



Brent

Cabinet

Monday 16 August 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 - 14
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To approve the minutes of the previous meeting held on 19 July 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.

Regeneration and Environment reports

7 Redefining Local Services: Final Delivery Model & Integrated Street Cleansing & Waste Contract Procurement Strategy 15 - 90

Ward Affected: All Wards

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

Contact Officer: Oliver Myers, Head of Environmental Strategy & Commissioning

Tel: 020 8937 5323

oliver.myers@brent.gov.uk

8 Wembley Housing Zone - Approval of Procurement for Development of Council sites and Associated Matters 91 - 154

Ward Affected: Wembley Central

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

Contact Officer: Jonathan Kay, Major Projects Team

Tel: 020 8937 2348

jonathan.kay@brent.gov.uk

Community Well-being reports

9 Maximising Use of the Housing Stock 155 - 200

Ward Affected: All Wards

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)

Contact Officer: Laurence Coaker, Head of Housing Needs

Tel: 020 8937 2788

laurence.coaker@brent.gov.uk

10 Exclusion of Press and Public

The following items are not for publication as they relate to the following category of exempt information as specified under Part 1, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)".

Item 7: Wembley Housing Zone – Approval of Procurement for Development of Council Sites and Associated Matters – Appendices 1-6

Item 8. Redefining Local Services: Final Delivery Model & Integrated

11 Any other urgent business

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

Date of the next meeting: Monday 13 September 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 the 2m social distancing guidelines.
- Attendees will need to keep a distance of 2m apart at all times.
- 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 19 July 2021 at
10.00 am

PRESENT: Councillor M Butt (Chair), Councillor McLennan (Vice-Chair) and Councillors Farah, Knight, M Patel, Krupa Sheth, Stephens and Tatler

Also present (in remote attendance): Councillors Nerva and Southwood

1. **Apologies for Absence**

Apologies for absence were received from Carolyn Downs (Chief Executive) & Gail Tolley (Strategic Director, Children & Young People who was represented by Nigel Chapman Operational Director Integration & Improved Outcomes).

It was noted that whilst also present, Councillors Nerva and Southwood would not be able to formally participate in any formal decisions taken during the meeting given they were in remote attendance.

2. **Declarations of Interest**

None.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous Cabinet meeting held on Monday 14 June 2021 be approved as an accurate record of the meeting.

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

None.

5. **Petitions (if any)**

Cabinet received a petition submitted by Mr Sanjeev Shah representing parents of children who played for Forest United Youth FC. The petition called on the Council to intervene in order to save the Football Club and provide them with a permanent home. In presenting the petition, Mr Shah highlighted what he felt to be the important legacy and role the Football Club played within the local community. Highlighting its proximity to Wembley Stadium as the home of the national football team, Mr Shah was keen to ensure the clubs future was secured within Brent along with the provision of permanent facilities and a clubhouse on John Billam and Tenterden Sports Ground.

In responding to the petition, Councillor Tatler (as Lead Member for Regeneration, Property & Planning) began by recognising the role which the club served within the

local community. Highlighting the Council's support for all grass roots sports clubs across the borough, an assurance was provided of the Council's intention to continue working with the club in order to maintain and secure their provision and appropriate facilities at John Billam and Tenterden Sport Ground. Clarification was provided that the current relocation of the club had been on a temporary basis to enable essential drainage works to be undertaken in order to secure and protect the long term future of the playing fields and the clubs ongoing use of the facility. It was also noted that a formal response would be provided on the various issues raised under the petition and in supporting correspondence from the Club.

Having noted the response provided, Councillor M. Butt (Leader of the Council) ended by welcoming the contribution at the meeting and reaffirming the Council's support and commitment to securing the clubs future within Brent given its value to the local community and in order to continue delivering the best outcome for all.

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

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

7. **Affordable Homes Programme**

Councillor Southwood as Lead Member for Housing & Welfare Reform introduced the report providing a six monthly update on progress towards delivery of the Council's housing target for new affordable homes over the five year period 2019-2024.

Members noted the updated housing demand analysis and forecasts, as detailed within section 3 of the report, along with the progress in delivery of the New Council Homes Programme, pipeline of developments and delivery of other large scale development schemes, including the South Kilburn and St Raphael Estate projects. In considering the report, members were also advised of the way in which the approach towards the programme had been refined to ensure that it was not only delivering affordable homes but was also being shaped to meet the needs of homeless households in Brent as well as informing wider supply work, including maximising use of existing stock.

Details were also provided on the bid submitted through the GLA Affordable Homes Programme to fund ongoing delivery and development of the programme, as detailed within section 4 of the report, on which it was noted a final decision was awaited.

In commending and congratulating the Lead Member and officers on the progress made in delivery against the housing targets within the programme, members also felt it was important to recognise the ambitious nature of future targets being set and the Council's ongoing commitment towards meeting the housing needs and improving the quality of life for Brent's residents through the provision of affordable, safe and secure high quality housing.

Having considered the report Cabinet **RESOLVED**:

- (1) To note the contents of the 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) To note the demand forecasts and that the current programme would continue to reduce the demand for permanent Council Homes.
- (3) To 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 of the report (Church End).
- (4) To 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 of the report, should the Council be unable to agree costs with the contractor appointed from the SCAPE Framework.
- (5) To 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 of the report.

8. Kilburn Square Housing Projects

Councillor Southwood, as Lead Member for Housing & Welfare Reform introduced the report providing an update on two current housing projects at Kilburn Square involving the major refurbishment of 5-90 Kilburn Square and proposed infill development of new council homes.

Cabinet noted the scope of work proposed as part of the Kilburn Square refurbishment programme, as detailed within section 3.13 of the report, which included works to external fabric, roofing, windows and lifts as well as fire safety works. The current infill development proposals (as detailed within section 3.26 – 3.34 and Appendix 1 of the report) had been designed to provide 179 new homes along with an Extra Care facility and a revised landscape strategy. In addition members noted the update provided in relation to the current status of the Kilburn Square Tenancy Management Organisation (TMO) and ongoing work to stabilise, support and work constructively with them on both schemes and in order to update the current Modular Management Agreement.

In presenting the report, Councillor Southwood also highlighted the efforts being made to consult and communicate with tenants and leaseholders on the proposals along with the challenges created by the pandemic in terms of the engagement process. In response to resident feedback, an Independent Tenant & Leaseholder Advisor had been appointed to support the ongoing and extended engagement process. Cabinet noted the concerns which had already been raised in relation to the potential scale of the development along with costs to leaseholders on which it

was noted a range of support options were being considered. An assurance was also provided at the meeting that whilst changes may need to be made to the design options as a result of the consultation, no final decision would be made on these until the extended consultation process had been completed.

Cabinet were supportive of the aims and objectives which the proposals had been designed to address along with the co-ordinated approach being developed in terms of the planning requirements and as a result it was **RESOLVED**:

- (1) To 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) To note the increased engagement that was planned, primarily but not exclusively with residents of Kilburn Square for the proposed development, and endorse the project team recommending changes to the designs following the outcome of engagement.
- (3) To 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 the 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 was being sought.
- (4) To 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.
- (5) To 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 was being sought.
- (6) To 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.

9. **Watling Gardens & Windmill Estate Infill Redevelopment Programme**

Councillor Southwood (Lead Member for Housing & Welfare Reform) introduced the report providing an update on the proposed housing development projects at Watling Gardens and Windmill Court which members were advised formed part of the Council's affordable housing programme.

Cabinet noted that the report contained a number of legal recommendations which were required in order to facilitate the development process in relation to potential Compulsory Purchase Orders (CPOs) and appropriation of Council owned land. Whilst the recommendations would enable CPOs to be pursued, should it be necessary, an assurance was provided that the primary objective remained to negotiate a positive offer with affected leaseholders and CPOs only being considered as a last resort.

In considering the report, Cabinet were also advised of concerns raised with the Lead Member by residents of Windmill Court around specific planning and other issues relating to land rights on which a detailed response would be provided as part of the ongoing consultation and engagement process. It was also noted that any final decision would also subject to the necessary planning permission being obtained.

Having noted the report and objectives in relation to the proposed development schemes, Cabinet **RESOLVED**:

- (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) 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 were no longer held for the purposes of Part II of the Housing Act 1985.
- (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 in order to facilitate the redevelopment of the site for which planning permission was being sought.
- (4) To note the offers made to secure tenants and leaseholders within Appendix 1 and 2 of the report which aimed 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.

- (5) To 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 of the report.
- (6) 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 section 6 of the report and prior to doing this there will be a need to consider and have due regard to the impact of the Council's Public Sector Equality Duty
- (7) To 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.
- (8) To 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 was known.

10. **Housing Rechargeable Repairs Policy**

Councillor Southwood (Lead Member for Housing & Welfare Reform) introduced the report which set out a new Rechargeable Repairs Policy for review and adoption.

Cabinet noted that the Council currently had no policy in place which enabled former and current tenants and leaseholders to be recharged for responsive repair, void or maintenance costs which resulted directly from their intentional damage and actions or negligence. Members were assured that the primary objective of the policy was to discourage wilful neglect and or abuse of council property, with the policy designed to act as a preventative rather than punitive measure to assist in changing behaviours and hold to account the small minority of individuals not taking responsibility for the upkeep of their property.

In considering the policy. Members noted the safeguards established for vulnerable residents with diagnosed or suspected mental health or other support issues along with the appeals process which had been included as part of the Council's responsibilities as a good social landlord.

Cabinet expressed their support for the policy, recognising it as a fair approach with clear expectations being placed on tenants and leaseholders as part of the Council's role as a social landlord and contribution it would also make towards supporting the effective maintenance of the Council's housing stock.

As a result Cabinet **RESOLVED**:

- (1) To note the content of the report including the results of the resident consultation exercise and the Equality Impact Assessment
- (2) To approve the Housing Rechargeable Repairs Policy for implementation.

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**

Councillor Tatler (Lead Member for Regeneration, Property & Planning) introduced the report which provided an update on recent changes to the planning system along with the implications and options available to the Council, as a result, to restrict new permitted development rights.

In addition to the Cabinet report, members also noted the addendum which had been circulated in advance of the meeting outlining a number of further material changes in circumstances related to the original recommendations on the Article 4 Directions. This had resulted in a revised recommendation 2.2(c) being presented for consideration. Cabinet were advised that the most significant changes, as detailed within section 3 of the report, had related to the Use Classes Order (enabling activities to change to other uses within the same class) and to permitted development rights (allowing certain development without the express consent of the planning authority). Whilst not preventing development opportunities, Cabinet noted how the proposals would continue to protect against the loss of employment floor space, prevent inappropriate incursion of residential within designated industrial locations, protect the vitality and viability of town centres (including frontages and loss of retail units) and prevent the undermining of industrial or commercial use site specific allocations.

Having noted the addendum to the report, Cabinet **RESOLVED**:

- (1) To note the changes to the planning system and the options for Article 4 Directions available.
- (2) To 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 of the report;
 - 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) (as amended within the addendum) 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 of the report.

- 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 of the report.

- (3) To approve 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.

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

Councillor Stephens (Lead Member for Education, Skills and Employment) introduced a report outlining a 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 school only and to increase the Published Admission Number (PAN) within the school from 55 to a maximum of 68.

Cabinet noted the increasing demand for Special Education Need provision for children with ASD within the borough, identified within the School Place Planning Strategy 2019-2023, which the proposal had been designed to assist in addressing along with the outcome of the informal and formal consultation process on the proposals, as detailed within section 4 of the report.

Cabinet were supportive of the proposals outlined having noted the benefit they would have in terms of increasing in-borough provision for children currently being educated out of borough with an Education, Health and Care Plan at primary level and also given that the last cohort of SEMH pupils had left the school in 2016 with subsequent development of the site to provide specialist provision for children with ASD.

Cabinet therefore RESOLVED:

- (1) To approve the proposal to amend the designation of Phoenix Arch Special School from a designation of Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) to ASD only.
- (2) To approve the proposal to increase the Published Admission Number (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.

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

Councillor Tatler (Lead Member for Regeneration, Property & Planning) introduced the report seeking approval for the allocation of Neighbourhood Community Infrastructure Levy (NCIL) for community projects over £100k from Round Two of the 2020/21 NCIL programme.

Cabinet noted that applications submitted under the most recent bidding round had been focused around the theme of “Recovery”, with bids aimed at tackling poverty, inequality and the climate emergency. In total 70 applications had been received with four of the schemes shortlisted involving bids above £100,000 that required approval by Cabinet. In concluding her introduction, Councillor Tatler thanked the team involved in administering the NCIL scheme, which it was noted had allocated over £14million in funding to date to a total of 229 community infrastructure projects.

In supporting the bids identified, Cabinet noted their alignment with the wider priorities of the Council and as a key driver of positive change within the context of the Borough Plan. Specific support was expressed for the bids submitted in relation to Brent Music Service and also for those in support of Looked After Children and care leavers, improved air quality, parks and open spaces and from the Queens Park Area Residents Association and Jason Roberts Foundation. Members further commended the diverse nature and range of organisations receiving support through the NCIL programme and work undertaken within local communities to promote the benefits and potential use of NCIL in supporting wider community projects.

Cabinet recorded their thanks to the Lead Member and NCIL team for their efforts in promoting and administering the programme. Councillor M. Butt felt this also highlighted the wider benefits of the regeneration and renewal work being undertaken across the borough along with the efforts being made to provide the best outcomes for everyone living in the borough.

As a result of the support expressed, Cabinet **RESOLVED**:

(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 was based. The project would make the centre an all-weather facility that could 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 would be available for children in Harlesden schools and would become progressively more visible in the community as the project progressed.
- £124,700 for Queen's Park Area Residents' Association (QPARA) in partnership with Brent Council – Keslake Pocket Park Improvements Project: The project would 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 created a well-lit, safe, and open space. There would be increased visibility both into and across

the space and the new design would 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 was 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) To note and endorse the NCIL applications of less than £100,000 approved by the NCIL Panel, as summarised in section 8.3 of the report.
- (3) To note that following approval of these projects, the final stage would involve the Grants Manager undertaking further scrutiny in order to ensure a deliverable measurable outcome analysis was completed in conjunction with the delivery agency. This would form part of a signed legally binding funding agreement that was regularly monitored. If the outcomes were not in line with Brent Council priorities and not agreed, the funding offer may be withdrawn.

14. **Financial Outturn Report 2020/21**

Councillor McLennan (Deputy Leader and Lead Member for Resources) introduced the report which detailed the outturn for income and expenditure against the Council's revenue budget for 2020/21 and other key financial data. Cabinet were informed that whilst the outturn in relation to the General Fund and Housing Revenue Account (HRA) was in line with the forecast position and reflected a breakeven position for the year there remained a deficit (£5.6m) in relation to Dedicated Schools Grant (DSG). As required by the Department for Education, the Council had developed a management plan which contained a number of options and strategies as part of a DSG recovery plan which it was noted would continue to be monitored on a termly basis.

Cabinet noted the challenging budgetary impact created as a result of the additional costs and loss of income due to the Covid-19 pandemic, which had been detailed within the report, along with the mitigating action taken to offset the pressures identified.

In summing up Councillor M. Butt thanked the Deputy Leader and finance team for their efforts during such a challenging year and it was **RESOLVED** that Cabinet note the overall financial outturn position for 2020/21.

15. **Qtr1 Financial Report 2021/22**

Councillor McLennan (Deputy Leader and Lead Member for Resources) introduced the report, which detailed the current forecast of income and expenditure against the revenue budget for 2021/22 and other key financial data.

Cabinet noted the current pressures being forecast for the year, which totalled £3.7m. Of these £3.5m related to the Dedicated Schools Grant (DSG) and the remaining £0.2m to the Housing Revenue Account (HRA). In addition a number of risks and uncertainties had been identified across each service and budget area as

a result of uncertainty about the future course of the Covid-19 pandemic along with the governments and general economic response. Whilst the 2021/22 budget had been set to accommodate assumptions relating to the impact of these additional risks and pressures and the forecast position currently matched the assumptions made, it was noted that these would need to be kept under review and if necessary reassessed later in the year.

As highlighted during consideration of the previous item, Members noted the options being considered in order to manage and mitigate the position in relation to the DSG deficit along with the need identified for a longer term rather than one year local government financial settlement from Central Government.

Having noted the ongoing challenges identified and Council's response in order to continue delivering against the aims and priorities identified it was **RESOLVED** that Cabinet note the overall financial position and the actions being taken to manage the issues arising as outlined at the meeting and detailed within the report.

16. **Medium Term Financial Outlook**

Councillor McLennan (Deputy Leader and Lead Member for Resources) introduced the report which set out the overall financial position facing the Council along with the significant risks, issues and uncertainties identified in relation to the Council's Medium Term Financial Strategy (MTFS). The report also set out the proposed budget setting and consultation strategy for 2022/23.

Cabinet noted that the risks and uncertainties identified included those not only related to Covid-19 but also those which had existed prior to the pandemic along with new and emerging risks. Issues identified included the lack of funding certainty over the medium term given the impact of the Governments current spending and fair funding review and when this was likely to be finalised, the position in relation to the review and future administration of Business Rates and management of ongoing growth and demand led pressures.

Despite the difficulties and ongoing financial challenges identified in relation to managing the impact of the Covid-19 pandemic and within which the Council was operating beforehand, Cabinet also noted how the MTFS aimed to provide a framework for delivery of the Council's broader ambitions and longer term priorities. These included those identified within the Borough Plan, the recovery programme from Covid-19 and other future steps to ensure the Council continued to operate in a financially sustainable and resilient way.

Having noted the overall summary and conclusions identified within section 9 of the report and direction of travel moving forward in order to mitigate the challenges and risks identified Cabinet **RESOLVED**:

- (1) To note the contents of the report and the potential financial impact on the Council's Medium Term Financial Strategy.
- (2) To agree the budget setting process for 2022/23, including the approach to consultation and scrutiny, as set out in section 5 of the report.

- (3) To note and agree the proposed 2020/21 capital budget carry forwards and capital virements, as set out in section 6 of the report.
- (4) To note the financial position with regards to the Housing Revenue Account, as set out in section 7 of the report.
- (5) To note the financial position with regards to Schools and the Dedicated Schools Grant, as set out in section 8 of the report.

17. **Corporate Performance - Q4 2020/21 Performance Report**

Councillor McLennan (Deputy Leader and Lead Member for Resources) introduced the report providing a corporate overview of performance information linked to the Borough Plan priorities for the fourth quarter 2020/21 (January – March 2021).

In presenting the report, Councillor McLennan highlighted the ongoing impact of the Covid-19 pandemic on all services across the organisation as the Council had continued to focus on the response and subsequent recovery programme and effect this had had on a number of performance indicators across priority areas. As a result, Cabinet noted the introduction of a new purple KPI rating during the quarter which had been used to rate KPIs that were outside of target as a direct result of performance directly attributable to the impact of the Covid-19 pandemic.

Of the 45 Year 2 Delivery Plan indicators, Cabinet were advised that six KPIs were off target and rated red with a further two measures rated as purple. One KPI was rated amber and 24 on or above target with the other indicators being for contextual use only. Of the 51 wider Borough Plan indicators, six had been rated as red and a further 16 purple. Three had been rated as amber with 20 on or above target with the other indicators being for contextual use. Cabinet noted the focus of Lead Members, working jointly with their relevant Strategic Directors, in seeking to mitigate and address performance in these areas as the Council moved forward towards recovery from the pandemic.

Having recognised the ongoing challenges in responding and seeking to recover from the Covid-19 pandemic, Councillor M. Butt felt it was also important to highlight the Council's continued efforts to manage and mitigate against the strategic risks identified as part of the overall wider approach towards supporting local residents.

Having considered the update provided, it was **RESOLVED** that Cabinet:

- (1) Note the performance information contained in the report.
- (2) Note the challenge process along with current and future strategic risks associated with the information provided and approve remedial actions being undertaken on the strategic risks identified, as appropriate.

18. **Exclusion of Press and Public**

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

19. **Any other urgent business**

None.

The meeting ended at 10.52 am

COUNCILLOR MUHAMMED BUTT
Chair

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 Brent	Cabinet 16 August 2021
Report from the Strategic Director of Regeneration & Environment	
Redefining Local Services: Final Delivery Model & Integrated Street Cleansing & Waste Contract Procurement Strategy	

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)	Part Exempt – Appendix 6 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
No. of Appendices:	Appendix 1: RLS Statutory Consultation Results Appendix 2: RLS Procurement Strategy Appendix 3: Alternative RLS Delivery Model Options Appendix 4: RLS Review Findings Appendix 5: Summary of RLS Service Option Appraisals Appendix 6: Risks and Mitigations Associated with the Integrated Street Cleansing & Waste Collections Procurement and Contract (exempt)
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Oliver Myers Head of Environmental Strategy & Commissioning Tel: 020 8937 5323 Oliver.myers@brent.gov.uk

1.0 Introduction

- 1.1 In 2018, Brent adopted a deliberate strategy to synchronise the end date for its outsourced environmental services so that they coincide for reconsideration at the same time. The Redefining Local Services (RLS) programme was

subsequently initiated in May 2019 to develop and implement a commissioning strategy in time for new service arrangements to take effect from 1 April 2023.

- 1.2 Over six weeks from 17 May to 28 June, the Council carried out consultation with representatives of persons identified under Section 3 of the Local Government Act 1999 (LGA 1999) on delivery model options for how the services in scope of RLS will be commissioned and delivered in future.
- 1.3 This report presents a summary of the responses from that consultation and now proposes the final overarching RLS Delivery Model.
- 1.4 The proposed Final RLS Delivery Model, which is supported by the responses from the best value consultation exercise, is a “specialist contracts delivery model with low to moderate levels of insourcing” and is outlined in section 5 of this report. The decision on the final level of insourcing can be deferred until January 2022, to both allow time for the evaluation of the in house highways reactive maintenance trial and in time to inform the scope of the Invitation to Tender for the next Highways Services contract.
- 1.5 Linked to the Final RLS Delivery Model, the report presents the high level procurement strategy and timetable for those services which will be outsourced. In particular, this report presents the procurement strategy for the first and most pressing procurement process in the timetable – an Integrated Street Cleansing, Waste Collections and Winter Maintenance contract (‘Integrated Street Cleansing & Waste Contract’).
- 1.6 Cabinet decision on the Final RLS Delivery Model for these services and the procurement strategy for the Integrated Street Cleansing & Waste Contract is required now in order to successfully re-commission services within the required timescale.
- 1.7 The key timings for the remaining RLS Final Delivery Model and Integrated Street Cleansing & Waste Contract process are included in Table 1 below.

Table 1: RLS commissioning strategy timetable

RLS Commissioning Strategy Timetable	Timing (2021 unless stated)
1. Cabinet Member decision to issue public consultation on Street Cleansing & Waste Collection services	Mid Sep
2. Public consultation on Street Cleansing & Waste Collection services	Oct – Nov
3. Cabinet decision on reactive highways maintenance options and Highways Services ITT	17 Jan 2022
4. Procurement processes	Sep 21 – Aug 22

5.Contract awards	Jul – Sep 22
6.Contract mobilisations	Aug 22 – Mar 23

2.0 Recommendations

- 2.1 That Cabinet notes the results of statutory consultation on the RLS Delivery Model Options included in section 4 and Appendix 1.
- 2.2 That Cabinet agrees the “Specialist contracts delivery model with low to moderate levels of insourcing” outlined in section 5 of this report, with a decision on the final level of insourcing deferred until January 2022, to both allow time for the evaluation of the in house highways reactive maintenance trial and in time to inform the scope of the Invitation to Tender for the next Highways Services contract.
- 2.3 That Cabinet approves inviting tenders for the Integrated Street Cleansing & Waste Contract set out in section 6 on the basis of the pre - tender considerations set out in paragraph 6.7 of the report.
- 2.4 That Cabinet delegates authority to the Strategic Director for Regeneration & Environment in consultation with the Lead Member for Environment to decide the price/quality ratio for the Integrated Street Cleansing & Waste Contract and the evaluation criteria and approve officers evaluating tenders.
- 2.5 That Cabinet approves the allocation from prudential borrowing of £15m to finance both the fleet required to deliver the Integrated Street Cleansing & Waste Contract and, provisionally, the fleet required to deliver the next grounds maintenance, the latter subject to market testing and development of the GM procurement strategy this autumn.
- 2.6 That Cabinet notes that decision on the final format and content of public consultation on future street cleansing & waste collection services will be made in September by the Lead Member for Environment in consultation with the Leader of the Council.

3.0 Background

RLS Aim and Objectives

- 3.1 The aim set by members for the RLS programme is to design and implement a better, more integrated and flexible local services delivery model that improves the look and feel of Brent’s public realm. The following RLS programme objectives were defined by Brent’s members following the launch of the programme in May 2019:

- Meet residents' and businesses' requirements for the services: fully engage with the community to understand their needs and aspirations
- A clean, green environment: place clean streets, clean air, carbon reduction, quality green spaces, trees & biodiversity at the heart of the programme
- Help the local economy: create jobs for local people and opportunities for local businesses to deliver our services
- Be bold and innovative: explore all possible delivery options and seek out best practice and innovation from other providers, from the UK and abroad
- Provide the best value possible with available council resources, in the context of post-Covid financial pressures
- Ensure services are flexible and adaptable to change: build in control, flexibility and resilience to manage future change

RLS programme scope

3.2 The RLS programme's scope covers the following functions led by the Environmental Services Directorate (these are outsourced unless indicated otherwise):

- Waste and recycling collections
- Recyclates reprocessing
- Street cleansing
- Winter maintenance
- Grounds maintenance for parks, council housing and highways verges
- Arboricultural services
- Highways services (all works outsourced, policy and projects insourced)
- Street lighting services
- Parking services
- Highways and environmental crime enforcement (insourced)
- Regulatory services (environmental health, food safety, trading standards, licensing) - (insourced)
- Commercial services (cemeteries, pest control) (insourced)
- Community protection (CCTV maintenance outsourced, anti-social behaviour insourced)
- Special Needs Transport (shared service)

- 3.3 A key element of the RLS programme is the recommissioning of functions that are currently delivered through contracts. The key contracts are included in Table 2 below.

Table 2: Contracts in scope of RLS

Contract	Supplier	Annual Value (2020/21)	End / extension
Special Needs Transport (shared service)	LB Harrow	£11m	2022
CCTV Maintenance	Tyco	£0.2m	2022 + 1
Highways Services	FM Conway	£8m	2023
Parking Services	Serco	£6m	2023
Arboricultural Services	Gristwood & Toms	£0.77m	2023 + 2
Street Lighting Services	FM Conway	£1.1m	2023 + 2
Public Realm	Veolia	£18 m	2023 + 7

- 3.4 The Public Realm contract included waste and recycling collections, recycles reprocessing, street cleansing, winter maintenance, grounds maintenance and burials. Burials and grounds maintenance in cemeteries were brought in house in December 2020.
- 3.5 Table 3 below shows the breakdown of the £18m Public Realm contract budget compared with the whole system waste cost (comprising waste collections and waste disposal), totalling £20m, and the combined Public Realm contract and waste disposal costs, which total £28.8m. An additional £400k for grounds maintenance on housing estates is funded from the Housing Revenue Account.

Table 3: Public Realm contract budget and gross overall waste budget

Service	Public Realm contract value 2020-21	Total waste collection and waste disposal costs 2020-21	Combined Public Realm contract and waste disposal costs 2020-21
Waste collections and recycles reprocessing	£9.2m	£9.2m	£9.2m
Street cleansing	£6.8m	-	£6.8m
Grounds maintenance	£1.7m	-	£1.7m
Winter maintenance	£0.3m	-	£0.3m

Waste disposal costs	-	£ 10.8m	£ 10.8m
Total	£18m	£ 20m	£ 28.8m

- 3.6 An Inter-Authority Agreement (IAA) with LB Harrow is in place to provide special needs transport. The IAA commenced in 2016 and ends in July 2022. Officers have recently established a cross council project team to review current arrangements for special needs transport and to identify opportunities for improvement in terms of governance and financial management of the service as well as opportunities for efficiencies and service improvement.
- 3.7 The key opportunity for aligning future provision of this service with the RLS programme is the relocation of buses from Harrow to Brent depots to reduce journey time and running costs. This opportunity will be assessed as the review progresses during autumn 2021.

RLS review

- 3.8 The RLS programme has conducted an extensive review over the past two years. The key elements of the review which influenced the identification and assessment of RLS delivery model options are listed below. These are summarised in Appendix 4.
- i) Potential delivery models and benchmarking with neighbouring boroughs
 - ii) Council-wide, environmental services and waste contract financial pressures
 - iii) Brent's pensions costs
 - iv) Depot availability and capacity
 - v) RLS service improvement priorities and future vision for the Environmental Services Directorate
 - vi) Key service synergies and interdependencies
 - vii) Generalist versus specialist roles
 - viii) Experience and learning from the Covid-19 pandemic
 - ix) Options appraisals for each RLS service – these are further detailed in Appendix 5.

4.0 Best Value Duty Consultation

- 4.1 The Council carried out statutory best value duty consultation on the future delivery model for RLS services over six weeks from 17 May to 28 June 2021. The context, methodology and results from this consultation are set out in full in Appendix 1 to this report.
- 4.2 Officers sought feedback from representative groups on the following:

- Their priorities in relation to the optimum delivery model for local services, and their consideration on whether the RLS programme aims and objectives meet these priorities
- The suitability of the evaluation criteria used in the assessment of the delivery model options
- Their consideration on the two options recommended by the council as the favoured competing options for the RLS delivery model and whether these options are correct
- The delivery model they prefer from all the options considered, bearing in mind the context around cost and impacts to service delivery
- Their consideration on the opportunity to include in any retendering of the Public Realm Contract an option to in-source certain functions after 1 April 2023, if the council's financial position were to improve.

Consultation Results

4.3 A summary of the headline responses received is provided in this section below. The consultation responses have been taken into account in the consideration of the Final RLS Delivery Model outlined in section 5 of this report, in particular the support for the criteria chosen to assess all RLS delivery models and the support for the two favoured competing options that were put forward in the consultation. The general support for further insourcing where this is affordable will also be taken into account in future decisions on the final levels of insourcing of these services.

Online Consultation

4.4 In total, 125 responses were received via the online consultation portal over the six week consultation period. Of these:

- 90% and 37% identified themselves as representing local taxpayers and service users, respectively. 5%, 10% and 15% identified themselves as representing local rate payers, interested parties and voluntary sector groups, respectively.
- The largest group of respondents by ethnicity were White British (32%) and Indian (19%), although 20% preferred not to state their ethnicity. There was a noted under-representation from Black British and Eastern-European groups for this consultation, with more targeted communications required for these groups in any future consultation exercises.

- The majority of respondents by age were in the 45 years and over categories, accounting for over 62% of respondents. This is compared to 23% of respondents who identified as being in the 44 and under categories.
- 4.5 Respondents mostly agreed (71%) that the RLS aim and objectives aligned with their own priorities in relation to the optimum delivery model for local services.
 - 4.6 Respondents mostly agreed (64%) that the evaluation criteria chosen to assess the delivery model options were suitable.
 - 4.7 The majority of respondents (55%) agreed that the council's two 'favoured' delivery model options were the most suitable options.
 - 4.8 The majority of respondents (52%) did not have a preference between the two 'favoured' options, although for those who had stated a preference there was a skew of 33% to 12% in favour of the option that included moderate insourcing (i.e. fully in-sourced highways reactive maintenance function).
 - 4.9 Respondents were asked if they preferred any alternative delivery model to the two 'favoured' options presented. 27% responded with 'yes', with suggestions broadly favouring either a mixed economy model with varying levels of insourcing and full neighbourhood delivery, or a fully in-sourced model.
 - 4.10 The majority of respondents (65%) favoured the option to in-source certain public realm functions after 1 April 2023, should the council's financial position improve.
 - 4.11 Respondents were also asked to provide their comments throughout the online consultation. These comments were wide-ranging and broadly reflective of the consensus achieved in the responses to the individual questions summarised above.

Focus Groups

- 4.12 Two online focus group sessions (via Zoom) were carried out over the consultation period with selected representatives of the various "best value duty" groups.
- 4.13 Three individuals (out of 19 invited) attended the residents and service users' focus group session in the evening of 16 June 2021, which was run by officers and attended by the Cabinet Member for Environment. Despite the lower than expected turn-out to the residents' session, officers felt the outcome was productive, with participants expressing their appreciation for the opportunity to share their views and wishing to be engaged in future decisions.
- 4.14 Five individuals (out of eight invited) attended a businesses and voluntary sector focus group session in the morning of 21 June 2021, which was run by the same

officers and attended by the Cabinet Member for Environment. As with the residents' session above, the outcome of the session was productive and a consensus was achieved that broadly reflected the outcomes of the online consultation.

5.0 The Final RLS Delivery Model

5.1 Prior to the best value duty consultation, a range of options for the overarching RLS delivery model were assessed against the following criteria, which were derived from the RLS review process:

- i) Affordable solution in the context of post-Covid financial pressures
- ii) Flexibility and control of services
- iii) Neighbourhood approach to managing localities
- iv) Strategic management of borough-wide assets and specialist services

5.2 These delivery model options included the two favoured competing options (specialist contracts with either low or moderate level insourcing) described in this section of the report, and the alternative options listed in section 7 of this report and summarised in Appendix 3.

5.3 Following the strong support received during the best value consultation for the two favoured competing options, it is proposed that the specialist contracts model with either low or moderate levels of insourcing is now recommended for approval by Cabinet.

