



Cabinet

Monday 8 November 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 - 10
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To approve the minutes of the previous meeting held on Monday 11 October 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 the Council's two Scrutiny Committees.

Children and Young People reports

7	School Place Planning Strategy 2019-23 Refresh	11 - 54
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This report provides Cabinet with a refresh of the School Place Planning Strategy 2019-2023 that was approved by Cabinet in November 2018.

Ward Affected:
All Wards

Lead Member: Lead Member for Schools, Employment & Skills (Councillor Thomas Stephens)

Contact Officer: Brian Grady, Operational Director, Safeguarding, Partnerships & Strategy
Tel: 0208 937 4173
Email: Brian.Grady@brent.gov.uk

Chief Executive's reports

8 Purchase of a S.106 block of apartments at the Telford Homes Alpertons Bus Garage Development 55 - 206

This report seeks permission to purchase the long leasehold interest in 155 affordable rented homes (flats) at the Alpertons Bus Garage site located in 330 Ealing Road, Alpertons. The scheme is currently in development with an estimated practical completion date of Q3 2024 for the affordable rented homes.

Ward Affected:
Alpertons

Lead Member: Deputy Leader (Councillor Margaret McLennan)

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

Digital and Customer Services reports

9 Annual Procurement Strategy Report 2021 207 - 268

This report sets out the Annual Procurement Strategy 2020-21 and updates Cabinet on the progress made across the five pillars of the Procurement Strategy 2020-2023, aligned with the Borough Plan 2019–2023.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)

Contact Officer: Rajesh Shori, Head of Procurement
Tel: 0208 937 1598
Email: rajesh.shori@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 set out below as specified under Part 1, Schedule 12A of the Local Government Act 1972:

Agenda Item 8: Purchase of a S.106 block of apartments at the Telford Homes Alpertons Bus Garage Development - Appendix 3 (Head of Terms and deal sheet), Appendix 4 (Draft 999 year lease), Appendix 5 (Draft 50 year lease summary), Appendix 6 (Draft Development agreement DA) & Appendix 7 (Lease Financing)

All of the above appendices are classified as exempt under Para 3 of Schedule 12A: "Information relating

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

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 her representative before the meeting.

In accordance with the provisions outlined in paragraphs 12 and 36 of the Council's Access to Information Rules (Part 2 – Constitution), the Leader of the Council has agreed to receive the following as an urgent item at this meeting:

11.1 Proposed renewal of the Council's current Gambling Act 2005 Statement of Principles (Policy Statement) 269 - 374

This report seeks approval to recommend to Council renewal of the council's existing gambling policy in its current form for a maximum of a further 24 months until 31st January 2024.

The reasons for urgency are as detailed within section 1.3 of the attached report.

(Agenda republished to include this item on 4 November 2021)

Ward Affected:

All Wards

Lead Member: Lead Member for Community Safety & Engagement (Councillor Promise Knight)

Contact Officer: Chris Whyte, Operational Director, Environmental Services

Tel: 0208 937 5342

Email: chris.whyte@brent.gov.uk

Date of the next meeting: Monday 6 December 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 current social distancing guidelines.
- Attendees will need to maintain the necessary social distancing 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/your-community/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

Held in the Conference Hall, Brent Civic Centre on Monday 11 October 2021 at 10.00 am

PRESENT: Councillor M Butt (Chair) and Councillors Farah, Knight, Nerva, M Patel, Krupa Sheth, Stephens, Southwood and Tatler.

Also present (in remote attendance): Councillor McLennan

1. **Apologies for Absence**

An apology for lateness was received from Councillor Stephens.

Apologies for absence were received from Carolyn Downs (Chief Executive) who was represented by Peter Gadsdon (Strategic Director of Customer & Digital Services), Phil Porter (Strategic Director, Community & Wellbeing) who was represented by Hakeem Osinaike (Operational Director of Housing) and Alan Lunt (Strategic Director Regeneration & Environment) who was represented by Alice Lester (Operational Director of Regeneration, Growth & Employment).

It was noted that whilst also present, Councillor McLennan would not be able to formally participate in any decisions taken during the meeting given she was in remote attendance.

2. **Declarations of Interest**

Peter Gadsdon & Gail Tolley both declared a personal interest in Agenda Item 9 (Proposals for ownership and refurbishment of Granville New Homes Blocks) as council appointed Directors on the Boards of First Wave Housing Ltd and i4B Holdings Ltd.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous Cabinet meeting held on Monday 13 September 2021 be approved as an accurate record of the meeting.

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

None.

5. **Petitions (if any)**

There were no petitions submitted for consideration at the meeting.

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

Cabinet were advised that a supplementary agenda item had been circulated in advance of the meeting, which contained recommendations made by the Community & Wellbeing Scrutiny Committee held on 7 October 21. The recommendations related to the pre decision scrutiny undertaken by the Committee of the proposals relating to the ownership and refurbishment of the Granville New Homes blocks, due to be considered under Item 9 on the agenda. As a result, Councillor Muhammed Butt (Leader of the Council) advised that he intended to consider the recommendations as part of the discussions on the same item.

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

7. Future of St Raphael's Estate

Prior to consideration of this item, Councillor Muhammed Butt (Leader of the Council) welcomed Asif Zamir to the meeting (as an online participant) who he advised had requested to speak as Chair of St Raphs Voice in relation to the proposals within the report that was due to be considered.

Outlining the important role of St Raphs Voice in representing the local community on the estate, Mr Zamir highlighted the disappointment felt by some within the local community that full redevelopment of the estate was (at this stage) no longer available as an option for residents to support in terms of the proposals outlined.

Whilst understanding the reasons why delivery of the redevelopment masterplan was not currently considered to be financially viable, Mr Zamir highlighted concerns to ensure that, subject to approval, the infill plus masterplan continued to be progressed working with the community in order to deliver the estate wide priorities and immediate improvements identified by residents on the estate along with the significant investment that would be required. Alongside the design and delivery of new homes other priorities identified had included improvements to the care and maintenance of the estate, community and green spaces, public realm, waste management, traffic and parking, which residents were keen to ensure were progressed in order to improve the quality of life for all those living on the estate.

In responding to the comments, Councillor Southwood, as Lead Member for Housing & Welfare Reform, began by thanking Asif Zamir for addressing the meeting in order to highlight residents views and for the supportive and constructive way in which St Raphs Voice had continued to work and challenge the Council in order to provide confidence for residents in the ongoing estate regeneration process. Whilst recognising the disappointment felt by residents that it would not be possible to offer the choice between full redevelopment and infill, an assurance was provided that the approach towards development of infill “plus” would continue to be community led and focussed on providing meaningful investment to secure real and tangible change for residents, including the consideration of wider objectives such as health and economic recovery. It was also confirmed, in response to a request from St Raphs Voice, that the approach being recommended to Cabinet would not prevent the option of full redevelopment being revisited should circumstances, in terms of the financial viability of the scheme, alter at any stage in the future.

Having noted the response provided and commitment towards ongoing engagement with the local community and St Raphs Voice, Councillor Muhammed Butt thanked Asif Zamir for his contribution at the meeting.

Councillor Southwood then moved on to introduce the report, which provided an update on the community led master planning process along with the background as to why delivery of the redevelopment masterplan was no longer considered financially viable. Whilst noting members disappointment that it would not currently be possible to offer residents the option of full redevelopment, Cabinet noted the potential to deliver significant place making improvements through the “Infill Plus” option now being progressed, which would include the early priorities identified for delivery, detailed within section 5.7 of the report. Members were also supportive of the wider more significant list of improvements and investment identified by residents for consideration alongside the design of the homes for the Phase 1 site and remaining phases of the masterplan, as detailed within section 5.8 of the report. The inclusion of a focus on wider Council objectives relating to health inequalities, education, culture, air quality and the climate emergency was also welcomed alongside the continued commitment to ongoing engagement with St Raphs Voice based on their Residents Charter.

In summing up, Councillor Muhammed Butt highlighted the ongoing focus on reconnecting with community groups moving forward from the pandemic in order to improve the lived experience for residents on estates across the borough, including St Raphael’s. Whilst recognising the disappointment expressed by residents and members in terms not being able to offer full redevelopment as an option he felt it important to note the challenges identified in relation to funding, whilst highlighting the Council’s commitment to continue working with all partners and stakeholders in order to deliver the improvements identified.

Having noted the comments made, Cabinet **RESOLVED:**

- (1) To confirm its continued commitment to improving the lived experience on St Raphael’s through an ‘infill plus’ approach to the delivery of new Council homes. This to include the delivery of resident priorities for green space and play space, streets and safety, community amenities, connectivity, health and employment.
- (2) To approve the allocation of £2.35m to enable commencement of the design of the Infill Masterplan, design of the wider estate improvements and the purchase and installation of a temporary community / project building, as described in section 5 of the report.
- (3) To note the Resident’s Charter developed by St Raphael’s Voice, the content of which informed planning for the Infill Masterplan and to acknowledge the role and commitment of St Raphs Voice, the Resident Board on St Raphael’s, both to date and in the future St Raphael’s project.

8. **Article 4 Direction Removing Permitted Development Rights for Change of Use From Class C3 dwelling houses to Class C4 House in Multiple Occupation**

Councillor Tatler (Lead Member for Regeneration, Property & Planning) introduced the report which detailed representations received to a borough wide Article 4 Direction requiring planning permission for change of use from residential dwellings to houses in multiple occupation (HMOs). In presenting the representations received and responses members were being asked to consider the making of a new Article 4 Direction that would exclude the draft Local Plan site allocations within the Church End Growth Area and all parts of the other seven Growth Areas.

In considering the report, members noted the important role that well maintained and managed HMOs contributed towards meeting housing need supported by Brent's planning policies. At the same time members also recognised the negative impacts which poor quality HMOs could have on their occupants and also surrounding neighbourhoods, as detailed through the examples provided in Appendix 3 of the report. The principles which supported the approach outlined towards the Article 4 Directive for HMOs were also noted as a means of providing a complementary and co-ordinated approach between both the Housing Licensing and Planning functions, as well as in assisting to address the potential over-concentration of HMOs in an area and protect local amenity. Members were advised that subject to approval of the recommendations within the report any new Article 4 Direction would, following the consideration of any representations received, be unlikely to take effect for at least one year in order to comply with the necessary procedure for its confirmation.

Having noted the benefits associated with the proposed way forward in terms of ensuring the delivery of good quality and well managed HMOs, Cabinet **RESOLVED:**

- (1) To note the representations received on a non-immediate Article 4 Direction made in October 2019 removing permitted development rights for change of use from Residential (C3) to Houses in Multiple Occupation (C4) and the officers' responses.
- (2) To agree, having considered the representations received, that the non-immediate Article 4 Direction made in October 2019 removing permitted development rights for change of use from Residential (C3) to Houses in Multiple Occupation (C4) does not proceed to confirmation and the Direction is formally revoked.
- (3) To approve the making of a new borough wide non-immediate Article 4 direction for change of use from Residential (C3) to Houses in Multiple Occupation (C4) that excludes the draft Local Plan's site allocations within Church End Growth Area and all parts of the other seven Growth Areas as shown in Appendix B of the report.
- (4) To delegate authority to the Strategic Director for Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning to consider consultation responses and the decision on whether to confirm the Article 4 Direction.

9. Proposal for ownership and refurbishment of Granville New Homes blocks

Councillor McLennan, as Deputy Leader & Lead Member for Resources, introduced a report which set out options for funding and carrying out remedial works identified as required at the Granville Road, Princess Road and Canterbury Road blocks (otherwise known as Granville New Homes) and potential disposal of these blocks from First Wave Housing Ltd (FWH Ltd) to the Housing Revenue Account (HRA).

In considering the report, members noted that the Granville New Homes comprised a total of 110 out of the 326 properties managed by First Waved Housing Ltd as one of the Council's wholly owned housing companies. These consisted of 84 social rented properties, 25 intermediate rented properties and one leasehold property. The development had been constructed in 2009 with the properties initially being purchased and managed through Brent Housing Partnership (BHP) and subsequently FWH Ltd's portfolio. As a result of subsequent problems experienced in terms of water ingress and other issues identified in relation to the design and construction of the blocks as well as in relation to cladding and fire safety FWH Ltd had commissioned a report from Ridge Consultants to investigate the remedial works required to remediate the issues identified, the results of which had been summarised within section 3 of the report. The estimated cost of the remedial works identified had totalled £18.5m, which members noted would make the FWH Ltd Business Plan unviable.

As a result the Council (as Guarantor) and FWH Ltd had been required to explore options for funding the works whilst protecting the ongoing viability of FWH Ltd, balancing costs with the HRA and ensuring the works were undertaken as quickly as possible and with minimum disruption for residents. The options considered had been detailed within section 4 of the report with the recommended option (disposal of the blocks to the HRA) and further detail on the structure of the proposed transaction having been set out in sections 5 and 6 of the report along with a review of the relevant implications for tenants, FWH Ltd, the General Fund and HRA.

Members were assured that subject to approval of the final option a full consultation process would be undertaken with residents to seek their views prior to any final decision being made to move forward.

Cabinet were also advised that the issue had been considered at the Audit & Standards Advisory Committee on 22 September 21 as part of a regular update received on FWH Ltd. As a result, it had been recommended that the Community and Wellbeing Scrutiny Committee should be invited to consider and comment on the implications for Brent Housing Management (BHM) and the HRA arising from the recommended disposal option identified. The Community and Wellbeing Scrutiny Committee had met on 7 October 21 to consider the proposals and as a result had made a number of recommendations to Cabinet, which the Deputy Leader advised included a number of proposals to ensure the necessary due diligence had been undertaken in relation to an assessment of the options and in procuring and monitoring the design and build quality of any similar types of construction work in the future. In noting the recommendations, Cabinet were advised these would be taken forward as appropriate with the relevant services across the Council.

In terms of other comments raised, Cabinet noted the external legal and tax advice confirming that the preferred option identified within the report (Option 1c) would be technically viable along with the associated financial implications in relation to the

HRA and FWH Ltd. In terms of the affected tenants, this would involve the 84 social rented tenants becoming secure council tenants and one leaseholder becoming a council leaseholder with members assured that this would not represent any greater level of risk to the HRA in terms of rental income, Right to Buy or stock maintenance and management costs than posed through the existing HRA portfolio. The 25 intermediate tenants would become i4B tenants.

Having noted the recommendations made by the Community & Wellbeing Scrutiny Committee on 7 October 21 along with the assurances provided in relation to risk, the viability of the preferred option, engagement process and outcomes being sought for the affected tenants and leaseholder, Cabinet **RESOLVED** having also considered the information provided within the exempt appendix accompanying the report:

- (1) To note the options analysis detailed within the report and agree that disposing of the blocks at Granville New Homes to the Council's Housing Revenue Account was the best option, subject to a consultation with residents being carried out.
- (2) To approve commencing a consultation with residents on the proposed option 1C as set out in sections 5 and 6 of the report.
- (3) To delegate authority to the Strategic Director of Community Wellbeing in consultation with the Director of Finance and the Lead Member (the Deputy Leader) for a final decision regarding the disposal of the properties, subject to the outcomes of the consultation with residents.
- (4) To delegate authority to the Director of Finance to renegotiate the terms and payment of the loan between Brent Council and First Wave Housing Ltd.

10. **Quarter 2 Financial Report 2021/22**

Councillor McLennan, as Deputy Leader and Lead Member for Resources, introduced a report which detailed the current (Quarter 2) forecast of income and expenditure against the revenue budget for 2021/22 and other key financial data.

In considering the report, Cabinet noted the total pressures currently forecast for the year, which amounted to £4.2m in relation to the Dedicated Schools Grant (DSG). Members also noted the details provided in relation to the recovery initiatives along with risks and uncertainties identified across each service and budget area. Whilst significant uncertainties remained in relation to the recovery from the pandemic, members were advised that the 2021/22 budget had been set to accommodate the additional costs and loss of income arising as a result and it was currently anticipated that the pressures identified could be contained within the growth provided to service areas. With the exception of the pressure identified in relation to the DSG, the forecasts in relation to both the General Fund and Housing Revenue Account (HRA) currently matched the budget position and assumptions agreed for the year.

Members attention was also drawn to the progress being made in relation to delivery of the budget savings agreed for 2021/22 – 2022/23 as detailed within Appendix A of the report. The majority of savings (£6.9m) remained on track with

mitigating actions agreed in relation to the £0.8m currently identified as delayed. Details were also provided on the progress being made in relation to delivery of the various initiatives funded in July 21 to promote recovery from the pandemic, as detailed within Appendix B of the report.

In terms of new and emerging risks, Cabinet were advised of the pressures identified in relation to the significant increase in asylum seekers and refugees arriving in the UK, as detailed within section 1.4 of the report. Whilst the Council remained committed to supporting vulnerable families and individuals seeking asylum, members remained focussed on ensuring the dispersal scheme was proportionate and reasonable across all London Boroughs and that the funding provided was sufficient to cover all anticipated pressures across adult social care, children's services, public health, housing and community safety.

As a final update, Cabinet noted that it was anticipated that the Governments Spending Review would be finalised at the end of October 21 based on a three year settlement for Local Government covering 2022/23 – 2025/26. It was expected this would include further details relating to the Health & Social Care Levy as well as other existing social care grants and schemes such as the Improved Better Care Fund, Social Care Grant and Adult Social Care precept. Given the timing of the announcement and the wider changes expected to be included as part of the settlement, it was now planned to publish the Council's draft 2022/23 budget in December 21 in order to allow sufficient time to work through the impact and any changes that may be required to ensure production of a balanced and robust budget.

In summing up, Councillor Muhammed Butt highlighted the concerns expressed by Cabinet at the ongoing uncertainty identified in relation to the Government's current proposals for the Local Government Spending Review and potential impact of the levelling up agenda on London. Despite the ongoing challenges identified, he advised the Council remained committed to delivering against its aims and priorities and to ensuring representations continued to be made in relation to the impact of the Governments funding settlement on Local Government and the communities they served.

Having considered the forecast and update provided Cabinet **RESOLVED:**

- (1) To note the overall financial position as detailed within the Quarter 2 update and the actions being taken to manage the issues highlighted within the report.
- (2) To note the budget setting strategy for 2022/23.

11. **Authority to Award Contract for the Managed Services for Temporary Agency Staff**

Councillor McLennan, as Deputy Leader and Lead Member for Resources, introduced a report seeking approval to the proposed award of the contract for a Managed Service for Temporary Agency Staff.

Members noted that the aim of the service was to provide temporary staff to fill vacant positions over a short term period and on an interim basis in order to

manage fluctuations in workload and obtain specialist skills as the need was identified. The report outlined the procurement and evaluation process which had been undertaken, with members commending the social value commitments being offered to support local residents and employment as detailed within section 9.3 of the report.

In considering the report, Cabinet noted the information provided within the exempt appendix and **RESOLVED** to approve the award of the contract for a Managed Service for Temporary Agency Staff to Contractor C for a period of three years plus a one year extension.

12. **2021/22 Quarter 1 (April - June) Performance Report**

Councillor McLennan, as 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 first quarter 2021/22 (April – June 2021).

In presenting the report, Councillor McLennan highlighted the ongoing impact of the Covid-19 pandemic across the organisation as the Council had continued to focus on the recovery programme and effect this had had on a number performance indicators across priority areas. This had resulted in the introduction of an additional purple KPI rating during the previous 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. In addition, members noted the further revision to the format and content of the report and accompanying scorecard in order to develop a primary focus on performance against the Council's Borough Plan and priorities.

Whilst noting that the measures identified would be subject to further adjustment as performance developed and additional data became available moving forward during the year, members were advised that of the 65 Borough Plan Indicators which had been included 23 were rated as on or above target (green), eight as just off target (amber) and 10 as off target (red). Four had been rated as purple with 13 being for contextual use only and data awaited on the remaining indicators. An additional 14 internal business indicators had also been included of which one was rated on or above target (green), two just off target (amber), and seven as off target (red). One had been rated as purple with three provided for contextual information only.

Having recognised the ongoing challenges identified, Councillor Muhammed Butt in summing up, 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. Lead Members were also thanked and encouraged to continue their focus on working jointly with their relevant Strategic Directors, in seeking to mitigate and address performance, where identified as required.

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

- (1) Note the performance information contained in the updated report format.

- (2) Note the current and future strategic risks associated with the information provided and approve the remedial actions being undertaken on the strategic risks identified as appropriate, alongside the challenge on progress being provided with responsible officers as necessary.

13. **Exclusion of Press and Public**

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


14. **Any other urgent business**

None.

The meeting ended at 10.50 am

COUNCILLOR MUHAMMED BUTT
Chair

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	Cabinet 8 November 2021
	Report from Strategic Director, Children and Young People
School Place Planning Strategy 2019–2023 Refresh	

Wards Affected:	All
Key or Non-Key Decision:	Information
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	N/A
No. of Appendices:	One: Appendix 1 Brent School Place Planning Strategy 2019-23 November 2021 Refresh
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Brian.grady@brent.gov.uk 020 8937 4713 Shirley Parks, Head of Forward Planning, Performance and Partnerships Shirley.parks@brent.gov.uk 020 8937 4259

1.0 Purpose of the Report

- 1.1 This report provides Cabinet with a refresh of the School Place Planning Strategy 2019-2023 that was approved by Cabinet in November 2018.

2.0 Recommendations

That Cabinet:

- 2.1 Approves the refresh of the School Place Planning Strategy 2019-2023 provided as Appendix 1.
- 2.2 Notes that the current forecasts for primary places will remain fairly steady over the next five years.

- 2.3 Accepts the recommendation that the Secondary School Expansion Programme, presented to Cabinet on 14 October 2020, does not proceed as the latest forecasts indicate that additional secondary places are not required.
- 2.4 Notes the planned strategies for addressing the significant and increasing demand for places that meet the needs of children and young people with SEND aged 0-25.
- 2.5 Notes the concerns about the impact of COVID-19 on Early Years provision and the strategies to support the sector.

3.0 Detail

- 3.1 In November 2018 Cabinet approved the Brent School Place Planning Strategy 2019-2023. The annual refresh of the strategy is provided as Appendix 1.
- 3.2 The School Place Planning Strategy 2019-23 presents the objectives and operating principles that underpin the Council's approach to school organisation to deliver high quality education provision to support the best outcomes for Brent children. The Brent School Place Planning Strategy 2019-2023 sets the following expectations:
- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
 - All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
 - The Council and schools work together to meet the challenge of providing sufficient school places
 - The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2021
 - All schools operate in good quality, safe premises
 - Children are educated close to home
 - Schools work with the local communities they serve
 - The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
 - The Council and schools make efficient use of resources.
- 3.3 This annual refresh of the Brent School Place Planning Strategy 2019-2023 provides an updated assessment of school place demand across the borough based on the latest pupil projections from the Greater London Authority (GLA). The GLA population projection models are updated and revised annually as new methods or data become available to ensure that projections provide the best estimates of future population based on current available inputs.
- 3.4 The GLA projections are informed by centrally held demographic data, such as the Office of National Statistics (ONS) census data and fertility and birth rates, as well as locally held information, such as migration patterns and planned

housing growth that is provided by the Local Authority. The methodology also takes account of the percentage of children who historically move into the following academic year in an area and is therefore driven by the number of pupils on roll in the January 2021 school census. The GLA projections are an indicator of need that are refreshed annually, taking into account changes in any key factors, such as the birth rate or the new housing trajectory.

- 3.5 Overall the 2021 forecasts for primary mainstream school places are lower than the 2020 forecasts, while the secondary forecasts are broadly similar to 2020. The primary forecasts reflect a lower than anticipated number of children on roll in the 2020/21 Reception cohort, as well as lower birth rates. While the forecasts will reflect some of the impacts of Brexit and the COVID-19 pandemic on local populations, there is little information available at this stage to predict whether the trends seen over the last year of some families leaving Brent will remain for the long term. Officers will continue to work closely with Brent schools to ensure that place planning is informed by local information on migration patterns and local populations.

4.0 Primary Place Need

- 4.1 Following unprecedented growth in demand for primary school places in Brent from 2006-2015, primary demand has reduced since September 2017. The latest Greater London Authority (GLA) projections (based on January 2019 school census) indicate that demand for Reception will gradually increase over the next few years. There remains, however, a high number of spare places across the system. At a borough level, Brent has sufficient capacity to meet the forecast increase in demand for mainstream primary places and maintain 5% spare places to ensure that there are sufficient places to respond to in-year movement and migration.
- 4.2 By dividing the borough into five planning areas based on the geographic grouping of schools, the local authority can plan to ensure places are provided near to where children live, while recognising that some children travel across planning areas to attend school. Demand for school places can also be highly localised as parents seek entry to schools perceived as popular.
- 4.3 At a planning area level, forecasts for planning areas 2, 4 and 5 are showing sustained lower demand than available places, resulting in a significant number of spare places. While this means that overall parents will have an increased choice of places, reduced intakes can present organisational challenges for schools. The local authority is working with schools to put in place strategies to manage changing demand and to support schools to ensure the sustainability of provision. Measures to support reduced intakes include temporarily reducing admission numbers or placing an informal cap on admission numbers and repurposing spare capacity, for example to provide Additionally Resourced Provision for children with SEND.

5.0 Secondary Place Need

- 5.1 The latest GLA secondary forecasts are similar to those for 2020 in relation to both Year 7 projections and anticipated in-year cohort growth. However, while the forecasts indicate some increasing demand as larger primary cohorts

continue to progress into secondary schools, the rate of increase in the longer term is lower than the 2020 projections. Based on the current forecasts, there will be sufficient capacity to meet forecast demand and provide 5% spare places up to at least 2029/30. This includes capacity that will be provided by The North Brent School (180 places per year group). The school has experienced a delay in its plans to move to its permanent site in Neasden until 2023, and will therefore be offering only 60 places in the 2021 and 2022 normal rounds of admission.

- 5.2 On 9 November 2020, Cabinet agreed to delay implementation of a capital programme to increase secondary places through expanding two existing secondary schools that had been developed in response to previous forecasts that indicated there would be a shortfall of places (4 forms of entry), because lower forecasts in 2020 indicated the expansions would not be necessary. It was agreed that the programme would be delayed to allow time to review refreshed forecast demand information in Spring 2021.
- 5.3 The latest forecast demand information confirms that the additional secondary capacity is not required. It is therefore recommended that the Secondary School Expansion Programme presented to Cabinet does not proceed.

6.0 SEND and Alternative Provision Place Need

- 6.1 Despite lower pupil projections, demand for places that meet the needs of children and young people with SEND is continuing to increase. This is in part due to overall population growth, but also increasing diagnosis and the extension of services to children and young people aged 0-25 with SEND. The number of maintained EHC Plans in Brent has risen by 14.8% from 2020, with an annual growth rate of 8.4% since 2017. The number of EHC Plans nationally has risen by 10.4%. In 2021 the highest number of new EHC Plans were issued to children age 5 to 10. As of January 2021, there were 2784 (SEN2 data return) Brent resident children and young people with an EHCP, of whom 2322 were attending a school (reception to year 14) and 415 were attending a further education provision (age-range 16-25). In 2021 48% of children and young people with EHCPs attended a mainstream provision and 52% of children and young people with EHCPs attended a special provision.
- 6.2 Increased cohorts of primary children with EHCPs will be moving through to the secondary phase over the next five years. Despite an increase in special school places over the past three years, there remain insufficient local places for Brent children with SEND for children of both primary and secondary age. Brent continues to be reliant on sourcing places in out-of-borough maintained special schools or Independent schools or colleges. This provision is expensive and can limit children and their families' access to local support networks. To meet this demand and reduce dependence on out-of-borough independent special schools, Brent is planning to commission additional primary and secondary special places to cater for pupils with ASD and Communication and Interaction needs through a new special school, special school expansions and new Additionally Resourced Provision.
- 6.3 There is also a need for the borough to develop additional 16-25 SEND provision to meet the needs of young people aged 16-25 with complex learning

difficulties. Working with parents, young people and partners, including FE colleges, a capital programme is being scoped to establish a 16-25 Skills Centre at Airco Close, which will help support young people locally to develop their independence and participation in community life.

- 6.4 The council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school. The council provides support to Brent schools to reduce the number of exclusions, with a focus on early identification and prevention strategies working closely alongside pastoral teams in mainstream settings.
- 6.5 Where pupils have been excluded or require provision that includes a vocational element to best meet their needs, Brent and local schools commission places for children and young people in Alternative Provision both in and out of the borough. A new Alternative Provision School with integrated youth provision opened at the Roundwood Centre in January 2021 increasing the availability and quality of local provision for secondary aged children with SEMH needs that cannot be met within mainstream, alongside Brent River College and Ashley College.

7.0 Early Years

- 7.1 Under the Childcare Act 2006, local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. There are 323 early years providers in the borough and a good balance of free entitlement places across 247 providers of different types. Take-up of free entitlement places in 2021 was below both the London and national averages at 49% for the 2 year entitlement (compared with 64% in 2019) and 71% for the 3 and 4 year entitlement (73% in 2020 and 75% in 2019, national average 94%). In 2020, the number of children attending early years settings significantly reduced in response to COVID-19. Uptake has since increased but has not yet reached 2019 levels (3403 children attending in July 2021 compared to over 4,500 in July 2019). The significant loss of income from fee-paying parents during COVID-19 lockdown periods, particularly for PVI providers, has left many concerned about their long-term financial viability. A number of actions are planned to support provider recovery including persuading parents to take up early years places.
- 7.2 There continues to be evidence of increased numbers of children with SEND accessing specialist nursery places. The addition of a new ARP at Willow Nursery School has helped in supporting more children who need ASD specialist placements to access provision that effectively meets their needs and has helped to free up some spaces across the specialist nurseries for children with disabilities. The council is continuing to work with partners to ensure flexibility in the early years system to help meet the needs of parents of children with SEND, alongside the challenge of the 30 hour offer.

8.0 Financial Implications

- 8.1 Mainstream school places are funded from the annual Dedicated School Grant based on pupil numbers as per the October school census in the preceding year. This means that, although there is a time lag, the revenue cost of mainstream pupil growth is recognised and funded by the DfE.
- 8.2 School budgets are devolved to respective school governing boards but are under pressure from real terms funding reductions to the DSG. As schools are funded on the basis of pupil numbers, it is likely that small schools and those with falling numbers on roll will find it most difficult to balance their budgets in the medium term. Larger and growing schools are more likely to successfully manage the funding reductions.
- 8.3 Expanding the number of funded high needs provision will have revenue implications, as they are funded from the High Needs Block of the Dedicated Schools Grant (DSG). In order to help manage the financial pressure on the High Needs block, new in-borough provision must replace current out-of-borough arrangements at lower cost. Reducing out-of-borough provision will also help mitigate the financial pressure on the transport budgets held in the General Fund.
- 8.4 There are no further primary school expansions included in the Council Capital Programme. Capital investment will be required to support the delivery of additional provision to meet the needs of children with SEND. A separate report to Cabinet will detail planned capital expenditure and the capital programme budget implications, including available Basic Need grant funding.
- 8.5 Basic Need capital grant and the Special School Capital Grant are not time bound or ring-fenced and can be used for any capital purpose. However, the ESFA has stated that it is expected to be used for investment in schools, joining up with other capital resources when it is beneficial for schools to do so.
- 8.6 The nature of SEND education means that the development of additional places presents additional complexities, and thus higher costs than mainstream expansions. Predicting the future costs of providing places remains inherently difficult to forecast. The nature of any construction work required to provide additional school places, combined with the site location and layout all affect the cost per place. As proposals to address the forecast demand set out in the School Place Planning Strategy are developed, further reports will be provided to Cabinet with relevant financial information as required.

9.0 Legal Implications

- 9.1 The council has a general statutory duty under Education Legislation to ensure that there are sufficient school places available to meet the needs of the population in its area. The council must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential and increase parental choice. To discharge this duty, the council has to undertake a planning function to ensure that the supply of school places balances the demand for them.

- 9.2 In addition to securing school places for pupils aged five to 16, the local authority has related statutory responsibilities in relation to children and young people with special educational needs and disabilities (SEND) up to the age of 25 where the council has to make suitable provision to meet their needs and early years provision, where responsibility for childcare sufficiency and for provision for disadvantaged two year olds and all three and four year olds, overlaps with school provision.
- 9.3 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol allows for the admission of children over schools' planned admission numbers in the event that a school place is not available. Schools are not required to maintain classes over the planned admission number but revert to the usual admission number when children leave.
- 9.4 Under the current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the council as admission authority must consult the Governing Board of the school where it proposes to either increase or keep the same PAN.
- 9.5 Under Section 19 of the Education Act 2006 and School Organisation Regulations, the council can decide to propose an enlargement or amalgamation, follow the statutory process and resolve to do so without requiring the consent of the Governing Board whose redress would be to object to the Schools Adjudicator.
- 9.6 Under section 37 of the Education Act 2011 if the council considers a new school needs to be established in its area, the council must seek proposals for the establishment of an academy.
- 9.7 Given there is a presumption that any new school site provided by a local authority would be for a sponsored academy, the council would in general be expected to grant a 125-year lease at a peppercorn rent to the academy. This approach is intended to be consistent with the existing guidance on community schools converting to academies where a local authority grants to the new academy a 125 lease of the community school site at a peppercorn rent. If in the alternative the council is asked by the Department of Education to provide a new site for a free school, it would also be expected to grant a peppercorn lease to the free school in accordance with Department of Education Guidance updated January 2014.

10.0 Equality Implications

- 10.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All

providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.

- 10.2 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.
- 10.3 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.
- 10.4 The School Place Planning Strategy 2019-23 aims to ensure that there are sufficient and suitable school places for all Brent children and that their changing diverse and special education needs are met. It also aims to raise the education standards for all and address inequality due to social disadvantage, disability (including multiple complex needs) and/or other protected characteristics, and contributes to the delivery of the Council's equality duties.
- 10.5 The strategy will be reviewed and updated every year to reflect changing demographics and to ensure that the diverse and special education needs of Brent children continue to be effectively met. The findings and the equality analysis screening of the School Place Planning Strategy 2019-23 show that there is currently a slowdown in demand for primary school places and lower increased demand for secondary school places than previously forecast. Demand for Special Education Needs school places in the borough is continuing to increase and the strategy identifies the need for additional local places to meet this need.

11.0 Consultation with Ward Members and Stakeholders

- 11.1 Ward members will be consulted on the impact of this strategy where mainstream planning area capacity is reviewed or where additional SEND places are being considered.

12.0 Human Resources/Property Implications (if appropriate)

- 12.1 N/A

Report sign off:

Gail Tolley
Strategic Director, Children and Young People



**LONDON BOROUGH OF BRENT
SCHOOL PLACE PLANNING STRATEGY
2019-2023**

Refresh - November 2021

BRENT SCHOOL PLACE PLANNING STRATEGY 2019 – 23

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1. Introduction

As the champion for all children and young people in the borough, Brent Council has statutory duties to promote the wellbeing, safety and achievement of Brent children and to promote high standards that help all children to fulfil their potential. Brent Council also holds the statutory duty to ensure sufficient school places for Brent children.

This strategy sets out how Brent will deliver sufficient school places in context of the Council's statutory duties, ensuring that school place delivery supports the achievement of the best outcomes for Brent children.

1.1 Brent Context

Brent is one of the most culturally diverse areas in England. The dynamic mix of communities continues to enrich and inform the social, economic and cultural make-up of the borough. The largest ethnic groups of statutory school in Brent age are: Asian Indian (17%), White British (9%), White Eastern European (8%), Black Somali (7%), Black Caribbean (6%), Asian Pakistani (4%) and Afghan (3%). In addition to new arrivals, socio-economic pressures placed on many of Brent's families combined with a housing stock which relies heavily on privately rented accommodation, contribute to relatively high levels of pupil turnover in many of our schools. The proportion of Brent pupils in primary and secondary schools who are disadvantaged is 21%, below the national figure of 25% and London average of 28% (based on pupil premium allocations).

1.2 School Effectiveness in Brent

Over the last five years, Brent's self-improving system has become firmly embedded in the borough, with a shared responsibility for school effectiveness and improvement between the Local Authority and schools.

As a result, the quality of education provision is high. At the end of the 2020-21 academic year, Ofsted had judged the overall effectiveness of 95% of Brent schools as good or outstanding. This put Brent 12% percentage points above the national average of 83% and 2% percentage points above the London average of 93%. All nursery, special schools and pupil referral units have been judged good or outstanding. 95% of Brent primary schools and 92% of secondary schools are judged good or outstanding.

In 2017, Brent's Strategic School Effectiveness Partnership Board approved a Strategic Framework for School Effectiveness in Brent 2017-20. The Framework was updated and extended to 2021 in the context of the impact of the COVID-19. The Framework sets the following priorities which will be supported by the delivery of this Place Planning Strategy:

- Sustaining Ofsted good and outstanding judgements for all schools
- Raising the standards and progress of pupils at the lowest performing schools
- Raising the attainment of priority groups
- Maintaining high quality education provision for all pupils

Within this context, the School Place Planning Strategy 2019-23 presents the objectives and operating principles that underpin the council's approach to school organisation to deliver the best quality of education provision to support the best outcomes for Brent children. The Strategy outlines the projected demand for school places in Brent based on the latest forecasts. These are updated annually to ensure that any new factors that impact on pupil forecasts are taken into account and refine the council's understanding of future place need.

The original School Place Planning Strategy 2019-23 set the following expectations:

School Place Planning Strategy Measures of success

- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
- All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
- The Council and schools work together to meet the challenge of providing sufficient school places
- The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2021
- All schools operate in good quality, safe premises
- Children are educated close to home
- Schools work with the local communities they serve
- The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
- The Council and schools make efficient use of resources.

2. Executive Summary

2.1 Demand for Mainstream Provision

Much of the focus on demand for mainstream provision is on places in Reception for infant and primary schools and Year 7 for secondary schools. These year groups reflect key points when demand patterns can shift. However, planning for school places also takes into account in-year growth as a result of in-migration and new housing.

2.1.1 Demand for Primary Places

Following unprecedented growth in demand for primary school places in Brent from 2006-2015, demand for Reception places across the Borough plateaued in September 2016 and has reduced since September 2017. The latest Greater London Authority (GLA) projections (based on January 2021 school census) indicate that demand for Reception will remain at current rates for the next five years.

This means that Brent will continue to have a high number of spare places across the system and that at a borough-level there is sufficient capacity to meet any increase in demand for mainstream primary places. While overall demand is forecast to remain at current levels, in some areas of the borough demand is forecast to reduce. The local authority, therefore, will continue to support particular schools where necessary in managing the impacts of reduced pupil numbers with measures such as temporarily reducing admission numbers or repurposing accommodation. The School Place Planning Strategy 2019-23 identifies a number of areas where primary places will be kept under review to ensure that provision is sustainable over the next five years (see Section 6). A decision to close provision on the Roe Green Strathcona site from September 2020 due to low demand is in the process of being implemented

In other areas, where there are a number of new housing developments, growth in demand is anticipated that could change school place demand patterns. Brent's housing target as set by

the London Plan has increased by over 50%, requiring the delivery of 23,250 new homes by 2028/29. To meet this target, new growth areas have been identified including at Northwick Park, Neasden Stations and Staples Corner. These areas, together with the existing growth areas (Alperton, South Kilburn, Wembley, Church End and Burnt Oak Colindale) will see the vast majority of housing and population growth. As such, these areas are being kept under close review, as well as Wembley Park where demand is expected to grow as new housing becomes occupied. Additional demand is also likely to be generated from growth happening outside of Brent, notably at the London Plan Opportunity Areas including the Old Oak Park Royal Development Corporation (OPDC), Colindale, Kensal Canalside and Brent Cross. The Council will continue to work closely with its neighbouring authorities to ensure that any increased demand for school places can be met.

2.1.2 Demand for Secondary Places

Demand for places in Year 7 has been increasing steadily since 2017 and this is expected to continue as the significant growth in pupil numbers in the primary phase in Brent continues to progress into the secondary phase. However, the latest GLA forecasts indicate slower growth than previously anticipated. The School Place Planning Strategy 2019-23 update in November 2019 identified the need for an additional 4 forms of entry beyond that being provided by the new North Brent School, which opened in September 2020 and will provide 900 secondary places when it moves to its permanent site (on the Chancel House site in Neasden) in 2023. The 2020 forecasts indicated that there would be sufficient secondary school places to meet forecast demand up to 2029/30 in all year groups, including a 5% operating margin and the 2021 forecasts confirm this view.

A number of secondary schools have expressed interest in expanding should the position as set out in the current forecasts change and additional places be required to meet demand.

2.2 Special Provision

Despite lower pupil forecasts for mainstream places, demand for places that meet the needs of children and young people with SEND is increasing due to increased diagnosis and the expansion of the age range to 25. The prevalence of Autism Spectrum Disorder (ASD) continues to rise and, as more children survive premature birth or severe disabilities, the number of children of school age presenting with significant additional needs is also increasing. There remain insufficient local places for Brent children with SEND for children of both primary and secondary age and the 16-25 age group. To meet this demand and reduce dependence on out-of-borough independent special schools, which are expensive and can mean stressful journeys for vulnerable children and limit the access of children and their families to support networks, Brent is planning to commission additional primary and secondary special places to cater for pupils with ASD and Communication and Interaction needs through special school expansions and new Additionally Resourced Provision. In addition The Avenue School sponsored by The Rise Partnership Trust (formerly known as the Brent Specialist Academy Trust) that opened in September 2019 in temporary accommodation will move to its permanent accommodation by Easter 2022, providing 100 places for children aged 5-18.

There is a need for the borough to develop post-16 SEND provision to meet demand for places for young people with SEND, in particular young people aged 16-25 with complex learning difficulties. Working with parents, young people and partners, including FE colleges,

consideration is being given to developing a 16-25 Skills Centre that would support young people locally to promote their independence and participation in community life.

A new Alternative Provision School with integrated youth provision opened at the Roundwood Centre in January 2021 to increase the availability and quality of local provision, for secondary aged children with SEMH needs that cannot be met within mainstream. This provision offers access to mental well-being therapeutic support, and vocational options alongside a core academic curriculum. Brent commissions places for primary aged pupils with social, emotional and mental health difficulties (SEMHD) from an independent school, the Corner School, which opened in 2018 in Wembley to cater for up to 35 primary aged children. The school provides access to mental well-being therapeutic support and helps reduce the number of primary aged children with SEMH needs being placed out of the borough.

2.3 Childcare and Early Education

Alongside the statutory duty to provide school places the Council has an allied duty to secure sufficient childcare and early education. In addition to the existing entitlements of 15 hours of free early education for some two year olds and all 3 and 4 year olds, in September 2017, a statutory entitlement to 30 hours of free childcare and early education for all 3 and 4 year olds from working families was introduced. Implementation of the new entitlement in Brent has been successful and take-up was 92% of eligible families in the summer of 2019 (the latest available data). Over the coming years, monitoring and review of this will be key, not only to maintain momentum but also to assess the impact of this on existing 2 year and 3 and 4 year 15 hour places as take-up of these has not followed the upward trajectory of the extended entitlement.

