those already facing dire straits. Must be mindful of the impact that this pandemic has caused throughout the world. The Council has beautiful ambitions but these are restricted by funding. If the Council can find a way to put something into the community that will ignite it after Covid-19, even if that is positive information, residents need more feedback from the council."</p>

Table 2.

Discussion Point 2		
2	Should residents receive a reduced service if there are outstanding recharges? If so, what form could that take?	
1	<p>"I agree. Services should be reduced. There is one example of a tenant having work done to the house constantly because of damage. My personal views and the views of the other residents is leave the person in that situation until they respect the property that they are living in. 'Don't worry the Council will come and fix the damage mentality'. People seem to learn, might appreciate what they are losing out on."</p>	
2	<p>"If someone is damaging their property, charge them. If they do not want to pay, that becomes a problem with the tenancy. I cannot see any other way of getting around it. Brent can go and repair many times if the person does not take any notice and they know that they are going to get it done - what is the point? If they are damaging the property they should be punished."</p> <p style="text-align: center;">What form could this take?</p>	
3	<p>"Financially penalise them. Make this effective to the rent or a service charge, dependent on whether it is a council tenant or a leaseholder. If they receive a financial penalty, they will not do it again."</p>	
4	<p>"It is a justifiable punishment to punish people for deliberate action. Whoever is in the property must be held responsible. Leaseholder must take it up with that client and must get remittances for the damage that has been done. Continuous repairs can be put on the back burner. However, we should consider starting afresh after Covid-19. The Council must find a way to check up on people. Having a sense of community spirit means that you will have to punish people who will go against the grain."</p>	

Table 3.

Discussion Point 3		
3	<p>When should exemptions from recharges be valid?</p> <p>Under what circumstances should Brent waive recharges?</p>	
1	<p>"Mental Health issues. A lot of this is present in the community and a lot is hidden. If a GP or practitioner supports someone's case, that person can be exempt but not permanently exempt - exempt with a view to change it. This change might be taking medication and following doctor instructions, if one does not do that it is like breaking the terms of the tenancy. It would be justified to deduct from benefits if one</p>	

Discussion Point 3		
		is not put in object poverty. The very elderly, hold on to the stiff upper lip but we must make ways to reach them. They might incur punishment before they are aware of what's going on, all that is raised in administering this 'punishment', going to have to recover funds where is justifiable. A lot of plans in the pipeline that could not have foreseen Covid-19, people will have to be patient and help the council to reach their goals."
	2	"The elderly, those on pension credit, families with young children. Children can misbehave and damage things. Do not want to be too harsh."

Table 4.

Discussion Point 4		
4	Are there any recharge items listed that you did not agree with?	
	1	"One must look at the other side to this coin. Main contractors' work is subcontracted and work carried out in a sloppy way - have to look into that to make sure that the tenant has to call back. Not taking that the tenant is repeating this action. Finance permitted, Brent should designate someone or give somebody a job whereby they can go with proper training to make sure that jobs are correctly done. Residents are inadvertently paying for the same job more than once and some of the work is still not done. People sometimes coming and doing jobs and cannot communicate with the tenant, little things Brent might not be aware of. Have to look at the tenant side."
	2	Resident posed the question: "Could we charge the Council for repairs that have not been carried out and we have had to do ourselves?"

Table 5.

Discussion Point 5		
5	Are there any recharge items that are not listed that you think should be included?	
1		The attendees did not explicitly name any recharge items to be added to the Policy. However, several of the attendees referred to issues with fly tipping in their estates. Therefore, this would be a worthy recharge item to consider adding to the Policy.

4.0 Summary, Analysis and Recommendations


- 4.1 Overall, the residents were supportive of the Policy. Many of the attendees cited personal experiences whereby the Policy would have been beneficial and effective.
- 4.2 There was some difficulty in viewing the Policy as a preventative measure rather than a punitive one. Therefore, it may be useful to emphasise further the nature and objectives of the Policy.
- 4.3 Additionally, it may be useful to make it clearer that the policy aims to punish *wilful* damage to properties, as there was also confusion around this.
- 4.4 The attendees suggested few changes to the policy. However, one resident suggested that the Council should consider implementing the Policy after the pandemic as to ensure that those facing financial hardships did not suffer further.
- 4.5 Several of the attendees highlighted that fly tipping was an issue for many residents. Therefore, it would be valuable to add 'fly tipping' to the list of recharge items.
- 4.6 Additionally, it is important to consider that the Policy should apply to repairs that the residents are responsible for but are unable to complete themselves and will not just be applied in the event of wilful damage. For example, renewing a toilet seat.
- 4.7 The attendees did not explicitly highlight any recharge items that they did not agree with. However, one attendee noted that some of the work and repairs carried out by contractors is of a poor standard. In this case, if a resident was recharged for a repair that was the fault of the contractor's substandard work, it would be unjust to issue a recharge.
- 4.8 The attendees cited four main resident groups that should be exempt from the Policy. These were; those with mental health issues, those on pension credit, families with young children and the elderly. Something that the attendees noted was that this should not be a permanent exemption in some cases. The example used was if someone with mental health issues was not taking their medication or

the advice of their GP or doctor then they should no longer remain exempt from the Policy.

4.9 The attendees highlighted communication with residents is a recurring issue and, therefore, the means of accessing the Policy and issuing recharges must be monitored and altered accordingly. One attendee used elderly residents as an example group. For example, if the Council issued an elderly resident a recharge and they were not aware of the Policy or the recharge items listed, it would be unjust to issue said recharge.

4.10 The attendees also agreed that residents who did not comply with the Policy should receive a reduced service until recharge fees were paid.

4.11 Overall, the focus group attendees supported the policy with the above amendments to be considered.

 Brent	Cabinet 19 th July 2021
	Report from the Strategic Director of Regeneration and Environment
Article 4 Directions - Removing Permitted Development Rights	

Wards Affected:	All, excluding parts of Harlesden, Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
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:	Seven (Addendum added 16/07/21) Addendum to original report Appendix 1 - Permitted Development for buildings that include non-dwelling uses Appendix 2 - Boundaries of Article 4 for SIL and LSIS to remove permitted development right for Class MA commercial, business and service uses to dwelling houses and Class ZA demolition of buildings and construction of new dwelling houses in their place Appendix 3 - Boundary of Article 4 for Class MA commercial, business and service uses to dwellinghouses and Class ZA demolition of buildings and construction of new dwelling houses in their place for all draft Local Plan site allocations Appendix 4 - Boundary of Article 4 to remove permitted development right Class MA commercial, business and service uses to dwellinghousesat ground floor level and Class MA for use class E(g)(i) offices to dwellinghouseson

	<p>non-ground floors for all town centres as identified in the draft</p> <p>Appendix 5 - Boundary of Article 4 for remainder of the borough to remove permitted development right Class MA for change of use of office, research and development and light industrial to dwelling houses</p> <p>Appendix 6:- (Addendum) Overview Map of Town Centres Primary Shopping Areas as shown in draft Brent Local Plan 2021</p>
Background Papers:	<p>Article 4 Direction: Office, Light Industrial and Storage or Distribution Centre to Residential Cabinet 24th July 2017</p> <p>Article 4 Directions to Remove Permitted Development Rights for Changes of Use from Office and Light Industrial to Residential and also from Residential to Houses in Multiple Occupation</p>
Contact Officer(s): (Name, Title, Contact Details)	<p>Paul Lewin Team Leader, Planning Policy Tel: 0208 937 6710 paul.lewin@brent.gov.uk</p>

1.0 Purpose of the Report

- 1.1 This report provides an update on some recent changes to the planning system, some implications and some options open to the Council to restrict the new permitted development (PD) rights. It recommends that a number of non-immediate Article 4 directions for Cabinet approval. It seeks approval for the delegation of consideration of representations received and the decision on whether to confirm the Article 4 directions to the Strategic Director of Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning.

2.0 Recommendations

- 2.1 That Cabinet note the changes to the planning system and the options for Article 4 Directions available.
- 2.2 That Cabinet approve the making of Article 4 Directions removing the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permitted development rights for:
- A) Class MA commercial, business and service uses to dwelling houses and Class ZA demolition of buildings and construction of new dwellings in their place for all Strategic Industrial Locations and Locally Significant Industrial Sites designations within the draft Brent Local Plan as set out in Appendix 2;
 - B) Class MA commercial, business and service uses to dwellinghouses and Class ZA demolition of buildings and construction of new dwellinghouses in their place for all draft Local Plan site allocations as set out in Appendix 3.

- C) Class MA commercial, business and service uses to dwelling houses at ground floor level for all designated town centres and Class MA for use class E(g)(i) offices on non-ground floors as identified in the draft Brent Local Plan as set out in Appendix 4.
- D) Class MA for office, research and development and light industrial (Use Class E (g)) in the remainder of the borough outside areas covered by a), b) and c) recommended above as set out in Appendix 5.

2.3 That Cabinet approves the delegation of consideration of representations received and the decision on whether to confirm the Article 4 directions to the Strategic Director of Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning.

3.0 Detail

3.1 The most significant of the recent changes to the planning system are to the Use Classes Order (which enables activities to change to other uses within the same Class) and to PD rights through the General Development Permitted Order (which allows some development without the express consent of the planning authority) (GDPO).

Changes to the Use Classes Order

3.2 In July 2020, changes effectively combined six existing use classes and incorporated many uses within two others into one new use - Class E – as set out in Table 1. Moving between uses within class E is not defined as development.

Table 1: Former Use Classes Now within Use Class E

Use Class Until 31 st August 2020	New Use Class from 1 st September 2020
A1 - Shops (part) Shops, retail warehouses, post offices, ticket and travel agencies, sale of cold food for consumption off premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes	Class E (a)-(g) Commercial, Business and Service Retail and shops Restaurants and Cafes Some financial and professional services Offices Indoor sports, fitness and recreation Nurseries and crèches Light industry Research and development facilities Health and medical facilities
A2 -Financial and professional services (Banks, building societies, estate and employment agencies, professional services (not health or medical services))	
A3 – Food and drink Restaurants and cafes	
B1 – Business B1 a. Office other than a use within Class A2 B1 b. Research and development of products or processes B1 c. For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	

Use Class Until 31 st August 2020	New Use Class from 1 st September 2020
D1 - Non-residential institutions (part) Clinics, health centres, crèches, day nurseries, day centre	
D2 – Assembly and leisure (part) Gymnasiums, indoor recreations not involving motorised vehicles or firearms	

- 3.3 This flexibility brings opportunities to ensure occupation of premises, which could be helpful in reducing vacancies. It also however, impacts on how the Council can effectively plan to meet a wide range of land use needs in the right locations. Now any existing light industrial building or group of them of any size in any location can become either wholly retail, restaurant or leisure, or a mix of these uses. This is incompatible with national planning policy requiring a sequential approach to ‘main town centre’ uses, with ‘out of centre’ locations only being allowed if no town centre options exist. It is not yet clear how owners, developers and occupiers will respond to this new flexibility.

Changes to PD Rights to Allow New Dwellings

- 3.4 Since 2013 the Government has introduced a number of PD rights, subject to some conditions and a need for prior approval in relation to specific criteria. The intent is to increase the number of homes.
- 3.5 The range of conditions and prior approval matters have got more numerous over time. Where relevant, these are set out in this paper.
- 3.6 These provisions cover:
- 3.7 **Change of use:** Commercial (eg offices/light industry) to residential, now with minimum size requirements, and retail, financial and professional services, hot-food takeaways, offices, betting shop, payday loan or launderette of up to 150 sqm to residential.
- 3.8 **Extensions:** up to two storeys on existing purpose built detached blocks of flats, detached, semi-detached and terraced properties, and for buildings in a mix of commercial (retail, financial and professional services, restaurants and cafes, offices, betting shop, payday loan or launderette) and residential use. These rights apply to properties built after 1st July 1948, which means the majority of the residential building stock of Brent is excluded. There will be some properties where it is likely to be attractive for developers (including the Council on its stock).
- 3.9 **Demolition and new build** of a building with a footprint of less than 1000 sqm within that footprint up to 2 storeys higher (up to a maximum 18 metres in height), if the building was in residential, office, research and development or light industrial use or any mix of those uses. The premises need to have been vacant for at least 6 months and be built before 1 January 1990. It also has a number of prior approval requirements and conditions.

- 3.10 Appendix 1 provides an overview of permitted development Classes for new dwellings where there is an existing use that is not a dwelling.

Use Class E permitted development rights

- 3.11 From 21st April 2021 PD rights essentially allow all Class E uses to change to residential. This applies for premises up to 1,500 sqm in continuous E use for at least two years that have been vacant for at least 3 months. Some other conditions apply and prior approval matters need to be addressed. These however are limited in scope and focus on impacts on potential occupiers or neighbours of the development e.g. transport impacts/highways safety, contamination risks, flooding, noise from commercial premises on occupiers, adequate natural light in habitable rooms, impact on occupiers if located in an area important for heavy industry, waste management and storage and distribution, or where it would result in the loss of a nursery or health care facility for which there is a need.

Use Class E Office to residential permitted development where an Article 4 direction preventing such a change of use exists

- 3.12 Brent has three Article 4 directions removing office and light industrial to residential PD rights in Wembley (office only) and Alperton Growth Areas, SIL and LSIS (office and light industrial), and then the rest of the borough for office and light industrial (where the Council is the planning authority).
- 3.13 The legislation for Class E sets out that where an existing Article 4 direction restricts such development, a change of use of offices to residential is prevented prior to 1st August 2022. This grace period theoretically allows time for authorities to introduce replacement non-immediate Article 4 directions. These require at least 12 months' notice to remove the potential for parties adversely affected through loss of PD rights to claim compensation. If approved by Cabinet and subsequently confirmed, it is likely that appropriate replacement non-immediate Article 4 directions could be effective from 1st August 2022.

Government consultation on Potential Changes to the Use of Article 4 Directions.

- 3.14 In January 2021 draft amendments to the National Planning Policy Framework (NPPF), including on Article 4s, were published. Previously Article 4s could be introduced where an inability to otherwise control development would have a significant impact on amenity, or prejudice the proper planning of an area. The draft NPPF sets out that Article 4s should only apply to the smallest geographical area possible used where:
- a) essential to avoid wholly unacceptable adverse impacts, or
 - b) necessary to protect an interest of national significance.
- 3.15 The Secretary of State has previously intervened in Article 4s to limit their geographical extent, and Borough wide ones have been discouraged.
- 3.16 Of the two draft NPPF options, criterion a) could be applicable in terms of justification for the Council depending on the Secretary of State's interpretation. Final wording of the NPPF is expected in late summer. Further amendments

to existing permitted development rights are also proposed to reflect the introduction of Class E.

Locations where changes in permitted development rights that allow for new residential dwellings may prejudice the proper planning of an area

- 3.17 Movement within use class E is not development and in most cases beyond Council control. Exceptions are where there are conditions on a development to limit it to a specific use or part of a use class e.g. to restrict a property to light industrial within SIL or LSIS. It is likely that where planning permission is required and where it can be justified, similar conditions will be applied in these areas. This will prevent loss of land prioritised for industrial development to a wider range of E uses in the future.
- 3.18 The Council does, through Article 4 directions, have scope to limit PD rights. Providing more homes is clearly a priority but this has to be balanced against other factors, such as the NPPF's requirement to positively plan for and meet the needs for main town centre and also a range of employment uses.
- 3.19 Taking account of the existing and proposed changes to PD rights, there are some key issues that might prejudice the proper planning of Brent. These are the potential harm caused through the:
- a) Loss of 'employment' floorspace when taking account of known limitations on the likely ability to meet current and predicted needs;
 - b) Incursions of residential within designated industrial locations, reducing their flexibility for a wide range of industrial uses, hours of operation for those industrial uses and the viability of those industrial areas;
 - c) Potential harm to the vitality and viability of town centres through the inappropriate incursion of dwellings into ground floor frontages.
 - d) Loss of individual retail units or those within local parades; and
 - e) Undermining of site specific allocations seeking comprehensive development that would provide replacement employment floorspace or larger increases in dwelling numbers.

Loss of office, research and development and light industrial floorspace

- 3.20 The rationale for the current article 4 directions restricting PD rights for office and light industrial to residential are still considered relevant, perhaps even more so. Predicted significant loss of occupied office space through PD allowed prior to Article 4s coming into effect has occurred. The draft Local Plan encourages further office development particularly in Wembley and contains policies that prevent loss across the borough, unless it is unviable, or sufficient replacement floorspace is provided in association with developments. Local Plan viability assessment evidence 2020 and 2021 indicates that pure new build office developments are unlikely unless cross-subsidised as part of place making. There is limited likelihood of new space making up for potential future losses if PD rights proceed.
- 3.21 The loss of industrial floorspace and land over the last 20 years within Brent and London has been extensive, and far greater than planned. This, together

with increases in the need for storage and distribution means there is now a shortage of space in Brent and across west London. Vacancy rates are below 5%, lower than is considered minimum in terms of facilitating easy movement of firms between premises. The London Plan Industrial Development and Land Study (LIDLS) 2017 and the West London Employment Land Evidence 2018 study both indicate the need for additional industrial land within the borough. In the case of LIDLS, this equates to 46.3 hectares or around 300,000 sqm of floorspace in the period to 2041. Rents are increasing significantly, due to lack of stock but have not risen to a level where building new premises providing additional floorspace is occurring.

- 3.22 Providing more floorspace will therefore require intensification of existing land and premises. This is currently costly and is mostly unviable without support from residential development. Against this background, PD rights that result in the loss of research and development and light industrial floorspace will further prejudice the ability to achieve Local Plan targets to meet industrial needs.
- 3.23 The GDPO Class MA and Class ZA could result in existing employment accommodation being lost. Requiring a planning application enables an assessment of the quality of the existing employment floorspace and its viability for potential occupation. This is less likely to result in tenants in higher quality premises not having their leases renewed and space suitable for occupation from being lost. For sites where Class ZA redevelopment would otherwise occur, the Council will have the opportunity to test whether consistent with development plan policies that the maximum viable amount of employment floorspace is being re-provided.

Inappropriate incursions of residential within designated industrial locations.

- 3.24 The prior approval process for Class MA includes an assessment of 'impact on occupiers if located in an area important for heavy industry, waste management and storage and distribution'. However the conditions do not sufficiently cover the 'agent of change' principle, and fail to take account of the fact that many estates are designated on the basis that they can meet a range of occupier needs over a long period. What might contain a majority of light industrial uses currently should have the flexibility to be used for the whole range of industrial uses that might be inappropriate within a residential setting.
- 3.25 This is reflected in London Plan and Brent Local Plan policy. Even if the residential development can overcome impacts of adjacent uses e.g. noise, emissions, dust, etc, it could compromise the net developable area or volume of building that could be accommodated on an adjacent industrial site, compared to if light industrial use remained. The increased need for storage and distribution in particular is driving the need for additional industrial land within the borough. These can require 24 hour operation. In addition, due to lack of available industrial land, existing industrial areas will have to intensify floorspace capacity through larger buildings within plots.
- 3.26 For Class ZA the conditions are more robust on protecting existing businesses requiring assessment of "the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place". This could be used to protect the integrity of existing designated industrial areas for long term use for a wide range of

industrial uses where they are not suitable for co-location with residential. For areas where co-location has been identified as appropriate, the principle of residential within these areas has been considered appropriate, so it would be difficult to refuse on the basis of potential harm to adjacent employment uses. A key element of the co-location policies which justify residential in those locations is re-provision of industrial floorspace to ensure in the longer term that industrial needs are met. This is whichever is the higher of 0.65 plot ratio, or existing industrial floorspace is re-provided. This cannot be enforced through the PD right. So there is the risk that no replacement industrial floorspace will be delivered, which will be inconsistent with proper planning for meeting employment needs.

- 3.27 The GDPO Class MA could result in existing office and light industrial being replaced by residential dwellings in designated industrial areas. Requiring a planning application within the designated SIL and LSIS areas enables the Council to properly assess the potential effect on the area's long term functioning in meeting for business needs. For Class ZA, the same is also potentially true for designated SIL and LSIS areas identified for co-location. Identifying the wider category of all designated SIL and LSIS area might also be beneficial. It gives a strong indication that within those areas not identified for co-location, that the Council is unlikely to support planning applications for residential uses in SIL and LSIS.

Potential harm to the vitality and viability of town centres through impact on frontages

- 3.28 The main PD rights affecting ground floor frontages of town centres are Class M and MA. Class M currently has conditions that allow the consideration of "where the building is located in a key shopping area, on the sustainability of that shopping area". This to date has allowed the Council to refuse inappropriate loss of commercial ground floor units where it would fail this test. With the introduction of Class E government is proposing to modify Class M. It will allow hot food takeaways (A5) betting office, pay day loan shop or launderettes to change use to residential. It is proposed that this condition will still apply (although this could change).
- 3.29 Class MA has no such condition and could result in any ground floor commercial unit within any town centre becoming a dwelling. This is inconsistent with the Local Plan which seeks to protect the vitality and viability of town centres by maintaining commercial frontages. In recognition that some town centres are likely to contract, the Plan allows for loss of ground floor units, outside of primary shopping frontages and seeks to do this in a controlled manner to ensure a viable core remains.
- 3.30 Requiring applications for frontages within town centres will allow the Council to ensure that national and local plan policies on ensuring the vitality and viability of town centres are maintained. Where units and frontages are unviable for the range of class E uses, policy would allow for the flexibility to allow the release of those units to residential use.
- 3.31 The conversion of commercial ground floor units in our High Streets to residential, was raised as a concern by the Public Realm Scrutiny Committee because of the issues outlined above. The Committee requested that consideration is given to the introduction of an Article 4 Direction.

Loss of individual retail units or those in retail parades

- 3.32 This issue is very similar to the town centre one, with the same PD rights potentially leading to loss. Freestanding individual retail units or small parades can meet residents' needs and provide for more sustainable 'walkable' and 'liveable' neighbourhoods, reducing the need to travel and be an integral part of place-making.
- 3.33 Class M has a condition which requires consideration of "adequate provision of services of the sort that may be provided in the building....but only where there is a reasonable prospect of the building being used for such services." This does not now apply to use class E due to the provisions of Class MA. Proposed Government changes currently identify that the condition would only apply to launderettes, whilst it would no longer apply for hot food takeaways, betting shops and pay day loan shops. The Local Plan has a policy that seeks to ensure that outside town centres a minimum range of provision of retail and service occurs. It allows its loss to residential if the unit is unviable with no prospect of an alternative commercial use and there is adequate alternative provision within 400 metres.
- 3.34 Requiring an application for retail units outside of town centres will enable the Council to ensure that minimum provision of retail type uses exists for communities. If the unit is unviable, or its loss would not result in less than minimum provision, the policy would allow for the flexibility to allow the release of those units to residential use.

Undermining of site specific allocations seeking comprehensive development that would provide larger increases in dwelling numbers

- 3.35 Changes to PD rights, particularly those that allow change to residential can impact significantly on existing land and property values. As part of the process of delivering housing targets, the Council has allocated a significant number of sites for development. Most of these encourage comprehensive redevelopment to ensure a much more effective use of land, usually by substantially increasing floorspace. A lot of these allocations are on existing designated industrial sites, and elsewhere largely have an existing element of light industrial or commercial use, which the Council seeks some re-provision of to meet needs or for placemaking purposes.
- 3.36 Prior to the Council introducing the Article 4 Directions requiring planning permission for change of use of office and light industrial to residential, there was evidence of PD rights undermining comprehensive redevelopment of site allocations. An example is the Liberty Centre in Alperton where several differently owned offices changed use to residential on parts of the site. This has made it unviable for a developer to comprehensively redevelop the whole site. Thirty dwellings have been provided. In terms of net density of the allocation overall, this is much below what is being achieved on adjacent sites that are being comprehensively redeveloped. It has also resulted in below standard dwelling sizes, poor townscape, no private residential amenity space and has compromised delivery of a continuous public path along the northern side of the canal, which all other developments to date have delivered.

- 3.37 Requiring applications for Class MA PD on site allocations will allow the Council to ensure that policy compliant outputs of allocations are not undermined. This is also likely to be the case for Class ZA development as the Council will find it difficult to substantiate an in principle objection to residential within designated industrial areas that are allocated for co-location with residential development supporting re-provision of employment and commercial floorspace. Policy requirements do not allow development unless it is consistent with a comprehensive masterplan in these areas. Ultimately this is likely to result in more dwellings of a higher quality, including affordable homes being built and re-provision of non-residential floorspace than might otherwise be the case through permitted development.

Should the Council pursue renewing existing Article 4 directions or adding new ones?

- 3.38 For the reasons identified above, some PD rights are likely to be inconsistent with policies within the development plan. This Plan is up to date, recently tested at Examination and supported by an up to date evidence base. As such they may well prejudice the proper planning of Brent by the Council.
- 3.39 Nevertheless, it is clear that Government wants to pursue these changes. The draft NPPF's provisions indicate a much more stringent testing of proposed Article 4 directions, particularly those that seek to limit the creation of new dwellings. This brings increased risk of intervention by the Secretary of State, particularly if the national significance test is applied. This ultimately could lead to wasted Council resource. Unfortunately, certainty is reduced by the draft nature of many of the changes proposed.
- 3.40 To reduce risk, as has been recommended for previous Article 4 directions, it might be more appropriate to pursue a number of discrete Article 4s that target either a separate area or separate PD right, rather than pursuing a single Article 4 direction. Whilst simpler, the more extensive any Article 4 is in the scope of PD rights removed, or in its geographical coverage, the more likely it will be subject to direction to remove some or possibly all of its provisions.

Change of use of office to residential

- 3.41 Currently change of use of all office to residential PD rights have been removed across the borough. Whilst the reasons for how new PD rights will affect the proper planning of Brent have been set out, replicating whole borough coverage, either through one, or two article 4s as is currently the case, would appear to bring significant risk of intervention.
- 3.42 For offices, if the emerging NPPF for Article 4s criterion a) is taken, 'to avoid wholly arguably unacceptable adverse impacts', it is considered that there is a justifiable case to pursue removal of change of use from office to residential rights. This is based on the significant loss of the stock since 2013 and the evidence that existing office occupiers prior to the introduction of Article 4s were being displaced from offices, with little prospect of new space being built to meet needs. In terms of geographical scope, whilst it might be a risk to have full borough coverage, this is considered appropriate due to the scale of the issue. It is however considered that at least two separate Article 4s would reduce the impact of a Secretary of State direction that could ultimately adversely affect outcomes for the whole borough.

- 3.43 If the test changes to criterion b) 'protect an interest of national significance', it is unlikely that any Article 4 for office to residential will pass without Secretary of State direction. Whilst arguably Brent provides office stock that allows companies to contribute to London's national and international role as a world city, it is at best secondary and in most scenarios, a tertiary location for those businesses not tied to any specific location.

Change of use of research and development and light industrial to residential

- 3.44 Similar to office if the draft NPPF criterion a) test is applied, it is considered that there is a justifiable case for removing change of use from research and development and light industrial to residential. This is based on the need for additional industrial floorspace within the borough as set out in the London Plan and Local Plan evidence base and policies. Whilst it might be a risk to have full borough coverage, this is considered appropriate at least to test. It is however considered that at least two separate Article 4s would reduce the likelihood of Secretary of State intervention that could ultimately adversely affect outcomes for the whole borough.
- 3.45 If criterion b) is used, to 'protect an interest of national significance', it is inconclusive if any Article 4 will pass without Secretary of State direction. The Greater London Authority (GLA) is concerned about the potential constraints on industrial supply, recognising that achieving increases to meet London's needs is challenging and that potential loss of existing stock, plus the potential for compromising designated industrial areas through residential incursions, is a significant threat. The GLA is looking to compile evidence that will support Boroughs who are seeking to justify Article 4s, on the basis of potential harm to London's ability to meet its industrial needs. Brent and West London is identified as a major constituent of providing for additional needs. As such, it could be argued that preservation of its stock is of national significance due to the contribution it makes to London meeting its needs. Although around 35% of Brent's industrial floorspace is outside designated industrial land, in this higher test scenario, an Article 4 that focussed on designated SIL and LSIS would be the more appropriate in addressing London's needs.

Redevelopment of office, research and development and light industrial to residential

- 3.46 If the draft NPPF criterion a) test is applied, it is considered that there is a justifiable case to pursue removal of Class ZA allowing redevelopment, based on the need for additional floorspace for these uses as set out in the London Plan and Local Plan evidence base and policies. In terms of scope, full borough coverage would be high risk. Early indications are that this provision is likely to have limited take up. On this basis it is considered most justifiable to focus on designated industrial areas and potentially also site allocations but in a separate Article 4.
- 3.47 If the test changes to criterion b) 'protect an interest of national significance' it is unlikely that these Article 4s would pass.

Town centre frontages

- 3.48 If the draft NPPF criterion a) test is applied, it is considered that there is a justifiable case for removing change of use from Class E to residential at least at ground floor level in primary and secondary frontages of town centres. This is based on the need to protect the vitality and viability of town centres through retention of commercial frontage cores as set out in Local Plan evidence base and policies. Whilst the inclusion of secondary frontages is a risk, it is considered appropriate to ensure the likelihood of a sensible and planned contraction of less successful town centres towards a smaller, vibrant core, rather than an alternative of staccato where commercial is interspersed with residential. Broken frontages could reduce the flexibility of the use of the remaining commercial units (particularly for a range of commercial leisure uses which will become increasingly important for town centres) which ultimately could further hasten the decline of centres.
- 3.49 If the test changes to criterion b) 'protect an interest of national significance', it is unlikely to pass.

Neighbourhood parades/ isolated retail/commercial units

- 3.50 Whilst these units perform an important function arguably in the context of proposed changes to NPPF, it is considered that the risk of Secretary of State direction to remove any proposed Article 4 direction is high.

Conclusions and recommended approach

- 3.51 The range of new PD rights along with Use Class E have created the scope for considerable change and uncertainty, compounded by the as yet unknown longer term impacts of the pandemic on business needs and town centres. Whilst potentially bringing some positives in terms of increased flexibility and the provision of new homes, the changes create risks to delivering London Plan and Brent Local Plan policies and desired outcomes. This is in particular in providing sufficient floorspace and suitable locations to meet a wide range of business needs, protecting the vitality and viability of town centre frontages and local place-making/ sustainable neighbourhoods.
- 3.52 The draft NPPF policy on Article 4 directions makes it difficult to be sure of the likely outcome. Article 4s that are extensive in their scope and geographical coverage are unlikely to be able to progress due to Secretary of State directions. This may still be the case if Article 4s are limited and the 'national significance' test is brought in. On the other hand, limiting Article 4s to those of 'national significance', or not undertaking them at all for fear of falling foul of emerging NPPF changes that may not materialise is likely to undermine London and Local Plan policies and a more sustainable Brent.
- 3.53 Taking account of the analysis above it is recommended that non-immediate Article 4 directions are pursued for the respective areas as identified in the draft Brent Local Plan, as set out in the recommendations above.
- 3.54 The separation of the Article 4s allows for reduction of risk from potential Secretary of State directions that are often associated with larger Article 4s.
- 3.55 For non-immediate Article 4s, post their initial making, at least 12 months will have to pass before coming into effect. This allows the Council to not be subject

to compensation claims for adverse financial impact to owners or developers of properties as a result of the Article 4.

- 3.56 The consultation process is set out in GDPO. For each Article 4 the Council must place a notice in a local paper and a minimum of two notices in each of the Article 4 areas. Individual notices to each owner/occupier is not required where their number makes this impracticable, which is considered to be the case here. The Council will have to rely on general advertisement, notifying those on the Local Plan consultee database and through the Council's economic development and town centre management functions.
- 3.57 A minimum of 21 days is required for the consultation and the Article 4 direction cannot be confirmed less than 28 days after the consultation notices are issued. It has to advertise confirmation and when the Article 4 direction will come into effect, and notify the Secretary of State on making and confirming the Article 4. The Secretary of State can intervene at any time, including after the direction comes into effect to modify or revoke its contents. The Council cannot modify an Article 4 without making a new one with its associated processes.
- 3.58 To reduce Cabinet business, it is recommended that Cabinet delegate the decision on whether to confirm the Article 4s to the Strategic Director of Regeneration and Environment in association with the Lead Member after considering representations received. If approved the Council has to publicise the confirmation through the same means as when it made the order.

4.0 Financial Implications

- 4.1 The Fee Regulations now allow for fees to be charged for planning application resulting from PD rights being removed through an Article 4 direction. The cost of the implementation of the Article 4 directions will be met from existing planning budgets.

5.0 Legal Implications

- 5.1 The process for Article 4 Directions is set out in Schedule 3 of the General Permitted Development Order 2015. The process for taking forward the Article 4 which will be consistent with the regulations.

6.0 Equality Implications

- 6.1 The Equality Act 2010 introduced a public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.

- 6.2 The removal of PD rights involving Class E to dwellings will allow the Council to properly assess whether any proposed loss of employment space is acceptable. The protection of employment space allows for the potential for local jobs which will assist Brent residents, who have a higher representation from black and minority ethnic groups, in lower paid jobs and are therefore less likely to be able to travel to find work.
- 6.3 The likelihood of a reduction in the amount of housing that comes forward is considered to be limited, if at all. Permitted development has the potential to undermine wider site allocations that deliver considerably more and better quality homes. The Council has positive policies that promote new homes and is realistic in balancing issues such as re-providing employment floorspace in redevelopments, or maintaining retail frontages.
- 6.4 Notwithstanding changes that now require new dwellings provided through permitted development to have minimum sizes and ensure natural light to all rooms, there is no guarantee they have all the attributes typically associated with those delivered through planning permission. This is to the detriment of occupiers, the majority of who in Brent will be from ethnic minority backgrounds. It will also reduce potential for those who with a mobility impairment to have accessible homes and those with a disability to have housing that can easily be adapted for wheelchair use.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The consultation will be publicised in the members' bulletin. The statutory consultation process is set out above. In addition, there will be a press release and awareness raising through the website.

Report sign off:

Alan Lunt

Strategic Director of Regeneration
and Environment.

Cabinet 19th July 2021: Addendum to Agenda Item 14 Article 4 Directions Removing Permitted Development Rights for Change of Use from Class E commercial, business and service uses to C3 dwelling houses and redevelopment of office, research and development and light industry to C3 dwelling houses

1.0 Purpose of the Report Addendum:

- 1.1 Since the Cabinet report was published there have been material changes in circumstances related to its recommendations to proceed with a series of Article 4 directions. Cabinet need to be aware of these before considering the recommendations of the original main report. On 1st July 2021 a written ministerial statement was issued to Parliament setting out changes to the national planning policy framework (NPPF) in respect of the use of Article 4 directions. In addition on 9th July 2021 an amendment to the Town and Country Planning (General Permitted Development Order) (England) 2015 (GPDO) was laid before Parliament. This made changes to amongst other things Part 3 (changes of use) of Schedule 2, Class M (certain uses to dwellinghouses).
- 1.2 Taking these changes into account Cabinet is requested to approve a revised recommendation 2.2 (c), in addition to the original report's recommendations 2.1 and 2.2 (a), (b) and (d).

2.0 Recommendation:

- 2.1 That Cabinet approve the amended recommendation for 2.2 (c) in the main report to:
- (C) Class M certain uses to dwelling houses and Class MA commercial, business and service uses to dwelling houses at ground floor level for all designated town centres and Class MA for use class E(g)(i) offices on non-ground floors as identified in the draft Brent Local Plan as set out in Appendix 4.

3.0 Detail

3.1 Changes to the NPPF

- 3.2 As set out in Agenda Item 14 paragraph 3.14, draft amendments to the NPPF in relation to the use of Article 4 directions were published in January 2021. Government has now confirmed the changes through a Written Ministerial Statement issued on 1st July 2021. These will not be incorporated into the NPPF until later in the year. The Secretary of State however, has stated that ahead of that he wants local authorities and communities to take it into account now when they consider bringing in any new article 4 directions. Changes to NPPF paragraph 53 read:

“The use of Article 4 directions to remove national permitted development rights should:

- *where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)*
- *in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- *in all cases, be based on robust evidence, and apply to the smallest geographical area possible.*

3.3 The positive is that it reduces the uncertainty created by the options. It is also much less restrictive than one of the two consultation options put forward of limiting Article 4s to those ‘necessary to protect an interest of national significance’. Nevertheless, the specific example of “*could include the loss of the essential core of a primary shopping area....but would be very unlikely to extend to the whole of a town centre*” would initially appear to make the Cabinet paper’s proposed town centre Article 4 inconsistent with emerging national policy. The extent of the primary shopping areas is shown in Appendix 6 attached to this addendum, whilst Appendix 4 of the original report shows the wider town centre boundaries. The largest differences are within Wembley, Harlesden and Kilburn High Road.

3.4 Taking account of this there are two options for Cabinet:

- a) Refocus the Article 4 on the primary shopping areas of town centres, or
- b) Pursue the recommended boundary of the draft Local Plan town centres.

3.5 Option a): Refocus on the primary shopping areas of town centres

3.6 This approach will be consistent with emerging national policy. The positive side of this is that it is likely to reduce the potential for a Secretary of State direction for the Council to amend or not confirm the direction.

3.7 The negatives are that it will undermine the policies in the Council’s emerging Local Plan, backed by an appropriate evidence base and subject to recent examination. The Council has already reconsidered town centre boundaries. This has taken account of local circumstances and national trends in town centre uses. In some cases boundaries have been reduced significantly.

3.8 The draft Local Plan Policy BE4 ‘Supporting Strong Centres’ recognises the challenges facing some centres. It allows for the managed loss of ground floor commercial units in town centres to residential uses stating: “Unviable secondary frontage on the periphery of town centres will be promoted for workspace, social infrastructure and residential uses”. The supporting text identifies: “the conversion of peripheral secondary frontage to residential development will be permitted where this will not impact on the vitality and viability of the town centre. Frontage will be considered peripheral at the outer edges of secondary frontages

which show high levels of vacancy, particularly within a wider centre that is appearing to struggle. Where contraction of the centre is desirable by release of secondary frontage, it shall be done in a controlled manner ensuring that the vitality and viability of existing viable adjacent premises is not undermined.”

- 3.9 Taking the above into account, and used in conjunction with other measures such as Town Centre Actions Plans drawn up by the respective town centre managers and local businesses the Council has a clear plan how it will deal with planned contraction of centres where necessary. A focus solely on the primary shopping area could lead to inappropriate loss of ground floor commercial premises to residential. This reduces opportunities to meet other needs, e.g. for local employment space. It also has the potential to undermine town centre vitality and viability by providing dead frontage and compromising the flexibility of use/attractiveness of adjacent premises to commercial occupiers.
- 3.10 Where the Council has used significant adverse impact on vitality and viability of the centre as a reason for refusing prior approval (as is still the case until 1st August in Class M), it has a 100% success rate at appeal. The Council has exceeded its 3 year housing delivery test (120%) and has positively allocated more than enough sites in the emerging Local Plan to more than meet the London Plan minimum housing target. As such, the prioritisation of housing at the expense of undermining of a balanced approach to meeting wider town centre NPPF and housing needs as set out in the Local Plan and neighbourhood plans that also incorporate town centres is not necessary. Local circumstances in Brent are such that the standard application of a national policy is not considered appropriate in this case.
- 3.11 Option b) Pursue the recommended boundary of the draft Local Plan town centres.**
- 3.12 The negative is the potential for direction from the Secretary of State. Notwithstanding the change to the NPPF, the threat of potential direction might be more limited than it appears. The Council has complied with what is a justifiable boundary taking account of local circumstances. This is consistent with the revised NPPF *‘based on robust evidence, and apply to the smallest geographical area possible’*.
- 3.13 It is clear that a wide range of Article 4s are going to be pursued by local authorities. This also reflects the experience of London, where for example neighbours to Brent, such as Kensington and Chelsea (whole borough Article 4) and Camden (all town centres and neighbourhood parades) propose Article 4s with greater scope than the primary shopping area set out in the NPPF and the town centres only being recommended for Brent. In this context, Brent’s approach should be considered a balanced one.
- 3.14 Taking account of the above, it is recommended option b) is pursued.

3.15 Further changes to the GDPO

3.16 Paragraph 3.28 of Agenda 14 original report identifies that Government was proposing to modify GPDO Class M. As proposed this would have still allowed the Council to via a prior approval condition (M2 (1) (d)) consider the impact of a change of use to residential “where the building is located in a key shopping area, on the sustainability of that shopping area”. Prior approval could be refused if the Council considered it would cause harm.

3.17 On 9th July the amended GPDO was issued. This will come into effect on 1st August 2021. The most significant change in relation to the matters covered by this Cabinet report is that for Class M ‘Certain uses to dwellinghouses’, is that the prior approval condition has been removed. This clearly goes beyond what was consulted upon. It means that any launderette, betting office, payday loan shop; hot food takeaway or mix of dwelling house with any one of these uses can turn into residential in any location in the borough.

3.18 There are two reasonable options for the Council:

- a) do nothing or
- b) add Class M to the removal of permitted development rights for ground floor uses in town centres, consistent with the same area of coverage that Cabinet approve for Class MA.

3.19 Option a) do nothing

3.20 This would clearly lead to perverse outcomes if the Council were to not address this matter through an Article 4, whilst taking forward one for Class MA. It would create the potential for some units to change to residential, whilst their neighbours would be subject to planning permission.

3.21 Option b) add Class M to the removal of permitted development rights for ground floor uses in town centres, consistent with the same area of coverage that Cabinet approve for Class MA.

3.22 This would ensure consistency with the Council’s approach to remove permitted development rights Class MA for town centres. It is therefore recommended that Class M at ground floor level is also subject to inclusion within the Article 4 direction town centre boundaries identified in Appendix 4 of the main report.

Addendum sign off:

Alan Lunt

Strategic Director of Regeneration
and Environment.

