



# Brent

## Cabinet

**Tuesday 12 November 2024 at 10.00 am**

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

Please note this will be held as a physical meeting which all Cabinet members will be required to attend in person.

**The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [HERE](#)**

### Membership:

#### Lead Member Councillors:

#### Portfolio

M Butt (Chair)	Leader of the Council & Cabinet Member for Housing, Regeneration, Planning & Growth
M Patel (Vice-Chair)	Deputy Leader and Cabinet Member for Finance & Resources
Donnelly-Jackson	Cabinet Member for Resident Support & Culture
Farah	Cabinet Member for Public Safety & Partnerships
Grahl	Cabinet Member for Children, Young People & Schools
Nerva	Cabinet Member for Community Health & Wellbeing
Rubin	Cabinet Member for Employment, Innovation and Climate Action
Krupa Sheth	Cabinet Member for Environment & Enforcement

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

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## **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 or 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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<b>1 Apologies for Absence</b>	
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<b>2 Declarations of Interest</b>	
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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.

<b>3 Minutes of the Previous Meeting</b>	1 - 14
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To approve the minutes of the previous meeting held on Monday 14 October 2024 as a correct record.

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

<b>5 Petitions (if any)</b>	
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To consider any petitions for which notice has been received in accordance with Standing Order 66.

Members are asked to note that the following petition is due to be presented at the meeting:

**Keep Pavements free of clutter- including dockless bikes**

<b>6 Reference of item considered by Scrutiny Committees (if any)</b>	
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To consider any items referred by either the Community Wellbeing or Resources & Public Realm Scrutiny Committees.

## Finance & Resources reports

<b>7 Draft Budget 2025/26</b>	15 - 150
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The purpose of this report is to set out the Council's budget proposals for 2025/26. It also provides a general update on the Council's overall financial position, including an overview of the current economic outlook.

**Ward Affected:**                      **Lead Member:** Deputy Leader and Cabinet

All Wards Member for Finance & Resources (Councillor Mili Patel)  
**Contact Officer:** Ravinder Jassar, Deputy Director of Finance  
Tel: 0208 937 1487  
[ravinder.jassar@brent.gov.uk](mailto:ravinder.jassar@brent.gov.uk)

### Law & Governance reports

#### 8 Complaints Annual Report 2023-24 151 - 244

This annual report sets out complaints performance in Brent Council for the period 1 April 2023 to 31 March 2024 and focuses on the nature of complaints and the learning they provide to inform Brent's future approach to service improvement.

**Ward Affected:** All Wards  
**Lead Member:** Deputy Leader and Cabinet Member for Finance & Resources (Councillor Mili Patel)  
**Contact Officer:** Martin Stollery, Interim Complaints and Casework Manager (job share)  
Tel: 0208 937 1029  
[martin.stollery@brent.gov.uk](mailto:martin.stollery@brent.gov.uk)

### Children and Young People reports

#### 9 Refresh of School Place Planning Strategy 2024-2028 245 - 300

This report provides Cabinet with a refresh of the School Place Planning Strategy 2024-2028, approved by Cabinet in October 2023.

**Ward Affected:** All Wards  
**Lead Member:** Cabinet Member for Children, Young People & Schools (Councillor Gwen Grahl)  
**Contact Officer:** Shirley Parks, Director - Education Partnerships and Strategy  
Tel: 020 8937 4529  
[Shirley.Parks@brent.gov.uk](mailto:Shirley.Parks@brent.gov.uk)

### Neighbourhood & Regeneration reports

#### 10 Statement of Licensing Policy 301 - 386

The council in its role as a Licensing Authority under the Licensing Act 2003 has a duty to determine, publish and keep under review its Statement of Licensing Policy ('Policy') which covers a five-year period but can be replaced at any time during that five-year period. The current Policy is due to expire on the 5 January 2025 and this report therefore presents the outcome of the review and proposed new Licensing Policy for comment, prior to referral to Full Council for formal adoption.

Members are asked to note that this item includes reference to the following two documents as background papers:

- Licensing Policy Consultation responses
- Equality Assessment

These documents have been published as a separate supplementary pack to accompany the main Cabinet agenda.

**Ward Affected:** All Wards  
**Lead Member:** Cabinet Member for Environment & Enforcement (Councillor Krupa Sheth)  
**Contact Officer:** Anu Prashar, Senior Regulatory Service Manager  
Tel: 020 8937 5515  
[anu.prashar@brent.gov.uk](mailto:anu.prashar@brent.gov.uk)

## 11 Statement of Gambling Principles

387 - 498

The Gambling Act 2005 was fully implemented during 2007 creating a system of licensing and regulation for commercial gambling. It requires the council to prepare and publish a Statement of Principles for each successive period of three years, which outlines the principles to be applied in exercising our functions as the Licensing Authority under the Act. Statutory consultation must take place prior to the Statement of Principles being determined by Full Council.

The Statement of Principles was comprehensively reviewed last year, but to bring the policy in line with the Gambling Commission review timetable this report sets out the outcome of a further review and proposed amendments identified as a result for comment prior to referral to Full Council for formal adoption with the current Gambling Act 2005 Statement of Principles due to expire on the 31 January 2025.

Members are asked to note that this item includes reference to the following two documents as background papers:

- Gambling Statement Consultation responses
- Equality Assessment

These documents have been published as a separate supplementary pack to accompany the main Cabinet agenda.

**Ward Affected:** All Wards  
**Lead Member:** Cabinet Member for Environment & Enforcement (Councillor Krupa Sheth)  
**Contact Officer:** Anu Prashar, Senior Regulatory Service Manager  
Tel: 020 8937 5515

**12 Staples Corner Growth Area Masterplan and Design Code Supplementary Planning Document** 499 - 596

Cabinet (28 May 2024) approved the draft Staples Corner Growth Area Masterplan and Design Code Supplementary Planning Document (SCGA Masterplan SPD) for publication and statutory consultation. This report sets out the consultation feedback, officer consideration and recommended changes to the document and seeks final approval of the Staples Corner Growth Area Masterplan and Design Code Supplementary Planning Document for adoption.

(Members are asked to note that the agenda was republished to include this report on 7 November 2024)

**Ward Affected:** Dollis Hill  
**Lead Member:** Leader & Cabinet Member for Housing, Regeneration, Planning & Growth  
**Contact Officer:** Kiran Chauhan, Regeneration Project Manager  
Tel: 020 8937 4779  
[kiran.chauhan@brent.gov.uk](mailto:kiran.chauhan@brent.gov.uk)

**13 Authority to invite tenders for the provision of Street Lighting Maintenance Services** 597 - 606

This report concerns the procurement of Street Lighting services for maintenance and schemes and seeks approval to invite tenders in respect of a contract for the provision of street lighting maintenance services.

**Ward Affected:** All Wards  
**Lead Member:** Cabinet Member for Environment & Enforcement (Councillor Krupa Sheth)  
**Contact Officer:** Tony Kennedy, Head of Highways and Infrastructure  
Tel: 020 8937 5151  
[tony.kennedy@brent.gov.uk](mailto:tony.kennedy@brent.gov.uk)

**14 Authority to Invite Tenders in Respect of Appointing Charging Point Operator(s) to Supply, Install, Operate and Maintain Electric Vehicle Charging Points on Behalf of Brent in Relation to the Local Electric Vehicle Infrastructure (LEVI) Funding** 607 - 622

This report outlines proposals to expand electric vehicle charging provision in Brent including a funding opportunity to further expand the charge point network in the borough. The Council, as part of a six strong London boroughs partnership, is seeking to invite tenders in respect of appointing a Charge Point Operator(s) to supply, install, operate and maintain up to 2,723 additional electric vehicle charge points in Brent.

The report seeks approval for the acceptance of Office for Zero Emission Vehicles funding and to enter a tender process as part of a borough partnership.

**Ward Affected:** All Wards  
**Lead Member:** Cabinet Member for Environment & Enforcement (Councillor Krupa Sheth)  
**Contact Officer:** Annekatrin Dennemann, Principal Transport Planner  
Tel: 020 8937 3553  
[Annekatrin.Dennemann@brent.gov.uk](mailto:Annekatrin.Dennemann@brent.gov.uk)

## Community Health & Wellbeing reports

### 15 Authority to Award the contract for the provision of Integrated Treatment, Recovery Wellbeing and Substance Misuse Service 623 - 630

This report concerns the delivery of the Integrated Treatment Recovery Wellbeing and Substance Misuse Service, outlining the current position with regard to delivery of services and sets out proposals for the re-procurement of a contract for the Integrated Treatment Recovery Wellbeing and Substance Misuse Service using the Provider Selection Regime.

**Ward Affected:** All Wards  
**Lead Member:** Cabinet Member for Community Health & Wellbeing (Councillor Neil Nerva)  
**Contact Officer:** Andy Brown, Head of Substance Misuse, Public Health  
Tel: 0208 937 6342  
[andy.brown@brent.gov.uk](mailto:andy.brown@brent.gov.uk)

### 16 Authority to tender for the provision of care and support at LD Supported Living sites 631 - 644

This report concerns the procurement of care and support for six supported living schemes and seeks approval to invite tenders for care and support at the following six Supported living sites - 57 Preston Road, 36 Woodhill Crescent, 54 Beechcroft Gardens, 63 Manor Drive, 115 Gladstone Park Gardens and 18 Ruby Street.

**Ward Affected:** Dollis Hill;  
Preston;  
Stonebridge;  
Wembley  
Central  
**Lead Member:** Cabinet Member for Community Health & Wellbeing (Councillor Neil Nerva)  
**Contact Officer:** Jacqueline Casson, Interim Supplier Relationship Manager  
Tel: 020 8937 2024  
[Jacqueline.casson1@brent.gov.uk](mailto:Jacqueline.casson1@brent.gov.uk)

### 17 Exclusion of Press and Public

No items have been identified in advance of the meeting that will require

the exclusion of the press and public.

## 18 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Deputy Director Democratic Services or their representative before the meeting in accordance with Standing Order 60.

**Date of the next meeting: Monday 9 December 2024**



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

- The meeting room is accessible by lift and seats will be provided for members of the public. Alternatively, it will be possible to follow proceedings via the live webcast [HERE](#)





## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET

Held in the Conference Hall, Brent Civic Centre on Monday 14 October 2024 at 10.00 am

PRESENT: Councillor Mili Patel (Vice-Chair in the Chair) and Councillors Donnelly-Jackson, Farah, Grahl, Nerva, Rubin, Krupa Sheth and Tatler.

Also present: Councillor Molloy

#### 1. **Apologies for Absence**

Apologies for absence were received from Councillor Muhammed Butt (Leader of Council and Cabinet Member for Housing) with Councillor Mili Patel (as Deputy Leader and Cabinet Member for Finance & Resources) chairing the meeting.

#### 2. **Declarations of Interest**

No declarations of interest were made during the meeting.

#### 3. **Minutes of the Previous Meeting**

Cabinet **RESOLVED** that the minutes of the previous meeting held on Monday 9 September 2024 be approved as a correct.

Kim Wright (Chief Executive) advised members that for clarity Councillor Muhammed Butt had advised of a retrospective interest to be recorded in the minutes from the 9 September 24 Cabinet meeting in relation to Minute 5: Presentation of the petition on the impact of event days hosted at Wembley Stadium. This was a personal interest as a recipient of tickets he had accepted for events at the stadium, which it was confirmed had also been declared on his register of gifts and hospitality.

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

None.

#### 5. **Petitions (if any)**

No petitions were submitted for consideration at the meeting.

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

There were no references from the Community & Wellbeing or Resources & Public Realm Scrutiny Committees submitted for consideration at the meeting.

#### 7. **Quarter 2 Financial Forecast 2024/25**

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance & Resources) introduced a report which set out the financial forecast for the General Fund revenue budget, the Housing Revenue Account, the Dedicated Schools Grant and the Capital Programme as at Quarter 2 2024-25.

In introducing the report, Councillor Mili Patel highlighted that despite the considerable efforts to maintain financial control, the operating environment and wider economic context faced by the Council remained volatile. Since 2010, members were reminded that the Council had lost at least £210m from its core budget with the impact having been felt by everyone who lived and worked in the borough. During the same period the number of Council employees had also reduced by at least 50%. Whilst recognising the efforts made to innovate, identify efficiencies and generate income members were advised these measures alone would no longer be sufficient over the longer term. Since the Q1 forecast had been presented to Cabinet in July 2024 the Council's financial position had worsened with the need (during 2025-26) to identify £16.5m of cuts in order for the Council to be able to continue standing still, with the challenging nature of the additional cuts identified fully acknowledged for residents, staff and members alike. Without intervention, members were advised the risk of being able to move back to financial sustainability would become more difficult with a fundamental adjustment therefore required in the functions undertaken by the Council and way services were delivered enabling a focus to remain on the most vital and key statutory functions.

In highlighting how local authorities such as Brent had become the government's emergency provider of last resort delivering more services than ever before and picking up the challenges and costs in relation to areas such as adult social care and the housing crisis, the way in which the financial burden had also been shifted on to residents was also recognised with pressures remaining particularly acute in relation to Children's and Adult social care packages, and costs associated with the provision of temporary accommodation.

Whilst the government had now changed and the outcome of the Autumn budget was awaited, the challenges and pressures facing the Council remained the same and, it was felt would require a fundamental shift in approach to address. Given the opportunity members were, however, assured that the Council stood ready to renew and rebuild public services whilst also continuing to lobby for the reforms to local government finance needed and working hard to continue protecting and safeguarding residents.

In considering the report, Cabinet noted the extent of the significant challenges identified in seeking to manage demand and address the pressures identified, with members welcoming the transparent nature of the report in seeking to ensure the public and other key stakeholders remained informed and engaged. Whilst recognising the financial position inherited by the new government, members remained mindful of the significant financial boost and change in approach that would be required within the Autumn budget in order to safeguard key frontline service with members, in the meantime, committed to continue working with their relevant Corporate Directors to ensure the monitoring and management of budgets in each service area.

As an initial package of continued support members also took the opportunity to welcome the recent announcement of the extension of funding for the Household Support Fund (HSF) for a further period of 12 months (up to 31 March 25). The initial grant allocated had been £2.8m with a second tranche of funding estimated to be approx. £2.3m all of which would continue to be used to support vulnerable residents through the cost-of-living crisis.

Having noted the update provided Cabinet **RESOLVED**:

- (1) To note the new grant funding received in year, the overall financial position and the actions being taken to manage the issues arising as detailed within the Q2 Financial Forecast.
- (2) To note progress on the savings delivery tracker, as detailed in Appendix A of the report.
- (3) To note the prudential indicators for treasury management, as detailed in in Appendix B of the report.
- (4) To approve the virements set out in section 4.7.15 of the report.

#### 8. **Review of working age Council Tax Support Scheme for 2025/26**

Councillor Donnelly Jackson (as Cabinet Member for Resident Support & Culture) introduced a report presenting proposals for changes to the local Council Tax Support (CTS) Scheme that would, subject to approval, become effective from 1<sup>st</sup> April 2025.

In introducing the report, members noted (as initial context) the significant financial challenges faced by the Council and £210m cut from the budget since 2010 with (as had been identified in the previous report) the Council needing to address a budget gap that was projected to reach £30 million by 2027-28 and therefore needing to make informed and responsible decisions that sought to balance the needs of residents with the sustainability of services being provided.

As part of this approach the review of the CTS Schemes, and changes proposed as a result, had not only been designed to deliver an essential financial adjustment but were seen as a necessary evolution to ensure the Council could continue to effectively support its most vulnerable residents whilst promoting a fair contribution from all working-age households which would also have the effect of bringing the scheme closer in line with those offered by other London Boroughs. In seeking to outline the rationale behind the proposed changes members were advised that from a financial perspective the costs of providing Council Tax Support were forecast to increase from £19.9m in 2024/-5 to £21.2m in 2025-26. In order to mitigate against this increase, the proposed changes aimed to reduce the cost of the scheme by £8m, delivering savings of £5m which it was pointed out would directly contribute towards addressing the Council's identified budget gap, ensuring that resources could continue to be allocated effectively to those services relied on by residents. As a further aim, the proposals had also been also designed to simplify non-dependant charges and align the backdating rules with Universal Credit regulations in order to reduce the administrative burden on both residents and staff with the adoption of flat-rate deductions for non-dependants removing the need to verify

income for those individuals, streamlining the application process whilst also reducing administrative costs and making it easier for families to understand their entitlements and responsibilities for payments.

In presenting the proposals for consideration, Cabinet was assured of the Council's continued commitment to supporting its most vulnerable residents with members advised that the proposed changes would also include a £1.5 million hardship fund as a means of ensuring those most in need had access to targeted, transitional assistance and support. Members were also assured that, prior to implementation of any changes, the proposals would be subject to a process of meaningful consultation and engagement with residents and stakeholders in order to allow input and ensure all views were considered in seeking to work collaboratively and develop a scheme that best served local need.

In summary, Councillor Donnelly-Jackson felt that the proposed changes to the Council Tax Support Scheme represented a strategic and necessary step forward with the options outlined in the report having been designed to not only address the Council's current financial challenges, but also to simplify the schemes administration whilst also seeking to promote fairness and ensure support continued to be provided for the most vulnerable.

In considering the report and options outlined, members recognised the challenging nature of the changes outlined but in recognising the context in which they had need to be developed welcomed the detailed and careful nature of the review undertaken into available options.

In taking the opportunity to express support for continued lobbying in seeking to introduce a fairer and more equitable way in which local authorities were funded through the Fair Funding Review Cabinet **RESOLVED** having considered the options available:

- (1) Whilst indicating their support for Option 2, to consultation with residents and key stakeholders including the Greater London Authority on the following options (as detailed in section 2 of the report) - Option 1 (do nothing) and Option 2 (based on the following package of proposals in addition to the technical administrative proposals designed to reduce the costs to the Council's working aged local Council Tax Support (CTS) Scheme) and to implement the final scheme with effect from 1 April 2025:
  - (a) Introduce a standard 35% minimum payment for working age households and apply a percentage reduction to each of the income bands. This would mean all CTS claimants being expected to contribute a minimum of 35% towards their Council Tax liability. Their CTS will then be calculated based on their income and this will determine which income band they fall into. If this proposal was adopted, the cost of the scheme would reduce by £7.6m, with detailed explanations and calculations, number of residents impacted and the proposed weekly reduction in CTS shown in Appendix A of the report.
  - (b) Simplify the non-dependant charges and have just two flat rate non-dependant deductions for most households with other adults living in the property, £8 per week for non-dependants "out of work" and £20 per week for non-dependants "in work". This would remove the need to verify income for non-dependants for

CTS claims and reduce the administration burden. Adopting this proposal would reduce the cost of the scheme by £0.7m, with a detailed explanation and calculations of the proposed non-dependant deduction, number of households affected and proposed weekly reduction in CTS support shown in Appendix B of the report.

### **Proposed Changes - Technical Administrative**

- (2) To align the backdating rules for new CTS claim in line with the Housing Benefit and Universal Credit regulations i.e. for a maximum of one calendar month. The backdating request to be made at the time of submission of new claim. This proposal would reduce the overall cost of the scheme because it would not be required to automatically go back to the beginning of the financial year, as per the current scheme.
- (3) To review the section 13A policy for hardship fund for Council tax.
- (4) To enable the consideration (by Cabinet) of increasing/decreasing the income bands for customers and non-dependant charges depending on the Consumer Pricing Index (CPI) from September of the previous year and DWP uprating of welfare support received in January of the new financial year.
- (5) To amend the CTS scheme to include the Universal Credit notification received from DWP for Council tax, as start date of claim for Council tax reduction if there was entitlement to it.

## **9. Climate and Ecological Emergency Programme 2024-26**

Councillor Rubin (Cabinet Member for Employment, Innovation & Climate Action) introduced a report providing a review of the Council's current 2022-24 Climate Programme and setting out an updated programme for 2024-26.

In presenting the report, Cabinet were advised that Brent's Climate and Ecological Emergency Programme represented one of the most far reaching programmes of activity across the Council with the key aim in seeking to address both the immediate and longer-term challenges in its journey towards carbon neutrality by 2030 and to make Brent one of the greenest, most diverse and climate resilient boroughs in London. In addition to the key themes within the original Climate Strategy the updated programme had also been designed to place greater emphasis, as additional overarching principles, on connecting people with nature, improving Brent's resilience to the impact of climate change as well as building community capacity for climate action. In contributing towards the Council's wider strategic priorities, the programme had also retained a focussed in promoting social justice and economic well-being with households supported in tackling the cost-of-living and local businesses in the promotion of cost effective climate friendly practices. Amongst the new initiatives identified within the programme, members attention was drawn to the Church End & Roundwood Green Corridor Scheme which had included a £3m capital allocation designed to not only enhance green spaces but also improve air quality and biodiversity and address fly tipping and other types of anti-social behaviour. Additionally, further flexibility was being sought in use of the Brent Carbon Offset Fund in order to take advantage of the opportunities to seek external grant funding to support the decarbonisation of

Council housing and the Council's corporate estate. Taken together it was felt the programme would provide a focus not only in progressing the Council's climate ambitions but also in continuing to address key issues of significance for local residents including cleaner air, greener spaces, warmer homes and healthier and more active and sustainable travel options, including expansion of the School Street programme.

In considering the report, members welcomed the ambitious nature of the initiatives included within the programme including the investment in the Church End & Roundwood Green Corridor, along with the progress made in delivery of the programme to date whilst also recognising the ongoing challenge from local activists and stakeholders to move faster in relation to delivery of the targets in relation to carbon neutrality.

Officers were thanked for their efforts in delivery of the current programme and development of the updated set of priorities and initiatives which it was recognised would require ongoing collaboration to deliver, working in partnership with key stakeholders (including local businesses and residents the Mayor for London and London Councils, the health service and Public Health) to deliver meaningful change in seeking to build a greener, cleaner, healthier, prosperous and a fairer borough for all. In concluding, members also took the opportunity to highlight their support for wider initiatives which it was felt would also assist in addressing transport and air quality issues in relation to delivery of the West London Orbital rail network and decarbonisation of the Chiltern Line.

In view of the support expressed Cabinet **RESOLVED**:

- (1) To note the progress made with the current Climate Programme (2022-2024) as summarised in Section 5 of the report and in the Climate Data Dashboard (included as Appendix 2 of the report).
- (2) To agree the proposed overarching priorities and key deliverables to be included in the 2024-2026 Climate Programme, as set out in Section 6 of the report.
- (3) To agree the new Climate Programme 2024-2026, as set out in Appendix 1 of the report.
- (4) To approve a capital budget allocation of £3m to implement the Church End and Roundwood Green Corridors Scheme and approve £3m SCIL funding to offset these costs.
- (5) To agree to an amendment to the current Brent Carbon Offset Fund Allocation Policy to remove the current weighting/proportions (60%/30%/10%) available for council housing, Brent maintained schools and 'Other' respectively, so that the Fund can be used to maximise both the overall funding the council can attract and the outcomes that can be delivered for residents and to meet its climate commitments; and, to delegate authority to the Corporate Director, Partnerships, Housing and Resident Services, in consultation with the Cabinet Member for Employment, Innovation and Climate Action, to continue to have overall responsibility for the oversight and operationalisation of the Policy.

- (6) To note that an updated Brent Climate Adaptation & Resilience Plan, which sits under the Brent Climate Strategy, is proposed to be published later this autumn under delegated authority to the Cabinet Member for Employment, Innovation and Climate Action.

## 10. **Families Homelessness Service Relocation**

As a result of Councillor Muhammed Butt (Leader of the Council and Cabinet Member for Housing) having submitted his apologies for absence Councillor Mili Patel (as Deputy Leader and Cabinet Member for Finance & Resources) introduced a report detailing proposals to relocate the Families Homelessness Service from Brent Civic Centre to the New Millennium Centre and seeking approval for the authority to tender in order to carry out works in order to fit out the designated space at the new location.

In introducing the report, members were advised that the proposals had been developed within the context of the homelessness crisis and to enable the homelessness service to be hosted within the New Millennium Centre as part of a wider and more strategic and holistic community wellbeing programme of support. In recognising the homelessness crisis as the single biggest challenge currently facing the council, the proposals had been designed to reflect a re-imagining of the Council's existing assets with the refurbishment works at the New Millennium Centre providing purpose-built facilities for services and service users requiring housing support. Members noted that the proposals were also aligned with Brent's Homelessness and Rough Sleeping Strategy and new Strategic Change Programme, which included enabling outcome-focused approaches that would support residents through a model of preventative and integrated Brent Council, Voluntary and Community Sector (VCS) and partner services and respond to local need.

In terms of other advantages highlighted, members were advised the new site was located in the south of the borough, where the majority of homelessness demand was focussed, and also located within walking distance of key services such as the Single Homelessness Service, the Crisis Skylight building, and JobCentre Plus in Harlesden. Co-location with wider services, including Brent Hubs, debt and food support was also expected to provide additional support for vulnerable families whilst also providing access to other intervention and support services in relation to mental health, employment and skills that would not only support cost avoidance, but also assist in preventing future rough sleeping and future need for housing and adult social care services. The relocation process had also been designed to support expansion of the Community Wellbeing project (currently being piloted at Bridge Park Leisure Centre) with the new Community Wellbeing Service including additional health provision in the form of access to health professional such as GPs Social Prescribers, Public Health Community Support Officers, and Brent Health Matter leads able to refer residents for closer, more integrated partnership working and wraparound support.

In considering the report, members commended the approach outlined and welcomed the opportunities identified through the proposed relocation in terms of not only offering more holistic wrap around support for vulnerable adults and families and links to Brent Hubs but also in terms of the use of Council assets to

innovate and adapt in seeking to address the challenges faced, working jointly with key stakeholders and local residents.

Having also noted and welcomed the recent appointment of a provider to deliver the expanded Community Wellbeing Service at the New Millennium Centre, Cabinet **RESOLVED:**

- (1) To approve proposals for a relocation of the Families Homelessness Service from the Brent Civic Centre, Wembley to the New Millennium Centre, Roundwood.
- (2) Following (1) above, to approve the inviting of tenders to deliver the works to fit out the designated spaces at the New Millennium Centre on the basis of the evaluation criteria set out in paragraph 3.2.19 of the report.
- (3) To approve officers evaluating the tenders in (2) above on the basis of the evaluation criteria set out in paragraph 3.2.19 of the report.
- (4) To note that the Corporate Director, Partnerships Housing and Resident Services in consultation with the Leader and Cabinet Member for Housing will use powers delegated under the Constitution to award the contract for works to fit out designated spaces at the new Millennium Centre.
- (5) To approve the use of £400k of capital budget to undertake the works.

#### 11. **Corporate Performance Report - Quarter 1 2024-25**

Councillor Rubin (Cabinet Member for Employment, Innovation & Climate Action) introduced a report, which provided Cabinet with an overview of corporate performance in Quarter 1 2024-25.

In presenting the report, Cabinet noted that the performance monitoring update provided a detailed assessment against the full suite of Key Performance Indicators developed to monitor delivery of the desired outcomes and corporate priorities within the new Borough Plan 2023-2027. In terms of a brief overview members attention was drawn to the 49 Borough Plan key indicators included with the performance scorecard of which 20 had been identified as green (on or above target), 4 as amber (just off target) and 12 as red (off target) with 13 included as contextual information.

In recognising the efforts being made to ensure the continued delivery of services and work being undertaken jointly by Cabinet Members with their relevant Corporate Directors, in seeking to manage and mitigate against the financial challenges and strategic risks identified as part of the overall wider approach towards supporting local residents and in support of the priorities within the Borough Plan, Cabinet **RESOLVED:**

- (1) To note the Borough Plan 2024-25 performance reporting for Q1 as set out in section 3 and Appendix A of the report
- (2) To note the current and future strategic risks associated with the information provided and agree the remedial actions on strategic risks identified as



appropriate alongside the challenge on progress being provided with responsible officers as necessary.

## 12. **South Kilburn - Authority to Tender for a Single Delivery Partner**

Councillor Tatler (Cabinet Member for Regeneration, Planning and Growth) introduced a report updating Cabinet on progress with the South Kilburn Regeneration programme and, having outlined the challenges and key issues faced, recommending the appointment of a Single Development Partner (SDP) to deliver the remainder of the programme.

In introducing the report, Cabinet noted the strategic importance of the South Kilburn regeneration programme not only to Brent but also the surrounding local community to whom tribute was paid for their ongoing support and engagement with the Council on delivery of the programme. Whilst the original approach had involved the programme being delivered on a phased basis in line with the Masterplan and the procurement of contractor(s) to deliver each stage of the regeneration programme on a site by site basis the Council was now at the stage in considering the most appropriate route to deliver the remainder of the programme, taking account of various factors including not only viability but also feedback from residents (supported by local ward councillors) on the quality of their experience to date in the way the programme had been delivered. In acknowledging the feedback provided in relation to estate management, communication, build quality, the provision of supporting infrastructure and public realm provision and engagement, the report outlined the process undertaken to review and adapt the approach resulting in the recommendation to move forward with a Single Development Partner rather than to continue delivery on a site-by-site basis. As a result, approval was being sought to commence the process in seeking to secure a Development Partner with who the Council could align its vision and values based on its commitment to the Landlord Promise, delivery of high-quality affordable housing, placemaking, community collaboration alongside wider employment, social and economic regeneration and enter into a longer term partnership. In thanking officers within the South Kilburn Regeneration team for their support, members were assured that the approach outlined had been designed to encourage and attract suitable partners underpinned by appropriate contractual and legal structures to ensure not only the Council's but also local community interests were protected as the process moved forward.

In considering the report, members recognised the importance of the programme as part of the Council's overall approach towards regeneration, housing, sustainability and community development along with the way in which the appointment of a Single Delivery Partner had the potential to ensure a more streamlined approach towards delivery of the Council's strategic goals including those relating to the cleaner and greener priority within the Borough Plan and delivery of the Climate and Ecological Emergency Strategy as well as Brent's Housing Strategy.

In welcoming the focus on feedback from local residents, members were supportive of the approach outlined in terms of the way it had been designed to facilitate a more co-ordinated and holistic approach to the management and maintenance of neighbourhood and delivery of place along with a comprehensive set of social and economic benefits with it noted that this represented the start of the process and

ongoing work in partnership with the Mayor for London and other key partners on delivery of the programme.

Having considered the report Cabinet **RESOLVED**:

- (1) To note the progress update on the South Kilburn Regeneration Programme, the community's experience of regeneration and the key priorities for the remainder of the programme to be integrated into the procurement – (not exclusive list) delivering high quality affordable housing, placemaking, community collaboration, social value.
- (2) To approve the procurement of a Single Delivery Partner for the remainder of the South Kilburn Regeneration Programme through inviting tenders.
- (3) To delegate authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to approve pre-tender considerations as set out in Contract Standing Order 89 in respect of the procurement of a Single Delivery Partner, to include selection of the most appropriate procurement process to be used.
- (4) To approve officers evaluating tenders on the basis of the pre-tender considerations referred to in (3) above.
- (5) To note that consultants required for the procurement of the Single Delivery Partner, to include commercial advisers, lawyers, planning consultants and design consultants will be procured using powers delegated to officers under the Constitution.
- (6) To delegate authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to negotiate all the relevant aspects of all legal and commercial agreements leading to the appointment of the preferred Single Delivery Partner.
- (7) To note officers will seek Cabinet approval to award the contract to the preferred bidder following the conclusion of the procurement exercise to appoint a Single Delivery Partner.
- (8) To delegate authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to seek the approval of the Secretary of State to serve the required Initial and Final Demolition Notices on the secure tenants at the sites which are to be redeveloped.
- (9) To authorise the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to consult with secure tenants regarding the application to the Secretary of State to apply to obtain vacant possession of the properties occupied by the secure tenants at the sites to be developed pursuant to Ground 10/10A of Schedule 2 of the Housing Act 1985.

- (10) To authorise the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet member for Regeneration Planning and Growth to seek the approval of the Secretary of State for the redevelopment of the sites under Ground 10/10A of Schedule 2 of the Housing Act 1985 and for the use of compulsory purchase powers pursuant to section 226 (1) of the Town and Country Planning Act 1990 and Section 17 of the Housing Act 1985 to obtain vacant possession of the Sites in order to redevelop and/or demolish them.
- (11) To authorise the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to negotiate and agree buyback terms with leaseholders affected by the regeneration scheme and where appropriate, negotiate and agree compensation with the secure tenants who are required to relocate.
- (12) To authorise the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to make an application to the Secretary of State to seek consent under section 19 of the Housing Act 1985 to appropriate any part of the sites including any part consisting of a house or part of a house so that the site is no longer held for the purposes of Part II of the Housing Act 1985.
- (13) To authorise the Corporate Director, Neighbourhoods and Regeneration in consultation with the Leader of the Council and Cabinet Member for Regeneration Planning and Growth to consult with those with third party rights over the sites to be redeveloped and, thereafter, after considering representations made by third parties to appropriate the sites for planning purposes.

### 13. **Local Authority Housing Fund Round 3**

Councillor Tatler (Cabinet Member for Regeneration, Planning and Growth) introduced a report seeking approval to the implementation of a memorandum of understanding between the Ministry of Housing, Communities and Local Government (MHCLG) and the Council in order to deliver up to 42 homes for temporary accommodation and refugee resettlement and relocation schemes through Round 3 of the Local Authority Housing Fund.

In presenting the report, Cabinet recognised that whilst emergency and temporary accommodation could never be a long-term solution to tackling the homelessness crisis it remained one of the fundamental issues needing to be addressed in order to support residents in housing need move across housing types and tenures as their circumstances changed and in acting as an initial safety net. Whilst highlighting the efforts being made in Brent to reduce the number of residents being placed in Temporary Accommodation (TA), the limited supply and high cost involved in continuing to source good quality TA to address the ongoing level of demand continued to threaten the financial stability of not only Brent but local authorities across London. Although recognising the need for a longer-term solution, the Council was working hard to increase its supply of TA to enable residents to be moved out of the most expensive emergency provision in B&B and

hotels in order to reduce the financial pressures being experienced whilst also seeking to improve the quality of life for those residents in need of support.

As part of this approach and the Council's close working arrangement with the new government, the report presented an opportunity available to utilise external grant funding of £10.5m being made available through the Local Authority Housing Fund (LAHF) to move at pace in seeking to tackle the crisis in supply of affordable housing. In noting this would also require a capital match funding contribution to be provided by the Council, it was felt this demonstrated what could be achieved by the Council in seeking to address the housing crisis, when empowered with the necessary resources given the funding provided would be used to purchase 42 street level properties for Temporary Accommodation and resettlement purposes.

Whilst noting this would represent a small start in relation to addressing the overall numbers of households currently placed in TA and on the housing needs waiting list members were keen to welcome the opportunity provided to support the Council in seeking to increase the supply of affordable housing as a means of tackling homelessness, alleviating costs associated with the use of Temporary Accommodation (TA) and supporting the refuges and resettlement programme. Members were also keen to recognise the impact on those residents in housing need who it would be possible to support as a result, with 22 of the properties to be sourced being above 3-bed in size, recognising the acute demand for larger family sized accommodation.

On this basis and in support of the approach outlined within the report Cabinet **RESOLVED:**

- (1) To approve the proposed acquisition of up to 42 properties using the allocated Local Authority Housing Fund.
- (2) To approve the capital budget of £25,803,000 as set out in section 6.1 of the report to supplement the grant and cover the acquisition programme.
- (3) To delegate to the Director of Property and Assets the authority to agree the terms of any legal documents and enter into contracts to acquire an interest in the properties so as to give effect to this decision.

#### 14. **Exclusion of Press and Public**

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

#### 15. **Any other urgent business**

There were no items of urgent business.


Prior to ending the meeting, Councillor Mili Patel (as Deputy Leader) took the opportunity to advise members this would be Councillor Tatler's final Cabinet meeting following her decision to step down as Cabinet Member for Regeneration, Planning and Growth with effect from the start of November to take up a new role with the Local Government Association. Cabinet, in congratulating Councillor Tatler on her new appointment, also thanked her for the programme of regeneration delivered during her time serving Brent as a Cabinet Member. In thanking

members she had served with during her time on the Cabinet, with particular reference to the professional and personal support provided by Councillor Muhammed Butt as Leader of the Council, Councillor Tatler was also keen to recognise the support received from officers (particularly acknowledging Alice Lester) for their role in assisting to transform the delivery of regeneration and planning activity across Brent and associated impact in relation to the continued provision of social and affordable housing and wider community benefit through NCIL. Councillor Tatler ended by once again thanking all members for their support and advising that she looked forward to continuing to support the work being undertaken by the Council in her new role as well as local residents in her ongoing representational role as local ward councillor for Kingsbury

The meeting ended at 10.45 am

COUNCILLOR MILI PATEL  
Vice Chair in the Chair

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 <p style="font-size: 24pt; font-weight: bold; margin-top: 10px;">Brent</p>	<p style="font-weight: bold; margin: 0;">Cabinet</p> <p style="margin: 0;">12 November 2024</p>
	<p style="font-weight: bold; margin: 0;">Report from the Corporate Director, Finance and Resources</p>
	<p style="font-weight: bold; margin: 0;">Lead Member - Deputy Leader and Cabinet Member for Finance &amp; Resources (Councillor Mili Patel)</p>
<p style="font-weight: bold; margin: 0;">Draft Budget 2025/26</p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Two: Appendix A: Summary of new budget proposals for 2025/26 Appendix B: Detailed budget templates for new budget proposals for 2025/26
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Minesh Patel Corporate Director, Finance and Resources Tel: 020 8937 4043 Email: <a href="mailto:minesh.patel@brent.gov.uk">minesh.patel@brent.gov.uk</a></p> <p>Rav Jassar, Deputy Director, Corporate &amp; Financial Planning Tel: 020 8937 1487 Email: <a href="mailto:ravinder.jassar@brent.gov.uk">ravinder.jassar@brent.gov.uk</a></p> <p>Amanda Healy, Deputy Director, Investment and Infrastructure Tel: 020 8937 5912 Email: <a href="mailto:amanda.healy@brent.gov.uk">amanda.healy@brent.gov.uk</a></p>

## 1.0 Executive Summary

- 1.1 The purpose of this report is to set out the Council’s budget proposals for 2025/26. It also provides a general update on the Council’s overall financial position, including an overview of the current economic outlook.

1.2 This report will set out:

- The National and Local economic context
- Government funding outlook
- Local funding outlook for Council Tax and Business Rates
- Budget requirement and new savings proposals
- Overall financial position for the Housing Revenue Account, the Dedicated Schools Grant and the Capital Programme

## **2.0 Recommendations**

2.1 That Cabinet notes the overall financial position.

2.2 That Cabinet agrees to consult on the new budget proposals, as set out in Appendices A and B.

2.3 That Cabinet agrees to consult on a Council Tax increase of 4.99% (consisting of a 2.99% general increase plus 2% for the Adult Social Care Precept) in 2025/26.

2.4 That Cabinet endorses the approach to the statutory process of consultation, scrutiny and equalities between November 2024 and February 2025, as set out in section ten of this report.

2.5 That Cabinet endorses the changes to the technical budget assumptions underpinning the budget, as set out in section six and seven of this report.

2.6 That Cabinet notes the position with regard to the funding for Schools and the Dedicated Schools Grant, as set out in section eleven of this report.

2.7 That Cabinet notes the position with regard to the Housing Revenue Account, as set out in section twelve of this report.

2.8 That Cabinet notes the position with regard to the Capital programme, as set out in section thirteen of this report.

## **3.0 Cabinet Member Foreword**

3.1 This report sets out the Council's draft budget for 2025/26.

3.2 As usual, it is the cumulative product of thousands of hours of officer and member time, which will soon be bolstered by a series of statutory processes of scrutiny, consultation with residents and members, businesses, and other key stakeholders.

3.3 This report is also part of our longstanding commitment for transparency around our budget: joining our externally audited accounts, the budget scrutiny process, public consultation, and the ongoing work of the Members of the Audit & Standards Advisory Committee.



- 3.4 While our financial monitoring is robust and an area of pride to this council, the picture that these reports paint is much more sobering. If central government is the body entrusted to preserve the health and condition of the nation, it is local government that is left to deliver it. Since 2010, Brent Council has made at least £222m of cuts and the impact continues to be felt by everyone that lives and works in this borough. In the same period, our core funding from central government has decreased by 78%.
- 3.5 We have made it clear at each Council Tax setting budget meeting, this has meant that the funding burden for Brent Council has been derived principally from Council Tax, Business Rates and Fees and Charges. In other words – local Brent residents.
- 3.6 In this period, the number of council employees has also reduced by at least 50%, shifting more work onto fewer people. As a council, we have innovated, we have identified efficiencies and we've continued to generate more income than ever before. While these measures have made a positive contribution to the Council's financial position, these levers will not be enough to support the Council in the future.
- 3.7 Since the Medium Term Financial strategy report was presented to Cabinet earlier this year, the financial position of the Council continues to worsen. Looking forward to 2025/26 officers and members will now be asked to identify a staggering £16m in savings and operational efficiencies if this council is to continue standing still as we are today. There is no doubt, these cuts will be challenging for residents and for officers and members alike.
- 3.8 Sadly, we are not alone in this position. By February 2024, an unprecedented 19 councils had applied to the previous Government for Exceptional Financial Support (EFS) to help meet their legal duty to balance the books in 2024/25. The Local Government Association published a stark new report in October warning that 1 in 4 councils is likely to need emergency government support to stave off financial bankruptcy over the next two years. The picture across the board, from councils of all political colours, is deeply concerning.
- 3.9 Local authorities like Brent have become the government's emergency provider of last resort, delivering more services than ever, patching over political paralysis; from adult social care reform to the housing crisis; it is local government left picking up the price. It is increasingly difficult to explain to residents that their Council Tax is paying not just for their bins; but for looked after children, easing the adult social care crisis, and resolving the homelessness emergency.
- 3.10 As shown in our financial reports earlier this year, the common thread across them is the enormous pressure our Housing teams are under. Over 150 families per week are presenting at the Civic Centre as homeless, and with over 34,000 households registered on the housing wait list, it is no surprise that this report projects a further £15m overspend on Temporary Accommodation. The housing crisis did not begin in the council – and while we welcome the measures announced by the Chancellor of a £233m uplift for

the sector for homelessness prevention in 2025/26, it is expected to have limited impact for Brent or address the wider housing emergency.

- 3.11 We continue to develop a housing pipeline, with an outstanding build record through the New Council Homes Programme placing us as the second highest builder of any London borough for over a decade. But while markets adjust and we await the distribution of much-needed new funding, construction costs place those schemes in paralysis.
- 3.12 We now find ourselves with a different government than we had at the time of dispatch of our previous budget report. The Chancellor's Autumn Statement outlined a set of measures aimed at fixing the foundations of the economy and delivering desperately needed change for public services, but the impact of the most austere period in decades will take a generation to put right.
- 3.13 The savings recommendations set out in this report are the aggregate of choices we wish we didn't have to make. But this administration's priority has been, and always will be, to protect our residents across this borough, and to ensure that there is a safety net for our most vulnerable. We welcomed, in particular, the Chancellor's confirmation of an extension to the Household Support Fund, which will provide local authorities with a further £1bn in vital welfare support.
- 3.14 Through this, Brent's Resident Support Fund will continue to put an arm around those residents at greatest risk of deprivation during the cost-of-living crisis. To date, among other measures, we have been able to ensure residents are provided with food and energy support via our Brent Hubs; issuing vouchers to residents in need of urgent food and fuel support, and making referrals to food aid agencies and support schemes for utility costs.
- 3.15 Further details on the funding announcements set out by the Chancellor are still to follow in this year's Local Government Finance Settlement (LGFS), expected mid-December. A long-awaited commitment to multi-year funding settlements and an end to wasteful competitive bidding will place Brent in a far more robust position in years to come, allowing for longer-term projections and decisions to strengthen our financial resilience.
- 3.16 In the meantime, Brent will continue to take the tough decisions to deliver a balanced budget and support frontline services, standing ready to rebuild and renew when the window of opportunity allows us to do so. For now, officers and members will continue working hand in hand to protect our residents – breathing life into the services we offer and the change we can make today.

#### **4.0 Background**

- 4.1 This report renews the Medium Term Financial Strategy (MTFS), which is the Council's overarching financial planning document. The MTFS contains forecasts for the financial position of the Council's General Fund revenue budget, as well as providing a framework within which financial planning is

undertaken for the Housing Revenue Account, the Dedicated Schools Grant and the Capital Programme.

- 4.2 The report also outlines how the MTFs will aim to provide a framework to invest in broader ambitions and long-term priorities such as the Borough Plan, the cost-of-living crisis and other future steps to ensure the Council continues to operate in a financially sustainable and resilient way as well as supporting residents in need.
- 4.3 Local government is facing the most challenging financial environment for many decades. Many councils are overspending and depleting their reserves, most are experiencing the adverse effects of a prolonged period of high inflation, high interest rates and significant increases in demand due to demographic changes.
- 4.4 The report outlines the approach being taken to address the budget gap expected to result from demographic and inflationary pressures. It should be recognised, however, that it is extremely difficult to make a full, definitive and comprehensive assessment of the potential financial impacts. The figures in this report are based upon best estimates and forecasts, which will be subject to change. The significance of the financial challenge cannot be underestimated; however, the measures outlined in this report aim to ensure that the Council continues to operate in a financially sustainable and resilient way.
- 4.5 As reported to Cabinet in July 2024, the budget gap between 2025/26 and 2027/28 is estimated at £30m, with £16m of this falling in 2025/26, which is the central case based on current budget assumptions and scenario modelling. The accuracy of this is probably at best +/- 20%, and wider variations are entirely plausible. The actual figure required will not be known until a longer term Spending Review for Local Government is announced.
- 4.6 The Council has therefore now brought forward a series of new proposals totalling £9.4m (£4.4m of savings proposals from services and £5m resulting from changes to Council Tax Support), which, if approved following consultation and scrutiny, would be implemented in 2025/26. A further £6.5m of operating efficiencies have been included in the draft 2025/26 budget, enabling the £16m identified gap to be filled. These new proposals, and the updates to budget assumptions set out in this report, will enable the Council to set a balanced budget for 2025/26. The £4.4m of new savings proposals for 2025/26 are summarised in Appendix A and full details of each of the proposals are set out in Appendix B. The Council Tax Support proposals were presented to Cabinet on 14 October 2024.
- 4.7 There remains significant uncertainty over local government funding in the medium term given the change in government and the absence of longer term spending review. The recent spate of Council's requesting exceptional financial support, indicating that local authorities cannot set balanced budgets, show the widespread issues facing the sector from significant demand pressures and increased cost of services.

4.8 The new savings proposals are designed to limit, as far as possible, service reductions and the impact on front line services particularly during these challenging times. This does not mean that delivering these planned savings, if approved, will be managerially straightforward, or that front-line services will be entirely unaffected, or that they can be achieved without staffing reductions.

4.9 In summary, the key features of the 2025/26 budget are:

- A Council Tax increase of 4.99% (consisting of a 2.99% general increase plus 2% for the Adult Social Care Precept), making a Band D Council Tax of £1,642.77 (for the Brent element). The GLA precept is unknown at this stage and is subject to their own decision making and consultation processes.
- Changes to the Council Tax Support scheme from April 2025, to be consulted on and reported to Cabinet separately, which will generate additional Council Tax income of £5m from 2025/26.
- New budget savings proposals of £4.4m to be delivered in 2025/26, as set out in Appendices A and B. This is on top of the £4.4m of savings for 2025/26 agreed by Council in February 2024.

## **5.0 Strategic Financial Overview**

### ***Financial Context***

5.1 In February 2024, Council agreed the budget for 2024/25, which included £8.0m of savings, profiled £3.6m in 2024/25 and £4.4m in 2025/26. In July 2024, Cabinet received an update to the MTFs and as a result of demand and inflationary pressures a budget gap of £16m was identified for 2025/26. These savings will be in addition to the £222m removed from the Council's budget since 2010, inclusive of the £4.4m already agreed for 2025/26. This is a result of significant reductions in government funding and the challenges posed by new legislation, at a time when demand for key services has been rising.

5.2 In October 2024, Cabinet received the Quarter 2 forecast position for 2024/25, which set out significant in year pressures within the Housing Service, which have continued from 2023/24. High levels of demand due to a rise in homelessness and reduction in supply of suitable accommodation are expected to result in an overspend of £15m. An additional pressure of £5m in supported exempt accommodation has been identified, while mitigating underspends in other services totalling £6m have reduced the overall overspend to £14m.

5.3 The specific cause of the homelessness overspend is an increased number of people presenting themselves as homeless which has necessitated the use of higher cost emergency accommodation which is not fully covered by housing benefit subsidy from the Department of Work & Pensions. There is an action plan with multiple workstreams to address the supply issues which mitigate some of the costs of housing the increased number of homelessness cases.

- 5.4 However, this pressure has not been reduced since 2023/24, despite actions already undertaken and as such growth has been built into the budget on the assumption that this will be an ongoing pressure, with demand management continuing in order to reduce costs. If this pressure cannot be reduced, it will have a consequential impact on the rest of the Council's service budgets. Delivery of the action plan and its impact on the overspend will be kept under constant review and reported to Cabinet in future forecast and budget reports.
- 5.5 A number of immediate and medium term actions are being taken to mitigate these pressures in order to maintain financial control over the current budget position, this includes taking a Council wide approach. The Council has implemented a Budget Assurance Panel to provide additional oversight and scrutiny of its financial position, including in-year budget pressures and issues, mitigating actions and the delivery of agreed savings. Actions need to focus on reducing or eliminating the reported overspend in the short-term, improving forecasting techniques for quantifying anticipated demographic and inflationary growth in the medium-term and addressing longer term issues by increasing supply, shaping market prices, managing demand side issues and investing in prevention measures as a means to avoid later high cost intervention.
- 5.6 In addition, the Council has introduced a number of spending controls, including a new requirement for services to deliver upto £10m of in year savings to provide more assurance over the Council's spending decisions and reduce the risk that the budget position deteriorates further. These measures include proactive vacancy management, directorate led targeted non-essential spending controls including agency and interim spend, alongside department led management action plans reflecting other actions being undertaken. Identifying and delivering this level of additional savings will be a significant challenge for the Council's services during the coming months, but this is considered to be a necessary step to ensure that the Council's budget can be returned to a sustainable position. The Q2 forecast report reflects where departments are in the identification and delivery of these new in year savings targets.
- 5.7 These measures, including the financial position in the round, will be closely monitored during the year to understand the impact on the Council's budget over the medium term.

### ***Economic Environment***

- 5.8 Forecasts for growth in GDP for the UK in 2025, vary from 0.8% to 1.6%, with a median of 1.3%. This is slightly higher than is currently forecast for 2024 (median forecast growth 1.0%), but is unlikely to be sufficient to significantly help many of those people still suffering from the cost of living crisis.
- 5.9 Forecasts for CPI inflation in 2025 vary between 1.5% and 3.3%, with a median of 2.1%. Given that the latest figure for CPI inflation is 1.7% (for September 2024) this suggests that inflation will increase from its current level.

This increased inflation is expected to start in the last quarter of 2024 due to increases in energy prices. Given that the government normally increases grants for local authorities based on the September CPI figure this presents a risk that costs increase faster in 2024/25 than the council's grant income does.

- 5.10 One of the areas of greatest uncertainty for 2025 is the forecast increase or reduction in employment, range from 0.6% reduction in employment, to a 1.2% increase in employment, with a median of a 0.6% increase in employment. At the same time, the forecast increase in wages varies between 2.6% and 4.3%, with median of 3.6%. On the median forecasts wages would grow faster than CPI inflation. This suggests that the income gap between those in employment and those out of employment will continue to grow in 2025.

## **Government Fiscal Events**

### ***Autumn Budget 30 October 2024***

- 5.11 The Chancellor of the Exchequer, Rachel Reeves MP, delivered her first Budget on 30th October 2024. This announcement outlined a set of measures aimed at fixing the foundations of the economy and delivering change. Alongside this fiscal event, the Office for Budget Responsibility (OBR) published its updated economic and fiscal outlook.
- 5.12 Based on the analysis that has been able to be undertaken since the announcement, the following sections set out our understanding of the changes to local government funding. Full details will be confirmed in the Provisional Local Government Finance Settlement (PLGFS) in December.
- Core Spending Power (CSP) for local authorities, which is a measure of the core funding available for councils including a rise in council tax, is estimated to increase by 3.2% in real-terms.
  - There was no explicit mention of Council tax principles in the Budget, however civil servants have indicated these are likely to remain unchanged at 2.99% main rate and 2.0% ASCP.
  - These announcements are in line with the assumptions that have been made in this Draft Budget.
  - Social care grant funding will increase by £600m in 2025/26 - with detailed on allocations to be confirmed.
  - Homelessness funding will increase by £233m in 2025-26, with detail on allocations to be confirmed.
  - £1bn was set out for the Household Support Fund and Discretionary Housing Payments to continue in 2025/26.
  - While these grants are welcome, they are ring fenced in nature and therefore do not reduce the budget gap in 2025/26 or the budget proposals set out in this report.
  - Local authorities will be compensated for proposed changes to Business rates multipliers and reliefs. The increase to the standard multiplier and the reduction of the Retail Hospitality & Leisure (RHL) relief both create risks that businesses will have difficulties paying their business rates,

which could result in business closures. However, making the RHL relief permanent will bring some certainty for businesses in that sector.

- Local authorities to receive £1.1bn of new funding in 2025/26 through the implementation of the Extended Producer Responsibility Scheme to improve recycling outcomes. The precise amounts and mechanism are to be confirmed.
- The government also announced a 1.2% increase to employer's National Insurance contributions. Discussions with civil servants seem to indicate local authorities, alongside other public sector organisations, will be partially or fully compensated for these increases. However, details are still to be confirmed. There are also indirect risks where additional costs faced by private companies, such as care providers, are likely to pass this on to Councils through increased fees.
- Over £250m will be provided to continue testing children's social care reforms, including new funding to pilot a Kinship Allowance and to create thousands of new foster placements.
- There will be a £1 billion increase to SEND and Alternative Provision funding in 2025-26, the second biggest ever year-on-year increase.

- 5.13 It is encouraging that the Chancellor has announced £1.3 billion extra funding for the next financial year, which will help meet some, but not all, of the significant pressures in adult and children's social care and homelessness support. Given these grants are ring fenced in nature, where any additional funding must be spent on the purposes set out in the grant conditions, it does not have the effect of reducing the budget gap expected next year.
- 5.14 Extra funding for children with special educational needs and disabilities is positive but also now needs to be followed by fundamental reform of the SEND system, focussing on improving inclusion in mainstream settings and writing off councils' high needs deficits.
- 5.15 The budget also includes some positive measures such as Right to Buy reform, funding for potholes, childcare, reform of children's social care and affordable housing, which will help councils support early years, repair roads, and build new and improve existing homes. An extension to the Household Support Fund next year will also help councils provide welfare support to vulnerable households.
- 5.16 That being the case, the funding for 2025/26 will be the seventh single year settlement for Local Government, which makes financial planning extremely challenging in the medium to long term. The Government also needs to give explicit clarity on whether councils will be protected from extra cost pressures from the increases to employer national insurance contributions.
- 5.17 Only with greater funding certainty through multi-year settlements and more clarity on financial reform, can councils protect services, meet the needs of residents and work in partnership on the Government's priorities.
- 5.18 Councils will only have a clearer picture of the financial challenges they face for 2025/26 once the distribution of the additional grant funding announced is

confirmed and the Local Government Finance Settlement is published in December. Therefore, at this stage, the draft budget and the proposals set out in this report remain unchanged.

- 5.19 The government also indicated that the second phase of the Spending Review will conclude in spring 2025. It is not clear how many years the second phase will cover, but the government's general commitment could suggest at least 2026/27 and 2027/28 with a real terms 1.5% annual increase in day to day departmental spending in future years. Therefore, the proposed reforms to Local Government funding need to be significant as it is clear additional resources in future years will be limited.

***Local Government Finance Settlement (expected in December 2024)***

- 5.20 It is not yet known when the provisional Local Government Finance Settlement (LGFS) will be announced, but past experience suggests that this will happen in mid-to-late December 2024.
- 5.21 The starting point of the LGFS is Core Spending Power. This is a measure of the resources available to local authorities to fund service delivery. It includes Council Tax and locally retained Business Rates, a number of generally usable government grants and the Revenue Support Grant. Normally, Core Spending Power is increased in total by the CPI rate in the September of the previous year. The government then calculates the income available to the local authority by assuming that it sets the Council Tax at the referendum limit, receives the local share of indexed Business Rates and inflated government grants (including any changes to the level of funding). The level of Revenue Support Grant is then set as the balancing figure to bring total funding in line with the Core Spending Power figure.
- 5.22 For the LGFS 2024/25, the final settlement confirmed an increase in local government Core Spending Power of at least 4 per cent, assuming that all councils increased Council Tax to the maximum allowed without a referendum. Due to a fall in New Homes Bonus received in 2024/25 compared to 2023/24, this resulted in the Council receiving a minimum funding guarantee grant of £1.3m. At present, it is unclear whether the funding guarantee will be continued into 2025/26. However, it is not expected that Brent would receive any such funding in 2025/26 and no assumption relating to this is built into the budget.
- 5.23 For 2025/26, the relevant CPI rate for Core Spending Power is 1.7% following a larger than expected fall in inflation in September 2024. Given the current ongoing pressures in the Council's budget and with inflation expected to increase again in the near future, this represents a risk that any increase in funding will not be sufficient to meet inflationary pressures in 2025/26.
- 5.24 The 2024/25 LGFS deferred a number of important decisions that will affect local government financing until after the general election of July 2024. These include the fair funding review of local government funding, the reset of the business rates baseline and the introduction of a cap on care costs.



- 5.25 The draft 2025/26 budget has been built on the assumption that government funding will increase in line with the September 2024 CPI of 1.7%. The MTFS also assumes that the Council Tax referendum limit will remain unchanged at 4.99% and that the Council will increase Council Tax by this amount. Given that 2% of this will be the social care precept, the actual increase for most Council services will be 2.99%. This is higher than current general inflation, but with the ongoing severe demand led pressures in the Housing service, this is still likely to represent a real terms cut compared to the true impact of demand and inflation experienced by the Council.

### ***Outlook for Future Government Funding***

- 5.26 After 2025/26, the MTFS model assumes that government funding will increase by 2% in future years and Council Tax will increase by 5%. If inflation increases, this will cause a real terms cut in resources. There is also a risk of changes to Council Tax which affect the level of increase that it will be possible for the Council to implement. Any reduction in the increase to Council Tax and service pressures caused by increased demand resulting from the cost-of-living crisis and demographic pressures will put further pressure on the Council's budget leading to a need for substantial savings in future years.
- 5.27 Financial stability is crucial for the local government sector. The unprecedented emergency support given to councils this year, in the form Exceptional Financial Support (EFS), reveals the extraordinary funding emergency facing local government. 19 councils have been granted this support, which permits a local authority to meet revenue costs through capital resources either through additional borrowing or selling assets. Essentially, this support is akin to adding to your mortgage to pay for your day-to-day living expenses, which is not a sustainable manner in which to manage financial resources. A recent survey showed that without additional funding one in four English councils will have to apply for EFS in the next two years.

### **Administration Priorities**

- 5.28 The budget process is designed to ensure that it is priority led so that resources are aligned with statutory responsibilities and council priorities, which are set out in the four-year Borough Plan (2023-2027).
- 5.29 The Borough Plan 2023-27 sets out the Council's vision for the four-year period covered by the plan. There is an emphasis on how the Council will work with others to support people through the cost-of-living crisis and harness the diverse range of communities. Central to these ambitions is making Brent the best it can be for everyone who lives and works in the borough.
- 5.30 The overarching theme of the plan is 'Moving Brent Forward Together'. The plan focuses on how the Council will take forward delivery in the five priority areas being of fundamental importance to Brent and its people. Each priority area has set outcomes the Council will work towards, building on the

achievements so far with renewed focus and actions. It tackles cross-cutting issues such as homelessness and health inequalities. The five priorities are:

- Prosperity, Pride and Belonging
- A Cleaner, Greener Future
- Respect and Renewal in Brent
- The Best Start In Life
- A Healthier Brent

5.31 To further support delivery of the Borough Plan we are in the process of developing a two-year Delivery Plan (2025-2026) that will outline the Council's areas of focus. The Delivery Plan will outline what the Council has the capacity to prioritise, reflecting what has been achieved within the Borough Plan over the last year or so, our available resources and our broader operating context. It will also describe our organisational change journey as the Council responds and adapts to our challenges and opportunities.

5.32 As is customary during the budget setting process, the MTFs will need to ensure it provides a framework to enable and support the delivery of these programmes.

## **6.0 Review of Key Budget Assumptions**

### **Overview of current MTFs**

6.1 The General Fund revenue budget for 2024/25 was set at the Council meeting of February 2024, where savings of £8m were agreed, profiled (£3.6m in 2024/25 and £4.4m in 2025/26). The £3.6m of savings for 2024/25 was in addition to the £4.5m of savings agreed in February 2023, taking the total savings to be delivered in 2024/25 to £8.1m. At this stage these savings are on track to be delivered. Some savings have been flagged as at risk, or delayed, and where this is the case mitigating actions have been put forward.

6.2 In 2024/25, there is a forecast overspend of £14.4m against the revised revenue budget at Quarter 2. This is equivalent to 4% of the revised budget. The largest overspend is £15m in the Housing service, which is experiencing high levels of demand due to a rise in homelessness and a reduction in the supply of suitable temporary accommodation. This has increased during the year from £10m at Quarter 1. In addition to this, there is a £5m overspend that has been identified against 'Supported Exempt Accommodation'. These pressures are being partially offset by £6m of in-year savings across other services.

6.3 If sustained until the year end, this would require a transfer from unallocated reserves. In turn, this would reduce the balance of unallocated reserves from £20m to £5m, significantly below what is considered by the Corporate Director of Finance & Resources to be an adequate balance for the Council. Equally, any overspending not dealt with in 2024/25 would, potentially, carry over into 2025/26 thereby increasing the requirement for further savings in that year whilst at the same time providing no scope to draw on the Council's reserves.

- 6.4 The seriousness of the Council's financial position cannot be understated. The significant budget pressures that were identified in 2023/24 have continued into 2024/25. Savings have been identified and delivered for these years and officers continue to work on mitigating actions, but even with these measures, the current financial position is resulting in a depletion of the available reserves that are required to ensure the future financial resilience of the Council. The Council may need to implement further measures to control expenditure in order to address the underlying issue that the Council's net expenditure is significantly greater than available sources of in year funding.
- 6.5 At present, the budget gap and savings target have not been increased as a result of the forecast overspend reported at quarter 2. However, should management actions and other cost control measures not turn around the situation both for 2024/25 and future years, it may be necessary to identify further savings in 2025/26. The use of reserves to balance the budget would not be prudent as a substantial amount of reserves have already been used to shore up the position in 2023/24 or are earmarked to potentially address 2024/25. Further analysis on the use of reserves is set out in paragraphs 7.3 and following of this report.

#### **Departmental pressures**

- 6.6 Managing ongoing demand-led pressures remains a key aspect of the MTFS. The existing annual growth assumptions are in fact estimated increases in unavoidable expenditure. Those built into the MTFS cover areas such as contract inflation, pay inflation and demographics (by which is meant meeting the cost of providing existing services for a growing and changing population). These expenditure assumptions represent the annual costs that have to be incurred just to stand still.
- 6.7 As the two areas most affected by the changes in demography and increasing contractual costs, the Community, Health & Wellbeing and Children & Young People's departments undertook scenario and sensitivity analysis of the effects of different levels of inflation and demographic change. This determined a central case (that is a position between possible best and worst cases), which has been used as the basis of the contract inflation and demographic changes in these areas.
- 6.8 There are also considerable pressures in other areas. The unprecedented demand for temporary accommodation is putting considerable pressure on the budget for Partnerships, Housing and Resident Services. £14m of growth has been included in the Housing Needs budget to address the overspend in this area that has continued from 2023/24.
- 6.9 Updated modelling of the requirement for Capital financing has been undertaken. This has identified a substantially increased growth requirement from the revenue budget, with £7.0m built in for 2025/26.