Since September 2017, the Council has administered the free entitlement for both schools and private, voluntary and independent (PVI) providers. This enables a full overview of early years provision, including take up across the Borough and at ward level and allows development of targeted actions to address gaps. The impact on the PVI sector in particular of COVID-19 has been significant and could affect overall sufficiency in the months to come as many settings are concerned about their long-term financial viability.

2.4 Post-16 Provision

The Education and Skills Act 2008 requires all young people in England to continue in education or training until at least their 18th birthday. The Council works in partnership with schools and the local Further Education college, the College of North West London (part of United Colleges), to ensure that young people aged 16-18 and up to the age of 25 for those who have an Education, Health and Care Plan have access to a range of opportunities to continue their education or training at a wide range of post-16 providers or through apprenticeships.

3. School Place Planning - Frequently Asked Questions

3.1 The Council's Role in School Place Planning

1. What is the Council's role in providing school places?

In addition to the statutory duties set out in the introduction above, the Education and Inspections Act 2006 places a duty on local authorities to act as commissioners, rather than providers of schools places. The Council has a statutory responsibility to ensure that there are sufficient school places available for all Brent children and young people who need one. The Council also has overarching responsibilities for school admissions, co-ordinating admissions at Reception, Year 3 (from infant to junior school) and at secondary transfer in Year 7.

In addition to securing school places for pupils aged five to 16, the Council has related statutory responsibilities in relation to:

- **Children and young people with special educational needs and disabilities** (SEND) where the Council has to make suitable provision to meet their needs
- **Early years provision**, where the Council has responsibility for childcare sufficiency and for provision for disadvantaged two year olds and all three and four year olds
- **Post 16 education and training** where the Council leads the local 16 to 19 partnership and takes overall responsibility for the sufficiency and suitability of provision, so that all young people can stay in education or training until at least their 18th birthday.

The Local Authority works with all schools and multi-academy trusts to deliver its statutory duties, as well as local trusts and Dioceses and the Regional Schools Commissioner where this involves academies and free schools.

2. Can the Council open new schools?

It is not possible for the Council to open new community schools, unless the school is formed by an amalgamation of existing infant and junior schools (Education Act 2011). New schools are academies or free schools that are approved by the Secretary of State. Once the Council identifies a need for a new school it may use one of the following two routes to establish it:

- The **academy presumption** route whereby the Council would put forward a school proposal which it would advertise and promote to potential academy sponsors. Under this route, the Council would supply the site and use its own capital to build the school.
- The Council could 'support' a **free school** promoter to apply to the DfE to build a school, which could be on a Council owned site, depending on whether the DfE has an open application round for specific types of school. The decision would be entirely at the discretion of the DfE.

3. Who decides if a school will close, expand or amalgamate?

The Council has the power to instruct community schools to expand, but not academies, foundation or voluntary aided schools. The Council also has the power to close community schools or to require them to amalgamate. These are not powers that Brent has exercised hitherto as the aim, wherever possible, is to work collaboratively with schools. In the case of Academies any expansion must be approved by the Regional Schools Commissioner.

3.2 Pupil Projections

1. Where do the projections come from?

The projections that Brent and most other London authorities use to inform place planning are provided by the Greater London Authority (GLA):

- The GLA projections are informed both by centrally held demographic data, such as census, fertility rate and birth rate data provided by the Office of National Statistics (ONS), together with locally held information on migration patterns and planned housing growth (ward level housing development data provided by the Borough).
- The projection model calculates the number of children resident in each ward who are expected to attend each school by each national curriculum year from Reception to Year 11. The number of children projected for each new intake is calculated as an average of the proportion of children in those wards that attended the school in the previous 3 years multiplied by the ward level age population data. This helps to smooth out any unusual variations that are unlikely to reoccur each year. For other year groups the model calculates the current proportion of children in the ward attending the school and applies this to the ward level population data. School level projections are then aggregated to planning area projections and Borough totals.
- The methodology also takes account of the percentage of children who historically move into the following academic year in an area. This is particularly important in Brent where there is a high level of pupil mobility and migration to schools in other boroughs.

2. Are the projections accurate?

The GLA projections are a good indicator of place need, but they remain a statistical model which should be seen as a valuable tool rather than a definitive position. There are a number of factors which can lead to the projections being revised up or down:

- Underlying data, such as birth rates and migration patterns and the impact of local regeneration projects, can change significantly in a short period of time.
- Secondary projections are more secure as they largely take account of children already in the system. However, the percentage of children who historically move into the following academic year is a particularly important factor in Brent which is currently a net exporter of secondary pupils. This may change if pressures on secondary places in neighbouring boroughs lead to an increase in demand beyond that in the current projections.
- The Local Authority monitors both current and emerging local and national factors, such as Brexit and the COVID-19 pandemic, that can impact on school place demand by changing migration patterns. It is difficult to predict the impact of these factors on demand for school places and in particular demand from families of Eastern European origin. Demand at schools that serve these communities will be closely monitored.

3. What are primary planning areas and why do we have them?

The Council has a duty to provide a “reasonable offer” of a school place to all children. In the primary phase a “reasonable offer” is one that is within 2 miles of home for children under 8 years old. By dividing the Borough into five primary planning areas officers can more easily ensure that places are provided near to where children live. However, they are only a guide to help officers. In reality children can travel across planning areas to attend school, particularly when they live close to the borders.

4. What are secondary planning areas?

Secondary aged children can be expected to travel longer distances to school. A reasonable offer for a secondary place is one that is within 3 miles of home, which given the size of Brent and the good transport links mean that children can travel to any school. However, secondary planning areas allow the Council to understand localised pressures for schools and where additional places would help more children attend a school near to where they live.

5. What do the projections indicate in the secondary phase?

The January 2021 projections indicate that demand for Year 7 places will increase in the short term as larger primary cohorts move through the system, but at a slower rate than previously forecast.

6. How does the Council forecast demand for special provision?

In order to understand demand for special school places, the Council analyses current and historical data to track trends in the number of children and young people aged 0-25 with EHCPs. This includes assessment of pupil numbers by year group and type of need, as well as the type of provision attended. Analysis of trends is used to predict likely future patterns of demand.

3.3 Providing Additional Places

1. Is it better to provide temporary or permanent classes?

Generally it is more cost effective to provide permanent places if they are needed for the longer term, but there are times where site and time constraints mean that this is not possible. There are also occasions where the bulge in numbers only applies to one cohort of students. In these circumstances, it is better to provide a temporary bulge class.

Expansion in the secondary phase is more complex than primary, partly because specialist facilities (e.g. sport, science, technology) may need to be provided alongside standard classrooms. Students also need to access these facilities during the building process which makes decant more challenging and can impact on cost.

2. Is it better to expand existing schools or provide new schools?

Where additional school places are needed, the Council seeks to provide places that provide high quality provision. This could be through expanding existing schools or through new schools. There are benefits to both:

- Expanding existing schools that are judged to be good or better by Ofsted gives the Council greater confidence that provision will be good and that it will be popular. It also helps to maintain stability in the existing school system. However, it is important that the challenges of expansion are well managed to avoid impacting on standards in good or outstanding schools and on any particular groups of children and young people who are under-achieving.
- New schools offer a chance to provide new learning environments and to attract high quality providers. However, the Council does not control the provision of free schools. The Regional Schools Commissioner, acting on behalf of the Secretary of State, decides if a school should open. In a borough such as Brent there are also considerable challenges in finding sites for new schools.

- Expansions of existing provision are funded by the Council from Basic Need grant funding or the Special Provision Capital Fund for Additionally Resourced Provision and SEND units for pupils with EHCPs. New free schools are largely funded by the Education and Skills Funding Agency.

3.4 Spare places

1. How does the Council manage spare places?

When demand for school places falls significantly and the number of spare places increases, this can cause difficulties for individual schools, in particular with regards to managing school budgets. Where this occurs, the Council analyses a range of local data, including recent intakes, parental preferences, availability of places within the local area and school standards, before recommending strategies that support schools within a local area to ensure the sustainability of provision. Strategies could include reducing admission numbers on a temporary basis, encouraging schools to work collaboratively to support the efficient use of budgets and repurposing spare capacity, for example to establish Additionally Resourced Provision to support children with SEND.

4. Brent's Operating Principles for School Organisation

The following operating principles underpin Brent's approach to school place planning.

Principle 1: We will work with schools to put in place strategies to manage changing demand and support schools within a local area to ensure the sustainability of provision.

Principle 2: We will only undertake expansions at high quality schools where leadership is secure.

Principle 3: We will seek to expand schools that have high levels of parental preferences for admission, in particular schools that are regularly oversubscribed.

Principle 4: We will seek to minimise disruption to schools during any changes to provision, paying particular attention to impacts on vulnerable groups, and will support school leaders to manage the challenges.

Principle 5: We will expect expanded and re-structured schools generally to meet government guidance on space standards but will be prepared to consider innovative design solutions to achieve this.

Principle 6: We will develop local capacity to sponsor or promote new schools, working with academies in all phases.

Principle 7: We will consider how community benefits from school facilities can be maximised when we expand or build new schools.

Principle 8: We will consult with local communities as part of the planning process to minimise/mitigate the impact of new school developments.

Principle 9: We will build inclusive provision into expansion and new school proposals and work with neighbouring authorities on the planning of special school places.

Principle 10: We will plan secondary school places by planning area, but also on a borough wide basis to make sure the offer meets community needs.

Principle 11: We will continue planning primary places using planning areas.

Principle 12: We will promote federations between schools, both to address any quality issues and to address the future viability of one form of entry primary schools, and will work towards the amalgamation of separate infant and junior schools.

Principle 13: We will actively consider two-site schools and large schools where there is leadership and management capacity and where this is a genuine expansion and not a new school.

Principle 14: We will not currently seek to develop more all-through schools.

Principle 15: We will consider expanding voluntary aided schools only where there is local Brent demand, working with the relevant partners.

Principle 16: After assessing educational suitability, schemes for expansion or new schools will be judged in terms of value for money, deliverability and strategic fit with wider investment programmes.

5. The Need for Secondary Places

5.1 Demand Overview

The significant growth that has been seen in the primary phase since 2010 began to move through to the secondary phase in 2016. Table 1 shows secondary projections by year group against capacity. Year 7 intakes are forecast to increase, although at a much slower rate than previously forecast. The latest forecasts reinforce those of 2020, indicating that cohorts will grow as they move through the school system but not to the degree previously forecast.

Table 1: Secondary projections 2021 and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2021/2022	Capacity	3,568	3,628	3,508	3,508	3,508
	Projection	3288	3235	3229	3230	3151
	Surplus/Deficit	280	393	279	278	357
2022/2023	Capacity	3,568	3,568	3,628	3,508	3,508
	Projection	3303	3300	3248	3242	3258
	Surplus/Deficit	265	268	380	266	250
2023/2024	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3336	3312	3310	3258	3264
	Surplus/Deficit	352	376	378	430	424
2024/2025	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3233	3343	3322	3321	3280
	Surplus/Deficit	455	345	366	367	408
2025/2026	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3209	3240	3350	3331	3346
	Surplus/Deficit	479	448	338	357	342
2026/2027	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3240	3216	3247	3357	3359
	Surplus/Deficit	448	472	441	331	329
2027/2028	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3307	3247	3224	3258	3384
	Surplus/Deficit	381	441	464	430	304
2028/2029	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3339	3311	3254	3233	3287
	Surplus/Deficit	349	377	434	455	401
2029/2030	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3294	3341	3314	3262	3261
	Surplus/Deficit	394	347	374	426	427

The local authority's school place planning assumptions include an operating margin of 5% spare places to ensure that there is sufficiency to support in-year pupil movement and forecast growth in pupil cohorts as they move through the system, as well as any unforeseen increase in demand. The planning assumption that all schools will fill to their current Published Admission Numbers underpins assessment of the need for additional places across the borough.

Table 2 shows Year 7 forecasts against current capacity and capacity to be provided by the North Brent School. The School Place Planning Strategy 2019-23 update in November 2019 identified the need for an additional 4 forms of entry beyond that being provided by the North Brent School. The 2021 forecasts suggest that there will not be a need for any additional secondary school capacity and that there will be sufficient secondary school places to meet forecast demand up to 2029/30 in all year groups, including a 5% operating margin.

Table 2: Year 7 projections and planned capacity

Year	Year 7 projected intake	Year 7 places available	Surplus/Deficit of places	Surplus/ deficit %
2021/22	3288	3,568	280	8%
2022/23	3303	3,568	265	7%
2023/24	3336	3,688	352	10%
2024/25	3233	3,688	455	12%
2025/26	3209	3,688	479	13%
2026/27	3240	3,688	448	12%
2027/28	3307	3,688	381	10%
2028/29	3339	3,688	349	9%
2029/30	3294	3,688	394	11%

5.2 Actions to increase capacity

The North Brent School was approved by DfE in 2016 to provide 180 places per year (6FE). The school opened in September 2020 offering 4 forms of entry on the Wembley High Technology College site. Due to the impact of the COVID-19 pandemic on the construction industry, completion of the school's new permanent building site has been delayed, necessitating a temporary reduction to the published admission number for 2021/22 and 2022/23 of 60 places. The school expects to relocate in 2023 to its permanent site, the Chancel House site, close to the North Circular, which was selected by the ESFA after an extensive site search.

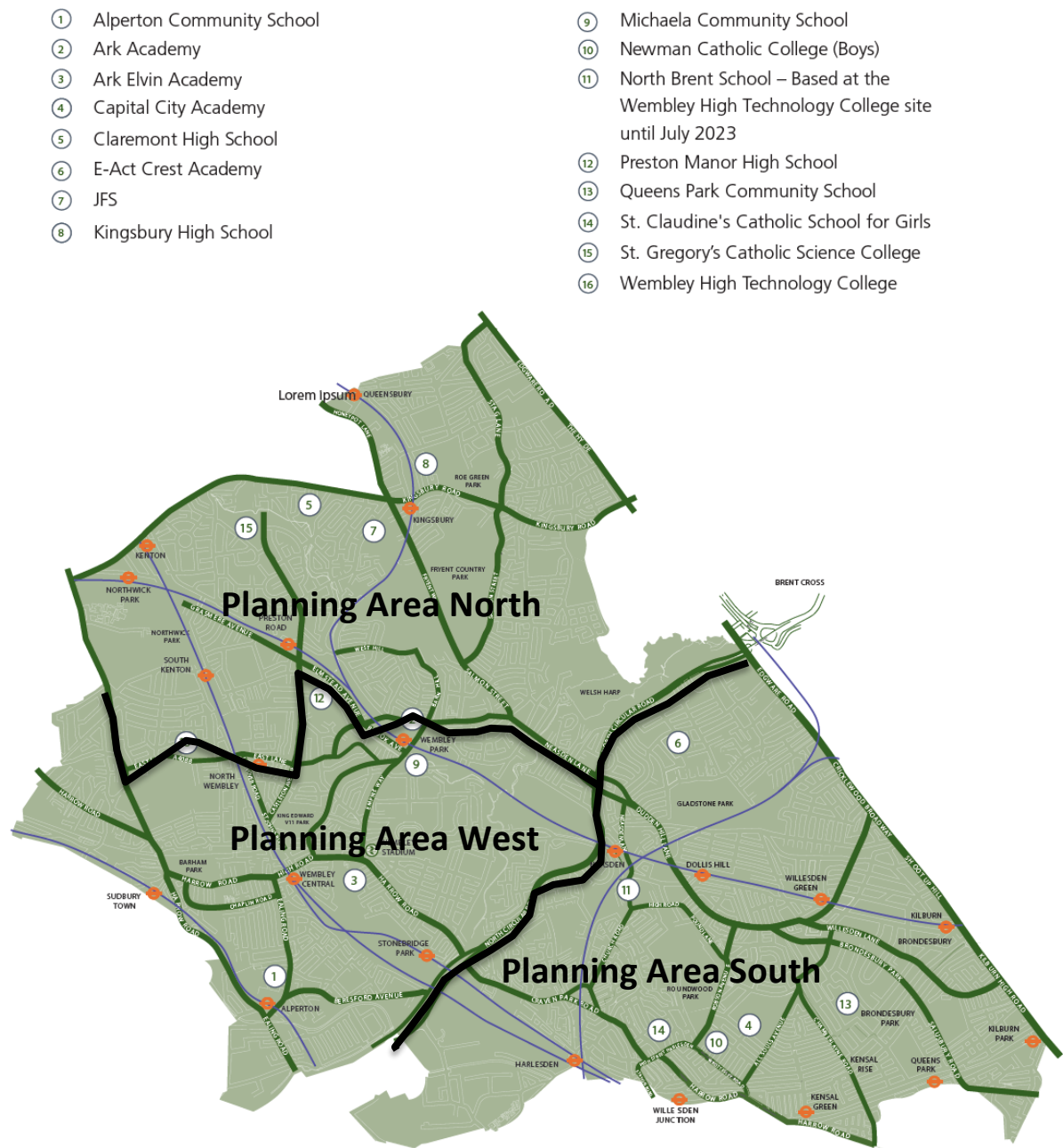
A number of secondary schools have expressed an interest in expanding should additional places be required to meet demand.

5.3 Secondary Planning Areas

Brent divides its secondary schools into 3 planning areas that reflect geographical groupings of schools – Secondary Planning Area North, Secondary Planning Area West and Secondary Planning Area South (Figure i).

The data by planning area suggest that the greatest pressure on Year 7 places will be in the planning areas in the North and West, rather than in the South where the North Brent School will be located. However, this analysis reflects historical preference and school attendance patterns, which are expected to change in the future with the establishment of the North Brent School.

Figure i: Secondary Planning Areas



Secondary Planning Area North

Wards	Fryent / Barnhill / Kenton / Northwick Park / Preston / Queensbury / Welsh Harp
Schools	Claremont High School, JFS, Kingsbury High School, St Gregory's Catholic Science College

Demand: Based on historical preference patterns, demand for Year 7 places is expected to increase in this area. While a small shortfall is forecast from 2020/21, in reality pupils will travel to other secondary schools across the borough. Planning Area North includes the Burnt Oak Colindale and Northwick Park growth areas.

Planned action: Currently there are no plans to expand mainstream provision in this area. An Additionally Resourced Provision will open at St Gregory's Catholic Science College from 2022/23.

Table 3: Secondary Planning Area North 2021 projections and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2021/2022	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1156	1104	1082	1095	1068
	Surplus/Deficit	-58	-6	16	3	30
2022/2023	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1154	1155	1111	1087	1104
	Surplus/Deficit	-56	-57	-13	11	-6
2023/2024	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1162	1152	1159	1114	1092
	Surplus/Deficit	-64	-54	-61	-16	6
2024/2025	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1112	1159	1156	1161	1118
	Surplus/Deficit	-14	-61	-58	-63	-20
2025/2026	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1118	1109	1161	1158	1165
	Surplus/Deficit	-20	-11	-63	-60	-67
2026/2027	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1110	1114	1113	1163	1163
	Surplus/Deficit	-12	-16	-15	-65	-65
2027/2028	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1140	1106	1116	1115	1168
	Surplus/Deficit	-42	-8	-18	-17	-70
2028/2029	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1148	1134	1107	1118	1121
	Surplus/Deficit	-50	-36	-9	-20	-23
2029/2030	Capacity	1,098	1,098	1,098	1,098	1,098
	Projections	1122	1141	1134	1110	1122
	Surplus/Deficit	-24	-43	-36	-12	-24

Secondary Planning Area West

Wards	Alperton / Barnhill / Preston / Sudbury / Tokyngton / Wembley Central
Schools	Alperton Community School, Ark Academy, Ark Elvin Academy, Michaela Community School, Preston Manor School, Wembley High Technology College

Demand: Secondary Planning Area West includes two major growth areas in Wembley Central and Alperton and demand for Year 7 places is expected to increase in this area. Wembley is set to drive the economic regeneration of Brent as a high quality, urban, connected and sustainable city quarter. Up to 15,000 new homes are planned around Wembley National Stadium and Wembley town centre up to 2041. Alperton is being promoted for mixed-use regeneration, which will include over 5000 new homes.

Planned action: Alperton Secondary School expanded by 2FE in 2018 using the school's Stanley Avenue site. Ark Elvin's school building provides accommodation for an increased admission number of 270. It is anticipated that the school will in time fill to this capacity.

Table 4: Secondary Planning Area West 2021 projections and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2021/2022	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1299	1300	1314	1304	1186
	Surplus/Deficit	57	56	42	52	170
2022/2023	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1332	1312	1308	1322	1313
	Surplus/Deficit	24	44	48	34	43
2023/2024	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1363	1343	1320	1315	1330
	Surplus/Deficit	-7	13	36	41	26
2024/2025	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1343	1375	1351	1329	1322
	Surplus/Deficit	13	-19	5	27	34
2025/2026	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1327	1353	1381	1359	1340
	Surplus/Deficit	29	3	-25	-3	16
2026/2027	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1344	1338	1360	1388	1371
	Surplus/Deficit	12	18	-4	-32	-15
2027/2028	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1372	1359	1346	1368	1399
	Surplus/Deficit	-16	-3	10	-12	-43
2028/2029	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1398	1384	1363	1352	1376
	Surplus/Deficit	-42	-28	-7	4	-20
2029/2030	Capacity	1,356	1,356	1,356	1,356	1,356
	Projections	1383	1406	1386	1368	1358
	Surplus/Deficit	-27	-50	-30	-12	-2

Secondary Planning Area South

Wards	Brondesbury Park / Dollis Hill / Dudden Hill / Harlesden / Kensal Green / Kilburn / Mapesbury / Queens Park / Stonebridge / Willesden Green
Schools	Capital City Academy, Newman Catholic College, North Brent School, St Claudine's Catholic School for Girls, Queens Park Community School, E-ACT Crest Academy,

Demand: Planning Area South includes the Neasden Station, Staples Corner, Church End and South Kilburn growth areas. There are currently spare places in this planning area. Planning assumes that all schools in this area with spare capacity will fill to their current Published Admission Numbers before any further additional capacity is required.

Planned action: The North Brent School opened in 2020 on a temporary site in Secondary Planning Area West offering 4 forms of entry. The school will provide 6 forms of entry when it moves to its permanent site in Secondary Planning Area South in 2023. The school is sponsored by the Wembley Multi-Academy Trust that includes Wembley High Technology College, which is an oversubscribed outstanding school. It is anticipated that current preference patterns will change as pupils will travel from other areas to the school.

An Additionally Resourced Provision is planned at Newman Catholic College from 2022/23.

Table 5: Secondary Planning Area South 2021 projections and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2021/2022	Capacity	1,114	1,174	1,054	1,054	1,054
	Projections	834	831	833	832	897
	Surplus/Deficit	280	343	221	222	157
2022/2023	Capacity	1,114	1,114	1,174	1,054	1,054
	Projections	817	834	829	832	842
	Surplus/Deficit	297	280	345	222	212
2023/2024	Capacity	1,234	1,234	1,234	1,234	1,234
	Projections	810	816	832	829	842
	Surplus/Deficit	424	418	402	405	392
2024/2025	Capacity	1,234	1,234	1,234	1,234	1,234
	Projections	778	810	814	831	839
	Surplus/Deficit	456	424	420	403	395
2025/2026	Capacity	1,234	1,234	1,234	1,234	1,234
	Projections	765	777	807	814	840
	Surplus/Deficit	469	457	427	420	394
2026/2027	Capacity	1,234	1,234	1,234	1,234	1,234
	Projections	786	764	774	806	824
	Surplus/Deficit	448	470	460	428	410
2027/2028	Capacity	1,234	1,234	1,234	1,234	1,234
	Projections	795	784	762	775	818
	Surplus/Deficit	439	450	472	459	416
2028/2029	Capacity	1,234	1,234	1,234	1,234	1,234
	Projections	794	794	782	763	790
	Surplus/Deficit	440	440	452	471	444
2029/2030	Capacity	1,234	1,234	1,234	1,234	1,234
	Projections	788	795	794	784	781
	Surplus/Deficit	446	439	440	450	453

5.4 Cross-border movement

The GLA projections reflect the percentage of children who historically move from Year 6 to Year 7 in the following academic year. Brent has traditionally been a net exporter of pupils, in part due to Brent's proximity to other boroughs. In the south of the Borough 41.6% of Brent parents chose out-of-borough secondary schools for their children starting school in September 2021 (Table 6), which is lower than in 2020 (43%). Some neighbouring boroughs have been facing increased demand for secondary school places and it is possible that Brent parents will find it increasingly difficult to access places in out-of-borough secondary schools. Additionally, parental perception of Brent secondary schools that are currently under-subscribed is expected to change as Ofsted judgements and standards have improved. The combination of these factors could mean that the demand for places in Brent secondary schools may increase beyond that currently shown in Table 2.

Table 6: Secondary offers by secondary planning area for Brent residents (Sept 2021)

LA of Offered School 2021	Brent Resident School Planning Area			
	PA North	PA South	PA West	Total
Brent Total	766	992	877	2635
Brent %	81.1%	58.4%	88.4%	72.4%
Barnet	78	94	23	195
Buckinghamshire	2		2	4
Camden	2	91	2	95
Ealing		50	32	82
Hammersmith and Fulham	5	51		56
Harrow	70	32	32	134
Hertfordshire	11	2	2	15
Hillingdon	1	1	1	3
Hounslow	2	3	4	9
Kensington and Chelsea	1	77	6	84
Slough	3		2	5
Sutton	1	1		2
Westminster	2	299	4	305
Windsor and Maidenhead		2		2
Other LAs	1	5	5	11
Non-Brent Total	179	708	115	1002
Non-Brent %	18.9%	41.6%	11.6%	27.6%
Grand Total	945	1700	992	3637

6. The Need for Primary Places

6.1 Overview

Between 2006 and 2017, Brent saw an unprecedented increase in the demand for primary school places. The primary pupil population (Reception to Year 6) increased from 20,822 in January 2006 to 26,823 in January 2017, an increase of 28.8% (Graph 1). This trend changed in 2017 when the number of children admitted to Reception reduced for the first time in 11 years, followed by lower intakes in subsequent years. Graph 1 shows the forecast total primary population based on the latest projections. The forecasts are lower than the 2020 forecasts across all year-groups, with the overall trend of plateauing demand up to 2026.

Graph 1 – Primary numbers on roll and projections as at January each year

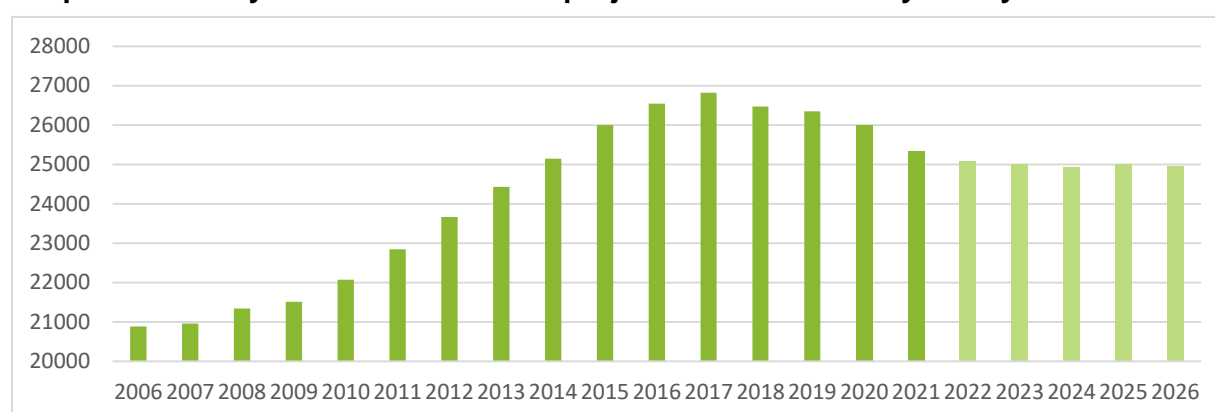


Table 7 shows that borough-wide, there is sufficient capacity to meet anticipated demand across all year groups up to 2026/27 and to manage in-year pupil mobility. However, spare capacity is not evenly distributed across all planning areas (see below).

Table 7: Primary forecasts 2021 and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2021/2022	Capacity	4,247	4,247	4,277	4,277	4,282	4,277	4,307
	Projection	3659	3428	3523	3563	3542	3668	3695
	Surplus/Deficit	588	819	754	714	740	609	612
2022/2023	Capacity	4,247	4,247	4,247	4,247	4,247	4,252	4,247
	Projection	3595	3637	3431	3557	3569	3554	3669
	Surplus/Deficit	652	610	816	690	678	698	578
2023/2024	Capacity	4,247	4,247	4,247	4,247	4,247	4,247	4,252
	Projection	3570	3563	3634	3481	3563	3576	3551
	Surplus/Deficit	677	684	613	766	684	671	701
2024/2025	Capacity	4,247	4,247	4,247	4,247	4,247	4,247	4,187
	Projection	3623	3530	3565	3653	3485	3571	3574
	Surplus/Deficit	624	717	682	594	762	676	613
2025/2026	Capacity	4,247	4,247	4,247	4,247	4,247	4,247	4,247
	Projection	3590	3566	3529	3586	3651	3486	3560
	Surplus/Deficit	657	681	718	661	596	761	687
2026/2027	Capacity	4,247	4,247	4,247	4,247	4,247	4,247	4,247
	Projection	3525	3525	3561	3550	3587	3654	3473
	Surplus/Deficit	722	722	686	697	660	593	774

Table 8 shows forecast Reception intakes against capacity. The latest pupil forecasts suggest that, over the next five years, Reception cohorts will be similar to recent intakes, underpinned by lower birth rates (Table 9). The forecasts indicate that demand will remain fairly steady, fluctuating by up to one or two forms of entry each year.

Brent aims to have a minimum of 5% spare places to manage in-year migration and to ensure the authority can respond to any sudden increase in demand. This avoids the need to open temporary provision or bulge classes, which is neither educationally desirable nor cost effective. Based on current forecasts, there will be around 15% spare primary places at borough level.

The local authority is working with schools to put in place strategies to manage changing demand and to support schools to ensure the sustainability of provision. Measures to support reduced intakes include temporarily reducing admission numbers or placing an informal cap on admission numbers and repurposing spare capacity, for example to provide Additionally Resourced Provision for children with SEND.

Table 8: Reception forecasts against capacity

Year	Reception projected intake	Reception capacity	Spare places	% spare places	Spare places as forms of entry
2021/22	3659	4247	588	14%	19
2022/23	3595	4247	652	15%	21
2023/24	3570	4247	677	16%	22
2024/25	3623	4247	624	15%	20
2025/26	3590	4247	657	15%	21
2026/27	3525	4247	722	17%	24

Table 9: Births in Brent (by academic year)

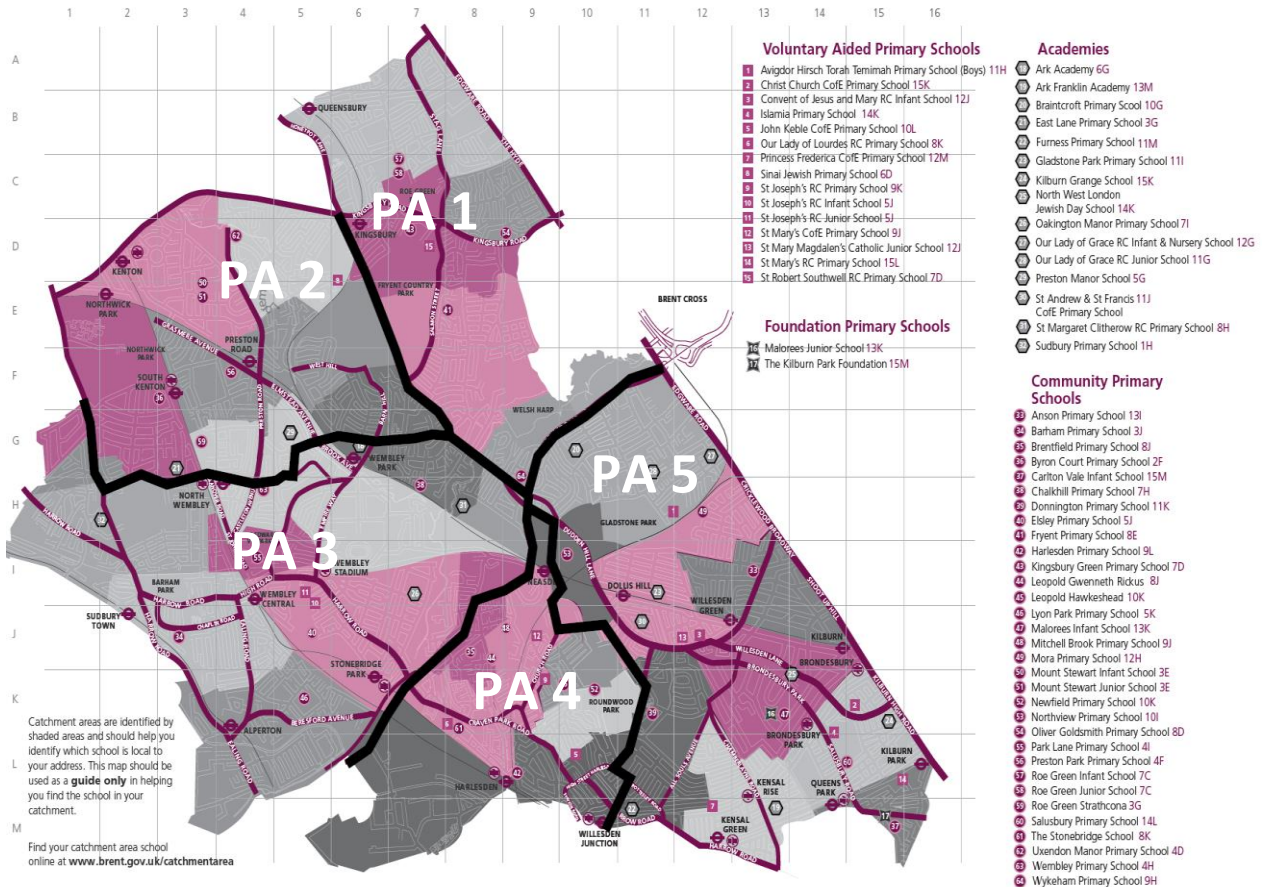
Year	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21*	2021/22*
Births	5166	5220	5116	4884	4820	4857	4684	4557

* Projection

6.2 Primary Planning Areas

The Borough is divided into 5 Primary Planning Areas (see Figure ii). This supports the Council in providing a school place within a reasonable travelling distance for primary children. The match of demand to the supply of places varies across planning areas and year groups.

Figure ii: Brent Primary Planning Areas



Primary Planning Area 1

Wards	Fryent / Queensbury / Welsh Harp
Schools	Fryent Primary School, Kingsbury Green Primary School, Oliver Goldsmith Primary School, Roe Green Infant School, Roe Green Junior School, St Robert Southwell RC Primary School, Wykeham Primary School

Demand: The January 2021 forecasts show Reception intakes remaining relatively steady over the next 5 years. A shortfall of places is forecast for one cohort as it moves through the system (based on in-migration assumptions). It is anticipated that places in neighbouring planning areas will accommodate these pressures. Planning Area 1 includes the Burnt Oak Colindale growth area.

Planned action: There are no plans to change capacity in Planning Area 1.

Intakes at Fryent Primary School have been lower than the school's Published Admission Number over the past few years. An Additionally Resourced Provision for children with Autistic Spectrum Disorder (ASD) at Fryent has been developed in temporary spare accommodation.

Table 10: Planning Area 1 2021 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2021/2022	Capacity	510	510	510	510	510	510	510
	Projection	525	463	441	461	450	465	489
	Surplus/Deficit	-15	47	69	49	60	45	21
2022/2023	Capacity	510	510	510	510	510	510	510
	Projection	505	532	465	451	466	456	470
	Surplus/Deficit	5	-22	45	59	44	54	40
2023/2024	Capacity	510	510	510	510	510	510	510
	Projection	488	508	530	479	454	471	461
	Surplus/Deficit	22	2	-20	31	56	39	49
2024/2025	Capacity	510	510	510	510	510	510	510
	Projection	491	490	506	534	480	456	475
	Surplus/Deficit	19	20	4	-24	30	54	35
2025/2026	Capacity	510	510	510	510	510	510	510
	Projection	477	490	488	509	531	482	458
	Surplus/Deficit	33	20	22	1	-21	28	52
2026/2027	Capacity	510	510	510	510	510	510	510
	Projection	459	474	487	490	507	532	483
	Surplus/Deficit	51	36	23	20	3	-22	27

Primary Planning Area 2

Wards	Barnhill / Kenton / Northwick Park / Preston
Schools	Byron Court Primary School, Mount Stewart Infant School, Mount Stewart Junior School, Preston Manor Lower School, Preston Park Primary School, Roe Green Infant School (Strathcona site), Sinai Jewish Primary School, Uxendon Manor Primary School, Wembley Primary School

Demand: The January 2021 forecasts indicate that Planning Area 2 will have a high number of spare places across all year groups over the next 5 years and around 4FE spare places in Reception. Planning Area 2 includes the Northwick Park growth area and this may generate additional demand at some point in the future.

Planned action: This planning area is adjacent to Planning Areas 1 and 3 and spare capacity could absorb any increase in demand in these areas.

Due to reduced demand, following a period of consultation, the Council is implementing a phased closure of the one form of entry provision on the Roe Green Infant School Strathcona site by July 2022. A temporary reduction in the Published Admission Number of Uxendon Manor Primary School (30 places) was agreed from September 2020.

Additionally Resourced Provisions are being planned to open at Mount Stewart Infant and Junior Schools, Preston Park Primary School and Wembley Primary School from 2022/23.

Table 11: Planning Area 2 2021 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2021/2022	Capacity	750	750	780	780	780	780	780
	Projection	605	595	596	604	546	638	628
	Surplus/Deficit	145	155	184	176	234	142	152
2022/2023	Capacity	750	750	750	750	750	750	750
	Projection	578	591	591	599	602	541	634
	Surplus/Deficit	172	159	159	151	148	209	116
2023/2024	Capacity	750	750	750	750	750	750	750
	Projection	586	564	586	595	598	594	534
	Surplus/Deficit	164	186	164	155	152	156	216
2024/2025	Capacity	750	750	750	750	750	750	750
	Projection	580	568	561	588	593	592	589
	Surplus/Deficit	170	182	189	162	157	158	161
2025/2026	Capacity	750	750	750	750	750	750	750
	Projection	573	563	564	564	586	586	586
	Surplus/Deficit	177	187	186	186	164	164	164
2026/2027	Capacity	750	750	750	750	750	750	750
	Projection	562	557	560	567	565	580	581
	Surplus/Deficit	188	193	190	183	185	170	169

Primary Planning Area 3

Wards	Alperton / Sudbury / Tokyngton / Wembley Central
Schools	Ark Academy, Barham Primary School, Chalkhill Primary School, East Lane Primary School, Elsley Primary School, Lyon Park Primary School, Oakington Manor Primary School, Park Lane Primary School, St Joseph's RC Infant School, St Joseph's RC Junior School, St Margaret Clitherow RC Primary School, Sudbury Primary School

Demand: Planning Area 3 includes two major growth areas in Wembley Central and Alperton. Wembley is set to drive the economic regeneration of Brent as a high quality, urban, connected and sustainable city quarter and up to 15,000 new homes around the Wembley National Stadium and Wembley town centre area up to 2041. Alperton is being set to provide up to 6,000 new homes. As a result of new housing, Reception intakes are expected to increase over the next 5 years. As the new housing comes on-stream, demand for places may exceed supply.

Planned action: The January 2021 GLA projections indicate an increase in demand for Reception places in Planning Area 3. Spare places in other planning areas will be able to absorb any short-term pressures in demand.

Additionally Resourced Provisions are planned to open at Elsley Primary School and St Margaret Clitherow RC Primary School from 2022/23.

Table 12: Planning Area 3 2021 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2021/2022	Capacity	970	970	970	970	970	970	970
	Projection	915	863	899	917	918	934	890
	Surplus/Deficit	55	107	71	53	52	36	80
2022/2023	Capacity	970	970	970	970	970	970	970
	Projection	913	921	870	931	919	928	921
	Surplus/Deficit	57	49	100	39	51	42	49
2023/2024	Capacity	970	970	970	970	970	970	970
	Projection	954	917	926	899	937	928	913
	Surplus/Deficit	16	53	44	71	33	42	57
2024/2025	Capacity	970	970	970	970	970	970	970
	Projection	1014	953	924	956	905	948	915
	Surplus/Deficit	-44	17	46	14	65	22	55
2025/2026	Capacity	970	970	970	970	970	970	970
	Projection	1037	1007	958	957	961	915	932
	Surplus/Deficit	-67	-37	12	13	9	55	38
2026/2027	Capacity	970	970	970	970	970	970	970
	Projection	1046	1026	1010	992	964	973	899
	Surplus/Deficit	-76	-56	-40	-22	6	-3	71

Primary Planning Area 4

Wards	Harlesden / Kensal Green / Stonebridge / Willesden Green
Schools	Brentfield Primary School, Harlesden Primary School, John Keble CE Primary School, Leopold Primary School, Mitchell Brook Primary School, Newfield Primary School, Our Lady of Lourdes RC Primary School, St Joseph's RC Primary School, St Mary's CE Primary School, Stonebridge Primary School

Demand: The January 2021 projections forecast Planning Area 4 to have high levels of spare places over the next five years. In the longer term, the LA expects demand to increase in this area as new housing comes on stream. Planning Area 4 includes the Neasden Station and Church End growth areas and the area is close to the Old Oak redevelopment scheme. While current plans are for 1399 additional units between 2021 and 2027, the Old Oak and Park Royal Development Corporation (OPDC) has indicated that numbers and timescales are subject to revision as new sites are added to the masterplan. The LA is in dialogue with the OPDC to understand the likely impact on provision in Brent.

Planned action: A temporary reduction in the Published Admission Number of Harlesden Primary School (30 places) was agreed from September 2020. The Council will be supporting schools in this area to manage reduced demand to ensure schools are sustainable, which could include additional temporary reductions to published admission numbers and encouraging schools to work collaboratively to manage resources.

An Additionally Resourced Provision is planned to open at Newfield Primary School from 2022/23.