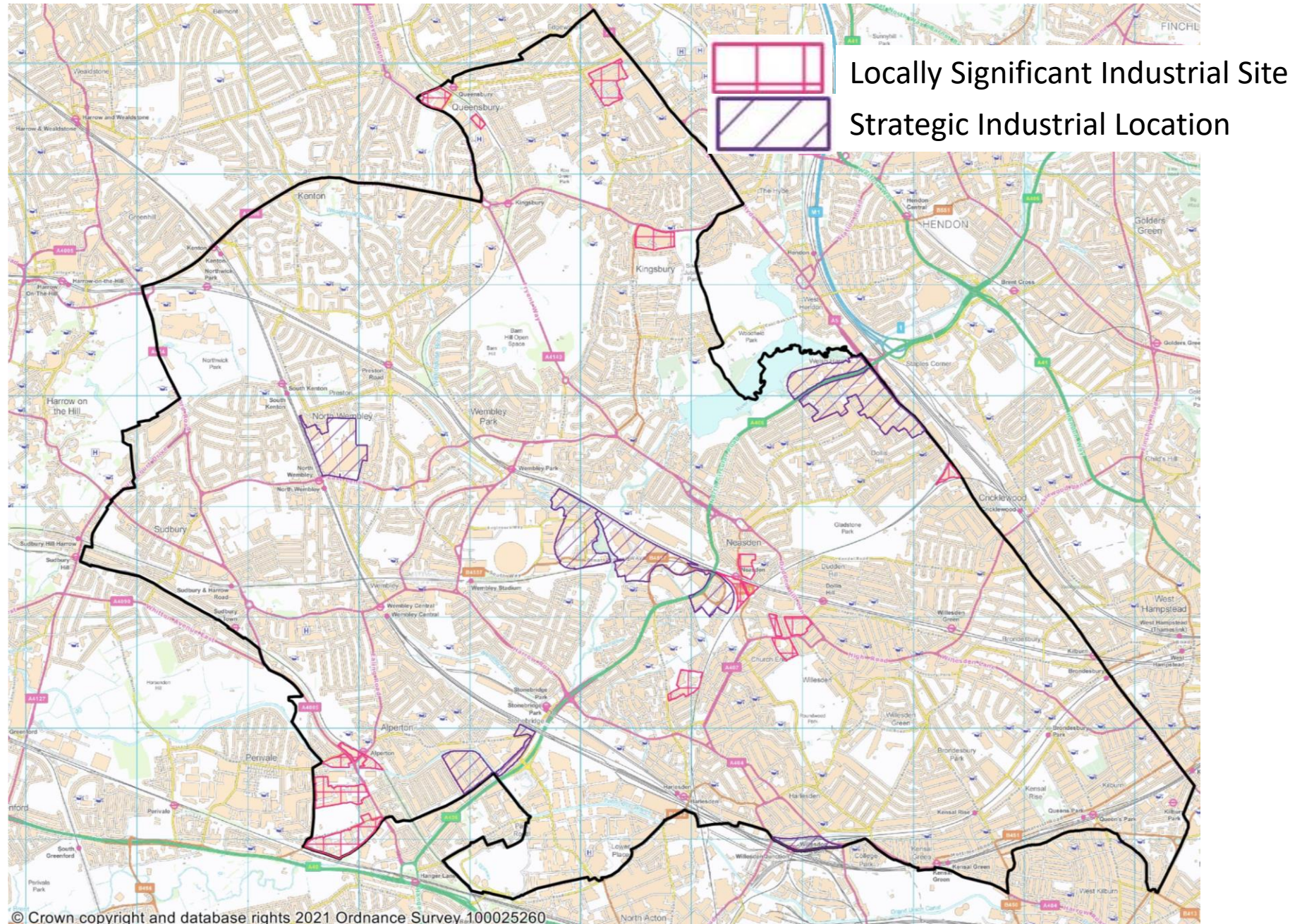
Appendix 1

Permitted Development for buildings that include non-dwelling uses

	Permitted Development by GDPO Part and Class		
Use Class (reflects some old use classes currently still referred to in GDPO)	Part 3: Change of Use to C3 dwelling house	Part 20: Extension for new dwelling house	Part 20: Redevelopment for new dwelling house
A1 (shop)	CLASS M	CLASS AA, CLASS AB	
A2 (financial & professional services)	CLASS M	CLASS AA, CLASS AB	
A3 (restaurant & cafe)		CLASS AA, CLASS AB	
A5 hot food takeaways	CLASS M		
Sui Generis: betting office, pay day loan shop or laundrette	CLASS M	CLASS AA, CLASS AB	
Sui Generis: Amusement arcade & casino	CLASS N		
B1(a) office	CLASS O	CLASS AA	CLASS ZA
B1(b)research&development & B1(c) light industrial			CLASS ZA
E Commercial, business & service uses	CLASS MA		

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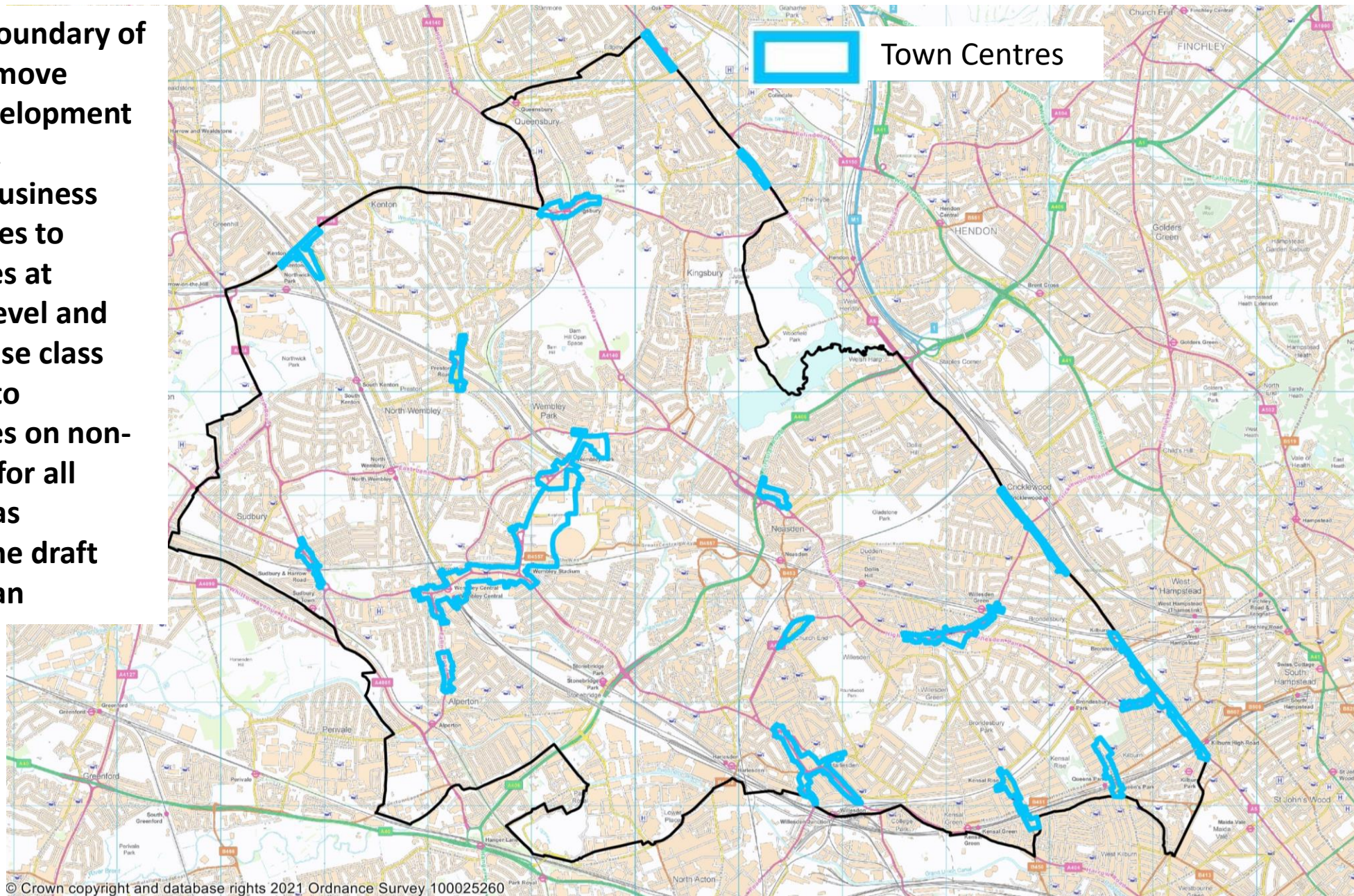
Appendix 2: Boundaries of Article 4 for SIL and LSIS to remove permitted development right for Class MA commercial, business and service uses to dwelling houses and Class ZA demolition of buildings and construction of new dwelling houses in their place



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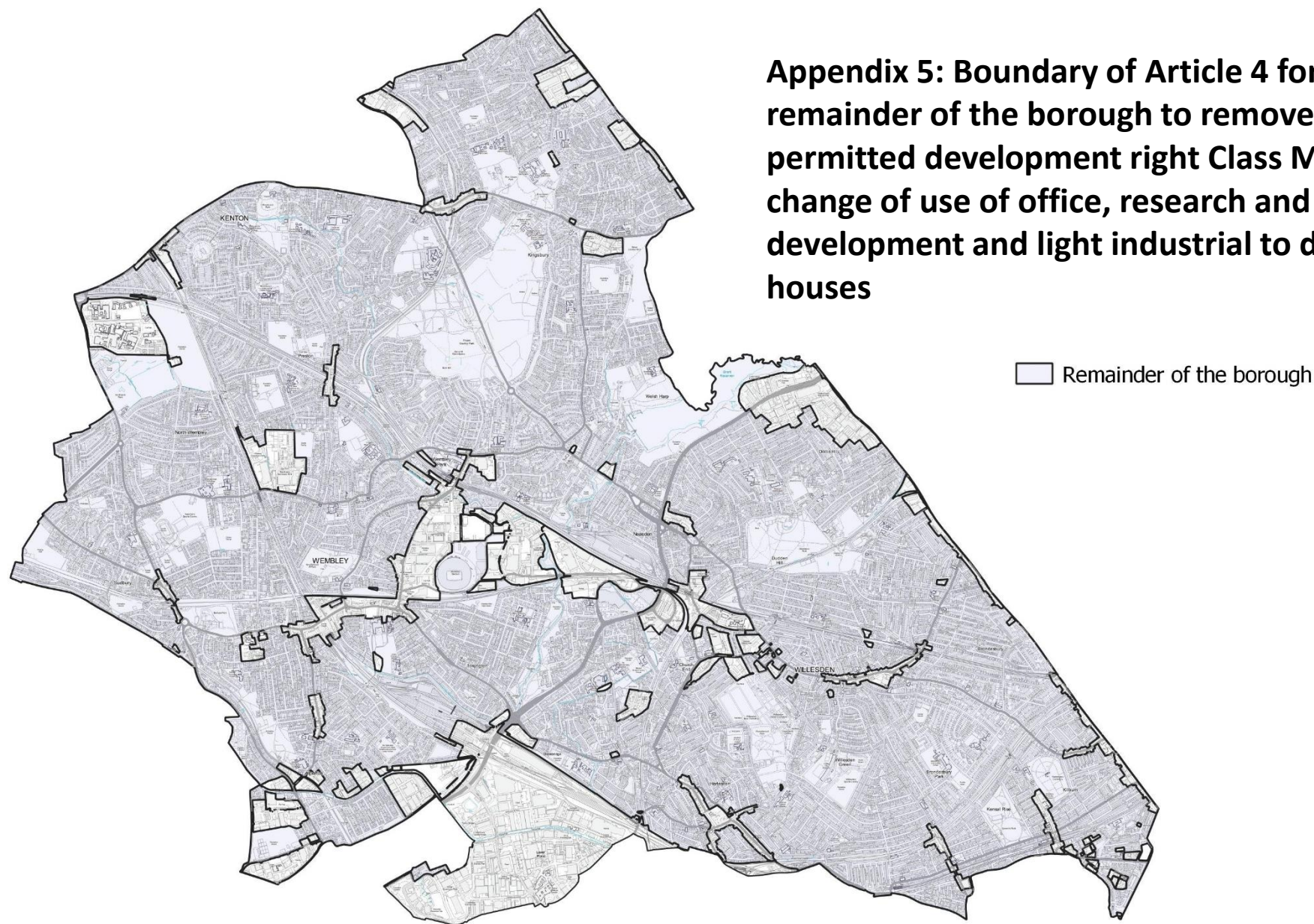
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Appendix 4: Boundary of Article 4 to remove permitted development right Class MA commercial, business and service uses to dwellinghouses at ground floor level and Class MA for use class E(g)(i) offices to dwellinghouses on non-ground floors for all town centres as identified in the draft Brent Local Plan



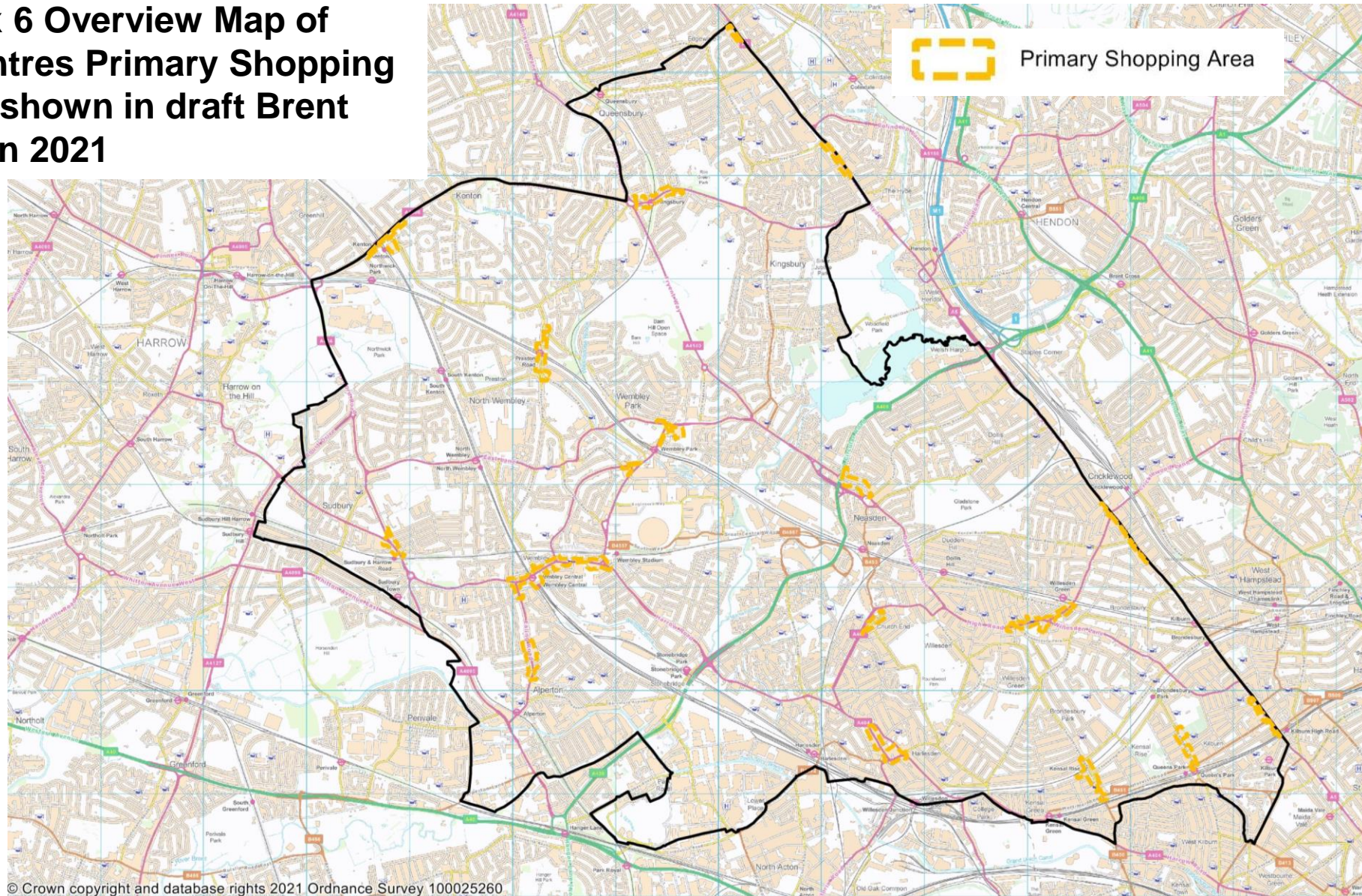
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Appendix 5: Boundary of Article 4 for remainder of the borough to remove permitted development right Class MA for change of use of office, research and development and light industrial to dwelling houses




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Appendix 6 Overview Map of Town Centres Primary Shopping Areas as shown in draft Brent Local Plan 2021



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	Cabinet 19 th July 2021
	Report from the Strategic Director, Children and Young People
Phoenix Arch School: Change of Special Educational Need Designation and Categories of Need; Change in Published Admission Numbers (PAN)	

Wards Affected:	All
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 A 'Making significant changes ('prescribed alterations') to maintained schools, October 2018' https://www.gov.uk/government/publications/school-organisation-maintained-schools
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Nigel Chapman Operational Director Integration and Improved Outcomes 020 8937 4456 Nigel.Chapman@brent.gov.uk

1.0 Purpose of the Report

1.1 This report provides Cabinet with a summary of

- The proposal to amend the special school designation of Phoenix Arch School from a designation of Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) to ASD only;
- The proposal to increase the Published Admission Number (PAN) within the school from 55 to a maximum of 68.

2.0 Recommendation

That Cabinet:

- 2.1 Reviews and approves the proposal to amend the designation of Phoenix Arch Special School from a designation of ASD and SEMH to ASD only.
- 2.2 Reviews and approves the proposal to increase the PAN within the school from 55 to a maximum of 68, subject to the school gaining planning permission for an expansion of the existing school building.

3.0 Detail

- 3.1 Phoenix Arch School is a Community Primary Special School located on Drury Way, NW10 in the south of the borough, within the Stonebridge ward.
- 3.2 Phoenix Arch Special School is a Community Primary Special School for pupils aged 4-11 years, judged as 'good' by Ofsted in 2018. The School is the only Community Special School in Brent. The designated SEN provision of the school is currently classified as Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH). The school was initially designated as a school for pupils with Social, Emotional and Behavioural Difficulties (SEBD), but a re-designation was agreed in 2012 to include ASD provision and update SEBD to the newer classification of SEMH.
- 3.3 Demand for places for ASD pupils is high and the last cohort of SEMH pupils left the school in September 2016. The school caters for pupils on the autistic spectrum and with related communication difficulties. The school leadership team have developed the site to provide specialist provision to support children with ASD, including sensory and therapy rooms. This has enabled the school to offer 55 planned admission places for pupils with high functioning ASD with seven classes containing between seven to nine pupils, depending on the needs of the children. The school has further developed teaching and learning strategies so that all children on roll are able to access the national curriculum when adapted to meet their needs. The whole school curriculum takes into account the specific learning difficulties of the pupils and their individual learning styles within a language rich environment.
- 3.4 The School Place Planning Strategy 2019-2023 Refresh November 2020, agreed by Cabinet in November 2020, sets out the increasing demand for Special Educational Need provision for children with ASD within the borough. The strategy noted that the January 2020 SEN 2 return identified 27% of children and young people with an Education, Health and Care plan had a primary need of ASD. The January 2021 SEN 2 returned noted 2807 children with an Education, Health and Care plan in Brent, with 40% of children and young people with a primary need of ASD being at primary level. Due to the increasing numbers of children with an Education, Health and Care plan there is an insufficiency of school places in Brent and school places are being sought in neighbouring authorities. There are currently 530 children with an Education, Health and Care plan educated in out of borough schools.
- 3.5 In response to this need the School Governing Board, Headteacher and Children and Young People's Department have worked together to explore how the school could meet this increasing need for children who can access the curriculum but require a special school setting to fully thrive. It is proposed that Phoenix Arch Special School increase its pupil intake from the official PAN of 55 to a maximum of 68 pupils, beginning in the Reception cohort in September

2022/23 academic year. The higher intake of pupils would be admitted each year until the school reaches a new capacity by the 2025/6 academic year. As the school is currently at capacity, this increase in PAN would be based on the school gaining planning consent for the expansion of the existing school building in accordance with DfE area guidelines set out in 'Area Guidelines for SEND and Alternative Provision' 2015. This document describes non-statutory area guidelines for buildings and provides guidance on grounds for ages 3 to 19 at the following educational settings: special schools, alternative provision (AP) and Additionally Resourced Provision (ARP). Given current pressure on SEND places, as described above, increasing the PAN to the maximum available within the proposed enhanced space helps in meeting the Council's strategic aims in this area.

4.0 Formal Consultation

- 4.1 Formal consultation to change the designation and increase the intake of Phoenix Arch School is required under the statutory process for making 'prescribed alterations' to maintained schools (Appendix A Statutory Guidance for Proposers and Decision-makers, Department for Education, October 2018).
- 4.2 The statutory consultation process has four stages - Stage 1: Publication of a Statutory Proposal, Stage 2: Representation (formal consultation for a period of 4 weeks), Stage 3: Decision and Stage 4: Implementation. Following the formal representation period, Cabinet is required to make a decision on a proposal within two months.
- 4.3 On 24 September 2020, the Governing Board at Phoenix Arch Special School launched an informal consultation proposing the removal of the SEMH designation and for the school to be designated solely as an ASD provision. This would involve the admission criteria of the school to be amended to remove SEMH. This informal consultation has been followed by a formal consultation, which took place between May 14th and June 14th 2021 for both the change in designation and a proposed increase in the PAN, subject to gaining planning consent for an expansion of the school building. The statutory consultation was published on the Council website and copies were also sent to the Governing Board of the school and the parents of every registered pupil at the school. The Governing Board discussed the proposal in September 2020 and June 2021. On both occasions the Governing Board approved the proposal to change designation and increase the PAN.
- 4.4 Summary of responses to informal consultation on the change of designation which ended on 23 October 2020:
 - There were 26 responses: 22 were in favour (84%) with 4 responses against removing SEMH from its designation.
 - 15 specific comments identified how the focus on ASD would support expert staff in this area, a curriculum that is directly linked to additional learning needs and styles and a clear remit for the school.
 - The final consultation question asked respondents to raise any questions they might have. Two respondents asked where the children with SEMH attending the school would go. The consultation document makes clear that there are no children at Phoenix Arch with SEMH.
- 4.5 Summary responses to the formal consultation that ended on 14th June 2021 for both the change of designation and increase in PAN:

- There were 12 responses to the consultation.
- All 12 responses agreed with the proposal to change the designation to only ASD.
- 67% agreed to the expansion of PAN. 33% opposed the expansion,
- Two respondents caveated a 'no' response to the expansion with the statement that an increase in PAN should be subject to planning consent. The statutory proposal makes it clear that the increase in PAN would be subject to the school gaining planning consent.

4.6 The milestone dates following a decision by Cabinet to approve the formal consultation to alter the designation of Phoenix Arch School are set out in the timetable below:

Table 2: Project milestones

Date	Action
14 th May 2021	Publication of statutory proposal notice and formal consultation
14 th June 2021	Formal consultation closes
19 th July 2021	Cabinet decision
August 4 th 2021	Notification of new designation to the DfE
October 2021	Cabinet paper proposing the capital plan for SEND provision

5.0 Financial Implications

- 5.1 Should the school expansion proposal be approved, the school will require additional accommodation to meet this increase in pupil numbers. At the time of drafting this report, a feasibility study is being produced to identify build options and proposed costs. The final proposal will form part of the SEND Capital Plan that will be submitted for Cabinet approval in October 2021. It is expected any building project will be funded via the Council's Capital Programme.
- 5.2 This proposed expansion would support the Council's Dedicated Schools Grant (DSG) deficit recovery management plan following pressures on the High Needs Block due to significant growth in the number of children with Education, Health and Care Plans (EHCP) by allowing for a local option for children with SEND thereby reducing the requirement for high cost independent sector placement out of borough. However, as the proposed increase in the maximum number of pupils is 13, a cost analysis will be undertaken to consider the proposal in the light of the wider proposed expansion in numbers before the final submission Cabinet.

6.0 Legal Implications

- 6.1 The Council has a statutory duty under section 14 Education Act 1996 to ensure that there are sufficient school places available to meet the needs of the population in its area. The Council as decision maker should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

- 6.2 The School Admissions Code does not apply to special schools. In the case of community special schools, the Local Authority may seek to increase the number of places by following the statutory process in instances, such as this one, where the proposed increase is by either 10% or 20 pupils (whichever is the smaller number). Both the Local Authority and the Governing Body may propose the increase and the decision maker is the Local Authority.
- 6.3 For community special schools, the Local Authority and / or the Governing Body can propose a change to the designation and categories of SEN provision and the decision maker is the Local Authority. The process which must be followed is again the statutory process.
- 6.4 When proposing changes, Local Authorities and Governing Bodies should act reasonably and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.
- 6.5 Although there is no longer a statutory “pre-publication” consultation period for prescribed alteration changes, there is a strong expectation that schools and Local Authorities will consult interested parties in developing their proposal prior to publication. Paragraphs 4.3 and 4.4 above confirm that this additional step was undertaken. The statutory process for making the prescribed alterations is as referred to in the body of this report, namely:
- Stage 1 – publication of the statutory proposal
 - Stage 2 – Representation via formal consultation (must be 4 weeks)
 - Stage 3 – the Local Authority must decide a proposal within 2 months
 - Stage 4 – implementation.
- 6.6 The Council, as decision maker, will need to be satisfied that the appropriate fair and open local consultation and/ or representation period has been carried out and that the proposer has given full consideration to all the responses received. The Council may, as decision maker reject the proposal / approve the proposal without modification, or with modification having consulted / or approve the proposal with or without modification, subject to certain conditions, such as, in this case, the granting of necessary planning permission.
- 6.7 Within one week of making a decision, the Council must publish its decision and the reasons for it on the website where the original proposal was published and send copies to:
- The Schools Adjudicator
 - The Governing Body / proposers (as appropriate)
 - Trustees of the school (if any)
 - The local Church of England and Roman Catholic dioceses
 - The parents of registered pupil at the school – where the school is a special school
 - Any other body that they think is appropriate.
- 6.8 The statutory guidance from the DfE in relation to this area is attached as appendix 1, ‘Making significant changes (‘prescribed alterations’) to maintained schools, October 2018’. The Council must have regard to the statutory guidance when exercising functions in relation to the making of prescribed alterations to maintained schools.

7.0 Equality Implications

- 7.1 The Public Sector Equality Duty under section 149 of the Equality Act 2010 requires the Local Authority when exercising its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. The protected characteristics covered under the Act are age, disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions are being made consideration must be given to the impact/affect that implementing a particular decision will have in relation to equality before making that decision. Brent Council also has a policy of considering Human Rights and socio-economic impact.
- 7.2 It is not anticipated that there will be any negative impact from these proposals on the basis of disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation.

8.0 Consultation with Ward Members and Stakeholders

- 8.1 The Lead Member for Children's Safeguarding, Early Help and Social Care and the Lead Member for Schools, Employment and Skills have been consulted as part of the drafting of this report.
- 8.2 Ward members will be advised as part of the planning consultation process and will remain engaged as the consultation and any follow up actions progress.

9.0 Human Resources Implications

- 9.1 The school governing board will be responsible for recruiting appropriate staff for the expansion programme. As a community school the monitoring of school effectiveness will be undertaken by Children and Young People's Department as part of the Local Authority duty.

10.0 Property Implications

- 10.1 The Education Act 1996 places a duty on the Secretary of State to prescribe standards for the premises of all maintained schools in England and Wales. Those for England are set out in The School Premises (England) Regulations 2012 (SPRs) and they apply to all existing and new schools maintained by a local authority.
- 10.2 The school is currently operating at full capacity and will require additional accommodation to meet the proposed expansion in PAN and to be compliant with the regulations set out in 10.1 above. At the time of drafting this report, a feasibility study is being completed by the Regeneration and Environment Department to identify costed building proposals to provide the required

accommodation. The feasibility study will include three options. The proposals will be discussed with the Phoenix Arch Special School Governing Board to ensure the proposal being put before Cabinet for approval in autumn 2021 will meet the required building standards with a cost benefit analysis.

- 10.3 Any required capital project will need to be approved via the Council's Capital Project Governance Process.

Related Documents

School Place Planning Strategy 2019-2023 Refresh, November 2020

Report sign off:

Gail Tolley

Strategic Director, Children and
Young People

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Department
for Education

Making significant changes ('prescribed alterations') to maintained schools

**Statutory guidance for proposers and
decision-makers**

October 2018

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when making ‘prescribed alterations’ to maintained schools.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; that local authorities (LAs) and governing bodies (GBs) do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of ‘good’ or ‘outstanding’. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

A GB, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) (‘the Prescribed Alterations Regulations’). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) and the Prescribed Alterations Regulations. It also relates to the [Establishment and Discontinuance Regulations](#) and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#) (‘the ‘Removal Regulations’).

It is the responsibility of LAs and GBs to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

Review date

This guidance will be reviewed in October 2019.

Who is this guidance for?

Those proposing to make changes and making decisions on changes to maintained schools (e.g. GBs, LAs and the Schools Adjudicator), and for information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#) and [opening and closing a maintained school](#) is available.

Please refer to the '[Further Information](#)' section for the full website address should you be unable to access documents via the hyperlinks provided.

Terminology

Definitions of common terms used in this guidance:

Schools with a religious character - All schools designated as having a religious character in accordance with the [SSFA](#).

Foundation Trust - For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.

Parent(s) - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for, the child. Therefore, a parent can include, for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention as set out in Section 59 of the [Education and Inspections Act 2006](#), they should copy the proposal to the relevant [Regional Schools Commissioner \(RSC\)](#) at the point of publication.
- To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in [part 3](#), to the School Organisation mailbox as soon as it is published schoolorganisation.notifications@education.gov.uk.
- LAs and GBs proposing to make a significant change to a school which has been designated as having a religious character should engage the trustees of the school, and in the case of Church schools the diocese or relevant

diocesan board, or any other relevant faith body, where appropriate at the earliest opportunity.

- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#).
- Once a decision has been made the proposer (GB or LA) must make the necessary changes to the school's record in the department's system [Get Information About Schools](#) (GIAS) by the date the change is implemented.
- Where a school wishes to change their name, the GB will need to amend the Instrument of Government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#). Once that is done, either the school or the LA will need to update the school record in the department's GIAS system.

2: Prescribed alteration changes

Enlargement of premises (expansion)

Under section 14 of the [Education Act 1996](#), LAs have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. LAs are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the LA can propose an enlargement of the capacity¹ of premises.

The statutory process should be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#) (see [part 5](#)) if:

- the proposed enlargement is permanent (longer than three years) and **would increase the capacity of the school** by:
 - more than 30 pupils; **and**
 - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.

GBs of all categories of mainstream schools and LAs can propose small scale expansions that do not meet the thresholds above without the need to follow the formal statutory process in [part 4](#). In many cases this can be achieved solely by increasing the school's published admissions number² (PAN); please see the [School Admissions Code](#). The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake³ are covered below.

¹ Net capacity as calculated using the DfE Guidance Assessing the Net Capacity of Schools (2002).

² All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN.

³ The number of pupils admitted into the school at a particular time

Examples of when mainstream schools would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry - 30 pupils per class, 5 year groups) **could** enlarge its premises to add 1 form of entry (30 extra pupils x 5 year groups = increase of 150 pupils) bringing the capacity to 900 pupils, **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. by less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' **and** '200' (it may or may not be more than '25%' but that is irrelevant if the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry 45 x 7 = 315), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

The quality of new places created through expansion

We expect LAs to consider a range of performance indicators and financial data, before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect LAs to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the LA should notify their Pupil Places Planning adviser⁴. In cases where there is a proposal to expand a school that is rated inadequate, the LA should also send a copy of the proposal to the [relevant RSC](#) so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

⁴ Advisers.PPP@education.gov.uk

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

Expansion onto an additional site (or ‘satellite sites’)

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a LA decides that a new school is needed to meet basic need, they should refer to the [guidance for opening new schools](#).

Decisions about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site:

The reasons for the expansion

- What is the rationale for this approach and this particular site?

Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same GB and the same school leadership team)?

Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion.

LAs should copy any proposal to expand a school onto a satellite site to schoolorganisation.notifications@education.gov.uk for monitoring purposes.

Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools⁵. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely part of the existing school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities⁶ must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical

⁵ Except where a grammar school is replacing one of more existing grammar schools

⁶ The LA in the case of community and voluntary controlled (VC) schools or the GB in the case of voluntary aided (VA) and foundation schools

capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#) for further details of the processes admission authorities must follow).

Change in number of pupils in a special school

The School Admissions Code does not apply to special schools. GBs of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following the statutory process in [part 5](#), if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school),

(whichever is the smaller number).

The exception to this is where a special school is established in a hospital.

GBs of all categories of special school, and LAs for community special schools, may seek to decrease the number of pupils, by following the statutory process in [part 5](#).

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	GB/Trustees
LA for community special	Decrease of numbers	Statutory process	LA	CofE Diocese RC Diocese

Change of age range

For changes that are expected to be in place for more than 2 years (as these are considered permanent increases):

LAs can propose:

- a change of age range of up to 2 years (except for adding or removing a sixth form) for voluntary and foundation schools by following the non-statutory process, see [part 4](#).
- a change of age range of 1 year or more for community schools (including the adding or removal of sixth form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth form provision by following the statutory process, see [part 5](#).

GBs of foundation and voluntary schools can propose:

- an age range change of up to 2 years (except for adding or removing a sixth form) by following the non-statutory process, see [part 4](#).
- an age range change of 3 years or more (including adding or removing a sixth form) by following the statutory process, see [part 5](#).

Before making such a proposal, the GB should consult with LAs, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area.

GBs of community schools can propose the alteration of their upper age limit to add sixth form provision following the statutory process, see [part 5](#).

GBs of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see [part 5](#).

Where a proposed age range change would also require an expansion of the school's premises, the LA or GB must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Alteration of upper or lower age range of up to 2 years (excluding adding or removing a sixth form)	Non statutory process	LA	NA
GB of voluntary and foundation	Alteration of upper or lower age range by up to 2 years (excluding adding or removing a sixth form)	Non statutory process	GB	N/A
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for community and community special	Alteration of upper or lower age range by 1 year or more (for community schools including the adding or removal of sixth form or nurse provision)	Statutory process	LA	CofE Diocese RC Diocese
GB foundation special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
	remove sixth form provision			
LA for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Adding a sixth form

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form will provide at least 200 places and there should be sufficient demand for those places;
- **Subject Breadth:** The proposed sixth form should - either directly or through partnership - offer a minimum of 15 A level subjects. LAs may wish to consider the benefits of delivering a broader A level curriculum through

partnership arrangements with other school sixth forms. Working with others can offer opportunities to:

- Improve choice and attainment for pupils
- Deliver new, improved or more integrated services
- Make efficiency savings through sharing costs
- Develop a stronger, more united voice
- Share knowledge and information.

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore, where a decision-maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site(s), GBs must follow the statutory process in [part 5](#) if they are proposing the closure of one or more sites, where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in [part 5](#).

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than two miles from the main entrance of the current school site, or if the proposed new site is within the area of another LA:

- **LAs** can propose the transfer to an entirely new site for community schools, community special schools and maintained nursery schools following the statutory process in [part 5](#).
- **GBs of voluntary, foundation, foundation special and community special** schools can also propose a transfer to a new site following the statutory process in [part 5](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community, community special and maintained nursery	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary foundation or foundation special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese

Changes of category

GBs of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The [addition or removal of a foundation](#) is described in [part 6](#). Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing schoolorganisation.notifications@education.gov.uk.

For a proposal to change the category of a school to voluntary-aided, the decision-maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

Guidance on adding or changing a designated religious character can be found in the [Opening and closing maintained schools](#) guidance.

The table below sets out who can propose a change of category and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary	VC to VA VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of foundation	Acquire foundation Acquire a majority of foundation governors on the GB Removal of foundation and/or reduction in majority of foundation governors on GB	Statutory process	GB	N/A
GB of community	Community to VC or VA	Statutory process	LA	CofE Diocese RC Diocese
GB of community	Community to foundation school Community to foundation school and acquire foundation Community to foundation school and acquire majority of foundation governors on GB	Statutory process	GB	N/A
GB of foundation special	Remove foundation and/or reduce majority of foundation governors on GB	Statutory process	GB	N/A

Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) when they can show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, LAs will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#).

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community or community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation. foundation special or voluntary	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese

Mainstream school: establish/remove/alter special educational needs (SEN) provision

When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
and voluntary				

Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Boarding provision

The introduction of boarding provision can require the statutory process to be followed (depending on the type of school in question – see table below). LAs and GBs will need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance and, where there is any doubt, seek independent legal advice, as the department cannot advise on individual cases.

LAs can propose for:

- community schools; the establishment, removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

- community special schools; the establishment, removal or alteration (increase or decrease by 5 places or more where there are both day and boarding places) of boarding provision following the statutory process in [part 5](#).

GBs of voluntary and foundation schools can propose the establishment or increase of boarding provision following the non-statutory process in [part 4](#) and the removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

GBs of special schools can add or remove boarding provision or, where the school makes provision for day and boarding pupils, can increase or decrease boarding provision by five pupils or more following the statutory process in [part 5](#).

The table below sets out who can propose to establish, change or remove boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Add, remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
LA for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation or voluntary	Add boarding provision	Non-statutory process	GB	N/A
GB of foundation or voluntary	Remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese

In making a decision on a proposal to remove boarding provision from a school, the decision-maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements⁷ and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary or foundation	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

Amalgamations

The LA and/or GB (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, LAs may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#).

⁷ In accordance with s.109 (1) of the School Standards and Frameworks Act 1998

3: Contentious proposals

When proposing changes, LA's and GBs should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, LAs and GBs should notify schoolorganisation.notifications@education.gov.uk of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

4: Changes that can be made outside of the statutory process

LAs and GBs of mainstream maintained schools can make limited changes (see [part 2](#) for the exact detail) to their schools without following a statutory process, including some temporary changes; they are nevertheless required to adhere to the usual principles of public law. They MUST:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, LAs and GBs will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes GBs should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary⁸. The proposal can be approved subject to planning permission being granted;
- they have the consent of the site trustees or other land owner where the land is not owned by the GB;
- where a school is designated as having a religious character, they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, where appropriate; and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made, the proposer (i.e. LA or GB) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [GIAS](#) system. These changes must be made no later than the date of implementation for the change and can be input in advance, once a decision is made.

⁸ Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 1998.

5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a GB then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the GB/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
 - the local Church of England diocese;
 - the local Roman Catholic diocese; or
 - the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

Representation (formal consultation)

The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁹.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions¹⁰ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

⁹ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

¹⁰ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events¹¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

¹¹ Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

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

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

Land and buildings

Foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must¹²:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

¹² Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

6: Statutory process: foundation proposals

Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

A 'foundation trust school' is a foundation school with a charitable foundation complying with the requirements set out in SSFA 1998¹³. These include that the foundation trust must have a charitable purpose of advancing education and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby the school's foundation trust has the power to appoint a majority of governors on the GB.

Where a school's GB considers changing category to foundation or acquiring a foundation trust and/or acquiring a foundation majority on the school's GB, the following five-stage statutory process must be followed:

Stage	Description	Timescale	Comments
Stage 1	Initiation		The GB considers a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication		Having gained consent where appropriate
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the prescribed alteration regulations. The LA may refer a foundation trust proposal to the Schools Adjudicator during this period if it considers the proposal to have a negative effect on standards at the school
Stage 4	Decision	The GB must decide within 12 months of the date of publication	Unless the LA has referred the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

¹³ Section 23A

Initiation

For a proposal to change the category of a school to a foundation school, the GB should inform the LA in writing, at least seven days in advance of a meeting, if a motion to consult on a change of category proposal is to be discussed.

Before the GB can publish a proposal to change category from a voluntary school to a foundation school, the existing trustees and whoever appoints the foundation governors must give their consent.

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Part 1 of [Schedule 1 to the Prescribed Alterations Regulations](#) specifies the information that the statutory proposal must contain. Further details on the publication stage can be found in [Part 5](#).

Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the GB, to be taken into account when the decision is made.

During the representation period, the LA has the power to require the referral of a proposal to acquire a foundation trust/foundation majority to the [Schools Adjudicator](#) for decision, if they consider it will have a negative impact on standards at the school.

The LA does not have this power in respect of a proposal solely to change the category to foundation¹⁴.

Where a proposal is referred to the [Schools Adjudicator](#), the GB must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

¹⁴ However, where such a proposal is related to a proposal to acquire a trust, then the whole set of proposals will be referred to the Schools Adjudicator.

Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the GB will be the decision-maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

Where a proposal to acquire a foundation trust or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA;
- approve the proposal with or without modifications but conditional upon:
 - the making of any scheme relating to any charity connected with the school; and
 - the establishment of a foundation¹⁵.

Where the LA has referred a proposal to acquire a foundation trust/foundation majority to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will also fall to be decided by the Schools Adjudicator.

Decision-makers should consider the impact of changing category to foundation school, and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty¹⁶ to promote community cohesion, and decision-makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies.

¹⁵ As defined in section 23A of the SSFA 1998

¹⁶ Under section 23A(6) of the SSFA 1998

Foundation schools acquiring a foundation trust

For foundation trust schools the decision-maker should be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
 - o disqualifications from working with children or young people;
 - o not having obtained a criminal record check certificate¹⁷;
 - o [Charities Act 2011](#)¹⁸ which disqualify certain persons from acting as charity trustees.

Suitability of partners

Decision-makers will need to be satisfied of the suitability of foundation trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision-maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)¹⁹
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

¹⁷ Under section 113A of the Police Act 1997

¹⁸ section 178 onwards

¹⁹ Appearance on this database should not automatically disqualify a potential trust member; decision-makers will wish to consider each case on its merits

Within one week of making a decision the GB must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the LA;
- the local Church of England diocese; and
- the local Roman Catholic diocese.

Where a proposal has been decided by the GB and is to change the category of a VA school to foundation (with or without the acquisition of a foundation trust/foundation majority), the following bodies have the right of appeal to the [Schools Adjudicator](#)²⁰:

- the LA;
- the local Church of England diocese(s); and
- the local Roman Catholic diocese(s).

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events²¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

Implementation

The GB must implement any approved proposal by the approved implementation date, taking into account any modifications made by the decision-maker.

Within one week of implementation, the GB must provide information to the Secretary of State²² about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

²⁰ The specific circumstances in which a referral can be made are prescribed under paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations

²¹ under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

²² Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

schoolorganisation.notifications@education.gov.uk in order for the school record to be updated on GIAS.

Modification post determination

Modifications can be made to a proposal by the governing body after determination but before implementation.

Revocation

If the proposer no longer wants to implement an approved proposal they must publish a revocation proposal to be relieved of the duty to implement, as set out in Paragraph 19 of Schedule 1 of the Prescribed Alterations Regulations.

Governance and staffing issues

Schedule 4 of the Prescribed Alterations Regulations provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the GB;
- current governors continuing in office;
- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

Land transfer issues

Requirements as to land transfers, when a school changes category or acquires a foundation trust, are prescribed in Schedule 5 of the Prescribed Alterations Regulations.

Removing a foundation trust and/or removing a foundation majority

There are five or six statutory stages (depending on the proposal and circumstances) to remove a foundation trust and/or to reduce a foundation majority. It may be triggered in two different ways – either by a majority or a minority of the GB:

Stage	Description	Timescale	Comments
Stage 1	Initiation		<p>Majority A majority of governors considers publishing a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation.</p> <p>or</p> <p>Minority A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation</p>
Stage 2	Land Issues (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	<p>Majority A minimum of 4 weeks is recommended.</p> <p>or</p> <p>Minority No consultation required</p>	<p>Majority It is for the GB to determine the length of consultation</p>
Stage 4	Publication and representation	<p>Majority 6 week representation period.</p> <p>or</p> <p>Minority</p>	

Stage	Description	Timescale	Comments
		Where there are no land or asset issues – publish within 3 months of receipt of notice by GB clerk – followed by a 6-week representation period. Where there are land issues, publish within 1 month of receipt of School Adjudicator's determination – followed by a 6-week representation period	
Stage 5	Decision	Within 3 months	A proposal initiated by a minority of governors may not be rejected unless at least two-thirds of the GB are in favour of the rejection
Stage 6	Implementation	No prescribed timescale	But must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- a) a majority²³ of the GB or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole GB at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- b) at least one-third²⁴ of the governors requesting in writing to the clerk of the GB, that a proposal be published. No vote of the GB is required as they are obliged to publish a proposal. To prevent on-going challenges

²³ Regulation 4 of the Removal Regulations

²⁴ Regulation 5 of the Removal Regulations

there are a number of prescribed circumstances²⁵ in which there is no obligation to follow the wishes of the minority of governors.

Land and assets (when removing a foundation trust)

Before publishing proposals to remove a foundation trust, the GB must reach agreement with the trustees and LA on issues relating to the school's land and assets. Where such issues remain unresolved within three months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#) for determination.

On the removal of the foundation trust, all publicly provided land held by the foundation trust for the purposes of the school will transfer to the GB²⁶. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the GB in accordance with a transfer agreement, providing for consideration to be paid by the GB to the foundation trust where appropriate. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the GB must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the LA;

²⁵ See regulation 5(4) of the Removal Regulations

²⁶ By virtue of regulation 17(1) of the Removal Regulations

- the GBs of any other foundation or foundation special schools maintained by the same LA for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;
- any other person the GB consider appropriate.

Publication

Where the decision to publish a proposal was made by a majority of governors, the GB at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the GB must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#), the proposal must be published within 1 month of receipt of its determination.

Proposals to remove a foundation trust or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#). Further details on the publication stage can be found in [Part 5](#).

At the same time as publishing the proposals, the GB must send copies of the proposals to the LA, trustees, and the Secretary of State via schoolorganisation.notifications@education.gov.uk.

Representation

The representation period starts on the date of the publication of the proposal and must last six weeks. During this period, any person or organisation can submit comments on the proposal to the GB to be taken into account when the decision is made.

Unlike the foundation trust acquisition process, there is no power for the LA to refer a proposal to the Schools Adjudicator to remove a school's foundation trust or to reduce the number of governors appointed by the foundation trust. However, GBs

must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of State under Section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

Decision

The GB is the decision-maker for a removal proposal and must determine the proposal within 3 months of the date of its publication.

If a proposal was brought forward by a majority of governors, then it may be determined by a majority vote of those governors present²⁷.

If a proposal was brought forward by a minority of governors, then the GB may not reject the proposal unless two thirds or more of the governors indicate that they are in favour of its rejection²⁸.

When deciding a proposal for the removal of a foundation trust, the GB should consider the proposal in the context of the original proposal to acquire the foundation trust, and consider whether the foundation trust has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners, this should be considered.

All decisions must be taken in accordance with the processes prescribed in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#).²⁹

The GB must notify the relevant LA, trustees and the Secretary of State via schoolorganisation.notifications@education.gov.uk of their decision.

Implementation

The GB is under a statutory duty to implement any approved proposal, as published, by the approved implementation date, taking into account any modifications made. In changing category, an implementation period begins when the proposal is decided and ends on the date the proposal is implemented. During this period the LA and GB are required to make a new instrument of government for the school, so enough time must be built into the timeframe for this to happen. The GB must then be reconstituted in a form appropriate to the school's new category and also in accordance with the appropriate instrument of government taking into account the [School Governance \(Constitution\) \(England\) Regulations 2012](#).

²⁷ As per the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

²⁸ As per regulation 11(2) of the Removal Regulations.

²⁹ Except as otherwise provided by the Removal Regulations.

When removing a foundation trust or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current GB who continues as a governor on these grounds holds office for the remainder of the term for which he or she was originally appointed or elected. Where a school with a religious character has no foundation trust, the GB must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent the appointment of a former foundation governor being reappointed by the GB as a partnership governor.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation trust for the use of the school and premises. When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

Modification of proposals

Modifications can only be made to the implementation date and the proposed constitution of the governing body.

Annex A: Information to be included in a prescribed alteration statutory proposal

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision-makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and LA details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments.

Annex B: Further Information

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
www.legislation.gov.uk/uksi/2013/3110/contents/made
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#) www.legislation.gov.uk/uksi/2007/3475/contents/made
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#) www.legislation.gov.uk/uksi/2007/1287/contents/made
- [The Education and Inspections Act 2006](#)
www.legislation.gov.uk/ukpga/2006/40
- [The School Standards and Framework Act 1998](#)
www.legislation.gov.uk/ukpga/1998/31/contents

It also relates to:

- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) www.legislation.gov.uk/uksi/2013/3109/contents/made
- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
www.legislation.gov.uk/uksi/2012/1034/contents/made
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)
www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi_20141257_en.pdf
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](#) www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf
- [The School Governance \(New Schools\) \(England\) Regulations 2007](#)
www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) www.legislation.gov.uk/uksi/2013/1624/contents/made
- [The Childcare Act 2006](#) www.legislation.gov.uk/ukpga/2006/21/contents
- [The School Premises \(England\) Regulations 2012](#)
www.legislation.gov.uk/uksi/2012/1943/contents/made

- [Making Significant Changes to an Existing Academy](http://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy)
www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy
- [Academy/Free School Presumption – departmental advice](http://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption)
www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers](http://www.gov.uk/government/publications/establishing-new-maintained-schools)
www.gov.uk/government/publications/establishing-new-maintained-schools
- [The School Admissions Code](http://www.gov.uk/government/publications/school-admissions-code--2) www.gov.uk/government/publications/school-admissions-code--2
- [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/contents) www.legislation.gov.uk/ukpga/1996/56/contents
- [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) www.legislation.gov.uk/ukpga/2010/15/contents
- [Police Act 1997](http://www.legislation.gov.uk/ukpga/1997/50/contents) www.legislation.gov.uk/ukpga/1997/50/contents
- [Charities Act 2011](http://www.legislation.gov.uk/ukpga/2011/25/contents) www.legislation.gov.uk/ukpga/2011/25/contents
- [Public Sector Equality Duty](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty) www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty
- [Home-to-school travel and transport - GOV.UK](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)
www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance
- [Get information about schools - GOV.UK](http://www.get-information-schools.service.gov.uk/) www.get-information-schools.service.gov.uk/
- [Consultation principles: guidance - GOV.UK](http://www.gov.uk/government/publications/consultation-principles-guidance)
www.gov.uk/government/publications/consultation-principles-guidance
- [School land and property: protection, transfer and disposal - GOV.UK](http://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal)
www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal

Annex C: Contact details for RSC offices

- East and North East London - RSC.EASTNELONDON@education.gov.uk
- North - RSC.NORTH@education.gov.uk
- East Midlands and Humber - EMH.RSC@education.gov.uk
- Lancashire and West Yorkshire - LWY.RSC@education.gov.uk
- South Central England and North West London - RSC.SCNWLON@education.gov.uk
- South East and South London - RSC.SESL@education.gov.uk
- South West - RSC.SW@education.gov.uk
- West Midlands - RSC.WM@education.gov.uk



Department
for Education

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 Brent	Cabinet 19 July 2021
	Report from the Assistant Chief Executive
Brent Neighbourhood Community Infrastructure Levy (NCIL) Projects	

Wards Affected:	All
Key or Non-Key Decision: (only applicable for Cabinet, Cabinet Sub Committee and officer decisions)	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 - Brent CIL Neighbourhood Boundaries
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Kate Lambert Grants Manager 020 8937 1170 Kate.lambert@brent.gov.uk

1. Purpose of the Report

- 1.1 The Community Infrastructure Levy (CIL) is a charge applied to eligible developments to help fund strategic (borough-wide) and neighbourhood infrastructure related to development. Brent's CIL was formally introduced on 1 July 2013.
- 1.2 The NCIL programme was introduced in 2017 following a Brent wide consultation on the neighbourhood priorities. To date, 229 NCIL projects have been approved, to a value of £14M. Please see more detail in Section 3.
- 1.3 The NCIL scheme is a key driver of positive change in the borough within the context of the Brent Borough Plan, 2019-2023. NCIL projects cut across the five overarching themes of the Borough Plan: 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; Strong foundations.
- 1.4 The Theme of Round two 2021 was 'Recovery'. The Borough plan's vision is 'To make Brent a borough of culture, empathy and shared prosperity'. Tackling poverty, inequality and the climate emergency are vital to success in addressing the five priority areas. Specific examples include Education and employment training and support for young people, specifically Black Caribbean boys, Looked after children and care leavers; Improved air quality

and parks and open spaces and improving the health of Brent residents reducing health inequalities.

- 1.5 The NCIL Grants programme is delivered with support to local communities. A capacity-building programme to assist potential applicants from a wide range of backgrounds: including local residents, constituted groups, and registered organisations is made available before the Grant round opens. For this round, the main method of engagement was the delivery of online group workshops that residents could book onto via Eventbrite. 16 workshops were held whilst the funding window was open which covered the key areas that must be addressed through the application form. Workshops explained NCIL eligibility, assessment criteria, and application process.
- 1.6 These workshops provide applicants with opportunities to ask questions, and better understand requirements of a successful NCIL application. Interested parties can also ask specific follow-up questions by emailing the NCIL mailbox, as well as organise formal one-to-one sessions with officers to discuss their application. Initial analysis shows that those who accessed Brent's capacity building programme were statistically more likely to write a successful NCIL application.

In addition to the workshops, officers are available to deliver presentations to other voluntary and community sector networks with wider access to groups who are suitable to apply for NCIL funding. Emerging Communities Network to reach communities who may not usually apply for funding and Brent CVS to ensure they can share information about the Grant to the many local organisations who are members of CVS Brent.

Potential applicants are provided with detailed guidance notes that set out the key NCIL assessment criteria and funding expectations. This guidance is listed on Brent's NCIL webpage and was updated before the funding window opened.

To encourage applications NCIL is actively promoted through Brent's community directory, and by reaching out to those who previously expressed interest in applying for NCIL. A communications approach was delivered to ensure awareness was raised across the borough. The website was updated and the grant was promoted through press release and social media channels. Every unsuccessful applicant receives direct feedback on where they failed to meet the criteria and are signposted towards alternative funding including: Open4community Grants Search Portal, CVS Brent and Young Brent Foundation. Brent Council also offers further support in the form of a one-to-one feedback sessions in order to reapply to NCIL (if applicable).

- 1.7 We received 70 applications to the value of £5.3M. The key reasons for projects not being awarded include not meeting the CIL regulations, no or minimal community support behind the project, not addressing the impacts of development in the area and not offering value for money.
- 1.8 All projects are initially long listed by the Grants team based on whether projects meet the CIL regulations, there is demonstrable community support and the project is a 'one off' scheme. The longlisted projects are then

shortlisted by the panel and receive comments from the two relevant cabinet portfolio holders. These projects are then finalised by the Assistant Chief Executive to either be forwarded for cabinet approval or agreed if less than £100,000, subject to a funding agreement being signed.