- 6.10 Concessionary fares are also experiencing substantial increases as usage in London returns to pre-pandemic levels. As the largest contributor to the Freedom Pass scheme in London, Brent faces a substantial increase in cost with the contribution forecast to rise by £3.0m in 2025/26, £1.8m in 2026/27 and £1.9m in 2027/28. Concessionary fares are part of the Community, Health and Wellbeing budget.
- 6.11 The expenditure assumptions detailed above are based on forecasting forward from the current budget position. An assumption has been built into the budget for 2025/26 that further actions will be taken by services to manage demand and reduce expenditure from this level. Progress on these actions will be reported to Cabinet as part of the budget report in February 2025 and the MTFS update in July 2025.
- 6.12 The following sections provide commentary on the service pressures and other challenges faced by each department.

### **Community, Health & Wellbeing**

#### *Adult Social Care & Strategic Commissioning*

- 6.13 The department faces funding pressures mainly within Adult Social Care due to increasing demand for services and recruitment and retention challenges. There have been demographic pressures as the number of older people and working age adults requiring care increases. In Brent, as of September 2024, there has been a 7% increase in client numbers compared to the same period last year. There have been significant increases in service users requiring a Home Care package (14%) and those receiving care in Supported Accommodation (16%) which is partly due to Brent's strategy of reducing demand in residential settings ( i.e. a 2% reduction in clients placed in residential & nursing settings) and promoting independence at home.
- 6.14 The chart below shows the number of adults accessing long term care (i.e. Residential, Nursing and Community Care such as Supported living, Home Care etc) is steadily increasing not only in Brent but across London. The reasons for the increase are due to factors such as an ageing population, more residents living with long-term conditions and a growing mental health need.

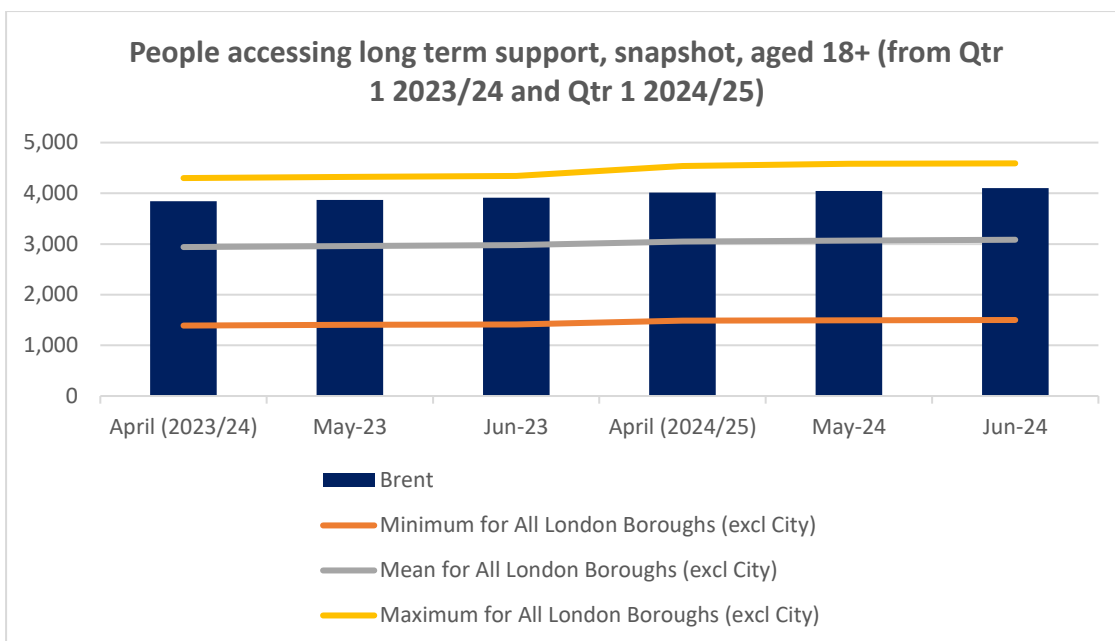


Chart Source: LG Inform Benchmarking data.

6.15 Inflationary pressures are also having an impact on the budget with the overall average weekly cost increasing by 5% as of September 2024 when compared to September 2023. An increasing number of service users are presenting with multiple and complex health issues impacting their social care need and resulting in more expensive packages of care needing to be commissioned, especially those in Supported Accommodation which saw a 11% increase in the average weekly costs.

6.16 The table below shows the average weekly rates in the last quarter of 2023/24 compared to the average for North West London (NWL) authorities. It is important to note that there are factors that can have an impact on the benchmarking data such as the size of the borough, where placements are being made (in borough or out of borough) and the number of placements, which is the case with residential placements. The data in the table below shows that Brent is higher than the average in NWL however Brent has a lower than average number of service users placed in residential care in line with the strategy to promote independence.

Table 1: Older Adults - Average Weekly cost benchmarking data Q4 2023/24

Borough	Average Placement	Average Residential	Average Residential Dementia	Average Nursing	Average Nursing Dementia
<b>Weekly Costs</b>					
<b>Brent</b>	<b>£1,022</b>	<b>£1,017</b>	<b>£853</b>	<b>£1,062</b>	<b>£1,183</b>
Average North West London Boroughs (NWL)	£1,047	£964	£892	£1,141	£1,208
Highest NWL	£1,192	£1,182	£1,072	£1,624	£1,378
Lowest NWL	£989	£848	£853	£992	£1,007

6.17 Staffing remains a critical factor for adult social care and managing recruitment, retention, and the costs associated with staffing will be key to

maintaining the quality and sustainability of services. There is a continued reliance on the use of agency staff who are more expensive than permanent staff. Also, as care shifts towards more complex community-based services, investment in staff training and development will become increasingly important to ensure that the workforce have the skills required to deliver high-quality, person-centred care. The department currently has a retention strategy in place for hard to fill roles and has been successful in converting a number of agency staff to permanent staff.

- 6.18 The council is also working closely with the care provider sector to manage challenges such as recruitment and retention and service quality.
- 6.19 The Social Care funding reforms planned for October 2025 will no longer go ahead and this introduces further risk and uncertainty as the sector is uncertain about any plans in place to address the funding pressures and unmet need in the system. Social care funding is reliant on the Adult Social Care Precept and various social care grants such as the Better Care Fund (BCF), the Social Care grant, the discharge grant and the Market Sustainability and Improvement Fund (MSIF), to support services. The budget assumes continuity of these funding sources except for the discharge grant, which is assumed to cease in 2025/26. This would lead to delays in hospital discharge and put further pressure on the social care system. A longer term financial settlement for social care, incorporating the various grants that are provided, will reduce uncertainty and enable sustainable services.

#### *Public Health*

- 6.20 The ring-fenced Public Health grant contracts are also likely to be impacted by inflationary increases. Most public health services are commissioned from the NHS and the government has commenced the 2025-26 NHS pay round and depending on the agreed rate of increase, there is the risk that the national Agenda for Change pay awards will again significantly outstrip uplifts in the public health grant. There continues to be increasing levels of need for a number of public health services, notably sexual health services, as a result of demographic change, increased levels of infection and substance misuse where there is considerable unmet need for services.
- 6.21 The future of the additional time limited grant funding awarded by Office for Health Improvement and Disparities (OHID) mainly for drug and alcohol services in 25/26 is currently unknown, with a decision expected later this calendar year. In the meantime, officers are preparing a contingency plan utilising public health grant reserve to avoid a “cliff edge” in services should the grants not be continued.

#### *Leisure Services*

- 6.22 The Leisure Service continues to face challenges due to factors such as increases in energy costs, the slow return to leisure centres post the 2020 pandemic, the impact of cost of living crisis on residents, inflationary costs of running the centres, increases in the London Living Wage, reduced income

and ageing facilities. The council continues to work with leisure providers to ensure the continuity of an affordable service and review the required investment to enable the leisure assets continue to be financially viable in the long term.

### **Children and Young People (CYP) General Fund**

- 6.23 The challenges faced by Children and Young People are largely in line with the national picture and over the past few years the overspends in the department have arisen from rising demand due to the volatility of placement costs; recruitment and retention challenges which have led to reliance on qualified social worker agency staff; increasing number of children requiring Education, Health and Care Plans (EHCP) and the impact of rising inflation driving increased costs of services.
- 6.24 Brent has followed the national pattern with a reduction in expenditure during the austerity years that targeted savings at preventative services, as these are not generally statutory in nature. As a result, in subsequent years, the reduction in preventative services has led to increased demand for later interventions and over half of the current CYP general fund budget is being spent on placements for children in care.
- 6.25 Pressures continue to arise due to increased cost of placing children in care, particularly in residential and secure placements, although the number of children and young people receiving support in Brent has remained stable in the last year. Pressures against the placement budgets arise from a combination of the impact of inflation and increased costs, particularly as Brent's looked after children often enter care late, with complex needs and require higher levels of support.
- 6.26 A significant challenge is securing suitable placements, largely due to difficulties within the national residential market, as highlighted in a national review of children's social care. Consequently, more customised placements have been required, which can be extremely costly. A key factor driving these costs is staffing ratios, with providers often insisting on much higher staffing levels than those recommended, as a condition of accepting placements. The impact of inflation and the shortage of available placements is expected to further increase costs in 2025/26. Brent is currently in the process of opening a new in-house care home which is expected to open by May 2024. This would help alleviate some of the market pressures and achieve cost avoidance savings of c£0.3m, by comparing the cost of running the home to the cost of placements with independent foster care agencies.
- 6.27 As of August 2024, there were 295 (319 in August 2023) Looked After Children (LAC) in Brent. The directorate continues to effectively manage demand by keeping children at home with their families when it is safe to do so. The current average weekly cost for a residential placement in 2024/25 is £6,492 (£6,413 in 2023/34). Additionally, there are typically two clients in secure accommodation throughout the year, with an expected annual cost of £1m. The average weekly costs of the top six residential placements involving

complex needs currently range between £7,000 and £13,500, with these costs set to see inflationary increases in 2025/26.

6.28 The chart below shows the weekly residential placement costs across 32 London boroughs in 2022/23 (latest available) with Brent ranking the 7th highest average spend of just under £7.5k.



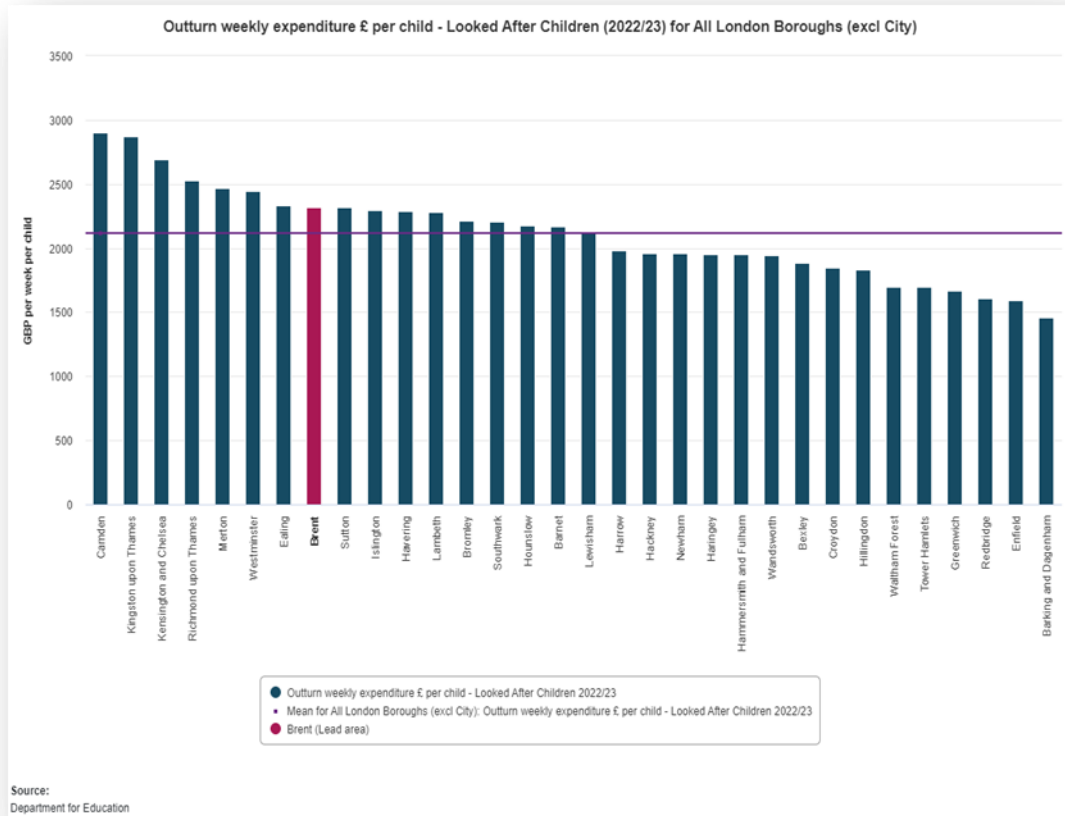
6.29 The table and chart below show the weekly expenditure per child for Looked After Children (LAC) in Brent from 2018/19 to 2022/23 with an average weekly cost of £2,320 in 2022/23. The table shows that over the years, the LAC unit costs in Brent have been in line with the average unit costs when compared to our statistical neighbours. That being the case, the chart shows that Brent had the 8<sup>th</sup> highest weekly cost compared to other London Boroughs.

Table 2: Weekly expenditure per child for Looked After Children (LAC)

Outturn weekly expenditure £ per child - Looked After Children				
GBP per week per child				
Period	Brent	Minimum for All local authorities in London	Mean for All local authorities in London	Maximum for All local authorities in London
2018/19	1,390	1,140	1,580	2,375
2019/20	1,385	1,290	1,709	2,370
2020/21	1,925	965	1,837	2,835
2021/22	1,865	1,335	1,913	2,780
2022/23	2,320	1,455	2,141	2,975

Source: Department for Education





Charts and table source: LG Inform

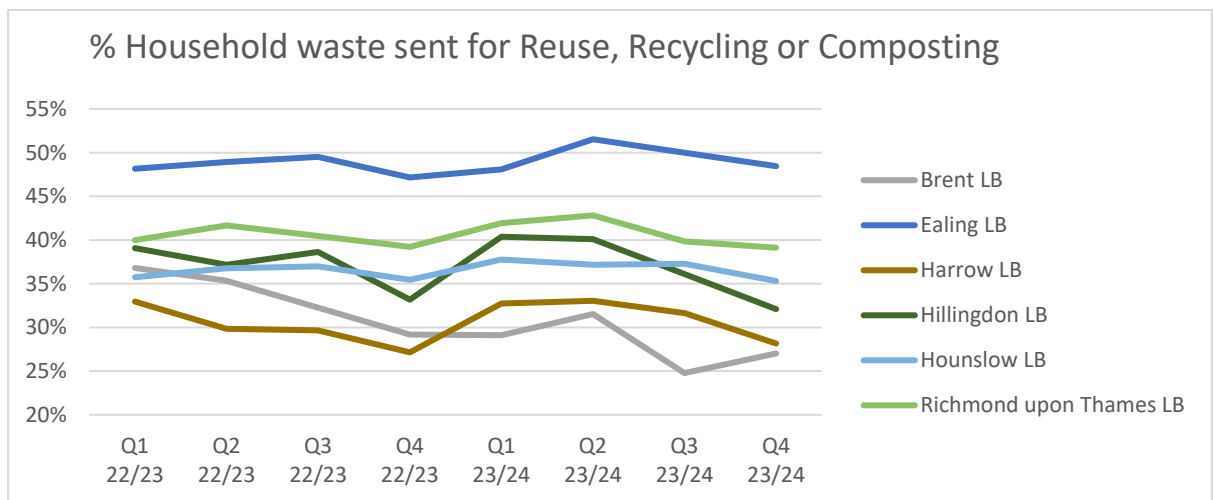
- 6.30 The directorate also provides support to Care Leavers, who are entitled to support from the local authority until the age of 25. The number of Care Leavers receiving support has risen in recent years and currently stands at 567, with further increases anticipated in the new financial year.
  
- 6.31 The CYP directorate relies on health contributions from the Integrated Care Board (ICB) to fund health-related expenses associated with placement costs and the health component of a Special Education Needs and Disabilities (SEND) child's Education, Health, and Care Plan (EHCP). Brent continues to collaborate with health partners to secure maximum contributions through a Joint Funding Panel which challenges placement decisions on a case-by-case basis.
  
- 6.32 The recruitment and retention of skilled and experienced social workers remains a national challenge, resulting in a continued reliance on agency staff, who are more costly than permanent employees. Additionally, many of the cases handled by social workers are complex, and high caseloads remain a concern. At the end of 2023/24, the Localities and LAC & Permanency service had 2,774 cases, 10.9% above the budgeted level of 2,500 cases, although this reflects a reduction compared to the previous year. Competing offers from other local authorities, which include attractive benefits and more manageable caseloads, continue to present challenges for Brent's recruitment and

retention efforts. CYP management continues to take steps to improve the recruitment and retention of social workers.

## Neighbourhoods and Regeneration

### Public Realm

- 6.33 The new contractual arrangements for a number of key services within Public Realm, such as parking and waste management, commenced in 2023/24. The largest of these contracts is the waste management contract, which is experiencing pressures due to some operations not being as expected pre-contract commencement.
- 6.34 Within 2024/25, residual waste collected is expected to increase 8% compared to the previous year. The main drivers for this appear to be the poor quality of communal recycling, this means it cannot be recycled and therefore has to be disposed of as residual waste. There has also been an increase in fly-tipping in recent years. Both of these issues have programmes in place in order to improve the service and bring down residual waste volumes, but there still remains as a pressure going into 2025/26.
- 6.35 The below chart shows the percentage of household waste sent for recycling alongside the other London Boroughs making up the West London Waste Authority.



Source: Q100, Waste data flow

- 6.36 Brent is actively working to improve its recycling rate, which has historically been the lowest among the west London boroughs. The Council is addressing challenges such as the high number of estate-type properties that rely on communal bins, which can sometimes lead to contamination and waste diversion. Additionally, Brent is embracing its unique diversity and working to overcome language and cultural barriers, as well as addressing high levels of deprivation and the significant number of HMOs. These efforts are aimed at fostering better waste management behaviours and enhancing the overall recycling outcomes for the community.

- 6.37 A new recycling system was introduced last year that has seen performance settle and improve. There is still work to do to improve recycling at flats, such as rolling out food waste at these properties to further improve performance. In addition, the waste education team has transferred from Veolia to be part of the Brent service so that resources can be better directed to combat negative behaviours and reduce rates of contamination.
- 6.38 At the same time as waste tonnage is increasing, the price per tonne disposal cost has also risen significantly. In 2024/25 it is up 8.5% compared to the previous year, and a 15.7% increase when comparing this year to 2021-22. These costs are largely out of the control of the Council and are a reflection of high levels of inflation in recent years which has led to increasing contract prices for waste disposal.
- 6.39 Linked to this, is the first year of the new recyclate reprocessing contract, where fluctuations in material volumes, rejection rates, and market prices combine to create pressures for the affordability of the contract. The first year's operation of this contract highlighted some financial pressures, due to some factors not being as anticipated.
- Less tonnage is being collected/processed and more loads are being rejected. There has been a downturn in DMR (Dry Mixed Recycling) tonnage across the country and this is largely down to purchasing habits changing and manufactures using less packaging. At the same time the total accepted tonnage has been largely impacted by acceptance criteria at the recyclate reprocessing centre, with more materials being rejected at the front end.
  - Recyclate material prices not as anticipated. Material prices are difficult to forecast due to significant variations of prices across all materials. The table below shows the variation in the basket prices of some of the most valuable materials in the waste stream experienced last year.

Table 3: Variation in the basket prices

Material	High	Low	Swing
Alu Cans	£17.22	£6.41	63%
Mixed Paper	£15.65	£6.13	61%
Cardboard	£14.70	£2.81	81%
Pots & Tubs	£4.61	-£0.67	115%

### *Inclusive Regeneration & Employment*

- 6.40 Economic challenges have seen the scaling back or cancellation of some major developments. This has created issues for Inclusive Regeneration & Employment, as it is heavily dependent on commercial planning income and related items, such as income in building control. The impact within Building Control is further exacerbated by changes meaning almost all major project

work is assigned to Local Authorities by the BSR (Building Safety Regulator) which has taken away the department's ability to bid for further work.

- 6.41 Whilst it is hoped that the economy will recover there is uncertainty about when this could reflect in a recovery of planning income. In the short term, an increase in planning fees could help to mitigate some of the impact. However, the change by the BSR is more difficult to mitigate against.

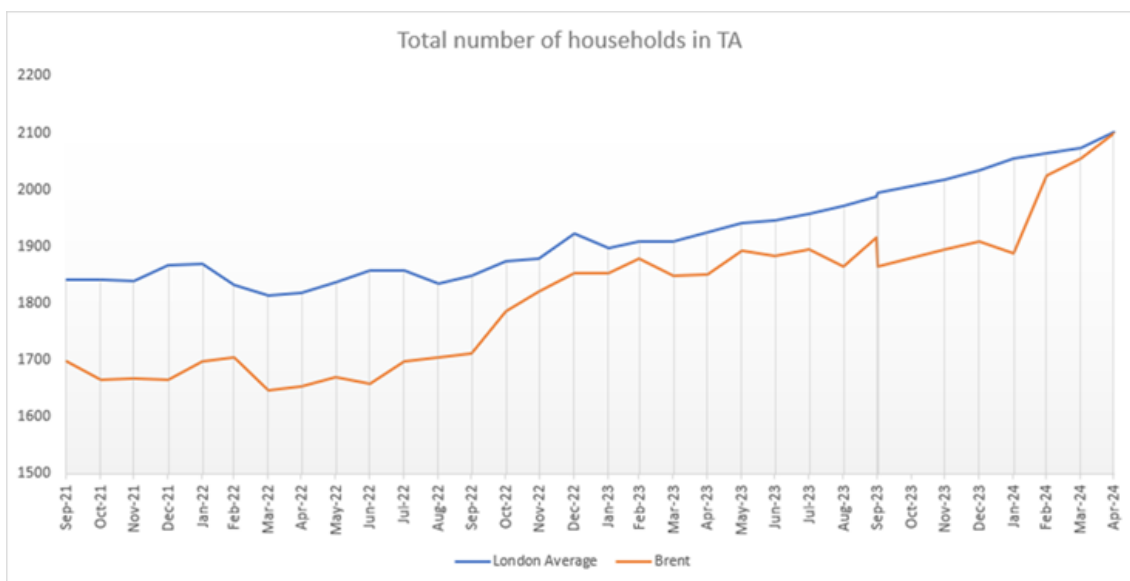
## **Partnerships, Housing and Resident Services**

### *Homelessness*

- 6.42 Housing Needs and Support continues to be the most significant area of pressure for the Partnerships, Housing and Resident Services department. It is forecast to result in a £15.2m budgetary pressure in 2024/25. An extremely elevated level of demand for housing services and emergency accommodation is a national issue that is particularly acute in London. The Housing Needs Service in Brent has seen a 12% increase in the number of homelessness presentations received in 2023/24 (7,300) compared to 2022/23. The total number of households in temporary accommodation in Brent has increased to 2,054 (by 8%) over the same period, and the number of families in emergency temporary accommodation has increased by 36%. As at the end of quarter two in 2024/25, the total number of homeless households living in emergency type accommodation had risen to 1062, with the service placing an average of 30 households every week. This is a 15% rise in comparison to April 2024 that had 922 households in stage 1 temporary accommodation.
- 6.43 Homeless households placed in temporary accommodation who are entitled to it can claim housing benefit to go towards their housing costs. Local authorities pay the cost of that housing benefit upfront and then are paid back by the Department for Work and Pensions (DWP) through subsidy arrangements. Households receive the full housing benefit they are entitled to, however the amount the council can claim back is limited to 90% of the Local Housing Allowance (LHA) rates from 2011. This means that if the cost of the housing benefit claim is higher than those rates, the local authority loses money. The council is essentially bridging the gap between rent and the amount the council is allowed to recover in housing benefit subsidy from the Department of Works and Pensions. The resulting subsidy loss is included in the overall Housing Needs and Support forecast. If the cap for how much the local authority can claim back from the DWP were to be removed and brought back in line with Local Housing Rates for the current year, this could partially help alleviate the current pressure by around £3.8m.
- 6.44 The Housing Benefit caseload has reduced from 17,786 in April 2024 to 14,573 in October 2024. The reduction is due to working age customers moving to Universal Credit. There are currently 8,456 working age cases still remaining with the Council. It is anticipated that at the end of March 2025 the Council will still have around 4,000 cases. Post 2025, the Council will carry on with the responsibility of Housing Benefits for Temporary Accommodation (TA)

cases, Supporting Exempt Accommodation (SEA) cases and Pensioner cases. A reduction in the working age caseload does not result in a reduction in subsidy loss. This is because these cases are generally receiving the current Local Housing Allowance for 2024/25 or are in Housing Association properties. Housing Benefit cases remaining with the Council for TA and SEA are causing high subsidy losses. The caseload for these categories has increased from 1,847 in April 2024 to 2,180 in October 2024.

6.45 London Councils conducted analysis and benchmarking of peers that help to gauge the situation in London. This showed that Housing pressures are increasing rapidly compared to budgeted levels and that Councils' net deficit on homelessness service spending was projected to be 9.2% (£34.3m) higher in 2024/25 than it was in 2023/24. Data from 24 councils showed that the gross total monthly spend on temporary accommodation across London for April 2024 reached £64.7m. A median weekly rate paid across all temporary accommodation types at Brent was £363.63, which is just above the London average standing at £335.81. London local authorities report 24.7% more families living in B&B accommodation than a year earlier and 41.2% more families living in B&Bs beyond the six-week limit than the year before. The table below shows the total number of households in temporary accommodation in comparison to the London average, based on the latest but unaudited values.



6.46 As these issues are London wide, the availability of B&B and Annexe accommodation is severely restricted across the capital, with many Councils being forced to book expensive provision to meet statutory duties. This lack of availability of accommodation is resulting in having to use expensive providers and at times outside of Brent, which also causes significant financial pressures to the families placed there due to additional travel costs for children at schools in Brent.

6.47 The supply of settled TA properties, leased from private owners and used to move families out of B&B and Annexe accommodation has also contracted. This is due to fewer new properties being available under Private Sector

Leasing (PSL) schemes, as owners not renewing the lease for existing stock when the lease ends and there is less appetite from landlords on any new approaches. London's Private Rented Sector (PRS) is affected by multiple factors driving a reduction in the availability of properties for rent. The demand for housing is continuing to increase while supply is reducing across the whole market. Greater reliance on the PRS to house lower income households and increasingly limited housing benefits are making accommodation less affordable and available. Factors such as taxation, interest rate changes and uncertainties about future regulation are reducing availability at the lower end of the PRS.

- 6.48 London Councils reveal that only 5% of private rental listings in London are affordable to low-income households that are using Local Housing Allowance (LHA) to cover their rent. From April 2021 to December 2023, 4.3% of London's rental properties were sold without replacement, with more affordable properties having been particularly impacted. London's PRS is shrinking. During 2023, availability of more affordable PRS stock reduced by 3.3% per month in comparison to 2.6% per month across the rest of London. The reduction in more affordable properties particularly affects the ability of low-income households to access the PRS, which makes it harder for local authorities to prevent and relieve homelessness. This contraction and availability of the PRS market for low income households coupled with the limited impact that would be had of removing the cap on subsidy Councils can secure from DWP show how widespread fundamental changes are needed to address the current homelessness pressure.
- 6.49 The Council has designed a programme of works to focus on containing the projected pressures. Several workstreams covering affordability of Temporary Accommodation and new and alternative supply have been set up. Officers are actively looking to renegotiate prices and identify alternative arrangements that would allow the Council to move some of the most expensive cases with the aim of reducing costs for the Housing Needs service. Officers also continue to carefully consider and assess the needs of homelessness applications. At the end of the second quarter in 2024/25, the average percentage of approaches that had successfully been prevented or relieved in 2024/25 reached 53%.
- 6.50 i4B is continuing its street property acquisition programme and had a target to acquire 25 homes, which has already been exceeded. i4B is a housing company wholly owned by Brent Council set up to acquire, letting, and manage a portfolio of affordable, good quality PRS properties. Properties are let to homeless families at Local Housing Allowance (LHA) levels. This enables the Council to either prevent or discharge its homelessness duty and therefore reduce temporary accommodation costs whilst also ensuring families have a secure and responsible landlord. The rise in LHA rates has enabled i4B to increase its acquisition price caps. i4B continues to be self-financing and the current portfolio results in an annual saving in excess of £4m in Temporary Accommodation costs. Whilst building and new acquisitions would not solely resolve the homelessness crisis, the Council is doing everything within its powers and the funding available to source new supply.

Any new supply would help to avoid additional housing costs and mitigate the risk of the projected overspend increasing.

### *Supported Exempt Accommodation*

- 6.51 In addition, the supported exempt accommodation properties are leading to growing financial pressures on the Council and present a new budgetary risk. This is because providers are not constrained by the LHA caps like other landlords and are able to charge a higher rent once they justify that they are providing support. The amount of Housing Benefits subsidy is dependent on the Rent Officer decision and is awarded based on the claim related rent. This is a national challenge as there is a need for better regulation around the agreed criteria that a provider should meet to be considered as a Supported Exempt Accommodation provider and further clarity on what constitutes as minimal care would enable a universal approach when considering an individual's support needs. In Brent, the resulting subsidy loss to the Council is forecast to be in the region of £5m - £9m for 2024/25 and this pressure is expected to remain in 2025/26.
- 6.52 A dedicated working group has been set up within the Council and its work aims to minimise the opportunities for exploitative landlords to join the Supported Exempt Accommodation market by introducing a clear strategy on the Council's mechanisms to review landlords that enter this market and those already established. Reviews will also be carried out to consider the individual's support care needs and to verify whether the provider is providing the appropriate amount of care.

## **7.0 Council-wide Themes**

### ***Employee Costs***

- 7.1 The Local Government pay award for 2024/25 has been agreed, with the outer London increase being the higher of 2.5% or £1,491. In absolute terms, this is similar to the pay award for 2023/24, but broadly equates to an average of 3.4% increase in pay (5.7% in 2023/24), ranging from 5.8% at the lowest level of pay and 2.5% at the highest level of pay. This is estimated to cost £4.5m in 2024/25. Provision has been made for this in the Council's budget for 2024/25, so it is not anticipated at this time that further management action will be required to mitigate this pressure.
- 7.2 The pay award for 2025/26 has yet to be agreed and the type of pay award is also unknown - it could be an overall percentage (like 2021/22), a flat amount (like 2022/23), or a combination of both (like 2023/24 and 2024/25). This uncertainty makes budgeting for future pay awards challenging. However, the growth assumed for pay inflation in the MTFs for 2025/26 is £3.5m, which is sufficient for an average pay award of 2.5%. At the present time, this is deemed prudent as inflation in 2025/26 is not expected to be as high as in previous year, but will remain above the Bank of England's target of 2%. This will need to be kept under review. While it is welcome that the pay awards for council staff in recent years have reflected the need to respond to the high

inflationary environment and the resulting cost-of-living crisis, the permanent increase in the Council's cost base represents a significant ongoing cost pressure.

### ***Fees and Charges***

- 7.3 Setting the level of increase in fees and charges is going to be difficult this year due to the growing disparity in income between those in work and those out of work. Whilst the Council is committed to supporting the borough's residents through the current economic challenges, a freeze on increases in fees and charges is not an affordable option. Further, the forecast increase in wages for those in employment suggest that some residents will be able to afford increased fees and charges.
- 7.4 Where the Council has discretion over charges for services provided, detailed advice and guidance has been issued. In setting fees and charges consideration needs to be given to the recovery of both direct costs (staffing, materials, bought in services) and indirect costs (office accommodation, back office support) of the service.
- 7.5 The Council will also consider the likely impact of any increase in fees and charges, and to what extent these will be affordable to the particular customers they serve.
- 7.6 The outcome of the review of fees and charges and the proposed increases for 2025/26 will be set out for Full Council in February 2025.

### ***Council Tax***

- 7.7 Council Tax is one of the most significant sources of income for the Council, making up £162.1m (or 42%) of total core funding in 2024/25.
- 7.8 In the 2024/25 Local Government Finance Settlement (LGFS), Central Government set the referendum limit at 3% with a 2% adult social care precept. The Government's Council Tax policy for 2025/26 is currently unknown, however it is widely expected to remain at current levels.
- 7.9 The Government is also likely to continue its financing assumption that all councils will act on this and increase Council Tax by the maximum amount possible. It should be noted that the additional income generated through the Adult Social Care precept alone does not cover the total growth requirement for Adult Social Care pressures.
- 7.10 Taking into account the unprecedented pressures within social care and housing and the financial position in the round, the budget has been prepared on the basis of a 4.99% increase in the Brent element of Council Tax. This will add £7.5m of recurring income to the Council's budget.
- 7.11 Substantial rises in Council Tax cause difficulties for some households and for that reason the council continues to fund a Council Tax Support scheme for



households who are financially vulnerable. In addition, the Council's Resident Support Fund has made available £1m of additional funds for residents who are having difficulty as a result of the cost-of-living crisis.

- 7.12 The Mayor of London's precept, which makes up about 22.5% of the overall bill, is unknown at this stage and is subject to their own decision making and consultation processes.
- 7.13 In 2023/24, by 31 March 2024 only 92.2% of the net collectable debit for 2023/24 had been collected, 1.8% below the 94% in year target and 2.1% lower than the equivalent figure for 2022/23. Based on the collection in the year to date, a similar level of collection can be expected at the end of 2024/25, indicating that the issues that have been negatively affecting the collection of Council Tax are continuing. The most prominent of these impacts is likely to be the ongoing cost-of-living crisis, which has been exacerbated in Brent by levels of unemployment above national and London averages.
- 7.14 Furthermore, analysis of the trends in the Council Tax collection over several years has shown that the collection has been falling since before the Covid-19 pandemic, meaning that the short-term shocks have only accelerated the longer-term trend. The service are currently utilising external resources to enable a deeper analysis of the outstanding Council Tax debts and the reasons for non-payment. The analysis will also enable the service to segment the debts based on the likelihood of collection, ensuring that appropriate actions can be taken which maximise the collection within the internal resources that the Council has available.
- 7.15 The results of this work and the effect that it has on the long-term forecast for Council Tax collection will determine whether it is possible to continue with the current long term collection target for setting the 2025/26 budget. Current assumption is for a 97.5% long term Council Tax collection for all years. The current low in year collection does not necessarily mean that the target needs to be reduced and every effort will be made by the Council to achieve this target if possible. However, if it is necessary to reduce the target, this will reduce the funding available to the General Fund for 2025/26 by approximately £0.9m for every 0.5% reduction.
- 7.16 In the current uncertain funding environment for local government there is potential significant risk to the Council's financial resilience. Any budget gap arising from reduced expectations for collection will have to be met either from reserves in the short term or from additional budget savings. The Council has already committed to a challenging programme of savings for 2025/26 and the reserves have been depleted in recent years due to high inflation and demographic pressures.
- 7.17 Recent years have seen some of the pressure from the reduction in Council Tax collection be mitigated by higher than average tax base growth, which has been driven by the regeneration work ongoing within the borough. Based on the homes we have delivered to date and those expected to complete within our pipeline, the Council will exceed the target to deliver approximately 1000

homes by the end of 2024. Brent also received the highest level of New Homes Bonus in 2023/24 at £7.9m as a result of increasing the supply of homes more than any other Council in the UK. With interest rates at their highest level for over a decade and expected to remain high, it is not yet clear what effect (if any) this will have on the building of new homes in Brent.

## **Business Rates**

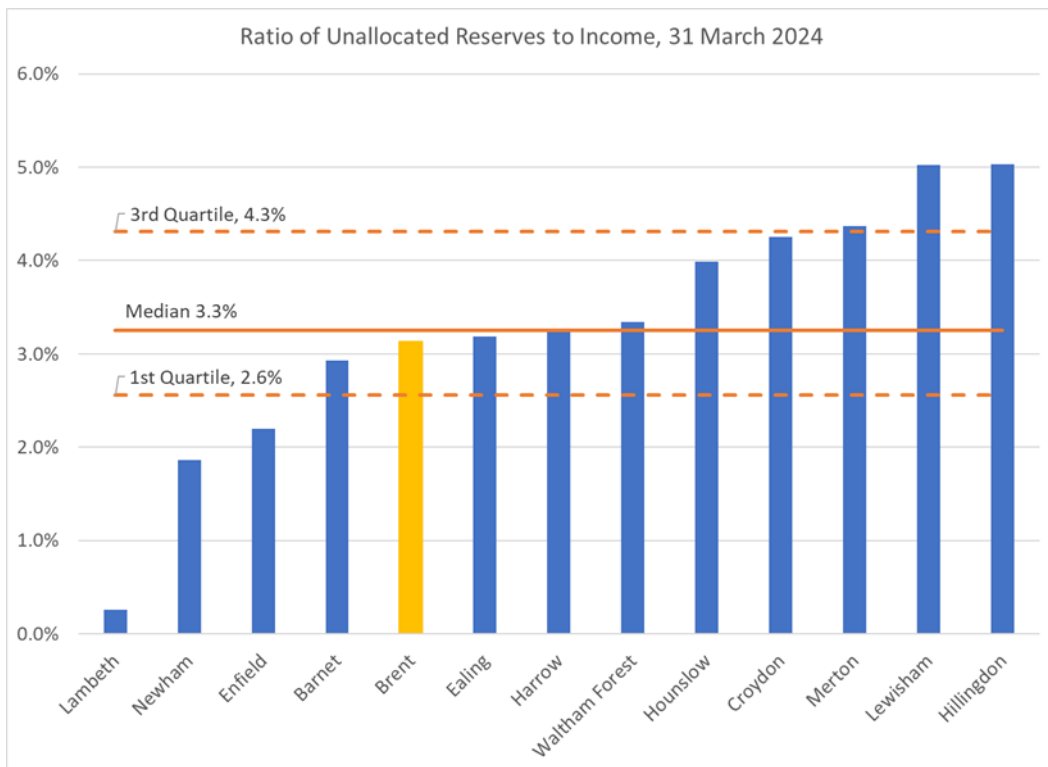
### *Business rates - Eight authority pool*

- 7.18 The Government designated a pan-London business rates pool in 2018/19, which piloted 100% retention in that year, and was revised to pilot 75% retention in 2019/20. For 2020/21 the Government decided not to renew the London pilot, and for London to revert back to the pre-existing 2017/18 67% retention scheme (30% borough share, 37% GLA share, 33% Government share). A voluntary pool was set up by all London Boroughs in 2020/21 which offered lower financial benefits than the previous scheme, while retaining all the strategic benefits. However, the onset of the pandemic during 2020/21 had a significant impact on the collection of business rates and the pool was not continued in 2021/22.
- 7.19 In 2022/23 the Council entered into a new pool with seven other London authorities on the same basis as the previous London-wide pool. The outturn position for the 2022/23 pool delivered an overall benefit of £40.8m, with Brent's share being £3.5m. For 2023/24, the pre audited benefit is £19m, of which Brent's share is £1.6m. For 2024/25, the estimated benefit for Brent is £1.5m. Therefore, pooling still represents further resources to be generated for Brent that would not be generated through the retained business rates regime as an individual authority. Likewise, modelling has been undertaken to see if a London wide pool would be financially beneficial, which suggests a pan-London pool would result in a deficit overall. On that basis a pan-London pool for 2025/26 has not been recommended.
- 7.20 For 2025/26 a proposal has been made for the eight-authority pool to continue. Brent has indicated to Central Government its intention to continue, and it is anticipated that the other seven authorities will also declare their intention to continue with the pool, subject to approval by their relevant authorising bodies. Whilst, as seen above, the benefits may vary from what is initially forecast as a result of changes at the individual pool member level and the economic environment, all current projections continue to indicate that there remains a considerable benefit to be gained from membership of the pool. However, at this stage it is too early to build an estimate into the base budget due to the uncertainties around the continuation of the pool and lack of clarity on central government's plans for reforms to business rates in general.
- 7.21 As part of the February 2023 Budget Report, decisions on entering into and remaining a member of a Business Rates pool were delegated to the Corporate Director of Finance and Resources. A decision on this is not therefore required. If there is a risk to the pool making a loss, which is currently deemed unlikely, Brent will have the ability to withdraw from the pool at any

point up to 28 days after the government’s provisional Local Government Finance Settlement, expected in December 2023.

### Reserves Strategy and Financial Resilience Assessment

- 7.22 The Council takes a risk-based approach to the management of useable reserves and as part of setting the annual budget, the Section 151 Officer undertakes a review of risks and known commitments to calculate a minimum level for the General Fund reserve. In 2023/24, this was increased to £20m, from £18m, to ensure that this reserve is adequate – this represents 5% of net expenditure, which is the minimum prudent level determined by the Section 151 Officer.
- 7.23 Comparing the level of unallocated reserves to income, across Brent’s nearest neighbours, Brent (3.1%) was just below the median level (3.3%) of unallocated reserves to income as at 31 March 2024 as shown below. This gives assurance that Brent has broadly comparable level of unallocated reserves to its comparator boroughs. (This methodology has been based on CIPFA’s approach for its Financial Resilience index, as the net expenditure approach relies on Brent specific numbers).
- 7.24 That being the case, this ratio has been falling across Brent and its nearest neighbours. The overspends in 2023/24 reduced reserves in Brent, and the overspend expected in 2024/25 will further reduce reserves. As the ratio of reserves to income decreases the council becomes more vulnerable to smaller financial shocks, therefore the council needs to stabilise the level of reserves to income to help ensure its financial resilience.



- 7.25 The Council has reviewed its earmarked reserves to ensure that no reserve is held which is no longer required for its original purpose.
- 7.26 All earmarked reserves will continue to be reviewed annually to assess the extent to which they could be repurposed to support the Council's budget; however, the vast majority of earmarked reserves are already set aside to help fund expenditure to which the Council is already committed. The use of some reserves are also ring-fenced by statute to specific purposes (Community Infrastructure Levy and Public Health are examples of this).
- 7.27 Best practice is to use reserves only to fund one-off items as the reserves themselves are by nature single sums that can only be used once. According to CIPFA's Financial Management Code, running down reserves by persistent use to support the revenue budget would be a symptom of financial stress, indicating a financial position that is not sustainable in the long run.
- 7.28 Any draw down from reserves in the proposed budget and future forecasts in the MTFs needs to be stress tested to determine its effect on the level of usable reserves. For instance, if a drawdown of £6m per annum (circa 5% of the net budget) were incorporated into the Council's budget plans, the General Fund balance of £20m would be exhausted in just over three years. Having no reserves is not prudent and would expose the Council to considerable financial risk and would be likely to lead to an adverse external audit opinion on financial sustainability and resilience.
- 7.29 In the Financial Management Code, CIPFA recommends that local authorities undertake an annual Financial Resilience Assessment (FRA) to determine the long-term financial sustainability of the authority. The Financial Resilience Assessment looks at symptoms of financial stress (such as running down reserves as mentioned earlier) and effective financial management (for instance, having clear plans for delivering savings).
- 7.30 A full FRA was undertaken as part of the 2024/25 budget agreed by Full Council in February 2024. A further FRA will be undertaken as part of the 2025/26 budget to be presented to Full Council in February 2025, as the FRA needs to consider the Section 151 Officer's assessment of the adequacy of reserves and robustness of estimates under section 25 of the Local Government Act 2003.

## **8.0 Savings Proposals**

- 8.1 In February 2024, Council agreed the budget for 2024/25 which included £8m of savings, profiled £3.6m in 2024/25 and £4.4m in 2025/26. In July, Cabinet received an update to the MTFs. Given the potential cliff-edge for government funding in 2025/26 and the high level of demand for services and inflationary pressures being experienced, scenario analysis suggested a central case budget gap of £16m.
- 8.2 The Council has therefore now brought forward a series of new proposals totalling £9.4m (£4.4m of savings proposals from services and £5m resulting

from changes to Council Tax Support), which, if approved following consultation and scrutiny, would be implemented in 2025/26. A further, £6.5m of operating efficiencies have been included in the draft 2025/26 budget, enabling the £16m identified gap to be filled. These operating efficiencies are in large part an extension of existing spending controls and savings from the voluntary redundancy scheme.

- 8.3 On the Council Tax Support scheme, these changes are subject to a separate consultation and Cabinet approval process. This has been updated in the MTFs through increasing the projected Council tax base, which then increases the Council Tax income for 2025/26 by £5m. If these changes are not implemented in April 2025, then a further £5m of savings will need to be identified.
- 8.4 Throughout the process, in producing the draft budget proposals, the emphasis continues to be on delivering efficiency measures, service transformations, cost reductions and income generation with a view to protecting front line services and Council priorities as much as possible.
- 8.5 The table below sets out the new savings proposals by directorate.

Table 4: Savings by directorate

<b>Savings by directorate</b>		
	<b>Savings 2025/26</b>	<b>Proposals</b>
<b>Directorate</b>	<b>£m</b>	<b>No.</b>
Community, Health and Wellbeing	1.7	4
Children and Young People	0.4	3
Neighbourhoods and Regeneration	0.4	5
Partnerships, Housing and Resident Services	1.3	7
Law and Governance	0.3	5
Finance and Resources	0.3	1
Council Tax Support	5.0	1
<b>Total</b>	<b>9.4</b>	<b>26</b>

- 8.6 The table below sets out the savings by category:

Table 4: Savings by category

<b>Savings by category</b>	
	<b>Savings 2025/26 £m</b>
Service Transformation	1.0
Restructure	1.4
Reduction in provision	5.6
Procurement	0.2
Income generation	1.0
Digital	0.2
<b>Total</b>	<b>9.4</b>

8.7 Officers and members have reviewed the proposals to ensure the plans are realistic and deliverable. Detailed budget templates have been produced, set out in Appendix B, which set out further details of each proposal while providing the overall current budget context, the key risks and mitigations and the equalities impact where relevant.

8.8 A summary of the overall draft 2025/26 budget is set out in the table below.

Table 5: Overall summary of 2025/26 draft budget

<b>Proposed Budget</b>	<b>2025/26</b>
	<b>£m</b>
<b>Expenditure</b>	
Base Budget from 2024/25	387.0
<b>Growth</b>	
Demographics	7.2
Inflation	7.8
Temporary Accommodation	14.0
	<b>29.0</b>
<b>Total Expenditure</b>	<b>416.0</b>
<b>Income</b>	
Revenue Support Grant	(31.4)
Specific Grants	(75.0)
Council Tax	(173.2)
Business Rates	(116.1)
<b>Total Income</b>	<b>(395.7)</b>
<b>Budget Gap (Expenditure less Income)</b>	<b>20.4</b>

<b>Savings</b>	
Savings Proposals (agreed in February 2024)	(4.4)
New Savings Proposals (for agreement in February 2025)	(16.0)
<b>Total Savings</b>	<b>(20.4)</b>
<b>Budget Gap (After Savings)</b>	<b>0.0</b>

8.9 It should be noted that this report reflects the position at this point in the budget preparation and these numbers will change as the budget develops over the next two months. We also await confirmation of the Local Government Finance Settlement, expected in mid-December 2024. Any revisions will be reflected in the budget to be considered by Cabinet in February 2024.

## 9.0 Risk Management

9.1 The Council has adopted a risk-based approach to its financial planning. The earlier the Council becomes aware of a potential risk to the achievement of its Medium Term Financial Strategy (MTFS) or its annual budget, the sooner – and the more effectively – it can take action to address that risk and to mitigate its impact.

9.2 The pressures on social care and temporary accommodation spending detailed above mean that the risks of serious, sustained overspends have increased in recent years. The council’s risk management approach is shown by the forecast reduction in spending in 2024/25 to help offset overspends, and the significant savings proposed in this draft budget.

9.3 Through the financial planning and budget setting process risks have been identified and actions to control or mitigate those risks have been developed. The MTFS contains a risk register covering risks inherent in the MTFS assumptions and other factors both within the Council and externally that could have an impact on the Council’s financial position. In the sections of the report covering service pressures (sections 6.13 - 6.52), risks were extensively explored and in the detailed savings proposals (Appendix B) risks and mitigating actions are also considered.

## 10.0 Statutory process of consultation, equalities and scrutiny

### *Consultation*

10.1 The Council recognises consultation as a key part of policy formulation and makes considerable effort to ensure that the views of residents, businesses and other key stakeholders are taken into account. Legally, the results of

consultation are something that Members must have due regard to, alongside other relevant considerations, when making decisions.

- 10.2 As in previous years, it is proposed to formally consult on the draft budget via the online consultation portal, where respondents will be invited to focus their attention on the new budget proposals for 2025/26. In addition, it is proposed that a presentation on the draft budget be delivered to each of the five Brent Connects meetings between November 2024 to January 2025.
- 10.3 There are a number of business forums and associations that the Council regularly engages with that include a wide range of both small and large local businesses. These include West London Business (a non-profit business membership organisation), the Federation of Small Businesses, the Chamber of Commerce, and a number of town centre business associations. The consultation on the budget will be published in a newsletter that is sent to a large number of Brent businesses, explaining why the views of local businesses are important and how they could have their say.
- 10.4 The local voluntary sector is closely engaged with Brent's communities and has considerable experience of the impact of the Council's difficult choices against a background of funding reductions. Engagement with the local voluntary sector will therefore play an important part of the consultation process and invitations to participate in the consultation will be sent to all Brent voluntary and community sector organisations.
- 10.5 Overall, the main aim of this approach to consultation is to raise awareness of the Council's financial position, inform residents of how the Council spends its budget and ensure residents, businesses and other key stakeholders are aware of the opportunities to have their say, by knowing how to respond and when the consultation events are taking place. This will be delivered through a variety of communication channels, for example through the local newspaper, publicity on the council's website, e-Newsletters, posters, media briefings and use of the Council's social media platforms, including Facebook and X, to disseminate reminders and encourage residents to participate in the consultation process.

### ***Scrutiny***

- 10.6 The scrutiny committees will review the draft budget through their budget task group in order to carry out the statutory scrutiny of the budget. This will include scrutiny of the budget development process, the budget assumptions in the MTFs as well as the new proposals set out in appendices A and B. Following this, the chair of the committee will present a report to Cabinet commenting on the outcome of the scrutiny process and providing recommendations for Cabinet to consider as part of their decision making.

### ***Equalities Impact assessments***

- 10.7 The Council has a duty to pay due regard to the need to eliminate unlawful discrimination and advance equality of opportunity and foster good relations



between those who have a protected characteristic and those who don't when making decisions. This duty is set out in more detail in the Equality, Diversity and Inclusion (EDI) considerations section of this report.

- 10.8 Each of the budget proposals attached in Appendix B have been subject to an equality impact assessment (EIA) screening to assess their potential or likely impact on service users and employees with protected characteristics. Where the EIA process identifies a disproportionate negative impact with no reasonable mitigation, the proposal will be subject to a full EIA and may need to be changed or even rejected. The consultation process outlined in this report will be an important source of information for these exercises. If a proposal involves a staffing restructure, an EIA will be conducted as part of that process, which forms part of the Managing Change policy.

### **11.0 Schools and Dedicated Schools Grant (DSG)**

- 11.1 Following the recent formation of a new government, the Department for Education (DfE) has delayed the announcement of the provisional DSG allocations for 2025/26. The allocations are now expected to be released after the autumn budget announcement on 30 October.
- 11.2 The Council will continue to set a local funding formula for mainstream schools in 2025/26, although the total funding available will be determined by the National Funding Formula (NFF) and as required, local authorities will need to move closer towards the NFF factors as plans continue to move all local authorities towards the direct NFF.
- 11.3 The DfE announced nearly £1.1bn through the Core Schools Budget Grant (CSBG) to help schools manage their overall costs in the 2024/25 financial year, particularly following confirmation of the 2024 teachers' pay award. Brent's indicative grant allocation for mainstream schools (excluding special schools) in 2024/25 is £2.56m, while special schools will receive funding at £703.05 per place. This funding for mainstream primary, secondary, and all-through schools will be incorporated into core budget allocations for 2025/26, as it will be rolled into the National Funding Formula (NFF) for that year.
- 11.4 The number of Brent schools experiencing financial difficulties remains high with 73% of 56 maintained schools projecting an in-year deficit and 29% of these planning to use over 50% of reserves to balance their budgets. A few Brent Primary schools continue to experience falling rolls, and details of this will be set out in the 2024-2028 school place planning strategy refresh to be presented to Cabinet in November 2024. This is leading to significant reductions in funding and therefore schools must make strategic decisions to mitigate the financial impact, including the consideration of staffing restructures. Schools also continue to feel the impact of rising inflationary costs along with teachers' pay set to increase by 5.5% from September 2024. The DfE expects schools to fund 2% of the increase within existing budgets, and the government will provide additional funding for all costs above this.

- 11.5 There remains a significant shortfall in funding for high needs education, which could worsen depending on the allocations for 2025/26. An anticipated 3% increase in grant funding, based on previous years' trends, is unlikely to be sufficient to address future budget pressures, rising inflationary costs, and the increasing number and complexity of need of children requiring EHCPs.
- 11.6 Demand pressures in Brent continue to rise, with an 8% increase in EHCPs as of August 2024 compared to August 2023. To set a balanced DSG budget for 2025/26, the local authority will, as in previous years, seek approval from the Schools Forum for a 0.5% transfer from the Schools Block. The ongoing pressures on the High Needs Block budgets have resulted in a £13.2m deficit carried forward from 2023/24, and further forecasted pressures of £0.3m in 2024/25 are expected to increase the deficit to £13.5m.
- 11.7 The table below shows the year-on-year increase in EHCPs over the past 5 years compared to the national average. Between January 2020 and January 2024, the number of children with EHCPs increased by over 1000 (44%). This growth has placed significant pressures on the HNB budget where funding has not increased at the same pace.

Table 6: Growth in EHCPs (SEN2 annual return to the DfE)

	January	January	January	January	January
Financial Year	2020	2021	2022	2023	2024
<b>Number of EHCP</b>	2,426	2,784	2,938	3,251	3,500
<b>Brent Year on Year % Increase</b>	12%	15%	6%	11%	8%
<b>National Year on Year % Increase</b>	10%	10%	10%	9%	11.4%

- 11.8 A statutory override that has been put in place to enable local authorities to hold deficit balances is due to end at the end of 2025/26 financial year, after which the deficit could pose a risk to the Council's General Fund reserves unless further action is taken by central government to mitigate the historic deficit.
- 11.9 Brent is currently participating in the DfE's Delivering Better Value (DBV) in SEND programme, which provides targeted support and funding to help local authorities reform their high needs systems. Brent has been awarded a £1m grant over the 2023/24 and 2024/25 financial years. The analytical phase of the DBV programme for Brent identified several opportunities to address rising demand, including supporting children's goals without requiring an EHCP through targeted interventions, ensuring EHCPs are appropriately time-limited, and focusing on fewer support hours when children first start school, with support increasing as needs develop. Key Performance Indicators (KPIs) have been established to monitor progress on the workstreams developed as part of the DBV programme to achieve cost avoidance benefits of £2m by 2026/27. These KPIs are regularly reviewed by a strategic task group led by the Corporate Director of Children and Young People (CYP) and the

Corporate Director of Finance & Resources. At this stage the targets are on track to be delivered based on an estimated 3% increase in the High Needs Block funding over the next two years and an expectation for the number EHCPs to reduce by 1% over the same period through targeted intervention and support to schools and settings. However, as indicated in the table above, the increase in the number of EHCPs in Brent has varied over the last five years averaging c10% and this poses a risk in achieving the agreed cost avoidance targets in future years.

- 11.10 A Deficit Management Plan agreed by the Schools Forum is in place with actions being taken to manage demand, improve sufficiency of places and financial management to recover the deficit in the medium to long term. These include managing demand for EHCPs through a graduated approach in mainstream settings, establishing more SEND provision in the borough, including a new special school, and developing new Additionally Resourced Provisions (ARPs). In addition, ensuring there is full cost recovery from other local authorities that place pupils in Brent special schools including administration and other specific costs. These measures achieved cost avoidance benefits of £2m in 2023/24 with a target of £2.2m to be achieved by the end of 2024/25.
- 11.11 In the Spring Budget of March 2023, the government announced a significant expansion of early years childcare entitlements, to be distributed to local authorities, including Brent, between April 2024 and September 2026. The proposals include offering 30 hours of funded childcare for every child of working parents aged nine months to five years by September 2025, an increase in the hourly rate paid to providers for delivering existing free childcare hours, and grants for new childminders. Additionally, the government will invest in the development of wraparound childcare for school-aged children, with a commitment that families will have access to childcare from 8am to 6pm during the school day. Brent is expected to receive £0.9m from the wraparound care grant.

## **12.0 Housing Revenue Account**

- 12.1 The Housing Revenue Account (HRA) is a ring-fenced account, which contains the income and expenditure relating to the Council's landlord duties in respect of 11,851 dwellings.
- 12.2 Each year, the HRA budget is set in the context of the 30-year business plan. The business plan is reviewed annually, allowing for horizon scanning and the identification and mitigation of risks in the short, medium and long-term. Early identification of risks enables planning and implementation of mitigations to ensure that the HRA can continue to remain financially secure and deliver on its commitments to:
- Expand and accelerate the development of new Council homes
  - Continue to maintain and improve existing Council homes
  - Transform and continuously improve front line services to tenants and leaseholders

- 12.3 The HRA budget setting from 2016/17 to 2019/20 was principally directed by the Welfare Reform Act 2016, which imposed a 1% rent reduction for four years. This has resulted in a reduction of rental income and bottom-line surpluses previously assumed in the business plan. The resulting £23m loss of income, along with increased capital expenditure on major works, has led to the full utilisation of the major repairs reserve to finance investment in the existing housing stock. Efficiency savings targets are incorporated into the budget setting process. A 0.5% efficiency target is set across management and repairs in the first 5 years of the HRA Business Plan, followed by 1% per annum over the course of the remaining 25 years, equating to an average saving of £0.3m per annum over 30 years.
- 12.4 The rent cap of CPI plus 1% cent has been in place since its introduction in 2020/21, with the exception of 2023/24, when the government intervened with a rent rise limitation of 7%. This ceiling resulted in an estimated £2m reduction of income to the HRA when compared to the standard policy of CPI plus 1% policy. There was then a reversion to the standard rent setting arrangements in 2024/25 and the government extended the current CPI plus 1% rent settlement by one year to cover 2025/26. For 2025/26, CPI plus 1% equates to 2.7%, allowing the potential to increase rental income by £1.6m. A £1.6m increase in rent has the effect of an additional £48m investment in the HRA over a 30-year period.
- 12.5 HRA rent setting needs to be considered in the context of the ring-fence and the 30-year business plan. A return to the CPI plus 1% model helps to provide some stability, however longer-term rent policy decisions would help to provide more certainty over planned investment in the stock, service improvement and new development, at least in the medium-term. The approach beyond 2026 remains uncertain, but continuation of the CPI plus 1% formula is probable.
- 12.6 It is illegal to set a budget that would result in negative balances on the HRA. If faced with this likely situation, significant savings will be required from the management and maintenance budgets.
- 12.7 In September 2024 CPI stood at 1.7%, which means that rents are allowed to be increased by 2.7% in line with the CPI plus 1% policy for 2025/26. The increase is essential for inflation led growth and to continue capital investment in the Council's existing housing stock. However it does not entirely mitigate other risks which are present in the current economic climate. Factors such as inflation on energy and material costs, repairs and maintenance contracts and anticipated wage increases, mean any decision to set rents at less than the maximum permitted, provides a significant risk to the sustainability of the HRA. Local authorities still need to cover the inflationary pressures within the HRA whilst delivering on their operational requirements and strategic priorities some of which are additional legislative requirements, from repairs and maintenance, to building safety, fire safety, damp and mould and decarbonisation. These pressures together with uncertainty around the inflation and interest rates pose significant financial pressures to the HRA and

a risk that spend could exceed income generated through rent and service charge collection. There is a continuous requirement for the fund to make savings in order to deliver a balanced financial position. Any investment plans must be approached cautiously and allow for flexibility.

### **Bad Debts**

- 12.8 It is recognised that the current economic climate and increased rental charges can have an adverse impact on the level of rent collections. Whilst approximately a third of rental charges are covered through housing benefit payments, the remainder is expected to be paid directly by tenants who are in employment or in receipt of universal credit and are at risk of increased levels of non-collection. Collection rents currently stand at circa 97% and for every 1% drop in collection, the loss of income is estimated to be £0.6m.

### **Repairs and major works**

- 12.9 The repairs contract for planned and responsive repairs is currently outsourced to one contractor and is due for re-procurement. The new approach will represent a hybrid model which would consist of two to six contractors delivering responsive repairs, voids and planned works across the borough. The repairs model also consists of an internal handyman service that are tasked with completing communal repairs across the borough. Inflation on re-tendered contracts is estimated to range between 5% to 10%. The contract was originally due to expire in September 2024 and a budget allowance has already been made in the 2024/25 budget, however there is a risk that the cost of the new delivery model could be higher than anticipated, which could create a further budget requirements ranging between £0.5m to £2m in 2025/26.

### **Pay Award**

- 12.10 Staffing budget for 2024/25 is £9.5m. The pay award for 2025/26 is has now been agreed and is estimated to result in a budgetary requirement of circa £0.2m.

### **Voids**

- 12.11 The HRA is experiencing continued increase in cost associated with expenditure on void properties in order to bring them to lettable standards. Additional requirements such as measuring and dealing with damp and mould could potentially require additional resources within the property management team. With the need to recruit to vacant positions and requirements within the major works programme to invest in tower block refurbishments, the budgetary pressures identified for void and responsive works could require additional funding estimated at £0.5m - £1m.