5.4 These options are considered to be the options which can best meet members' aspirations for RLS services within available and predicted funding levels. The options offer the benefits of specialist contracts together with targeted insourcing where this can achieve the greatest improvement on service outcomes for the money invested.

5.5 The decision on the precise level of insourcing (low or moderate) can be deferred until January 2021, to both allow time for the evaluation of the in house highways reactive maintenance trial and in time to inform the scope of the Invitation to Tender for the next Highways Services contract.

5.6 The Final RLS Delivery Model will aim to achieve the following overarching objectives:

- A neighbourhood approach to managing local issues to meet the needs of local areas
- A borough-wide approach to managing our assets and infrastructure (e.g. highways, street lighting) to ensure investment is spent well
- A specialist contracts approach for outsourced services
- Improved contract management and monitoring for contracted services

- An intelligence-led approach to the deployment of resources
- Integrated deployment of environmental enforcement services across public realm
- Greater responsiveness to addressing issues and problems in the public realm
- Better digital customer interface with real-time information and issue reporting
- Additional council capacity for continuous service improvement and innovation
- Focusing specialist officers where they can add the greatest value, with more triaging between generalist and specialist roles
- Deliver improved Social Value outcomes via our Social and Ethical Procurement Policy, including: striving for carbon neutrality by 2030 and enhancing nature and biodiversity; the number of local jobs created (where appropriate for the contract), including focus on disadvantaged groups; and the number of SMEs and third sector organisations that benefit from the procurement exercises.

Table 4: Proposed Final RLS Delivery Model

Specialist contracts with either low to moderate level insourcing
<i>Specialist contracts</i>
• Integrated street cleansing, waste collections and winter gritting
• Recyclates reprocessing
• Grounds maintenance
• Parking services
• Tree maintenance
• Street lighting
• Highways Services
<i>Insourcing (TUPE noted where applicable)</i>
• Education, Communication and Outreach function from waste contract (TUPE)
• Informal Parking Appeals (TUPE)
• Tree surveying, data, work orders (TUPE)
• Highways gang for 20% reactive repairs OR full reactive highways maintenance (TUPE)
• Park wardens function (TUPE)
<i>Stronger client (new posts)</i>
• 1 additional highways inspector
Total additional cost recurring revenue: £0.2m - £0.8m
Mobilisation costs can be contained within existing R&E budgets
£0.02m - £0.65m Capital required for tree database and highways reactive maintenance

- 5.7 Low level insourcing would require an additional £0.2m in recurring revenue and a small capital requirement of £20k to purchase the tree database.
- 5.8 Moderate level insourcing would require an additional £0.8m in recurring revenue and £0.63m would be required upfront for capital for highways reactive maintenance.
- 5.9 The mobilisation cost for the Final RLS Delivery Model can be contained within existing RLS Programme budget.

Service Improvements

- 5.10 The Final RLS Delivery Model offers the following service benefits:
- Ongoing funding for the highways reactive maintenance gang based at the Depot, tasked with 20% of reactive highways repairs which arise from customer reports, in order to provide a more flexible and responsive service than the current highways services contract. **No additional cost** as this has already been funded from within R & E budgets).
 - Insourcing the **Education, Communication and Outreach (ECO)** team (6 staff) would give the Council direct responsibility for communication, education and outreach to help address our considerable waste, climate emergency and circular economy objectives and challenges. 3 of these staff are already on LGPS with the **additional cost of insourcing estimated at £52k** per annum.
 - Insourcing the **Head Park Warden and 4 Park Wardens** would enable better integration of education and enforcement across the whole public realm in Brent. It would also enable a more strategic and holistic approach to stakeholder management and community engagement of park interest groups and park users and help to increase participation and volunteering in parks. All these staff are on existing LGPS via an Admission Agreement with the Council but there would be **additional cost estimated at £26k** per annum to cover Brent's higher employers' pension contribution (35% compared to Veolia's 20%).
 - The Pre-Notice to Owner (NTO) Correspondence work-stream (**informal parking appeals**) could be incorporated back into the larger Parking back-office Notice Processing Team (formal parking appeals). The addition of these two individuals would be absorbed within the structure without any need to change either structure or management capacity. The additional cost of insourcing is estimated at **£32k** per annum. There has historically been discomfort that outsourcing this function results in a situation where the contractor is in effect "marking its own homework" as it is issuing the PCNs

and then answering the challenges to those same PCNs. Moving this service back in house could provide:

- Greater transparency on the activities of the contractor
 - More control on how policy is applied to the cancellation of PCNs
 - Improved quality of Pre-NTO correspondence
 - Greater consistency between Pre and Post NTO communications with customers
 - Greater flexibility across the wider PCN correspondence team to deal with surges in workload
- In-sourcing the **Tree Surveying** function, tree database and the raising of tree works orders would provide the Council with greater strategic and financial control of the Arboriculture Services contract, improved planning and completion of works and achieve better value for money from our tree maintenance budget. This is estimated to cost an additional **£30k** per annum, comprising £20k in staff costs and up to £10k in annual tree database license costs. Staff time required to maintain the database would be covered from existing resources, and/or as an element of the TUPE transfer to the Council of the existing surveyor post.
 - Creating a stronger **highways inspection regime** - 1 additional highways inspector post would significantly address the lack of resource for highways inspections noted in section 4 of this report. Total cost **£43k** per annum.

Additional benefits of insourcing full highways reactive maintenance

- 5.11 In addition to the benefits described above, insourcing the full highways reactive maintenance service would provide the Council with greater flexibility and control for all reactive highways maintenance defects rather than just the 20% of defects addressed by the one gang team being trialled during 2021-22. This would enable a more responsive service. The costs of insourcing the full reactive highways maintenance service would be an additional £0.6m per annum.

Further potential for future insourcing

- 5.12 Under the Final RLS Delivery Model, there would be potential to insource further functions from the proposed Integrated Street Cleansing & Waste Contract during the main contract term, as detailed in paragraph 6.12 of this report, and to insource the full grounds maintenance service after the next contract ends in 2027/28, should the council's finances improve. There was broad support for such further insourcing in the best value duty consultation response.

- 5.13 The council would also retain an interest in considering insourcing the full street cleansing service at the end of the main contract term of the proposed Integrated Street Cleansing & Waste contract.

6.0 RLS Procurement Strategy and Integrated Street Cleansing, Waste Collections and Winter Contract

- 6.1 A high level RLS procurement strategy setting out how each specialist contract would be procured has been included in Appendix 2. The procurement strategy for a new Integrated Street Cleansing and Waste Contract is set out in detail in this section.

Soft market engagement results

- 6.2 In parallel to the best value consultation exercise, the Council held a soft market engagement exercise to discuss the potential retendering of an integrated street cleansing, waste collections and winter maintenance contract with potential bidders. The soft market engagement opportunity was advertised via the Brent e-tendering portal and four expressions of interest were received. Interviews were held with four companies. It was made clear in this process that any procurement was provisional and would be subject to the results of the best value duty consultation and Cabinet decision in August 2021.
- 6.3 The aims of the market engagement were to seek the views from potential bidders on our RLS priorities and objectives, the favoured RLS delivery model and outline procurement strategy, and to understand what would make any procurement exercise attractive to the market. The discussions were highly informative and can be summarised as follows:
- There was strong support for an integrated street cleansing, waste collections and winter gritting contract with separate grounds maintenance and recyclates reprocessing contracts
 - There was strong support for the use of a two stage competitive dialogue procedure for any procurement process
 - There was consensus on the length of the contract; a main term of 8 years + mutually agreeable extensions of up to a maximum of 8 years
 - All companies would require use of our depot facilities at Marsh Road and potentially satellite parks sites to deliver the services
 - All companies would prefer the council to purchase the fleet, with the contractor to specify, procure and maintain the fleet at their own risk
 - The council will need to take responsibility for reviewing capacity for and funding any electric charging infrastructure at the depots

- The performance framework should be focused on the core service with challenging targets and a clear and streamlined monitoring regime that suits both parties
- All companies were clear that any specification risks that they cannot control would be priced in, for instance the inclusion of a recycling target. They favoured responsibility for the recycling rate either resting with the Council or to be shared, and they were happy to include proposals to support/augment an in house ECO team
- All companies would be prepared to accommodate the insourcing of further low cost functions (e.g. graffiti, fly poster removal etc.) during main contract term, but would like to price for this at the bidding stage
- All companies felt that potential changes to national waste collection requirements included in the Environment Bill are unlikely to be able to be fully accounted for in their bids, due to the procurement timetable proceeding the decision on any new national arrangements. Some companies suggested our seeking costed options for potential changes to waste collections as those options become clearer following the current Environment Bill consultation process, while others suggested there would need to be a clear agreement on where risks of any statutory changes to collection lay in a change in law procedure to be included in the contract
- All companies shared their experience of introducing improvements around intelligence (data)-led approaches to enable a better prioritisation and targeted resourcing of street cleansing activities
- All companies supported our Social Value and Ethical Procurement Policy objectives and now see social value as part of their core business.

Benefits of an Integrated Street Cleansing & Waste Contract

6.4 An integrated waste contract will provide economies of scale, operational efficiency and value for money in the following ways:

- Street cleansing can be optimised in relation to waste collections
- Flexible resource for fast response to litter bin emptying, fly-tip removal and emergencies
- Greater resilience to the impact of sharp reductions in driver availability and the ability to respond to surges in demand for staff
- Improved waste handling/landfill diversion rates compared to separate contracts
- Improved response to exceptional circumstances like snow, pandemic, extraordinary events
- Winter gritting can be shared across HGV drivers and streets' operatives

Vision for the Integrated Street Cleansing & Waste Contract

6.5 The vision for this contract is to:

- Improve the way Brent ‘looks and feels’ to residents, businesses and visitors including good quality street scene and a clean and tidy area
- Encourage greater consideration by residents and communities of how to generate less waste, emphasising reduction, reuse, recycling and composting
- Promote a greater sense of civic pride and a stronger local identity
- Make a positive impact on social, environmental and economic sustainability
- Maximise opportunities arising from the Environment Bill

Business risks associated with the Integrated Street Cleansing & Waste Contract

6.6 The risks and mitigations associated with the Integrated Street Cleansing & Waste procurement and contract are identified in the table set out in Appendix 6.

Pre-Tender Considerations for the Integrated Street Cleansing & Waste Contract

6.7 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the Integrated Street Cleansing & Waste Contract have been set out below.

Table 5: Integrated Waste Contract pre-tender considerations

Ref.	Requirement	Response
(i)	The nature of the services.	Street cleansing, waste and recycling collections, and winter services.
(ii)	The estimated value.	Circa £300m in nominal terms including indexation and population growth over 16 years.
(iii)	The contract term.	The contract term will be a maximum of 16 years, with an initial term of eight years and the option for mutually agreeable extensions of up to eight additional years.
(iv)	The tender procedure to be adopted.	The Competitive Dialogue Procedure (CD). The grounds for use of CD are set out the legal implications section of this report. The ground that is relevant to the procurement of the Integrated Street Cleansing & Waste Contract is that “the contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, the complexity or the legal and financial make-up or because of risks attaching to them”. The services in scope of the contract – municipal and commercial

Ref.	Requirement	Response																																		
		waste and recycling collections, street cleansing and winter maintenance services - are sufficiently technically, commercially (in terms of cost and risk allocation) and legally complex, and the range of potential solutions through an integrated approach to delivery sufficiently broad, to justify its use.																																		
v)	The procurement timetable.	<table border="1"> <thead> <tr> <th colspan="2">Indicative dates are:</th> </tr> </thead> <tbody> <tr> <td>Adverts placed</td> <td>06/09/2021</td> </tr> <tr> <td>Expressions of interest returned</td> <td>7/10/2021</td> </tr> <tr> <td>Shortlist drawn up in accordance with the Council's approved criteria</td> <td>25/10/2021</td> </tr> <tr> <td>Invite to Participate in Dialogue/Submit Detailed Solutions</td> <td>01/11/2021</td> </tr> <tr> <td>Deadline to Submit Detailed Solutions</td> <td>21/01/2022</td> </tr> <tr> <td>Issue letters to successful bidder(s)</td> <td>11/03/2022</td> </tr> <tr> <td>Invitation to Submit Final Tenders (ISFT)</td> <td>16/05/2022</td> </tr> <tr> <td>Deadline to Submit Final Tenders (ISFT)</td> <td>10/06/2022</td> </tr> <tr> <td>Evaluation and moderation</td> <td>June/July 2022</td> </tr> <tr> <td>Report recommending Contract award circulated internally for comment</td> <td>11/08/2022</td> </tr> <tr> <td>Cabinet approval</td> <td>12/09/2022</td> </tr> <tr> <td>minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers</td> <td>13/09/22</td> </tr> <tr> <td>Cabinet call in period of 5 days ends</td> <td>19/09/2022</td> </tr> <tr> <td>Standstill period ends</td> <td>23/09/22</td> </tr> <tr> <td>Contract Mobilisation</td> <td>Oct – Mar 2023 (6 months)</td> </tr> <tr> <td>Contract start date</td> <td>01/04/2023</td> </tr> </tbody> </table>	Indicative dates are:		Adverts placed	06/09/2021	Expressions of interest returned	7/10/2021	Shortlist drawn up in accordance with the Council's approved criteria	25/10/2021	Invite to Participate in Dialogue/Submit Detailed Solutions	01/11/2021	Deadline to Submit Detailed Solutions	21/01/2022	Issue letters to successful bidder(s)	11/03/2022	Invitation to Submit Final Tenders (ISFT)	16/05/2022	Deadline to Submit Final Tenders (ISFT)	10/06/2022	Evaluation and moderation	June/July 2022	Report recommending Contract award circulated internally for comment	11/08/2022	Cabinet approval	12/09/2022	minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers	13/09/22	Cabinet call in period of 5 days ends	19/09/2022	Standstill period ends	23/09/22	Contract Mobilisation	Oct – Mar 2023 (6 months)	Contract start date	01/04/2023
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(vi)	The evaluation criteria and process.	Cabinet is asked to delegate decision on the price/quality ratio and evaluation criteria to the																																		

Ref.	Requirement	Response
		Strategic Director for Regeneration & Environment in consultation with the Lead Member for Environment.
(vii)	Any business risks associated with entering the contract.	Business risks and mitigations are outlined in the table in Appendix 6 of this report.
(viii)	The Council's Best Value duties.	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met.
(ix)	Consideration of Public Services (Social Value) Act 2012	The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and 10% of the evaluation criteria will be assigned to evaluating the bidders' social value proposals.
(x)	Any staffing implications, including TUPE and pensions.	See section 11 below.
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 below.
(xii)	Sustainability	This procurement will be undertaken in line with the Council's Sustainable Procurement Policy.
(xiii)	Key Performance Indicators / Outcomes	<p>The strategic outcomes for the contract are as follows:</p> <p>Strategic Outcome 1: Provide best value and an affordable solution for Street Cleansing, Waste Collections and Winter Maintenance service provision that lies within the parameters of the council's available resources.</p> <p>Strategic Outcome 2: Improve the way Brent "looks and feels" to its residents and visitors, by adopting a neighbourhood approach to meet the needs of local areas including opportunities for the involvement of local stakeholders.</p> <p>Strategic Outcome 3: Minimise the amount of residual waste, reducing the damaging impacts of waste management on the climate, and engendering a view of sustainable waste management as a shared responsibility in Brent. The successful contractor will be required to work with the council to continuously</p>

Ref.	Requirement	Response
		<p>reduce Waste and increase the Recycling and Composting performance so that the recycling and composting targets achieved contribute to the Mayor of London’s recycling and composting targets in the London Environment Strategy for local authorities to collectively recycle 50% of Local Authority Collected Waste by 2025.</p> <p>Strategic Outcome 4: Improve the quality, clarity and timeliness of information shared with stakeholders on how the service is being deployed, accountability and integration of operations across the entire public realm.</p> <p>Strategic Outcome 5: The Contractor reduces the greenhouse gas (GHG) emissions from the operations of the Services to support the Council’s commitment to achieve carbon neutrality by 2030 and contribute to the Mayor of London’s Emissions Performance Standard (EPS).</p> <p>Strategic Outcome 6: Deliver better Social Value outcomes via the Council’s Social and Ethical Procurement Policy.</p> <p>The Integrated Street Cleansing and Waste Contract will include a robust KPI framework.</p>
(xiv)	London Living Wage	<p>The existing contractor pays staff working on the Public Realm Contract the London Living Wage. The new Integrated Street Cleansing & Waste Contract will require the payment of the London Living Wage to staff working on the contract.</p>
(xv)	Contract Management	<p>The contract will be monitored by a single team within the Environmental Services Directorate. The team will audit the contractor’s work and help identify and deliver further opportunities for service efficiencies.</p> <p>The contract will be managed through: a fortnightly (or more frequently if parties agree) Contract Operations Group discussing day to day issues; a monthly Contract Management Group monitoring performance and payment, and a quarterly Contract Partnership Board ensuring that the goals of the contract are being met and determining the future direction of the contract.</p> <p>A partnership/team approach will be fostered in relation to joint delivery of services on the ground between council and contractor staff.</p>

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

Further detail

- 6.9 The following paragraphs summarise the core services to be included in the contract:

Street Cleansing Services

- Provide comprehensive, seven-day cleansing services that deliver high performance standards across all land use types and which maximise the amount of waste segregated for reuse, recycling, composting and recovery
- Provide a 'Clear All' service on designated roads ensuring the removal of all waste in these areas, regardless of the source material
- Provide and manage receptacles, including litter bins, ensuring that they never become full or overflowing
- Provide a fly tipping removal service which proactively reduced the amount of fly tipped waste and delivers the highest possible performance standards
- Provide a graffiti and fly posting removal service that meets EPA standards

Waste and Recycling Collections

- Provide a scheduled residual, recycled, food and garden waste collection service that maximises the amount of waste segregated for reuse, recycling and composting, while minimising contamination of target materials to improve the quality of the separately collected waste streams
- Provide an assisted collection service to meet the needs of those households who are unable to present household waste and recyclables at standard collection points
- Provide a special collections service for bulky household waste that maximises the amount of waste segregated for reuse, recycling and recovery

Winter Maintenance

- Provide an effective winter service which ensures that safe passage along all main highways, priority routes and other relevant land use types is not endangered by ice and/or snow during the designated Winter Service Period
- Provide and manage all salt bins, ensuring that they are stocked and available for use during the designated Winter Service Period to reduce risk to residents

Other Services

- Emergency and out of hours response
- Waste container management and delivery
- Customer care and satisfaction, including response to service requests and complaints.

Provisional items

6.10 The following items are to be considered during the procurement process and will be marked as 'provisional services' subject to dialogue with bidders. These items are:

- Collections from council-owned, non-household premises
- All Commercial Waste collections

6.11 The following items will also be included as provisional items in both the Integrated Street Cleansing & Waste Contract and a future grounds maintenance contract procurement process, with decision on which contract to include these functions in deferred until contract awards for both contracts.

- Cleansing and litter picking of areas of hardstanding, litter bins and fly-tip removal in parks and green spaces
- Highways verges grounds maintenance

6.12 In addition, the following lower cost functions, which are high profile and can be performed more effectively by direct local authority provision, will be included as provisional items, with the Council reserving the option to insource these to be based at the Depot at some point after April 2023 should the council's financial situation improve:

- graffiti and fly-poster removal service
- public convenience service
- pavement washing service
- furniture and sign cleansing service
- emergency call out for cleansing
- a range of other health and safety and public nuisance matters affecting the public realm that are not currently included in the scope of current contracts or team responsibility.

6.13 Finally, we will use the competitive dialogue process to identify solutions that can address the Council's financial pressures whilst still meeting the objectives that have been set for the procurement exercise.

Fleet financing

- 6.14 Cabinet approval of a total allocation of £15m from prudential borrowing is recommended to finance the fleet for both the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contract, subject to approval of the Final RLS Delivery Model in this report. This capital allocation will allow vehicles to be financed upfront rather than through the life of the contract. This is necessary in order to broaden the number of bidders who can bid for the contract and to achieve savings for the Council. The capital bid will be financed by a reduction in the ongoing revenue budgets.
- 6.15 The amount to finance the Integrated Waste Contract fleet on an “as is” basis is estimated at circa £10.6m. The fleet financing strategy will be developed during the Integrated Street Cleansing & Waste Contract competitive dialogue procedure in which we will dialogue with the market on the best solution for the fleet in relation to reliability of service provision and our net carbon zero and local air quality targets. This will include consideration of the most appropriate timings and phasing of fleet financing and procurement to ensure the Council benefits from reductions in manufacturing costs and developments in the reliability of new technologies as these are introduced and trialled in the market.
- 6.16 Whilst we have not yet undertaken soft market engagement on the proposed specialist grounds maintenance services contract to understand the interest of potential bidders in a council fleet financing strategy, we are also seeking the provisional allocation of such capital should the option for the council to finance that GM fleet be similarly advantageous to the council. The estimated amount to purchase the grounds maintenance fleet and associated equipment on an “as is” basis is £1.7m
- 6.17 The competitive procurement process for bids has not yet started and there is a risk that vehicle requirements will be higher than current estimates. Bids will be evaluated using a combined capital and revenue cost. In order to allow flexibility across these categories, a contingency amount of 20% has been added to the capital bid.
- 6.18 It is stressed that this figure is for a like for like fleet and that should the Council wish to introduce electrification of the fleet, this will require additional cost not included in these figures above. Officers will consider options in respect of electrification during dialogue/negotiation on both contracts and may bring back an additional bid for fleet electrification in spring 2022.
- 6.19 The procurement timetable for the Integrated Street Cleansing & Waste Contract allows 6 months mobilisation which is likely to be insufficient time to purchase all required vehicles for contract delivery on day 1, such that some leasing of vehicles is likely to be required. This is due to delays with manufacturing linked to Covid and Brexit. This is likely to mean that the capital allocation is drawn down during the initial years of the main term of the contract which is 8 years.

This may prove to be desirable in any event so that the Council can phase purchase of vehicles in line with improvements and cost reductions in fleet technology.

7.0 Alternative Options Considered

7.1 The alternative delivery model options that were identified and assessed in the RLS Review and included in the best value consultation are listed below, with further detail included in Appendix 3. There was limited support for these options in the consultation responses.

- The 'as is' model for current services
- Mixed economy with greater neighbourhood delivery (medium level insourcing)
- Mixed economy with full neighbourhood delivery (high level insourcing)
- Local Authority Company for all relevant services
- Internal Provision for all relevant services
- Internal Provision via shared service for Public Realm contract functions
- Multiple contracts model with multiple contractors within service areas
- The Sole Provider delivery model
- Joint Venture model

8.0 Financial Implications

8.1 The proposed Final RLS Delivery Model has either an estimated minimum £0.2m or £0.8m additional annual cost above the 'as is' operating model. The Alternative Options considered and discounted have additional annual costs of up to £11.3m.

8.2 In addition, there are potential additional pressures on waste collection and disposal costs upon renewal of arrangements for these services when the current public realm contract ends in March 2023. These pressures are linked to changes in the waste market since the current public realm contract was let in 2014.

8.3 The additional cost for the Final RLS Delivery Model will need to be met by finding efficiencies or savings within existing budgets or by increased budget provision from savings identified across the council.

8.4 The specific additional annual costs of Final RLS Delivery Model are included in Table 6 below.

Table 6: Proposed Final RLS Delivery Model additional funding financial summary

Specialist contracts with either low to moderate level insourcing	
Insourcing (TUPE noted where applicable)	£'000
• Education, Communication and Outreach function from waste contract (TUPE)	52
• Informal Parking Appeals (TUPE)	32
• Tree surveying, data, work orders (TUPE)	30
• Highways gang for 20% reactive repairs OR full reactive highways maintenance (TUPE)	0 to 590
• Park wardens function (TUPE)	26
• 1 additional highways inspector (new post)	43
Total cost recurring revenue	£0.2m - £0.8m
Capital required for tree database plus highways reactive maintenance	£0.02m - £0.65m
Mobilisation costs can be contained within existing R&E budgets	

- 8.5 A trial of the highways gang for 20% of reactive repairs has already been funded within R&E (£110k).
- 8.6 These figures are estimated using March 2021 costs and will therefore be subject to indexation/inflation by 2023. If the total services relating to RLS were subject to 2% annual indexation, this would be circa £100k per annum. Contract indexation and internal pay awards are funded corporately as part of Brent's Medium Term Financial Strategy.
- 8.7 The proposed £15m capital allocation from prudential borrowing for financing vehicles for the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contract (described in paragraph 6.14 – 6.19) is recommended for approval in this report. This includes a 20% contingency for market and inflationary variations.
- 8.8 This capital allocation would be fully funded by a reduction in the Integrated Street Cleansing & Waste and Grounds Maintenance contract revenue budgets.

9.0 Legal Implications

Procurement of the Integrated Street Cleansing & Waste Contract

- 9.1 The Integrated Waste Contract falls within the definition of a 'public services contract' under the Public Contracts Regulations 2015 ('PCR 2015') and is above the procurement threshold for services (currently £189,330). As such, the procurement is subject to the full application of the procurement rules under PCR 2015. The contract is also categorised as a high value contract under the

Council's contract standing orders and accordingly is subject to the Council's rules for high value contracts.

9.2 It is proposed to use the Competitive Dialogue Procedure for the procurement of the Integrated Street Cleansing & Waste Contract. The Competitive Dialogue (CD) is a specific legislative procurement route set out in the PCR 2015 which allows contracting authorities to hold dialogue with bidders on various aspects of the procurement. Use of this procedure is restricted to the circumstances set out in the PCR 2015, namely:

- Where needs cannot be met without adaptation of readily available solutions;
- Where the works, services or supplies include design or innovative solutions;
- Where the contract cannot be awarded without prior negotiation because of the nature of the requirement, the complexity of its legal and financial make-up or because of its risks;
- Where the technical specifications cannot be established with sufficient precision with reference to particular standards; and
- In the case of where only unacceptable/irregular tenders have been submitted in an open or restricted procedure.

9.3 In order to use the CD procedure for the procurement of the Integrated Street Cleansing & Waste Contract, the Council must establish that the procurement of the services falls within one of the grounds above. The justification for use of the CD procedure is set out in (iv) of the table at paragraph 6.7 of this report.

9.4 For High Value Contracts valued over £5 million for services, the Cabinet must approve the pre-tender considerations set out in paragraph 6.7 of this report (Standing Order 89) and the inviting of tenders (Standing Order 88). It is permissible to delegate approval of the pre-tender considerations as proposed in recommendation 2.4 in respect of the evaluation criteria.

9.5 Once the tendering process is undertaken, Officers will report back to the Cabinet explaining the process undertaken in tendering the contract and recommending award.

9.6 As the procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar day standstill period imposed by the PCR 2015 before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

- 9.7 Any ex Brent Council staff who TUPE transferred to the current contractor in respect of the Public Realm Contract will be entitled to retain access to the Local Government Pension Scheme if they transfer to a new contractor for the Integrated Street Cleansing & Waste Contract and continue to work on delivery of the services. The Council may be required to enter into an admission agreement in respect of such staff. The implications for Council staffing levels are identified in section 11 of this report.
- 9.8 Pursuant to the Greater London Authority Act 1999, the Council is under a duty to notify the Mayor of London of its intention to advertise and procure a waste contract and to ensure that it acts in general conformity with the provisions of the London Environment Strategy dealing with municipal waste management. The Council has notified the Mayor of its intentions, subject to the outcomes of the Best Value consultation process and the August cabinet decision, and has commenced a consultation process with the GLA on the specification for the Integrated Street Cleansing & Waste Contract.

The RLS Procurement Strategy

- 9.9 The legal implications for the procurement of the Integrated Street Cleansing & Waste Contract are addressed above. The procurement of the other specialist contracts identified in the recommended delivery model will need to comply with the requirements of the PCR 2015 and its requirements for advertising, tender process, evaluation and standstill as well as the requirements of the Council's Constitution including the Council's Contract Standing Orders.
- 9.10 The same grounds apply to use of the Competitive Procedure with Negotiation (CPN) as those identified for CD in paragraph 9.2 above and they will need to be considered for the Grounds Maintenance and Parking Contracts if CPN is the preferred procurement approach as identified in Appendix 2.
- 9.11 The RLS Procurement Strategy in Appendix 2 provides for potential extension of a number of contracts namely, the Arboricultural Services Contract, the Street Lighting Contract and the CCTV Contract. All of these contracts contain provisions which allow extension of the contract beyond 31st March 2023. If any of the contracts are to be varied on extension, such variation(s) will need to comply with the PCR 2015. Consideration of the application to the PCR 2015 to any proposed contract variation(s) will be provided in future reports relating to any decisions about extension/variation of the contracts.
- 9.12 The Council's proposed purchase and early leasing of the vehicle fleet can be planned for, accommodated and negotiated as proposed, within the Competitive Dialogue (CD) procurement procedure planned for the Integrated Street Cleansing & Waste Contract, and within the Competitive Procedure with Negotiation (CPN) procurement procedure planned for the next grounds maintenance contract.

Consultation

- 9.13 Where consultation is carried out it must comply with the following principles:
- Consultation must be undertaken at a time when proposals are still at a formative stage;
 - Sufficient reasons for any proposal must be provided in order to allow proper and intelligent consideration and response;
 - Adequate time must be given for consideration and response
 - The decision maker must give conscientious consideration to the responses.
- 9.14 The above principles apply to both the Best Value Consultation already undertaken and also to the proposed consultation set out in Section 12 below.
- 9.15 Decisions on services changes which are likely to result in a significant change in the services provided to residents may require consultation with residents on common law grounds. Whether or not consultation is required will depend on the scale and significance of the proposed changes. Of course, the Council is also free to consult widely even if not required to do so by law.

Purchase of the Fleet for the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contracts

- 9.16 There are various routes which the Council can consider for the upfront purchase or leasing of the vehicles for the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contract. Officers are currently exploring a number of options and the options will be explored further through dialogue/negotiation as appropriate. Proposals will be finalised and the detail will be included in the contract award reports for the contracts in due course. Officers will need to consider how the PCR 2015 may apply to the purchase or leasing of the vehicles referred to in this Report.
- 9.17 The Local Government Act 2003 (“LGA 2003”) gives a local authority the power to borrow for any purpose relevant to its functions or for the purposes of the prudent management of its affairs.
- 9.18 Any prudential borrowing must be within the borrowing limits of the Treasury Management Strategy approved by full Council each year. This reflects the requirements of the LGA 2003 and the ‘Prudential Framework’ (Prudential Borrowing Code 2003) which accompanied the LGA 2003.
- 9.19 Under this prudential regime, Councils must borrow within the limits of their capital programmes and repay the purchase of capital assets such as vehicles from revenue.

- 9.20 The authorising, monitoring and expenditure of capital funding must comply with para 3 of the Council's Financial Regulations (The Capital Programme) in Part 2 of the Constitution.
- 9.21 Para 10.7.1 of the Financial Regulations (Property, Stock and Inventory) requires an inventory and adequate care, custody and security arrangements for the vehicle fleet once purchased or leased by the Council, as proposed within the Report.

10.0 Equality Implications

- 10.1 In 2020 an Equality Analysis was undertaken in relation to the RLS programme as a whole and no adverse equality or diversity implications were identified. This was updated in July 2021 to include consideration of the Final RLS Delivery Model and again no adverse equality or diversity implications were identified.
- 10.2 We will develop an equality impact assessment ("EIA") for the Integrated Street Cleansing & Waste Contract during the competitive dialogue process as we start to gain an understanding of any potential changes to the specification and this will be completed in time to inform the contract award report scheduled for September 2022. The proposed consultation with the public during autumn 2021 on potential specification changes will assist in carrying out this EIA and identifying whether there are adverse impacts and what such impacts are. The EIA will identify if there are any adverse impacts on those with protected characteristics from the proposals and if there are, to decide what acts (if any) should be carried out to mitigate any identified adverse impacts on equalities arising from the proposal(s).
- 10.3 EIAs will also be undertaken for all other specialist contracts to be issued for tender under the RLS programme.

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

- 11.1 The proposals within this report include potential TUPE transfers (including TUPE transfer of staff into the Council), a service review and recruitment requirements. These will need to be managed in partnership with Human Resources and in line with current HR Policies and Procedures and legislative requirements. Throughout these processes, consultation will be required with relevant individuals, partners, stakeholders and Trade Unions as appropriate.
- 11.2 Council-owned depot sites including the Units 2 and 4-7 Marsh Road, Alperton, and a number of satellite parks depots will be made available to the appointed service provider to deliver the services included in the Integrated Street Cleansing & Waste Contract and Grounds Maintenance Contract.

11.3 A clean and green environment is a key priority for the RLS programme and every opportunity is being explored to ensure that future services and depot arrangements are aligned to our commitments to tackle the climate emergency, air pollution, waste and enhance green spaces and biodiversity.

12.0 Proposed Consultation with Ward Members and Stakeholders

12.1 The RLS Members' Reference Group has met several times to consider the RLS programme, the RLS Review, the Delivery Model Options and most recently the Final RLS Delivery Model. There will be regular meetings held with the RLS Members' Reference Group throughout the remaining RLS recommissioning process, focusing on future priorities for the services.

12.2 The Final RLS Delivery Model proposed in this report and an outline procurement strategy for the Integrated Street Cleansing & Waste Strategy were considered by the Resources and Public Realm Scrutiny Committee at its public meeting on 13 July. The issues raised by the Scrutiny Committee have been addressed within this report.