1.9 This report requests that Cabinet approves the allocation of Neighbourhood CIL (NCIL) funds for 4 community projects over 100K from round two of the 2020/21 NCIL programme.

1.10 Subject to approval, the next round of NCIL will be £2 million. We are currently looking at possible options to deliver the grant with strong community involvement. Options may include the use of participatory budgeting, subject to lessons learned from the planned participatory budgeting for the Carbon Offset funding.

2. Recommendations

2.1 To approve the NCIL allocation of:

- **£194,988** for Jason Roberts Foundation - Connect Brent Project: to undertake much needed upgrading works at The Pavilion, the community centre where the charity is based. The project will make the centre an all-weather facility that can be used by residents and community groups all year-round, by erecting a steel canopy over the multi-games area and 5-a-side pitch.
- **£100,000** for Brent Music Service in partnership with local Harlesden schools and community groups – Brent Music Service Harlesden Music Centre Project: Providing local, easily accessible venues to address the barriers preventing CYP participation in out-of-school music activity. Weekly centres will be available for children in Harlesden schools and will become progressively more visible in the community as the project progresses.
- **£124,700 for** Queen's Park Area Residents' Association (QPARA) in partnership with Brent Council – Keslake Pocket Park Improvements Project: The project will remodel Keslake Pocket Park to make it safer and design out anti-social behaviour, crime, loitering and littering by providing a layout and street components that create a well-lit, safe, and open space. There will be increased visibility both into and across the space and the new design will provide a pleasing visual amenity, as well as a small square area for the local community.
- **£100,000** for Alperton residents in partnership with Brent Council - Creating an Open Space for the Whole Community Project: The proposal by the residents is to enhance the quality of Alperton Sports Ground and address concerns raised by residents around the lack of outdoor and play facilities, anti-social behaviour, security and safety concerns as a result of development.

- 2.2 The NCIL applications less than £100,000 approved by the Panel are summarised in Section 8.3.
- 2.3 Following cabinet approval of these projects, the final stage will be:
The Grants Manager will give further scrutiny on ensuring a deliverable measurable outcome analysis is completed in conjunction with the delivery agency. This will form part of a signed legally binding funding agreement that is regularly monitored. If the outcomes are not in line with Brent Council priorities and not agreed, the funding offer may be withdrawn.

3. Neighbourhood CIL – Background

- 3.1 Brent's NCIL Programme has been a great success since its launch in 2017. Community groups, residents and stakeholders have been encouraged and supported to submit bids and, to date, over £14m of NCIL funds have been allocated to community infrastructure projects.
- 3.2 The CIL Regulations 2010 stipulate that at least 15 per cent of CIL receipts generated may be spent on neighbourhood projects, that is, infrastructure or anything else that is concerned with addressing the demands that development places on an area (capped at £100/dwelling each financial year).
- 3.3 Whilst the legislation does not prescribe a process for how NCIL is allocated, the expectation is that priorities are decided following engagement and consultation with the local community. As a result, Brent is divided into five CIL Neighbourhoods; Kilburn & Kensal, Kingsbury & Kenton, Wembley, Willesden and Harlesden.
- 3.4 Where a Neighbourhood Plan is in place, then up to 25 per cent of CIL collected from liable developments within the Neighbourhood Plan boundary may be spent on neighbourhood priorities. There are two adopted Neighbourhood Plans in Brent, Sudbury Town and Harlesden. A diagram showing the CIL Neighbourhood and Forum boundaries is in **Appendix 1**.
- 3.5 All shortlisted NCIL projects must be aligned to at least one of the Neighbourhood Priorities identified via consultation (January 2020). A summary of the current NCIL priorities is in **Table 1**:

Table 1 NCIL Priorities

Top 4 Neighbourhood Priorities				
Harlesden	Parks and Green Spaces	Crime and Antisocial behaviour	Education and Employment	Town Centres and High Streets
Willesden	Parks and Green Spaces	Crime and Antisocial behaviour	Climate Change and Ecology	Physical and Mental Health
Wembley	Parks and Green Spaces	Crime and Antisocial behaviour	Education and Employment	Physical and Mental Health
Kilburn and Kensal	Climate Change and Ecology	Parks and Green Spaces	Town Centres and High Streets	Physical and Mental Health
Kingsbury and Kenton	Parks and Green Spaces	Crime and Antisocial behaviour	Education and Employment	Community and Culture

- 3.6 Applications for NCIL funds are allocated twice a year. The current round closed on 3 May 2021. All projects are assessed on how well they meet the NCIL shortlisting criteria by the NCIL panel, consisting of the Head of Planning and Development Services, Planning Transport and Licensing and the Interim Head of Strategy and Partnerships. The Cabinet Member for Regeneration, Highways and Planning and Cabinet Member for Community Safety and Engagement also comment on shortlisted projects.
- 3.7 This specific round was capped at £2,000,000 with a focus on recovery. The total amount allocated by the panel in this round is £1,566,442.04.
- 3.8 Cabinet is asked to approve 4 projects that were shortlisted by the panel during March to April 2021 that were equal to or greater than £100,000. These 4 projects have a combined value of £519,688.
- 3.9 All projects must meet the 8 shortlisting criteria for all NCIL projects as follows:
- Meets the types of Infrastructure that can be funded within the CIL Regulations (2010)
 - Evidence of community backing
 - Addresses the impact(s) and supports ongoing development in the neighbourhood the project is being delivered in
 - Reflects the strategic priorities of the Council within the Borough Plan, meeting the theme of the specific NCIL round
 - Reflects the neighbourhood priorities within the neighbourhood the project is being delivered in
 - A one-off project that does not require additional revenue funding in its delivery or its operation (or identifies how additional revenue funding may be met)

- Benefits a diverse Brent community reflecting the demographics of the neighbourhood the project is being delivered in
- Offers value for money

3.10 The 4 projects that Cabinet are asked to consider have been assessed by the Panel and sufficiently meet the criteria to be presented to Cabinet for approval. The Projects are

1. Jason Roberts Foundation – Connect Brent
2. Brent Music Service in partnership with local schools and community groups – Brent Music Service Harlesden Music Centre Project
3. Queens Park Residents Association in partnership with Brent Council - Keslake Pocket Park Improvements
4. Alperton Resident's in partnership with Brent Council - Creating an Open Space for the Whole Community

One of these projects, Jason Roberts Foundation – Connect Brent, has specific focus to improve a community facility in Brent. The upgrade and improvement of community facilities will help address the impacts that development places on local communities

4.0 Jason Roberts Foundation / Connect Brent – Harlesden Neighbourhood – Stonebridge ward

4.1 Jason Roberts Foundation is seeking funds to undertake much-needed upgrading works at The Pavilion, the community centre where the charity is based in Harlesden Neighbourhood. The project will make the centre an all-weather facility that can be used by residents and community groups year-round, by erecting a steel canopy over the multi-games area and 5-a-side pitch.

4.2 The project will deliver:

- Increased participation in sports & fitness activities and community events
- Enhanced physical and mental wellbeing of participants
- Increased community cohesion amongst users
- Increased community use of The Pavilion facility

4.3 The project meets the CIL regulations by upgrading physical infrastructure at The Pavilion community centre in the Harlesden Neighbourhood. The project will make the centre an all-weather facility that can be used by residents and community groups year-round, by erecting a steel canopy over the multi-games area and 5-a-side pitch. The project will also benefit residents travelling from other neighbourhoods across Brent.

4.4 The community support for the proposal has been provided through a questionnaire targeting current users and captures over 100 respondents in support of the proposal, primarily from the Harlesden Neighbourhood. Additionally direct consultation has taken place with several local community groups who use the facility and have submitted letters of support.

- 4.5 Jason Roberts Foundation is registered on Companies House and Charities Commission as a Charitable Company
- 4.6 A summary of the provisional milestones for implementing these proposals is in **Table 2**.

Programme Milestones	Estimated Completion Date
Architects drawings	August 2021
Pre-planning Application advice and submission	September 2021
Planning Application	September 2021
Electrical works undertaken	November 2021
Ground works/Foundations for Canopy dug	November 2021
Canopy installation	December 2021
Opening/Launch event (possibly earlier)	January 2022
Day of Remembrance	March 2022
Community Events - Connect Brent	April – August 2022

- 4.7 The total project cost has been calculated at £196,288 of which £194,988 is the total NCIL contribution. Match funding is contributed from Jason Roberts Foundation.

5.0 Brent Music Service in partnership with schools and community groups - Harlesden Music Centre Project – Harlesden Neighbourhood – Harlesden & Stonebridge wards

- 5.1 Brent Music Service is seeking funds to provide local, easily accessible music venues in partnership with local groups to address the barriers preventing CYP participation in out-of-school music activity. Weekly centres will be available for children in Harlesden schools and will become progressively more visible in the community as the project progresses.

- 5.2 The project will:

- Increase CYP engagement in music through Brent Music Service supported activity from the Harlesden community
- Address known barriers: travel - distance, time, cost, parents escorting younger children; support balance of work/family commitments.
- Provide more cultural opportunities for children and young people through volunteering and youth involvement (Pupil Voice and RPO Young Leader programme)
- Deliver high quality education through professional music educators
- Develop young people's musical skills to a higher level & give group performance experience
- Strengthen provision for care leavers through volunteering opportunities and Young Leader training
- Contribute to positive well-being & health

- Celebrate Brent's vibrant culture of music-making and appreciation – concerts/community workshops/parent involvement/Brent Makes Music and local and national festivals

5.3 The Project meets the CIL regulations by delivering social infrastructure to provide education and high quality music teaching across the borough beyond the life of the NCIL project. More specifically the project supports:

- Education and Employment - high quality music education, volunteering opportunities, opportunities for community musicians, RPO Young Leaders programme
- Physical and Mental Health – positive impact of music making and group music making in particular on mental and physical wellbeing and self-esteem.
- Community and Culture - bringing high quality cultural opportunities to the local area.

This project addresses the concerns of Harlesden residents highlighted in the NCIL Development Survey (2021) to do with the need for educational, cultural and wellbeing activities as well as concerns about the “severe and significant” impact on transport in the area. The Town Charter (2010) emphasises the impact of new developments resulting in the absence of music venues. Working in partnership with local schools and using their large performance spaces for concerts and workshops will help to address this and enable easy access to those in the local area without the need to travel long distances on public transport or deal with the high volume of traffic during the after-school to rush-hour period. We are also exploring the use of a community building on the Leopold Primary Gwenneth Rickus site on Brentfield Road. This addresses the impacts of development in the Harlesden neighbourhood where population is increasing resulting in more congestion.

5.4 The community support for the proposal has been provided by an online survey of Harlesden parents and captures 90 respondents in support of the proposal. Additionally direct consultation has taken place with community groups and several Harlesden schools who have submitted letters of support for the proposal.

5.5 A summary of the provisional milestones for implementing these proposals is in **Table 3**.

Programme Milestones	Estimated Completion Date C
Recruitment to ensembles - 12x taster workshops in schools/auditions	September 2021
Recruitment and training of initial volunteers x4	September 2021
Weekly ensemble delivery of 7x new BMS ensembles begins	September 2021
Young Leader recruitment and training sessions begin	October 2021
Launch of Harlesden Pupil Voice group	October 2021
Open rehearsals for parents	November 2021
End of term concerts	December 2021
Recruitment/auditions for January entry	December 2021

Boom Band and Bridge Orchestra workshops with RPO (Ensemble Explosion)	February 2022
Performance opportunities (Music for Youth Festival/Local events)	March 2022
Outdoor performance opportunities for Steel Pan groups	April 2022
Massed rehearsals for Brent Makes Music	June 2022
Brent Makes Music Concert at Wembley Arena for all participating pupils	July 2022

5.6 The total project cost has been calculated at £126,500 of which £100,000 is the NCIL contribution. Match funding is from the Brent Music Service.

6. QPARA in partnership with Brent Council – Keslake Pocket Park Improvements – Kilburn and Kensal Neighbourhood – Queen’s Park ward

6.1 Funds are sought by the resident’s association to remodel Keslake Pocket Park to make it safer and to design out ASB, crime, loitering and littering by providing a layout and street components that create a well-lit, safe, and open space. There will be increased visibility both into and across the space and the new design will provide a pleasing visual amenity, as well as a small square area for the local community.

6.2 The ‘Keslake Pocket Park Improvements’ will provide

- Substantial reduction in anti-social behaviour in the Pocket park area of around 90% due to the re-design and new layout
- A safe, welcoming and accessible space for all residents and visitors
- Improved aesthetics and safety through new lighting, trees and planters, bollards, and a new paved area

6.3 The Project meets the CIL regulations by delivering enhanced green space and positively contributing to community safety. It will benefit residents and in turn reduce other costs for the police and Council; in addition it will address criterion 'Repair failing existing infrastructure' as the current Pocket Park is in a run-down state; furthermore it is adjacent to the busy shopping area 'Town Centre and High Street' in Chamberlayne Road and will enhance that environment in conjunction with improvements in Brent's Kensal Corridor Improvements Scheme which should start being implemented directly opposite in Station Terrace and Kensal Rise station area in 2021.

The project addresses the impacts of development in the Kilburn and Kensal Neighbourhood

6.4 The community support has been provided by a survey completed about the project proposal and capturing over 60 residents and local businesses from around Keslake supporting the proposal.

6.5 A summary of the provisional milestones for implementing these proposals is in **Table 4**.

Programme Milestones	Estimated Completion Date
Detailed design of works	September 2021
Prepare contract documents	October 2021
Tender period to find contractors	November 2021
Contractor award	December 2021
Mobilisation	January 2022
Construction commences	February 2022
Completion	May 2022

6.6 The total project cost and NCIL contribution has been calculated as £124,700.

7. **Alperton Residents in partnership with Brent Council - Creating an Open Space for the Whole Community – Wembley Neighbourhood – Alperton ward**

7.1 Together, a group of Alperton residents and the Council's Regeneration and Parks teams have developed a proposal to enhance the quality of Alperton Sports Ground and address concerns raised by residents via consultation around the lack of outdoor and play facilities, anti-social behaviour, and security and safety concerns due to the developments in the Wembley neighbourhood.

7.2 The project will:

- Provide a safe, welcoming and accessible space for all residents and visitors
- Improve the quality of children's play and sports facilities
- Improve the aesthetics through tree planting, installing new benches, bins and furniture

7.3 The project meets the CIL regulations by delivering physical improvements to sports facilities, parks and green spaces, as well as increases the capacity of existing infrastructure. This is addressing the impact of developments in the Wembley neighbourhood. There will be community safety, physical and mental health, and ecological outcomes from this project.

7.4 The community support for the proposal has been provided by a survey and captures over 60 Alperton residents in support of the proposal.

7.5 A summary of the provisional milestones for implementing these proposals is in **Table 5**.

Programme Milestones	Estimated Completion Date C
Appoint landscape architects - To finalise designs and assist with second round of consultation	August – September 2021
Public consultation - Final designs presented to the public	September – October 2021
Tree maintenance - Removal of trunks	October – November 2021
Building survey	October – November 2021
Art installation	October – November 2021

installation of benches	October – November 2021
Dog station design and installation	October – November 2021
Bins installation	October – November 2021
Installation of play and sports equipment	November – December 2021
New tree planting	January 2022
New bedding	January 2022
Tree guards	January 2022
Completion of work	February 2022

- 7.6 The total project cost and NCIL contribution has been calculated as £100,000. The original request was for £216,632.12 from NCIL and was to include the installation of new tarmac paths. Should Brent Council wish to continue with this element of the project they would need to secure match funding to finance this cost.

8 Financial Implications

- 8.1 The value of CIL funds available to fund neighbourhood projects is dependent on the number and value of CIL liable developments in each CIL Neighbourhood. As of 1 March 2021, approximately £6.5m was available to fund NCIL projects. This round was capped at £2m in order to continue to have two NCIL rounds per year. Cabinet is asked to approve the use of £519,688 to fund 4 NCIL Projects over or equal to £100,000. Another 25 projects were awarded below the value of £100,000 totalling £1,046,754.04

- 8.2 NCIL Money available and awarded by Neighbourhood is in **Table 6**.

NCIL Budget	Harlesden	Kilburn and Kensal	Kingsbury and Kenton	Wembley	Willesden	STRA	HTRA	TOTAL
Amount Available	£250,000	£250,000	£250,000	£1,000,000	£250,000	£0	£0	£2,000,000
Amount Awarded	£269,393	£250,354	£113,341	£741,962	£190,550	£0	£0	£1,565,600

- 8.3 Summary of projects approved by the panel and not requiring a cabinet decision is in **Table 7**.

CIL Neighbourhood	Ward	Project	Project Summary	Delivered by	Funding Granted
HARLESDEN					£169,750.00
Harlesden	Harlesden	Salvation Army Harlesden Community Hub	This project will help to redevelop the Corps' community hub to increase its size by; expanding the size of the original hall and building additional floors; this will provide the Harlesden community with community rooms, a hall,	The Salvation Army - Harlesden Corps	£78,750.00

			a café, and community gardens.		
Harlesden	Harlesden	Supporting Community Recovery Through Increasing Capacity at the Fawood Family Wellbeing Centre	The project is to support recovery in the community, following the covid-19 pandemic, by increasing the capacity of the Fawood Family Wellbeing Centre.	Fawood Children's Centre	£91,000.00

KILBURN AND KENSAL					£125,654.00
Kilburn and Kensal	Mapesbury	Heart of Cricklewood	Cricklewood Town Team (CTT) is requesting a one-off grant from NCIL to enhance the pedestrian area (known as "The Piazza"), to re-activate it, and help it recover from the lockdown.	Cricklewood Town Team	£17,230.00
Kilburn and Kensal	Mapesbury	Creative Wellness & Cultural Connexions	This is a creative wellbeing project that will help to break isolation, improve mental and physical wellbeing, rekindle a sense of community spirit through a combination of face to face creative workshops which will bring vulnerable adults and older persons who have been isolated during Covid together	Learning Through The Arts	£37,424.00
Kilburn and Kensal	Brondesbury Park	Trees for All Souls Avenue	The aim of this application is to secure funding to plant trees along All Souls Avenue, a street with a diverse population and a large number of families.	Brent Council	£25,000.00
Kilburn and Kensal	Queens Park	Linden, Langer and Mortimer Trees	Linden Avenue, Langer Road and Mortimer Road Trees has been brought forward as a project by numerous residents in the area who wish to improve their	Brent Council	£46,000.00

			environment by planting new trees.		
KINGSBURY AND KENTON					£113,341.04
Kingsbury and Kenton	Fryent Barnhill	Fryent Country Park - Slough Lane entrance path and other improvements to the Park	The project aims to improve the drainage of the path off Slough Lane to make access easier; and to use that surface water to create a wildlife swale feature.	Brent Council	£46,600.00
Kingsbury and Kenton	Fryent Welsh Harp Queensbury	Silver Jubilee Adventure playground	The project seeks to create a brand new adventure playground in Silver Jubilee park. It will install and secure a suitable fence to ensure a safe space for children to play and express themselves freely, without having to worry about other park users or traffic from the nearby roads.	Brent Council	£50,000.00
Kingsbury and Kenton	Kenton	The Brook Way Biodiversity Community Project	The funding requested is for the introduction of a mural to be painted on a privately owned wall and we will involve both local schools in a design competition.	Brent Council	£8,275.00
Kingsbury and Kenton	Queensbury	Curbing anti-social behaviour at All Saints' Church and Hall, Queensbury	This project seeks to curb anti-social behaviour by installing new lighting in parts of the grounds and security features to act as a deterrent.	All Saints' Church Queensbury	£8,466.04
STRA					£9,921.00
Sudbury Town Residents Association	Sudbury	Enhancing our service	The aim of this project is to purchase a new Combi-Oven for our kitchen, to replace the existing one, which is now outdated and beginning to fail.	Sudbury Neighbourhood Centre (Middlesex) Ltd	£9,921.00
WEMBLEY					£158,297.00
Wembley	Wembley Central Sudbury	Erection of security fences to inhibit anti-	Erection of two fences from the North West and North East corners of the church to the existing boundary fence of Gilbert	St. John's Wembley Parochial Church Council	£17,300.00

		social behaviour	Scott Close, enclosing an area North of the Church.		
Wembley	Barnhill	Chalkhill Parent and Toddler Group	Daniel's Den (DD) would like to open and start a Parent/Carer and Toddler (PaT) group in Chalkhill Community Centre. These groups provide a safe space for carers to meet other families, be known in their community, stimulate and develop a child's confidence through play and activities.	Daniel's Den Ltd	£9,997.00
Wembley	Wembley Central Alperton	We are Alive and Kicking – Communities from Ealing Road after Covid	Community encounters between producers and members of the communities a series of photographs, numerous audio interviews and footage for a short film are taken and artistically presented in an upcoming exhibitions and events series (online and onsite) in the London Borough of Brent.	Mukul and Ghetto Tigers Limited	£49,500.00
Wembley	Alperton Wembley Central	School Colourful Crossings Wembley	Artists in Residence will be working collaboratively with local schools to design and make three wonderful and aesthetically pleasing colourful crossings in 3 major roads in Wembley.	Artists in Residence	£64,000.00
Wembley	Preston	Refurbishment of alleyway between Blenheim Gardens and St. Augustine's Avenue	Creating a safe space for local residents by refurbishing alleyway that is susceptible to ASB. Project will also seek to improve active travel in the area.	Brent Council	£17,500.00
WILLESDEN					£190,550.00
Willesden	Dollis Hill	Healthy Irish Elders	The project will be a weekly activity group that is run predominantly for older Irish residents of Brent.	Brent Irish Advisory Service	£49,378.00

Willesden	Dollis Hill	Sakura Cherry Trees	This bid is to cover the cost of work to prepare ground for planting Sakura Cherry trees, stakes, compost, watering bags, plus event costs for a community-planting day where residents are invited to plant a tree.	Brent Council	£28,750.00
Willesden	Willesden	Triton Chances	Triton Training will offer free Swimming Teaching and Lifeguard courses for Brent residents; these are industry-recognised courses through Swim England, STA and RLSS.	Triton Training	£62,422.00
Willesden	Willesden Green	New heritage gates at Willesden Jewish Cemetery	This project will purchase and install new gates for Willesden Jewish Cemetery, which is of nationally important inheritance.	United Synagogue	£50,000.00

MULTIPLE					£279,241.00
Wembley Harlesden Willesden Kilburn and Kensal	All	Aspire	Aspire will take 20 organisations (2 employees per organisation) on a learning journey that equips and guides them to access, boost and grow their funding-related activities	Young Brent Foundation	£55,000.00
Harlesden, HTRA, Kilburn and Kensal, Kingsbury and Kenton, STRA, Wembley, Willesden	All	Faith in Recovery	Project delivering 4 separate elements and directly support some of Brent's strategic priorities. Elements include: enhancing engagement with LB Brent Strategies, developing a relationship and working with the Police, relaunch the Borough of Sanctuary programme, enhance Interfaith relations and collaboration within Brent	i-Faith Forum	£73,820.00

Harlesden, HTRA, Kilburn and Kensal, Kingsbury and Kenton, STRA, Wembley, Willesden	Willesden Green Dudden Hill Dollis Hill Brondesbury Park Fryent Harlesden Kensal Green Kenton Kilburn Mapesbury Queen's Park Church Road Queensbury Stonebridge Welsh Harp Church Road	Tech Made Easy for Seniors	Mixture of in-person and online sessions to equip older people with basic IT and digital communication skills. This project will address isolation, improve skills and confidence. The project will directly support 192 individuals and encourage them to pass on their skills and knowledge to their elderly friends.	Brent Indian Community Centre (BICC)	£62,981.00
Harlesden, Kilburn and Kensal, Wembley	Tokington Mapesbury Stonebridge	The Brent Guitar Club	The project will focus on hands on instrumental music learning, primarily using acoustic guitars in a group environment for young people between 7 and 18 and some sessions for older members of the community, those living with dementia and those who are workless.	Musicus CIC	£30,600.00
Harlesden, Wembley	Stonebridge Harlesden Wembley	Brent Somali Group Roadshow	This project will look at recruiting volunteers and training them in mental health awareness as well as a 40 week physical and wellbeing project	Horn Stars Sc	£56,840.00

TOTAL	£1,046,754.04
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- 8.3 Each project will be required to sign a funding agreement to confirm project milestones, deliverables and outcomes with payment instalments. The Council's Grants Team will conduct regular project monitoring.

9 Legal Implications

- 9.1 The Planning Act 2008, and CIL Regulations 2010, provide for local authorities to apply the CIL to infrastructure to support development. The Neighbourhood element may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure, or anything else that is concerned with addressing the demands that development places on an area (Reg. 59F).
- 9.2 CIL spend is governed by Part 7 of the CIL Regulations. For any financial year in which CIL, receipts are received, an infrastructure funding statement-outlining receipts and expenditure must be prepared and published on the council's website. (Reg. 62).

- 9.3 Government Guidance (2014, as amended) states that the Council must engage the community where development has taken place and accordingly, agree with them how best to spend the funding. The use of neighbourhood funds should match the priorities expressed by the local communities.

10 Equality Implications

- 10.1 In compliance with the Equality Act 2010 and the Public Sector Equality Duty (PSED), the Council must, in the exercise of its functions, have “due regard” to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 10.2 The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.
- 10.3 An Equality Analysis (EA) of the NCIL programme was completed in December 2018. The overall assessment is that Brent’s NCIL programme has a positive impact in terms of promoting equality. Each project also completes an initial screening of the likely impact of their plans on the protected characteristics.
- 10.4 The increase in high quality community facilities in the borough is likely to have a positive impact on all protected characteristics, however each of the projects will be asked to provide confirmed milestones for the refurbishment including a plan for how to manage any potentially negative impacts on particular characteristics whilst refurbishment work is taking place.
- 10.5 Project funding agreements and monitoring schedule will cover all impacts on protected characteristics for individual projects and ways to address if relevant.

11 Consultation with Ward Members and Stakeholders

The Cabinet Member for Regeneration, Properties and Planning and The Cabinet Member for Community Safety and Engagement are consulted throughout the process including comments on the shortlisted projects. Letters of support from stakeholders (including ward members) were also received with the NCIL applications.

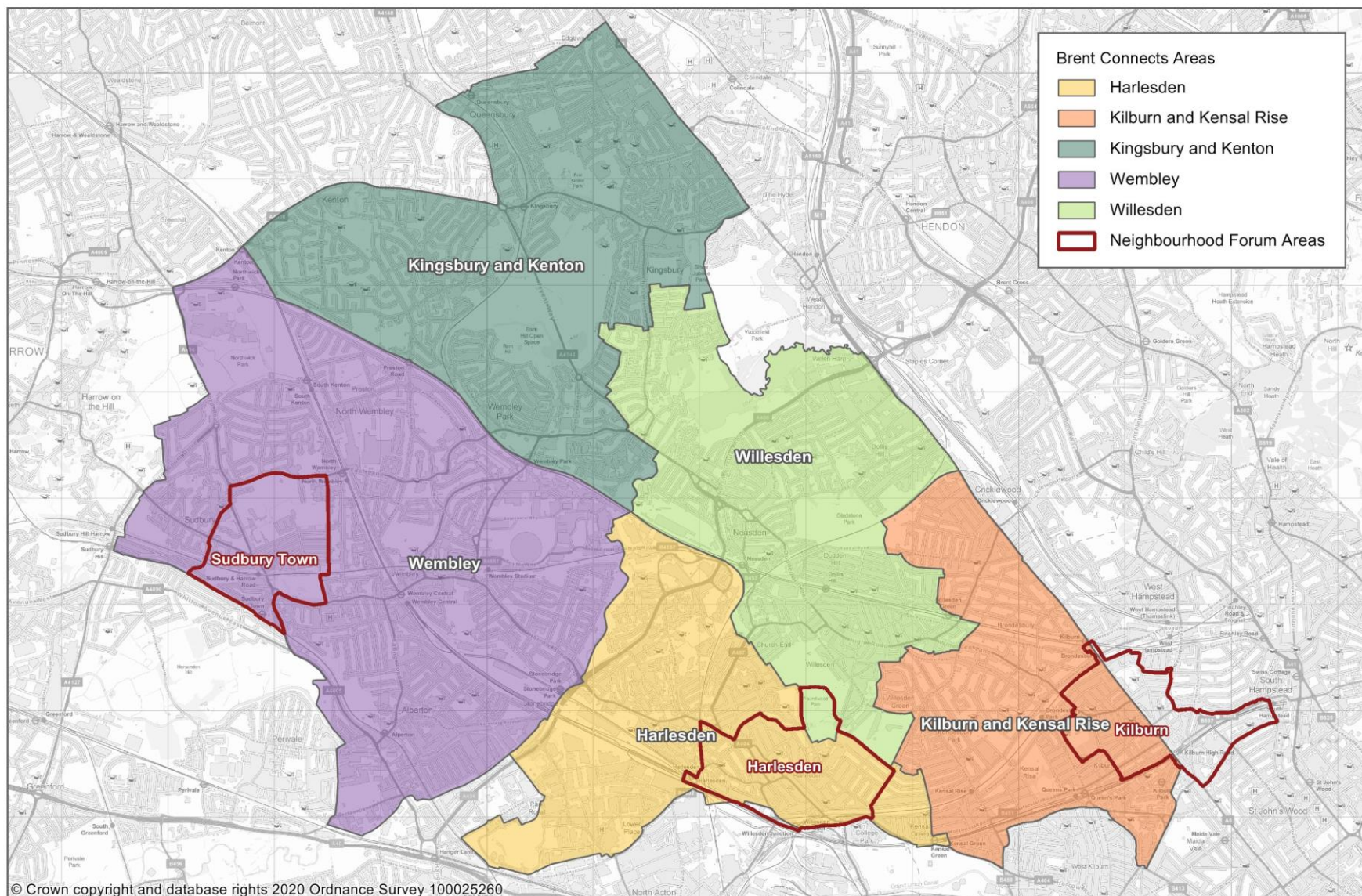
12 Human Resources / Property Implications (if appropriate)

There are no Human Resources implications for Brent.


Report sign off:

Shazia Hussain

Assistant Chief Executive



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 Brent	Cabinet 19 th July 2021
	Report from the Director of Finance
Financial Outturn Report 2020/21	

Wards Affected:	All
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:	N/A
Background Papers:	N/A
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1. Summary

- 1.1. This report sets out the outturn for income and expenditure versus the revenue budget for 2020/21 and other key financial data. Total pressures for the year (COVID-19 and non-COVID-19) amount to £47m. This was offset by utilising £37.8m of government COVID-19 funding, a £0.3m HRA non-COVID-19 underspend and COVID-19 service underspends of £3.3m resulting in a breakeven position for the year for the General Fund and the Housing Revenue Account (HRA) and a £5.6m deficit in the Dedicated Schools Grant (DSG). The capital programme spent £171.8m in 2020/21, from a budget of £224.9m, predominately due projects spending money slower than budgeted.

Non COVID-19 Related Costs 2020/21

- 1.2. The financial position for the council prior to accounting for the impact of COVID-19 resulted in break-even for the General Fund, a £0.3m underspend for the HRA and a £5.0m overspend for the DSG.

COVID-19 Related Costs 2020/21

- 1.3. The impact of COVID-19 added a further £42m of costs and income losses to services in 2020/21. This is split by £41.1m in the General Fund, £0.3m in the HRA and £0.6m in the DSG. Further details are contained in Table 1 and throughout this report.
- 1.4. The total service related COVID-19 funding received in 2020/21 was £51.1m, and comprised of targeted grants of £22.3m, non-ringfenced grants of £22.0m and compensation for sales, fees and charges of £6.8m. This emergency funding from government departments has been used to offset in-year COVID-19 pressures of £37.8m. In addition, £3.3m of the General Fund COVID-19 costs were offset by compensatory COVID-19 related underspends totaling £3.3m.
- 1.5. Of the remaining £13.3m of the COVID-19 funding (combination of ringfenced and non-ringfenced) received, £13.2m has been transferred to 2021/22 via reserves to address any unbudgeted additional costs of COVID-19 in 2021/22 and £0.1m to deferred income.
- 1.6. The overspend on the DSG was transferred to unusable reserves, as required by statutory regulation. It is expected that the DSG will be required to repay this deficit in future years, although the timing and mechanism for repayments remain uncertain at this point in time.
- 1.7. Within the HRA, a £0.3m non-COVID-19 underspend offset a £0.3m COVID-19 overspend.

Table 1	Budget	Actual Overspend / (Underspend) excluding COVID-19	Additional costs/ loss of income due to COVID-19 and Savings shortfall	COVID-19 Related service underspends	Total Actual Overspend/ (Underspend)
	£m	£m	£m	£m	£m
Chief Executive Department	25.3	0.0	1.3	(0.3)	1.0
Children and Young People	48.7	0.0	5.5	(0.2)	5.3
Community and Well-Being	135.5	0.0	15.5	(1.3)	14.2
Customer & Digital Services	28.7	0.0	2.4	(0.5)	1.9
Regeneration & Environment	41.8	0.0	7.2	(1.0)	6.2
Subtotal Service Area Budgets	280.0	0.0	31.9	(3.3)	28.6
Central items	(280.0)	0.0	9.2	0.0	9.2
COVID-19 Funding utilised	0.0		(37.8)	0.0	(37.8)
Grand Total General Fund Budgets	0.0	0.0	3.3	(3.3)	0.0
DSG Funded Activity	0.0	5.0	0.6	0.0	5.6

Housing Revenue Account (HRA)	0.0	(0.3)	0.3	0.0	0.0
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- 1.8.** The capital programme spent £171.8m in 2020/21, with an outturn of 76% against the budget. The underspend is principally due to capital projects not progressing quite as fast as planned, especially in Housing Care Investment, Schools, Corporate Landlord and Public Realm. An analysis of the underspends that are available to be re-phased to 2021/22 will be provided within the Medium Term Financial Outlook report to Cabinet.

2. Recommendation

- 2.1.** To note the overall financial position for 2020/21.

3. Revenue Detail

3.1. Chief Executive Department (CE)

Chief Executive Department	Budget	Actual excluding COVID-19 Impact	Actual Overspend / (Underspend) excluding COVID-19	Additional costs/ loss of income due to COVID-19	COVID-19 Related service underspends	Total
	(£m)	(£m)	(£m)	(£m)	(£m)	(£m)
Legal, HR and Audit	9.4	9.4	0.0	0.2	(0.1)	0.1
Finance	7.8	7.8	0.0	0.1	(0.1)	0.0
Assistant Chief Executive	8.1	8.1	0.0	1.0	(0.1)	0.9
Total	25.3	25.3	0.0	1.3	(0.3)	1.0

Summary

- 3.1.1.** The CE department had a net overspend of £1.0m for 2020/21. This includes a £1.3m financial pressure due to COVID-19, offset by £0.3m COVID-19 related underspends.

Actual excluding COVID-19

- 3.1.2.** The results presented in the table above show a forecast breakeven position (excluding COVID-19) at the year end.

Additional costs/loss of income due to COVID-19

- 3.1.3.** The department's finances have been impacted by the COVID-19 outbreak and the largest attributable costs and income losses include:

- Legal, HR and Audit - £0.2m due to loss of income from services offered to the construction industry and on client debt related matters due to reduced demand. Additional costs incurred in providing specialist advice and upgrading electronic services due to the lockdown of courts and within HR to provide risk assessments and additional support for specialist counselling in respect of individuals or teams suffering from PTSD.
- Finance - £0.1m reduction in energy usage from council owned buildings.

- Assistant Chief Executive - Communications - £0.9m loss of income from venue hire at The Drum; film productions not using council sites and parking services; and loss of commercial advertisers on the bridge and banner.
- Assistant Chief Executive - Strategy & Partnership - £0.1m additional costs from capacity development support to Voluntary Sector Organisations to help them engage and build networks with smaller organisations in the Borough to identify COVID-19 impacts on vulnerable individuals and groups.

COVID-19 Related service underspends

3.1.4. The £0.3m COVID-19 related underspend within the department is to contribute to the one-off corporate target. This was achieved from delayed recruitment to posts where COVID-19 has resulted in a short-term reduction in demand, bringing forward savings planned for future years and various other activities related to changes in demand as a consequence of COVID-19.

3.2. Children and Young People (CYP) (General Fund)

CYP Department	Budget	Actual excluding COVID-19 Impact	Actual Overspend /(Underspend) Excluding COVID-19	Additional costs/ loss of income due to COVID-19	COVID-19 Related service underspends	Total
	(£m)	(£m)	(£m)	(£m)	(£m)	(£m)
Central Management	0.1	0.0	(0.1)	0.0	0.0	(0.1)
Early Help	5.2	4.8	(0.4)	0.6	0.0	0.2
Inclusion	1.4	1.4	0.0	0.0	0.0	0.0
Localities	15.7	16.6	0.9	1.7	0.0	2.6
Looked After Children and Permanency	6.4	6.6	0.2	0.3	0.0	0.5
Forward Planning, Performance & Partnerships	17.9	17.9	0.0	2.1	0.0	2.1
Safeguarding and Quality Assurance	1.9	1.7	(0.2)	0.0	0.0	(0.2)
Setting and School Effectiveness	0.1	(0.3)	(0.4)	0.8	(0.2)	0.2
Total	48.7	48.7	0.0	5.5	(0.2)	5.3

Summary

3.2.1. The CYP (General Fund) department at the end of 2020/21 has overspent by £5.3m which is £1m more than the reported Quarter 3 forecast overspend of £4.3m due to an increase in COVID-19 related pressures. The £5.5m financial pressure is due to the additional costs and loss of income as a result of the COVID-19 pandemic and is offset by £0.2m COVID-19 related underspends.

Actual excluding COVID-19

3.2.2. The final outturn excluding COVID-19 related pressures is a breakeven position, a reduction from the projected £0.6m overspend reported in Quarter 3. The reduction is mainly due to mitigating actions taken to control spend across the department, which have reduced the pressures against the Localities and Looked after Children and Permanency budgets. The position consists of:

- £0.9m pressure against the Localities service budget is mainly due to demand led pressures against the care package costs for Care at Home and Direct Payment in Children with Disabilities, which had a net increase of 78 clients in the 2020/21 financial year. The service continues to rely on the use of agency staff to cover established social worker posts and there remains ongoing management action to look to reduce the number of agency social workers and fill positions with permanent staff.
- £0.2m pressure against the Looked after Children and Permanency budget has arisen mainly from the cost of commissioning six adoptive placements with adoption agencies other than Adopt London West. This is based on a child's best interests, in line with regulatory guidance, that the most suitable adoptive placement should be found for a child, regardless of the type of adoption service provider. There was also a prior year invoice paid for the adoption contract.
- A £1.1m underspend had arisen across a number of the services to mitigate the pressures above. These include:
 - a £0.4m underspend against the Early help budgets due to a combination of staffing vacancies held and the use of one-off grant funds to meet existing costs;
 - a £0.2m underspend against a non-ring fenced grant within the Setting and School Effectiveness service and in year vacancies across the service;
 - a £0.2m net underspend due to the closure of the Gordon Brown Centre as a result of the pandemic;
 - there was an underspend against the training budget within the Safeguarding & Quality Assurance service as well as underspends against in year vacancies held of £0.2m; and
 - £0.1m underspend against the central management supplies and services budgets.

Additional costs/loss of income due to COVID-19

3.2.3. The outturn position includes additional costs of £5.5m incurred as a result of the COVID-19 pandemic and these attributable costs and income losses include:

- £2.1m pressures in Forward Planning, Performance and Partnerships consisting of £0.9m placement costs as a result of additional costs incurred for placing a child with complex needs moved from hospital due to the lockdown and increases in the demand for parent and baby placements; £0.5m delays in stepdown arrangements from residential placements to foster placements and/or semi-independent placements; £0.3m additional placement costs for care leavers, where the lockdown has caused a delay in bidding for and moving into their own tenancies; a £0.3m pressure due to an increase in police protection cases as a result of the lockdown; and £0.1m relates to parental mental health training costs and additional key worker support for children.

- £1.7m pressures in Localities relate to:

- £0.9m temporary staffing cost pressures across the social work teams within the Localities service to deal with increased capacity and caseloads as a result of the pandemic;
 - £0.7m additional payments for short break activities for Children with disabilities and for families with children in need (s17 Children Act 1989) who needed emergency payments for food, utilities or other hardship issues; and
 - £0.1m loss of income from other local authorities utilising the Ade Adepitan Short Break Centre in the borough.
- £0.8m pressures in Setting and School Effectiveness relate to loss of income in 2020/21 from traded services with schools with the largest losses being; the Gordon Brown Centre £0.6m; Brent Music Service £0.1m; and £0.1m from other School Compliance and Governor training income.
 - £0.6m pressures in Early Help relate to a £0.3m net pressure arising from slippage in the delivery of the 2020/21 savings target, made up of £0.8m due to the delayed opening of the Family Wellbeing Centres (FWC) because of the pandemic, however, an in year one off virement was made corporately of (£0.5m) to fund the gap; £0.1m cost of keeping children's centres open for an additional three months, thereby extending existing contracts with the current providers and as a result of the pandemic related delay in the introduction of the FWC; loss of £0.1m income from a Council owned Nursery for fee paying families for whom a childcare place has been discontinued and £0.1m loss of revenue in issuing Education Penalty notices and temporary staffing costs to support backlog and COVID-19 related pressures.
 - £0.3m pressure in Looked after Children and Permanency relates to £0.2m for providing care leavers with emergency payments at points of crisis and increased subsistence allowance to care leavers by £20 per week in line with universal credit; and £0.1m relates to the developing of a shared fostering service with three other West London Alliance (WLA) boroughs which would result in staffing efficiencies. This was delayed due to an unsuccessful funding bid to the DfE, with alternative funding sources to carry out this work now being sought.
- 3.2.4.** The final outturn reflects a net £1m increase in the COVID-19 related pressures from the reported Q3 position and the main changes are:
- £0.5m increase due to agency staff cost pressures because of an increase in caseloads following increased referrals within the Localities service following the wider re-opening of schools due to the impact of the pandemic as mentioned above. £0.5m increase in care package costs and emergency payments is also a knock-on effect of increased referrals and also increases in the needs of a number of children and young people as a result of the pandemic.

COVID-19 Related service underspends

- 3.2.5.** £0.2m COVID-19 related in year underspends have been identified within the department to contribute to the one-off £5m corporate target. This is a reduction from the £0.5m reported in Q3 because £0.3m of the underspend identified has been used to offset non-COVID-19 related items first. These underspends are mainly due to in year vacant positions held reduced spend against costs of events and conferences and underspends expected against travel costs and subsistence for staff as a result of fewer face to face visits during the lockdown etc.

3.3. Community Well-Being (CWB) (General Fund)

CWB Department	Budget	Actual excluding COVID-19 Impact	Actual Overspend/ (Underspend) excluding COVID-19	Additional costs/ loss of income due to COVID-19	COVID-19 Related service underspends	Total
	(£m)	(£m)	(£m)	(£m)	(£m)	(£m)
Housing	8.9	8.9	0.0	1.3	0.0	1.4
Public Health	21.8	21.8	0.0	2.9	0.0	2.9
Culture	5.3	5.3	0.0	1.4	0.0	1.4
Adult Social Care	99.5	99.5	0.0	9.9	(1.3)	8.6
Total	135.5	135.5	0.0	15.5	(1.3)	14.2

Summary

- 3.3.1.** The overall overspend of £14.2m within the Community Wellbeing department includes a £15.5m financial pressure that is fully attributable to COVID-19 and is offset by a £1.3m COVID-19 related underspend in Adult Social Care. The department has also received service specific government support of £7.6m.

Actual excluding COVID-19

- 3.3.2.** Excluding COVID-19 related pressures, the department has achieved a break-even position for 2020/21.

Additional costs/losses of income due to COVID-19

- 3.3.3.** In 2020/21, the department's finances have been significantly affected by the COVID-19 outbreak and the largest financial impacts included the following:

Housing

In total, Housing had a £1.3m overspend due to COVID-19, which is a net result of the following items:

- Increase in provision for uncollectable rental income from Housing Needs tenants. The collection rates fell from 95% prior to the start of the pandemic to 80% initially, before gradually recovering to 90% at year-end. The increased provision also takes into account the future impact of a potential prolonged recession which could increase the levels of bad debts incurred by the Council further.
- Additional spend to accommodate the increased demand in temporary accommodation for homeless people through the lockdown periods. The broadening of homelessness criteria has led to a significant increase in the requirement for temporary accommodation.
- Through the utilisation of specific COVID-19 grants a partial underspend against the main Flexible Homelessness Support grant.

In addition, the Council has received £1m in specific housing related COVID-19 grants that has helped to partially mitigate the overall £1.3m impact of the pandemic on this service.

Public Health

A £2.9m grant has been received to cover any Test and Trace and Asymptomatic Testing activities which the Council was required to provide.

Culture

Culture had a £1.4m overspend associated with COVID-19:

- £0.6m additional expenditure incurred on operational and mothballing costs for Willesden Sports Centre, Bridge Park and Vale Farm leisure centres.
- £0.5m foregone income from leisure services at Bridge Park and Vale Farm as a result of the closures and restrictions following reopening.
- £0.1m loss of libraries income and additional £0.2m costs predominately associated with increased security requirements.

Adult Social Care

Adult Social Care had a £9.9m overspend associated with COVID-19, consisting of £12.3m in additional expenditure and £2.4m of additional income. The additional expenditure of £12.3m is broken down as follows:

- £2.6m additional cost that was incurred by the Council due to supporting care providers throughout the pandemic.
- £3.2m additional cost for procuring Personal Protective Equipment (PPE) and distributing it free of charge to care providers. The Council was better able to source and buy this equipment than many care providers who would have struggled considering the competitive market. Allocating it out to providers was part of the emergency response, as well as prevented further pressures on cost of care.
- £3.1m increase in the cost of homecare due to additional hours of care provided and increasing payments to homecare providers as part of the pandemic response. The increase in homecare hours was due to closure of the day centres, increase of care packages where families could not support the client and more clients than usual coming to the Council's attention as a result of the pandemic. The increased payments to providers were the result of a 5 % uplift in payment rates to £16 per hour as an interim measure until the Council is able to implement London Living Wage, as well as payments having been made at commissioned levels for homecare packages from April to July.
- £0.9m additional social care discharge costs arising from increased hospital admissions during the COVID-19 pandemic.
- £0.6m other direct costs as a result of COVID-19 such as paying directly for care home agency staff, equipping the Peel Road NAIL scheme as a discharge facility

and providing shopping calls for those service users who were self-isolating.

- £0.4m additional cost associated with recruiting agency social workers to help meet additional demands in Safeguarding and Mental Health arising because of COVID-19.
- £0.1m slippage against the planned re-commissioning efficiency saving because of a delay in moving clients due to the pandemic restrictions.
- £1.4m additional expenditure was incurred due to CCG commissioning all Residential and Nursing placements during the first two quarters of the year that are typically more expensive than the usual cost to the Council.

The additional income of £2.4m is broken down as follows:

- £1.4m additional income from CCG to cover the costs associated with placements made by CCG
- A £1.0m Public Health contribution has allowed to partially cover the PPE costs

COVID-19 Related service underspends

3.3.4. The £1.3m COVID-19 related underspend within the Adult Social Care service is a result of cost reductions associated with the early termination of some care packages due to excess deaths.

3.3.5. The impact of COVID-19 was previously estimated to be £13.2m in Q3, which has since increased to £15.1m, a net increase of £1.9m, as further government support was provided and the overall impact of the pandemic on 2020/21 became known. The main changes to the Q3 estimated financial impact are:

- £3.7m reduction in Housing Needs pressures due to rent collection rates improving towards the end of the year, clearing of a backlog in registering new homeless people for Housing Benefits and achieving an underspend against the Flexible Homelessness Support grant. To address the pressures arising as a result of the pandemic, the additional COVID-19 grant funding was utilised first, which resulted in the overall underspend against the Flexible Homelessness Support grant.
- £3.7m additional cost incurred by the Council due to providing additional support to care providers throughout the pandemic. This expenditure was fully grant funded.
- £2.0m NAIL saving was re-profiled from 2020/21 to 2021/22 and £0.3m less than anticipated slippages against other MTFS savings
- £2.1m higher than anticipated pressure due to the increase in homecare costs and less than envisaged reduction in Residential and Nursing costs
- £2.9m additional costs associated with carrying out Test and Trace and Asymptomatic Testing activities. This expenditure was fully grant funded.
- £1.0m Public Health contribution has allowed to partially cover the PPE cost

- £0.5m reduction due to the Adult Social care costs associated with CCG commissioned placements having been recharged to CCG in full
- £0.5m higher than anticipated other direct staffing costs
- £0.2m higher than anticipated expenditure on additional security measurements as the libraries have started to re-open.