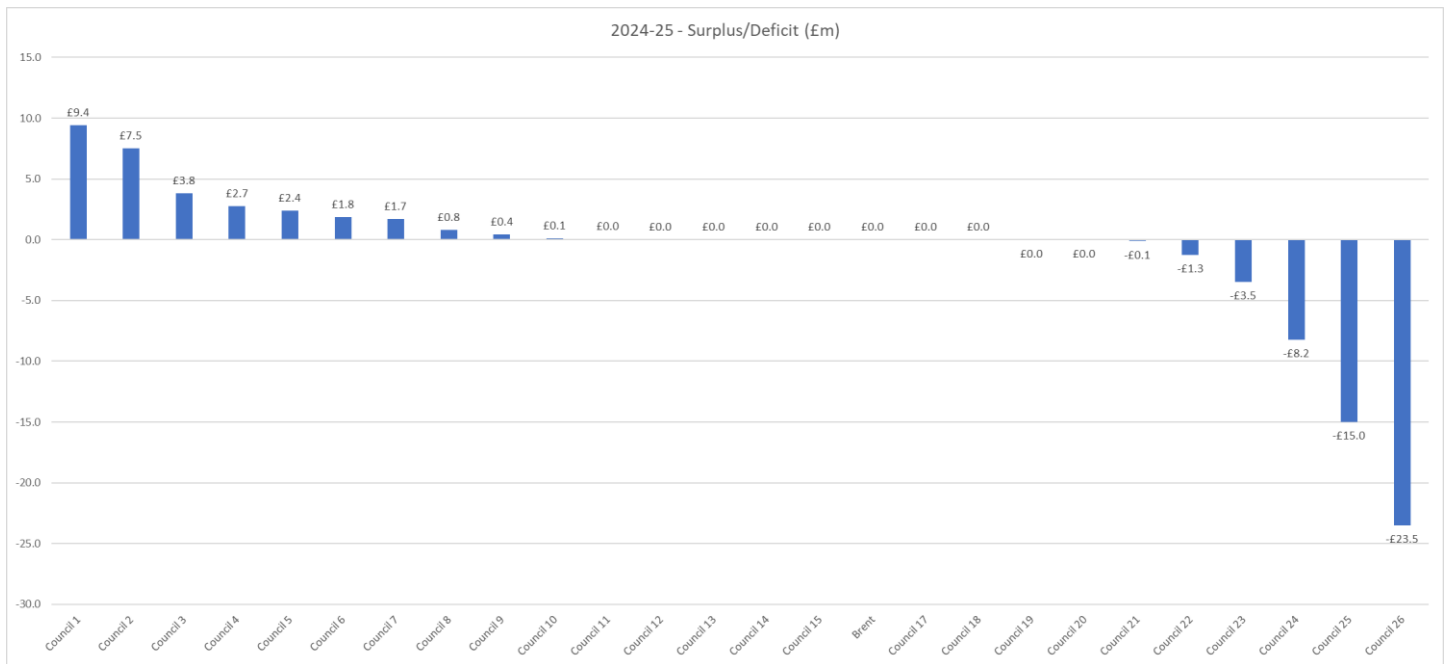
## **Savings**

- 12.12 Difficult decisions are required to be made to re-appraise HRA budget priorities and service delivery methods in order to achieve savings across the HRA required to maintain a balanced budget. This is in addition to annual saving targets that are already incorporated into medium-term financial plans.

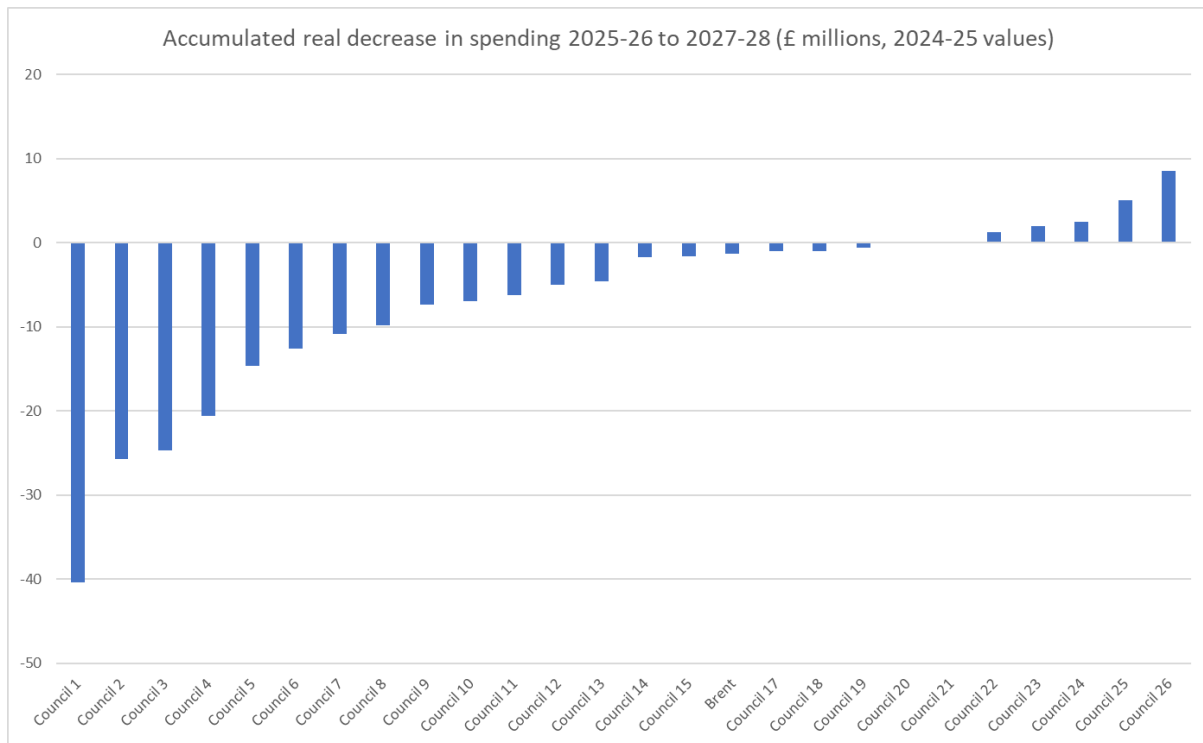
## **Tenants Service Charges**

- 12.13 Service charges are recharges to tenants, which are based on the actual costs incurred for providing specific services, such as estate cleaning. For the purpose of the budget setting, individual service charge elements are adjusted to bring them in line with the estimated costs of providing these services to tenants. Service charges are adjusted if there is a projected over or under recovery of costs. Currently there is under recovery of costs for estate cleaning services. Therefore, a phased approach to cost recovery has been modelled to allow charges to increase over a four-year period, limiting the impact on tenants.
- 12.14 Unmetered communal lighting, heating and hot water charges are adjusted annually in line with the forecast energy supplier inflations. Unity Place in South Kilburn hosts the energy centre for the local district heat network for metered billing. It currently supplies heat and hot water to 235 properties and tenants are billed based on actual usage.
- 12.15 The operating reserve is also necessary for the HRA to manage unexpected deficits, or for smoothing in-year budget pressures. Brent's reserve balance is currently £2.4m, which represents 4% of gross rent and is below the 5% target set within the Business Plan. It is also £8.4m lower than Brent's peer average. The average reserve balance per unit of stock for peers is also higher, at £1,039 per unit, which is £747 higher than Brent, at £292 per unit of stock. The reserve is currently not projected to increase beyond £2.4m in the next five years while tower block programme and affordable housing supply require a significant investment at Brent.

12.16 London Councils reveal that a number of London's Boroughs HRAs are experiencing significant financial pressures and a few might be at a risk of insolvency.



12.17 Boroughs are only able to increase their maintenance, depreciation and administration costs at a rate below expected inflation (i.e. less than 2% per year) and are projecting a real term reduction of 4% in spending on supervision, management, repair and maintenance across London. The accumulated real terms decrease in spending from 2024/25 to 2027/28 is estimated to be over £170m across London, with most boroughs requiring these reductions to remain solvent.



12.18 The rent uplifts are being calculated and budgetary requirements, along with the required savings, are being finalised. The HRA draft budget and the 2025/26 HRA Business Plan will be updated accordingly to reflect the impact. Budget assumptions will continue to be reviewed and updated. The HRA budget for 2024/25 will be presented to Cabinet in February 2025 for approval by Full Council.

### 13.0 Capital Programme

13.1 The Capital Programme below comprises of projects approved by Full Council at the February 2024 budget setting including new projects and a number of in year budget adjustments to existing projects.

Table 7 – Current Capital Programme Budget and Financing

Capital Programme Budget	Forecast 2024/25 £m	Budget 2025/26 £m	Budget 2026/27 £m	Budget 2027/28 £m	Budget 2028/29 £m	Total £m
Corporate Landlord	16.2	20.6	14.2	28.2	0.5	79.7
Housing GF	81.9	75.7	30.7	3.6	0.0	191.9
Schools	20.1	16.6	30.0	3.5	0.6	70.8
Regeneration	64.3	73.4	23.1	28.4	0.0	189.2
Public Realm	24.5	11.9	2.3	1.0	6.0	45.7
South Kilburn	33.6	3.9	3.9	0.0	0.0	41.4
St Raphael's	0.5	3.2	3.9	12.5	0.0	20.1
HRA	52.2	96.6	32.7	10.5	0.0	192.0
<b>Total Capital Expenditure</b>	<b>293.3</b>	<b>301.9</b>	<b>140.8</b>	<b>87.7</b>	<b>7.1</b>	<b>830.8</b>



<b>Capital Programme Financing</b>	<b>Budget 2024/25 £m</b>	<b>Budget 2025/26 £m</b>	<b>Budget 2026/27 £m</b>	<b>Budget 2027/28 £m</b>	<b>Budget 2028/29 £m</b>	<b>Total £m</b>
Grants & Other Contributions	46.3	23.5	7.3	3.2	0.0	<b>80.3</b>
S106 & CIL	26.2	16.6	0.0	0.0	0.0	<b>42.8</b>
Capital Receipts	1.8	28.2	23.2	26.1	0.0	<b>79.3</b>
Reserves	2.4	0.1	1.4	0.0	0.0	<b>3.9</b>
Major Repairs Allowance	22.9	21.4	0.0	0.0	0.0	<b>44.3</b>
Revenue Contribution	10.6	1.7	7.7	0.5	0.5	<b>21.0</b>
Prudential Borrowing	183.1	210.4	101.2	57.9	6.6	<b>559.2</b>
<b>Total Capital Financing</b>	<b>293.3</b>	<b>301.9</b>	<b>140.8</b>	<b>87.7</b>	<b>7.1</b>	<b>830.8</b>

13.2 The Capital Programme is facing significant pressures from a number of factors including the rising costs of construction, a significant rise in the demand for affordable housing, with many families turning to the Council for temporary accommodation, funding constraints with many local authorities grappling with economic uncertainty influenced by factors such as the cost of living crisis, fluctuations in economic growth etc. Two thirds of the capital programme is dependent on debt financing, which creates further revenue pressure in the form of the need to service the loans by way of an interest and Minimum Revenue Provision (MRP) charge to the revenue account. Interest rates are forecasted to remain at elevated levels throughout the foreseeable future which makes debt financing expensive relative to the prior years. This makes the affordability of potential capital schemes extremely challenging.

13.3 The 2025/26 budget is an indicative allocation based on the best available information at the time of this report. Given the viability pressures and multi-year nature of capital projects, this budget is subject to significant volatility over the coming months and full details of the budget changes will be reported in the budget setting report in February 2025. The key challenges, demand pressures and risks of the Capital Programme are set out below.

### **Temporary Accommodation and Social Housing**

13.4 Local authorities face significant pressures in relation to temporary accommodation (TA) and social housing due to a combination of factors:

- **Rising Demand:** Increasing homelessness rates and a growing population have led to higher demand for temporary accommodation and social housing. Economic pressures, such as the cost of living crisis, exacerbate this demand.
- **Limited Supply:** There is a severe shortage of affordable housing. Many local councils are struggling to secure enough suitable temporary accommodation.

13.5 The above factors represent considerable risk for the Council in relation to its statutory obligation under the Homelessness Prevention Act 2017 to take proactive steps to prevent homelessness.

13.6 To alleviate the situation Brent is employing a range of strategies including:

- Increasing the supply of affordable housing through development or direct acquisition, ensuring, where available, utilising the various grants available including the Local Authority Housing Fund (LAHF).
- Partnership arrangements with the private sector and our own subsidiaries to develop properties.
- Efficient utilisation of empty properties – bringing properties in disrepair back into use as quickly as possible and employing homelessness prevention tactics such as early intervention services and partnerships with local charities and organisations.

### **Schools**

13.7 To meet our target of becoming carbon neutral, there is substantial capital expenditure on replacing old heating systems with heat pumps within Schools. This will prevent the emission of millions of tonnes of carbon however affordability of these projects are challenging. It is essential that Brent builds more SEND schools in the borough, to reflect the growing complex special needs for children and young people as set out in the Schools Planning Places Strategy.

### **Public Realm**

13.8 Brent has a very busy infrastructure of streets, highways, footbridges and carriageways to maintain. Immediate and medium-term funding pressures will affect the Council's ability to deliver their full works on time and on budget. Public Realm relies heavily on TfL grants to deliver their main programmes, but these grants have reduced in recent years so there is a need to find savings and turn to other sources of funding. The other strategic aim for Brent's Public Realm is to become carbon neutral and deliver a greener and sustainable environment, via alternative means of transport, moving to electric cars, and planting more trees and gardens.

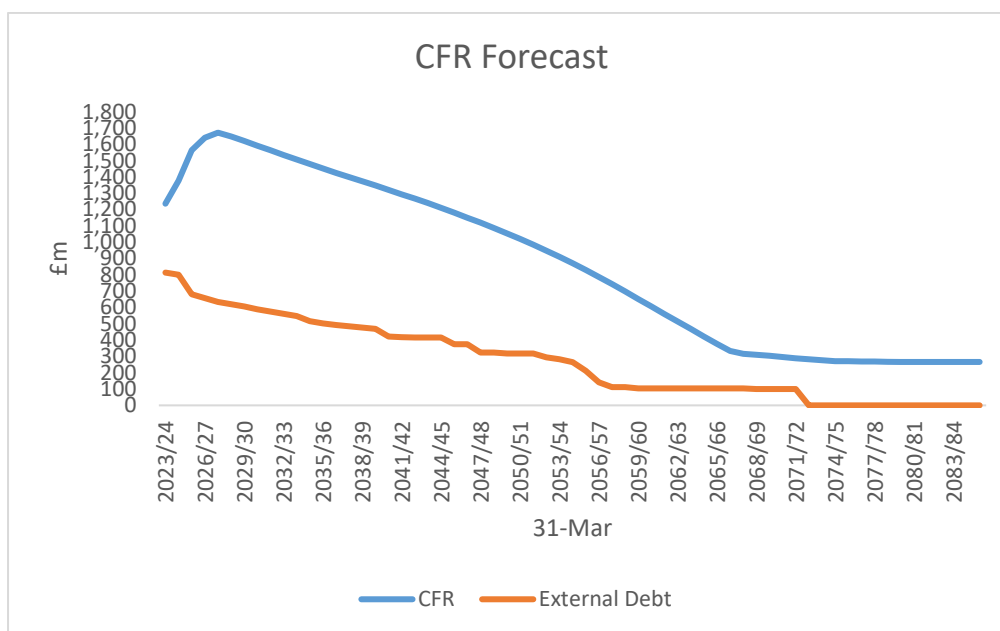
### **Capital Financing Budget**

13.9 The Capital Financing budget supports the Council's revenue expenditure associated with prudential borrowing that is used to finance capital expenditure. Expenditure covered by this budget includes interest payments on actual loans raised in the past to finance historical capital expenditure; interest payments on new loans needed to fund the capital programme; loan premiums where loans have been prematurely refinanced; and the Minimum Revenue Provision charge (MRP – the statutory repayment of debt). The budget also benefits from interest income which the Council is expected to receive through its treasury cash balances, service recharges contributing to interest payable, and loans advanced to third parties.

13.10 The Capital Financing Budget is expected to come under increasing pressure in the coming years. Loan interest charges are expected to remain at elevated levels following the significant increases in the Bank of England Bank Rate

over the past two years , which is currently at 5.00%. There has also been an increase in UK Gilt rates upon which the PWLB loan rates are priced. A high Bank Rate impacts on short-term loans that are less than one year in duration thus making them expensive, whilst the Gilt rate impacts on long-term loan rates, thus resulting higher interest costs. The impact of higher interest rates is limited to maturing debt that requires refinancing at higher rates upon maturity, as well as interest on new borrowing taken out to support the capital programme. A high Bank Rate also results in higher investment income returns as the Council generates more interest income on its cash balances. The Minimum Revenue Provision (the charge to revenue made towards repaying the loans) is also expected to increase in-line with the higher borrowing demand as there is a statutory requirement to repay debt annually from the revenue budget.

- 13.11 The extent to which the Capital Financing Budget will come under pressure will depend on how long interest rates for prudential borrowing remain at current levels, whether capital project plans continue as originally forecasted and the extent to which internal borrowing must be externalised.
- 13.12 The future demands of the capital programme means that the capital financing budget will need £7.0m of growth in 2025/26 to the existing budget of £27.8m (2024/25 adjusted for in year virements) to support the financing of the capital programme through prudential borrowing. The 2024/25 budget variance is expected to be financed through a capital smoothing reserve.
- 13.13 Two thirds of the capital programme between 2024/25 and 2028/29, as shown in Table 6, is dependent on debt financing to fund the in-year capital expenditure. A significant proportion of the capital schemes are invest to save opportunities where the project will generate revenue streams to contribute to the capital financing costs of the schemes which help mitigate the cost of delivering a scheme for the capital financing budget.
- 13.14 Further pressure on the capital financing budget may arise if there is a requirement to borrow to replenish the internal borrowing position of the Council. Internal borrowing is the difference between the Loan Capital Financing Requirement (CFR) and external debt and occurs due to timing differences when capital expenditure that is meant to be financed through external debt is instead paid for through cash resources that are intended for other purposes. Cash is replenished at a later date. As at 1 April 2024 the Council had an internal borrowing position of £422.3m. This approach saves the Council circa £20m per annum in cost avoidance however as the Council's internal cash balances are utilised there is a need to externally borrow to cover this cash demand and cause pressures for the Capital Financing Budget.
- 13.15 The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR). This is the amount of the Capital Programme, past and present, that is funded by borrowing and has not been paid for by revenue or other resources. The Capital Financing Requirement (CFR) is expected to increase to £1.6bn by the end of 2026/27. The chart below profiles the CFR and the current external loan portfolio.



13.16 Sensitivity analysis have been undertaken and a 25% reduction to the Capital Programme in 2024/25 to 2026/27 (as shown in Table 6) would reduce the forecast CFR by £44.5m and delay the immediate pressure for the Capital Financing Budget by £1.8m. The Council's borrowing plans and capital financing forecast are subject to significant volatility.

#### 14.0 Stakeholder and ward member consultation and engagement

14.1 Consultation on the Council's budget is a statutory process. The approach to consultation on the Council's budget proposals with residents, businesses and other key stakeholders is set out in section ten of this report.

#### 15.0 Financial Considerations

15.1 The financial considerations are set out throughout the report. As the budget proposals are for consultation at this stage, not agreement, there are no direct costs associated with agreeing the recommendations, other than for consultation, the costs of which are built into existing budgets.

#### 16.0 Legal Considerations

16.1 A local authority must budget so as to give a reasonable degree of certainty as to the maintenance of its services. In particular, local authorities are required by the Local Government Finance Act 1992 to calculate as part of their overall budget what amounts are appropriate for contingencies and reserves. The Council must ensure sufficient flexibility to avoid going into deficit at any point during the financial year. The Director of Finance is required to report on the robustness of the proposed financial reserves.

- 16.2 Standing Order 24 sets out the process that applies within the Council for developing budget and capital proposals for 2025/26. There is a duty to consult representatives of non-domestic ratepayers on the Council's expenditure plans before each annual budget under Section 65 of the Local Government Finance Act 1992. The Council also has a general duty to consult representatives of Council Taxpayers, service users and others under Section 3 (2) Local Government Act 1999.
- 16.3 The Council is also required to comply with other statutory and common law consultation obligations relevant to particular options being considered and with the Public Sector Equality Duty. The Council must consult at a formative stage in the decision making process and adequate time must be given for public consideration and response. The consultation information must be accurate, fair and balanced, give sufficient reasons for proposals to permit of intelligent consideration and response and the information produced by the consultation must conscientiously be taken into account in finalising the proposals.

## **17.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 17.1 Under the Public Sector Equality Duty (PSED) in the Equality Act 2010, Brent Council is required to pay due regard to the need to eliminate unlawful discrimination and advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not, when making decisions. The protected characteristics are age, disability, gender, race, religion or belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. Although socio-economic status (people on low income, young and adult carers, people living in deprived areas, groups suffering multiple disadvantages, etc.) is not a characteristic protected by the Equality Act 2010, Brent Council is committed to considering the impact on socio-economic groups.
- 17.2 The PSED does not prevent decision makers from making difficult decisions in the context of the requirement to achieve a significant level of savings across all operations. It supports the Council to make robust decisions in a fair, transparent and accountable way that considers the diverse needs of all our local communities and workforce. Consideration of the duty should precede and inform decision making. It is important that decision makers have regard to the statutory grounds in the light of all available material, including relevant equality analyses and consultation findings. If there are significant negative equality impacts arising from a specific proposal, then decision makers may decide to amend, defer for further consideration or reject a proposal after balancing all of the information available to them. This may mean making up the shortfall from additional reductions elsewhere.

## **18.0 Climate Change and Environmental Considerations**

- 18.1 There are no climate change and environmental considerations arising out of this report.

**19.0 Human Resources/Property Considerations (if appropriate)**

19.1 Where budget proposals involve staffing reductions, the Council's Managing Change policy will apply.

**20.0 Communication Considerations**

20.1 A communications and engagement plan is in place to ensure the budget proposals and consultation channels are effectively communicated to residents, business and other key stakeholders as set out in section ten of this report.

**Related documents for reference:**

Cabinet (15 July 24): [Medium Term Financial Outlook Report](#)

**Report sign off:**

***Minesh Patel***  
Corporate Director,  
Finance and Resources.

Department	Reference	Proposal	Saving 2025/26 £000
Community, Health & Wellbeing	CHW01 25-26	Offer reablement service to a wider range of customers, supporting them to remain independent and reduce their reliance on long-term care services.	800,000
Community, Health & Wellbeing	CHW02 25-26	Expand the Shared Lives programme to be able to provide additional respite capacity for individuals with learning disabilities and reduce reliance on residential respite placements	200,000
Community, Health & Wellbeing	CHW03 25-26	Modernise Adult Social Care Approach to Assessment and Review	200,000
Community, Health & Wellbeing	CHW04 25-26	Implementation of Telecare Service Charges	500,000
<b>Subtotal CHW</b>			<b>1,700,000</b>
Children & Young People	CYP01 25-26	LAC and Permanency/FPPP: Reduction in weekend use of the Gordon Brown Centre for care leavers as part of promoting independence work by 50% from £160k to £80k annually	80,000
Children & Young People	CYP02 25-26	FPPP: Reduction in discretionary spend of when supporting children and families	300,000
Children & Young People	CYP03 25-26	Inclusion/Brent Virtual School: Cease the Safe Base Brent offer, which is a Mental Health and Wellbeing support service for care leavers attending higher education.	57,000
<b>Subtotal CYP</b>			<b>437,000</b>
Partnerships, Housing & Resident Services	PHRS01 25-26	Staffing efficiencies and contract spend within the Shared Technology service	200,000
Partnerships, Housing & Resident Services	PHRS02 25-26	Staffing efficiencies the Communications, Insight and Innovation department.	316,000
Partnerships, Housing & Resident Services	PHRS03 25-26	Increasing commercial income generated from The Drum	100,000
Partnerships, Housing & Resident Services	PHRS04 25-26	Achieving management efficiencies across Revenue and Debt, Customer Services and Assessments and Brent Community Hubs	375,000
Partnerships, Housing & Resident Services	PHRS05 25-26	Achieving management efficiencies within Libraries, Arts and Heritage	50,000
Partnerships, Housing & Resident Services	PHRS06 25-26	Increased income across Mortuary & Bereavement Operations (including Cemeteries) and Registration and Nationality	184,000
Partnerships, Housing & Resident Services	PHRS07 25-26	Staffing efficiencies within the Communities and Partnerships Department	75,000
<b>Subtotal PH&amp;RS</b>			<b>1,300,000</b>
Neighbourhoods & Regeneration	NR01 25-26	Increase charge for bulky waste collection from £40 to £55	30,000

Department	Reference	Proposal	Saving 2025/26 £000
Neighbourhoods & Regeneration	NR02 25-26	Increase garden waste annual subscription from £65 to £69	55,000
Neighbourhoods & Regeneration	NR03 25-26	Increase to existing, or introduction of new, charges for additional and replacement waste containers (residual, recycling, food)	105,000
Neighbourhoods & Regeneration	NR04 25-26	Stop subscription for Recyclopeda	6,000
Neighbourhoods & Regeneration	NR05 25-26	Transformation restructures across public realm, regeneration and strategic housing	250,000
<b>Subtotal N&amp;R</b>			<b>446,000</b>
Law & Governance	LG01 25-26	Reduction in Members Allowances budget	50,000
Law & Governance	LG02 25-26	Reduction In Car Club costs	50,000
Law & Governance	LG03 25-26	Outsource Occupational Health Service	100,000
Law & Governance	LG04 25-26	Deletion of two Trainee positions in Legal Services	87,400
Law & Governance	LG05 25-26	Increase in income – Legal Services Property and planning	12,600
<b>Subtotal L&amp;G</b>			<b>300,000</b>
Finance & Resources	FR01 25-26	Transformation restructures across Finance & Resources	260,000
<b>Subtotal F&amp;R</b>			<b>260,000</b>
Council Tax Support	CTS	Review of working age Council Tax Support	5,000,000
<b>Grand Total</b>			<b>9,443,000</b>



**APPENDIX B**  
**BUDGET SAVINGS PROPOSALS**  
**2025/26**

Appendix B – Budget Savings Proposals 2025/26

<b>Dept</b>	<b>Reference No.</b>	<b>Project/ Proposal</b>	<b>Page no.</b>
Community, Health and Wellbeing	<a href="#">CHW01 25-26</a>	Offer reablement service to a wider range of customers, supporting them to remain independent and reduce their reliance on long-term care services.	1
Community, Health and Wellbeing	<a href="#">CHW02 25-26</a>	Expand the Shared Lives programme to be able to provide additional respite capacity for individuals with learning disabilities and reduce reliance on residential respite placements	6
Community, Health and Wellbeing	<a href="#">CHW03 25-26</a>	Modernise Adult Social Care Approach to Assessment and Review	10
Community, Health and Wellbeing	<a href="#">CHW04 25-26</a>	Implementation of Telecare Service Charges	17
Children and Young People	<a href="#">CYP01 25-26</a>	LAC and Permanency/FPPP: Gordon Brown Centre reduction in the contribution for Promoting Independence work to care leavers by 50%	21
Children and Young People	<a href="#">CYP02 25-26</a>	FPPP: Reduction in discretionary spend of when supporting children and families	24
Children and Young People	<a href="#">CYP03 25-26</a>	Inclusion/Brent Virtual School: Reduce spend on SafeBase service, a mental health and wellbeing support service for care leavers who are in higher education.	28
Partnerships, Housing and Resident Services	<a href="#">PHRS01 25-26</a>	Staffing efficiencies and contract spend within the Shared Technology service which provides ICT infrastructure support for Brent as part of a shared service arrangement with Lewisham and Southwark.	31
Partnerships, Housing and Resident Services	<a href="#">PHRS02 25-26</a>	Staffing efficiencies in the Communications, Insight and Innovation department.	34
Partnerships, Housing and Resident Services	<a href="#">PHRS03 25-26</a>	Increase commercial income generated from The Drum by driving up occupancy rates through more proactive sales and marketing	37

Appendix B – Budget Savings Proposals 2025/26

Partnerships, Housing and Resident Services	<a href="#">PHRS04 25-26</a>	Management efficiencies across Revenue and Debt, Customer Services and Assessments and Brent Community Hubs.	41
Partnerships, Housing and Resident Services	<a href="#">PHRS05 25-26</a>	Management efficiencies within Libraries, Arts and Heritage	44
Partnerships, Housing and Resident Services	<a href="#">PHRS06 25-26</a>	Increased income across Mortuary & Bereavement Operations (incl Cemeteries) and Registration and Nationality	47
Partnerships, Housing and Resident Services	<a href="#">PHRS07 25-26</a>	Staffing efficiencies within the Communities and Partnerships Department	50
Neighbourhoods and Regeneration	<a href="#">NR01 25-26</a>	Increase charge to customers for accessing the bulky waste collection service from £40 to £55.	53
Neighbourhoods and Regeneration	<a href="#">NR02 25-26</a>	Increase garden waste annual subscription from £65 to £69	56
Neighbourhoods and Regeneration	<a href="#">NR03 25-26</a>	A new charge for the delivery of waste containers	58
Neighbourhoods and Regeneration	<a href="#">NR04 25-26</a>	Ending a recycling information subscription	61
Neighbourhoods and Regeneration	<a href="#">NR05 25-26</a>	Staffing and Structures Review of Public Realm Services	63
Law and Governance	<a href="#">LG01 25-26</a>	Members Allowance	65
Law and Governance	<a href="#">LG02 25-26</a>	Reduction in Car Club costs	68
Law and Governance	<a href="#">LG03 25-26</a>	Outsource the provision of Occupational Health services to managers and staff at the council. In the course of procuring a provider, reduce the cost of the current provision that is delivered by agency staff.	71
Law and Governance	<a href="#">LG04 25-26</a>	Deletion of two Trainee positions in Legal Services	74
Law and Governance	<a href="#">LG05 25-26</a>	Increase in income – Legal Services Property and planning	77
Finance and Resources	<a href="#">FR01 25-26</a>	Transformation restructures across Finance & Resources	80

### **Budget Options Information**

<b>Reference:</b>	CHW01 25-26
<b>Service(s):</b>	ASC
<b>Lead Member(s):</b>	Cllr Neil Nerva

<b>Savings Proposal:</b>	Offer reablement service to a wider range of customers, supporting them to remain independent and reduce their reliance on long-term care services.
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### **Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	Learning Disabilities: £27,204 Mental Health: £7,531
<b>Total post numbers in the services(s) (FTE):</b>	

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	800
	FTE
<b>Proposed staffing reduction</b>	0

### **Proposed savings**

1. Expand the cohort of individuals entering reablement to include mental health users, learning disability users, and customers currently receiving services who are requesting an increase.
2. Increase the number of therapy staff in reablement to ensure comprehensive support for individuals in the proposed cohort.

### **How would this affect users of this service?**

- Enhanced Quality of Life: By providing tailored reablement services, individuals will experience improved physical and mental well-being.
- Increased Independence: With effective reablement, customers will likely achieve greater independence, reducing their reliance on long-term care services.
- Personalised Goal Setting: Expanding therapy staff will allow for more personalised and intensive plans, catering to the unique needs of individuals.

### **Key milestones**

- 1 Staff Recruitment (Months 1-3)
  - Recruit additional therapy staff with expertise in mental health, learning disabilities, and general reablement.
  - Provide necessary training and onboarding to ensure staff are prepared to meet the expanded needs.
  
- 2 Cohort Identification (Months 1-2)
  - Identify and assess individuals currently receiving services who are requesting increased support.
  - Collaborate with mental health and learning disability service providers to identify suitable candidates for reablement.
  
- 3 Service Expansion (Months 3-6)
  - Begin reablement services for the expanded cohort.
  - Monitor and adjust the service delivery model to ensure effectiveness and efficiency.
  
- 4 Evaluation and Adjustment (Months 6-9)
  - Conduct a comprehensive evaluation of the expanded reablement services.
  - Adjust strategies and processes based on feedback and observed outcomes.
  
- 5 Full Implementation (Months 9-12)
  - Implement any necessary changes based on the evaluation.
  - Ensure the expanded reablement services are fully operational and integrated into the overall care framework.

### **Key consultations**

N/A

### **Key risks and mitigations**

1. Insufficient Staffing Levels - Mitigation: Conduct a thorough recruitment process and consider temporary staffing solutions if necessary. Implement a robust training program to ensure new staff can quickly integrate and provide high-quality care.
  
2. Resistance to Change - Mitigation: Engage with current service users and their families to explain the benefits of the reablement services. Provide clear communication and support throughout the transition period.

3. Financial Constraints - Mitigation: Monitor budget closely and adjust resource allocation as needed. Explore potential funding opportunities or partnerships to support the initiative.
4. Variation in Individual Outcomes - Mitigation: Ensure that therapy plans are highly personalised and regularly reviewed. Use data and feedback to continuously improve service delivery.

**Equality impact screening**

We recognise that considering equality impact is crucial to ensure that the proposed implementation does not disproportionately affect any group and that the services are accessible and beneficial to all eligible individuals. Although no customer group will be specifically impacted through these proposals, we will aim to implement the following:

- Inclusive Recruitment - Ensure recruitment of therapy staff is inclusive, promoting diversity and equal opportunity.
- Accessibility of Services - Ensure that reablement services are accessible to individuals with various disabilities, including physical, sensory, and cognitive impairments. Provide information about the services in multiple formats as required (e.g., large print, Braille, audio).
- Cultural Competence - Train therapy staff on cultural competence to ensure they can effectively support individuals from diverse cultural and ethnic backgrounds. Incorporate cultural preferences and needs into therapy plans.
- Gender Sensitivity - Ensure services are sensitive to gender-specific needs and preferences.
- Age Appropriateness - Tailor reablement services to be age-appropriate, recognising the different needs of younger adults, middle-aged individuals, and older adults.
- Monitoring and Evaluation - Regularly monitor the demographic data of service users to identify any disparities in access or outcomes. Use this data to make informed adjustments to ensure equitable service delivery.
- Feedback Mechanisms - Establish feedback mechanisms for customers to express concerns or suggestions related to equality and accessibility. Act on feedback promptly to address any issues of inequality.
- Partnership with Advocacy Groups - Partner with advocacy groups representing various marginalised communities to ensure their needs are met and their voices are heard in the service design and delivery.

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N

Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

### **Financial considerations**

Additional staffing will be required to deliver the extended service which will be funded by the Market Sustainability Improvement Fund.

### **Legal considerations**

The proposal to expand on the cohort of individual entering reablement is lawful as it aligns with the prevention duty in s2 Care Act 2014. Local Authorities must provide or arrange for the provision of services, facilities or resources, or take other steps (like reablement), that will contribute to preventing or delaying the development of needs for Care and Support or to reduce the need for such care and support.

### **Equity, Diversity and Inclusion (EDI) considerations**

Inclusive Training: Ensure training materials and sessions are accessible to all staff, considering different learning styles and needs.

Cultural Competence: Train staff on cultural competence to ensure they can effectively support customers diverse backgrounds.

### **Climate change and environment considerations**

None

### **Communication considerations**

Communication with referrers who will need to be made aware of the changes to the criteria to ensure that there is a flow of eligible customers through the service.

Effective communication with customers to ensure they understand the service they are receiving.

Appendix B – Budget Savings Proposals 2025/26

Lead officer for this proposal:	Sarah Richards Principal OT and Head of Intermediate Care
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### **Budget Options Information**

<b>Reference:</b>	CHW02 25-26
<b>Service(s):</b>	ASC
<b>Lead Member(s):</b>	Cllr Neil Nerva
<b>Lead Officer</b>	Leon Gooding

<b>Savings Proposal:</b>	Expand the Shared Lives programme to be able to provide additional respite capacity for individuals with learning disabilities and reduce reliance on residential respite placements
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### **Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	LD Residential Care: £6,375
<b>Total post numbers in the services(s) (FTE):</b>	6

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	200
	FTE
<b>Proposed staffing reduction</b>	0

### **Proposed savings**

This proposal aims to increase the number of Shared Lives carers to provide respite for individuals with learning disabilities. By expanding the Shared Lives programme, we can allocate more learning disabilities customers to these carers, thereby reducing reliance on more costly residential respite placements and creating significant budget savings.

Increasing the number of Shared Lives carers to provide respite for individuals with learning disabilities offers a promising strategy to enhance care quality while achieving significant cost savings. By following the outlined implementation milestones and addressing potential risks through robust planning and support mechanisms, we can ensure a successful transition that benefits users, carers, and the overall budget.

### **How would this affect users of this service?**

- Personalised Care: Users will benefit from more personalised and homely care environments.

- Community Integration: Shared Lives placements can enhance social inclusion and community integration for individuals with learning disabilities.
- Continuity and Stability: Building stable and long-term relationships with Shared Lives carers can provide continuity and emotional stability for users.

### **Key milestones**

1. Planning and Recruitment (Months 1-3)
  - Develop a comprehensive recruitment campaign to attract potential Shared Lives carers.
  - Create and distribute promotional materials highlighting the benefits and rewards of being a Shared Lives carer.
2. Training and Assessment (Months 2-6)
  - Implement a robust training programme for new carers, covering essential skills, safeguarding, and understanding learning disabilities.
  - Conduct thorough assessments of potential carers to ensure suitability and readiness.
3. Customer Allocation (Months 4-9)
  - Identify learning disabilities customers currently using residential respite services who can transition to Shared Lives placements.
  - Initiate the matching process to pair customers with appropriate Shared Lives carers.
4. Monitoring and Support (Months 6-12)
  - Provide ongoing support and supervision to Shared Lives carers to ensure high-quality care.
  - Monitor the progress and well-being of users in Shared Lives placements, making adjustments as necessary.
5. Evaluation and Expansion (Months 12 and beyond)
  - Evaluate the programme's impact on costs, user satisfaction, and care outcomes.
  - Plan for further expansion based on the evaluation findings and identified needs.

### **Key consultations**

N/A

### **Key risks and mitigations**

1. Insufficient Recruitment of Carers
  - Mitigation: Intensify recruitment efforts, offer incentives, and collaborate with local community organisations to reach a broader audience.
2. Matching Challenges

## Appendix B – Budget Savings Proposals 2025/26

- Mitigation: Develop a detailed matching process and provide support during the initial stages of placement to ensure compatibility between users and carers
- 3. Quality of Care Concerns
  - Mitigation: Implement regular monitoring and support mechanisms, including frequent check-ins and feedback sessions with both carers and users.
- 4. User Adjustment Issues
  - Mitigation: Provide transitional support for users and carers, including counselling and practical assistance during the adjustment period.

### **Equality impact screening**

This proposal does not have inadvertently disadvantage any particular customer group as all eligible individuals can benefit from the Shared Lives respite programme.

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	Y
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	Yes
EIA to be completed by:	Leon Gooding, Head of Learning Disability and Mental Health
Deadline:	6 December 2024

### **Financial considerations**

The savings assumes that number of shared lives carers will increase. The estimated invest to save required may be in the region of £40k - £50k which has been factored into the savings assumption.

**Legal considerations**

No adverse legal implications identified at this point.

**Equity, Diversity and Inclusion (EDI) considerations**

1. Ensure training materials and sessions are accessible to all staff, considering different learning styles and needs.
2. Cultural Competence: Train staff on cultural competence to ensure they can effectively support customers diverse backgrounds.

**Climate change and environment considerations**

No adverse environmental impact identified at this time.

**Communication considerations**

Communication with existing shared lives carers through creation of a support network.  
Engagement with Brent council communication team to support market engagement, advertising etc.

Lead officer for this proposal:	Leon Gooding, Head of Learning Disability & Mental Health
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**Budget Options Information**

<b>Reference:</b>	CHW03 25-26
<b>Service(s):</b>	ASC
<b>Lead Member(s):</b>	Cllr Nerva
<b>Lead Officer:</b>	Marcia Richards

<b>Savings Proposal:</b>	Modernise Adult Social Care Approach to Assessment and Review
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**Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	22,401
<b>Total post numbers in the services(s) (FTE):</b>	68.9

<b>2025/26</b>	
	£'000
<b>Proposed saving:</b>	200
	FTE
<b>Proposed staffing reduction</b>	0

**Proposed savings**

The Adult Social Care system is facing increasing pressures due to rising demand for services, resulting in extended waiting times for assessments and support. Demand for adult social services has been increasing over the last three years with an increase of 11.6 % in the number of people supported, a 7% increase in the number of people receiving commissioned funded support and a 5.7% increase in the number of requests/referrals received. We are currently providing funded care and support to 4,387 people and 344 carers. The requirement of the care act is to provide a proportionate review for customers receiving services from ASC.

As a result, one of the key challenges for Brent ASC is to develop a sustainable adult social care service that is responsive to the increasing demands in the community where the service can respond promptly to referrals and annual proportionate reviews by designing diverse pathways to enable the service to manage and respond to these demands. This will require ASC to be creative and consider unconventional models of addressing demand at all access points.

These options include.

Care act Eligible assessment in addition to traditional already in place methods

1. Community Appointments

2. Implementation of the Carer assessment been tunnelled through the carers centre.
3. Online self-assessment

#### Reviews

1. Provider Reviews
2. Telephone Reviews
3. Questionnaire reviews

#### **How will savings be achieved through this proposal?**

This Initiative is expected to lead to significant cost savings through reduced travel expenses, increased staff efficiency, decreased reliance on temporary staff, and effective utilisation of community resources.

#### **How would this affect users of this service?**

1. Reduced Waiting Times: By conducting assessments in community venues, we can reduce waiting list by offering community appointments at a local venue. (e.g. GP surgery, Brent Hubs)
2. Convenience: By providing a more flexible option for individuals to receive assessments, as they can attend appointments in familiar and easily accessible locations within their communities.
3. Improved Customer Experience: By meeting individuals in community venues, we could offer and create a more confidential and welcoming environment for assessments, leading to a better overall customer experience.
4. Enhanced Outreach: This Initiative could enable us to reach individuals who may face barriers to accessing assessments in the traditional way, such as individuals from the currently unreached communities.

#### **Key milestones**

Milestones for Implementing this Initiative.

##### Phase 1: Planning and Preparation

1. Initial Assessment and Feasibility Study (Month 1)
  - Conduct a feasibility study to understand the logistics, costs, and potential challenges.
  - Gather input from stakeholders, including staff, Customers, and community partners.
2. Project Team Formation (Month 2)
  - Assemble a project team comprising representatives from adult social care, community organisations, and other relevant departments.
  - Define roles and responsibilities for the project team members.
3. Venue Identification and Securing (Months 2-3)
  - Identify potential community venues for the assessments.
  - Conduct site visits to ensure venues meet accessibility and suitability criteria.
  - Secure agreements with venue providers.

##### Phase 2: Development and Training

1. Protocol and Procedure Development (Months 3-4)

## Appendix B – Budget Savings Proposals 2025/26

- Develop standardised protocols and procedures for conducting assessments in community venues.
  - Create detailed guidelines and checklists for staff/ providers to ensure consistency and quality.
2. Staff Training Program (Months 4-5)
    - Develop and deliver training programs for staff/ providers on new procedures, use of venues, and cultural competence.
    - Include training on data security, privacy, and handling of sensitive information in community settings.
  3. Communication and Outreach Plan (Months 4-5)
    - Develop a comprehensive communication plan to inform Customers about the initiative.
    - Prepare informational materials, including brochures, flyers, and online content.

### Phase 3: Pilot Program

1. Pilot Launch (Month 6)
  - Launch the pilot program in selected areas.
  - Monitor the implementation closely and provide support to staff/ providers and Customers
2. Feedback and Evaluation (Months 7-8)
  - Collect feedback from Customers, staff, and community partners through surveys and interviews.
  - Evaluate the pilot program's effectiveness in terms of service delivery, user satisfaction, and cost savings.

### Phase 4: Full Rollout

1. Adjustments and Refinements (Month 9)
  - Based on pilot feedback, make necessary adjustments to protocols, training, and communication strategies.
  - Address any identified issues and implement improvements.
2. Gradual Expansion (Months 10-12)
  - Gradually expand the initiative to additional areas, ensuring resources and support are adequately scaled.
  - Continue monitoring and provide ongoing training as needed.
3. Full Implementation (Month 12)
  - Achieve full implementation of the initiative across all targeted areas.
  - Ensure that all processes are running smoothly and that the initiative is fully integrated into the regular operations of the adult social care system.

### Phase 5: Ongoing Evaluation and Improvement

1. Regular Review and Evaluation (Quarterly)
  - Conduct quarterly reviews to assess the initiative's performance against key metrics such as waiting times, response rates, and user satisfaction.
  - Make data-driven decisions for continuous improvement.
2. Annual Impact Report (Annually)
  - Compile an annual report summarising the initiative's impact, cost savings, and areas for further development.

- Share the report with stakeholders and use it to guide future planning.

### **Key consultations**

N/A

### **Key risks and mitigations**

1. Venue Availability and Suitability - Difficulty in securing suitable and accessible community venues.

Mitigation:

- Advance Planning: Identify and reserve venues well in advance.
- Partnerships: Establish strong partnerships with GP practices, community centres, libraries, and other public spaces.
- Accessibility Checks: Ensure all chosen venues are accessible to individuals with disabilities.

2. Staff Adaptation and Training – Staff / providers may struggle to adapt to new procedures and/or environments.

Mitigation:

- Comprehensive Training: Provide thorough training on new procedures and venue logistics.
- Support Systems: Set up support systems, such as helplines or on-site supervisors, to assist staff during the transition.
- Feedback Mechanisms: Implement regular feedback sessions to address staff concerns and make necessary adjustments.

3. Customer Awareness and Participation - Customers may be unaware of or hesitant to use initiative.

Mitigation:

- Communication Plan: Develop a robust communication plan to inform Customers about the new initiative through letters, phone calls, social media, and community outreach.
- Clear Instructions: Provide clear and simple instructions on how to book and attend initiative.

4. Quality of Assessments - Quality of assessments may decline in community settings.

Mitigation:

- Standardised Protocols: Develop and enforce standardised assessment protocols to ensure consistency.
- Quality Assurance: Implement a quality assurance program to regularly review assessment outcomes and procedures.
- Continuous Training: Provide ongoing training and support to maintain high assessment standards.

5. Data Security and Privacy - Potential breaches of data security and privacy in non-traditional settings.

Mitigation:

- Secure Systems: Use secure, encrypted systems for data collection and storage.
- Confidentiality Training: Train staff on data protection and privacy regulations.
- Private Spaces: Ensure that community venues have private areas for confidential discussions and assessments.



6. Implementation Delays - Delays in rolling out the initiative due to logistical or administrative challenges.

Mitigation:

- Project Management: Assign a dedicated project manager to oversee the implementation and ensure timelines are met.
- Clear Timelines: Develop clear timelines and milestones for each phase of the project.
- Contingency Plans: Prepare contingency plans to address potential delays and keep the project on track.

7. User Satisfaction and Feedback - Low satisfaction among Customers leading to poor uptake of initiative.

Mitigation:

- Engagement Strategies: Actively engage with Customers to understand their needs and preferences.
- Feedback Loops: Establish mechanisms for collecting and responding to user feedback.
- Continuous Improvement: Use feedback to make continuous improvements to the service, ensuring it meets user expectations.

8. Technological Challenges - Technical issues with internet access or data management tools.

Mitigation:

- Robust IT Infrastructure: work with IT to ensure appropriate internet access in community venues.
- Technical Support: Provide technical support to staff and Customers to resolve issues quickly.
- System Testing: Conduct thorough testing of all technical systems before full rollout.

9. Community Resistance - Resistance from the community or local stakeholders.

Mitigation:

- Community Involvement: Involve customers and stakeholders in the planning process to gain their support.
- Transparent Communication: Maintain open and transparent communication about the benefits and goals of the initiative.
- Address Concerns: Actively listen to and address any concerns raised by the community.

### **Equality impact screening**

Implementing this initiative requires careful consideration of its impact on different groups to ensure equality and inclusivity. An Equality Impact Assessment (EIA) will help identify any potential adverse effects and ensure that the initiative benefits all sections of the community.

1. Ensuring that all community venues are fully accessible, including ramps, elevators, and accessible restrooms.
2. Cultural and Language are addressed in the assessment process.
3. Ensuring that assessment times and locations are suitable for individuals of all ages and genders, including those with caregiving responsibilities.

4. Ensuring that ethnic minorities have equal access to the services and that any cultural barriers are addressed.
5. An Equality Impact Assessment is required to ensuring that this initiative is inclusive and equitable

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	Y
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	Yes
EIA to be completed by:	Marcia Richards, Head of Service Access Information and Wellbeing Services
Deadline:	6 December 2024

### **Financial considerations**

Set out above

### **Legal considerations**

The Care Act 2014 encourages creativity, but we must ensure we meet our statutory obligations as it concerns our assessment and review process. It would be helpful to flesh out the creative methods proposed on a more granular level, but the proposal itself is not unlawful.

### **Equity, Diversity and Inclusion (EDI) considerations**

**Inclusive Training:** Ensure training materials and sessions are accessible to all staff, considering different learning styles and needs.

**Cultural Competence:** Train staff on cultural competence to ensure they can effectively support customers diverse backgrounds

### **Climate change and environment considerations**

N/A

**Communication considerations**

As state above

Lead officer for this proposal:	Marcia Richards, Head of Service Access Information and Wellbeing Services
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**Budget Options Information**

<b>Reference:</b>	CHW04 25-26
<b>Service(s):</b>	ASC
<b>Lead Member(s):</b>	Cllr Neil Nerva
<b>Lead Officer</b>	Andrew Davies

<b>Savings Proposal:</b>	Implementation of Telecare Service Charges
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**Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	£497
<b>Total post numbers in the services(s) (FTE):</b>	

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	£500
	FTE
<b>Proposed staffing reduction</b>	

**Proposed savings**

This proposal outlines the implementation of a charging scheme for telecare services to generate additional revenue and offset the cost of providing these services. The telecare service includes monitoring and emergency response systems that provide vital support to individuals living independently. Introducing a fee structure can help sustain and potentially expand these services.

The objective of this Proposal is to:

- **Generate Revenue:** Introduce a charging scheme to generate additional revenue, offsetting the cost of providing telecare services.
- **Sustain and Expand Services:** Ensure the sustainability of telecare services and explore potential expansion to benefit more individuals.
- **Promote Independence:** Continue to support individuals in living independently through reliable telecare services.

By implementing a charging scheme for telecare services, we can generate additional revenue to sustain and potentially expand these vital services.

**How would this affect users of this service?**

- **Sustained Services:** The introduction of charges will help sustain the telecare services, ensuring continued support for individuals living independently.
- **Potential Expansion:** Additional revenue could allow for the expansion of services, benefiting more individuals who need assistance.
- **Support:** Sustained and potentially expanded services will provide better and more reliable support for users.

Challenges could include.

- **Financial Burden:** Some users may find the new charges a financial burden, potentially leading to reduced uptake of services.
- **Access to Services:** Users with limited financial resources might struggle to afford the service, potentially impacting their ability to live independently.

### **Key milestones**

1. Initial Assessment and Planning (Months 1-2)
  - Form a project team to lead the initiative.
  - Conduct a comprehensive review of current telecare services and costs.
  - Develop a fee structure that considers affordability and sustainability.
2. Stakeholder Engagement (Months 2-4)
  - Engage with customers, families, and advocacy groups to explain the benefits and necessity of the new charges.
  - Hold consultations with providers and partners to discuss the implementation plan.
3. Develop Communication Strategy (Months 3-5)
  - Create clear, user-friendly materials explaining the new charges, benefits, and how the funds will be used.
  - Develop a FAQ section to address common concerns and questions.
4. Pilot Phase (Months 5-7)
  - Implement the charging scheme on a pilot basis in a select area.
  - Monitor feedback from users and adjust the fee structure if necessary.
5. Full Implementation (Months 7-12)
  - Roll out the charging scheme across all telecare services.
  - Ensure ongoing support and monitoring to address any issues and gather feedback.
6. Monitoring and Evaluation (Months 12 and beyond)
  - Continuously monitor the impact of the charges on service uptake and user satisfaction.
  - Evaluate feedback and make necessary refinements to improve the service.

### **Key consultations**

1. This proposal will be subject to a full consultation with all ASC service users and also those who have telecare but not an ongoing care package.
2. Benchmarking with other councils to find out how much they charge and how the charge is implemented.
3. User and Family Consultations

- Information Sessions: Hold information sessions to explain the benefits and necessity of the new charging scheme.
  - Surveys and Feedback Forms: Distribute surveys and feedback forms to gather input from users and families about the proposed charges.
4. Provider and Partner Consultations
- Engagement Meetings: Hold meetings with telecare service providers and partners to discuss the implementation plan and address any concerns.
  - Workshops: Conduct workshops to ensure all stakeholders understand the new fee structure and how it will be implemented.

### **Key risks and mitigations**

1. Financial Hardship for Users
  - Mitigation: Subject to benchmarking with other councils, charging for telecare will become part of Brent’s financial assessment process. Only those service users that can afford to pay as determined by a financial assessment would have to pay.
2. Reduced Service Uptake
  - Mitigation: Clearly communicate the benefits of telecare services and how the charges will sustain and potentially expand these services. Emphasize the value of continued support and independence.
3. Administrative Burden
  - Mitigation: Streamline the billing and payment process to minimize administrative overhead. Use automated systems where possible to reduce manual work.

### **Equality impact screening**

This proposal may have an adverse impact on people with a disability.

Action Required:

- Conduct an equality impact assessment to ensure the implementation of this does not disproportionately affect any group of Customers.

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	Y
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N

Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	Yes
EIA to be completed by:	Andrew Davies Head of Commissioning, Contracting and Market Management
Deadline:	6 December 2024

### **Financial considerations**

Need to consider the impact of the administrative burden for the new charges.

### **Legal considerations**

None identified at this stage

### **Equity, Diversity and Inclusion (EDI) considerations**

**Inclusive Training:** Ensure training materials and sessions are accessible to all staff, considering different learning styles and needs.

**Cultural Competence:** Train staff on cultural competence to ensure they can effectively support customers diverse backgrounds.

### **Climate change and environment considerations**

None.

### **Communication considerations**

A full communication and consultation plan will be worked up for this proposal in the coming months.

Lead officer for this proposal:	Andrew Davies Head of Commissioning, Contracting and Market Management
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**Budget Options Information**

<b>Reference:</b>	CYP01 2025-26
<b>Service(s):</b>	LAC and Permanency FPPP
<b>Lead Member(s):</b>	Cllr Gwen Grahl

<b>Savings Proposal:</b>	Reduction in weekend use of the Gordon Brown Centre for care leavers as part of promoting independence work by 50% from £160k to £80k annually
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>LACP:</b> £7,500 <b>FPPP:</b> £34,976 (gross) £29,818 (net)
<b>Total post numbers in the services(s) (FTE):</b>	<b>LACP:</b> 103 <b>FPPP:</b> 63

<b>2025/26</b>	
£'000	
<b>Proposed saving:</b>	£80k split between LACP and FPPP
FTE	
<b>Proposed staffing reduction</b>	0

**Proposed savings**

The savings would be achieved by reducing the frequency of use of the Gordon Brown (GBC), the Council's outdoor activity centre based in Hampshire, to support the independence of care leavers.

The Leaving Care service aims to prepare young people to be able to live independently by the target age of 19.5 by providing a structured, targeted and consistent support programme, focusing on development of independent living skills. To support this aim, weekends at the GBC allow young people to develop their skills in a practical environment.

The annual programme costs £160k for exclusive use of the GBC for 12 weekend visits that provide a full weekend of activity focused on independence for 8 young people. They leave the weekend having learnt skills including basic DIY, plumbing and how to manage simple electrical issues. Young people also leave with items to assist them with independence including a basic DIY kit. The saving proposal would reduce use of the GBC to 6 weekends a year. .



**How would this affect users of this service?**

The number of GBC weekends will reduce, meaning that some young people may need to wait for longer than currently to attend. This could impact on when care leavers feel confident that they are ready to live independently.

Young people have provided positive feedback about the weekends. They have appreciated the setting and the opportunity to make new friendships while learning new skills a part of the independence programme.

**Key milestones**

Funding reduction would be implemented at the beginning of 2025-26.

**Key consultations**

Consultation with Care Leavers and the Gordon Brown Centre will be required to reshape the programme.

**Key risks and mitigations**

The GBC weekend is a key factor in providing a structured, consistent programme that aims to upskill Care Leavers through the development of practical life skills.

The key risks of reducing the frequency of the programme are:

- Care Leavers may not develop the practical skills offered by the GBC weekends. This could impact on their ability to sustain their own tenancy.
- It may take longer for Care Leavers to be ready for presentation at Housing Panel for their own tenancy, meaning they would remain in supported accommodation beyond a time when they could be living independently. This would present a cost implication, placing pressure on the CYP Placement budget.

**Mitigations**

Larger group sizes than the current 8 will be put forward to attend the GBC programme to minimise waiting times and provide continued support for development of their practical independent living skills.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N

Appendix B – Budget Savings Proposals 2025/26

People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	Y
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	Yes
EIA to be completed by:	Kelli Eboji Michelle Gwyther
Deadline:	6 December 2024

**Financial considerations**

As set out above.

**Legal considerations**

None identified at this stage

**Equity, Diversity and Inclusion (EDI) considerations**

None identified at this stage

**Climate change and environment considerations**

There are no climate or environmental considerations with this proposal.

**Communication considerations**

A new approach will need to be developed, informed by young people and staff at the GBC.

Lead officer for this proposal:	Kelli Eboji Head of LACP
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**Budget Options Information**

<b>Reference:</b>	CYP02 25-26
<b>Service(s):</b>	Forward Planning Performance and Partnerships Looked After Children and Permanency
<b>Lead Member(s):</b>	Cllr Grahl

<b>Savings Proposal:</b>	Reduction in discretionary spend when supporting children and families
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**Financial and Staffing Information**

<b>2025/26</b>	
<b>Total budget for the service(s) £'000:</b>	34,976 (gross) 29,818 (net)
<b>Total post numbers in the services(s) (FTE):</b>	63 across whole of FPPP

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	300
	FTE
<b>Proposed staffing reduction</b>	0

**Proposed savings**

There are two elements to this proposal – a) increasing use of more cost-effective means of travel assistance as an alternative to taxi use when supporting children and families and b) ensuring that care leavers are maximising all of their benefit entitlements, reducing the need for additional financial support from the Council.

<b>2023/24 budget outturn</b>		<b>Proposed saving</b>
Taxi fares	£130	£30,000
Client subsistence	£1,370	£270,000
<b>Total</b>	<b>£1,500</b>	<b>£300,000</b>

**Discretionary taxi spend**

The proposal is to encourage increased use of bus passes and/or Oyster cards to reduce the use of taxis when supporting children and young people and families. Promoting greater independent travel and reduced reliance on taxis in situations such as home to school travel for children in care, when such arrangements are consistent with their care plan.

### **Discretionary client subsistence payments.**

Care leavers are entitled to up to 6 weeks of subsistence payments under the existing Leaving Care Financial Support policy to support the transition to welfare benefits. A greater focus on ensuring young people are supported to claim eligible benefits will reduce discretionary spend beyond the current 6 week policy period to achieve a 20% reduction in current spend.

### **How would this affect users of this service?**

Taxi fare proposal: Children and young people's attendance at school could be affected by the removal of taxis when they are being used to take them to school. This could impact on their attendance.

Subsistence proposal: There is a risk that, through tightening up the use of client payments, some young people may be left without support if there are genuine reasons why they are not accessing benefits. This may lead to ad-hoc financial support requests, for example funding for specific purposes (e.g. utilities bills).

### **Key milestones**

#### **Taxi fares**

- December 2024 - Development of a policy and process to be agreed by relevant Heads of Service and Directors on use of taxis
- February 2025 - Negotiation with taxi companies on block booking arrangements
- April 2025 – New policy implemented.

#### **Discretionary payments**

- January 2025 - Development of a discretionary spend policy for Looked After Children and Care Leavers, that includes a clear exceptions policy and process for when any payments need to be for longer than 6 weeks.

### **Key consultations**

Consultation required with relevant stakeholders across Children and Young People - the Head of Looked After Children and Permanency, Leaving Care Service Manager and Leaving Care Team Managers and Revenue and Benefits colleagues.

### **Key risks and mitigations**

Risk 1: These are demand led budgets, so there is a risk that reductions might not be achieved. With regards to travel costs, this could be mitigated by setting a clear policy and thresholds for accessing travel support, which identifies what other forms of travel assistance families could be entitled to.

The risk is higher that subsistence savings will not be achieved, if young people do not access benefits that they are entitled to. The Leaving Care Teams will focus on ensuring that young people make timely applications.

Impact risks for children and young people are set out above.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	Y
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	Y
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	Yes
EIA to be completed by:	6 December 2024

**Financial considerations**

These budgets are demand led. Details as set out in the above sections.

**Legal considerations**

There is no statutory duty to provide travel assistance in the form of a taxi to families or children and young people.

As their corporate parent Brent Council has a duty to financially support care leavers up to the age of 25 if they have no other income from either employment or claiming benefits. The entitlements for young people are set out in the Brent ‘Leaving Care Financial Procedures’.

**Equity, Diversity and Inclusion (EDI) considerations**

These services are for vulnerable children and young people.

**Climate change and environment considerations**

The switch from use of taxis to buses and / or other forms of public transport would have positive climate and environmental considerations.

**Communication considerations**

See key consultation requirements above.

Lead officer for this proposal:	Michelle Gwyther Head of Forward Planning Performance and Partnerships
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**Budget Options Information**

<b>Reference:</b>	CYP03 25-26
<b>Service(s):</b>	Inclusion
<b>Lead Member(s):</b>	Cllr Grahl

<b>Savings Proposal:</b>	Cease the Safe Base Brent offer, which is a Mental Health and Wellbeing support service for care leavers attending higher education.
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**Financial and Staffing Information**

<b>2025/26</b>	
<b>Total budget for the service(s) £'000:</b>	£57
<b>Total post numbers in the services(s) (FTE):</b>	1

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	57
	FTE
<b>Proposed staffing reduction</b>	Educational Psychologist staff member running the service would be redirected to support the core EP workload.

**Proposed savings**

<b>2025/26 contract value</b>	<b>Proposed saving</b>
£57,000	£57,000

**How would this affect users of this service?**

The Safe Base service is a mental health and wellbeing support service for Brent Care Leavers up to the age of 25 in higher education/apprenticeships. The highest percentage of service users are those attending university. The service is relatively longstanding (6 years) and around 25 young people access support each year.

Young Minds, Kooth and Free Your Mind offer similar free support programmes and university or college students would also have access to in-house mental health and wellbeing programmes within their places of study.

If young people did not seek to use alternative services, this could lead to a deterioration in their well-being and mental health, risking them not completing their studies.

**Key milestones**

- January 2025 – Gradual reduction in the service and completion of work with current users.
- March 2025 – Service closure

**Key consultations**

Consultation with current service users and the staff member who delivers the service.

**Key risks and mitigations**

Risk 1: There is a risk that the mental health and wellbeing of some young people could deteriorate if they did not access other free social emotional and mental health and wellbeing support programmes. To mitigate this, information will be shared with care leavers on the range of free services available nationally and locally that they could access instead of Safe Base, including Young Minds, Kooth and Free Your Mind. Users at university or college would also have access to their educational institutions’ own student wellbeing programmes.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	Y
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	Yes
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EIA to be completed by:	Michaela Richards, Head of the Brent Virtual School
Deadline:	6 <sup>th</sup> December 2024

### **Financial considerations**

This would make a budget saving in the Brent Virtual School and Educational Psychology Service budgets.

### **Legal considerations**

Likely to be limited given this is not a statutory service and is not an externally commissioned service.

### **Equity, Diversity and Inclusion (EDI) considerations**

This service supports Brent care leavers who are vulnerable young people. They are from a range of diverse backgrounds.

### **Climate change and environment considerations**

N/A

### **Communication considerations**

- Timely communication with care leavers.
- Internal communication with EP and Care Leavers teams.
- Potential communication with external services where a specific case handover is necessary.

Lead officer for this proposal:	Michaela Richards, Headteacher of Brent Virtual School
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**Budget Options Information**

<b>Reference:</b>	PHRS01 25-26
<b>Service(s):</b>	Communications, Insight & Innovation
<b>Lead Member(s):</b>	Cllr Jake Rubin – Cabinet Member for Employment and Innovation  Cllr Mili Patel – Deputy Leader & Cabinet Member for Finance & Resources.

<b>Savings Proposal:</b>	To reduce staff posts and contract spend within the Shared Technology service which provides ICT infrastructure support for Brent as part of a shared service arrangement with Lewisham and Southwark.
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>£15,208 (this is for the full CII budget including Brent's contribution to STS)</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>150 in CII (plus 100 within STS)</b>

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	200
	FTE
<b>Proposed staffing reduction</b>	3

**Proposed savings**

To reduce support for Brent by approximately three FTE through a restructure and changes to business processes and through re-procurement of contracts.

This saving will also impact on the other boroughs which use the service and similar savings are being agreed with Lewisham and Southwark.

**How would this affect users of this service?**

The reduction in posts will impact on the level of service provided by STS. It will mean an increase in the timescales for responding to IT issues which could impact negatively on users and on the delivery of services. It will also impact on STS's

capacity for continuous improvement to the service and on resilience in the case of a major incident.