12.3 Targeted consultation on the RLS Delivery Model Options to comply with Section 3 LGA 1999 took place from 17 May to 28 June 2021 and the results of this exercise and how these have influenced the Final RLS Delivery Model are set out in section 4 of this report, with further detail in Appendix 1.

Further general consultation on future street cleansing and waste collection services

12.4 It is proposed that consultation with the general public is undertaken in relation to future street cleansing and waste collection services.

12.5 It is proposed that this consultation takes place this autumn following the ITT advert and prior to the commencement of dialogue sessions with bidders. The potential solutions for the next contract will still be at the formative stage.

12.6 It is proposed that this consultation would comprise an online consultation questionnaire, Brent Connects sessions, meetings with local resident and environmental groups, businesses and local third sector organisations, and focus groups with randomly selected residents to reflect Brent's diverse population.

12.7 A communications plan for the RLS commissioning strategy is being developed, focusing on the following phases.

Table 7: RLS Communications Plan

Phase	Activity	Timing
Phase 1	Updating local people on relevant council decisions and their implications via news stories & reactive press	May 21 – Aug 21
Phase 2	Open up the conversation and build support via organised groups (targeted engagement with Resident Associations, special interest groups)	Sep 21- Jul 22
Phase 3	<ul style="list-style-type: none"> Communicating changes and supporting transition, tying into 'Working Hard for Brent' narrative Education linked to the climate emergency, to support behaviour change 	Q3 – Q4 2022-23
Phase 4	Demonstrating improvements with data and case studies/imagery, tying into 'Working Hard for Brent' narrative	Apr 2023 onwards

Related Document:

Decision of Cabinet Member for Environment- 13 May 2021 - Redefining Local Services: Delivery Model Options for Statutory Consultation

Report sign off:

CHRIS WHYTE
Operational Director Environmental Services

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APPENDIX 1: BEST VALUE CONSULTATION FINDINGS REPORT

1. Purpose

- 1.1. This document sets out the consultation process and findings for the statutory best value duty consultation on the future delivery model for Redefining Local Services (RLS) services carried out over six weeks from 17 May to 28 June 2021.

2. Background

- 2.1. As a “best value authority” (pursuant to Section 1(1) (a) LGA 1999), where the council is making arrangements to secure continuous improvement in the way in which its functions are exercised [...], the council has a duty to consult representatives of the categories of people identified in Section 3(2) LGA 1999 and in Best Value Guidance in respect of those arrangements.
- 2.2. It is understood that this duty applies to those arrangements being made through the RLS programme where the Council is seeking to secure improvement in the exercise of its functions, in particular those strategic decisions on the future delivery model for key Environmental Services from April 2023 onward.
- 2.3. An authority must consult representatives of persons:
- liable to pay any tax, precept or levy to or in respect of the authority
 - liable to pay non-domestic rates in respect of any area within which the authority carries out functions
 - who use or are likely to use services provided by the authority
 - appearing to the authority to have an interest in any area within which the authority carries out functions
- 2.4. For the purposes of Section 3(2) LGA 1999, “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.
- 2.5. We also sought to include representatives of local voluntary and community organisations and small businesses in the consultation, in line with the Best Value Statutory Guidance issued in 2015.
- 2.6. The council sought to involve and engage a diverse and range of local people in the decisions about how their local services are to be delivered. In this context, feedback from residents and businesses was considered extremely valuable and would be used to aid decision makers in their considerations around the final delivery model for these services.
- 2.7. Best value consultation also presented an opportunity to convey the strategic benefits of the RLS programme to representative groups of local residents and businesses. Consultation questions were framed against the context of the RLS programme as a whole, its aims and objectives, to aid understanding of what the council is trying to achieve.

3. Consultation Process

Timing

- 3.1. The consultation ran for a period of six weeks from Tuesday 17 May to Monday 28 June 2021.

Communications

- 3.2. To ensure that all representative groups were made aware and had an opportunity to participate in the consultation, we used targeted communications to groups falling into the categories listed at para 2.3 as follows:
- Targeted small businesses (via Town Centre Managers)
 - Local voluntary organisations (via the Brent CVS)
 - Brent-based Residents Associations
 - Brent fora, including: Brent Connects and Multi-Faith Forum
- 3.3. The consultation was also promoted more widely via the core Council channels and channels belonging to our partners:
- Council channels – Brent website and social media accounts, business newsletter, e-news bulletin, community toolkit newsletter, members bulletin
 - Partner channels – Brent CVS newsletter, resident associations' newsletters

Method

- 3.4. Two complementary methods were used:
1. Online consultation, ensuring that all representative groups are invited to participate through targeted communications during the consultation period.
 2. Focus group meetings (online via Zoom) with a selected set of individuals chosen from those expressing an interest to be involved during the consultation period.
- 3.5. The proposed methods were informed by the need to ensure that the consultation is accessible to allow for a diverse range of responses to be received, particularly from those groups who we are required to consult, balanced against the perceived complexity of the subject matter and likely level of engagement. COVID-19 restrictions were also taken into consideration and have informed the primarily online approach on the grounds of public health.

Online Consultation

- 3.6. Consultation information and an online survey was produced which outlined in simple, accessible language the delivery model options considered and sought feedback from respondents on the following:
- Their priorities in relation to the optimum delivery model for local services, and their consideration on whether the RLS programme aims and objectives meet these priorities
 - The suitability of the evaluation criteria used in the assessment of the delivery model options
 - Their consideration on the two options recommended by the council as the favoured competing options for the RLS delivery model and whether these options are correct
 - The delivery model they prefer from all the options considered, bearing in mind the context around cost and impacts to service delivery
 - Their consideration on the opportunity to include in any extension to the Public Realm Contract an option to in-source certain functions after 1 April 2023, if the council's financial position were to improve.
- 3.7. The online consultation was published on the Brent Consultation Portal and closed on Monday 28 June 2021.

Focus Groups

- 3.8. Two online focus group sessions (via Zoom) were carried out over the consultation period with selected representatives of the various "best value duty" groups:
- Residents and Service Users session on Wednesday 16 June 2021, 6:00pm to 8:00pm
 - Businesses and Local Voluntary Sector session on Monday 21 June 2021, 10:00am – 12:00pm
- 3.9. The selection of individuals for the resident and service users' session was carried out by officers in advance from a pool of individuals who had expressed an interest in being involved via an online form (published to the consultation portal). The aim of the selection was to have a final group of attendees that were broadly representative of the diversity of the borough in terms of area of residence, age and ethnicity.
- 3.10. Due to the relatively low number of expressions of interest received from businesses and local voluntary groups, all individuals who had identified themselves as representing these categories were invited to the businesses and local voluntary sector session.
- 3.11. All potential attendees were incentivised to attend with a £20 voucher for the London Designer Outlet, provided upon confirmed attendance at their respective session.

4. Online Consultation Responses

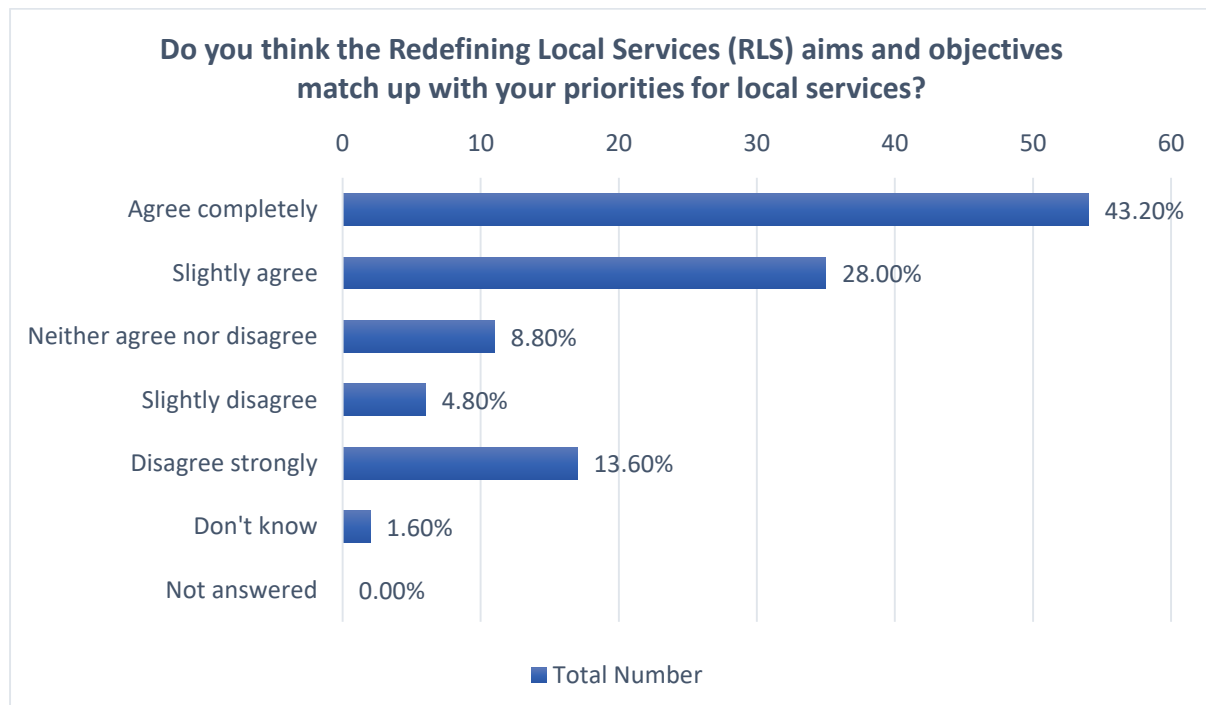
4.1 In total, 125 responses were received via the online consultation portal over the six week consultation period. Of these:

- 90% and 37% identified themselves as representing local taxpayers and service users, respectively. 5%, 10% and 15% identified themselves as representing local rate payers, interested parties and voluntary sector groups, respectively.
- The largest group of respondents by ethnicity were White British (32%) and Indian (19%), although 20% preferred not to state their ethnicity. There was a noted under-representation from Black British and Eastern-European groups for this consultation, with more targeted communications required for these groups in any future consultation exercises.
- The majority of respondents by age were in the 45 years and over categories, accounting for over 62% of respondents. This is compared to 23% of respondents who identified as being in the 44 and under categories.

5. Responses to the Survey Questions

Q: Do you think the Redefining Local Services (RLS) aims and objectives match up with your priorities for local services?

5.1. Respondents mostly agreed (71%) that the RLS aims and objectives aligned with their own priorities in relation to the optimum delivery model for local services.

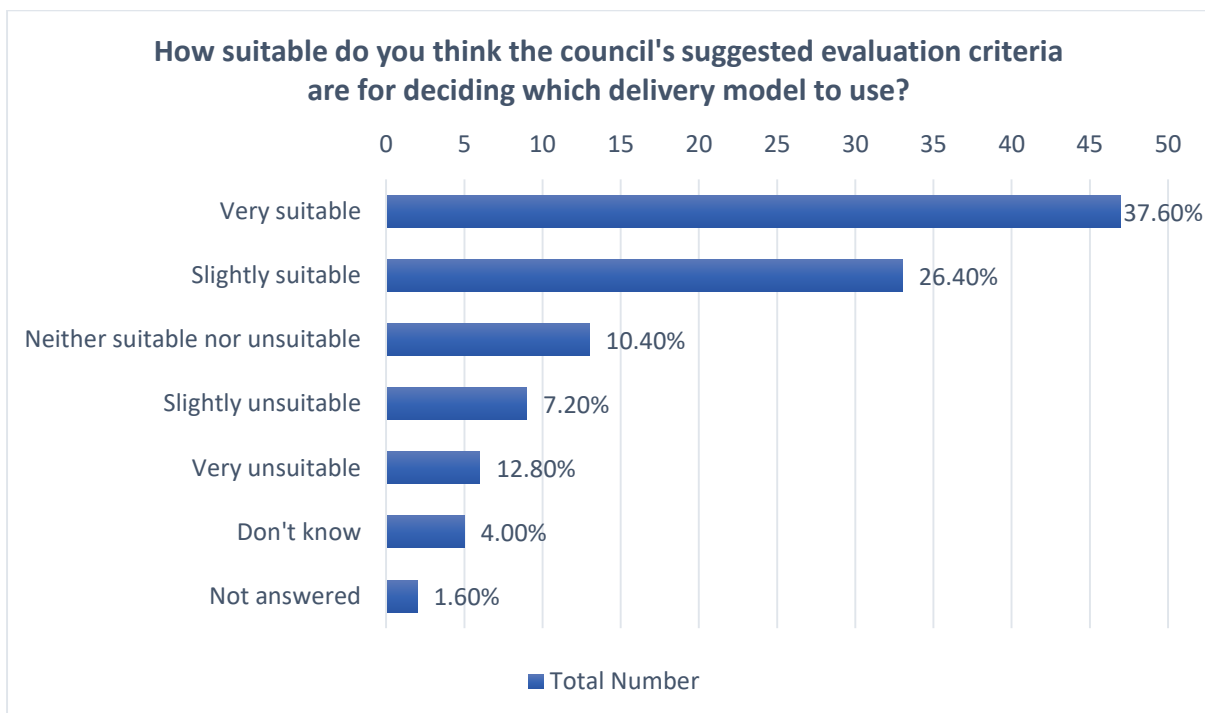


5.2. Respondents were given the opportunity to provide free text comments against this question. 50 responses were provided. The comments received predominantly focused on proposed areas of emphasis within existing RLS aims and objectives. They included the following:

- **Focus on safer neighbourhoods as a key objective**, including: “reduce crime and antisocial behaviour”; “given the current state of affairs [...] this has to be the No. 1 priority”; and “this might be implicit in the current objectives, but needs special mention”.
- **A greater focus on the environment**, including: “more focus on ecology”; “focusing on delivering improved green spaces”; and “more emphasis on collective response to the climate emergency”.
- **Other suggested areas for prioritisation**, including: service flexibility (2), financial transparency (2), maximising local job opportunities (2), supporting active travel measures (2), prioritising clean streets (2), enhancing service integration (1), improving service efficiency (1), accountability (1), and building in resident and user involvement in the monitoring of services (1).
- **Additional priorities outside of the existing RLS aims and objectives** including: increasing service frequency (2) and emphasising insourcing of services (1).
- A number of comments **advocated for a more proactive approach to enforcement against environmental crime** including littering and fly-tipping offences.

Q: How suitable do you think the council's suggested evaluation criteria are for deciding which delivery model to use?

5.3. Respondents mostly agreed (64%) that the evaluation criteria chosen to assess the delivery model options were suitable.

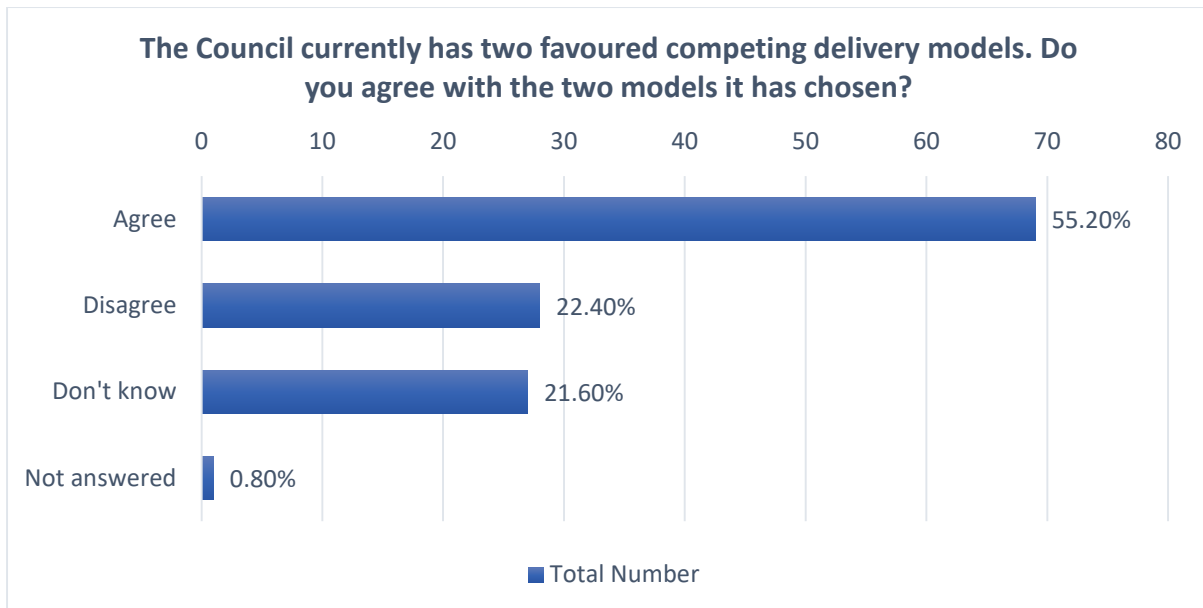


5.4. Respondents were given the opportunity to provide free text comments against this question. 33 responses were provided. The comments received predominantly focused on suggested additions to the existing evaluation criteria. They included the following:

- **The addition of accountability as a key evaluation criteria**, including: “*efficient and professional contract management as opposed to just letting contractors please themselves*”; “*all the failings in the Borough are because no-one is held accountable*”; and “*we are the ones who pay.*”
- **An emphasis on sustainability and contribution to the climate agenda in the evaluation criteria.**
- **Other suggested additions to the existing evaluation criteria**, including: involving residents in the management of their local areas (2), tackling crime and anti-social behaviour linked to littering and fly-tipping (2), employing local residents and businesses as far as is possible (2), using innovation and best practice (1), and the ability to benefit from working with neighbouring boroughs (1).
- Two comments received **suggested that affordability should not be as highly prioritised**, arguing that “*post-Covid financial pressures is not necessarily a constraint*” and that an “*affordable solution seems to equate to poor quality based on Brent’s previous record.*”
- A number of comments **supported a neighbourhood approach to managing localities and advocated for greater resident involvement in decisions relating to the delivery of services in their local area.**

Q: The Council currently has two favoured competing delivery models. Do you agree with the two models it has chosen?

5.5. The majority of respondents (55%) agreed that the council’s two ‘favoured’ delivery model options were the most suitable options.

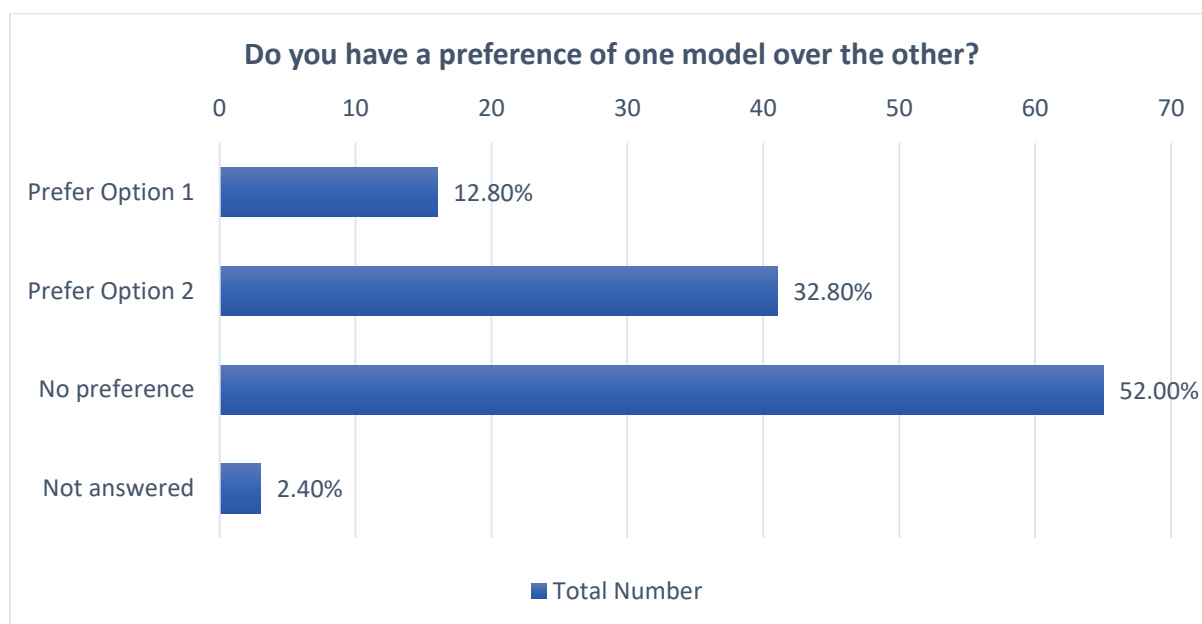


5.6. Respondents were given the opportunity to provide free text comments against this question. 52 responses were provided. The comments received demonstrated an overall strong support for greater insourcing of services. They included the following:

- **Strong support for greater insourcing of services linked to perceived enhancement of flexibility, control and accountability**, including: *“there needs to be more insourcing – local wealth should stay locally”*; *“in-house services are more accountable”*; services need to be *“managed more in-house and at a neighbourhood level to ensure higher quality of work”*; *“increased insourcing would be better for many services [as] the current model is too easily manipulated”*; and *“I want more of a say and real power to hold providers to account when they are not meeting their service obligations.”*
- **Support for the ‘favoured’ delivery model options, particularly Option 2 (moderate insourcing)**, including: *“I agree with option 2 as this will enhance our responsiveness”*; *“option 2 seems the more accurate solution for tackling the biggest issue in the borough – the state of the roads”*; and *“I think option 2 is the better of the two options, but option 1 is also workable.”*
- A number of comments **expressed dissatisfaction with current service delivery**, including one comment that stated, *“while I agree with the options in principle, I don’t believe they go far enough in improving the service the council is currently providing for residents”* and that more information is required on *“how the proposed options will deal with increasing demand.”*
- One comment **advocated for greater consideration of contract management resource requirements**, stating that *“the ‘robustness’ [of contract management] achievable depends on the resource available to the contract management team”* and that *“the decision criteria do not discuss the resource required to manage the delivery methods in enough detail.”*
- One comment **supported the specialist contracts approach**, stating that it is *“important for the council to identify where it lacks the necessary skills and use suitable contracts.”*

Q: The Council currently has two favoured competing delivery models. Do you agree with the two models it has chosen?

5.7. The majority of respondents (52%) did not have a preference between the two 'favoured' options, although for those who had stated a preference there was a skew of 33% to 13% in favour of 'Option 2' that included moderate insourcing (i.e. fully in-sourced highways reactive maintenance function).

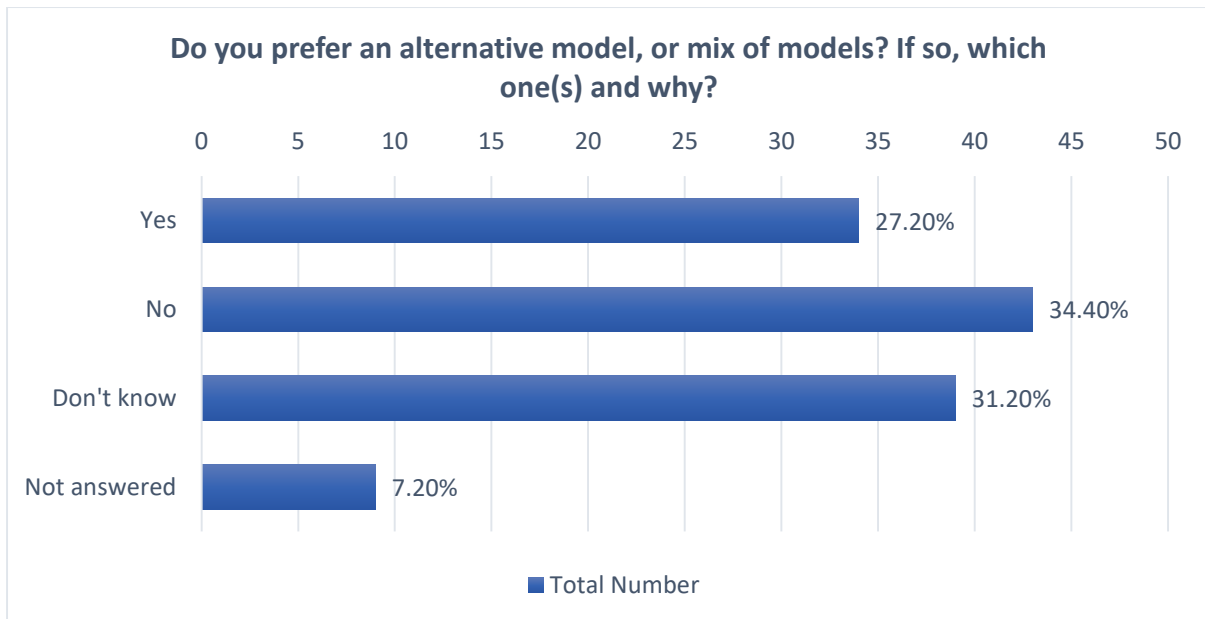


5.8. Respondents were given the opportunity to provide free text comments against this question. 45 responses were provided. The comments received for this question broadly reflected the positions described in the previous section (para. 5.6). They included the following:

- **Strong support for 'Option 2' (moderate insourcing) on the basis that this provides a greater level of insourcing than 'Option 1' (low level insourcing).** As demonstrated by the responses to the previous question, there was a perception that more insourcing would allow for greater control, flexibility and accountability.
- **Support for 'Option 1' primarily on the basis of affordability,** including: *"it is cost effective, providing reasonable services"*; *"low level insourcing saves on the excessively high employer contribution rate"*; and *"option 2 is too expensive."*

Do you prefer an alternative model, or mix of models? If so, which one(s) and why?

5.9. Respondents were asked if they preferred any alternative delivery model to the two 'favoured' options presented. 27% responded with 'yes', with suggestions broadly favouring either a mixed economy model with varying levels of insourcing and full neighbourhood delivery, or a fully insourced model.

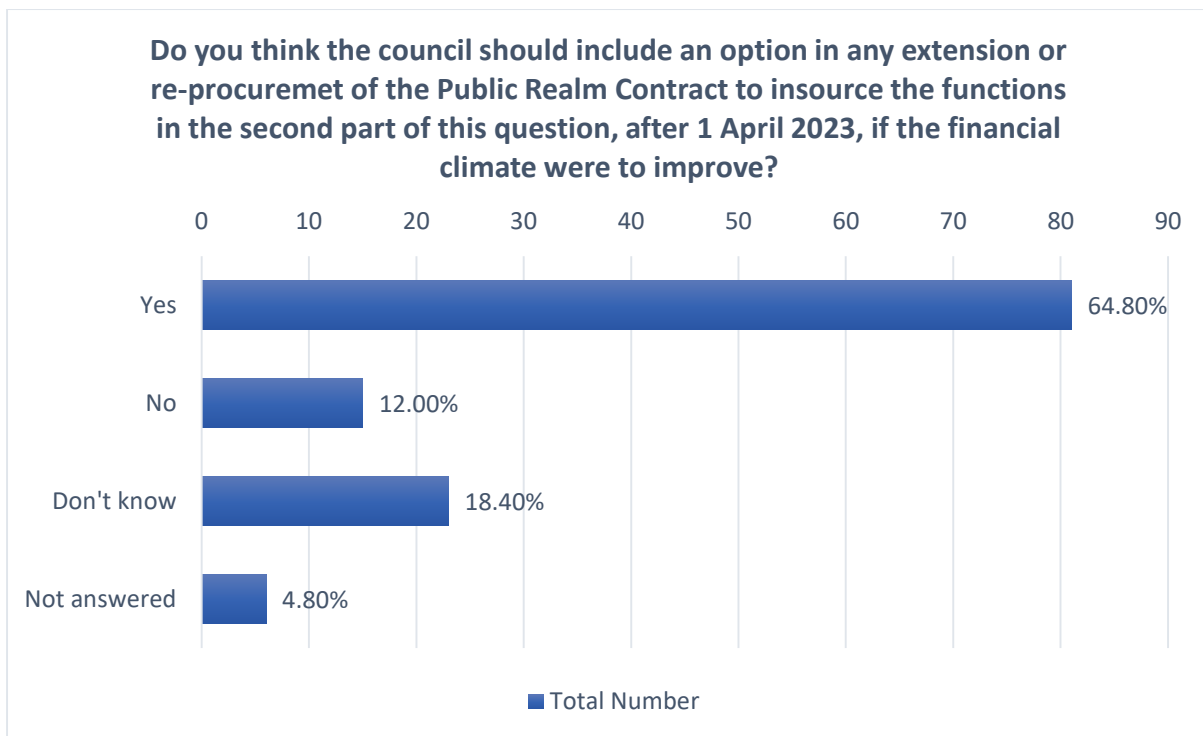


5.10. Respondents were given the opportunity to provide free text comments against this question. 47 responses were provided. The comments received reflected a general preference for insourcing or a mixed economy model with medium to high levels of insourcing, with the addition of a number of comments supporting the ‘favoured’ options set out by the council. They included the following:

- **Support for a mixed economy model with greater neighbourhood delivery**, including: “*mixed economy with full neighbourhood delivery [would provide] a much higher quality service driven by local employees*”; “*Brent would arguable achieve better service levels and quality in line with Policy by insourcing Waste and Highways*”; and “*mixed model that provides greater flexibility with enhanced supervision of outsourced services.*”
- **Support for greater insourcing**, including: “*insourcing removes the extraction of public funds as profits to private corporations*”; “*the more insourced work the better as this keeps control with the council and could provide jobs locally*”; and “*I would prefer an in-house model as they would be more flexible.*”
- A number of comments **supporting the council’s ‘favoured’ options**, including: “*I read through the documentation and agree with the summary and the executive member report findings*”; “*the council has given good reasons for not using any of the ‘not favoured’ options*”; and “*Option 2 seems the best within the financial restraints of the council.*”

Do you think the council should include an option in any extension or re-procurement of the Public Realm Contract to insource the functions in the second part of this question, after April 1 2023, if the financial climate were to improve?

5.11. The majority of respondents (65%) favoured the option to in-source certain public realm functions after 1 April 2023.



5.12. The public realm functions that were included in the second part of the question were as follows, with the brackets indicating the level of support each received for insourcing: grounds maintenance (65%), graffiti and fly-poster removal (70%), public conveniences services (60%), pavement washing (62%), furniture and sign cleansing (59%), emergency call out for cleansing (60%), and a range of other health and safety and public nuisance matters not currently included in the scope of the current contract or team responsibility (60%).

Do you have any other comments you would like to add?

5.13. Respondents were also asked to provide general comments at the end of the online survey. 69 responses were provided. The comments received were wide-ranging and broadly reflective of the themes borne out of the responses to individual questions summarised in the sections above. “It is important to provide jobs for local people and to address the ever increasing service costs that will have a huge impact on the local population”

6. Responses from Focus Groups

6.1. Three individuals (out of 19 invited) attended the residents and service users’ focus group session in the evening of 16 June 2021, which was run by officers and attended by the Cabinet Member for Environment.

6.2. Despite the lower than expected turn-out to the residents’ session, officers felt the outcome was productive, with participants expressing their appreciation for the opportunity to share their views and wishing to be engaged in future decisions.

- 6.3. The response received through the residents' focus group reflected the consensus achieved through the online consultation – i.e. an alignment of residents' own priorities with the RLS aims and objectives, an agreement with the assessment criteria used to assess the delivery models, and an agreement with the two delivery model options chosen by the Council, with a general preference for additional insourcing where financial viable. One resident in particular commented that they understood the conclusions set out by the council and that while their "*heart says everything should be delivered in-house, their head says it should only be whatever is most financially viable*".
- 6.4. Five individuals (out of eight invited) attended a businesses and voluntary sector focus group session in the morning of 21 June 2021, which was run by the same officers and attended by the Cabinet Member for Environment.
- 6.5. As with the residents' session above, the outcome of the session was productive and a consensus was achieved that broadly reflected the outcomes of the online consultation.
- 6.6. The business and voluntary sector group were unsurprisingly vocal about the need to involve the local community in the upkeep of their local areas, and of the need to ensure that changes to delivery are clearly communicated to both residents and businesses to ensure an awareness of any differences in approach between certain areas.

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APPENDIX 2: RLS PROCUREMENT STRATEGY

- 1.1 A range of specialist contracts would be procured with the intention that all contractor staff would, where appropriate, be paid the London Living Wage as minimum. The timetable for each contract would vary in relation to the optimal length of procurement process and mobilisation periods, and these are noted against each service area below. Contract award reports would be submitted to Cabinet meetings at the appropriate points during 2022, unless delegated authority exists under the Council's Constitution or is recommended and agreed in the August 21 Cabinet report.
- 1.2 **Integrated street cleansing, waste collections and winter maintenance:** The high level arrangements for this contract are set out in section 6 of the main report. Key dates are procurement from Sep 2021 – Sep 2022 (12 months); mobilisation from Oct 2022 – Mar 2023 (six months).
- 1.3 **Recyclates reprocessing** would be procured as a separate contract to provide the Council with the opportunity to change providers on a more frequent basis (for instance two yearly, to allow adjustment for market changes) rather than including this with the waste collections contract as currently. Key dates: procurement from Sep 2021 – Jul 2022 (ten months); mobilisation from Aug 2022 – Mar 2023 (eight months).
- 1.4 **Grounds maintenance** in parks, housing and highways would be procured as a standalone contract targeting specialist companies. Outsourced delivery in London is dominated by specialist green services companies, with these companies serving 14 of the 17 boroughs that have outsourced provision. Boroughs' Good Parks for London scores are on average higher for boroughs served by specialist contractors than for boroughs that have 'super contracts'.
- 1.5 The procurement strategy for grounds maintenance would likely use the Competitive Procedure with Negotiation (CPN). This would enable the Council to negotiate with bidders over both provisional efficiency and improvement options: community engagement and volunteer programmes; business development plan for events management and income generation; enhanced horticultural standards and biodiversity; and enhanced participation in sports and physical exercise. Key dates: procurement from Jan 2022 – Sep 2022 (9 months); mobilisation from Oct 2022 – Mar 2023 (6 months).
- 1.6 **Highways services** (planned schemes and planned maintenance, specialist services and reactive maintenance) would be procured via a Brent-led 7 year framework contract, to give the Council better flexibility and control over the terms and conditions and specification of the works than currently provided under LoHAC. Key dates: procurement from Feb 2022 – Sep 2022 (8 months); mobilisation from Oct 2022 – Mar 2023 (6 months). Under the proposed Final RLS Delivery Model, either 80% of reactive works would be included, if 20% of reactive works continue to be delivered by the in house service based at the Depot, or if the in house team can be expanded to deliver the full highways reactive maintenance service, only provision for ad hoc reactive maintenance services would be included, to be drawn down from this framework at times when the in house service is operating at capacity.