3.4. Customer & Digital Services (CDS)

Operational Directorate	Budget	Actual excluding COVID-19 Impact	Actual Overspend/ (Underspend) excluding COVID-19	Additional costs/ loss of income due to COVID-19	COVID-19 Related service underspends	Total
	(£m)	(£m)	(£m)	(£m)	(£m)	(£m)
Customer And Digital Services Directorate	0.7	0.7	0.0	0.4	(0.0)	0.4
Customer Services	16.9	16.9	0.0	0.6	(0.2)	0.4
Shared ICT Service	0.0	0.0	0.0	0.3	0.0	0.3
ICT Client And Applications Support	6.3	6.3	0.0	0.4	(0.2)	0.2
Procurement	1.3	1.3		0.5	0.0	0.5
Transformation	3.5	3.5	0.0	0.2	(0.1)	0.1
Total	28.7	28.7	0.0	2.4	(0.5)	1.9

Summary

3.4.1. The CDS department final outturn for 2020/21 is a net overspend of £1.9m due to COVID-19 pressures. This includes a £2.4m financial pressure due to COVID-19, offset by £0.5m COVID-19 related underspends.

Actual excluding COVID-19

3.4.2. The results presented in the table above show a breakeven position (excluding COVID-19) at the year end.

Additional costs/loss of income due to COVID-19

3.4.3. The department's finances have been significantly impacted by the COVID-19 outbreak and the largest attributable costs and income losses include:

- CDS Director - £0.4m attributable to the purchasing of food and other supplies for residents who were shielding.
- Customer Access - £0.6m mainly due to increased discretionary housing payments to support tenants, admin delays in benefit processing and overpayments and reduced income from Registration and Nationality.
- SICTS (Digital Services) - £0.3m attributable to additional equipment, additional Mobile data costs and software licenses.

- ICT Client and Applications Support – £0.2m due to the loss of income from IT support service.
- Procurement – £0.5m related to cost of undertaking the purchasing of PPE for staff on behalf of the council.
- Transformation - £0.2m for Dynamics online form and power BI dashboard development, purchase of food vouchers and staff time costs.

COVID-19 Related service underspends

3.4.4. The £0.5m COVID-19 related underspend within the department is to contribute to the one-off corporate target. This has been achieved through delayed recruitment to posts, holding posts vacant, reduced use of Zip cars, reduced use of resilience contracts and various other activities related to changes in demand as a consequence of COVID-19.

3.5. Regeneration & Environment (R&E)

R&E	Budget	Actual excluding COVID-19 Impact	Actual over/ (under) spend excluding COVID-19 Impact	Additional costs/ loss of income due to COVID-19	COVID-19 Related service under-spends	Total
	(£m)	(£m)	(£m)	(£m)	(£m)	(£m)
Environmental Services	32.3	32.3	0.0	4.8	0.0	4.8
Regeneration Services	1.3	1.1	(0.2)	0.3	0.0	0.1
Property Services	6.2	6.7	0.5	0.6	0.0	1.1
R&E Directorate	2.0	1.7	(0.3)	1.5	(1.0)	0.2
Total	41.8	41.8	0.0	7.2	(1.0)	6.2

Summary

3.5.1. The outturn position for the R&E service is a net overspend of £6.2m. This includes £7.2m financial pressures due to COVID-19; offset by £1.0m underspends achieved by the service in order to offset the COVID-19 impact.

Actual excluding COVID-19

3.5.1. When excluding the impact of COVID-19, R&E reports a break even position:

- Break-even in Environmental Services including offsetting under and overspends within the services, the largest of which are:
 - £0.6m overspend in parking largely due to lower than budgeted income which is not thought to be linked to COVID-19. This is because car ownership and usage has not grown in line with estimates made by the Council within the 2018/19 budget;
 - £0.4m costs incurred on the Redesigning Local Services (RLS) project;

- £0.4m underspend in Regulatory Services due the movement of staff to COVID-19 projects that were funded by COVID-19 funding;
 - £0.4m underspend in Public Realm partly due to the insourcing of cemeteries grounds maintenance staff;
 - £0.3m underspend in Neighborhood Management due to higher than budgeted Fixed Penalty Notice, license and permit income.
- £0.5m overspend within Property & Assets primarily due to higher than budgeted business rates relating to the Civic Centre (£0.2m), additional staffing costs (£0.1m) for surveyors employed as agency staff, and an unbudgeted water bill (£0.1m);
 - £0.2m underspend in Planning & Development Services due to vacancies within Transportation, and higher than forecast pre-app income; and
 - £0.3m underspend from the R&E directorate due to small efficiencies across the directorate and releasing money set aside for the projects that did not materialise.

Additional costs/loss of income due to COVID-19

3.5.2. The department's finances have been significantly impacted by the COVID-19 outbreak, leading to additional costs and loss of income of £7.2m.

3.5.3. Of the £4.8m COVID-19 costs and loss of income in Environmental Services, the largest attributable income losses include:

- £5.2m estimated reduction in income for parking due to reduced motoring activity during 2020/21
- £1.3m relating to costs incurred on overflow mortuary at Marsh Road and additional pan London Mortuary costs
- Offset by a COVID-19 related underspend of £2.8m in Brent Transport Service, which offset the department's COVID-19 related costs. This was due to reduced demand for school transport during lockdowns.

3.5.4. Of the £1.5m of COVID-19 related costs recorded under R&E Directorate, £0.7m costs relate to Public Realm for acceptance of liability for increased residual tonnage, agreement to pay some Veolia agency staffing costs to cope with the staffing impact of COVID-19 and loss of income from garden waste and bulky waste.

3.5.5. The financial impact of COVID-19 was estimated at £9.1m at the end of Q3, compared to outturn of £7.2m. The main movements were in the following areas:

- Parking – loss of income increased from forecast £3.2m to £5.2m, this was due to further government restrictions in Q4 reducing motoring activity.
- Highways & Infrastructure – Impact reduced from £1.0m to £0.3m as the risk of reduced fee income did not materialise to the fullest extent.
- Brent Transport Service – As shown above, the service had reduced operation in 2020/21, which meant the service was able to contribute to reducing the COVID-19 impact by £2.7m, an increase of £2.2m from the Q3 forecast

COVID-19 Related service underspends

3.5.6. The £1.0m COVID-19 related underspend was the result of efficiency savings imposed across the Directorate, based on the mid-year outturn forecast. Discretionary directorate-wide expenditure was put on hold in order to offset the financial impact of COVID-19. In addition, this included top-slicing all budgets which contain salary expenditure. Each service therefore made modest savings within a strict budget monitoring regime.

3.6. Central items - Collection Fund and other central items

3.6.1. The budgeted net collectible amount for Council Tax (after exemptions, discounts and Council Tax support) was £160.5m in 2020/21. The actual net collectible amount as at 31 March 2021 reduced to £158.2m, a reduction of £2.3m since April 2020. The decrease during the year was due to new properties not being completed as expected and the additional Council Tax Support payments to residents, which increased substantially due to COVID-19, producing a cumulative Council Tax deficit on the Collection Fund of £7.7m after accounting adjustments for items such as impairment for doubtful debt, and write-offs. The in-year collection was 92%, 3.9% lower than the amount achieved in the previous year, although collection will continue to be attempted in future years.

3.6.2. The government's 75% compensation scheme and the spreading of deficits over three years are intended by Central Government to bring the Collection Fund back into balance in the next three years. An assessment will be made as to the impact on future budget setting when the Medium Term Financial Strategy is updated as the government scheme is unlikely to cover all the losses.

3.6.3. The budgeted net collectible amounts for Business Rates (after exemptions, reliefs and discounts) was £130.5m. The actual net collectible amount as at 31 March 2021 reduced to £64.8m, a reduction of £65.7m since April 2020. This reduction is a direct result of additional reliefs granted to businesses, due to COVID-19, where the council will receive a grant to compensate for the loss of income. The reduction to the overall rateable value has left the Collection Fund with an in-year deficit of around £81.1m. As at the 31 March 2021, the amount collected was 87.3%, this is significantly lower than the amount collected in the same period last year, at 98.2%. This is primarily due to payment deferrals that had been granted to support businesses due to the impact of COVID-19, as well as restricted enforcement activity and closure of courts.

3.6.4. Movements between the budget and actual collectable amounts affect the overall level of balances held on the Collection Fund at year-end after deducting charges. For Business Rates, the income due to the General Fund from the Collection Fund exceeded the budget by £20.1m due to a timing difference. This will be used over the next three years as described in paragraph 3.6.2.

3.6.5. The Central Items net position includes various COVID-19 grants from central government. These include the Additional Restrictions Grant (ARG), Clinically Extremely Vulnerable grant, Contain the Outbreak Management Fund (COMF) and other non-ringfenced COVID-19 grants. Restricted grants are being utilised first to maximise the flexibility in the general grants. The grants received and used in the year are summarised in paragraph 3.6.7. Grants of £13.2m that are allowed to be carried forward into 2021/22 to support the recovery have been carried forward after offsetting COVID-19 pressures of £41.1m in General Fund as reported in Table 1.

3.6.6. The £9.2m Central Items overspend is primarily due to COVID-19; in particular, an increase in the bad debt provision for housing benefit overpayments and sundry debts, summons income losses in relation to business rates and council tax due to court closure and restricted enforcement activities, additional spend on discretionary housing payments and subsidy loss in processing housing benefit claims.

3.6.7. COVID-19 Funding and Use Summary

COVID-19 Grant Receipt and Utilisation Summary 2020/21				
	Targeted Grant	General	Sales, Fees & Charges	Total
	£m	£m	£m	£m
Grant Received	22.3	22.0	6.8	51.1
Amount Used	(18.5)	(12.5)	(6.8)	(37.8)
Balance Unspent	3.8	9.5	0.0	13.3
Transfer to Reserves & Creditors	(3.8)	(9.5)	0.0	(13.3)

3.7. Capital financing and other items

3.7.1. The recovery of outstanding amounts due to the Council is calculated based the debt recovery experience over the previous twelve months, categorised according to the age and profile of the debt. An additional 10% impairment for doubtful debt has been allowed due to the impact of COVID-19. The expectation is that payment performance for debts outstanding as at 31st March 2021 will be significantly worse than compared to 2019/20 by a variety of debtors. The bad debt provision as at 31 March was £87.0m.

3.7.2. The capital financing outturn for 2020/21 is £23.4m, in line with the overall budget. This mainly consists of £6.9m interest receivable, £20.9m interest payable, and other financing expenditure including MRP, non-enhancing capital expenditure offset by the HRA contribution.

Capital Financing Budget	£m
Interest Payable	20.9
Interest Receivable	(6.9)
Capital Financing and Minimum Revenue Provision	9.4
Total	23.4

3.8. Dedicated Schools Grant (DSG)

Funding Blocks	DSG Funding	Actual excluding COVID-19 related pressures	Actual Over/ (Under) spend excluding COVID-19 Impact	Additional costs/ loss of income due to COVID-19	COVID-19 Related service underspends	Total
	(£m)	(£m)	(£m)	(£m)	(£m)	(£m)
Schools Block	233.8	233.3	(0.5)	0.0	0.0	(0.5)
High Needs Block	62.2	67.8	5.6	0.6	0.0	6.2
Early Years Block	22.9	23.4	0.5	0.0	0.0	0.5
Central Block	2.2	1.6	(0.6)	0.0	0.0	(0.6)
Total DSG	321.1	326.7	5.0	0.6	0.0	5.6

Summary

- 3.8.1.** The DSG spend has exceeded the 2020/21 allocation by £5.6m, mainly due to pressures in the High Needs block. This is an increase from the Quarter 3 reported position of £4.2m and includes a £0.6m pressure due to COVID-19 implications.
- 3.8.2.** This will lead to an increase in the DSG deficit from £4.9m to £10.5m by the end of the financial year. The DSG budget set for 2021/22 does not recover any of the deficit and the deficit will be disclosed as an earmarked usable reserve in line with DfE regulations (the School and Early Years Finance (England) Regulations 2020). The regulations make clear the requirement for any DSG deficit balance to be held within the local authority's overall DSG and carried forward to be funded from future year's funding and/or recovery plans agreed with the DfE. This arrangement is only in place for three years, ending at the end of 2022/23. It is currently unclear what arrangements will follow this, but DfE expects councils to use this time to address overspends in the DSG.

Actual excluding COVID-19

- 3.8.3.** The overall £5m pressure has mainly arisen against the High Needs block because of growth in Education Health and Care plan (EHCP) numbers, which has resulted in overspends in top-up funding predominantly in out of borough special schools, mainstream schools, independent residential schools and post-16 placements. The growth in EHCPs is a London and national trend whereby the number of children assessed as meeting the threshold for support continues to increase, but the High Needs funding has not increased in line with the rapid growth in overall pupil numbers, creating financial pressures. There has been a 16% increase in the number of EHCPs, which have risen from 2426 in 2019/20 to 2805 as at the end of 2020/21, and numbers are still rising.

3.8.4. The pressure in the High Needs block is summarized in the table below.

DSG High Needs Block	Budget	Outturn	Variance
	(£m)	(£m)	(£m)
Place funding in Brent Special Schools and ARPs	9.0	9.0	0.0
Top up funding in Brent Special Schools and ARPs	19.6	21.4	1.8
Top ups to mainstream settings in Brent	8.0	8.0	0.0
Residential and independent settings	8.6	9.4	0.8
Out of Borough Top ups	5.5	6.5	1.0
Post 16 Top ups	3.2	4.6	1.4
Targeted Funding	0.1	0.3	0.2
Education Otherwise / Awaiting Placement	0.6	0.8	0.2
Recoupment Income	(1.2)	(1.3)	(0.1)
Early Years Inclusion Fund	1.1	1.0	(0.1)
Support for Inclusion	1.0	0.8	(0.2)
SEN Services	6.7	6.8	0.1
High Needs Block – Income reduction	0.0	1.1	1.1
Total Expenditure: High Needs Block	62.2	68.4	6.2

3.8.5. The main pressures within the High Needs Block are as follows:

- £3.6m pressures have been incurred against the top up funding for Brent special schools and ARPs, against independent settings, and out of borough special schools due to increased numbers;
- £1.4m pressure due to growth in the numbers of young people remaining in education in post-16 who have EHCPs and who may have to be supported from the High Needs block until the age of twenty-five;
- £1.1m High Needs Block income reduction where a recoupment import-export adjustment has been made which accounts for school place funding for Brent pupils in other local authority areas;
- £0.1m pressure against SEN support services is as a result of a £1m pressure arising from the Speech and Language Therapy service, due to spot purchases to accommodate needs of children over and above the budgeted contract value and agency staffing costs pressures in the Education Psychology services, which are the knock-on effects of the increased demand. This pressure has in turn been offset by a £0.9m underspend against SEN transport as a result of wider one-off savings achieved against the corporate contract during the COVID-19 pandemic.

3.8.6. £0.5m pressure against the Early Years Block. In March 2020, the Government confirmed that local authorities should continue to fund the NEG entitlements despite some settings having to close due to the COVID-19 pandemic. Therefore, in Brent, all Early Years providers have continued to receive Nursery Education Grant (NEG) funding over the Summer Term 2020, based on their Spring term 2020 headcount and for the Autumn 2020 term based on Autumn 2019 headcount data. This has led to the block reporting a deficit of £0.8m as amounts paid to providers has exceeded the income allocation. This pressure has in turn been offset by additional income received where income has been increased by £0.1m relating to a prior year adjustment, and

the 2020/21 allocation was increased by £0.2m following confirmation of the January 2019 Early Years census.

3.8.7. £0.5m underspend against the Schools Block mainly due to a £0.7m underspend against the growth fund for Academies not being recouped. This is because of the timing difference between Academies and Local Authority financial years, where funding for Academies are adjusted to take into account the additional 5 months of growth funding required by Academies, but not maintained schools. This will therefore net off the pressure against the growth fund of £0.2m, due to pressures arising from rising rolls payments for growth in secondary pupil numbers.

3.8.8. £0.6m underspend against the Central Block, mainly relating to lower than expected employment termination costs, which were used to mitigate the COVID-19 related pressures within the DSG.

3.8.9. The DfE requires Local Authorities to have a management plan agreed by the Schools Forum in place to recover the deficit over a number of years. To recover the deficit, options are being reviewed by the task group set up by the Strategic Director of CYP and key strategies for recovery plan have been presented to the School Forum and will be monitored termly. These strategies include:

- Managing the rate of growth in the number of EHCP, looking to establish more SEND provision in the borough as part of the School Place Planning Strategy Refresh, including developing new Additionally Resourced Provisions (ARPs) in order to secure provision locally to meet the needs of Brent children;
- Ensuring there is full cost recovery from other local authorities that place pupils in Brent special schools including administration and other specific costs;
- Review of the DSG funded SEN support services currently underway;
- Continued central government lobbying.

Additional costs/ loss of income due to COVID-19

3.8.10. The costs against the high needs block to support the vulnerable children and young people during the COVID-19 pandemic lockdown and support post lockdown by funding additional tuition, therapy and specialist equipment amounts to £0.6m.

3.9. HRA

HRA	Budget	Actual excluding COVID-19 Impact	Actual Overspend/ (Underspend) excluding COVID-19 Impact	Additional costs/ loss of income due to COVID-19	COVID-19 Related service underspends	Total
	(£m)	(£m)	(£m)	(£m)	(£m)	(£m)
HRA	0.0	(0.3)	(0.3)	0.3	0.0	0.0

3.9.1. Summary

The budgets for the Housing Management function are contained within the ring-fenced Housing Revenue Account (HRA), which had a balanced budget set for 2020/21.

Overall, the HRA reports a break-even position for 2020/21, which includes £0.3m COVID-19 related pressures offset by a £0.3m non-pandemic related surplus.

3.9.2. Actual excluding COVID-19

The £0.3m overall surplus (excluding COVID-19) is the net result of a £2.4m overspend being more than offset by a £2.7m underspend. The individual variances consist of:

- £1.0m additional spend over budget on void works
- £1.0m additional spend on responsive repairs backlog
- £0.1m overspend arising from settling a backlog of disrepair cases
- £0.1m additional spend over budget to increase borough wide waste bin capacity in response to tenant complaints
- £0.1m additional spend over budget for the implementation of estate parking enforcements on 5 pilot sites
- £0.1m reduction on service charge billing to leaseholders, reflecting reduced volume of responsive communal repairs
- £2.3m underspend associated with deferred major works in relation to lift replacements as a result of a delay in leasehold consultation on external works and contractors' set up
- £0.3m underspend on mechanical and electrical communal repairs
- £0.1m underspend against staffing budgets due to vacancies

3.9.3. Additional costs/ losses of income due to COVID-19

In 2020/21, the HRA finances have been impacted by the COVID-19 outbreak and the financial pressures included:

- £0.2m loss of rental income due to delays to new build completions arising from stoppages on site during the first lockdown, which resulted in delays in letting new properties out to tenants
- £0.1m additional costs incurred on employing additional temporary staffing resource in estate caretaking services to provide cover for colleagues staying in isolation

3.9.4. The impact of COVID-19 was previously estimated to be £2.7m in Q3, which has since reduced by £2.4m. This is predominately due to significantly less than anticipated losses of rental income, as the collection rates have remarkably improved towards the end of the year. This is attributed to further government support and extensions of the furlough scheme that have helped to reduce the overall impact on the economy.

4. Capital Programme

Capital Programme Outturn for 2020/21

Directorate	Original Budget	Revised Budget	Expenditure in year	Over/ (under) spend in year (£m)
	(£m)	(£m)	(£m)	
Corporate Landlord	22.1	12.6	10.2	(2.4)
Regeneration	18.7	8.1	6.9	(1.2)
St. Raphael's Estate	0.3	0.7	0.5	(0.2)
Housing Care Investment	190.2	155.1	116.5	(38.6)
Schools	11.5	14.8	9.4	(5.4)
South Kilburn	24.0	8.1	6.7	(1.4)
Public Realm	23.9	25.5	21.6	(3.9)
Capitalisation	1.8	0.0	0.0	0.0
Grand Total	292.5	224.9	171.8	(53.1)

4.5.1. The Council has an ambitious five-year capital investment programme totaling £672.7m, which is financed from a combination of capital receipts, grants, contributions, reserves and external borrowing.

4.5.2. The Council spent £171.8m, which equates to 59% of the original capital programme budget and 76% of the revised budget. The programme has progressed well during a very challenging year with the reasons for the variances explained below. A separate report will be brought to Cabinet to review the underspends available that can be re-profiled and repurposed in future years.

Corporate Landlord

4.5.3. A number of projects within the programme have not progressed as anticipated. The Oracle Cloud Programme delivery profile changed since the budget was set, driven by changes in the scope of the project and the availability of the contractor resource due to COVID-19, resulting in slippage of £0.9m into the next financial year. The Energy Programme has been impacted by delays in procuring a delivery contractor causing slippage of £0.6m. The additional underspend is £0.4m for digital strategy, £0.3m on facilities management in house delivery and £0.2m on IT investment, which will be spent in the new financial year.

Regeneration

4.5.4. The Morland Gardens project incurred delays in the materials procurement and commencement of works due to COVID-19, resulting in slippage of £0.1m. The Housing Zones programme has been delayed whilst the Council awaits the outcome of a de-designation of land from Central Government, resulting in budget slippage of £0.3m. Delays in the operator procurement for Picture Palace have caused delays in

the refurbishment works, and delays in commencing the consultation on Design Works resulted in slippage for the Harlesden Regeneration Programme of £0.8m.

St Raphael's

- 4.5.5.** The slippage of £0.2m is due to a delay in procurement of the Design Team for Phase 1 of the programme.

Housing, Care and Investment

- 4.5.6.** The actual was lower than budget by £38.6m due to:
- The Private Rented Sector Programme had been working on purchasing a new build opportunity which did not materialise, resulting in slippage of £19m.
 - The underspend of £15m within the New Council Homes Programme was due to site delays (such as new planning permission being required to move the site boundary and site activity delays due to COVID-19), delays in agreeing Heads of Terms for Learie Constantine Centre and Brent Indian Community Centre and unused contingency.
 - There was an underspend of £3.9m on the major repairs and works scheme due to changes in the programme following full surveys and consultation with leaseholders. COVID-19 also caused delays in the delivery of materials, with some suppliers experiencing a 16-week delay in manufacturing lead times.
 - Empty Property - £0.7m slippage due to some large schemes being withdrawn by the developers/landlords and delay in some projects.

Schools

- 4.5.7.** The Uxendon Manor project experienced delays in the completion as additional works were identified which will be completed early in the new financial year. There is also an underspend on the schools asset management programme, the Council's Ark Elvin contribution and devolved formula capital works, owing to delays in the scheduling of the work caused by COVID-19. The £5.4m budget will be used in the new financial year.

South Kilburn

- 4.5.8.** There is an underspend of £2.2m on the Neville and Winterlys project due to property acquisitions expected to complete in March being delayed until the new financial year. This was partially offset by overspends in Austen & Blake Court and Carlton & Granville of £0.8m with the schemes having progressed further than expected, requiring the use of future years budget.

Public Realm

- 4.5.9.** There was a £3.9m underspend on public realm consisting of:
- An underspend of £2.2m in the highways programme primarily on the footways project due to delays in delivery. The remaining budget is projected to be spent in the new financial year.
 - The highways S106 projects also have a £0.7m underspend. These projects are being reviewed to ensure any funding that is not required will be reallocated.

- There are additional underspends in other areas including £0.5m in parking and street lighting and £0.4m in landscaping, due to delays caused by COVID-19. These are forecast to be spent in the new financial year.

5. Financial Implications

- 5.1.** This report is about the Council's financial position in 2020/21, but there are no direct financial implications in agreeing the report.

6. Legal Implications

- 6.1.** Managing public money responsibly is a key legal duty, but there are no direct legal implications in agreeing the report.


7. Equality Implications

- 7.1.** There are no direct equality implications in agreeing the report.

Report sign off:

Minesh Patel
Director of Finance

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	Cabinet 19 th July 2021
	Report from the Director of Finance
Quarter 1 Financial Report 2021/22	

Wards Affected:	All
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:	N/A
Background Papers:	N/A
Contact Officer(s): (Name, Title, Contact Details)	Minesh Patel Director of Finance Tel: 020 8937 4043 Minesh.patel@brent.gov.uk Ben Ainsworth Head of Finance Tel: 020 8937 1731 ben.ainsworth@brent.gov.uk

1. Summary

- 1.1. This report sets out the current forecast of income and expenditure versus the revenue budget for 2021/22 and other key financial data. Total pressures for the year are forecast to amount to £3.7m.
- 1.2. Of the £3.7m pressure, £3.5m relates to the Dedicated Schools Grant (DSG), and needs to be recovered from DSG received in future years. The remaining £0.2m relates to the Housing Revenue Account (HRA).
- 1.3. The 2021/22 budget was set to accommodate additional costs and losses of income arising as a result of the COVID-19 pandemic. These pressures amount to £13m, and are based on the central case from a scenario planning exercise. Currently, the General Fund forecasts match the central case as set in the February budget, however, the DSG and HRA are facing a £3.5m and £0.2m pressure, respectively.

Table 1	Budget	Forecast	Overspend / (Underspend)
	£m	£m	£m
Chief Executive Department	27.2	27.2	0.0
Children and Young People	52.5	52.5	0.0
Community and Well-Being	134.2	134.2	0.0
Customer & Digital Services	22.9	22.9	0.0
Regeneration & Environment	42.5	42.5	0.0
Subtotal Service Area Budgets	279.3	279.3	0.0
Central items	(279.3)	(279.3)	0.0
Grand Total General Fund Budgets	0.0	0.0	0.0
DSG Funded Activity	0.0	3.5	3.5
Housing Revenue Account (HRA)	0.0	0.2	0.2
Position before COVID-19 funding	0.0	3.7	3.7

1.4. These figures are more uncertain than at similar points in any year prior to 2020/21 due to uncertainty about the future course of the pandemic, and the future responses of government and society to the pandemic and its aftermath. At the time of writing, there are significant uncertainties, such as whether all social distancing restrictions will be relaxed on 19 July 21, how quickly the economy will recover from COVID-19, how individuals and businesses will change their behavior following the pandemic, and whether there will be a significant third wave of COVID-19 infections.

1.5. The pandemic has also created some significant risks for the council's capital programme, such as increasing costs for construction and housing acquisitions, which are detailed in section 4.

2. Recommendation

2.1. To note the overall financial position and the actions being taken to manage the issues arising

3. Revenue Detail

3.1. Chief Executive Department (CE)

Chief Executive Department	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Legal, HR and Audit	9.1	9.1	0.0

Finance	8.4	8.4	0.0
Assistant Chief Executive	9.7	9.7	0.0
Total	27.2	27.2	0.0

Summary

- 3.1.1. The CE department is currently forecasting to budget for 2021/22.

Risks and uncertainties

- 3.1.2. There is uncertainty in the conferences and events income forecast which is dependent on the Delta variant, further lockdown and restrictions. The outturn, which has been heavily affected by lockdowns in the past year continues to be reviewed as COVID-19 restrictions evolve.
- 3.1.3. The main risk to the financial impact is £0.2m within the Assistant Chief Executive department, caused by further loss of income due to cancellation of events held at The Drum.

3.2. Children and Young People (CYP) (General Fund)

CYP Department	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Central Management	3.3	3.3	0.0
Early Help	5.0	5.0	0.0
Inclusion	1.4	1.4	0.0
Localities	16.7	16.7	0.0
Looked After Children and Permanency	6.5	6.5	0.0
Forward Planning, Performance & Partnerships	17.7	17.7	0.0
Safeguarding and Quality Assurance	1.9	1.9	0.0
Setting and School Effectiveness	0.0	0.0	0.0
Total	52.5	52.5	0.0

Summary

- 3.2.1. The Children and Young People department is currently forecasting to breakeven at this early stage of the financial year. Due to the COVID-19 related pressures identified in 2020/21, the current budget has been set to mitigate expected recurring COVID-19 related pressures in 2021/22 only.

Forecast

- 3.2.2. There are a number of risks which may have an impact on this position going forward. The forecast assumes that COVID-19 related pressures identified in 2020/21, impacting this financial year, will be supported by COVID-19 one-off funding, however, if pressures are likely to be recurring, longer term solutions will need to be identified.

Risks and uncertainties

3.2.3. There are a number of risks and uncertainties within the department that may affect the projected outturn such as:

- Caseloads in the Localities and LAC & Permanency service are above the budgeted levels of circa 2,500 mainly due to an increase in referrals linked to the impact of COVID-19. This has required an increase in temporary agency social work staff to deal with the increased caseloads. There has been an 18% increase in the number of cases, an increase from 2,312 in April 2020 to 2,721 in April 2021 exceeding the budgeted levels of 2,500 cases. The caseload modelling is based on established national good practice and where there is scope to safely reduce agency staff levels, this management action will be undertaken. The Operational Director considers all requests for any new agency staff and extension requests for agency workers and there is close scrutiny of activity in this area.
- Risks due to the volatility of placement costs for Looked after Children and Children with Disabilities, as an individual high cost residential or secure placement can cost over £0.3m per annum. Amongst the factors at play are increased 'Remands into Local Authority Care', a further delay in the ability of the Home Office to process Immigration Status claims for care leavers, and COVID-19 having an impact on moving care leavers into their own tenancies, as well as reduced options for those bidding for LA accommodation. Whilst Looked after Children numbers have fallen slightly over the course of the pandemic, the difficulties around moving young people into their own accommodation have led to an increase in the number of over 18s placements and numbers have increased from 88 over 18s in January 2020 to 138 in April 2021, a 57% increase. There is also the risk of over inflationary price increases.
- Within the Forward Planning, Performance & Partnerships budget, the parent and baby element of the residential budget is another area of particular volatility. An increasing number of placements are court directed and despite the initial timeframe of 12 weeks for an assessment to be completed, extensions are at times required and/or further placements in parent and child fostering placements at a high rate are required. Brent is currently working with the Commissioning Alliance in regards to reviewing this sector with providers. Throughout 2020/21, Brent had an average of 3 placements and for 2021/22 this is forecast to an average of 4 placements, but significant rises beyond this level would lead to pressure on the budget.
- Management actions in place to control spend include establishing additional sign off processes at Children's Placement Panel; undertaking further work with finance colleagues to refine the forecast; more challenge and support around stepdown arrangements from residential placements to foster placements and/or semi-independent placements, monitoring and actively supporting the transition of care leavers to their own tenancies and reviewing financial policies and payments to carers for Special Guardianship support.
- The risk in the Early Help service where the Facilities Maintenance contract for the Family Wellbeing Centres is in the process of being insourced this could lead to the contract being £0.1m greater than budgeted for.

- The possibility of Brent joining a sub-regional foster carer alliance, where benchmarking shows Brent foster allowances are substantially below those of other potential members. The implications are that Brent may have to adopt higher rates for foster carer allowances.

Savings and Slippages

- 3.2.4.** The department has a savings target of £0.6m in 2020/21 and £0.2m of the savings target is at risk of slipping due to the impact of the COVID-19 pandemic and these include; £0.1m CYP003 - Adjusting resources in demand led budgets (reduction in staffing assuming low caseloads). The LAC & Permanency service has seen caseloads increase due to the pandemic; £0.1m CYP002 - The Short Breaks Centre (SBC) and the Gordon Brown Centre (GBC) CYP005 each have a savings target of £50k to sell spare capacity at the SBC to neighboring authorities at market rate; and increase trading at the GBC. These slippages are forecast to be managed within the wider CYP budget set for 2021/22.

3.3. Community Well-Being (CWB) (General Fund)

CWB Department	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Housing	6.6	6.6	0.0
Public Health	22.3	22.3	0.0
Culture	5.1	5.1	0.0
Adult Social Care	100.2	100.2	0.0
Total	134.2	134.2	0.0

Forecast

- 3.3.1.** Based on current trends and assumptions around COVID-19 implications, the Community Wellbeing department is forecasting a break-even position for 2021/22.
- 3.3.2.** The department's finances have been significantly impacted by the COVID-19 outbreak in 2020/21. The 2021/22 budget has been set accordingly and takes into account that some pressures are expected to remain in this financial year.

Risks and uncertainties

- 3.3.3.** There are a number of risks and uncertainties within the service that could affect the assumptions made and the overall forecast outturn. The key risks and uncertainties predominately relate to Housing and Adult Social Care services.
- 3.3.4.** Within Housing, there are uncertainties in relation to the time required for the fall in rental income collected to reverse and for any improvement to rent collection rates to be sustained in order to provide assurance that the upward trend will continue. A potential future recession and the end of the furlough scheme is likely to slow this recovery in collection rates, leading to a greater income shortfall within the Housing service. Whilst the budget set for 2021/22 takes a likely temporary decrease in collection rates into account, if this decrease is greater than anticipated, this could create a budgetary pressure. A 10% drop in collection rates could cost over £2m. Collection rates are being closely monitored and there are continuous investigations to better understand the drivers for the movements.

- 3.3.5.** When the ban on enforcing eviction orders is lifted, this could lead to an increased demand for temporary accommodation for homeless people. Based on scenario planning, the 2021/22 budget allows for an associated increase in costs, however there is a risk that the demand could be higher than anticipated. A 10% increase in tenancies could cost the Council an additional £0.6m in 2021/22. The impact of the eviction ban lift should become more certain in the second quarter of the year.
- 3.3.6.** Within Adult Social Care, an increased demand for mental health services and a rise in homecare hours are expected to be offset by a reduction in costs as a result of a decreased demand for Residential and Nursing placements. However, if permanent effects of the prolonged pandemic on mental health and the increased complexity of care needs are greater than anticipated, this could create a budgetary pressure.
- 3.3.7.** When the initial CCG funding of Residential and Nursing placements ceases, the Council could inherit some additional and more expensive placements. However, a formal pooled budget arrangement with Brent CCG for COVID-19 hospital discharges has been agreed and timely re-assessments are taking place.
- 3.3.8.** In addition, within Culture, a restricted capacity and a slow uptake of leisure centres' offers could lead to higher than anticipated losses of income.

3.4. Customer & Digital Services (CDS)

Operational Directorate	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Customer And Digital Services Directorate	0.7	0.7	0.0
Customer Services	10.9	10.9	0.0
Shared ICT Service	0.0	0.0	0.0
ICT Client And Applications Support	6.3	6.3	0.0
Procurement	1.3	1.3	0.0
Transformation	3.7	3.7	0.0
Total	22.9	22.9	0.0

Summary

- 3.4.1.** The CDS department is currently forecasting to budget for 2021/22.

Risks and uncertainties

- 3.4.2.** There are a number of risks and uncertainties within the service that may affect the projected outturn and assumptions made. There is significant uncertainty in the Customer Services forecast, which is dependent on the Delta variant, further lockdown and restrictions. These risks include:
- The risk that further lockdowns will require additional shielding costs.
 - Within Customer Services a call on additional Discretionary Housing Payments now the eviction bans has been lifted, demand on administration of benefits processing and overpayment, court costs in relation to Council Tax recovery, demand for Registration and Nationality services.

- Transformation - £0.2m for Dynamics online form and power BI dashboard development.

3.5. Regeneration & Environment (R&E)

R&E	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Environmental Services	33.5	33.5	0.0
Regeneration Services	1.1	1.1	0.0
Property Services	6.4	6.4	0.0
R&E Directorate	1.5	1.5	0.0
Total	42.5	42.5	0.0

Forecast

- 3.5.1.** The department's budget has been set based on estimates of budget pressures in 2021/22, including for the impact of COVID-19. These assumptions are still holding true as at Q1, however there is considerable uncertainty, especially around the impact of COVID-19.
- 3.5.2.** The department has committed to make savings of £0.9m in 21/22. £0.8m is on track to be delivered. The remaining £0.1m of savings was to be achieved through increased highways fees from the delivery of large-scale infrastructure improvement projects. Due to TfL funding issues, these projects are not taking place and the saving is now deemed undeliverable.

Costs/ loss of income due to COVID-19

- 3.5.3.** The department is anticipating a circa £2.4m one-off impact due to COVID-19 and the wider economy. This has been budgeted for within the corporately held growth. The largest attributable costs and income losses include estimates of:
- £0.7m loss of income from commercial rent
 - Estimated loss of £0.5m fees generated from the delivery of LIP funded schemes which may not be available in 2021/22
 - £0.3m reduction in license income
 - £0.3m reduction in income from building control

Risks and uncertainties

- 3.5.4.** There are a number of risks and uncertainties within the service that may affect the projected outturn and assumptions made. These include:
- 3.5.5.** The Brent Transport Service budget includes a required £0.3m saving from reviewing single occupancy routes in order to balance the budget and ensure that costs are within the allocated corporate growth. If there is a delay in this review or changes cannot be implemented quickly, there would be a reduction in the saving delivered in 2021/22 which may lead to an overspend.
- 3.5.6.** The Highways revenue budget is reliant on TfL LIP funding and there is a risk that up to £1m of fees generated from the delivery of LIP funded schemes will not be

available in 2021/22. The service has estimated that if this risk was to materialise, mitigating measures could reduce the financial impact on the council to £0.8m by releasing agency staff. The loss of fees cannot be fully mitigated because a minimum core staff complement is required to continue day to day operations. However, TfL has recently reached agreement with the Government and reported that funding will be available up to the end of December 2021. A TfL Board meeting takes places on 9 July to confirm funding allocations to boroughs. Further discussions are ongoing for funding after December 2021.

- 3.5.7.** R&E has an income budget of £48.3m. A small percentage change can have a large monetary impact. For example, an additional 1% reduction in income would be equivalent to around £0.5m. Commercial rental income is likely to suffer as tenants may be unable to pay rent. The longer-term impact on income anticipated from planning applications and building control applications is also uncertain due to slow progress on current major projects and a potential reduction in the number of new major projects received.

3.6. Central items - Collection Fund

- 3.6.1.** The budgeted net collectible amount for Council Tax (after exemptions, discounts and Council Tax support) is £175.9m. The actual net collectible amount as at May 2021 has reduced by £0.9m since April 2020. It is expected that this figure may decrease during the year if new properties are not completed as expected and reliefs granted to residents increase further due to COVID-19. This is being closely monitored to assess the overall impact over the timeframe of the medium-term financial plan. As at the end of May 2021, the amount collected was 19.7%, a shortfall of 2.9% when compared to the in-year target. The amount collected in the same period last year was 19%.
- 3.6.2.** The budgeted net collectible amounts for Business Rates (after exemptions, reliefs and discounts) is £136.0m. The actual net collectible amount as at May 2021 is £135.6m, a decrease of £0.4m since April 2020. This figure will change further once the additional reliefs that were announced during the government's budget are applied and new assessments are made, which may include additional premises or reductions due to successful appeals. Additional grants will be made available to the council to offset the loss of income from the additional reliefs. As at the end of May 2021 the amount collected was 8.9%. The amount collected in the same period last year was 11.75%.
- 3.6.3.** Movements between the budget and actual collectable amounts affect the overall level of balances held in the Collection Fund at year-end after deducting charges, with deficits requiring repayment by all of the precepting authorities in future years. At the end of 2020/21, additional amounts due to the General Fund totaling £20.3m were transferred into reserves to repay the council's share of the deficit. This will be repaid over three years, in-line with national accounting rules governing the Collection Fund. The overall impact will be closely monitored to assess the impact on the council's MTFS. The income due to the General Fund from the Collection Fund is forecast on budget with no variation expected in the current year.

3.7. Capital financing

- 3.7.1. The capital financing budget for 2021/22 is £23.6m and is currently forecast to spend to budget, as set out below. The minimum revenue provision for the year is £6.1m.

	£m
Interest Payable	22.4
Interest Receivable	(7.4)
Capital Financing and Minimum Revenue Provision	8.6
Total	23.6

3.8. Dedicated Schools Grant

Funding Blocks	DSG Funding (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Schools Block	246.5	246.5	0.0
High Needs Block	67.6	71.1	3.5
Early Years Block	23.4	23.4	0.0
Central Block	2.3	2.3	0.0
Total DSG	339.8	343.3	3.5

Summary

- 3.8.1. The DSG is forecast to overspend by £3.5m against grant funding for 2021/22; due to pressures on the High Needs (HN) block. This budget includes the recoupment for academies of £129m from the Schools Block and £7.6m from the HN block.
- 3.8.2. There have been increases to the main DSG funding blocks for 2021/22, and budgets have been allocated and agreed by the Schools Forum to address financial pressures caused by rising costs, pupil mobility and to provide a growth fund sufficient to support the rising pupil rolls in secondary schools.
- 3.8.3. The HN block budget has increased by £6m in 2020/21 which represents a funding increase of 10%. The number of children with Education, Health and Care Plans (EHCPs) has continued to rise, therefore in addition to a number of measures outlined in the DSG deficit recovery plan, there is a transfer of 0.5% from the Schools Block to the HN block to mitigate the growing demand. This equates to a transfer of £1.2m, which brings the HN block budget to £67.6m. This budget will be reduced due to a recoupment for import-export which will be adjusted in July. This accounts for school place funding for Brent pupils in other local authority areas.
- 3.8.4. At the end of 2020/21, the DSG budget was in deficit of £10.5m and a projected overspend on the HN block will increase the DSG deficit to £14.3m by the end of this financial year. The deficit has been disclosed as an earmarked unusable reserve in line with DfE regulations (the School and Early Years Finance (England) Regulations 2020). The regulations make clear that the deficit can be carried forward to be funded from future years' funding and/or recovery plans agreed with the DfE.

Forecast

3.8.5. The £3.5m pressure has mainly arisen against the HN block due to a continual increase in EHCP numbers which has resulted in forecast overspends in top-up funding, predominantly in out-of-borough special schools, mainstream schools, independent residential schools and post-16 placements. The growth in EHCPs is a London and national trend whereby the number of children assessed as meeting the threshold for support continues to increase, but HN funding has not increased in line with the exponential growth in overall pupil numbers creating financial pressures. There is a projected increase of 11% in the number of EHCPs from 2805 at the end of 2020/21 to 3114 at the end of 2021/22. The forecast position is due to the following pressures:

- £2m forecast pressures against mainstream, independent and out of borough special schools' top up funding due to increased number of pupils;
- £1.5m forecast pressure due to growth in the number of young people remaining in education in post-16 who have EHCPs and who may have to be supported from the High Needs block until the age of twenty-five.

3.8.6. The DfE requires Local Authorities to have a management plan agreed by the Schools Forum in place to recover the deficit over a number of years. To recover the deficit, options being reviewed by the task group set up by the Strategic Director of CYP include:

- The introduction of the SEN Support service with the expectation to manage demand, as part of the Graduated Response Programme; improved quality EHCP assessment; and person centred planning and SMART annual reviews. Therefore, young people will be provided with earlier support, thereby reducing the need for an EHCP to trigger additional support.
- Looking to establish more SEND provision in the borough as part of the School Place Planning Strategy Refresh including developing new Additionally Resourced Provisions (ARPs) (7 in Primary and 2 in Secondary) in the academic year 2022/2023. This will reduce the need for young people to be placed in schools in other boroughs.
- Ensuring there is full cost recovery from other local authorities that place pupils in Brent special schools including administration and other specific costs;
- Continued central government lobbying.

3.9. HRA

HRA	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
HRA	0.0	0.2	0.2

Forecast

- 3.9.1.** The budgets for the Housing Management function are contained within the ring-fenced Housing Revenue Account (HRA), which has a balanced budget set for 2021/22.
- 3.9.2.** The total budgetary pressure for 2021/22 is forecast to be £0.2m. This is attributable to a possible increase in rent arrears and a subsequent requirement to increase provision for uncollectable debt as a result of a potential prolonged recession.

Risks and uncertainties

- 3.9.3.** There are a number of risks and uncertainties within the HRA that could affect the projected outturn and assumptions made. The impact on rental income collection rates and the subsequent increase in arrears due to the prolonged effects of the pandemic and the end of the furlough scheme is uncertain. A 5% drop in collection rates could result in an increase in rent arrears of over £2m. Scenario analysis has been undertaken in order to evaluate a range of potential options and explore the extent of possible mitigating actions required.
- 3.9.4.** Any reductions in planned and major works due to business disruption or supply chain challenges could reduce the level of service charges collected. This would consequently reduce the HRA's borrowing capacity and the ability to deliver improvements in future years.

4. Capital Programme

- 4.1.** In February, Cabinet agreed the five-year capital budget of £638m, prior to approval by the full Council. Presently, the capital team are liaising with service areas to ensure they have realistic and updated forecast plans for the current financial year. This involves having to consider a range of risks and issues that could affect these plans going forward. Budgets will be reprofiled between financial years to match these plans, so expenditure progress can be measured.
- 4.2.** Although in the UK we are progressing out of lockdown, any further setbacks could result in delays to delivery across the Capital Programme. Additionally, there are project delivery partners based in countries with high COVID-19 rates, which further increases the risk of interruptions. Essential COVID-19 protocols such as social distancing continue to slow down delivery.
- 4.3.** One of the consequences of the pandemic lockdown is that we are yet to experience the full effect of Brexit, but this will change as the economy moves back to full capacity. There has already been disruption to supply chains as companies try to adapt to new rules and tariffs on moving supplies. Consequently, this has an effect on project delivery in particular where a scheme has to complete within a strict deadline.

- 4.4. With increased demand in the construction sector, the price of raw materials has risen sharply, increasing the expense to the council both directly and indirectly through increased input costs for delivery partners. This could have a larger effect on projects going out to tender shortly, as older projects might already have a fixed price.
- 4.5. The active housing market could result in volatile acquisition costs for schemes involved in property or land purchases. The Council could struggle to compete as demand fuels the market or conversely could see a decline in forecasted sales values.
- 4.6. There are expected disruptions to the highways programme owing to the delay in TfL confirming the funding for the complete financial year; currently they have provided short term funding. If the council subsequently receives full funding, part of the delivery is still likely to run into the next financial year due to the delayed commencement.
- 4.7. Changes in the GLA Affordable Housing Grant criteria has resulted in replacement homes not meeting the funding criteria. This has increased the risk of a financial viability gap for Estate Regeneration programmes, requiring the council to find alternative funding sources or implement cost saving measures to offset the additional funding requirement.

5. Financial Implications

- 5.1. This report is about the Council's financial position in 2021/22, but there are no direct financial implications in agreeing the report.

6. Legal Implications


- 6.1. Managing public money responsibly is key legal duty, but there are no direct legal implications in agreeing the report.

7. Equality Implications

- 7.1. There are no direct equality implications in agreeing the report.

Report sign off:

Minesh Patel
Director of Finance

	Cabinet 19 July 2021
	Report from the Director of Finance
Medium Term Financial Outlook	

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 A - 2021/22 and 2022/23 savings
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Minesh Patel Director of Finance Tel: 020 8937 4043 Email: Minesh.Patel@brent.gov.uk Rav Jassar Deputy Director of Finance Tel: 020 8937 1487 Ravinder.Jassar@brent.gov.uk

1.0 Purpose of the Report

- 1.1. This report sets out the overall financial position facing the Council and highlights the significant risks, issues and uncertainties with regards to the Council's Medium Term Financial Strategy (MTFS). This includes risks and uncertainties that already existed prior to COVID-19 and the new risks that must now be addressed. It also sets out the proposed budget setting strategy for 2022/23, which is the Council's minimum legal duty in respect of local authority

budget setting, and beyond in order to maximise the period of consultation with residents, businesses and other key stakeholders.

- 1.2. The report also outlines how the MTFS will aim to provide a framework to invest broader ambitions and long term priorities such as the Borough Plan, the recovery from COVID-19 and other future steps to ensure the Council continues to operate in a financially sustainable and resilient way.
- 1.3. The remainder of this report sets out the medium term risks and uncertainties with regards to the current budget assumptions contained within the MTFS. In doing so, it must be recognised that the situation remains ongoing and it is extremely difficult to make a full, definitive and comprehensive assessment of the ongoing financial impact of the pandemic. As such, the figures in this report are based upon best estimates and forecasts and will therefore be subject to change. However, the significance of the financial challenge cannot be underestimated and over time, the Council will need to develop a response that continues to maintain a commitment to strong financial resilience and sustainability.
- 1.4. This report is structured as follows:
 - Recommendations for Cabinet to approve;
 - Strategic overview of Local Government finance;
 - Future budget assumptions;
 - Proposed budget setting process for 2022/23;
 - Capital programme;
 - Housing Revenue Account;
 - Schools and the Dedicated Schools Grant;
 - Overall summary and conclusion.