**Key milestones**

This saving will impact on all the partner boroughs with the Shared Technology service and will require agreement via the STS governance arrangement.

The inter-authority agreement requires that any changes which impact on the service are agreed with all three boroughs. This saving is subject to negotiation and agreement by all three boroughs.

**Key consultations**

As set out above, this saving will need to be agreed via relevant STS decision making boards.

The proposed staffing changes will be delivered via a planned restructure which will require formal consultation with staff who are affected.

**Key risks and mitigations**

There is a risk that a reduction in service levels will have an adverse impact on the ability of Brent staff to perform their roles. There is also a risk that it will be more difficult to recover from serious incidents which could also have an impact on service delivery. There is also a risk that the capacity of the service to continue to improve will have an impact on the quality of the service and on the security of our systems.

These risks would be mitigated by negotiation of new service level agreement to manage expectations around service levels. A restructure, taking advantage of investment in new infrastructure through the STS roadmap will seek to ensure that resources are in place for key areas such as cyber security.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

**Financial considerations**

As set out above, this saving is subject to negotiation and agreement by all three boroughs

**Legal considerations**

None identified at this stage

**Equity, Diversity and Inclusion (EDI) considerations**

68% of employees in the department are from black and minority ethnic communities. An EIA will be carried out for any restructure.

**Climate change and environment considerations**

N/A

**Communication considerations**

N/A

Lead officer for this proposal:	Sadie East, Director of Communications, Insight & Innovation/Fabio Negro, Managing Director, STS
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### **Budget Options Information**

<b>Reference:</b>	PHRS02 25-26
<b>Service(s):</b>	Communications, Insight & Innovation
<b>Lead Member(s):</b>	Cllr Jake Rubin – Cabinet Member for Employment and Innovation

<b>Savings Proposal:</b>	Staffing efficiencies the Communications, Insight and Innovation department.
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### **Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>£15,208</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>150</b>

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	316
	FTE
<b>Proposed staffing reduction</b>	4

### **Proposed savings**

Staffing efficiencies the Communications, Insight and Innovation department.

CII includes a number of support services (including ICT Solutions, Oracle Cloud Support and Strategic Support) as well as teams which lead work on our innovation, data and digital programmes (Change & Customer Insight, Digital Transformation) plus the Communications, Conferences and Events team.

Where possible, the saving will be delivered by deleting vacant posts or through voluntary redundancies but there may be a need for compulsory redundancy.

### **How would this affect users of this service?**

These changes will impact on ICT systems support and other business support for council employees. The changes will also reduce capacity for Change, Data and Insight work which could impact on capacity to deliver the council-wide strategic change programme.

**Key milestones**

A restructure will be required to implement these changes.

**Key consultations**

A consultation will be required with staff who are impacted by changes in structure and removal of posts.

**Key risks and mitigations**

There is a risk of a negative impact on Council employees who use ICT and other business systems and processes provided by CII and on the services provided by those staff. There is also a risk that capacity for delivering change will be reduced at a time of significant organisational transformation. These risks will be mitigated by redesigning systems and processes and more flexibly using resources.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

**Financial considerations**

As set out above this proposal requires the removal of four posts within Communications, Insight and Innovation.

**Legal considerations**

None.

**Equity, Diversity and Inclusion (EDI) considerations**

70% of employees in the department are from black and minority ethnic communities. An EIA will be carried out for any restructure.

**Climate change and environment considerations**

N/A

**Communication considerations**

N/A

Lead officer for this proposal:	Sadie East, Director of Communications, Insight & Innovation
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**Budget Options Information**

<b>Reference:</b>	PHRS03 25-26
<b>Service(s):</b>	Communications, Conference & Events
<b>Lead Member(s):</b>	Cllr Butt

<b>Savings Proposal:</b>	Increase commercial income generated from The Drum by driving up occupancy rates through more proactive sales and marketing
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**Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	<b>600</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>26.6</b>

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	100
	FTE
<b>Proposed staffing reduction</b>	0

**Proposed savings**

Following the recovery of The Drum following the enforced closures during the Covid 19 pandemic, the number of commercial (fee-paying) events hosted in The Drum has recovered to healthy levels. However, there is still available events space to sell within The Drum – which is a highly desirable location given its proximity to the major venues of Wembley Stadium and Wembley Arena and the growing popularity of Wembley Park as a thriving destination.

By refocusing the team (and especially the Events Planners) on more proactive external sales it will be possible to build on the venue's recovery and further increase occupancy rates of The Drum (particularly for the Grand Hall and Conference Hall) and thereby generate an extra £100,000 in commercial income per annum.

**How would this affect users of this service?**

Fee-paying commercial customers will not be affected

**Key milestones**



Communicate the evolved approach to internal council colleagues – March/April 2025

**Key consultations**

None

**Key risks and mitigations**

The Conference and Events team will continue to support statutory council meetings (Full Council, Cabinet, committees etc) and be the main point of contact for key stakeholders such as Governance Team. However, to maximise the income generated from the venue and to allow The Drum’s spaces to be available, it is recommended that the existing commercial aspect of the team is communicated to colleagues within the council more widely. This will include the team being more proactive in showcasing what we do – and our focus on our commercial income target – on Viva Engage and the Intranet and also face-to-face when internal colleagues approach us for space.

Support can and will be provided when required for complicated internal events and when checks are needed (health and safety, food hygiene, public liability) but it is essential that internal bookings are reviewed and colleagues managing such events are trained to be able to oversee their own projects with light-touch support from Conference and Events.

Although the Conference and Events team will mainly be focusing on generating more fee-paying external bookings and achieving the enhanced income target, they will continue to work with internal colleagues and support high level bookings, complicated requests and events that require specialist knowledge. With that in place, it is important that there is a mutually respectful relationship from the internal bookers as the team will not have the capacity to plan all internal bookings, arrange requirements that are the responsibility of departmental officers and be the point of contact for all queries.

Flexibility on dates and spaces will be required should an external fee-paying client enquires for space where an internal booking has been made. Where possible, alternative options will be offered by the Conference and Events team.

To maximise the opportunities, it may be beneficial to explore a later licence for some events.

Guidelines will be draw up for officers with the assistance of colleagues in FM to ensure that officers are fully utilising available spaces within the admin blocks before they consider approaching the Conference & Events team to enquire whether space is available within The Drum for officer meetings or events. Space will still be made available within The Drum for certain additional council events on a case-by-case basis but in general statutory council meetings and income generating (fee-paying external)events and certain high-profile partnership meetings will take priority.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:
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Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	N/A
Deadline:	N/A

### **Financial considerations**

The proposal is set to generate an extra £100,000 per annum and the venue has a strong recent track record in increasing demand and sales have been consistently growing over recent years.

### **Legal considerations**

None

### **Equity, Diversity and Inclusion (EDI) considerations**

None

### **Climate change and environment considerations**

The Drum is an environmentally friendly venue and utilises sustainable environmentally friendly products wherever possible.

### **Communication considerations**

The Sales and Marketing Manager for The Drum will develop an enhanced sales strategy which is likely to include:

- Cultivating meaningful relationships with more corporate events agencies

## Appendix B – Budget Savings Proposals 2025/26

- Initiating more conversations with potential customers including local partners and businesses
- More proactive calls to blue chip companies based in Northwest London and partner organisations

Within the council the existing commercial aspect of the team will be communicated more widely and more regularly. This will include the team being more proactive in showcasing what we do – and our focus on our commercial income target – on Viva Engage and the Intranet and also face-to-face when internal colleagues approach us for space.

Lead officer for this proposal:	Rob Mansfield Head of Communications, Conference & Events
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**Budget Options Information**

<b>Reference:</b>	PHRS04 25-26
<b>Service(s):</b>	Resident Services
<b>Lead Member(s):</b>	Cllr Donnelly-Jackson Cabinet Member for Resident Support and Culture

<b>Savings Proposal:</b>	Management efficiencies across Revenue and Debt, Customer Services and Assessments and Brent Community Hubs.
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>11,609</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>260.69</b>

<b>2025/26</b>	
	£'000
<b>Proposed saving:</b>	375
	FTE
<b>Proposed staffing reduction</b>	5

**Proposed savings**

An amalgamation of management posts across Revenue and Debt, Customer Services and Assessments and Brent Community Hubs.

**How would this affect users of this service?**

Users of the service will not be adversely affected in fact there will be benefits as processes are streamlined.

**Key milestones**

Staff consultation in Winter of 2024, full revised staffing structure in place by 1 April 2025.

**Key consultations**

Trade Unions and Staffing.

**Key risks and mitigations**

Loss of knowledge can be mitigated with effective handover and training plan.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	Y
Particular ethnic groups	Y
Men or women	Y
Particular sexual orientations	Y
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	Y
Particular age groups	Y
Groups with particular faiths/beliefs	Y
Pregnancy/maternity	Y
Marriage/civil partnership	Y

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	Yes
EIA to be completed by:	Thomas Cattermole
Deadline:	6 December 2024

**Financial considerations**

This proposal will meet Resident Services’ savings proposals for 2025/26.

**Legal considerations**

None identified at this stage.

**Equity, Diversity and Inclusion (EDI) considerations**

None identified at this stage.

**Climate change and environment considerations**

N/A

**Communication considerations**

N/A

Lead officer for this proposal:	Thomas Cattermole, Director of Resident Services
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### **Budget Options Information**

<b>Reference:</b>	PHRS05 25-26
<b>Service(s):</b>	Resident Services
<b>Lead Member(s):</b>	Cllr Donnelly-Jackson Cabinet Member for Resident Support and Culture

<b>Savings Proposal:</b>	Management efficiencies within Libraries, Arts and Heritage
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### **Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>3,467</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>74.67</b>

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	50
	FTE
<b>Proposed staffing reduction</b>	1

### **Proposed savings**

Management efficiencies in Libraries, Arts and Heritage. This proposal will meet Resident Services' savings proposals for 2025/6.

### **How would this affect users of this service?**

Users of the service will not be adversely affected.

### **Key milestones**

Staff consultation in Winter of 2024, full revised staffing structure in place by 1 April 2025.

### **Key consultations**

Trade Unions and Staff members.

**Key risks and mitigations**

Loss of knowledge can be mitigated with effective handover and training plan.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

**Financial considerations**

This proposal will meet Resident Services’ savings proposals for 2025/26.

**Legal considerations**

None identified at this stage

**Equity, Diversity and Inclusion (EDI) considerations**

N/A

**Climate change and environment considerations**

N/A



**Communication considerations**

N/A

Lead officer for this proposal:	Amit Bhagat, Head of Libraries, Culture and Heritage Services
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### **Budget Options Information**

<b>Reference:</b>	PHRS06 25-26
<b>Service(s):</b>	Resident Services
<b>Lead Member(s):</b>	Cllr Donnelly-Jackson Cabinet Member for Resident Support and Culture

<b>Savings Proposal:</b>	Increased income across Mortuary & Bereavement Operations (incl Cemeteries) and Registration and Nationality
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### **Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>192</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>46.83</b>

<b>2025/26</b>	
£'000	
<b>Proposed saving:</b>	184 (increased income target)
FTE	
<b>Proposed staffing reduction</b>	0

### **Proposed savings**

Increased income across Mortuary & Bereavement Operations (incl Cemeteries) and Registration and Nationality

### **How would this affect users of this service?**

An increase in Fees and Charges related to Mortuary & Bereavement Operations (incl Cemeteries) would bring charges in line with comparable authorities.

### **Key milestones**

Fees and Charges report to Full Council in February 2025, new fees and charges in place for 1 April 2025.

**Key consultations**

Cabinet Member and Full Council.

**Key risks and mitigations**

A full pricing range is in place to mitigate charges for those on a lower income.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

**Financial considerations**

These proposals will contribute to future income targets.

**Legal considerations**

None identified at this stage.

**Equity, Diversity and Inclusion (EDI) considerations**

A full pricing range is in place to mitigate charges for those on a lower income.

**Climate change and environment considerations**

N/A

**Communication considerations**

The new fees and charges will be communicated via our website.

Lead officer for this proposal:	Mandy Brammer and Jon Gardner
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**Budget Options Information**

<b>Reference:</b>	PHRS07 25-26
<b>Service(s):</b>	Communities and Partnerships
<b>Lead Member(s):</b>	Cllr Harbi Farah – Cabinet Member for Public Safety and Partnerships

<b>Savings Proposal:</b>	To reduce posts within the Communities and Partnerships Department.
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**Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	5,441
<b>Total post numbers in the services(s) (FTE):</b>	61

	<b>2025/26</b>
	75
<b>Proposed saving:</b>	FTE
<b>Proposed staffing reduction</b>	4

**Proposed savings**

To reduce posts within the Communities and Partnerships Directorate.

Communities and Partnerships includes service delivery against the following distinct work strands:

- Serious Violence,
- Domestic Abuse / VAWG
- Offender Management
- Counter – Terrorism, Prevent Strand (entirely grant funded)
- Anti – Social Behaviour
- Noise Nuisance
- Strategic Safeguarding Partnerships
- Migration Coordination (entirely grant funded)
- Community Engagement
- Social Infrastructure – Grants
- Policy
- Climate Emergency

Savings will be delivered predominantly by restructuring of existing roles within the directorate. Where sensible, savings can also be made through offering vacant posts.

**How would this affect users of this service?**

These changes are likely to impact our support to the voluntary sector, potentially scaling back on activities and enquiries. It may also impact the Community Safety side of our work in a similar way.

**Key milestones**

A restructure will be required to implement these changes.

**Key consultations**

A consultation will be required with staff who are impacted by changes in structure and removal of posts.

**Key risks and mitigations**

There is a risk of a negative impact on services currently offered to our communities, in particular, response times. These risks will be mitigated by redesigning job roles to make them more generic and re-designing processes to support multi-disciplinary activity.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	Y
Particular ethnic groups	Y
Men or women	N
Particular sexual orientations	Unknown
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	Unknown
Particular age groups	N
Groups with particular faiths/beliefs	Unknown
Pregnancy/maternity	N
Marriage/civil partnership	Unknown

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

Appendix B – Budget Savings Proposals 2025/26

EIA required?:	Likely - Yes
EIA to be completed by:	TBC
Deadline:	TBC

**Financial considerations**

As above

**Legal considerations**

N/A at present

**Equity, Diversity and Inclusion (EDI) considerations**

Over 80% (TBC) of employees in the department are from black and minority ethnic communities. An EIA will be carried out for any restructure.

**Climate change and environment considerations**

N/A

**Communication considerations**

N/A

Lead officer for this proposal:	Kibibi Octave, Director – Communities and Partnerships
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**Budget Options Information**

<b>Reference:</b>	NR01 25-26
<b>Service(s):</b>	Service Development and Contract Performance
<b>Lead Member(s):</b>	Cllr Krupa Sheth

<b>Savings Proposal:</b>	Increase charge to customers for accessing the bulky waste collection service from £40 to £55.
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>£250k</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>N/A</b>

<b>2025/26</b>	
	£'000
<b>Proposed saving:</b>	30
	FTE
<b>Proposed staffing reduction</b>	N/A

**Proposed savings**

Additional income could be generated from bulky waste collection contract with Any Junk. The number of collections requested has gone up in the year 2023-24. We are currently charging £40 per booking which is still very low in comparison to other neighbouring boroughs; if this was increased to £55 per collection it could generate an additional income of about £30k based on number of jobs (if that number remains as now).

If it was raised to £45 per collection it would generate around £10k, and at £50 per collection around £20k.

Benchmark data below:

Bulky waste	Standard	Discounted									
Brent	£40.00		Upto 5 items and 1 free collection per year for residents on benefits								
Harrow	£54.60		One free collection for 4 items once a year. More than 5-8 items is £80.30. 9- 12 items for £105.90								
Ealing	£48.00		Up to 8 items and £32 per Fridge / Freeze								
Hounslow	£41.00	£15.00	Upt to 5 items with £8.20 per additional item. Landlords £72 plus £14.40 per additional								
Hillingdon	£48.00		Upto 6 items - landlords £85								
Barnet	£38.00		Upto 3 items with £10 per additional item								

**How would this affect users of this service?**



It would be an increase in cost.

**Key milestones**

Re-set as part of the fees and charges review in 2024/25

**Key consultations**

None

**Key risks and mitigations**

It may lead to a reduction in use of the service and increased fly tipping and be seen as contrary to our ‘Wanted’ campaign (by being perceived as making the service harder to access).

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

**Financial considerations**

None

**Legal considerations**

Appendix B – Budget Savings Proposals 2025/26

None

**Equity, Diversity and Inclusion (EDI) considerations**

None

**Climate change and environment considerations**

None

**Communication considerations**

None

Lead officer for this proposal:	Chris Whyte, Director of Public Realm
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**Budget Options Information**

<b>Reference:</b>	NR02 25-26
<b>Service(s):</b>	Service Development and Contract Performance
<b>Lead Member(s):</b>	Cllr Krupa Sheth

<b>Savings Proposal:</b>	Increase the charge to the customer for accessing the garden waste collection service.
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>(£800k)</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>N/A</b>

<b>2025/26</b>	
	£'000
<b>Proposed saving:</b>	55
	FTE
<b>Proposed staffing reduction</b>	N/A

**Proposed savings**

If we increase Garden Waste annual subscriptions by another £4 thereby, taking the subscription price to £69. There is a possibility of getting an additional income of about £55k from approximately 15,000 signups/renewals.

Benchmark data below

<b>Garden waste</b>	<b>Standard</b>	<b>Discounted</b>
<b>Brent</b>	<b>£65.00</b>	<b>£32.50</b>
Harrow	£69.00	£34.50
Ealing	£96.50	£73.80
Hounslow	£65.00	£32.50
Hillingdon	£0.00	£0.00
Barnet	£97.00	£70.00

**How would this affect users of this service?**

It would be an increase in cost to the resident.

**Key milestones**

Re-set as part of the fees and charges review in 2024/25

**Key risks and mitigations**

None

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

**Financial considerations**

None

**Legal considerations**

None

**Equity, Diversity and Inclusion (EDI) considerations**

None

**Climate change and environment considerations**

None

**Communication considerations**

Customers to be made aware prior to renewal period.

Lead officer for this proposal:	Chris Whyte, Director of Public Realm
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**Budget Options Information**

<b>Reference:</b>	NR03 25-26
<b>Service(s):</b>	Service Development and Contract Performance
<b>Lead Member(s):</b>	Cllr Krupa Sheth

<b>Savings Proposal:</b>	A new charge to the resident for the delivery of waste containers
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	N/A
<b>Total post numbers in the services(s) (FTE):</b>	N/A

<b>2025/26</b>	
	£'000
<b>Proposed saving:</b>	40
	FTE
<b>Proposed staffing reduction</b>	N/A

**Proposed savings**

A possibility for income generation would be to charge our residents a delivery fee for bin containers. Currently, we do not charge anything for recycling and food bin containers and residents can order multiple containers without any payment. The bin containers delivery are currently costing us about 10k a month on average. To mitigate that we are introducing the portal functionality to ensure bin are not being misused for other purposes. This would reduce the delivery cost to some extent, however, we are proposing to introduce a standard flat rate delivery charge of £5 regardless of container type. This would bring us in line with other Veolia contract where authorities impose a bin delivery charge.

Benchmark data below

## Appendix B – Budget Savings Proposals 2025/26

Bin/Delivery charges	Residual	Recycling	Food Caddy
Brent	£55.00	£0.00	£0.00
Delivery Charge	£0.00	£0.00	£0.00
Harrow	£83.00	£83.00	£6.60
Delivery Charge	£0.00	£0.00	£0.00
Ealing	£50/£75 (180L/360L)	£0.00	£0.00
Delivery Charge	£0.00	£0.00	£0.00
Hounslow	£0.00	£0.00	£0.00
Delivery Charge	£12.00	£3.50	£3.50
Hillingdon	£0.00	£0.00	£0.00
Delivery Charge	£0.00	£0.00	£0.00
Barnet	£65.39	£48.89	£0.00
Delivery Charge	£0.00	£0.00	£0.00

### **How would this affect users of this service?**

This service would become chargeable.

### **Key milestones**

Introduced as part of the fees and charges review in 2024/25

### **Key consultations**

As part of budget setting process.

### **Key risks and mitigations**

None

### **Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N

Appendix B – Budget Savings Proposals 2025/26

Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N/A
EIA to be completed by:	
Deadline:	

**Financial considerations**

None

**Legal considerations**

None

**Equity, Diversity and Inclusion (EDI) considerations**

None

**Climate change and environment considerations**

None

**Communication considerations**

As part of budget proposal consultation.

Lead officer for this proposal:	Chris Whyte, Director of Public Realm
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**Budget Options Information**

<b>Reference:</b>	NR04 25-26
<b>Service(s):</b>	Service Development and Contract Development
<b>Lead Member(s):</b>	Cllr Krupa Sheth

<b>Savings Proposal:</b>	Ending a recycling information subscription
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>£6k</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>N/A</b>

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	6
	FTE
<b>Proposed staffing reduction</b>	N/A

**Proposed savings**

Ending our subscription for Recyclopedia to save about £6k on annual subscription charges. Currently we get about 12,000 clicks a month on average.

**How would this affect users of this service?**

Minimal impact

**Key milestones**

N/A

**Key consultations**

N/A

**Key risks and mitigations**

Provide similar information on Council website

**Equality impact screening**



Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N/A
EIA to be completed by:	
Deadline:	

**Financial considerations**

N/A

**Legal considerations**

N/A

**Equity, Diversity and Inclusion (EDI) considerations**

N/A

**Climate change and environment considerations**

N/A

**Communication considerations**

N/A

Lead officer for this proposal:	Chris Whyte, Director of Public Realm
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### **Budget Options Information**

<b>Reference:</b>	NR05 25-26
<b>Service(s):</b>	Public Realm Department
<b>Lead Member(s):</b>	Cllr Krupa Sheth

<b>Savings Proposal:</b>	Staffing and Structures Review of Public Realm Services
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### **Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	<b>N/A</b>
<b>Total post numbers in the services(s) (FTE):</b>	<b>330</b>

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	200
	FTE
<b>Proposed staffing reduction</b>	N/A

### **Proposed savings**

Savings from a review and reorganisation of neighbourhood staffing and structure in Public Realm to complement place-making agenda; deletion of 3-4 posts depending on grade.

### **How would this affect users of this service?**

Provide a neighbourhood model for service delivery that focuses on creating local solutions for local problems.

### **Key milestones**

Review and consultation through period to April 2025

### **Key consultations**

With affected staff

### **Key risks and mitigations**

May require some redundancies (and therefore cost).

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N/A
EIA to be completed by:	
Deadline:	

**Financial considerations**

Savings in line with operational efficiencies.

**Legal considerations**

Manging Change process required.

**Equity, Diversity and Inclusion (EDI) considerations**

Manging Change process required.

**Climate change and environment considerations**

None

**Communication considerations**

With affected staff.

Lead officer for this proposal:	Chris Whyte, Director of Public Realm
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**Budget Options Information**

<b>Reference:</b>	LG01 25-26
<b>Service(s):</b>	Members Allowance
<b>Lead Member(s):</b>	Deputy Leader

<b>Savings Proposal:</b>	Members Allowance
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	1,278
<b>Total post numbers in the services(s) (FTE):</b>	

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	50.0
	FTE
<b>Proposed staffing reduction</b>	0

**Proposed savings**

Spend for the year, including new uplift and additional Cabinet Member is predicted to be less than total budget. The saving that could be offered is £50,000.

**How would this affect users of this service?**

This would limit any future increases in Members Allowances – which are determined through having due regard to recommendations from the Remuneration Panel and the political landscape.

**Key milestones**

Annual review of Members' allowances.

**Key consultations**

This needs to be consulted with the Leader to ascertain future plans.

**Key risks and mitigations**

A further risk is if the Remuneration Panel decided to issue a new report and this led to Council agreeing an increase in basic and/or special responsibility allowances.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	No
EIA to be completed by:	
Deadline:	

**Financial considerations**

The current budget for Members Allowances is approximately £1,278,000. The actual spend is to date projects this to be less than this by the end of the year. If the budget is to be reduced, the scope for any future changes will be limited.

**Legal considerations**

The council is required to review its Member Allowances scheme and adopt a scheme prior to the start of each financial year. The recommendations of the London Remuneration Panel must given due regard in determining the scheme.

**Equity, Diversity and Inclusion (EDI) considerations**

Not Applicable

**Climate change and environment considerations**

Not Applicable

**Communication considerations**

Not Applicable

Lead officer for this proposal:	Amira Nassr, Deputy Director Democratic Services
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**Budget Options Information**

<b>Reference:</b>	LG02 25-26
<b>Service(s):</b>	Procurement
<b>Lead Member(s):</b>	Cllr Mili Patel

<b>Savings Proposal:</b>	Reduction in Car Club costs
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**Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	281,000
<b>Total post numbers in the services(s) (FTE):</b>	100+ users

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	50
	FTE
<b>Proposed staffing reduction</b>	0

**Proposed savings**

Based on past spending under the contract (which is determined by use) the budget for this contract could be reduced by £30k. An additional £20k could be saved through capping Directorate spend through the central budget. This would encourage use only when this form of transport is most cost effective.

**How would this affect users of this service?**

Impact on staff, their ability to undertake business that will have an effect on the operation

**Key milestones**

Communication plan during the 2 months prior to implementation of any caps

**Key consultations**

None

**Key risks and mitigations**

There is a risk that Directorates need to exceed their cap or incur greater cost using alternative forms of transport. If caps are imposed, any spend over and above would need to be covered by individual Directorate budgets and apportioned accordingly.

The imposition of a cap could impact on the service to residents if it reduces the options available, for example to social workers and planner, for travelling around the borough for appointments.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N
EIA to be completed by:	
Deadline:	

**Financial considerations**

As set out above

**Legal considerations**

None

**Equity, Diversity and Inclusion (EDI) considerations**

None



**Climate change and environment considerations**

None

**Communication considerations**

If caps are imposed, the change in approach would need to be communicated within Directorates to those staff who make use of the service.

Lead officer for this proposal:	Rajesh Shori – Head of Procurement
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**Budget Options Information**

<b>Reference:</b>	LG03 25-26
<b>Service(s):</b>	HR & OD
<b>Lead Member(s):</b>	Cllr Mili Patel

<b>Savings Proposal:</b>	Outsource the provision of Occupational Health services to managers and staff at the council. In the course of procuring a provider, reduce the cost of the current provision that is delivered by agency staff.
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**Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	
<b>Total post numbers in the services(s) (FTE):</b>	

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	100
	FTE
<b>Proposed staffing reduction</b>	Reduction in 5 agency staff

**Proposed savings**

It is anticipated that a saving £100,000 could be delivered through the outsourcing of the OH contract. This figure is arrived at having looked at the costs/usage of the current service over the last 2 years when compared to what we would pay an external provider. We currently engage 5 agency staff to deliver an OH service regardless of how many people are referred to them. By switching to an external provider, we would only pay the costs for our actual usage. We also pay high agency rates as OH specialists are hard to recruit and there is a national skills shortage.

**How would this affect users of this service?**

An outsourced contract for the delivery of OH services managed through an contract and paid based on actual usage rather than engaging agency staff on a FTE basis may be less responsive than the current service.

**Key milestones**

The procurement process has commenced but will not be completed until later in the year. A new provider is to be in place by Jan 2025 at the latest with savings starting

to be delivered within month one as it will be a cheaper provision. It is hoped this can be implemented by November 2024.

**Key consultations**

With CMT, managers and Trade Unions

**Key risks and mitigations**

Reduced service and longer waiting times to be seen by an OH professional as the service won't be inhouse and bespoke. This will be mitigated as far as possible through close monitoring of performance.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N
EIA to be completed by:	
Deadline:	

**Financial considerations**

The saving is based upon the expected number of OH engagements over a 12 month period (from recent actual data). It compares the current cost of providing this service through agency staff, and the anticipated cost of outsourcing using a OH framework.

In order to achieve the saving it is assumed that will not be a significant change to the demand for OH services, and that procurement of the new service will be achieved within the current anticipated costs used for modelling.

**Legal considerations**

It is noted that the OH department is currently serviced by agency workers who are not employed directly by the council. As such, the Transfer of Undertakings (Protection of Employment) Regulations are unlikely to apply to this situation. Whilst that may be the case, the council should be mindful of any protection afforded to such workers under the Agency Workers Regulations 2010 (as amended).

**Equity, Diversity and Inclusion (EDI) considerations**

The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

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.

There are no diversity implications in respect of this savings proposal.

**Climate change and environment considerations**

None

**Communication considerations**

Will need to liaise with managers to ensure that they understand how the new contract will work so that there are not unnecessary delays in accessing the service for staff

Lead officer for this proposal:	Musrat Zaman, Director of HR & OD
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**Budget Options Information**

<b>Reference:</b>	LG04 25-26
<b>Service(s):</b>	Legal Services
<b>Lead Member(s):</b>	Cllr Mili Patel

<b>Savings Proposal:</b>	Deletion of two Trainee positions in Legal Services
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**Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	4,963
<b>Total post numbers in the services(s) (FTE):</b>	84

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	87.4
	FTE
<b>Proposed staffing reduction</b>	2 (Vacant)

**Proposed savings**

One trainee solicitor post and one apprentice solicitor post will be deleted.

**How would this affect users of this service?**

This will impact on the service supplied to departments. Trainees are a great resource for support undertaking lower level work in support of qualified lawyers. A reduction in Trainees will increase workload for qualified lawyers who are already at full capacity.

**Key milestones**

None

**Key consultations**

None

**Key risks and mitigations**

We often recruit our junior lawyers from our qualifying trainees, particularly into hard to fill posts. We will support appropriate existing Legal Assistants to undertake apprenticeships to achieved qualified status.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N
EIA to be completed by:	
Deadline:	

**Financial considerations**

None

**Legal considerations**

None

**Equity, Diversity and Inclusion (EDI) considerations**

None

**Climate change and environment considerations**

None

**Communication considerations**

Appendix B – Budget Savings Proposals 2025/26

None

Lead officer for this proposal:	Marsha Henry, Deputy Director of Law
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**Budget Options Information**

<b>Reference:</b>	LG05 25-26
<b>Service(s):</b>	Legal Services
<b>Lead Member(s):</b>	Cllr Mili Patel

<b>Savings Proposal:</b>	Increase in income – Legal Services Property and planning
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**Financial and Staffing Information**

<b>2024/25</b>	
<b>Total budget for the service(s) £'000:</b>	4,963
<b>Total post numbers in the services(s) (FTE):</b>	84

<b>2025/26</b>	
	£'000
<b>Proposed saving:</b>	12.6
	FTE
<b>Proposed staffing reduction</b>	0

**Proposed savings**

The income target for work undertaken for or charged to 3<sup>rd</sup> parties by the Property and Planning team has exceeded targets and it is considered a higher target could be set.

**How would this affect users of this service?**

No – other than the paying of the increased charge, usually by commercial organisations

**Key milestones**

None

**Key consultations**

None

**Key risks and mitigations**



If the development work reduces in the future the increase in income may not be realised and therefore achieving this increase will be dependent on external factors.

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N
EIA to be completed by:	
Deadline:	

**Financial considerations**

It is assumed that the increased charge would not effect demand

**Legal considerations**

None

**Equity, Diversity and Inclusion (EDI) considerations**

None

**Climate change and environment considerations**

None

**Communication considerations**

Appendix B – Budget Savings Proposals 2025/26

None

Lead officer for this proposal:	Marsha Henry, Deputy Director of Law
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### **Budget Options Information**

<b>Reference:</b>	FR01 25-26
<b>Service(s):</b>	Finance
<b>Lead Member(s):</b>	Cllr Mili Patel, Deputy Leader

<b>Savings Proposal:</b>	Transformation restructures across Finance & Resources
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### **Financial and Staffing Information**

<b>2023/24</b>	
<b>Total budget for the service(s) £'000:</b>	
<b>Total post numbers in the services(s) (FTE):</b>	

	<b>2025/26</b>
	£'000
<b>Proposed saving:</b>	260
	FTE
<b>Proposed staffing reduction</b>	5

### **Proposed savings**

Five posts have been identified Finance & Resources as a result ongoing service improvement projects

### **How would this affect users of this service?**

No impact on users expected as manual processes are being streamlined and automated where possible

### **Key milestones**

Service reviews are taking place throughout 2024 and a restructure is planned for quarter 1 of 2025

### **Key consultations**

Consultation with affected staff will take place as part of the managing change policy

### **Key risks and mitigations**

Ensure that service realignment can continue deliver core outcomes following the review of current structure

**Equality impact screening**

Is there potential for the proposed saving to have a disproportionate adverse impact on any of the following groups? Please indicate Y/N below:	
Disabled people	N
Particular ethnic groups	N
Men or women	N
Particular sexual orientations	N
People who are proposing to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	N
Particular age groups	N
Groups with particular faiths/beliefs	N
Pregnancy/maternity	N
Marriage/civil partnership	N

*If the screening has identified a potentially disproportionate adverse impact, you will need to complete an Equality Impact Assessment. Template and guidance available from [staff intranet](#)*

EIA required?:	N
EIA to be completed by:	N/A
Deadline:	N/A

**Financial considerations**

This proposal will save £260k from the current budgeted establishment

**Legal considerations**

Not applicable

**Equity, Diversity and Inclusion (EDI) considerations**

Not applicable

**Climate change and environment considerations**

Not applicable

**Communication considerations**

Communication with affected staff will take place in Quarter 1 of 2025.

Appendix B – Budget Savings Proposals 2025/26

Lead officer for this proposal:	Minesh Patel, Corporate Director of Finance & Resources
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 <p><b>Brent</b></p>	<p align="center"><b>Cabinet</b> 12 November 2024</p>
	<p align="center"><b>Report from the Corporate Director of Law &amp; Governance</b></p>
	<p align="center"><b>Lead Member – Deputy Leader &amp; Cabinet Member for Finance and Resources (Councillor Milli Patel)</b></p>
<p align="center"><b>Complaints Annual Report 2023 – 2024</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	<p>Four</p> <p>Appendix A: Adult Social Care Complaints</p> <p>Appendix B: Children’s Social Care Complaints</p> <p>Appendix C: Local Government and Social Care Ombudsman Performance comparison with other London Boroughs</p> <p>Appendix D: HMS Annual Complaints Performance and Service Improvement Report</p>
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Martin Stollery Interim Complaints and Casework Manager (job share) 0208 937 1029 <a href="mailto:martin.stollery@brent.gov.uk">martin.stollery@brent.gov.uk</a></p>

## 1.0 Executive Summary

- 1.1 This annual report sets out complaints performance in Brent Council for the period 1 April 2023 to 31 March 2024 and focuses on the nature of complaints and the learning they provide to inform Brent’s future approach to service improvement.
- 1.2 Complaints concerning Adult Social Care (ASC) and Children’s Social Care are governed by separate statutory complaint procedures and individual summary

reports have been provided for these services in **Appendices A and B** respectively.

1.3 A comparison of the Council's performance with other London boroughs provided by the Local Government and Social Care Ombudsman has been provided in **Appendix C**.

1.4 The report also contains in **Appendix D** the Council's Housing Management Service Annual Complaints Performance and Service Improvement Report for 2023/2024 which is now a requirement of the Housing Ombudsman's Complaint Handling Code. The Council's self-assessment against the Housing Ombudsman's Complaint Handling Code has been added as an appendix to the report.

1.5 Brent's performance positively assessed by the Local Government and Social Care Ombudsman (LGSCO):

Independent, external assessment of the quality of Brent's complaint performance is provided by the relevant Ombudsmen. Sections 3.23 to 3.56 of this report and Appendix C provide detailed information about this. Brent continues to perform well against some key measures. The LGSCO carried out 24 detailed investigations into Brent complaints in 2023/2024, of which 21 were upheld. While this indicates that there is still work to do, it places Brent in the top half of the table on these measures compared to other London boroughs. The LGSCO also noted that Brent complied with 100% of the remedies proposed by their complaint investigations. This demonstrates that Brent is embedding learning identified by Ombudsman investigations.

1.6 Dealing proactively with challenges in complaints performance:

Section 3.7 highlights the escalations to the second stage of the complaints procedure which increased to 309 in 2023/2024, 14% more than the previous year. The most marked increase in escalations in 2023/2024 were in the Housing Needs Service and the Housing Management Service. There are underlying factors driving this, primarily the ongoing housing crisis. Nevertheless, action can be taken to address the increase in escalations. The Complaints Service and these Services are therefore working together to improve complaints performance. For example, senior officers from the Complaints Service regularly attend Housing Needs Service DMTs to review trends and advise on improving complaint handling. Training has been provided to the Housing Management Service on issues such as resolving complaints at the first point of contact by taking immediate action to deal with the customer's concern, where this is possible, for example by fast tracking a repair, before complaints become formalised.

Section 3.2.15 and the chart accompanying it in Appendix D, the Housing Management Complaints Annual Report 2023/2024, highlight that one of the reasons for Housing Management Service complaints escalating from the first to the second stage is 'follow up actions not carried out'. This was the primary reason for escalation in 21 out of a total of 134 escalated Housing Management Service complaints (just over 15% of cases). This is also an issue in other service areas. A facility exists on the complaints database to create and monitor actions, with



timescales, assigned to specific officers. This enables the fulfilment of promises and commitments made in first stage complaint responses to be tracked through to completion and evidenced. The Complaints Service is working with all Council departments to reiterate the importance of creating actions that can be monitored in this way each and every time a promise or commitment is made in first stage complaint responses. This should help to reduce unnecessary escalations.

#### 1.7 Capturing customer voice by recording compliments:

The complaints data outlined in this report provides extensive information about our residents' and customers' dissatisfaction with services and the Council's efforts to resolve this dissatisfaction. Section 3.57 of this report provides data on and some examples of compliments received. This is another, more positive side of the story, where residents and customers take the trouble to proactively praise and express gratitude for what the Council does, outside of the standard consultation and feedback processes.

It is acknowledged that the Council could do more to capture our residents' and customers' voices when we receive spontaneous compliments. The Complaints Service will work with relevant Services across the Council this year to further publicise the facility for recording compliments on the database and to underline the importance of officers doing so as when they are received. This will provide useful qualitative data to supplement that recorded through other means, such as the Tenant Satisfaction Measures outlined in sections 3.2.44 to 3.2.47 of Appendix D, the Housing Management Complaints Annual Report 2023/2024, and other activities that take place within departments.

### **2.0 Recommendation(s)**

- 2.1 Cabinet is asked to note Brent's performance in managing and resolving complaints.
- 2.2 Cabinet is asked to note and review Brent's self-assessment against the Housing Ombudsman's Complaint Handling Code in Appendix D.
- 2.3 Cabinet is asked to approve the progress of this report to the relevant Scrutiny Committees.

### **3.0 Detail**

#### **3.1 Cabinet Member Foreword**

Complaints provide important learning points for the Council and allow us to inform the Council's priorities in many different ways. Through these learning points, we can make changes to achieve and further our priorities and move forward together. Complaints provide an opportunity for the Council to understand issues and put things right, also ensuring that they do not reoccur.

Complaints are wide ranging and dealt with across the Council. Owing to this, they touch upon all the priorities within the Borough Plan as detailed below:

- *The Best Start in Life* - Being able to deal with concerns at crucial stages of people's lives allows them to get the best start in life. Assisting our looked after children and children with special educational needs with issues that they may have, and providing advocacy to bring these issues forward to the Council will help to ensure that they are provided with the necessary support in life.
- *Thriving Communities* - Providing our residents with a route to complain and provide feedback not only encourages resident engagement but allows us to make improvements and inform change. By addressing their concerns and developing solutions that will benefit them, communities are given the opportunity to thrive.
- *A Cleaner, Greener Future* - The Council receives a number of complaints regarding environmental issues, which are reviewed and help us target specific areas of improvement. This also allows the Council to evaluate services to ensure they meet our aspirations for a cleaner, greener future.
- *Healthier Brent* – Complaints regarding leisure services and our parks allow the Council to resolve challenges and develop more initiatives to improve the health and wellbeing of our residents and those that visit Brent. During our complaints process we also signpost to relevant services that can assist our complainants, such as Mental Health services, where appropriate.
- *Prosperity and Stability in Brent* – Analysis of complaints received about the Housing Needs and Property and Assets Service, for example, helps to shape the tools and initiatives to support and empower residents, and contributes to long term stability.

Complaints feed into some of the current strategies, priorities and plans set out for Brent, such as the Diversity, and Inclusion Strategy 2024–2028. The Complaints Service ensures residents and service users are provided with access to the complaints procedure in line with the Public Sector Equalities Duty (PSED). The Digital Strategy 2022-2026 also plays a pivotal role when looking at how users are accessing our services and how they are logging complaints. The Complaints Service have made it easier for users to log complaint casework, view the history of what they have logged, and access everything in one place.

## **Background**

- 3.2 The Council has three different processes for managing complaints:
- a two stage corporate complaints process;
  - a two part Adult statutory complaints process; and
  - a three stage Children's statutory complaints process.
- 3.3 The complaints data and information provided in this report is based on information recorded on the Resident Feedback and Complaints (RFC) system.
- 3.4 Brent Council has a clear, corporate commitment to a positive customer experience. The organisation is committed to its Customer Access Strategy which sets out what Brent residents should expect from staff, including service standards in relation to complaints. The aim is for the organisation to be sensitive to customer needs, prioritise communication and provide clear, accurate and current information.

3.5 In this context, the Council prioritises customer complaints to ensure that these are dealt with appropriately and efficiently. The central Complaints service monitors the numbers of complaints received and the quality and timeliness of responses. The Team works closely with Service Areas to ensure that corrective actions are put in place and learning from complaints is built into service design. There is a strong commitment to improve responses and reduce the number of complaints.

3.6 The key headlines from complaints performance in 2023/24 are as follows:

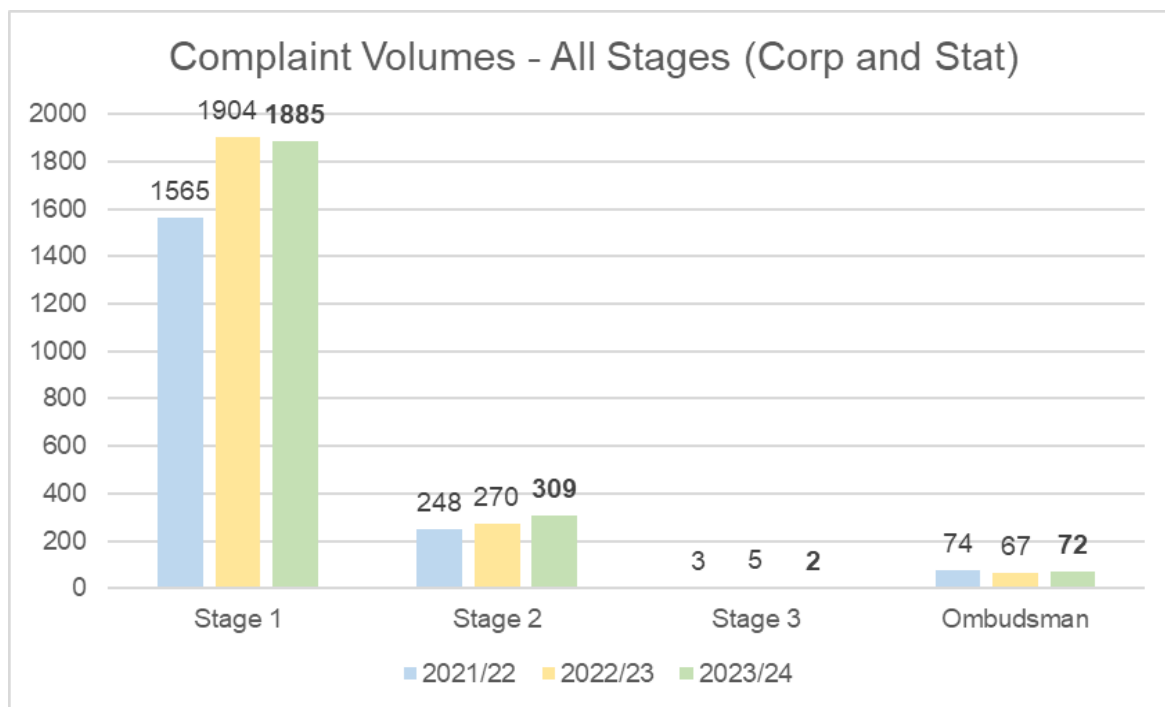
- Housing repairs, Council Tax and Homeless applications are the top three concerns for customers.
- The number of Brent Stage 1 complaints (corporate & statutory) have decreased by 19 complaints (↓ green) compared to last year.
- The number of Brent Stage 2 complaints (corporate & statutory) have increased by 14 % (up by 39 cases) (↑ red) compared to last year.
- There were 21 Local Government & Social Care Ombudsman (LGSCO) cases upheld against Brent in 2023/24, which is one more than last year (↑ red).
- The total number of cases where compensation was offered or awarded has increased by 34% (up by 90 cases) compared to last year, the total amount of compensation has also increased to £177,754. Compared with the previous year, this is an increase of 7%. (↑ red)
- There has been a slight decrease in the timeliness of stage 1 corporate and statutory complaints and stage 2 corporate complaints when compared to 2022/2023. There has been a slight 1% point decrease in corporate complaints timeliness at stage 1 and a 2% decrease for corporate complaints at stage 2. (↓ red)
- Statutory complaints timeliness has decreased by 9% at stage 1 however there has been a 25% increase in the timeliness of statutory stage 2 complaints compared with last year. (- amber)

### **Volume of Complaints received**

3.7 The chart below shows the volume of corporate and statutory complaints received at Stage 1, Stage 2 and Stage 3 over the past 3 years. The key points to note are that:

- In 2023/2024 Brent received 1,885 Stage 1 complaints (corporate and statutory). This is a decrease of 19 complaints compared to the previous year.
- Stage 2 complaints (corporate & statutory) have increased from 270 cases in 2022/2023 to 309 cases during 2023/24. This is an increase of 39 complaints compared with last year.
- There were two Stage 3 Review Panels convened during 2023/24, which is a decrease of three compared to the number of panels convened in 2022/23.
- The number of Ombudsmen enquires has risen in 2023/2024. This has increased by 5 as there have been 72 in 2023/2024 compared to the previous year where 67 were received.

- 3.8 The majority of complaints for 2023/24 relate to the housing service, which is expected given the nature of the service and the number of properties managed by Brent Council. Of the 1,885 stage 1 complaints received in 2023/24, 864 related to the Housing department. This is a decrease from last year which saw 997 complaints related to this department.



### Timeliness of Complaints

- 3.9 The table below highlights the percentage of complaints closed on time. There has been an increase in the timeliness of resolving stage 2 statutory complaints in 2023/2024 and this has continued to increase over the past three years. There has been a slight decrease in the number of cases closed on time for corporate complaints at stage 1 and stage 2, with stage 1 corporate decreasing by 1% and stage 2 decreasing by 2% from 2022/2023. There has been a decrease of 8% from 85% to 77% in the timeliness of response to Stage 1 statutory cases with this being 85% in 2022/2023 and decreasing to 77% in 2023/2024. Overall, there has been an improvement in both stage 1 and stage 2 corporate and statutory complaint response timeliness in 2023/2024 and 2022/2023 in comparison to 2021/2022.
- 3.10 As stated in last year's annual complaints report, the fall in performance in 2021/2022 related to a restructure that took place and an increase in long-term staff sickness. At the time, there was also a shortage of independent investigators available to investigate children's statutory complaints meaning that the majority of statutory complaints were not responded to on time. The restructure has now been embedded and is working well. Furthermore, last year the Council also commissioned an external company on a spot purchase basis to assist with CYP statutory investigations, leading to significant improvement.

Year	Brent - % of Cases Closed on Time			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2021-22	88%	71%	68%	25%
2022-23	96%	85%	98%	72%
2023-24	95%	77%	96%	90%

### Complaint Outcomes

- 3.11 The percentage of cases upheld or partly upheld has increased for stage 1 corporate and statutory complaints as well as at stage two for corporate complaints. There has been an increase of 7% of stage 1 corporate complaints being upheld or partly upheld in comparison to in 2022-2023. 47% of stage 1 corporate complaints have been upheld or partly upheld and this figure is the same as in 2021-2022. Stage 1 statutory complaints have seen an increase of 4% from 61% of cases being upheld or partly upheld in 2022/2023 to 65% in 2023-2024. There has been a slight increase in Stage 2 corporate complaints being upheld or partly upheld as this has risen 2 percentage points from 58 to 60 percent.
- 3.12 However, as the table below shows, the number of stage 2 statutory complaint cases that have been upheld or partly upheld is lower than the previous two years. 56% of stage 2 statutory complaints have been upheld or partly upheld in 2023-2024 and this is down by 19 percent. This is mainly due to the fact that there were 29 statutory cases completed in 2022/23 compared to 17 statutory cases in 2023/24 with 6 not upheld in 2022/23 and 4 not upheld in 2023/24.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2021-22	47%	57%	51%	64%
2022-23	39%	61%	58%	75%
2023-24	47%	65%	60%	56%

### Complaints not accepted

- 3.13 The Council also records the types of complaints made that were not accepted. In 2023/2024, 200 complaints were not accepted at stage 1 of the complaints process. This included 191 Corporate Complaints, 81 ASC-Statutory Complaints and 1 CYP-Statutory Complaints. Of the complaints not accepted, 82 complaints were withdrawn/not pursued and 118 were rejected. The types of complaints not accepted vary but the top three most common case types were related to Homelessness applications, Housing Repairs and Benefit Assessments. Homelessness applications and Housing repairs are two of the top concerns raised by residents. Due to the high number of complaints received regarding these issues, it is understandable that this would be reflected in the number of cases not accepted. It is also relevant to note that homeless applications and

housing benefit have their own appeal procedures so another reason why some of these complaints were rejected as they would be more appropriately dealt with through these alternative routes.

- 3.14 The most common reason recorded for complaints being rejected or withdrawn/not pursued was that the complaint had already been investigated or was a duplicate request. This was the case for 75 complaints. Other reasons for complaints not being accepted were: that the complaint was about non-Council related service (13 complaints), that the customer has the right of Appeal under a different process (10 complaints), the reasons for escalation were not given or not valid (7 complaints), the complaint was out of time / Over 12 month period (3 complaints), the complaint was about a Legal / HR issue (3 complaints) and the complainant not having permission to act on behalf of service user (2 complaints).

### Compensation

- 3.15 The table below shows the total amount of compensation paid in Brent at all stages of the corporate and statutory process, including Ombudsmen cases. Compensation can be offered at any stage of the complaints process. The total number of cases where compensation was awarded or offered has increased by 34% (90 cases) compared to last year and the amount of compensation awarded/offered for each case on average has decreased by £127, which is a 20% decrease.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2021-22	314	£167,500	£533
2022-23	263	£165,827	£631
2023-24	353	£177,754	£504

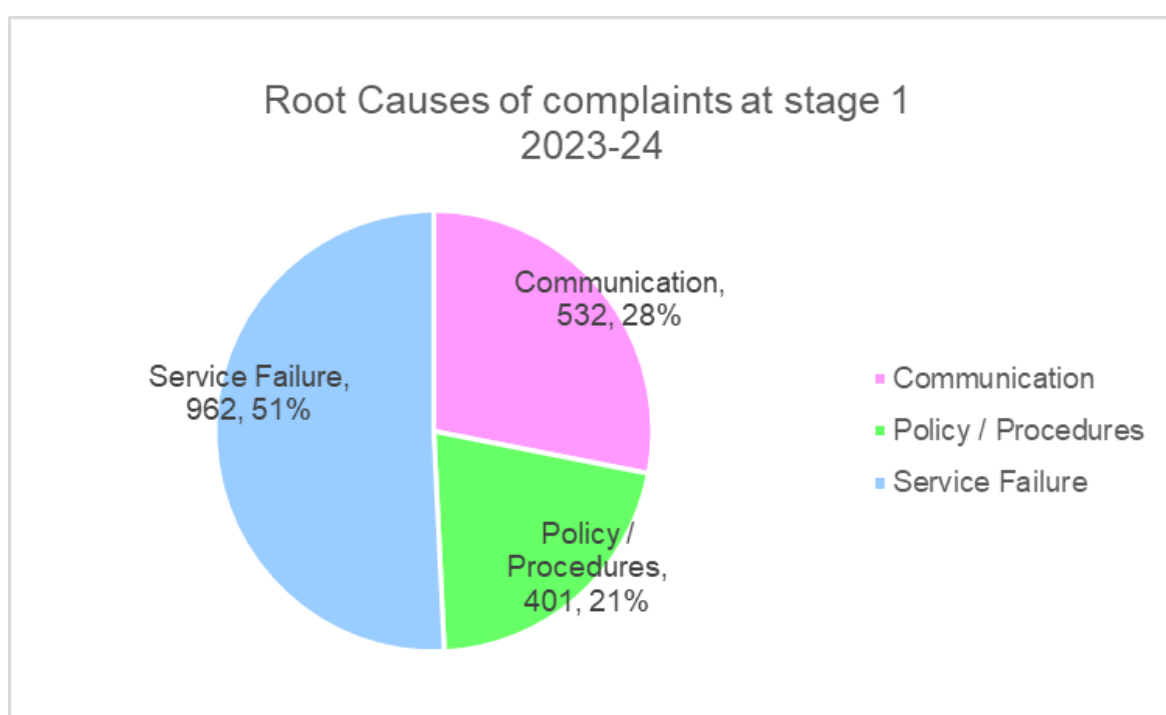
- 3.16 Compensation can be awarded/offered for time and trouble, distress, as a goodwill gesture, or in the form of a refund, reimbursement, or the offset/waiving of arrears. The increase in the number of cases where compensation was awarded/offered is indicative of the fact that the Council is proactively offering remedies including compensation where it is justified. Offering remedies earlier on in the process can prevent the need to offer higher levels of compensation at a later stage. There is no direct correlation between the amount of compensation awarded/offered one year compared to compensation awarded/offered in another because each complaint is unique and compensation is awarded/offered under different circumstances. However if there have been more cases received there are likely to be instances where compensation has been paid.
- 3.17 The majority of compensation in 2023/24 was offered at stage 2 of the Council's complaints process with £98,448 being offered at this stage. At stage 1, £54,017 was offered, £450 at stage 3 which only relates to children's statutory procedures and £24,744 was awarded across the Council at the Ombudsman stage. The highest amount of compensation paid out for a case was £5,500 at stage 2 and this related to a Housing Needs Case. Compensation was awarded in 353 cases,

an increase of 90 cases compared to the previous year, however, the amount awarded was lower on average per case than the previous two years.

3.18 Overall, the Housing directorate accounted for 86% of all the compensation awarded/offered (£153,457). This was averaged at £531 per case and was disbursed in 289 cases.

### Root Cause of Complaints

3.19 Root causes of complaints are categorised by the Council under the following types: Service failure; Communication; and Policy/Procedures. As shown in the pie chart below, 51% of complaints closed at stage 1 were categorised under Service Failure in 2023/2024. Issues with communication constituted 28% of complaints whilst dissatisfaction with policy/procedure comprised 21% of all complaints closed.



3.20 Housing repairs, including surveyor inspections, Council Tax, and Homelessness applications were the central issues that made up residents' concerns. On average, the Housing Management service carry out 36,000 repairs per annum, and this means that there is likely to be a correlation between the large number of repairs carried out and the relatively high number of complaints received.

3.21 In 2023/2024, a significant number of complaints were received relating to Council Tax. This is largely due to the rising pressures of the cost of living and residents struggling to keep up with payments. Additionally, the Council received a number of complaints relating to Homeless applications and this also stems from the increased cost of living and the housing crisis as well as changes in the private rented sector.

## **Service Improvements implemented**

3.22 Partly as a result of complaints received by Brent Council, many service improvements have been implemented. These improvements include:

- The Children and Young People department restructuring the SEN service to ensure there is a dedicated team managing the demand on EHCPs and to ensure statutory deadlines could be met.
- The Housing Management Service introducing new procedures for surveyors' inspection reports to ensure quicker turnaround times, with a separate inbox for the surveyors to send their inspection reports being created to improve the timeliness of work orders being raised following inspections.
- Environment and Leisure service setting up unannounced communal spot checks once each quarter for a gym which was the focus of a complaint investigation. For the women-only areas, they implemented carrying out a minimum of bi-annual checks focussing on the cleanliness of the changing areas and general upkeep of the sites.
- Adult Social Care updating their procedure to ensure target timescales are indicated for each element of the safeguarding process to ensure steps are not missed.
- The Customer Access Team reviewing the customer promise guidelines and developing an action plan to reinforce officers' understanding across the Council of the customer promise commitment.
- The Children and Young people department updating wording on letters to care leavers to make sure that the entitlement to an allocated Personal Adviser up to the age of 25 is clear.
- Housing Management revising the procedure for ensuring equal access for non-English speaking tenants.
- The Planning and Development Service developing a web page including information on Planning Performance Agreements and pre-application presentations to the Planning Committee to achieve more transparency in these areas.

## **Local Government & Social Care Ombudsman (LGSCO) Decisions and Learning Points**

3.23 The Local Government and Social Care Ombudsman provides an Annual Review report every year which focusses on the Council's performance in relation to complaints that have been referred to it.

3.24 In summary:

- The number of referrals made to the Ombudsman for Brent was 141 which has increased by 42 complaints compared with 99 last year. The borough with the highest number of referrals in 2023/24 was Lambeth at 249, and the lowest was City of London with 9.
- The LGSCO decided to do a detailed investigation into a lower number of referred complaints at Brent compared to last year where 29 detailed investigations were carried out. In 2023/24, 24 cases were investigated out of the 141 referred.



- Brent's upheld rate at 88% has increased from last year, when the upheld rate was 76%. However, this is likely due to the Ombudsman being more selective on investigations that they take on, meaning that they are finding more fault in a narrower range of cases. Brent was joint 10<sup>th</sup> highest with Harrow, Haringey and Enfield out of all London boroughs on this performance indicator. Barking and Dagenham, Southwark and Greenwich had the highest uphold rates with 100% of cases requiring a detailed investigation upheld.
- Although the uphold percentage rate is high, when comparing the number of actual cases upheld by the Ombudsman, Brent were 13<sup>th</sup> lowest out of all London Councils. Croydon had the highest number of cases with 43 upheld.
- Of the 24 investigations completed for Brent:
  - three complaints were not upheld;
  - seventeen complaints were upheld with further recommendations; and
  - the remaining four were upheld, but the Council had already implemented its own recommendations which had been accepted by the LGSCO as a suitable remedy, or there were no further recommendations made by the Ombudsman.
- Compliance with the Ombudsman's recommendations remains at 100%.

#### LGSCO Volumes and Outcomes

- 3.25 There were 141 enquiries and complaints referred to the Ombudsman in 2023/24 which is 42 enquiries higher than the 99 enquiries made the previous year. In 2023/24 the LGSCO made decisions on 139 cases which is 45 more and an increase of 48% compared to the previous year. However, of the 139 cases decided in 2023/24 only 24 cases required a detailed investigation, 21 of which were upheld and 3 cases not upheld.
- 3.26 LGSCO categories of cases not taken forward for investigation include: 'advice given'; 'referred back for local resolution'; 'incomplete or invalid'; and 'closed after initial enquiries'.
- 3.27 The Ombudsman have explained that they have become more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. It has meant that changes in upheld rates last year and this year are not solely down to the nature of the cases referred to them. They are less likely to carry out investigations on 'borderline' issues or cases, so they are naturally finding a higher proportion of fault overall. The statistics also show an increase in the complaints referred and cases which the Ombudsman have referred back to the Council or closed after initial enquiries. The table below shows a 3-year comparison of LGSCO outcomes of Brent Council cases:

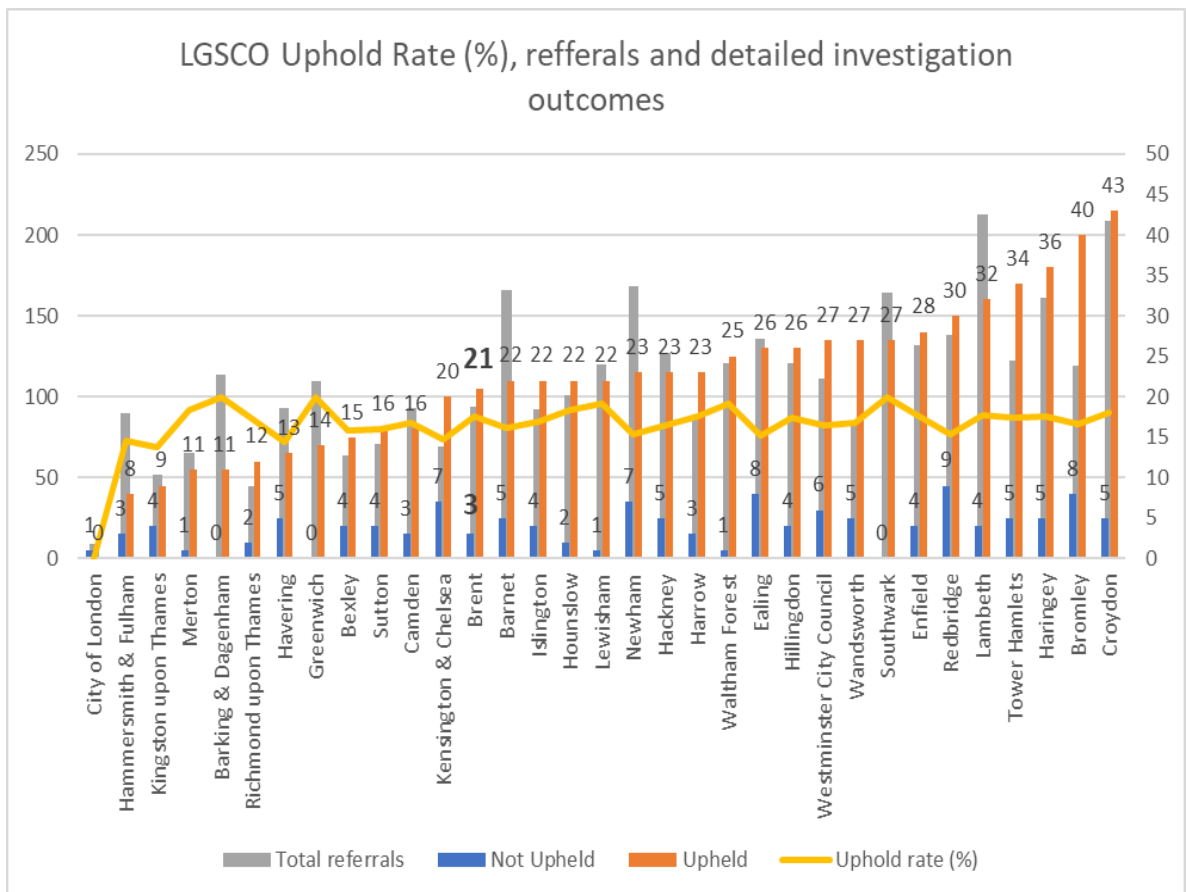
Year	LGSCO Outcomes						Total
	Not upheld	Upheld	Advice given	Referred back for local resolution	Invalid or incomplete	Closed after initial enquiries	
2020 - 21	1	12	3	35	1	25	77
2021 - 22	11	22	8	39	7	31	118
2022 - 23	7	22	6	25	5	29	94
2023-24	3	21	11	46	11	47	139

3.28 In comparison with all 32 London boroughs in 2023/24, Brent fares mid table on most of the criteria measured:

- 13<sup>th</sup> highest at providing a satisfactory remedy before the complaint reached the Ombudsman, in 14% of cases
- 13<sup>th</sup> joint lowest in number of detailed investigations undertaken
- 13<sup>th</sup> lowest in number of LGSCO upheld cases
- 14<sup>th</sup> highest in number of referrals to the LGSCO
- 13<sup>th</sup> highest LGSCO uphold rate (88%) in 2023/24.