Table 13: Planning Area 4 2021 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2021/2022	Capacity	765	765	765	765	765	765	765
	Projection	522	455	518	501	528	570	577
	Surplus/Deficit	243	310	247	264	237	195	188
2022/2023	Capacity	765	765	765	765	765	765	765
	Projection	509	518	455	505	501	530	578
	Surplus/Deficit	256	247	310	260	264	235	187
2023/2024	Capacity	765	765	765	765	765	765	765
	Projection	501	504	518	445	501	504	538
	Surplus/Deficit	264	261	247	320	264	261	227
2024/2025	Capacity	765	765	765	765	765	765	765
	Projection	516	495	505	506	445	502	514
	Surplus/Deficit	249	270	260	259	320	263	251
2025/2026	Capacity	765	765	765	765	765	765	765
	Projection	511	509	497	494	505	446	509
	Surplus/Deficit	254	256	268	271	260	319	256
2026/2027	Capacity	765	765	765	765	765	765	765
	Projection	499	501	508	484	493	505	452
	Surplus/Deficit	266	264	257	281	272	260	313

Planning Area 5

Wards	Brondesbury Park / Dollis Hill / Dudden Hill / Kensal Green / Kilburn/ Mapesbury / Queens Park / Willesden Green
Schools	Anson Primary School, Ark Franklin Academy, Avigdor Hirsch Torah Temimah Primary School, Braintcroft Primary School, Carlton Vale Infant School, Christchurch CE Primary School, Convent of Jesus and Mary Infant School, Donnington Primary School, The Furness Primary School, Gladstone Park Primary School, Islamia Primary School, Kilburn Grange Primary School, Malorees Infant School, Malorees Junior School, Mora Primary School, North West London Jewish Day School, Northview Primary School, Our Lady of Grace Infant and Nursery School, Our Lady of Grace RC Junior School, Princess Frederica CE Primary School, Salusbury Primary School, St Andrew & St Francis CE Primary School, St Mary Magdalen's RC Junior School, St Mary's RC Primary School, The Kilburn Park Foundation School

Demand: The January 2020 projections show reducing Reception intakes and an increasing number of spare places in Planning Area 5 over the next 5 years. Many children living in this planning area attend schools in neighbouring authorities, such as Camden and Westminster.

Planning Area 5 includes the Staples Corner growth area and the South Kilburn regeneration region. It is anticipated that the South Kilburn master plan will maximise housing developments, which could lead to an increase in pupil demand as new housing comes on stream.

Planned action: As part of the South Kilburn regeneration programme, school place demand in Planning Area 5 will be kept under review.

Table 14: Planning Area 5 2021 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2021/2022	Capacity	1252	1252	1252	1252	1257	1252	1282
	Projection	1092	1052	1070	1080	1101	1060	1110
	Surplus/Deficit	160	200	182	172	156	192	172
2022/2023	Capacity	1252	1252	1252	1252	1252	1257	1252
	Projection	1089	1076	1051	1073	1081	1100	1065
	Surplus/Deficit	163	176	201	179	171	157	187
2023/2024	Capacity	1252	1252	1252	1252	1252	1252	1257
	Projection	1043	1071	1076	1062	1073	1079	1105
	Surplus/Deficit	209	181	176	190	179	173	152
2024/2025	Capacity	1252	1252	1252	1252	1252	1252	1252
	Projection	1021	1024	1069	1070	1062	1073	1083
	Surplus/Deficit	231	228	183	182	190	179	169
2025/2026	Capacity	1252	1252	1252	1252	1252	1252	1252
	Projection	992	997	1023	1061	1067	1058	1074
	Surplus/Deficit	260	255	229	191	185	194	178
2026/2027	Capacity	1252	1252	1252	1252	1252	1252	1252
	Projection	960	966	997	1015	1056	1063	1058
	Surplus/Deficit	292	286	255	237	196	189	194

7. The Need for SEND and Alternative Provision Places

7.1 Brent SEND Overview

Brent is a borough that has high aspirations for all children and young people with special, educational needs or disabilities (SEND). Services, schools and settings are needs-led and follow the ethos of early identification and early intervention. It is recognised that SEND is not a fixed or permanent characteristic and at a specific time a child might have additional learning needs that require tailored or additional support to fully participate in everything the school has to offer or they may require more specialist support in school for the whole of their education. Therefore wherever possible a child or young person should be educated in their local mainstream school. The majority of pupils' additional needs can be met within one of the following contexts with only those not able to access their education in a mainstream school being met through a special school.

A FULL RANGE OF PROVISION			
Fully inclusive mainstream provision (no support)	Mainstream with support	Additionally resourced mainstream provision	Brent special school provision

There is a rich range of high quality specialist provision in Brent encompassing 3 specialist nurseries, 1 primary special school, 2 special school academy trusts and a number of Additionally Resourced Provisions (ARP) in both primary and secondary mainstream schools. Many young people with additional learning needs can make better, more sustained progress when they attend mainstream schools. An ARP is designed to provide specialist and targeted support for children with SEND, who can function well in a mainstream school and where the school has appropriate teaching and learning strategies and staff with additional knowledge, skills and expertise in a particular area of SEND; and specialist environments which support the learning needs of each pupil.

An ARP is an integral part of the school. Pupils will spend time within the designated ARP classroom and agreed time in mainstream class so that their access is fully successful. This approach enables each individual to receive the particular support that they need, at the appropriate age-related level in the most appropriate setting. For some pupils more time-limited EHCPs and/or temporary placements in ARPs without an EHCP are sometimes appropriate. This allows for pupils to experience more intensive short term targeted intervention that supports them to achieve their expected progress.

Table 15: Special School PAN and Additionally Resourced Provision places 2021/22

School	Type of Provision	Type of School	Special Need	Specialist places 2021-22
*The Manor School	Special	Primary	Communication and Interaction	198
*The Avenue	Special	All-through	Communication and Interaction	28 (100 from 2022/23, phased)
Phoenix Arch School	Special	Primary	Communication and Interaction	56
+The Village School and Hope Centre	Special	All-through	Communication and Interaction and additional learning difficulty	310
+Woodfield School	Special	Secondary	Communication and Interaction	186
Kingsbury Green Primary School	ARP	Primary	Hearing Impairment	18
Oakington Manor Primary School	ARP	Primary	Communication and Interaction	25
Oakington Manor Primary School	ARP	Primary	Communication and Interaction	10
Fryent Primary School	ARP	Primary	Communication and Interaction	36
Preston Manor High School	ARP	Secondary	Communication and Interaction	12
Preston Manor High School	ARP	Secondary	Communication and Interaction	12
Kingsbury High School	ARP	Secondary	Hearing Impairment	7

*The Manor and The Avenue schools form The Rise Partnership Trust.

+The Village and Woodfield schools form the Compass Learning Partnership Multi-Academy Trust.

7.2 Demand for special provision

Demand for special provision in Brent has been growing (Table 16). The number of maintained EHC Plans in Brent has risen by 14.8% from 2020, with an annual growth rate of 8.4% since 2017. The number of EHC Plans nationally has risen by 10.4%.

As of January 2021, there were 2784 (SEN2 data return) Brent resident children and young people with an EHCP, of whom 2322 were attending a school (Reception to Year 14) and 415 were attending a further education provision (age-range 16-25). In 2021 the proportion of children and young people with EHCPs attending a mainstream setting has decreased by 1%. In 2021 (SEN2 return) 48% of children and young people with EHCPs attended a mainstream

provision and 52% of children and young people with EHCPs attended a special provision, with 23% of pupils educated in special schools in Brent.

The number of children with SEND is expected to continue to increase as overall pupil numbers rise. The number of children and young people with EHCPs (under 5s to those aged 25) is expected to increase to 4932 by 2027 at 10% growth. This will impact on demand for specialist provision in the borough.

Table 16: Actual and forecast number of EHCPs by age group

Timeline	Total	Under 5s	05 - 10	11 - 15	16 - 19	20 - 25
2015	1653	61	675	710	207	0
2016	1804	105	754	703	238	4
2017	1960	100	836	681	285	58
2018	2076	114	907	696	306	53
2019	2173	99	926	704	377	67
2020	2426	137	1001	745	376	167
2021	2784	134	1124	839	490	197
2022	3062	147	1236	923	539	217
2023	3369	162	1360	1015	593	238
2024	3706	178	1496	1117	652	262
2025	4076	196	1646	1228	717	288
2026	4484	216	1810	1351	789	317
2027	4932	237	1991	1486	868	349

Source: SEN2 2021. Forecast based on 10% increase.

Special schools in the borough cater for a wide range of children and young people with complex SEND. Due to an insufficiency of places as of January 2021, 576 children and young people were educated out of borough with 157 in Independent Non-Maintained Special Schools (INMSS) at a cost of £7.7m p.a. The planned spend for providing transport for pupils with SEND is just under £11 million for 2021-22. Notwithstanding the financial case, there is a strong educational and social rationale for the council to place students closer to home and within the borough.

Once children are placed out-of-borough, or in an INMSS it is very difficult to bring them back to local provision. This has meant long term reliance on out-of-borough and independent placements often until children and young people are 19 or older. While some children have such specific needs that they cannot be met other than in very specialist provision, there is scope to reduce expensive and distant out-of-borough placements.

While the local authority is looking to slow the current growth in the EHCP cohort through early intervention strategies and through targeted catch up support, there has been significant growth in the primary cohort. In 2020/21 the highest number of new EHC Plans were issued to children age 5 to 10, an increase of 4.7% from 2019/20. In 2020/21 307 plans were issued to under 11s (compared to 266 in statistical neighbours). The key difference was the number of children issued with an EHCP who were under 5 (a third of those issued). The Council

needs to increase in-borough secondary provision to meet the needs of these pupils as they move through the system.

Much of the increased demand can be met through the expansion of existing specialist provision through capital investment or identification of Additionally Resourced Provision (ARP) within a mainstream setting. The analysis of Brent SEND data demonstrates, however, that there is also sufficient rising demand for an additional new secondary special school. In considering the need for a new special school, the preferred designation is communication and interaction with a focus on ASD. This is to reflect an increase in ASD diagnosis and the number of children identified as SLCN. Autistic Spectrum Disorder is the most common type of need, accounting for 42.9% of Brent's EHC Plan population, compared to 30.5% in England.

The proposals below respond directly to:

- The urgency of the need to act to create capacity to alleviate the pressure on the High Needs Block in the short term;
- The targeting of increased provision in key areas where the pressures exist, taking into consideration the age profile and primary special needs of children and young people; and
- The need to work closely with local schools to promote inclusion and ensure more children and young people can have their needs met in mainstream schools either through specialist units or provision.

Planned Action

In developing additional places for children and young people with EHCPs, Brent is engaging with parents and carers of children and young people with SEND to ensure that services meet their needs and achieve the best outcomes. Brent works in partnership with schools and other providers to develop special provision in the borough. This includes expansions of special schools, developing capacity in mainstream schools and other providers, including post-16. Additionally, the introduction of a strengthened Graduated Approach (SEND Code of Practice 2015) will support children to access effective early and preventative support in mainstream schools and settings. This will support schools to meet need in mainstream, in addition to existing funds and resources, to avoid the higher cost of specialist placement. It will reduce the pressure to place children out of area and will enable more children to be educated in mainstream who previously might have been placed in specialist provision.

As set out above, there has been significant growth in the primary EHCP cohort so that it currently reflects 41% of the total number of children with an EHCP. This means that there is significant pressure in the secondary phase and this will continue until at least 2027. Taking into consideration the age profile and primary special needs of children and young people, the following new provisions are being planned, subject to Cabinet approval and relevant planning consent:

- For the 2021/22 academic year a new ARP in Carlton Vale Infant School and Kilburn Park Junior School will provide 21 places for children with ASD.
- For 2022/23 ARPs are planned as set out in Table 17.
- From 2022/23 expansions at special schools are planned as set out in Table 18.

- A new secondary special school for 150 pupils with ASD/complex needs, which regardless of the proposed route to build it, would not be ready before September 2024 at the earliest.

Table 17: Planned new Additionally Resourced Provision (2022/23)

School	Places
Elsley Primary School	10
Newfield Primary School	10
Wembley Primary School	25
Mount Stewart Schools	21
Preston Park Primary School	21
St Margaret Clitherow RC Primary School	7
Newman Catholic College	25
St Gregory's Catholic Science College	28
Total Places	147

Table 18: Planned Special School Expansions

School	Places
Phoenix Arch School	13
Manor School KS3	36
The Village School KS3 and KS4	20
Woodfield School KS3 and KS4	40
Total Places	109

Post 16-25 Provision

To mitigate a shortfall in provision for young people aged 16-25, the Council is exploring the potential for a 16-25 Skills Resource Centre. The intention is that proposals will be considered during 2021/22. Working with FE colleges, Brent special schools, Brent adult learning and in collaboration with local businesses, the focus will be on developing work related training pathways for young people aged 16-25.

7.3 Alternative provision

The council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school place.

Overall, exclusion figures for all Brent pupils have shown a decrease in 2020-21 for both fixed term and permanent exclusions. The new Roundwood School and Community Centre which opened in January 2021, along with Brent River College and Ashley College, provides education for both permanently excluded pupils and offers respite for pupils to reduce the number of exclusions. There is a focus on early identification and prevention strategies working closely alongside teams in mainstream school settings.

Planned action:

To meet the needs of children with Social Emotional and Mental Health difficulties Brent is further enhancing the offer for emotional wellbeing support in mainstream schools. The focus for 2021/2022 is to enhance the mental health provision in mainstream, ensuring there is a comprehensive community and school based offer alongside more specialist CAMHS interventions supporting children to stay in mainstream.

8. Childcare and Early Years Education

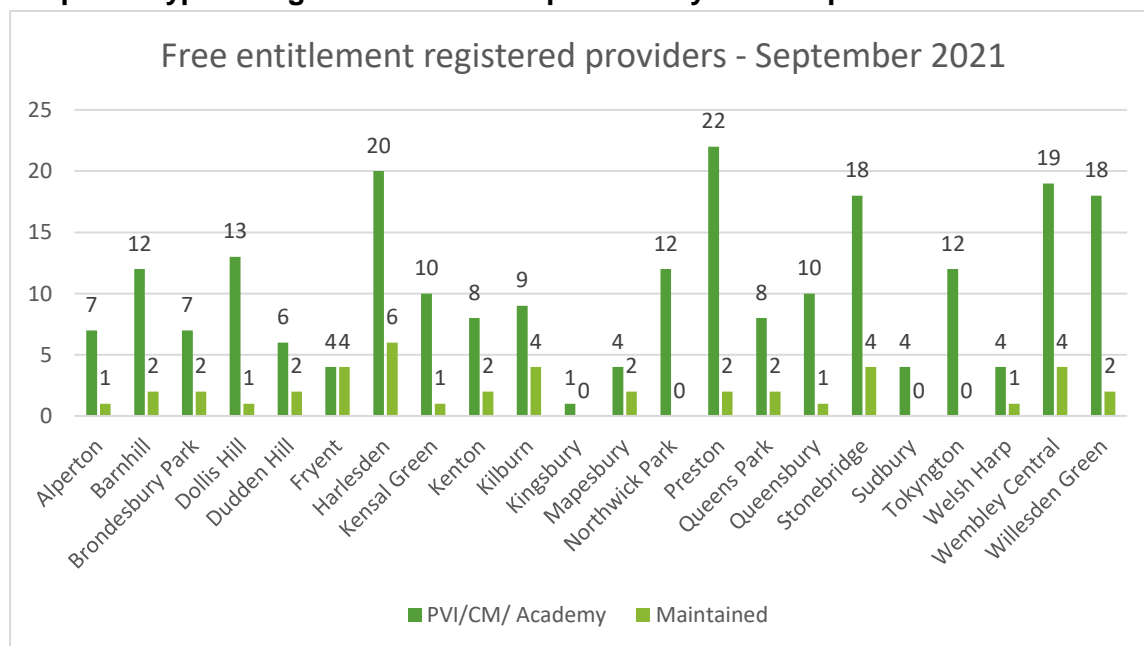
8.1 Early Years provision

Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. Brent has a mixed economy of 0-5 childcare provision in the borough that includes private, voluntary, independent (PVI) and maintained settings. The Brent Childcare Sufficiency Assessment (CSA) annual update 2019 showed an overall increase in the number of PVI providers in the borough and a reduction in places in maintained and childminder provision. As at September 2021, there are 323 early years providers in the borough. 98% of providers across the sector were judged as good or outstanding by Ofsted as at 1 September 2021.

There is under-fives provision across all ward areas, with 247 providers offering free entitlement funded places as at September 2021

As at the second headcount in Summer 2021, the proportion of places being delivered in school settings decreased to 41% with 59% of places being delivered in the PVI sector. The local authority will continue to monitor the distribution of places across the sectors.

Graph 2: Type of registered childcare provider by ward September 2021



8.2 Demand for Early Years provision

Take-up of free entitlement places in 2021 was below both the London and national averages at 49% for the 2 year entitlement (compared with 64% in 2019) and 71% for the 3 and 4 year entitlement (73% in 2020 and 75% in 2019, national average 94%). Research by Coram Family and Childcare for Brent carried out in late Autumn 2019 confirmed the most common reasons for parents not taking up the childcare offer were a belief that their child was too young, concerns about the costs of childcare and/or a negative perception of childcare, including quality or impact on their child. Additionally periods of national lockdown during the COVID-19 pandemic and parental concerns about safety during this period have contributed to the decline in take-up.

Free childcare for 30 hours per week for 3 and 4 year olds with working parents became a statutory entitlement in September 2017 and implementation of this continues to be successful, with 92% take-up achieved in the summer term 2019 (most recent available data).

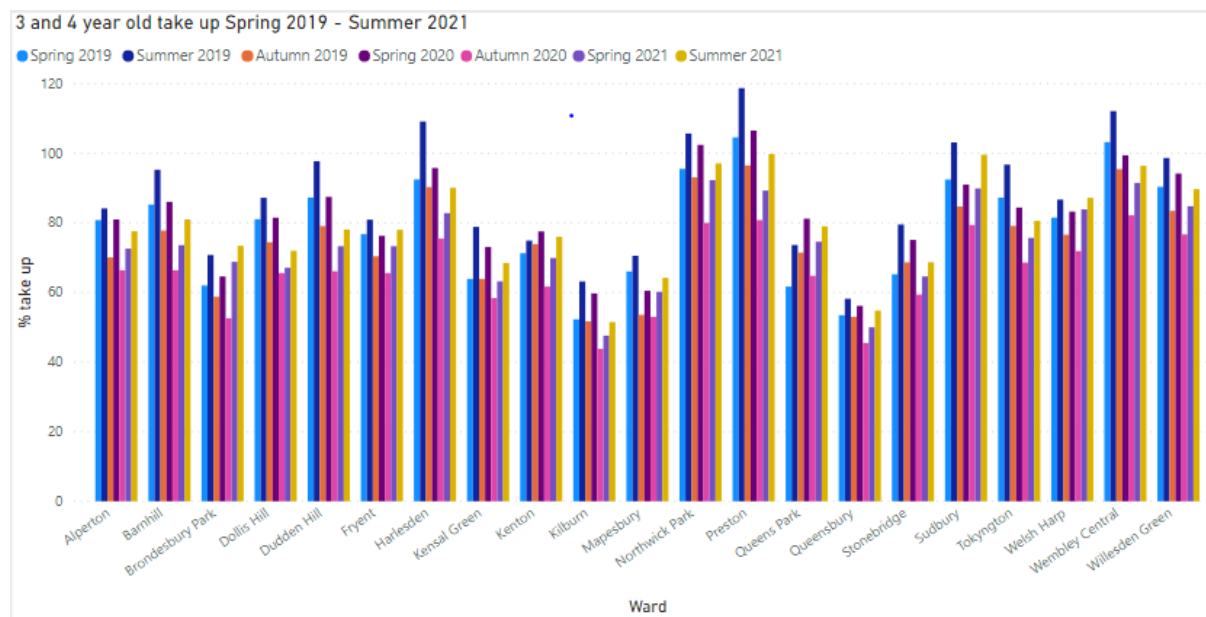
There continues to be evidence of increased numbers of children with special education needs and/or disabilities accessing specialist early years provision. The 30 hour offer is also continuing to place additional pressure on existing specialist places for children with SEND. As of September 2021 the majority of places in the specialist nurseries are full for the 2021/22 academic year. The addition of a new ARP at Willow Nursery School has helped in supporting more children who need ASD specialist placements to access provision that effectively meets their needs and has helped to free up some other spaces across the specialist nurseries for children with disabilities.

8.3 Impact of COVID-19

The impact of COVID-19 on the PVI sector in particular has been significant linked to restricted access to provision for the majority of children in March 2020 and settings needing to temporarily close in response to positive cases since wider reopening in June 2020. Settings have reported a reduced demand for private hours and overall take up has decreased in comparison with pre-COVID-19 levels. The maximum number of children aged 0-5 attending in July 2021 was 3403, compared to over 4500 free entitlement funded 2, 3 and 4 year olds alone attending at a similar point in 2019. Messaging to parents encouraging a return to settings is ongoing.

A survey conducted with providers in June 2020 indicated that the majority of settings had concerns about their financial sustainability. The picture has improved somewhat in summer 2021 with only 37% of open providers reporting concerns about their sustainability compared with 59% of providers in 2020. Provider sustainability will continue to be monitored through sufficiency monitoring meetings in the coming months to support providers with concerns.

Raising take up levels for eligible 2 year olds and all 3 and 4 year olds of their entitlement to 15 hours free early education remains a key priority for the borough to ensure that all children can benefit from high quality early years education and that providers can remain financially viable.


Graph 3: Take-up of early years provision, Summer 2021

8.4 Next steps

The significant loss of income from fee-paying parents during lockdown periods, particularly for PVI providers, has left many in a precarious position with an uncertain future. The ramifications of this affect not only of those in the sector, but also other people dependent on local childcare for their own employment.

The following will be key areas of focus in the coming months to support provider recovery and financial viability to ensure the Council continues to meet its statutory sufficiency duty:

- Real time sufficiency and take up tracking
- Tailored, bespoke support for providers
- Persuading parents to take up places
- Encouraging innovative and agile approaches across teams.

 Brent	Cabinet 8 November 2021
	Report from the Director of Finance
Purchase of a S.106 block of apartments at the Telford Homes Alperton Bus Garage Development.	

Wards Affected:	Alperton
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 3-7 are exempt as they contain 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:	Open Appendix 1 – Title plan Appendix 2 – CGI images Exempt Appendix 3 – Head of Terms and deal sheet Appendix 4 – Draft 999 year lease Appendix 5 – Draft 50 year lease summary Appendix 6 – Draft Development agreement (DA) Appendix 7 – Lease Financing
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Minesh Patel, Director of Finance Tel: 020 8937 4043 Email: minesh.patel@brent.gov.uk Amanda Healy, Head of Finance Tel: 020 8937 5912 Email: Amanda.healy@brent.gov.uk Nick Ljustina, Operational Director of Property & Assets Tel: 020 8937 5025 Email: nick.ljustina@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report seeks permission to purchase the long leasehold interest of 999 years in 155 affordable rented homes (flats) at the Alpertons Bus Garage site located in 330 Ealing Road, Alpertons ('the scheme'), from an Asset Special Purpose Vehicle (ASPV) who has an option with freeholder and developer Telford Homes. The scheme is currently in development with an estimated practical completion date of Q3 2024 for the affordable rented homes.
- 1.2 To finance the purchase of this block, the Council will take a lease of 50 years from the ASPV, with rents set at current day social rents and indexed at CPI plus 1%. Upon completion of the 50-year lease, a reversionary 949-year lease will be granted at nil rent or peppercorn.
- 1.3 The developer will grant the Council a 50-year lease with a 949 reversion at a peppercorn rent on completion of the contract for the 155 affordable homes. The developer will continue to insure the premises during the construction and until completion of the contract.

2.0 Recommendation(s)

- 2.1 Cabinet is asked to:
 - (i) Delegate authority to the Director of Finance in consultation with the Lead Member for Finance and the Operational Director of Property and Assets to negotiate and agree the terms and thereafter enter into a 50 year underlease (to be made between L.B. Brent and Asset SPV) in respect of the 155 affordable homes within the Alpertons Bus Garage Development subject to (a) clean and marketable title (b) financial and legal due diligence, (c) all commercial terms having been agreed between the parties and (d) vacant possession, with a target completion date as soon as possible after the grant of the long lease of 999 years (the headlease).

3.0 Detail

- 3.1 The former bus garage development will deliver a total of 461 homes, commercial units and workspace in the Alpertons area. It is a development spanning 5 years but the affordable homes are being built first. The planning application reference of the development is 20/3914.
- 3.2 Under the draft section 106 agreement between the developer and the Council, 33% of these homes will be affordable. This totals 155 homes of which 37% (57) will be shared ownership and 63% (98) rented. The rent will be capped at Local Housing Allowance (LHA). The Council intends to complete a deed of variation to the S.106 agreement so that the 155 acquired rental homes can all be rented subject to the LHA cap.
- 3.3 The developer is seeking a buyer for the 155 affordable rented homes. The ASPV has secured an option over the block with the 155 affordable homes in

it, and has proposed a leasing arrangement where the Council pays rent for the first 50 years of the lease, with a reversion for the remaining 949 years for nil consideration. Construction of the 1st phase of this development is due to commence in December 2021. There is a development agreement between the developer and the ASPV. The Council will be employing its own professional services team to ensure the quality and progression of the build are too it's satisfaction.

3.4 The breakdown of the 155 rented affordable homes is as follows:

Social Rented

Unit Mix	No.	Unit GIA m2
1B 2P	24	
2B 4P	23	
3B 5P	46	
4B 6P	5	
	98	7 754

Shared Ownership

Unit Mix	No.	Unit GIA m2
1B 2P	31	
2B 4P	26	
	57	3 407

No. of Units	Unit GIA m2
155	11,161

Preferred mix:

Social Rented

Unit Mix	No.
1B 2P	55
2B 4P	49
3B 5P	46
4B 6P	5
	155

No. of Units	Unit GIA m2
155	11,161

- 3.5 The Head of Housing Needs has confirmed that the size breakdown will meet the essential housing needs of households on the housing register and the location of the scheme will be beneficial.
- 3.6 Officers have been in discussion with the ASPV regarding the possibility of purchasing these homes. An offer has been on a purchase price of circa £48M via private treaty on a 50 year leasing arrangement, which means an average of £280K for each home.

- 3.7 The target average development cost under the New Council Homes Programme (NCHP) is £280K per home. As such, the leasing model represents good value for money.

4.0 Former Bus Garage Site

- 4.1 The former bus garage is a former 1.75-acre industrial site in the borough.
- 4.2 The site is bounded by the A4006 to the West, the Piccadilly Underground Line to the east and the Ealing Road to the south.
- 4.3 In a central location in the heart of Alperton, the site is key part of the housing growth and quality job retention space in the area.
- 4.4 The development is expected to have 3 phases. Demolition will commence in 2021 and the completion of the entire scheme is expected by 2025.
- 4.5 The scheme will be a mixed site development, which will also include commercial spaces (retail) and affordable workspace.

5.0 Financial Implications

- 5.1 The total cost of the lease based on a 50 year term is circa £48M and the properties will sit within the HRA. It is expected the scheme will attract a GLA grant to the value of £4.3M. The average cost per home is circa £280k per unit (including the GLA grant).
- 5.2 Details on the lease structure are set out in Appendix 7.
- 5.3 It has been assumed that the Council will receive 100% Stamp Duty Land Tax (SDLT) relief based on the assumption that:
- a) The Council is deemed to be a relevant housing provider that is controlled by its tenants; and
 - b) The application of GLA grant receipts meets the requirements of a qualifying public subsidy.
- 5.4 These assumptions will need to be fully tested along with the Council's tax advisors and HMRC. Failure to secure the SDLT exemption noted above would increase the cost of the scheme by circa £1.9M.

6.0 Legal Implications

- 6.1 Section 120 of the Local Government Act 1972 provides that

For or the purposes of —

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

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

- 6.2 The Council will be purchasing 155 affordable homes that will be rented to Council tenants. Section 79 of the Housing Act 1985 provides that the tenant of a Council property will be a secure tenant if in accordance with section 81 of the Housing Act 1985 the dwelling is the tenant's main or principal home. Accordingly, the provisions of the Housing Act will entitle the secure tenant to purchase their home under the right to buy scheme.
- 6.3 The Council has the power to dispose of property under Section 123 of the Local Government Act 1972 for the best price reasonably obtainable (This type of disposal would be covered under the General Consents and would not need specific consent under Circular 06/03).
- 6.4 The Council Legal department will undertake all the necessary due diligence prior to exchange of contracts. Accordingly, all the necessary searches and Title information will be examined prior to entering into the contract to ensure that the Council will acquire the property with good and marketable title.
- 6.5 Section 9 of the Housing Act 1985 provides that the Council may provide housing accommodation —
- (a) By erecting houses, or converting buildings into houses, on land acquired by them; or
 - (b) By acquiring houses.
- 6.6 The General Consent 2013 section A3 provides for the sale of properties on shared ownership lease terms.

7.0 Equality Implications

- 7.1 No equality implications have been identified.

8.0 Consultation with Ward Members and Stakeholders

- 8.1 This paper will be circulated to all Ward Members.

9.0 Human Resources / Property Implications

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

Report sign off:

Minesh Patel
Director of Finance

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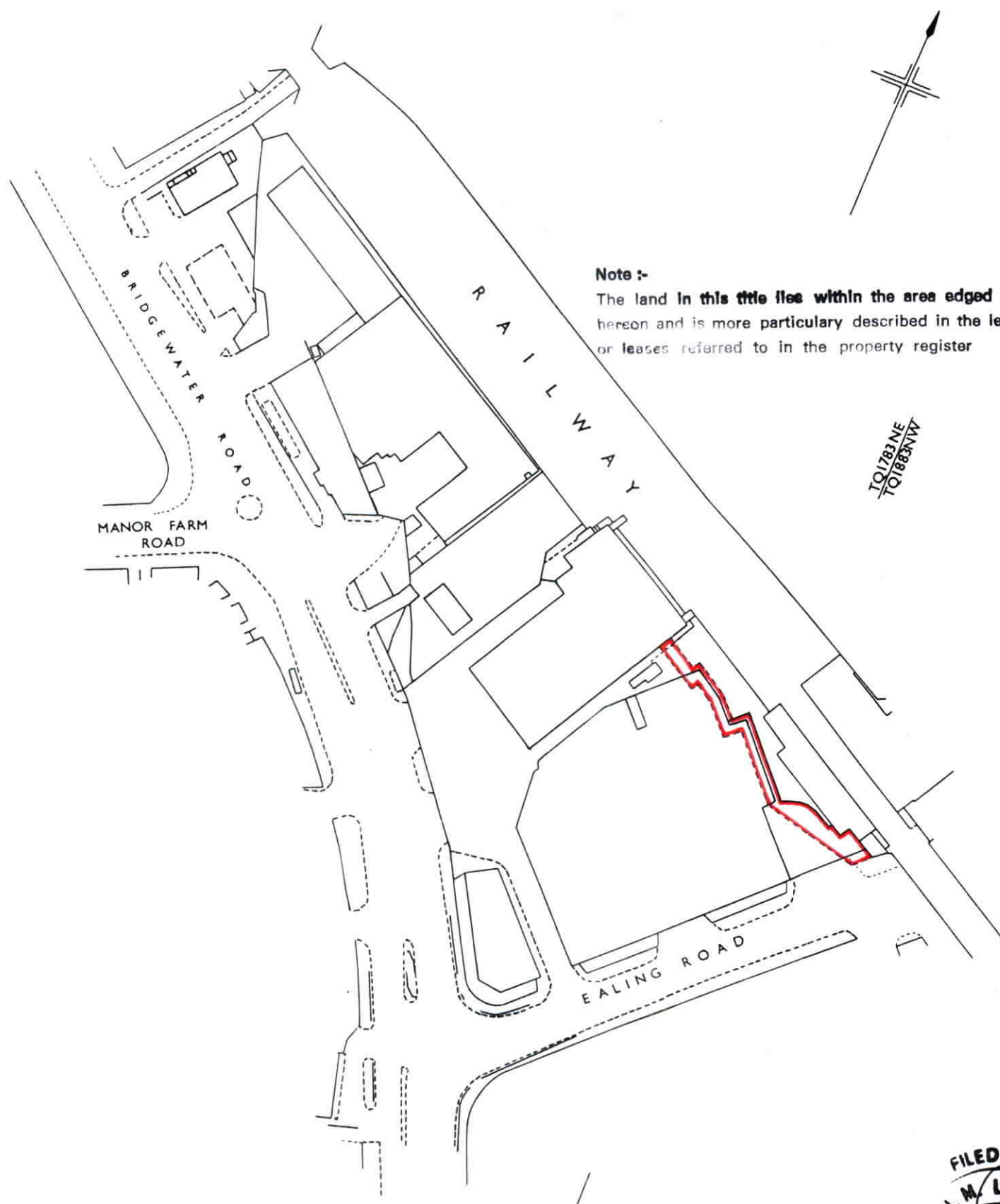
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SECTION M

BOROUGH OF BRENT



Note :-

The land in this title lies within the area edged red hereon and is more particularly described in the lease or leases referred to in the property register

TQ1783 NE
TQ1883 NW

Old Reference MIDDLESEX XV 4 BK
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Title No. **NGL720335**

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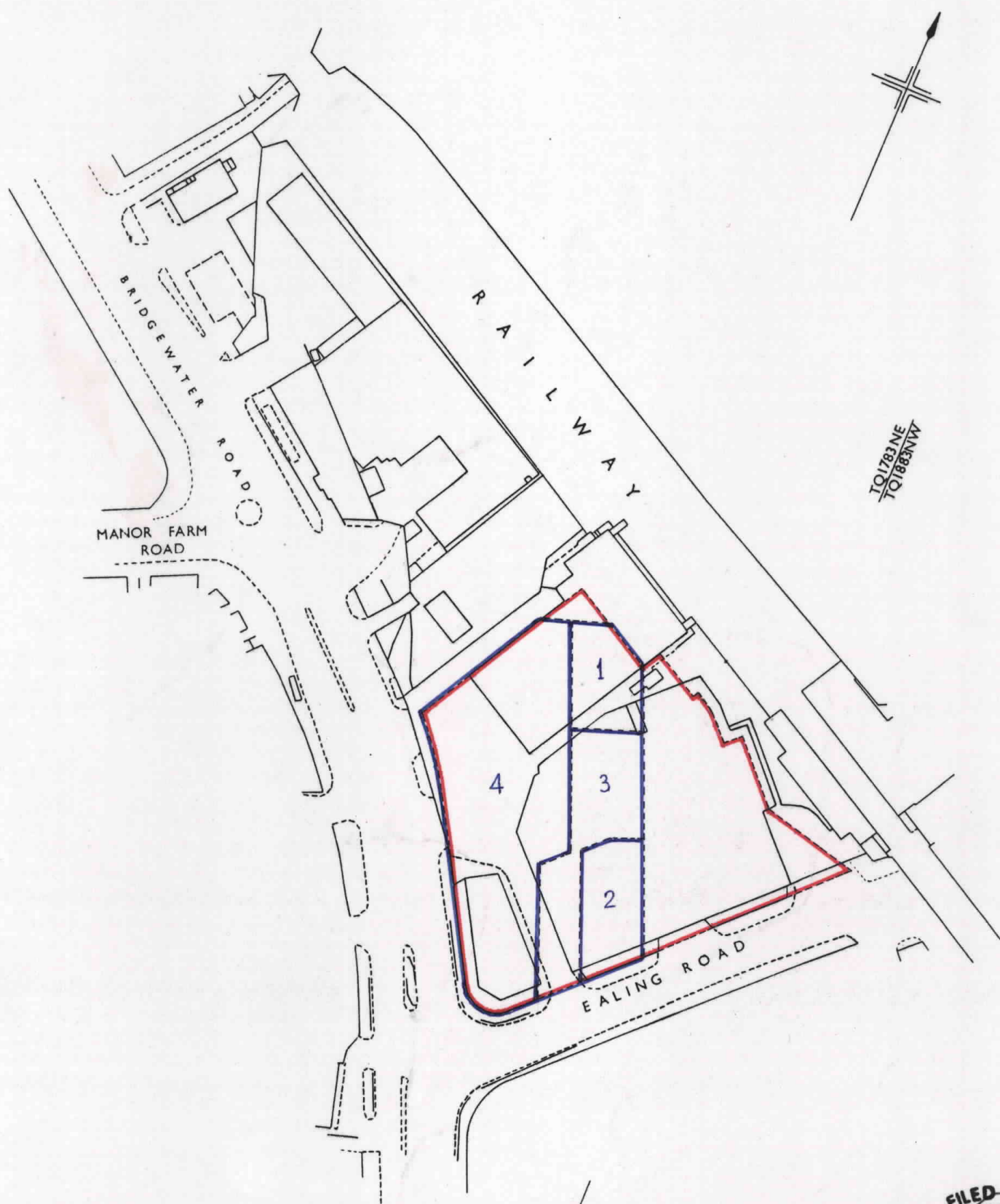
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SECTION M

BOROUGH OF BRENT



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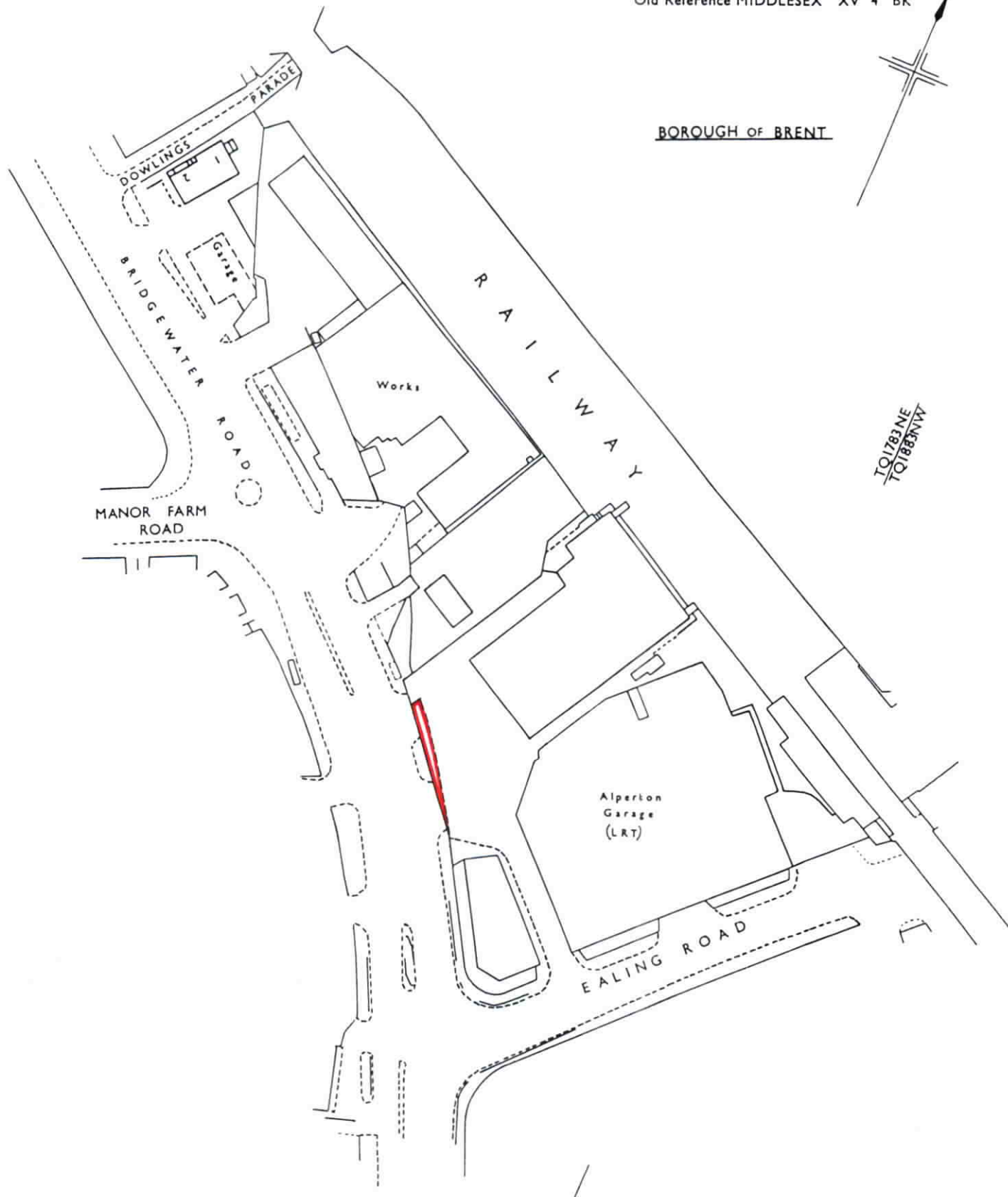
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H.M. LAND REGISTRY		TITLE NUMBER	
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LMT	COUNTY	SHEET	NATIONAL GRID
ORDNANCE SURVEY PLAN REFERENCE	GREATER LONDON		TQ1783
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	Cabinet 8 November 2021
	Report from the Strategic Director of Customer and Digital Services
ANNUAL PROCUREMENT STRATEGY REPORT 2020-21	
Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	N/A
No. of Appendices:	One: Appendix 1 Annual Procurement Strategy Report 2020-21
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Rajesh Shori Head of Procurement rajesh.shori@brent.gov.uk 020 8937 1598

1.0 Purpose of the Report

- 1.1 To provide Cabinet with the Annual Procurement Strategy Report 2020-21, showing the progress made since Cabinet approval in October 2020 across the five pillars of the Procurement Strategy 2020-2023 (which is aligned with the Borough Plan 2019–2023).

2.0 Recommendations for Cabinet

- 2.1 Cabinet is asked to note and approve the Annual Procurement Strategy report 2020-2021 as set out in Appendix 1.

3.0 Annual Procurement Strategy Report 2020-21.

- 3.1 This Annual Procurement Strategy report sets out the work that was already in motion prior to and has been carried out since Cabinet agreement of the Procurement Strategy in October 2020.

- 3.2 The Procurement Strategy is aligned to Brent Council's strategic themes and builds further on Brent's commitment to support Community Wealth Building and reviving the local economy.
- 3.3 It comprises of five pillars, which will be central to delivering better procurement of goods, services and works contracts over the next three years. The five pillars are:
- Active Procurement
 - Social Value and Ethical policy
 - Sustainability
 - Circular Economy
 - Community Wealth building
- 3.4 It also sets out how the Council will promote effective procurement across the Borough, by having regard to local employment and skills shortage, social value, localisation and ensuring wherever possible that contracts are Small and Medium Enterprise (SME) friendly.
- 3.5 The report considers each of the pillars, setting out the key KPIs/ Outcomes that we are looking to achieve, followed by the progress made against each of the stages within the pillar.

Pillar 1: Active Procurement

- 3.6. Active Procurement lays the foundations for all the other pillars. The two main KPIs are to generate savings throughout the period of the strategy and to ensure we are achieving value for money. A paper setting out options for savings has been presented to CMT on the 30 September 2021.
- 3.7 To achieve the goal of Active Procurement there are various steps that we need to undertake. The focus for this report is the Active Analysis and Active Contract Management steps but it also highlights progress on the following:
- Active Communication: Engaged widely across Directorates to highlight how working together will deliver the pillars of the strategy bringing together the various pieces of the work conducted under each pillar into this annual report.
 - Active Learning and Development: Working with Directorates and Members on knowledge share events, engaging with the local supplier base to make participation in our procurement process easier to understand.
- 3.8 A significant effort in dissecting how we spend our money has identified the following. In financial year 2020-21 Brent has spent c£450m across a variety of areas from supporting our vulnerable adults, young people and children to regenerating key areas, providing affordable housing and ensuring our footways and highways are maintained to an appropriate level.