- 1.7 **Parking services** would be procured using either a two stage restricted procedure or the CPN procedure should there be advantage in including optional items and other key negotiation points. Key dates: procurement from Dec 2021 – Jun 2022 (7 months); mobilisation from Aug 2022 – Mar 2023 (8 months).
- 1.8 The **Arboricultural Services** contract with Gristwood & Toms would remain outsourced and extended until 31 March 2025. The extension variation decision would be required in October 2021.
- 1.9 The **Street lighting** contract with FM Conway would remain outsourced and extended until 31 March 2025. The extension variation decision would be required in October 2021.
- 1.10 The **CCTV maintenance** contract would remain outsourced and we would assess by September 2021 whether to extend or reprocure the current contract based on the performance of the contractor.

APPENDIX 3: ALTERNATIVE RLS DELIVERY MODEL OPTIONS

1. **'As Is'** current model for these service is not favoured as it is considered that the favoured delivery model options would provide the Council with greater strategic control, improved contract management and stakeholder engagement, and better value for money.
2. A **"Mixed Economy model with enhanced neighbourhood delivery"** (medium level of insourcing) model was also given detailed consideration. This model was based on the same elements of the Specialist contracts with moderate level insourcing in Section 5, with the additional insourcing of grounds maintenance to enable an even more integrated and flexible approach to the delivery of neighbourhood services. The additional recurring revenue cost above current budgets was estimated at a minimum of £2.0m. This is considered unaffordable given our current and predicted finances. However, this option may be revisited in the next few years should the financial climate improve.
3. A **"Mixed economy with full neighbourhood delivery"** (high level insourcing) model was also given detailed consideration. This model adds the insourcing of waste collections, street cleansing and winter maintenance to the model at para 6.1 above. The additional recurring revenue cost above current budgets was estimated at a minimum of £7.1m. This model would enable a fully integrated neighbourhood delivery, however it is considered unaffordable given our current and predicted finances.
4. The **"Internal Provision"** model, i.e. for all RLS services, was estimated to cost an additional £11.3m over retendering. This model was not favoured on affordability grounds but also because, in any event, certain specialist services are considered best delivered by the private sector, such as street lighting, arboriculture and CCTV maintenance.

A breakdown of the extra costs of insourcing for all services is detailed in rows 9 to 21 of the table in section 8 of Appendix 5. The higher costs of insourcing arise principally from Brent's pension costs (£3.7m) and a combination of increased salaries due to harmonisation with local authority pay scales and lower productivity linked to reduced working hours compared to the private sector (£1.2m). In addition, the cost for general contingency at 15% totals £5.3m.

5. The **"Local Authority Company"** (LAC) model is not favoured. The capacity to trade commercially is not a priority that members have set for the RLS programme. An LAC would require set up costs in the region of £500k and its operation would incur higher overheads than direct insourcing, such as a company board, senior management and the management of traded accounts, while there would be no income generated through the LAC to offset these costs. An LAC paying employer pension contributions at the 5% rate would still be more expensive than outsourced delivery, and employees would not benefit from full local government terms and conditions. This option was estimated to cost an additional £7.5m for all services over retendering.
6. **"Internal Provision via a shared service"** with another London borough was considered over the course of financial year 2020-2021. However, ultimately we were

unable to reach agreement on a mutually beneficial delivery model as the other borough was seeking to offer delivery of the services on a commercial basis, rather than in the form of a shared partnership with joint management and shared efficiencies.

7. A “**Multiple Contracts model with multiple contractors within service areas**” was also considered. Other than highways maintenance works where a multiple contractor framework already works well in Brent through the Footways framework contract, officers do not recommend adopting this approach for other environmental services as this would introduce significant financial, service delivery and health and safety risk. Waste collections, parking enforcement, grounds maintenance, arboricultural and street lighting services require a significant scale of operation and size of company to provide the necessary resilience and business continuity to ensure consistency in high quality service delivery. Officers are not aware of any other councils that have successfully adopted a multiple contractor approach for these services. As detailed elsewhere in this report, we will be referencing our Social Value and Ethical Procurement Policy to encourage the service provider to seek every opportunity to take on local suppliers and workforce wherever this is appropriate for the contract and contract area.
8. The “**Sole Provider**” delivery model (i.e. a “super contract”) was not considered in any great detail due to the following significant risks:
 - The impact of the failure of a single provider is potentially very significant
 - Loss of direct influence over service quality
 - Risk of variability in service quality due to diverse range
9. The “**Joint Venture**” model was not considered in any great detail as it was not deemed relevant to the RLS objectives or services in scope; for example, we do not require private sector capital to invest in our services and there is no motive to enter into a profit share with the private sector or to share commercial risk in this way.

Other options

10. Discussions with Veolia on a potential extension for the Public Realm contract were undertaken in early 2021 and did not prove fruitful. The contract makes provision for contract extension by up to a further seven years beyond 31 March 2023, subject to satisfactory performance by the Contractor of its obligations under the Contract and with the agreement of the Contractor. The contract does not specifically establish and bind the contractor to annual pricing beyond 31st March 2023. The principal obstacle to an extension was that the cost base for the contract has shifted significantly since the contract was let in 2014 and it was not possible to arrive at a new cost base that was acceptable to the Council and that the Council could be confident would be legally compliant in terms of procurement law.
11. An integrated ‘green and clean’ service combining grounds maintenance and street cleansing is not favoured on the grounds of cost and the fact that the service synergies between street cleansing and waste collections are considered to be more significant than those between grounds maintenance and street cleansing.

12. The option of an integrated street cleansing and housing estates cleansing service was considered. However, it was concluded that the external cleansing of housing estates and streets require a different mix of technical and manual resource and that the roles of staff across the two service areas differ significantly, with much broader, housing focused responsibilities included in estates cleansing posts.

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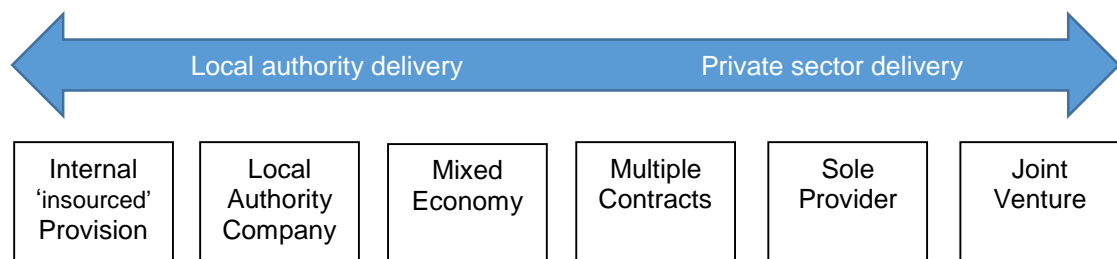
APPENDIX 4: RLS REVIEW FINDINGS

1. An extensive review has been undertaken for the RLS programme over the past two years. The key elements of the review which have influenced the identification and assessment of RLS delivery model options are listed below. These are further summarised in this section of the report.
 - i) Potential delivery models and benchmarking with neighbouring boroughs
 - ii) Council-wide, environmental services and waste contract financial pressures
 - iii) Brent's pensions costs
 - iv) Depot availability and capacity
 - v) RLS service improvement priorities and future vision for the Environmental Services Directorate
 - vi) Key service synergies and interdependencies
 - vii) Generalist versus specialist roles
 - viii) Experience and learning from the Covid-19 pandemic
 - ix) Options appraisals for each RLS service

i) Potential delivery models and benchmarking with neighbouring boroughs

2. A review of the different type of local authority delivery models and the risks and benefits of each was undertaken in 2019. Brent's approach to environmental services currently falls into the 'Multiple Contracts' category in Figure 1 below.

Figure 1: Local authority delivery models



3. The national trends in environmental services procurement were summarised as follows:
 - No 'one size fits all' approach - the right solution will be unique to the individual authority
 - Private sector is more cautious with regards to both risk and price
 - Considerable move away from single supplier model post Carillion, Interserve etc.
 - Attitudes to 'insourcing' have changed. Decisions are being made on what is best in each individual case
 - Many councils are adopting a mixed economy model

- Collaboration between councils continues to develop nationally, particularly with regards to Highways and Waste Collection
4. The common pitfalls of large scale commissioning are considered to be:
- Too much focus on selection of the delivery model and not enough definition of what they want to achieve
 - Lack of clarity and understanding amongst stakeholders of what the objectives should be/are
 - Assumption that if it works in another council it will work in theirs
 - No 'ownership' of the procurement process by those who will eventually be required to deliver the service
 - Adoption of a service delivery model that does not sit well with the culture and capability of the organisation
5. In 2019, Brent officers researched the environmental service provision in the 10 neighbouring and/or West London Waste Authority boroughs. The key findings were as follows:
- All 10 boroughs have mixed delivery models for the environmental services in scope of Project 2023
 - Most boroughs come under the "Multiple Contracts" model (Brent, Camden Westminster, Hammersmith & Fulham, Kensington & Chelsea)
 - Following the withdrawal of Carillion in Hounslow, Brent's Public Realm contract had the widest scope, followed by Ealing's former contract with Amey (Waste/recycling/street cleansing/grounds maintenance/burials) (NB: Ealing has recently established a local authority company for these services)
 - Two boroughs have a mainly in house model (Harrow and Hillingdon)
 - Barnet is the only Joint Venture model through Regional Enterprise Ltd (51% Capita/49% Barnet ownership)
 - Hounslow has expanded its housing Arm's Length Management Organisation model (Lampton 360) to incorporate some of the former Carillion services
 - Both highways services & parking services are universally procured separately as individual contracts, when these services are outsourced
 - There are no joint borough arrangements for environmental services
 - There are limited opportunities for Brent in terms of contract renewal date alignment with neighbouring boroughs in April 2023
6. Officers have also reviewed local authority delivery models nationally and across other London boroughs, including discussions with Islington, Haringey, Redbridge, Waltham Forest and Lambeth, which has informed our consideration of the delivery models that can best meet the objectives of the RLS programme.
- ii) Council wide, Environmental Services and waste service financial pressures**

7. The Council as a whole is subject to significant financial uncertainties, including the expected long term financial impact of COVID-19. The situation remains ongoing and it is extremely difficult to make a full, definitive and comprehensive assessment of the financial impact. The significance of the financial challenge cannot be underestimated. The Council's Medium Term Financial Plan includes expected savings from re-procurement of major contracts, service transformations and efficiency savings.
8. There are other more established financial pressures in Environmental Services; a legacy of repeated cycles of cost reduction through austerity, twinned with a constant and increasing demand on front-line universal services. Overall, the financial pressures across Environmental Services remain serious and very difficult to manage.
9. In addition, there are likely to be significant pressures on waste collection and disposal costs upon renewal of arrangements for these services when the current public realm contract ends in March 2023. These pressures are linked to the increase in waste tonnages and the significant fall in income for recycling since the last contract was let in 2014.

iii) Brent's Pension Fund

10. London Borough of Brent has a high employer contribution rate into the Pension fund relative to its peers within local government. For the financial years 2020-21 – 2022-23, 35% of pensionable pay is required to be contributed to the Pension fund for employees of Brent Council. It is unlikely that this level of contribution will vary significantly in the foreseeable future.
11. In respect of the private sector, the legal minimum contribution that employers are required to make to a pension scheme is 3%. In the case of defined contribution schemes there is no requirement to contribute more than the legal minimum, however some employers choose to do so as part of their overall employee benefits.
12. Local Authority (Teckal¹) Companies (LAC) can choose to introduce new defined contribution schemes for new starters with anticipated reduced costs over time. LAC employer pension contributions under such schemes are typically in the region of 5%. The LGPS can be a significant commercial disadvantage for LACs where they are set up for commercial reasons and need to compete with the private sector for market share.

iv) Depot availability

13. A review of depot provision across the RLS services has considered future depot requirements and how greater commercial value might be achieved by managing our existing depots in a more efficient way, and identifying new depot space that could be used to deliver services which are currently delivered by contractors from sites not

¹ A "Teckal" company is the common name for a company which benefits from contracts for works, services or supply from its controlling Contracting Authority without having to go through a competitive tender process. Local authorities can undertake up to 20% trading with third parties outside of their 'Teckal' contract.

owned by the Council. These sites could be used either by an in house service or offered as part of re-procurement to level the playing field to enable other organisations to bid for our services.

14. The return of the council-owned depot and yard at Unit 2 Marsh Road, Alperton, (the "Depot") into Council hands in January 2020 provided an opportunity to undertake a range of invaluable Covid-19 related functions and has since continued to be a vital resource for the Council's own operational usage. In summer 2020, a review was completed exploring ways to offset the ongoing costs of the Council's use of the Depot arising from the loss of commercial rent and other site costs. As a result of the review, the Depot will be used indefinitely as the base to deliver the following property and environmental services related functions:
 - PPE storage and distribution
 - Document storage
 - Electoral Services – storage/transport of electoral papers/sacks/booths
 - Evidence and parking equipment storage
 - Shared Special Needs Transport bus parking/storage
 - General maintenance for parks, street furniture, public conveniences and cemeteries
 - Highways reactive repairs gang addressing defects arising from customer reports (20% of all highways repairs raised)
 - Sign fabrication and installation
 - Various ad hoc works including the provision of a traffic management function
 - Dealing with waste on private land
15. The council also owns depot and yard space at the adjacent Unit 4-7 Marsh Road, which is currently occupied by Veolia for the delivery of the public realm contract, together with a number of satellite depots in our parks used to deliver street cleansing and grounds maintenance services. These sites are all being retained indefinitely for environmental services delivery.
16. The depot review confirmed that the Depot and the satellite park depots would be sufficient to accommodate an in house highways reactive maintenance service and a grounds maintenance service, should an insourced model be selected for these services.
17. There are further depot facilities in our cemeteries which helped enable the decision to vary the existing Public Realm contract to bring in house the grave digging and cemeteries grounds maintenance function in December 2020.
18. There remains no viable depot facility in the borough to accommodate arboricultural services, be that through an insourced or outsourced model.

v) RLS service improvement priorities and the future vision for the Environmental Services Directorate

19. A review of existing environmental services provision has been undertaken as part of the RLS programme in order to identify areas for service improvement. The key findings from this review in relation to the Council's existing contracts were:
- The current environmental services contracts within the scope of the RLS programme are generally considered to perform satisfactorily
 - Broader contracts have tended to lose focus/underperform in lower value areas (e.g. burials, grounds maintenance, reactive highways maintenance)
 - There are occasions when our contractors could act more responsively to address issues and problems in the public realm
 - There tends to be a lack of innovation and creativity from contractors
 - There is generally a lack of a shared ethos with contractors
 - There is potential to achieve greater Social Value outcomes via the Council's Social and Ethical Procurement Policy adopted in May 2020
20. The key findings from the review in relation to our internal 'client' services responsible for managing services in scope of RLS were:
- Services are predominantly reactive, expending significant resources on the resolution of issues and problems, with a lack of resource to focus on service development
 - There is potential to make better use of digital technology and data, including automating and streamlining internal processes, sharing and analysing real time data and improving the customer interface
 - There is need for a more strategic focus on identifying and realising commercial opportunities
 - There is scope for further integration of enforcement services and to deliver this more consistently across the whole public realm, for instance in parks
 - There is a marked lack of resource for contract management and area based monitoring and inspection
 - The current organisational structure is now too stretched and may hamper rather than facilitate service delivery, relying too much on the high input and commitment of individuals
21. In respect of the last two points, the move to a 'lean client' over the past decade was in part a deliberate strategy to test self-monitoring approaches within our contracts and to reduce costs throughout the 'austerity' period. While it had been hoped that the impact of the £2.5m staffing reductions since 2017 could be mitigated, for instance, through restructuring and a centralisation of functions, it has not been possible to fully mitigate this impact and a more sustainable staffing structure is now considered desirable.
22. To inform our future approach to client side management, officers have benchmarked our client functions against other London Boroughs. Examples where this benchmarking has shown significant gaps are listed below.

- Brent has one Arboricultural Officer for our Arboricultural Services contract compared to the London average of 3.7 officers. Tree surveying is currently outsourced to the tree maintenance contractor who raises and carries out its own work orders. Undertaking inspections and raising works orders ourselves would achieve better value for our tree maintenance budget.
- Brent currently has 3 dedicated highways inspectors and utilises a reactive maintenance engineer to provide cover for leave, sickness etc. In comparison, Haringey (a similar borough) has 5 inspectors, including a team leader. With “Well Maintained Highways” specifying a review for road hierarchy, inspection risk and frequency, the number of planned inspections will increase. To ensure we can continue to efficiently deliver planned inspections (the first line of defence for insurance claims) and to provide timely reactive inspections (generated from customers including members and are considered high profile), it is essential we have increased resources in this area.

23. The RLS service reviews helped to identify the following overarching improvement priorities for future service provision which we would aim to deliver, as far as possible within the available budget, under whichever delivery model is selected:

- Improved contract management and monitoring for contracted services
- An intelligence-led approach to the deployment of resources
- Greater responsiveness to addressing issues and problems in the public realm
- Better digital customer interface with real-time information and issue reporting
- Additional capacity for continuous service improvement and innovation
- Focusing specialist officers where they can add the greatest value, with more triaging between generalist and specialist roles
- Deliver better Social Value outcomes via the Council’s Social and Ethical Procurement Policy (strategic themes and examples included below):
 - Strong Foundations – number of community engagements / events delivered to improve outcomes in the community
 - Every Opportunity to Succeed – number of local jobs created, including focus on disadvantaged groups
 - A Future Built for Everyone, An Economy Fit for All – number of SMEs and third sector organisations that benefit from the procurement exercise
 - A Cleaner, More Considerate Brent – strive for carbon neutrality by 2030 and enhance nature and biodiversity
 - A Borough Where We Can All Feel Safe, Secure, Happy and Healthy – support charities who encourage and enable increased physical and mental wellbeing

24. In support of these overarching service improvement priorities, a vision has emerged for how the Environmental Services Directorate as a whole could achieve greater integration and efficiencies aligned to the RLS objectives through a reorganisation along the following dimensions:

- A neighbourhood approach to managing local issues to meet the needs of local areas, and to achieve greater integration, flexibility and control of services – comprising area monitoring, engagement, education, enforcement, regulation, contract management and day to day small scale operations/repairs (e.g. potholes, park/street furniture defects, signage etc.).
- A borough-wide approach to managing our strategic assets and infrastructure to ensure investment is spent well. This relates to- waste infrastructure and collections; highways schemes, planned maintenance and specialist services; street lighting; and, arboricultural services.
- An integrated back office supporting the delivery of both the neighbourhood and strategic asset management approaches. The vision for the integrated back office is to create a digitally and data-led, streamlined, customer focused system which supports integrated working across all services, across the wider council and provides seamless information flows with the community and our partners.

vi) Key service synergies and interdependencies

25. The RLS programme covers a broad range of services which all connect with each other in a myriad of ways. However, when considering which of these interdependencies are sufficiently significant to warrant full alignment and integration within a specific delivery model, there is one key “co-dependency” which relates to waste collections, street cleansing and winter maintenance functions. Combining these functions provides economies of scale, operational efficiency and value for money for the following reasons:
- Street cleansing can be optimised in relation to waste collections
 - Flexible resource for fast response to litter bin emptying, fly-tip removal and emergencies
 - Greater resilience to the impact of sharp reductions in driver availability and the ability to respond to surges in demand for staff
 - Improved waste handling/landfill diversion rates
 - Improved response to exceptional circumstances like snow, pandemic, extraordinary events
 - Winter gritting can be shared across HGV drivers and streets’ operatives
26. Other service functions that will require a very close ‘partnership’ arrangement, but without the necessity of full alignment, are:
- Cleansing across streets and parks
 - Grounds maintenance in parks, at roadside verges and in cemeteries
 - The control of anti-social behaviour and environmental enforcement
 - Parking management and our work to manage and improve our highways and transportation

vii) Generalist versus specialist roles

27. Consideration has been given to the choice of whether to adopt a multi-tasked or dedicated workforce. In most cases, it is considered that the principle of 'division of labour' works best for environmental services. The division of labour leads to higher productivity and lower costs. However, in certain cases, it can make sense to use generic, multi-tasked roles.

viii) Experience and learning from the Covid-19 pandemic

28. Officers carried out an assessment of the implications of the Covid-19 pandemic for our future commissioning strategy for these services. It was concluded that there is no significant change to the fundamental service related considerations involved in decisions over whether to insource or outsource RLS services linked to the pandemic outlook. However, the following factors have been noted:

- During lockdown, our contractors have maintained good to adequate capacity, have largely performed to customary standards, have been very adaptable to new demands and requests, and have been reasonable with their contract pricing
- We do not have any evidence to suggest that tender prices will be any higher due to the pandemic and expect that competition will keep pricing keen
- A strong case remains to insource functions where we believe the Council can achieve higher quality services, for instance with the reactive highways maintenance, grounds maintenance and cemeteries functions
- There may be potential for in-out lockdowns and further waves to create a distraction and a drain on internal capacity, and costs may be better controlled in these circumstances through an outsourced approach.

ix) Service Options appraisals

29. Options appraisals have been undertaken for the following services, which are each summarised in Appendix 5.

- i) Highways Services
- ii) Grounds Maintenance
- iii) Street Cleansing
- iv) Arboricultural Services
- v) Parking Services
- vi) Street Lighting
- vii) Waste and recycling collections and reprocessing

30. These appraisals considered the following delivery models for each service:

- Outsourcing through either contract extension (if applicable) or retendering

- Direct insourced provision
 - Insourcing via a Local Authority Company
 - Partial insourcing
31. Direct insourcing and insourcing via a Local Authority Company costings were based on estimates for the following:
- Direct costs of service provision (recurring revenue costs)
 - Necessary increases for central overheads – ranging from 2% to 10% per employee
 - The costing of risks - 15% general contingency
 - One off mobilisation costs
 - Capital costs for premises, fleet and equipment
32. The costs for retendering options have been based on our best intelligence for current market prices.
33. A summary of the cost of the options considered for each of these services is included in section 8 of Appendix 5.

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APPENDIX 5: SUMMARY OF RLS SERVICE OPTION APPRAISALS

1. HIGHWAYS SERVICES

- 1.1 Brent has used the London Highways Alliance Contract (LoHAC 1) for all its civil and specialist works services with the contract delivered by Conway Aecom and originally due to end at 31 March 2021.
- 1.2 Whilst the scheme works, planned maintenance and specialist elements of the contract (i.e. structures and drainage) performed well, Conway Aecom consistently struggled to effectively resource the reactive repairs element of the contract, resulting in a backlog of late repairs generating avoidable follow up complaints from stakeholders and additional work to monitor and audit performance. The poor performance of the reactive element of this contract was one of the key drivers behind the identification of the RLS priority to seek greater control and flexibility for our services in future.
- 1.3 In addition to poor contractor performance on reactive maintenance, current budget provision means that annually, approximately 65% of medium priority defects are not ordered for repair.
- 1.4 In late 2019, the council explored options for recommissioning our highways services, including the viability of the use of the Unit 2, Marsh Road Depot in Alperton. It was confirmed that the site was highly suitable for the delivery of in house highways reactive maintenance and gulley cleansing, with potential for additional public realm maintenance to be delivered from the site such as street furniture and signage, but less so for the delivery of highways schemes, planned maintenance or specialist services. Furthermore, it was concluded that other than reactive highways maintenance, all other highways services would be best outsourced due to the level of specialism and the intermittent nature of these works.
- 1.5 In early 2020, a preferred commissioning strategy for highways services was developed comprising the following elements:
- i) Fully in source the highways reactive maintenance service, to be based at the Council-owned depot and yard at Unit 2, Marsh Road, Alperton (“the Depot”), from April 2022.
 - ii) In parallel, re-procure highways scheme works, planned maintenance and specialist services via a new seven year framework contract, to go live in April 2022, including provision for ad hoc reactive maintenance services to be drawn down from this framework at times when the in house service is operating at capacity. (An extensive reactive maintenance service would be drawn down for the financial year 2022-23, while the in house service is in development).
 - iii) Develop interim procurement arrangements for all highways services from April 2021 until end March 2022.
- 1.6 The uncertainty caused by Covid-19 in spring 2020, however, in relation to both delivery and affordability risk, led to alternative interim arrangements being put in place until 31 March 2023. Whilst the preferred commissioning strategy in para 1.5 above was

considered to best meet the priorities and objectives set for the RLS programme at that time, affordability had become the key factor.

- 1.7 As a result of the uncertainty created by Covid, the existing LoHAC 1 contract was extended by two years until 31 March 2023, involving a variation to the current contract and novation from Conway Aecom to FM Conway (as the former company is being wound down). In parallel, the Council will test a small scale in house highways reactive maintenance service, based at the Depot. This team will focus on remedying highways defects generated by customer reports. These defects tend to be the most contentious and cause the most correspondence, complaints and therefore reputational harm. The repairs would include minor potholes and footway defects such as raised and cracked slabs causing slip/trip hazards, and dislodged kerbs, posts and bollards. Defects identified through scheduled inspections will remain allocated to FM Conway.
- 1.8 There are three potential commissioning options for consideration for 1 April 2023. Decision on these options will need to be made by January 2022 to allow sufficient time for both evaluation of the in house trial and implementation of the new arrangements by 1st April 2023:
- i) Continue the small scale in house reactive maintenance service and re-procure the rest of reactive maintenance, scheme works, planned maintenance and specialist services via a seven year Brent-led framework contract from 1 April 2023 until 31st March 2030.
 - ii) Bring highways reactive maintenance fully in house and re-procure highways scheme works, planned maintenance and specialist services via a seven year Brent-led framework contract from 1 April 2023 until 31st March 2030.
 - iii) Outsource all highways services via a seven year Brent-led framework contract from 1 April 2023 until 31st March 2030.
- 1.9 The cost of insourcing the full highways reactive maintenance function has been revisited as part of the preparation of this report. Fully insourcing the highways reactive maintenance service is estimated to carry a potential additional cost rising to £0.59m per annum from 2024/25, compared to an additional cost of retendering of circa £0.1m per annum. By comparison, insourcing via a local authority company would cost an additional £0.35m from 2024/25.
- 1.10 The principal factors behind the additional cost of insourcing are the ability of contractors to achieve efficiencies and economies of scale across a range of contracts, higher productivity linked to longer working hours and the cost of local government pensions. The capital requirement for full insourcing is £0.6m.

2. GROUNDS MAINTENANCE

- 2.1 Grounds maintenance is currently included in the Public Realm contract and covers Brent's parks, housing estates and highways grass verges. The estimated cost of GM provision within the total Public Realm contract is £2.6m per annum, with £400k of this funded from the Housing Revenue account for grounds maintenance on housing estates.

Category	No. of sites	Approximate area
Parks and Open Spaces	114	458.28 ha (hectares)
Sports Pitches	108	n/a
Playgrounds and MUGAs	55	n/a
Allotments	21	13.8 ha (hectares)
Shrub Sites (outside Parks)	229	33,862m ²
Grass Verges	353	306,825m ²
Brent Housing Estates	273	TBC

2.2 There are 6 depots located in borough parks, with the first 3 listed below currently utilised to deliver grounds maintenance services:

- Gladstone Park
- Roundwood Park
- Vale Farm
- King Edwards VII Park
- Roe Green
- Northwick Park

2.3 Veolia currently operate separate teams for parks, housing and verges as follows:

- Housing: 2x Team Leader, 10x Operatives, with operations split between North and South of the borough.
- Parks: 5x Team Leader, 27x Operatives, 6x Wardens, with operations split between North and South of the borough.
- Verges: 1x Team Leader, 2x Operatives, operating across the whole borough.

2.4 In early 2021, Brent commissioned an independent consultant to estimate the cost of insourcing the grounds maintenance function on both the “as is” Veolia model (Option A) and an alternative model that could be integrated with Brent’s neighbourhood management approach (Option B).

2.5 Option B was considered preferable were the Council to insource this function; each neighbourhood would have its own set of resources to deliver grounds maintenance. The approach is based on ownership, recognition and accountability and the staff resources allocated for each area would be empowered to deliver the service to meet the requirements of each given neighbourhood. Each neighbourhood may have different aspirations so having in house neighbourhood teams allows the work schedules to be changed to suit such local needs and to best use the resources that have been allocated. This approach, when managed and developed correctly, usually results in higher standards and higher levels of customer satisfaction.

2.6 It was estimated to cost an additional £1.23m to directly insource the grounds maintenance function on a neighbourhood model. For comparison, the cost for insourcing via a Local Authority Company was estimated at an additional £0.65m.

- 2.7 Depreciation for vehicles has been included in the revenue cost and therefore capital is not an additional cost. For cash-flow purposes the capital required for fleet is £2.6m. An additional £0.5m would be required for depot refurbishment and £0.2m for one off mobilisation costs.

	Veolia (as-is)	LBB In-Sourced (as is) Option A		LBB In-Sourced (Neighbourhoods) Option B	
		35% Pension	5% Pension	35% Pension	5% Pension
Costs	£ '000s	£ '000s	£ '000s	£ '000s	£ '000s
Staffing Costs	1,905	2,489	1,971	2,440	1,933
Vehicles	490	490	490	575	575
Materials and Equipment	102	102	102	113	113
Depot Costs	15	15	15	15	15
Other	33	33	33	33	33
Central Overheads	41	132	132	142	142
General Contingency	-	489	411	498	421
Revenue Costs Total	2,586	3,750	3,154	3,814	3,231

3. STREET CLEANSING

- 3.1 An assessment of the cost of insourcing the street cleansing service was undertaken by APSE in early 2021. The current costs of the service were found to be high in comparison to APSE national indicators, however, it was recognised that the service needs of local authorities can vary in relation to their size and demographical characteristics coupled to the needs and aspirations of the public and the Council. A benchmarking study undertaken across London boroughs in 2009, the findings of which are still considered valid, on the extent to which boroughs are 'easy to serve', placed Brent in the 'hard to serve' category (i.e. facing greater demands than boroughs in the other categories of 'median to serve' and 'easy to serve').
- 3.2 APSE considered that bringing the services in-house would allow the Council to manage its services in a more strategic manner and have a greater degree of control and flexibility in the manner they are provided. This would assist the council in developing and enhancing its corporate planning process and provide a public ethos in service delivery.
- 3.3 A financial assessment was undertaken with a direct comparison between the current contract costs and the operating costs of an in-house service. The level of resources (manpower vehicles etc.) currently utilised by the contractor was analysed and replicated to create a "shadow budget" to enable the Council to consider the financial implications of bringing the service in-house. This shadow budget was formulated by APSE representatives in liaison with Council's accountancy section and Council officers managing the service.
- 3.4 The financial modelling undertaken as part of APSE's review concluded that there would be a significant additional cost to bringing the service in house. The estimated current annual cost of the contractor is £7.17m which when compared to the projected estimated costs of £9.76m for an in-house service based on a 35% pension contribution

represents a financial gap of £2.58m. The financial gap would be reduced to £1.13m when based on the 5% pension contribution option of a Local Authority Company.

- 3.5 APSE considered there to be significant scope for the Council to strengthen its 3E's strategy (education, engagement, enforcement) and to be more proactive in developing civic pride and caring for the environment. This could lead to a cleaner environment and therefore place less demands on the service.

4. ARBORICULTURAL SERVICES

- 4.1 The objectives of the Arboricultural Service are to:

- Provide well-maintained trees that are appropriate for their setting, which improve the public realm, and contribute positively to local biodiversity and air quality
- Remove and replace trees at high risk of causing insurance claims
- Maintain at least the current number of street trees
- Meet a high level of legislative requirements: Safety of operatives and the public
- COSSH, Environmental Protection Act 1990

- 4.2 The service is responsible for the maintenance of approximately 20,000 street trees, 12,000 Parks trees and 5,000 Housing trees. Maintenance includes pruning, pollarding, ground works, removal and planting. The current contract commenced in April 2018 and will end in March 2023 with a possible 2-year extension to 31 March 2025.

- 4.3 Contract spend is £571k per annum for street trees, and around £160k per annum for Housing and £40k per annum for Parks. Unit costs are dependent on type of work and size of tree. The contract contains a detailed schedule of rates covering the whole contract period, with no requirement for any inflationary price increases.