3.29 The table below shows the Ombudsman uphold rate, cases referred to the Ombudsman and number of cases upheld and not upheld in 2023/24 compared with all London boroughs. Of the 24 detailed investigations undertaken by the LGSCO, 21 cases were upheld for Brent. This provides a uphold rate of 88% which is 13<sup>th</sup> highest out of all London Councils in percentage terms, however 13<sup>th</sup> lowest in the number of cases actually upheld. Brent was also joint 10<sup>th</sup> lowest when comparing upheld decisions per 100,000 residents.

3.30 A performance comparison of all the LGSCO categories with other London boroughs has been provided in Appendix C.



LGSCO Upheld Cases

3.31 There were 21 cases upheld against Brent in 2023/24 in the following services:

- Housing - 7
- Adult Care Services – 6
- Education & Children Services – 3
- Highways and Transport - 3
- Benefits and Tax – 1
- Planning and Development - 1

3.32 Brent came 13<sup>th</sup> highest of all London councils for upheld cases where a satisfactory remedy had already been provided before the complaint reached the Ombudsman. Of the 21 cases which were upheld during 2023/24, the Council had already offered a satisfactory resolution to the complaint before it reached the Ombudsman on three occasions. This equates to 14% of our total upheld cases and is above the London average of 12%. For these three cases, the Ombudsman confirmed no further action was required and just upheld the complaint because the Council had identified some fault and also upheld the complaint. There was also one case where fault was found but there was no injustice and therefore there was no remedy required.

3.33 The Ombudsman recommended a specific remedy in relation to 17 upheld cases. The Ombudsman was satisfied that the Council had successfully implemented its recommendations to remedy these complaints, achieving a 100% compliance rate.

- 3.34 This is an encouraging outcome and shows that the Council is complying with remedies set by the Ombudsman.
- 3.35 A brief summary of the cases upheld by the LGSCO for each area has been provided below.

#### Adult Care Services

- 3.36 Out of the seven complaints investigated, six complaints were upheld within this category for 2023/24 which is the same as last year. Five of which were statutory complaints, and one of which was corporate. Topics covered: capacity of a complainant's mother to manage financial and property affairs; support provided by the Mental Health team; accommodation provided under s117 of the Mental Health Act; procedures following discharge from NHS treatment; Council and Trust safeguarding review procedures and issues regarding a disabled bay. The Council provided apologies and financial redress and the following service improvements were made:
- work with the Integrated Care Board (ICB) to review its Section 117 aftercare policies and procedures, to ensure these are in line with the Mental Health Act Code of Practice.
  - share a copy of the investigator's final decision with all staff in their adult social care team who have responsibility for completing mental capacity assessments
  - installation and widening of path for access to the disabled bay

#### Housing

- 3.37 Complaints concerning Housing Management are referred to the Housing Ombudsman. Seven complaints relating to other housing services were upheld after being submitted to the LGSCO, which is a decrease of 2 complaints compared to last year.
- 3.38 In two of the cases a remedy had already been provided during the Council's complaints process, therefore the LGSCO made no further orders or recommendations. In one of the cases only an apology was recommended. In the other cases an apology and financial redress was recommended. The majority of cases upheld related to housing needs.
- 3.39 Case one – The Ombudsman decided not to investigate this complaint about the Council's handling of Miss X's housing application. The Council had upheld the complaint and agreed to remedy Miss X's injustice by paying her £750 and taking actions to prevent recurrence. The LGSCO determined that further investigation by them would therefore not be proportionate.
- 3.40 Case two - Mrs Y complained about the Council's handling of her application for a Disabled Facilities Grant. The Ombudsman found no evidence of fault in how the Council considered Mrs Y's application. They did however find fault in the way the Council dealt with Mrs Y's first stage complaints.

- 3.41 Case three - Ms X complained that the Council was at fault in the way it dealt with her homelessness application as she remained in emergency accommodation for 19 months. The Council accepted it was at fault as it delayed in progressing with Ms X's application. The Council had already apologised and offered a suitable payment in recognition of the distress caused.
- 3.42 Case four - Miss X complained the Council failed to properly consider her application for medical priority on our housing register, did not identify her housing needs and delayed managing her complaint. The Ombudsman found the Council failed to send Miss X an allocation letter after its housing assessment and delayed responding to Miss X's complaint causing uncertainty and distress. The Council provided a further apology and paid her £200 in recognition of uncertainty and distress caused.
- 3.43 Case five - Miss X is a wheelchair user and complained the Council left her in unsuitable accommodation for a long period of time. The Ombudsman considered the Council's remedy was not sufficient and the Council agreed to an increased compensation payment.
- 3.44 Case six - Mrs B complained about how the Council handled her homelessness application when she was threatened with homelessness in June 2022. She said its communication was poor and it wrongly closed her case. The Ombudsman found fault with the Council for delays offering Mrs B interim accommodation and progressing her homelessness application. The Council apologised and made a financial payment Mrs B to remedy this. Service improvements were also made.
- 3.45 Case seven - Miss Y complained the Council did not properly consider her unsuitable housing conditions when assessing her application to the housing register. The Ombudsman found fault by the Council, causing injustice. The Council agreed to remedy this injustice by apologising to Miss Y and making a payment to reflect the upset caused. It has also made service improvements.

#### Planning and Development

- 3.46 One case was upheld under this category. The complainant complained about the Council's failure to take planning enforcement action against a business that operates near the business the complainant operates. The Council agreed to carry out a review of its practice and procedure to ensure it imposes the planning conditions it intends to. The Council agreed to consider whether it has any power to require safe vehicular access to and from a site and if so, whether it should use it.

#### Education and Children Services

- 3.47 Mrs X complained the Council delayed issuing her son, F's, amended Education, Health and Care (EHC) plan following an annual review in December 2021. She also complained F was not receiving provision in line with his EHC plan between December 2021 and May 2022. The Council made payments to Mrs X to recognise the injustice this caused to both her and F.

- 3.48 The Council accepted fault when it investigated Mrs X's complaint about school transport for her disabled child. However, the Council's delay to complete the actions agreed in its complaint response was further fault which caused Mrs X injustice. The Council agreed to apologise, take the action it agreed to, make a payment to Mrs X and improve its services for the future.
- 3.49 The Ombudsman found fault with the Council for failing to deliver the education, speech and language therapy and occupational therapy to which Ms X's son was entitled. The Council has already partly remedied the injustice caused to Ms X and her son. The Council also agreed to take further action for the missed occupational therapy provision.

#### Highways and Transport

- 3.50 The Ombudsman decided to not investigate this complaint about highway maintenance and complaint handling. This is because they were satisfied with the actions taken by the Council and it is not a good use of public resources to investigate complaint handling where they are not investigating the substantive matter.
- 3.51 Ms X complained the Council stopped her parking near her home and told her the area is a car free development. Ms X said this affected her family's health and caused distress. There was fault in the way the Council did not enforce its agreement to stop any parking within the development. This fault did not cause an injustice to Ms X.
- 3.52 Mr X complained about how the Council dealt with a refund application for a visitor's parking permit. This caused Mr X distress, frustration and time and trouble chasing for updates and complaining. The Council took action to remedy the injustice caused.

#### Benefits and Tax

- 3.53 Mr X complained about delay in processing his Housing Benefit claim. Mr X said the Council failed in its duty to forward the relevant documentation to the Housing Benefit Appeals Tribunal in a suitable timeframe. There were avoidable delays when considering Mr X's second appeal, and submitting Mr X's appeal to the Tribunal which caused uncertainty and frustration. The Council agreed to the Ombudsman's recommendations.

#### LGSCO Compensation

- 3.54 In 2023/24, the LGSCO asked the Council to pay an additional £9,075 in compensation across thirteen cases. This is £5,125 less than the previous year 2022/23 where £14,200 was paid in compensation over ten cases.
- 3.55 Payments over £1,000 included a total of £3,600 compensation awarded in one of the Housing Needs cases for the amount of time the complainant was in unsuitable accommodation. In another Housing Needs case, £1,400 was offered to recognise the time in unsuitable interim accommodation. In the Education and Children's Service category £1,450 was awarded in one case for the lack of

education provision and for distress and uncertainty caused. In the Adult Social Care case an additional £1000 was awarded for distress as a result of the faults identified and for complaint handling.

### **Housing Ombudsman (HO) Decisions & Learning Points**

- 3.56 The Housing Ombudsman has not yet provided its annual report and therefore we are unable to report on cases that have been referred to it for 2023/2024. The Housing Ombudsman has however asked that the comments from their 2023/2024 report when provided are included in the Council's annual report for 2024/2025. The Housing Ombudsman data will therefore be provided in the next reporting cycle as stipulated by the Ombudsman. A report on Housing Management complaints has been included in Appendix D.

### **Compliments**

- 3.57 In 2023/2024 116 compliments were logged on the system for the Council, an increase of 44 from the previous year where 72 compliments were logged. Customers can send feedback to the Complaints team or to service areas directly. Some of the compliments have been provided below:

#### Housing Needs

*"I would like to thank you XX for your support during my homeless duration and to say your efforts, your acknowledgement, your patience and your sympathy for me and my kids has not gone unnoticed.*

*"I consider myself very fortunate to have had you helping me so thank you so much for all your help. I really appreciate it."*

#### Libraries

*"I just wanted to drop an email to mention how happy I have been with the wonderful service provided by XX at the Queens Park Library. He has been so polite and helpful with both myself and my young daughter".*

*"I WAS AMAZED! It is exactly the type of place that I wish more libraries were like!"*

#### CYP - Inclusion

*"XX is approachable, non-judgmental, intuitive and supportive of any situation. No task or case is ever too big or too small for her. She truly cares about what she does and her vision is crystal clear – making a positive impact and improving lives of young people. She has been a tower of strength for our school and it would be wonderful to have more people like XX providing the high standard service for the good of our young people and their families".*

#### Complaints Team

*"Dear XX, Thank you for your time today, it was reassuring talking to you, I felt you understood what I was saying and you were very supportive".*

## ASC - Commissioning Contracting & Market Management

*“I am writing to tell you how delighted I have been for all that you have done for us. My husband and I are most grateful for your choice of care home for my mum-in-law. She is now settled in a bigger and brighter room, looking happier and very comfortable and all at a lower cost to us. It was a pleasure dealing with you. We always appreciate your prompt response and excellent advice. I would like to thank you for your most efficient and kind services and send you my very best wishes in all you do”.*

### **4.0 Stakeholder and ward member consultation and engagement**

4.1 This report has been discussed with Lead members and Corporate Directors and will be discussed at Cabinet and the relevant scrutiny committees.

### **5.0 Financial Considerations**

5.1 The details provided on compensation payments in sections 3.15 – 3.18 and throughout this report, reflect the monetary impact of not getting things right the first time as an organisation, and the need to improve the customer experience, thus minimising the financial penalties incurred by the Council.

5.2 The total number of cases where compensation was awarded/offered has increased by 34% when compared to 2022/23. However, the amount of compensation awarded/offered for each case on average has decreased by £127.

5.3 The total compensation awarded/offered and paid in 2023/24 was £177,754 (353 cases), which is a 7% increase to the previous year. The costs implications and budgetary impacts to the Council are being continuously monitored.

### **6.0 Legal Considerations**

6.1 Complaints concerning Adult Social Care and Children’s Social Care fall under separate statutory complaint procedures. It is a legal requirement to produce annual reports for these areas and these are included in appendices A and B with reference to the statutory frameworks for the management of these statutory complaints.

6.2 The Ombudsman is the final stage in the complaints process, where an individual has complained to the Council and remains dissatisfied with the outcome. The LGSCO can investigate allegations of maladministration in connection with the exercise of a local authorities’ administrative function, allegations regarding a failure in a service which it is the local authorities function to provide, an allegation or an apparent failure to provide such a service pursuant to the Local Government Act 1974 as amended.

6.3 The Housing Ombudsman’s Complaint Handling Code became statutory on 1 April 2024, meaning that the Council is obliged by law to follow the requirements set out in the Code. The Social Housing (Regulation) Act 2023 places a duty on



the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code. The Council's procedures and policies have been updated to take account of these changes.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:

- (a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
- (b) advance equality of opportunity; and
- (c) foster good relations between those who share a "protected characteristic" and those who do not.

7.2 This is 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.

7.3 Although there have been no equality implications identified as a result of this report, the Council are improving data that is collected on the complaints system so that data analysis can be used to identify issues that may disproportionately affect different equality groups.

## **8.0 Climate Change and Environmental Considerations**

8.1 Not applicable

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 Not applicable

## **10.0 Communication Considerations**

10.1 Not applicable

**Report sign off:**

***Debra Norman***

Corporate Director of Law & Governance

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## Complaints Annual Report 2023 – 2024

### Appendix A – Adult Social Care Statutory Complaints

#### 1. Summary

- 1.1 This report provides an overview of statutory complaints made about Brent Adult Social Care (ASC) services during 2023–2024, as required under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, the Health and Social Care Community Health & Standards Act 2003 and the Local Authority Social Services Complaints (England) Regulations 2006.

#### 2. Statutory Complaints Process

- 2.1 The Department of Health defines an adult social care complaint as, *“an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a Council’s adult social care provision which requires a response”*.
- 2.2 Anyone who has received a service, is currently receiving a service or is seeking a service from the Council can make a complaint. This includes anyone affected by decisions the Council makes about social care, including a service provided by an external provider acting on behalf of the Council. In such a case, they can complain directly to the provider or to the Council. External providers are required to have their own complaints procedures and must comply with them. They are also required to share information on complaints and outcomes with the Council. The Council is reviewing the process to ensure that complaints procedures are streamlined.
- 2.3 There is only one stage in the statutory process, which the Council has interpreted as a provisional response (stage 1) and a final decision (stage 2). All complaints made to the Council are logged and acknowledged on our internal complaints database. The Council will try to resolve the provisional complaint as soon as possible, and within 25 working days of receipt. If delays are anticipated, the complainant is consulted and informed appropriately. All responses, regardless of whether a timescale has been agreed with the complainant or not, must be completed within six months of receiving the complaint.
- 2.4 The Head of Service should sign all provisional complaint responses and if complainants are still unhappy, they will be given the opportunity to have their complaint reviewed by the Director, Adult Social Care or the Corporate Director, Community Health and Wellbeing. In some cases, complaints may need to be passed to the Safeguarding leads as appropriate and the complaints process suspended in order to allow the safeguarding process to be completed. In cases where the complaint relates to several organisations, a single organisation will act as the lead and co-ordinate a joint response to the complainant. The final complaint response must advise the complainant their right to approach the Local Government & Social Care Ombudsman (LGSCO) should they remain dissatisfied.

### **3. Headlines**

3.1 The Adult Social Care department made some changes to team names in March 2022. For the purpose of this report that data has been amalgamated and represents the new service area names; Access, Information and Long Term Support, Commissioning Contracting and Market Management, Intermediate Care and Principal Occupational Therapist, Learning Disability and Mental Health, and Safeguarding and Principal Social Worker.

3.2 The main performance headlines from ASC statutory complaints are as follows:

- 131 complaints were received at the initial stage of the complaints process in 2023/24, an increase of 16% on 2022/23.
- The highest volume service areas for first stage complaints are as follows – Access, Information and Long Term Support (35%), Learning Disability and Mental Health (23%), Commissioning, Contracting and Market Management (21%) and Intermediate Care and Principal Occupational Therapist (20%).
- 66% of provisional responses were upheld or partly upheld.
- 36% of stage 2 cases were upheld or partially upheld.
- 79% of stage 1 and all stage 2 cases complaints were responded to on time.

### **4. ASC Service Users**

4.1 In order to provide some context in relation to complaints submitted, in 2023/24 ASC received 11,087 contacts, 5,697 via Brent Customer Services and ASC supported 2,611 out of hospital. ASC carried out 8,219 assessments and 1,087 mental health assessments, as well as 5,630 reviews. Currently 1,600 people are receiving homecare and 758 people are receiving support in supported living or extra care sheltered housing. At the end of March 2024 ASC was providing funded support to 4,609 people.

### **5. Complaints Received**

5.1 In 2023/2024, ASC received 131 stage 1 statutory complaints compared to 113 in 2022/2023 and 74 the previous year, showing a rise of approximately 16% from last year and a year-on-year increase of 77% over the past two years. This is mainly due to more uptake in services.

5.2 When complaints are received, they are directed to the Complaints Service for triaging. The Team will receive complaints by email, online through the web form or My Account, telephone and by letter. Brent Customer Services will also refer complainants to the Complaints Service. The ASC complaint legislation is explicit that the Council must receive complaints by any means. The ASC complaints process should be easy for all to access, and therefore the Team have provided a telephone number on the website especially for ASC clients. Staff within the Complaints Service will assist complainants as necessary, and if required will assist them in obtaining an advocate.

5.3 Statutory complaints largely related to a service users' care needs assessment or the provision of social care needs through either homecare services or residential care. Anyone can approach the Council and is entitled to receive a care needs

assessment. The main areas where ASC received complaints were Access, Information and Long-Term Support, Commissioning Contracting and Market Management and Learning Disability and Mental Health. Details of the services they provide and the figures relating to complaints across these areas are as follows:

- ***Access, Information and Long Term Support:***

5.4 In 2023/2024, the service received 35% of all statutory complaints made to ASC at stage 1. This percentage is the same as last year (35% in 2022/2023) and a slight increase from the year before (31% in 2021/2022). This team deals with more complex support cases and have to manage service users' and families' expectations about the package of care to which they are entitled. The complaints that are received by the team relate to disagreements with the decisions around care packages / assessments, delays in receiving an assessment and complaints concerning communication from social workers. The service users and their families will often have a higher expectation of the services they should receive than the Council can provide. The Council has to consider value for money, as well as the needs of the service user when providing services. These are complex and often sensitive matters and can lead to understandable disputes between the parties involved. Given that this service has restructured since 2021 and taken on a larger amount of cases, this reflects a larger amount of complaints as a result. There has been a concerted effort to improve complaint handling throughout the service and develop a more robust working relationship with the Complaints Service to help reduce the number of complaints.

- ***Commissioning Contracting and Market Management:***

5.5 In 2023/2024, complaints relating to these services accounted for 21% of all complaints received by ASC, which is an increase from the previous year (13% in 2022/2023). Overall, 31 complaints were received for this service area in 2023/2024 at stage 1 and stage 2. The increase in complaints from 15 in 2022/2023 to 31 in 2023/2024 is a significant increase of just more than double the number of complaints compared to the previous year. The ongoing pressure on care homes, the cost-of-living crisis, and workforce pressures have likely contributed to more users raising concerns.

- ***Intermediate Care and Principal Occupational Therapist:***

5.6 Of the 131 cases received at Stage 1 for ASC, this service received 26 complaints (20% of all complaints received by ASC at stage 1). At stage 2, only one complaint was received from this service meaning overall this service received 27 of the 142 complaints which is 19% of the complaints received by ASC at stage 1 and 2. This service has been changed from Urgent Care as it now includes cases related to Occupational Therapy which previously fell within Complex Care (now Access, Information and Long Term Support).

- ***Learning Disability and Mental Health:***

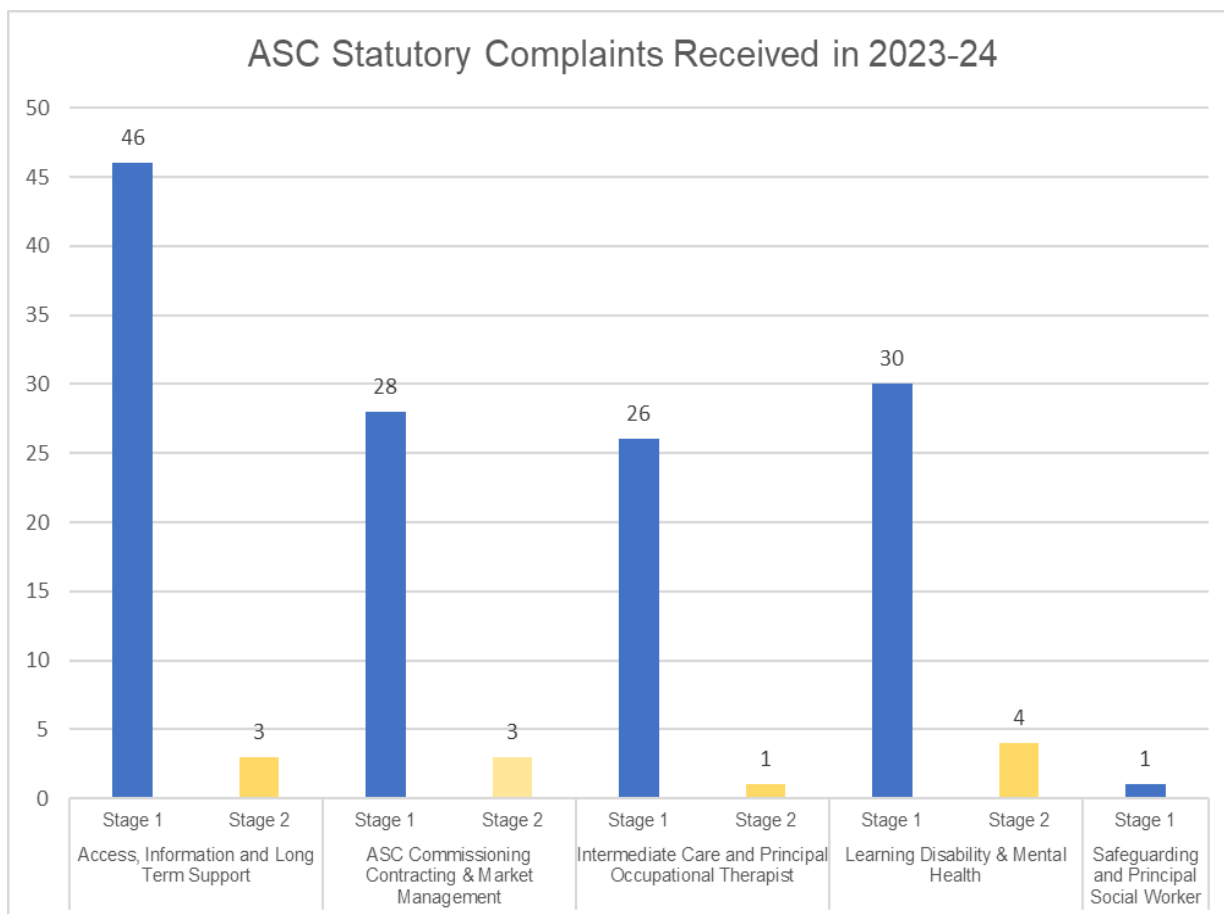
5.7 This service accounted for 23% of all complaints received by ASC at stage 1 in 2023/2024, a marginal increase of 1% from the previous year. This service is

smaller in comparison to others in ASC however this service deal with cases of a complex nature.

- **Safeguarding and Principal Social Worker:**

5.8 This service rarely receives complaints because issues of safeguarding are usually reviewed within the service areas in which customers are provided support. The one case received related to a Doctor from a GP practice who made a safeguarding referral regarding one of their patients. The Safeguarding Team closed their enquiries however the complainant was not happy about this so requested a complaint investigation.

5.9 The chart below shows the number of ASC statutory complaints received in 2023/2024. Of the 131 statutory complaints received at stage one, 11 were escalated to the final review stage, which is one less than last year. In 2022/2023, 12 complaints were escalated and in 2021/2022 10 were escalated to the final review stage. This indicates a consistent pattern in the escalation rate over the past three years.

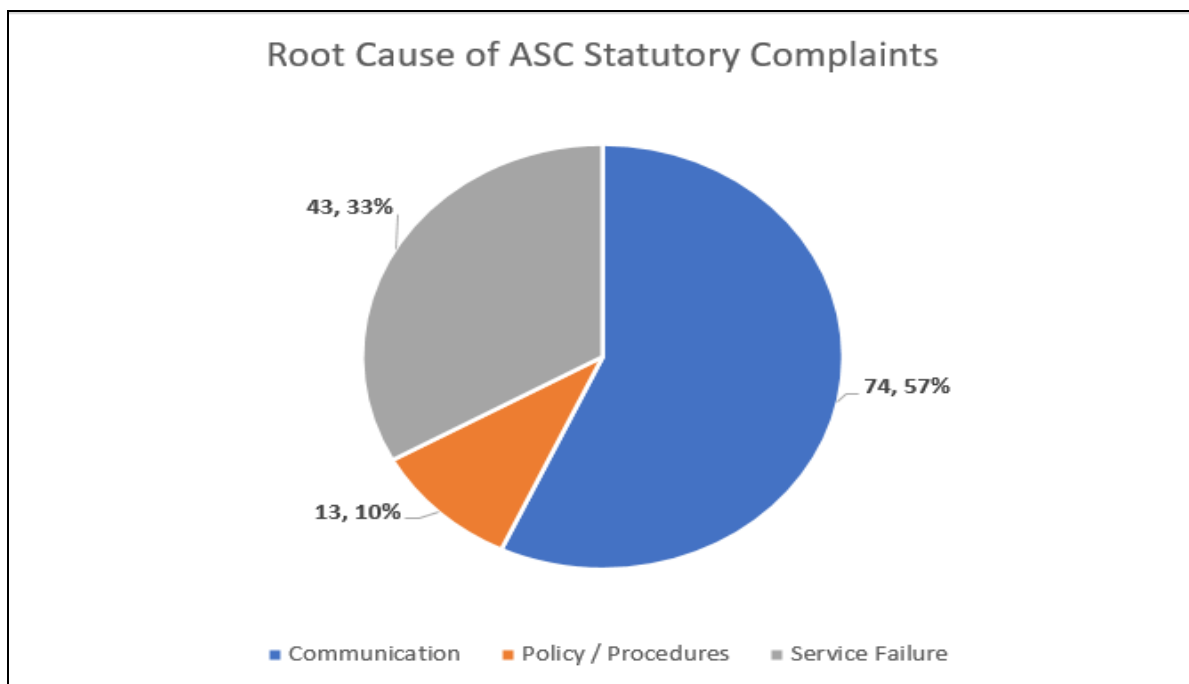


5.10 In 2023/2024, the escalation rate for statutory complaints is 8% compared to 11% in 2022/2023 and 13.5% in 2021/22. The decrease in complaint escalations demonstrates the work being undertaken to resolve concerns at the provisional stage. Outcomes from these cases are discussed later in the report. ASC actively tries to resolve concerns, however, despite this, some of the more complex cases do escalate. The Learning Disability and Mental Health service received the highest

number of escalations to stage to 2, with 4 out of 30 complaints being escalated (13%). However, the service has demonstrated improvement in complaint handling at the first stage as the number of escalated complaints for this service has decreased from the previous year with 20% of cases being escalated in 2022/2023.

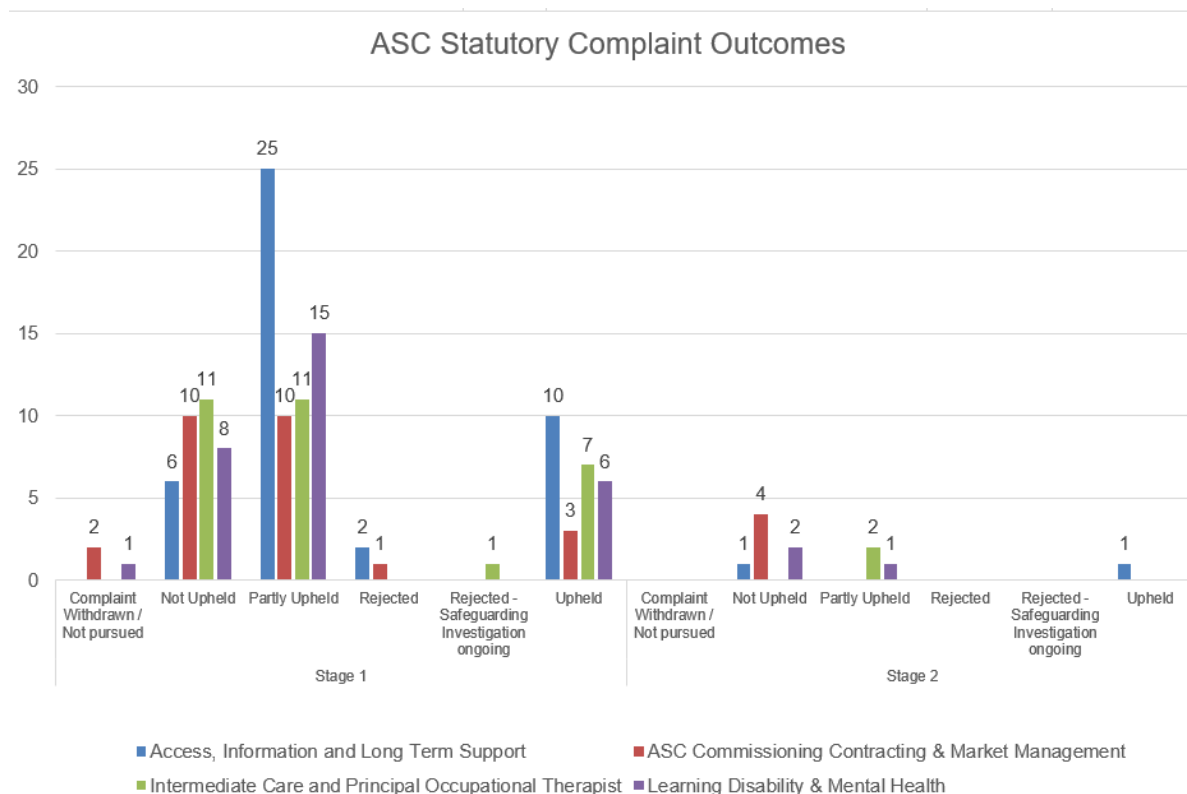
## 6. Nature / Reasons for Complaints

6.1 In 2023/2024, communication issues accounted for 57% of all complaints received, demonstrating an increase from 2022/2023 when this was the case for 50% of complaints. This rise suggests there are still ongoing challenges with keeping service users informed and updated. Service failure accounted for 33% of complaints, showing a decrease from 44% the previous year, indicating some improvement in services. Complaints related to policy or procedure increased to 10%, in comparison to this accounting for 6% in the previous year.



## 7. Complaint Outcomes

7.1 The chart below shows the outcome of statutory complaints at stage 1 and final review stage:

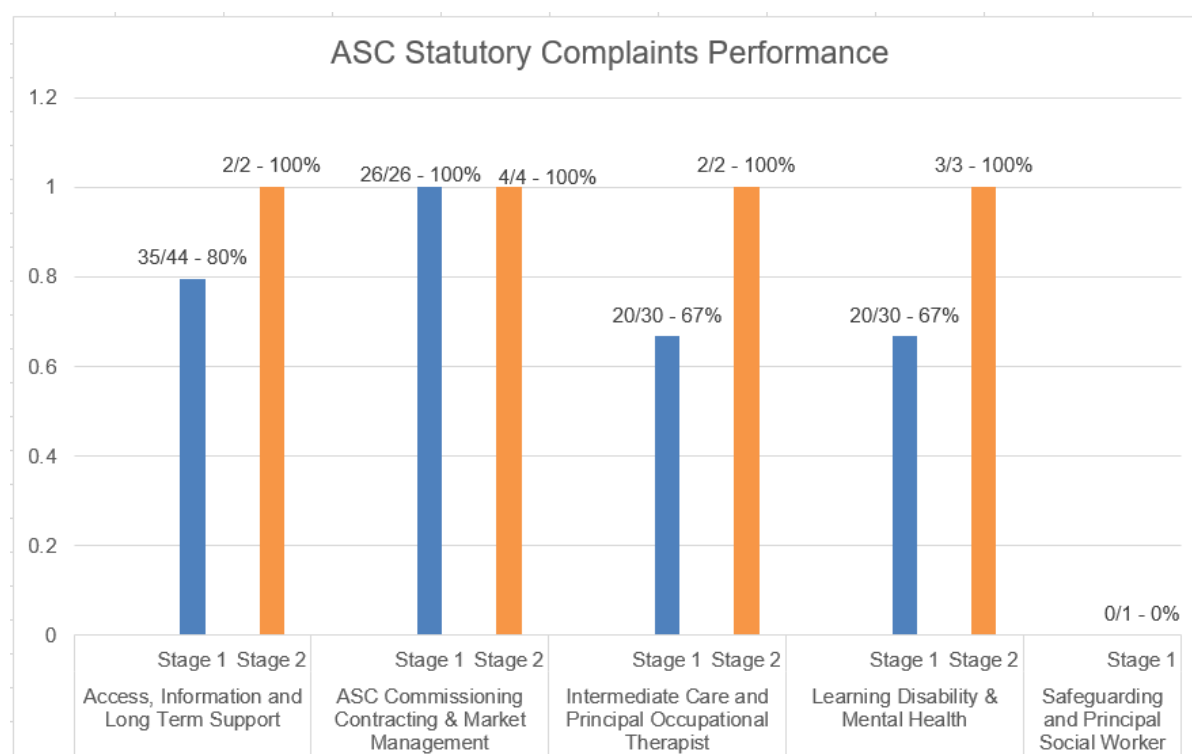


- 7.2 Complaints received at the provisional stage show that some fault (upheld or partly upheld) by the Council was found in 66% of cases, showing an increase compared to some fault being found in 62% of cases in 2022/2023 and 53% in 2021/22. This shows a willingness to accept fault and make service improvements.
- 7.3 Complaints of a complex nature and which involve a number of teams are more typically escalated to the final review stage. At the final review stage, some fault was found in 36% (4/11 stage 2 complaints received) of cases, this is a significant decrease from 2022/2023 where some fault was found in 61% of cases as well as from 2021/22 where 55% of complaints were either upheld or partly upheld. This relates to a greater acceptance of fault at the provisional stage meaning that no further fault is found at the final stage.
- 7.4 The Complaints Service continues to work with ASC to review the accuracy and quality of stage 1 responses, where they have escalated to the final stage, and report the findings to the ASC Management Team in order to implement strategies to reduce the number of escalations.
- 7.5 The Complaints Service are also working to ensure that the different departments within ASC are better coordinated when dealing with complaints about services that crossover the various teams by providing advice and regular complaints training.
- 7.6 Some service improvements identified at the final review stage have been included in point 14 - Learning from Complaints.



## 8. Timeliness of Responses

8.1 The chart below shows complaint response timeliness across the various ASC service areas in 2023/24:



8.2 In 2023/2024, ASC responded on average to 79% of all stage 1 complaints within timescales, a decrease from 84% in 2022/2023. Stage 2 response times have remained consistent from last year, with all cases responded to on time providing a 100% performance rate for the investigated cases.

## 9. Compensation

ASC	Amount
Stage 1 / Provisional	£100
Stage 2 / Final	£800
Ombudsman	£1,850
<b>Total</b>	<b>£2,750</b>

9.1 ASC paid a total of £2,750 in compensation for the year 2023/24, comprising seven cases. This was the same number of cases awarded compensation as the preceding year where ASC awarded £3,450 in total in compensation for seven cases. Compensation was awarded in one case at stage one, with £100 being paid. At stage 2, one case was also awarded compensation, and this amounted to £800 which was awarded due to service failures and for the distress and inconvenience caused in pursuing the complaint. Five cases were awarded compensation at the Ombudsman stage, with the highest amount awarded at this stage being £1000.

9.2 All compensation awarded by the Council is in accordance with the Local Government and Social Care Ombudsman remedies guidance.

## **10. Local Government and Social Care Ombudsman Decisions in 2023/2024**

10.1 The Local Government and Social Care Ombudsman (LGSCO) provide statistics for cases received and decisions made during the financial year as a complaint that has been received in one period may be decided in the following financial period. In 2023/2204 the LGSCO received 141 complaints (corporate and statutory) and enquiries across the Council and of those 23 related to Adult Social Care, which is nine more than the previous year. In total, 139 decisions were made by the LGSCO in 2023/24 for Brent of which 25 decisions related to ASC, which is twelve more when compared to the previous year where 13 decisions related to ASC. The LGSCO's decisions included referring nine cases back to the Council for local resolution as the Council's complaints process had not been completed. Five cases were closed by the Ombudsman as there was insufficient information or invalid information to proceed, one case was closed as advice had been given and three cases were closed after initial enquiries as there was no worthwhile outcome achievable by investigation. Detailed investigations were carried out in 7 cases. Of those, 6 were upheld (the same as 2022/23) and 1 was not upheld. Five of the cases upheld were statutory cases and a summary for them has been provided in section 10.3. The other two cases were corporate cases and a summary has been provided in the Annual Complaints cover report.

10.2 The uphold rate to the LGSCO for ASC cases is 86%, which is more than the previous year at 75%. The Ombudsman have explained that they have become more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. It has meant that changes in upheld rates last year and this year are not solely down to the nature of the cases referred to them.

10.3 A summary of the complaints upheld by the LGSCO is provided below:

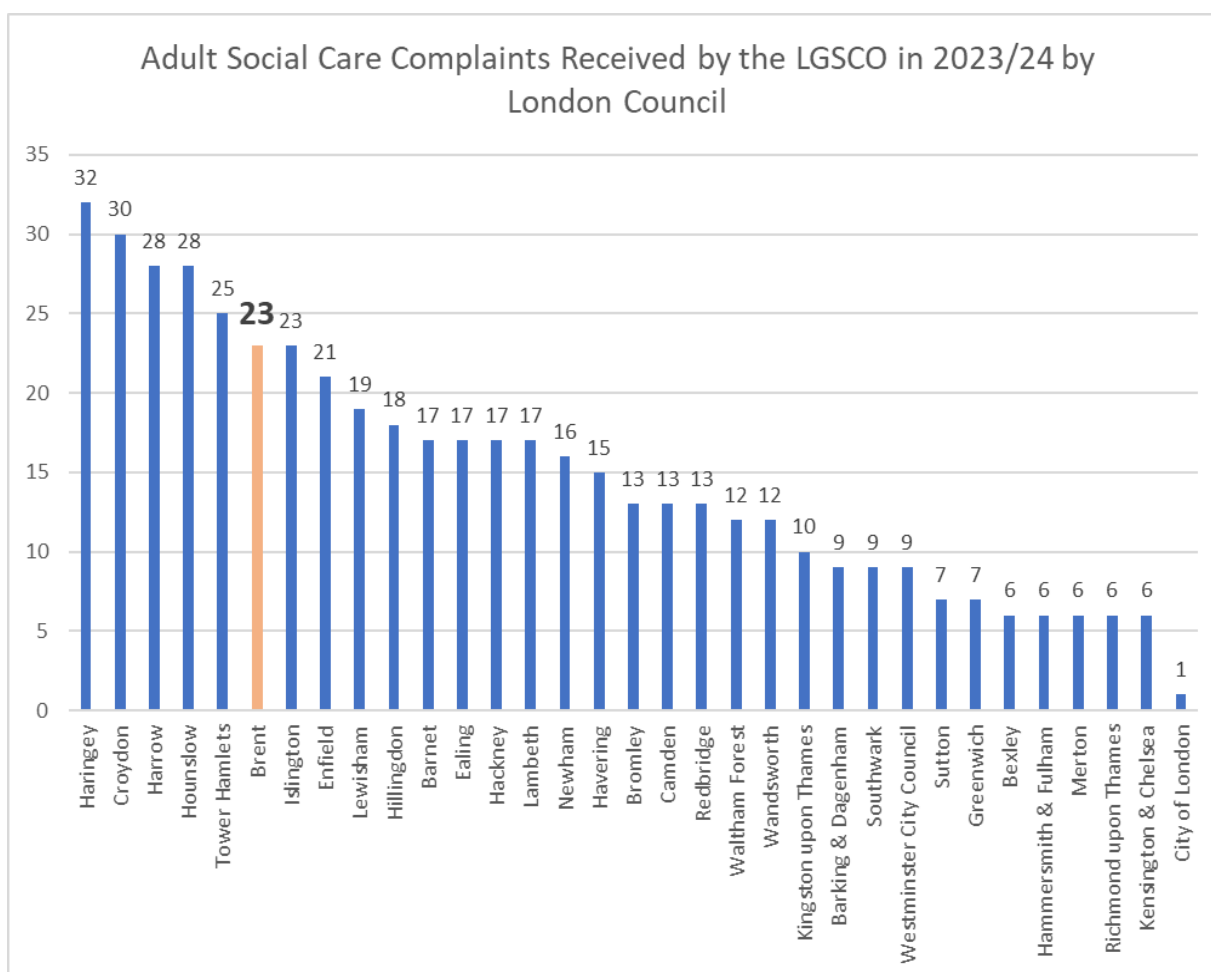
- One of the complaints centred around the support provided by the Mental Health Team and issues of recognising the relevant support required. The complaint was partly upheld at stage 2 and the Ombudsman made additional recommendations such as meeting with the client to discuss their needs and providing a formal apology letter.
- Another case was a long-standing case which we had commissioned an independent investigator to review at stage 2. The Ombudsman took a considerable amount of time to investigate this case due to the complexities and made various recommendations such as ensuring the Council is carrying out joint investigations with the relevant Trusts, paying additional compensation and ensuring the outcomes of a safeguarding review is shared with the complainant.
- This complaint was that the Council and the NHS Trust who cared for the complainant's brother failed to follow correct procedures when he was being discharged from NHS treatment. The Ombudsman requested a financial assessment be back dated to the complainant's brother's discharge in November 2021.

- This complaint was that the accommodation provided to the complainant’s brother under s117 of the Mental Health Act was inappropriate. The Ombudsman found that the Council could have done more to address the complainant’s concerns at the time they were raised.
- This complaint related to the complainant’s mother’s capacity to manage her financial and property affairs. The Ombudsman awarded compensation for this. There was also a delay in responding to an allegation of physical abuse which the Ombudsman was satisfied was remedied at stage 2.

## 11. Benchmarking Data

11.1 Brent Council belongs to the North West London Social Care Complaint Managers Group. Unfortunately, many Councils have not yet completed their Complaints Annual Report or are reluctant to share their data.

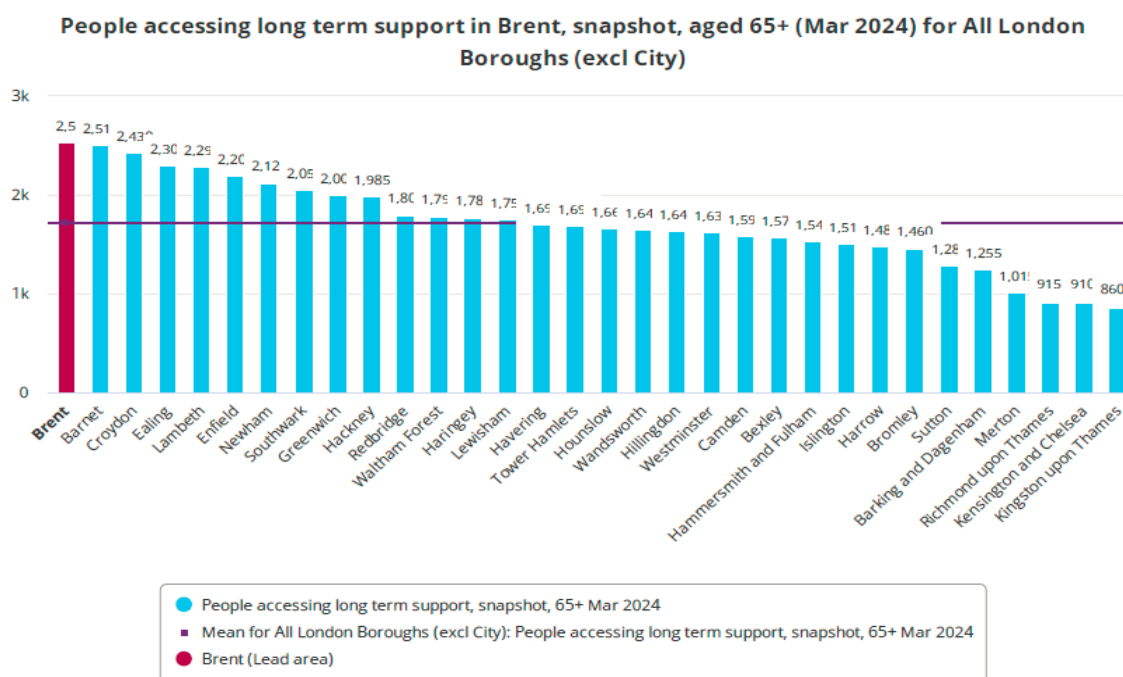
11.2 The graph below shows data provided by the LGSCO with regards to the number of Adult Social Care complaints/enquiries received for each London borough.



11.2 The graph includes corporate as well as statutory complaints. In terms of complaints/enquiries received by the Ombudsman in relation to ASC, Brent has a high number of complaint/enquiries compared with other Councils. There are five

London boroughs that had a higher number of complaints received. The complaints received are nine higher than the previous year for Brent, however, generally the number of complaints received regarding ASC across London is increasing, with a total of 379 received last year compared to 491 received this year for all London Councils. The figures provided do not necessarily mean that the complaint/enquiries were warranted but does show that ASC complaints are on the increase.

11.3 The data below from the Local Government Association also shows that Brent is supporting the most people aged over 65+ which means more complaints are to be expected. In addition to this, there are Councils supporting fewer people who are seeing more ASC LGSCO complaints than Brent.



Source: Department of Health and Social Care, Monthly statistics for adult social care (England), People accessing long term support, snapshot, aged 65+ , Data updated: 15 Jul 2024

## 12. Customer Feedback and Engagement

12.1 The majority of customer contact with the Complaints Service is reactive in that the Team responds to direct contact from customers and their representatives when they report a problem. Through this initial contact the team, in conjunction with ASC managers, has been able to informally resolve a number of complaints at an early stage of contact, e.g. delayed OT assessments / care assessments, identifying resolutions to invoicing / billing queries that could have progressed to formal complaints.

## 13. Compliments

13.1 Customers and their representatives are encouraged to tell the Council if they are satisfied with their care or to highlight good service. People are able to send

feedback to the Complaints Service or ASC directly. In 2023/2024, ASC and the Complaints Service received 27 compliments about ASC. The Complaints Service Team is working with ASC to ensure they capture all compliments directly received by the service. Below are examples of compliments that staff in ASC have received:

- *Commissioning Team*

*“As always, thank you for being efficient, supportive and above all patient with me and my mum’s case”.*

*“This is such a great outcome for all of us. I am particularly happy for X; and I hope she settles well in her new home. I must mention the amount of work that X and her team put into making this a success story! I applaud them on the attention paid to detail! Never seen a team work so well!”*

- *Access, Information and Long Term Support*

*“Hi X I would like to start by thanking you personally for your assistance with helping my parents arrange respite care for my gran.*

*From the initial call, it was clear that you understood our requirements and the desperate situation we were in, you went beyond the scope of duty to ensure the correct outcome was achieved in a very short time frame. Updates were provided in a timely manner and any questions we had were responded to without delay”.*

*“I wanted to thank you for your assistance in securing a new care agency for my mum. You have made a significant difference in my mum's life, as well as a significant difference to my role caring for her. The situation had become very difficult and the new care agency has already made a positive impact on my mum's well-being, and we are cautiously optimistic about the quality of care she will receive now”.*

- *Intermediate Care and Principal Occupational Therapist*

*“Dear XX, Many thanks for your email and thank you for all your help, it has been extremely helpful. Thank you for being so kind and patient with my father, it is greatly appreciated”.*

- *Safeguarding and Principal Social Worker*

*“I spoke to XX from the foodbank this evening. XX and XX contacted her after your meeting with them and were told her that you were very kind, sensitive and really helpful. They are all so relieved and grateful to you and your colleague. Thanks so very much for helping them and for being so sensitive and victim focused. Thank you for sharing all that you are doing to assist XX.*

## **14. Learning from Complaints**

14.1 Feedback from adults who experience social care services offers important insights into what we do well and what we can improve on. Throughout 2023/24 we

continued to gather and analyse feedback from service users and carers (gathered as part of Adult Social Care Outcomes Framework (ASCOF) returns and locally), as well as complaints, enquiries and requests. The results from our most recent Adult Social Care Survey 2023/24, broken down by demographic groups, show that overall, 87% of people are happy with the care and support they receive. Most people feel they have a good quality of life and feel safe.

14.2 Brent ASC considers the learning from complaints and compliments an integral part of their Quality Assurance process. Dependant on the learning points identified, ASC operate several different methods for developing and sharing improvement to their practice across the services. These may include, but are not limited to, the following:

- Development of new guidance and practice updates
- Practice updated and disseminated in supervision, team meetings or learning forums
- Provision of training and development
- Case file audits to ensure the quality of practice
- Sharing the learning from complaints with other areas within the Council e.g. Brent Customer Services

14.3 Learning from the lived-experiences of residents using services can help identify where services, policies and procedures can be improved; helps to ensure that senior managers are informed of issues that are important to residents and improves communications and strengthens relationships. ASC have recently launched a Coproduction and Community Partnership approach to promote and engage with residents and partners in the coproduction and codesign of services to better reflect needs and develop services that matter most to people with the intention of reducing the number of complaints received.

14.4 ASC carry out quarterly reviews of complaints via DMT to share learning and agree actions to be implemented to address complaints by type and issues. To ensure service standards and recommendations as a result of complaints, ASC carry out direct engagement with staff teams to clarify service standards and expectations.

## Complaints Annual Report 2023 – 2024

### Appendix B – Children’s Social Care Statutory Complaints

#### 1. Purpose of report

- 1.1 This report provides an overview of statutory complaints made about Brent Council Children’s Social Care Services during 2023-2024 as required under The Children Act 1989 Representation Procedure (England) Regulations 2006.
- 1.2 This report provides information about all statutory complaints made during the twelve months between 1 April 2023 and 31 March 2024 under the complaints and representations procedures.

#### 2. Statutory Complaints Process

- 2.1 The purpose of the Children’s Act 1989 and Representation Procedure (England) Regulations 2006 is to ensure local authorities have a formal complaint handling procedure in place for children and young people who wish to make a representation or complaint about social care.
- 2.2 It is helpful to be clear on what constitutes a complaint. The guidance “Getting the best from Complaints” produced by the Department for Education and Skills (DfES) provides advice for local authorities on implementing the Children Act 1989 complaints procedure for children and young people. It defines a complaint as: **‘A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.’**
- 2.3 **Who Can Make a Complaint?**

Section 26(3) and section 24D of the Children Act, 1989 and section 3(1) of the Adoption and Children Act, 2002 require Councils to consider complaints made by:

- any child or young person (or their parent or someone who has parental responsibility for them) who is being looked after by the local authority, or is not looked after by them but is in need
- any local authority foster carer (including those caring for children placed through independent fostering agencies)
- children leaving care
- special guardians
- a child or young person (or parent of his) to whom a Special Guardian order is in force
- any person who has applied for an assessment under section 14F (3) or (4) of the Children Act 1989
- any child or young person who may be adopted, their parents and guardians
- persons wishing to adopt a child
- any other person to whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents, and former guardians

- such other person as the local authority considers has sufficient interest in the child or young person's welfare to warrant his or her representations being considered by them.

2.4 The Council will accept complaints received through any medium, through contact with the Complaints Service, phone, email, online complaint form, by post or in person.

2.5 The regulations set out three stages:

- **Stage 1: Local Resolution** – this is the most important stage of the complaint procedure. The department and external contractors provide services on behalf of the Council and are expected to resolve as many complaints as possible at this initial stage. The statutory social care complaints procedure requires first stage complaints to be responded to within 10 working days. However, Heads of Service can request an extension of a further 10 working days where a complaint is considered complex or there is a need for a number of external organisations to be consulted. They will need to consult with the Complaints Service before an extension can be applied and also inform the complainant of the new timescale.
- **Stage 2: Independent Investigation** – this stage is triggered when the complainant is dissatisfied with the response at Stage 1. As a first step, the Complaints Service will consider mediation to resolve ongoing concerns at the end of the Stage 1 process, and before commencing the Stage 2 process. If a complaint does progress to Stage 2, this requires an investigation by an 'Independent Officer', a person external to the service and usually independent of the Council. In addition, the Council is also required to appoint an "Independent Person" who is independent of the Council and not related to any members or officers of the Council. The purpose of the 'Independent Person' is to represent the complainant in the process. The Stage 2 investigation report is then considered by the Director, who provides an adjudication letter to the complainant to confirm whether they agree with the report and the steps to be taken to address any recommendations. Stage 2 complaints which fall within the statutory process must be dealt with in 25 working days. Where it is not possible to complete the investigation within this timeframe an extension can be applied up to a maximum of 65 working days.
- **Stage 3: Review Panel** – where complainants are dissatisfied with the result of a Stage 2 investigation and wish to continue with their complaint about statutory social service functions, the Council is required to establish a Complaint Review Panel. The Panel consists of three independent panellists who have no connection to the Council; a Chair who is appointed by the Complaints Service and is also separate from the Council. The Chair consults with the Complaints Service on the selection of the other two panel members. The Panel undertakes an investigation and makes recommendations via a panel report. This will then be adjudicated by the Corporate Director for Children and Young People (CYP) who makes the final decision on the complaint.



2.6 If the Complainant remains unhappy with the outcome of their complaint, they have the right to refer their concerns to the Local Government and Social Care Ombudsman (LGSCO). The LGSCO will carry out their own investigation requesting information from both parties and provide an outcome with any recommendations if appropriate.

### 3. Headlines

3.1 The main performance headlines from Children’s Social Care are as follows:

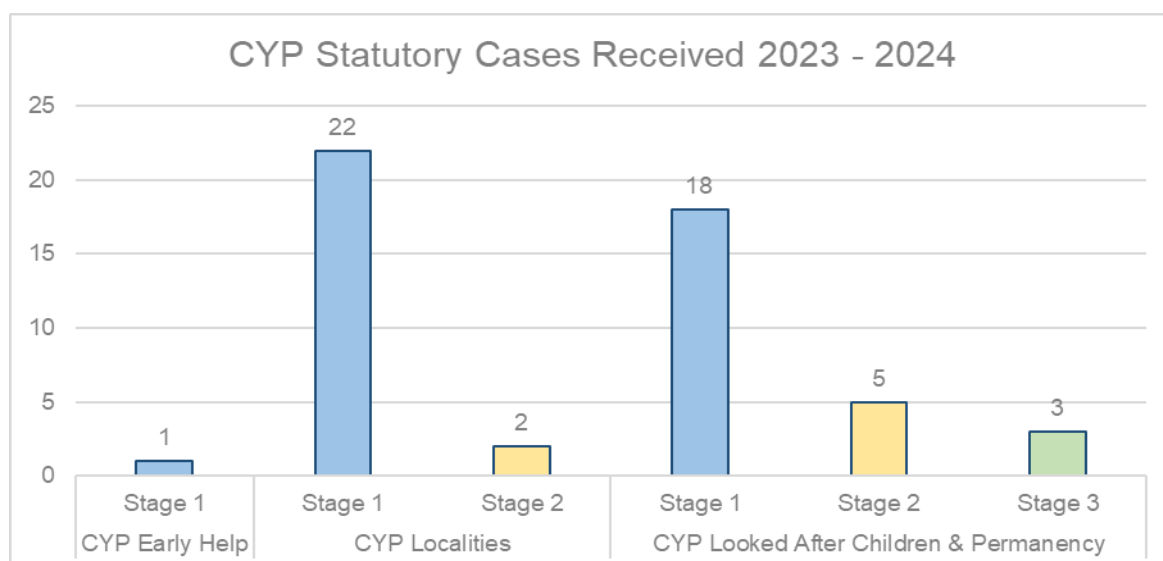
- The department received 41 statutory stage 1 complaints in 2023/24
- Stage 1 statutory complaint numbers decreased by 50% in 2023/24
- There were seven stage 2 investigations completed compared to six the previous year
- 79% of stage 1 statutory complaints were responded to within target in 2023/24, against a target of 100% (compared with 85% in 2022/23)
- £6,095 was paid in compensation for the period 2023/24 on ten cases, a decrease from £13,800 paid in the previous year.

### 4. Children’s Social Care Service Users

Children’s Social Care received a total of 3777 referrals and completed 3226 Child & Family Assessments. As of 31 March 2024, the Council had 2729 open Children in Need cases and 361 children were the subject of a Child Protection Plan. There were 307 Looked After Children and the Council had 612 care leavers aged 18-25 in receipt of services.

### 5. Complaints Received

5.1 Brent Council CYP received a total of 41 stage 1 statutory complaints in 2023/24, a decrease of 50% from last year where 82 complaints were received. There were seven stage 2 requests received which is one more than last year and three stage 3 panels convened, which is two less than last year.



- 5.2 Early Help received one complaint whereas last year no complaints were received for this service. The number of stage 1 complaints received for Localities also decreased with 22 complaints received in 2023/24 compared to 46 complaints received in 2022/23 (a decrease of 52%). The number of complaints received at stage 1 for Looked After Children and Permanency decreased by 47% from 2022/23 with 18 complaints received in 2023/24. Forward Planning, Performance and Partnerships did not receive any complaints whereas last year 2 complaints were received.
- 5.3 The Localities Service accounted for 22 complaints, 54% of the total number of stage 1 complaints received. These are split between East Localities, West Localities, Children with Disabilities and Multi-agency Safeguarding Hub (MASH)/Family Front door/ Families with no recourse to public funds (NRPF). These complaints concerned the communication and attitude of social workers, the accuracy of reports and assessments and disagreements over the size of support packages.
- 5.4 The Children with Disabilities team received 14 stage 1 complaints in 2023/24 and two were escalated to stage 2. These cases commonly related to communication and information contained within records and reports and disagreements over care packages. The Family Front Door/MASH/NRPF team received 6 stage 1 complaints, these generally concerned unhappiness with the behaviour of the allocated social worker and the process following a referral to Brent Family Front Door (BFFD).
- 5.5 Looked after Children accounted for 18 complaints, 44% of the total number of stage 1 complaints received. The complaints received are split between Care Planning, Young People in Care, Fostering and Adoption and Kinship. Cases within Looked After Children are typically raised by the young person themselves so the Complaints Service will give the option of an advocate to help them navigate the complaints process, should this be required.
- 5.6 The Council received 7 Stage 2 requests in 2023/24, compared to 6 in 2022/23. Five of these complaints related to the Looked after Children and Permanency Service. The other two cases fell under Localities, more specifically the Children with Disabilities Service.
- 5.7 Under the children's statutory procedure, a complainant has a right for their complaint to be heard by an Independent Review Panel at Stage 3. In 2023/24 the Council received 3 requests for Stage 3 panels, and 3 panels were held during the year. A summary of the complaints that resulted in a Stage 3 Panel has been provided at point 10.3.

## **6. Profile of complainants and method of contact**

- 6.1 When complaints are received, they are directed to the Complaints Service for triaging. Of all the statutory children's stage 1 complaints received, the team received 73% by email, 22% by self-service online, and 5% by telephone. The number of complaints received via email remains similar compared to last year. There also hasn't been much change in the percentage of complaints received by

telephone and the online portal. The complaint legislation explicitly states that the Council must receive children’s statutory complaints by any means.

- 6.2 The varied method of contact demonstrates that this is happening. Whilst the team has provided a telephone number on the web site, especially for children’s social care complaints, email appears to be the preferred mode of delivery for complainants. There are three options to log complaints online through the customer portal: anonymously, unregistered or registered. The portal allows complainants to log and monitor the progress of their complaints all in one place. There are also other mechanisms in place by which children and young people can raise issues before needing to raise a formal complaint. This is via a commissioned Advocacy service and Looked After CYP have an Independent Reviewing Officer who is able to advocate on CYP’s behalf as well.
- 6.3 The Council has limited information about the ages of complainants as many complainants do not provide this information. Only 17 complainants provided their age out of a possible 41 complaints that were received. Two of the complainants were aged 24 and 25, the remaining complainants who lodged complaints were 35 or over. The majority of complaints received in relation to Localities are raised by parents regarding their children, however, the majority of complaints received by the Looked after Children service are raised by the young person themselves.
- 6.4 In terms of ethnicity of complainants, 14 complainants selected an option when submitting their complaints through the portal. The data captured is as follows:

Any other ethnic group	1
Asian Indian	1
Asian Other	1
Asian/Asian British: Indian	1
Asian/Asian British: Pakistani	2
Black British	1
Black/ African/Caribbean/Black British: African	2
Black/ African/Caribbean/Black British: Caribbean	1
Mixed Other	1
Other Arab	1
White British	1
White Other	1

- 6.5 To improve responses around this, the Complaints Service are reviewing ways of implementing a post-investigation feedback form.

## 7. Nature / Reasons for Complaints

- 7.1 The main reason for complaints received in 2023/24 related to service failure which is a change from the last two years where communication was the main reason for complaints. Complaint root causes are categorised in three main categories: Communication, Service Failure and Policy and Procedure. In 2023/24 just over half (51%) of the stage 1 complaints closed were categorised under the category service failure. Communication accounted for 46% of cases and policy and procedure for 2%. Complaints concerning communication generally related to complainants not feeling they were kept informed or updated on key issues, with 54% of cases being

upheld or partly upheld as a result. The Directorate continue to make improvements on how they communicate with service users to manage expectations. In response to learning from a complaint, one of the changes made for care leavers over the age of 21 years is to offer them the option of continuing to have an allocated personal advisor. The letters sent out to care leavers once they reach 21 years have been amended accordingly. This takes account of the diversity of need amongst care leavers in discharging our corporate parenting responsibility.

7.2 Numerous complaints also concerned social workers' conduct or attitudes. Families may not always agree with the Council's decision, but Children's Social Care has a legal obligation to assist and act in the child's best interests. As a result, complaints are often directed at specific social workers who frequently have to walk a difficult line between parents who are at odds. Complaints against social workers are most frequently made when one parent disagrees with a decision and accuses the social worker of siding with the other parent. In the majority of cases where staff conduct was identified as a root cause, the complaint was not upheld.

7.3 Complaints concerning parents who are in a conflict situation, with regards to access and care of their children, are on the rise. Usually this has been where the partners disagree about the care the child or children are receiving from the other parent. Some feel that the Child and Family Assessment or court reports are not completed in an impartial way and that the social worker has failed to communicate with them at an early enough stage in proceedings. This presents a challenge for social workers who must find a balanced approach through these relationships.

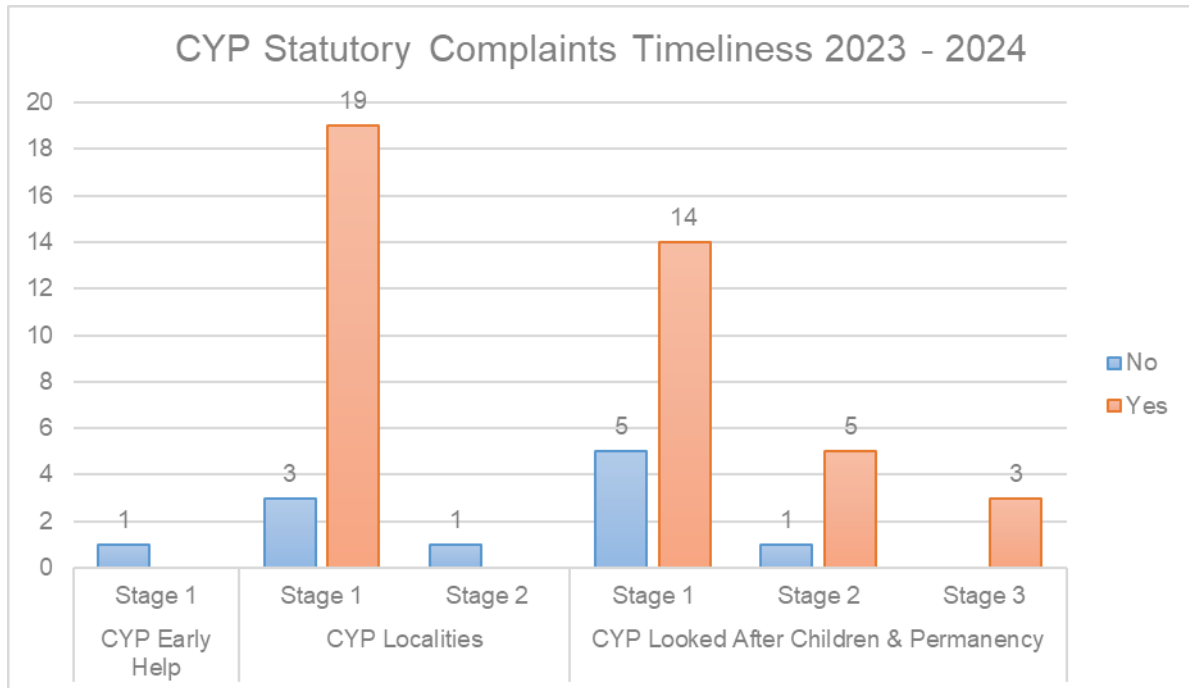
7.4 The Complaints Service provide complaints handling training to relevant staff members within CYP and attend team and management meetings to discuss key themes and learning from complaints.