The table below splits out our third party spend per directorate.

3.9 Department Name Total Spend 20-21

Community Wellbeing	£185M
Regeneration & Environment	£175M
Children & Young People	£47M
Chief Executive (Fin & HR)	£16M
Customer Digital Services	£29M
Total	£452M

3.10 The analysis then goes through further detail on the main categories of spend and highlights how much of our local authority spend is with local Brent based suppliers. This currently stands at £57M per annum.

3.11 Active Contract Management - the procurement Team have been working with directorates to create a contracts register of all known contracts. Aligning spend data showing actual in year spend against contracted spend.

3.12 Having a good understanding of all our major contracts is important, it enables us to ensure we are focussing our intentions on areas of spend and contract value which have a major impact on the community and businesses of Brent.

3.13 By ensuring we have a good understanding of these contracts, how much we spend against them, how well the supplier is performing in delivering those contractual commitments and what needs to be done in advance of contract end dates, provides assurance that we are Actively Contract Managing and making best use of the resources we have.

3.14 Over the past 12 months, Procurement have been actively working with all its stakeholders across the council in building a comprehensive contracts register and our register currently stands at almost 400 contracts. The vast majority of the database is made of contracts that have followed a procurement process conducted by the Procurement team, or that the team have been involved in an advisory capacity, and hence have knowledge of these contract awards.

3.15 The register highlights when contracts are coming to an end and Procurement have commenced an exercise identifying all contracts that are due to end by March 2023, working with stakeholders across the Directorates to understand our future plans and how best to see if there are opportunities to extract any efficiencies. It also helps to decide how best to engage with the market on future procurements to ensure we are supporting the various pillars of the Procurement Strategy.

3.16 Next steps

- The deliverables of each part of the pillar remain, but during the 2021/22 financial year we will continue to focus on building our understanding of

our spend data and start to look at focussing on developing relationships with key suppliers.

- Active Analysis - Continue to build on developing our knowledge of third party spend.
- Work with Oracle Cloud implementation to put mechanisms in place to ensure we are capturing our third party spend in the most effective way allowing Procurement to extract the data to further support intelligence led decision making.

Target Date Dec 2021 - For first reports from Oracle Cloud.

- Active Contract Management - Complete the savings and opportunities review of what contracts that will be expiring by March 23 and agree the appropriate methodology of how savings and opportunities will be captured and realised.

Target date paper to CMT 30 September 2021.

- Agree across each Directorates suppliers where more focus on mutually beneficial relationships would realise benefits that will support all parties' strategic objectives.

Target date December 2021.

Pillar 2: Social Value and Ethical Policy.

- 3.17 The work set out below shows the progress made in setting out the levels and types of local investment committed to from Brent contracts achieved through the procurement process. The Council wants to ensure Social Value is integral in all its procurements, benefitting Brent's communities and embraced by all involved.
- 3.18 Procurement have been collating information from the submissions received from suppliers who have been awarded contracts, based in part from the benefits they will bring over and above to the community through their Social Value submissions.
- 3.19 The table below sets out how suppliers are supporting the Council priorities. The breakdown confirms that our suppliers are delivering social value across the priorities in the borough plan. The suppliers have set out the financial value they are willing to pass back to the council if they do not deliver the Social Value committed as part of the contract, which equates to £2.4m of Social Value looking to be delivered through our procurements since June 2020.

Breakdown of SV pillar Total value all years Percentage

1. Strong foundations	£657K - 27%
2. Every opportunity to succeed	£948K - 38%
3. A future built for everyone, an economy fit for all	£597K - 24%
4. A cleaner, more considerate Brent	£162K - 7%
5. A borough where we can all feel safe, secure, happy and healthy	£108K - 4%
Total commitment among 21 received files	£2.472M - 100%

3.20 Next steps:

- Building on the work already set out, Procurement will continue to work across each of the Directorates ensuring that we explore every opportunity to be more innovative and creative in the types of social value we can deliver through our contracts and feeding back on successes and lessons learnt with further training and knowledge share sessions.

Target Date October 2021 and February 2022.

- Brent's Social Value Commitments - Develop and share the list of possible opportunities Brent would be looking to extract from our procurements as part of Brent's Social Value Commitments in addition to the suggested indicators already part of the Social Value and Ethical Policy.

Target Date November 2021.

- Set up and publicise the process where ideas of social value can be captured, considered and added to the list of Brent's Social Value Commitments on a quarterly basis.

Target Date November 2021.

Pillar 3: Sustainability

- 3.21 Brent now has a Procurement Sustainability Policy to align to our commitment to the Green agenda. The annual direct spend on goods and services is over £400 million, so the scope to influence is significant and far-reaching. Improving environmental sustainability throughout our supply chain is an essential component of our commitment to reduce our environmental impact and lead by example.
- 3.22 The policy's aim is to stretch across all aspects of sustainability and includes Brent's commitment to support Fairtrade and help suppliers with support to their understanding so they can deliver sustainable goods and services within their own organisation and across their supply chains.

- 3.23 The Procurement team have worked across the council to agree a set of principles and an initial range of key performance indicators to understand how the environmental impact will be mitigated which forms part of the policy.
- 3.24 Some of the Sustainability KPIs and Outcomes will be captured in the Social Value capture template under the priority - A more cleaner considerate Brent. Where there are specific KPIs / Outcomes that fall outside of this we are ensuring these are included in future Annual Procurement Strategy reports.
- 3.25 Sustainable procurement practices is an area that boroughs, both sub-regionally in West London and in London as a whole, are considering as part of their efforts to tackle the climate and ecological emergency. We are part of a sub-regional working group, working with other West London Alliance Boroughs to create a unified set of policies across the sub-region. This will make it easier for suppliers to understand their requirements for bidding for services in West London, and ensure that West London Alliance boroughs are committed to similar ambitions and aims.
- 3.26 Next steps:
- Highlight and report on what specific Sustainability criteria is being measured through our procurements.

Target date April 2022

- Continue to be part of the wider sub regional group supporting ensuring we are aligned and following best practice.

Target Date April 2022 to report on progress.

Pillar 4: Circular Economy

- 3.27 The creation of the Procurement sustainability policy underpins the need for Brent to move towards a low carbon, circular economy. This will involve a radical shift away from our current linear economy and 'throwaway culture' where products are made used disposed to one in which resources and products are kept in use for as long as possible. Brent is well placed to enhance its low carbon circular economy over the next 10 years as it is already amongst the top London boroughs with the highest rates of employment in this sector.
- 3.28 There are around 860 businesses in the borough involved in the circular economy. We will aspire to continue to build this sector and support this economic model of operation as a key mechanism for tackling the climate and ecological emergency. This will also be at the centre of green economic recovery efforts following the COVID-19 pandemic and aid the transition away from our current linear economy.
- 3.29 By leading by example and championing the importance of a reduction in the environmental impact of our supply chain, it is hoped to have a positive impact within the council and community, and to encourage other organisations to do the same and adopt new sustainability procurement practices.

3.30 Next steps:

- Conduct further training and knowledge shares across the Directorates.

Target Date Dec 2021.

- Identify the types of suppliers that operate within the Circular economy in Brent which could support forthcoming procurements.

Target Date Dec 2021.

- Identify specific procurements that would realise Circular Economy benefits for the borough and report on the progress made on delivering procurements with Circular Economy benefits.

Target Date April 2022.

Pillar 5: Community Wealth building

3.31 Procurement have specific KPIs to help support and develop our links with the local supplier base and ensure all our suppliers based in London pay their staff the London Living Wage and in the last financial year surpassed all the KPIs set.

3.32 We have undertaken a review of external data against the data we hold on our systems and it shows we have 15,890 businesses operating in Brent FY 20-21, compared to our own records from business rates data which has 8,245 business logged.

3.33 The goal is to understand at a micro level the make-up of Brent businesses by ward, review the type of suppliers we need against what we have and identify developing opportunities for new suppliers where we lack those skills and ability to spend more locally. Once we understand what type of suppliers we have and where they are located, we can take a holistic approach to put these suppliers in touch so they can draw from each other on what requirements they need fulfilled for their businesses. Aside from this strategic analysis we have also undertaken other measures that can have an impact right now.

3.34 Under the Active Procurement pillar, the analysis shows that through our procurements we have achieved the targets agreed for the last financial year with local suppliers either being awarded contracts directly or be used within the supply chain of larger organisations. As part of our strategy we want continue to build on this and provide as many suitable opportunities as possible for the local supplier base and have implemented the following to help support this.

3.35 Next steps:

- Complete as far as practicable the gap analysis identified. Understand at a micro level the make-up of Brent businesses by ward. Review the type of suppliers we need against what we have.

Target Date Dec 2021.

- Continue on building on the work already taking place and move to reporting specifically on the number of opportunities that have been created for local suppliers within Brent.

Target date – April 2022.

4.0 Alternative Options Considered

4.1 Not applicable

5.0 Financial Implications

5.1 There are no specific financial implications in accepting the recommendations in this report.

5.2 The budget agreed by Council in February 2021 included £1m of savings from reduced procurement spend across the Council between 2021/22 and 2022/23. This is aligned to the Active Procurement pillar of the Procurement Strategy, however at this stage specific savings have yet to be identified.

6.0 Legal Implications

6.1 This report seeks Cabinet to note and approve the Annual Procurement Strategy report. The Procurement Strategy must comply with and be delivered in accordance with all applicable UK legislation and guidance, to include the Public Contract Regulations 2015, the Public Services (Social Value) Act 2012 and the Equality Act 2010.

6.2 Officers in Legal Services will continue to provide support and guidance in the implementation of the Procurement Strategy and any necessary amendments to contract and tender documents.

7.0 Equality Implications

7.1 The Procurement Strategy is designed to help promote equality and Officers believe that there are no adverse equality implications

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

8.1 Not applicable

9.0 Proposed Consultation with Ward Members and Stakeholders

9.1 Not applicable

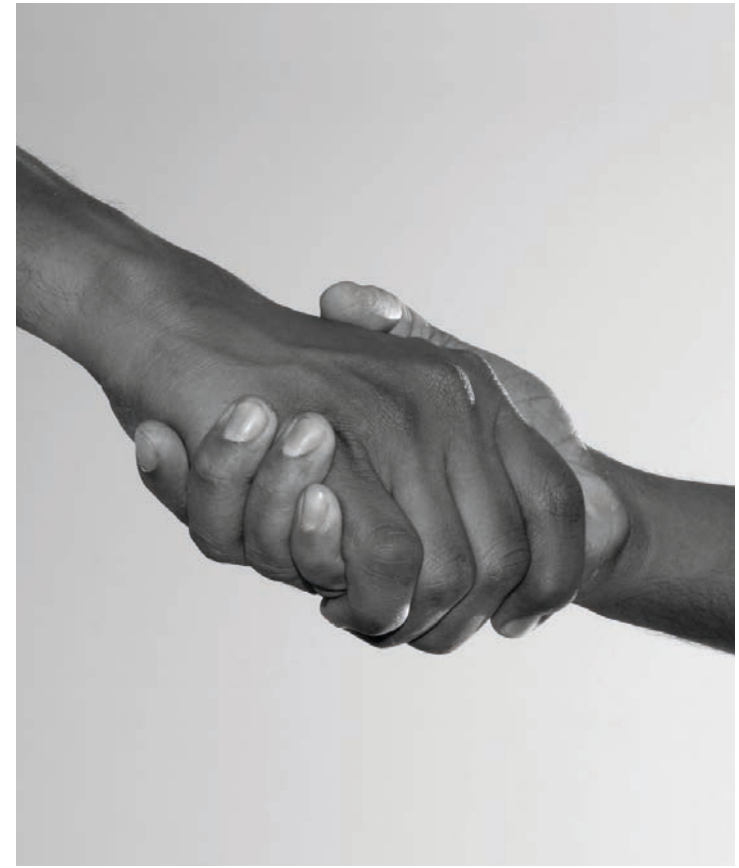
Report sign off:

Peter Gadsdon
Strategic Director of Customer and Digital Services

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Procurement Strategy

Annual report 20-21



Foreword



During this pandemic we have all been striving to put measures, processes

and policies in place to support our communities so they are best placed to recover from these turbulent times.

This Annual Procurement Strategy report sets out the work that was already in motion prior to and subsequently since Cabinet agreement of the Procurement Strategy in October 2020.

These are core to Brent Council and will be integral to in the way we procure goods, services and works contracts over the next three years as a minimum to support the Council's priorities.

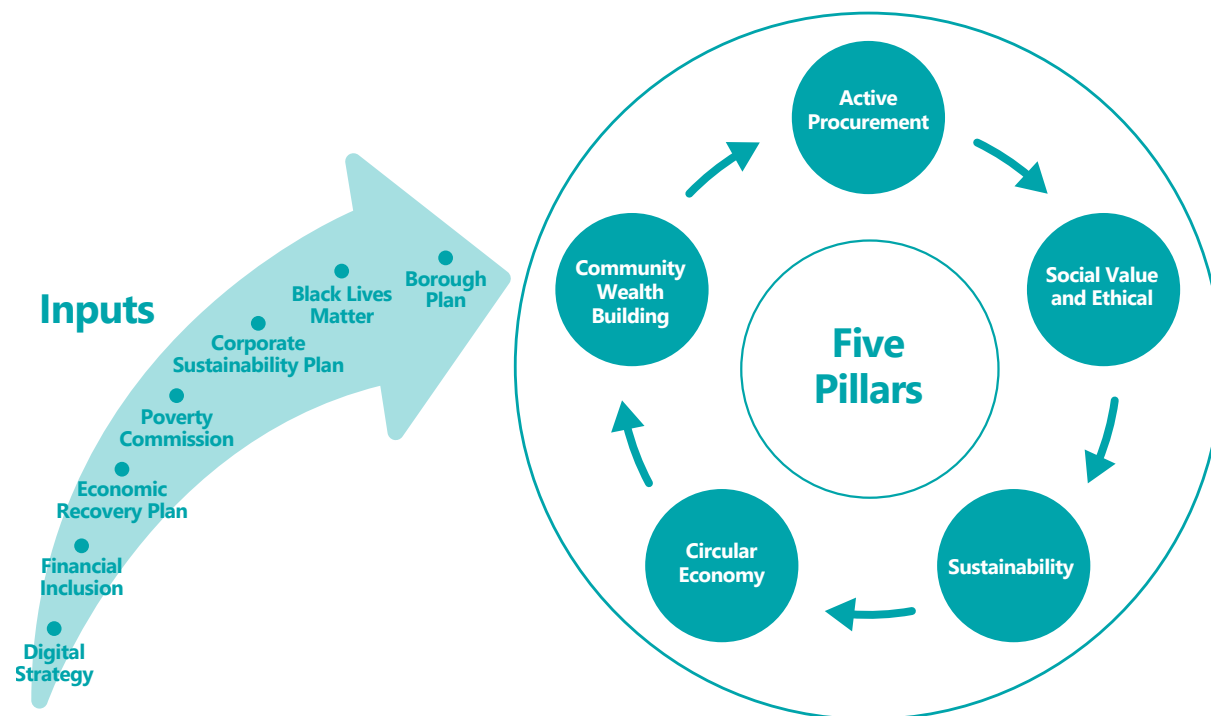
Although this is an Annual Procurement Strategy report it should be noted that the strategy was approved in October 2020 but highlights the progress made to March 21.

This report sets out the work delivered under each of the pillars of the strategy from setting out not only how we are spending money with our suppliers but the proportion of money we spend within the London Borough of Brent under the Active Procurement pillar. Through to how we are building up and developing our engagement with the local suppliers in support of our Community Wealth building pillar.

As Deputy Leader of the Council and Lead Member for Finance and Resources, as well as a proud resident of Brent I am pleased to present the first annual report on the progress and impact of the Procurement Strategy across its Five Pillars.

Each Pillar starts with the KPI/ Outcomes that we are looking to achieve followed by the progress made against each of the stages within the Pillar. I encourage you all to take some time to read this report and join us on this journey as we continue make Brent a great place to live and work.

Brent's Procurement Strategy comprises of five pillars.



Procurement Strategy – Annual Report FY 20-21.



Procurement Strategy – Annual Report FY 20-21.

The Procurement Strategy was approved by the council in October 2020 where it set out five key pillars that successfully delivered would support Brent Council's strategic priorities in providing greater opportunities for its communities and local businesses alongside taking significant steps in contributing to a greener more sustainable environment.

As set out within the key performance indicators and outcomes this report provides an update on the progress and achievements across each the five pillars.

Active Procurement

Social Value and Ethical Policy

Sustainability

Circular Economy

Community Wealth building

Active Procurement

Active Procurement lays the foundation for all the other pillars. The two main KPI's are to generate savings throughout the period of the strategy and ensure we are achieving value for money.

KPI/Outcome Delivery

Deliver a reduction in procurement spend during the period of this strategy – target £2m

KPI/ Outcome delivery

Provide commercial intelligence to ensure we are achieving value for money

Indicators

- Spend analysis: Producing annual reports showing how we spend our money identifying opportunities of leveraging decommissioning and commissioning activities to best support the Council strategic priorities.
- Effective contract management: Maintain a contracts register and work with Directorates/ Sections to identify opportunities to bring different services together under one contract.



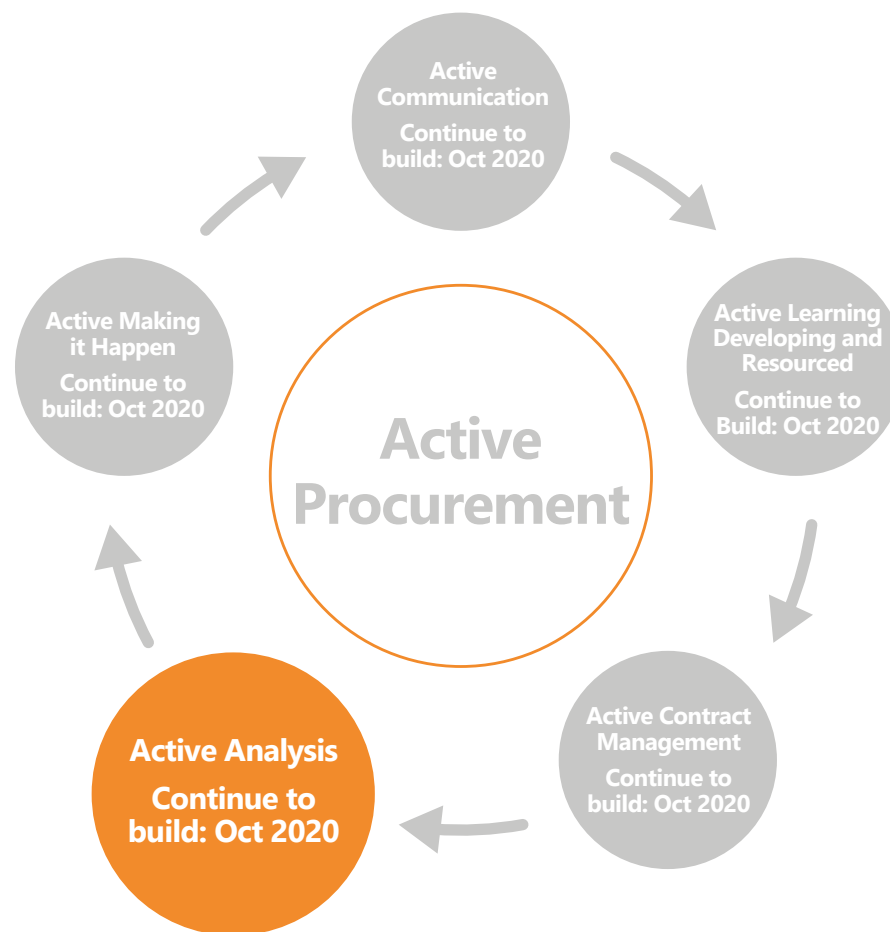
Procurement Strategy – Annual Report FY 20-21.

The focus for this report will be the Active Analysis and Active Contract Management steps but will highlight progress on the following:

Active Communication: Engaged widely across Directorates to highlight how working together will deliver the pillars of the strategy bringing together the various pieces of the work conducted under each pillar into this annual report.

Active Learning and Development: Working with Members and Directorates on knowledge share events, engaging with the local supplier base to make participation in our procurement process easier to understand.

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Active Analysis:

We need to have a good understanding on what the council spends with its suppliers across each of its Directorates alongside building and maintaining an accurate contracts register which in turn will help focus on our key contracts to understand if they are delivering the right outcomes along with providing

the right level of return on the spend. This work also needs to reflect the requirements of the Medium Term Financial Plan balancing between the need to produce actual savings versus in-house and decommissioning opportunities.

Procurement Strategy – Annual Report FY 20-21.

What the council spends on suppliers.

Spend Analysis.

A significant effort in dissecting how we spend our money has identified the following. In financial year 2020-21 Brent has spent c£450m across a variety of areas from supporting our vulnerable adults, young people and children to regenerating key areas, providing affordable housing and ensuring our footways and highways are maintained to an appropriate level.

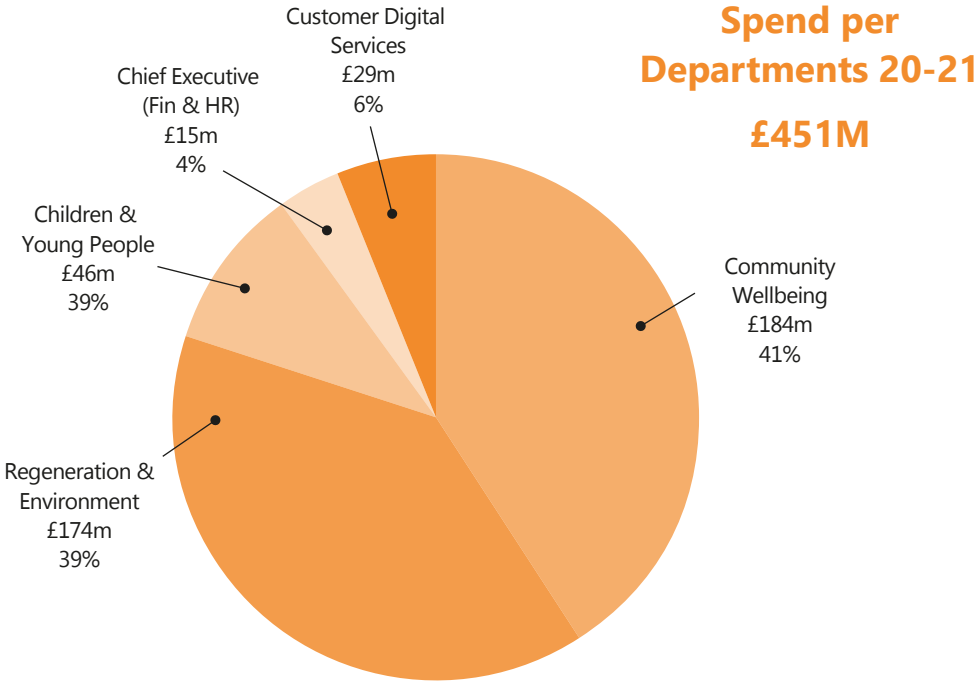
Community Wellbeing which covers the care and support we provide to our most vulnerable adults across Social Care, Public Health and our joint working with the Clinical Commissioning Groups makes up one of the two largest Directorates of spend. This Directorate is also responsible for maintaining our affordable housing for council tenants. The other major area of spend is Regeneration and Environment Directorate, this area builds new homes and regenerates our local areas as well as maintaining our highways, street, parks and collecting the waste we generate.

The chart and table below splits out our third party spend per directorate.

Department Name	Total Spend 20-21
Community Wellbeing	£184,781,246
Regeneration & Environment	£174,904,916
Children & Young People	£46,949,049
Chief Executive (Legal, Fin & HR)	£15,640,212
Customer Digital Services	£29,171,632
	£451,447,055



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Procurement Strategy – Annual Report FY 20-21.

Main areas of spend

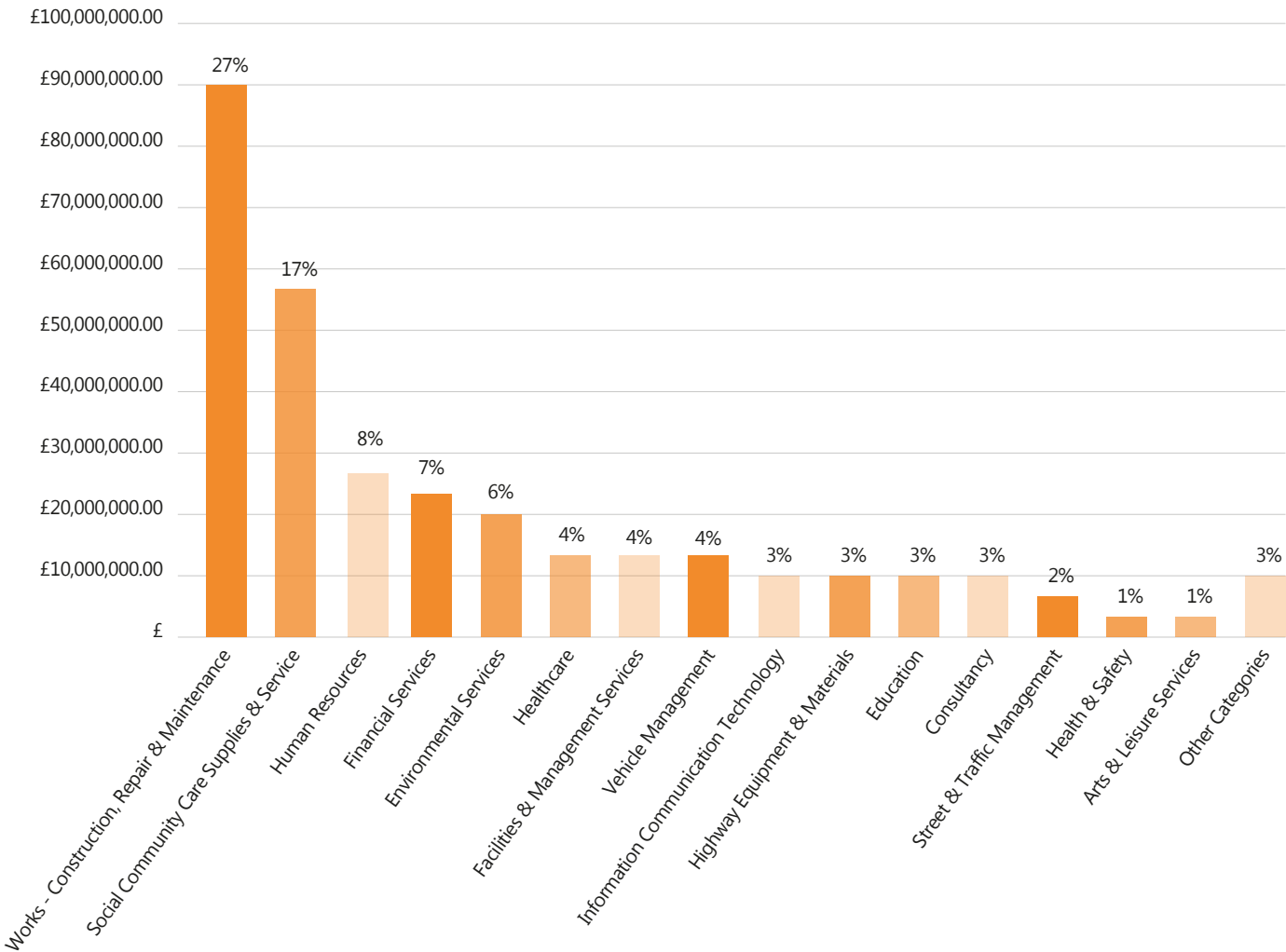
Brent council's spend spans across approximately 3,800 suppliers. The money spent this financial year can be split out as shown opposite.

Our Top 50 Suppliers this year make up almost 60% of our spend reaching almost £250m, with the chart below setting out the most significant categories of spend across the council with the list below ranked in order on spend showing Construction and building repair, Social Care and Information Technology making up the top three categories of spend.



Page 223

Top 15 Categories of spend 20-21 (PO Spend)



Procurement Strategy – Annual Report FY 20-21.

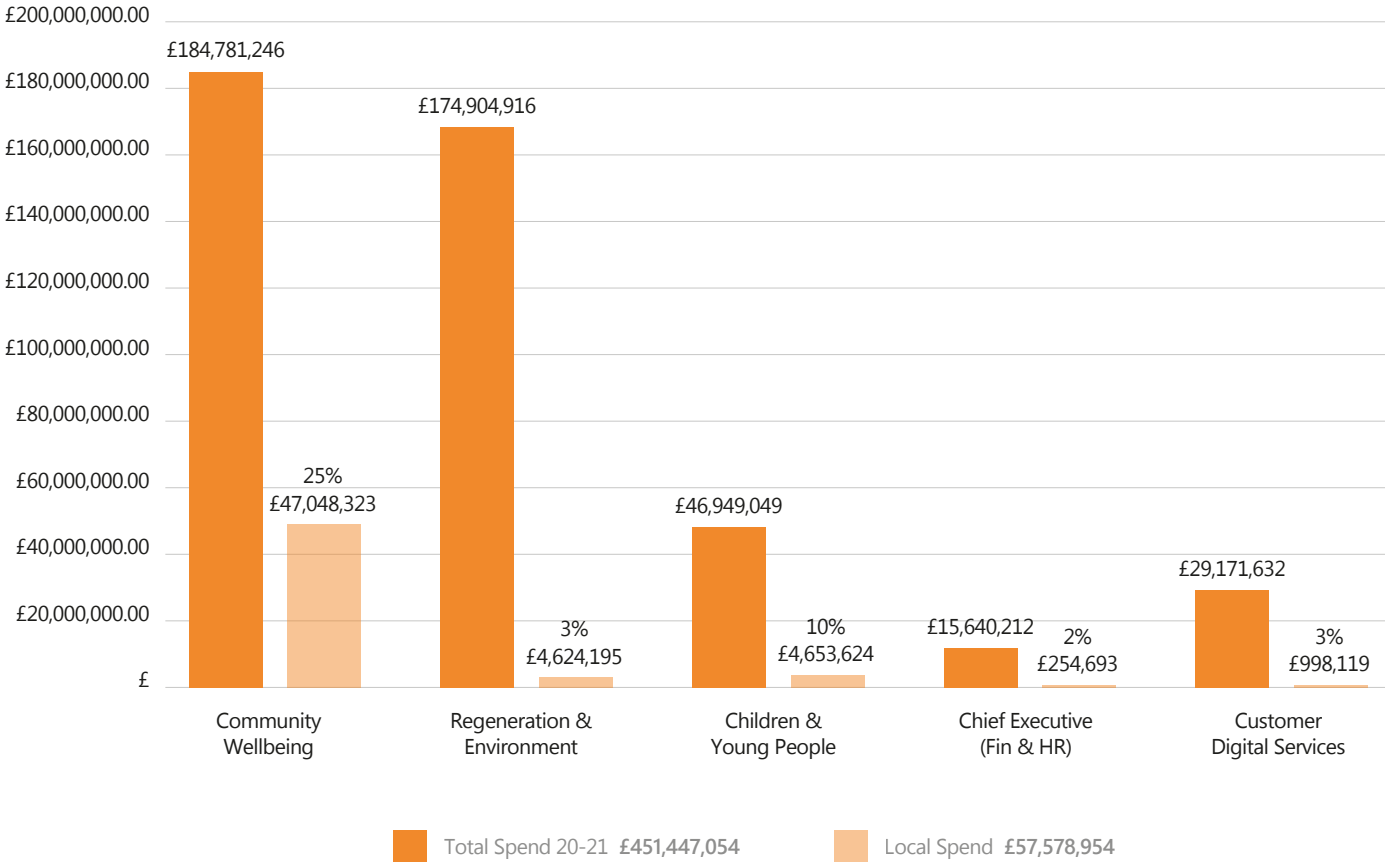
Brent local Supplier Spend

Spend with our local supplier base is a key focus for Brent and the strategy is looking to increase our spend year on year as we progress the various pillars of the strategy. Currently approximately £57m (14%) of our third party spend is conducted with local suppliers registered within a Brent postcode. This is across over 700 local suppliers with the top 50 local suppliers making up 80% of that spend mostly across social care.

The chart opposite shows the proportion of local supplier spend that makes up the Directorates overall spend with Community Wellbeing having 25% of their overall spend being delivered by the local supplier base and Children and Young People with 10% of their overall spend being delivered by the local supplier base.



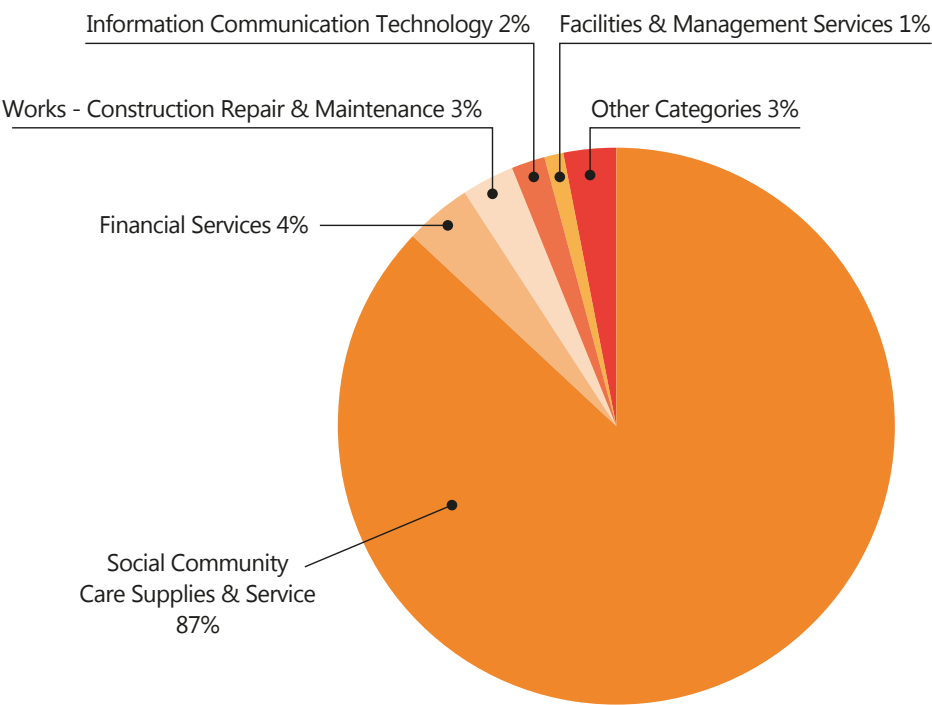
Spend Per Directorate vs Local Spend within them (20-21)



Procurement Strategy – Annual Report FY 20-21.

The chart opposite provides a breakdown of local supplier spend with the vast proportion of spend being spent within social care supporting our most vulnerable.

Some of the other categories highlighted opposite include but not limited to: Utilities, Cleaning & Janitorial, Legal Services, and Horticultural.



Local Spend per Categories 20-21



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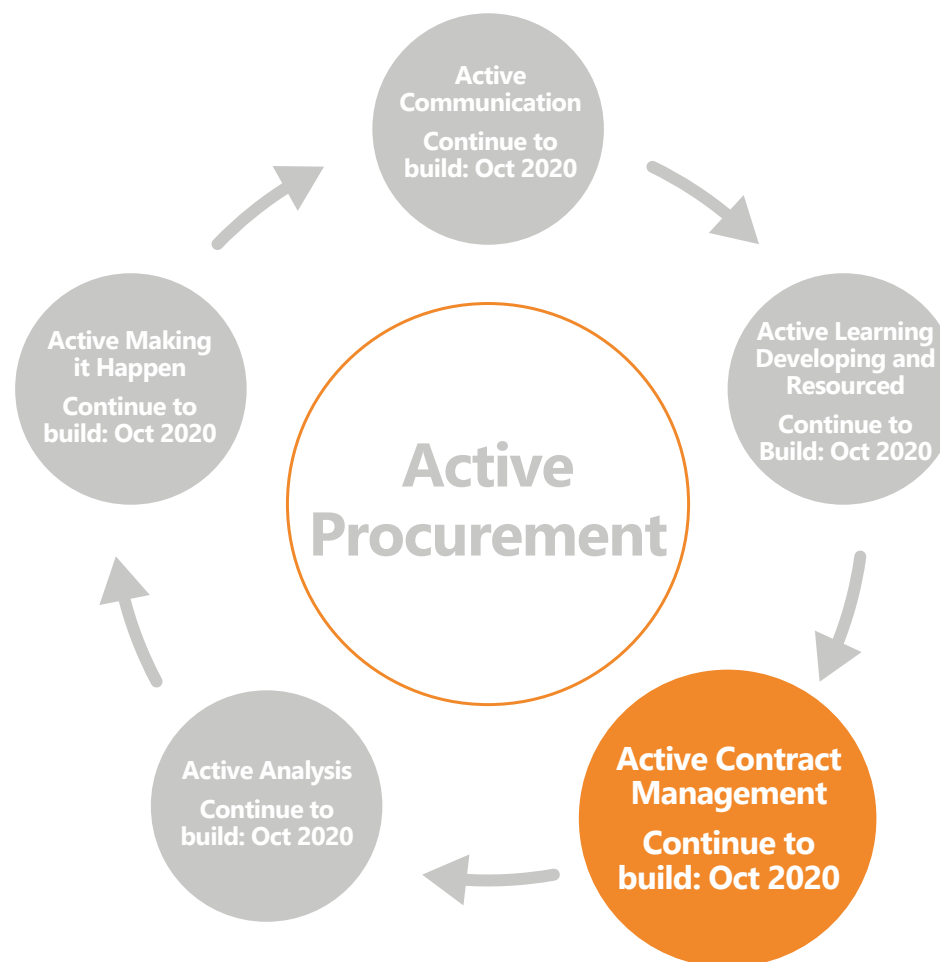
Active Contract Management

Working with directorates across the Council to create a contracts register of all known contracts. Aligning spend data showing actual in year spend against contracted spend.

Having a good understanding of all our major contracts is important, it enables us to ensure we are focussing our intentions on areas of spend and contract value which have a major impact on the community and businesses of Brent.

By ensuring we have a good understanding of these contracts, how much we spend against them, how well the supplier is performing in delivering those contractual commitments and what needs to be done in advance of contract end dates and provide assurance that we are actively Contract Managing and making best use of the resources we have.

Over the past 12 months Procurement have been actively working with all its stakeholders across the council build a comprehensive contracts register and currently stands at almost 400 contracts. The vast majority of the database is made of contracts that have followed a procurement process conducted by the Procurement team or the team have been involved in an advisory capacity and hence have knowledge of these contract awards.



Procurement Strategy – Annual Report FY 20-21.

These contracts cover approximately 70% of the spend we incurred for the financial year 20/21. Not all of this spend is addressable some of this spend is to support significant capital build programmes of work as Brent continues to regenerate and develop the borough for the benefit of its residents and businesses.

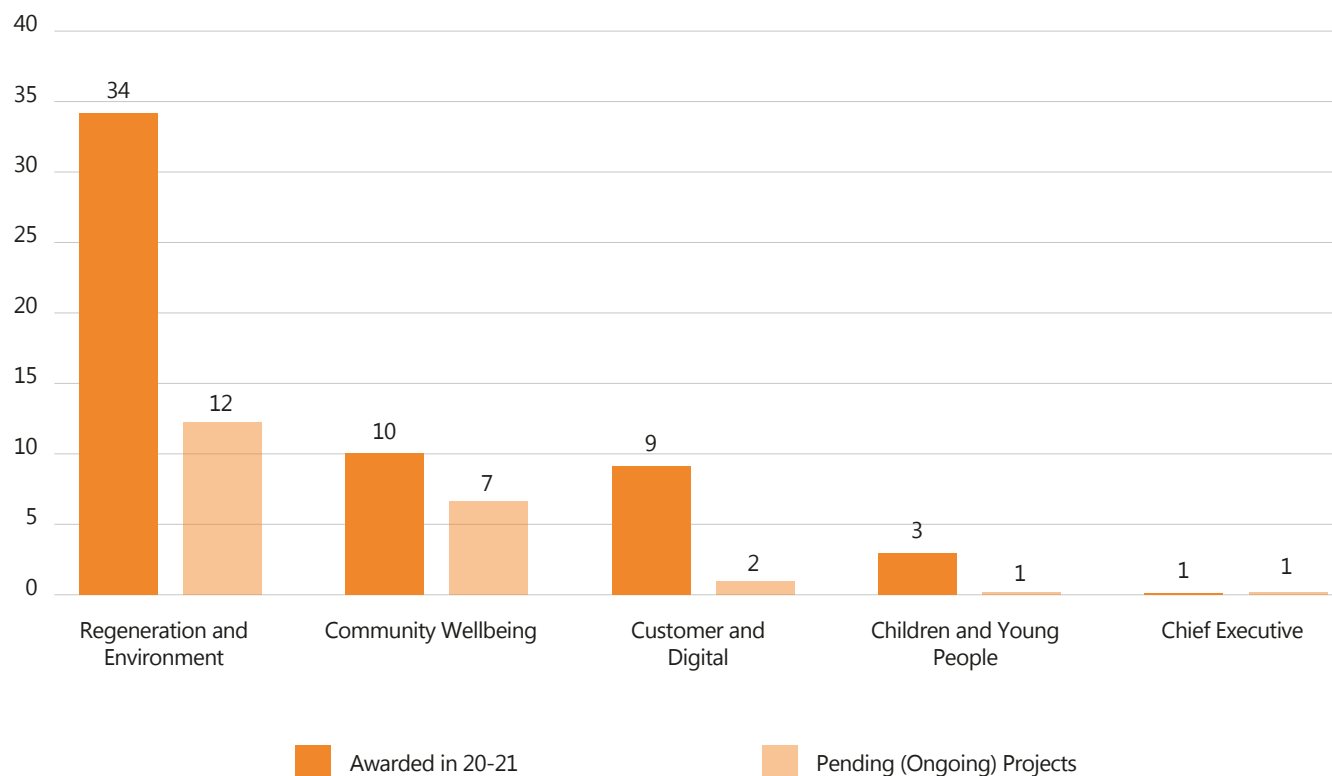
The register highlights when contracts are coming to an end, Procurement have commenced an exercise identifying all contracts that are due to end by March 2023, working with stakeholders across the Directorates to understand future plans and how best to see if there are opportunities to extract efficiencies. It also helps to decide how best to engage with the market on future procurements to ensure we are supporting the various pillars of the Procurement Strategy.

The spend analysis shows our Top 50 Suppliers this year make up almost 60% of our spend reaching almost £250m of which we have 29 contracts that are due to end by March 2023. These will form part of the review along with the identification of potential savings.