- 4.4 The following options were considered:

Option 1: In-source the arboriculture service

Option 2: Extend the current Arboricultural Services contract for two years and insource the tree surveying and data management function from April 2023

Option 3: Re-procure the arboriculture service

- 4.5 Direct provision of tree maintenance services would require a depot facility with at least an acre for plant and vehicle storage, mess facilities, tree waste storage and good access for a large articulated lorry. There would potentially be issues regarding the impact of noise from the depot on nearby residents or businesses. It has not been possible to identify suitable space for such a depot on council owned land. Annual rental of a suitable site were a site be found would likely cost in the region of £130k to £175k p.a., or a purchase price in the region of £1.1M. This, together with the disadvantages and risks associated with insourcing below, has led to the insourcing option being considered unfavourable.

- The Council has no experience in the direct delivery of arboricultural services and there is no successful in-house service at any other London borough to provide relevant experience to draw on

- The recruitment of a fixed permanent workforce would not facilitate flexibility for variations in demand, particularly during the winter months when the service is busiest
- The Council is less likely to attract and retain qualified staff members with only a single-borough localised service, and would not be able to offer the same productivity incentives
- Significantly greater costs would be incurred through this approach (£469k more per annum, comprising direct costs, central overheads and 15% general contingency), with an additional £100k in mobilisation costs and £810k for investment in the depot, several new specialist vehicles and plant
- A well-functioning arboricultural service could not be guaranteed to be risk-free with this option, which could directly impact on the functions of the Housing and Parks services in addition to the street trees service
- Bringing services in-house is a complex transfer of undertaking with the potential for unexpected costs and a substantive transition period
- Only one London borough provides arboricultural services through an in-house DSO; it is reported that the borough has a significant backlog of work, with contractors brought in to clear this. Following an incident a service review is now taking place

4.6 Option 2 - extend the current maintenance contract for two years and insource the tree surveying and data management function from April 2023 - is the recommended commissioning solution for the following reasons:

- Until March 2025 the Council can expect the delivery of arboricultural services by a highly experienced company with a proven track record in Brent
- The current contractor has already made the necessary investment in vehicles, plant and depot facilities
- The contractor can draw from a wide pool of qualified technical staff, and attracts & retains staff by providing performance incentives
- The contractor has arrangements in place to deploy additional staff during the winter months
- Key costs are shared by the provider across several contracts, which makes it the least expensive option in the short-term due to economies of scale.
- There will be no immediate need to mobilise a new provider
- The cost of the contract would not be subject to an inflationary price increase until April 2025
- There will be an opportunity to review and amend the terms of the contract based on lessons learned
- Extending the contract would provide an opportunity to in-source the tree surveying function and associated database from April 2023, to provide the Council with greater control of the service, facilitating better planning and completion of works and achieving better value for money for our maintenance budget
- Staff time required to maintain the database would be covered from existing resources, and/or as an element of the TUPE transfer to the Council of the existing

surveyor post. Option 2b is estimated to cost an additional £25-30k per annum, comprising £20k in staff costs and circa £5k - 10k in database license costs, with £20K capital required to purchase the tree database

4.7 Option 3, going to immediate re-procurement of the service through an external contractor is not recommended, as:

- Performance standards of the current contractor remain high
- Avoidable costs would be incurred in tendering out the contract early during 2022/23
- Going to the market for April 2023 would be highly unlikely to lead to the appointment of a better performing contractor or a reduction in the cost of the contract
- The cost of the new contract in the first two years would increase by an estimated £154k to reflect inflation from 2018 to 2023

4.8 Officers considered the potential to merge arboriculture and grounds maintenance functions, either through insourced provision or through an outsourced arrangement. Tree maintenance services are highly specialist, however, and arboriculture and grounds maintenance functions tend to be kept separate when delivered in house, while even specialist green services companies who provide both services tend to have separate grounds and arboricultural divisions.

5. PARKING SERVICES

5.1 An independent parking specialist was commissioned to undertake an in depth parking enforcement option appraisal. This considered the impact and practicalities of bringing some or all of these services in house at the end of the current contract period and potential synergies with other Council services.

5.2 The appraisal concluded that, while from an operational perspective there is nothing that the current contractor does that the Council could not do for itself, there are significant financial considerations attached to such a move. Those financial considerations were broken down across three key areas:

- Mobilisation – the one-off cost associated with the inbound transfer
- Annual Running Costs – additional costs driven in the main by higher staff salaries
- At-Risk Costs – additional costs driven in the main by the risk of reduced operational performance of the service

5.3 The costs of full insourcing were presented in a Low, Medium, High scenarios model, based on a drop in operational performance of 8%, 16% and 24% respectively. These were summed as 5-year totals which would represent the minimum period the service would likely remain in-house were the Council to subsequently decide to outsource the service again.

5.4 The Medium scenario estimated an additional cost of £3.7m per year, as well as an upfront mobilisation cost of £0.42m. The Council was advised to consider the Medium case as the most likely to occur, with variance towards the High case scenario more

likely than variance towards the Low case scenario. If the High cost scenario were to materialise the additional cost would increase to £4.2m per annum.

- 5.5 The opportunity for synergies across other Environmental Enforcement functions highlighted a number of significant risks to a merger with other enforcement functions. While the notion of a single joint enforcement team is attractive, we were advised that no other local authority appears to have adopted this approach and that a business case would not be favourable for the following reasons:
- The services act under different legislation and have very separate considerations that need to be taken into account when carrying out enforcement action, which require different workflows and systems which would not be easy to integrate either in the back office or out in the field
 - The legal requirement for the Civil Enforcement Officers' (CEO) uniform to carry clear identification
 - The significant financial impact of diluting focus of enforcement officers on operational performance such as issuance of Penalty Charge Notices
 - The difference in grading of CEOs (Scale 4) compared to Environmental Enforcement officers (SO1), representing a £9k difference per annum per officer. Any move to instigate joint working or a single multi-skilled workforce was considered likely to cause an upward revision of the CEO salary and supervisory roles above them, exposing the Council to a new risk of up to £1m per year in additional salary costs
- 5.6 Options for partial in-sourcing were also examined. Each service function was considered to understand if there was any financial or strategic advantage to in-sourcing. In most instances, no such benefit could be identified. The exception was the Pre-Notice to Owner (NTO) Correspondence work-stream. Serco currently provides this service to the Council with two staff based at its depot in Park Royal.
- 5.7 The individuals could be incorporated back into the larger Parking back-office Notice Processing Team. The addition of these two individuals would be absorbed within the structure without any need to change either structure or management capacity. The additional cost of taking this specific service back into the Council is estimated at £32k per year. This variance is made up of direct employee costs driven by the Council's higher cost of employment and benefits. No additional, indirect corporate overheads would be charged for these two posts given the low anticipated impact on corporate resources.
- 5.8 Although this option is a net cost, it does present some benefits for that cost. While there is nothing in legislation that prevents the outsourcing of this work-stream, there has historically been discomfort in some quarters that doing so results in a situation where the contractor is in effect "marking its own homework" as it is issuing the PCNs and then answering the challenges to those same PCNs. Moving this service back In-House could provide:
- Greater transparency on the activities of the contractor
 - More control on how policy is applied to the cancellation of PCNs
 - Improved quality of Pre-NTO correspondence

- Greater consistency between Pre and Post NTO communications with customers
 - Greater flexibility across the wider PCN correspondence team to deal with surges in workload
- 5.9 The recommendation for parking services is therefore to insource the informal parking appeals team and re-procure all other parking services for 1st April 2023. All Serco employees on the Brent contract are paid the London Living Wage, with Civil Enforcement Officers paid an annual salary of £24k.

6. STREET LIGHTING

- 6.1 Brent currently uses FM Conway (FMC) for the core maintenance service. An officer-led options appraisal has been completed which recommends that these services stay outsourced, either through a two year contract extension from 1 April 2023 to 31 March 2025 or through a re-procurement exercise, following appraisal of the current contractor's performance later this year. A decision on whether to extend or re-procure would need to be made by December 2021.
- 6.2 Of the projected £1.1m lighting maintenance budget, the core maintenance contract represents about £800k of activity. The balance of the budget (£300k) is used for specific major investments required by new developments or immediate safety pressures. For the purpose of this assessment, the cost comparison between the two main options has focused on the core contract, valued currently at £800k. It is assumed that the remaining budget of £300k would not be impacted significantly whether the core contract was outsourced or provided by an in-house team.
- 6.3 Over a four year contract period, the additional cost of in-house street lighting maintenance provision via a DSO is estimated to amount to £1.057m revenue and £365k capital. The additional costs would be:
- £208k per annum on a recurring basis;
 - £365k upfront capital investment in the year 2022/23; and
 - £225k revenue mobilisation costs in the first year.
- 6.4 While the Council would have direct control over operations, it has no experience of delivering lighting maintenance, and there is no comparable in-house service at other London boroughs to provide relevant experience to draw on. The recruitment of a fixed permanent workforce would not facilitate flexibility for variations in demand. The Council are less likely to attract and retain qualified staff members with only a single-borough localised service, and would not be able to offer the same productivity incentives.
- 6.5 The Council would have greater budgetary flexibility, but significantly greater costs would be incurred through this approach, including the need for additional investment in the depot, several new specialist vehicles and electrical plant.
- 6.6 A well-functioning lighting maintenance service could not be guaranteed to be risk-free with this option, which could directly impact on the functions of the Highways and Infrastructure Team, particularly risks to road safety and the effective management of the public highway.

- 6.7 Bringing services in-house is complex transfer of undertaking with the potential for unexpected costs and a substantive transition period.
- 6.8 The benefits of these services remaining outsourced are:
- The Council can expect the delivery of lighting maintenance with an experienced company with a proven track record
 - Contractors operating in this field have already made the necessary investment in vehicles, plant and depot facilities
 - A specialist organisation can draw from a wider pool of qualified technical staff, and attract & retain staff by providing performance incentives
 - Any costs can be shared by the provider across several contracts, which makes it the least expensive option due to economies of scale
 - By re-procuring all street lighting services, there will be no need for a long mobilisation period
 - There will be an opportunity to review and amend the terms of the contract based on lessons learned
 - Some financial and operational risks are borne by the contractor rather than by the Council. The Council can use robust contract management to ensure that services are delivered as specified

7. WASTE AND RECYCLING COLLECTIONS AND REPROCESSING

- 7.1 During financial year 2020-21, West London Waste carried out an options appraisal for Brent's waste and recycling services which assessed the following delivery models:
- Direct insourcing
 - Insourcing via a local authority company (Local Authority Company)
 - Re-procuring

Review of service delivery model options

- 7.2 The cost of the waste collection elements of the current Public Ream contract combined with the waste disposal costs – i.e. the whole system waste cost to Brent - is estimated at £20m. The table overleaf shows the total cost of three competing service delivery models (our recommissioning options), with general contingency at 15% added for the insourcing options 2 and 3. Options 2 and 3 would also attract upfront mobilisation costs of £0.5m.

Option	Impact	Pros	Cons	Total Cost p/a
1. Retendering	<ul style="list-style-type: none"> • Generate competition in the market to ensure optimised solution and high levels of innovation • Create a flexible contract to partner with the Borough through the changes following the Environment Bill in 2023 	<ul style="list-style-type: none"> • Balanced risk transfer ie. operational risk • Central overhead efficiency • Ongoing efficiency drive • Competition 	<ul style="list-style-type: none"> • Lack of control • No transparency in ops/costs • High initial innovation • Low in contract innovation • Contract mobilisation and delivery in line with bid quality 	£21.5m
2. Insourcing via a Local Authority Company	<ul style="list-style-type: none"> • This is likely to marginally increase the cost compared to private sector due to the increase in pension costs and a potential increase in overhead. 	<ul style="list-style-type: none"> • Control • New service/ potential for ongoing change 	<ul style="list-style-type: none"> • All Risk sits with the Borough. • Longer term contract potentially stifles innovation/change. • Cost depending on terms of employment. • Additional management resource • Company overhead 	£23.5m
3. Insourcing Direct	<ul style="list-style-type: none"> • Full control of the services however at an increased cost due to the pension contributions and overhead costs. 	Control	<ul style="list-style-type: none"> • All risk sits with the Borough. • Long-term softening of efficiency • Cost • Delivery experience 	£24m

8. SUMMARY COSTS OF DELIVERY MODEL OPTIONS FOR EACH SERVICE

The table below compares the costs of retendering, insourcing and establishing a local authority company for each service. Rows 9 to 14 show a breakdown of the additional costs of insourcing, whilst rows 15 to 21 show a further breakdown of row 12 costs.

Service	Retendering £000	Insourcing £000	Local Authority Company £000	Insourcing variance against Retendering £000	Local Authority Company variance against Retendering £000
1. Street cleansing	7,176	9,758	8,306	2,582	1,130
2. Grounds maintenance	2,586	3,814	3,231	1,228	645
3. Waste (total waste costs including disposal)	21,460	23,936	23,552	2,476	2,093
4. Highways (reactive maintenance only)	827	1,452	1,215	625	388
5. Arboricultural services	771	1,240	1,101	469	330
6. Street lighting maintenance	800	1,008	912	208	112
7. Parking	6,265	9,933	8,975	3,668	2,710
8. Winter maintenance	385	443	443	58	58
Total	40,270	51,584	47,736	11,314	7,466
9. o/w Contingency				5,276	4,807
10. o/w Reduced PCN Income				944	944
11. o/w Additional Pension Costs				3,734	
12. o/w Additional Productivity and Brent Council Pay Scales				1,170	1,170
13. o/w Additional Overheads					359
14. Other				189	185

Breakdown of Additional Productivity an Brent Council Pay Scales				
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15. Street Cleansing - additional labour costs to reflect reduction in hours from 40 to 36				350
16. Street Cleansing - application of Pension costs to Overtime and Bonus				133
17. Street Cleansing - training costs and higher pay scales				74
18. Street Cleansing Total				557
19. Parking - additional staff through insourcing service and higher pay costs				370
20. Waste				189
21. Other (Arboriculture, Grounds Maintenance and Street Lighting)				55
Total				1,170

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

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 Brent	Cabinet 16 August 2021
Report from the Strategic Director of Regeneration & Environment	
Wembley Housing Zone – Approval of Procurement for Development of Council sites and Associated Matters	

Wards Affected:	Wembley Central
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt <i>Appendix 1, 2, 3, 4, 5 and 6 are not for publication as they contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)".</i>
No. of Appendices:	Seven: Appendix 1: Soft Market Testing April 2021 (exempt) Appendix 2: WHZ procurement overview (exempt) Appendix 3: WHZ development appraisals summary 2021 (exempt) Appendix 4: WHZ development appraisals 2021 (exempt) Appendix 5: WHZ internal financial appraisal summary (exempt) Appendix 6: WHZ EY VAT Advice July 2020 (exempt) Appendix 7: WHZ Equalities Analysis
Background Papers:	Cabinet January 2018 - Wembley Housing Zone update and appointment of architecturally led multidisciplinary design team Cabinet July 2016 - Wembley Housing Zone Programme: Property Acquisition Cabinet July 2015 - Wembley and Alperton Housing Zones
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Jonathan Kay Head of Regeneration Tel: 020 8937 2348 Jonathan.Kay@brent.gov.uk Alice Lester Operational Director Regeneration Tel: 020 8937 6441 Alice.Lester@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report updates Cabinet on progress on council-led mixed use regeneration of the eastern end of Wembley High Road within the Wembley Housing Zone, and seeks approvals to procure a delivery partner and associated matters, to redevelop both the land to the east of Cecil Avenue and Ujima House.

2.0 Recommendations for Cabinet

Cabinet are asked to:

- 2.1 Note the progress made to date in the Wembley Housing Zone programme;
- 2.2 Approve the preferred delivery option for the regeneration of the sites known as land to the east of Cecil Avenue and Ujima House ('the Sites') as detailed in paragraph 3.5.1;
- 2.3 Note the financial viability of the scheme and approve the budget requirement to deliver the preferred option as detailed in Appendix 5;
- 2.4 Approve the procurement of a delivery partner for the Sites, through inviting tenders using a Competitive Procedure with Negotiation under the Public Contracts Regulations 2015;
- 2.5 Delegate to the Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property & Planning, the decision on alternative development scheme proposals and procurement routes, if procurement of the preferred option is unsuccessful in relation to the Sites;
- 2.6 Delegate to the Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property & Planning, approval of pre-tender considerations set out in Standing Order 89 in respect of the procurement of a delivery partner for the Sites.
- 2.7 Delegate authority to the Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property & Planning, to award the contract to the preferred bidder to progress delivery of the Sites;
- 2.8 Note there will be appointment of professional consultants to support delivery of the Sites, using powers delegated under the Constitution;
- 2.9 Delegate authority to the Strategic Director of Regeneration & Environment, in consultation with the Cabinet Member for Regeneration, Property & Planning to consult with those affected by the appropriation of the Sites and to consider 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 has been provided;
- 2.10 Delegate authority to the Strategic Director of Regeneration & Environment, in consultation with the Cabinet Member for Regeneration, Property & Planning to appropriate the Sites for planning purposes pursuant to section 122 of the Local

Government Act 1972 and to override third party rights and interests in the Sites pursuant to section 203 of the Housing and Planning Act 2016; and

- 2.11 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.
- 2.12 Delegate authority to the Strategic Director of Regeneration & Environment, in consultation with the Cabinet Member for Regeneration, Property & Planning, to make amendments to the Wembley Housing Zone funding contract or enter a new agreement with the Greater London Authority to receive grant to deliver the Sites for the reasons detailed in paragraph 3.3.2.

3.0 Detail

3.1 Summary

- 3.1.1 Brent Council in partnership with the GLA established in 2015 the Wembley Housing Zone (WHZ) to increase and accelerate the delivery of new homes. Legal agreements signed with the GLA secured £8m grant to deliver a rolling programme of development across six sites and regenerate the area by 2025. Brent Cabinet in July 2016 resolved to use GLA grant to buy Ujima House, and then in January 2018 to progress design and planning of its land interests at Cecil Avenue and Ujima House.
- 3.1.2 Cabinet Members were consulted in July 2020 and indicated a preferred delivery option for the Cecil Avenue site, namely that the Council finance construction, retain the affordable housing, and procure a developer partner to build out and take the private sales housing – subject to Secretary of State de-designation of the site from school use and Brent Cabinet approval.
- 3.1.3 Successful mixed use regeneration of these two key council-owned sites would unlock the vision to revitalise the eastern stretch of Wembley High Road, with commercial and community uses creating an active frontage in this gateway location, linking the established Wembley Central town centre with the new Wembley Park regeneration.
- 3.1.4 Planning decisions issued in February 2021 on the two sites are for high quality, housing-led development comprising over 300 new homes, including affordable and larger family sized homes, and would increase housing supply, and boost town centre footfall and spend. Workspace to support job creation and economic growth, community space, highway and public realm improvements, and new publicly accessible green space completes the regeneration. At the same time, heads of terms are now agreed with the GLA to amend the existing funding agreement and grant to deliver 50% affordable homes on the two-council owned sites, with lower London Affordable Rents.
- 3.1.5 With planning decisions issued, GLA funding refocused on the two council-owned sites, and Department for Education (DfE) June 2021 confirming Secretary of State conditional consent to dispose of the Cecil Avenue land, the proposal is to bring the Cecil Avenue and Ujima House sites to the market together, build out the schemes, and maximise benefits for local residents, businesses and communities.

3.2 Planning Update

- 3.2.1 Planning permissions were granted for both sites in February 2021. The larger Cecil Avenue scheme comprises 250 new homes, with 26% or 64 larger 3 and 4 bedroom family homes, c3,600sqm commercial and community floorspace, and a publicly accessible landscaped courtyard. The smaller Ujima House scheme comprises 54 new homes and c650sqm workspace. Together the schemes provide the opportunity to regenerate the eastern end of Wembley High Road, through high quality mixed used redevelopment and deliver new homes, jobs and infrastructure.
- 3.2.3 Planning decisions are for a minimum 35% affordable housing, with remaining homes for private sale to cross subsidise the affordable housing and regeneration of the area, and provide a mixed tenure development. After reviewing the funding position with the GLA, an increase to 50% affordable housing is proposed across the sites, to better match local housing needs, and align with Council and GLA policy and targets.

3.3 GLA WHZ Funding Update

- 3.3.1 Brent Council signed funding agreements with the GLA in 2016 and 2018, securing £8m grant to deliver 215 affordable homes across six sites within the WHZ by 2025, through a rolling programme of acquisition and development, and used £4.8m grant to acquire Ujima House.
- 3.3.2 Given many of the original WHZ sites have come forward for development privately, heads of terms are agreed with the GLA to amend the existing WHZ funding agreement to refocus the £8m grant to deliver 152 affordable homes solely on the two council-owned Cecil Avenue and Ujima House sites. 50% affordable housing is proposed across the two sites, with London Affordable Rent homes, increasing the amount and affordability of affordable housing above minimum levels secured at planning. Reviewing WHZ financial viability, the GLA have also agreed in principle an additional £5.5m grant to deliver the scheme, but which is subject to confirmation.

3.4 Cecil Avenue site de-designation from Educational Use

- 3.4.1 The Department for Education (DfE) confirmed Secretary of State consent to the appropriation and disposal of the Cecil Avenue site 30th June 2021, with relevant council officer acceptance of the conditions sent to the DfE 9th July 2021.

3.5 Preferred Delivery Option

- 3.5.1 Cabinet Members were consulted in July 2020 concerning three delivery options set out below to develop the land to the east of Cecil Avenue, and indicated a preference for Delivery Option 2:
- Delivery Option 1 – Council retains the site, leads on all aspects of development, and takes all risks.
 - **Delivery Option 2 (preferred option) – Council constructs scheme and procures a partner to deal with the private housing sales.**
 - Delivery Option 3 – Council disposes of the site to the open market with a development agreement.

Table 1 – Pros and Cons of Preferred Delivery Option

Delivery Option 2 - Council constructs scheme and procures a developer partner to share private housing sales risk	
<p>Pros</p> <p>There is a lower financial return than option 1, however this approach reduces construction and sales risk for the Council.</p> <p>Under this option the Council retains the right to a revenue stream or a one-off capital receipt.</p> <p>The Council could receive a share of profits realised via an overage mechanism.</p> <p>The Council retains significant control of the scheme, scheme outputs and place making opportunities.</p>	<p>Cons</p> <p>Medium risk, however this comes with a lower financial return.</p> <p>A developer may seek to influence the final scheme, compromising the overall place making vision and regeneration benefits for the area.</p>

- 3.5.2 The strategy and analysis for the preferred delivery option is still considered sound. The medium risk option gives the Council significant control over a high profile regeneration scheme, whilst balancing risks and return. The Council takes and manages construction risk, which it has experience of doing through its housing and schools capital programmes, but a developer partner is sought to take and dispose the private sales housing, of which the Council has no experience. By financing construction, the Council can use lower public sector borrowing rates and reduce finance costs. Housing confirm interest in retaining the affordable housing developed as part of the scheme, and the Council would seek an equitable profit share, commensurate with the relative risks borne by the respective parties. A hybrid development agreement for long leasehold disposal of the private housing plus a design and build contract for construction works would secure such arrangements.
- 3.5.3 The proposal is to bring the Cecil Avenue and Ujima House sites to the market together, to deliver the ambition for regeneration of the eastern end of Wembley High Road, with 50% affordable housing across both schemes: 39% affordable housing on Cecil Avenue and 100% affordable housing on Ujima House. This approach spreads the GLA WHZ outputs across both sites, lends to straightforward delivery and management arrangements, and is agreed in principle with the GLA. The combined option also represents a larger development package, viewed as more attractive to the market, and with greater scope for procurement and delivery efficiencies.
- 3.5.4 Soft market testing interviews with five developers undertaken April 2021 confirm general market appetite for new housing development opportunities, specific market appetite for Wembley as a location for private sales housing, the two planning schemes, preferred delivery approach for 50% affordable housing, procurement and contractual arrangements. (Appendix 1). Other developers have also contacted officers expressing interest in the schemes post issue of the planning decisions.

3.6 Council retention of affordable housing, commercial and community uses

- 3.6.1 Brent Council could retain or sell the affordable housing, commercial and community spaces delivered in the schemes. Housing and Property have confirmed their interest in retaining these elements of the schemes.
- 3.6.2 Brent Council has an affordable housing development programme to deliver new council homes, to which these schemes would contribute, and manages its housing stock in-house. Housing advise that were the affordable housing retained, then the 91 London Affordable Rent homes would sit in the Housing Revenue Account (HRA). The 61 Intermediate homes would be delivered as either shared ownership or intermediate rent and could sit in the HRA or be transferred to i4B depending on the wider housing finance strategy. Brent Council also manages a commercial portfolio. Landlord opportunities here include more control over commercial uses and community outputs in a priority regeneration area, and to generate additional revenue. Property advise that were the commercial and community floorspace retained, appropriate management and letting arrangement would need to be agreed moving forward.
- 3.6.3 Financially, retention of the affordable housing, commercial and community uses means foregoing a one off capital receipt in exchange for a recurring revenue stream.

3.7 Procurement

- 3.7.1 A Competitive Procedure with Negotiation (CPN) procurement route taking approximately 12 months is considered most appropriate to appoint a Tier 1 developer partner, enabling further detailed discussion with shortlisted bidders. An overview of the procurement timeline is at Appendix 2. Soft market testing indicates a hybrid development agreement for long leasehold disposal of the private housing plus a design and build contract for construction works within it to be the most effective contract structure to deliver the optimum regeneration outcomes. As part of tender returns, bidders would be required to provide a cost for the build out and guaranteed monetary consideration for the private homes. A down payment for the private housing would provide the Council security, and an overage clause capture the profit share arrangement.
- 3.7.2 It is envisaged that the selected bidder would act as the “Contractor / Developer Partner” with the Council as the “Employer / Landowner”. Staged payments for building works would be made by the Council as Employer to the selected bidder (as Contractor / Developer Partner) in the normal way pursuant to a JCT Design and Build Contract. However, at the time the bidder is granted residential leases of the private sale homes, then contractually it would have to pay the guaranteed monetary consideration for those homes. In the event of unsuccessful procurement under such preferred arrangement, authority would be sought for a fall back option e.g. conditional land sale and development agreement. In order to avoid delay in the procurement of the delivery partner for the Sites, Officers have included various delegations to the Strategic Director of Regeneration and Environment in consultation with the Lead Member for Regeneration, Property & Planning.
- 3.7.3 Professional services, including development management, cost consultant and employer’s agent would be appointed ahead of the contractor developer partner procurement. The Property team’s capacity would be increased to project manage delivery of what is a large and relatively complex construction, through recruitment to

a fixed term role or in sourcing of private sector development management services to be embedded within the Council. The proposed capital budget professional fees allowance would cover these costs.

3.7.4 The Cecil Avenue planning scheme is designed to RIBA Stage 3. The Ujima scheme is designed to RIBA Stage 2. Soft market testing confirms officers view that prior to commissioning full RIBA Stage 4 designs it is important to have a contractor developer partner on board to input into the technical design, improve efficiencies and add value, particularly for the private sale homes. For the Cecil Avenue scheme, it is however recommended that key details are worked up to RIBA Stage 4a, including façade materials and landscaping, to allow for more accurate pricing in tender returns. The Council would also challenge the design team to improve environmental sustainability to further reduce the carbon footprint and increase local biodiversity. This approach also allows for greater control over the quality of external elements crucial to place making of the area. The existing contract with the design team is extendable to RIBA Stage 4a. On the Ujima House site, given the overlap in interest with Network Rail, it would likely be beneficial to have a contractor on board to work through site constraints and input on construction management, and therefore no further design work would be undertaken in advance of procurement of a delivery partner for the Sites.

3.8 Financial Viability

3.8.1 Planning permissions for the schemes requires a minimum 35% affordable housing, however the proposal is to deliver 50% affordable housing across the schemes.

3.8.2 One financial benefit of the preferred delivery option is that the Council can take advantage of PWLB borrowing rates, typically lower than borrowing rates secured by private developers, to finance scheme construction. Lower public finance costs, plus GLA agreement to increase grant levels, would help deliver 50% affordable housing, with 152 affordable homes delivered across the schemes, including London Affordable Rent homes. These changes both increase the amount of much needed affordable housing, and the affordability of the homes, better aligning with the Council's policies and ambitions, for the benefit of local residents.

3.8.3 Development appraisals for the preferred delivery option for the two schemes are at Appendices 3 and 4. Viability improvements to be explored through the programme would include efficiency savings on estimated construction costs through procurement and more detailed design.

Risks

3.8.4 The proposed hybrid contract structure of a build contract and private housing long-leasehold disposal is less common than the standard conditional land sale and development agreement model, as used locally in South Kilburn regeneration. However, recent soft market engagement has shown interest and appetite for this structure, and it has also been successfully used elsewhere, notably in LB Hackney.

3.8.5 Financial viability is another key risk, informed by the costs and values of the schemes. Movements in these variables means the Council could suffer or benefit financially. Further financial risk analysis is provided in the Financial Implications in section 4.

3.8.6 It is actual procurement that provides the acid test of the marketplace however. The proposed CPN approach (see above section 3.7) would seek to reach out to a wide range of prospective developer partners, before shortlisting, to mitigate the risks outlined. Officers also propose Cabinet delegate authority for alternative development scheme proposals and procurement routes, if procurement is unsuccessful in relation to the Sites, so as to be able to nimbly respond with another option to the market and meet the agreed GLA WHZ funding timetable to complete the schemes by 2025.

Public realm improvements

3.8.7 As part of the planning permission for the schemes, considerable public realm improvements are proposed along the High Road frontage of both sites, including pavement widening, new materials and an increase in street trees.

3.8.8 Transport are also working with TfL to look at the wider stretch of the High Road between Ealing Road and Scrubs Lane as part of the Healthy Streets programme, including realignment of the Wembley Triangle junction and provision of a new cycle route. Works are subject approvals and funding, but would facilitate comprehensive and consistent public realm improvements along the eastern section of the High Road, and would help better link Wembley town centre into the Wembley Park regeneration. The Council is also pursuing highway and public realm improvements under the Strategic Transformation Borough Priorities programme.

4.0 Financial Implications

4.1 The delivery options 1 – 3 noted in this report in paragraph 3.5.1 each come with different levels of financial return and risk. Table 1 above provides a side by side comparison of the pros and cons associated with each option.

4.2 The financial viability and budget requirement to deliver the preferred option is as set out in Appendices 3 and 4 of this report. An internal viability assessment modelled on the council's cash flows is summarised in Appendix 5.

4.3 The affordable homes wholly owned by the Council will be appropriated to Housing Revenue Account (HRA) once constructed, to deliver Council landlord functions.

4.4 The Government's new-shared ownership model could require landlords to cover the cost of any repairs and maintenance for new Shared Ownership homes for an initial 10-year period. This could increase costs to the Council were any of the 61 Intermediate homes delivered as shared ownership.

4.5 DfE conditions on the appropriation and disposal of the Cecil Avenue site, to reinvest the full value of the site in education provision in the borough. The Council has agreed to the conditions, although work on the design and full cost of the education provision is ongoing.

Financial Risks

- 4.6 The financial risks summarised below (paragraph 4.7 – 4.9) are specific to the proposals set out in this report. In addition to this all construction schemes (by their nature) will carry one or more of the following risks, all of which can have an impact on financial viability.
- 4.7 Construction Inflation Risk – inflation over and above that budgeted by the Council’s professionals and advisors and built into project budgets could impact on the affordability of the project.
- 4.8 Regulation Risk – capital schemes need to comply with the latest law and regulations which can change leading to an impact on construction costs and may be retrospective.
- 4.9 Commercial Values – the proposals within this report contain assumptions regarding the market value of future assets, income from property letting, and generation of capital receipts from property sales in some cases post development, attracting developers to projects based on a potential share of profits and other revenue/capital financial flows. Should market movements worsen the Council may suffer financially. Conversely, if market conditions improve the Council could benefit.

Tax Considerations

- 4.10 Ernst & Young (EY) have last year provided advice on tax considerations for the different delivery routes, primarily focussed on VAT (Appendix 6). EY advise that SDLT is not a consideration for the Council as it already owns the sites, but any partner would need to procure their own SDLT advice.
- 4.11 EY advise that a structure where the Council constructs the private residential homes to ‘golden brick’ level (beyond foundation level) and then transfers the private housing to the developer partner under long-leases is VAT efficient, and should allow the developer partner to be able recover all directly attributable VAT costs incurred on the project.
- 4.12 EY suggest the Council may need to opt to tax the commercial space i.e. charge VAT on rental income to ensure that the Council does not exceed its de-minimis threshold and can recover all its VAT incurred. Discussions are ongoing with Finance to understand what impact this may have on the Council’s de-minimis threshold and if opting to tax is necessary.

5.0 Legal Implications

- 5.1 All three delivery options noted at 3.5.1 of this report are permissible under current laws. They each raise different legal issues that would require careful consideration as set out below.
- 5.2 Delivery Option 1, 2 and 3: The Council must first obtain the permission of the Secretary of State prior to any disposal or appropriation of the Council land in accordance with section 77 of the School and Standard Framework Act 1998 (SSFA 1998). Once the Council has obtained the Secretary of State’s consent the Council will

then appropriate the land to planning purposes in accordance with section 122 of the Local Government Act 1972.