7.5 Examples of the types of root causes of complaints that arise are listed below: -

- ***Alleged poor staff attitude*** - much of the work of Localities staff involves them taking actions in connection with highly sensitive child protection or child in need issues, which parents or carers may often disagree with. There have been a number of comments about social workers where the family member perceives a bias, leading to complaints about the alleged impartiality of assessments.
- ***Service failure*** - on completion of a Child and Family Assessment, or reports to the Initial Child Protection Conference, social workers had not kept all the interested parties updated with the completed assessment and reports. In addition to this, not all parties agree to the information within reports which has been recorded as 'not up to standard.'
- ***Looked After Children*** - the main area of complaints related to leaving care. Most of the root causes are recorded as young people not being kept informed. This suggests the need for more awareness around time scales and procedures which need to be made clearer to customers.

## 8. Timeliness of Responses

8.1 The Council responded to 79% of all children’s statutory complaints within the appropriate timescales. This is a decrease of 3 percentage points compared to the previous year.

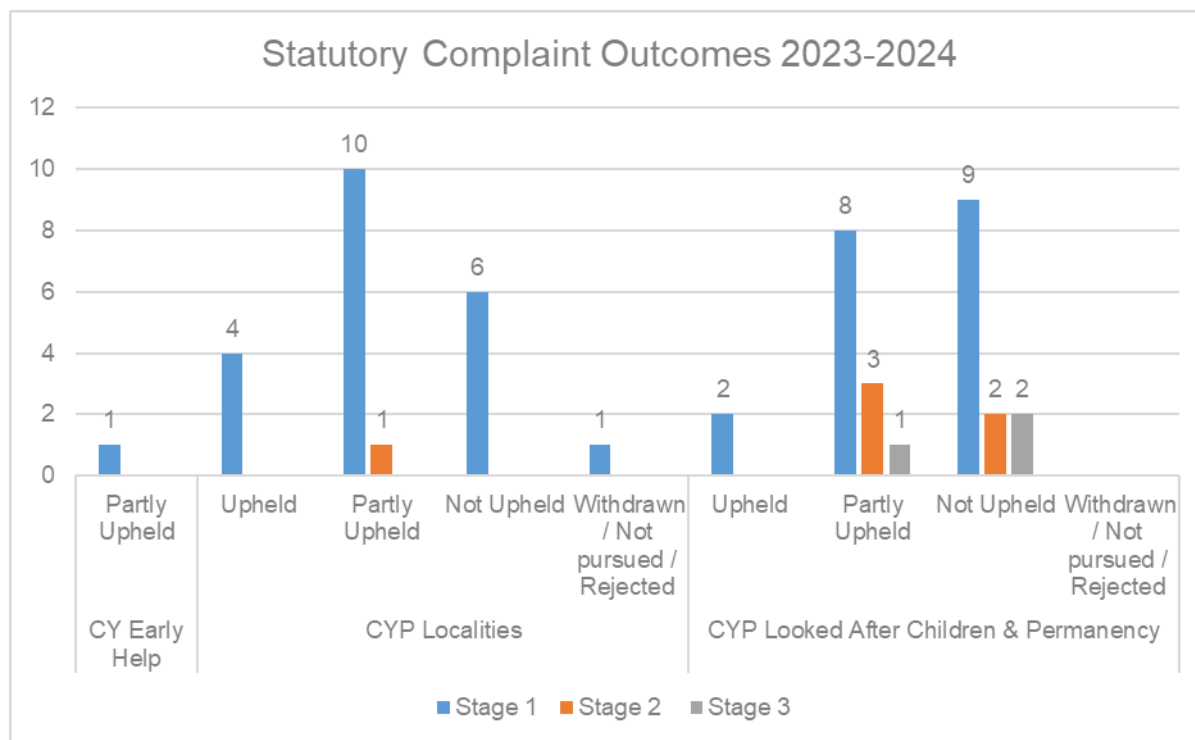


8.2 It is important to note that the statutory children’s complaint legislation allows the Complaints Service to extend the target deadline by 10 working days in complex cases.

8.3 In 2023/24, 42 stage 1 statutory complaints were due for a response. The performance rate at stage 1 was 79%, with 33 out of 42 complaints responded to on time, whereas the performance rate for stage 2 complaints increased on last year with 5 out of 7 cases responded to on time, which is below the required standard but an increase of 50% compared to the previous year. This was due to delays in independent investigators providing their reports due to the complexity of the cases. We have since managed the relationships with the independent investigators to encourage reports being completed in a timely manner.

**9. Complaint Outcomes**

9.1 There are four possible outcomes for complaints: withdrawn/not pursued/rejected, not upheld, partly upheld and upheld. The chart below shows the outcomes of statutory complaints at stage 1, stage 2 and stage 3 in 2022/23 as recorded on the Council’s case management system.



## 9.2 The key findings are:

- Of the 41 cases closed at stage 1 during 2023/24, the Council found some merit in 61% of complaints, with 25 complaints either upheld or partly upheld. This percentage is the same as the previous year although 20 less complaints were upheld or partly upheld. A 'Not Upheld' outcome was decided in 15 cases at stage 1 and 1 case was either withdrawn, not pursued or rejected. Service areas continue to show a willingness to admit errors or mistakes and to remedy concerns raised.
- The Council closed 6 stage 2 statutory complaints during 2023/24 which is 50% less than the previous year. Four complaints were partly upheld (67% of complaints) and two were not upheld. Last year 91% of stage 2 complaints were upheld so there has been a positive decrease of 24% compared to this year.
- In 2023/24 three stage 3 panels were completed, one was partly upheld and the other two were not upheld. This provides an uphold rate of 33% at stage 3 which is better than the previous year where the uphold rate was 65%.

## 10. Analysis and Learning from Complaints

- 10.1 Lessons learnt from complaints can help shape and improve services and the customer experience. CYP for managers and staff are committed to using this learning to improve outcomes for service users.
- 10.2 Detailed below is a summary of the cases escalated to stage 2 and where a detailed investigation was undertaken. It also includes any learning points and service improvements identified as a result of the complaint. The Council wishes to learn from its complaints and improve the service it provides.

- Localities had one stage 2 investigation in 2023/24. The theme of this complaint was contact with the social worker and supervisor and information recorded in contact reports. The recommendations resulting from this complaint included:
  - Staff were reminded that it is essential that all communication relating to a case is entered on the electronic system, this would include letters, emails, telephone calls and texts.
  - Staff were reminded of their responsibilities to ensure that commitments given in complaint responses (including adjudications) are implemented
  
- Looked after Children and Permanency had five stage 2 investigations – Three of the five cases related to a lack of support from the care leaver’s allocated Personal Advisor. The other two cases related to long standing issues raised by the parents of young people who are placed in care. Recommendations included:
  - Letters to Care Leavers being updated to reflect their right to have a PA allocated to them beyond 21 years old and up to 25 years old.
  - Ensuring processes are followed in a timely manner and in line with the statutory duty.
  - Social workers to ensure that they make thorough and detailed recordings of significant events within the case records and escalate such matters, as required.

### 10.3 There were three stage 3 review panel adjudications during the year:

- Case 1: The complainant raised various concerns regarding the lack of support received by the Leaving Care Team between 2019 and 2021 and that his allocated PA did not do enough to secure a suitable property via Housing Needs. In total there were 9 separate points of complaint. The Panel changed two of the outcomes from the stage 2 investigation and made some additional recommendations.
  
- Case 2: This case was made by a father of a child under a Special Guardianship Order. The complainant was concerned about the welfare of the child and lack of confidence in the social work team. The Panel did not change the outcome of the stage 2 however they did make some additional recommendations.
  
- Case 3: This case was made by an Unaccompanied Asylum Seeker via an advocate. The complainant felt he was not adequately supported in his education, pursuing an insurance claim and applying for travel documents. The Panel did not change the outcome of the stage 2 however they did make some additional recommendations.

### 10.4 The Children and Young People’s department has recently launched a new Practice Framework called “This is Brent CYP, This is How We Grow” which sets out the way in which staff are expected to work collaboratively and constructively with

families. The Brent CYP 'Practice Promises' were launched in February 2022 and set out standards and expectations of what families can expect to receive. 'Practice Promises' are reviewed as part of the CYP core audit programme to ensure that standards are being consistently met or exceeded. Children Services also have a Quality Assurance and Performance meeting to track activity and service improvement. Children Services also have a Quality Assurance and Performance meeting to track activity and service improvement.

## 11. Local Government and Social Care Ombudsman (LGSCO) Decisions in 2023/24

11.1 There were twenty-four corporate and statutory Education & Children's Services complaints escalated in 2023/24 which is fifteen more complaints than the previous year 2022/23. The LGSCO made decisions on twenty-two cases during 2023/24 of which thirteen were closed after initial enquiries were made, two were invalid or incomplete, four were referred back to the Council for local resolution, three were upheld. In summary, from the twenty-two cases decided, fault was found in three of the cases, which provides a 14% uphold rate. This an improvement on last year where the uphold rate was 18% (two cases upheld out of 11 decided).

11.2 All three of the cases upheld fall under the corporate complaints process so are summarised in the covering Annual Complaints Report.

## 12. Compensation

12.1 Children's Social Care awarded a total of £6,095 in compensation in 2023/24 across ten cases. This is a decrease of 56% from £13,800 which was awarded in 2022/23, across fifteen cases. This breaks down as follows:

- A total of £4,300 was offered in three cases at stage 1 of the statutory complaint procedure. The compensation was paid for loss of accommodation, loss of earnings and a lack of meaningful PA support.
- A total of £1,345 was paid out at stage 2 across five cases. In three of these cases, compensation was paid due to a failure or delay in providing a service. In one case compensation was paid due to time and trouble. There was also one case where £95 was awarded at mediation stage for a historic savings payment that there was no evidence had been paid.
- Compensation of £450 was awarded at stage 3 of the statutory complaints process in two cases. One payment of £250 related to distress and the other payment of £200 related to a delay or lack of service.
- The Ombudsman did not recommend the Council pay any compensation in 2023/24.

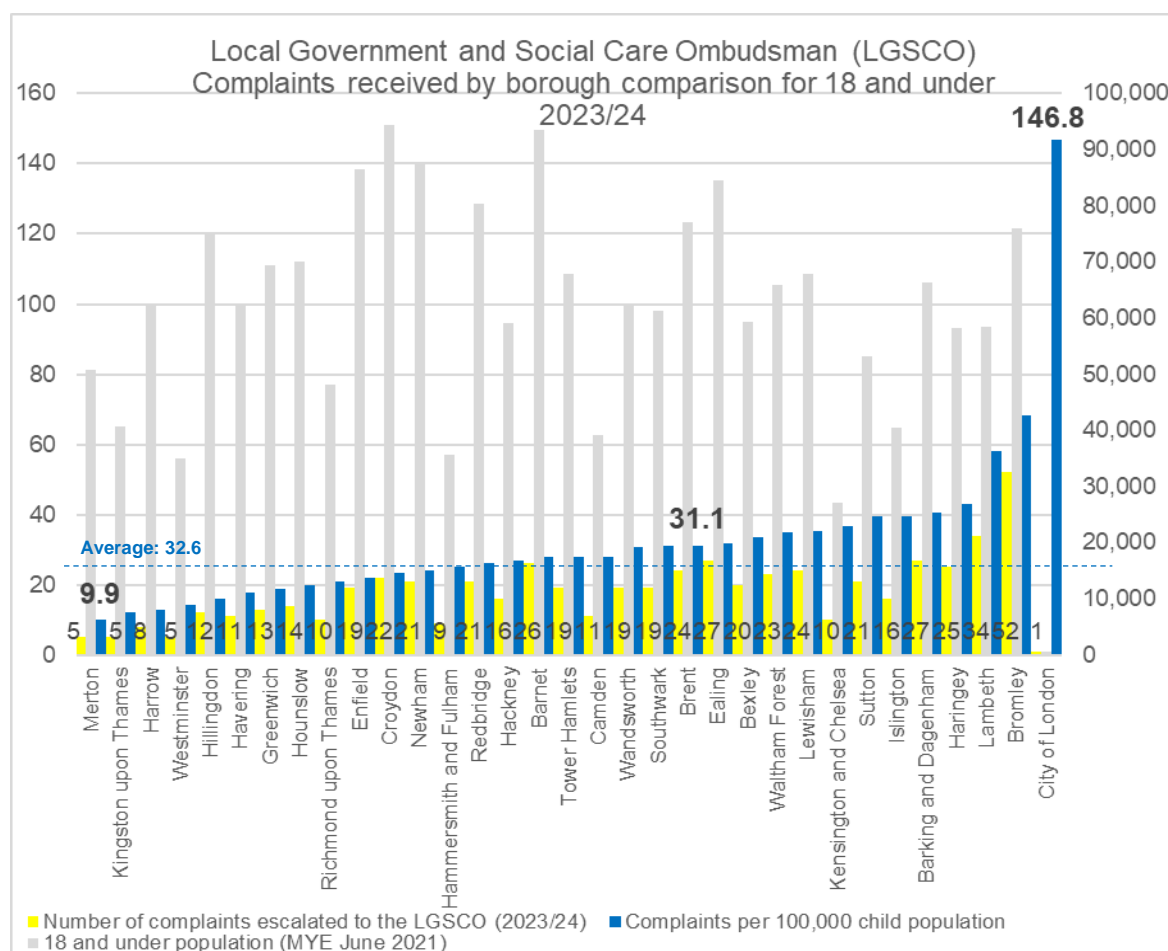
Children's Social Care	Amount
Stage 1	£4,300
Stage 2	£1345
Stage 3	£450
Ombudsman	£0
Total	£6095

## 13. Benchmarking



13.1 Brent Council belongs to the North West London Social Care Complaint Managers Group. The majority of Councils have not yet done completed their Annual Complaints report or have chosen not to share data. Comparative data has therefore been provided below on Education and Children’s services cases that were received by the LGSCO during 2023/24. Data from the Office of National Statistics was also used to illustrate the number of complaints received relative to size of population of children within each borough. The average for all London Councils is 32.6 per 100,000 population whereas Brent is 31.1.

13.2 This means that Brent Council is performing better than average for complaints received by the LGSCO when compared to its projected population in 2021 of children 18 and under. There were 24 complaints escalated to the LGSCO in relation to Education and Children’s Services in 2023/24, which is an increase of fifteen complaints compared to 2022/23. The Ombudsman did highlight there would be an increase and this can be seen across the majority of London boroughs. The estimated population for children 18 and under within Brent for mid-year 2021 was 77,113.



## 14. Compliments

14.1 The Service doesn’t just learn from complaints. Positive feedback can also provide useful insights. In the period covered by this report, the Children and Young People department logged 65 compliments on the Council’s complaints and compliments database, which is 49 more compliments logged than the previous year. Managers

are encouraged to log all compliments they receive. CYP Good News is a regular forum where CYP staff hear about, celebrate and learn from positive feedback. Below are examples of some of the compliments received in 2023/24.

- **Localities – East Locality team**

*“sometimes we as humans meet people who are a complete stranger to us in terms of social rules, we categories them as (strangers) because they're different from us, not related to us and of course they're not part of the family, you came into my life and my kids's life as a stranger, but you were so close to my heart and soul, I really wish if I can keep you in my life for longer and longer, I wish if I can listen to your opinion and advice, you took your place in my lonely life as a soul sister, I appreciate you , I appreciate your advice and I take this advice seriously, in my 13 years living in this country, you were the only one who understood me , my position, and took my kids seriously, I am definitely not the best mummy in the world, but I am doing my best , I will always keep you and your advice close to my heart , I am very thankful to God that he made you come to my life , I am thankful to you because you understood me, my kids , and our circumstances. You'll always be remembered, and listened to, even if you are not part of our life any longer. I wish you the happiest life , I wish you a safe and peaceful future, and I pray for God to protect you and guide you throughout your journey and wherever your life takes you....”*

- **Early Help – Early Years**

*“We just want to acknowledge all xxxx hard work and effort she put into making childrens and families lifes that much better due to her Triage intervention.”*

- **Looked after Children & Permanency - Fostering & Adoption Team**

*“just want to thank you for all you did for me and my boys. I feel that you are so approachable! you were so empathetic to my situation, such a warming, kind and down to earth lady you wouldn't have even thought you were a social worker it felt as though we had known each other for a long time! I really appreciate all you've done honestly from when I first came to you I was a big mess but you made sure me and my boys were safe and were able to move on with our next chapter and you are the first and only social worker I have ever met and I will remember you forever!”*

- **Localities – NRPF and Homeless Team**

*“We greatly thank you and the team so much. Thank you for the good works you still continue to do for other families in need. God bless you all for the immense efforts and also grant you all your heart desires. A big thank you NRPF/H Team.”*

- **Inclusion – Inclusion Service**

*“I would like say a massive thank you to xxx for supporting my son xxx. xxx has been extremely supportive and constantly communicating with me. xxx has been*

*able to explore all the options available, helping us to make the right choice regarding my son and stopped a permanent exclusion from being finalised at xxxxxx. It is well appreciated all the hard work that he has put in for my son to be in education regardless the end outcome.*

*I hope the team recognises how amazing xxxx is. Many thanks !.”*

- **Inclusion – SEND Service**

*“I can't thank you enough for your help in securing a place for my son xxxxx at the xxxxx school. You have been amazing throughout this process and kept me up to date at each stage.*

*I am truly grateful for everything that you have done for us.”*

- **Early Help – Early Years**

*“Xxxx is truly amazing positive early years practitioner and team member. We all value xxxxx so much and feel blessed to have xxxxx in our FWC and community, always ensuring the quality delivery and Start for Life for our children and families.”*

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## Appendix C – LGSCO Comparison with other London Authorities

Authority Name	Population (estimated)*	Referrals to LGSCO	Detailed Investigations	Upheld	Uphold Rate	Remedy Rate
Barking and Dagenham	218,534	121	11	11	100%	27%
Barnet	388,639	158	27	22	81%	9%
Bexley	246,543	81	19	15	79%	20%
Brent	338,918	141	24	21	88%	14%
Bromley	329,830	154	48	40	83%	13%
Camden	210,390	137	19	16	84%	0%
City of London	8,618	9	1	0	0%	
Croydon	390,506	186	48	43	90%	2%
Ealing	366,127	156	34	26	76%	27%
Enfield	329,601	180	32	28	88%	7%
Greenwich	289,254	114	14	14	100%	29%
Hackney	259,956	132	28	23	82%	13%
Hammersmith and Fulham	183,295	72	11	8	73%	13%
Haringey	264,130	175	41	36	88%	17%
Harrow	260,987	98	26	23	88%	4%
Havering	262,022	96	18	13	72%	0%
Hillingdon	304,792	125	30	26	87%	8%
Hounslow	287,940	135	24	22	92%	9%
Hillingdon	216,767	124	26	22	85%	23%
Kensington and Chelsea	143,940	89	27	20	74%	15%
Kingston upon Thames	167,845	59	13	9	69%	0%
Lambeth	317,498	249	36	32	89%	9%
Lewisham	299,810	155	23	22	96%	18%
Merton	215,324	72	12	11	92%	18%
Newham	350,626	167	30	23	77%	22%
Redbridge	309,836	153	39	30	77%	10%
Richmond upon Thames	195,232	54	14	12	86%	25%
Southwark	306,374	175	27	27	100%	15%
Sutton	209,517	77	20	16	80%	13%
Tower Hamlets	312,273	182	39	34	87%	6%
Waltham Forest	278,050	146	26	25	96%	12%
Wandsworth	328,367	119	32	27	84%	7%
Westminster	205,087	96	33	27	82%	7%

Key: Outer London  Inner London

\*As per the Office of National Statistics' Mid-Year Estimates June 2021

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	<b>Cabinet</b> 12 August 2024 (cancelled)
	<b>Report from the Corporate Director of Law and Governance</b>
	<b>Lead Cabinet Member - Deputy Leader and Cabinet Member for Finance, Resources and Reform (Cllr. Mili Patel)</b>
<b>Housing Management Complaints Annual Report 2023/2024</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Appendix A – Council’s Self-Assessment against the Housing Ombudsman’s Complaint Handling Code
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Mariza Barros Complaints and Casework Manager Brent Council 0208 937 1381

## 1.0 Executive Summary

- 1.1 This annual report sets out complaints performance for the Housing Management service for the period 1 April 2023 to 31 March 2024. The report focuses on volumes of complaints, complaint outcomes, compensation offered, and the nature of complaints as well as the learning and service improvements as a result. Complaints regarding housing management fall under the Housing Ombudsman and therefore a separate report has been prepared for this purpose.
- 1.2 The report also contains the Council’s self-assessment against the Housing Ombudsman’s Complaint Handling Code at Appendix A.

## 2.0 Recommendation(s)

- 2.1 Cabinet are asked to note Brent Housing Management’s performance in managing and resolving complaints.
- 2.2 Cabinet are asked to note, and review Brent’s latest self-assessment against the Housing Ombudsman’s updated Complaint Handling Code.

## 3.0 Detail

### 3.1 Cabinet Member Foreword

- (a) Complaints provide important learning points for the Council and allow us to inform the Council's priorities in many different ways. Through these learning points, we can make changes to achieve and further our priorities and move forward together. Complaints provide an opportunity for the Council to understand issues and put things right, also ensuring that they do not reoccur.
- (b) Complaints are wide ranging and dealt with across the Council. Owing to this, they touch upon all the priorities within the Borough Plan as detailed below:
- *The Best Start in Life* - Being able to deal with concerns at crucial stages of people's lives allows them to get the best start in life. The Housing service provides residents with an opportunity to have somewhere to call home. For residents to live comfortably and become independent or bring up their families. Having housing as a build block to progress in life.
  - *Thriving Communities* - Providing our residents with a route to complain and provide feedback not only encourages resident engagement but allows us to make improvements and inform change. In turn, by addressing their concerns and developing solutions that will benefit them, communities are given the opportunity to thrive.
  - *A Cleaner, Greener Future* - The Council receive a number of complaints regarding environmental issues, which are reviewed and help us target specific areas. This also allows the Council to evaluate services that are being provided to ensure they meet our aspirations for a cleaner, greener future.
  - *Healthier Brent* – Complaints regarding green spaces within estates and tackling antisocial behaviour allow the Council to investigate and develop more initiatives to improve the health and wellbeing of our residents. During our complaints process we also signpost to relevant services that can assist our complainants, such as Mental Health services.
  - *Prosperity and Stability in Brent* – Analysis of complaints received about housing needs is fundamental in terms of providing the tools and initiatives to support, empower and equip residents, and ensure long term stability.

Complaints also feed into some of the current strategies, priorities and plans set out for Brent, such as the Equity, Diversity and Inclusion Strategy 2024-2028 to ensure residents and service users are provided with access to the complaints procedure and that we use equalities data to concentrate on providing support to individual needs and in line with the Public Sector Equalities Duty (PSED). The Digital Strategy 2022-2026 also plays a pivotal role when looking at how users are accessing our services and how they are logging complaints. We are making it easier for users to log complaint casework, view the history of what they have logged, and access everything in one place.



## **3.2 Background**

3.2.1 The Council's corporate complaints fall under two separate governing bodies, the Housing Ombudsman and the Local Government and Social Care Ombudsman (LGSCO). Complaints relating to Housing Management fall under the Housing Ombudsman and complaints about any other service fall under the LGSCO.

3.2.2 This report focusses on complaints that fall under the Housing Ombudsman only. The report includes some data (not separated out) on properties that are managed by the Council which include I4B Holdings and First Wave Housing. Since last October 2023, complaints related to these properties have been recorded – and will be reported - separately

3.2.3 The main performance headlines from Housing Management complaints are as follows:

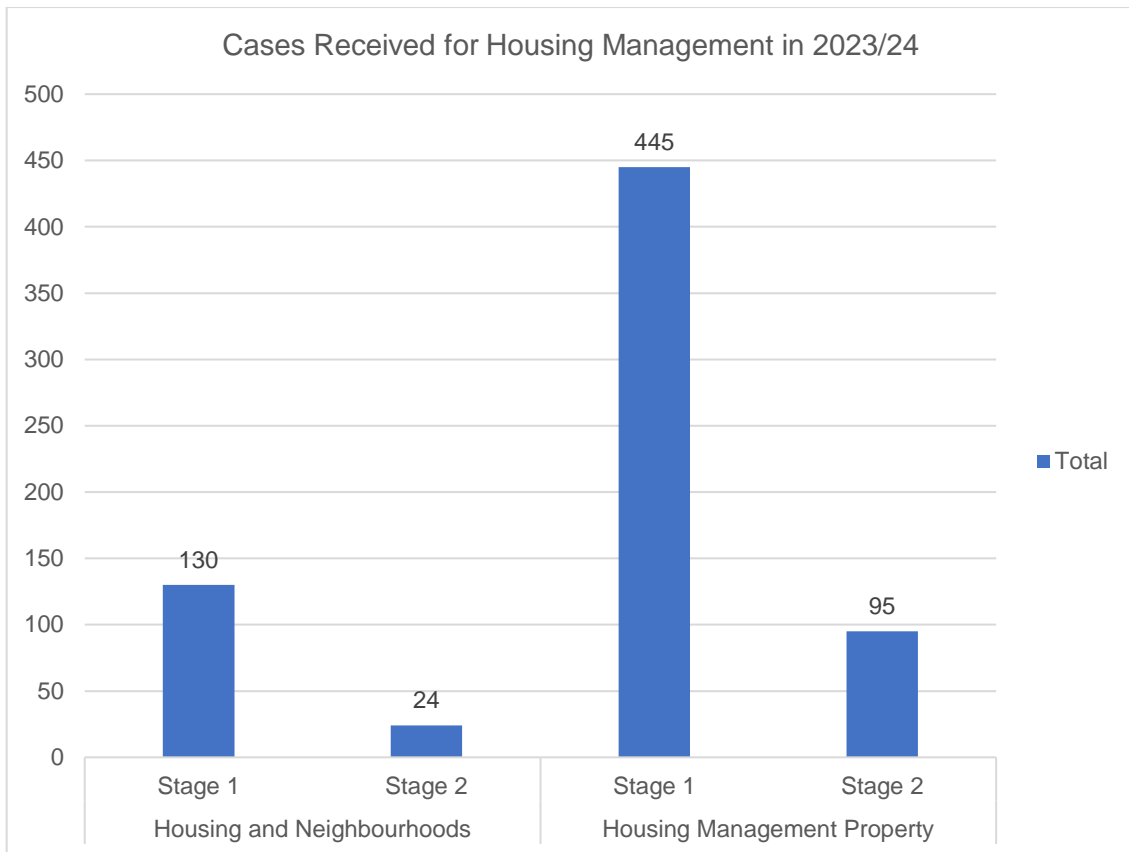
- 575 complaints were received at the initial stage of the complaints process in 2023/2024, a decrease of 26% on 2022/2023.
- The majority of issues raised related to service failure (494 complaints) and more specifically delay in a service being provided which accounted for 261 complaints.
- Many of the complaints were escalated to stage 2, because the complainant did not agree with the decision at stage 1. This was the reason in 54% of cases that were escalated.
- 291 complaints were upheld at stage 1 and 91 complaints partly upheld which provides a 64% uphold rate.
- 78% of stage 2 cases were upheld or partially upheld.
- 48 complaints were rejected at stage 1 and 1 complaint was rejected at stage 2. In 43 of the stage 1 cases, the complaint was rejected because it was a duplicate request or had already been investigated.
- 98% of all stage 1 Housing Management complaints were responded to on time and 96% of stage 2 complaints were responded to on time.
- A total of £96,024 was paid out in compensation at stage 1 and 2.

### **Housing Management Stock**

3.2.4 The Housing Management service currently manage 13,1670 properties which are a mixture of tenanted and leasehold properties. As a housing landlord, Brent manages 10,781 flats and maisonettes, 2202 houses and bungalows, as well as 187 New Accommodation for Independent Living (NAIL) properties.

### **Complaints Received**

3.2.5 In 2023/2024, the Housing Management service received 575 stage 1 complaints compared to 780 the previous year, showing a decrease of 26%.



3.2.6 The escalation rate for complaints received by Housing and Neighbourhoods is 18% compared to 21% for Housing Management Property. In 2022/2023 a total of 118 stage 2 complaints were received which is one less than in 2023/2024.

### **Nature / Reasons for Complaints**

3.2.7 We record root causes of complaints at stage 1 once a complaint has been closed, therefore we look at the complaints that were closed in 2023/2024 rather than received. This is why the total number of complaints that we have recorded root causes for is 601 which is higher than the 575 complaints received at stage 1.

3.2.8 The Council classifies root causes of complaints into three main areas: Communication, Policy/Procedures, and Service Failure.

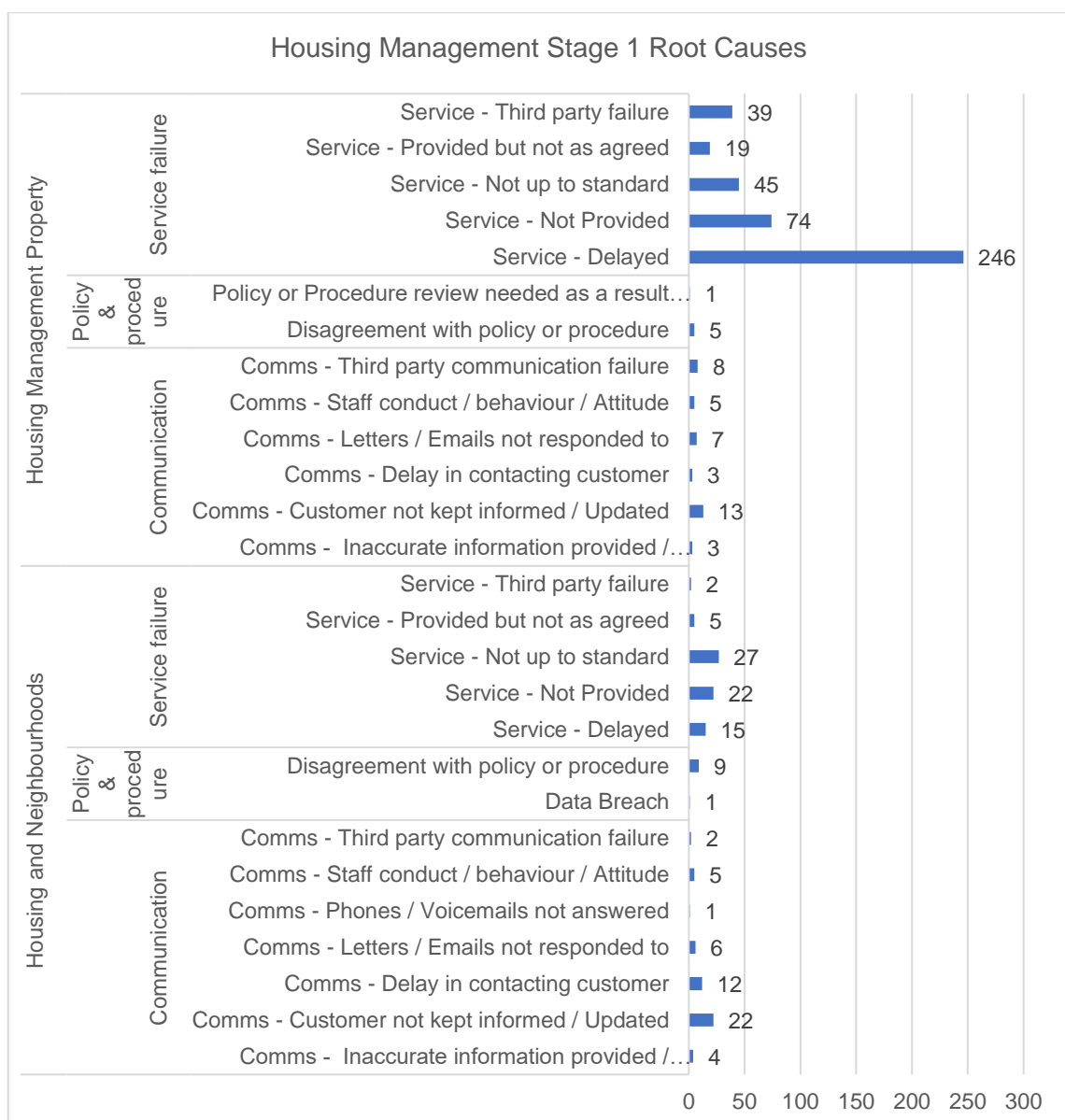
3.2.9 The data below shows that for Housing and Neighbourhoods, 53% of complaints (71 out of 133) were due to service failures and that this was primarily related to services being perceived as not meeting standards. This was the case for 27 cases which is 20%. Communication issues constituted 39% of the complaints (52 out of 133), with the predominant issue being that customers were not kept informed or updated. Policy/procedure was the root cause for 8% of complaints for Housing and Neighbourhoods.

3.2.10 In comparison, for Housing Management Property 90% of complaints (423 out of 468) were due to service failures, with delays in service provision being the main issue (246 complaints, 53%). This shows a 37% increase from Housing

and Neighbourhoods to Housing Management Property regarding service failures. The second highest root cause for Housing Management Property was communication. Communication issues made up 8% of the complaints (39 complaints) and this mainly related to failures in third-party communication (8 complaints, 2%) and lack of updates (13 complaints, 3%). Issues with policy/procedure were less prevalent at 1% with 6 complaints.

3.2.11 Overall, across Housing Management, service failure was the most common root cause for complaints. Service failure accounted for 82% of all complaints received at stage 1. Service Failure being the main reason for complaints is consistent with other local authorities.

3.2.12 Communication issues accounted for 15% of the overall complaints (91 complaints), and policy/procedure issues accounted for 3% (16 complaints).

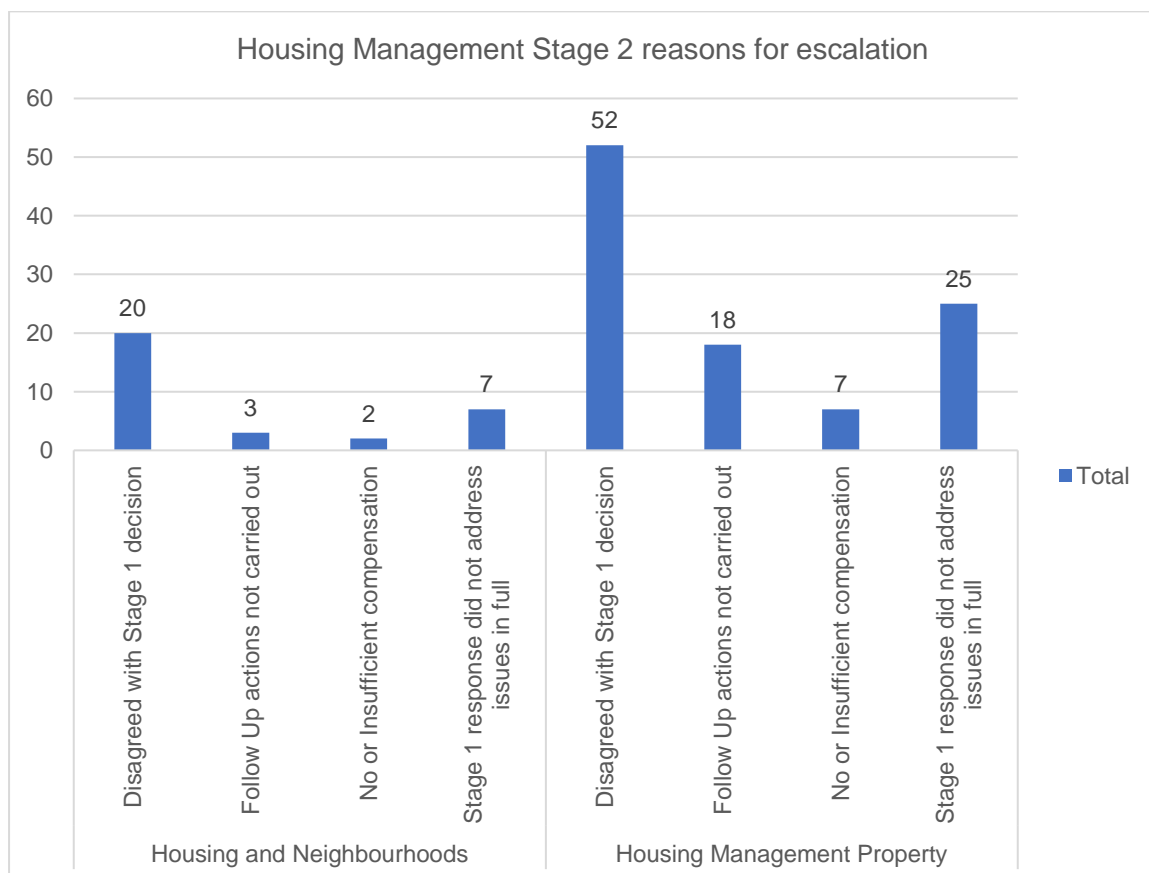


## Reasons for escalation

3.2.13 Housing and Neighbourhoods saw a total of 32 escalated complaints which provides an escalation rate of 25%. The most frequent reason for escalation was disagreement with the stage 1 decision, accounting for 63% of complaints. Other reasons included follow-up actions not being carried out (3 complaints, 9%), no or insufficient compensation (2 complaints, 6%), and that the stage 1 response did not address issues in full (7 complaints, 22%).

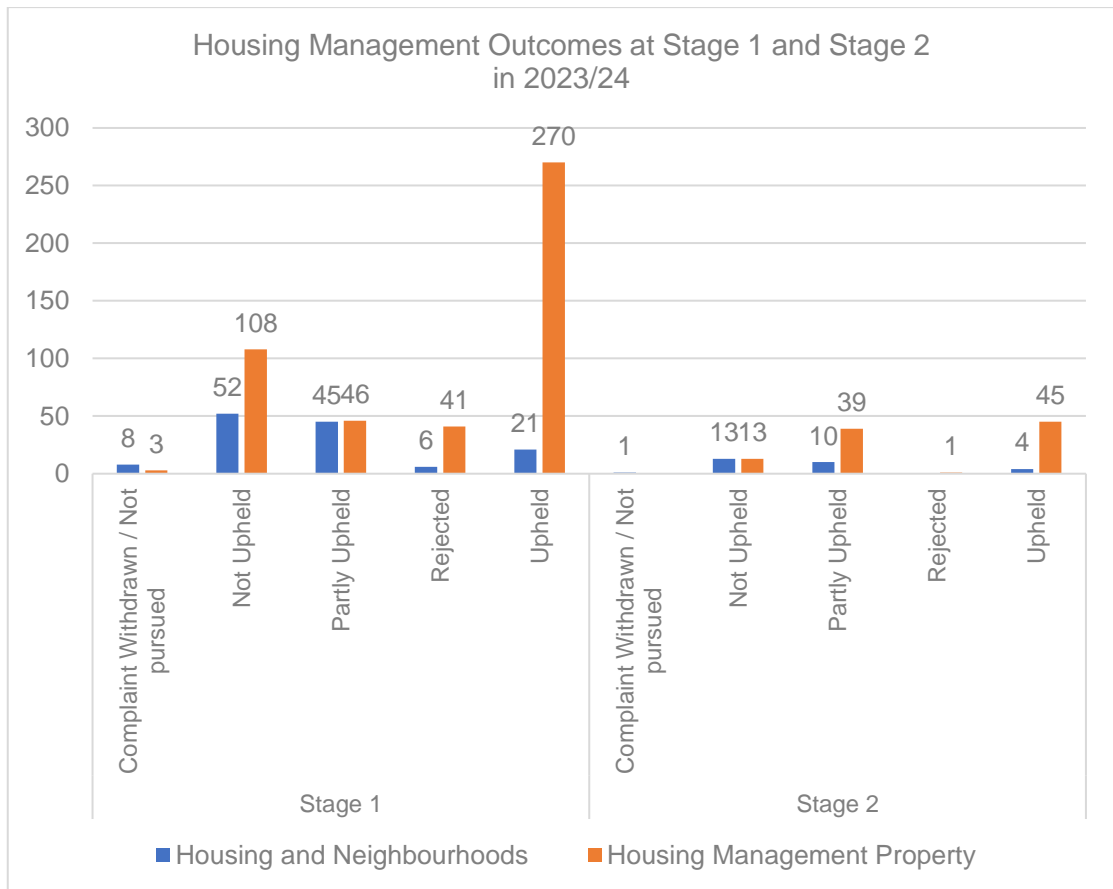
3.2.14 Housing Management Property received the most complaints and the most complaints escalated however the escalation rate was lower than the previous year at 17%. In 2023/2024, there were 102 escalated complaints. Similar to Housing and Neighbourhoods, the leading reason for escalation was disagreement with the stage 1 decision, which had 52 complaints and accounted for 51% of the escalated complaints. Additional reasons for escalation were that follow-up actions were not carried out (18 complaints, 18%), no or insufficient compensation awarded (7 complaints, 7%), and that the stage 1 response did not address the issues in full (25 complaints, 25%).

3.2.15 Overall, 134 complaints were escalated to stage 2. The most common reason for escalation was disagreement with the stage 1 decision, with 72 complaints (52 in Housing Management Property and 20 in Housing and Neighbourhoods), accounting for 54% of all complaints escalated.



## Complaint Outcomes

3.2.16 The chart below shows the outcome of complaints at stage 1 and final review stage:



3.2.17 At stage 1 of the complaints process, for Housing and Neighbourhoods, 45 complaints were partly upheld (34%) and 21 were upheld (16%), resulting in 50% of complaints being either upheld or partly upheld overall.

3.2.18 For Housing Management Property at stage 1, 46 complaints were partly upheld (10%) and 270 were upheld (58%), resulting in 68% of complaints being upheld or partly upheld.

3.2.19 Overall, for both Housing and Neighbourhoods and Housing Management Property, 59% of Stage 1 complaints were upheld or partly upheld.

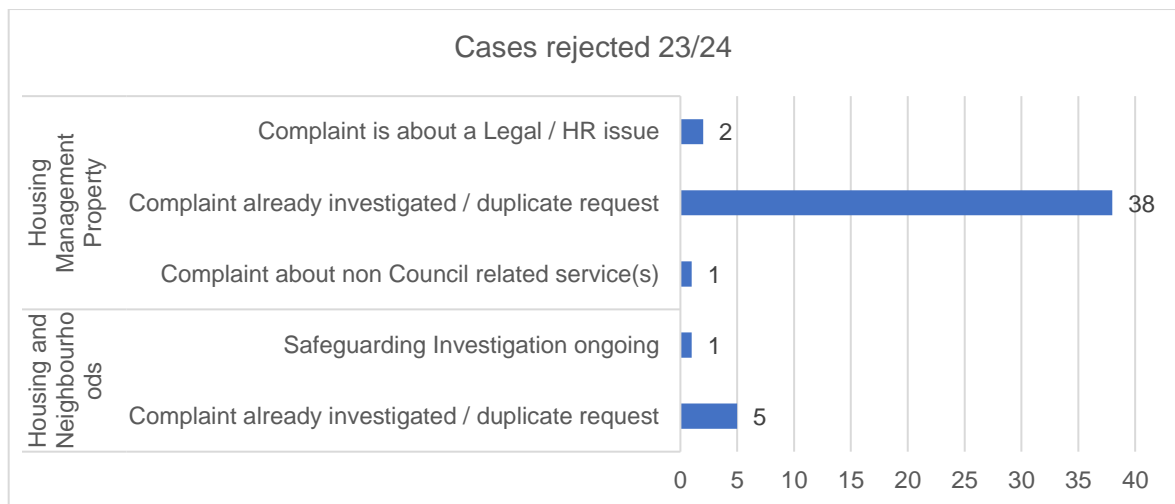
3.2.20 At stage 2, for Housing and Neighbourhoods, 10 complaints were partly upheld (36%) and 4 were upheld (14%), meaning 50% of complaints were upheld or partly upheld.

3.2.21 For Housing Management Property, 39 complaints were partly upheld (41%) and 45 were upheld (47%). This meant 88% of complaints were upheld or partly upheld.

3.2.22 Overall, for both Housing and Neighbourhoods and Housing Management Property, 78% of stage 2 complaints were upheld or partly upheld. This shows that there is a 19% increase in the complaints being upheld or partly upheld from stage 1 to stage 2 and this indicates that Housing Management could do better complaint investigations and responses at the first stage to avoid escalation to the next stage but also that the Council is willing to accept when things have gone wrong, demonstrating ownership and acceptance of issues raised.

3.2.23 The Complaints Service continues to work with managers in the Housing Management Service to ensure the quality of complaint investigations and responses provided to the complainant address all issues raised.

3.2.24 Some service improvements identified at the final review have been included in point 14 - Learning from Complaints.

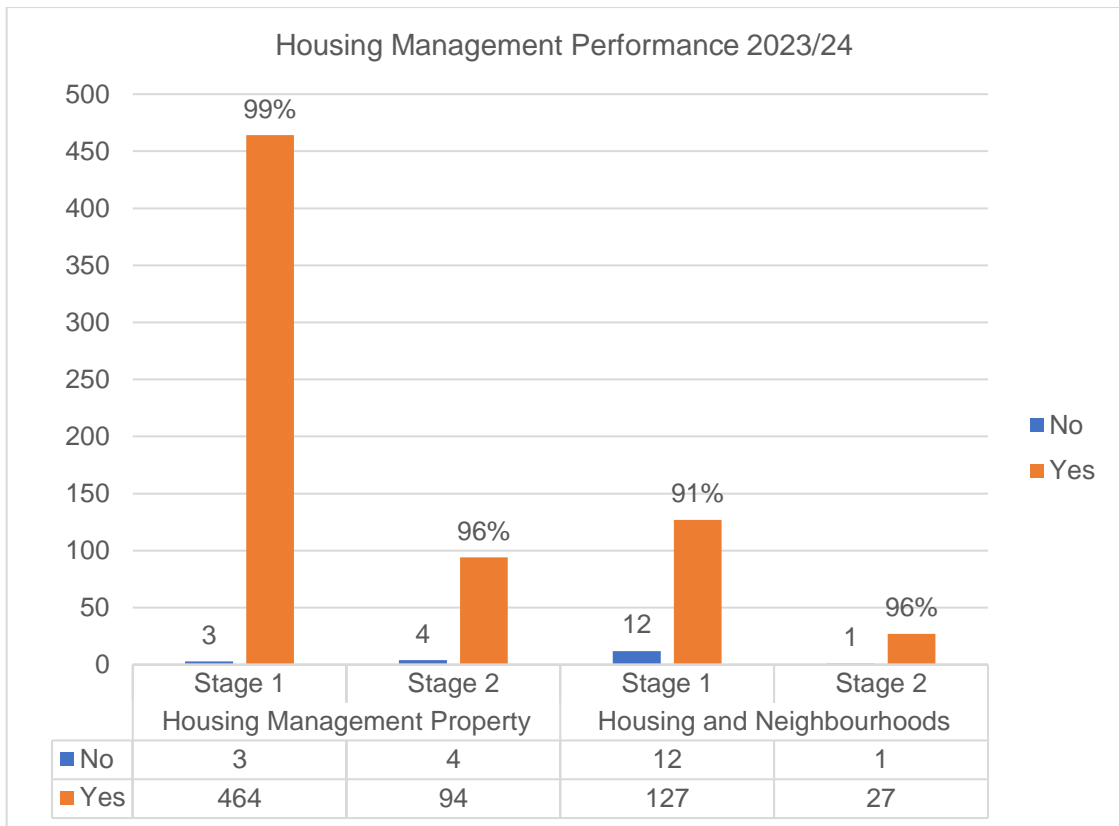


3.2.25 At stage 1, 47 complaints were rejected. As seen in the chart above, the main reason for this was that the complaint had already been investigated and that it was a duplicate complaint request. This was the reason for 91% of complaints rejected and for 43 complaint rejections overall across the Housing Management Services. In addition, two complaints were rejected due to being about Legal or HR issues and therefore were investigated through different routes. Other reasons that cases were rejected included one complaint relating to non-Council related services, and another complaint was rejected because there was an ongoing safeguarding investigation.

3.2.26 Only one complaint was rejected at stage 2. This was because it had already been investigated as part of a previous complaint and no new issues had been raised.

### Timeliness of Responses

3.2.27 The chart below shows complaint response times across the Housing Management Service in 2023/24:



3.2.28 In 2023/24, at stage 1, 99% of complaints from Housing Management Property were responded to on time, while 91% of Housing and Neighbourhoods complaints were responded to within the expected timeframe. At stage 2, 96% of Housing Management Property complaints were responded to on time, and this figure was the same for Housing and Neighbourhoods.

3.2.29 At stage 1, out of the 606 complaints due across the Housing Management Service, 591 were responded to on time. This means that 98% of all stage 1 complaints received a timely response. At stage 2, 96% of complaints were responded to on time, with this being the case for 121 of the 126 complaints due overall.

### Compensation

Stage	Total number of cases	Amount
Stage 1	154	£41,865
Stage 2	104	£54,159
<b>Total</b>	<b>258</b>	<b>£96,024</b>

3.2.30 The Housing Management Service paid a total of £96,024, in compensation for the year 2023/24, comprising a total of 258 cases. At stage 1, 154 cases were awarded compensation with a total of £41,865 compensation given overall. Stage 2 involved 104 cases, where £54,159 was awarded in compensation.

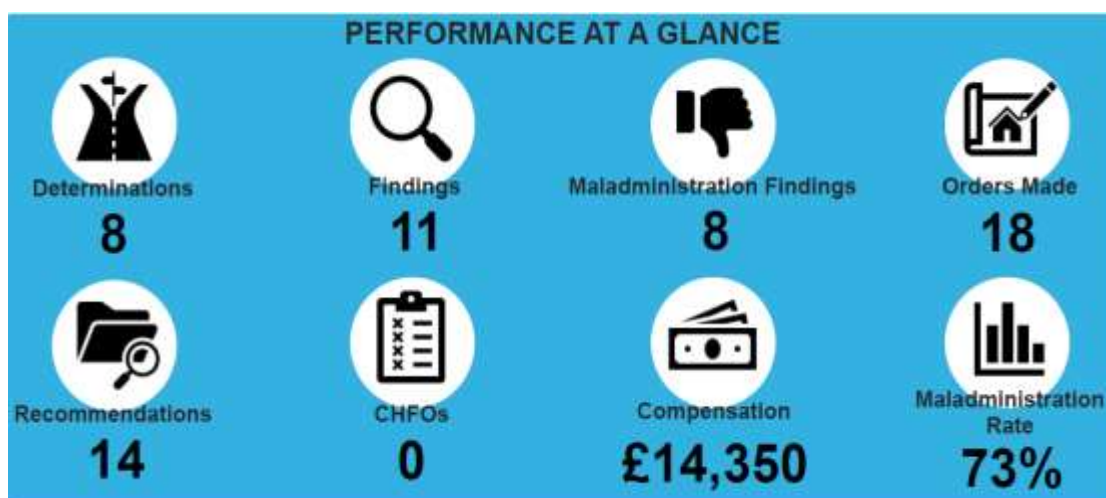
3.2.31 The main reason recorded for awarding compensation, was due to delay or failure to provide service. This accounted for 190 cases and 73% of the cases

where compensation was awarded across stage 1 and stage 2. The other two main reasons for compensation being paid were for time and trouble which was the reason compensation was given in 37 cases and reimbursement for costs incurred which was the reason given for awarding compensation in 14 cases. Other reasons for awarding compensation included distress and incorrect actions. When awarding compensation, we credit a resident's rent account if they are in arrears, make direct payments to their bank or, if the amount awarded is under £500, compensation is awarded as a postal voucher to be claimed at any post office.

3.2.32 All compensation awarded by the Council should be benchmarked against the Housing Ombudsman's remedies guidance.

### Housing Ombudsman Decisions in 2022/23

3.2.33 The Housing Ombudsman provided its annual report on 1 August 2023 and the below information was included in the previous years' annual report. The Housing Ombudsman has set as one of its requirements in the Complaints Handling Code to add information in regards to Ombudsman cases received in the previous year. As it has not and will not provide its report until late summer/early autumn, the information provided below has therefore been taken from the Council's 2022/2023 Annual Complaints report which contains information and graphs from the Housing Ombudsman's 2022/2023 report. A copy of this annual report is available on the Council's website.



3.2.34 The performance data above relates to the Housing Ombudsman's decisions in 2022/2023. The maladministration rate is 30% higher than the previous year 2021/2022. This is mainly due to the increased awareness of the Housing Ombudsman, publication of their spotlight reports and the government's 'Make Things Right' advertising campaign. The introduction of Awaab's Law, in memory of Awaab Ishak who tragically lost his life due to conditions in his social home has also encouraged tenants to raise issues with landlords and then escalate to the Housing Ombudsman if they are not satisfied with the action taken.



3.2.35 Recent changes in legislation around consumer standards for social housing has also improved access to complaints for tenants and leaseholders. The focus is on creating a culture of accountability; where tenants voices are heard and listened to. The Social Housing Regulator and Ombudsman expect Local Authorities to actively campaign to provide access and encouragement to tenants to complain when they are dissatisfied. This should be noted as it is expected to drive up complaints, which should be welcomed as a sign of tenant engagement and participation, and an opportunity to learn what is important to residents and how to put things right.

3.2.36 Brent Council performed similarly when compared to landlords of similar size and type. Although the maladministration rate is high, there were no cases of severe maladministration or Complaint Handling Failure Orders issued.

3.2.37 In terms of the recommendations and orders, many of these had already been agreed during the Council's own complaints process and the Ombudsman had asked the Council to complete these if we hadn't done so already. The same can be said for compensation where the Council had already agreed to pay compensation but the Ombudsman increased the compensation amount and included the total figure awarded during the complaint process rather than the additional amount ordered or recommended. Although the graphic above, produced by the Housing Ombudsman, states that they awarded £14,350 compensation, in fact they only asked the Council to pay an additional £3,800 on top of what the Council had already offered during its complaints process.

3.2.38 The table below provides a breakdown of the areas of complaints which were received by the Housing Ombudsman in 2022/23.

Complaint Decision	Severe Maladministration	Maladministration	Service failure	Mediation	Redress	No Maladministration	Outside Jurisdiction	Withdrawn	Total
Property Condition	0	4	0	0	1	1	0	0	6
Anti-social behaviour	0	0	2	0	1	0	0	0	3
Complaints Handling	0	2	0	0	0	0	0	0	2
<b>TOTAL</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>11</b>

3.2.39 The cases related to the following sub-categories:

- Responsive repairs – leaks / damp / mould
- Responsive repairs - general
- Noise

- 3.2.40 The Council complied with all of the Housing Ombudsman's orders, achieving a 100% compliance rate.
- 3.2.41 The Council use the learning from complaints to inform decisions on areas of improvement within the Housing Management Service. The Council also carry out an annual self-assessment against the Housing Ombudsman's Complaint Handling Code to ensure compliance with the Code. A copy of the self-assessment has been provided in Appendix A and is available on the Council's website.
- 3.2.42 The Housing Ombudsman has released a series of reports in which they have put the spotlight on issues identified through complaints that they have investigated and resolved. The Damp and Mould spotlight report contained a number of recommendations for landlords. The Council therefore self-assessed against these recommendations and provided a copy of the results in last year's 2022/23 annual report. The Council have also undertaken a self-assessment against the Housing Ombudsman spotlight report on Knowledge and Information Management and are currently self-assessing against the latest spotlight report on attitudes, respect and rights.

### **Benchmarking Data**

- 3.2.43 Given the short timescale the Ombudsman has given to provide the annual report, it has not been possible to benchmark against any other Council's annual reports. However as referenced above, the Housing Ombudsman's previous annual report evaluated how the Council compared in comparison to other similar landlords based on data from April 2023 to March 2024 and found that the Council's overall performance is similar to other landlords of a similar size and type, despite the maladministration percentage being higher than the national average.

### **Customer Feedback and Engagement**

- 3.2.44 The Transparency, Influence and Accountability Standard set out by the Social Housing Regulator requires all registered providers of social housing to collect and report annually on their performance using Tenant Satisfaction Measures. These are a set of defined measures that provide residents with more transparency regarding their landlord's performance. Through this, we can engage with residents and glean further information around their housing concerns and satisfaction levels.
- 3.2.45 In 2023/2024, there were 7800 tenants in Brent and the total sample size achieved for the tenant satisfaction survey was 708 responses. When asked, taking everything into account, how satisfied or dissatisfied they were with the service provided by the landlord, 125 tenants reported that they were very satisfied. 239 reported that they were fairly satisfied while 89 stated that they were neither satisfied nor dissatisfied. However, 106 tenants were fairly dissatisfied and 149 reported that they were very dissatisfied. Overall, 51.4%

of tenants that took part in the survey reported that they were satisfied with the service provided by the landlord.

3.2.46 Tenants were also asked how satisfied or dissatisfied they were with the overall repairs service from the landlord over the last 12 months and the proportion of tenants who reported that they were satisfied with the repairs service was 55.1%. It is important to highlight that overall in terms of complaints received annually in 2023-2024, Housing repairs was one of the top concerns for residents. On average, the Housing Management Service carry out 36,000 repairs per annum, and this means that there is likely to be a correlation between the number of repairs carried out and the number of complaints received.

3.2.47 However, it is also worth noting that the proportion of respondents who reported making a complaint in the last 12 months and who are recorded as satisfied with their landlord's approach to complaints handling is 17.4%. This illustrates a significant area for improvement in addressing the concerns of tenants and in ensuring their overall satisfaction with the complaints handling procedure.

### **Learning from Complaints and Service Improvements**

3.2.48 Feedback from residents offers important insights into what we do well and what can be improved.

3.2.49 Learning from the lived experiences of residents can help identify where services, policies and procedures can be improved, and this helps to ensure that senior managers are informed of issues that matter to residents. This also helps to improve communication and strengthen relationships.

3.2.50 As a result of complaints received by Brent Council, many service improvements have been implemented. Some of the service improvements that have been implemented by the Housing Management Service as a result of complaints include:

- a) As a result of poor communication between Wates, HMS and Socotec (the asbestos contractor), regarding asbestos testing, weekly meetings with Wates were implemented to monitor follow on actions and work more collaboratively with Socotec. The Housing Management Service are working to ensure that appointments are being booked for Wates to attend, if required for assistance with access for asbestos testing.
- b) Implementing a suited key system to all void properties to avoid keys being lost and access issues resulting in delayed void turnaround. Ensuring officers are careful when handling keys to void properties and highlighting to officers the importance of carrying out thorough checks.
- c) The Housing Management Service have also carried out and overseen various types of training in order to capitalise on learnings from complaints. For example, as a result of complaints received, training has taken place on

acting in accordance with the anti-social behaviour policy, the process of complaint investigations and vulnerability assessments. Customer empathy training has also been conducted following complaints related to Wates officers' behaviour and refresher training has been provided regarding correspondence and communicating with residents with officers being reminded to read emails fully and triage to the correct service area.

- d) New procedures have been set for surveyors' inspection reports to ensure quicker turnaround times, with a separate inbox for the surveyors to send their inspection reports being created to improve the timeliness of work orders being raised following inspections.
- e) The Complaints and Casework Manager and Principal Complaints Investigator are also working with Housing Management and have also attended Housing Management Senior Team Meetings to ensure key issues are addressed as well as to discuss learning that can be taken from complaints.
- f) A copy of the Council's self-assessment against the Housing Ombudsman's Complaint Handling Code has been included in the tender pack for the new repairs contract to ensure new contractors are aware of the standards they are expected to meet.

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 This report will be discussed at Cabinet and the relevant scrutiny committees.

#### **5.0 Financial Considerations**

- 5.1 The details provided on compensation payments in sections 3.2.30 - 3.2.32 and throughout this report reflect the monetary impact of not getting things right the first time as an organisation and the need to improve the customer experience thus minimising the financial penalties incurred by the Council.
- 5.2 The total compensation offered for Housing Management complaints during the Council's own complaint procedures in 2023/2024 was £96,024 (258 cases), which is an increase of 26% compared to the previous year. The costs implications and budgetary impacts to the Council are being continuously monitored.

#### **6.0 Legal Considerations**

- 6.1 Complaints concerning Housing Management fall under the Housing Ombudsman. The Ombudsman is the final stage in the complaints process, where an individual has complained to the Council and remains dissatisfied with the outcome.
- 6.2 The Complaint Handling Code became statutory on 1 April 2024, meaning that the Council is obliged by law to follow the requirements set out in the Code. The Social Housing (Regulation) Act 2023 places a duty on the Housing

Ombudsman to monitor compliance with the statutory Complaint Handling Code. The Council's Complaints Policy has been updated to take account of these changes.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:

- (a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
- (b) advance equality of opportunity; and
- (c) foster good relations between those who share a "protected characteristic" and those who do not.

7.2 This is 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.

7.3 Although there have been no equality implications identified as a result of this report, the Council is improving the way in which equalities data is captured and analysed so it can be used to identify issues that may disproportionately affect different equality groups.

## **8.0 Climate Change and Environmental Considerations**

8.1 Not applicable

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 Not applicable

## **10.0 Communication Considerations**

10.1 The Housing Ombudsman issues spotlight reports to address thematic issues and has commenced publishing a monthly report on cases of severe maladministration by landlords. Although the Council has not been featured in any of these reports, it is imperative that we learn from these reports to avoid severe maladministration decisions in the future.

10.2 The Council continues to advertise its complaints policy on the Council's website and in correspondence with residents. A copy of the Council's self-assessment against the Housing Ombudsman's complaint handling Code is also available on the Council's website along with a copy of this report once it has been through the relevant governance procedures. Comments from Cabinet in relation to the report will be included.

**Report sign off:**

**Debra Norman**

Corporate Director of Law and Governance

## **Comments on the report from the Leader and Deputy Leader of the Council**

We welcome this report, which is part of our longstanding political commitment to continuously improving the council and the way it works for and responds to residents.

Learning from complaints is an important part of the story for all local authorities. They allow us to reflect on where we have performed well, and where we need to go much further if we are to be trusted by residents. At Brent Council, the lessons learned from complaints are a core component of the iterative process of developing and adjusting our strategies, priorities and plans for Brent.

This report around Housing Complaints details the progress being made around our casework systems, in particular the welcome news that officers will find it easier using newer systems to access complaint casework and a fuller history of events in one place.

It is particularly encouraging news that 97% of all stage 1 complaints from housing management are responded to on time. In a perfect world, no complaint would need the intervention of the Housing Ombudsman, but when orders are received, as a council we have ensured that 100% of orders have been acted upon. Residents should take this as testimony to the fact that this council will hold its hands up when things go wrong.