Contract awards for FY 20-21.

The Procurement team have been engaged on over 75 projects not including frameworks* (framework figures will be included in the overall figures moving forward). During the last financial year, 57 procurement projects were awarded between April 20 and March 21 and the value of those projects awarded amounted to £184m.

**Number of Contracts awarded and pending award
April 20- March 21**



**A framework agreement is where suppliers have already demonstrated their competence to supply, any questions about their capabilities have already been answered as part of the bidding process and they have been approved by the Framework Provider to be selected pre-qualifying themselves to be included onto that Framework. This will allow the supplier to bid for any opportunity whenever a public body wants uses that framework dependent on the rules set out on how to use that framework. The Framework may cover different types of Services or Works categories under the overarching agreement, the terminology for these different types of categories under the framework is known as LOTS.*

Procurement Strategy – Annual Report FY 20-21.

Social Value and Ethical Policy

KPI/Outcome Delivery

Local Investment from Brent contracts

Indicators

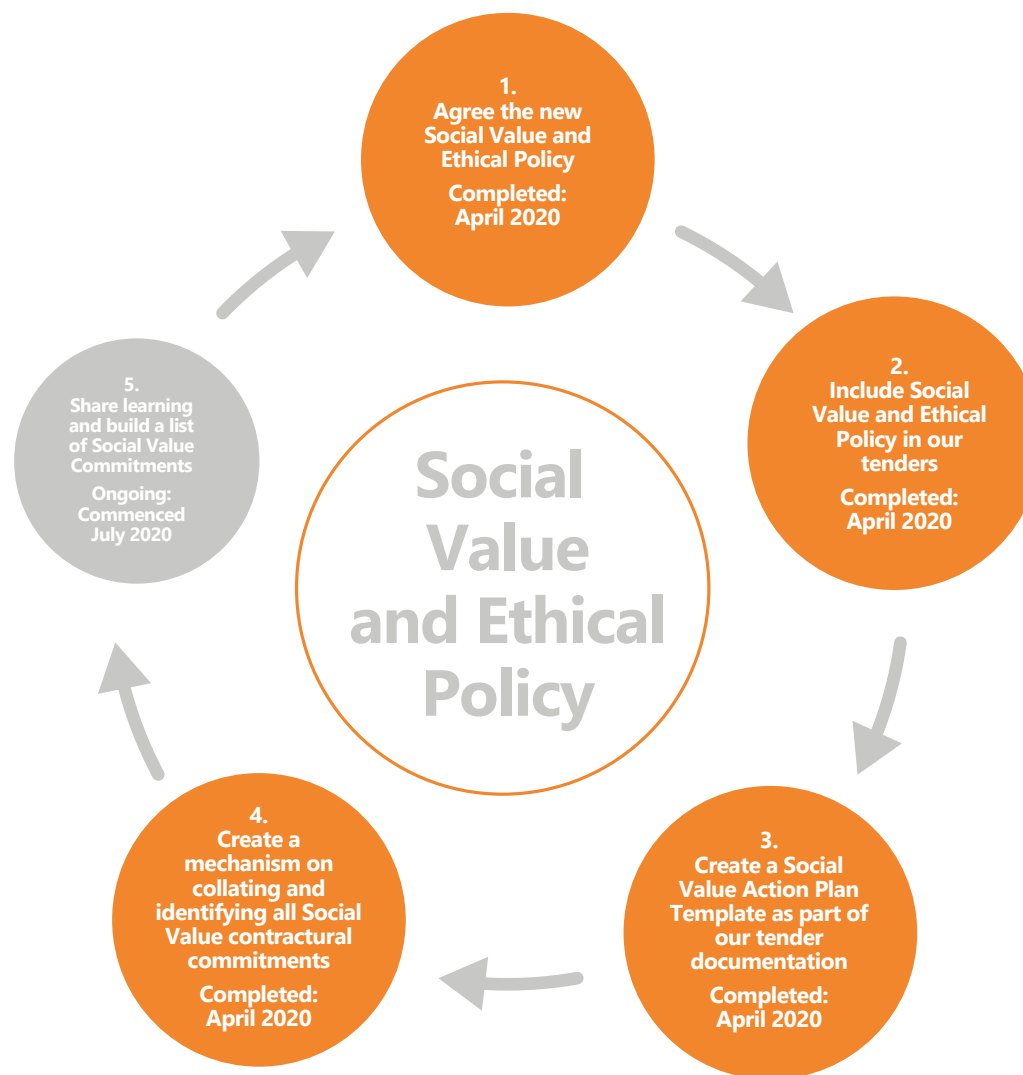
- Number of Brent organisations who participate in the Council's Supply Chain.
- Supporting innovative delivery models such as co-operatives, community interest companies social enterprises.

Page 228
Total amount of social value delivered through Brent Contracts.

The work set out below shows the progress made in setting out the levels and types of local investment committed to from Brent contracts achieved through the procurement process.

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

To that end following from the milestones set out in the Council's Social Value and Ethical Policy was approved by Cabinet in April 2020 It has been formally incorporated into our procurements since June 2020.



Procurement Strategy – Annual Report FY 20-21.

To recap, the Social Value and Ethical policy has commitments that align to the Council's borough plan strategic priorities. Under each strategic theme the policy provides guidance on the areas we can increase the delivery of social value.

The Social Value delivery plan (Appendix 2) sets out the journey on how Brent's Procurement team would look to engage and embed social value within our procurements across the council, its members and supplier base.

March 2020 and April 20 we committed to schedule in Member training sessions on Social Value along with a programme of training and communication across the Directorates. Our intentions were to do this at the Civic Centre but due to the pandemic this was delayed and virtual Member sessions were held in October 2020 and training sessions held with Officers prior to this in September 2020. Both these sessions were very well attended and received.



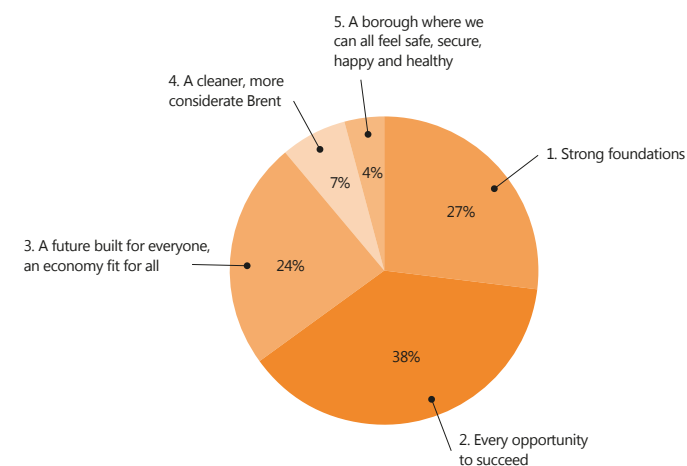
Breakdown of SV pillar

	Total value all years	Percentage
1. Strong foundations	£657,205.13	27%
2. Every opportunity to succeed	£947,394.00	38%
3. A future built for everyone, an economy fit for all	£597,176.59	24%
4. A cleaner, more considerate Brent	£162,286.28	7%
5. A borough where we can all feel safe, secure, happy and healthy	£108,048.92	4%

Total commitment among 21 received files £2,472,110.92 100%

The highest performance among all pillars was for **2. Every opportunity to succeed with 38%**

Percentage of Borough Priorities supported by Social Value



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Further information on which KPI's are being supported within each of the council's strategic priorities is set out below.

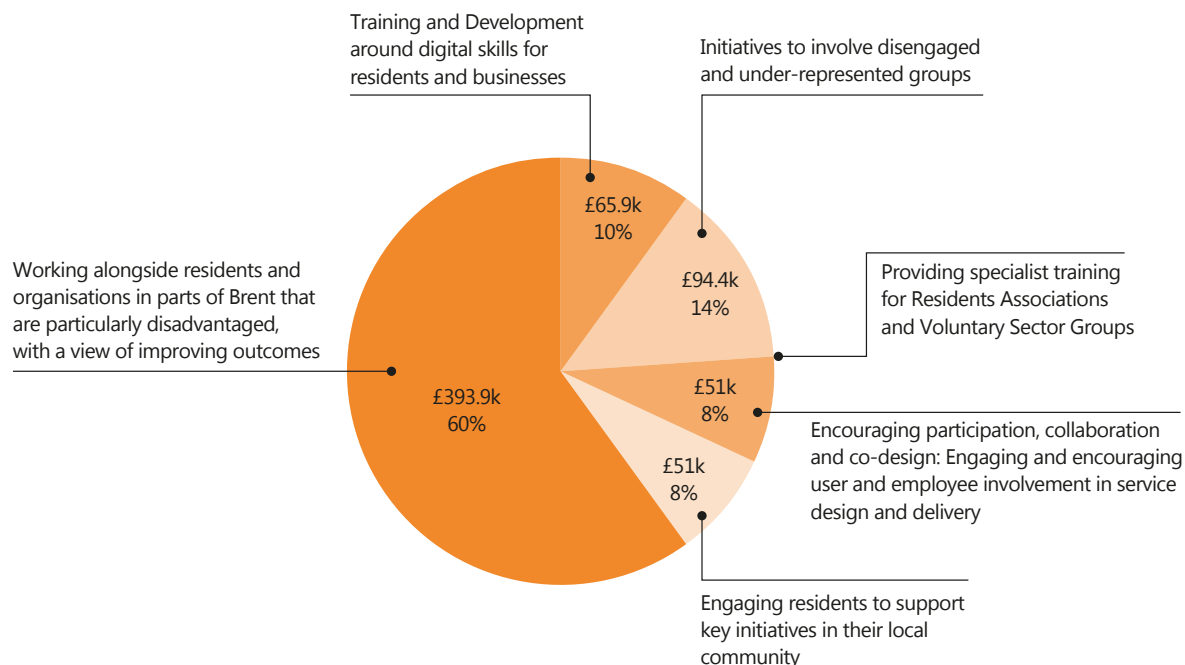
The breakdown above confirms that our suppliers are delivering social value across the priorities in the borough plan. The suppliers have set out the financial value they are willing to pass back to the council if they do not deliver the Social Value committed as part of the contract which equates to £2.4m of Social Value looking to be delivered through our procurements since June 2020.

Strong Foundations

Page 230
To achieve our goal of improving the satisfaction of residents with the way the council does things, we must think carefully and creatively about the best ways to obtain value for money from our Suppliers.

Set out below are the opportunities we are looking to deliver through Social Value.

1. Financial Commitment of Social Value



1. Strong foundations (27%)

Total value all years

1.1 Training and Development around digital skills for residents and businesses	£65,960.00
1.2 Initiatives to involve disengaged and under-represented groups	£94,487.00
1.3 Providing specialist training for Residents Associations and Voluntary Sector groups	£750.00
1.4 Encouraging participation, collaboration and co-design: Engaging and encouraging user and employee involvement in service design and delivery	£51,046
1.5 Engaging residents to support key initiatives in their local community	£51,051
1.6 Working alongside residents and organisations in parts of Brent that are particularly disadvantaged, with a view of improving outcomes	£393,910.00

£657,205.13

In pillar 1. Strong foundations the top data captured and committed by the suppliers is for

- 1.6 Working alongside residents and organisations in parts of Brent that are particularly disadvantaged, with a view of improving outcomes
- 1.3 needs improvement as providing specialist training for Residents Association and Voluntary Sector groups are important



Providing specialist training for Residents Associations and Voluntary Sector groups.

Free training to Residents and Voluntary Sector in courses we deliver at our in-house training centre, where training is delivered by our Trainers and the health sector (at our expense).

Offer digital training targeting under-represented groups. We will aim to offer 4 face to face sessions and 4 sessions via Zoom.

Group 1: Family carers of people with learning disabilities

Group 2: People with learning disabilities.

Strong
Foundations

Training and Development around digital skills for residents and businesses

What are you offering?: To sponsor one local Brent resident to complete a full ITQ course at North West London College including:

We will also give the candidate a bursary towards course costs and materials

Social Value Commitments Examples
Achieved from our Procurements

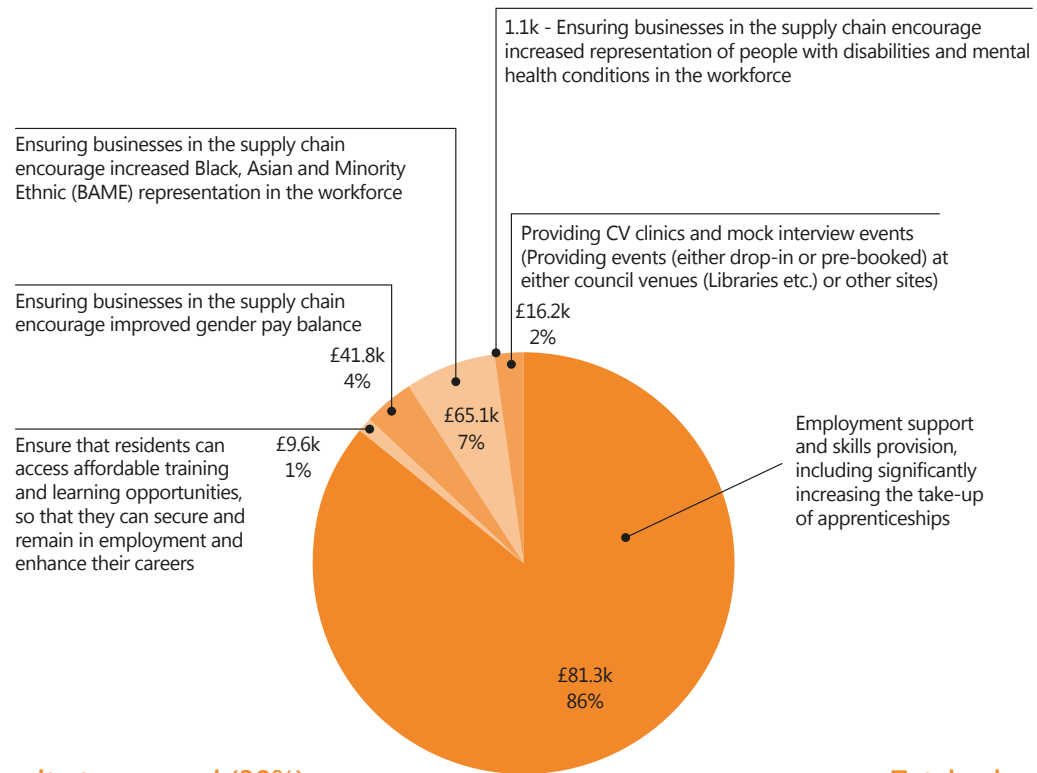
Procurement Strategy – Annual Report FY 20-21.

Every Opportunity to Succeed

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

Set out opposite are the opportunities we are looking to deliver through Social Value.

2. Financial Commitment of Social Value



2. Every opportunity to succeed (38%)

Total value All Years

2.1	Providing CV clinics and mock interview events (Providing events (either drop-in or pre-booked) at either council venues (Libraries etc.) or other sites)	£16,250.00
2.2	Employment support and skills provision, including significantly increasing the take-up of apprenticeships	£813,525.00
2.3	Ensure that residents can access affordable training and learning opportunities, so that they can secure and remain in employment and enhance their careers	9,600.00
2.4	Ensuring businesses in the supply chain encourage improved gender pay balance	£41,800.00
2.5	Ensuring businesses in the supply chain encourage increased representation of people with disabilities and mental health conditions in the workforce	£1,119.00
2.6	Ensuring businesses in the supply chain encourage increased Black, Asian and Minority Ethnic (BAME) representation in the workforce	£65,100.00
2.7	Ensuring businesses in the supply chain encourage more awareness and support for the improvement of staff mental health and wellbeing.	
		£947,394.00

In Pillar 2. Every Opportunity to Succeed, the suppliers committed for Employment support and skills provision including take-up of apprenticeships. However, supporting people with Disabilities and mental health and supporting BAME backgrounds are under committed. There is also no commitment for Staff Mental health and wellbeing which is equally important

Work with our supply chain and Brent Council to identify an appropriate training and learning opportunity associated with Brent Council's "Be Lean" agenda and/or the construction industry. This training will provide the attendees with exposure to the expertise and knowledge required to successfully deliver building fabric improvements such as wall and roof insulation, glazing and draft proofing or similarly useful skills in health and safety and/or construction. The training will be provided, if possible, through a local accredited training organisation providing a recognised qualification at the end of the course.

Ensuring businesses in the supply chain encourage increased Black, Asian and Minority Ethnic (BAME) representation in the workforce

We plan to host a digital/place based open event about volunteering and becoming a charity trustee for at least 10 interested participants to find out about volunteering or becoming a trustee in a local charity. Some local organisations find it hard to attract and retain good volunteers and trustees, and this event will attract different people from groups who might not normally consider this kind of role within a charity. We will provide details of local vacancies, ask our BAME trustees to plan and facilitate the sessions and possibly mentor applicants who decide to apply.

Every Opportunity
to Succeed.

Social Value Commitments Examples
Achieved from our Procurements

Procurement Strategy – Annual Report FY 20-21.

A future built for everyone, an economy fit for all

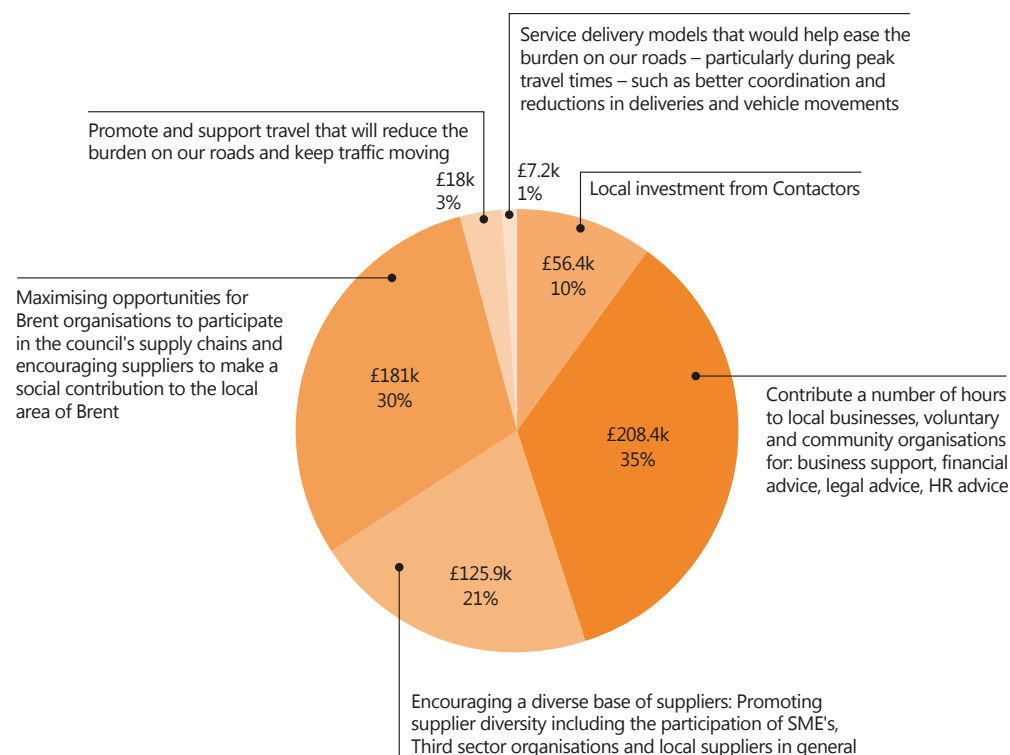
We have made huge strides in regenerating the borough we must now ensure we continue to build upon the inward investment in Brent, creating an attractive and prosperous place for

Businesses to operate and grow. We will work with SME's to make sure they are best placed to bid for Brent Contracts.

Set out below are the opportunities we are looking to deliver through Social Value.

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3. Financial Commitment of Social Value



3. A future built for everyone, an economy fit for all (24%)

Total value All Years

3.1 Local investment from Contactors	£56,408.00
3.2 Contribute a number of hours to local businesses, voluntary and community organisations for: business support, financial advice, legal advice, HR advice	£208,490.59
3.3 Encouraging a diverse base of suppliers: Promoting supplier diversity including the participation of SME's, Third sector organisations and local suppliers in general	£125,915.00
3.4 Maximising opportunities for Brent organisations to participate in the council's supply chains and encouraging suppliers to make a social contribution to the local area of Brent	£181,073.00
3.5 Promote and support travel that will reduce the burden on our roads and keep traffic moving	£18,050.00
3.6 Service delivery models that would help ease the burden on our roads – particularly during peak travel times – such as better coordination and reductions in deliveries and vehicle movements	£7,240.00
	£597,176.59

In Pillar 3. A future built for everyone, an economy fit for all, the different areas addressed well. However, the service delivery model needs improvement to commit to this part too as it affects the local traffic issues. Local purchasing and generation of public savings can be considered at the time of awarding a contract?

Contribute a number of hours to local businesses, voluntary and community organisations for: business support, financial advice, legal advice, HR advice

2 remote Mental health and Wellbeing awareness sessions annually for voluntary and community organisations, 90 minutes each.

3 remote HR information sessions annually for voluntary, community organisations and SMEs, 60 minutes each. Including: safer recruitment, supervision, staff performance.

4 remote HR drop-in sessions annually, for voluntary, community and local organisations. Providing general advice, support. 60 minutes each.

Maximising opportunities for Brent organisations to participate in the council's supply chains and encouraging suppliers to make a social contribution to the local area of Brent

We will promote the use of SME's through our procurement practices. We will engage with employment and homeless charities in the Borough to provide employment opportunities. We have allowed for two site attendants on the project and would expect to fill these vacancies through this route.

A future built for everyone, an economy fit for all

Social Value Commitments Examples
Achieved from our Procurements

Procurement Strategy – Annual Report FY 20-21.

A cleaner, more considerate Brent

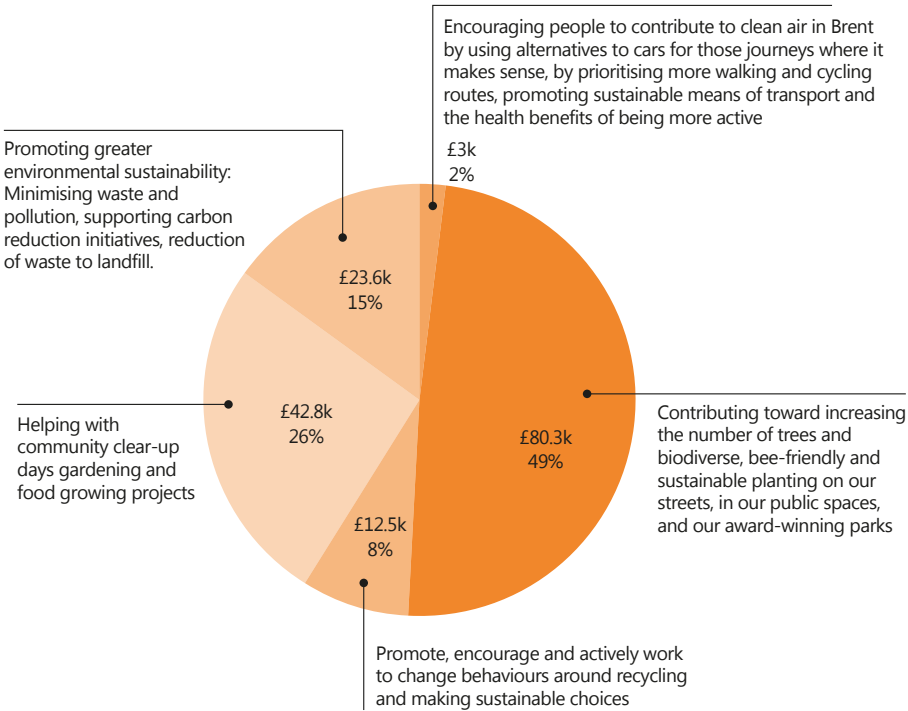
Brent council will strive for carbon neutrality by 2030 after joining more than 260 other councils and the Mayor of London, in declaring a climate and ecological emergency. The council is committed to taking a systematic approach to tackling the climate emergency, focusing on the following

environmental issues: carbon emissions reduction, warm homes, local resilience to the impacts of global heating, clean air, a circular economy, greener spaces and water conservation.

Set out below are the opportunities we are looking to deliver through Social Value.

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4. Financial Commitment of Social Value



4. A cleaner, more considerate Brent (7%)	Total value All Years
4.1 Encouraging people to contribute to clean air in Brent by using alternatives to cars for those journeys where it makes sense, by prioritising more walking and cycling routes, promoting sustainable means of transport and the health benefits of being more active	£54,750.00
4.2 Contributing toward increasing the number of trees and biodiverse, bee-friendly and sustainable planting on our streets, in our public spaces, and our award-winning parks	£80,300.00
4.3 Promote, encourage and actively work to change behaviours around recycling and making sustainable choices	£12,500.00
4.4 Helping with community clear-up days gardening and food growing projects	£42,886.28
4.5 Promoting greater environmental sustainability: Minimising waste and pollution, supporting carbon reduction initiatives, reduction of waste to landfill.	£23,600.00
4.6 Suppliers reviewing how best to deliver energy efficiency products to prevent fuel poverty for local residents.	
	£214,036.28

In Pillar 4. A cleaner, more considerate Brent, the data shows the suppliers need to commit more in this area. Considering climate change and the effect of modern life we should encourage the suppliers to commit and deliver on more eco-friendly choices, like carbon reduction.

A fleet of Bikes, Electric Bikes (E-Bikes) and Electric Scooters (E-Scooters) purchased and offered for use by our staff, as an alternative to driving or using buses.

Planting of 400 native saplings at Council locations within the new parks surrounding. These species would be selected to attract bees and wildlife.

A Cleaner,
more considerate
Brent.

The supplier propose to assess the needs of each building within the project scope to determine if they would benefit from the provision of the following:

- 1) Secure cycle storage/shelters
- 2) Big Belly Solar rubbish bins or similar solutions

Almost one in five households in Brent suffer from fuel poverty – more than 20,000 homes. We proposes to work with Brent Council to identify areas in fuel poverty and schools operating in those areas. We will then approach these areas identified and provide them with access to energy efficiency/renewable energy technologies (such as LED replacement bulbs)

Social Value Commitments Examples
Achieved from our Procurements

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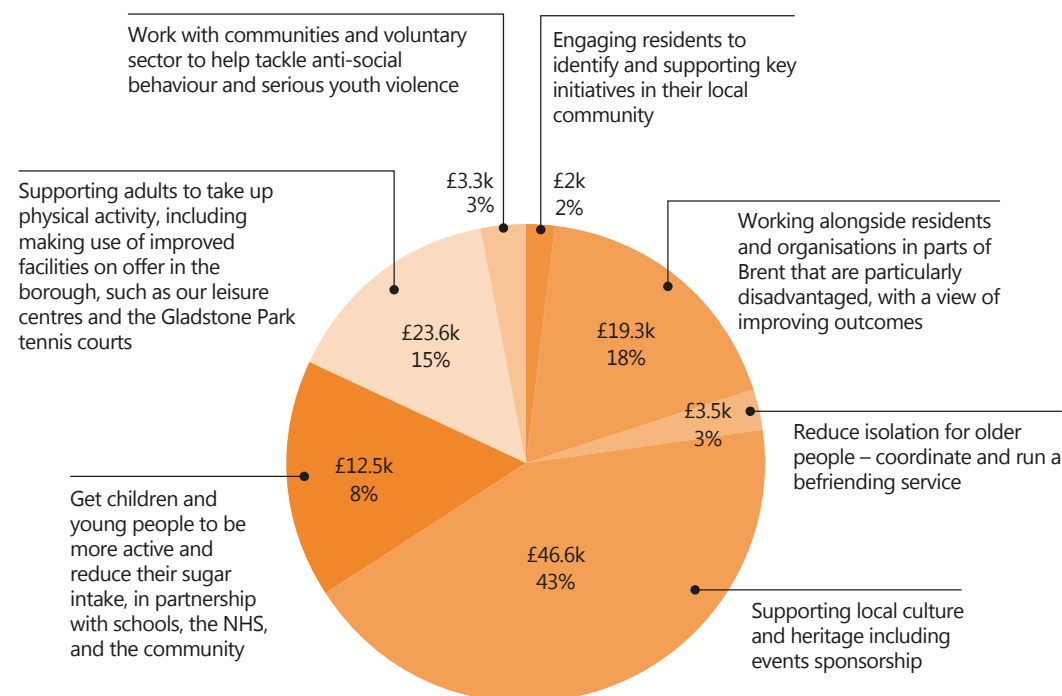
A borough where we can all feel safe, secure, happy and healthy

It is vital for the council to support our most vulnerable residents -safeguarding children and young people and helping vulnerable adults to be independent at home. Crime is falling in Brent, and residents are clear that safety is what they value most. However, we still have work to do to prevent crime and anti-social behaviour, as well as reducing the fear of crime.

Set out below are the opportunities we are looking to deliver through Social Value.

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5. Financial Commitment of Social Value




5. A borough where we can all feel safe, secure, happy and healthy (4%)

Total value All Years

5.1 Engaging residents to identify and supporting key initiatives in their local community	£2,000.00
5.2 Working alongside residents and organisations in parts of Brent that are particularly disadvantaged, with a view of improving outcomes	£19,320.00
5.3 Reduce isolation for older people – coordinate and run a befriending service	£67,752.00
5.4 Supporting local culture and heritage including events sponsorship	£46,669.92
5.5 Get children and young people to be more active and reduce their sugar intake, in partnership with schools, the NHS, and the community	£17,450.00
5.6 Supporting adults to take up physical activity, including making use of improved facilities on offer in the borough, such as our leisure centres and the Gladstone Park tennis courts	£15,750.00
5.7 Work with communities and voluntary sector to help tackle anti-social behaviour and serious youth violence.	£3,350.00
	£172,291.92

Work on this pillar continues to make a difference to ensure the suppliers adhere to LBB SV and commit to make LBB a place to feel safe, Secure, happy and healthy.

*Units captured for supplier commitments in different pillars are not included in this data as they are not same measures and are not comparable at this stage.



Reduce isolation for older people – coordinate and run a befriending service ‘Yellow Hub Events’. This would be a series of free events for Brent residents, held in

‘The Yellow’ in Wembley, which is open seven days a week with good transport links as well as designated disabled parking.

we will fund a % of non-contact time (up to 100 hours) on top of contracted hours for staff to act as community navigators to signpost clients and facilitate participation in day centres, befriending etc

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

Social Value Commitments Examples Achieved from our Procurements

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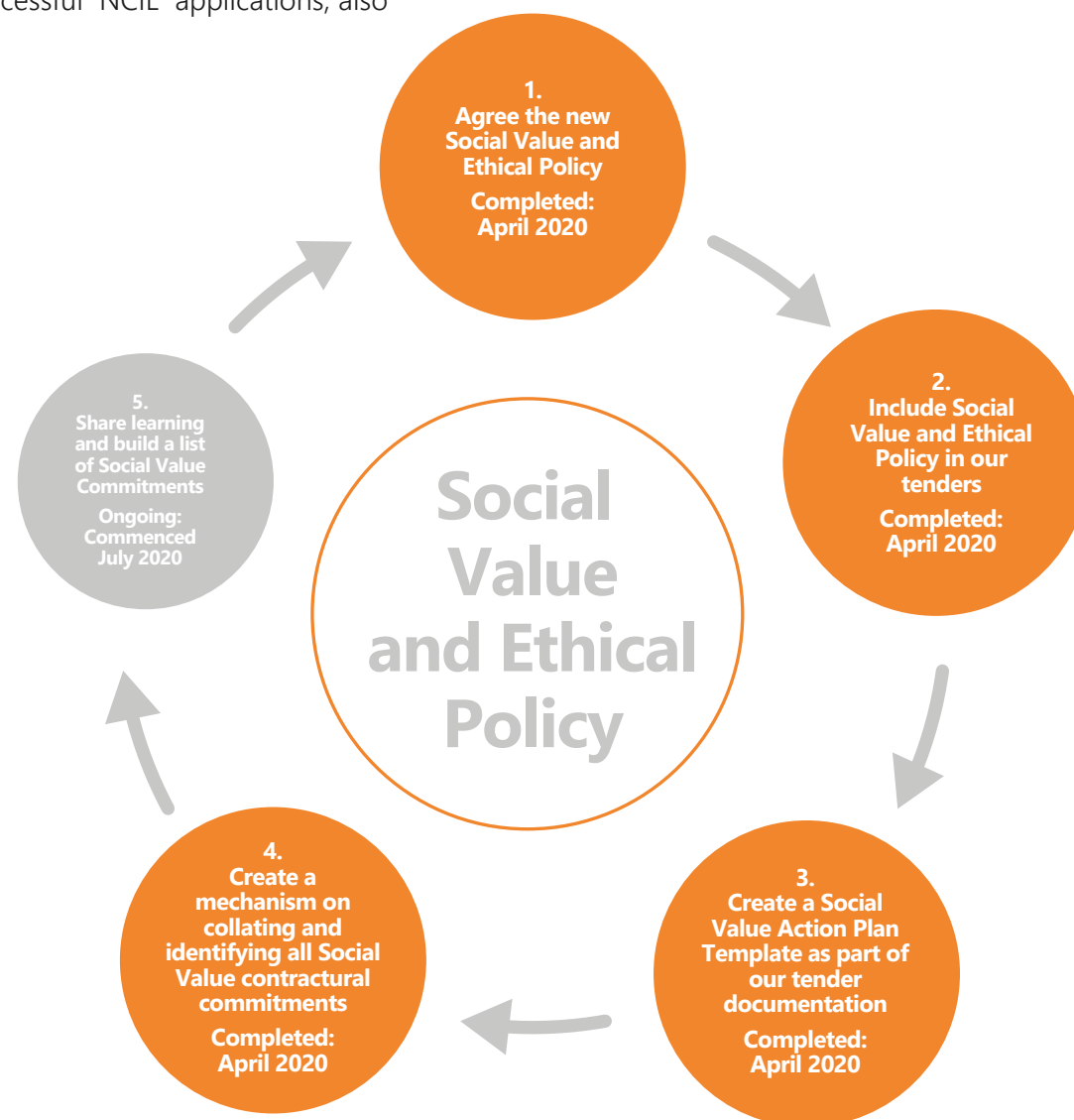
The summary report highlights that across our Directorates when looking to identify KPI's suitable for the Procurement being conducted, the Services were able to pick Social Value KPI's that best aligned with the procurement being delivered and the Councils key priorities.

The report highlights that A Future Built for Everyone and Economy Fit for All was the best supported across all the Council priorities with a total value of over £300k of Social Value committed by suppliers across all the Council priorities, meaning this would be money suppliers are willing to forego if the Social Value they have committed to is not delivered during the period stipulated in the contract.

The social value template is already in place and forms part of the procurement process where it is evaluated/ moderated and included in the contract for the successful supplier. It clearly sets out what the supplier(s) have committed to and in which financial year. The next steps are to keeping building our intelligence therefore Procurement will use this template to gather evidence when liaising with contract managers within the council to understand progress on delivery of suppliers Social Value Commitments.

The final step has also been completed. Procurement working with other key stakeholders to gather additional intelligence on where Social Value could help to provide an alternative method to support the community, looking at data gathered from unsuccessful and successful NCIL applications, also

feedback from Town Centre Managers on what local businesses would like to see in their high streets. This has created an initial list to supplement the possible KPI's already built into the policy as set out Appendix 3



Procurement Strategy – Annual Report FY 20-21.

Sustainability

KPI/Outcome Delivery

Reduce waste through recycling.

Indicators

How many of our suppliers comply with ISO 14001: 2015 or equivalent and work towards ensuring as many suppliers within our existing supply chain are conforming. Moving forward it forms part of our evaluation criteria for suppliers wishing to work with the Council.

The third pillar of the Procurement Strategy is to ensure we have a Procurement Sustainability Policy that aligns to our commitment to the Green agenda. The annual direct spend on goods and services is approximately £400 million, so the scope to influence is significant and far-reaching. Improving environmental sustainability throughout our supply chain is an essential component of our commitment to reduce our environmental impact and lead by example.

Steps 1-3 that make up the Sustainability pillar were completed in line with the target dates set out within the strategy.

The policy's aim is to stretch across all aspects of sustainability and includes Brent's commitment to support Fairtrade and help suppliers with support to their understanding so they can deliver sustainable goods and services within their own organisation and across their supply chains.



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This culminated in Brent having its first Sustainable Procurement Policy (Appendix 4) and has been embedded within our Procurements from April 21.

Step 4 was also completed in line with the target date, since October 20 the Procurement team have worked across the council to agree a set of principles and an initial range of key performance indicators to understand how the environmental impact will be mitigated which forms part of the policy.

Step 5 - Some of the Sustainability KPI's and Outcomes will be captured in the Social Value capture template under the priority A more cleaner and greener Brent. Where there are specific KPI's / Outcomes that fall outside of this are ensuring these are included in future Annual Procurement Strategy Reports.

Sustainable procurement practices are an area that boroughs both sub-regionally in West London and in London as a whole are considering as part of their efforts to tackle the climate and ecological emergency. We are part of a sub-regional working group, working with other West London Alliance Boroughs to create a unified set of policies across the sub-region – therefore making it easier for suppliers to understand their requirements for bidding for services in West London, and ensure that West London Alliance boroughs are committed to similar ambitions and aims.



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Circular Economy

KPI/Outcome Delivery

Reduced use of natural resources by purchasing goods and services using recycled materials and facilitate increased investment with local businesses who operate within the circular economy in Brent.

Indicators

- Percentage of businesses operating within the circular economy.
- What percentage of goods and services used in the supply chain are recycled.
- What percentage of good and services are recycled within supplier's organisation?
- What percentage of goods and services are recycled using the local supplier base?

The creation of the Procurement Sustainability policy underpins the need for Brent, to move towards a low carbon, circular economy. This will involve a radical shift away from our current linear economy and 'throwaway culture' where products are made used disposed to one in which resources and products are kept in use for as long as possible. Brent is well placed to enhance its low carbon circular economy over the next 10 years as it is already amongst the top London boroughs with the highest rates of employment in this sector. There are around 860 businesses in the borough involved in the circular economy. We will aspire to continue to build this sector and support this economic model of operation

as a key mechanism for tackling the climate and ecological emergency. This will also be at the centre of green economic recovery efforts following the COVID-19 pandemic and aid the transition away from our current linear economy. By leading by example and championing the importance of a

reduction in the environmental impact of our supply chain, it is hoped to have a positive impact within the council and community, and to encourage other organisations to do the same and adopt new sustainability procurement practices.



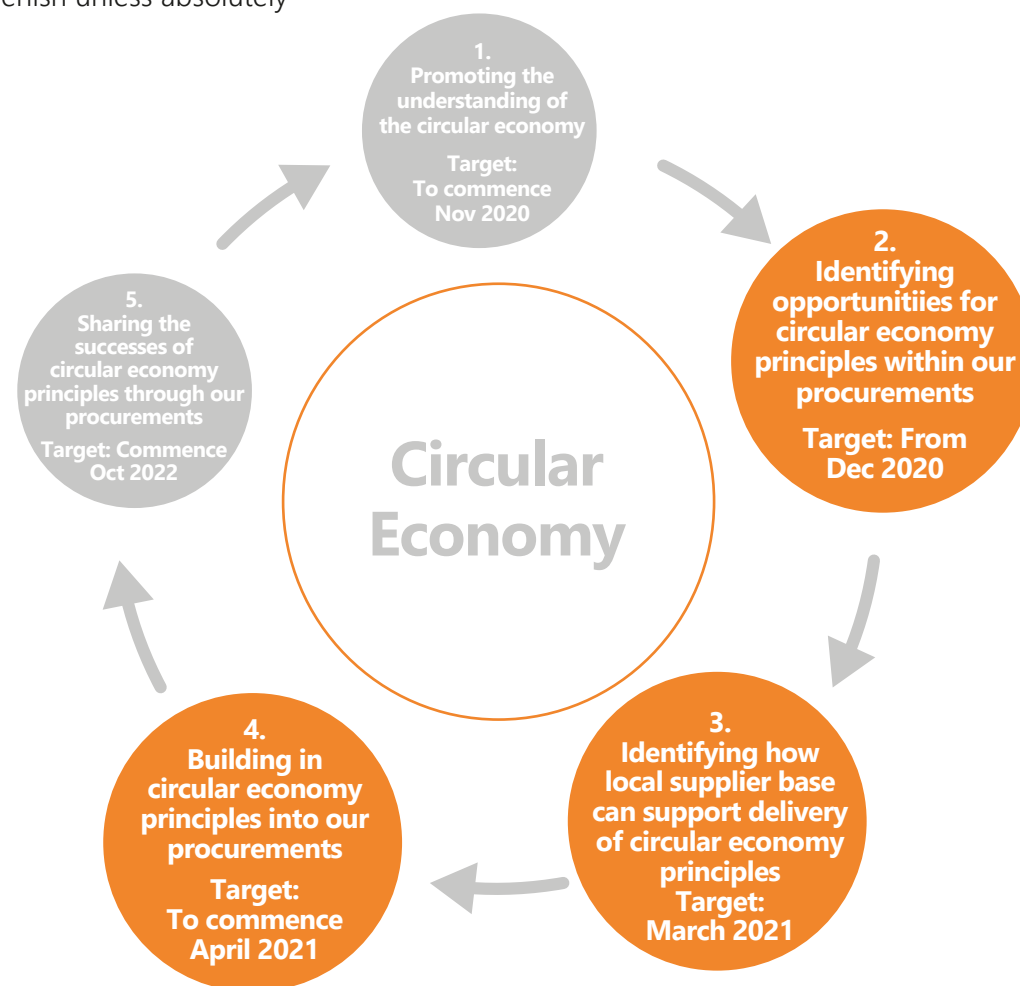
Procurement Strategy – Annual Report FY 20-21.

Step 1 commenced by taking members and more recently officers through the details of the various pillars.

Step 2- 4 require additional work to build on what has already been collated on businesses in the borough involved in the circular economy. By using this data and understanding the types of suppliers we already have in the borough will allow us to identify opportunities where we can look to bring in local businesses to support the circular economy principles we are looking to deliver through our procurements.

This will be further supported by intelligence gathered from the Sustainability, Community Wealth building, Active Procurement and Social Value Pillars. It's an important part of the pillar and we will look to bring together the work across the linked pillars to inform the progress being made so we can support the aim of reducing waste by ensuring the goods we buy remain in the system in some form for longer removing the need to replenish unless absolutely necessary.

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Community Wealth Building

KPI/Outcome Delivery

Increase the number of local suppliers we use within Brent year on year from our current baseline.

Indicators

- Number of contracts awarded to local suppliers.
- Amount spent with the local supply chain.
- Number of local suppliers within the supply chain.
- Number of local suppliers used in our larger contractors supply chains.



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Procurement have been actively working with the Services

In addition Procurement have specific KPI's to help support and develop our links with the local supplier base and ensure all our suppliers based in London pay their staff the London Living Wage.