2.0 Recommendation(s)

That Cabinet:

- 2.1 Note the contents of the report and the potential financial impact on the Council's Medium Term Financial Strategy.
- 2.2 Agrees the budget setting process for 2022/23, including the approach to consultation and scrutiny, as set out in section five of this report.
- 2.3 Note and agree the proposed 2020/21 capital budget carry forwards and capital virements, as set out in section six of this report.
- 2.4 Note the financial position with regards to the Housing Revenue Account, as set out in section seven of this report.
- 2.5 Note the financial position with regards to Schools and the Dedicated Schools Grant, as set out in section eight of this report.

3.0 Strategic Overview

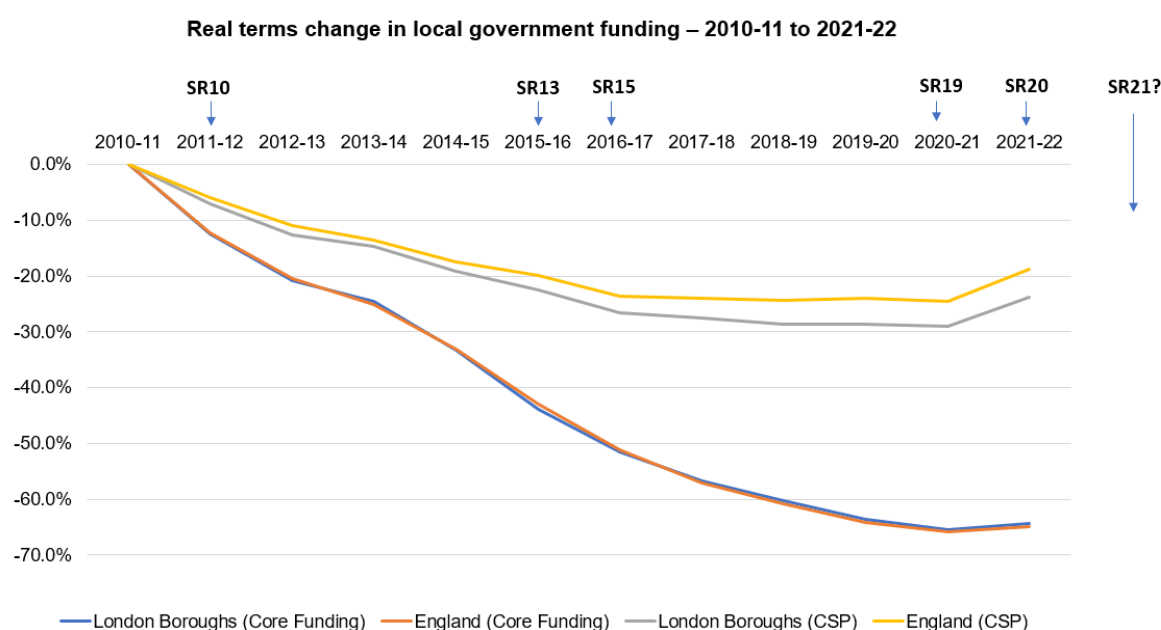
- 3.1 The COVID-19 pandemic continues to impact on local economies for which the full effects are yet to be felt. During 2020, UK GDP contracted by 9.9%, the largest annual fall for over 300 years, and fell again by 2.9% in January 2021. The pandemic also coincided with the initial economic effects of leaving the EU. In response, the government introduced an unprecedented £344 billion package of financial support to protect jobs, households, and business as well as additional grants for public services. Even so, local government finances have been under extreme pressure. The National Audit Office suggests more than four out of five English local authorities are planning cuts to services in 2021/22.
- 3.2 Oxford Economics, in a report commissioned by West London Boroughs, estimated that the Brent economy had contracted by 9% in 2020, losing 3,800 jobs (a fall of 2.6% compared with 1.9% for West London as a whole and 1.5% for the UK). For 2021 they forecast a further loss of 3,700 jobs and slow job growth afterwards, adding 2,600 jobs by 2025 - an average 0.3% per year, the second-lowest rate across the seven WLA boroughs. They do not expect employment to return to its pre-pandemic level until 2024.
- 3.3 In addition, as at April 2021, out of the seven West London boroughs Brent has the highest number of out of work claimants, the highest unemployment rate and the third highest number of people furloughed. Clearly the pandemic has created significant economic damage that is likely to amplify existing local economic challenges. Despite the continued high degree of uncertainty about the future path of the economy, it is essential for the Council to keep up to date with changes in the national context as well local economic trends. In this context, section four of this report will explain what the impact on Council Tax income and Business Rates income could be in future years and the potential consequences for the MTFS.
- 3.4 Despite the high degree of uncertainty about the future path of the economy it is essential for the Council to plan and invest in the local recovery from the pandemic. In addition, an important factor will be to ensure the approach to investing in the recovery supports broader ambitions and long term priorities such as the Borough Plan. It is for this reason that, on 12 July 2021, Full Council agreed the use of reserves to facilitate the delivery of programmes in priority areas identified as essential to secure a sustainable and inclusive recovery from the COVID-19 pandemic. These projects are themed around supporting communities, supporting businesses, reducing health inequalities and a green recovery.
- 3.5 Financial investment is an important driver for local recovery. The approach that has been set out has been carefully considered, whilst understanding that a failure to invest in a local recovery could well be a risk in itself. As emergency support from central government winds down, local actions are likely to be at the forefront of shaping the recovery.

- 3.6 The recovery plan is not a set of un-costed spending plans. It is a framework to enable the various projects to happen, in particular to use the Council's reserves in more creative ways. These commitments cannot be entered into lightly, as reserves can only be spent once. However, the new reserve has been made possible as a result of non ring fenced emergency COVID-19 central government grants that were not needed to be utilised in 2020/21, not the Council's own resources.
- 3.7 It is within this overall financial context that the other financial reports on this agenda, specifically the Financial Outturn 2020/21 report and Q1 2021/22 Financial Forecast report, become particularly relevant. Firstly, the Financial Outturn 2020/21 report sets out the outturn for income and expenditure versus the revenue budget for 2020/21. Despite reporting an overall General Fund overspend of £41.2m as a result of COVID-19, emergency funding from central government, and other interventions undertaken by the Council, were sufficient to offset these pressures. In addition, some unspent, or the balance of unspent, emergency government grants were able to be taken to reserves to address any unbudgeted additional costs of COVID-19 in 2021/22. Secondly, the Q1 Financial Forecast report sets out that based on current assumptions, the financial impact of COVID-19 can be contained with the overall growth built in the 2021/22 budget.
- 3.8 However, it must be stressed that these forecasts and estimates are based on a number of assumptions which are subject to constant change. It is incredibly difficult to predict the implications of the changes to the furlough scheme, how business will recover as grants to businesses and business rates reliefs begin to wind down and how the general economy will recover after COVID-19. In addition, while the easing of restrictions announced in the government's roadmap on 22 February and the pace of the vaccine rollout provided reasons to be optimistic, the government's recent announcement that the final stage of the COVID-19 roadmap has been delayed demonstrates the constantly changing nature of the situation, making financial planning and management exceptionally challenging. This uncertainty runs alongside existing budget pressures including social care demand, demographic changes, housing and homelessness.
- 3.9 Nevertheless, despite all of the uncertainties, risks and moving parts, all Local Authorities have to put together financial plans for 2022/23. For Brent, it is proposed to continue to base plans on an assessment on the range of possible scenarios rather than wait for the outcome of the Local Government Finance settlement in December 2021.
- 3.10 The same uncertainty also applies to central government. Alongside the uncertainty caused by the pandemic, the government also has to make some fundamental decisions about the future of Local Government Finance, the Fair Funding Review, the future of business rates, reform of social care and how to deliver 'levelling up'. The Fair Funding Review was originally intended to take place from 2020/21, then 2021/22 and now expected 2022/23. As part of this review, London is expected to lose spending power. In addition, the

government is committed to 'levelling up', which has thus far been interpreted as boosting economic prosperity in the North, the Midlands and Scotland.

- 3.11 The chart below sets out the context of the overall financial challenge for Local Government. The challenge for MHCLG is that any spending reductions will be in addition to those imposed between 2010/11 and 2018/19, unless, that is, there were to be a substantial increase in overall local government funding from central grants. Given the risk of Section 114 notices, it is hard to see how the government could deliver a radical Fair Funding Review outcome without some negative effects.

2010-11 to 2021-22... CSP down by a quarter.. What next?



- 3.12 At the time of writing, it remains unclear when the Spending Review will take place. It is doubtful that the government will be in a position in the near future to commit to public spending levels over the medium term given the current uncertainty and flux in the economy. This means that Brent, like all other local authorities, will need to continue to plan with little or no funding certainty over the medium term. There is widespread consensus that it is too late for government to implement these changes in 2022/23. On the one hand, this would give the government and local government time to digest the changes caused by the pandemic and create a new funding system that can cope with the new circumstances. It would therefore not be unreasonable to assume that the government would repeat the same process as last year, which was to roll over last year's settlement figures, uplift for inflation and provide some additional one off targeted grant funding. However, while this would be a broadly positive outcome for Brent, it does not resolve the existing issues within the current system, for example unsustainable above inflation increases in Council Tax, volatility in the business rates regime and over reliance on short term grant funding for social care.

4.0 Medium Term Financial Strategy

- 4.1 The aim of the MTFS is to ensure a long term, stable and sustainable financial position that will allow the Council to achieve its strategic objectives. It reflects the impact of central government funding decisions and the impacts of the national and local economic context. It also provides a robust financial framework to support achievement of the Council's overall objectives and delivery of services.
- 4.2 The budget for 2021/22 was agreed in February 2021, and in another report on this agenda the first forecasts against that budget are reported. In February 2021 Council also agreed the business plans for 2022/23. In February 2022 it would be open to Council, subject to all the usual planning uncertainties and caveats, simply to re-confirm the proposals set out a year earlier, which would result in a balanced budget for the 2022/23 financial year. In addition, the budgets for those years are predicated on the delivery of £8.5m of savings in 2021/22 and £2.7m in 2022/23. These savings, which were subject to an extensive process of consultation, scrutiny and equalities analyses, are attached in Appendix A. A high level summary of the development of the 2021/22 budget is shown in the table below.

Table 1: Recap of 2021/22 budget process

Table 1: 2021/22 overall budget	2021/22
	£m
Budget Gap as at December 2020	20.3
New General Fund Savings (Appendix A)	(4.2)
Updated grant income assumptions following Provisional Finance Settlement	(2.0)
Covid-19 funding (one off)	(9.0)
Updated income assumptions for Council Tax and Business Rates	(5.1)
Budget Gap 2021/22 at February 2021	0

- 4.3 At the time the MTFS was agreed in February 2021, it was recognised that the Council was already operating in a significantly challenging financial environment prior to the outbreak of COVID-19. Most notably, these were around the uncertain funding outlook for local government, uncertainty around long term funding for adult social care and emerging pressures in children's services.
- 4.4 In addition to the uncertainty, there is also the potential for significant spending pressures from demand-led services, specifically in children's and adult social care, new burdens which impact on the budget and new pressures as a result of COVID-19. Although growth has been built into the MTFS to help alleviate some of these pressures, they continue to present a significant budget risk, particularly in respect of the demographic and contractual pressures. For example:

- The impacts of the new COVID-19 variant is not fully known or how the pandemic will play out for the remainder of the year. The public health impact of lifting restrictions is uncertain and could see spending forecasts increase (especially if a third wave occurs). It is expected that the costs of new variants of concern and ongoing costs of test and trace will continue for the remainder of the year. Therefore, there is a level of risk when setting the budget that the Council may be exposed to unfunded financial pressures in-year.
- The new income loss compensation scheme announced for Council Tax and Business Rates does not fully cover the losses the Council is estimating and only applies to losses incurred in 2020/21. The ending of the furlough scheme in September, the tapering of business rates reliefs and the ending of business support grants are likely to have a continuing impact on business rates income. Other income losses will be dependent on the pace at which the economy recovers. Overall, income losses can pose a considerable budget pressure.
- The level of 'scarring' that has occurred, for example pent up demand in children's social care, long Covid and the mental health impact on adult social care. In addition, the extent to which current circumstances will become the 'new normal', for example greater domestic waste if more people continue to work from home and a larger role for Public Health.

If these were to transpire, without any further government support, they could expose the Council to a liability that may require it to put in place further savings and/or expenditure reductions in order to balance the overall budget and MTFS.

- 4.5 The impact of COVID-19 will require the Council to review its medium term financial strategy on a more regular basis to ensure that it is still able to deliver its strategic priorities and maintain financial resilience. Though the precise financial impact of COVID-19 remains difficult to predict, officers will continue to report on the Council's financial position to Cabinet at regular intervals in line with its existing governance arrangements.
- 4.6 The MTFS will be refreshed as part of the draft 2022/23 budget that will be presented to Cabinet later this year, including extending out to 2023/24 and beyond. Adopting a long term and forward looking approach should leave the Council in a relatively strong financial position, with long term plans in place to give certainty to residents about future levels of service provision.

Delivery of previously agreed savings

- 4.7 The budget agreed by Council in February 2021 included savings of £8.5m in 2021/22 and £2.7m in 2022/23. Considering the work undertaken throughout the budget setting process for 2021/22 to ensure that robust and realistic savings and income proposals were put forward and implemented, it would have been expected to see the majority, if not all, of the proposals to be on

track to be delivered. Understandably, immediate service priorities have changed as part of the emergency response to the outbreak, as well as managing the additional income and expenditure pressures arising on existing budgets, which inevitably would have an impact on the delivery of some savings plans previously agreed by Council.

- 4.8 That being said, the savings proposals for 2021/22 and 2022/23 are designed to limit, as far as possible, service reductions and the impact on front line services particularly during these challenging times. For example, the majority of the proposals include expected gains from reduced procurement spend, service transformations and efficiency savings. This does not mean that delivering these planned savings will be managerially straightforward, or that front-line services will be entirely unaffected, or that they can be achieved without staffing reductions, but it is nonetheless the case that the proposals do not include the wholesale cuts to services that many Councils are considering and indeed implementing.
- 4.9 The initial assessment of the impact of COVID-19 on the delivery of these savings is summarised by department in the table below. Further details on individual savings can be found in Appendix A.

Table 2: MTFS Savings

	Savings on track to be delivered	Possible slippage on delivery but still achievable	Savings at risk and mitigating actions being developed	Total
	£m	£m	£m	£m
Assistant Chief Executive	(0.2)	0.0	0.0	(0.2)
Chief Executive	(0.5)	0.0	0.0	(0.5)
Children & Young People	(0.4)	(0.5)	0.0	(0.9)
Community Wellbeing	(4.7)	0.0	0.0	(4.7)
Customer & Digital Services	(1.1)	0.0	0.0	(1.1)
Regeneration & Environment	(1.1)	0.0	(0.2)	(1.3)
Corporate	(2.5)	0.0	0.0	(2.5)
Total	(10.5)	(0.5)	(0.2)	(11.2)

- 4.10 Overall, from a financial planning and budget setting point of view, the analysis above is broadly positive at this stage in that the majority of savings are expected to be delivered. If the assessment of the delivery of savings was that departments will not be able to deliver them at all, the consequences would be more fundamental and the Council would need to consider more emergency measures and mitigating actions to ensure the overall budget can still be

reasonably balanced. Therefore, at this stage, it is deemed reasonable that these savings continue to form part of the MTFS.

Review of future budget assumptions

Council Tax

- 4.11 Council Tax is one of the most significant sources of income for the Council, making up £135.7m (or 44%) of total core funding in 2021/22 rising to £142.5m (or 47%) in 2022/23. In 2021/22, the government increased the referendum threshold limit from 3.99% to 4.99% (excluding the GLA share which is subject to their own decision making).
- 4.12 As set out when the 2021/22 budget was agreed, there was an implicit assumption from the Ministry of Communities and Local Government (MHCLG), built into the future funding settlements, that all local authorities would increase council tax by up to the referendum limit. As the increase would permanently increase the council tax base income it would also reduce the significant funding pressures in 2021/22, and beyond, and support the unprecedented pressures within social care. In addition, the GLA precept, which makes up around 20% of the overall Council Tax bill and is subject to their own decision making, was increased by 9.5% in 2021/22 to provide additional funding for the Metropolitan police and Transport for London.
- 4.13 Furthermore, it continues to be acknowledged that continued above inflation rises in Council Tax is difficult for some households and for that reason the Council continues to invest in the Council Tax Support scheme, which provides over £30m of support for around 28,000 households who are financially vulnerable. Nevertheless, this has been the government's financing regime for Local Government since 2010, and the beginning of austerity, with more resources raised locally rather reliance on central government grants.
- 4.14 The current budget assumptions for 2022/23 have taken a prudent view and assumed that Council Tax will need to increase by 2% in 2022/23 (as opposed to 5% last year) in order for the budget to be balanced, with the additional funding primarily allocated to contain further pressures expected in social care. This is in the context of the Government's much delayed reform of social care. Although the government maintain that reforming social care remains a priority, a clear timeline is urgently needed on when proposals will be brought forward. In addition, the last two spending reviews have only included one off grants and increases in the Council Tax precept as measures to fund additional pressures in social care such as demographic growth and the rising cost of delivering care.
- 4.15 This year's Spending Review must address the social care funding gap, as well as tackle these additional challenges, and provide long term certainty in the medium term to stabilise the service rather than short term one off funding and increasing or extending the Council Tax precept.

- 4.16 Government policy on Council Tax in 2022/23 is currently unknown, including the referendum limit, whether the Adult Social Care precept will continue and the GLA strategy, and is expected to be announced as part of Spending Review in the autumn, and then confirmed as part of the Local Government Finance Settlement. Considerations on setting Council Tax will therefore be set out for Cabinet when the draft budget proposals are published in October 2021.
- 4.17 When assessing the likely impact of COVID-19 on estimated income from council tax contained within the MTFS, there are three significant factors to consider:
- Council Tax Support expenditure;
 - Short and long term collection rates; and
 - Growth in the tax base.
- 4.18 Nationally, the number of people on Universal Credit has doubled from 3m to 6m as a result of COVID-19. People who are eligible for Universal Credit are also eligible for some form of Council Tax Support (CTS) from the Council, depending on their level of income. As at the end of May 2021, the number of households receiving CTS was 27,807, of which 8,499 are pensioners, costing the Council £30.4m. This is compared to 26,298 CTS claimants in March 2020 (8,788 pensioners) costing £26.3m. For the avoidance of doubt, an increase in the amount spent on CTS reduces the total amount of council tax income collectable for the Council.
- 4.19 The judgement to be made with regards to financial planning is the extent to which this level of CTS expenditure is expected to continue. Even at this stage of the pandemic it is still too early to make a reliable judgement, however the data will continue to be monitored and analysed accordingly. There is an argument that as lockdown eases and some residents are able to return to work, the change in circumstances will mean those in receipt of Universal Credit, and likewise CTS, will reduce and therefore bring CTS expenditure to levels that are tolerable within the current risk parameters of the MTFS. Likewise, the long term economic impact could be such that some businesses are unable to survive as government interventions reduce in line with the easing of lockdown measures, resulting in sustained high unemployment levels and CTS expenditure in the medium term. In this scenario, if CTS expenditure is maintained at the levels currently being experienced, it would lead to a budget pressure of £4.1m from 2022/23.
- 4.20 As part of the 2021/22 Local Government finance settlement, the government announced £670m of one off grant funding in recognition of the increased costs of providing local council tax support. The amount for Brent has been confirmed as £4m and therefore able to contain the additional CTS expenditure currently being experienced for this year only.
- 4.21 Another factor that could affect Council Tax income is a reduction in the collection rate. Typically, in-year collection for Brent is around 96% and over a longer period of time reaches around 98%, which is built into the MTFS model and is broadly comparable to other London boroughs. The collection rate in

2020/21 was 92%, although this is expected to increase in future years as collection will continue to be attempted. While this reduction resulted in an in-year loss of £8.9m, the government's 75% compensation scheme, hardship grant and the spreading of deficits over three years are intended by government to bring the Collection Fund, the ring fenced accounts for the collection of Council Tax and Business Rates income, back into balance in the next three years.

- 4.22 As a result of the postponement of normal debt recovery action, it is too early to be able to estimate the short and long term impact on collection. However, the data will continue to be monitored and analysed accordingly as recovery action resumes.
- 4.23 The calculation of the tax base is one of the technical stages in the process of setting the council tax. Brent, like all Local Authorities, has to work out how much next year's band D council tax should be so that the total tax that will be collected equals the budget required to pay for its services. In effect, the tax base represents the aggregate taxable value of all residential property in Brent. The council tax base is assumed to grow at 1% per year annum (or around 1,000 properties) and contributes nearly 30% to total budgeted council tax income in the MTFS. Therefore, if the rate of new housebuilding in the borough slows down as a result of COVID-19 the total amount of council tax income collected will be less than planned. The extent to which this impact is long term, will mean further savings and expenditure reductions will need to be found to balance the overall budget.
- 4.24 Data compiled by the Council from a number of sources, including the planning department and directly from developers, shows a number of consented schemes has been slower than previously expected. This general trend is also supported by new Council Tax registrations that are currently awaiting banding by the Valuation Office Agency (VOA). That being said, as lockdown measures ease over the next few months it is expected that housebuilding will continue broadly as planned and therefore the actual tax base growth will be within acceptable tolerances within the current MTFS model.
- 4.25 Overall, as these assumptions form a critical part of the MTFS, they will continue to be reviewed alongside the latest local economic data and trends to inform the 2022/23 budget development process.

Business Rates

- 4.26 The Council remains committed to supporting local businesses through the pandemic. Funded by government, the Council has processed a range of reliefs for various businesses across the retail, hospitality, leisure and other sectors. This has significantly reduced the amount of rates paid to the Council with the reduction estimated at £64.6m in 2020/21 and £46.5m in 2021/22 (first quarter only). In addition, the Council has administered direct grants, funded by central government, to local businesses totalling £98.1m across over 13,500 local businesses. The Council continues to engage with the business community to ensure that those eligible businesses have access to this support.

- 4.27 Irrespective of the range of support provided to businesses by Local Authorities, including the support provided directly by government (job retention scheme, loans, tax deferrals, etc.), it is inevitable that some businesses will be unable to pay their business rates, some businesses may be unable to trade effectively and some may be impacted by a reduction in customer demand. This will lead to an increase in bad debt and a loss of income collected on behalf of the Council, the GLA and government. The amount that was planned to be collected in 2020/21 was £130.5m and, as a result of mandatory reliefs funded by government, the amount that was raised as collectable was £72.6m. As at the 31 March 2021, the amount collected was 87.3%, which is significantly lower than the amount collected in the same period in the prior year, at 98.2%. This is primarily due to payment deferrals that had been granted to support businesses due to the impact of COVID-19, as well as restricted enforcement activity and closure of courts. While this reduction resulted in an in year loss of £74m, the government's 75% compensation scheme, section 31 grants and the spreading of deficits over three years are intended by government to bring the Collection Fund, the ring fenced accounts for the collection of Council Tax and Business Rates income, back into balance in the next three years.
- 4.28 The Government designated a pan-London business rates pool in 2018/19, which piloted 100% retention in that year, and was revised to pilot 75% retention in 2019/20. For 2020/21 the Government decided not to renew the London pilot, and for London to revert back to the pre-existing 2017/18 67% retention scheme (30% borough share, 37% GLA share, 33% Government share). A voluntary pool was therefore set up with all London Boroughs in 2020/21 with reduced financial benefits from the previous scheme but all the strategic benefits.
- 4.29 The final position for the 2020/21 London pool is still being finalised, however early modelling suggests the financial impact of COVID-19 has been somewhat contained through government grants and other interventions. As is normal, the Council's accounts are closed based on the latest estimates with the final position being reconciled across all London Boroughs, the GLA and central government over the next 18 months. That being said, there are a number of significant issues that are still being addressed in the pooling calculations. The primary issues are the announcement about COVID-19 Material Change of Circumstances (MCC) appeals, the government's cut to the tax income compensation scheme in May 2021, and the remaining uncertainty around the interaction between the compensation scheme and the safety net and levy calculation.
- 4.30 In December 2020, there were a number of reports in the press relating to a business rates rebate for a wide variety of sectors (offices retail, airports, stadiums, car parks and factories) under a MCC due to COVID-19. Analysis from London Councils suggest reductions could range between 20% and 70%, which would be severely damaging for the business rates system. There is also a lack of clarity on when adjustments would apply and for how long.
- 4.31 As part of the budget setting period for 2021/22 authorities were required to submit an NNDR1 return in February 2021 to provide an estimate of income

from business rates after accounting for assumptions on successful business rates appeals. As a result of the lack of information on the impact of MCC's, London Boroughs wrote to MHCLG to inform them that if the provisions made due to MCC were provided for it could have far reaching and unintended consequences. In fact, given the potential impact, it could be a threat to the future operation of the entire Business Rate system.

- 4.32 On 25 March 2021 an announcement was made, indicating that the government intended to legislate to remove the MCC risk. In practice, secondary legislation was made that day to deal with the issue prospectively. This instructed the VOA to disregard the government's pandemic response and associated regulation and guidance when assessing valuations. For the retrospective issue, primary legislation is required, and the government indicated that this would be made "when parliamentary time allows". Rating agents and local authorities are continuing to assess the effectiveness of the secondary legislation as well as to predict what primary legislation might be made (if any).
- 4.33 In November 2020, the Spending Review confirmed that the amount of losses covered would be 75%, and at the Provisional Settlement in December 2020 a methodology was laid out in a consultative policy paper. However, during the first week of May, the government published a compensation calculation which significantly reduced the compensation for most authorities, and therefore the cost of the scheme to the government.
- 4.34 It was agreed in November 2020 that the London pool would not continue in 2021/22 due to the growing concerns around the affordability of contributions that may be required from smaller members to support others below their safety net. This means that for 2021/22 the full impact of any adverse collection levels will have to be contained within Brent's own resources.
- 4.35 In summary, the business rates retention scheme, which was an extremely complex scheme prior to COVID-19, has now become even more complex and substantially more volatile. As a result, Business Rates income, which makes up around 30% of total core funding for the Council, has now become the single most significant risk in the MTFS and the Council's ability to maintain financial control. The business rates regime for 2022/23 is currently unknown and will not be known until the Local Government Finance Settlement, expected in December 2021.
- 4.36 Further analysis will need to be undertaken over the summer as part of the MTFS refresh process at which point the overall pool position will be clear and the legislative uncertainty discussed above is likely to be resolved. However, it is important to note the impact on medium term financial planning. Authorities with significant business rates income budgets would need to consider reducing them significantly with the consequent need to either draw funds from reserves or look for additional savings.

Growth assumptions / Cost pressures

- 4.37 Managing ongoing demand-led pressures remains a key aspect of the MTFS. The table below sets out the existing annual growth assumptions, or estimated increases in unavoidable expenditure, that are built in to the MTFS, for example contract inflation, pay inflation, meeting the cost of providing existing services for a growing population, etc. For the avoidance of doubt, these expenditure assumptions represent the annual costs, all else being equal, that would have to be incurred just to stand still.

Table 3: Existing Growth / Cost Pressures.

Assumption	Extra cost per annum (£m)	Description
Demography	3.5	Estimated annual cost of providing the same services to a growing population.
Payroll	3.0	Based on a 2% pay award and new pay spines.
London Living Wage	2.0	Assumed average annual cost of making more contracts LLW compliant.
Contracts	3.0	Primarily based known contractual commitments.
Transport	0.8	Transporting children with Special Educational Needs.
Technical	1.0	Pensions, levies (e.g. West London Waste Authority) and other technical items.
Capital financing	0.2	Interest and debt repayment costs for the capital programme.
Total Growth	13.5	

- 4.38 It is clear that the impact of COVID-19 will be felt beyond 2021/22 and will have a significant legacy impact on the MTFS making it highly unlikely that a number of budgets, either income or expenditure, will return to their pre COVID-19 levels. As part of the 2021/22 budget setting process and due to the unprecedented financial uncertainty, the new additional growth pressures were modelled using three scenario cases set out in the table below. Predicting the future is inherently risky, so it is prudent to explore as many different cases of what could happen as is reasonably possible under the current circumstances. While the scenarios modelled are unique to each category of growth, including the assumptions that underpin those scenarios, the process of examining and evaluating possible impacts across different budgets is a key part of the decision making process. Overall, the range of possible outcomes was estimated between £5m and £20m, and the current working estimate is that £13m ('central case') of additional growth will be required to manage the impact of COVID-19 in 2021/22. To date, and as referenced in the 2021 Q1 Financial

Forecast report also on this agenda, the central case appears to be a reasonable assumption.

Table 4: MTFS Scenario Model.

Description	Best case (£m)	Central case (£m)	Worst case (£m)	Comment
PPE	0.5	1.0	2.0	Likely increase in the cost of care, whether the Council funds it directly or care homes source their own.
Homelessness	1.0	1.5	2.0	A continuation of pandemic response measures will require additional resources for managing homelessness, which will be further impacted by the worsening economic situation.
Housing Needs rent	0	1.0	1.5	Estimate based on current levels of collection and increase in bad debts.
Children's Social Care	0.5	1.0	1.5	Pressures arising within the Children and Young People with Disabilities (0-25) care at home and direct payment budgets.
Transport	0	0.5	1.5	Pressure arising due to social distancing measures.
Council Tax Support	1.0	2.0	3.0	Increase in working age caseloads.
Income generation	2.0	5.0	7.0	Income generated in the Regeneration & Environment department across various lines of business. Advertising and sponsorship income, conference and events income, Registrars and Nationality income and other traded services are affected.
Allowance for uncertainty	0	1.0	1.5	Further slippage of existing savings plans or new emerging pressures.
Total pressures	5.0	13.0	20.0	

- 4.39 Forecasting growth under normal circumstances is challenging and the task has only increased as a result of COVID-19. Scenario modelling of assumptions continues to be undertaken across all income and expenditure budgets, in particular demand led services.

- 4.40 In addition, as the expected easing of restrictions takes place later this year, it is reasonable to assume that some of the growth assumptions can move from the central case to more towards the best case. These growth assumptions will be further reviewed over the summer as part of the 2022/23 budget development process in order to assess the extent to which the ongoing impact of COVID-19 changes these assumptions.

5.0 Proposed budget setting process for 2022/23

- 5.1 In February 2021 Council agreed the budget for 2021/22 and the business plans for 2022/23. In February 2022 it would be open to Council, subject to all the usual planning uncertainties and caveats, simply to re-confirm the proposals set out a year earlier, which would result in a balanced budget for the 2022/23 financial year. In addition, a range of savings proposals were agreed of £8.5m in 2021/22 and £2.7m in 2022/23 meaning that, subject to consultation and any other material changes to circumstances, no new savings proposals need to be developed to achieve a balanced budget in 2022/23. For the avoidance of doubt, all of the proposals were set out for Council in February 2021, together with the results of the statutory consultation, scrutiny and equalities processes carried out leading up to that.

- 5.2 Therefore, the proposed budget setting process following this Cabinet meeting is as follows:

- Cabinet October 2021. This report will present the budget proposals to be formally consulted on to set the 2021/22 budget;
- The proposals, together with any changes made by Cabinet, will form the basis of consultation between October 2021 and January 2022 with residents, businesses and other key stakeholders;
- The Budget Scrutiny Task Group will review the budget proposals and report accordingly;
- The General Purposes Committee will review the calculation of the Council Tax base in December 2021; and
- After the statutory processes of consultation, scrutiny and equalities have concluded, a draft budget will be presented to Cabinet to recommend a final budget and council tax to the February 2022 Council meeting.

6.0 Capital programme

- 6.1 In 2020/21 the Council spent £171.7m, this equates to 76% of the approved capital programme budget for that year and was underspent to budget by £53.2m or 24% as shown in Table 5 below.

Table 5 – 2020/21 Outturn Position

2020/21 Final Outturn Position							
Portfolio / Programme	Budget as at Feb 2021	Budget Changes since Feb 2021	Final Budget 2020/21	Outturn	Over / (Under) Spend to Budget	Over / (Under) spend split	
						2020/21 Slippage C/FWD	Underspend for Repurpose and Removal
	£m	£m	£m	£m	£m	£m	£m
Corporate Landlord	12.76	(0.14)	12.62	10.16	(2.46)	(2.19)	(0.28)
HCIB - GF	43.72	2.98	46.69	35.80	(10.89)	(10.89)	0.00
HCIB - HRA	68.64	0.09	68.73	59.80	(8.93)	(3.21)	(5.72)
PRS I4B	19.38	20.30	39.68	20.90	(18.78)	(18.78)	0.00
Public Realm	25.22	0.25	25.47	21.56	(3.91)	(1.08)	(2.83)
Regeneration	8.42	(0.32)	8.10	6.90	(1.20)	(0.75)	(0.45)
Schools	14.38	0.46	14.83	9.38	(5.45)	(5.45)	0.00
South Kilburn	8.13	0.00	8.13	6.71	(1.42)	(1.42)	0.00
St Raphael's	0.64	0.01	0.65	0.48	(0.17)	(0.17)	0.00
Grand Total	201.28	23.62	224.90	171.68	(53.22)	(43.93)	(9.28)

2020/21 Capital Budget Position

- 6.2 The 2020/21 capital programme had a final revised budget of £224.90m at the end of the year. The reconciliation of £23.62m budget changes since the budget of £201.28m that was approved at full Council in February 2021 and the final budget are summarised in Table 6 below.

Table 6 - Budget Adjustments Breakdown 2020/21

Budget Adjustments Breakdown 2020/21	
	2020/21
Budget changes since Feb 21	£m
Cabinet Approved purchase of 83 Wembley Park Drive	2.90
The budget adjusted on the Council side to match I4B business plan 2021/22	20.30
Liveable Neighbourhoods Removed	-0.20
Revenue Contribution for Oracle Cloud	0.08
Reprofiling budget for Oracle Cloud, bringing forward budget	0.28
On Side Youth Zone	0.07

NCIL Landscaping Projects	0.19
Total	23.62

- 6.3 The 2020/21 outturn position was lower than the revised budget by £53.22m. Further details on the outturn position are contained within the Outturn Report for 2020/21. It is proposed that this sum is re-profiled into 2021/22 and future years, except for those schemes that reached completion in 2020/21.
- 6.4 As part of 2021/22 budget setting, there was a forecasted slippage of £20.30m in I4b and budgets re-profiled over 3 years on Council side to match the I4b business plan.
- 6.5 Table 7 shows the impact of the proposed 2020/21 carry forwards and other budget adjustments.

Table 7 - Budget Adjustments Breakdown 2021/22 to 2025/26

Budget Adjustments Breakdown 2021/22 to 2025/26						
	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£m	£m	£m	£m	£m	£m
2020/21 Underspend	53.22					53.22
Post April Changes						
Roe Green Infant School Kitchen and Improvement Works- Basic Needs	0.73					0.73
Public Sector Decarbonisation Scheme	3.23					3.23
NWCC SCIL Approval	4.90					4.90
Re-profiling						
The budget adjusted on Council side to match I4B budget over 3 years.	(18.78)					(18.78)
South Kilburn Re-profiling	0.89	(0.40)	(0.47)		(0.02)	0.00
Budget Changes to be agreed						
All Additions						
Increase DFG allocation	0.63					0.63
Increase budget for Civic Centre	0.03					0.03

Increase budget for WFH Equipment	0.11					0.11
Family Wellbeing Centres	0.36					
All Removals						
Removal of Liveable Neighbourhoods Programme	(0.45)	(0.45)				(0.90)
Removal of 2020/21 Oracle Cloud slippage	(0.28)					(0.28)
Removal of 2020/21 Major Works slippage	(3.91)					(3.91)
Removal of indicative budgets that are yet to be confirmed including TfL LIP	(2.83)					(2.83)
Re-purpose of settlement case for JAW sites	(1.80)					(1.80)
Total	36.06	(0.85)	(0.47)	0.00	(0.02)	34.35

The budget adjustments set out in Table 6 include:

6.6 £53.22m slippage and underspend from 2020/21 set out in Table 5 above.

6.7 Post April 2021 changes to the budget

- £0.54m Basic Need Allocation and £0.19m S106 funding for Roe Green Infant School Kitchen and Improvement Works.
- £3.23m Grant funding from Department for Business, Energy and Industrial Strategy for the Public Sector Decarbonisation Scheme.
- £4.9m SCIL approval for NWCC infrastructure works.

6.8 Budget re-profiling

- The budget setting already assumed slippage as explained in 6.4, so £18.78m has been adjusted from 2021/22 budget to match 3 years budget on i4b business plan.
- South Kilburn re-profiling to reflect acquisition and design schedules.

6.9 Budget additions since April 21

- 2021/22 DFG grant allocation was higher than budgeted.
- Budget increases of £0.11m for WFH Equipment and £0.03m for Civic Centre to offset slight overspend and match the grant funding and contribution received.
- Addition of works for the Family Wellbeing Centres.

6.10 Budget underspend removed and repurposed

- Removal of the Liveable Neighbourhoods Programme (£0.45m) as this was dependent on receiving funding from TFL.
- Removal of budget slippage of £0.28m from Oracle Cloud as this was duplicated when brought forward.
- Removal of the underspend of £3.91m for 2020/21 major works.
- Removal of indicative budgets of £2.83 that are yet to be confirmed primarily the annual LIP funding for 2021/22, as we still are awaiting TFL's confirmation.
- Repurpose of £1.8m underspend driven by a lower settlement claim on the JAW sites.

The revised budget position for 2021/22 to 2025/26 is summarised in Table 8 below.

Table 8 – Revised Capital Programme Budget (2021/22 to 2025/26)

Capital Programme Revised Budget 2021/22 to 2025/26						
Board	2021/22 Revised Budget £m	2022/23 Revised Budget £m	2023/24 Approved Budget £m	2024/25 Approved Budget £m	2025/26 Approved Budget £m	Total 2021/22 to 2025/26 £m
Corporate Landlord	11.83	3.71	51.43	19.00	0.00	85.98
HCIB - GF	75.93	43.35	22.30	53.62	0.00	195.20
HCIB - HRA	67.92	26.39	16.04	0.00	0.00	110.36
PRS I4B	24.40	24.31	18.60	0.00	0.00	67.30
Public Realm	14.99	5.94	5.70	2.15	0.00	28.77
Regeneration	37.35	18.16	1.16	0.00	0.00	56.68
Schools	32.33	17.14	0.00	0.00	0.00	49.46
South Kilburn	30.80	17.92	9.74	4.20	14.85	77.51
St Raphael's	1.47	0.01	0.00	0.00	0.00	1.48
Total	297.02	156.93	124.97	78.97	14.85	672.74
Approved Feb 21	260.96	157.78	125.44	78.97	14.87	638.02
Budget Adjustments	36.06	(0.85)	(0.47)	0.00	(0.02)	34.72

Capital Pipeline

- 6.11 The programme agreed by Council in February 2021 included £300.3m for pipeline schemes. The capital pipeline is a list of potential future investment projects identified by each of the sub-boards. In evaluating the investment pipeline proposals several factors are considered. These include statutory requirements, demonstrable linkages to corporate priorities, with the ability for proposals to generate revenue savings and, to a slightly lesser extent, their potential to generate future capital receipts or other financial returns.
- 6.12 Schemes will be brought forward once further refined and subject to detailed business cases, they will be promoted to the main programme following Cabinet approval where necessary.
- 6.13 Since February a number of proposals totalling £2.8m have been removed as decisions have been made not to take the schemes forward. Two South Kilburn schemes have been combined, ERSK Cap bid 9- Open Spaces (ref PL013) and ERSK Cap bid 7- Infrastructure (streets/public realm)(Carlton Vale Boulevard) (ref PL019). The current total of the pipeline schemes is £297.5m.

7.0 Housing Revenue Account

- 7.1 The Housing Revenue Account (HRA) is a ring-fenced account which contains the income and expenditure relating to the Council's landlord duties in respect of approximately 12,000 dwellings including those held by leaseholders.
- 7.2 The HRA budget is set each year in the context of the 30-year business plan. The business plan is reviewed annually allowing for horizon scanning and the identification and mitigation of risks in the short, medium and long term. Early identification of risks enables planning and implementation of mitigations to ensure the HRA can continue to remain financially secure and deliver on its commitments:
- Expand and accelerate the development of new council homes;
 - Continue to maintain and improve existing council homes; and
 - Transformation and continuous improvement of front line services to tenants and leaseholders.
- 7.3 Since 2020/21, and for the following four years, the Council has the power to increase rents annually up to a maximum of CPI plus 1%. In 2021/22, the average rent currently sits at £118.05 per week, an increase of 1.5% when compared to the previous year. A similar increase is anticipated for 2022/23, which would result in an average rent per week of £119.82 and give the potential to raise an additional £0.7m per annum for the next 3 years.
- 7.4 HRA rent setting needs to be considered in the context of the ring-fence and the 30-year business plan. A return to the CPI plus 1% model helps to provide some stability and certainty over planned investment in the stock, service improvement and new development, at least in the medium term. A £0.7m increase in rent has the effect of an additional £21m investment in the HRA over a 30-year period.

- 7.5 After April 2025, the implications of future Government regulated rent policy remain uncertain. Medium-term investment plans must be approached cautiously and allow for flexibility. The rate of inflation for expenditure is currently higher than that of rental income. To mitigate against resulting budget deficits, annual savings targets have been incorporated into medium-term financial plans. In addition, longer-term financial implications arising as a result of COVID-19, and the impact on rent collection rates and bad debts in particular, remain a risk area for the HRA budget. It is also important to note that despite the pressures experienced by the HRA in 2020/21, and it continues to experience, as a result of the COVID-19 outbreak, the HRA received no emergency government funding.
- 7.6 The influences outlined above are continuously monitored and a reappraisal of HRA budget priorities will be considered if necessary. As part of the budget setting process, the HRA budget will be subject to a separate consultation process.

8.0 Schools and Dedicated Schools Grant

- 8.1 During the COVID-19 pandemic, schools continued to receive funding as planned but incurred exceptional costs and were also impacted by loss of income from activities such as hiring out facilities. The DfE provided one-off support to schools for these exceptional costs which were increased premises related costs; support for free school meals (FSM); and additional cleaning. Catch up premium funding was also provided to schools to help make up for lost teaching time for all pupils with primary and secondary schools receiving £80 per pupil and special schools receiving £240 per pupil. However the long term implications of these additional costs and loss of income could pose a risk to the Schools budgets.
- 8.2 There are also financial pressures due to rising costs. Staffing costs have risen due to minimum wage increases, national insurance changes, pension contributions and auto enrolment. In addition, there are also the more general inflationary cost pressures on good and services.
- 8.3 Another challenge faced by some primary schools is falling numbers of pupils in their reception and key stage 1 year groups which equated to a 2% reduction compared to 2020/21, and this directly reduces the funding allocated to them. These schools will need to react when planning their budgets and restructure their staffing capacity accordingly to match their income and pupil numbers. There is a financial risk that smaller schools with reducing numbers of pupils will result in more schools being in deficit.
- 8.4 School balances increased in 2020/21 following decreases year on year since 2016/17 and this increase in balances is partly due to the impact of the partial closures of schools during the pandemic; and the carry forward of catch up premium funding received as schools are able to carry forward the funding to future academic years as stipulated by the DfE guidance. Overall, balances have increased by £4.5m from £13.7m in 2019/20 to £18.2m in 2020/21. Six schools ended the financial year 2020/21 in deficit an improvement from the

previous year's number of seven. The funding and expenditure pressures will persist, and are likely to require schools to take action to balance their budgets. Of the six schools in deficit, the majority are expected to set a balanced budget in 2021/22, whilst a small number may require a licensed deficit agreement to recover the deficit over a three year period. The schools in deficit will be monitored closely throughout the year.

- 8.5 Schools are required to submit three year budgets annually and, in planning this, are starting to restructure staffing establishments where necessary, look for commercial and income generating opportunities, and for opportunities to work together on procurement.
- 8.6 The overall Brent DSG deficit has increased from £4.9m at the end of 2019/20 to £10.5m at the end of 2020/21. This position is similar to most London boroughs who are also forecast to be in deficit positions at the end 2020/21. In line with the School and Early Years Finance (England) Regulations 2020, any DSG deficit balance will be ring-fenced, held within the local authority's overall DSG and carried forward to be funded from future years funding and/or recovery plans agreed with the DfE.
- 8.7 The pressure in the DSG is mainly against the High Needs Block, as it is largely demand led and the number of children requiring support in both mainstream schools and special provisions is increasing. The main cost driver in the High Needs Block is the rise in demand for Education, Health and Care plans (EHCPs) and this rise has been experienced nationally. The table below reflects the 5 year trend of EHCP growth in Brent.

Table 1	January	January	January	January	January
Financial Year	2017	2018	2019	2020	2021
Number of EHCP	1,960	2,076	2,173	2,426	2,805
Year on Year % Increase	9%	6%	5%	12%	16%

- 8.8 In 2021/22 the High Needs Block received a £6m increase and a £1.2m transfer from the Schools Block of the DSG but the increase will not reduce the deficit, which will be carried forward into 2022/23. A combination of longer-term recovery actions include managing demand by applying a graduated approach to reduce the need for an EHCP, improving sufficiency of places by establishing more SEND provision in the borough, improved financial management and anticipated government funding increases will help to reduce the deficit. The risk remains however that the number of EHCPs will continue to rise.

9.0 Overall summary and conclusion

- 9.1 In February 2021, Council agreed a Medium Term Financial Strategy (MTFS) that sought to provide the financial framework for the years 2021/22 to 2022/23. The programme, developed through a combination of effective financial management and cost control and more innovative approaches to investment and demand management, set out the delivery of £11.2m of savings (profiled £8.5m in 2021/22 and £2.7m in 2022/23) in order to deliver balanced budgets over the two year period. This followed a period of 10 years where, as a result

of significant reductions in government funding and the challenges posed by new legislation, the Council had been obliged to make an unprecedented £185m of savings, despite an increase in demand for key services.

- 9.2 As government funding has been cut the population has grown and this has been particularly pronounced in the very oldest and very youngest age groups, which are statistically most likely to require services from the Council, thus adding to the cost pressures. Coupled with the impact of legislative change and uncertainty on the outcome of proposed reforms to local government funding, this has created substantial financial pressures.
- 9.3 Therefore, the Council was already operating in a significantly challenging financial environment prior to the outbreak of COVID-19.
- 9.4 The COVID-19 pandemic has created a significant shock to the economy and resulted in significant unplanned expenditure and income losses. Although the immediate impact was felt in 2020/21, it is clear that there will be a long term impact on the Council's financial overall position and its ability to deliver a balanced budget will continue to be challenging.
- 9.5 While it is absolutely vital to ensure local communities are supported through this crisis, the response comes at a significant cost, which is putting severe strain on all local authorities.
- 9.6 At the last update of the MTFS the Council's budget approach has been very much on delivering efficiencies in order to deliver a balanced budget in the face of government funding reductions. As part of this, the Council has been successful in delivering a savings programme without significant reductions in service provision or adversely impacting on the most vulnerable. The MTFS has also been successful in providing a framework that has allowed the Council to adequately fund growth pressures resulting from both demographic pressures and the changing needs of its vulnerable residents, and investing in the local recovery.
- 9.7 Looking beyond 2021/22, reforms to Local Government funding (the fair funding review and business rates reforms) are unlikely to be implemented next year and was somewhat inevitable given the reduced capacity of government to deliver these complex reforms. A welcome approach would be similar approach to last year's spending round, which effectively confirmed the settlement early in September, and rolled forward the existing settlement with an increase in funding and some additional targeted grants. Beyond additional emergency funding packages, the next and bigger issue than fair funding is the quantum of resources needed by the sector to compensate for the ongoing shifts in councils' underlying cost and income pressures.
- 9.8 Focussing on the immediate need to set a balanced budget for 2022/23, the core estimates that drive the Council's budget position will be revised and updated over the summer to take account of, where possible, the national policy direction on local government finance and other local specific factors with a

view to reporting back to Cabinet on the longer term financial position in October 2021.