Although there is welcome reading in this report, it is clear that the volume of complaints remain high, as exemplified by the level of compensation paid to residents. There are specific concerns here for the Housing team to act upon in order to avoid further Stage 2 complaints, and we hope to see significant improvements by the team over the next year as they continue the work of restructuring their teams to better respond to service pressures.

We strive to work harder to engage residents and communicate in a more systematic, regular and open way – especially if we are to maintain and restore trust in our services. Recently, the Cabinet have passed a Tenant and Leaseholder Engagement Strategy as a first step towards addressing some of the historic issues around visibility and communications; which all lead to complaints.

Over the next four years, this new strategy will signal a shift in culture that works harder to put the views and experiences of Tenants & Leaseholders in the centre of focus, and continues to address the need for high quality service delivery.

In summary:

- **Fewer Complaints:** We had a 26% decrease from last year in the number of complaints. Most complaints were about delays in service, and we are working hard to address these issues and to reduce the number of complaints.
- **Better Responses:** We resolved 97% of complaints on time at the first stage and 96% at the second stage. We will work hard to make sure that we get even better.
- **Improvements in Service:** We have made several improvements, such as better communication with contractors, a new key system for vacant properties, and additional staff training to ensure better service.
- **Your Feedback Matters:** Your complaints help us learn and improve. We are committed to making our services better and ensuring that your voices are heard.

## Appendix A: Self-assessment form

This self-assessment form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.



Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’</i></p>	Yes	<p><a href="#">Complaints Policy August 2024</a></p> <p>(Under point 3.1)</p>	<p>The definition in the Complaints Policy reads: “A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or several individuals.” The reference to residents has been removed as anyone can make a complaint, not just residents.</p>
1.3	<p>A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.</p>	Yes	<p><a href="#">Complaints Policy August 2024</a></p> <p>(Under point 3.1)</p>	<p>Residents do not have to use the word complaint for it to be treated as one. As per the policy and definition above, a complaint could be made about the following:</p> <ul style="list-style-type: none"> <li>• Delay in taking action without good reason</li> <li>• Failure to provide a service</li> <li>• Mistakes in the way a decision was taken</li> <li>• Not following the law or the Council’s own rules</li> <li>• Broken promises</li> <li>• Giving incorrect or misleading information</li> <li>• Bias or discrimination</li> </ul>

				<ul style="list-style-type: none"> <li>• Rude, unhelpful or inappropriate behaviour by staff</li> <li>• Poor communication</li> </ul> <p>Complaint training provided to staff also reiterates that residents do not have to use the word 'complaint' for it to be treated as such.</p>
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.1)	The Council recognises the difference between a complaint and a service request. It mentions in its Complaints Policy, "Some issues do not fall within the category of a complaint and are more appropriately dealt with as a service request. This can include instances where a customer is 'complaining' about a problem that the Council has not created, such as neighbour noise nuisance. The same can be true for a 'complaint' received to report a repair request. These are requests to the Council for appropriate action to be taken."
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.1)	The Council will log a complaint where the complainant is not happy with the way in which their service request/s has/have been handled. The Council will continue to take action on the requests raised whilst the complaint is being investigated.

1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	Yes	Awareness of complaints process in tenant satisfaction surveys	The Council will outline where appropriate, how a resident can raise a complaint should they express dissatisfaction through a survey or any other feedback mechanism. We will include in our tenant satisfaction surveys information on how residents can pursue any dissatisfaction with the service they have received through the complaints process.
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## Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 8.1)	The Council accepts all complaints unless there is a valid reason not to, including where it falls within Appendix 1 of the Complaints Policy.
2.2	A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.4)	The Complaints Policy clearly outlines what can and cannot be considered under the Council's complaints process. The circumstances are fair and reasonable and

	<p>must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago.</li> <li>• Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> <li>• Matters that have previously been considered under the complaints policy.</li> </ul>			in line with Housing Ombudsman guidance.
2.3	<p>Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.</p>	Yes	<p><a href="#">Complaints Policy August 2024</a></p> <p>(Under point 3.4)</p>	<p>The Council accepts complaints that are made within 12 months of the issue occurring or the complainant becoming aware of the issue unless they are excluded on other grounds. There may be occasions where the Council will apply discretion to investigate complaints which exceed the 12 months period. The Complaints Policy states: "A complaint can be made at any time; however, the Council will not normally accept a complaint where the customer has delayed raising the complaint with the Council by more than 12 months. The Council recommends that contact is made as soon as possible, to ensure access to data is</p>

				readily available. Complaints exceeding 12 months will be considered on a case by case basis.”
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.4)	If a complaint is not to be considered, the resident will still receive a response detailing reasons why the complaint cannot be considered and the response will include escalation rights.
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.4)	The Council will consider complaints exceeding 12 months on a case by case basis. This is noted in the Complaints Policy.

### Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.3)	Complaints can be raised via email, in person, by telephone or using the online form or portal. They can also be submitted via a Councillor or directly to officers if the

	<p>Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.</p>			<p>resident asks for an issue to be processed through the complaints process. We accept all forms of communication including verbal, written or online.</p> <p>The Council is committed to ensuring that all residents can access its services and are not disadvantaged in any way. Below are some of the adjustments that can be offered which are outlined in the Council's Complaints Policy:</p> <ul style="list-style-type: none"> <li>• use of email or telephone in preference to hard copy letters</li> <li>• use of plain English or Easy Read service on our website</li> <li>• communication through a representative or intermediary</li> <li>• rest or comfort breaks in meetings.</li> <li>• provision of information in appropriate alternative formats (eg. large print, Braille, coloured paper etc.)</li> <li>• provision of auxiliary aids</li> </ul> <p>The Equality Act 2010 introduced the Public Sector Equality Duty (PSED) which the Council considers when carrying out day-to-day functions, crafting policies and delivering services. All staff undertake equality and diversity training, which is part of the Council's essential training programme. The Council's Equalities Strategy Lead officer is currently</p>
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				undertaking an overarching piece of work which is reviewing accessibility to the Council – not just in terms of physical access but also looking at how residents and customers are able to interact with us and access services/support based on, for example, our use of language in corporate materials. Our Equalities Strategy, due for circulation next year alongside our Borough Plan, will set out a detailed approach on how we aim to remove inequalities and build a better, stronger, more inclusive Brent.
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	Yes	Complaints are accepted in person, on the phone, via email and social media channels	Officers within the Council are made aware of the complaints process. Services know how to log their own complaints and there is a corporate team within the Council to offer assistance and provide training. The Housing Department have a dedicated team who log all housing complaints.
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	Yes	We provide this narrative in our Annual Complaints Report	The Council welcomes complaints as a way of learning and agrees that the number of complaints is not indicative of a high number of issues within the borough, it can demonstrate awareness of the complaints process.
3.4	Landlords must make their complaint policy available in a clear and accessible format for all	Yes	<a href="#">Complaints Policy August 2024</a>	Our complaint policy is available on the Council's website in a clear and accessible format for all residents. The policy is

	residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.		<a href="#">How to make a complaint   Brent Council</a>	available with voiceover, and can be translated from the toolbar in a number of languages, viewed using screen mask or with enlarged text. The policy explains the complaint stages, what will happen at each stage, and timeframes for a response.
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 7)	The Complaints Policy, the Housing Ombudsman scheme, a copy of the Council's self-assessment of the code and the Code itself are all publicised on the Council's complaints webpages. The Policy includes information about the Housing Ombudsman and the Code. Our final review complaint responses also signpost residents to the Housing Ombudsman should they remain dissatisfied. The Housing Management Service will include in regular correspondence (leaflets, posters, newsletters) details of the Housing Ombudsman and Complaints Handling Code as well as the Complaints Policy. The Housing Management Service will also be providing information on notice boards within Council blocks, at Resident Associations and will insert an advert banner on all their emails to residents for short periods across the year promoting the complaints process.
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.2)	The Council accept complaints from advocates, a representative or family member as long as consent from the complainant has been provided. Where



	accompanied at any meeting with the landlord.			reasonable they are also able to attend any meetings.
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	Yes	<a href="#">Complaints Policy August 2024</a>  (Under point 3.7)	Contact details for the Housing Ombudsman are available on the Council's webpages and a direct link to the Ombudsman website is also provided. The Complaints Policy details a complainant's right to access the Housing Ombudsman Service throughout their complaint.

#### Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	Yes	We have a Corporate Complaints team who report to the governing body.	The Housing Management Service have a dedicated support team and a Complaints Officer managing complaints. In addition, our principal repairs contractor has a dedicated complaints officer and we have weekly complaints meetings to address lessons learnt from complaints and work on next steps. The Council also have a corporate complaints team that monitor and track all complaints received by the Council. The corporate complaints team compile complaint reports to Cabinet on a yearly basis.
4.2	The complaints officer must have access to staff at all levels to	Yes	The Corporate Complaints team interact with staff at all	All complaint handlers receive training on dealing with complaints and complainants.

	facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.		levels and have the authority and autonomy to resolve complaints. The team also hold a compensation budget for stage 2 complaints	They have autonomy to resolve complaints and approve lower level compensation payments. There is also direct access to senior staff to facilitate quick resolution and approve higher level payments or complex remedies.
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	Yes	Complaint Handling training is provided to officers	All relevant staff are suitably trained to handle complaints. Services are reasonable resourced to handle complaints and we have a corporate complaints team which is a core service that delivers refresher training sessions for staff across the Council.

### Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.	Yes	<a href="#">Complaints Policy August 2024</a>	The Council has one single Policy for dealing with complaints which details all the necessary information in regards to the management of complaints. All complainants are treated fairly and in line with the policy. They are not treated adversely if they complain.

5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.5)	If the Council feels that a complaint can be resolved at first point of contact, the resident will be asked whether they are in agreement for the service to take action. They will be told in writing that after the action is taken, if they are still dissatisfied, they can progress their complaint through the Council's complaint procedure.
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	Yes	<a href="#">Complaints Policy August 2024</a>	The Council operates a two stage complaint process.
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	Yes	We have agreements in place with contractors in relation to complaints handling	We ask any third parties to whom we have delegated complaint handling to respond at stage 1 of the process and if the complainant remains dissatisfied they have a right to escalate to stage 2 in which the Council will investigate and respond.
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	Yes	This is included in our third party agreements	We provide third parties with the process which they must follow and ask that they handle complaints in line with the Code. We also hold regular meetings with our contractors to discuss volumes and complaints handling.

5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as “the complaint definition”. If any aspect of the complaint is unclear, the resident must be asked for clarification.	Yes	Complaint acknowledgements have been updated to reflect this	Complaint acknowledgements include a brief summary of the area of complaint and officers dealing with the complaint will promptly contact the complainant to request clarification if any aspect of their complaint is unclear or should the outcome the resident is seeking also not be clear.
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	Yes	Complaint acknowledgements have been updated to reflect this	Complaint acknowledgements make clear what aspects of the complaint are to be investigated and confirm any aspects that fall outside of the policy or aspects for which we are not responsible.
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> <li>a. deal with complaints on their merits, act independently, and have an open mind;</li> <li>b. give the resident a fair chance to set out their position;</li> <li>c. take measures to address any actual or perceived conflict of interest; and</li> <li>d. consider all relevant information and evidence carefully.</li> </ul>	Yes	<a href="#">Complaints Policy August 2024</a>  (Under point 3.5)	All complaint handlers receive relevant training on complaints handling to conform to the points listed. There is also guidance on the Council’s intranet pages to reinforce these points to officers. Annual Data Protection training is also a mandatory training requirement for all officers. If a complaint concerns a particular individual it is assigned to their line manager. The Corporate Complaints team investigate stage 2 complaints independently of the service about which a complaint has been made.

5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.6)	Where reasonable, officers will keep residents updated with the progress of their investigation. Complainants are informed in advance on the rare occasions when there will be a delay in responding and will agree on regular updates until a full response is provided.
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.2)	The Council makes reasonable adjustments for residents where appropriate. The Complaints Policy provides examples of some of the reasonable adjustments that can be made. Residents can indicate when raising a complaint whether they have any disabilities or require any adjustments. This information is then recorded on their complaint record.
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.5)	The Council does not refuse to escalate a complaint through its complaints procedure unless there is a valid reason. Reasons why a complaint may not be escalated are stipulated in the Council's Complaints Policy. A response will be provided to the resident outlining why we will not escalate the complaint.
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with	Yes	This is all contained within the Council's case management system and can be downloaded	All records of the complaint are logged on the Council's case management system. This includes dates of complaint receipt and responses, relevant correspondence and documentation, and details of any compensation and corrective

	other parties, and any relevant supporting documentation such as reports or surveys.			actions/service improvements and outcomes. Corrective actions and service improvements are separately monitored by the service to ensure actions are carried out. We also record issue types and root causes of complaints.
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	Yes	Officers handling complaints have the autonomy to suggest and implement appropriate remedies at any stage of the complaints process	We do our best to resolve a complaint at the first point of contact. We consider the issues and after full consideration will propose a reasonable solution. Any immediate actions will be taken as soon as possible.
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	Yes	Vexatious Complaints Policy	The Council's Vexatious Complaints Policy provides procedures on how to manage unacceptable behaviour from residents and/or their representatives when pursuing a complaint. When a person is restricted we keep all evidence in a folder and a reason for restriction is provided in our restriction letter. We have a review period for restrictions. The Council are working on a Council-wide unreasonable behaviour policy
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	Yes	Vexatious Complaints Policy	Restrictions placed following unacceptable complainant behaviour and managed through the Vexatious Complaints Policy consider the Equality Act 2010 and impact on individual complainants. Only necessary restrictions are applied relating to specific issues. We always allow residents in these

				circumstances to access Council services more generally. We also have review periods for restrictions. The Council are working on a Council-wide unreasonable behaviour policy.
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## Section 6: Complaints Stages

### Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	Yes	<a href="#">Complaints Policy August 2024</a>  (Under point 3.5)	The Council will aim to respond to complaints as early as possible and specifically where there are any risks or vulnerabilities involved and the issue is current/live as well as if the complaint raises something urgent, like an outstanding repair, we will seek to progress that as soon as possible, at the same time as pursuing a complaint investigation. Where the complaint relates to historic issues or is complex these may take longer to investigate.
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <b><u>within five working days of the complaint being received.</u></b>	Yes	<a href="#">Complaints Policy August 2024</a>  (Under point 3.5)	The Council logs and acknowledges all stage 1 complaints within 5 working days. This is also stipulated in our Complaints Policy.

6.3	Landlords must issue a full response to stage 1 complaints <b>within 10 working days</b> of the complaint being acknowledged.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.6)	The Council responds to complaints within 10 working days of the complaint being acknowledged.
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.6)	Where the Council requires more time to investigate the issues and provide a response, an email is sent to the resident explaining the reason for the extension and providing a new deadline date which does not exceed 10 working days.
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Email acknowledgements have been updated to reflect this.	When we request for an extension of the timescales in our email to the complainant we will include details of the Ombudsman.
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	<a href="#">Complaints Policy August 2024</a> (Under 3.7)	A complaint response is provided once an investigation has been completed and no later than the maximum timescale outlined in the Complaints Policy. Any actions required following the investigation will be logged with a timescale and tracked until completion on the Council's complaints system.
6.7	Landlords must address all points raised in the complaint definition	Yes	The Council has a template letter which officers need to	The Council addresses all points raised in the complaint, clearly providing reasons for



	and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.		follow when responding to complaints to ensure a thorough response is provided	decisions, and referencing any relevant law/good practice.
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.	Yes	<a href="#">Complaints Policy August 2024</a>  (Under point 3.6)	Where additional complaints are raised during the investigation, these will be incorporated if relevant and if the response has not yet been issued. If the issues require significant time to be looked into and would delay the response, a new complaint will be logged, or new timescale will be agreed with both parties.
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: <ul style="list-style-type: none"> <li>a. the complaint stage;</li> <li>b. the complaint definition;</li> <li>c. the decision on the complaint;</li> <li>d. the reasons for any decisions made;</li> <li>e. the details of any remedy offered to put things right;</li> <li>f. details of any outstanding actions; and</li> </ul>	Yes	The Council has a template letter which officers need to follow when responding to complaints to ensure all points are covered.	The Council has a template available for officers to use so that all the points (a-g) are addressed within the response.

	g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.			
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### Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	Yes	We have a two stage process, and escalation details are provided in all stage 1 responses.	All stage 1 complaints inform complainants that if they remain dissatisfied, they can escalate their complaint to stage 2 and details are provided of how they can do this.
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.	Yes	All stage 2 complaints are acknowledged, defined and logged within 5 working days as per the Complaints Policy	All stage 2 complaints are defined and acknowledged within 5 working days of receipt.
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	Yes	Officers make reasonable enquiries to determine what points are outstanding.	The Council will make reasonable efforts to understand why complainants remain unhappy, however, if it is not clear we will ask the complainant for clarification so that we can ensure we address all the issues they remain unhappy with and avoid any misunderstanding.

6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.5)	All stage 2 responses are investigated by the Corporate Complaints team who are independent of the service area and officer who has responded at stage 1. Corporate directors review and decide stage 2 complaints. If they are unavailable, this is delegated to a director to approve and sign off.
6.14	Landlords must issue a final response to the stage 2 <b><u>within 20 working days</u></b> of the complaint being acknowledged.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.6)	The Council aims to respond to all stage 2 complaints within 20 working days of acknowledgement, where possible.
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 3.6)	When considering a complaint escalation that has been received and it is clear that due to complexity or other factors that more time will be required to investigate we will inform the complainant in the acknowledgment or a further email of the new expected timescale which will not exceed an additional 20 working days.
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Complaint acknowledgements have been updated to cover this	We shall provide details of the Ombudsman when we require an extension of the response timescales.
6.17	A complaint response must be provided to the resident when the	Yes	<a href="#">Complaints Policy August 2024</a>	A complaint response is provided once an investigation has been completed and no

	answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.		(Under point 3.7)	later than the maximum timescale outlined in the Complaints Policy. Any actions required following the investigation will be logged with a timescale and tracked until completion on the Council's complaints system.
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	The Council has a template letter which officers need to follow when responding to complaints to ensure a thorough response is provided	The Council addresses all points raised in the complaint, clearly providing reasons for decisions, and referencing any relevant law/good practice.
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.	Yes	The Council has a template letter which officers need to follow when responding to complaints to ensure all points are covered.	At the completion of a stage 2 investigation, a response is issued which includes the points stated. The response includes a summary of the complaint, a chronology of any relevant events, the decision and reasons for it. It also includes any actions and learning with timescales for implementation and a reasonable remedy which may include compensation.

6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 6.1)	All relevant officers are consulted before a second stage complaint response is finalised, to ensure that the decision is a properly corporate one.
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## Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	<p>Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:</p> <ul style="list-style-type: none"> <li>• Apologising;</li> <li>• Acknowledging where things have gone wrong;</li> <li>• Providing an explanation, assistance or reasons;</li> <li>• Taking action if there has been delay;</li> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> </ul>	Yes	In complaint responses if we are in the wrong we will apologise, explain what happened and provide information on what actions will be taken to remedy the issue whether that be a change in policy or procedure, sending a reminder to staff, taking specific action or providing a financial remedy. All actions are documented on the Council's complaints system and assigned to an officer to action.	The Council will always try to resolve the issues as soon as possible. If the Council is at fault, it will accept fault, offer an apology, and provide a plan of action to put things right if the issues have not yet been resolved.

	<ul style="list-style-type: none"> <li>Changing policies, procedures or practices.</li> </ul>			
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	Yes	<a href="#">Complaints Policy August 2024</a> (Under point 4.1)	The Council follows the remedies guidance provided by the Housing Ombudsman. All remedies are considered on their own merit and in line with published guidelines. The Council will try its best to manage expectations of what remedies can and cannot be delivered.
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	Remedies are logged on the Complaint system and assigned to an officer with a timescale for completion	Any actions to be taken to remedy fault will be explained and clear timescales will be provided. Corrective actions will be monitored and tracked to completion.
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.		<a href="#">Complaints Policy August 2024</a> (Under point 4.1)	The Council follows the Housing Ombudsman guidance on compensation and considers payments that are required by law, any refunds/reimbursement of losses, time and trouble, distress and inconvenience.

## Section 8: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	Landlords must produce an annual complaints performance and	Yes	Open data link to annual reports: <a href="#">Annual Report Data</a>	The Council produces an annual report which includes our self-assessment of the

	<p>service improvement report for scrutiny and challenge, which must include:</p> <p>a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.</p> <p>b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;</p> <p>c. any findings of non-compliance with this Code by the Ombudsman;</p> <p>d. the service improvements made as a result of the learning from complaints;</p> <p>e. any annual report about the landlord's performance from the Ombudsman; and</p> <p>f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</p>			<p>Code, quantitative and qualitative data on performance and the types of complaints received, any findings of non-compliance with the Code, any annual report about the landlord's performance from the Ombudsman, and any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</p> <p>The report is then reviewed through the Council's governance procedures which includes Cabinet and relevant scrutiny committees. This years' annual report includes separated data on Housing Management complaints.</p>
8.2	The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of	Yes	Copy of latest annual report on relevant website page: <a href="#">Latest Annual Report</a>	The annual complaints report is reported to the Council's governing body and to the relevant scrutiny committees. The annual complaints report is also published on the Council's website on the

	its website relating to complaints. The governing body's response to the report must be published alongside this.			Complaints page. The governing body's response to the report can be found in the Cabinet report minutes under the relevant governance page along with a copy of the report. The report for this year has gone through the relevant governance procedures and the response from the Leader and Deputy Leader has been provided within the report.
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.	Yes	Our last self-assessment was carried out this year and was included as an appendix in our Housing Management Annual Complaints Performance and Service Improvement report for 23/24	The Council will carry out a self-assessment if there have been significant changes. The outcome of the self-assessment is reported to elected members. It is also published on the Council's website and included in the annual complaints report.
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	Yes	We self-assess against the Code on an annual basis and when asked by the Ombudsman.	Noted. The Council has not been asked to do this.
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. Landlords must provide a timescale for returning to compliance with the Code.	Yes	We will alert the Ombudsman and resident if we are unable to comply with the Code due to exceptional reasons.	The Council will inform the Ombudsman if due to exceptional circumstances we are unable to comply with the requirements of the Code. We will advise complainants who may be affected and we will publish on our website a timescale of when we will be returning to compliance with the Code.




## Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	Yes	Learning and improvements are included in the Council Annual Complaint Report	The Council will always look beyond the circumstances of the complaint and try to learn lessons from complaints and implement any more general service improvements to benefit residents.
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	Yes	We discuss complaints in our departmental management meets and report on performance and quality of responses on a quarterly basis.	The Council uses the learning and feedback from complaints to inform decisions, learning and improvements across the Council. The Council continuously scrutinise complaints data to identify themes and trends so that change can be made to prevent issues occurring.
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	Yes	Wider learning and improvements are included in the annual report which goes to relevant scrutiny committees. We also discuss complaints during residents' panels	Learning from complaints is included in the Council's annual complaints report which goes to Cabinet and is considered at scrutiny committees. If some of the recommendations include training needs or reminders to staff, senior managers will communicate this. Residents are informed in complaints responses of any service improvements that will be implemented as a result of their complaint.

				<p>Under the new tenant engagement strategy and model there is a clear commitment to respecting resident feedback and how this is not only implemented in the service but positive change is communicated back to the resident. Examples include: A tenant and leaseholder led review of complaint responses a minimum of once per year; communicating learning from trends in our complaints in tenant targeted communications; using complaints as a form of insight when reviewing policies.</p> <p>To effectively embed a culture of respect for resident feedback, the service responsible for engagement will carry out training and briefings with individual teams and a quality management system will be linked to the new strategy to measure impact and identify gaps in practice.</p>
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	Yes	The Director of Housing Services is the appointed person	The Director of Housing Services is the senior lead person accountable for complaint handling for Housing Management complaints. The Director is provided with data on stage 1, stage 2 and Ombudsman enquiries and has the autonomy to direct service changes.

9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	Yes	The Deputy Leader of the Council is the MRC	The Deputy Leader has complaints within their portfolio. Complaints are reported quarterly to the Council's Management Team (CMT) and annually to Cabinet, Policy Co-ordination Group (PCG) and the relevant Scrutiny Committee. The Deputy Leader will be known as the MRC.
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	Yes	The MRC has access to staff who will provide the relevant information for discussion with the governing body	The Deputy Leader of the Council will receive regular updates on complaint performance data and is copied into all upheld Ombudsman decisions (the anonymised report only). They have a direct line in to the Director of Law & Governance who oversees the corporate complaints team.
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to	Yes	The MRC is updated quarterly and receives the annual complaints report which includes all the data outlined	Information relating to complaints is provided quarterly to CMT which includes: volumes, performance, outcomes, compensation, root causes, and Ombudsman cases. All Ombudsman decisions are circulated to Corporate Directors, Directors, Heads of Service and officers involved with the complaint when the decision is received. The upheld Final Decisions are also circulated to the Chief Executive, the Leader, and Deputy Leader as portfolio holder. A summary of the upheld cases is also included in the Council's annual

	severe maladministration findings; and d. annual complaints performance and service improvement report.			complaints report. The self-assessment the Council undertakes in relation to the Housing Ombudsman Code will be included in the Council's annual complaints report if there have been any significant changes.
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to: a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments; b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and c. act within the professional standards for engaging with complaints as set by any relevant professional body.	Yes	We share our objectives with staff and contractors that are working on our behalf to ensure there is one goal and we work together to achieve it for the benefit of our residents	The Council works collaboratively with teams across departments to achieve a joined up approach to complaints. Council services collectively take responsibility and identify solutions to make things right.

 <b>Brent</b>	<b>Cabinet</b> 12 November 2024
	<b>Report from the Corporate Director of Children and Young People</b>
	<b>Lead Member – Cabinet Member for Children, Young People &amp; Schools (Councillor Gwen Grahl)</b>
<b>School Place Planning Strategy 2024 – 2028 1<sup>st</sup> Refresh</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	N/A
<b>List of Appendices:</b>	One: Appendix 1: Brent School Place Planning Strategy 2024 - 2028 1 <sup>st</sup> Refresh November 2024
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Shirley Parks Director, Education, Partnerships and Strategy 020 8937 4259 <a href="mailto:Shirley.parks@brent.gov.uk">Shirley.parks@brent.gov.uk</a>  Michelle Gwyther, Head of Forward Planning, Performance and Partnerships 07388 859380 <a href="mailto:Michelle.Gwyther@brent.gov.uk">Michelle.Gwyther@brent.gov.uk</a>

## 1.0 Executive Summary

1.1. This report provides Cabinet with a refresh of the School Place Planning Strategy 2024-2028, approved by Cabinet in October 2023.

## 2.0 Recommendation(s)

That Cabinet:

2.1 Approves the refresh of the School Place Planning Strategy 2024-2028, as provided in Appendix 1.

- 2.2 Notes the continued focus on planning for the sufficiency of places and the sustainability of schools, based on varying demand patterns impacting on school planning areas in Brent.
- 2.3 Notes there continues to be increasing demand for places that meet the needs of children and young people with SEND aged 0-25 and the intention to further develop the SEND estate capital investment programme with strategies to address this need, as set out in Section 4.
- 2.4. Notes the school place planning actions completed in the first year of the strategy and the actions planned for the coming academic year as set out in section 5.1 of this report.
- 2.5 Notes the update on the success measures set out in the original strategy in section 3.1.3 of this report.

### **3.0 Detail**

#### **3.1 Cabinet Member Foreword**

- 3.1.1 The School Place Planning Strategy 2024-2028 supports the Borough Plan Strategic Priority 4: The Best Start in Life. By ensuring there are sufficient, suitable early years and school places for children and young people in Brent, the local authority is meeting its statutory obligations and supporting every child and young person to access high quality education locally to them in the borough.
- 3.1.2 In October 2023 Cabinet approved the Brent School Place Planning Strategy 2024- 2028 which presents the objectives and operating principles to underpin the Council's approach to school organisation over four years. The focus of the strategy is both the sufficiency of school places across Brent and the sustainability of schools in the context of falling demand in some areas of the borough, while still ensuring sufficiency of places in other areas experiencing or likely to experience rising demand.
- 3.1.3 The Brent School Place Planning Strategy 2024 - 2028 sets the following success measures and the updated position is also provided:

- All Brent schools are good or outstanding (*as per applicable Ofsted gradings at the time*).

98.8% of schools were good or outstanding at the end of the 2022/23 academic year and 95.3% at the end of the 2023/2024 academic year. The reduction in performance is a result of one primary school moving into the inadequate category and one primary school judged as requires improvement awaiting an Ofsted inspection. In response to the government abolishing single word Ofsted judgements in September 2024, this success measure will be updated to a comparable performance standard in a future refresh once the new Ofsted rating measures are announced.

- Children are able to access education close to home (under two miles for children under 8 and 3 miles for children up to Year 6; within 75 minutes travel time for secondary aged children).

This was the case in November 2023 and remains the same in November 2024.

- Brent net exportation of secondary school pupils reduces over the duration of this strategy to 25% with a stretch target of below 25%.

The baseline was 25.8% for the 2023 Year 7 intake. At 25.1% for 2024 Year 7 intake this shows an improving position.

- An increase in local SEND places in the borough will lead to a reduction in the use of out-of-borough placements and placements in independent non-maintained special schools.

The percentage of placement spend on the independent, non-maintained special school (INMSS) remains consistent at 18.5%.

- The take-up rate of free childcare entitlements in the borough increases over the course of the strategy to 70% for two-year-olds and 80% for 3 and 4-year-olds.

The baseline was 65.4% for two-year entitlement and 79.3% for 3 and 4-year-olds in January 2023. In January 2024 take-up of two-year-old free entitlements was 59.2% and for 3 and 4 year-olds it was 84.8%. The decrease in take-up of the two-year entitlement is consistent with a 7% national decrease in take-up. This is attributed to three main factors in Brent which also mirror national trends: i) falling birth rate in recent years, ii) the transition to universal credit from legacy benefits, and iii) income thresholds for the eligibility criteria remaining unchanged whilst average incomes have risen in recent years.

3.1.4 The principles of sufficiency and sustainability continue to underpin the refreshed School Place Planning Strategy 2024-2028. Primary schools with falling rolls are being supported through a number of measures as outlined in the Strategy, with closure seen as a last resort. Where there is unused capacity or spare school sites, these will continue to be repurposed for educational use.

## **3.2 Background**

3.2.1 The Brent School Place Planning Strategy 2024-2028 refresh provides the latest assessment of school place demand across the borough based on 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, for example the 2021 census, which ensures projections provide the best estimates of future population.

3.2.2. 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 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 are therefore driven by the number of pupils on roll in the January 2023 school census. The GLA projections also take into account changes in housing growth, so the impact of new housing developments in the borough and those just outside borough borders are reflected in the strategy.

- 3.2.3. The data presented in the refreshed School Place Planning Strategy reflect similar trends across London in relation to falling primary demand and increasing demand for special provision, as set out in the recent report published by London Councils '*Managing falling school rolls in London*' (2024) <https://www.londoncouncils.gov.uk/test-newsroom/2024/managing-falling-school-rolls-london>. Many London authorities are taking action to address falling primary pupil numbers, including repurposing spare capacity to provide additional provision for children with SEND and consulting on primary school closures.

### **3.3 Early Years**

- 3.3.1 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. Brent has a mixed economy of 0-5 childcare provision in the borough that includes private, voluntary, independent (PVI) and maintained settings.
- 3.3.2 The Brent Childcare Sufficiency Assessment 2021-2023 showed an overall increase in the number of PVI providers in the borough and a reduction in places in maintained and childminder provision. As of August 2024, there were 290 providers including private, voluntary and independent nurseries (PVI), childminders, nursery classes in schools and maintained nursery schools in Brent. Places for children aged two and under are largely delivered by the PVI sector and childminders.
- 3.3.3 There has been an overall decrease in the number of childminder providers in the borough since 2015 with some moving out of the borough and others resigning as registered childminders. This decrease in provision is reflective of a nation-wide trend. Closures have also been seen amongst group providers in the last 12 months, some quoting rental increases and reduction in demand. Nonetheless there have been other providers who have moved premises to expand and new providers entering the market, indicating an ongoing demand for places.
- 3.3.4 The Community and Wellbeing Scrutiny Committee received a report on '[Early years provision and progress towards meeting the expansion of childcare entitlements](#)' on 18 September 2024.

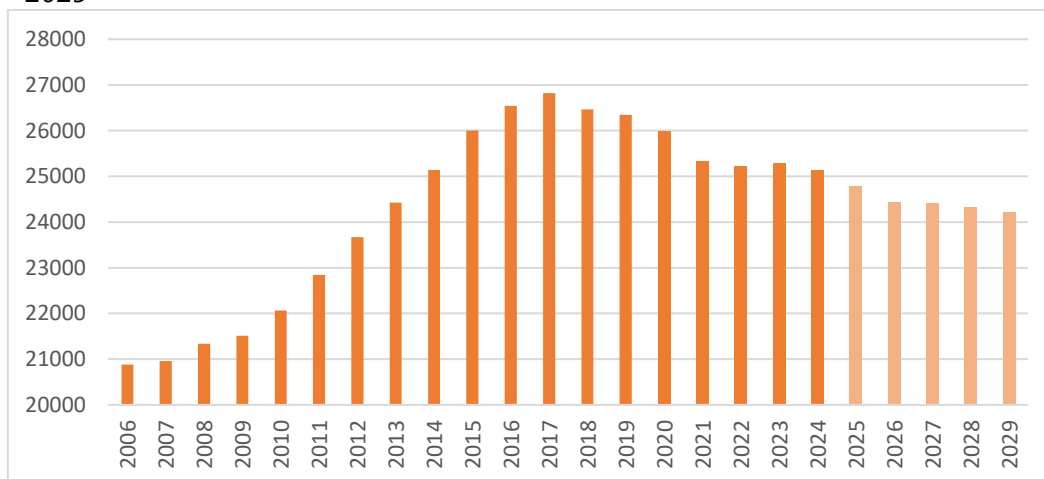
### **3.4 Primary Place Need**

- 3.4.1 Primary school demand has been reducing since September 2017. The latest GLA projections (based on the 2021 population census and the January 2023



school census) and which run to 2028/2029 (as for any later years children have yet to be born), indicate demand at Reception age will continue to decrease over the next few years (Chart 1). This reduction in demand reflects a falling birth rate and has affected all authorities in London. The number of births across Greater London fell from 134,037 in 2011/12 to 115,735 in 2019/20.

*Chart 1: Brent Primary numbers on roll and projections as of January each year up to 2029*



- 3.4.2. At a borough level, Brent has sufficient capacity to meet forecast demand for mainstream primary places and maintain a level of 5% spare places to ensure there are sufficient places to respond to in-year movement, migration or any unforeseen increase in demand.
- 3.4.3. However, there are differences across primary planning areas. One planning area is expected to experience significant rising demand (Planning Area 3) and three planning areas are showing sustained lower demand than available places, resulting in a significant number of spare places (Planning Areas 2, 4 and 6). Schools in planning areas with spare capacity will support increasing demand in neighbouring planning areas.
- 3.4.4 While lower demand means parents have an increased choice of places in some parts of the borough, reduced intakes present organisational and financial challenges for schools. Falling primary demand means that an increasing number of schools in Brent are operating as one form of entry, as is the case in many other London authorities. This trend is likely to continue in the context of reducing demand for places in Brent. Small schools have fewer resources to support children, as school funding received via the Dedicated Schools Grant (DSG) is driven by pupil numbers. The impact of vacant school places causes financial pressure for schools, as some overheads remain the same despite reduced income. This can impact on the quality of the teaching and learning offer.
- 3.4.5 Over the past few years, the local authority has been working with schools to put in place strategies to manage changing demand and to support schools to ensure the sustainability of local 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 (ARP) for children with Special Educational Needs and Disability (SEND).

- 3.4.6. The sustained reduction in primary demand and the resulting level of spare places that are impacting on some schools means individual measures are no longer an adequate response. The strategy continues to set out a focus on the options available to address the increasing vulnerability of those schools facing the most significant fall in pupil numbers and indicates in which of the six primary planning areas targeted reorganisation proposals to reduce capacity are considered necessary, including updating where these have already taken place.

### **3.5 Secondary Place Need**

- 3.5.1 The latest GLA secondary forecasts project a stable demand for Year 7 places, after the falling demand of recent years. The projections confirm there will be sufficient capacity to meet forecast demand and provide the required 5% of spare places in Year 7 to manage any forecast in-year growth and any unforeseen increase in demand up to 2030/31. (This is a longer timescale than primary as forecasts for secondary year groups are more reliable because children are already attending nursery or mainstream school).

- 3.5.2 A key challenge is in-year demand for secondary places which is expected to remain high in some planning areas and year groups, especially in Year 11. Brent will continue to work with secondary schools to ensure in-year demand can be met, particularly in the higher year groups (Years 9 to 11). This increased demand is caused by inward migration to the borough and population mobility levels. Challenges are further compounded as secondary schools cannot swiftly increase the teaching capacity of a cohort even if they have the building capacity to do so. Where necessary, Fair Access Protocols are being employed to place children who are out of school and who have not been offered a school within 4 weeks of their application.

### **3.6 Special Educational Needs and Disability (SEND) and Alternative Provision Need**

- 3.6.1 Brent is a borough that has high aspirations for all children and young people with special educational needs and disabilities (SEND). Services, schools and settings are needs-led and follow the ethos of early identification and early intervention. Brent and Brent schools recognise SEND is not a fixed or permanent characteristic. 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. All schools in Brent are inclusive and where possible a child or young person should be educated in their local mainstream school.

- 3.6.2 There is a range of high-quality provision for children with SEND in Brent encompassing 3 enhanced pre-school providers, 1 primary special maintained

school, 1 primary special academy school, 2 special all through academy schools and 2 secondary special school academies, and a number of Additionally Resourced Provisions (ARP) in both primary and secondary mainstream schools. An ARP is designed to provide specialist and targeted support for children with special educational needs and/or disabilities who can function well in a mainstream school, and where the school has appropriate teaching and learning strategies and staff with the skills and knowledge in a particular area of SEND. ARPs provide specialist environments which support the learning needs of each pupil, and many young people with additional learning needs can make better and more sustained progress when they attend mainstream schools.

- 3.6.3. There are 963 places currently in Brent special schools and 185 ARP places. As other boroughs can apply for places in Brent schools (in the same way that Brent children and young people occupy spaces in special schools in other borough), the percentage of out-of-borough children and young people with SEND placed in Brent special schools and ARPs will vary year on year. However, the current figure stands at 11% of Brent's total capacity. As a result, Brent currently only has access to 857 of the 963 local special school place and 165 of the 185 ARP places in Brent schools.

#### **4.0 Demand for specialist provision**

- 4.1. As of 1 September 2024, there are 3782 children and young people aged 0-25 with an Education, Health and Care Plan (EHCP) on roll at Brent schools, which at 4.6% of the school population is similar to national levels. 11.2% of pupils are identified with additional needs that can be met at SEN support where a need is identified but does not meet threshold for an EHCP (compared to 13% nationally). As of September 2024, 65% of pupils with an EHCP in Brent attend a mainstream school.
- 4.2. Between 2023 and 2024 the number of EHCPs increased across all age groups, with the highest increase in the under 5 age group (42% compared to 25% nationally) and the 5 to 10 age group (9.7%, 11% nationally). The average growth in EHCP numbers has been approximately 10% over the last three years. The modelling work undertaken for the Delivering Better Value Programme of the impact of new approaches to reduce EHCP demand, such as early intervention, anticipated growth to reduce to 7% in 2024/25. For the purposes of this strategy, future growth modelling is based on a more cautious 8% growth year on year to reflect the current presentation of needs for children with SEND.
- 4.3. In January 2022 Cabinet approved £44m of capital investment for additional specialist places in a new secondary special school, expansions of existing special schools and new ARPs in mainstream schools. This will increase ARP provision by 56 places across 3 locations between August 2024 and September 2025. Confirmed additional special school provision includes 40 places at Woodfield special school by January 2027 and 20 places at the Village school, the delivery timescale for which will be confirmed once feasibility work on options is completed.

- 4.4. The ongoing, targeted direct work to support schools and settings to better meet the needs of children with SEND has seen an increase in the number of children remaining within mainstream education in Brent. However, despite increasing confidence in the mainstream sector to meet the needs of children and young people with SEND, and significant investment by Brent to increase the capacity within special educational settings in the borough, additional special school places are still required. Based on data within the strategy, Brent has a current need for an additional 188 primary special places and 34 secondary special places in addition to those being created as part of the current capital expansion programme. This need will increase year on year.
- 4.5. The increasing number of children with complex social, emotional and mental health issues (SEMH) and pupils experiencing Emotional Based School Avoidance (EBSA) has highlighted a shortfall in provision for this cohort, especially for primary aged pupils for whom there is currently no provision. Based on presenting needs, the establishment of additional special provision will need to include both specialist SEMH provision and special school provision (with a focus on children with autism spectrum condition (ASC) and/or cognition and learning needs).
- 4.6. The School Place Planning Group, that comprises officers and headteacher representatives, has considered how best to meet growing demand for special school provision. There are a number of factors that need to be taken into consideration, including local demand for EHCPs, spare capacity in local schools and proximity to existing provision.
- 4.7. Schools will be asked in the 2024/2025 autumn term if they would like to work in partnership with the Council to develop or increase in size an ARP, provide SEMH provision or partner with a special school to develop a special school satellite provision on their school site. Three schools have already expressed interest in working in partnership.

## **5.0 School place planning strategy actions undertaken and planned**

- 5.1. A number of school place planning actions have been completed that support Brent's sufficiency strategy:
  - Carlton Vale Infant School and Kilburn Park Junior School joined together in a hard federation in April 2024 as a first step towards becoming a single school on one site as part of the South Kilburn Regeneration Programme. This is in response to demand increasing in the longer term beyond the 5 year forecasts in the strategy.
  - Following Cabinet's decision in May 2024 to proceed with the closure of the Gwenneth Rickus site of Leopold Primary School, the LA is liaising with the school to provide support for the phased closure of the Gwenneth Rickus site in July 2027.
  - Wembley Manor School opened in Brent in September 2024 and will move to its new buildings in September 2025, increasing the sufficiency of secondary SEND places in Brent.

- The Malorees Infant School and Malorees Junior School Governing Board has agreed to informally consult on amalgamating the schools, that are currently federated, as a single community school in January 2025. Subject to the outcome of this consultation, a report will be brought to Cabinet in spring 2025 requesting permission to follow the statutory process / formal consultation.

## **6.0 Stakeholder and ward member consultation and engagement**

- 6.1 Ward members will be consulted on the impact of this strategy where mainstream planning area capacity is reviewed or where additional specialist provision is being considered.
- 6.2 The Lead Member has been and will continue to be briefed about school place planning issues and actions.
- 6.3 School representatives have been and will continue to be involved in discussions about school place planning through the School Place Planning Working Group.
- 6.4 Any proposed changes to provision would be subject to public consultation with parents and stakeholders in accordance with statutory guidance and legal frameworks.

## **7.0 Financial Considerations**

- 7.1 Mainstream school places are funded from the annual Dedicated School Grant (DSG) 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.
- 7.2 School budgets are devolved to respective school governing boards but are under pressure due to rising cost of inflation and falling rolls. As schools are funded on the basis of pupil numbers, it is likely small schools and those with falling numbers on roll will find it most difficult to balance their budgets. Larger schools are more likely to successfully manage the impact of these pressures.
- 7.3 Expanding funded High Needs provision will have revenue implications, as it is funded from the High Needs Block of the 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 a lower cost. Reducing out-of-borough provision will also help mitigate the financial pressure on the transport budgets held in the General Fund to transport children and young people to out-of-borough provisions.
- 7.4 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 Education and Skills Funding Agency (ESFA) has stated 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.

7.5 The nature of SEND education means the development of additional places presents additional complexities, and thus higher costs than primary expansions. 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.

## **8.0 Legal Considerations**

8.1 The Council has a general statutory duty under Education Legislation to ensure 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 the supply of school places balances the demand for them. (Section 13 and 14, Education Act 1996) and (Education and Inspections Act 2006).

8.2 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 pursuant to the Children and Families Act 2014. The Council has responsibility for childcare sufficiency for provision for disadvantaged two-year-old sand all three- and four-year-olds and ensuring it overlaps coherently with school provision.

8.3 The Council has additional statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education.

8.4 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 a school place is not available. Schools are not required to maintain classes over the planned admission number (PAN) but revert to the usual admission number when children leave.

8.5 Statutory processes should be followed for any proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25 per cent or 200 pupils (whichever is the lesser).

8.6 Statutory processes should be followed for the reduction or removal of capacity from any school. These processes are set out in the School Admissions Code 2021 for the reduction of a school's Published Admission Number and in the statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools October 2024'.

## **9.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 9.1 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 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.
- 9.2 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.
- 9.3 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.
- 9.4 The School Place Planning Strategy 2024-28 aims to ensure there are sufficient, sustainable and suitable school places for all Brent children, and their diverse and changing needs are met including those with special education needs. 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.
- 9.5 The findings and the equality analysis screening of the School Place Planning Strategy 2024-28 show a slowdown in demand for primary school places and a stable outlook for secondary school places. Demand for places for children and young people with SEND in the borough is also increasing and the strategy identifies the need for additional local places to meet their needs.

## **10.0 Climate Change and Environmental Considerations**

- 10.1 The strategy sets an expectation for the school estate to be used efficiently to provide for current and future educational needs. The approach of sustainability and utilising the school estate for other educational provision reduces the use of construction materials and waste production and encourages efficiency in the use of existing resources.
- 10.2 The strategy sets out the need to create additional capacity for SEND provision in Brent reducing the need for children to travel outside of the borough to

receive their education. Travelling shorter distances closer to home will reduce emissions and reduce air pollutants from private cars, minibuses and taxis.

### **11.0 Human Resources/Property Considerations**

11.1 Through delivering the strategy there could be some changes to the current use of school capacity, for example an increase in SEND provision through utilising existing spare capacity in the mainstream primary school estate.

11.2 School reorganisation proposals that reduce capacity across the school estate could impact on school staff. This could have the potential effect of the need to consider redundancies.

### **12.0 Communication Considerations**

12.1 Any proposed changes to provision would be subject to public consultation with parents and stakeholders in accordance with statutory guidance, legal frameworks and the Council community engagement process.

**Report sign off:**

***Nigel Chapman***

Corporate Director of Children and Young People



London Borough of Brent  
School Place Planning Strategy  
**2024 – 2028**

***1<sup>st</sup> Refresh – November 2024***

***Working in partnership with schools in Brent to ensure  
the sustainability and sufficiency of school places***



**London Borough of Brent**  
**School Place Planning Strategy 2024 – 2028**  
**1<sup>st</sup> Refresh**

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## **1. Introduction**

Brent Council is focused on equipping Brent children and young people for the future. The Borough Plan 2023 – 2027 sets out the Council's priority to support young people to achieve the best start in life and receive the support they need when they need it. Working with schools and partners we will make sure access to education is fair and equal, and our children and young people receive a quality education which develops their skills and enables them to realise their aspirations.

Brent Council holds the statutory duty to ensure sufficient school places for Brent children (Education Act 1996, Section 14). This strategy sets out how Brent will deliver sufficient school places in the context of these statutory duties, ensuring school place planning delivers the best quality of education provision and achievement of the best outcomes for Brent children.

The Brent School Place Planning Strategy 2024-28 sets out the Council's priorities and the principles that underpin the Council's approach to school organisation. The focus is to ensure there is sufficient capacity to meet demand for all pupils who require a place, while also maintaining the sustainability of provision where schools may be experiencing falling demand. For the purposes of school place planning, the borough is split into six primary and three secondary school planning areas. This strategy provides the likely demand in each planning area, alongside details about the measures available or necessary to support areas experiencing falling demand or under pressure for more places.

The strategy was first published in October 2023 and will receive an annual refresh update each autumn term until the end of 2027. This is to ensure any new factors that impact on pupil forecasts are considered and refine the Council's understanding of future need. This edition is the first refresh, dated November 2024 and highlights a deeper focus on Special Education Needs and Alternative Provision. A new five-year strategy will be published in autumn 2028.

### **1.1 The 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 defined ethnic groups of statutory school in Brent age are: Asian Indian (18.9%), White British (8.8%), White Eastern European (7.2%), Black Somali (6.1%), Black Caribbean (4.7%), Asian Pakistani (3.5%) and Afghan (3%). Undefined ethnic groups include Other – Any Other (6%), Asian – Other Asian (4.5%) and White – White Other (3.3%) (Source: January 2024 School Census).

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 classed as disadvantaged is 24% (2023/24), below the national figure of 25% and the London average of 27% (based on pupil premium allocations). The number of disadvantaged pupils in Brent is considered to be under reported. A cross Council working group has been focused on the auto enrolment of primary and

secondary aged Brent residents attending Brent schools who are eligible for Free School Meals but are not accessing this support. This is expected to result in an increase in pupils classed as disadvantaged.

## **1.2 School Effectiveness**

Over the last six 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.

There are 89 state schools in Brent. This includes 4 Nursery Schools, 2 all-through schools, 60 primary schools, 14 secondary schools, 6 special schools, 2 Pupil Referral Units and 1 Alternative Provision School.

The quality of education provision in the borough is high. At the end of the 2023-24 academic year, Ofsted had judged the overall effectiveness of 95.3% of Brent schools as good or outstanding. This put Brent 5.6% percentage points above the national average of 89.7% and 0.8% percentage points slightly below the London average of 96.1%. All maintained nurseries, pupil referral units and secondary schools including all-through schools have been judged good or outstanding. Three of the borough's five special schools are judged as outstanding.

In 2023, Brent's Strategic School Effectiveness Partnership Board approved a revised 'Strategic Framework for School Effectiveness in Brent 2023-2027'. 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 attainment of vulnerable children and priority groups to address disproportionate educational outcomes
- Supporting pupil wellbeing and mental health to support educational achievement
- Ensuring that school governance meets national quality expectations, and that governing boards are equipped to challenge school leaders to address the underperformance of groups in their schools
- Building leadership capacity across the borough including headteacher succession planning

## **2. Background Summary**

The Education Act 1996 requires that local authorities shall secure sufficient school places to provide primary and secondary education in their area. In exercising this duty, local authorities should have a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

Brent Council has overarching responsibilities for school admissions in the borough, co-ordinating admissions at Reception, Year 3 (transition from infant to junior school) and at secondary transfer in Year 7. This is as well as processing in-year admissions and ensuring a school place is offered for any child not already on roll at a suitable school.

In addition to securing school places for pupils aged five to 16, Brent 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 children aged nine months to statutory school age
- **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 all young people can stay in education or training until at least their 18<sup>th</sup> birthday.

Brent Council works with schools and multi-academy trusts to deliver its statutory duties, as well as local trusts and Dioceses and the Department for Education Regional Director where this involves academies and free schools.

Planning for places for children in Brent falls under these five separate strands.

- Childcare and early years provision
- Mainstream primary school provision
- Mainstream secondary school provision
- Post-16 provision
- SEND places and Alternative Provision

## **2.1 Childcare and Early Years Provision**

Alongside the statutory duty to provide school places, Brent Council has a duty to secure sufficient childcare and early education. Existing entitlements for parents and carers include 15 hours of free early education children 9+ months in working families, two-year-olds in low/no-income households or who are vulnerable and all 3 and 4-year-olds, and 30 hours for 3 and 4-year-olds from working families.

In March 2023 the government announced an expansion of these entitlements to include 15 hours free early education for children aged 9 months upwards from September 2024, with all children aged 9 months upwards from working families able to access 30 hours of free early education by September 2025. This was a significant change for the sector which has adapted, and many providers have already started delivering these new entitlements.

Since September 2017, the Council has administered the free entitlement for schools and private, voluntary and independent (PVI) providers. This enables a full overview of early years provision, monitoring the take up both at ward level and across the borough. Detailed sufficiency monitoring takes place each autumn in order to achieve a comprehensive picture of demand and availability of places for the new entitlements and identify where demand may outstrip supply. This exercise informs future sufficiency activity to target issues and gaps in provision.

The childcare sector is diverse within the borough, operating in the private, voluntary and independent (PVI) sectors, as well as through maintained provision. Provision for children before they reach statutory school age can include self-employed childminders operating from home, preschool play groups (often run by voluntary management committees), day nurseries (mainly privately run) and school-based provision. Childcare which supports school-age children (often known as 'out of school' or 'wraparound' childcare), could be offered by childminders, voluntary or private groups, and schools. In Brent, this mixed economy of 0-5 childcare provision currently sees 59% of free entitlement places delivered by the PVI sector and 41% by the maintained sector.

## **2.2 Demand for Primary Places**

Following consistent growth in the need for primary school places in Brent from 2006-2015, demand for primary school places across the Borough peaked in 2017 and has been declining since then. The latest Greater London Authority (GLA) projections indicate demand will continue to fall until at least 2029 where it will reach a level last seen in 2013. Longer term forecasts suggest that demand will rise again after this point, but for the purposes of this strategy primary projections are provided up to 2029. This is because projections are less reliable after this time due to uncertainty over future birth rates.

The fall in demand is a result of a number of factors including lower birth rates across the whole of London, the impacts of Brexit and the Covid-19 pandemic, which led to some migration away from the area, and more recently the cost of living crisis where families are finding they are unable to afford to move into the borough or remain living in the area.

Projections take into account growth in demand as a result of new housing developments in the borough and those just outside the borough border. Brent's housing target as set by the London Plan requires the delivery of 23,250 new homes by 2028/29. This is equivalent to one new home being built for every five that currently exist. Growth areas where new housing is focused are expected to increase demand for local schools.

While projections indicate overall falling primary demand across the borough with a high number of spare places as a result (around 20%), distribution of demand is not equal across the 6 primary school planning areas. Some areas of the borough may still see demand exceeding availability of places, whilst others have low demand at the same time. The local authority will continue to support individual schools and groups of schools in managing the impacts of reduced pupil numbers.

## **2.3 Demand for Secondary Places**

Demand for places in Year 7 has been increasing steadily since 2013. This is in response to increased numbers that have been coming through the primary phase and following through into the secondary phase. The local authority has responded to this growth in demand by overseeing expansions in secondary schools, and the North Brent School has also added new capacity to the secondary estate. It is expected this growth will now stabilise.

Secondary demand is also affected by inward migration to the borough, population mobility levels and parental choice. The latter is supported by the availability of free school transport for secondary aged children in London. Due to Brent's proximity to other boroughs, parents have a choice to send their children to secondary schools in Brent or further away. Brent engages with neighbouring boroughs to understand their planning assumptions about cross-border movement, which will impact on demand for places in Brent. Where and where neighbouring boroughs face increased demand for secondary school places, Brent parents will find it increasingly difficult to access places in out-of-borough secondary schools.

In 2024 825 out-of-borough offers were made to Brent residents, whereas 709 offers at Brent schools were made to out-of-borough residents (net -116). While Brent remains a net-exporter of secondary pupils, this is the smallest percentage of offers made to out-of-borough schools (25.1%) and the smallest net difference recorded over the past twelve years. This indicates more parents are recognising the quality of Brent secondary educational provision. Table 1 shows the number of Year 7 children living in each secondary planning area by the local authority of the school they were offered on national offer day in 2024.

*Table 1: Secondary offers by secondary planning area for Brent residents (Sept 2024)*

LA of offered school 2024	Brent resident planning area			
	PA North	PA West	PA South	Total
<b>Brent</b>	570	1051	955	<b>2576</b>
Brent %	<b>79.7%</b>	<b>92.4%</b>	<b>61.7%</b>	<b>75.7%</b>
<b>Barnet</b>	67	7	67	<b>141</b>
Bromley	0	1	0	<b>1</b>
<b>Camden</b>	2	1	91	<b>94</b>
<b>Ealing</b>	0	30	52	<b>82</b>
Essex	1	0	0	<b>1</b>
Hackney	0	0	1	<b>1</b>
<b>Hammersmith and Fulham</b>	1	3	28	<b>32</b>
Haringey	0	1	1	<b>2</b>
<b>Harrow</b>	54	18	7	<b>79</b>
Hertfordshire	9	4	4	<b>17</b>
Hillingdon	1	3	1	<b>5</b>
Hounslow	0	1	1	<b>2</b>
<b>Kensington and Chelsea</b>	1	0	77	<b>78</b>
Kent	0	1	0	<b>1</b>
Lancashire	0	1	0	<b>1</b>
Medway	1	0	0	<b>1</b>
Merton	0	0	1	<b>1</b>
Slough	2	8	1	<b>11</b>
Sutton	2	3	1	<b>6</b>
Tower Hamlets	0	1	0	<b>1</b>
<b>Westminster</b>	4	4	260	<b>268</b>
Non-Brent Total	145	87	593	825
Non-Brent %	<b>20.3%</b>	<b>7.6%</b>	<b>38.3%</b>	<b>24.3%</b>
<b>Grand Total</b>	<b>715</b>	<b>1138</b>	<b>1548</b>	<b>3401</b>

Overall, in the borough, there is sufficient built capacity to meet demand in Year 7 over the coming years. However, future projections show a consistent in-year growth which adds pressure to the local authority's ability to make offers at other points of entry to schools. As with primary demand, demand for secondary school places will be higher in some parts of the borough than others, as reflected in the analysis of demand for each of the three secondary school place planning areas in Brent.

Figure 1 shows Year 7 allocation cross-border flows with directly neighbouring authorities (based on national offer day data 2024).

Figure 1: Secondary children being educated across border for Year 7 in 2024/25



\*Imports are children who come into Brent to be educated and exports are those who live in Brent and are educated in out of borough schools.

## 2.4 SEND places and Alternative Provision

Despite lower pupil forecasts for mainstream places, demand for places that meet the needs of children and young people with Special Educational Needs and Disabilities (SEND) is increasing. This is due to a significant rise in the number of Education, Health and Care Plans (EHCPs) being issued, which set out the support for children and young people with SEND between the ages of 0 – 25 years of age.

The annual SEN2 analysis (January 2024) stated an annual growth rate in the number of maintained EHCP Plans of 7.7% between 2023 and 2024. This number has been approximately



10% over the last three years. The number of initial requests for assessment in Brent in 2022 was 28.8% higher than the year before.

Between 2023 and 2024 the number of EHC Plans increased across all age groups, with the highest increase in the under 5 age group (an increase of 42% compared to 25% nationally) and the 5 to 10 age group (9.7%, 11% nationally). Those aged 5 to 10 account for 38% of the maintained EHC Plan cohort, aged 11 to 15 accounts for 31% and those aged 16 to 19 account for 17%. 50% of new EHC Plans issued in 2023 were for children aged 5 to 10, 37% for children under 5, and 12% for those aged 11 to 15.

Addressing the sufficiency of local places for Brent children with SEND of both primary and secondary age, and for the 16-25 age group is a Council priority, not only to meet demand but to reduce dependency on out-of-borough independent special schools that are not close to families support networks. Brent Council has committed investment of over £44m to develop additional specialist places across mainstream and specialist provision, including a new secondary special school, that opened in September 2024 and will move into new facilities in September 2025, and a Post-16 Skills Resource Centre for young people with SEND. Despite the planned capital investment, increasing demand means that more local specialist places are needed, especially for primary aged pupils with SEND. This could include additional Additionally Resourced Provision (ARPs) and special school satellite provision (or both).

## **2.5 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 does not have a duty to manage places in this phase, but nevertheless works in partnership with schools and local colleges to ensure 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. This supports young people with their preparation for adulthood.

## **3. The Strategic Approach to Place Planning**

Between 2005 and 2017, demand for school places in Brent rose dramatically. This led to a widespread expansion programme which saw the creation of nearly 8000 additional permanent primary school places. In January 2006, there were 20,882 children attending a Brent primary school, which rose to a peak of 26,823 in January 2017. Since then, the number on roll has fallen to 25,142 in January 2024 and is forecast to continue falling over the next five years to around 24,200 by 2028/29. As a projection, these forecasts are subject to change, but are based on existing and historical attendance and migration patterns in the borough.

The rise in demand for primary school places has followed through into the secondary phase, where a number of school expansions have taken place to ensure a sufficient provision of places. The new North Brent School opened in 2020 and started to operate to its full capacity

as a six-form entry school from September 2024 on its permanent new site on Neasden Lane, Neasden.

Demand for school places is cyclical and therefore it is expected that after a period of sustained growth there will be a period of falling demand. London is experiencing a declining birth rate and this, in combination with migration 'shocks' brought about by Brexit, the Pandemic and now the cost-of-living crisis, is contributing to the current trend of falling demand in London which is being experienced by the borough of Brent.

The focus of the 2019 – 2023 School Place Planning Strategy was to ensure there was sufficient demand to meet supply in the borough. When it was published in November 2018, it referred to the development of two new primary schools, one of which was proposed in response to housing developments in Wembley Park to be delivered when demand indicated it would be required. Neither of these schools were progressed as during the lifespan of the previous strategy, (which was refreshed annually), updated forecasts indicated insufficient demand. In response to lower pupil projections, the local authority has implemented both informal and formal measures to reduce or remove capacity in Brent Primary Schools

The focus of the School Place Planning Strategy 2024 – 2028 is to ensure the sustainability of school places as and when populations fall, and the sufficiency of places when there is growth, working in partnership with Brent schools. Longer term general population forecasts suggest the population of Brent is projected to rise by between 17% and 27% between 2023 and 2041, and the child population aged under 16 is projected to rise by around 12% over the same period. Projected changes in the child age group are more uncertain as they are very sensitive to assumptions about future migration and birth patterns.

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 20% spare primary places at borough level over the next few years, which could rise as high as 30% by 2027/28 if no action is taken.

### **3.1. Place Planning Projections**

Regularly updated place planning projections underpin the school place planning process. The projections Brent and most other London authorities use to inform place planning are provided by the Greater London Authority (GLA) which 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 methodology and model:

- calculate 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.

- take 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.

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 those in the current projections.
- The Local Authority monitors both current and emerging local and national factors, such as post Brexit implications 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 are closely monitored.

### **3.2 Ensuring sufficiency of places during periods of growth in demand**

Where an area is projected to experience a sustained growth in demand, generally it is more cost effective to provide permanent places if they are needed for the longer term. However, there are times where site and time constraints mean this is not possible and 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 or technology) may need to be provided alongside standard classrooms. Students also need to access these facilities during the building process which makes expansion more challenging and can impact on cost.

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 approaches:

- Expanding existing schools that are judged to be good or better by Ofsted gives the Council greater confidence that additional provision will be good and it will be popular.

It also helps to maintain stability in the existing school system. School expansion projects need to be well managed to avoid impacting on standards and on any particular groups of children and young people who are under-achieving. Expansions of existing provisions 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 schools offer a chance to provide new learning environments and to attract high quality providers. Current legislation requires new schools to be free schools/academies and the DfE Regional Director, acting on behalf of the Secretary of State, decides if a school should open. In a borough such as Brent there are considerable challenges in finding suitable sites for new schools. New schools are either funded by the Department of Education or by the Council when the new school presumption process is followed.

### **3.3 Supporting schools and planning areas with falling demand.**

When demand for school places falls significantly and the number of spare places increases, this can cause difficulties for individual schools in particular in managing staffing requirements and school budgets. Where this occurs, the Council analyses a range of local data, including but not limited to recent intakes, parental preferences, availability of places within the local area, the communities served by schools, school standards and building condition and recent/required investment, before recommending strategies to support the sustainability of school provision in a given area. A School Place Planning Working Group, comprising officers and headteachers was established in the 2022/23 academic year and leads on both review place planning within individual planning areas and thematic school place planning.

A range of options may be employed to support schools or groups of schools with falling demand as set out below. Any decision to reduce capacity has to be carefully considered in the context of the medium and long-term need for school places for all children, including those with SEND. The current cost of developing a new, medium sized primary school in London ranges from £10 - £20 million and is dependent on the site and existing facilities. Brent Council has already invested significant money into developing new and expanded primary and secondary school provision across the borough in response to the most recent episode of rising demand, which needs to be protected for when demand increases in the future.