- 5.3 The Council has the power to override third party rights in accordance with section 203 of the Housing and Planning Act 2016. This power is useful for the Council when developing its land to ensure that third parties with certain rights over the site is overridden. s203 prevents third parties from obtaining an injunction to prevent development however compensation may be payable. The Council is required to consult with third parties prior to invoking s203 and the officers should therefore ensure that they build in a period of consultation prior to building and assessing the level of compensation payable.
- 5.4 Delivery Option 1: The Council's general power of competence derived from s1(1) of the Localism Act 2011, affords the Council the power to undertake commercial activities that arise under this option (building and sales of commercial property). Usually such powers are exercised through a company. However, under some of the options envisaged under Delivery Option 1, the Council would be holding the commercial property as an adjunct to other functions and a company may not be required. The appropriate vehicle would need to be clarified if this option were pursued.
- 5.5 Delivery Option 2: The Council's general power of competence derived from s1(1) of the Localism Act 2011 would allow it enter into the type of contractual partnership envisaged under this option. The contract with the Development Partner, who is expected to take on the risk for the private sale homes, would carefully detail out the risk to be taken by such partner, the safeguards for the Council and exit mechanisms in the event the partnership fails to achieve its objective. The appropriate procurement procedure is considered at section 3.6 of this report.
- 5.6 The Council is required under s123 of the Local Government Act 1972 to ensure good value is achieved in all land disposal. Option 3 envisages an open market value which should meet this requirement. The Development Agreement would build on recent experiences and would be drafted to avoid development risks.
- 5.7 Under all three Delivery Options, the procurement of contractors and / or delivery partners would require the Council to observe the requirements of the Public Contracts Regulations 2015 and the Council's Standing Orders and Financial Regulations with regard to contracts. Also due regard would have to be given to relevant Statutory publications and guidance as it regards investment of Local Authority Funds.
- 5.8 As noted above the de-designation of the land to the east of Cecil Avenue from educational use is required for the proposed development to be allowed. Conditional consent from the Secretary of State has been received. Once finalised, the Council will then appropriate the land to planning purposes in accordance with section 122 of the Local Government Act 1972. After these requirements have been met, the Council may also use powers under section 203 Housing and Planning Act 2016 to override third party rights with certain types of interest over the site (this is with payment of compensation) to allow the development proceed, if required.

- 5.9 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 of Regeneration & Environment, in consultation with the Cabinet Member for Regeneration, Property & Planning to 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).
- 5.10 The Cecil Avenue is currently held for education purposes, and Ujima House is currently tenanted on a short lease by Meanwhile Space. Prior to appropriating the Cecil Avenue Site the Council must obtain the consent of the Secretary of State pursuant to the Academies Act 2010. 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.
- 5.11 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 without interference with the private (third party) rights affected by the appropriation.
- 5.12 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 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.

- 5.13 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 any such losses.
- 5.14 An application was made to the Secretary of State pursuant to Schedule 1 of the Academies Act 2010 (the Act) to dispose of school land. By way of a letter dated 30th June 2021 (the Letter) the Department of Education provided Consent to appropriate the Land from education purposes and thereafter to sell the land. Such Consent was provided subject to conditions as outlined above. Schedule 1 paragraph 4 (2) and 6(2) of the Act Provides that the Council may not dispose or appropriate school land unless the Secretary of State consents. Paragraph 8 of the Act states that for the purpose of paragraph 4(2) and 6(2) the consent of the Secretary of State may be given subject to conditions.
- 5.15 The Conditions therefore form part of the Consent and non-compliance with the conditions would enable the Secretary of State to purchase the land using compulsory purchase powers and recover compensation and loss from the Council where the land had been appropriated or repudiate the contract where the Council has contracted to sell the land (but not yet completed).
- 5.16 The letter clearly sets out that subject to there being surplus monies available after (a) build of a new 64-place school for children with special educational needs and disabilities (SEN school) to (b) no later than 31st December 2024 pay the sums as outlined into the bank account of the schools and (c) Invest into its school capital programme.
- 5.17 The Council will need to decide upon whether a SEN school as outlined is in fact required in the Borough. If the Council decides that a SEN school as outlined is not required then the Council may make enquiries with the Department for Education in relation to whether they would be prepared to amend conditions, although the Council would require good reason for requiring that the Conditions be amended.
- 5.18 The preferred delivery option would require the procurement of a Contractor/ Developer Partner. Given then value of the contract, the procurement process would be required to adhere to the requirements of the Public Contracts Regulations 2015 ("PCR 2015") (as it would be an above threshold procurement). The intention is to use the Competitive Procedure with Negotiation pursuant to Regulation 29 of the PCR 2015, requiring advertising in 'Find a Tender' and a process to shortlist tenderers. If it is necessary for whatever reason to adopt a fall back option of conditional land sale and development agreement, Officers would be advised by Procurement as to whether this could be provided through one of the procurement process detailed in the PCR 2015 or alternatively using a framework.
- 5.19 The value of the contract for a delivery partner for the Sites is such that it is classed as a High Value Contract under the Council's Contract Standing Orders and Financial Regulations. As such Cabinet approval is required for the inviting of tenders and approval of pre-tender considerations and award. Cabinet approval is sought to invite tenders, with approval to the pre-tender considerations and the subsequent award delegated the Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property and Planning, for the reasons detailed in paragraph 3.7.2.

- 5.20 Legal Services would provide support through the procurement process and draft all agreements for the proposed development, ensuring that the Council's interests is protected. The approach would be to use the Council's standard amendments to the JCT contract for the design and build phase and to agree a suitable development agreement to cover other aspects of the preferred option.
- 5.21 The Council currently has a design team that has designed to RIBA Stage 3 for Cecil Avenue and RIBA Stage 2 for Ujima House. As detailed in paragraph 3.6.4, the intention would be to extend the existing contract to RIBA stage 4A for Cecil Avenue. However, a procurement process would then be undertaken for a design team to take design work beyond RIBA Stage 4A for Cecil Avenue and beyond RIBA Stage 2 for Ujima House. It is likely that a contract or contracts for consultants would be classed as a Medium Value Contract under the Council's Contract Standing Orders and procured under delegated powers using a procurement process under the PCR 2015 or alternatively a framework.
- 5.22 A number of other professional services will be required to support development of the sites, including development management, cost consultant and employer's agent. The values of such contracts will vary and for those over the relevant threshold for application of the PCR 2015, will need to be procured in accordance with the PCR 2015. Officers have delegated powers under Part 3 of the Constitution to procure and award Low and Medium Value Contracts.
- 5.23 As detailed at paragraph 3.3.2, heads of terms are agreed with the GLA for a deed of variation to allocate the £8m funding to Cecil Avenue and Ujima House sites rather than six sites previously agreed. As detailed at paragraph 3.3.3, the GLA and the Council have also agreed in principle an additional £5.5m funding. Delegated authority is sought to make amendments to the Wembley Housing Zone funding contract or enter a new agreement with the Greater London Authority to receive grant to deliver the two schemes.

6.0 Equality Implications

- 6.1 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.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. Cabinet is referred to the contents of this report for information, in particular the

Equalities Analysis for development of the Cecil Avenue and Ujima House sites can be found at Appendix 7.

- 6.4 The Wembley Housing Zone regeneration is viewed as having positive impacts on groups with the protected characteristics of sex, race and disability. Provision of affordable housing and new larger family homes would help accommodate people on the Council housing waiting list and diverse communities within Brent with larger families. Wheelchair housing with disabled parking, distributed across the schemes, would accommodate people with disabilities. Council retention of workspace for businesses and employment has the potential to advance equality of opportunity for groups disproportionately affected by unemployment and economic inactivity.
- 6.5 Ujima House is leased by Meanwhile Space, who rent spaces to local business and community groups, including a youth group. Whilst Meanwhile Space lease and occupation was always on a temporary peppercorn rent basis, in advance of the building being redeveloped, the Council will want to work with landlord Meanwhile Space to assist their tenants in their efforts to find suitable alternative premises.
- 6.6 The proposal is viewed to have neutral impacts on the other protected characteristics; sex, sexual orientation, gender reassignment, religion or belief, pregnancy or maternity and marriage.
- 6.7 Regard to all protected characteristics will follow through to the next stages of delivery, and the Equality Analysis reviewed and updated accordingly.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Cabinet Members and the Lead Member for Regeneration, Property & Planning have been briefed on delivery options for the Wembley Housing Zone.
- 7.2 The GLA receives regular briefings on the Wembley Housing Zone.
- 7.3 Consultation events have been held with residents and local stakeholders, including Ward Members, local schools and other Council departments, to inform designs for the two planning schemes, which were also subject to statutory planning consultation.

8.0 Human Resources/Property Implications

- 8.1 Property implications have been discussed throughout this paper. Capacity of the Property team will need to be increased to deliver the schemes. Appropriate management and letting arrangement for the retained commercial and community floorspace will also need to be agreed moving forward.

Report sign off:

Alan Lunt

STRATEGIC DIRECTOR

Strategic Director of Regeneration & Environment

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Appendix 7 - EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Wembley Housing Zone – Development of Council sites
DEPARTMENT:	Regeneration & Environment
TEAM:	Regeneration
LEAD OFFICER:	Yaz Aboubakar
DATE:	July 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 its objectives and the intended results.

This equality analysis is for the redevelopment of Council-owned sites in Wembley town centre, as part of the Wembley Housing Zone programme to deliver mixed-use regeneration to benefit local businesses, residents and communities.

In February 2021, planning permission was granted for mixed-use schemes on both the Cecil Avenue and Ujima House sites. The Cecil Avenue scheme is for 250 new homes, with 26% or 64 larger family 3 and 4 bedroom homes, c3,600sqm commercial and community floorspace, and a publicly accessible landscaped courtyard. The Ujima House scheme is for 54 new homes and c600sqm workspace. Together the schemes represent the opportunity to regenerate the eastern end of Wembley High Road through high quality mixed used redevelopment and deliver new homes, jobs and infrastructure for the benefit of local residents, businesses and communities. The Council proposes to deliver 50% affordable housing (152 affordable homes) across both sites and to procure a development partner to deliver the schemes.

The schemes are integral to the Council's plan and Mayor's aim to increase and accelerate delivery of new homes within the Wembley Housing Zone. High-quality new homes, workspace and public realm improvements will revitalise and rejuvenate the eastern section of Wembley High Road, linking established Wembley Central town centre with the new Wembley Park regeneration.

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

The Wembley Housing Zone schemes at Cecil Avenue and Ujima House will create new jobs, homes and unlock regeneration opportunities on Wembley High Road.

The schemes will deliver a minimum 35% affordable homes, including larger 3 and 4 bedroom family homes, proposed to be increased to 50% affordable homes, with affordable rented homes available to people on the Council's housing waiting list.

Redevelopment also proposes new community space, responding to consultation feedback from local residents, and new workspace, intended to provide space for existing Brent businesses, and also attract new businesses to the borough.

The Ujima scheme specifically affect Meanwhile Space tenants currently occupying the building on a temporary basis, including :

- Businesses / employees.
- Service providers of social infrastructure and their services e.g. sports and recreation facilities and youth centre.
- End users of the services provided in the building.

Notwithstanding Meanwhile Space lease and their tenants occupation of Ujima House was always temporary in advance of the building being redeveloped, the Council will want to work with landlord Meanwhile Space to assist their tenants in their efforts to find alternative suitable premises.

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.

The Wembley Housing Zone developments have been subject to public consultation and the overall response has been positive. Council redevelopment of these two sites will provide new homes, workspace, community facilities and infrastructure. The schemes present opportunities to deliver against the Council's public sector equalities duty in a number of ways, including :

- New homes – new affordable and social housing to alleviate pressure on the Council's housing register, including for larger families and disabled people.
- New workspace – as landowner the Council has some control over which businesses will occupy the workspace, and will seek to promote local employment.
- New community facility – which will be expected to meet diverse local needs
- Publicly accessible courtyard – designed and secured under planning to be open and publicly accessible to the local community

As per planning policy, 10% the new homes will be wheelchair adaptable or accessible, across all unit sizes. 50% of the new homes across the schemes will be affordable, that is 152 affordable housing, with affordable rented homes available to

people on the Council's housing waiting list. 25 disabled parking spaces can also be provided for within the development.

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.

Many households in London already require accessible or adapted housing in order to lead dignified and independent lives: 28,000 are attempting to move to somewhere more suitable to cope with a disability and more than 267,000 need a home adaptation. More Londoners are living longer and more older people are choosing to remain in their own homes rather than go into residential institutions. To address these and future needs, 90% of London's new build housing should be built to Building Regulation requirement 'M4 (2): Accessible and adaptable dwellings and the remaining 10% of new build housing should be built to Building Regulation requirement 'M4 (3): Wheelchair user dwellings'.

For the Cecil Avenue scheme which is drawn to more detailed design, a small proportion of the new housing units (22 no.) do not meet M4 (2) or M4 (3) criteria, due to the provision of these units as stacked maisonettes and the cost of providing a lift to these units being prohibitive and would increase service charges. However, there are 203 housing units which meet the M4 (2) criteria and as per London Plan policy, 10% or 25 no. units are M4 (3) units, and distributed across the site. For the Ujima House scheme drawn to outline design, at least 10% or 5 no. housing units are expected to be M4 (3) Wheelchair user dwellings.

Within Brent, there are communities who tend to have larger family sizes. 4 bedroom homes have been included within the scheme to reflect this need, both within the affordable and private sale homes tenure.

Redevelopment of Ujima House will affect Meanwhile Space and their tenants, who include Yaseen Youth Club and Stonebridge Boxing Club, which provide services to young people. Officers will want to work with Meanwhile Space in their efforts to assist their tenants to find suitable alternative premises, to help try to mitigate any adverse impact on these service providers and users.

The Cecil Avenue and Ujima House development schemes provide a significant amount of workspace (4200sqm) proposed to be retained by the Council and leased/managed to a workspace provider. The workspace therefore provides a valuable opportunity to accommodate businesses and support local employment, and in so doing seek to advance equality of opportunity, with key target groups identified in the Brent's Inclusive Growth Strategy including young black men (aged 16-24) and economic inactive female at risk of increased unemployment.

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	Negative – Young people using the meanwhile youth club and boxing club might be negatively affected as a result of these service providers relocating from Ujima House.
DISABILITY	
Details of impacts identified	Positive – 24% larger family housing and 10% of the homes will be wheelchair adaptable or accessible, with disabled parking facilities.
RACE	
Details of impacts identified	<p>Positive – there are 72 larger 3 and 4 bedroom family homes, provided within the schemes, across the affordable and private tenure, to provide for larger families within the borough.</p> <p>Workspace will target employment opportunities, training and support for Black Caribbean and Black African young men (aged 16 to 24).</p>
SEX	
Details of impacts identified	Positive - Workspace will target employment opportunities, training and support for females entrepreneurs to develop their own business.
SEXUAL ORIENTATION	
Details of impacts identified	Not applicable
PREGANCY AND MATERNITY	
Details of impacts identified	Not applicable
RELIGION OR BELIEF	

Details of impacts identified	Not applicable
GENDER REASSIGNMENT	
Details of impacts identified	Not applicable
MARRIAGE & CIVIL PARTNERSHIP	
Details of impacts identified	Not applicable

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?

4 public consultation events were held in advance of planning application submissions which were open to the wider community, and over 2,000 leaflets distributed with details of the events, with feedback from the events directly influencing scheme design. 67% of feedback completed during the consultation were from Black, Asian and minority ethnic respondents. The majority of respondents are in favour of the scheme with general comments around the need for new community facilities and tree planting on Wembley High Road. The schemes designed and secured under planning would deliver a new community centre and new trees.

Planning applications were subject to statutory consultation, with consultation letters sent to neighbours, local advertisement and site notices, and consultation with partner bodies.

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

During detailed designs, the Council will reach out and/or request that the partner developer reaches out to the Brent Disability Forum to seek their input on scheme designs.

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

For the Cecil Avenue scheme which is drawn to more detailed design, a small proportion of the new housing units (22 no.) do not meet M4 (2) or M4 (3) criteria, due to the provision of these units as stacked maisonettes and the cost of providing a lift to these units being prohibitive and would increase service charges. However, there are 203 housing units which meet the M4 (2) criteria and as per London Plan policy, 10% or 25 no. units are M4 (3) units, and distributed across the site.

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

The proposals is that the affordable homes, commercial and community elements of the schemes will be retained by the Council. Affordable rented homes will be made available to people on the Council housing waiting lists in line with the housing allocation policy.

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.

The schemes have been designed in accordance with all relevant policy and guidance, and will have a positive impact on those with race and disability protected characteristics, and a neutral impact on those with other protected characteristics.

Proposals are to increase the level of affordable housing from the minimum 35% secured at planning to 50% across both schemes, which will help meet housing needs within the borough, including for people on the Council's housing waiting list.

The workspace provision will accommodate businesses and support the local economy, and in so doing can advance equality of opportunity by seeking to reach out to groups disproportionately affected by unemployment and economic inactivity.

Notwithstanding Meanwhile Space lease and their tenants occupation of Ujima House was always temporary in advance of the building being redeveloped, Officers will want to work with Meanwhile Space in their efforts to assist their tenants at Ujima House to find alternative suitable premises, including signposting to estate agents and the Council's Property Team.

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	
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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
Ensure that the Council and/or the developer consult with Brent Disability Forum group during detailed designs stage.	Optimise physical access to and within buildings and open spaces for disabled people.	Head of Regeneration	July 2022
Assist Meanwhile Space to find alternative suitable premises for Ujima House tenants, if requested.	Service providers at Ujima House can continue operating in the area.	Regeneration Officer	July 2022
Review procurement, disposal and leasing options for the workspace elements of the scheme to increase local employment opportunities, including for people with protected characteristics identified as being disproportionately affected by unemployment and economic inactivity.	Seek to provide opportunity for unemployed young black men and economically inactive female in the borough.	Regeneration Officer	July 2022

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Yaz Aboubakar
REVIEWING OFFICER:	Bryony Gibbs
HEAD OF SERVICE:	Jonathan Kay

 Brent	Cabinet 16 August 2021
Report from the Strategic Director of Community Wellbeing	
Maximising Use of the Housing Stock	

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 – Equality Analysis
Background Papers:	None
Contact Officer:	Laurence Coaker Head of Housing Needs Tel: 020 8937 2788 Laurence.coaker@brent.gov.uk

1. Summary and Purpose of Report

- 1.1 The Council has made great progress in meeting housing demand in the borough, reducing the number of homeless households living in temporary accommodation
- 1.2 However, the demand for affordable housing remains high, and it is therefore imperative that we make the best use of the limited Council housing stock that is available.
- 1.3 This report sets out some key initiatives to increase the availability of the housing stock, as well as tackling overcrowding.

2. Recommendations

Cabinet is asked to:

- 2.1 Agree the proposed schedule of incentive payments for households currently under-occupying their Council homes, to move to a smaller Council home, as set out in table 4 in paragraph 4.21 of this report.

- 2.2 Agree that all households who are under-occupying and transfer to a smaller Council property pursuant to the proposed financial incentive scheme will only pay a social rent or rent not higher than their current property.
- 2.3 Agree to alter the proportion of lettings to homeless households from 70% to 60%, as set out in paragraphs 4.35 – 4.46 of this report.
- 2.4 Agree that the Council will offer financial support to Council tenants who wish to either rent or buy in the private sector, as set out in paragraphs 4.42 and 4.43 of this report.

3. Background

- 3.1 The Housing Crisis, driven by lack of affordable homes, income levels not in line with housing costs, and an increasing population, is one of the greatest challenges Brent residents face. Following the implementation of the Homelessness Reduction Act in April 2018, and more recently the economic impact of the pandemic, the demand for homelessness services is increasing, and are forecast to increase further.
- 3.2 The Council is committed to do everything it can to support residents in housing need, and reduce the number of homeless people who need to live in Temporary Accommodation. We have a well established approach to preventing homelessness, with services tailored to assist single people and families, linking to a range of other health and care services to ensure we can better meet people's needs.
- 3.3 The Council's approach to preventing homelessness resulted in 77% of the 5,786 households who approached the Council in housing need in 2020/21, being successfully prevented or relieved from being homeless. This has contributed to the significant reduction in the number of homeless households living in Temporary Accommodation from 3,162 in April 2015 to 1,696 in April 2021.
- 3.4 We have set an ambitious Council house building programme, which will deliver 1000 new Council homes over five years to 2024. To date we have delivered 262 new homes, with a further 579 on site, and we expect to exceed this target.
- 3.5 We are looking at every way to increase supply in order to meet the housing need.
 - 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.
- 3.6 However, the Council 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
 - 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
- 3.4 This paper and the activity and incentives outlined in this are another key part of this programme, which seeks to make best use of our council housing by helping people who want to move to accommodation that is more suitable, thereby freeing up other properties for people who are currently overcrowded or living in Temporary Accommodation.

4. Detail

- 4.1 Work has recently been undertaken to build a 5 year forecast (to 2025) to predict future demand for housing and map this against the current understanding of supply to assess the gap that we still need to fill.
- 4.2 The forecast has been broken down by bedroom size, to show the forecast gap in supply in 2025 for each bedroom category. Table 1 below illustrates that despite the significant increase in supply, we still have a projected shortfall in 2025. The model also illustrates that the biggest gap in supply is in the larger, 3 and 4 bedroom plus properties, and therefore emphasises the need to increase supply of these larger properties to help meet the demand.

Table 1: Forecast Shortfall in Supply in 2025

Bed Size	Demand in 2015	Forecast Demand	Forecast Supply	Forecast Shortfall of Supply in 2025
1	553	3853	3697	156
2	1286	3695	3673	22
3	1394	2802	2166	636
4 +	581	1075	695	380

- 4.3 This report, therefore, considers the options through which the Council can make the most effective use of its affordable housing stock to help bridge this gap. A dedicated housing officer working with under-occupiers has already achieved some impressive results. Over a 12 month period 31 households were successfully supported to transfer into smaller properties, releasing 1 X 6 bed, 2 X 5 bed; 3 x 4 bed, 16 x 3 bed and 9 x 2 bedroom properties.
- 4.4 Additional incentives and tools would help to scale this work up through a targeted approach. The aim is to deliver up to 85 properties a year through this approach, which equates to a third of the New Council Homes Programme and will, therefore, make a significant contribution to the broader objective of reducing the number of people in temporary accommodation. In parallel, we are also proposing that we test this approach with Registered Providers (RP's) to increase the scope for making more affordable properties available to those in the greatest need.
- 4.5 It may be helpful to outline what is meant by effective use of stock. Investment in maintenance and improvement existing and delivering new homes to meet need are part of the picture but not the main concern for this report. Rather, the intention is to identify and address factors that may impact on the following principles:
- Homes should be appropriate to household size, neither overcrowded nor under-occupied.
 - Homes should be occupied lawfully in line with allocations made by the Council or RP.
 - Mobility within and beyond the rented stock should be supported, with movement between larger or smaller homes or into other tenures and with regard to the affordability of different products.
 - The Council's allocation and lettings policies should support best use and mobility and partners should be encouraged to adopt consistent approaches.
- 4.6 The following sections consider the specific issues, barriers and options for action to address them, proposing significant changes to current policy and practice. Work is already underway on the majority of these and further action will be taken if the proposals are approved.

Tackling Under Occupation to Increase Supply of Larger Properties

4.7 If the Council can decrease the high volume of Council tenants who are currently under-occupying their homes, there will be more larger properties available to alleviate the pressure on families living in overcrowded housing. Current levels of overcrowding in the Council stock are:

- Band B (statutory overcrowding) – 23
- Band C (lacking two bedrooms) – 48
- Band D (lacking 1 bedroom) - 380

4.8 Currently, only those households lacking two or more bedrooms have priority under the Allocations Scheme to transfer to larger accommodation. Building new homes and increasing the proportion of larger homes within new supply will be key in tackling overcrowding but better use of the existing stock and managing under-occupation form the other side of the equation. Recent analysis indicates that there are 1703 under-occupied homes in the Council's stock, as shown in Table 2.

Table 2: Under-Occupation

No of Beds currently	No of Beds required	No of Households	Total of households	Percentage
6 Beds	3 Beds	1	5	0%
	2 Beds	1		
	1 Bed	3		
5 Beds	4 Beds	1	27	2%
	3 Beds	3		
	2 Beds	5		
	1 Bed	18		
4 Beds	3 Beds	36	175	10%
	2 Beds	32		
	1 Bed	107		
3 Beds	2 Beds	371	827	49%
	1 Bed	456		
2 Beds	1 Bed	669	669	39%

4.9 Currently, only 89 households have registered via Locata to downsize within Brent - 5% of the households known to be under-occupying. These households are not obliged to move, although some may choose to do so for a variety of reasons including the cost of renting a larger home, or issues relating to age or ill-health. Factors influencing a decision to remain in a home include:

- Mobility or health, for example not wishing to leave a ground floor property
- Financial reasons, for example where a tenant is receiving a Discretionary Housing Payment (DHP) or occupies a home at a social rent and does not wish to move to a new home where the rent may be higher

- Locality, for example where a tenant has a long connection with a neighbourhood and has family, friends and support networks there
- Tenants are using spare bedrooms for other purposes such as a home office, nursery or to accommodate regular visitors or, either with or without the Council's consent, sub-letting a part or all of the property, potentially in breach of the tenancy agreement.

4.10 These and other factors underlie the apparent low demand for moves among under-occupiers. However, we have seen what results can be achieved by having a dedicated officer to work with these families to offer a tailored service, to identify an appropriate smaller property to meet their housing needs. The Housing service is increasing capacity to work with tenants who are under occupying, by creating a dedicated team of three officers, who will work with these tenants to increase the number of transfers

4.11 At present, the Council offers financial Incentives for downsizing as follows;

- £2,000 per bedroom released, to a maximum of £6,000 per household
- Free removal, disconnection and reconnection of white goods service
- £500 towards the cost of moving out of borough

4.12 This level of incentive is broadly in line with levels in other London boroughs, with typical amounts ranging from £500 to £2000 per bedroom and similar contributions to removal costs. Much larger incentives are offered by some councils to assist tenants to move into owner-occupation and these are considered in the section on home ownership below. Note that incentives are not made available to tenants who surrender their tenancies other than for downsizing moves into smaller council accommodation.

4.13 The potential benefits of moving to a smaller property include lower utility costs or, lower rent, in cases where a tenant moves to a social rent or target rent property. However, for households currently paying social rent or target rent, moving into a new build at London Affordable Rent (LAR) may not offer a financial benefit compared to Social Rent, as illustrated in Table 3 below.

Table 3: Rent Figures 2020/21

Beds	Social Rent (Brent)	Target Rent	LAR Rent
1 Bed	£102.30	£145.96	£159.32
2 Beds	£118.16	£154.53	£168.67
3 Beds	£129.63	£163.12	£178.05
4 Beds	£141.41	£171.69	£187.42
5 Beds	£154.20	£180.28	£196.78
6 Beds	£177.74	£188.86	£206.15

- 4.14 Research undertaken by a number of organisations has suggested that financial incentives alone are unlikely to increase take-up of downsizing opportunities, even where increased payments are offered (although, in most cases, increases have been relatively modest). More importance is often attached to the type, location and long-term running costs of an alternative home, as well as help with the process of moving. There are just over 1700 potentially qualifying households, only 5% of whom are actively seeking to move at present. By increasing the number of dedicated officers working with under-occupiers, the service will have more capacity to not only work with those who have registered for a move, but also those households who are known to be under occupying, to advise them of the downsizing options available.
- 4.15 Work will also be done to secure updated household details and conduct an analysis of tenant needs and aspirations. This will coincide with an analysis of available properties and of planned developments, to determine how well they match these aspirations. This will include analysis of the need for and availability of specialist provision, for example for older people. While final decisions on priorities should be based on the findings of these exercises, possible options are considered below.
- 4.16 It is proposed that, to make incentive payments genuinely attractive and useful in meeting demand, the following factors should be taken into account.
- The size of the property occupied and any new property (this is already a component of Brent's scheme)
 - The desirability of the current property, e.g., location, property type, floor level, accessibility
 - The cost of building an equivalent property
 - The cost of supporting a household in temporary accommodation
 - Whether the tenant will be moving into another council property or into owner-occupation, the PRS or out of the borough
- 4.17 Support for moves into the private sector is considered further below, but for other moves it is proposed that a scale of payments should be adopted based on the above factors. This would provide for a sliding scale of payments based on property size so that, for example, a household moving from a five-bed home to a one bed, sheltered or NAIL property would receive the highest payment. Payment would be further enhanced where the household is leaving a home considered particularly attractive, for example located in a popular area, and/or particularly valuable to the council in terms of future letting, for example a ground floor property or one with disabled access. .
- 4.18 It is proposed to target under occupation of larger 3 and 4 bedroom plus properties, paying a larger incentive based on the number of rooms that are being released. This is already a component of Brent's under-occupation incentive scheme. The current stair casing of incentive payments, paying more money to release larger properties will continue. Even though the

supply of two bedroom properties is forecast to satisfy demand by 2025, they will still be included in this scheme, to make the best use of stock.

- 4.19 Some properties are particularly desirable to help meet demand, due to the location, property type, floor level, and accessibility. The incentive package offered on individual properties should therefore reflect these factors. For example a property which is level access and has or can be adapted for wheelchair use, will attract a higher incentive than a property of the same size which cannot be adapted.
- 4.20 Recent analysis identified that there are 221 current Council tenants, living in 200 council properties, who are receiving 7 or more hours of care weekly. 147 of these properties are two bedroom or larger, and 140 of the tenants are over 60 years old, and would therefore qualify for sheltered accommodation. Housing officers will work with colleagues in Adult Social Care to facilitate moves into NAIL or sheltered accommodation for these tenants, if appropriate.
- 4.21 Tenants who wish to downsize will be paid an incentive of £5K per room released plus a 20% premium for 4 bedroom plus, and a premium of 10% for a 3 bedroom property. An additional premium of 10% will be paid for properties that have been adapted or are suitable for adaptation for wheelchair use. Tenants who are identified as needing to transfer to Sheltered Accommodation, or a NAIL property, following a Community Care Assessment, will be paid an additional “Welfare Premium” of £200. This is to differentiate moves made for welfare purposes on adult social care grounds, rather than moves that are wholly due to down-sizing. A summary of the incentives available in the proposed new scheme is in Table 4 below

Table 4: Under Occupation Incentives

No of Beds currently	No of Beds required	Incentive payment per room	Large Property Premium	Wheelchair Use Premium	Welfare Premium
6 Beds	5 Beds	5,000	1,000	500	200
	4 Beds	10,000	2,000	1,000	200
	3 Beds	15,000	3,000	1,500	200
	2 Beds	20,000	4,000	2,000	200
	1 Bed	25,000	5,000	2,500	200
5 Beds	4 Beds	5,000	1,000	500	200
	3 Beds	10,000	2,000	1,000	200
	2 Beds	15,000	3,000	1,500	200
	1 Bed	20,000	4,000	2,000	200
4 Beds	3 Beds	5,000	1,000	500	200
	2 Beds	10,000	2,000	1,000	200
	1 Bed	15,000	3,000	1,500	200
3 Beds	2 Beds	5,000	500	500	200
	1 Bed	10,000	1,000	1,000	200
2 Beds	1 Bed	5,000	n/a	500	200

- 4.22 The maximum amount of incentive payment one household could receive is £32,700. This amount would be paid to a household downsizing from a 6 bedroom, wheelchair adapted property, to a one bedroom NAIL property or Sheltered Accommodation, following a Community Care Assessment. However, as illustrated in table 2 above, there are only five known households who are currently under occupying 6 bedroom properties. The largest cohort is 827 households currently under occupying a 3 bedroom property (371, of whom require a 2 bed and 456 require one bedroom). The maximum incentive payments these households could receive is £6,200 for downsizing to a 2 bed and £12,200 for downsizing to a 1 bed.
- 4.23 Another incentive could be to offer a guarantee of social rent or rent not higher than current where a household moves to a more expensive new build, although this would have longer-term financial implications.
- 4.24 It is worth noting that a higher level of incentives may be difficult to apply in cases where a household has rent arrears, in which case the incentive may be used to offset these rather than meet other costs.
- 4.25 It is difficult to assess the extent to which a more generous incentive regime might increase demand, and careful monitoring of take up will be required to ensure that the number of moves in any year would not grow to an extent that exceeded the budget available and made the approach unmanageable. .
- 4.26 Although further analysis is needed to obtain a full picture, it is likely that many under-occupiers will be older households and special attention should be given to their needs and aspirations.
- 4.27 In this context, a range of options will be considered. The council owns blocks designated for those over 65 and RPs in the borough manage a range of sheltered and extra care housing. Promotion of these alternatives will be undertaken, including direct engagement with individual households. Some properties will be designated solely for older people or those with mobility issues, for example bungalows, which would increase available options while also restricting the Right to Buy in these homes.
- 4.28 The GLA's Seaside and Country Homes scheme remains popular and will be promoted to appropriate tenants, alongside other mobility schemes such as Homefinder and the GLA Housing Moves Scheme.
- 4.29 Finally, an increased level of intensive support will be provided to tenants, particularly older people. Currently support is offered with removal costs, disconnection, and reconnection of domestic appliances. Going forward, additional support will be provided to help with arranging removal companies, measuring for carpets and curtains or assistance with managing a change of address with services such as gas or electricity, redirection of post, registering with a GP and so on.