10.0 Financial Implications

10.1 The financial implications are set out throughout the report.

11.0 Legal Implications

11.1 Standing Order 24 sets out the process that applies within the Council for developing budget and capital proposals for 2022/23. There is a duty to consult representatives of non-domestic ratepayers on the Council's expenditure plans before each annual budget under Section 65 of the Local Government Finance Act 1992. The council also has a general duty to consult representatives of council tax payers, service users and others under Section 3 (2) Local Government Act 1999.

12.0 Equality Implications

12.1 Under the Public Sector Equality Duty (PSED) in the Equality Act 2010, Brent Council is required to pay due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between different protected groups when making decisions. The groups protected by law, also known as protected characteristics, are age, disability, gender, race, religion or belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. Although socio-economic status (people on low income, young and adult carers, people living in deprived areas, groups suffering multiple disadvantage, etc.) is not a characteristic protected by the Equality Act 2010, Brent Council is committed to considering the impact on socio-economic groups.

12.2 The PSED does not prevent decision makers from making difficult decisions in the context of the requirement to achieve a significant level of savings across all operations. It supports the Council to make robust decisions in a fair, transparent and accountable way that considers the diverse needs of all our local communities and workforce. Consideration of the duty should precede and inform decision making. It is important that decision makers have regard to the statutory grounds in the light of all available material, including relevant equality analyses and consultation findings. If there are significant negative equality impacts arising from a specific proposal, then decision makers may decide to amend, defer for further consideration or reject a proposal after balancing all of the information available to them.

13.0 Consultation with Ward Members and Stakeholders

13.1 The detailed approach to the statutory consultation process will be set out as part of the budget report to be presented to Cabinet in October 2021.

14.0 Human Resources

14.1 Not applicable.

Report sign off:

Minesh Patel

Director of Finance

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Appendix A: MTFS Savings Delivery Tracker 2021/22 - 2022/23

Department	Index	Reference	2021/22 saving (£000)	2022/23 saving (£000)	Description	RAG Status	Comments / Mitigating Actions
Community Wellbeing	2021-23 CWB 001	Reablement	460	120	Delivering the outcomes of the Newton Europe project, to increase the number of people going through Reablement, create better quality Reablement and clearer pathways, and minimise costs. Make further savings by reducing local authority contributions to rehab (health).	Green	£200k of this has already been achieved through no longer contributing to the pooled budget. The remaining £380k will be achieved through improved reablement care practices which should reduce the need for ongoing adult social care packages after reablement care packages have been completed. Currently it is likely that reablement will be delivered in-house.
Community Wellbeing	2021-23 CWB 003	Placement Review	250		Continuing robust challenge of individual package costs based on evidence as part of annual placement reviews.	Green	These savings will be achieved throughout the year as care placements are reviewed and fee reductions achieved through re-negotiated fees and step downs in care requirements
Community Wellbeing	2021-23 CWB 004	Deprivation of Liberty Safeguards (DoLS) provision	30		BIA assessments could be done internally; cost savings based on options including payment to staff vs external BIAs.	Green	On track to deliver this saving.
Community Wellbeing	2021-23 CWB 005	Community Care recommissioning	750		Recommissioning all external day care / homecare provision, restructuring provision into a new, lower cost model and inclusion of Public Health outcomes into new model of deliver to allow for rebadging of funding from PH grant.	Green	Will be achieved through homecare reprocurement which will be completed by January 2021.
Community Wellbeing	2021-23 CWB 006	Properties to relieve Temporary Accommodation	1,430	560	Additional properties obtained which reduce demand for Temporary Accommodation.	Green	Savings are on track to be delivered
Community Wellbeing	CWB C2	Salaries Capitalisation	100		Capitalising more salaries spend within the Housing Partnerships Service.	Green	Savings are on track to be delivered
Community Wellbeing	CWB C3	Concessionary Fares / Freedom passes	1,000		Freedom Passes cost the Council £15m per annum and the charge in based on usage over the last two years. A reduction in charges are anticipated as a result of the pandemic. The current estimates from TFL indicate a 2-year benefit of £1m which is the midpoint of the best and worst case scenarios provided by TFL.	Green	Savings are on track to be delivered
Sub Total			4,020	680			
Regeneration & Environment	2021-23 R&E 001	General Efficiencies across R&E	215		A review of the forecast underspends across the department to identify underspends that are recurring.	Green	On track to deliver this saving, though may be subsumed into a larger extended savings exercise now necessary as part of the MTFS.
Regeneration & Environment	2021-23 R&E 002	Lighting Maintenance	140		10% efficiency saving from new lighting maintenance contract	Green	Savings are on track to be delivered


Department	Index	Reference	2021/22 saving (£000)	2022/23 saving (£000)	Description	RAG Status	Comments / Mitigating Actions
Regeneration & Environment	2021-23 R&E 003	Schemes/Drainage fees	100		Increase the level of fees applied to the delivery of large scale funded infrastructure improvement projects	Red	Funded projects now ceased due to TfL finance problems and so ability to raise income from fees now very limited.
Regeneration & Environment	2021-23 R&E 004	Damage Cost Recovery		50	Deploying an officer to more proactively recover the cost of repairs from developers and builders causing damage to the public highway.	Green	Savings are on track to be delivered
Regeneration & Environment	2021-23 R&E 005	Building Control Fees Review	50		a) Charge more - increase BC published fees by 10% (up to 15 dwellings) b) more business from in-house	Red	Covid impact on volume of work unknown but this should be achievable in future years
Regeneration & Environment	2021-23 R&E 006	Brent Transport Services move		150	Relocating buses back to Brent from Harrow to reduce operating times and costs	Green	On track to deliver this saving, though may be subsumed into a larger extended savings exercise now necessary as part of the MTFS.
Regeneration & Environment	2021-23 R&E 007	Pre-app service; review basic and enhanced offer	5		Review fees and charges for 'place making' advice as part of enhanced pre-app service	Green	Still achievable in that fees will increase; however covid impact on volume of work unknown
Regeneration & Environment	2021-23 R&E 009	Apprenticeship levy commercial offer	15	30	Offer to businesses on how to use the apprenticeship levy	Red	Not achievable. 'There are proposals nationally to reform the Apprenticeship Levy. We will await these changes before progressing any proposals.
Regeneration & Environment	2021-23 R&E 011	Facilities Management contract review	70		Utilise 12 month contract extension (July 2010 - June 2021) agreement to explore opportunities and impacts linked to savings.	Green	On track to be delivered
Regeneration & Environment	R&E A1	Capitalisation	340		Allocating activity to capital projects enabling costs to be transferred from GF to capital	Green	On track to be delivered
Regeneration & Environment	R&E A2	Brent Transport Service		100	A review of the commercial aspects of the service to identify operational efficiencies, particularly with respect to route rationalisation, parking arrangements and on-bus support requirements. This will extend to a joint review with CYP of what opportunities there might be to promote and facilitate better take-up of independent travel by pupils.	Green	On track to be delivered
Sub Total			935	330			
Children & Young People	2021-23 CYP 001	Clawback of unused Direct Payments	25		Implementation of card payments for Direct Payment clients means the service will be able to reclaim unused or overpaid funds immediately. For a variety of reasons direct payments may no longer be required by a family for the purposes of supporting their child. At present there is a risk that payments can continue for several months before they are amended. The card system will allow officers to identify overpayments and reclaim these rapidly.	Green	Savings on track to be delivered. Regular reviews will be undertaken to identify funds to be clawed back.

Department	Index	Reference	2021/22 saving (£000)	2022/23 saving (£000)	Description	RAG Status	Comments / Mitigating Actions
Children & Young People	2021-23 CYP 002	Short Breaks Centre	50		It is proposed that existing spare capacity of respite beds/nights at the Ade Adepitan Short Breaks Centre (SBC) will be sold to neighbouring authorities at market rates. The intention is to sell the beds at £730 per night for planned stays and £910 for emergency bookings. Selling the nights will reduce voids at relatively low marginal cost as payments for the management, building and other operational costs are met from within the existing budget.	Amber	Savings on track to be delivered, however due to the impact of the Covid-19 pandemic there have been fewer children using the facilities. The saving is dependent on neighbouring authorities purchasing beds at the centre.
Children & Young People	2021-23 CYP 003	Adjusting resources in demand led budgets	150		The rate of Looked After Children per 10,000 of population is historically low in Brent and the current rate is low when compared to statistical neighbours. Although with expected population growth this number is likely to increase, it should however be in line with the current statistical measure. With the assumption that this low rate continues over the next 18 months a reduction in the budget in line with posts currently being held vacant could be implemented to align resource to demand.	Amber	Saving assumption to be reviewed.
Children & Young People	2021-23 CYP 004	Review and zero base other service area budgets	100		Review and zero base other service area budgets to achieve and accumulate minor savings. Budget analysis to be carried out on non-staff and non-frontline service budgets across CYP. The exercise will concentrate on those budgets which have historically underspent or which represent discretionary spend. For example; 1. The CYP Learning and Development budget is centralised in the SQA service area, and has underspent in recent years. A costed plan could be designed to meet key requirements, such as ensuring Continuous Professional Development for social workers, and deliver a saving.	Green	On track to be delivered
Children & Young People	2021-23 CYP 005	Increased income target for the Gordon Brown Centre	50		Increased income target for the Gordon Brown Centre. The Centre has benefitted from recent capital investment, and successful summer trading in 2019 indicates a forecast surplus of £50k against the current net zero budget.	Amber	There has been reduced income due to Covid-19 and current government guidance states that schools should not have residential trips. However this may change if the impact of the pandemic is reduced.

Department	Index	Reference	2021/22 saving (£000)	2022/23 saving (£000)	Description	RAG Status	Comments / Mitigating Actions
Children & Young People	2021-23 CYP 006	10% saving on commissioning	50		10% saving on commissioning when contracts become due. The CYP procurement forward plan identifies a number of contracts which are due to go out to tender for new contracts to commence for April 2021, including for Speech and Language Therapy services and Mental Health and Wellbeing services.	Green	On track to be delivered
Children & Young People	CYP A3	Gordon Brown Centre		300	An expanded use of the Centre, either supporting families with children at risk of being taken into care or as a residential provision for Looked After Children, would realise either cost avoidance or additional income. Placements would be for Brent children and offered to other LAs to commission (with differential fee rates). There would be some investment costs (capital works to make the accommodation suitable and staffing costs).	Green	On track to be delivered
Children & Young People	CYP B1	Integration with health	180		Opportunities to deliver more efficient commissioning and service delivery, building on established joint commissioning, have previously been identified with health partners. It is proposed that these opportunities are revisited by Brent Council commissioning and/or directly providing provision on behalf of Brent CCG to deliver more efficient services and achieve savings.	Amber	CYP Commissioning & Resources team is working with Health and Public Health colleagues to review commissioning approaches with the aim to realise efficiencies.
Sub Total			605	300			
Assistant Chief Executive	2021-23 CE 003	Efficiency savings		100	Efficiency savings within Assistant Chief Executive	Green	Savings are on track to be delivered
Assistant Chief Executive	ACE A1	Executive support team	52		Delete 1.5 scale 4 posts (Executive support asst)	Green	Savings are on track to be delivered
Assistant Chief Executive	ACE A2	Governance	10		Deletion and realignment of post (NB: this is contingent on staying with virtual or physical meetings i.e. not moving to hybrid meetings)	Green	Savings are on track to be delivered
Assistant Chief Executive	ACE A3	Chief Executive Office	30		Reduce various small budget lines	Green	Savings are on track to be delivered
Sub Total			92	100			
Chief Executive	2021-23 CE 001	Efficiency savings		100	Efficiency savings within Legal, HR, Audit & Investigations	Green	Savings are on track to be delivered
Chief Executive	2021-23 CE 002	Efficiency savings		100	Efficiency savings within Finance	Green	Savings are on track to be delivered

Department	Index	Reference	2021/22 saving (£000)	2022/23 saving (£000)	Description	RAG Status	Comments / Mitigating Actions
Chief Executive	CE A1	Reduce an assistant account post		50	This saving can be achievable through efficiencies expected from the Oracle Cloud implementation, for example through more efficient working practices	Green	Savings are on track to be delivered
Chief Executive	CE A2	Energy savings	100		Savings are expected from reduced energy usage from council owned buildings.	Green	Savings are on track to be delivered
Chief Executive	CE B2	Restructure in a Legal Team	60		Reduce Principal Lawyer posts by 1 enabling a team restructure	Green	Savings are on track to be delivered
Chief Executive	CE B5	Restructure in an HR team	50		Delete two roles and redistribute essential functions. Cease routine OH checks on new recruits.	Green	Savings are on track to be delivered
Sub Total			210	250			
Customer & Digital Services	2021-23 CDS 001	ICT Client and Application support - Income generation	80		Increase in income generated from charging for IT support	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 003	ICT Client and Application support - Printing Costs	40		Expected reduction in printing costs	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 004	ICT Client and Application support - Salaries		160	ICT Client & Applications staffing efficiencies	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 005	ICT Client and Application support - Oracle changes budget	20		Reduction in changes to the current Oracle system	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 006	Merger of Housing and BCS contact centre	50	50	Merger of Housing and BCS contact centre	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 007	Reduction in Postal Costs		30	Reduction in Postal Costs	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 008	Savings from new Council Tax Support scheme	50		Staff saving arising out of the new, simplified, Council Tax Support scheme	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 009	Increased automation in Customer Services	50	50	Increased automation in Customer Services	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 010	Replace IEG (on line benefits form)		75	Replace IEG (on line benefits form)	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 011	Staffing efficiencies in Customer Services	50	95	Staffing efficiencies in Customer Services	Green	Savings are on track to be delivered

Department	Index	Reference	2021/22 saving (£000)	2022/23 saving (£000)	Description	RAG Status	Comments / Mitigating Actions
Customer & Digital Services	2021-23 CDS 012	Transformation - Staffing efficiencies		100	Staffing efficiencies	Green	Savings are on track to be delivered
Customer & Digital Services	CDS A2	<p>Customer Service Operations</p> <p>Review of customer front face offer</p> <p>Create a new community Hub in Civic Centre.</p> <p>Create team leader to manage resident financial support function.</p>	75		<p>A full review of the customer front face offer in the Civic Centre would take place from autumn 2020 onwards.</p> <p>The intention would be to retain a 4 hours a day 5-day week service managed by customer services (as has been the case since July 2020).</p> <p>In addition to this, it is proposed to establish an additional Hub in the Civic Centre in line with the current 5 community hubs. This would enhance the support on offer at the civic centre to our most vulnerable residents.</p> <p>In line with the above, a review of the Council's approach to Revenue and Debt management and customer service will take place.</p> <p>This would be replaced with a more ethical service approach with our customers in line with the proposed team to support the resident support fund, LWA, DHP, and Hubs offer.</p>	Green	Savings are on track to be delivered
Customer & Digital Services	CDS A4	Revenue and Debt	75		Reduction of vacant Enforcement Service Manager P06 post. Post is currently vacant.	Green	Savings are on track to be delivered
Customer & Digital Services	CDS A5	Resilience contract	100		Review of benefits assessment process, review of the Scale 6 Assessment Officer posts and reduction in use of the resilience contract.	Green	Savings are on track to be delivered
Sub Total			590	560			
Corporate	CORP A1	Reduction in procurement spend	500	500	This new work stream consists of an ongoing procurement and contract management review, covering new procurement activity, re-scoping of contracts and reviewing inflationary uplifts.	Green	This saving is expected to be delivered following a review of procurement spend and upcoming contract renewals by the Commissioning and Procurement Board
Corporate	CORP A2	Voluntary Redundancy Scheme	1,500		The voluntary redundancy scheme closed in October 2020 and based on the number of accepted applications c£1.5m can be saved from the budgeted establishment.	Green	Savings have been delivered
Sub Total			2,000	500			
Grand Total			8,452	2,720			

 Brent	Cabinet 19 th July 2021
	Report from the Assistant Chief Executive
Performance Report, Q4 (January – March) 2020/21	

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:	One Appendix A - Corporate Performance Scorecard
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Lorna Hughes Head of Strategy and Partnerships 020 8937 4458 lorna.hughes@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report and the performance scorecard (**Appendix A**) set out the position on the Council's performance in the fourth quarter of 2020/21. The content and format of the report and scorecard have been revised to focus primarily on the Council's Borough Plan; Building a Better Brent (2021-2022), and its priorities.
- 1.2 The purpose of this report is to provide Cabinet with a corporate overview of performance information linked to the Borough Plan priorities, to support informed decision-making and to manage performance effectively.
- 1.3 The Building a Better Brent plan was agreed by Full Council in early 2019. It provides a strategic picture of where the Council would like to be by 2022 and how it intends to get there. The Borough Plan has five overarching strategic priorities with detailed desired outcomes that will run for the duration of plan. To assist in the delivery of these outcomes, specific key priorities have been identified for each of the individual years. These are known as annual Delivery Plan Priorities.

1.4 The five priorities set out in the Borough Plan and their desired outcomes are as follows:

- Every opportunity to succeed:
 - Improvement in Key Stage results for boys of Black Caribbean heritage
 - Improvement in Key Stage results for looked-after children and care leavers
 - High-level skills achievement
 - Increase in average wage
- A future built for everyone, an economy fit for all:
 - Increase in inward investment achieved via the council
 - Produce our new Local Plan, setting out our vision, priorities and areas for future development in the borough
 - Increase in housing supply
 - Reduction in the number of households in temporary accommodation
 - Keep traffic moving and our roads and pavements in good repair
- A cleaner, more considerate Brent:
 - Improvement in air quality
 - Reduction in illegally-dumped rubbish
 - Tackling the climate and ecological emergency
- A borough where we can all feel safe, secure, happy and healthy:
 - Reduction in anti-social behaviour, the risk of harm and re-offending
 - Reduction in violent crime, including gang and knife crime
 - Support our most vulnerable adults, enabling them to choose and control the services they receive, to remain independent and lead active lives
 - Improve the health of Brent residents
 - Make Brent a place where culture is celebrated and vibrant
- Strong foundations:
 - Enable more residents to get online
 - Ensure value for money through our commissioning and procurement
 - Building services around residents and their needs
 - Increase in resident satisfaction
 - Increase in resident involvement

1.5 The Corporate Performance Scorecard (Appendix A) sets out the suite of key performance indicators (KPIs) being monitored corporately. Commentary is mandatory in line with the current performance framework and is included in the scorecard. This applies to all measures that have a Green, Amber, Red or Purple RAG rating.

2.0 Recommendation(s)

2.1 Cabinet has been asked to:

- a. Note the performance information contained in this report.
- b. Consider the current and future strategic risks associated with the information provided and agree remedial actions on strategic risks as appropriate.
- c. Challenge progress with responsible officers as necessary.

3.0 Detail

- 3.1 Overall, there are currently 96 key indicators in the Q4 performance scorecard.
- 3.2 KPIs are rated Red, Purple, Amber or Green depending on their performance.
- 3.3 Red KPIs are 5% or greater outside of their target. The Purple KPI rating is new for this quarter and has been used to rate KPIs that are outside of their target, but the decline in performance is directly attributable to the impact of the Covid-19 pandemic. Amber KPIs are between 0.01% and 5% outside of their target, and green KPIs are ones that have met or exceeded their target,
- 3.4 Of the 45 Year 2 Delivery Plan indicators, 6 KPIs are off target and rated Red, and 2 further measures are rated Purple as they are off target due to Covid-19. 1 KPI is just off target (Amber status) and 24 are on or above target (Green status). 12 indicators are for contextual use only. One further measure does not have data available this quarter, and the Corporate Performance team are awaiting data for two measures.
- 3.5 There are 51 wider Borough Plan indicators in the Q4 scorecard. 6 KPIs are off target (Red status) and a further 16 are rated Purple as they were off target due to Covid-19. 3 are just off target (Amber status) with 20 are on or above target (Green status). A further 7 indicators are for contextual use, and the Corporate Performance team are awaiting data for 1 measure.
- 3.6 The format of the scorecard provides a distinct focus on Red and Purple KPIs which are presented graphically. KPIs which were rated Amber or Green or are contextual are presented in a 'at a glance format'.
- 3.7 A summary of performance based on Borough plan priorities is set out below.

Every opportunity to succeed

Red & Purple KPIs

- 3.8 The percentage of care leavers aged 19-21 in education, employment or training (EET) has ended the year at 50% (target – 57%), achieving a Red RAG rating. In response to the performance figure CYP have undertaken a thorough analysis of all young people who were NEET at any point this year (109 in total) to understand the causes. As a result, some further data cleansing is underway and it is anticipated that the end of year figure will rise to 52%. There has been a strong multi-disciplinary response to get young people into education, employment or training. An audit of aspiration is being undertaken by the Virtual School and targeted activities to raise engagement levels are planned.

Amber, Green & Contextual KPIs

- 3.9 Q4 has seen the rate of LAC per 10,000 of the population positively drop further to 36.7% and is rated Green. This KPI has performed well throughout the year and has ended with an improved outturn in comparison to 2019/20.
- 3.10 11.9% of Looked After Children (LAC) have had three or more placement moves. This KPI is now rated Green after showing steady improvement throughout 2020/21 and has ended the year with an outturn that is better than the 15.3% at this time last year. Proactive work has been undertaken in awareness-raising across teams within the Localities and Looked After Children and Permanency Services to minimise placement moves. Targeted work to support placements when they first become unstable is being undertaken to minimise breakdown. Monthly placement stability meetings continue to identify, track and monitor children and young people who have already had 2 placements.
- 3.11 There has been no change in the percentage of pupils attending Brent schools rated good or outstanding as Ofsted ceased school inspections in March 2020 due to coronavirus. Inspections are expected to resume later in 2021 and the indicator is unlikely to change until then. The indicator ends the year with an outturn of 96% and receives a Green RAG rating.
- 3.12 There have been 240 Employment and Apprenticeship outcomes through Brent Works, The Living Room and Community Hubs (target – 230, Green rating). Over 2,800 residents have been supported remotely, and nearly half (48.8%, 117 cases) of all outcomes took place in Q4. Challenges persist in engaging residents considered the furthest from the labour market. These residents are frequently digitally excluded due to either a lack of skills or access to technology, and there will be additional focus on supporting them in the post-pandemic employment response to ensure that opportunities are available and accessible. Brent Starts also performed well with an achievement rate of 93.6% (target – 92%) and is rated Green.

A future built for everyone, an economy fit for all

Red & Purple KPIs

- 3.13 677 affordable homes have been built this year (target – 1,600) giving this KPI a Red RAG rating. 2020/21 has seen a significant increase in the number of new homes delivered across all tenures and this escalation will continue over the course of 2021 with the growing pace of the Council's programme with 400 new homes anticipated shortly. By the year-end, the Council completed 277 new rented homes and a further 311 for rent were completed by Registered Providers. A further identified issue has been the potential underreporting of Shared Ownership completions by Registered Providers during 2019/20.
- 3.14 Q4 has seen a decline in the performance of Category 2 highways defects repaired on time. Although this KPI has been rated Red throughout the year, in

Q4 it now stands at 33.7%, giving YTD performance of 55.8% against a target of 98%. This is largely due to repairs being completed outside the 7-28 day response times. When measured on overall repairs completed over the individual months, performance is averaging 90%. However approximately 60% of that figure is not counted, as either repairs are overtime or the completion is not recorded in time. The department moved to a new contract in April with a new management structure at the contractor's side. Meetings have been held to ensure the contractor is aware and delivers in accordance with the contract.

- 3.15 Both KPIs monitoring the voids process are rated Purple, with re-let time currently 153 days for properties with major works (target – 72) and 118 days for minor works (target – 35). The initial pause in lettings due to Covid-19 created a backlog. This is further hampered by the viewing process with virtual viewings leading to a high number of refusals. The majority of voids are major ones requiring full decoration and kitchen and bathroom replacement, and difficulties ensuring power to the properties. A dedicated officer is now monitoring the end-to-end voids process and a tracker system has been introduced to better identify delays in the process.
- 3.16 There are 39 households in non-self-contained Bed & Breakfast accommodation against a target of 0, giving this KPI a Purple rating; it does however represent a decrease of 26 households since Q3. A high number of these households are single adults who are EEA citizens who are not eligible for housing options due to their immigration status. Housing Needs are supporting these residents to apply for EU Settled Status in order to increase the support available to them.
- 3.17 3,409 Houses of Multiple Occupation are licensed in Brent (target – 4,500, Purple RAG rating). An additional 1,694 HMOs have been licensed this year but further action such as proactive enforcement has been restricted due to Covid-19 regulations. Although the target was missed, Brent is performing well amongst its peers, having successfully licensed more mandatory HMOs than any other London borough in the past two years.

Amber, Green & Contextual KPIs

- 3.18 The percentage of non-major planning applications determined within eight weeks or other agreed period is 85.8%, making this KPI Amber (target YTD– 86%). Lower performance occurred in Q1 and Q2 of this year, but Q3 and Q4 were above target. 98.9% of major applications this year are determined within 13 weeks or other agreed period, well above the 94% target and achieving a Green rating.
- 3.19 All four procurement KPIs are rated Green, covering contracts procured that follow the Brent London Living Wage policy (actual – 99%, target – 99%), tenders to which local businesses were invited (actual – 100%, target – 70%), tenders to which local businesses participated (actual – 42%, target – 30%), and tenders in which local businesses were successful (actual – 38%, target – 30%). Local businesses were only successful in tendering in 12% of cases for

the Q3 YTD, and the achievement of 50% in Q4 is thanks to ongoing work to engage with the local supplier base.

- 3.20 80.9% of invoices have been paid on time (target – 80%, Green RAG rating). This KPI has performed well throughout the year and has ended 2020/21 with an outturn that is over 6% higher than last year. The continuous improvement with this measure is anticipated to continue with the ongoing project to implement the Oracle Cloud solution in August 2021.
- 3.21 The number of households in temporary accommodation in total has however reduced significantly (actual YTD – 1,696, target – 1,850, Green rating). This has been facilitated by an increase in the supply of social housing lets, which were 52% higher than in 2019/20. The percentage of homelessness prevented & relieved is also rated Green (actual YTD – 77%, target – 50%). A high number of people seeking support have been helped to secure accommodation in the private rented sector, through schemes such as Find Your Home or Capital Letters.

A cleaner, more considerate Brent

Red & Purple KPIs

- 3.22 34 additional electric vehicle charging points have been installed across the borough this year against a planned target of 85, rating this indicator Red. These were all installed in Q3 with no additional installations in Q4. The target of 85 additional charging points was scheduled for March 2020 but was delayed due to COVID-19. There are currently 250 additional chargers that are due to be installed by June 2021.
- 3.23 An average of 519 kilograms of residual household waste was collected per household this year (target – 480kg, Red rating). Q4 continued to show improvement on previous quarters with 118kg collected per household, compared to 132kg in Q2 and 127kg in Q3. Lockdowns have caused residents to spend an increased amount of time at home. This means waste which would normally have been collected in the commercial waste stream has moved to the residential. The situation is being closely monitored to understand how this will influence collection levels into the new financial year.
- 3.24 Waste disposal tonnage is Red rated for Q4 (actual YTD – 72,474, target – 62,225). There is a national trend of increased residential tonnage as lockdown restrictions since March 2020 have led to residents spending more time at home, diverting waste from the commercial stream. Contractually the cost for any excess disposal must be met by Veolia so it should remain a key driver for them, although performance has received a Red rating in every quarter for the past two years. Veolia are also trialling online campaigns to promote wider aspects of the recycling service such as textile collection.

Amber, Green & Contextual KPIs

- 3.25 There have been a further 431 trees planted in streets and public spaces in Q4. This brings the total number of trees planted for 2020/21 to 551 against a target of 520 for this KPI and therefore receives a Green RAG rating.
- 3.26 The percentage of sites with unacceptable levels of litter is rated Green for 2020/21 (actual YTD – 3%, target – 8%). Joint Brent and Veolia inspections continued throughout the lockdown period and Veolia's level of service was maintained. With less road usage, particularly on high streets, levels of litter have stayed within target and have remained within target as footfall has increased. The five Neighbourhood Managers continue to work closely with Veolia to ensure that the quality of street cleansing in Brent does not slip, despite ongoing changes as part of the Covid-19 response.
- 3.27 There have been 51 missed bins per 100,000 collections (target – 60, Green rating), with the Q4 figure of 44 missed bins a significant improvement from 57 and 63 in the first two quarters of the year. The target for this KPI has increased this year following a change in calculation methodology, and now measures actual incidents recorded rather than an estimate based on sample data. The reporting is now more accurate and in line with the industry standard.

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

Red & Purple KPIs

- 3.28 The percentage of children becoming subject to a Child Protection plan for a second or subsequent time is rated Red (actual YTD – 15.4%, target – 12%). This is higher than the 2019/20 outturn (13.2%). A Child Protection Plan Monthly Tracking Meeting is monitoring why children are re-subject to plans and the length of time that children are on plans, providing the opportunity to determine if there are any wider practice issues linked to the increase. An audit of re-referral activity is scheduled within the next quarter.
- 3.29 All three Culture indicators receive a RAG rating of Purple for Q4. The number of active borrowers (actual YTD – 10,723, target – 35,592), in person and online cultural events (actual YTD – 186, target – 515) and wet, dry or virtual visits to sports centres (actual YTD – 201,466, target – 1,789,559) are all significantly below target due to restrictions on in person access to these services due to lockdown restrictions.

Amber, Green & Contextual KPIs

- 3.30 The number of new admissions to residential and nursing care homes is rated Green for people aged 65+ (actual YTD – 75, target – 149) and is also rated Green for 18-64 year olds (actual YTD – 13, target – 28). The average monthly acute delayed transfers of care (DToC) attributable to ASC is also rated Green (actual YTD – 0.2, target – 6.5). While all three KPIs are performing above expectations, the data is not comparable to previous years due to the impact of Covid on service demand, with a higher proportion of cases being dealt with through the NHS rather than by Adult Social Care.

- 3.31 Two further KPIs for Adult Social Care are rated Green:
- The outcome of short-term services: sequel to service (REABLEMENT) (actual YTD – 86.2%, target – 75%)
 - Identification and delivery of an additional 137 New Accommodation for Independent Living (NAIL) (actual YTD – 58, target – 58)
- All five KPIs for ASC have been rated Green for each quarter throughout 2020/21.
- 3.32 Both Public Health indicators receive a Green RAG rating. 98.8% of new birth visits took place within 14 days (target – 95%) and were primarily delivered as virtual contacts unless there were concerns. The percentage of successful completions as a proportion of all opiate drug users in treatment was 9.27% (target – 5.31%), an increase from 8.09% in March 2019/20. Services have been provided online, via telephone and with one-to-one sessions where clinically safe, to ensure that the service remains accessible.
- 3.33 The number of Early Help Assessments and reviews is rated Green with a rate of 346.4, exceeding the annual target of 265. The end of year outturn is significantly higher in comparison to 2020/21 where the outturn was 277.1. The increase in demand is linked to the impact of COVID-19 lockdowns on families. The impact of the increase in demand on staff and services continues to be monitored by the Early Help Service given the resourcing challenge it presents.
- 3.34 The Child Protection rate per 10,000 children is 36.0 (target – 35-45, Green rating). Although this has risen from 31.3 in Q1 this was expected following the wider reopening of schools, and the current rate is comfortably within the desired target range.
- 3.35 The contextual Community Safety indicators continue to be impacted by changes in behaviour following the lockdown measures of the past year. The number of robberies (840, 38% decrease compared to last year), residential burglaries (1,559, 26% decrease) and knife crime incidents (415, 36% decrease) are all lower than the equivalent periods in 2019/20.
- 3.36 There were eight lethal barrel gun discharges in Q4, 7 more than Q4 last year. Partnership working with police continues including weapon sweeps in open spaces. There is a campaign being developed to engage with communities and empower them to report concerns around violence. Anti-social behaviour incidents are significantly higher than this time last year (2020/21 – 19,874, compared to 2019/20 – 11,174). Both violence with injury (domestic and non-domestic) have a lower outturn than at the end of 2019/20.

Strong foundations

Red & Purple KPIs

- 3.37 The four indicators measuring Stage 1 and 2 complaints have a RAG rating of Red, as they did not meet the target of 100% of cases responded to within timescale. (Actual – Stage 1 Corporate: 90%, Stage 1 Statutory: 84%, Stage 2 Corporate: 76%, Stage 2 Statutory: 38%). Performance declined significantly

for Stage 1 Statutory, Stage 2 Corporate and Stage 2 Statutory KPIs in Q4. Staffing had a significant impact early in the quarter with two officers on an extended sick leave, and the complexity of statutory cases mean they continue to be very time consuming to which to respond. Member Enquiry response performance has increased to 94% following a reduction of 324 cases compared to Q4, but remains Red (target – 100%).

- 3.38 There have been 54 successful grant applications this year (target – 96, Purple rating). This is particularly low due to the impact of COVID-19, as a number of Love Where You Live grants which would normally receive funding were for events or projects which could not safely take place. Additionally, as Brent was severely affected by the COVID pandemic, there has been less of an appetite for the types of recreational and celebratory activities that this grant traditionally funds.

- 3.39 The number of deaths registered within five days is rated Purple (actual YTD – 86%, target – 90%). Before Covid-19, the average number of death registrations was between 125-200 per month and deaths between December 2020 and February 2021 peaked slightly above this. Notices of marriage and partnership, marriage registration and birth registration services were closed to allow for extra death registration service diaries to meet the increased demand. Births registered within 42 days is also rated Purple (actual YTD – 77%, target – 98%) and extra services have been provided throughout the year to reduce the backlog that occurred in Q1. The waiting time for a birth registration appointment is currently three to four weeks

- 3.40 The Council Tax collection rate is rated Purple with a collection rate of 92% against a target of 96.1%. Performance is below target for business rates collection and benefit overpayment recovery, which are both rated Purple (NNDR actual – 87.3%, target – 98.8%; HB Overpayments actual YTD – £6.49m, target – £8.70m). Many residents' finances have been severely affected by the pandemic there has been a 9.7% increase in the number of customers of working age receiving Local Council Tax Support. Although there was £60m in retail relief and £95m in grants to local businesses it is expected that the NNDR collection rate will be impacted into 2022/23.

- 3.41 Current rent collected as a percentage of rent due is at 99.2%, rated Purple (target – 100.5%). A £2m loss in rent was anticipated due to Covid-19. A new Rent Arrears Management system has been developed which prioritises cases based on risk and allowed income officers to proactively contact tenants to offer advice, maximise benefits and signpost to financial help where available. Additionally, the service secured £295,810 from the Resident Support Fund, the equivalent of 0.5% of all rent due.

Amber, Green & Contextual KPIs

- 3.42 All online and website KPIs have seen an upward direction of travel in comparison to 2019/20 which signals the positive changes being made to Brent's website and overall ease to complete tasks online and through My Account self service page 60% of website visitors said they were satisfied with

their user experience, up from 57% last year whilst there has been a 30% increase in online transactions. 56% of website visitors say they were successfully able to complete their tasks first time which although has been rated Red against a target of 64% shows an improvement from 51% reported in the previous year. The benefits of the new My Account and the redevelopment of the website will not really be felt until 2021-22 but as the new systems become more familiar to users, there is an expectation to see satisfaction levels increase further. This will be supported by tighter controls around the creation of forms and the introduction of new design principles to make forms simpler and easier to understand for our users.

- 3.43 Brent Connects forums have taken place online since Q2 with 306 residents attending meetings so far, receiving a Green RAG rating and exceeding the year-end target of 245. The introduction of online meetings has made it easier for some residents to attend but not others. The department is working on bringing new digital engagement platforms to the Council that will improve the experience and provide better access to engaging with the Council online.
- 3.44 Community Hubs continue to perform very well, with 9,873 residents accessing a hub in 2020/21 against an annual target of 3,900 receiving a Green RAG rating. Demand for support has increased because of the Pandemic. This includes food aid support whereby the hubs have become one of the main referral agencies for food aid. As a result of the Pandemic, the hubs have been operating a mainly telephone-based service for much of the year which has enabled a greater volume of contacts. Demand is likely to continue to increase in response to the economic impact of the Pandemic and the department are developing the hub model to be able to continue to meet this demand at the same time as bringing back face-to-face services.
- 3.45 There has been an increase in the number Community Hub customers that more confident using online services (actual YTD – 78%, target – 75%, rated Green), up 4 percentage points from 2019/20. This is also attributed to the wider impact of COVID-19, with residents gaining more experience with digital platforms as other options for communication were less available. 88% of enquiries at Hubs are resolved at the point of contact (target – 80%, Green RAG rating). The introduction of digital champions will support this work in future.
- 3.46 Registration and Nationality external income is rated Green (actual YTD – £1.07m, target – £940k). Performance was very low in Q1 as many activities were restricted under lockdown regulations, but income in the other three quarters was able to compensate for this even as restrictions were reintroduced in Q4.

4.0 Financial Implications

- 4.1 None

5.0 Legal Implications

- 5.1 In Table 3 of Part 3 of the council's constitution, it states that the Cabinet is responsible for formulating and preparing a sustainable community strategy and then submitting the same to Full Council for consideration and adoption or approval. The Sustainable Community Strategy constitutes part of the council's Policy Framework. The Council's Borough Plan, which is its current sustainable community strategy, was agreed by Full Council in 2019.

6.0 Equality Implications

- 6.1 There are no direct diversity implications. However, the report includes performance measures related to the council's diversity objectives and is part of the framework for ensuring delivery of these key outcomes. Service areas have the responsibility for managing the delivery and performance of their services. Therefore, the service area would also need to consider if a variation in performance could lead to equality implications at a service level.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None

Report sign off:

Shazia Hussain

Assistant Chief Executive

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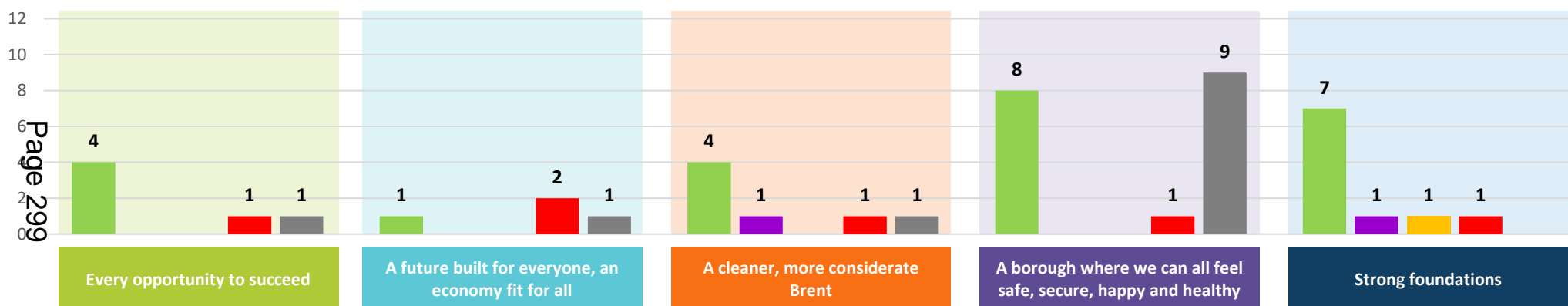
Corporate Performance Report July 2021

Borough Plan Performance Summary – Quarter 4 (January 2021 to March 2021)

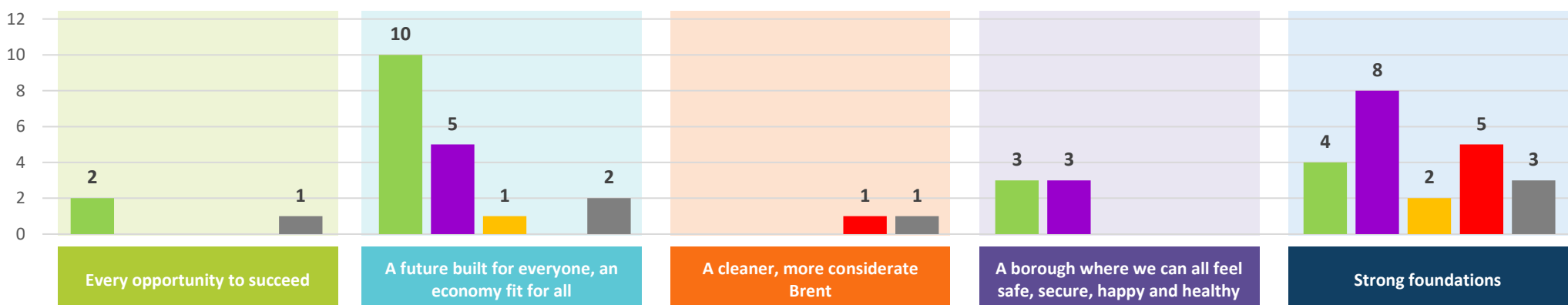
All KPIs



KPIs for the Year 2 Delivery Plan



KPIs for Borough Plan Service Delivery Priorities



Corporate Performance Report July 2021

Borough Plan Performance Summary – Quarter 4 (January 2021 to March 2021)

Key for Performance Tables (all priorities)

Unless otherwise defined, performance information is assessed using the following tolerances to give a RAG rating:

Green		At target or exceeding target
Purple		Outside target and where performance is directly attributable to the impact of COVID-19
Amber		0.01% - 5% outside target*, where performance is not directly attributable to the impact of COVID-19
Red		Greater than 5% outside target*, where performance is not directly attributable to the impact of COVID-19
Contextual		No target set
n/a		Data not available

**please note some indicators are set at a 10% tolerance due to national requirement*

The KPIs covering the Borough Plan service delivery priorities also have an indicator to show how the KPI is performing against target compared to the previous quarter:

▲	Performance has improved since previous quarter
—	Performance is the same as previous quarter
▼	Performance has declined since previous quarter
	Data for previous quarter not available

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Corporate Performance Report July 2021

Covid-impacted KPIs – Quarter 4 (January 2021 to March 2021)

Income KPIs affected by Covid-19

KPI	Q4 19-20 YTD	Q4 20-21 YTD	Q4 20-21 Target YTD	Q1 RAG	Q2 RAG	Q3 RAG	Q4 RAG
Strong foundations							
CDS-REV002 - Non-Domestic Business Rates (NNDR)	98.2%	87.3%	98.8%	Red	Red	Red	Purple
CDS-REV003 - Percentage of Council Tax collected	96.0%	92.0%	96.1%	Red	Red	Red	Purple
CDS-REV005 - Value of HB overpayments recovered	£8,695,867	£6,493,305	£8,700,000	Red	Red	Red	Purple
CWB-HMA003 - Current rent collected as a percentage of rent due	98.6%	99.2%	100.5%	Amber	Amber	Amber	Purple
R&E-BCO001 - Income generated by Building Control	£1,850,145	£1,459,329	£1,590,087	Red	Green	Green	Purple

Customer-facing service affected by Covid-19

KPI	Q4 19-20 YTD	Q4 20-21 YTD	Q4 20-21 Target YTD	Q1 RAG	Q2 RAG	Q3 RAG	Q4 RAG
A borough where we can all feel safe, secure, happy and healthy							
CWB-CUL001 - Number of active borrowers	34,676	10,723	35,592	Red	Red	Red	Purple
CWB-CUL002 - Number of in person and online cultural events and public health activities in the libraries and museum	768	186	515	Red	Red	Red	Purple
CWB-PHE006 - The overall number of wet, dry or virtual visits to Brent's sports centres	1,683,004	201,466	1,789,559	Red	Red	Red	Purple
Strong foundations							
CDS-REG001 - Percentage of deaths registered within five days (excluding those referred to the Coroner)	90%	86%	90%	Red	Red	Red	Purple
CDS-REG004 - Percentage of births registered within 42 days	99%	77%	98%	Red	Red	Red	Purple

Other process affected by Covid-19

KPI	Q4 19-20 YTD	Q4 20-21 YTD	Q4 20-21 Target YTD	Q1 RAG	Q2 RAG	Q3 RAG	Q4 RAG
A future built for everyone, an economy fit for all							
CWB-HMA001 - Average re-let time for properties with major voids works (calendar days)	74	118	72	Red	Red	Red	Purple
CWB-HMA002 - Average re-let time for properties with minor voids works (calendar days)	43	153	35	Red	Red	Red	Purple
CWB-HMA008 - Percentage of properties with a valid gas certificate	95.1%	94.93%	100%	Amber	Amber	Red	Purple
CWB-HNE002 - Number of households in non-self-contained Bed & Breakfast (B&B)	101	39	0	Red	Red	Red	Purple
CWB-PRH005 - Number of Houses of Multiple Occupation licensed within the borough	1,715	3,409	4,500	Red	Red	Red	Purple
A cleaner, more considerate Brent							
R&E-EIM004 - Number of kilograms of residual household waste collected per household	462	519	480	Red	Red	Red	Purple
Strong foundations							
ACE-SPA004 - Number of successful grant applications to Brent Advice Fund, NCIL, Youth Fund and Love Where You Live following attendance at training/individual support	131	54	96	Red	Red	Red	Purple
CDS-REV001 - Average days taken to process new benefit claims and change events	8.6	12.45	8.7	Red	Red	Red	Purple

Corporate Performance Report July 2021

Off Target KPIs – Quarter 4 (January 2021 to March 2021)

Contract management KPIs

KPI	Q4 19-20 YTD	Q4 20-21 YTD	Q4 20-21 Target YTD	Q1 RAG	Q2 RAG	Q3 RAG	Q4 RAG
A future built for everyone, an economy fit for all							
R&E-HIN004 - Percentage of Category 2 defects repaired on time (Non-emergency repairs: response time to make highways/footways safe within 7-28 days)	50%	55.8%	98.0%	Red	Red	Red	Red
A cleaner, more considerate Brent							
R&E-AIR003 - Installation of an additional 85 electric vehicle charging points across the borough by March 2020	0	34	85	Red	Red	Red	Red
R&E-EIM008 - Residual waste disposal tonnage - Public Realm Contract Target 1	69,269	72,474	62,225	Red	Red	Red	Red

Other KPIs

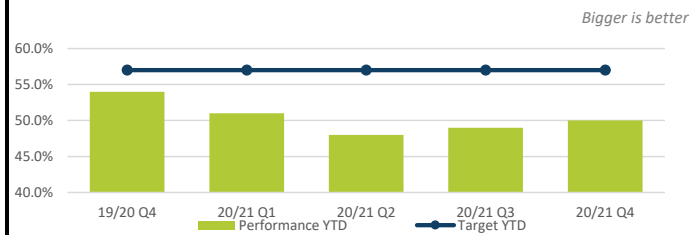
KPI	Q4 19-20 YTD	Q4 20-21 YTD	Q4 20-21 Target YTD	Q1 RAG	Q2 RAG	Q3 RAG	Q4 RAG
Every opportunity to succeed							
CYP-LAC003 - Percentage of care leavers (19 -21 year olds) in education, employment or training (EET)	54.00%	50.0%	57.00%	Red	Red	Red	Red
A future built for everyone, an economy fit for all							
R&E-PLA002 - Percentage of non-major (minor and other) applications determined in eight weeks or other formally agreed time over rolling two year period	85.83%	85.9%	86.00%	Green	Amber	Amber	Amber
CWB-HSP005 - New affordable homes delivered by Brent/Registered providers (RPs)/private developers in the period	2,132	677	1,600	Red	Red	Red	Red
A borough where we can all feel safe, secure, happy and healthy							
CYP-SQA002 - Percentage of children becoming the subject of Child Protection Plan for a second or subsequent time	13.80%	15.40%	12.00%	Green	Green	Red	Red
Strong foundations							
ACE-EMS006 - Percentage of members enquiries responded to within 10 days	97%	92%	100%	Red	Red	Red	Red
ACE-EMS007 - Percentage of Stage 1 complaints responded to within timescale (Corporate)	94%	90%	100%	Red	Red	Red	Red
ACE-EMS008 - Percentage of Stage 1 complaints responded to within timescale (Statutory)	91%	84%	100%	Red	Red	Red	Red
ACE-EMS009 - Percentage of Stage 2 complaints responded to within timescale (Corporate)	86%	76%	100%	Red	Red	Red	Red
ACE-EMS010 - Percentage of Stage 2 complaints responded to within timescale (Statutory)	43%	38.0%	100.0%	Red	Red	Red	Red
CDS-ICT001 - Percentage of staff who have completed mandatory online Information Governance courses within one month of becoming due	86%	86%	90%	Amber	Amber	Amber	Amber
CDS-ICT002 - Percentage of Subject Access Requests (SARs) responded to within the statutory timescales	96%	89%	90%	Green	Green	Amber	Amber
CDS-WEB006 - By the end of 2020/21 the website will conform to Web Content Accessibility Guidance (WCAG) standards and will comply with the Web Accessibility Directive with a rating of 75 out of 100 of above.		72	75	Green	Green	Amber	Amber
CDS-WEB008 - 25% increase on previous year, in visitors successfully completing what they came to the site to do first time (exc. My Account portal actions).	51.00%	56%	64%	Red	Red	Red	Red

CYP-LAC003

Percentage of care leavers (19 -21 year olds) in education, employment or training (EET)

Red

2019/20 Outturn	Actual YTD	Target YTD
54.0%	50.0%	57.0%



Comments and Actions

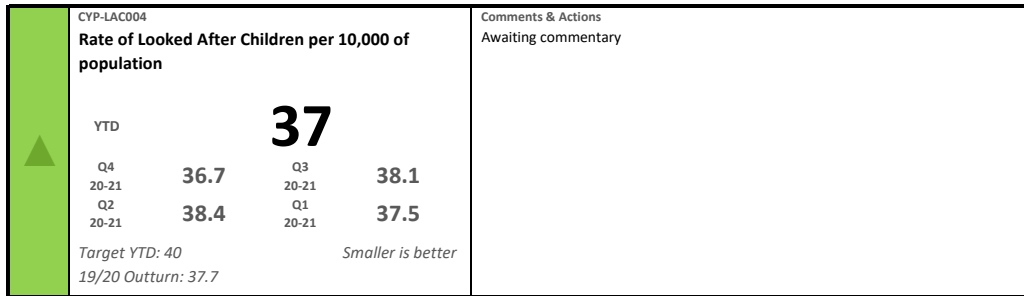
Comments: An analysis of all young people who were NEET at any point this year has been undertaken (109 in total) to understand the reasons. As a result, some further data cleansing is underway and it is anticipated that the end of year figure will rise to 52%.