Performance Indicator	Actual YTD	Target YTD	Good is?	RAG YTD (Calculated)
Percentage of relevant contracts being procured that follow the Brent London Living Wage	99%	99%	Bigger is Better	Green
Percentage of tenders in which local business were invited	100%	70%	Bigger is Better	Green
Percentage of tenders in which local businesses were invited and then participated	42%	30%	Bigger is Better	Green
Percentage of such tenders local business were successful in, either outright in being awarded the contract or used within the supply chain of the non-local business	38%	30%	Bigger is Better	Green



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Gap analysis required - What does the data show?

Through analysing various streams of external data its been identified we have 15,890 businesses in Brent FY 20-21, compared to our own records our business rates data has 8,245 businesses. There maybe a variety of reasons for this but further analysis required.

The goal is to understand at a micro level the make up of Brent businesses by ward. Review the type of suppliers we need against what we have and identify developing opportunities for new suppliers where we lack those skills and ability to spend more locally. Once we understand what type of suppliers we have and where they are located we can take a holistic approach to put these suppliers in touch so they can draw from each other on what requirements they need fulfilled for their businesses.

Aside from this strategic analysis we have also

undertaken other measures that can have an impact right now.

Under the Active Procurement pillar the analysis shows through our procurements we have achieved the targets agreed for the last financial year with local suppliers either being awarded contracts directly or be used within the supply chain of larger organisations.

As part of our strategy we want continue to build on this and provide as many suitable opportunities as possible for the local supplier base and have implemented the following to help support this.

Prior Information Notice

It's important that wherever possible to let the supplier base know of what opportunities may be arising over the coming year. To help support this, Procurement have let everyone registered onto our portal of the proposed procurements that will be

conducted outside of using frameworks so suppliers can be aware and make plans in preparation of the opportunity.

Procurement will commit to do this on an annual basis.

Procurement process registration.

Procurement want to broaden the understanding of working with council and to support suppliers not accustomed on how to bid for procurement projects we have created a step by step process showing suppliers how to sign up to our procurement portal and how to register for opportunities that they would want to receive notifications.



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Supplier registration form

Another avenue Procurement have instigated is working with Employment Skills and Enterprise to develop our understanding of the local supplier base through a Supplier Registration form. This provides for local suppliers the opportunity to complete their details about their organisation, and the type of services they provide. The form was developed and went live early this year and amended slightly in March to understand more specific details about the supplier on their BAME make up.

Capacity building -Supplier events

Delivered a series of business support webinars and training such as:

- 'Doing business with Brent' webinars provided an

open platform for businesses to receive information and ask crucial questions to help them in pursuing upcoming opportunities how to register onto our portal and directing them to the supplier registration form. This event occurred in Jan 21.

- Fit To Bid workshops supporting businesses on how to write effective bids – several workshops held in Q3 of 2020 to support the voluntary sector.
- Feedback from some suppliers who attended the webinars:
- Thank you so much for this and I hope the Brent initiative takes off. As a local employer with employees in Brent we have to work together and shop local
- Tenders and contracts are so complex. Thanks for making it easy to understand.
- Thank you everyone! This has been incredibly informative and helpful. Also, we really value Brent

reaching out to the local supply community like this, so thank you.

Black Lives Matter –Brent Black Community Action Plan

Procurement is part of a wider group of Brent council officers and local representatives of the Black Community to forge a better way of linking and developing opportunities for the community of Brent. By setting out the initiatives above those representatives will be in a position to spread clear communication and guidance and encourage more participation in council procurements. The councils aim is also to link up suppliers to the council to those Black businesses in Brent to network and develop direct relationships creating the ability to realise any opportunities now and in the long term as they may arise.



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Next Steps

Active Procurement Pillar

The deliverables of each part of the pillars remain but during 2021/22 financial year we will continue to focus on building our understanding of our spend data and start to look at focussing on developing relationships with key suppliers

Active Analysis

Continue to build on developing our knowledge of third party spend.

Work with Oracle Cloud implementation to put mechanisms in place to ensure we are capturing our third party spend in the most effective way allowing Procurement to extract the data to further support intelligence led decision making.

Target Date Dec 2021 - For first reports from

Oracle Cloud.

Active Contract Management.

Complete the savings and opportunities review of what contracts that will be expiring by March 23 and agree the appropriate methodology of how savings and opportunities will be captured and realised.

Target date October 2021.

Agree across each Directorates suppliers where more focus on mutually beneficial relationships would realise benefits that will support all parties' strategic objectives.

Target date December 2021.

Social Value and Ethical Pillar

Building on the work already set out, Procurement will continue to work across each of the Directorates ensuring that we explore every opportunity to be

more innovative and creative in the types of social value we can deliver through our contracts and feeding back on successes and lessons learnt with further training and knowledge share sessions.

Target Date October 2021 and February 2022.

Brent's Social Value Commitments.

Develop and share the list of possible opportunities Brent would be looking to extract from our procurements as part of Brent's Social Value Commitments in addition to the suggested indicators already part of the Social Value and Ethical Policy.

Target Date November 2021.

Set up and publicise the process where ideas of social value can be captured, considered and added to the list of Brent's Social Value Commitments on a quarterly basis.



Procurement Strategy – Annual Report FY 20-21.

Target Date November 2021.

Sustainability Pillar

Highlight and report on what specific Sustainability criteria is being measured through our procurements.

Target date April 2022

Continue to be part of the wider sub regional group supporting ensuring we are aligned and following best practice.

Target Date April 2022 to report on progress.

Circular Economy Pillar

Conduct further training and knowledge shares with Corporate Sustainability Board members on the principles of the Circular Economy.

Target Date Dec 2021.

Identify the types of suppliers that operate within the Circular economy in Brent.

Target Date Dec 2021.

Identify specific procurements that would realise Circular Economy benefits for the borough and report on the progress made on delivering procurements with Circular Economy benefits.

Target Date April 2022.

Community Wealth building

Complete as far as practicable the gap analysis identified. Understand at a micro level the make up of Brent businesses by ward. Review the type of suppliers we need against what we have.

Target Date Dec 2021.

Continue on building on the work already taking place and move to reporting specifically on the number of opportunities that have been created for local suppliers within Brent.

Target date – April 2022.



Appendices

Appendix 1 - Achievements from the last financial year

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Achievements from the last financial year



Achievements from the last financial year

Social Value and Ethical Procurement Policy agreed April 20

In April 2020 we agreed a new Social Value and Ethical Policy. This presents us with a significant opportunity to ensure that we leverage our purchasing power to secure and deliver wider benefits for the borough of Brent and ensure those with whom we choose to do business reflect our values and standards. We want to see as much of Brent's money invested, in every sense of the word, in this borough. To help us achieve this, we have developed a new Social Value and Ethical Procurement Policy that will both help to ensure our suppliers are committed to delivering wider social value in Brent but also that they uphold and promote our strong values. This policy will enable us to effectively prioritise, target and monitor Social

Value investments and ensure that Social Value is embedded in our procurements, delivered in our communities and embraced by all involved.

Homecare Tender

The Community Wellbeing and Children's and Young People Directorates commenced one of the council's highest value and complex Procurements – Homecare.

With a spend coming in annually at approximately £20m per annum we agreed for the council moving to a patch-based model for older people, dividing the borough into 13 patches to align with proposed primary care networks, with a lead provider for each. This included specialist homecare services for people with Learning Disabilities, Children and Young People with Disabilities and Mental Health for these services there will be fewer patches due to the more specialist

tailored requirement. This would support the ultimate aim of providing the most vulnerable with the care they need in the most effective and efficient way.

One of the major changes to this procurement was to realise the council's objective in ensuring our suppliers paid their staff the London living wage so we agreed to a significant increase in the budget to allow for this. The contract was awarded in February 2021 and we are currently progressing the implementation phase.

During the award phase of the contract with the impact of COVID-19 the Council recognised it requires larger pool of providers than previously anticipated, to support the ongoing impact therefore we will be going out for a specific Lot for Homecare support later this year.



Achievements from the last financial year (continued)

Provided PPE to keep our staff safe

Whilst our colleagues across West London Alliance worked tirelessly with Brent officers to provide sufficient PPE supplies to our care providers after the first lockdown, the Procurement team coordinated all the PPE requirements for our staff to enable them to have right equipment to carry out their duties.

Black Lives Matter – Brent Black Community Action Plan

The significant and tragic events following George Floyd's death has led to all in denouncing racism and discrimination and a concerted effort by us here at Brent Council to actively and positively reach out and look for as many opportunities and links to support the Black Community.

The Brent Black Community Action Plan is a key input into the Procurement Strategy. Through the launch of the Black Business Network, we will work with Black businesses to gather more intelligence of the Brent supplier base and business ownership to promote and encourage supplier diversity and the entrepreneurial spirit we have in Brent. Through the network, we will also ensure the Black community are made aware of future opportunities and contracts considered for commissioning and in doing so we want to support local groups to be able to provide local services.

Poverty Commission

Findings from the Independent Poverty Commission in 2020 have helped shape how we deliver procurement in Brent and the procurement strategy.

In delivering on the Commission's recommendations, key procurement activity includes securing good quality apprenticeships and social value from council contracts, making sure our suppliers understand our expectation that contracts pay the London Living Wage, as well as securing more and better jobs in particular for young people in Brent. Going forward areas such as reducing period poverty and reducing food poverty will form part of our social value commitments and will be the basis of conversations with those wanting to do business in the borough.

Digital Strategy

Since the launch of the 2019 digital strategy, the importance of digital has increased. Covid-19 has highlighted how digital can both help overcome challenges, and how digital proficiency at an individual, organisational and borough level is no longer optional. Having a good internet connection, having strong digital skills and being able to access and use services through digital channels

are essential in the current world for residents, businesses and the council.

More residents and businesses have access to fast internet and the digital devices and skills they need - Connectivity throughout the borough has increased (from 4% full fibre to the premise in 2018 to 25.5% in 2021) and residents have received support through a Digital Fund, giving them access to skills, devices and/ or connectivity.

Residents can access more services when and where they want - MyAccount has been re-platformed, which now has improved functions, a more consistent experience, higher levels of security and more options for residents to self-serve and access services at their convenience.

Residents have gained from social investment - £2.8m in social investment was received from different organisations, ranging from support for the London Borough of Culture work, digital skills training for residents and staff, reduced digital development costs and full fibre programmes.



Achievements from the last financial year (continued)

Procurement Strategy agreed October 20.

The significant events and outcomes of key commissioned policy reviews set out above have helped to shape and highlight the impact that Procurement can make across all council priorities. This was bought together and along with my Cabinet colleagues we agreed a 3 year Procurement Strategy. This purposeful document demonstrates the influence procurement can have working alongside its stakeholders across the council and the community of Brent.

Once agreed we embarked on, providing member sessions focussed on Social Value and Ethical Procurement as well as the Procurement Strategy as a whole. These knowledge share sessions were also provided to officers of Brent. To ensure we started to build on the plans set out with each of the five pillars

of the strategy as soon as Cabinet approval was given a Procurement Strategy Implementation Group was created bringing together key stakeholders across the Directorates with a specific aim which was to help gather data and put the plans in place to support an effective delivery of the Procurement Strategy.

Sustainability Policy.

This focus can be evidenced in that within a short space of time with the Procurement Strategy Implementation group providing oversight in meeting the various steps set out the Sustainability pillar, culminated in Brent agreeing a Sustainable Procurement Policy which is now embedded within our Procurements from April 21 and mobilises £400m of council spending power to help tackle the

climate and ecological emergency. One of the most powerful actions that councils can take to tackle the climate and ecological emergency, is to ensure the local authority's supply chain is minimising carbon emissions through its procurement policies.

This aligns completely with the councils priorities as we declared a climate and ecological emergency in July 2019, and have since developed a Climate and Ecological Emergency Strategy which sets out the council's plan to achieve carbon neutrality in the borough by 2030. The Sustainable Procurement policy formalises Brent council's commitment to adopting an environmentally sustainable approach for all products and services it procures and to harness its purchasing power to help combat climate change reduce carbon emissions, waste and saving the planet's finite resources.

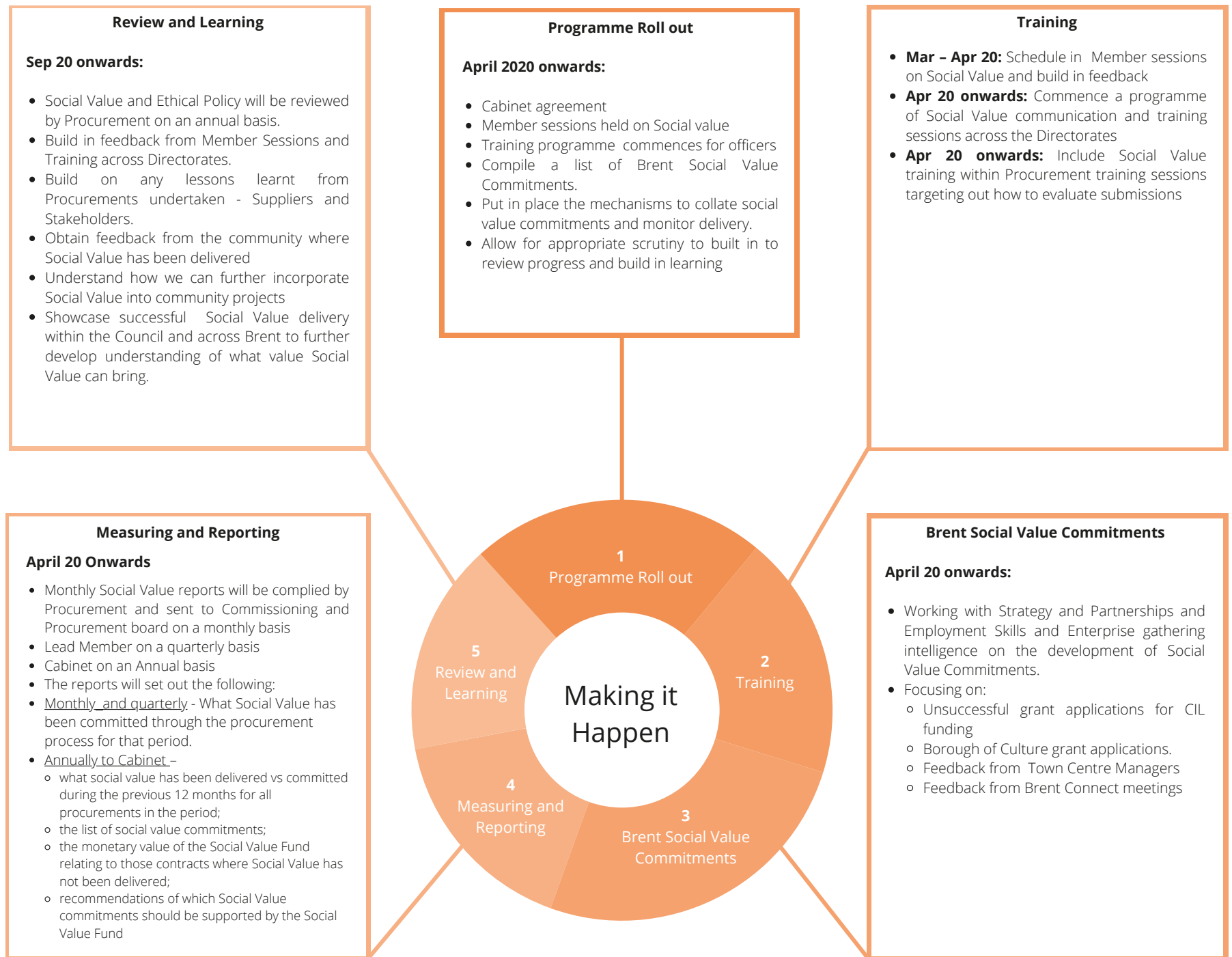


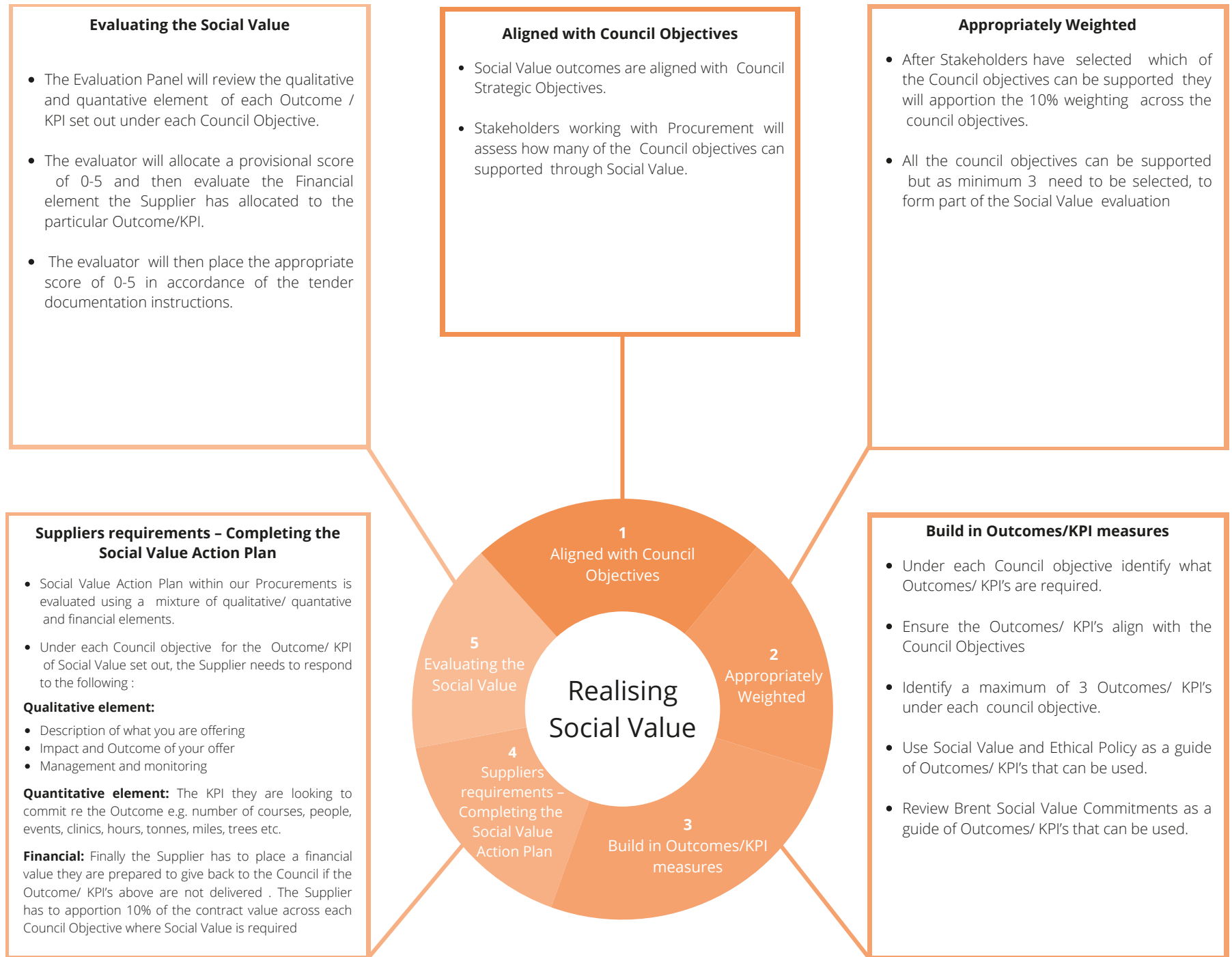
Appendix 2 - Social Value Delivery Plan

Social Value Delivery Plan

April 2020







Appendix 3 - Brent Social Value Commitments

Project	Neighbourhood	Focus	Strong Foundations	Every Opportunity to Succeed	A future Built for Everyone	A cleaner more Considerate Brent	Feel safe, secure and happy
Adult Digital inclusion classes and Chit Chat and Chai for Seniors	Wembley	Community Integration	Activities/ workshops	-	-	-	-
BACK ON TRACK-Steel Pan in The Community Inspiration through participation	Harlesden	Community Integration	-	-	-	-	Community activities
BOOST: Basketball for Outstanding Opportunities, Skills and Training	Kilburn and Kensal, Willesden, Sudbury Town Residents Association, Kilburn and K	Youth	-	Sport Sessions in the Community	-	-	-
Bramshill Open Space Improvement	Harlesden	Community Integration	-	-	-	Building Renovation	-
Brent Community Digital Support Project	Willesden	Community Integration	-	Activities/ workshops	-	-	-
CAM - Creative Arts & Media Workshop	Willesden, All Brent	Health and Well Being	-	-	-	-	Activities/ support

Project	Neighbourhood	Focus	Strong Foundations	Every Opportunity to Succeed	A future Built for Everyone	A cleaner more Considerate Brent	Feel safe, secure and happy
Chalk hill Community Radio Well Being Support Project	Wembley, Harlesden	Youth	-	-	-	-	Comunication/ outreach
Crime Reducing Rate Project	Harlesden, Willesden	Youth	-	-	-	-	Youth Crime
Inclusion & Well-being of BAME & Vulnerable Carers	Willesden, Wembley, Kingsbury and Kenton, Kilburn and Kensal	Disabilities	-	-	-	-	Disability Support in the community
Kilburn State Of Mind	Kilburn and Kensal, Willesden	Community Integration	-	-	-	-	Support activities in the community
Kilburn Tube Mosaic	Kilburn and Kensal	Community Integration	-	-	Building Renovation	-	-
Language, Integration & Employability: supporting young migrants to settle successfully in Brent	Wembley, Harlesden Town Residents Association, Harlesden	Ethic Minorities	-	Support activities in the community	-	-	-
Musical Ingredients	Wembley, Willesden, Wembley, Sudbury Town Residents Association, King	Youth	-	-	-	-	Mobile music sessions

Project	Neighbourhood	Focus	Strong Foundations	Every Opportunity to Succeed	A future Built for Everyone	A cleaner more Considerate Brent	Feel safe, secure and happy
Pathway to Wellness – Breaking Barriers, Changing Mindsets and Building Confidence	Kingsbury and Kenton	Health and Well Being	-	-	-	-	Support in the community
Reducing Isolation Through Physical Activity	Wembley, Kilburn and Kensal	Community Integration / Health	-	-	-	-	Sport Activities in the community
Shared spaces for all - part 2	Kilburn and Kensal, Kingsbury and Kenton	Community Integration	-	-	-	-	Building Renovation
Skills Hub	Kilburn and Kensal	Minority Ethnic Groups	-	Education and Employment	-	-	-
The Brent Community Music Project	Wembley, Willesden, Kingsbury and Kenton, Kilburn and Kensal,	Community Integration	-	-	-	-	Support in the community
Train, Employ, Educate - Community Led Action to Remove Inequality with Inclusive Digital Initiative	Wembley, All Brent	Community Integration	-	Support activities in the community	-	-	-

Appendix 4 - Sustainable Procurement Policy

Procurement Sustainability Policy

1 Introduction

Brent council is committed to adopting an environmentally sustainable approach for all products and services it procures and to harness its purchasing power to help combat climate change and reduce carbon emissions; reduce waste, save resources and promote the circular economy; improve air quality; and enhance green space and biodiversity. The annual direct spend on goods and services is approximately £400 million, so the scope to influence is significant and far reaching. Improving environmental sustainability throughout our supply chain is an essential component of our commitment to reduce our environmental impact and lead by example.

2 Policy Context

The Public Contract Regulations 2015 allows contracting authorities to incorporate social and environmental considerations into specifications, award

criteria and contract conditions, where these are linked to the subject matter of the contract, proportionate to what is being procured and will not result in unequal treatment of bidders or discriminate against bidders.

This policy will align with the Council's priorities from the following:

The Borough Plan 2019-2023

The Borough Plan focuses on five themes:

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

The main focus will be the theme which cover a Cleaner More Considerate Brent. (See Appendix 1)

Brent Climate Emergency Strategy 2021-

2030

Highlights our commitment to doing all we can to aim for carbon neutrality by 2030 and work with the government to achieve the 2050 target. This strategy is to be approved by cabinet in Spring 2021

Air Quality Action Plan 2017-2022

This highlights actions Brent has committed to take in order to improve air quality across the borough. Brent has declared an Air Quality Management Area for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) and this plan details how Brent will aim to reduce levels of these pollutants in line with the national air quality targets.

Procurement strategy 2020-2023.

The strategy comprises five core pillars:

1. Community Wealth Building
2. Sustainability
3. Circular Economy
4. Social Value and Ethical Procurement

5. Active Procurement

The policy will incorporate the principles of the Sustainability Pillar and elements of the Circular Economy Pillar to seek every opportunity to integrate sustainability considerations through our procurements and contract management procedure.

3 Corporate Objectives

A corporate sustainable procurement policy is to ensure a clear and consistent approach in the procurement process for awarding contracts.

It will include working with our existing contracts and throughout our supply chain to support the Council's sustainability priorities.

Brent like other local authorities is confronting unprecedented times with pressure to reduce costs wherever possible. This policy recognises the potential tension but aims to combine environmental sustainability with cost-effectiveness and efficiencies wherever possible.

The approach will outline a set of commitments that will be integrated into our procurements to reduce our environmental impact. It will address key environmental risks across procurement categories.

4 Sustainability Commitment

To achieve this goal we will:

- As a minimum, comply with all relevant environmental and social legislation, procurement regulations, industry guidance, codes of practice and voluntary agreements (together referred to as "Minimum Requirements").
- Include Sustainability Commitments in contracts where linked to the subject matter of the contract and permissible under the Public Contract Regulations 2015 or any subsequent replacement legislation.

Sub Categories of Sustainability Commitments

Ecology

Support options which encourage biodiversity and green infrastructure.

Energy

Reduce energy consumption and maximise the use of clean and/or localised energy sources.

- Reduce the energy consumption and subsequent contribution to the ICT equipment and electrical appliances

Food

- Brent is a Fairtrade Borough. Raise awareness of our Fairtrade principles. Collate information on suppliers signed up to the Fairtrade foundation as a Fairtrade company or equivalent.
- Ensure catering contracts include appropriate environmental certification such as soil association and marine stewardship council or equivalent.

Transport

- Reduce carbon dioxide, nitrogen oxides and particulate matter emissions that contribute to global heating and local air pollution from contracted services, thereby improving local health and well-being.
- Support services which support improved air quality and healthy streets in the borough.
- Reduce transport impacts through reduced and smarter delivery options and encourage greener vehicles in freight services on the council's behalf.

Waste and Resources

- Ensure that waste is reduced, reused, and recycled wherever possible.

- Increase the amount of reclaimed, reused or recycled materials.
- Support the council's aims to reduce usage of single use plastic and reduce plastic waste.
- To avoid the unnecessary use of chemicals, and to prevent the use of hazardous chemicals wherever possible on our own estate and within our contracted services.
- Prioritise services with circular economy and closed loop systems.

Water conservation

- Efficient water systems design, water conservation measures, water reuse/recycling systems, and through service contracts such as grounds maintenance e.g. drought resistant planting.

Cross-cutting sustainability commitments

- Ensure that construction projects seek to minimise environmental impacts in design, construction and operation.
- Ensure green purchasing of products such as office stationery, printed materials, marketing materials, horticultural supplies and textiles.

5 Delivery and Reporting

The Procurement Service will work with service areas to identify relevant sustainability considerations to be included during procurements that will be undertaken.

The sustainability commitments will be embedded through the following process:

Pre Procurement

1. Sustainability assessment

The assessment will ask a series of questions to recommend which sustainability commitments must be included. To ensure that the recommendations are considered proportionate and do not discourage SME participation; it will include questions to identify:

- Procurement category: To identify services that fall into a Key Procurement category and have a requirement to ordinarily include sustainability commitment, (Appendix 3).
- Procurement Process – if using a framework, check how it can support Brent's sustainability commitment.
- Contract value – over 100k, unless falls under Key Procurement categories in Appendix 3

2. Sustainability assessment result

The results will provide the information set out below.

Where the assessment does not highlight the procurement as key Procurement category, then the following must be included:

Industry specific measures related to sustainability if applicable;

The Minimum Requirements; and

- Measures from Social Value Action Plan that cover sustainability as detailed in Appendix 2.

The above will not be applicable if the contract is below £100,000 in value.

For Procurement categories where sustainability commitments must ordinarily be included:

- Requirements to be included in the specification.
- Quality/Technical evaluation questions to be added to meet sustainability commitments and understand how environmental impact will be mitigated.
- The evaluation criteria must be linked to

- the subject matter of the contract.
- The weightings to questions are applied by the Service in consultation with Procurement.

Monitoring Requirements

The appropriate KPI's are to be inserted into the specification.

For Fairtrade, the tender will include a question for monitoring purposes only and will not be scored.

Terms and Conditions

To include all relevant environmental and social legislation, procurement regulations, industry guidance, codes of practice and voluntary agreements.

Authority to Tender Report

To include details of sustainability considerations in the table at section 3.2 of the Authority to Tender Report.

Contract Award and Contract Management

Once a procurement exercise is concluded, the responsibility for ensuring the sustainability commitments are delivered

will fall to the service responsible for contract management.

The KPI's used to measure the impact of our sustainability commitments are included in Appendix 2.

Collation of sustainability measures achieved to be sent to Corporate Procurement team quarterly for reporting purposes.

The data will be reported through to cabinet as part of our Annual Procurement Strategy report.

Midterm contract reviews (Gateway 3) to cover sustainability deliverables and outcomes of the contract.

6 Policy review

Procurement Service will work to:

- Continually improve our performance by measuring and analysing the environmental impact from procurement activities and conducting an annual review.
- Ensure that this policy is kept up to date with corporate policy, intended outcomes and will review this policy every year together with the Corporate

Sustainability Board.

Appendix 1: Details of the Cleaner more considerate Brent theme that has a focus on sustainability.

Appendix 2 For proposed KPIs for suppliers to demonstrate performance that can support annual corporate environmental reporting activity.

Appendix 3 For procurement categories where sustainability commitments must ordinarily be included.

Appendix 1

Appendix 2 – Proposed KPI's

The KPI's listed in this Appendix are not exhaustive and will be reviewed annually.

Sustainability KPI's where linked to the subject matter of the contract.

High Level Measures

Suggested Contract KPI's

KPI

Carbon Emission Reduction

Actions to reduce carbon emissions.	Suggested Contract KPI's	Miles of travel or transportation per year converted to zero or low emissions within Brent
KPI	3.5	
Minimising waste and resources and promoting circular economy	Promote and support travel that will reduce the burden on our roads and keep traffic moving	4.2
Reduction of waste sent to landfill / reduced packaging and increase in recycling rates.	Miles of travel or transportation per year converted to zero or low emissions within Brent	Contributing toward increasing the number of trees and biodiverse, bee-friendly and sustainable planting on our streets, in our public spaces, and our award-winning parks
KPI	3.6	No. of trees to be planted on our streets, in our public spaces and parks
Comply with ISO 14001:2015 or equivalent	Service delivery models that would help ease the burden on our roads – particularly during peak travel times – such as better coordination and reductions in deliveries and vehicle movements	4.3
Actions through Environmental Management System to reduce environmental impact.		Promote, encourage and actively work to change behaviours around recycling and making sustainable choices
Monitoring Information	Miles of travel or transportation per year converted to zero or low emissions within Brent	Reduction of waste sent to landfill / reduced packaging and increase in recycling rates
Suppliers signed up to Fairtrade foundation as a Fairtrade company or equivalent.	4.1	
For monitoring purposes.		4.4
Sustainability measures and KPI's included in the Social Value Action Plan	Encouraging people to contribute to clean air in Brent by using alternatives to cars for those journeys where it makes sense, by prioritising more walking and cycling routes, promoting sustainable means of transport and the health benefits of being more active	Helping with community clear-up days gardening and food growing projects
Social Value Measure		Value in the amount of new green spaces created as part of the project or bought back into use as part of the project

4.5

Promoting greater environmental sustainability: Minimising waste and pollution, supporting carbon reduction initiatives, reduction of waste to landfill.

Use of recycled /refurbished goods in contract delivery

4.6

Suppliers reviewing how best to deliver energy efficiency products to prevent fuel poverty for local residents.

Miles of travel or transportation per year converted to zero or low emissions within Budget

Appendix 3

Key Procurement categories where sustainability commitments must ordinarily be included:

- 1. Energy (Includes lighting, gas and electric utilities)
- 2. Waste (Includes packaging from goods, empty/obsolete products such as IT equipment, furniture and clothing as well from delivering services such as catering and horticulture)

3. Water (Contract with high level of water usage e.g. cleaning and horticulture)

4. Design and Construction (Includes new build, housing development, non-domestic development , existing buildings, housing refurbishment, regeneration and development, highways, schools and temporary accommodation)

5. Vehicles and Transport (All contract where vehicles are used for deliveries, transportation of goods or people, security, enforcement, repairs and maintenance. Use of vehicle owned by contractor such as taxi or courier service)

6. Food (Includes catering contracts for schools, staff or hostels etc)

7. Furniture and Soft Furnishings

8. Textiles (Includes PPE and uniforms)

9. Paper, Stationery and Promotional Products

10. Printed Products and Printing Services

11. Printers and Toners

12. ICT Equipment

13. Electrical Equipment

14. Paints PVC Products and other Chemicals


15. Horticulture (Includes parks and grounds maintenance)

16. Cleaning and Janitorial Products

17. Facilities Management (Includes corporate portfolio)

18. Home Care

The sustainability commitments must be linked to the subject matter of the relevant contract rather than to the contractor's business as a whole.

	Cabinet 8 November 2021
	Report from the Strategic Director, Regeneration and Environment
Proposed renewal of the Council's current Gambling Act 2005 Statement of Principles (Policy Statement)	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One: Appendix 1 Statement of Principles for Gambling (2019 – 2022)
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Anu Prashar Senior Regulatory Service Manager Email: anu.prashar@brent.gov.uk Tel. 020 8937 5515

1.0 Purpose of the Report

- 1.1 The council's current gambling policy is due to expire on 30th January 2022. During December 2020 the Department for Digital, Culture, Media & Sport (DCMS) launched a major and wide-ranging review of gambling laws to ensure that they are fit for the digital age. This call for evidence has now been completed and a new Gambling Bill is expected to be presented to Parliament for assent during 2022. The council will at this point require a new gambling policy and statement of principles that aligns with the new legislation.
- 1.2 This report seeks approval to renew the council's existing gambling policy in its current form for a maximum of a further 24 months until 31st January 2024. This time frame will facilitate the drafting of a new policy and statement of principles once the new legislation comes into force which will be consulted upon and presented to Cabinet for approval.
- 1.3 In accordance with Paragraphs 12 and 36 of the Council's Access to Information Rules the Leader has agreed to accept this as an urgent item for consideration at the Cabinet meeting. The reasons for urgency are as follows: it is a statutory requirement for the council to have in place a statement of

principles under the Gambling Act 2005. The current policy expires on the 30th January 2022.

2.0 Recommendations

- 2.1 That having agreed the reasons for urgency, Cabinet agrees to recommend to Council that the current gambling policy and statement of principles be renewed until 31st January 2024.

3.0 Detail

- 3.1 The Gambling Act 2005 (the Act) requires the council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The adopted policy statement attached at Appendix 1 lasts for a maximum period of 3 years but can be reviewed and revised by the council at any time.
- 3.2 During December 2020, DCMS launched a wide ranging review of the Act to consider online stake and spend limits, advertising and marketing rules and the powers of the Gambling Commission.
- 3.3 The review has been carried out to ensure the regulatory framework can protect children and vulnerable people, prevent gambling related crime and keep gambling fair and open in the digital age.
- 3.4 As gambling has changed significantly over the past 15 years the review has considered:
- Online restrictions;
 - Marketing
 - The powers of the Gambling Commission;
 - Protections for online gamblers like stake and spend limits;
 - Advertising and promotional offers;
 - And whether extra protections for young adults are needed;
- 3.5 The council has made representations in response to the consultation, seeking to secure more control over the number of Adult Gaming Centres able to establish within the borough which the council believes have a detrimental impact on communities, particularly in areas of deprivation, The review closed on the 31st March 2021 and an update on the proposed changes and subsequent new legislation is expected imminently.
- 3.6 Having sought legal advice, the Council's current policy has been reviewed and is considered to remain fit for purpose and there are no changes or amendments required at this present time. It is proposed therefore that Cabinet agree to recommend to Full Council that the current policy be renewed until 31st January 2024. When new legislation is enacted, it is proposed that a new or revised policy will be prepared and consulted upon which reflects the revised legislative framework.

4.0 Financial Implications

- 4.1 There are no additional resource implications arising from this report. Resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budgets.

5.0 Legal Implications

- 5.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy and Principles at least every 3 years. The next Statement is required to be published by 30 January 2022.
- 5.2 Section 25 of the Gambling act 2005 requires the Authority to have regard to Gambling Commission Guidance when preparing its Statement of Licensing Policy.
- 5.3 The government's current review of the Gambling law is meant to be wide-ranging in scope. The objectives of the government's review of the current law include the following:
- To examine whether changes are needed to the system of gambling regulation in Great Britain to reflect changes to the gambling landscape since 2005, particularly due to technological advances.
 - To ensure there is an appropriate balance between consumer freedoms and choice on the one hand, and prevention of harm to vulnerable groups and wider communities on the other.
 - To make sure customers are suitably protected whenever and wherever they are gambling, and that there is an equitable approach to the regulation of the online and the land-based industries.
- 5.4 In light of this, it is envisaged that some of the anticipated changes in the Gambling law may require a wholesale revision of the current Policy. Therefore it would be prudent to await the completion of the government's review before making any changes to the current Policy.
- 5.5 An approval of this recommendation will allow the Council to prepare a new or revised Policy in response to the legislation and guidance that is expected in the near future.

6.0 Equality Implications

- 6.1 There is no significant impact on any of the protected characteristics. Further Equality Impact Assessment will be carried out when the policy is renewed.

7.0 Consultation with Ward Members and Stakeholders

7.1 Ward Members will be consulted on any new Policy and Statement of Principles.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None as a result of this report

9.0 Property Implications

9.1 None as a result of this report

Report sign off:

Alan Lunt
Strategic Director, Regeneration and Environment

APPENDIX 1



Statement of Gambling Principles

2019 – 2022

Under Section 349 Gambling Act 2005

Executive summary

Brent Council has been responsible for licensing gambling premises since 2007 and this is the fifth edition of our Statement of Principles for gambling. As a licensing authority, we work in partnership with the Gambling Commission and other agencies to regulate gambling in the Borough.

The Gambling Commission tends to focus on gambling operators and issues of national or regional importance whereas Brent is responsible for regulating gambling premises, permits, notices and registrations that take place in our borough.

This policy has been reviewed taking into consideration our local area profile to allow us to remain responsive to our local environment and to identify current and emerging risks of gambling-related harm in Brent. The changes made will allow this authority to undertake evidence-based decisions based on relevant information to address local gambling issues that may affect Brent.

Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health, stress or anxiety, substance misuse and by those in financial difficulties.

The cost to society (i.e. the excess fiscal costs caused by people who are problem gamblers beyond that are normally incurred otherwise by members of the public) are felt through health, housing and homelessness, unemployment and imprisonment. Using the 2012 Health Survey for England as a basis the total excess costs in Brent exceed £2 million.

This Statement sets out our expectations of operators of gambling premises with clear reference to the local area profile, which is an assessment of the key characteristics of Brent in the context of gambling-related harm. As a licensing Authority we will continue to identify current and emerging risks in order to address the issues identified by keeping this Statement of Principles under review. The Council supports the recent Government proposals to reduce the maximum stakes for fixed odds betting terminals for category B2 machines to £2 and other measures regarding allocations of gaming machines and social responsibility measures to minimise the risk of gambling-related harm.

This Statement of Principles should be read in conjunction with the 2005 Act, its Regulations and the latest edition of the Gambling Commission's Guidance to Local Authorities.

The revisions made in this Statement and the creation of our local area profile will ensure that responsible gambling premises can continue to operate and provide a valued leisure activity whilst at the same time, we have the tools available to address problems at gambling premises if they do occur as well as protect vulnerable people from harm or exploitation by gambling.

In summary the gambling industry seeks to ensure that sufficient measures are put in place to protect players, children and vulnerable groups.

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Statement of Principles for Gambling 2019-2012

1. Introduction

1.1 About Brent Council – General

- 1.1.1 Brent is located in North West London and covers an area of approximately 4,325 hectares. It is crossed by two of the main arterial routes into London and is divided by the North Circular Road. Brent adjoins seven other London Boroughs which includes, Harrow, Camden, Ealing, Barnet, Westminster, Kensington & Chelsea and Hammersmith. Brent is an outer London Borough with many 'inner' London characteristics. Its boundaries adjoins four of the capital's 14 Inner Boroughs.
- 1.1.2 Brent has a population of 319,000 which is an increase of 19% on the 2001 census. The borough can be broadly characterised as more affluent in the north and generally more deprived in the south, reflecting its origins as the former boroughs of Willesden and Wembley, which were combined to become the London Borough of Brent. A map of the borough showing the main transport routes can be found in Figure 1 below.
- 1.1.3 Brent's population is a young one with 40% of residents being under the age of 30 and 25% under 19 years of age. There are significant regeneration projects underway in Brent: in Park Royal - Europe's largest industrial estate - situated in the southwest of the borough, Wembley, home of the National Stadium and Alperton. The land surrounding the National Stadium is the subject of ambitious development plans and is increasingly an exciting destination for living and entertainment, with new restaurants, bars, cinemas, shops and the Wembley Arena with Public Square.
- 1.1.4 However, there are still significant parts of southern Brent that remain chronically deprived with many people effectively excluded from the more affluent mainstream. Even the traditionally more wealthy areas of north Brent have pockets of disadvantage and may be at risk of decline.
- 1.1.5 Brent is a multi-ethnic and multicultural borough as Brent has the 2nd largest proportion of black, Asian and minority ethnic (BAME) people in England and Wales, and 44.9% of Brent's population were born in the UK and 65.0% have a UK passport. Brent also has high levels of poverty. In 2014, the median income in Brent was £31,601. Within London, Brent ranks as the 6th lowest borough in terms of median household income, and there is a wide variation between wards in the borough.
- 1.1.6 Currently, there are ninety four (94) licenced gambling premises in Brent.