Tackling Overcrowding

- 4.30 Problems of overcrowding and under-occupation will be shared by all providers in the borough. Given this, the role of nomination protocols will be considered, for example to assess whether acceptance of a smaller number of Council nominations to some schemes could increase opportunities for relevant moves, with some element of reciprocation.
- 4.31 Local, London-wide and national mutual exchange schemes are in place but are often difficult for tenants to negotiate. Better information and support for tenants will be provided, although the number of moves other than like-for-like exchanges is likely to be low. Similarly, the Mayor's Housing Moves scheme, in which Brent is an active participant, allows tenants to transfer from one borough to another, although it is based on a principle of no net loss of lettings and the numbers involved are small. This scheme is currently under review and criteria may change in the future.
- 4.32 Council tenants who are registered for a transfer are already given priority to bid for new properties that become available on their estate, to enable them to remain on the estate and avoid having to relocate to another area. As part of the review of the Council's Allocation Scheme, It is proposed that existing council tenants who are registered for a transfer should be given priority to bid for all new build council properties, as opposed to only those new build properties that become available on their estate. There are currently 68 families who are registered for a transfer, due to being overcrowded by 2 bedrooms or more. By ring-fencing all new build properties to existing council tenants, these families will have priority access to secure 3 and 4 bedroom properties, and so resolve their overcrowding. This will result in fewer properties being available to homeless families, particularly those requiring larger properties, immediately.
- 4.33 The review of the Allocation Scheme also proposes to automatically place families living in a council property, who are overcrowded and lacking 3 bedrooms into Priority Band B, for a transfer. Currently only families who meet the definition of statutorily overcrowded, as per The Housing Act 1985, Part X, are automatically placed in Band B.
- 4.34 The review of the Allocation Scheme also proposes to allocate Council tenants the appropriate size accommodation to meet all of their housing needs, including overcrowding. Currently families are only offered accommodation on a like-for-like basis in terms of the number of bedrooms in the new property. This is because the reason the household has been awarded an emergency management transfer is to address the issue of personal safety, often related to domestic abuse, gang related violence, hate crime or threats to kill, as opposed to their overcrowding. By making this change the family's overcrowding will also be resolved.
- 4.35 Currently, 70% of all available social housing is allocated to accepted homeless people. This was agreed at a time when 70% of the Housing Register (priority bands A_C) was made up of these households. It has been

a major contributing factor in the Council's success in reducing the number of homeless households living in temporary accommodation. However, there has been a negative impact on Council tenants registered for a transfer to alternative accommodation, and is a contributing factor to council tenants remaining in overcrowded accommodation.

- 4.36 Accepted homelessness households now make up approximately 60% of the Housing Register (priority bands A-C), and it is therefore proposed that the proportion of lettings should be changed to reflect this and increase the percentage of available social housing which is allocated to existing Council tenants who require a transfer.

Increase Supply by Supporting Families to Move into the Private Sector

- 4.37 Promotion of home-ownership options among tenants and their families has a role to play. Government continues to invest heavily in this area, with around half of the Affordable Housing Programme devoted to various ownership options. A significant proportion of the 5,000 new homes planned for Brent in the next few years will be shared ownership or similar products and tenants of the Council and RPs or their family members should be a priority. While this report is mainly concerned with better use of the housing stock and, therefore, with options for existing tenants, supporting and encouraging home ownership for those on the Housing Register should also form part of any approach. The focus here is on low-cost home ownership (LCHO) products rather than outright market purchase.
- 4.38 Clearly, affordability is a significant barrier for many households and even households in employment may struggle to find a deposit on a new home or manage mortgage payments. In addition, while shared ownership options offer lower mortgage costs, households will also need to pay rent on the share they are not purchasing and, in most cases, pay service charges.
- 4.39 Current options include:
- Help to Buy Equity Loans – available on new build property up to £600,000 with a 5% deposit and government loan of 40% of the purchase price. Less likely to be affordable to most tenants, who would still need to provide a mortgage for 55% of the value.
 - Government backed 95% mortgages for first time buyers or current homeowners, on both new and existing properties. This may reduce the upfront cost of home ownership, however high property prices may still limit the affordability of this option to many tenants.
 - Lifetime ISA – saving up to £4,000 each year with a 25% government bonus when used towards a deposit on a first home. Available for first time buyers aged 18-40. Again, unlikely to be an attractive proposition for low income households.

- Shared Ownership – purchase of 25-75% of the equity for people earning up to £90,000 with rent paid on the remaining share and ability to purchase further shares through stair casing.
- First Dibs for Londoners – voluntary scheme limiting sale of new homes up to £350,000 to London residents. No discounts apply.
- Discount Market Sale – offering a lower purchase price. Availability and conditions vary from scheme to scheme.
- London Living Rent – offers a low rent to enable households to save for purchase, including shared ownership. Tenancies for a minimum of three years and up to ten, after which the household will be expected to buy

4.40 While even the lowest cost options may be out of the reach of low-income households, there is potential to increase take-up through targeted marketing and provision of advice and support. While it should be expected that tenants will continue to prefer the RTB option, given the still generous discounts available, two possible target groups may be worth focusing on. First, working households or under-occupiers seeking a move or able to afford ownership options that would fit their needs. Second, adult children or other household members living in overcrowded households or applying through the housing register in their own right.

4.41 As well as promoting the options and providing information, it is proposed that additional financial and practical support is offered. Lewisham Council offer incentive grants ranging from £44,000 for households surrendering a five-bed home to £21,000 for a one bed. Grants increase by £5,000 if the property is a house. Southwark Council offer grants starting at £45,000, rising to £56,000 to take account of removal and associated costs for a five-bed home or £30,000 rising to £36,000 for a two-bed.

4.42 It is proposed that a Brent scheme of this kind, would be targeted to address overcrowding and under-occupation and release homes in line with wider strategic priorities. It is proposed that tenants, who wish to buy a property, including through shared ownership schemes, will be paid an incentive of 10% of the purchase price of the property they are buying, capped at £50K. Tenants who wish to rent privately will be paid an incentive equivalent to 24 months of the rent due on the property they are moving to, also capped at £50K. Or be given the option of the Council directly meeting their rental payments for 24 months.

4.43 If the amount of the incentive offered, based on the above formula does not exceed the limit of £50K an extra premium will be paid for 3 and 4 bedroom properties, or properties which have been adapted or are suitable for adaptation for wheelchair use. The amount of this premium will mirror the premiums paid in the under-occupation scheme, although may be reduced so as not to exceed the £50K cap.

Increase Supply Through Improved Action on Tenancy Fraud

- 4.44 Although tenancy audits have been undertaken in the past, it is difficult to quantify the extent of illegal occupation of social housing. This will most commonly arise where a tenancy is wholly sublet by the lawful tenant, although related issues include the use of homes for unlawful or criminal purposes, including cases where tenants are exploited, for example the practice of “cuckooing”, as well as fraudulent applications for housing or for the Right to Buy. The key concern for this report is the impact of fraud on the Council’s ability to let and manage its homes effectively and to meet genuine housing need.
- 4.45 The Council adopted a new Tenancy Strategy and tenancy management policy in June 2020, including a commitment to tackle tenancy fraud across all Council owned and managed homes. However, referrals to the Council’s Counter Fraud Team had dropped over the past two years and a new approach has been agreed as part of the Tenancy Management Policy with a view to increasing activity in this area, not only within the Council but among the 56 RPs operating in the borough.
- 4.46 The policy sets out four main priorities:
- Identifying the scale of potential fraud, where Brent Housing Management has started work and a Tenancy Audit and Insight Action Group has been established.
 - Re-setting the culture within the service, identifying any knowledge or skills gaps and developing mandatory enhanced training to identify and improve reporting. Training will also be offered to RPs.
 - Raising awareness through a combination of high impact campaign materials, virtual roadshow sessions and embedding nudge principles into template letters sent by the service.
 - Taking action, committing all officers to participating in tenancy audits and offering a borough wide key amnesty.
- 4.47 As an indicator of the potential value of tackling fraud, in the period 2014/15 to quarter two of 2020/21, 183 properties were recovered. There is therefore potential to make a significant impact on best use of the stock.

5. Financial Implications

- 5.1 The cost of incentive payments to downsize will depend on a variety of factors, including the level of demand to downsize and the number of bedrooms being offered by tenants.
- 5.2 Incentive payments to downsize into independent living or sheltered accommodation will be funded from existing Housing Needs budgets within General Fund. Downsizing moves that include tenants relinquishing their

tenancy and moving to private rented sector or home ownership will be funded from the Housing Revenue Account (HRA) in accordance with guidance set out within the Housing Act 1989.

- 5.3 Incentive payments are anticipated to be recovered in the long term through cost avoidance within the Housing General Fund, as more households are able to move out of costly Temporary Accommodation.
- 5.4 Larger Households within Temporary Accommodation are typically accommodated within Housing Association Letting Scheme (HALS) properties. The rental charges for these properties are covered by Housing Benefit, with the Council paying an additional £60/week in management fees and £10/week in nomination fees.
- 5.5 The current indications are that a small proportion of households who are eligible to move currently wish to do so. If 5% of current eligible tenants wish to move, the proposed incentives could lead to 85 households choosing to move. This could potentially result in annual savings of £0.3m on HALS accommodation payments.
- 5.6 Assuming an average incentive payment and related costs of £0.01m per resident, the cost of incentive payments to the HRA will be £0.85m, for 85 households. The annual cost is expected to be profiled over a number of years.
- 5.7 Limited funding availability within the HRA means that offsetting savings will be required to be found within the HRA in order to fund this scheme. Once the offsetting savings are identified, incentive payments will be profiled in order to avoid any risk of over committing to tenants.
- 5.8 Tenant appetite for home ownership incentives with a cap of £0.05m are uncertain. The offer will be subject to annual funding availability during budget setting process. An indicative budget of £0.1m in 2021/22 is estimated to allow pilot incentive payments for two households. Success of this scheme will determine future budget prioritisation.
- 5.9 Home ownership grants based on RTB discount rates can go up to £0.11m per household in 2021/22, twice the cost of recommended option above which has a cap of £0.05m per household.

6. Legal Implications

- 6.1 Under section 74 of the Local Government and Housing Act 1989 (“the 1989 Act”), the Council is required to keep a separate Housing Revenue Account (HRA) of sums falling to be credited or debited in respect of its housing stock. Sections 75 and 76 of the 1989 Act set out the rules for establishing and maintaining that account. Paying financial incentives to council tenants to downsize or leave social housing altogether will normally have to come within the HRA as the “*management of houses and other property*” comes under the item of “*Expenditure on repairs, maintenance and management*” which is one of nine items that must be debited to the HRA (as set out in Schedule 4, Part

II of the 1989 Act). The exception to this rule is if the primary benefit of such financial incentives is for welfare purposes eg moving the council tenant to sheltered accommodation following a community care assessment and in that scenario, the financial incentive can be paid from the General Fund. The Housing (Welfare Services) Order 1994 specifies welfare services which must be accounted for outside the HRA and those services are assistance with personal mobility, assistance at meal times, assistance with personal appearance or hygiene, administration of medication and nursing care (these are adult social care functions).

- 6.2 Under section 166A(14) of the Housing 1996 Act (“the 1996 Act”), a local housing authority shall not allocate social housing accommodation except in accordance with their allocation scheme. In other words, if a Council pursues allocation policies that are outside its scheme, then it will be deemed to be unlawful.
- 6.3 Section 166A(3) of the 1996 Act outlines priorities to which the Council’s allocation scheme must give reasonable preference. These categories are outlined in detail within the scheme, and they include amongst other things:
- People living in overcrowded or unsatisfactory housing;
 - People who need to move on medical or welfare grounds (including any ground relating to a disability).
- 6.4 A local housing authority must have regard to its tenancy strategy in exercising its housing management functions (section 150(3) of the Localism Act 2011).

7. Equality Implications

- 7.1 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and those who do not share that protected characteristic.
- 7.2 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination.
- 7.3 A full Equality Impact Assessment has been carried out to determine the impact of the proposed changes set out in this report, specifically for the following groups: (i) council tenants who need a transfer due to overcrowding; (ii) the accepted homeless households living in temporary accommodation and (iii) council tenants who are under occupying. A copy of the equality analyses are set out in the appendix to this report which Members are asked to note.

- 7.4 The outcome of these assessments confirms that the potential impact of the proposals on groups with each protected characteristic is neutral, and that an increase in available stock for Council tenants who need a transfer due to overcrowding and Homeless households, will have a positive impact for a significant number of households.

Report sign off:

Phil Porter

Strategic Director of. Community
Wellbeing

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	The accepted homeless households living in TA - these people will benefit from more stock being available
DEPARTMENT:	Housing
TEAM:	Housing Needs
LEAD OFFICER:	
DATE:	

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

SECTION A – INITIAL SCREENING

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

Currently, 70% of all available social housing is allocated to accepted homeless cases. This was agreed at a time when 70% of the Housing Register (priority bands A_C) was made up of these households, as has been a major contributing factor in the Council's success in reducing the number of homeless households living in temporary accommodation. However, there has been a negative impact on Council tenants registered for a transfer to alternative accommodation, and is a contributing factor to council tenants remaining in overcrowded accommodation.

Accepted homelessness households now make up approximately 60% of the Housing Register (priority bands A_C), and it is therefore proposed that the proportion of lettings should be changed to reflect this and increase the percentage of available social housing which is allocated to existing Council tenants who require a transfer.

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

By increasing the stock available to the accepted homeless it will have a positive impact. Currenty there are 1,599 accepted in temporary accommodation. Under age 50 years make up 63% of this profile.

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, there is relevance to equality and the council's public sector equality duty as within the cohort of people accessing this service some protected groups are over-represented compared to the borough as a whole.

This is due to the criteria through which priority need is established under the relevant legislation: for example, a household may be regarded as being in priority need owing to age, to a physical disability or mental health condition or to pregnancy. It is also an effect of poverty and disadvantage: some ethnic groups, for example Black Africans, are over-represented among homeless households. Black Africans make up 21% of current accepted homeless households compared to 7.9% in the wider borough.

(Source: 2016 population from GLA)

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	Impact Neutral/None	Impact 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	
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If you have answered YES to ANY of the above, then proceed to section B.

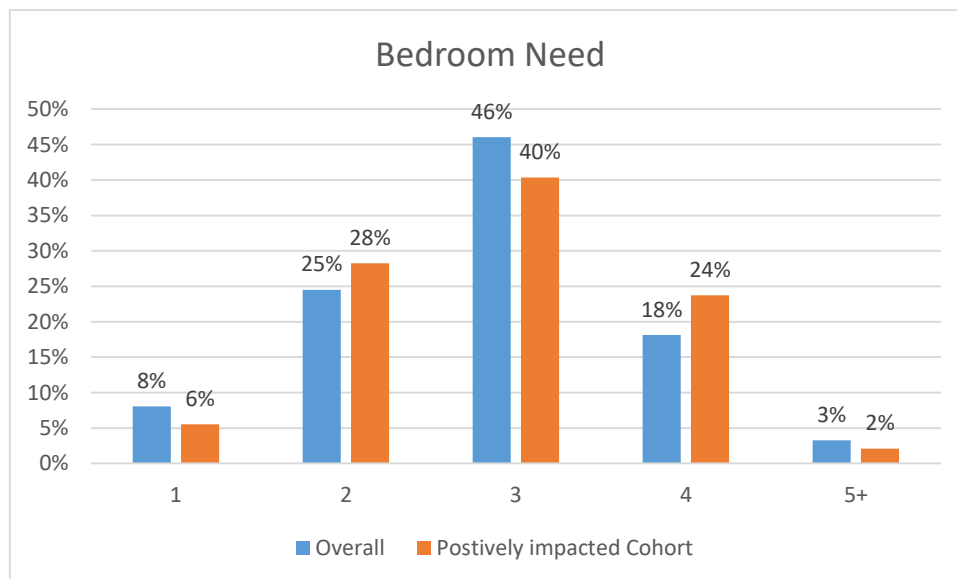
If you have answered NO to ALL of the above, then proceed straight to section D.

SECTION B – IMPACTS ANALYSIS

- 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.

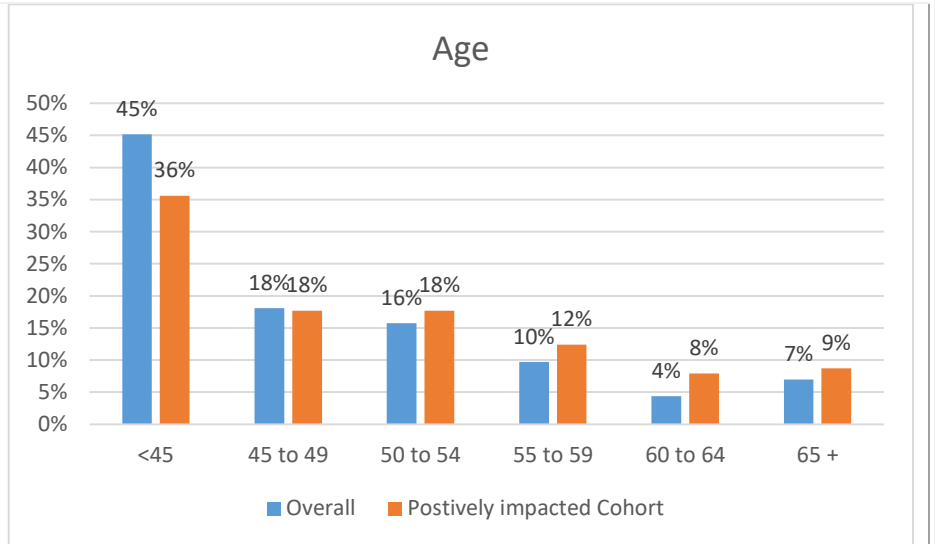
Currently there are 1,599 homeless households currently awaiting social housing on our choice based letting system (blue bars). According to our data the maximisation of our stock would positively affect 368 homeless households of various bedroom sizes (23% of our current homeless population, orange bars).

This is due to there currently being 379 households who have been waiting for a property of their reported bedroom need over the average waiting time.



- 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


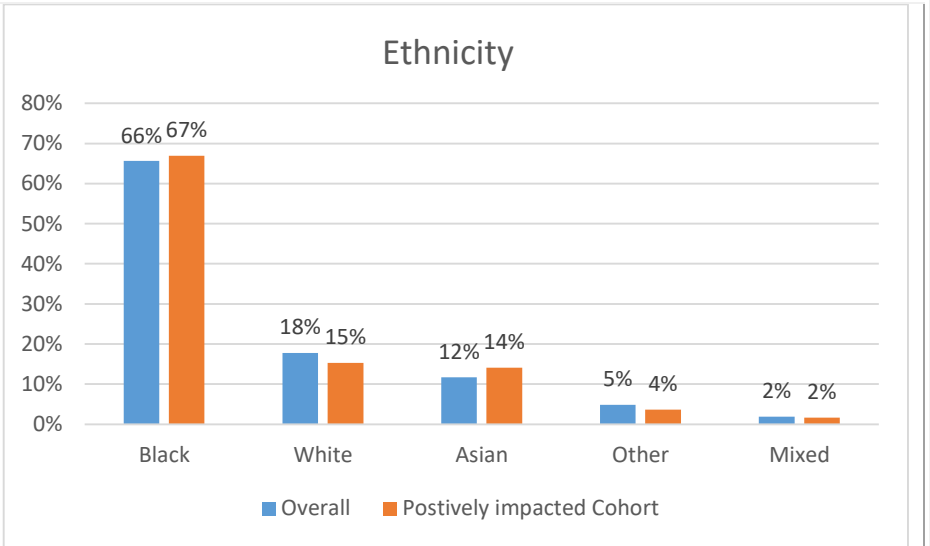
The profile is that of a relatively younger age. Under age 50 years make up 63% of this profile and under 55 make up 79%. The positively impacted cohort is that of a similar profile, benefiting those of older age groups above 50 years slightly more.

DISABILITY
Details of impacts identified

Less than 2% of the overall cohort have a disability and 2% of the benefiting cohort. The presence of disability in both rehousing cohorts is much less 14% in the wider Brent population.

We believe the low presence of disability is likely to be a lack of data collection on this characteristic. Only 45% of the records in both cohorts have disability data completed.

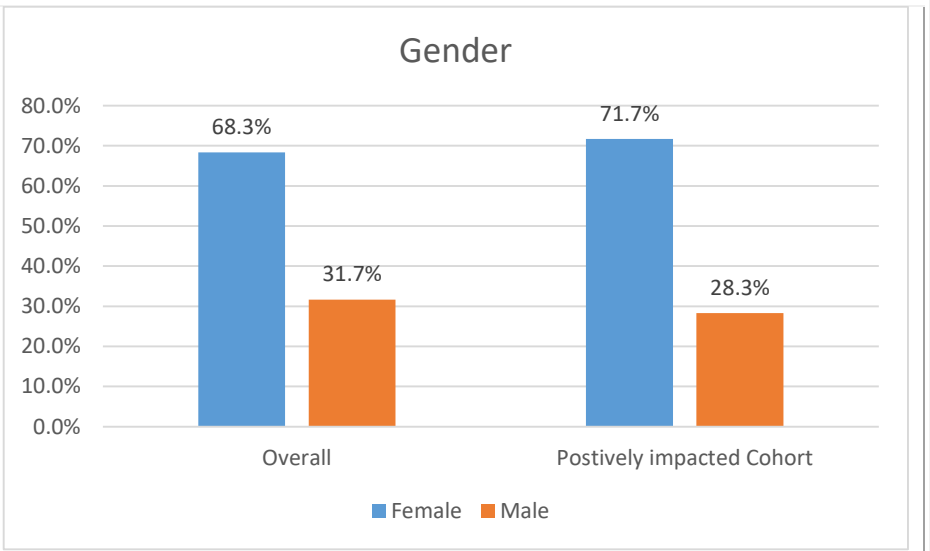
RACE
Details of impacts identified



The overall and positively impacted cohort both have similar profiles. However, compared to the wider Brent population, black households are over-represented in both cohorts. In Brent, black people make up 21% whereas this is 66% to 67% in both cohorts.

SEX

Details of impacts identified



As the graph shows, female are over-represented in both the overall cohort (68.3%) and the benefiting cohort (71.7%). Females make up 49% of Brent’s population. In general women are over represented in the cohorts receiving housing services due to reasons such maternal parenting, social attitudes and economic deprivation. Both profiles above are similar.

SEXUAL ORIENTATION

Details of impacts identified	We have very limited data on this category.
--------------------------------------	---

PREGANCY AND MATERNITY

Details of impacts identified	Applicant Pregnancy /Maternity		Postively impacted Cohort		Postively impacted Cohort
		Overall		Overall	
	Maternity	8%	4%	135	16
	No data	92%	96%	1464	363
	Total	100%	100%	1599	379

Data held shows minimal impact on this profile. However these are the pregnancies if declared and live at the time.

RELIGION OR BELIEF

Details of impacts identified	We have no data on 90% of this cohort therefore it is unreportable.
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GENDER REASSIGNMENT

Details of impacts identified	We have no data on 94% of this cohort therefore it is unreportable.
--------------------------------------	---

MARRIAGE & CIVIL PARTNERSHIP

Details of impacts identified	We have no data on 90% of this cohort therefore it is unreportable.
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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?

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

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

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

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.

Increased stock for the accepted Homeless would naturally have an overall positive impact.

Age: The profile is that of a relatively younger age. Under age 50 years make up 63% of this profile and under 55 make up 79%. The positively impacted cohort is that of a similar profile, benefiting those of older age groups above 50 years slightly more.

Sex: Female are over-represented in both the overall cohort (68.3%) and the benefiting cohort (71.7%). Females make up 49% of Brent's population. This is as expected as women are over represented in the cohorts receiving housing services due to reasons such as maternal parenting, social attitudes and economic deprivation. Both profiles above are similar. Females benefit slightly more in the benefiting cohort (68.3% compared to the benefiting cohort 71.7%).

Race: The largest proportion is made up of black households, 66% in the overall cohort and similarly 67% in the benefiting cohort. Asians benefit slightly more in the benefiting cohort by 2% to 14%, however the difference is marginal and both profiles are similar.

Overall we expect increased stock for Homeless to have a positive impact but there are only marginal differences when looking at the benefiting cohort profiles.

SECTION D – RESULT

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

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

SECTION E - ACTION PLAN

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

Action	Expected outcome	Officer	Completion Date

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	
REVIEWING OFFICER:	
HEAD OF SERVICE / Operational Director:	

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	The council tenants who are under occupying - these people could potentially benefit from the financial incentive package
DEPARTMENT:	Housing
TEAM:	Housing Needs
LEAD OFFICER:	
DATE:	2 August 2021

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

SECTION A – INITIAL SCREENING

6. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.	
Tackling Under Occupation to Increase Supply of Larger Properties	
4.7	<p>If the Council can decrease the high volume of Council tenants who are currently under-occupying their homes, there will be more larger properties available to alleviate the pressure on families living in overcrowded housing. Current levels of overcrowding in the Council stock are:</p> <ul style="list-style-type: none"> • Band B (statutory overcrowding) – 23 • Band C (lacking two bedrooms) – 48 • Band D (lacking 1 bedroom) - 380
4.8	<p>Currently, only those households lacking two or more bedrooms have priority under the Allocations Scheme to transfer to larger accommodation. Building new homes and increasing the proportion of larger homes within new supply will be key in tackling overcrowding but better use of the existing stock and managing under-occupation form the other side of the equation. Recent analysis indicates that there are 1703 under-occupied homes in the Council’s stock, as shown in Table 2.</p>
4.9	<p>Currently, only 89 households have registered via Locata to downsize within Brent - 5% of the households known to be under-occupying. These households are not obliged to move, although some may choose to do so for a variety of reasons including the cost of renting a larger home, or issues relating to age or ill-health. Factors influencing a decision to remain in a home include:</p> <ul style="list-style-type: none"> • Mobility or health, for example not wishing to leave a ground floor property

- Financial reasons, for example where a tenant is receiving a Discretionary Housing Payment (DHP) or occupies a home at a social rent and does not wish to move to a new home where the rent may be higher
- Locality, for example where a tenant has a long connection with a neighbourhood and has family, friends and support networks there
- Tenants are using spare bedrooms for other purposes such as a home office, nursery or to accommodate regular visitors or, either with or without the Council's consent, sub-letting a part or all of the property, potentially in breach of the tenancy agreement.

4.10 These and other factors underlie the apparent low demand for moves among under-occupiers. However, we have seen what results can be achieved by having a dedicated officer to work with these families to offer a tailored service, to identify an appropriate smaller property to meet their housing needs. The Housing service is increasing capacity to work with tenants who are under occupying, by creating a dedicated team of three officers, who will work with these tenants to increase the number of transfers

4.11 At present, the Council offers financial Incentives for downsizing as follows;

- £2000 per bedroom released, to a maximum of £6000 per household
- Free removal, disconnection and reconnection of white goods service
- £500 towards the cost of moving out of borough

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

Those more likely to be impacted are those of an older age profile, particularly once dependants have left home and the bedroom need decreases. Over age 50 years make up 91% of this profile.

8. 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, there is relevance to equality and the council's public sector equality duty as within the cohort of people accessing this service some protected groups are over-represented compared to the borough as a whole.

This is due to the criteria through which priority need is established under the relevant legislation: for example, a household may be regarded as being in priority need owing to age, to a physical disability or mental health condition or to pregnancy. It is also an effect of poverty and disadvantage: some ethnic groups, for example Black Africans, are over-represented among homeless households. Black Africans make up 21% of current accepted homeless households compared to 7.9% in the wider borough.

(Source: 2016 population from GLA)

9. 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	Impact Neutral/None	Impact 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	

10. 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.

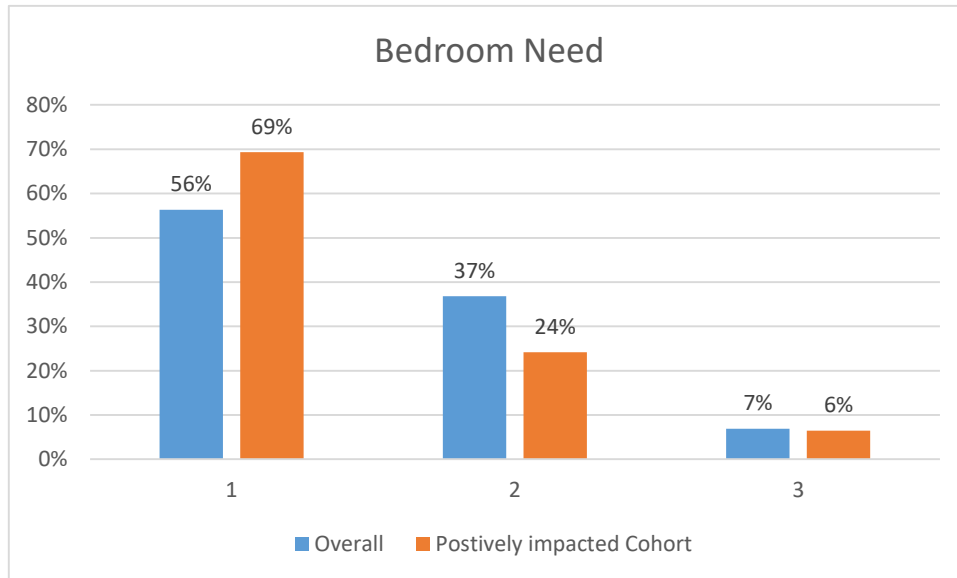
If you have answered NO to ALL of the above, then proceed straight to section D.

SECTION B – IMPACTS ANALYSIS

8. 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.

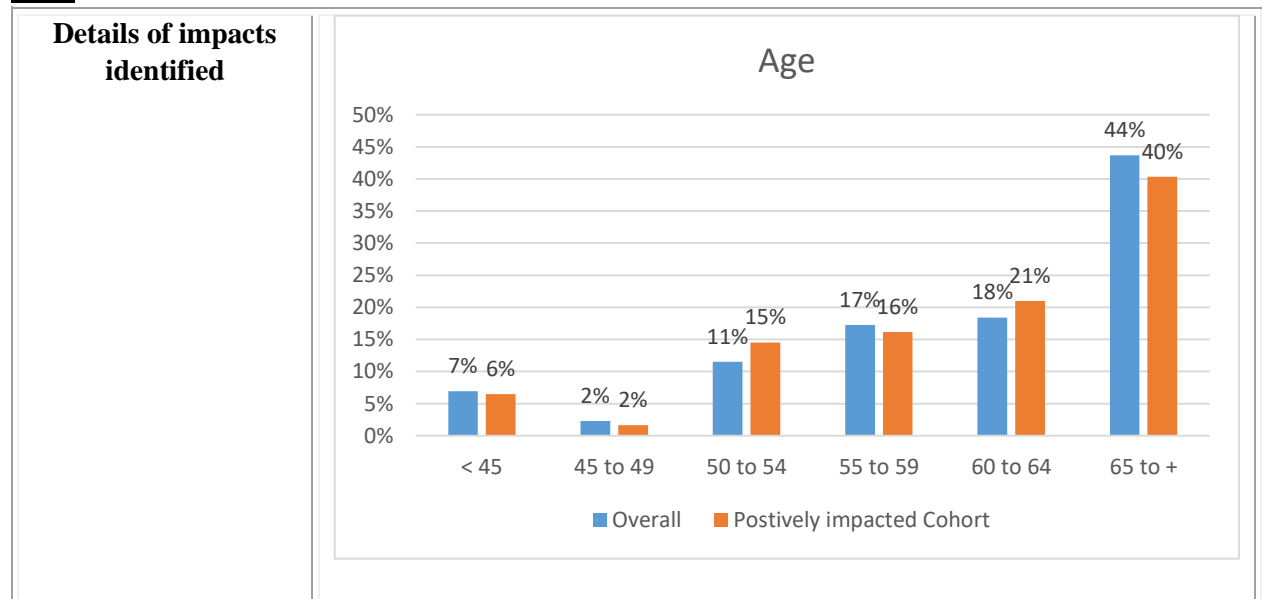
Currently there are 87 households awaiting social housing on our choice based letting system due to under occupation. According to our data a financial incentive package would positively affect 62 under occupying households of various bedroom sizes (71% of our current under occupying population).

This is due to there currently being 62 households who have been waiting for a property of their reported bedroom need over the average waiting time.



9. 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



As expected the age profile of those under occupying is that of an older age. **particularly once dependants have left home and the bedroom need decreases.**

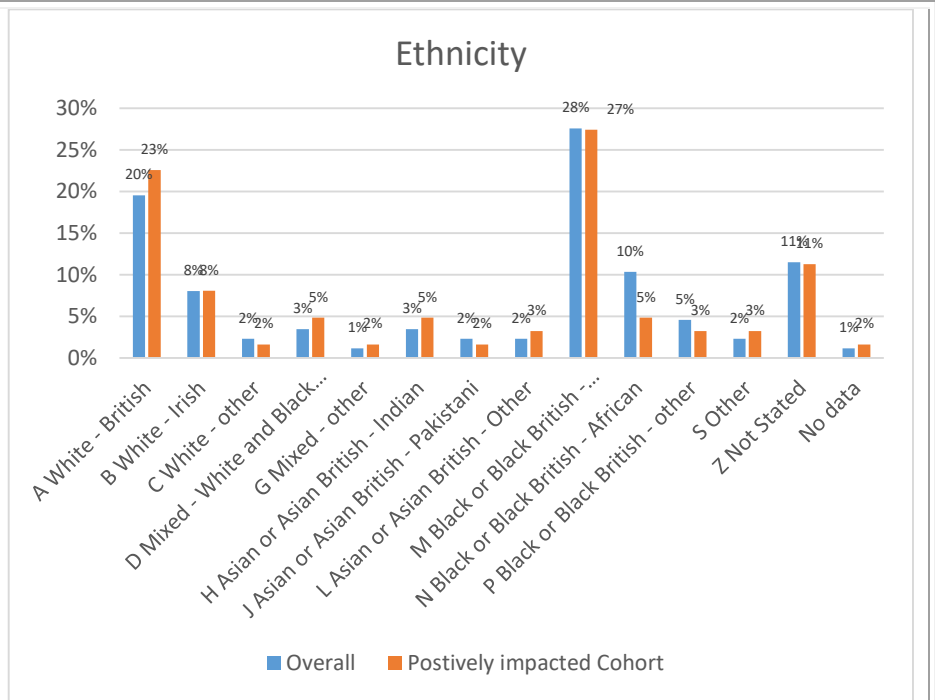
We can see a similar profile would benefit from a financial incentive package. The age group most positively impacted by this would be age 50 to 54 (15%) and 60 to 64 (21%) although the difference between both cohorts is minor.