Actions: There has been a strong multi-disciplinary response to get young people into education, employment or training. An audit of aspiration is being undertaken by the Virtual School and targeted activities to raise engagement levels are planned.

Lead Member:
Cllr Mili Patel

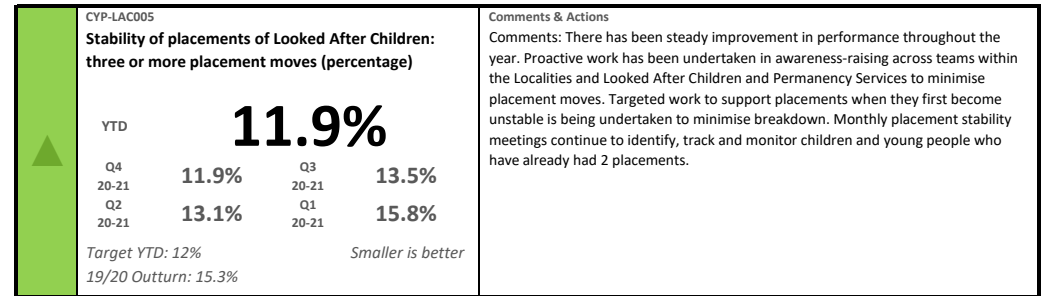
Strategic Director:
Gail Tolley

Every opportunity to succeed



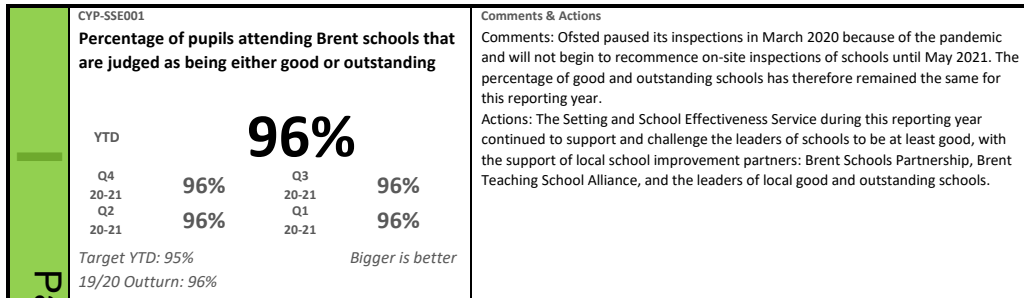
Cllr Mili Patel

Gail Tolley



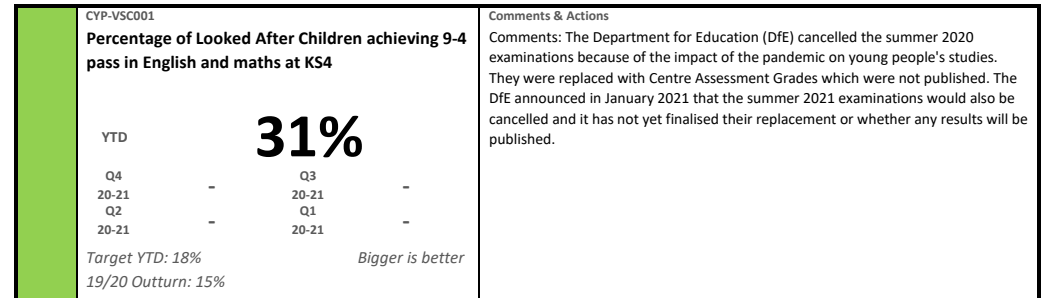
Cllr Mili Patel

Gail Tolley



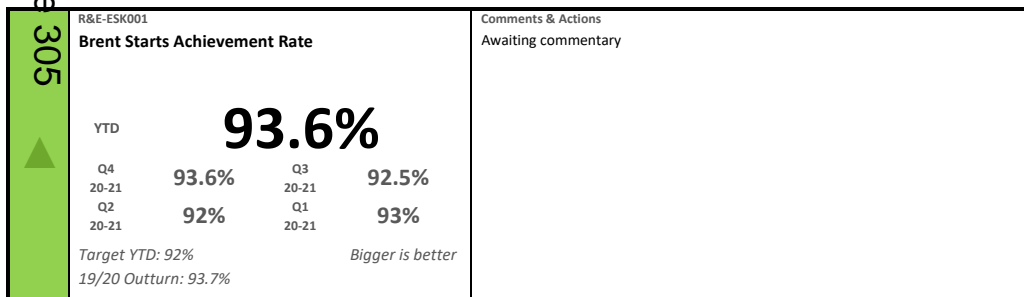
Cllr Thomas Stephens

Gail Tolley



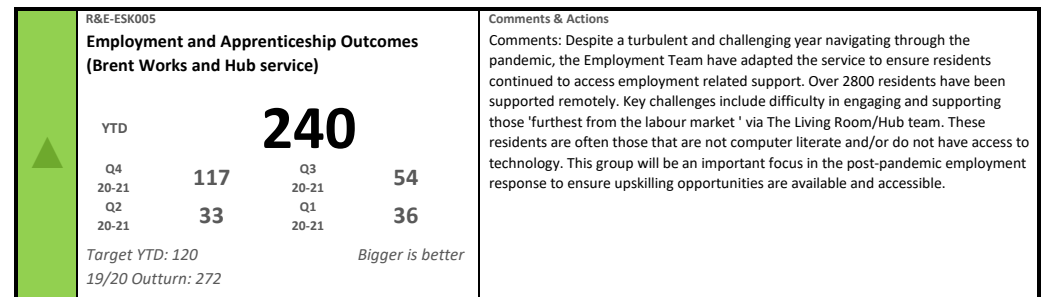
Cllr Mili Patel

Gail Tolley



Cllr Thomas Stephens

Alan Lunt



Cllr Thomas Stephens

Alan Lunt

Every opportunity to succeed

CYP-SSE002				Comments & Actions			
Reduction in the attainment gaps for boys of Black Caribbean heritage with the national averages for all pupils at Key Stage 4: Attainment							
YTD				-			
Q4	-	Q3	-	<p>Comments: There has been no national and local data for this reporting year because the Department for Education (DfE) cancelled the summer 2020 examinations. They were replaced with Centre Assessment Grades which were not published. The most recent validated Key Stage 4 Attainment 8 data is for the summer 2019 GCSE results which showed that the target was marginally missed by 0.8 of a point. The DfE announced in January 2021 that the summer 2021 examinations would also be cancelled and that they would be replaced by Teacher Assessed Grades which will be subject to an external quality assurance process led by the awarding bodies of the qualifications.</p> <p>Actions: This academic year 2020-21, the role of Black Caribbean Achievement Champions has continued in secondary schools supported by Brent Schools Partnership which has been holding follow-up sessions at each school to evaluate progress against their improvement plans written following the audit of provision carried out as part of the programme. The evaluation process has included the analysis of school-based data and the identification of school specific actions to close gaps. The programme of evaluation has also been focusing support for secondary schools on improving the rate of progress (Progress 8) for higher attaining boys.</p>			
20-21	-	20-21	-				
Q2	-	Q1	-				
20-21	-	20-21	-				
Target YTD: Gap of 7 points				Bigger is better			
19/20 Outturn: Gap of 7.8 points							

Cllr Thomas Stephens

Gail Tolley

CEX-HRE002				Comments & Actions			
Number of apprenticeships in the Council							
YTD				60			
Q4	60	Q3	60	<p>Comments: The Council has increased the number of apprenticeships over the last year due to expanded the scope of apprenticeships on offer.</p>			
20-21	60	20-21	60				
Q2	44	Q1	46				
20-21	44	20-21	46				
Target YTD: Contextual				Contextual			
19/20 Outturn: 50							

Cllr Margaret McLennan

Debra Norman

CYP-INC002				Comments & Actions			
Number of EHCPs maintained							
YTD				2,813			
Q4	2,813	Q3	2,730	<p>Comments: The number of EHCPs increased at the beginning of Q4 but has since remained steady, despite new plans being issued. A shift in focus to a demand management approach is focusing on children in younger cohorts to determine long-term plans.</p>			
20-21	2,813	20-21	2,730				
Q2	2,680	Q1	2,570				
20-21	2,680	20-21	2,570				
Target YTD: -				Contextual			
19/20 Outturn: 2,435							

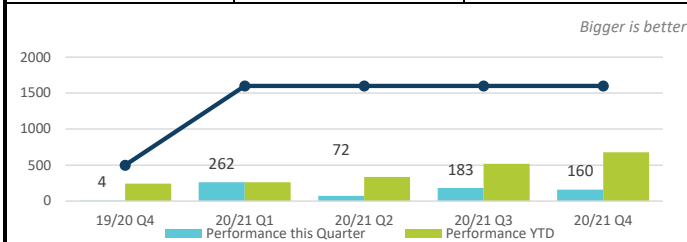
Cllr Mili Patel

Gail Tolley

CWB-HSP005

New affordable homes delivered by Brent/Registered providers (RPs)/private developers in the period

Red		
2019/20 Outturn	Actual YTD	Target YTD
242	677	1,600



Comments and Actions

Comments: The year to end March 2021 has seen a significant increase in the number of new homes delivered across all tenures and this escalation will continue over the course of 2021 with the growing pace of the Council's programme with 400 new homes anticipated before the year end. By the year end the Council completed 277 new rented homes and a further 311 for rent were completed by Registered Providers. A further identified issue has been the potential underreporting of Shared Ownership completions by Registered Providers during 2019/20 Work has commenced with the GLA to identify the exact figure however this is further complicated by the GLA's concentration on starts on site rather than completions

Actions: Continue working with the GLA to accurately record Shared Ownership completions

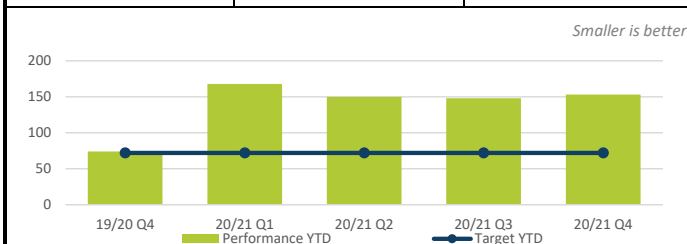
Lead Member:
Cllr Eleanor Southwood

Strategic Director:
Phil Porter

CWB-HMA001

Average re-let time for properties with major voids works (calendar days)

Purple		
2019/20 Outturn	Actual YTD	Target YTD
74	153	72



Comments and Actions

Comments: A number of factors continue to have an impact on the recovery from the poorer than expected voids turnaround performance.

Firstly, the ongoing impact created by Covid. The backlog created by the pause in lettings, is taking some time to catch up due to limited resources. Virtual viewings continue to result in refusals and physical viewings increase time pressures because multiple viewings cannot take place. We are currently reviewing this process to create a more efficient and effective allocations and viewings process. The supply of key materials and components has now improved.

Secondly, non-Covid issues have also had an impact. Key issues that have been identified include:

- Excessive rubbish being left by tenants.
- Residents taking their gas and electric cards with them, creating delays in power being restored to the property.
- The majority of voids are major with kitchen, bathroom and full decoration.
- An increased expectation from tenants due to the choice based lettings system.
- Delays in the lead-in period for new gas meters.
- Delays in obtaining keys.
- High volume of additional new tenancies resulting from tenants moving to new build properties.

Thirdly, the impact due to officers not identifying avoidable delays in the process due to a system that didn't provide an overview of the end to end voids and lettings process. A dedicated officer and temporary tracker system has been introduced to recover this. In addition, additional support has been introduced to support the lettings process.

Actions: A service recovery plan will be put in place.

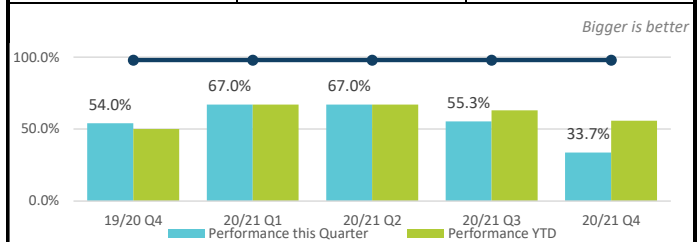
Lead Member:
Cllr Eleanor Southwood

Strategic Director:
Phil Porter

R&E-HIN004

Percentage of Category 2 defects repaired on time (Non-emergency repairs: response time to make highways/footways safe within 7-28 days)

Red		
2019/20 Outturn	Actual YTD	Target YTD
50.0%	55.8%	98.0%



Comments and Actions

Comments: Performance over the last quarter has been poor. This is largely due to repairs being completed outside the 7-28 day response times. When measured on overall repairs completed over the individual months performance is averaging 90%, however approx. 60% of that figure is not counted, as either repairs are overtime or the system to confirm completion is not updated in time. We moved to a new contract in April with a new management set up (contractor) and start from a clean slate. Meetings have been held to ensure the contractor is aware and delivers in accordance with the contract.

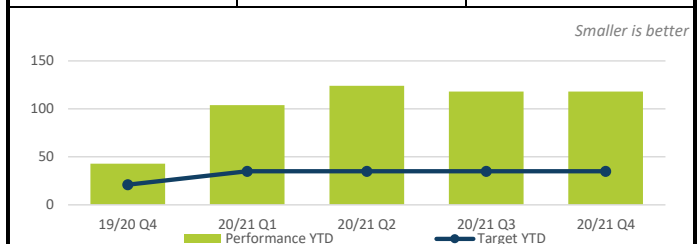
Lead Member:
Cllr Krupa Sheth

Strategic Director:
Alan Lunt

CWB-HMA002

Average re-let time for properties with minor voids works (calendar days)

Purple		
2019/20 Outturn	Actual YTD	Target YTD
43	118	35



Comments and Actions

Comments: A number of factors continue to have an impact on the recovery from the poorer than expected voids turnaround performance.

Firstly, the ongoing impact created by Covid. The backlog created by the pause in lettings, is taking some time to catch up due to limited resources. Virtual viewings continue to result in refusals and physical viewings increase time pressures because multiple viewings cannot take place. We are currently reviewing this process to create a more efficient and effective allocations and viewings process. The supply of key materials and components has now improved.

Secondly, non-Covid issues have also had an impact. Key issues that have been identified include:

- Excessive rubbish being left by tenants.
- Residents taking their gas and electric cards with them, creating delays in power being restored to the property.
- The majority of voids are major with kitchen, bathroom and full decoration.
- An increased expectation from tenants due to the choice based lettings system.
- Delays in the lead-in period for new gas meters.
- Delays in obtaining keys.
- High volume of additional new tenancies resulting from tenants moving to new build properties.

Thirdly, the impact due to officers not identifying avoidable delays in the process due to a system that didn't provide an overview of the end to end voids and lettings process. A dedicated officer and temporary tracker system has been introduced to recover this. In addition, additional support has been introduced to support the lettings process.

Actions: A service recovery plan will be put in place.

Lead Member:
Cllr Eleanor Southwood

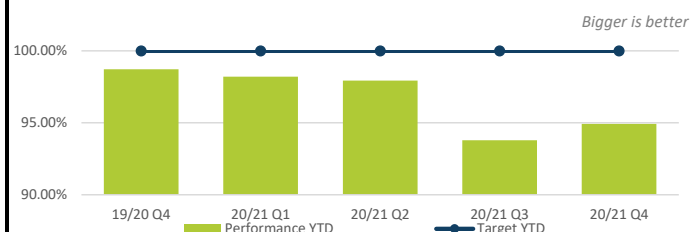
Strategic Director:
Phil Porter

CWB-HMA008

Percentage of properties with a valid gas certificate

Purple

2019/20 Outturn	Actual YTD	Target YTD
98.7%	94.9%	100.0%



Comments and Actions

Comments: Performance has been consistently high despite restrictions created by the pandemic. A small backlog was created due to the Courts being inactive during the lockdown period and Government restrictions on serving Notices to residents. Normal service has now resumed and the backlog has started to reduce. A service recovery plan is in progress.

Lead Member:
Cllr Eleanor Southwood

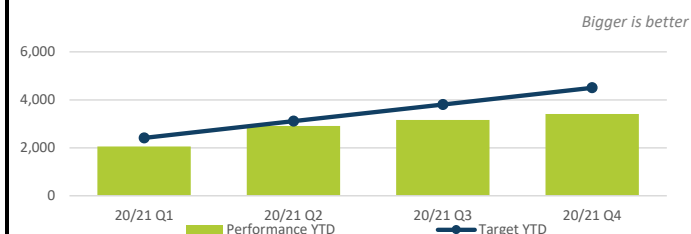
Strategic Director:
Phil Porter

CWB-PRH005

Number of Houses of Multiple Occupation licensed within the borough

Purple

2019/20 Outturn	Actual YTD	Target YTD
1,715	3,409	4,500



Comments and Actions

Comments: Whilst we have not met our ambitious target of having 4500 HMOs licenced by the end of year, an additional 1694 HMOs have been licenced this year. According to the Local Authority Housing Statistics for the last two years Brent is the top performer in London and has successfully licenced more Mandatory HMOs than any other London borough and is one of the top 10 performing authorities in this regard in the country. The past year has been difficult as much of our high profile proactive enforcement work has been curtailed.

Actions: Continue to increase our profile and encourage landlords to licence their HMOs.

Lead Member:
Cllr Eleanor Southwood

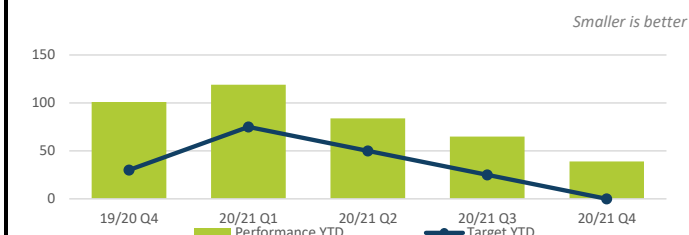
Strategic Director:
Phil Porter

CWB-HNE002

Number of households in non-self-contained Bed & Breakfast (B&B)

Purple

2019/20 Outturn	Actual YTD	Target YTD
101	39	0



Comments and Actions

Comments: There are still a high number of single homeless people in B&B who are EEA citizens, who not eligible for any housing options, due to their immigration status. The Housing Needs service are continuing to work with this cohort, to support them to apply for EU Settled Status in the UK, and so be eligible for housing assistance.

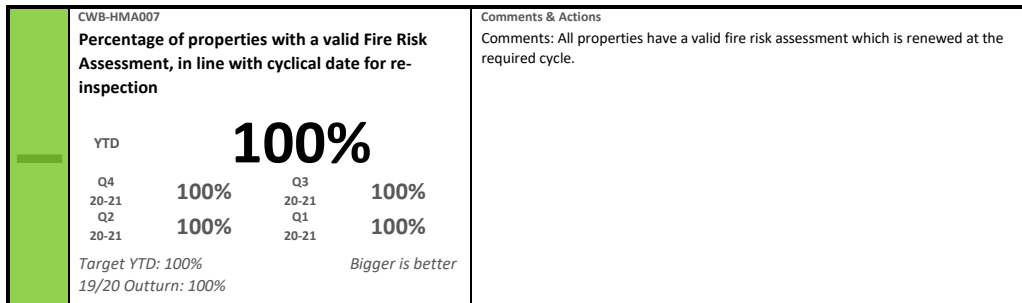
Lead Member:
Cllr Eleanor Southwood

Strategic Director:
Phil Porter

A future built for everyone, an economy fit for all

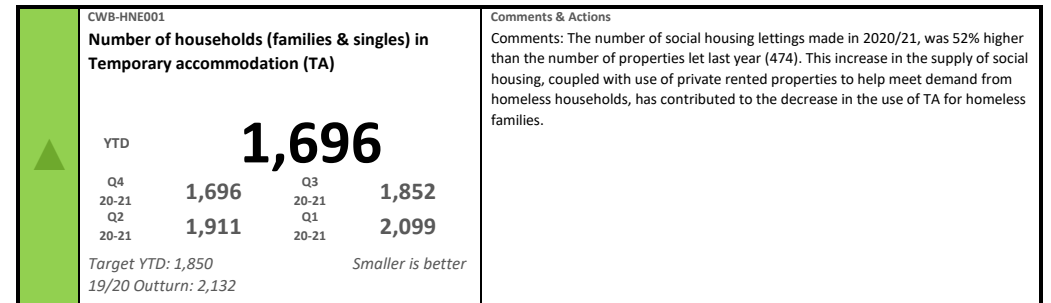
<p>R&E-PLA002</p> <p>Percentage of non-major (minor and other) applications determined in eight weeks or other formally agreed time over rolling two year period</p> <p>YTD 86%</p> <p>Q4 20-21 85.8% Q3 20-21 85.0% Q2 20-21 85.4% Q1 20-21 86.3%</p> <p>Target YTD: 86% Bigger is better 19/20 Outturn: 85.83%</p>	<p>Comments & Actions</p> <p>Comments: Two year rolling figures. Materially in line with target despite dip below target in Q1 and Q2 due to above target performance in Q3 and Q4 (i.e. looking at individual quarters rather than rolling 2 year figures). Actions: Maintain or improve on Q3 and Q4 performance.</p>	<p>R&E-PLA001</p> <p>Percentage of major applications determined in 13 weeks or other formally agreed time over rolling two year period</p> <p>YTD 99%</p> <p>Q4 20-21 98.9% Q3 20-21 98.8% Q2 20-21 98.8% Q1 20-21 98.7%</p> <p>Target YTD: 94% Bigger is better 19/20 Outturn: 97.6%</p>	<p>Comments & Actions</p> <p>Comments: Two year rolling figures. For 2021-22, 100% of applications were determined within the timeframe. 2021 year only. Major performance good and consistent. Actions: None.</p>
Cllr Shama Tatler	Alan Lunt	Cllr Shama Tatler	Alan Lunt
<p>CDS-PRC004</p> <p>Percentage of relevant contracts being procured that follow the Brent London Living Wage policy</p> <p>YTD 99%</p> <p>Q4 20-21 99% Q3 20-21 99% Q2 20-21 99% Q1 20-21 99%</p> <p>Target YTD: 99% Bigger is Better 19/20 Outturn: 95%</p>	<p>Comments & Actions</p> <p>Comments: Brent continues to adhere to its commitment to ensure LLW were applicable is included in its contracts.</p>	<p>CDS-PRC005</p> <p>Percentage of tenders in which local businesses were invited</p> <p>YTD 100%</p> <p>Q4 20-21 100% Q3 20-21 100% Q2 20-21 100% Q1 20-21 100%</p> <p>Target YTD: 70% Bigger is Better 19/20 Outturn: 78%</p>	<p>Comments & Actions</p> <p>Comments: There were at least 74 opportunities issued between Q1 to Q4 of FY 20-21, where local suppliers registered on the portal were able to participate.</p>
Cllr Margaret McLennan	Peter Gadsdon	Cllr Margaret McLennan	Peter Gadsdon
<p>CDS-PRC006</p> <p>Percentage of tenders in which local businesses were invited and then participated</p> <p>YTD 42%</p> <p>Q4 20-21 47% Q3 20-21 31% Q2 20-21 30% Q1 20-21 44%</p> <p>Target YTD: 30% Bigger is Better 19/20 Outturn: 75%</p>	<p>Comments & Actions</p> <p>Comments: Our engagement with the market has meant that more suppliers when seeing the opportunities are now submitting a proposal alongside non-local suppliers allowing us to surpass our target for the FY 20-21.</p>	<p>CDS-PRC007</p> <p>Percentage of such tenders local businesses were successful in, either outright in being awarded the contract or used within the supply chain of the non-local business</p> <p>YTD 38%</p> <p>Q4 20-21 50% Q3 20-21 33% Q2 20-21 0% Q1 20-21 0%</p> <p>Target YTD: 30% Bigger is Better 19/20 Outturn: 35%</p>	<p>Comments & Actions</p> <p>Comments: Brent Council's work in engaging with the local supplier base is beginning to realise benefits, meeting the target set for FY 20-21 with more suppliers who did bid having a successful outcome and being awarded the contract.</p>
Cllr Margaret McLennan	Peter Gadsdon	Cllr Margaret McLennan	Peter Gadsdon
<p>CEX-FIN001</p> <p>Percentage of invoices paid on time</p> <p>YTD 80.87%</p> <p>Q4 20-21 79.97% Q3 20-21 82.27% Q2 20-21 83.1% Q1 20-21 78.1%</p> <p>Target YTD: 80% Bigger is better 19/20 Outturn: 74.36%</p>	<p>Comments & Actions</p> <p>Comments: The whole P2P process is currently being reviewed in detail with the goal of going live with a clean ledger and updated procedures in Oracle Cloud by Aug 2021. This is an ongoing project where continuous improvement is key to the success of the Cloud project.</p>	<p>CWB-HMA005</p> <p>Fire Risk Assessment - Recommended Actions for blocks over six storeys high</p> <p>YTD 100%</p> <p>Q4 20-21 100% Q3 20-21 100% Q2 20-21 100% Q1 20-21 100%</p> <p>Target YTD: 100% Bigger is better 19/20 Outturn: 100%</p>	<p>Comments & Actions</p> <p>Comments: These works are delivered as a planned maintenance programme. This is currently in progress.</p>
Cllr Margaret McLennan	Minesh Patel	Cllr Eleanor Southwood	Phil Porter

A future built for everyone, an economy fit for all



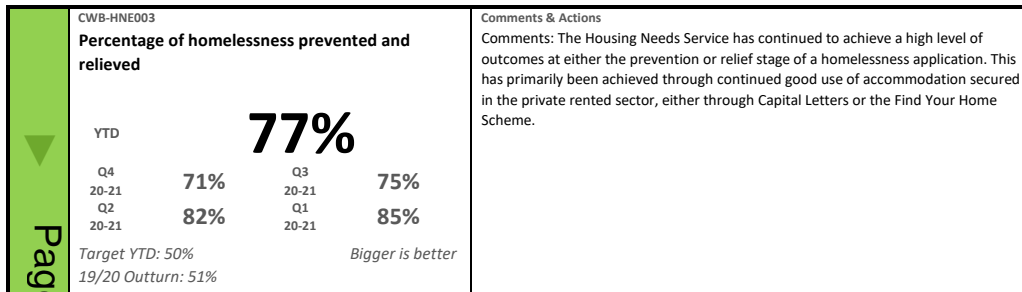
Cllr Eleanor Southwood

Phil Porter



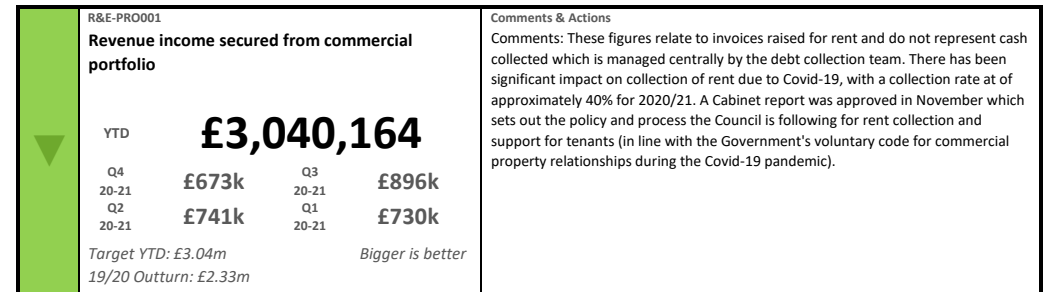
Cllr Eleanor Southwood

Phil Porter



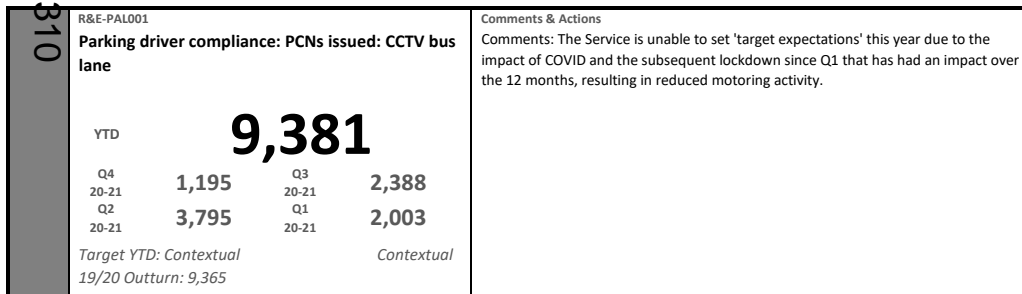
Cllr Eleanor Southwood

Phil Porter



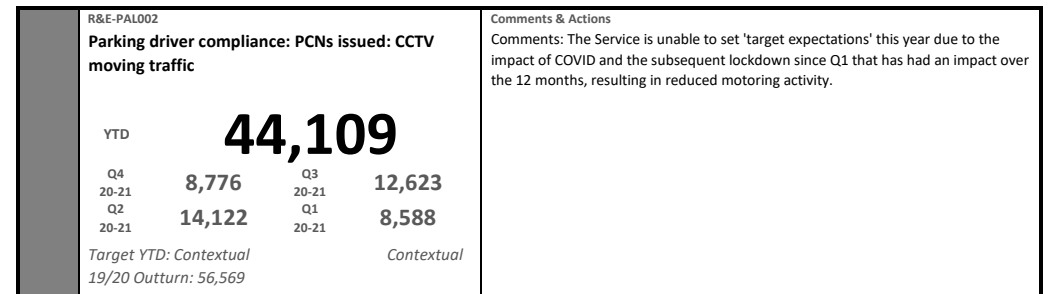
Cllr Shama Tatler

Alan Lunt



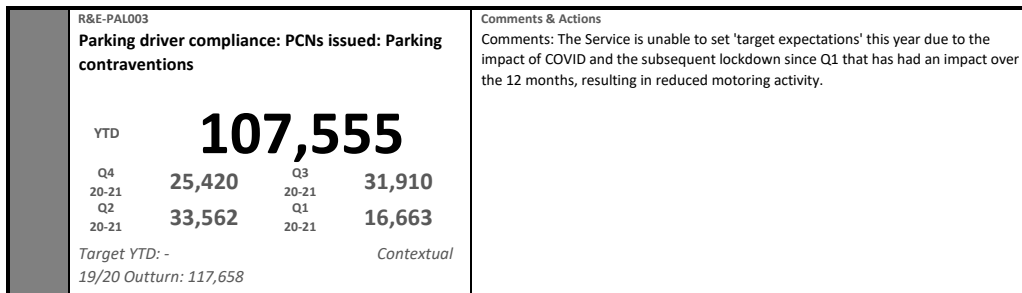
Cllr Krupa Sheth

Alan Lunt



Cllr Krupa Sheth

Alan Lunt



Cllr Krupa Sheth

Alan Lunt

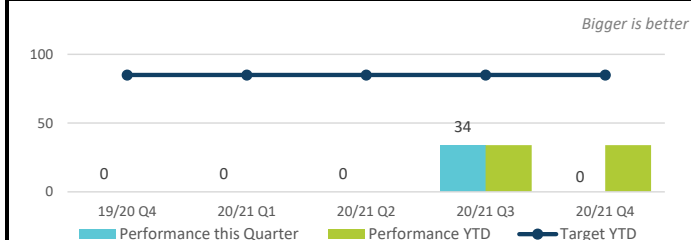
A cleaner, more considerate Brent

R&E-AIR003

Installation of an additional 85 electric vehicle charging points across the borough by March 2020

Red

2019/20 Outturn	Actual YTD	Target YTD
0	34	85



Comments and Actions

Comments: The lamp column EV charger programme was delayed due to Covid. We have 250 chargers that are due to be installed in May/June.

Lead Member:
Cllr Krupa Sheth

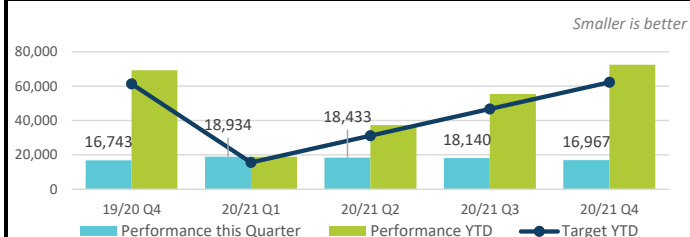
Strategic Director:
Alan Lunt

R&E-EIM008

Residual waste disposal tonnage - Public Realm Contract Target 1

Red

2019/20 Outturn	Actual YTD	Target YTD
69,269	72,474	62,225



Comments and Actions

Comments: The above target waste tonnages reflect nationwide trends due to lockdown transferring waste from the commercial to the residential waste stream. It also reflects continued property growth within the borough.

Actions: The cost for disposal of tonnage in excess of the contract target is met by the Public Realm contractor Veolia so waste minimisation remains a key driver for them. Due to the need to reduce face to face contact, Veolia have been trialling online campaigns starting with textiles collections, to examine how effective a targeted campaign can be. Data is being gathered so that as the situation returns to normal, new campaigns can be developed to maximise the impact on waste levels.

Lead Member:
Cllr Krupa Sheth

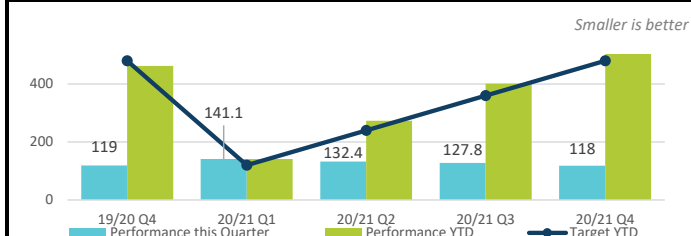
Strategic Director:
Alan Lunt

R&E-EIM004

Number of kilograms of residual household waste collected per household

Purple

2019/20 Outturn	Actual YTD	Target YTD
462	519	480



Comments and Actions

Comments: The Covid-19 lockdowns have caused residents to be at home the majority of the time. This means waste which would normally end up in the commercial waste stream from offices and restaurants has moved to the residential waste stream to be collected by Brent Council. This is the situation across the country due to the large scale changes in normal living arrangements.

Actions: Due to the continued increase in residents working from home and national lockdowns, tonnage per household has increased for the full year, though the greatest impact was during the first lockdown. This situation will continue to be monitored closely into the new financial year.

Lead Member:
Cllr Krupa Sheth

Strategic Director:
Alan Lunt

A cleaner, more considerate Brent

▲	R&E-AIR004	Number of trees we plant on our streets and in our public spaces		Comments & Actions Awaiting commentary	
	YTD	551			
	Q4 20-21	431	Q3 20-21	120	
	Q2 20-21	0	Q1 20-21	0	
	Target YTD: 520 19/20 Outturn: 1033		Bigger is better		

Cllr Krupa Sheth

Alan Lunt

▼	R&E-EIM001	Average time taken to remove illegally dumped waste (days)		Comments & Actions Comments: Despite the high number of reports to the Council, performance remains ahead of target.	
	YTD	0.67			
	Q4 20-21	0.79	Q3 20-21	0.75	
	Q2 20-21	0.64	Q1 20-21	0.50	
	Target YTD: 1 19/20 Outturn: 0.55		Smaller is better		

Cllr Krupa Sheth

Alan Lunt

▼	R&E-EIM002	Missed bins per 100,000 collections		Comments & Actions Comments: The methodology used to calculate this figure has changed to bring the measure in line with the industry standard. Actuals for all rounds are now used instead of estimates based on samples which gives a more accurate picture. Missed collections are within target based on the new approach and have improved in Q4 compared to the start of the year.	
	YTD	51			
	Q4 20-21	44	Q3 20-21	40	
	Q2 20-21	63.3	Q1 20-21	57.3	
	Target YTD: 60 19/20 Outturn: 21.2		Smaller is better		

Cllr Krupa Sheth

Alan Lunt

▼	R&E-EIM007	Percentage of sites with unacceptable levels of litter		Comments & Actions Comments: Joint Brent and Veolia inspections continued throughout the lockdown period and Veolia's level of service was maintained. With less road usage, particularly on high streets, levels of litter have stayed within target and have remained within target as footfall has increased. Actions: The five Neighbourhood Managers continue to work closely with Veolia to ensure that the quality of street cleansing in Brent does not slip, despite ongoing changes as part of the covid-19 response.	
	YTD	3%			
	Q4 20-21	5%	Q3 20-21	2%	
	Q2 20-21	3%	Q1 20-21	3%	
	Target YTD: 8% 19/20 Outturn: 7%		Smaller is better		

Cllr Krupa Sheth

Alan Lunt

312	R&E-EIM003	Number of illegally dumped waste incidents reported on public land (large and small)		Comments & Actions Comments: Continued promotion of the Cleaner Brent app and the use of Veolia's technology and reporting via the contact centre have kept levels of reporting high despite lockdowns this year. This is positive as it ensures illegal waste dumping is removed quickly. Actions: Area based Neighbourhood Managers and Enforcement Officers continue to tackle the issue of illegal rubbish dumping. A programme of community skip days has taken place in 2020/21.	
	YTD	31,949			
	Q4 20-21	6,807	Q3 20-21	5,716	
	Q2 20-21	10,073	Q1 20-21	9,353	
	Target YTD: Contextual 19/20 Outturn: 33,472		Contextual		

Cllr Krupa Sheth

Alan Lunt

	R&E-EIM005	Number of waste cases investigated which lead to enforcement action		Comments & Actions Awaiting commentary	
	YTD	506			
	Q4 20-21	38	Q3 20-21	59	
	Q2 20-21	244	Q1 20-21	165	
	Target YTD: - 19/20 Outturn: 2,108		Contextual		

Cllr Krupa Sheth

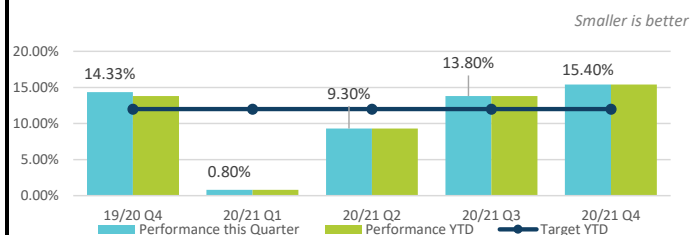
Alan Lunt

CYP-SQA002

Percentage of children becoming the subject of Child Protection Plan for a second or subsequent time

Red

2019/20 Outturn	Actual YTD	Target YTD
13.8%	15.4%	12.0%



Comments and Actions

Comments: The percentage of children becoming subject of a child protection plan for a second or subsequent time has increased to 15.4%, against a target of 12%. This is higher than the 2019/20 outturn (13.2%).

Actions: A Child Protection Plan Monthly Tracking Meeting is monitoring why children are re-subject to plans and the length of time that children are on plans, providing the opportunity to determine if there are any wider practice issues linked to the increase. An audit of re-referral activity is scheduled within the next quarter.

Lead Member:
Cllr Mili Patel

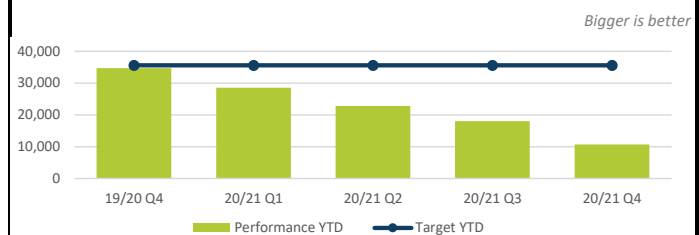
Strategic Director:
Gail Tolley

CWB-CUL001

Number of active borrowers

Purple

2019/20 Outturn	Actual YTD	Target YTD
34,676	10,723	35,592



Comments and Actions

Comments: Due to the national lockdown the libraries were closed during quarter 4.

Lead Member:
Cllr Neil Nerva

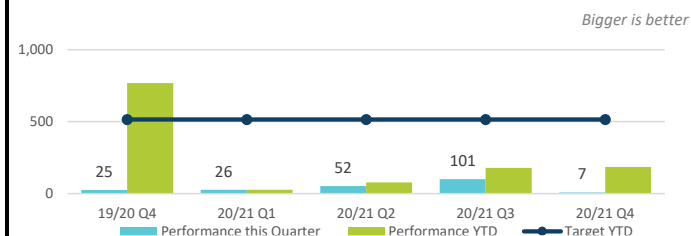
Strategic Director:
Phil Porter

CWB-CUL002

Number of cultural events in the libraries and museum

Purple

2019/20 Outturn	Actual YTD	Target YTD
768	186	515



Comments and Actions

Comments: Due to the national lockdown the libraries and museum were closed during quarter 4.

Lead Member:
Cllr Neil Nerva

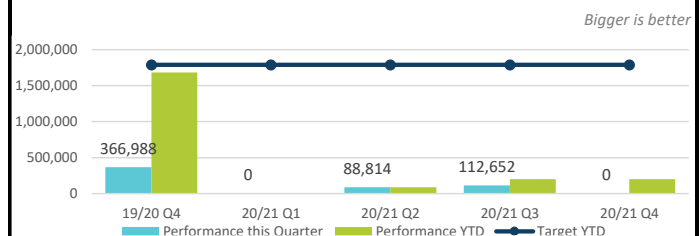
Strategic Director:
Phil Porter

CWB-PHE006

The overall number of wet and dry visits to Brent's sports centres

Purple

2019/20 Outturn	Actual YTD	Target YTD
1,683,004	201,466	1,789,559



Comments and Actions

Comments: Due to the national lockdown the sports centres were closed during quarter 4.