1.2 Borough Map

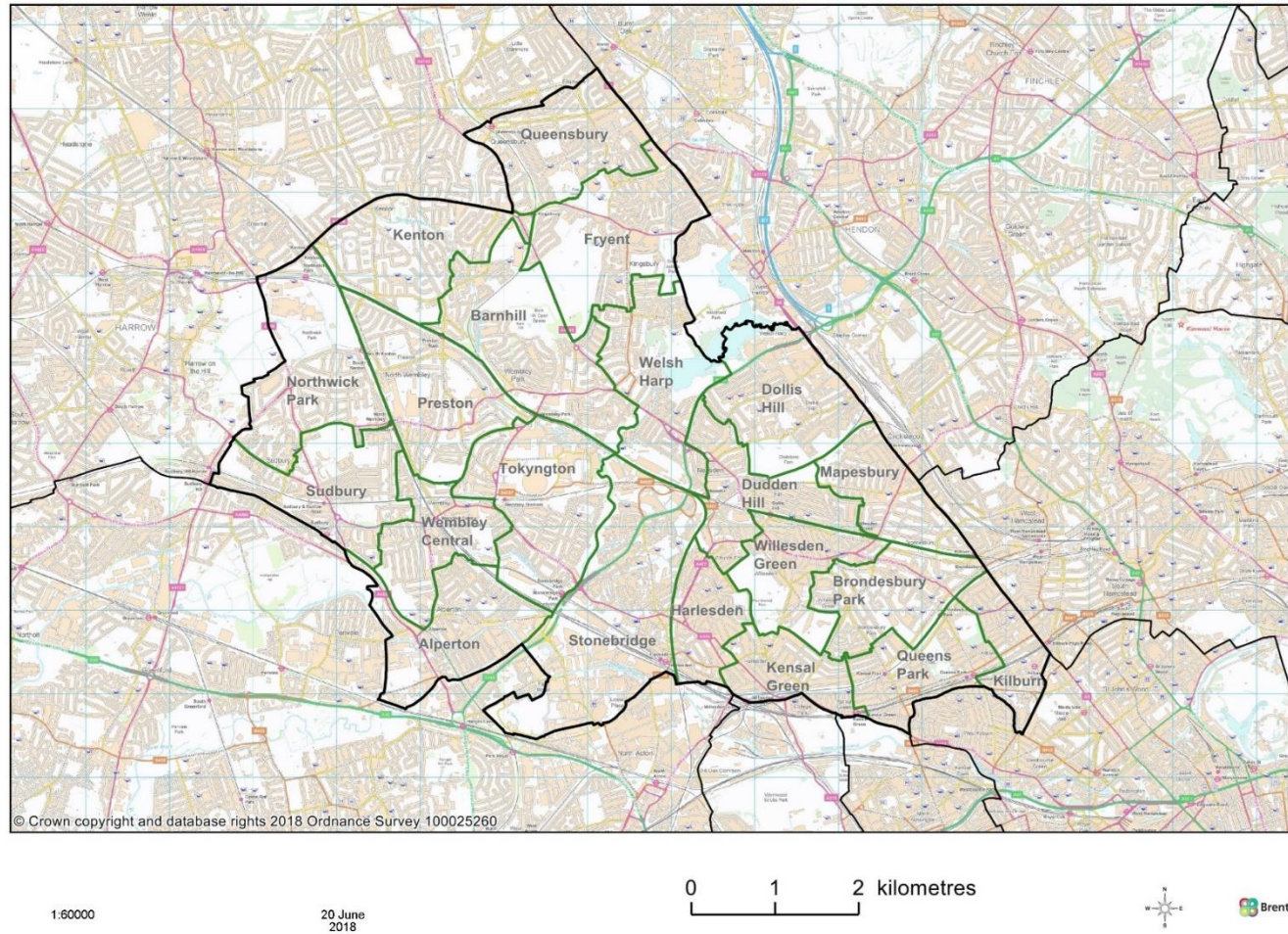


Figure 1: London Borough of Brent Map

1.3 Brent's vision and priorities

1.3.1 Our vision is to build a better Brent together. The Borough Plan aims to make Brent a:

- safer ,more attractive and more environmentally-friendly borough
- borough with good quality housing and engaging arts and leisure facilities
- more inclusive borough, for those who live and work in Brent including our children, young people and vulnerable residents
- borough with greater opportunities for people to achieve work and prosper
- healthy borough where residents are supported and cared for when they need it most.

1.3.2 There are three corporate priorities to support the vision. Each of the priorities has a set of objectives which define the areas of focus for the Council, its partners and community.

- **Better Locally**
 - Building resilience, promoting citizenship, fairness and responsibility among local people as well as strengthening a sense of community among people who live and work in Brent.
 - Promoting cohesion and integration in our communities
 - Ensuring that everyone has a fair say in how services are delivered, that they are listened to and taken seriously
 - Ensuring that inequalities in the quality of life in different parts of the borough are tackled by a stronger focus on local needs
 - Building partnership – between local service providers, local services and residents – to find new ways of providing services that are more finely tailored to individual, community and local needs.
- **Better Place**
 - Ensuring Brent is a better place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces
 - Continuing to reduce crime, especially violent crime and making people feel safer
 - Increasing the supply of affordable, good quality housing
 - Supporting good quality, accessible arts and leisure facilities.
- **Better Lives**
 - Ensuring that people have the best possible life regardless of the starting position
 - Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay
 - Ensuring that our schools are among the best and that our children and young people achieve to their potential
 - Enabling people to live healthier lives and reducing health inequalities

- Supporting vulnerable people and families

2. Purpose and Scope of this Policy

2.1 Policy Aims

2.1.1 The aim of this policy is-

- To inform licence applicants how this Authority will make licensing decisions and how licensed premises are likely to be able to operate within its area.
- To set out how the local authority intends to support responsible operators and take effective actions against irresponsible operators.
- To inform local residents, businesses and licensed premises users, the protections afforded to the local community within the Act by this Authority.
- To support licensing decisions that may be challenged in a court of law.
- To reinforce to elected members on the Licensing Committee the powers available to the local authority as the licensing authority.

2.2 Consultation for Statement of Gambling Principles

2.2.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re- published.

2.2.2 Brent Council has endeavoured to consult as widely as possible on this statement before finalising and publishing. A list of those persons and/or bodies consulted is attached in Schedule 6.

2.2.3 The Gambling Act requires that licensing authorities consult the following parties about the statement:

- (a) the Chief Officer of Police for the borough;
- (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area; and
- (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

2.2.4 In addition to the consultees mentioned above, the Licensing Authority may also consult the following:

- Responsible Authorities such as the Fire Authority, child protection;
- Gambling Commission;
- Interested parties such as trade associations;

- Interested parties such as residents associations.

2.2.5 The consultation on this revised statement of principles will take place between 5 July 2018 and 27 September 2018 and will have regard to the HM Government Code of Practice on Consultation published July 2008. The full list of comments made and the consideration by the Council of those comments will be made available upon request.

2.3 Licensing Authority functions

2.3.1 Under the Gambling Act 2005, this Authority is responsible for local gambling regulation. This statement of principles deals with the range of regulatory functions in relation to gambling activities. These include:

- the licensing of premises where gambling activities are to take place by issuing premises licences;
- issuing provisional statements;
- regulating members' clubs and miners' welfare institutes which wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
- issuing club machine permits to commercial clubs;
- granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receiving notifications from alcohol licensed premises for the use of two or fewer gaming machines;
- issuing licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, where there are more than two machines;
- registering small society lotteries below prescribed thresholds;
- issuing prize gaming permits;
- considering notices given for temporary use of premises for gambling;
- receiving occasional use notices of betting at tracks;
- providing information to the gambling commission regarding details of licences issued (see section above on 'information exchange');
- maintaining registers of the permits and licences that are issued under these functions; and

- exercising of its powers of compliance and enforcement under the 2005 act in partnership with the gambling commission and other relevant responsible authorities.

2.4 Statutory framework

- 2.4.1 As a licensing authority, this Council has a broad range of discretionary powers in regulating gambling. These include granting, reviewing, refusing and attaching conditions to premises licences or revoking them as a result.
- 2.4.2 In addition to the Act, this licensing authority has responsibilities under the Licensing Act 2003. There are some inter-dependencies between the two Acts in terms of the framework for decision making and the procedures that must be followed. However, the licensing objectives under the two Acts are not identical. The Council will aim to permit the use of premises for gambling in so far as we believe it is:
- In accordance with any relevant codes of practice;
 - In accordance with any relevant Guidance issued by the Gambling Commission;
 - Reasonably consistent with the Licensing Objectives; and
 - In accordance with the Licensing Authority's Statement of Licensing Principles

2.5 Licensing Authority Decisions

- 2.5.1 Brent Council's Alcohol and Entertainments Licensing Committee is established to administer functions under the Licensing Act 2003 and is delegated with the powers under the Act to make all decisions relating to premises licences.
- 2.5.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-licensing committees and delegated certain functions and decisions to those sub-committees.
- 2.5.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences, permits and notices where no representations have been made. These will be delegated to council officers by the licensing committee.
- 2.5.4 Applications where there are relevant representations will be dealt with by the licensing committee/sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and all those persons who have made representations agree that a hearing is not necessary.
- 2.5.5 The table at Schedule 5 sets out the delegation of functions under the Act to the licensing committee, sub-committees and officers. Where appropriate, officers may refer any matter to a sub-committee or a sub-committee to Full Committee.

2.6 Reviewing and updating the policy statement

2.6.1 This Statement of Gambling Policy will be effective for a maximum of three years and will be reviewed thereafter. However, it may be reviewed earlier in the event of a change of policy, for example a change in local planning policy. The Council is required by law to consult on any changes to the policy.

2.6.2 Before the statement or revision comes into effect, the Council is obliged to publish a notice of its intention to publish a statement or revision. Such notice will ensure that applicants and persons wishing to make representations have the necessary information to do so. The Council will make available all necessary information on its website. Such information will:

- include a register of the premises licences that have been issued, where and at what times the register may be inspected;
- specify the date on which the statement or revision is to be published;
- specify the date on which the statement or revision will come into effect;
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected;
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect: be published in a local newspaper circulating in the area covered by the statement; in a local newsletter, circular, or similar document circulating in the area covered by the statement; on a public notice board in or near the principal office of the authority; on a public notice board on the premises of public libraries in the area covered by the statement.

2.6.3 A database of premises licences is also available on the Commission's website at www.gamblingcommission.gov.uk.

2.7 Human Rights Act 1998

2.7.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications, considering enforcement and reviewing this policy.

2.7.2 The council will have particular regard to:

- (a) Article 6 – that in determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;

- (b) Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may affect a person's private life); and
- (c) Article 1 of the First Protocol – that every person is entitled to peaceful enjoyment of his or her possessions (a licence is considered a possession in law) and people should not be deprived of their possessions except in the public interest.

2.7.3 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. The Council may request as much information as it requires to satisfy itself that all the requirements as set out in the principles that it applies are met.

2.8 Diversity and equality

2.8.1 Subject to the general requirements of the Act, this Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement of licensing principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided under the terms of the Act.

2.8.2 Brent is a diverse borough. Certain applications may impact differentially on groups who share, and do not share, particular characteristics, such as race, gender, age, disability, sexuality or religious beliefs. Applicants are expected to demonstrate such impacts have been understood and addressed in their application.

2.8.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to eliminate discrimination and promote good relations will give consideration to supporting those needs or customs whilst seeking to promote the three licensing objectives.

2.9 Exchange of Information

2.9.1 Licensing Authorities play an important role in sharing information about gambling activity at a local level. This informs the Commission's overarching view of gambling activity and to identify risks and feed information and intelligence back to licensing authorities. The Commission has access to a wide pool of intelligence which it is able to make available to licensing authorities upon request, to support them in carrying out their regulatory responsibilities under the Act.

2.9.2 All licensing authorities are required to submit annual returns to the Commission, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

2.9.3 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which

includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 2.9.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

2.10 Declaration

In producing the final statement, this licensing authority declares that it will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

3. The licensing Framework

3.1 Introduction to the Gambling Act 2005

- 3.1.1 The Gambling Act 2005¹ (the “Act”) requires this Licensing Authority to draft, consult on and publish a Statement of Gambling Principles in relation to its responsibilities under the Act. Once published, this policy called the statement of Gambling principles will be kept under constant review and in any case, will be re-published after every three years. Before any revision of the statement of gambling principles is published this authority will carry out a full consultation exercise. This statement has been revised following the 3 year review and is for the period 2019-2022.
- 3.1.2 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005¹ (the “Act”) which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law. The overall approach of the Act is to permit the use of premises for gambling in so far as it satisfies the criteria listed below. However, gambling is unlawful in Great Britain unless permitted by the measures contained in the Act in relation to most commercial gambling. The criteria that must be fulfilled for gambling are:
- (a) in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
 - (b) reasonably consistent with the licensing objectives; and
 - (c) in accordance with the authority’s statement of licensing principles
- 3.13 The Act requires all licensing authorities to publish a Statement of Principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission’s guidance to licensing authorities contains further detail on the form of the council’s statement of principles.

- 3.14 Section 25 (1) of the Gambling Act states that the Gambling Commission shall from time to time issue guidance as to the manner in which local authorities are to exercise their functions and in particular, the principles to be applied by local authorities in their functions under this Act.
- 3.15 Section 25(2) states that a local authority shall have regards to the guidance issued under section 25(1).
- 3.16 It must be noted that there must be strong, robust and evidence based reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.
- 3.17 This Statement of Principles follows the principles laid down in the Gambling Commission's Guidance to local authorities and can be accessed via <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
- 3.18 The council's statement of principles is intended to have regard to the three licensing objectives set out in the Act. These objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.
- 3.19 Licensing Authorities have broad discretionary powers to regulate gambling in their areas. These include:
- To issue a statement of licensing policy, setting expectations about how gambling will be regulated in the area;
 - Grant, refuse and attach conditions to premises licences; and
 - Review premises licences and attach conditions or revoke them as a result.
- 3.20 This Commission has wider functions under the Act, and the Council works in partnership with the Commission as dual regulators. This document does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts on, or clarifies, this Council's functions. For example, the Commission is exclusively responsible for issuing operating and personal licences, the former of which is a necessity before the Council can determine an application for a premises licence.

- 3.21 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

3.2 The Gambling Commission

- 3.2.1 The Commission is a statutory body and the national regulator of gambling, with the following statutory functions:

- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions and ensuring that holders of licences adhere to their terms;
- publishing codes of practice; and
- publishing statutory guidance to licensing authorities.

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

(0121) 230 6666
www.gamblingcommission.gov.uk

3.3 Roles and responsibilities

- 3.3.1 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

3.4 The licensing framework

3.4.1 Types of Licence

The Act creates three types of licence:

- (a) operating licences, which are required by businesses in order to provide gambling facilities lawfully
- (b) personal licences, which are required by some people working in the gambling industry

- (c) premises licences, which are required to authorise premises to provide gambling facilities

3.5 Operating licences

These are linked to different types of gambling activity and include:

- Casino operating licence;
- Bingo operating licence;
- General betting operating licence;
- Gaming machine general operating licence for adult gaming centre or for family entertainment centre.

3.6 Personal licences

A holder of a personal licence may be authorised to perform certain functions. It can authorise the holder to perform specified operational function relating to the provision of gambling machines or a person who provides gambling facilities. The Commission can impose licence conditions on personal licences. These licences are usually held by people in key management positions such as strategy, marketing, finance and compliance. These licences are not specific to one venue.

3.7 Premises Licences

Premises licences are issued by the licensing authority to enable premises to be used for gambling. These include:

- casinos premises
- bingo premises
- betting premises, including tracks
- adult gaming centres
- licensed family entertainment centres

4 Principles to be applied by Licensing Authorities

4.1 Licensing Objectives

4.1.1 In exercising its functions under the Act, this Council must have regard to the licensing objectives which are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

- ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.1.2 The Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.”
- 4.2 **Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 4.2.1 This authority recognises that the Commission takes a lead role in preventing gambling from being a source of crime and will have investigated issues of suitability under the process for an Operators’ licence.
- 4.2.2 However, the location of a premises is an important factor when determining a premises licence application. Therefore, this Authority will pay particular attention to the location of gambling premises and the local level of crime. Where an area has a high levels of organised crime, careful consideration will be given to whether it is appropriate for gambling premises to be located there and if so what conditions may be necessary to minimise the risk of crime.
- 4.2.3 Operators should also be aware of and take into account issues of local crime and anti-social behaviour.
- 4.2.4 Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. In considering whether to grant a premises licence, this Authority will also give appropriate consideration to issues such as:
- The configuration, design and layout of the premises, paying particular attention to steps taken to ‘design out’ crime
 - The arrangements in place to control access
 - Security arrangements within the premises, including whether CCTV is installed (or intended) and if so the standard of the CCTV and the positioning of the cash registers.
 - Training provided to staff around crime prevention measures
 - The level of staff intended to be provided at the premises, including whether door supervisors are employed
 - The arrangements for age verification checks
 - The provision of adequate sanitary accommodation
 - Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
 - Steps proposed to prevent disorderly behaviour associated with the premises including by street drinkers outside the premises.
 - The likelihood of any violence, public disorder or policing problems if the licence is granted.

4.2.5 The above list is not exhaustive. Reference will also have to be made to issues raised by the local area profile detailed in section 6 of this policy.

4.2.6 It is noted that the distinction between disorder and nuisance in the case of gambling premises and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

4.3 Objective 2: Ensuring that gambling is conducted in a fair and open way

4.3.1 The Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail below.

4.3.2 Any suspicions raised that gambling is not conducted in a fair and open way will be brought to the attention of the Commission. Similarly, any concerns relating to fair trading legislation will be brought to the attention of Trading Standards.

4.4 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

4.4.1 This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children [excepting category D machines]). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas, restrictions on signage etc.

4.4.2 Licensees and applicants will be expected to demonstrate that they have given careful consideration to measures intended to protect children. This Authority will give appropriate consideration to measures intended to protect children such as:

- Arrangements for age verification
- Arrangements for segregation between gaming and non-gaming areas in premises where children are permitted.
- Arrangements for supervision of machine areas in premises where children are permitted
- The provision of signage and notices

4.4.3 This Authority will also consider whether the structure or layout and configuration of a premises either inhibits adequate supervision of the premises or prohibits it. In such cases the applicant for a licence should consider what changes are or might be required to mitigate this. Such changes include:

- The positioning or relocation of staff or CCTV to enable direct lines of sight of entrances/machines
- The use of floor walkers to monitor use of machines

4.4.4 The intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering the premises which are adult only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure this.

4.4.5 The Commission's general licence conditions and associated codes of practice include requirements as part of the Operating Licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent under age gambling and monitor the effectiveness of these.

4.4.6 In order that this Authority may make proper informed judgement as to the effectiveness of these policies and procedures at the premises and in the locality concerned, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered on their own merit.

4.5 Protecting vulnerable adults

4.5.1 The Act does not prohibit groups of adults from gambling in the same way that it does children.

4.5.2 The Commission does not define 'vulnerable adults', it does for regulatory purposes assume that this group includes people who may gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to drugs or alcohol.

4.5.3 The Commissions general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect policies and procedures that promote socially responsible gambling. In particular, the codes of practice place responsibilities on licensees:

- To make information readily available to customers on how to gamble responsibly and how to access information about and in respect of gambling problems.
- For customer interaction where they have concerns about a customer's behaviour may indicate problem gambling.
- To participate in the national multi-operator self-exclusion scheme
- To take all reasonable steps to refuse service or otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling
- To take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.

4.5.4 In order that this authority may make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.

4.5.5 This Authority will want to understand the steps taken by the applicant to monitor the effectiveness of these policies and procedures.

4.6 Choosing a suitable location

4.6.1 Location of the premises has already been raised within this policy under the first licensing objective. However, locations carry broader considerations that can potentially impact on each of the licensing objectives and beyond. This Authority recognises that betting shops have always been situated in areas of high population where there are likely to be high numbers of children. This in itself is not a problem where appropriate steps have been taken to minimise the risks of children being attracted to gambling.

4.6.2 This Authority will give careful consideration to any application in respect of premises that are located in close proximity to:

- Schools
- Parks, playgrounds and open spaces
- Stations and transport hubs where large number of children may be expected to congregate
- Leisure facilities, youth clubs and community centres
- Hostels or other accommodation for vulnerable children, young persons and adults
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, council housing offices, addiction clinics or help centres, places where alcohol and drug dependent people may congregate etc.
- Faith premises and places of public worship (including churches, temples, mosques etc.) which may tend to be frequented by children and/or vulnerable people.
- Areas that are prone to young people congregating, including (but not limited to) for the purposes of participating in anti-social behaviour, activities such as graffiti/tagging underage drinking and public drinking etc.
- Recorded instances of attempted underage gambling.

4.6.3 The licensing authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks is:

- in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

5. Brent Profile

5.1 Health in Brent

- 5.1.1 Substance Misuse- in Brent, the estimated prevalence of opiate and/or crack cocaine use was 8.3 per 1,000 of the population aged 15 to 64 in 2011/12. This was similar to the England average rate, 8.4 per 1,000 of the population. The number of adults in treatment in Brent has risen slightly from 1,696 in 2013/14 to 1,739 in 2014/15, equating to an increase of 3%.
- 5.1.2 Although 31.4% of the population aged 16 and over abstain from alcohol use, almost twice the national average of 16.5%, of greater concern is the proportion of high risk drinkers in Brent which at 7.1% is above the national average of 6.7%.
- 5.1.3 The rate of alcohol related harm hospital stays was 610, which is higher than the England average
- 5.1.4 Mental Health Disorders - One in four people in the UK will experience a mental health problem each year. Common Mental Health Disorders (CMDs) include depression and anxiety. In 2012/13, 3.4% of the population in Brent CCG aged 18 and over had a recorded diagnosis of depression.
- 5.1.5 This was below the England average which was 5.8%. Estimates of self-reported daily anxiety show that 18.8% of Brent residents consider themselves to have high levels of daily anxiety compared to the England average of 20% (2013/14). Estimates show that in Brent in 2014, 33,959 people aged 18 to 64 years were thought to have a CMD. By 2030, this is projected to increase to 36,265 people, an increase of 7%.
- 5.1.6 Severe and enduring mental health and conditions include long term illnesses such as schizophrenia, personality disorder, and bipolar disorder. In 2011/12, the prevalence of severe and enduring mental health conditions in Brent was 1.1% of the adult population, which is above both the London (1%) and England (0.8%) averages.

5.2 Concerns surrounding Fixed Odd Betting Terminals (FOBT's)

- 5.2.1 This Council is concerned about the amount of money which is being spent on FOBTs in the borough, which suffers from high levels of deprivation in certain areas. At present there are an estimated 200 B2 gaming machines in Brent, an estimate based on the 87 betting shops multiplied by the legal maximum allowed. There is no borough-specific data about gambling participation.
- 5.2.2 Brent Council is keen to reduce gambling related harm. There is little borough-specific data available, but problem gambling prevalence rate among adults in Great Britain is 0.8% or approximately 430,000 people. Problem gamblers can already access treatment services in primary and secondary care including specialised mental health services. At present, there isn't a commissioned service through Public Health in Brent and

therefore residents have to rely on the national helpline. National Gambling Helpline records data for around 7% of Helpline and Netline calls each year. From April 2013 – March 2016 it is estimated that approximately 3,742 people from Brent contacted the helpline. In addition, Gamcare provided 46 Brent residents with face-to-face counselling.

- 5.2.3 Research has shown that there is a relationship between the spatial distribution of licensed betting offices (LBO's) and problem gambling, although other factors could be driving this. The sample of those playing B2 machines in the research demonstrates 'rates of problem gambling are higher among those who live in LBO concentrations and suggests that those living within LBO concentrations may be considered an at-risk or vulnerable group'¹.
- 5.2.4 It should be noted that the cost-benefit analysis in the impact assessment by DCMS argues that the reduction of the maximum stake to £2 will result in benefits of reduced gambling-related harm and there could be a reduced expenditure on government programmes which mitigate harm such as healthcare and mental health, welfare, housing and criminal justice². A reduction of the stake to £2 for category B2 machines would bring it in line with all other categories of gaming machines apart from B1 machines used in Casinos

5.3 Risk Assessments

- 5.3.1 In February 2015, the Gambling Commission revised its 'Licence Conditions and Codes of Practice (LCCP)' which formalised the need for operators to consider local risks, specifically the Social Responsibility Code 10.1.1, requires that all existing and proposed premises licence holders carry out risk assessments in accordance with the licensing objectives. These risk assessments will then underpin the measures required in order to mitigate those risks. The relevant assessments are required to take the licensing authority's statement into consideration in order to alleviate the risks.
- 5.3.2 From 6 April 2016, the LCCP has required all existing licensees that provide gambling facilities at their premises, to assess risks to the licensing objectives and have policies, procedures and control measures in place to reduce those risks.
- 5.3.3 The Gambling Commission believes that gambling related harm are often not recognised and in their view require greater attention³. They also identify those who are likely to be more vulnerable to gambling harm. Those with the strongest vulnerability are:

¹ Gaynor Astbury & Heather Wardle, Secondary Analysis of Machines Data: Examining the effect of proximity and concentration of B2 machines to gambling play (Geofutures, 2016) p32

² Impact Assessment Consultation on Proposals for Changes to Gaming Machines, DCMS pp.12-14

³ Gambling-related harm as a public health issue - Briefing paper for Local Authorities and local Public Health providers February 2018

- Ethnic Groups
- Youth
- Low IQ
- Substance abuse/misuse
- Poor mental health

It is also identified that the wider group of people around a gambler may be negatively impacted. This includes the wellbeing of partners, children, friends, employees, the community and the economy.

5.3.4 In December 2016 the Institute for Public Policy Research (IPPR) published research on the cost of gambling related harm in Great Britain⁴.

5.3.5 The report estimated that the **direct cost** of problem gamblers to the public purse was between £260 million and £1.2 billion per year⁴. The estimates on this are wide, the availability of relevant data was limited, and it only captures the fiscal impact and not more personal or social costs. Although this data is national and may not necessarily directly relate to local areas, providers should demonstrate their awareness of the potential for such harms in the locality of their application and propose measures to mitigate them.

Department	Cost of range England	Cost of range Great Britain
Health:		
Hospital inpatient services	£110m-£290m	£140m-£610m
Mental health primary care	£10m-£20m	£10m-£40m
Secondary mental health services	£20m-£50m	£30m-£110m
Welfare and employment:		
JSA claimant costs and lost labour tax receipts	£30m-£80m	£40m-£160m
Housing:		
Statutory homelessness applications	£10m-£30m	£10m-£60m
Criminal Justice:		
Incarcerations	£30m-£90m	£40m-£90m

Table 1: Direct cost of problem gamblers

Licensees must take into account any relevant matters identified in the licensing authorities Statement of Principles when carrying out their risk assessments.

5.3.6 A local risk assessment should also be undertaken or updated by a licensee, when applying for:

- A new premises licence

⁴ Cards on the table: The cost to government associated with people who are problem gamblers in Britain, IPPR, December 2016

- When applying for a variation of an existing premises licence
- To take into account any local significant changes in the local area
- When there are significant changes with their premises that may affect the existing local risk assessment.

Local risk assessments shall be kept on the premises and made readily available to all relevant staff and authorised officers.

5.4 Local Area Profile

5.4.1 The local area profile has been proposed in order to help inform specific risks that operators will need to address in their risk assessments. It ensures gambling operators consider all of the relevant data in order to safeguard anyone who is in direct or non-direct contact with gambling but equally to protect those most at risk.

5.4.2 The following criteria should be considered when carrying out local risk assessments. Research shows a higher prevalence of problem gambling in deprived areas⁵.

5.4.3 The areas to be considered for the local area profile are:

- **Deprivation**
 - Income
 - Employment
 - Education, Skills & Training
 - Health & Disability
 - Crime
 - Barriers to Housing & Services
 - Living Environment
 - Income deprivation affecting children
 - Income deprivation affecting older people
- **Crime & Disorder Data in relation to Local Anti-social Behaviour (ASB)**
- **Local Amenities**
 - Bank/Building Societies
 - Education Establishments
 - Places of Worship
 - Betting Shops, Adult Gaming Centres (AGC's) & Bingo premises
 - Premises Licensed under the Licensing Act 2003
 - Pay day/Loan establishments/Pawn shops/Cash convertors
 - Vulnerable Housing/Emergency accommodation/Supported Housing
 - Substance Misuse & Drug & Alcohol recovery services
 - GP's/Surgery
 - Job Centres

5

https://www.researchgate.net/publication/315788709_Examining_the_effect_of_proximity_and_concentration_of_B2_machines_on_gambling_play (pg90)

5.5 Instructions on use of the Maps

5.5.1 Deprivation

In relation to **deprivation**, both the overall and individual maps should be reflected upon by visiting www.linktomaps.com

5.5.2 ASB

The **ASB** data map should also be used to identify high levels of issues in the Borough in relation to the positioning of the proposed or existing gambling site. The map can be found by visiting

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

A static version of the same map can be found by visiting www.linktomaps.com

5.5.3 Local Amenities

In terms of **local amenities**, the following interactive map should be used, taking into account all of the above amenities in relation to the premises

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

5.5.4 It is Brent's position that all areas shaded as the '*most deprived*' on the 'Index of Multiple Deprivation (IMD)' map and all areas shaded as the 'most deprived' on 'ASB data map', should be considered as being at high overall risk of gambling related harm and therefore inappropriate for further gambling establishments. Operators would therefore be asked not to consider locating new premises or relocating existing premises within these areas. Nevertheless, any application made in such an area will be determined on its individual merits.

5.5.5 Where operators do locate areas where they contemplate placing a new premises, the local amenities interactive map can be used to identify specific risks which should be the subject of mitigation or control measures in the form of a local risk assessment.

5.6 Risk Assessments - Further Considerations

5.6.1 This Licensing Authority recommends that the following matters are considered by operators when making their risk assessments:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may reflect benefit payments
- Arrangement for local localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall
- Range of facilities in proximity to licensed premises such as other gambling outlets, banks, payday loan shops, post offices, alcohol & entertainment facilities etc.

- Known problems in the area such as problems arising from street drinkers, young people participating in anti-social behaviour, drug dealing activities etc.

5.6.2 For matters related to children and young person risk assessments should address the following:

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, religious institutions, entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, cafes, shops and any other place where children are attracted.
- Areas that are prone to young people participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc.
- Recorded incidents of attempted underage gambling.

5.6.3 For matters relating to vulnerable adults risk assessments should address the following:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangements for localised exchange of information regarding self-exclusions and gaming trends
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

This list is not exhaustive and other factors not in this list or listed elsewhere in the statement of principles must be taken into consideration.

5.7 Assessing Applications

5.7.1 Whilst applications will continue to be assessed on their own merit, the local area profile maps that have been provided alongside this document must be taken into consideration if an application is to be made to Brent Council.

5.7.2 Where risks are present, mitigation or control measures should be identified in operating schedules and risk assessments when making an application. It is vital that an open discussion on concerns raised by the local authority, are also addressed.

5.7.3 The application should have regard to the three Licensing Objectives.

5.7.4 Factors Taken Into Consideration by Local Authority

The following list which is not exhaustive are some of the factors that will be taken into account when considering an application:

- The location of the premises
- How the Local Area Profile map data provided in this document has been addressed
- Hours of Operation
- The size and layout of the premises
- The level of management to be provided
- The input from responsible authorities
- The input of interested parties
- The risk assessment and operating schedule provided

5.8 Conditions to be added to licence

- 5.8.1 In addition to mandatory and default conditions, Brent Council may also impose conditions at its discretion which are relevant, fair and reasonable in relation to the proposed application.
- 5.8.2 In addition to this, the Commission's Licence Conditions and Codes of Practice, should be considered by both the local authority and operators. These may be viewed by visiting:
<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

5.9 Summary

- 5.9.1 New applicants are asked to utilise all of the map data provided in this document relating to deprivation and ASB when making a decision as to whether an application should be made in the first instance.
- 5.9.2 If operators decide to apply, they should still take into consideration the data relating to deprivation and ASB but should also consider the data relating to local amenities. The data relating to local amenities may also show cause for concern, resulting in the operator deciding against an application at the proposed location.
- 5.9.3 Lastly, all operators will need to take into consideration neighbouring wards and Boroughs when making a decision to apply for a new licence and/or writing/modifying risk assessments. As discussed, the provided list is not exhaustive, if other factors are identified, these should also be reflected upon in risk assessments.

6 Premises licences

6.1 General principles

- 6.1.1 This Statement of Principles does not set out to explain the process and procedure for a premises licence, variation or transfer. However, it does set out for the benefit of applicants and all other interested parties some

important matters that this Authority will have regard to when determining applications.

6.1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

6.1.3 Applications for premises licences and club premises certificates must be made on the prescribed form and accompanied by

- The prescribed fee
- The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority).

6.1.4 Application forms and statutory notices can be downloaded from the Commission's website. An application for a premises licence may only be made by persons (which includes companies or partnerships):

- Who are aged 18 or over
- Who have the right to occupy the premises
- Who have an operating licence or applied for an operating licence which allows them to carry out the proposed activity

The premises licence can not be determined until an operating licence has been issued.

6.1.5 Applications must be completed in full and signed and dated. Incomplete applications will not be processed.

6.1.6 Similarly, a licence application and any licence subsequently issued is not valid if the relevant 'application notices' have not been made. These include:

- A notice placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by
- A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within 10 days of application being made.
- Notice provided to all relevant responsible authorities, including the Commission, within seven days of the application being made.

6.1.7 Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications in relation to premises licences.

- 6.1.8 Section 135 of the Act identifies the following bodies as responsible authorities:
- The licensing authority in whose area the premises is wholly or partly situated
 - The Gambling Commission
 - The Chief Officer of Police
 - London Fire Brigade
 - The local planning authority
 - Environmental Health
 - Childrens Safeguarding Team
 - HM Revenue and Customs
 - Any other person prescribed by the Secretary of State
- 6.1.9 The licensing authority expects applicants for new licences or variations to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and have policies, procedures and control measures to mitigate those risks. The licensing authority will request copies of the risk assessments as part of the application process, and will consider both the adequacy of the risk assessment and the control measures proposed, and whether it is proportionate to incorporate the control measures as conditions on the licence.
- 6.1.10 The Commission's Guidance to local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' (see below regarding Casinos), and also that unmet demand is not a criterion.
- 6.1.11 Under s.150 of the Act, the Council will issue premises licences, if appropriate, for the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
 - family entertainment centre (FEC) premises (for category C and D machines).
- 6.1.12 The Council may also issue a FEC gaming machine permit, which authorizes the use of category D machines only.
- 6.1.13 The gambling activity of the premises should be linked to the premises described. For example, in a bingo premises, the licensed gambling activity will be bingo, gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for non-remote bingo, provided in reliance on the licence available in the premises.

6.2 Definition of premises

6.2.1 The Act defines ‘premises’ as including any ‘place’. Section 152 of the Act prohibits more than one premises licence applying to any place. But a single building could be subject to more than one premises licence providing they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

6.2.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, this Licensing Authority does not consider that areas of a building that:

- are not clearly distinct and identifiable from each other (including their external and internal appearance and décor); or
- are artificially separated (e.g. by low and/or transparent partitions or barriers); or
- are temporarily separated and can be properly regarded as different premises.

When deciding if parts of a building/place constitute premises in their own right, the Licensing Authority also will take into account the definition of “premises” in the Act.

6.2.3 Any premises that are artificially or temporarily separated by ropes or moveable partitions will not be considered as a separate premises. If the premises are located within a larger venue, this authority will require a plan of the venue in which the premises should be identified as a separate unit.

6.2.4 Each application will be considered on its own merit. However, in cases where a proposal is intended to create separate premises with additional gaming entitlement which impacts on the licensing objectives, then this authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

6.2.5 In considering licensing applications, the Licensing Authority will particularly take into account:

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises. this may include matters such as the positioning of cash registers and the standard of any CCTV system.
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;

- the likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.
- the steps proposed by an applicant with regard to the licensing objectives, the associated robust risk assessments as well as any licence conditions proposed by the applicant.

6.3 Access to premises

6.3.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provision for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18, and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18 can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

6.3.2 The relevant access provisions for each premises type is as follows:

Premises	Access provision
Casinos	<ul style="list-style-type: none"> • the principal entrance to the premises must be from a 'street' • no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence
AGC's	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from any other licensed gambling premises.
Betting shops	<ul style="list-style-type: none"> • access must be from a 'street' or from other premises with a betting premises licence • no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.
Tracks	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino or AGC
Bingo premises	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
FECs	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track

Table 2: Access type for each premise

6.4 Access to gambling by children and young people

- 6.4.1 One of the objectives of the Act is protecting children and other vulnerable persons from being harmed or exploited by gambling. It is an offence to invite, cause or permit a child or young person to gamble or to enter certain gambling premises. Children are defined under the Act as under 16s and young persons as 16-17 year olds. An adult is defined as 18 and over.
- 6.4.2 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:
- casinos are not permitted to admit anyone under 18 ;betting shops are not permitted to admit anyone under 18;
 - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
 - AGCs are not permitted to admit those under 18 ;
 - FECs and premises with a liquor licence (for example pubs) can admit under-18s, but they must not play category C machines which are restricted to those over 18 years of age.;
 - clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
 - all tracks can admit under-18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.
- 6.4.3 This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007. Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.
- 6.4.4 This Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the Council is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.
- 6.4.5 The under-18s must not have access to areas where category B and C gaming machines are located, and this is achieved through default conditions that require the area to be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an

entrance designed for that purpose supervised at all times to ensure that under-18s do not enter the area, and supervised by either:

- one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- arranged in a way that ensures that all parts of the area can be observed.

6.4.6 A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

6.4.7 There are other conditions which attach to each type of premises which are set out in Part 9 of the Commission's Guidance and other Parts relating to each type of premises.

6.5 Multiple activity premises – layout and access

6.5.1 With the exception of bingo clubs, tracks on race days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

6.5.2 The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling. In considering applications for such premises, this Council will have regard to the following along with other criteria outlined in Guidance from the Commission:

- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area; and
- in this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit customers should be able to participate in the activity named on the premises licence.

6.6 Single and combined licences

6.6.1 Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.

6.6.2 The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track.

6.6.3 To determine whether two or more proposed premises are truly separate, this Authority will consider the following factors in making their decision:

- Is a separate registration for business rates in place for the premises?
- Is the neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway
- Can the premises only be accessed from any other gambling premises?

6.7 Premises Plans

6.7.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:

- the extent of the boundary or perimeter of the premises;
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises ;
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

6.7.2 The Regulation states (other than in respect of a track) ‘...the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence’. This includes information on supervision, CCTV, line of sight to all machines and players, Mag locks, use of privacy booths, blue lights etc. However, this minimum requirement is not sufficient to satisfy the licensing objectives, in particular the social responsibility codes, and the Licensing Authority’s policy statement. In such a case, this Council will request more information from the applicant.

6.8 Application for premises variation (s.182(b)): ‘material change’

6.8.1 When considering an application for variations, this Council will have regard to the principles to be applied as set out in s.153 of the Act.

6.9 Representations

- 6.9.1 In dealing with an application, the Council is obliged to consider representations from two categories of person, referred to in the Act as Responsible Authorities and Interested Parties.
- 6.9.2 Representations from other parties are inadmissible. Having determined that the representation is admissible, this Council must consider its relevance.
- 6.9.3 Only representations that relate to the licensing objectives, or those that raise issues under the licensing authority's policy statement, or the Commission's Guidance or Codes of Practice, are likely to be relevant.

6.10 Additional information to be made available

- 6.10.1 In order to ensure that applicants and persons wishing to make representations have the necessary information to do so, the Council will make available all necessary information on its website. Such information will include a register of the premises licences that have been issued, where and at what times the register may be inspected. A database of premises licences is also available on the Commission's website at www.gamblingcommission.gov.uk.

6.11 Premises ready for gambling

- 6.11.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 6.11.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 6.11.3 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this authority will determine applications on their individual merits, applying a two stage consideration process as follows:
- first, whether the premises ought to be permitted to be used for gambling; and
 - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 6.11.4 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

6.12 Location

6.12.1 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

- the proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons and/or vulnerable persons;
- the proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons;
- the proximity of the premises to any youth club or similar establishment; and
- the proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons.

6.12.2 Where an area has, or is perceived to have, unacceptable levels of crime and/or disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

6.13 Planning & Building Control

6.13.1 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should instead be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. In any event section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

6.14 Duplication with other regulatory regimes:

6.14.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. When considering an application for a premises license, this authority will disregard the likelihood of planning or building regulations being awarded. It will listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

6.14.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under

relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

6.15 Responsible Authorities

- 6.15.1 The Licensing Authority is required to notify all Responsible Authorities of applications and they are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the three licensing objectives.
- 6.15.2 The Responsible Authorities are defined in the Glossary at Appendix G. The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.
- 6.15.3 The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.15.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

6.16 Interested Parties

- 6.16.1 Interested Parties can make representations about licence applications, or apply for a review of an existing licence.
- 6.16.2 The Act states that: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - (b) has business interests that might be affected by the authorised activities, or represents persons who satisfy paragraph (I) or (II)
- 6.16.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act 2005 to determine whether a person is an interested party.
- 6.16.4 The principles are:
- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will take account of the examples of considerations provided in the Commission's

Guidance to Licensing Authorities.

- It will however take into account the size of the premises and the nature of the activity that will be taking place in it. Larger premises are likely to affect people over a wider area than smaller premises.
- The widest lawful interpretation will be given to the Gambling Commission's guidance phrase "has business interests" to include partnerships, charities, faith groups and medical practices.

6.16.5 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (provided they satisfy 8.2.3(c) above). No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

6.16.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken to ensure that such councillors are not part of the Licensing Sub-Committee dealing with the licence application.

6.17 Body assigned as competent to advise on the protection of children from harm

6.17.1 The Council's local safeguarding Children Board has been identified as competent to advise on the protection of children from harm.

6.17.2 This board is designated as a competent body because the body will be responsible for:

- Providing professional and expert opinion
- Ensure accountability by being answerable to elected members rather than any particular interest group.

7 Premises Licence Conditions

7.1 Introduction

Any model conditions attached by the Licensing Authority to any particular licence will be proportionate and applied when the individual circumstances warrant it and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;

- fair and reasonable in relation to the scale and the type of premises, and
- in the Licensing Authority's consideration be reasonable in all other respects.

7.1.1 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.

7.1.2 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's current guidance.

7.1.3 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

7.1.4 The above considerations will apply to premises including buildings where multiple premises licences are applicable.

7.1.5 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Commission in this respect.

7.1.6 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.

7.1.7 Applicants shall offer licence conditions to the Licensing Authority as a part of their application. Examples of such conditions are:

- the premises shall be fitted out and operational within 6 months of the issue of the licence;
- the Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
- there shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
- Challenge 25
 - (a) The Licensee shall have a "Challenge 25" policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
 - (b) The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.
 - (c) The following proofs of age are the only ones to be accepted :
 - (i) Proof of age cards bearing the "Pass" hologram symbol
 - (ii) UK Photo Driving licence
 - (iii) Passport

7.2 Staff competency and training

7.2.1 All staff shall be trained in the premises proof of age compliance scheme and records of the training given shall be retained on the premises and made available for inspection by authorised officers.

7.2.2 The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

7.3 Refusals Book

7.3.1 The Refusals book shall be used to record details of all age-related refusals. The log shall be reviewed monthly by the nominated responsible member of staff and any action taken recorded in the book and signed off.