DISABILITY

<p>Details of impacts identified</p>	<div data-bbox="564 651 1474 1189" data-label="Figure"> <table border="1"> <caption>Disability Data</caption> <thead> <tr> <th>Category</th> <th>Overall (%)</th> <th>Postively impacted Cohort (%)</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td>21%</td> <td>19%</td> </tr> <tr> <td>No</td> <td>79%</td> <td>81%</td> </tr> </tbody> </table> </div> <p>In households with disability data, 21% of the households are disabled. Similarly, 19% are disabled in the benefiting cohort of the under occupying.</p> <p>The representation of households with disabilities in both cohorts is almost equal in both cohorts. This is slightly higher than the percentage of disabled people in the Brent population, which is 14.4%.</p>	Category	Overall (%)	Postively impacted Cohort (%)	Yes	21%	19%	No	79%	81%
Category	Overall (%)	Postively impacted Cohort (%)								
Yes	21%	19%								
No	79%	81%								

RACE

<p>Details of impacts identified</p>	
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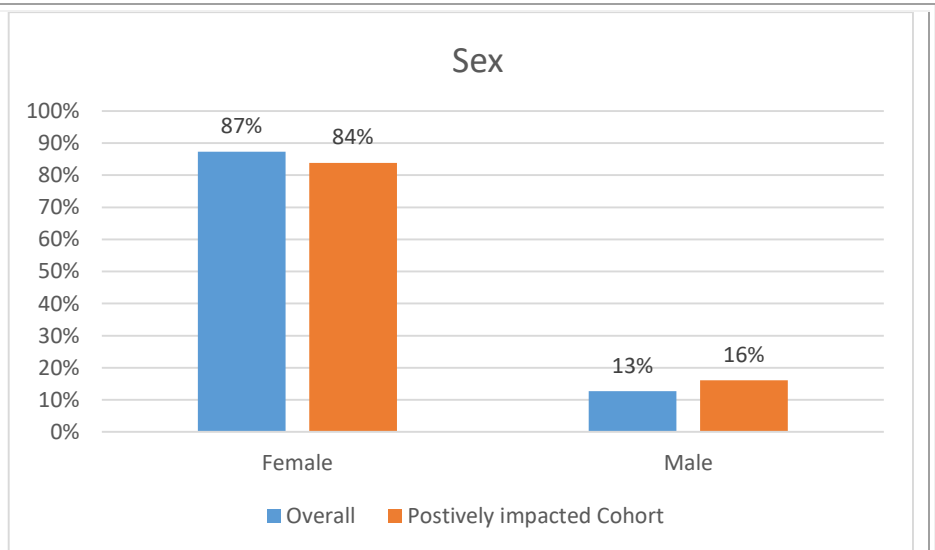


Of the confirmed ethnicities (76) within the total under occupying profile, 49% of the cohort are black (37 applicants). This is also consistent in our identified cohort of those who will be positively affected by a financial incentive package, totalling to 41% (22) of confirmed ethnicities; identified as positively benefitting from this policy change (54 confirmed ethnicities from benefiting cohort). Blacks make up the largest proportion of both cohorts.

By ethnicity the profile is similar in both the overall and benefiting cohort.

SEX

Details of impacts identified



Female applicants make up a larger proportion of the cohort as expected. This is due to multiple reasons such as maternal parenting, social attitudes. We have a similar profile for the benefiting cohort, and there is some minor positive impact on the male applicants.

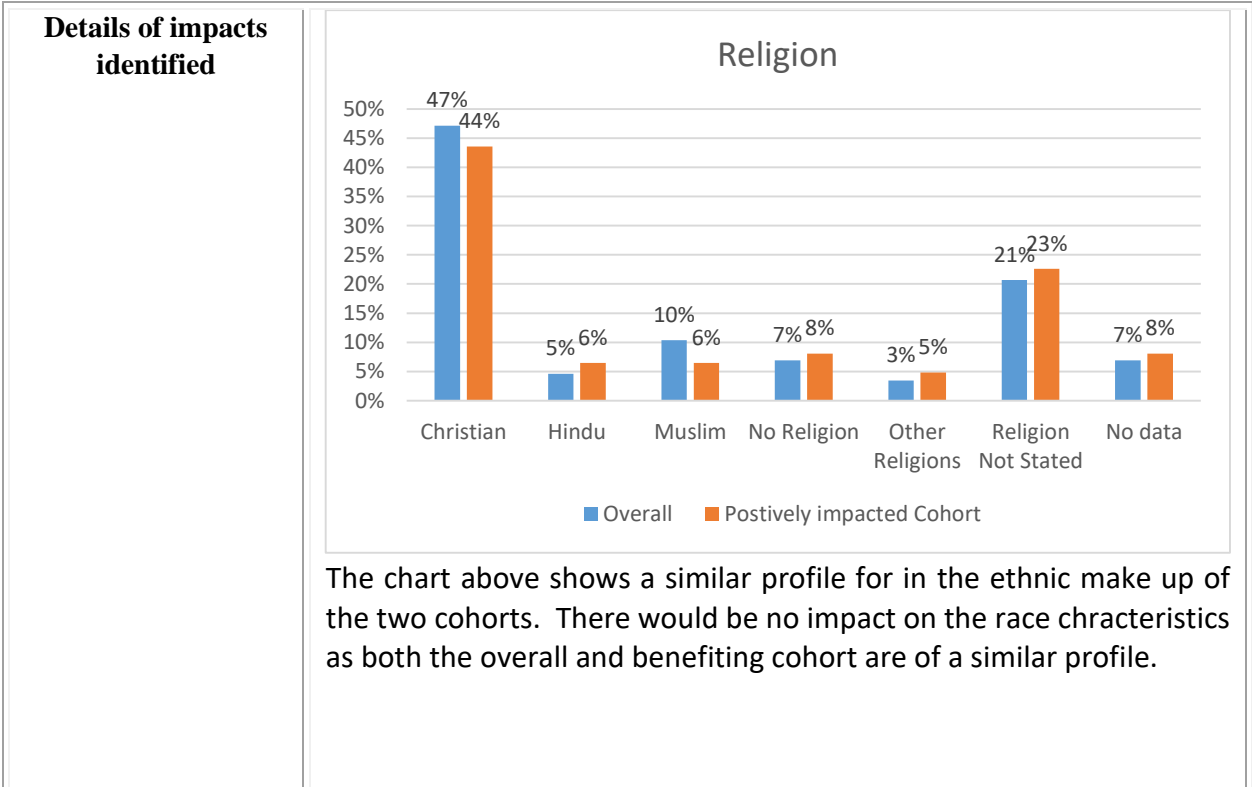
SEXUAL ORIENTATION

Details of impacts identified There is insufficient data regarding sexual orientation of the households on the under occupying list to assess the impact on these groups. We do not however consider there to be any adverse impacts on this group.

PREGANCY AND MATERNITY

Details of impacts identified As we would expect, there are no pregnancy and maternity cases on the under occupying list. The data shows these applicants are without dependants.

RELIGION OR BELIEF



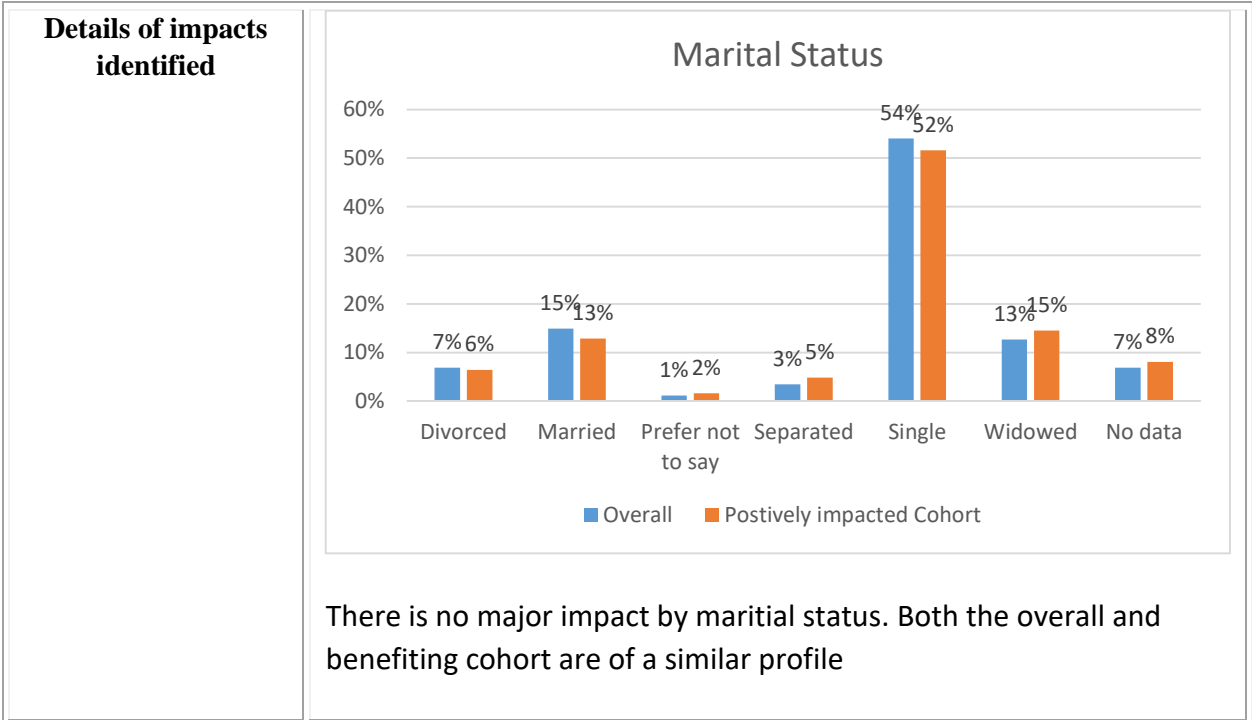
GENDER REASSIGNMENT

Details of impacts identified There is insufficient data regarding gender reassignment of the 87 households on the under occupying list. Subsequently, none of the 62 benefiting cohort had data available on gender reassignment.

The Diversity in Brent document states that 3,400 people in Brent experience gender variance (based on GLA population projections, that equates to 1% of the borough population) Source: Stonewall.

We do not however consider there to be any adverse impacts on this group based on gender variance. This is because of the small size of both cohorts in the under occupying list and the matched cohort.

MARRIAGE & CIVIL PARTNERSHIP



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

No

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

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

None

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

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

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.

Under-occupiers are a group that the Council is actively working with to help find them suitable accommodation which would in turn release larger sized properties for overcrowded households in the borough.

Age: The profile of those that underoccupy a property are typically that of an older age. 91% are over 50 years old, who are looking to downsize, with 56% of the overall cohort looking to downsize to a one bedroom property and 37% of the overall cohort looking to downsize to a 2 bedroom property. According to the data, only 6 of the applicants have children recorded in the data.

Sex: Households where the male is the main applicant is under-represented in both the overall at 13% compared to 87% of males. Female headed households make up over half of the council's housing waiting list and those living in council housing.

Race: The largest proportion is made up of black households, 49% in the overall cohort and similarly 41% in the benefiting cohort. Whites and Asian Indian proportion increases slightly in the benefiting cohort.

SECTION D – RESULT

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

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

SECTION E - ACTION PLAN

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

Action	Expected outcome	Officer	Completion Date

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	
REVIEWING OFFICER:	
HEAD OF SERVICE / Operational Director:	

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	The council tenants who need a transfer due to overcrowding - these people will benefit from more stock
DEPARTMENT:	Housing
TEAM:	Housing Needs
LEAD OFFICER:	
DATE:	2 August 2021

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

SECTION A – INITIAL SCREENING

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

Tackling Overcrowding

Problems of overcrowding and under-occupation will be shared by all providers in the borough. Given this, the role of nomination protocols will be considered, for example to assess whether acceptance of a smaller number of Council nominations to some schemes could increase opportunities for relevant moves, with some element of reciprocation.

Local, London-wide and national mutual exchange schemes are in place but are often difficult for tenants to negotiate. Better information and support for tenants will be provided, although the number of moves other than like-for-like exchanges is likely to be low. Similarly, the Mayor's Housing Moves scheme, in which Brent is an active participant, allows tenants to transfer from one borough to another, although it is based on a principle of no net loss of lettings and the numbers involved are small. This scheme is currently under review and criteria may change in the future.

Council tenants who are registered for a transfer are already given priority to bid for new properties that become available on their estate, to enable them to remain on the estate and avoid having to relocate to another area. As part of the review of the Council's Allocation Scheme, it is proposed that existing council tenants who are registered for a transfer should be given priority to bid for all new build council properties, as opposed to only those new build properties that become available on their estate. There are currently 68 families who are registered for a transfer, due to being overcrowded by 2 bedrooms or more. By ring-fencing all new build properties to existing council tenants, these families will have priority access to secure 3 and 4 bedroom properties, and so resolve their overcrowding. This will result in fewer

properties being available to homeless families, particularly those requiring larger properties, immediately.

The review of the Allocation Scheme also proposes to automatically place families living in a council property, who are overcrowded and lacking 3 bedrooms into Priority Band B, for a transfer. Currently only families who meet the definition of statutorily overcrowded, as per The Housing Act 1985, Part 10, are automatically placed in Band B.

The review of the Allocation Scheme also proposes to allocate Council tenants the appropriate size accommodation to meet all of their housing needs, including overcrowding. Currently families are only offered accommodation on a like-for-like basis in terms of the number of bedrooms in the new property. This is because the reason the household has been awarded an emergency management transfer is to address the issue of personal safety, often related to domestic abuse, gang related violence, hate crime or threats to kill, as opposed to their overcrowding. By making this change the family's overcrowding will also be resolved.

Currently, 70% of all available social housing is allocated to accepted homeless cases. This was agreed at a time when 70% of the Housing Register (priority bands A_C) was made up of these households, as has been a major contributing factor in the Council's success in reducing the number of homeless households living in temporary accommodation. However, there has been a negative impact on Council tenants registered for a transfer to alternative accommodation, and is a contributing factor to council tenants remaining in overcrowded accommodation.

Accepted homelessness households now make up approximately 60% of the Housing Register (priority bands A_C), and it is therefore proposed that the proportion of lettings should be changed to reflect this and increase the percentage of available social housing which is allocated to existing Council tenants who require a transfer.

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

Those more likely to be impacted are those of a relatively younger age profile that are still living with dependents and therefore have a greater bedroom need.

13. 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, there is relevance to equality and the council's public sector equality duty as within the cohort of people accessing this service some protected groups are over-represented compared to the borough as a whole.

This is due to the criteria through which priority need is established under the relevant legislation: for example, a household may be regarded as being in priority need owing to age, to a physical disability or mental health condition or to pregnancy. It is also an effect of poverty and disadvantage: some ethnic groups, for example Black Africans, are over-represented among homeless households. Black Africans make up 21% of current accepted homeless households compared to 7.9% in the wider borough.

(Source: 2016 population from GLA)

14. 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	Impact Neutral/None	Impact 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	

15. 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.

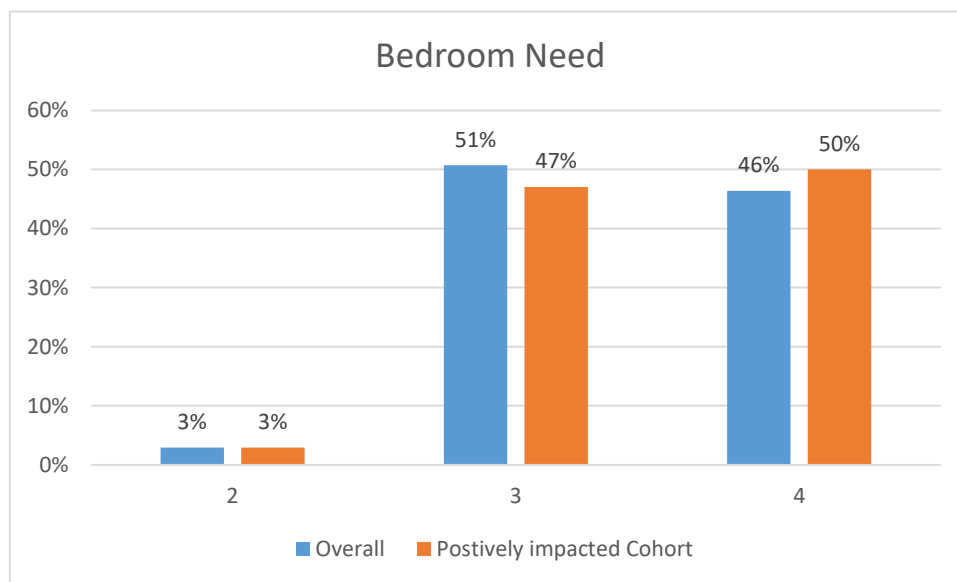
SECTION B – IMPACTS ANALYSIS

15. 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.

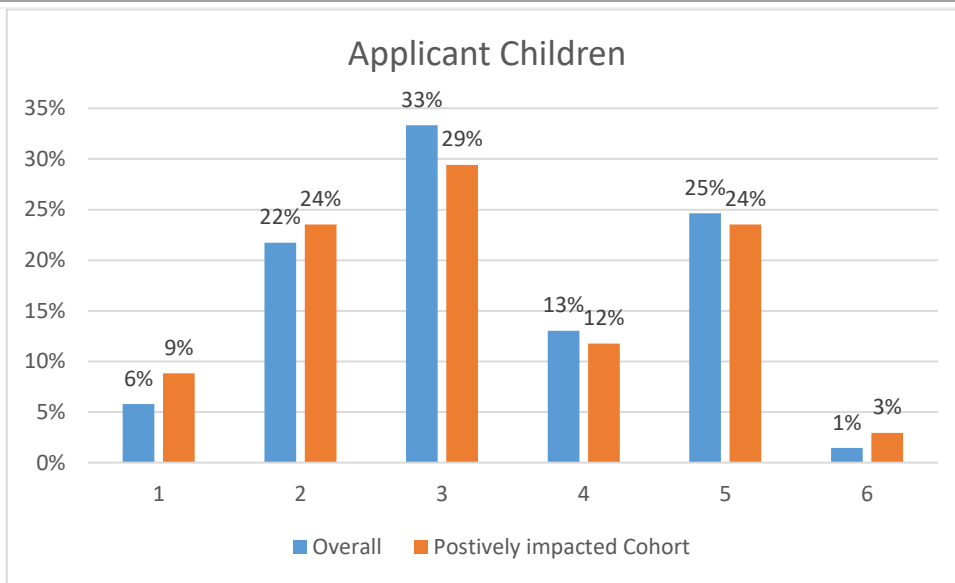
Currently there are 69 households who need a transfer due to over-crowding, currently awaiting social housing on our choice based letting system. According to our data the maximisation of our stock would positively affect 34 of these households of various bedroom sizes (49% of those currently in overcrowding).

This is due to there currently being 34 who have been waiting for a property of their reported bedroom need over the average waiting time.

The profiles below show the overall cohort (blue bars – total count 69) compare to the benefiting cohort (orange bars – total count 34).



As expected, those in overcrowding are awaiting properties with larger bedrooms; 97% are awaiting 3 and 4 bedroom properties. The overall cohort has a 51% need for 3 bedroom properties (51%), however those awaiting 4 bedrooms should benefit proportionately more from stock maximisation if both 3 and 4 bedroom properties are available in the same proportion.

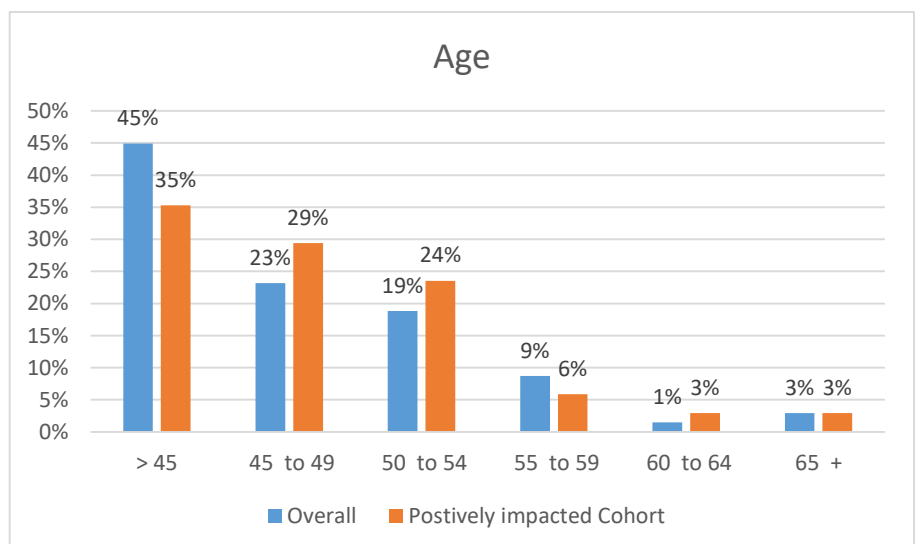


All the applicants in over-crowding have children although the dependent data is not sufficiently populated, however this gives an indication that bedroom need is likely to be based on those with families. Those with 1 or 6 children are in the oositive benefiting cohort, however both profiles are similar.

16. 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



The age range of our overall applicants in overcrowding is generally a relatively younger profile. Below 54 years of age, 87% (60 out of 69). A large proportion of this is under the age of 45, which makes up 45% (31 out of 69).

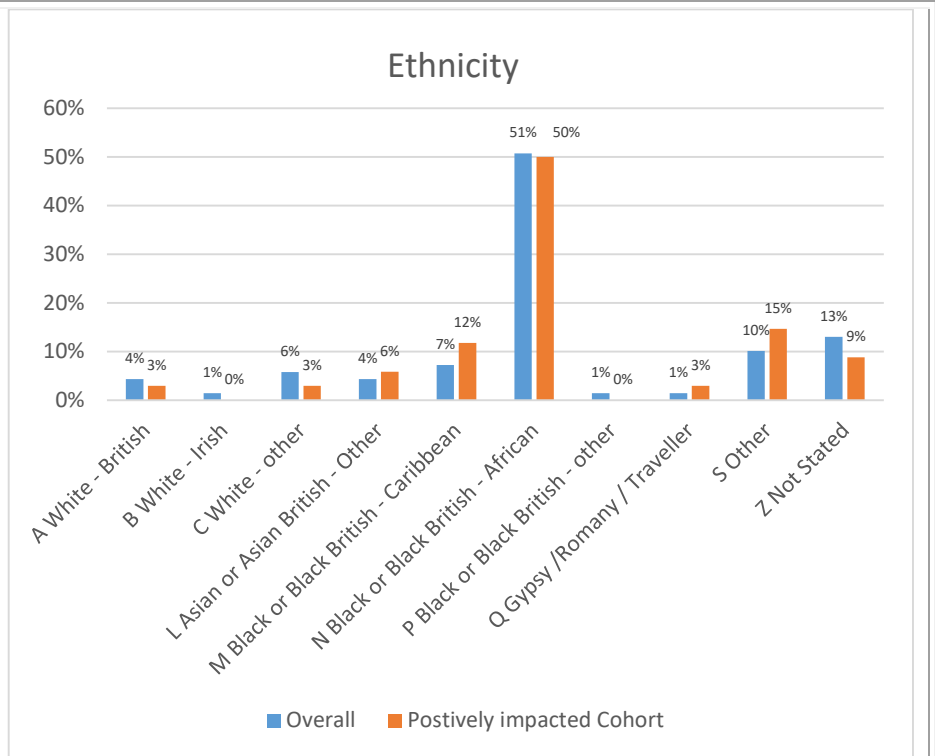
	<p>Those age 45 to 54 and 60 to 64 should benefit proportionately more from stock maximisation, however both profiles are very similar.</p>
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DISABILITY

<p>Details of impacts identified</p>	<div data-bbox="564 501 1474 1039" data-label="Figure"> <table border="1"> <caption>Disability Data</caption> <thead> <tr> <th>Category</th> <th>Overall (%)</th> <th>Positively impacted Cohort (%)</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td>12%</td> <td>12%</td> </tr> <tr> <td>No</td> <td>88%</td> <td>88%</td> </tr> </tbody> </table> </div> <p>In households with disability data, 12% of the households are disabled. Similarly, 12% are disabled in the benefiting cohort of the under occupying.</p> <p>The representation of households with disabilities in both cohorts is almost equal in both cohorts. This is slightly higher than the percentage of disabled people in the Brent population, which is 14.4%.</p>	Category	Overall (%)	Positively impacted Cohort (%)	Yes	12%	12%	No	88%	88%
Category	Overall (%)	Positively impacted Cohort (%)								
Yes	12%	12%								
No	88%	88%								

RACE

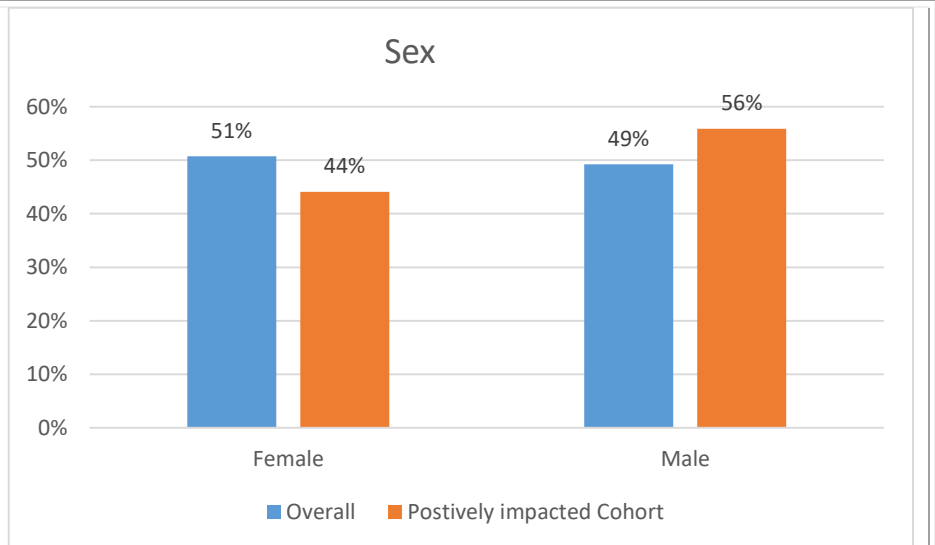
<p>Details of impacts identified</p>	
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Of the confirmed ethnicities (68) within our overcrowded applicants, 68% of the cohort are black (41 applicants). This is also consistent in our identified cohort of those who will be positively affected by stock maximisation, totalling to 68% (21) of confirmed ethnicities; identified as positively benefitting from this policy change (34). By ethnicity the profile is similar in both the overall and benefiting cohort.

SEX

Details of impacts identified



The gender split is fairly even in both cohorts. We would expect female applicants to make up a larger proportion of the cohort due to multiple reasons such as maternal parenting. A larger proportion of males are in the benefiting cohort.

SEXUAL ORIENTATION

Details of impacts identified There is insufficient data regarding sexual orientation of the households on the under occupying list to assess the impact on these groups. We do not however consider there to be any adverse impacts on this group.

PREGANCY AND MATERNITY

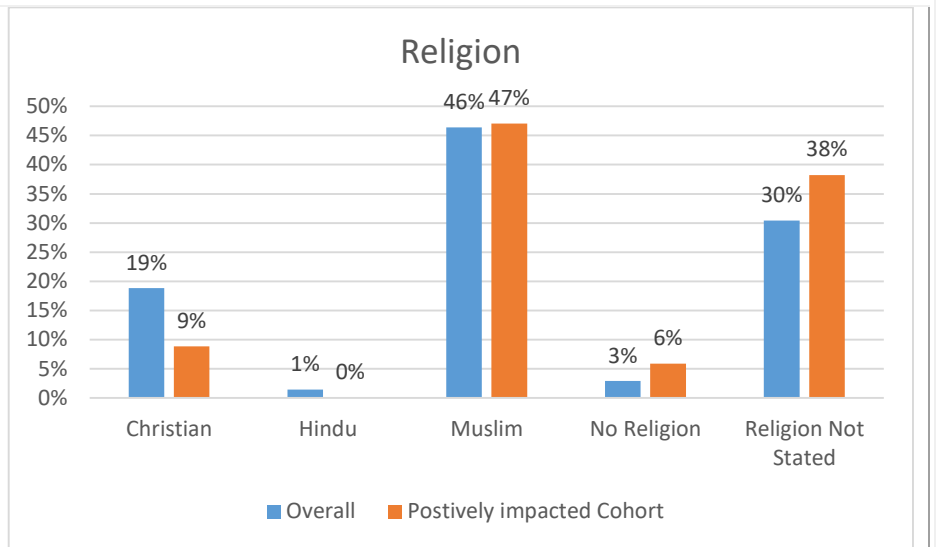
Details of impacts identified

Category	Overall (%)	Positively impacted Cohort (%)
Maternity	20%	18%
Pregnant	1%	0%
Not selected	78%	82%

Of the 69 applicants on the over-crowding list, 21% are detailed as maternity/pregnant. The profile is similar in the benefiting cohort.

It is important to underline that data on pregnancy/maternity is mostly historical indicators and do not confirm that the pregnancies are current.

RELIGION OR BELIEF

Details of impacts identified


The chart above shows a fairly similar profile for in the ethnic make up of the two cohorts. There are a larger number of unknowns in the benefiting cohort and a lower proportion of Christians.

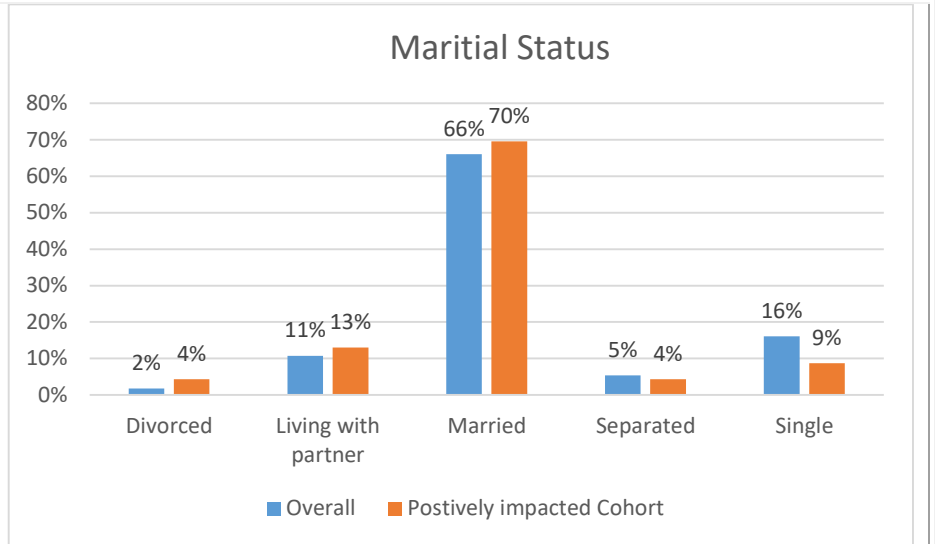
GENDER REASSIGNMENT
Details of impacts identified

There is insufficient data regarding gender reassignment of the 69 households on the under occupying list. Subsequently, none of the 34 benefiting cohort had data available on gender reassignment.

The Diversity in Brent document states that 3,400 people in Brent experience gender variance (based on GLA population projections, that equates to 1% of the borough population) Source: Stonewall.

We do not however consider there to be any adverse impacts on this group based on gender variance. This is because of the small size of both cohorts in the under occupying list and the matched cohort.

MARRIAGE & CIVIL PARTNERSHIP

Details of impacts identified


There is no major impact by marital status. Both the overall and benefiting cohort are generally of a similar profile. There are less single applicant in the benefiting cohort.

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

No

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

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

None

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

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

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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.

<p>Over crowding is an area the that the Council is actively working on including 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.</p> <p>Age: The profile of those in overcrowding is generally a relatively younger profile. Below 54 years of age, 87% (60 out of 69). A large proportion of this is under the age of 45, which makes up 45% (31 out of 69). All these applicants are recorded as having children within the data and these applicants are likely to be those of families, hence the greater bedroom need.</p> <p>Sex: The gender split is fairly even across both cohorts with a slightly higher proportion of males in the benefiting cohort.</p> <p>Race: There is similar race profile in both the overall cohort and the benefiting cohort. In both the overall and the benefiting cohort, blacks make up 68%.</p>
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SECTION D – RESULT

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

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

SECTION E - ACTION PLAN



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

Action	Expected outcome	Officer	Completion Date

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	
REVIEWING OFFICER:	
HEAD OF SERVICE / Operational Director:	