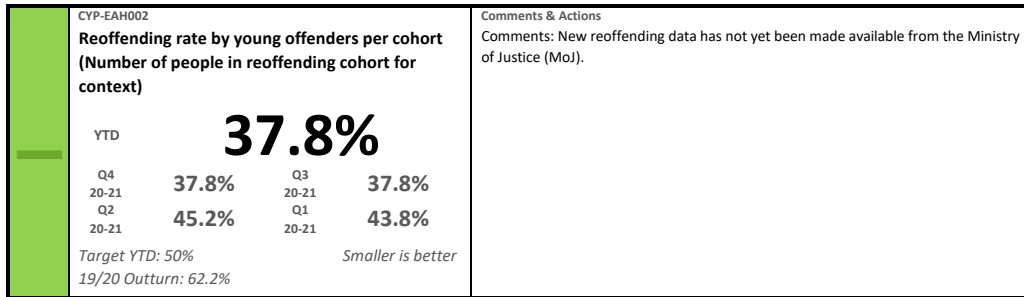
Lead Member:
Cllr Neil Nerva

Strategic Director:
Phil Porter

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

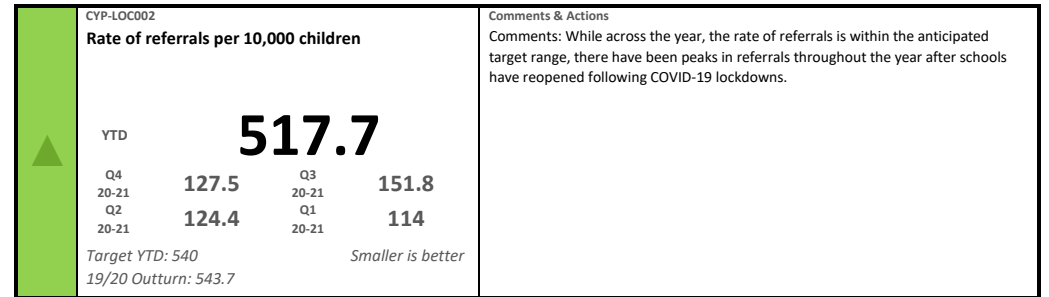
<div>CWB-ASC001</div> <div>Average monthly acute delayed transfers of care (DToc) attributable to ASC</div> <div> <div>YTD</div> <div>0.2</div> </div> <div> <div>Q4 20-21</div> <div>0.2</div> <div>Q3 20-21</div> <div>0.2</div> <div>Q2 20-21</div> <div>0.2</div> <div>Q1 20-21</div> <div>0.2</div> </div> <div> <div>Target YTD: 6.5</div> <div>19/20 Outturn: 0.9</div> <div>Smaller is better</div> </div>	<div>Comments & Actions</div> <div>Comments: The use of the Housing Hospital Service, Homefirst and the Handyperson scheme has significantly improved the number of delays. However, the majority of discharges are currently the responsibility of Health with very few being managed by Social care as the discharge process has changed significantly during COVID. Therefore, the performance numbers are not comparable to other quarters. Actions: 7 day working in conjunction with better triage of referrals, daily DToc meetings and robust escalation procedures with Trusts and the CCG, have all contributed to a maintaining a marked decrease in the DToc figure.</div>	<div>CWB-ASC002</div> <div>New admissions to residential & nursing care homes, 18-64</div> <div> <div>YTD</div> <div>13</div> </div> <div> <div>Q4 20-21</div> <div>3</div> <div>Q3 20-21</div> <div>3</div> <div>Q2 20-21</div> <div>1</div> <div>Q1 20-21</div> <div>6</div> </div> <div> <div>Target YTD: 28</div> <div>19/20 Outturn: 11</div> <div>Smaller is better</div> </div>	<div>Comments & Actions</div> <div>Comments: A challenging target is set to encourage alternative provision. We have seen a reduction in demand as a result of COVID, but the demand for placements generally continues to increase. Actions: All 18-64 placements are signed off by the Operational Director, ensuring they are made only when it is necessary. This is usually due to a safeguarding concern.</div>
<div>CWB-ASC003</div> <div>New admissions to residential & nursing care homes, 65+</div> <div> <div>YTD</div> <div>75</div> </div> <div> <div>Q4 20-21</div> <div>22</div> <div>Q3 20-21</div> <div>23</div> <div>Q2 20-21</div> <div>17</div> <div>Q1 20-21</div> <div>13</div> </div> <div> <div>Target YTD: 149</div> <div>19/20 Outturn: 100</div> <div>Smaller is better</div> </div>	<div>Comments & Actions</div> <div>Comments: A number of placements have been made by the NHS that are now being transferred to the local authority as a result of COVID. Therefore current period data is not comparable with other periods. Actions: All placements are signed off by Heads of Service ensuring that they are made only when required.</div>	<div>CWB-ASC011</div> <div>The outcome of short-term services: sequel to service (REABLEMENT)</div> <div> <div>YTD</div> <div>86.20%</div> </div> <div> <div>Q4 20-21</div> <div>72.2%</div> <div>Q3 20-21</div> <div>79.8%</div> <div>Q2 20-21</div> <div>100%</div> <div>Q1 20-21</div> <div>92.6%</div> </div> <div> <div>Target YTD: 75%</div> <div>19/20 Outturn: 85.2%</div> <div>Bigger is better</div> </div>	<div>Comments & Actions</div> <div>Comments: The service continues to perform well with the numbers going through IRRS steadily increasing. Actions: Uptake has been supported by the introduction of Homefirst, allowing those who will not benefit from Reablement to receive Homefirst instead meaning the service can be directed at those who will benefit from it most.</div>
<div>CWB-HSP004</div> <div>Identification and delivery of an additional 137 New Accommodation for Independent Living (NAIL)</div> <div> <div>YTD</div> <div>58</div> </div> <div> <div>Q4 20-21</div> <div>17</div> <div>Q3 20-21</div> <div>14</div> <div>Q2 20-21</div> <div>6</div> <div>Q1 20-21</div> <div>21</div> </div> <div> <div>Target YTD: 58</div> <div>19/20 Outturn: 149</div> <div>Bigger is better</div> </div>	<div>Comments & Actions</div> <div>Comments: In Q4, a total of 17 units were completed. Actions: We delivered the schemes identified as planned during 2020/21, however due to the pandemic timescales for delivery have slipped and schemes weren't mobilised in the quarters intended.</div>	<div>CWB-PHE002</div> <div>Percentage of new birth visits within 14 days</div> <div> <div>YTD</div> <div>98.8%</div> </div> <div> <div>Q4 20-21</div> <div>-</div> <div>Q3 20-21</div> <div>98.2%</div> <div>Q2 20-21</div> <div>99.6%</div> <div>Q1 20-21</div> <div>98.6%</div> </div> <div> <div>Target YTD: 95%</div> <div>19/20 Outturn: 96.2%</div> <div>Bigger is better</div> </div>	<div>Comments & Actions</div> <div>Comments: The service continues to offer mostly virtual contacts except when there are concerns. CLCH continues to exceed their target for New Birth visits, at 98.2% in Q3 against a target of 95%.</div>
<div>CWB-PHE005</div> <div>Percentage of successful completions as a proportion of all opiate drug users in treatment</div> <div> <div>YTD</div> <div>9.27%</div> </div> <div> <div>Q4 20-21</div> <div>9.08%</div> <div>Q3 20-21</div> <div>9.51%</div> <div>Q2 20-21</div> <div>9.06%</div> <div>Q1 20-21</div> <div>8.87%</div> </div> <div> <div>Target YTD: 5.31%</div> <div>19/20 Outturn: 8.09%</div> <div>Bigger is better</div> </div>	<div>Comments & Actions</div> <div>Comments: Services for opiate users continued to be maintained during pandemic. Clinical interventions, including secondary prescribing, are operating to ensure that services remain accessible and clinically safe.</div>	<div>CYP-EAH001</div> <div>Early Help Assessments and reviews completed per 10,000 children</div> <div> <div>YTD</div> <div>346</div> </div> <div> <div>Q4 20-21</div> <div>73.7</div> <div>Q3 20-21</div> <div>83.7</div> <div>Q2 20-21</div> <div>95.4</div> <div>Q1 20-21</div> <div>93.6</div> </div> <div> <div>Target YTD: 265</div> <div>19/20 Outturn: 277.06</div> <div>Bigger is better</div> </div>	<div>Comments & Actions</div> <div>Comments: The rate of EHAs and reviews completed per 10,000 children continues to rise. The rate of EHAs and reviews completed per 10,000 children continues to rise and, at 346.42, is higher than last year's outturn (277.06) and exceeds the annual target of 265, increasing demand across the year is linked to the impact of COVID-19 lockdowns on families. The impact of the increase in demand on staff and services continues to be monitored by the Early Help Service given the resourcing challenge it presents.</div>

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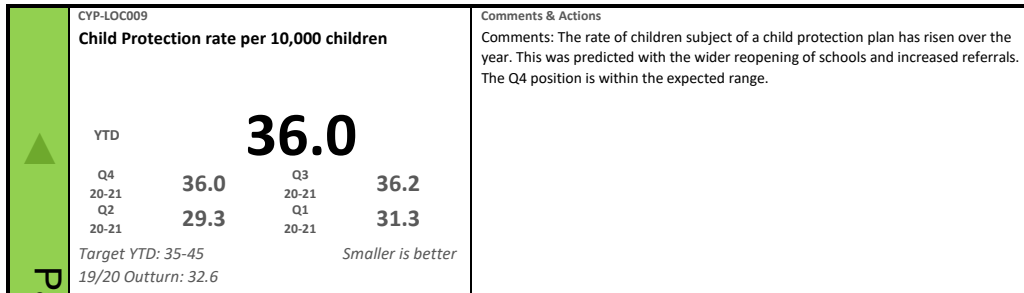
Cllr Mili Patel

Gail Tolley



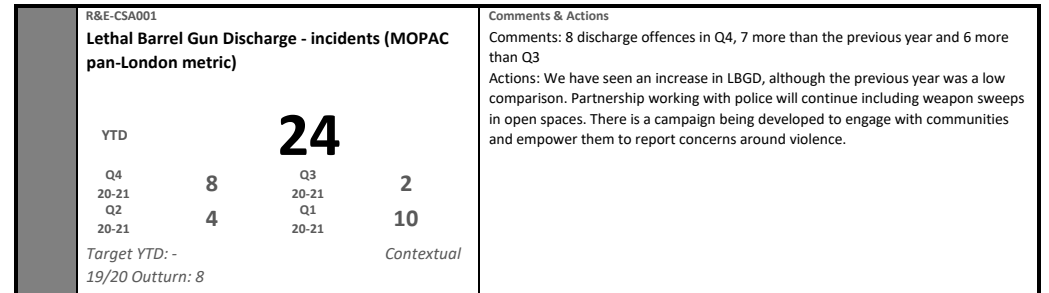
Cllr Mili Patel

Gail Tolley



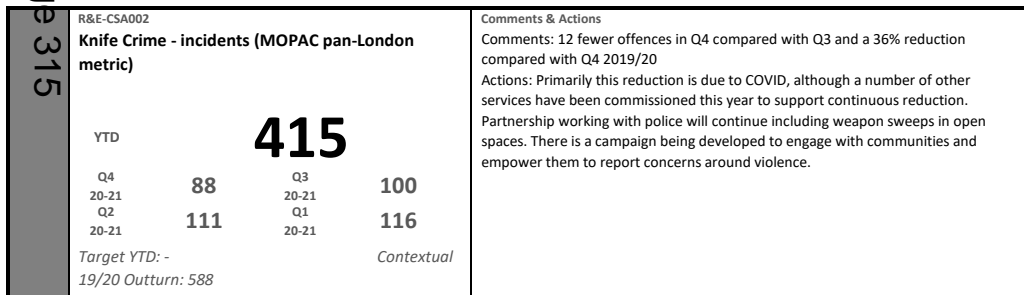
Cllr Mili Patel

Gail Tolley



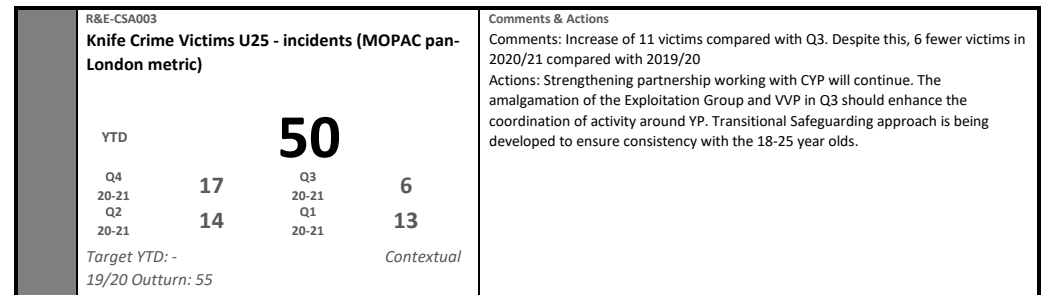
Cllr Promise Knight

Alan Lunt



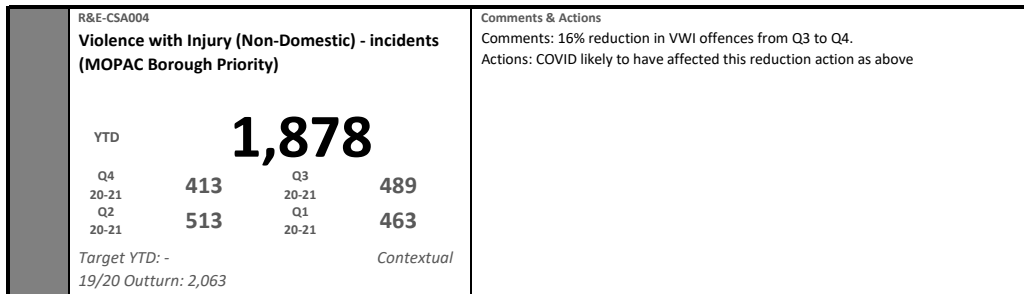
Cllr Promise Knight

Alan Lunt



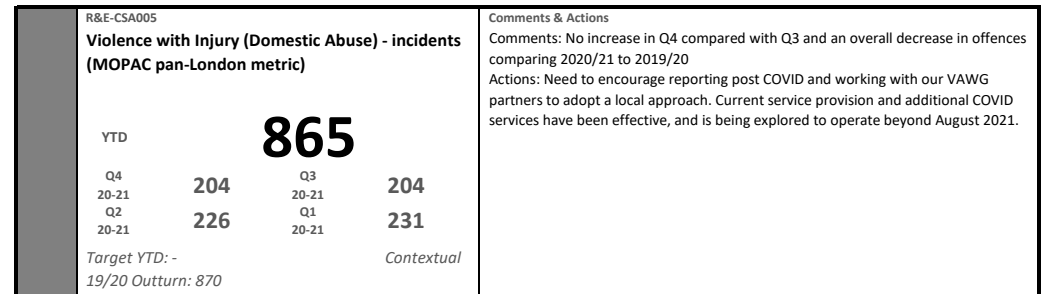
Cllr Promise Knight

Alan Lunt



Cllr Promise Knight

Alan Lunt



Cllr Promise Knight

Alan Lunt

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

R&E-CSA006				Comments & Actions	
Domestic Abuse Offences - incidents (MOPAC pan-London metric)				Comments: Slight decrease (3%) in DA offences from Q3 to Q4. However, there was a 6% increase from 2019/20 to 2020/21	
				Actions: Need to encourage reporting post COVID and working with our VAWG partners to adopt a local approach and increase reporting. Current service provision and additional COVID services have been effective, and is being explored to operate beyond August 2021.	
YTD		3,541			
Q4	834	Q3	862		
20-21		20-21			
Q2		Q1			
20-21	903	20-21	942		
Target YTD: -				Contextual	
19/20 Outturn: 3,341					

Cllr Promise Knight

Alan Lunt

R&E-CSA007		Comments & Actions	
Robbery - incidents (MOPAC Borough Priority)		Comments: Large decrease in offences from Q3 to Q4 of 34%. Year on year decrease of 38%	
		Actions: Continue to utilise Council tasking to proactively target known hotspots of SAC offences and ASB.	
YTD	840		
Q4 20-21	168	Q3 20-21	253
Q2 20-21	248	Q1 20-21	171
Target YTD: -		Contextual	
19/20 Outturn: 1,366			

Cllr Promise Knight

Alan Lunt

R&E-CSA008

Burglary Residential - incidents (MOPAC pan-London metric)

YTD

1,559

Q4

20-21

338

Q2

20-21

443

Q3

20-21

436

Q1

20-21

342

Target YTD: -

19/20 Outturn: 2,093

Contextual

Comments & Actions

Comments: Reduction of 22% in burglary offences from Q3 to Q4. 26% year on year decrease.

Actions: Continue to utilise Council tasking to proactively target known hotspots of SAC offences and ASB. COVID has seen an increase in people at home so this area will be monitored. We are also working with the police to encourage people having access to Door Bell Cameras.

Page

Cllr Promise Knight

Alan Lunt

R&E-CSA009		Comments & Actions	
Anti-Social Behaviour - Incidents (MOPAC Borough Priority)		Comments: Slight increase in ASB reports in Q4 compared with Q3. Large year on year increase of 78%	
		Actions: Continue to utilise Council tasking to proactively target known hotspots of SAC offences and ASB. Work has started with 5 of the big Housing providers to proactively target ASB and walk arounds with Cllrs/Community will recommence.	
YTD	19,874		
Q4		Q3	
20-21	4,119	20-21	4,017
Q2		Q1	
20-21	4,618	20-21	7,120
Target YTD: -		Contextual	
19/20 Outturn: 11,174			

Cllr Promise Knight

Alan Lunt

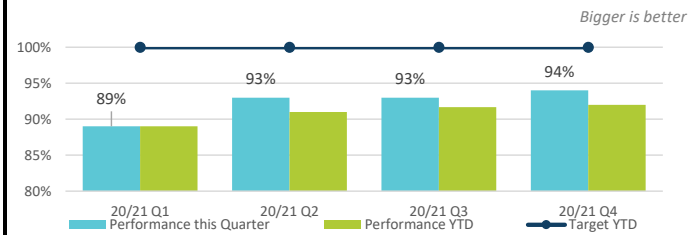
Strong foundations

ACE-EMS006

Percentage of members enquiries responded to within 10 days

Red

2019/20 Outturn	Actual YTD	Target YTD
97%	92%	100%



Comments and Actions

Comments: Member Enquiry response performance has been high this quarter at 94%. There were 1290 enquiries received, which is a drop of 324 enquiries received in Q3 2020/21 and may be the reason why the performance is better this quarter with less enquiries received. Quality checks will be done going forward to confirm appropriate responses and follow ups are being provided. The YTD figure is now 92%.
 Actions: Continue to monitor Member Enquiries to improve performance.

Lead Member:
Cllr Muhammed Butt

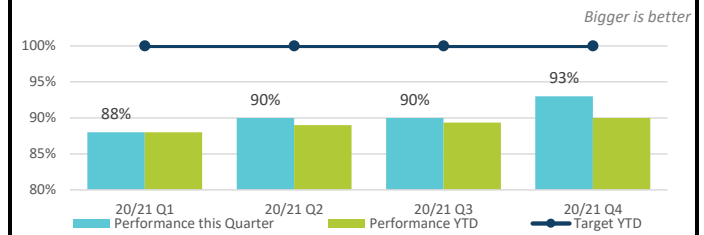
Strategic Director:
Shazia Hussain

ACE-EMS007

Percentage of Stage 1 complaints responded to within timescale (Corporate)

Red

2019/20 Outturn	Actual YTD	Target YTD
94%	90%	100%



Comments and Actions

Comments: Corporate stage 1 complaint response performance has been strong with an overall performance in Q4 of 93%, which is 3% points higher than the previous quarter. The amount of Stage 1 corporate complaints due during Q4 is lower, 192 complaints less than in Q3. The YTD figure is now 90%.
 Actions: Report weekly on complaint performance so that service areas can improve timeliness.

Lead Member:
Cllr Margaret McLennan

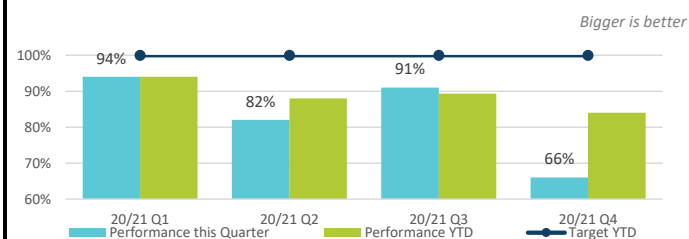
Strategic Director:
Shazia Hussain

ACE-EMS008

Percentage of Stage 1 complaints responded to within timescale (Statutory)

Red

2019/20 Outturn	Actual YTD	Target YTD
91%	84%	100%



Comments and Actions

Comments: Stage 1 statutory complaint performance dropped significantly in Q4, from 91% in Q3 to 66% in Q4. This was mainly due to the Statutory CYP cases, where some of the issues raised in the complaint can be complex and cover several teams. In Q4 2020/21, 12 out of the 18 complaints due were closed on time. Of the 7 ASC statutory cases closed in Q4 2020-21, 6 cases were closed on time. Of the 11 CYP statutory cases closed in Q4, 6 cases were closed on time.
 Actions: Report weekly on complaint performance so that service areas can improve timeliness.

Lead Member:
Cllr Margaret McLennan

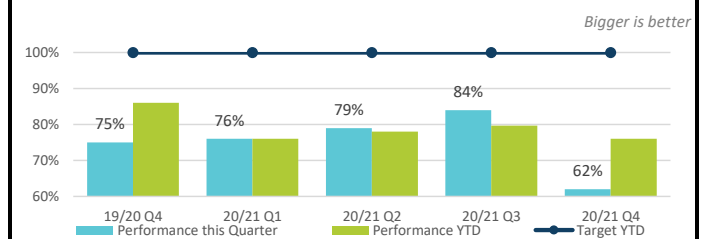
Strategic Director:
Shazia Hussain

ACE-EMS009

Percentage of Stage 2 complaints responded to within timescale (Corporate)

Red

2019/20 Outturn	Actual YTD	Target YTD
86%	76%	100%



Comments and Actions

Comments: Corporate Stage 2 response performance has dropped due to a peak in cases and having two officers out of three on extended periods of sick leave during January and February. Although external investigators and other members within the team were asked to assist, this still had a significant impact on performance. This has therefore brought the overall YTD figure to 76%.
 Actions: Improve Stage 2 performance and but continue to produce thorough investigations.

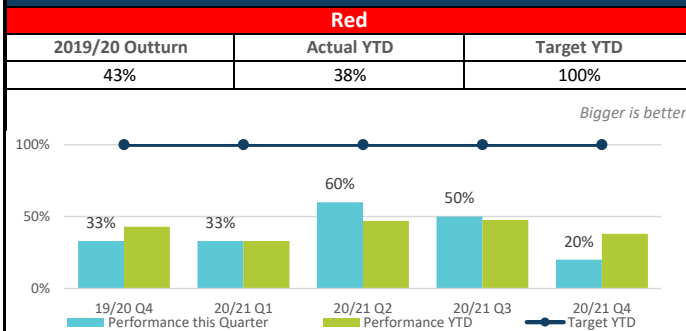
Lead Member:
Cllr Margaret McLennan

Strategic Director:
Shazia Hussain

Strong foundations

ACE-EMS010

Percentage of Stage 2 complaints responded to within timescale (Statutory)



Comments and Actions

Comments: Statutory Stage 2 complaint response performance remains poor. This is largely down to the complexity of the cases received. There were three cases due in Q4 2020/21, three cases for CYP and two cases for ASC. Because the figures are so low the statistics are skewed.

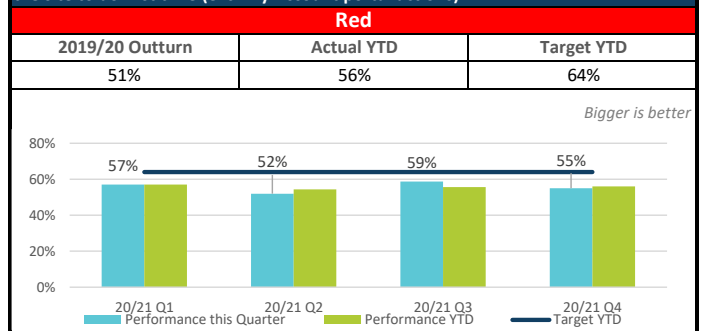
Actions: Seek to improve performance with rigorous monitoring but continue to produce thorough investigations.

Lead Member:
Cllr Margaret McLennan

Strategic Director:
Shazia Hussain

CDS-WEB008

25% increase on previous year, in visitors successfully completing what they came to the site to do first time (exc. My Account portal actions).



Comments and Actions

Comments: Improvements have been made to the current website to improve user experience, in particular around the most frequent transactions, but the functionality of the current site is limited – particularly for those accessing it on mobile devices which is a high proportion of users. The project to move the site to a new platform and re-develop the content, navigation and search functions – which will result in a new site going live later this year - will enable improvements to be made to user's experience.

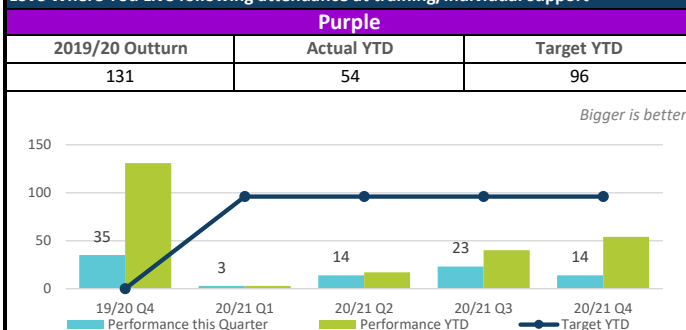
Actions: The project to re-develop the website is using end user feedback to inform work to improve the functionality of the site. This will be supported by tighter controls around the creation of forms and the introduction of new design principles to make forms simpler and easier to understand for our users.

Lead Member:
Cllr Margaret McLennan

Strategic Director:
Peter Gadsdon

ACE-SPA004

Number of successful grant applications to Brent Advice Fund, NCIL, Youth Fund and Love Where You Live following attendance at training/individual support



Comments and Actions

Comments: LWYL in the past has generally been used for one off community events. However, these cannot be delivered in line with COVID social distancing guidance. Which meant that we have received fewer applications for grants. In addition, as Brent was severely affected by the COVID pandemic, there has been less of an appetite for the types of recreational and celebratory activities that this grant traditionally funds.

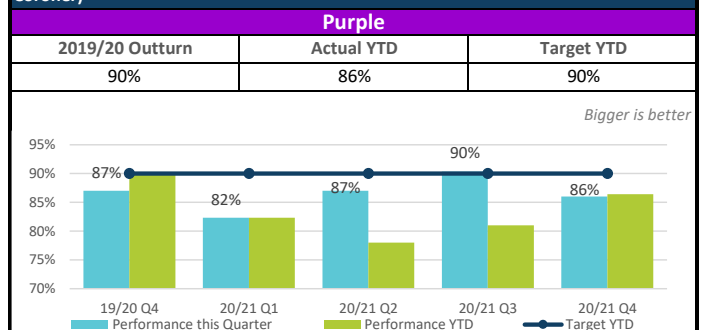
Actions: We have asked finance to roll over our unspent LWYL grant to 21/22. We will increase our activities to publicise the grant to ensure that there are more applicants. We are working with communications to deliver a year long publicity plan and we are undertaking a number of capacity building activities to encourage as many members of the community to apply as possible.

Lead Member:
Cllr Shama Tatler

Strategic Director:
Shazia Hussain

CDS-REG001

Percentage of deaths registered within five days (excluding those referred to the Coroner)



Comments and Actions

Comments: Death registrations have continued throughout the Covid-19 pandemic by telephone through the implementation of the Coronavirus regulations 2020. In the first wave deaths registrations peaked at 550 in the month of April 2020 this figure was double the amount at the same period compared to that of the previous three financial years. Notices of marriage and partnership, marriage registration and birth registration services were closed to allow for extra death registration service diaries to meet the demand of the increased volumes of deaths, at the peak we were operating 3 full diaries up to 24 appointments per day compared to 8 appointments pre-COVID-19. The pre-Covid-19 average number of death registrations was between 125-200. December 2020 and February 2021 saw slight peaks above average numbers. We registered 2236 deaths in financial year 2020/2021 which has been the highest figure in comparison to the last three years. The 90% target was difficult to achieve with volumes increasing to double the pre-Covid-19 volumes. It has been a complex year with adaption of new work processes allowing teams to work from home where possible and balancing the business need. Delays to registrations due to Coroner's Post mortem or inquests, and delays moving the bodies from mortuary services, lack of details of next of kin were the main factors contributing to delays. In addition to this balancing services with team members having to self isolate. Delays were also attributed to GP's not completing the Medical Cause of death Certificate correctly causing delays to the death registration process for the families. We are pleased to see volumes of deaths decrease and the death registration target of 90% seen within 5 days start to normalise. Actions: Monitoring of volumes, close work with Northwick Park Hospital bereavement teams and the Medical Examiner has allowed the process to work as smoothly as possible. Collaboration with the Brent GP services to provide training sessions of what the Registrar is looking for to complete a quality Medical Cause of death Certificate, which in turn enables the death Registration process to be completed as quickly and efficiently as possible, providing a positive customer journey without delays.

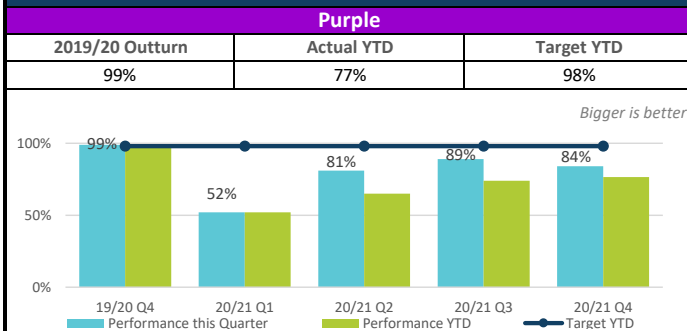
Lead Member:
Cllr Margaret McLennan

Strategic Director:
Peter Gadsdon

Strong foundations

CDS-REG004

Percentage of births registered within 42 days



Comments and Actions

Comments: On 28th March 2020 birth services were closed off to enable the increased numbers of death registration expected due to the pandemic. In April 2020 no births were registered yet the back log started to build. May 2020 urgent births were registered with a mere 46. In June 2020 when birth registration services reopened, a staggering 955 births were registered in Brent, which recorded the highest number of birth registration across all London Boroughs for the month of June 2020. Extra services diaries were opened to accommodate the two month backlog before services for marriages and civil partnerships were opened. 2020/2021 saw the lowest number of births registered in comparison to the last three financial years. Whilst our birth registration volumes started to stabilise to pre covid-19 levels in October 2020 - other boroughs continued to wade through their back logs into November 2020. Birth appointments are currently waiting 3/4 weeks for an appointment.

Actions: Increase the offer of birth registration process and reduce the death registration diaries to reduce the waiting time for birth registration appointments.

Lead Member:

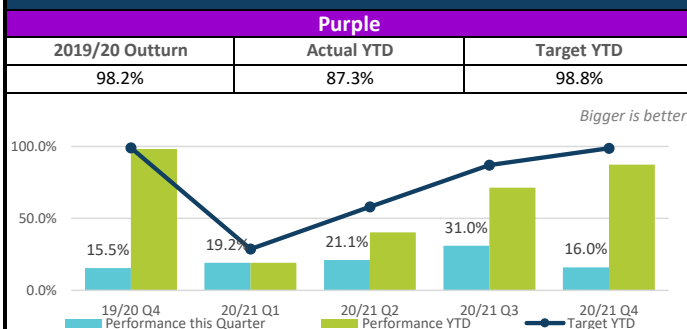
Cllr Margaret McLennan

Strategic Director:

Peter Gadsdon

CDS-REV002

Non-Domestic Business Rates (NNDR)



Comments and Actions

Comments: Collection and collectable debit was significantly affected by the pandemic that saw retail relief reduce the collectable debit by £60m and the award of £95m in government funded grants to businesses across the borough. Some small improvement may be seen in 2021/22 but it is expected the affect of the pandemic will continue through 2021/22 and at least into 2022/23. Council Staff and Capita have been able to maintain collection alongside the additional work supporting grant payments and work on the discretionary schemes.

Lead Member:

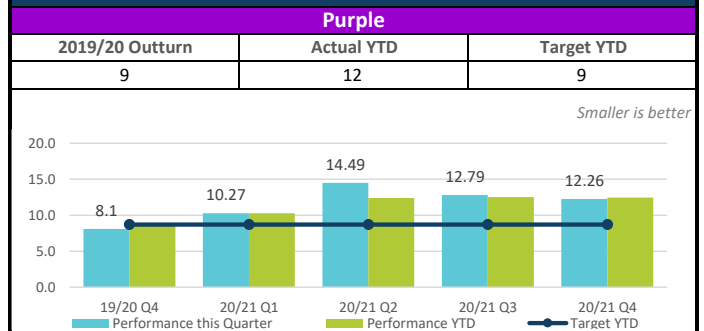
Cllr Margaret McLennan

Strategic Director:

Peter Gadsdon

CDS-REV001

Average days taken to process new benefit claims and change events



Comments and Actions

Awaiting commentary

Lead Member:

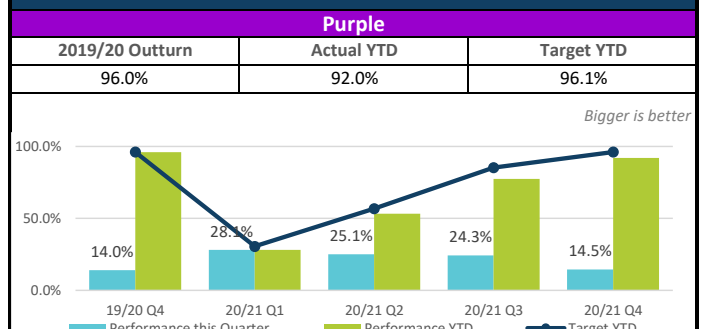
Cllr Margaret McLennan

Strategic Director:

Peter Gadsdon

CDS-REV003

Percentage of Council Tax collected



Comments and Actions

Comments: Collection was significantly affected by the pandemic's impact on household incomes. Payments of, and claims for CTS rose significantly during the year. The percentage increase for those of working age rose by 9.7%. In light of the circumstances the performance is good.

Lead Member:

Cllr Margaret McLennan

Strategic Director:

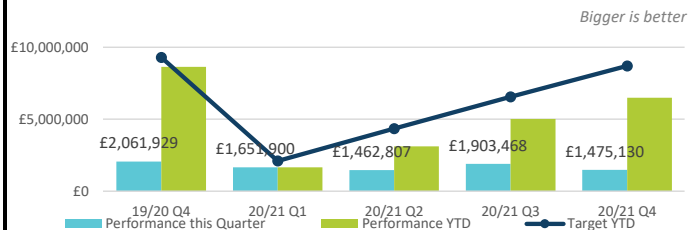
Peter Gadsdon

Strong foundations

CDS-REV005

Value of HB overpayments recovered

Purple		
2019/20 Outturn	Actual YTD	Target YTD
£8,695,867	£6,493,305	£8,700,000



Comments and Actions

Comments: The collection of HB overpayments has been affected by the pandemic and the redeployment of staff to discretionary business grant administration. In addition, a review of work processes was completed in January 2021 with an action plan to implement the required changes from May 2021. Given the circumstances the collection is satisfactory. However, the measure to be used for 21/22 onwards will be the most commonly used measure which is collection of all debt in year as a percentage of the debt raised in the year. For 20/21 this was 70.4% with an improvement targeted for 21/22.

Lead Member:

Cllr Margaret McLennan

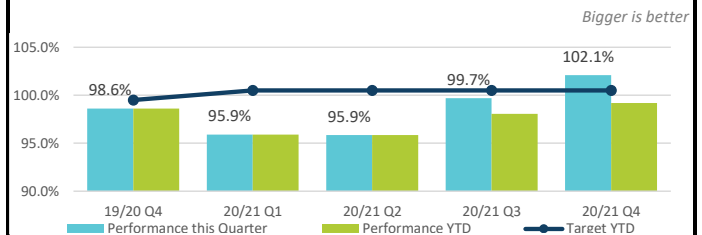
Strategic Director:

Peter Gadsdon

CWB-HMA003

Current rent collected as a percentage of rent due

Purple		
2019/20 Outturn	Actual YTD	Target YTD
98.6%	99.2%	100.5%



Comments and Actions

Comments: At the start of the financial year, the service was anticipating a £2million loss in rent due to Covid-19. This was supported by evidence of an additional 204 households falling into rent arrears that were not previously in arrears. BHM designed and developed a new Rent Arrears Management system, which prioritised cases for income officers based on the most risk. Officers took a proactive approach to contacting tenants who were in financial difficulty throughout the year to offer advice on the support available, particularly for those who had a change in circumstance. The service is confident that this new system has been integral to this performance and whilst it is categorised as amber, this is a higher rent collection rate than the previous year. Additionally, the service secured £295,810.04 which equates to 0.5% of rent due from the Resident Support Fund

Actions: 1. Officers to continue to work proactively with tenants in regards of their arrears.

2. To restart possession proceedings via court action.

Lead Member:

Cllr Eleanor Southwood

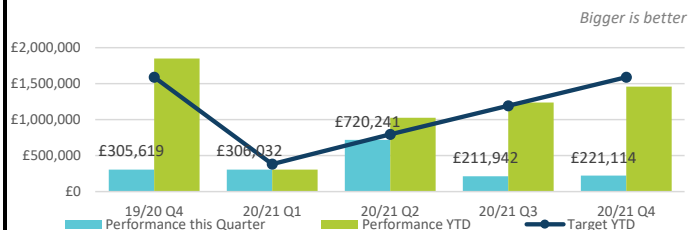
Strategic Director:

Phil Porter

R&E-BCO001

Income generated by Building Control

Purple		
2019/20 Outturn	Actual YTD	Target YTD
£1,850,145	£1,459,329	£1,590,087



Comments and Actions

Comments: Totals reflect the impact of Covid-19 on income shortfall over the year. Q4 shows a further shortfall due to Covid lockdown. Covid impact includes residential building work being suspended and delayed. Building owners/developers hesitancy to submit Building Control applications. Major project sites progress slower than normal therefore key milestones for invoicing delayed.

Lead Member:

Cllr Shama Tatler

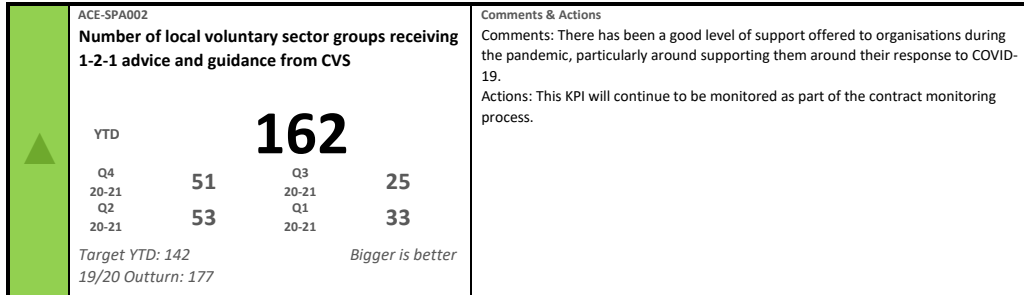
Strategic Director:

Alan Lunt

Strong Foundations

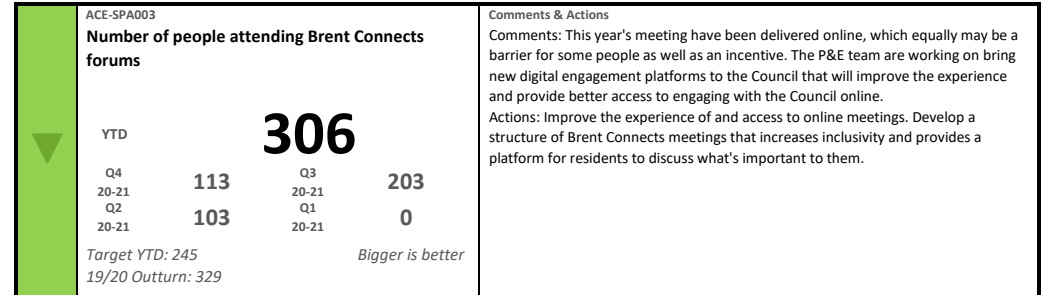
<div> <div>▼</div> <div> CDS-ICT001 Percentage of staff who have completed mandatory online Information Governance courses within one month of becoming due </div> <div> <div>YTD</div> <div>86%</div> </div> <div> <div>Q4 20-21</div> <div>84%</div> <div>Q3 20-21</div> <div>86%</div> <div>Q2 20-21</div> <div>89%</div> <div>Q1 20-21</div> <div>87%</div> </div> <div> Target YTD: 90% 19/20 Outturn: 86% </div> </div>	<div> <div>Comments & Actions</div> <div> Comments: There has been a dip in training performance, this is likely to be a result of Covid response. Q4 has seen a reduced performance across all services. This will be highlighted and discussed at IGG board. Actions: Following IGG board meeting the IG team will meet with targeted service areas to discuss training performance. This will allow for any concerns to be addressed and highlights any additional support which may required. </div> </div>	<div> <div>▲</div> <div> CDS-ICT002 Percentage of Subject Access Requests (SARs) responded to within the statutory timescales </div> <div> <div>YTD</div> <div>89%</div> </div> <div> <div>Q4 20-21</div> <div>94%</div> <div>Q3 20-21</div> <div>79%</div> <div>Q2 20-21</div> <div>93%</div> <div>Q1 20-21</div> <div>92%</div> </div> <div> Target YTD: 90% 19/20 Outturn: 96% </div> </div>	<div> <div>Comments & Actions</div> <div> Comments: SAR performance dipped in Q3, this has led to the overall performance for 2020/21 to be at 89% and not meeting corporate performance of 90%. Issues from Q3 in relation to information not being received back within the requested timeframe has now been resolved and resulted in an increase in SAR performance to 94%. Actions: Continue to send out a weekly tracker to services as a reminders, this will ensure SAR met the statutory deadline. Continue to meet with Services so queries regarding SARs can be highlighted and addressed. This will also ensure consistent throughout the organisation. </div> </div>
Cllr Margaret McLennan	Peter Gadsdon	Cllr Margaret McLennan	Peter Gadsdon
<div> <div>▲</div> <div> CDS-WEB006 By the end of 2020/21 the website will conform to Web Content Accessibility Guidance (WCAG) standards and will comply with the Web </div> <div> <div>YTD</div> <div>72</div> </div> <div> <div>Q4 20-21</div> <div>72</div> <div>Q3 20-21</div> <div>70</div> <div>Q2 20-21</div> <div>76</div> <div>Q1 20-21</div> <div>76</div> </div> <div> Target YTD: 75 19/20 Outturn: - </div> </div>	<div> <div>Comments & Actions</div> <div> Comments: The site has ended the FY slightly under target, however, the score still acknowledges a good level of accessibility for our users and is a marked improvement on where it was at the beginning of the year. There are still some known issues that mean the site is not fully compliant however these are things that we are unable to address until we have the new Content Management System and website in place. Actions: Accessibility monitoring takes place monthly to ensure we maintain the minimum level of compliancy. Corrective action will be taken, where possible and feasible, to fix any new issues identified. </div> </div>	<div> <div>▼</div> <div> CDS-WEB005 Satisfaction with the Brent website will increase year on year, with the user experience of the website overall rated at more than 60% by </div> <div> <div>YTD</div> <div>60%</div> </div> <div> <div>Q4 20-21</div> <div>59%</div> <div>Q3 20-21</div> <div>59.8%</div> <div>Q2 20-21</div> <div>56.5%</div> <div>Q1 20-21</div> <div>60.2%</div> </div> <div> Target YTD: 60% 19/20 Outturn: 57% </div> </div>	<div> <div>Comments & Actions</div> <div> Comments: The dip in satisfaction in March correlates with the release of the new Council Tax bills and a surge in people using My Account for the first time since it was launched last year. For a large percentage of our residents, this is the one and only time they use My Account. Therefore many had not acknowledged the communications that were sent last year about the new system, as it wasn't relevant or appropriate to them at that time. As with any new system, where people have to reregister or activate a new account, we were expecting some disruption at this time, but unfortunately there was also a couple of technical issues that compounded the user experience further. Elsewhere across the website, the team have continued to review key areas across the site and make improvements to the navigation and content, where they are able to. Actions: We have identified the key themes from user feedback and are ensuring that plans are in place to respond to these as part of the projects to redevelop our website and to continue to improve and enhance the customer portal. We expect that once people have activated their accounts, we will see the level of negative feedback reduce as people become more familiar with the new Account area and recognise the value in being able to do a lot more online. However, we will continue to monitor the feedback closely to make sure that this is the case. </div> </div>
Cllr Margaret McLennan	Peter Gadsdon	Cllr Margaret McLennan	Peter Gadsdon
<div> <div>▲</div> <div> CDS-WEB007 25% increase in the number of transactions undertaken online across the website (non-logged in state) by 2021 </div> <div> <div>YTD</div> <div>30%</div> </div> <div> <div>Q4 20-21</div> <div>43%</div> <div>Q3 20-21</div> <div>30.5%</div> <div>Q2 20-21</div> <div>22.4%</div> <div>Q1 20-21</div> <div>34.6%</div> </div> <div> Target YTD: 25% 19/20 Outturn: 58,948 (Q4 data only) </div> </div>	<div> <div>Comments & Actions</div> <div> Comments: With social distancing restrictions in place for much of the last 12 months we have seen more and more people attempting to access services online. Q4 saw a significant surge in activity across the site, with visitors accessing and using online forms to complete transactions. Although Q4 is a traditionally busy period for website traffic, we have seen a 43% increase in people attempting to transact on line compared to the same period last year. This is despite moving visitors to My Account to complete Benefits, CTax and housing transactions that would have been done directly via the website previously. Actions: Going forward, we plan to align forms used across the website with those on My Account so we can start to measure and report on the true number of website visitors who are completing transactions online. More work will be carried out to support and educate residents on the benefits self-serving through the site and My Account and to initially set up and activate the necessary portals. As part of the website redevelopment, we are looking specifically at how we can improve the user experience for reporting issues to us. We are engaging with both residents and service areas to create a more consistent and clear process from start to finish. </div> </div>	<div> <div>▼</div> <div> ACE-EMS005 Percentage of FOI requests responded to within 20 working days </div> <div> <div>YTD</div> <div>90%</div> </div> <div> <div>Q4 20-21</div> <div>92%</div> <div>Q3 20-21</div> <div>93%</div> <div>Q2 20-21</div> <div>91%</div> <div>Q1 20-21</div> <div>89%</div> </div> <div> Target YTD: 90% 19/20 Outturn: 92% </div> </div>	<div> <div>Comments & Actions</div> <div> Comments: Freedom of Information request performance in Q4 2020/21 is 90%. There were 401 Information requests due in Q4 2020/21, which is 42 less received in the last quarter. The YTD figure is 90% and therefore on target. Actions: Proactively monitor FOI performance. </div> </div>
Cllr Margaret McLennan	Peter Gadsdon	Cllr Margaret McLennan	Shazia Hussain

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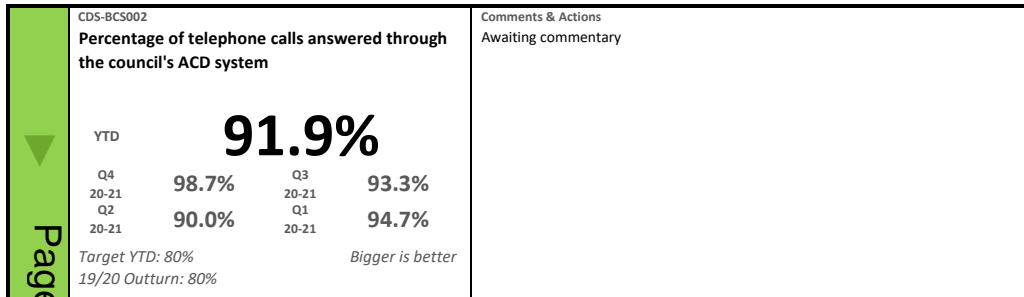
Cllr Promise Knight

Shazia Hussain



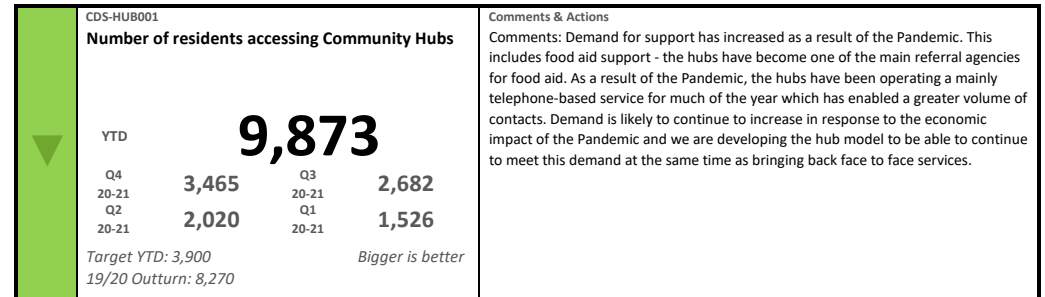
Cllr Muhammed Butt

Shazia Hussain



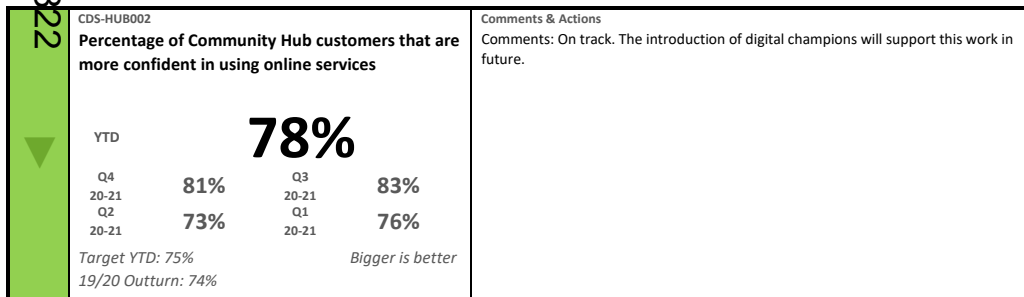
Cllr Margaret McLennan

Peter Gadsdon



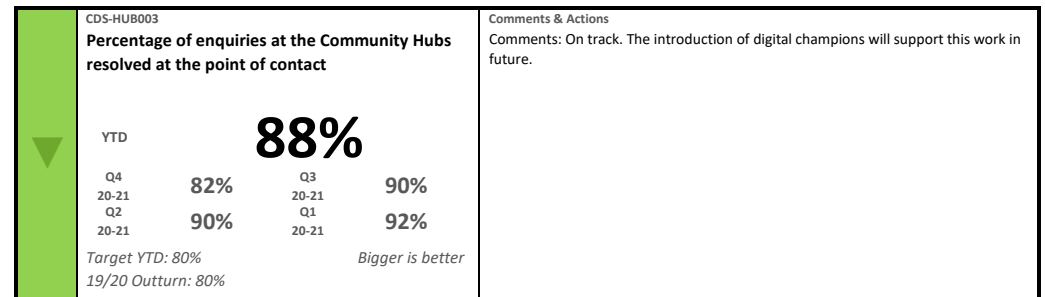
Cllr Eleanor Southwood

Peter Gadsdon



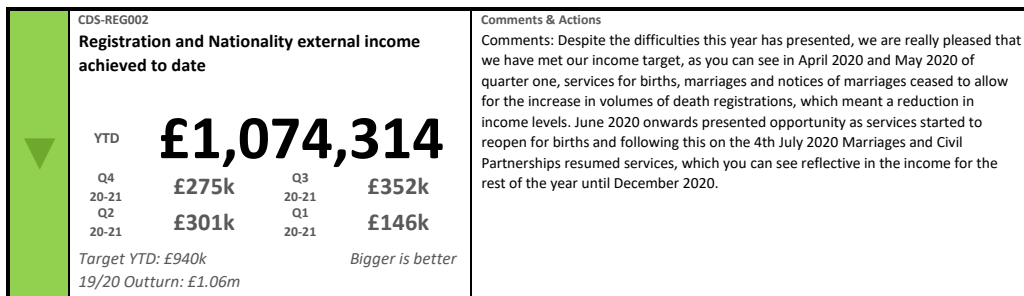
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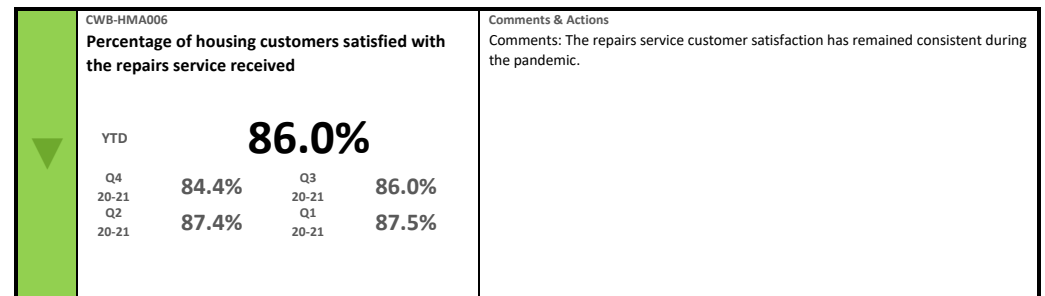
Cllr Eleanor Southwood

Peter Gadsdon



Cllr Margaret McLennan

Peter Gadsdon



Cllr Eleanor Southwood

Phil Porter

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