- 7.3.2 The Refusals Book to be reviewed monthly by a nominated responsible member of staff and date and time of each examination to be endorsed in the book. This log shall be retained on the premises and made available for inspection by authorised officers.

7.4 CCTV

- 7.4.1 The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public. The CCTV shall monitor each entrance, exit and the gaming areas.
- 7.4.2 The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the Licensing Authority, upon request.

7.5 Numbers of staff and door supervisors

- 7.5.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, vulnerable persons, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.
- 7.5.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.
- 7.5.3 The Licensing Authority will consider on a case by case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and preventing the premises becoming a source of crime.
- 7.5.4 It is noted that door supervisors at casinos or bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority's policy expectations for such door supervisors working at casinos or bingo premises are that the Licensing Authority will expect the door supervisors to have:
- a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
 - an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

- 7.5.5 The above expectations are in recognition of the nature of the door supervisors' work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.
- 7.5.6 A book shall be kept at the premises, which is maintained with the following records:
- the full name and address of the door supervisor deployed;
 - the time they commenced and finished duty; and
 - all incidents that the door supervisors dealt with.
- 7.5.7 If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.
- 7.5.8 The term 'door supervisor' means any person:
- guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
 - guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.
- 7.5.9 For premises other than casinos and bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases

8 Protection of children and vulnerable persons - premises other than betting premises

8.1 Advertising Gambling Products

- 8.1.1 Brent Council notes that the Commission's Licence Conditions and Codes of Practice require all advertising of gambling products to be undertaken in a socially responsible manner. Licencees should follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.
- 8.1.2 The following general principles shall apply to advertising:
- Must be legal and not misleading
 - Must not encourage irresponsible or excessive gambling
 - Must take care not to exploit children and other vulnerable persons

8.2 Adult gaming centres

- 8.2.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the relevant

licensing authority. The holder of an AGC premises licence that was issued prior to 13 July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. An AGC licence granted after 13 July 2011 may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

8.2.2 Gambling machines provide a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the category D machines on which children are allowed to play.

8.2.3 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- Entry control system
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.2.4 Gaming machines provide opportunities for solitary play and immediate payouts and as such are likely to encourage repetitive and excessive play. Therefore when considering premises licence applications which include gaming machines particular regard will be given to the third licensing objective.

8.3 (Licensed) Family Entertainment Centres

8.3.1 The Act creates two classes of family entertainment centres (FEC). This part of the policy is regarding licensing FECs. Persons operating a licensed FEC must hold a 'gaming machine general operating licence from the Commission and a premises licence from the relevant licensing authority. The FECs make category C and D machines available.

8.3.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/ licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.3.3 This Licensing Authority will refer to any operating licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.

8.3.4 In determining any application for a permit this Authority will have regard to the licensing objectives and will expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The effectiveness of such policies and procedures will be considered on their merits. The Authority expects measures to train staff on:

- Appropriate action regarding suspected truanting school children on the premises
- Dealing with unsupervised young children being on the premises or children causing perceived problems on or around the premises.
- Staff training on maximum stakes and prizes.

8.3.5 SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt use of category C machines. The licensing authority will ensure that staffing and supervision arrangements are in place to meet this requirement both at application stage and at subsequent inspections.

8.4 Casinos

8.4.1 Section 166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution but it is aware of the power to do so.

8.4.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.5 Bingo Premises

8.5.1 A holder of a bingo licence is able to offer bingo in all its forms. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.2 Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.5.3 This Licensing Authority will take account of any current guidance from the Commission as to the suitability and layout of bingo premises.

8.5.4 Where a bingo premises licence is obtained primarily to benefit from the gaming machine entitlement that it provides the Authority will need to be satisfied that only bingo shall be played at the premises. Close scrutiny will be given to any excluded areas of the premises.

8.5.5 Young persons aged 16 and under may be employed in bingo premises provided their duties are not concerned with the gaming or gaming machines. Licences will not be granted unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures that they will undertake to protect young employees.

8.6 Betting Premises

8.6.1 There are two different types of premises that require a betting licence. The licences for these premises are named “Betting Premises Licence (In Respect Of Premises Other Than A Track)’ and ‘Betting Premises Licence (In Respect Of a Track)’.

8.7 Betting Premises Licence (In Respect Of Premises Other Than A Track)

- (a) This type of licence allows premises (i.e. betting offices) to provide ‘off course’ betting i.e. betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.
- (b) This section of the policy concentrates on ‘off course’ betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, Cor D and any number of betting machines. This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:
 - the size of the premises;
 - the number and location of the machines;
 - the number of counter positions available for person-to-person transactions, and
 - the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.
- (c) The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- (d) There are particular concerns about the use of B2 Fixed Odds Betting Terminals (FOBTs). We recognise that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time, which increases the risk of gambling related harm. Nevertheless, the applicant in each case will be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.
- (e) Where FOBTs are provided these gaming machines shall be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers/families/friends to provide information on how to identify signs of problem gambling and available pathways to advice and assistance (e.g. helpline numbers and online counselling services).
- (f) Where the local area profile identifies any relevant local risk of gambling related harm, operators may consider additional protections for the vulnerable. This might include:
 - Removing Automated Teller Machines (ATM's) from the betting office
 - Restricting FOBTs to account based play

- (g) Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. We recognise that longer operating hours may attract more vulnerable people such as those who may be intoxicated or have gambling addictions. Therefore, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be undertaken to protect the vulnerable.
- (h) Children and young persons are not permitted to enter licenced betting premises. Social Responsibility (SR) Code 3.2.7(3) in the licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- (i) As per the Commision's Guidance we will consider restricting the number and location of betting machines in respect of applications for betting premises licences. When considering the number, nature and circumstances of betting machines an operator wants to offer, the Commission's Guidance will be followed and take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of the staff to monitor the use of machines.
- (j) This Authority will have regard to the local area profile set out in Section 5 of this policy and to the risk assessment compiled in response to it.

8.8 Betting Premises Licence (In Respect Of a Track)

8.8.1 General

- (i) Tracks are sites (including football stadium, horse racecourses and dogtracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalisator" or "tote"), and also general betting, often known as "fixed-odds" betting.
- (ii) The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer 'on course' betting facilities at a licensed track.
- (iii) Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a 'main' premises licence and, in addition, 'subsidiary' premises licences for the parts of the track not covered by the main licence.

8.8.2 Children and Young Persons

- (a) Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.
- (b) We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.
- (c) Appropriate measures/ licence conditions may cover issues such as:
 - proof of age schemes;
 - CCTV;
 - the numbers of staff on duty;
 - door supervisors;
 - supervision of entrances/machine areas;
 - the physical separation of, and clear distinction of areas;
 - location of entry;
 - notices/signage.

This list is not mandatory nor exhaustive and is merely indicative of example measures.

8.9 Betting machines (also known as Bet Receipt Terminals) at tracks

- (a) The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:
 - the proliferation of such machines;
 - the ability of track staff to supervise the machines if they are scattered around the track; and
 - preventing persons under the age of 18 from being able to use the machines.

8.9.1 This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises by attaching a licence condition to a betting

premises licence. When considering whether such a condition should be imposed, the Licensing Authority will take into account the:

- size of the premises;
- number and location of the machines;
- number of counter positions available for person-to-person transactions; and
- ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

8.9.2 Condition on rules being displayed at tracks

- (a) The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

8.9.3 Applications and plans for tracks

- (a) Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.
- (b) The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:
 - dog tracks and horse racecourses
 - fixed and mobile pool betting facilities operated by the Tote or track operator; and
 - other proposed gambling facilities.
- (c) The plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- (d) Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective

responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8.10 Travelling Fairs

- 8.10.1 Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.
- 8.10.2 There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

9. Other relevant processes

9.1 Provisional Statements

- 9.1.1 Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exceptions that an applicant need not have the right to occupy the premises and need not have an operating licence).
- 9.1.2 Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence. If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.
- 9.1.3 No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by way of representations at the provisional licence stage, or
 - which, in the authority's opinion, reflect a change in the operator's circumstances, or
 - where the premises has not been constructed in accordance with the plan and

- information submitted with the provisional statement application.

This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision. Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

9.2 Reviews

9.2.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.

9.2.2 Initiation of review by Licensing Authority

- The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.
- In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.
- In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

9.2.3 Application for review by responsible authorities and interested parties
Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

9.2.4 An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.
- 9.2.5 If the application raises issues that are not relevant to the current Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then the Licensing Authority may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that the Authority is required to permit the use of premises for gambling in so far as we think that permission is in accordance with the matters set out in that section.
- 9.2.6 Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;
- that the grounds are frivolous;
 - that the grounds are vexatious;
 - that the grounds “will certainly not” cause the authority to revoke or suspend a licence or remove, amend or attach conditions on the premises licence;
 - are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
 - are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the Licensing Authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the Licensing Authority should not review the licence on the basis of the same arguments considered on the grant of the premises licence.
- 9.2.7 The matters which will generally be considered relevant for any review are:
- any relevant current code of practice issued by the Commission;
 - any relevant current guidance issued by the Commission;
 - the licensing objectives;
 - the Council’s Statement of Gambling Principles, and
 - The Gambling Act 2005 and the regulations made thereunder
- 9.2.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs

9.2.9 There is a right of appeal against the Council's decision.

9.3 Rights of appeal and judicial review

9.3.1 The Council is required by law to give reasons for a rejection of an application, but it is also good practice for it to give reasons for all decisions. Failure to give reasons may result in an appeal of the decision or the suggestion that the Council did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act. It is particularly important that reasons should reflect the extent to which the decision has been made with regard to the licensing authority's policy statement and this Guidance. Reasons for decisions should be made available to all of the parties of any process. The Council's decision may be subject to judicial review. Details relating to appeals against decisions by a licensing authority are set out in s.206 - 209 of the Act.

9.4 Who can appeal?

9.4.1 The table below identifies who can appeal different types of premises licence decisions.

Type of decision	Section of Act	Who may appeal
Decision to reject an application for a premises licence or to vary a premises licence, or an application for a provisional statement	s.165, s.187 and s.188	The applicant
Decision to grant an application for a premises licence or to vary a premises licence, or an application	s.164, s.187 and s.188	<ul style="list-style-type: none"> • The applicant* • Any person who made representations

for a provisional statement		on the application
Decision to take action or to take no action following a review	s.202	<ul style="list-style-type: none"> • The applicant • Any person who made representations on the application • The person, if any, who applied for the review • The Commission

Table 3: Appealing premises licence decisions

9.5 Who to appeal to

- 9.5.1 An appeal against a decision of a licensing authority is made to the Magistrates' Court, then to the High Court if necessary. As soon as the appeal decision has been notified to all parties, the Council will implement the Court's decision as soon as possible.

10. Other Consents

10.1 Temporary use notices (TUN)

- 10.1.1 A TUN allows the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises temporarily for providing facilities for gambling. The type of premises that might be suitable for a Temporary Use Notice could include hotels, conference centres and sporting venues.
- 10.1.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments, dominoes, backgammon, mah-jong or bingo.
- 10.1.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Commission's guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act

"premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will need to look at, amongst other things, the ownership/occupation and control of the premises.

10.1.4 The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:

- the type of gaming to be carried on;
- the premises where it will take place;
- the dates and times the gaming will take place;
- any periods during the previous 12 months that a TUN has had effect for the same premises;
- the date on which the notice is given;
- the nature of the event itself.

10.1.5 This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises as recommended in the Commission's Guidance to Licensing Authorities.

10.1.6 Appeals

An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' court within 14 days of receiving notice of the authority's decision. There is a further right of appeal to the High Court or Court of Session on a point of law.

10.2 Occasional use notices

10.2.1 An occasional use notice permits licensed betting operators to use tracks for betting on eight days or fewer in a calendar year, where the event is of a temporary nature. Betting may therefore be permitted by an occasional use notice without the need for a full premises licence. The licensing authority has very little discretion regarding these notices besides ensuring that the statutory limit of eight days a year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

10.2.2 Tracks are usually regarded as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

10.3 Gaming machines

- 10.3.1 Gaming machines cover all types of machine on which people can gamble, subject to a few exemptions. The Act sets out the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises. There are four categories of gaming machine: categories A, B, C and D with category B divided into a further five subcategories.
- 10.3.2 There is a minimum age of 18 for all players for all category A, C and C machines. However, there is no minimum age for players of category D machines. The holder of any permit must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.
- 10.3.3 The maximum number of machines permitted and in the case of casinos the ratios between tables and machines is set out in Appendix C.

10.4 Permits

- 10.4.1 Licensing Authorities may issue a range of permits for gambling which are designed as a light touch approach to low level ancillary gambling. They are used where stakes and prizes are subject to very low limits and/or gambling is not the main function of the premises. As a Licensing Authority, this Council may only grant or reject an application for a permit. It may not attach any conditions to the permit.
- 10.4.2 Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with the Commission's codes of practice on the location and operation of machines.
- 10.4.3 Licensing Authorities may issue the following permits:
- Family entertainment centre gaming machine permits;
 - Club gaming permits and club machine permits;
 - Alcohol-licensed premises gaming machine permits;
 - Prize gaming permits.

10.5 Unlicensed Family Entertainment Centre

- 10.5.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (section 238 of the Act).
- 10.5.2 The Act enables a Licensing Authority to prepare a statement of principles which it proposes to consider when determining the suitability of an applicant

for a permit. In preparing this statement and/or considering applications it may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's guidance advises that given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to child protection issues.

10.5.3 The council may only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The Council cannot attach conditions to this type of permit but may ask applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes (24.7);
- appropriate measures/training for staff regarding suspected truant school children on the premises; and
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

10.6 Club Gaming and Club Machines Permits

10.6.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.

10.6.2 Members Clubs, Miner's welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.6.3 The Commission's Guidance states: "Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations". The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

10.6.4 There is a fast-track procedure which prevents objections to be made by the Commission or the police, and reduces the grounds on which an authority can refuse a permit. The grounds for refusal are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled;

10.6.5 However, the Council may refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members" or commercial club or miners" welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous 10 years;
- an objection has been lodged by the Commission or the Police.

10.6.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

10.7 Premises licensed to sell alcohol

10.7.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority.

10.7.2 This local authority expects all licensees to adhere to the:

- Code of Practice for gaming machines in alcohol licenced premises
- Code of Practice for equal chance gaming in alcohol licensed premises.

10.7.3 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the Licensing Authority that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 10.7.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives and any guidance issued by the Commission under S.25 of the Gambling Act 2005 and any other relevant matters.
- 10.7.5 This Licensing Authority considers that such matters will be decided on a case by case basis but will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18s do not have access to the adult-only gaming machines. Measures which will satisfy the authority will include that the adult machines be in direct sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage shall be used with regards to age restriction. Applicants shall provide information leaflets/helpline numbers for organisations such as GamCare.
- 10.7.6 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 10.7.7 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 10.8 Prize gaming and prize gaming permits**
- 10.8.1 Prize gaming relates to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. The Council can issue a prize gaming permit to authorise the licence holder to provide facilities for gaming with prizes on specified premises.
- 10.8.2 A casino operating licence permits the licence holder to provide all games of chance, except any form of bingo which, is excluded from the scope of the

casino licence. If a casino wishes to provide bingo generally, it would need to obtain a bingo operating licence, with the proviso that only one premises licence may be issued for any particular premises at any time, so the premises would need to be distinct.

10.8.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any guidance from the Commission. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

10.8.4 The permit holder must comply with the relevant conditions in the Act, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated; the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

10.8.5 The permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.

10.8.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

11. Non-commercial and private gaming, betting and lotteries

The Act allows gambling without any specific permissions under limited circumstances as follows:

- non-commercial gambling;
- incidental non-commercial lotteries;

- private gaming and betting.

11.1 Non-commercial gaming

This is allowed if it occurs at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if it is organised by or on behalf of a charity or for charitable purposes; or it enables participation in or support of athletic or cultural activities. It will therefore be possible to raise funds for a local hospital appeal or a charitable sporting endeavour. Events such as race nights or casino nights are also permitted if they comply with the regulations and profits go to a 'good cause'.

11.2 Incidental non-commercial lotteries

- Licensing Authorities are responsible for registering societies to run Small Society Lotteries.
- Incidental non-commercial lotteries, private lotteries and customer lotteries do not require to be registered.
- The definitions of the above types of lottery are contained in Schedule 11 of the Act.
- Other lotteries require an operating licence from the Gambling Commission.

11.3 Private gaming

- 11.3.1 This can take place anywhere to which the public do not have access, for example, a workplace. Domestic and residential gaming may be permitted subject to the following conditions:
- 11.3.2 Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling; if it is on a domestic occasion; and if no charge or levy is made for playing.
- 11.3.3 Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and if more than 50% of the participants are residents.
- 11.3.4 Private gaming can potentially take place on commercial premises if a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are members of the club.

12. Poker

12.1 Poker can be played legally in the following circumstances:

- in casinos (including under temporary use notice)
- as exempt gaming in clubs and alcohol-related premises;
- under a club gaming permit
- as non-commercial gaming
- as private gaming

12.2 **Poker in casinos**

12.2.1 Poker can be played in casinos licensed by the Commission. Casinos can also run poker tournaments at temporary venues for a limited amount of time under temporary use notices (TUNs). Where a third party organisation is involved in a poker competition held in a licensed casino, the casino operator must bear full responsibility for that competition. Similarly, where an online competition culminates in live competition in a casino, the online partner may provide systems and staff for the event, but responsibility lies with the operator whose premises are being used.

12.2.2 A casino may have a commercial relationship with an agent to promote poker in the casino, but the poker games that result are the responsibility of the casino and not of the agent.

12.3 **Poker in alcohol-licensed premises**

12.3.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.

12.3.2 In some poker tournaments the organisers offer 'prizes' at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward 'knockout' qualifying rounds, culminating in a 'final' game, then the winner's prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

12.4 **Poker under a club gaming permit**

- 12.4.1 A club gaming permit can only be granted to a members' club (including a miners' welfare institute), but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. When a club gaming permit is granted there are no limits on the stakes and prizes associated with poker.
- 12.4.2 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming it will require a Commission casino operating licence and any relevant personal licences.
- 12.4.3 The poker which a club gaming permit allows is subject to the following conditions:
- (a) In respect of equal chance gaming:
 - (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
 - (ii) the game takes place on the premises and must not be linked with a game on another set of premises.
 - (b) Two games are linked if:
 - the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
 - the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game;
 - a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
 - only club members and their genuine guests participate.
 - (c) In respect of other games of chance:
 - the games must be pontoon and chemin de fer only;
 - no participation fee may be charged otherwise than in accordance with the regulations;
 - no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

- 12.4.4 All three types of gaming are subject to the 48 hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

12.5 Poker as non-commercial gaming

- 12.5.1 This is allowed if it takes places at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

- 12.5.2 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

12.6 Poker as private gaming

- 12.6.1 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

- 12.6.2 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.

- 12.6.3 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers

are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.

- 12.6.4 A relevant decided case in another licensing field is that of *Cocks v Mayner* (1893) 58 JP 104, in which it was found that an omnibus said to be available free of charge but whose passengers who were invited to (and in some cases did) make a voluntary contribution was 'plying for hire' without the appropriate licence.

12.7 Advertising

- 12.7.1 The Gambling (Licensing and Advertising) Act 2014 amended the Act so that from 1 November 2014, gambling operators that provide facilities for remote gambling or advertise to consumers in Great Britain will require a licence issued by the Commission. As an example, many poker websites promote other online gambling websites, usually by the provision of a hyperlink to that website. A hyperlink has been deemed to constitute advertising as it brings facilities for advertising to the attention of the person who clicks on the link.
- 12.7.2 It is not an offence to advertise non-remote gambling that is offered by operators not licensed by the Commission. For example, a prize could now include entry into a poker tournament, subject to meeting the appropriate prize limits.

13. Small society lotteries

13.1 Introduction

Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within two categories:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.
- The Council will need to know the purposes for which a society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, has been established so as to ensure that it is a non-commercial organisation. S.19 of the Act defines a society as such if it is established and conducted:
 - for charitable purposes, as defined in s.2 of the Charities Act 2006;
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;

- for any other non-commercial purpose other than that of private gain.

13.1.1 Participation in a lottery is a form of gambling, and as such licensing authorities must be aware that the societies they register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act. The minimum age for participation in a lottery is 16 and Social Responsibility (SR) code 3.2.9 requires lottery licences to have effective procedures to minimise the risk of lottery tickets being sold to children, including:

- procedures for: checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

13.1.2 The licensee must take reasonable steps to ensure that all those engaged in the promotion of lotteries understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

13.1.3 Licensing Authorities may propose to refuse an application for any of the following reasons:

- an operating licence held by the applicant for registration has been revoked; or
- an application for an operating licence made by the applicant for registration has been refused within the past five years;
- the society in question cannot be deemed non-commercial;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in schedule 7 of the Act;
- information provided in or with the application for registration is found to be false or misleading.

13.2 External lottery managers' licence status

13.2.1 External lottery managers (ELMs) are required to hold a lottery operator's licence issued by the Commission to promote a lottery on behalf of a licensed society. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors.

13.2.2 Key indicators will include:

- who decides how the lottery scheme will operate;

- who appoints and manages any sub-contractors;
- the banking arrangements for handling the proceeds of the lottery;
- who sells the tickets and pays the prizes;
- who controls promotional aspects of the lottery.

13.2.3 Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences held on its website.

13.3 Lottery tickets

13.3.1 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM;
- the date of the draw, or information which enables the date to be determined.

13.3.2 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it. The Commission recommends that licensing authorities require all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority has powers to inspect the records of the lottery for any purpose related to the lottery.

13.3.3 The Act stipulates that lottery tickets may only be sold by persons who are aged 16 or over to persons who are aged 16 or over. With regards to where small society lottery tickets may be sold, this Council will adhere to the Commission's recommendations and apply the following criteria to all small society lottery operators:

- lottery tickets must not be sold to a person in any street, bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not;

- tickets may, however, be sold in a street from a static structure such as a kiosk or display stand;
- tickets may also be sold door to door;
- licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

13.3.4 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

13.4 Application and registration process for small society lotteries

13.4.1 On receipt of an application for a small society lottery this Authority will check the:

- society status – the society in question must be ‘non-commercial’;
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

13.4.2 The promoting society of a small society lottery must be registered with the Licensing Authority where their principal office is located throughout the period during which the lottery is promoted. If this Licensing Authority believes that a society’s principal office is situated in another area, it would inform the society and the other Licensing Authority as soon as possible.

13.4.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. Applicants will be asked to provide a copy of their terms and conditions and a declaration, stating that they represent a bona fide non-commercial society.

13.4.4 In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.

13.4.5 Because of this possibility, this Licensing Authority will carefully consider any application by a society for more than one registration. If the aims and objectives are the same and therefore the threshold limits for small society lotteries are likely to be exceeded, the applicant will be advised to apply to the Commission for a society lottery operating licence.

- 13.4.6 By virtue of Schedule 11 paragraph 31(5), societies may not hold an operating licence and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of 3 years during which a large society cannot convert to small society status. Licensing Authorities should check that applicants for registration do not hold (and have not held in the preceding 3 years) a society lottery operating licence granted by the Commission.
- 13.4.7 This authority will also wish to check with the society at the time the annual fee is paid to renew the registration, to ensure that a society does not hold a duplicate registration with this council or another local authority where the aims and objectives of the societies are the same. If that is the case and the combined proceeds exceed or are likely to exceed the threshold limits for small society lotteries, the society will be advised to apply to the Commission for a society lottery operating licence. This Licensing Authority will also notify the Commission.
- 13.4.8 Once the application for registration has been accepted and entered on the local register, the Licensing Authority must then notify both the applicant and the Commission of this registration as soon as practicable. The Commission would prefer to receive this information electronically via email to info@gamblingcommission.gov.uk.
- 13.4.9 Registrations run for an unlimited period, unless the registration is cancelled. If a Licensing Authority cancels the registration of a society they are required by paragraph 53 of Schedule 11 of the Act to notify the Commission.

13.5 Refusal of an application

- 13.5.1 Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application. A Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. Licensing Authorities should inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence.
- 13.5.2 In summary, Licensing Authorities may propose to refuse an application for any of the following reasons:
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years;
 - the society in question cannot be deemed non-commercial;
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act;
 - information provided in or with the application for registration is found to be false or misleading.

13.6 Revocation of a small society's registered status

- 13.6.1 A Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. A revocation cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, licensing authorities should inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion. Representations that may result after such a decision will be handled in accordance with local procedures.

13.7 Appeals

- 13.7.1 Following the conclusion of any hearings and receipt of representations, paragraph 51 of Schedule 11 to the Act then requires the authority to notify the applicant or the society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected.
- 13.7.2 The applicant or society may appeal to the Magistrates' Court against the decision within 21 days following receipt of the notice of the decision to lodge an appeal. On appeal they may choose to affirm the decision of the Licensing Authority, reverse the decision, or make any other order.
- 13.7.3 The Society or its external lottery managers must submit returns containing certain information to the Licensing Authority. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.
- 13.7.4 The following information must be submitted:
- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
 - the total proceeds of the lottery; the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
 - the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
 - the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
 - whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.
- 13.7.5 This Council requires returns to be submitted electronically at

business.licence@brent.gov.uk.

14. Chain gift schemes

- 14.1** It is an offence to invite others to join a chain gift scheme or to participate knowingly in the promotion or administration of such a scheme. These schemes are similar to pyramid selling schemes, but escape the ban on them because they do not involve the sale of any product. If this Council becomes aware of such a scheme operating in the Borough, the Trading Standards team will investigate to ascertain if an offence under the Consumer Protection from Unfair Trading Regulations 2008 has been committed. A person found guilty of the offence could be liable to a fine or imprisonment.

14.2 Street collectors selling game cards

- 14.2.1** If this Council becomes aware of street sellers in the borough approaching the public to sell them game cards 'to raise money for good causes', it will ask the Trading Standards to investigate. It will be unlikely that the product being sold is a legal lottery. This is because societies selling larger lotteries are not permitted to sell lottery tickets in the street.

15. Compliance and Enforcement Matters

15.1 Good practice in regulation

- 15.1.1** The Council has a duty to have regard to the statutory principles of good regulation as set out in the Regulators' Code. These provide that regulation should be carried out in a way that is:
- (a) Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - (b) Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - a. Consistent: rules and standards must be joined up and implemented fairly;
 - b. Transparent: regulators should be open and keep regulations simple and user friendly; and
 - c. Targeted: regulation should be targeted only at cases in which action is needed; it should focus on the problem and minimise side effects.
- 15.1.2** The Regulator's Code is enshrined in the Council's own Enforcement Policy with which every enforcement officer is required to adhere. As per the Commission's Guidance for licensing authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 15.1.3** This licensing authority has adopted and implemented a risk-based inspection programme based on:

- the licensing objectives;
 - relevant codes of practice;
 - guidance issued by the gambling commission, in particular at part 36; and
 - the principles set out in this statement of licensing policy.
- 15.1.4 As well as ensuring that all enforcement activity is proportionate, consistent, transparent and accountable, the policy also requires that activity is targeted primarily on those activities and premises which give rise to the most serious risks or where risks are least well controlled. This will be intelligence led approach. Regard will also be had to the local area profile set out in this policy.
- 15.1.5 This risk based approach will also be applied to inspections of premises to ensure that high risk premises requiring greater level of attention will be targeted whilst low risk premises will receive a lighter touch. Premises will be assessed on the basis of
- The type and location of the premises
 - The past operating history of the premises
 - The confidence in management
 - The arrangements in place to promote the licensing objectives
- 15.1.6 Where appropriate to do so, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will normally be sought through early engagement, mediation, education and advice. In cases where this is not possible officers will seek to achieve compliance through the most appropriate route having regards to all the relevant matters. Where appropriate, regard will be given to primary authority directions.
- 15.1.7 When a decision of whether or not to prosecute is required then this Authority will follow the principle criteria from the Guidance in the Code for Crown Prosecutors which requires the two main tests to be considered:
- Whether the standard of evidence is sufficient for a realistic prospect of conviction
 - Whether a prosecution is in the public interest.
- 15.1.8 The main enforcement and compliance role for this licensing authority in terms of the Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Commission.

- 15.1.9 This Licensing Authority recognises that certain bookmakers and other licensed premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual within the organisation/company, and whom the authority may contact first should any compliance queries or issues arise.

15.2 Enforcement Related Fees

- 15.2.1 Licensing Authorities compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits. The Act requires licensing authorities to “aim to ensure that the income from fees ... As nearly as possible equates to the costs of providing the service to which the fee relates and work, including the cost of dealing with illegal gambling in a Licensing Authority’s area”. This Council will closely track its costs to demonstrate how it arrived at the fee and will review such fees annually.

15.3 Application Forms

- 15.3.1 This Council has provided information on how to make applications for licences and other permissions under the Act. Linked to this information is an online application form as well as a list of ‘responsible authorities’ and their appropriate contact details. As there are no prescribed application forms for family entertainment centres, prize gaming, or licensed premises gaming machine permits, this Council will accept applications for these licences in the hard copy which can be downloaded from www.brent.gov.uk/business .

15.4 Enforcement officers and authorised persons

- 15.4.1 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:
- the premises are wholly or partly situated in the authority's area; and
 - the officer is designated by the authority as an authorised person for the purposes of s.304.
- 15.4.2 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority’s policy statement.

15.5 Powers of entry

- 15.5.1 The Act states that authorised persons, constables and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on

the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting.(s.307).

15.5.2 If in doubt, this Licensing Authority will:

- (a) seek legal advice about also securing a warrant issued by a justice of the peace to enter a premises in respect of which an application has been made for a family entertainment centre (FEC) gaming permit to consider the application, or to enter a premises in respect of which a FEC gaming machine permit has effect, in order to determine compliance with gaming machine permit requirements (s.309);
- (b) enter premises with 'on-premises' alcohol licence to determine if any gaming that is taking place satisfies the conditions for exempt gaming in s.279 of the Act, to ascertain that any bingo taking place meets the requirements of the Act, or to ascertain the number and category of gaming machines being made available for use on the premises (s.310);
- (c) enter premises in respect of which an application has been made for a prize gaming permit, to consider the application, or to enter a premises in respect of which a prize gaming permit has effect in order to determine whether prize gaming on the premises complies with the requirements of the Act and regulations under it (s.311).

15.5.3 Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

15.5.4 Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the things being done are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence.

15.6 **Illegal gambling**

15.6.1 The prevention of illegal gambling is an enforcement priority for the Council. Combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed. The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

15.7 Test purchasing and age verification

- 15.7.1 The Council will carry out test purchasing to detect whether children and your persons are accessing adult only gambling premises or are engaged in gambling intended for adults. Appropriate enforcement action will be taken against offenders.

15.8 Primary Authority

- 15.8.1 The PA scheme, administered by the Better Regulation Delivery Office (BRDO) provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.
- 15.8.2 Since October 2013, the PA has been extended to include age-restricted sales of gambling in England and Wales. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing. The inspection plans are designed to be largely uniform and to bring consistency to proactive test purchasing in those betting shops. These arrangements underpin the primary objectives of the Act in relation to protecting children from gambling-related harm and preventing them from accessing gambling facilities. PA plans do not prohibit licensing authorities undertaking reactive test purchasing. PA does not apply to the police or the Commission.

15.9 Prosecutions

- 15.9.1 The Act gives licensing authorities in England and Wales, the police and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.
- 15.9.2 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.

CONTACT

Planning, Transport & Licensing
Licensing Team
London Borough of Brent
Civic Centre
Engineers Way
Wembley HA9 0JF

(020) 937 5262

business.licence@brent.gov.uk

www.brent.gov.uk

Schedule 1: Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino(machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino(no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises ¹	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Adult gaming centre ²	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Licensed family entertainment centre ³							No limit on category C or D machines
Family entertainment centre (with permit) ³							No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴	Maximum of 3 machines in categories B3A or B4 to D						
Qualifying alcohol-licensed premises							1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)							Number of category C-D machines as specified on permit
Travelling fair							No limit on category D machines

Table 4: Summary of machine provisions by premises

1 Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2 Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3 Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation

and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4 Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5 Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Schedule 2: Summary of gaming machine categories and entitlements

Link to summary of gaming machine categories and entitlements

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx>

Schedule 3: Summary of gaming entitlements for clubs and alcohol-licensed premises

Link to summary of gaming machine categories and entitlements

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx>

Schedule 4: Summary of offences under the Gambling Act 2005

General offences regarding the provision of gambling facilities

Providing gambling facilities in Great Britain without a relevant licence, permit, notice, or exemption included under the Act.	S.33
Using premises to provide gambling facilities from, or causing them to be provided, without a relevant licence, permit, notice or exemption under the Act.	S.37

Offence Regarding cheating at gambling

Cheating, attempting to cheat, or assisting another person to cheat at gambling.	S.42
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Offence committed towards or by under 18s

Inviting, causing or permitting a child (under 16) or young person (16 – 17) to gamble, with the exception of:	
private / non-commercial gaming and betting	
participating in lotteries	
participating in football pools	
using a category D gaming machine	S.46
participating in equal chance gaming at premises subject of a prize gaming permit or an FEC	S.48
premises licence	
participating in prize gaming at a fair or an unlicensed FEC	
This offence includes intentional distribution of advertising to under-18s where the intent is to encourage gambling.	
It is also an offence on the part of a young person to gamble with the exception of situations listed above.	
Inviting or permitting a child or young person to enter:	
a casino	
a betting premises (except for betting areas of horse and greyhound tracks on race days)	S.47
an adult gaming centre	
areas of a family entertainment centre where category C gaming machines are situated.	S.49
This offence is committed at all times when the premises listed above are being used in reliance on the premises licence.	
It is also an offence on the part of a young person to enter the premises listed above.	

For a summary list of all offences under the Gambling Act 2005 please use the following link:
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-D-Summary-of-offences-under-the-Gambling-Act-2005.aspx>

Schedule 5: Delegations of functions under the Gambling Act 2005

The Council's Licensing Committee is responsible for discharging the majority of the Council's licensing functions under the Gambling Act 2005. The notable exceptions are the final approval of the Council's Statement of Gambling Principles (also known as Statement of Licensing Policy) and policy not to permit casinos. Both of these functions are reserved to full Council.

In practice, and in accordance with relevant statutory provisions, all those decisions which can be, have been delegated to officers. Further, the Alcohol and Entertainment Licensing Sub-Committee is responsible for considering and determining applications and other matters which cannot be determined by officers. That Sub-Committee can also consider and determine any other matters referred to it for determination by officers (e.g. matters which can be considered by officers but which is considered more appropriate for the Sub-Committee to do so).

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Schedule 6: List of Consultees to Statement of Licensing Principles

Persons or Bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:

Responsible Authorities

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Planning Authority, Brent Council
- Environmental Health, Brent Council
- Safeguarding Children's Board, Brent Council
- HM Customs and Excise
- London Borough of Brent Councillors
- Brent MPs and Member of the Greater London Authority
- All Brent Council Directorates
- Brent Community Safety Partnership
- Gamblers Anonymous
- Alcoholics Anonymous
- Brent Drug and Alcohol Action Team
- Brent Youth Offending Service National Probation Service
- National Association of Citizen Advice Bureaux
- Brent Samaritans
- Salvation Army
- Brent Magistrates' Court
- Brent Mind
- Brent Residents and Tenants Associations
- Help the Aged

Persons or Bodies representing the interests of those carrying on gambling businesses in the borough:

- Current holders of licences, permits, registrations etc. in the borough
- Gaming Machine Suppliers
- Association of British Bookmakers
- British Amusement Catering Trade Association
- British Casino Association
- Casino Operators Association
- The Association of Licensed Multiple Retailers
- British Beer and Pub Association
- British Institute of Innkeeping
- GamCare
- Brent Chamber of Commerce
- The Football Association
- Federation of Licensed Victuallers
- The Bingo Association
- The Working Men's Club & Institute Union
- Responsibility in Gambling Trust
- Remote Gambling Association
- The Lotteries Council

Others

- General Public - via Council Website and Press Release

This is not an exhaustive list

Schedule 7: Glossary of terms

Applications	Applications for licences and permits
Authorised local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer, an officer of an authority other than a Licensing Authority, both of who have been authorised for a purpose relating to premises in that authority area. The following are considered authorised persons:</p> <p>Inspectors are appointed under the Fire Precautions Act 1971</p> <p>Inspector appointed under the Health and Safety at Work, etc. Act 1974.</p> <p>Inspectors of Surveyors of ships appointed under the Merchant Shipping Act 1995;</p> <p>A person in a class prescribed in regulations by the Secretary of State.</p>
Automated Roulette Equipment	<p>2 types:</p> <p>(a) Linked to live game of chance, e.g. Roulette</p> <p>(b) Plays live automated game, i.e. operates without human intervention</p>
Automatic condition	Condition attached automatically to premises licences or authorisations. The Licensing Authority has no desecration not to include or modify them.
AWP machines	Amusement with Prizes Machines.
BACTA	British Amusement Catering Trade Association.
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary „on course“ betting facilities.
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	<p>(a) Regional Casino Premises Licence</p> <p>(b) Large Casino Premises Licence</p> <p>(c) Small Casino Premises Licence</p>

	(d) Casino permitted under transitional arrangements.
Club Gaming Machine Permit	Permit to enable the preemies to provide gaming machines (3 machines of Categories B C or D).
Code of Practice	Means any relevant code of practice under section 34 of the Gambling Act 2005.
Complex Lottery	An arrangement where: (a) Persons are required to pay to participate in the arrangement; In the course of the arrangement, one or more prizes are allocated to one or more members of a class; (b) The prizes are allocated by a series of processes; and (c) The first of those processes relies wholly on chance.
Council	Brent Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run

	without a licence from the Gambling Commission. There are 4 types: (a) Small Society Lottery (required to register with Licensing Authorities (b) Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair (c) Private Lotteries e.g. Raffle at a student hall of residence (d) Customer Lotteries e.g. Supermarket holding a hamper raffle
External Lottery Manager	An individual, firm or company appointed by the small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery
Fixed Odds Betting	General betting on tracks,
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events. Categories – See Appendix E
Guidance	Guidance issued by the Gambling Commission dated April 2006.
Human Rights Act 1998 Articles: 1, 6, 8 and 10	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions. Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family life Article 10: - the right to freedom of expression.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events (commonly charity fund raising event, lottery held at a school fete or at a social event such as a dinner dance)
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act (Schedule 7)
Interested Party	Interested parties can make representations about licence applications, or apply for a review of an existing licence. A person who:

	<p>(a) Lives sufficiently close to the premises to be likely affected by the authorised activities.</p> <p>(b) Has business interests that might be affected by the authorised activities.</p> <p>(c) Represents persons in either of the above groups.</p>
Irrelevant Representations	<p>Where other legislation can cover the representation.</p> <p>Demand in premises licensing</p>
Large Lottery	<p>Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries on one calendar year exceed £250.00. This requires an Operating Licence.</p>
Licensed Lottery	<p>Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission.</p> <p>Operating Licences will be required.</p>
Licensing Authority	The London Borough of Brent
Licensing Committee	A committee of 10 to 15 councillors appointed by the Council to represent the Licensing Authority.
Licensing Sub Committee	A sub committee of members appointed from the licensing committee to whom the functions of the licensing committee can be
	delegated under the Act to determine applications.
Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:</p> <p>(a) Identify the promoting society</p> <p>(b) State the name and address of the member of Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and</p> <p>(c) State the date of the draw, or enable the date of the draw to be determined.</p>
Mandatory Condition	<p>Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.</p>

Members Club	A club that must: (a) have a least 24 members (b) be established and conducted „wholly or mainly“ for purposes other than gaming (c) be permanent in nature (d) Not established to make commercial profit controlled by its members equally
Notifications	Notification of temporary and occasional use notices
Non-commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not private gain.
Non Commercial Society/small society lotteries	A society established and conducted: (a) for charitable purposes. (b) for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or (c) for any other non commercial purpose other than that of private gain
Occasional Use Notice	Betting may be permitted on a „track“ without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting – Tracks	Betting that takes place on a track while races are taking place.
Operating Licences	Licence to permit individual and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.

Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Defined as „any place“. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks adult gaming centres and family entertainment centres.
Private Lotteries	<p>3 Types of private Lotteries:</p> <p>(a) Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the</p> <p>Society.</p> <p>(b) Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.</p> <p>(c) Residents" Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	<p><input type="checkbox"/> Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.</p> <p><input type="checkbox"/> The prizes will be determined by the operator before play commences.</p>
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <p>Expects to be constructed</p> <p>Expects to be altered</p> <p>Expects to acquire a right occupy</p>
Racino	Casino located at a racecourse.
Regulations:	Regulations made under the Gambling Act 2005

Relevant Representations	Representations that relate to the Licensing Objectives or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Code of Practice.
Responsible Authorises	<p>Responsible authorises can make representations about licence applications, or apply for review of an existing licence.</p> <p>For the purposes of this Act, the following are responsible authorises in relation to premises:</p> <ul style="list-style-type: none"> (a) The Council Licensing Authority whose area the premises must wholly or mainly be situated; (b) The Gambling Commission; (c) Metropolitan Police (d) London Fire and Emergency Planning Authority, (e) Planning Authority, Brent Council; (f) Environmental Health, Brent Council (g) Brent's Safeguarding Children's Board (h) HM Customs and Excise. <p>N.B. In accordance with the Gambling Commission's guidance for local authorities designates the Brent Safeguarding Children's Board for this purpose.</p>
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> (a) Persons are required to pay to participate in the arrangement In (b) the course of the arrangement, one or more prize are allocated to one or more members of a class; and (c) The prizes are allocated by a process which relies wholly chance.
Skills with Prize	A machine on which the winning of a prize is determined only by the Player's skill and there is no element of chance, e.g. trivia game machine Formula 1 simulators, shooting game Skills Machine are unregulated.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less

	and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Society	The society or any separate branch of such a society, on whose
Statement of Principles	Matters taken into account when considering an applicant's suitability for an application for FEC Permits etc.
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that „wholly or principally“ provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

Vessel; and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races i.e. images generated by computer to resemble races or other events.
Vulnerable	Include people who gamble more than they want to; people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs. For example this may include those persons who are under the influence of alcohol and/or are drunk. persons who are under the influence of alcohol and/or are drunk.
Young Person	An individual who is not a child but who is less than 18 years old.
	<p>Football temporary use notice</p> <p>Family entertainment centre gaming machine permit</p> <p>Club/miners welfare institute: equal chance gaming</p> <p>Club gaming permit</p> <p>Club machine permit</p> <p>Equal chance gaming, on – licensed premises</p> <p>Gaming machines: automatic entitlement, on – licensed premises</p> <p>Licensed premises gaming machine permit</p> <p>Travelling fair gaming machine</p> <p>Prize gaming permit</p> <p>Other prize gaming</p> <p>Ancillary equal chance gaming at travelling fairs</p> <p>Private gaming and betting</p> <p>Non commercial prize gaming</p> <p>Non commercial equal chance gaming</p>

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