#### **3.3.1 Reductions to Published Admission Numbers (PAN)**

A reduction to a school's Published Admission Number (PAN) reduces their official intake, normally by one or more forms of entry. This can help undersubscribed schools to manage their budgets more efficiently, with the aim that of the revised PAN being in line with demand. PAN reductions are subject to formal consultation and therefore can take up to two years to implement. They cannot be employed for every undersubscribed school in an area as the local authority needs to maintain some spare capacity for in-year admissions.

There are currently a number of primary and secondary schools in Brent with Published Admission Numbers below their built or net capacity. This means that we currently have the

option to negotiate with schools to increase PANs if there is sustained rising demand in a planning area.

### **3.3.2 Informal capping arrangements**

Informal caps can support schools by limiting their intake in a particular year group where demand is below PAN. However, implementing informal caps is not a long-term sustainable solution nor does it allow for good school organisation planning. Informal caps could be a possible solution in an arrangement where two schools work together to manage admissions. For example, where there is agreement to limit admissions in one school to actively facilitate fuller classes in the other. The advantage of informal capping arrangements is that they can be implemented quickly in response to a current situation and can easily be removed if there is an increase in demand in an area. For example, a three-form entry school that has only made 55 offers for a new Reception cohort may request to operate as a two-form entry for the cohort. This would mean any subsequent in-year offers would stop once the cohort reaches 60 pupils. The informal CAPs in place in Brent will be reviewed in early 2025 to support the utilisation of spare capacity for primary SEND provision.

### **3.3.3 Utilising spare capacity for SEND and Alternative Provision**

Spare classrooms that are unlikely to be required in the longer-term can be used for alternative use, such as Additionally Resourced Provision (ARP) for children with SEND or primary special satellite provision. Any long-term alternative use of spare capacity must be agreed by the local authority, to ensure the places are not likely to be required to support either local demand or demand in neighbouring planning areas. The use of spare capacity in the mainstream school estate for additional SEND places is currently being explored. This would deliver value for money by repurposing current buildings to meet identified areas of demand. This could also include consideration of relocating schools to new sites if this offered the potential for expansion to meet increasing demand.

### **3.3.4 Hard Federation**

A Hard Federation is where two schools formally join in partnership under one governing board and one leadership team. This arrangement can provide the opportunity for schools to share best practice and resources and can assist the budgets of small schools. A hard federation does not necessarily address the issue of reduced demand but could be used in conjunction with other strategies to manage the impacts of falling demand on school budgets.

### **3.3.5 Amalgamation**

An Amalgamation is where two schools join together to form one school. Typically, this involves infant and junior schools merging to become one primary school. However, an amalgamation can also be used to join two schools together in the same area where the existing schools are undersubscribed. Amalgamated schools benefit from the same opportunities as federated schools, but also benefit from operating from only one site, which offers additional economies of scale.

### 3.3.6 Removing capacity from the Primary Estate

Brent works collaboratively with schools in identifying solutions for a local area where a school reorganisation is considered to be the best way to ensure the sustainability of local provision. Legislation provides the Council with the authority to close community schools or to require them to amalgamate (and to instruct community schools to expand). It does not have the same authority over academies, Foundation or Voluntary Aided schools, as this sits with the DfE's Regional Director. The local authority undertakes informal consultation with stakeholders on proposals to cease provision to ensure their views are considered before any decision to proceed to formal consultation is taken in line with the relevant statutory guidance.

## 4. School Place Planning Strategy Priorities and Principles

Brent's priorities over the course of this strategy years are:

- To continue to monitor and support those planning areas experiencing or anticipated to experience growth and high demand to ensure the sufficiency of local places is maintained.
- To support sustainability of individual schools and planning areas experiencing falling demand.
- To ensure any measures taken that remove capacity from Brent schools do not negatively impact on the need to ensure sufficient places in the future.
- To continue to develop and implement strategies for increasing the level of SEND provision within the borough to meet children's needs.

### 4.1. Brent's operating principles for school organisation

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

- 1: The local authority works in partnership with all schools to meet the sufficiency and sustainability of school places in Brent, putting in place effective strategies to manage changing demand.*
- 2: The needs of all children and young people, including those with SEND and vulnerable groups, underpin all school place planning activity.*
- 3: The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2023-2027 and inclusive schools.*
- 4: School leaders are supported to manage the challenges of school reorganisations where there are expansions or reductions to capacity.*
- 5: Inclusive provision will be considered in all school organisation proposals and the local authority will work with neighbouring authorities on the planning of special school places.*
- 6: All school buildings will be of good quality and safe. Any changes to school buildings should meet government guidance on space standards but innovative design solutions will also be considered where it is value for money to do so.*
- 7: Any expansions of school places, including in academies and voluntary aided schools, will only be supported where there is agreed local Brent demand.*

- 8: *The local authority works to develop local capacity to sponsor new schools, working with academies in all phases.*
- 9: *How the community can benefit from school facilities will be considered in all school organisation proposals.*
- 10: *Local communities will be consulted as part of the planning process to minimise/mitigate the impact of school organisation proposals*
- 11: *After assessing educational suitability, any reorganisation proposals will be judged in terms of value for money, ability to deliver and strategic fit with wider investment programmes.*

## **5. School Place Planning Strategy Measures of Success**

The impact of this strategy will be measured by the following outcomes:

- All Brent schools are good or outstanding (*as per applicable Ofsted gradings at the time*).

This was 98.8% at the end of the 2022/23 academic year and 95.3% at the end of the 2023/2024 academic year. The reduction in performance is the result of one primary school moving into the inadequate category and one primary school judged as requires improvement that awaits a further re-inspection.

- Children are able to access education close to home (under two miles for children under 8 and 3 miles for children up to Year 6; within 75 minutes travel time for secondary aged children).

This was the case in November 2023 and remains the same as of November 2024

- Brent net exportation of secondary school pupils reduces over the duration of this strategy to 25% with a stretch target of below 25%.

The baseline was 25.8% for the 2023 Year 7 intake and for 2024 Year 7 intake is now 25.1%, showing an improving position.

- An increase in local SEND places in the borough will lead to a reduction in the use of out-of-borough placements and placements in independent non-maintained special schools.

The percentage of placement spend on the independent, non-maintained special school (INMSS) (Lower is better) remains consistent at 18.5%.

- The take up rate of free childcare entitlements in the borough increases over the course of the strategy to 70% for two-year-olds and 80% for 3 and 4-year-olds.

The baseline was 65.4% for two-year entitlement and 79.3% for 3 and 4-year-olds in January 2023. In January 2024 take-up of two-year-old free entitlements was 59.2% and for 3 and 4 year-olds it was 84.8% in January 2024. The 9.5% decrease in take-up of the two-year entitlement is reflective of a 7% national decrease in take-up. This is attributed to three main factors in Brent which also mirror national trends: i) falling birth rate in recent years, ii) the

transition to universal credit from legacy benefits, and iii) income thresholds for the eligibility criteria remaining unchanged whilst average incomes have risen in recent years.

## 6. Childcare and Early Years Provision

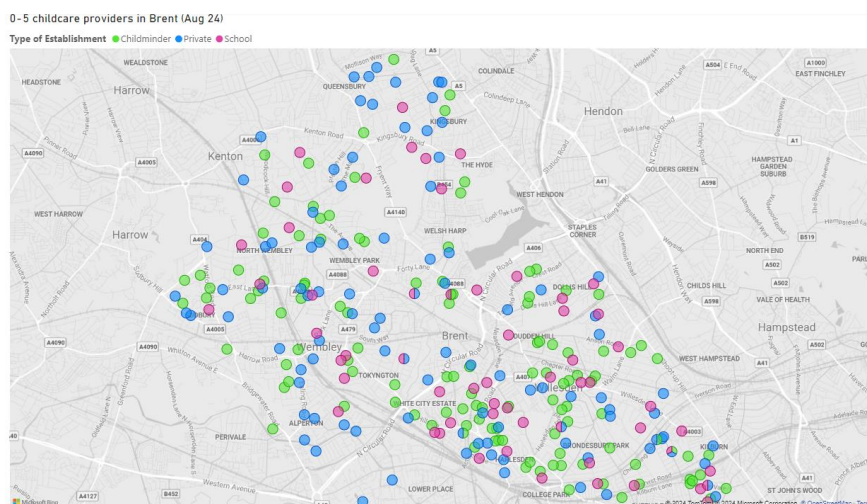
### 6.1 Early Years Provision

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) 2021-2023 showed an overall increase in the number of PVI providers in the borough and a reduction in places in maintained and childminder provision. As of August 2024, there were 290 providers including private, voluntary and independent nurseries (PVIs), childminders, nursery classes in schools and maintained nursery schools in Brent. Places for children aged two and under are largely delivered by the PVI sector and childminders.

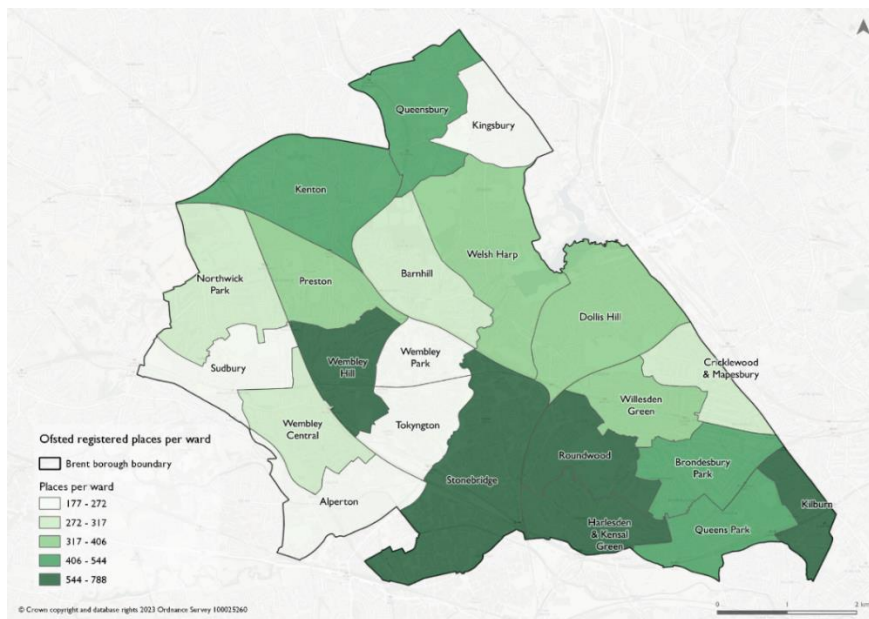
There has been an overall decrease in the number of childminder providers in the borough since 2015 with some moving out of the borough and others resigning as registered childminders. This decrease in provision is reflective of a nation-wide trend. Closures have also been seen amongst group providers in the last 12 months, some quoting rental increases and reduction in demand. Nonetheless there have been other providers who have moved premises to expand and new providers entering the market, indicating an ongoing demand for places.

Figure 2: 0-5 childcare providers in Brent as of August 2024

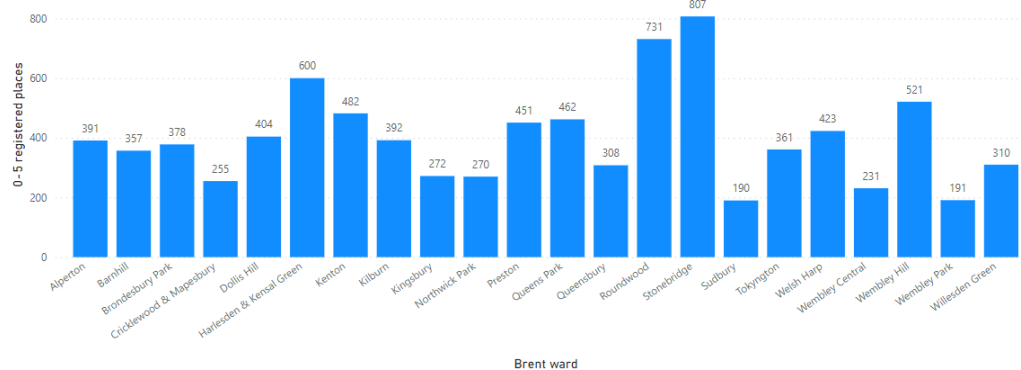




Figures 3 & 3a: Distribution of childcare places in Brent



Registered places 0-5



## 6.2 Take up of Early Years Entitlements

Take-up of the free entitlements to childcare for 3 and 4-year-olds has improved in Brent as a result of a focus on increasing take-up through ongoing marketing and promotion, raising awareness of entitlements with partners and parents, and the benefits of taking up entitlements for the children and also for parents, to be freed up to take up training or employment. Figures on take-up are provided to local authorities by the Department for Education (DfE) on an annual basis in the summer of each year based on January census returns. The last release of these figures (June 2024) indicated take-up in Brent as of January 2024 was 84.8% for 3 and 4-year-olds. This is an increase of 5.5% on the previous year (79.3%) and brings Brent in line with the London average. The percentage take-up of the two-year entitlement for low/no income families lowered to 59.2%. This reflects a decrease of 6.2% on the take up in 2023 (65.4%) and is below the London average of 66.9%.

### **6.3 Expansion of Early Years Entitlements**

In March 2023, the government announced a significant expansion of early years childcare entitlements to take effect between April 2024 and September 2025. The first phase of implementation began with the introduction of 15 hours for 2 year olds in working families in April 2024 and this will be followed by 15 hours for children 9+ months in working families from September. In September 2025 this will expand further to offer 30 hours of funded childcare for children between nine months and five years in working families.

The council has been in ongoing contact with Brent early years providers to identify their intentions regarding their offer in the context of the new entitlements. As of October 2024 90% of PVI settings and 67% of childminders have confirmed they are offering places for 2 year olds in low/no-income or otherwise vulnerable families. 95% of PVI settings and 67% of childminders are offering places for 2 year olds in working families. 76% of PVIs and 64% of childminders are offering places to children under 2 in working families, which encompasses provision for children 9+ months.

In the first term of the implementation 567 two-year-olds in working families took up a place. The Children and Families Information service did not receive any reports of families unable to take up their entitlement. Some families may have accessed an eligibility code but been unable or chosen not to use it. Detailed sufficiency mapping takes place each term monitoring take up on a borough-wide and ward specific level. This continues to track demand for and availability of places for the new entitlements and identify where demand may outstrip supply and gaps in provision in the borough.

The promotional campaign continues across the borough to ensure parents and carers are aware of the new entitlements, eligibility criteria and process for accessing the entitlements continues. This activity will be part of the on-going drive to increase the take up rate of free childcare entitlements in the borough.

The impact of the introduction of these additional entitlements will continue to be monitored, especially the possible impact on the availability of places for the two-year entitlement (15 hours) for disadvantaged children in low/no-income families. This may occur if providers choose to offer more places for two-year-olds from working families who can get a maximum of 30 free hours. There are also concerns about the sufficiency of places for children with SEND as some parents are already struggling to find places for their children with SEND, and there is a concern that this situation could be exacerbated.

## **7. Primary School Place Planning**

A borough-wide fall in demand for places is projected to continue over the next five years as shown in Graph 1. Longer term projections, although less reliable for primary forecasts, indicate demand will rise after 2028/2029 (led by a rise in the birth rate from 2023/24).

Graph 1: Primary numbers on roll and projections as of January each year up to 2029

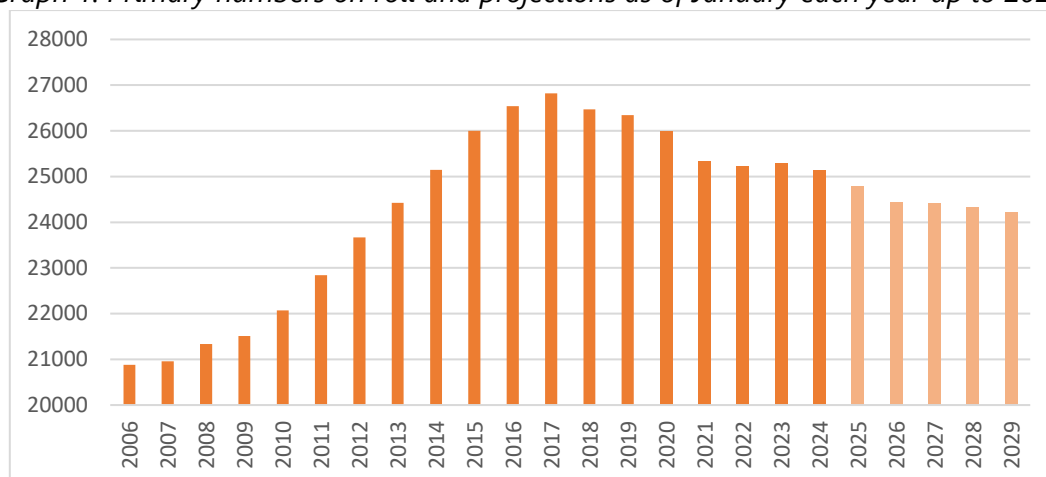


Table 2 shows that borough-wide there is sufficient capacity to meet anticipated demand across all primary year groups up to 2028/29 and to manage in-year pupil mobility.

Table 2: Primary forecasts 2024 (Green means more than 5% capacity)

Whole borough	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2024/2025	Capacity	4,187	4,187	4,187	4,187	4,187	4,187	4,187
	Projection	3418	3465	3582	3611	3563	3558	3590
	Surplus	769	722	605	576	624	629	597
	Surplus Percentage	18%	17%	14%	14%	15%	15%	14%
2025/2026	Capacity	4,187	4,187	4,187	4,187	4,187	4,187	4,187
	Projection	3269	3397	3454	3557	3617	3573	3574
	Surplus	918	790	733	630	570	614	613
	Surplus Percentage	22%	19%	18%	15%	14%	15%	15%
2026/2027	Capacity	4,187	4,187	4,187	4,187	4,187	4,187	4,187
	Projection	3451	3276	3394	3461	3581	3651	3596
	Surplus	736	911	793	726	606	536	591
	Surplus Percentage	18%	22%	19%	17%	14%	13%	14%
2027/2028	Capacity	4,127	4,127	4,127	4,127	4,127	4,127	4,127
	Projection	3401	3451	3280	3396	3486	3621	3682
	Surplus	726	676	847	731	641	506	445
	Surplus Percentage	18%	16%	21%	18%	16%	12%	11%
2028/2029	Capacity	4,127	4,127	4,127	4,127	4,127	4,127	4,127
	Projection	3527	3395	3440	3281	3411	3517	3646
	Surplus	600	732	687	846	716	610	481
	Surplus Percentage	15%	18%	17%	20%	17%	15%	12%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity and red = shortfall

Table 3 shows forecast Reception intakes against capacity. This suggests over the next five years that Reception cohorts will remain stable (with intermittent fluctuations) at a lower demand level than has been seen in recent years. This is consistent with the falling birth rates levelling off as seen in Table 4. The indicated level of spare capacity across the system will place budgetary strain on some schools. Section 3 of this strategy outlines the options available to schools and the

borough to promote the sustainability of schools under budgetary pressures due to falling demand.

*Table 3: Reception forecasts against capacity*

Year	Reception projected intake	Reception capacity	Spare places	% spare places	Spare places as forms of entry
2024/25	3418	4187	769	18.4%	25
2025/26	3269	4187	918	21.9%	30
2026/27	3451	4187	736	17.6%	24
2027/28	3401	4127	726	17.6%	24
2028/29	3527	4127	600	14.5%	20

*Table 4: Births in Brent (by academic year)*

Academic Year	Number of births in Brent (Source ONS mid-year estimates/GLA Projections)	Reception entry (September following 4 <sup>th</sup> birthday)
2018/19	4814	2024/25
2019/20	4794	2025/26
2020/21	4441	2026/27
2021/22	4481	2027/28
2022/23	4449	2028/29
2023/24	4577	2029/30
2024/25	4636	2030/31
2025/26	4734	2031/32
2026/27	4864	2032/33
2027/28	4992	2033/34
2028/29	5092	2034/35

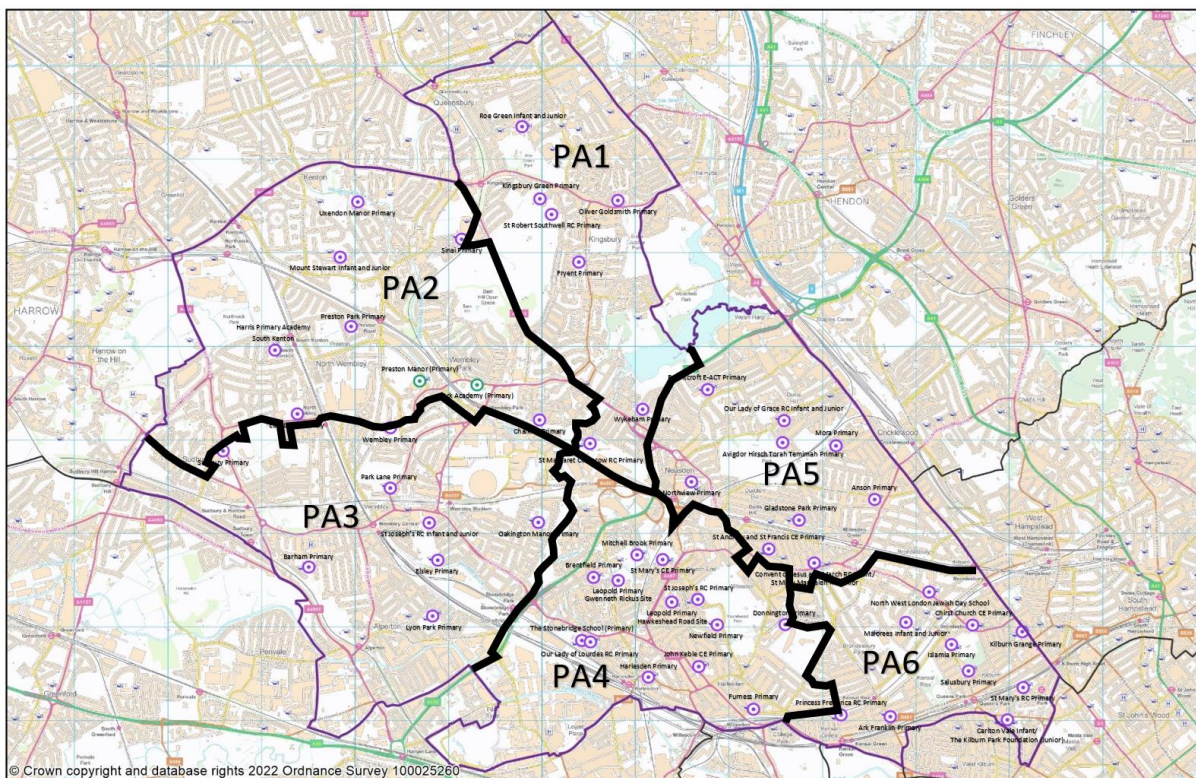
The number of on-time applications for Reception in 2024 rose for the second consecutive year, which was counter to the trend of reduced applications across London. This has been attributed in part to more visible advertising for Reception applications and the development of Admission open events held across the Borough's Family Wellbeing Centres. On time applications are important for all normal points of entry as they provide the greatest opportunity for parents to receive an offer for a preference school and schools are better placed to manage forms of entry, classroom and staff numbers.

## 7.1 Primary Planning Areas

The local authority uses planning areas to identify local trends in demand which help to inform place planning decisions to ensure children can attend a school within a reasonable distance. (In the primary phase a “reasonable offer” is a school offer that is made within 2 miles of home for children under 8 years old, and 3 miles for older children). The borough is divided into six primary planning areas to help ensure places are provided near to where children live. However, in reality children can travel across planning areas to attend school, particularly when they live close to the borders.

All planning areas are aligned with the 2022 ward boundaries. This provides a clearer picture of demand as GLA projections are also based on these wards.

Figure 4: Brent Primary Planning Areas



### Key to Planning Area tables

For each of the primary and secondary projection tables in each of the planning area, the shading relates to the percentage of surplus places available.

More than 5% capacity (Red text = 15%+ spare capacity)	5% spare capacity	Less than 5% spare capacity	Shortfall of places
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## Primary Planning Area 1

<b>Wards</b>	Kingsbury, Queensbury and Welsh Harp
<b>Schools</b>	Fryent Primary School, Kingsbury Green Primary School, Oliver Goldsmith Primary School, Roe Green Infant School, Roe Green Junior School, St Margaret Clitherow RC Primary School, St Robert Southwell RC Primary School, Wykeham Primary School

**Demand:** The January 2024 projections indicate demand in Planning Area 1 will fall slightly before recovering to current levels over the next 5 years. It is projected that some year groups will see the spare places fall below the 5% margin the LA aims to maintain, resulting in a small deficit in some year groups. It is anticipated places in the neighbouring planning areas (2, 4 and 5) will accommodate these pressures. Some mainstream capacity in the planning area is being used to provide SEN Alternative Resource Provision (ARP) places.

**Planned action:** Primary Planning Area 1 has been subject to a review in January 2023 by the School Place Planning Steering Group in Brent to identify strategies to ensure sufficient supply of places in some year groups, while identifying strategies to manage excessive surplus capacity in others. No area wide action is considered necessary and individual schools will continue to be supported as need arises. The Planning Area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 5: Planning Area 1 2024 projections and capacity

PA 1	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2024/2025	Capacity	510	510	510	510	510	510	510
	Projection	488	498	501	503	508	476	472
	Surplus	22	12	9	7	2	34	38
	Surplus Percentage	4%	2%	2%	1%	0%	7%	7%
2025/2026	Capacity	510	510	510	510	510	510	510
	Projection	452	487	493	498	503	509	467
	Surplus	58	23	17	12	7	1	43
	Surplus Percentage	11%	5%	3%	2%	1%	0%	8%
2026/2027	Capacity	510	510	510	510	510	510	510
	Projection	483	457	485	489	503	507	504
	Surplus	27	53	25	21	7	3	6
	Surplus Percentage	5%	10%	5%	4%	1%	1%	1%
2027/2028	Capacity	510	510	510	510	510	510	510
	Projection	469	486	456	477	492	507	498
	Surplus	41	24	54	33	18	3	12
	Surplus Percentage	8%	5%	11%	6%	4%	1%	2%
2028/2029	Capacity	510	510	510	510	510	510	510
	Projection	482	470	480	449	478	494	498
	Surplus	28	40	30	61	32	16	12
	Surplus Percentage	5%	8%	6%	12%	6%	3%	2%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Primary Planning Area 2

<b>Wards</b>	Barnhill, Kenton, Northwick Park and Preston
<b>Schools</b>	Ark Academy, Chalkhill Primary School, East Lane Primary School, Harris Primary Academy South Kenton, Mount Stewart Infant School, Mount Stewart Junior School, Preston Manor Lower School, Preston Park Primary School, Sinai Jewish Primary School, Uxendon Manor Primary School.

**Demand:** The January 2024 projections indicate demand in the planning area will remain relatively stable over the next four years before starting to rise beyond that point. Projected surplus places are above the 5% margin across all year groups and parents in this planning area have increased choice of provision. Planning Area 2 includes the Northwick Park growth area and this may generate additional demand at some point in the future.

**Planned action:** There is no current requirement to make any changes to the provision in this planning area and in the short term, surplus places could be managed with the use of strategies to manage surplus capacity, for example agreeing informal capping arrangements with individual schools, as well as supporting any pressures in planning area 3 detailed below. The Planning Area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 6: Planning Area 2 2024 projections and capacity

PA 2	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2024/2025	Capacity	870	870	870	870	870	870	870
	Projection	705	725	736	729	721	698	733
	Surplus	165	145	134	141	149	172	137
	Surplus Percentage	19%	17%	15%	16%	17%	20%	16%
2025/2026	Capacity	870	870	870	870	870	870	870
	Projection	657	715	728	730	733	720	704
	Surplus	213	155	142	140	137	150	166
	Surplus Percentage	24%	18%	16%	16%	16%	17%	19%
2026/2027	Capacity	870	870	870	870	870	870	870
	Projection	706	670	715	724	733	735	723
	Surplus	164	200	155	146	137	135	147
	Surplus Percentage	19%	23%	18%	17%	16%	16%	17%
2027/2028	Capacity	870	870	870	870	870	870	870
	Projection	699	718	673	715	727	735	739
	Surplus	171	152	197	155	143	135	131
	Surplus Percentage	20%	17%	23%	18%	16%	16%	15%
2028/2029	Capacity	870	870	870	870	870	870	870
	Projection	728	710	717	675	717	726	739
	Surplus	142	160	153	195	153	144	131
	Surplus Percentage	16%	18%	18%	22%	18%	17%	15%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

### Primary Planning Area 3

<b>Wards</b>	Alperton, Sudbury, Tokyngton, Wembley Central, Wembley Hill and Wembley Park
<b>Schools</b>	Barham 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, Sudbury Primary School, Wembley Primary School

**Demand:** Planning Area 3 includes two major growth areas in Wembley Central and Alperton and the latest projections are similar to previous years, indicating a rising demand. They suggest that over the next 5 years, most year groups will be at or below the 5% surplus margin, with some year groups operating with no surplus capacity, particularly in Key Stage Two.

**Planned action:** Longer term forecasts indicate there may be a continued increase in demand in this planning area, which would be consistent with pre-pandemic projections. The planning area will remain under review to ensure children can access local places. Planning Area 3 is adjacent to Planning Area 2 and Planning Area 4 which each have surplus capacity. It is anticipated this surplus capacity would be used to accommodate excess demand before any need to consider any expanding provision in Planning Area 3.

Table 7: Planning Area 3 2024 projections and capacity

PA 3	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2024/2025	Capacity	820	820	820	820	820	820	820
	Projection	773	797	806	813	824	837	827
	Surplus	47	23	14	7	-4	-17	-7
	Surplus Percentage	6%	3%	2%	1%	0%	-2%	-1%
2025/2026	Capacity	820	820	820	820	820	820	820
	Projection	744	790	798	816	825	841	852
	Surplus	76	30	22	4	-5	-21	-32
	Surplus Percentage	9%	4%	3%	0%	-1%	-3%	-4%
2026/2027	Capacity	820	820	820	820	820	820	820
	Projection	826	774	795	815	833	855	857
	Surplus	-6	46	25	5	-13	-35	-37
	Surplus Percentage	-1%	6%	3%	1%	-2%	-4%	-5%
2027/2028	Capacity	820	820	820	820	820	820	820
	Projection	839	849	779	813	830	858	872
	Surplus	-19	-29	41	7	-10	-38	-52
	Surplus Percentage	-2%	-4%	5%	1%	-1%	-5%	-6%
2028/2029	Capacity	820	820	820	820	820	820	820
	Projection	878	851	843	791	820	847	868
	Surplus	-58	-31	-23	29	0	-27	-48
	Surplus Percentage	-7%	-4%	-3%	4%	0%	-3%	-6%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall



## Primary Planning Area 4

<b>Wards</b>	Harlesden & Kensal Green, Roundwood and Stonebridge
<b>Schools</b>	Brentfield Primary School, Donnington Primary School, Furness 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, The Stonebridge School.

**Demand:** Planning Area 4 has very high levels of surplus places and the latest projections indicate there will be a further reduction in demand. In the longer term, the area will serve some of the new housing being built as part of the Old Oak and Park Royal redevelopment scheme.

**Planned action:** Brent Council has started the process to address excess capacity in the area as it is having a detrimental impact on some schools who have reduced pupil numbers and associated budget management pressures. Measures include the reduction of the PAN at Mitchell Brook Primary School from September 2025 and the phased closure of the Gwenneth Rickus site of Leopold Primary School in July 2027. Further action is being considered which may include utilising spare capacity for the creation of Primary SEND places. As there is a projection of higher demand in the adjacent Planning Area 3, it is expected some capacity may be taken up by children from this area.

Table 8: Planning Area 4 2024 projections and capacity

PA 4	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2024/2025	Capacity	855	855	855	855	855	855	855
	Projection	520	517	546	585	557	591	564
	Surplus	335	338	309	270	298	264	291
	Surplus Percentage	39%	40%	36%	32%	35%	31%	34%
2025/2026	Capacity	855	855	855	855	855	855	855
	Projection	508	504	515	546	587	556	606
	Surplus	347	351	340	309	268	299	249
	Surplus Percentage	41%	41%	40%	36%	31%	35%	29%
2026/2027	Capacity	855	855	855	855	855	855	855
	Projection	521	496	504	521	554	589	574
	Surplus	334	359	351	334	301	266	281
	Surplus Percentage	39%	42%	41%	39%	35%	31%	33%
2027/2028	Capacity	795	795	795	795	795	795	795
	Projection	516	514	499	513	533	562	613
	Surplus	279	281	296	282	262	233	182
	Surplus Percentage	35%	35%	37%	35%	33%	29%	23%
2028/2029	Capacity	795	795	795	795	795	795	795
	Projection	537	511	518	510	525	544	588
	Surplus	258	284	277	285	270	251	207
	Surplus Percentage	32%	36%	35%	36%	34%	32%	26%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Primary Planning Area 5

<b>Wards</b>	Cricklewood & Mapesbury, Dollis Hill and Willesden Green
<b>PA5 Schools</b>	Anson Primary School, Avigdor Hirsch Torah Temimah Primary School, Braintcroft E-ACT Primary Academy, Convent of Jesus and Mary Infant School, Gladstone Park Primary School, Mora Primary School, Northview Primary School, Our Lady of Grace Infant and Nursery School, Our Lady of Grace RC Junior School, St Andrew & St Francis CE Primary School, St Mary Magdalen's RC Junior School.

**Demand:** The latest projections show that there will be a small drop in demand over the next five years, but surplus capacity is comfortable for place planning purposes (5%). Longer term projections, which are less reliable, indicate a sustained rise in demand starting from 2028/29.

**Planned action:** There are no current or planned actions in Planning Area 5. The planning area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 9: Planning Area 5 2024 projections and capacity

PA 5	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2024/2025	Capacity	557	557	557	557	557	557	557
	Projection	496	497	523	511	510	510	509
	Surplus	61	60	34	46	47	47	48
	Surplus Percentage	11%	11%	6%	8%	8%	8%	9%
2025/2026	Capacity	557	557	557	557	557	557	557
	Projection	481	488	493	519	509	507	507
	Surplus	76	69	64	38	48	50	50
	Surplus Percentage	14%	12%	11%	7%	9%	9%	9%
2026/2027	Capacity	557	557	557	557	557	557	557
	Projection	488	476	484	496	518	507	506
	Surplus	69	81	73	61	39	50	51
	Surplus Percentage	12%	15%	13%	11%	7%	9%	9%
2027/2028	Capacity	557	557	557	557	557	557	557
	Projection	466	483	473	479	494	517	508
	Surplus	91	74	84	78	63	40	49
	Surplus Percentage	16%	13%	15%	14%	11%	7%	9%
2028/2029	Capacity	557	557	557	557	557	557	557
	Projection	479	463	481	469	479	493	519
	Surplus	78	94	76	88	78	64	38
	Surplus Percentage	14%	17%	14%	16%	14%	11%	7%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Primary Planning Area 6

<b>Wards</b>	Brondesbury Park, Kilburn and Queens Park
<b>PA6 Schools</b>	Ark Franklin Academy, Carlton Vale Infant School, Christchurch CE Primary School, Islamia Primary School, Kilburn Grange Primary School, Malorees Infant School, Malorees Junior School, North West London Jewish Day School, Princess Frederica CE Primary School, Salusbury Primary School, St Mary's RC Primary School, The Kilburn Park Foundation School

**Demand:** Projections for Planning Area 6 show a slight decline in demand over the next four years. In the longer term, housing developments are expected to impact on demand in this area. Islamia Primary School is likely to relocate to another site in Brent, and if this is outside of this planning area, it will remove 2FE of capacity from the area and change local demand patterns.

**Planned action:** Carlton Vale Infant School and Kilburn Park Junior School have formed a Hard Federation as a first step towards becoming a single primary school on one site as part of the South Kilburn Regeneration Programme. The size of the school will confirm to the principles of sustainability and sufficiency of school place planning. A relocation of Islamia Primary School could see an increase in demand for local places. There would be enough local capacity for local children who might have attended the school to access spare places in other schools. As part of the South Kilburn regeneration programme, school places in the Planning Area will remain under review.

Table 10: Planning Area 6 2024 projections and capacity

PA 6	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2024/2025	Capacity	575	575	575	575	575	575	575
	Projection	438	430	470	470	444	445	483
	Surplus	137	145	105	105	131	130	92
	Surplus Percentage	24%	25%	18%	18%	23%	23%	16%
2025/2026	Capacity	575	575	575	575	575	575	575
	Projection	427	414	426	448	461	441	438
	Surplus	148	161	149	127	114	134	137
	Surplus Percentage	26%	28%	26%	22%	20%	23%	24%
2026/2027	Capacity	575	575	575	575	575	575	575
	Projection	426	402	411	417	441	459	434
	Surplus	149	173	164	158	134	116	141
	Surplus Percentage	26%	30%	29%	27%	23%	20%	25%
2027/2028	Capacity	575	575	575	575	575	575	575
	Projection	410	402	400	398	411	441	450
	Surplus	165	173	175	177	164	134	125
	Surplus Percentage	29%	30%	30%	31%	29%	23%	22%
2028/2029	Capacity	575	575	575	575	575	575	575
	Projection	423	390	401	388	393	413	435
	Surplus	152	185	174	187	182	162	140
	Surplus Percentage	26%	32%	30%	33%	32%	28%	24%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## 8. Secondary school place planning

Year 7 demand over the next seven years is expected to remain steady with the latest forecasts projecting slight fluctuations each year. Demand is projected to be below the level of available capacity and therefore the LA is confident there is sufficient capacity to meet Year 7 demand for the near future.

Brent has traditionally been a net exporter of secondary pupils, but the borough has seen a recent increase in parental preference for Brent secondary schools due to the sustained quality of local schools. The percentage of Brent pupils offered an out-borough school on National Offer Day has fallen from a high of 28.3% in 2017 to 25.1% in 2024. These factors have been taken into consideration in the projection figures for secondary schools and it is possible future demand for individual schools could increase further.

*Table 11: Year 7 projections and planned capacity*

<b>Year</b>	<b>Year 7 projected intake</b>	<b>Year 7 places available</b>	<b>Surplus</b>	<b>Surplus</b>
2024/25	3134	3688	554	15.02%
2025/26	3084	3688	604	16.38%
2026/27	3147	3688	541	14.67%
2027/28	3246	3688	442	11.98%
2028/29	3179	3688	509	13.80%
2029/30	3134	3688	554	15.02%
2030/31	3118	3688	570	15.46%

Table 12 shows borough wide forecasts for all year groups and indicates a comfortable operating margin of at least 5% spare places in all year groups except Year 11 in the current academic year.

Table 12: Secondary projections 2024 and capacity

Whole borough	Dataset	Year 7	Year 8	Year 9	Year 10	Year 11
2024/2025	Capacity	3,688	3,688	3,745	3,766	3,779
	Projection	3134	3340	3332	3380	3464
	Surplus	554	348	413	386	315
	Surplus Percentage	15%	9%	11%	10%	8%
2025/2026	Capacity	3,688	3,688	3,688	3,745	3,766
	Projection	3084	3162	3375	3379	3460
	Surplus	604	526	313	366	306
	Surplus Percentage	16%	14%	8%	10%	8%
2026/2027	Capacity	3,688	3,688	3,688	3,688	3,745
	Projection	3147	3126	3213	3440	3487
	Surplus	541	562	475	248	258
	Surplus Percentage	15%	15%	13%	7%	7%
2027/2028	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3246	3189	3183	3286	3571
	Surplus	442	499	505	402	117
	Surplus Percentage	12%	14%	14%	11%	3%
2028/2029	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3179	3276	3233	3245	3389
	Surplus	509	412	455	443	299
	Surplus Percentage	14%	11%	12%	12%	8%
2029/2030	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3134	3210	3314	3291	3339
	Surplus	554	478	374	397	349
	Surplus Percentage	15%	13%	10%	11%	9%
2030/2031	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3118	3167	3251	3375	3382
	Surplus	570	521	437	313	306
	Surplus Percentage	15%	14%	12%	8%	8%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## 8.1 Actions to respond to changes in demand

The North Brent School, that was approved by DfE in 2016 to provide 180 places per year (6 Form Entry) and officially opened in September 2020 on a temporary site in Wembley, has moved to its permanent site in Neasden operating at full capacity in September 2024.

A number of secondary schools have previously expressed an interest in expanding should additional places be required to meet demand. It is unlikely this will be required during the life of this current strategy for Year 7 but is not something which has been formally ruled out and will be reviewed as part of the annual refresh of this strategy and in particular for higher year groups. The local authority is currently employing a strategy of working with schools with existing spare built capacity (due to the employment of informal capping arrangements), to

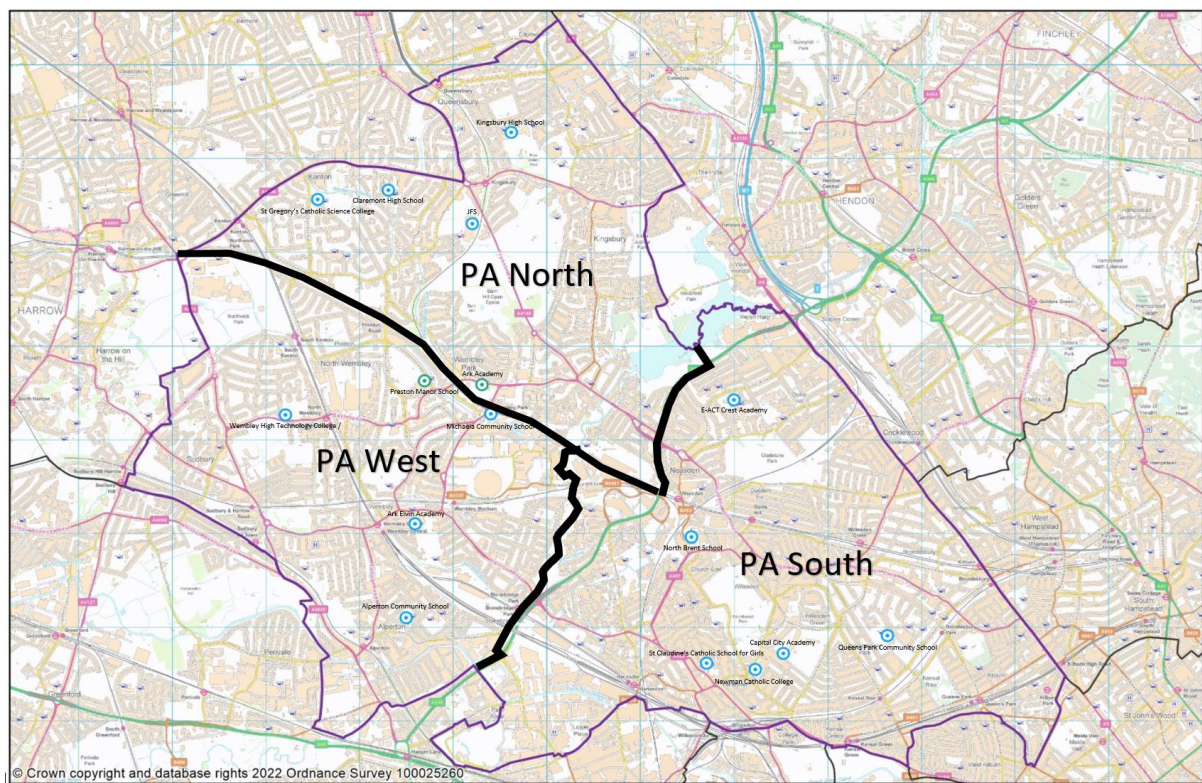
open up that capacity where needed in the higher year groups to ensure a sufficiency of places to meet in-year demand.

## 8.2 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 5).

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

*Figure 5: Secondary Planning Areas*



## Secondary Planning Area North

<b>Wards</b>	Barnhill, Kenton, Kingsbury, Queensbury and Welsh Harp
<b>Schools</b>	Ark Academy, Claremont High School, JFS, Kingsbury High School, St Gregory's

**Demand:** Schools in Planning Area North are usually oversubscribed. However, the latest projections indicate there may be a small surplus, particularly in the lower year groups, over the next seven years. There is expected to remain, however, a consistent pressure in Year 11. Planning Area North includes the Burnt Oak Colindale and Northwick Park growth areas.

**Planned action:** There are no planned actions in Planning Area North and demand will be kept under review as part of the annual refresh of this strategy. Spare places in Planning Area South will accommodate pressures in demand in this planning area, and the Fair Access Protocol will be implemented if required to manage demand for in-year places that cannot be fulfilled through normal admissions processes, especially in Years 9 – 11.

Table 13: Secondary Planning Area North 2024 projections and capacity

PA 7 - North	Dataset	Year 7	Year 8	Year 9	Year 10	Year 11
2024/2025	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1219	1293	1246	1263	1288
	Surplus	59	-15	32	15	-10
	Surplus Percentage	5%	-1%	3%	1%	-1%
2025/2026	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1206	1226	1301	1261	1287
	Surplus	72	52	-23	17	-9
	Surplus Percentage	6%	4%	-2%	1%	-1%
2026/2027	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1218	1216	1239	1321	1293
	Surplus	60	62	39	-43	-15
	Surplus Percentage	5%	5%	3%	-3%	-1%
2027/2028	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1253	1229	1232	1263	1366
	Surplus	25	49	46	15	-88
	Surplus Percentage	2%	4%	4%	1%	-7%
2028/2029	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1237	1260	1240	1251	1297
	Surplus	41	18	38	27	-19
	Surplus Percentage	3%	1%	3%	2%	-1%
2029/2030	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1210	1243	1269	1259	1283
	Surplus	68	35	9	19	-5
	Surplus Percentage	5%	3%	1%	1%	0%
2030/2031	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1200	1215	1251	1287	1288
	Surplus	78	63	27	-9	-10
	Surplus Percentage	6%	5%	2%	-1%	-1%

## Secondary Planning Area West

<b>Wards</b>	Alperton, Northwick Park, Preston, Sudbury, Tokyngton, Wembley Central, Wembley Hill and Wembley Park
<b>Schools</b>	Alperton Community School, 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. Despite this, demand for Year 7 places is expected to remain at or around capacity. Some schools in the area operate a lower PAN than their build capacity will allow, which means there is a short-fall of places to meet in-year demand.

**Planned action:** Longer term forecasts indicate there may be increasing demand in Planning Area West, which will remain under review to determine whether any longer-term interventions are required to increase capacity. This may include putting into use all available existing built capacity. Spare places in Planning Area South can accommodate pressures in demand across the borough. Fair Access Protocols will be implemented if required to manage demand for in-year places that cannot be fulfilled through normal admissions processes.

Table 14: Secondary Planning Area West 2024 projections and capacity

PA 8 - West	Dataset	Year 7	Year 8	Year 9	Year 10	Year 11
2024/2025	Capacity	1,176	1,176	1,233	1,254	1,267
	Projection	1131	1171	1214	1200	1268
	Surplus	45	5	19	54	-1
	Surplus Percentage	4%	0%	2%	4%	0%
2025/2026	Capacity	1,176	1,176	1,176	1,233	1,254
	Projection	1107	1153	1202	1249	1252
	Surplus	69	23	-26	-16	2
	Surplus Percentage	6%	2%	-2%	-1%	0%
2026/2027	Capacity	1,176	1,176	1,176	1,176	1,233
	Projection	1144	1139	1191	1244	1315
	Surplus	32	37	-15	-68	-82
	Surplus Percentage	3%	3%	-1%	-6%	-7%
2027/2028	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1202	1174	1179	1235	1322
	Surplus	-26	2	-3	-59	-146
	Surplus Percentage	-2%	0%	0%	-5%	-12%
2028/2029	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1170	1222	1205	1215	1294
	Surplus	6	-46	-29	-39	-118
	Surplus Percentage	1%	-4%	-2%	-3%	-10%



2029/2030	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1167	1191	1249	1238	1268
	Surplus	9	-15	-73	-62	-92
	Surplus Percentage	1%	-1%	-6%	-5%	-8%
2030/2031	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1163	1189	1221	1284	1291
	Surplus	13	-13	-45	-108	-115
	Surplus Percentage	1%	-1%	-4%	-9%	-10%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Secondary Planning Area South

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

**Demand:** Planning Area South includes the Neasden Station, Staples Corner, Church End and South Kilburn growth areas. Projections for this planning area remain steady for the next 7 years and there is sufficient availability of places to meet demand. The availability of places in this planning area means that children living in the North or West Planning Areas, who may not have been successful in gaining a place at schools closer to home, may be offered schools in the South, particularly if the applications are made in-year.

**Planned action:** The local authority will continue discussions with schools in the area that have spare built capacity to increase in-year provision given demand across the borough in Years 9-11. Due to the nature of transport links in Brent, it is possible for pupils to easily travel between planning areas to attend school within recommended journey times when there is no local in-year availability. The Planning Area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 15: Secondary Planning Area South 2024 projections and capacity

PA 9 - South	Dataset	Year 7	Year 8	Year 9	Year 10	Year 11
2024/2025	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	785	876	872	917	906
	Surplus	449	358	362	317	328
	Surplus Percentage	36%	29%	29%	26%	27%
2025/2026	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	770	783	872	869	920
	Surplus	464	451	362	365	314
	Surplus Percentage	38%	37%	29%	30%	25%

2026/2027	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	785	772	783	874	879
	Surplus	449	462	451	360	355
	Surplus Percentage	36%	37%	37%	29%	29%
2027/2028	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	791	786	772	789	883
	Surplus	443	448	462	445	351
	Surplus Percentage	36%	36%	37%	36%	28%
2028/2029	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	772	794	787	778	797
	Surplus	462	440	447	456	437
	Surplus Percentage	37%	36%	36%	37%	35%
2029/2030	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	757	776	796	794	787
	Surplus	477	458	438	440	447
	Surplus Percentage	39%	37%	35%	36%	36%
2030/2031	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	755	763	779	804	802
	Surplus	479	471	455	430	432
	Surplus Percentage	39%	38%	37%	35%	35%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## 9. SEND and Alternative Provision place planning

### 9.1 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. Brent and Brent schools recognise SEND is not a fixed or permanent characteristic. 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.

All schools in Brent are inclusive and where possible a child or young person should be educated in their local mainstream school. A child with 'special' listed as Type in Section I of their EHCP is entitled to a place at a special school whilst ARPs have a mainstream designation. Therefore, children with 'special' named as type in Section I should not be placed in an ARP unless parental preference is for mainstream. ARP places are for children who can access, and will benefit from, significant engagement with a mainstream school offer. The majority of pupils' additional needs can be met within one of the following contexts listed in table 16 with only those not able to access their education in a mainstream school being met through a special school.

*Table 16 – Full range of provision in Brent*

<b>A FULL RANGE OF PROVISION</b>			
Fully inclusive mainstream provision	Mainstream with support	Additionally resourced mainstream provision	Brent special school provision

There is a range of high-quality provision for children with SEND in Brent encompassing 3 enhanced pre-school providers, 1 primary special maintained school, 1 primary special academy school, 2 special all through academy schools and 2 secondary special school academies, and a number of Additionally Resourced Provisions (ARP) in both primary and secondary mainstream schools.

An ARP is designed to provide specialist and targeted support for children with special educational needs and/or disabilities who can function well in a mainstream school, and where the school has appropriate teaching and learning strategies and staff with the skills and knowledge in a particular area of SEND. ARPs also provide specialist environments which support the learning needs of each pupil, and many young people with additional learning needs can make better, and more sustained progress when they attend mainstream schools. Table 17 details Brent's special school places and Table 18 details Brent's ARP places.

There are 963 places currently in Brent special schools and 185 ARP places. Other boroughs can apply for places in Brent schools (in the same way that Brent children and young people occupy spaces in special schools in other boroughs). The percentage of out of borough (OOB) children and young people with SEND placed in Brent special schools and ARPs will vary year on year. However, the current figure stands at 11% of Brent's total capacity. As a result, Brent currently only has access to 857 of the 963 local special school place and 165 of the 185 ARP places in Brent schools.

*Table 17: Special School PANs 2024/25*

School	Type of Provision	Type of School	Special Need	Specialist places 2024/25
*The Manor School	Special	Primary	Communication and Interaction	238
*The Avenue	Special	All-through	Communication and Interaction	100
Phoenix Arch School	Special	Primary	Communication and Interaction	55
+The Village School and Hope Centre	Special	All-through	Communication and Interaction and additional learning difficulty	310
*Wembley Manor (satellite provision in 2024/25)	Special	Secondary	Communication and Interaction and additional learning difficulty	27 (150 by September 2025)
+Woodfield School	Special	Secondary	Communication and Interaction	200
			<b>Total</b>	<b>1053</b>

\*The Manor, Wembley Manor and The Avenue schools form the RISE Academy Trust. Children attending satellite provision of +The Village and Woodfield schools form the Compass Learning Partnership Multi-Academy Trust.

*Table 18: Additionally Resourced Provision places 2024/25*

School	Type of Provision	Type of School	Special Need	Places 2024/25
Kingsbury Green Primary	ARP	Primary	Hearing Impairment	30
Oakington Manor Primary School	ARP	Primary	Communication and Interaction	25
Fryent Primary School	ARP	Primary	Communication and Interaction	49
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
Carlton Vale Infant School	ARP	Primary	Communication and Interaction	10
Kilburn Park Junior School	ARP	Primary	Communication and Interaction	14
Newfield Primary School	ARP	Primary	Communication and Interaction	16
Preston Park	ARP	Primary	Communication and Interaction	11
			<b>Total</b>	<b>186</b>

## 9.2 Demand for special provision

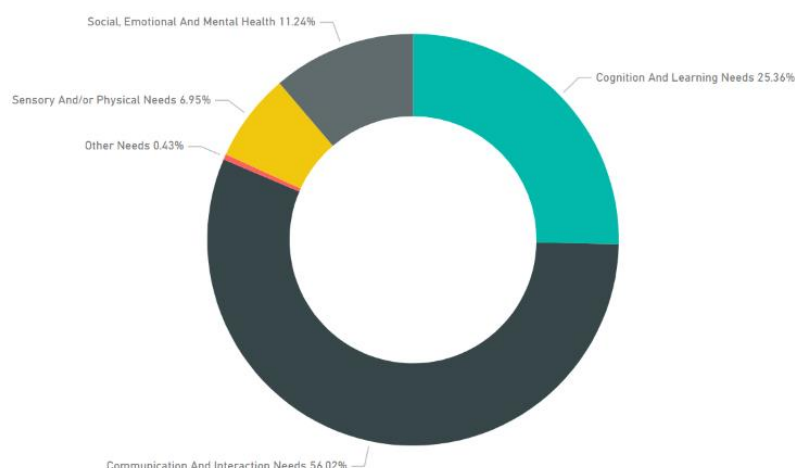
As of 1 September 2024, there are 3782 children and young people aged 0-25 with an Education, Health and Care Plan (EHCP) on roll at Brent schools, which at 4.6% of the school population is similar to national levels. 11.2% of pupils are identified with additional needs that can be met at SEN support where a need is identified but does not meet threshold for an EHCP (compared to 13% nationally).

Between 2023 and 2024 the number of EHCPs increased across all age groups, with the highest increase in the under 5 age group (42% compared to 25% nationally) and the 5 to 10 age group (9.7%, 11% nationally). The average growth in EHCP numbers has been approximately 10% over the last three years, however, 8% growth year on year in EHCP numbers is assumed moving forwards as a result of the expected impact of Delivering Better Value mitigations.

The breakdown by area of needs by Brent's current 0-25 cohort of CYP with an EHCP is shown in Figure 6. Needs associated with communication and interaction (CI), which includes children with autism spectrum condition (ASC), predominate with 56% of the cohort having CI as their primary area of need. The predominance of CI as the most commonly occurring primary need in Brent's EHCP cohort looks set to continue with the Early Years SEND team reporting 75-85% of their referrals over a 12-year period being for concerns regarding CI development.

When broken down by school type, according to the Department for Education 2021/2022 figures (the most recent figures available), the most prevalent needs in primary schools in the borough was speech, language and communication needs (41%) but in secondary schools it was social, emotional and mental health needs (22.6%) and in special schools the most prevalent need was autistic spectrum conditions (56.6%).

*Figure 6: A breakdown of the percentage of CYP with an EHCP for each primary area of need in Brent, August 2024*



### 9.3 Where Brent children with special needs and EHC Plans attend school

Ongoing targeted work to support schools and settings to better meet the needs of children with SEND has seen an increase in the number of children remaining within mainstream education in Brent. However, despite increasing confidence in the mainstream sector to meet the needs of children and young people with SEND, and significant investment by Brent to increase the capacity within special educational settings in the borough, additional special school places are required to meet the following needs:

- 35% of all children with an EHCP in Brent require a place in a special school. However, in terms of age-groups, 43% of 5–10 year olds and 42% of 11-15 year olds with an EHCP could benefit from a special school place.
- 46% of children and young people aged 5-10 with an EHCP with cognition and learning as their primary area of need require a place in special.
- 31% of children of the same age with communication and interaction as their primary area of need on their EHCP require a special school place.

Brent currently has 117 children in mainstream schools awaiting a place in special and 17 children unplaced and receiving home tuition whilst a placement is sought. The primary need of most of these children is communication and interaction (ASC), accompanied by cognition and learning needs. In addition, 195 Brent pupils with EHC Plans attend out-of-borough maintained special schools, at a cost of £5m/annum (plus transport) and 194 children attend independent schools, at a cost of £11m/annum (plus transport). The use of independent places has increased along with the cost.

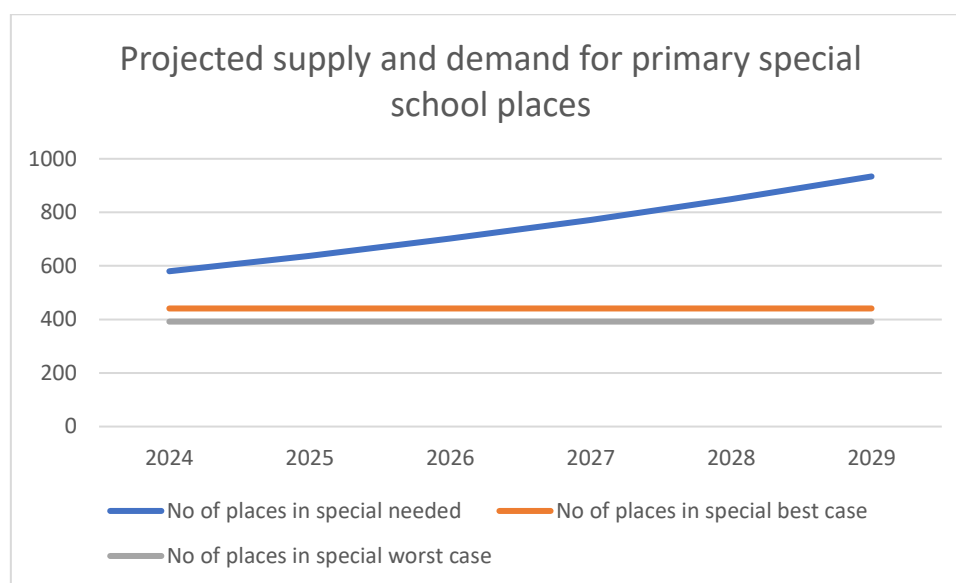
Table 19 and Figure 7 below, depict the current and projected need for primary special school places (all areas of need) within Brent over the time period of 2024-2029. In terms of demand, Table 19 and Figure 7 assume 8% annual growth in EHCP numbers (based on current annual growth trends and Delivering Better Value mitigations) and 43% of 5-10 year old children with an EHCP requiring a place in special (as per the current proportion).

In terms of supply, Table 19 and Figure 7 model a best-case scenario (whereby all of Brent special school places are available to Brent children) and a worst-case scenario (whereby 89% of Brent special school places are available to Brent children). The worst-case scenario is more reflective of current occupancy levels by out of borough children.

Table 19: Current and projected demand and supply of primary school special places in Brent

	2024	2025	2026	2027	2028	2029
<b>No of places in special needed</b>	580	638	702	772	849	934
<b>No of places in special best case</b>	441	441	441	441	441	441
<b>No of places in special worst case</b>	392	392	392	392	392	392
<b>Shortfall best case</b>	139	197	261	331	408	493
<b>Shortfall worst case</b>	188	246	310	380	457	542

Figure 7: Current and projected demand and supply of primary school special places in Brent

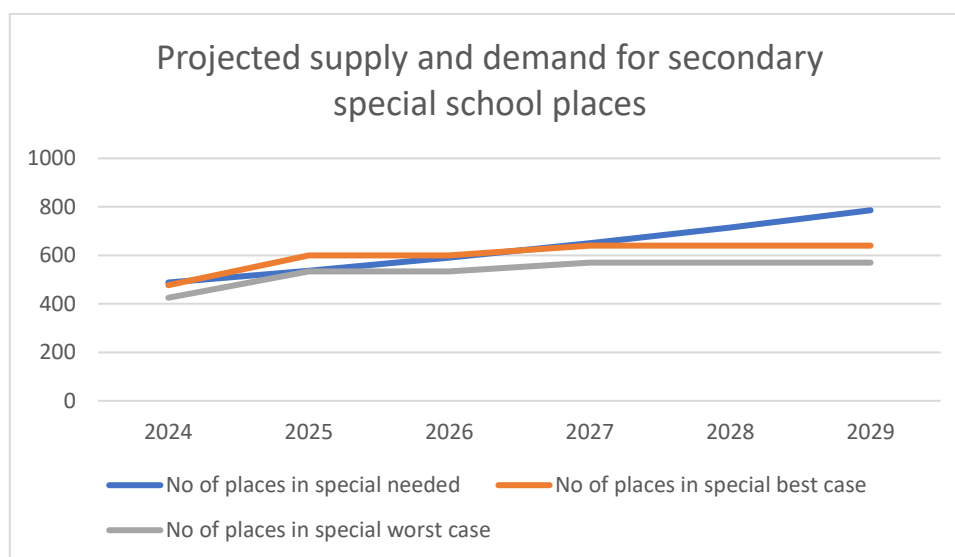


Current and projected (until 2029) need for special school places at secondary are shown in Table 20 and Figure 8 below. The same assumptions are made for this data set as for the primary age data set (with the exception that an assumption of 42% of total 11-15 EHCP cohort requiring special is made). Table 20 and Figure 8 show that Brent is close to sufficiency of secondary special school places (34 places short in the worst-case scenario) and all things being equal will continue to be close to or just above sufficiency until 2026.

Table 20: Current and projected demand and supply of secondary school special places in Brent

	2024	2025	2026	2027	2028	2029
<b>No of places in special needed</b>	488	537	591	650	715	786
<b>No of places in special best case</b>	477	600	600	640	640	640
<b>No of places in special worst case</b>	425	534	534	570	570	570
<b>Shortfall best case</b>				10	75	146
<b>Shortfall worst case</b>				80	145	216

Figure 8: Current and projected demand and supply of secondary school special places in Brent



#### 9.4 Planned action

In January 2022 Cabinet approved £44m of capital investment for additional specialist places in a new secondary special school, expansions of existing special schools and new ARPs in mainstream schools. The new school, Manor Wembley, has opened and will move to its permanent site in September 2025. New ARPS will see ARP provision increase by 56 places across 3 locations between August 2024 and September 2025. Confirmed special school expansions includes 40 places at Woodfield special school by January 2027 and 20 places at the Village school. The timescale to deliver the extra places at the Village School will be confirmed once feasibility work on options has been completed.

Tables 21 and 22 below detail the planned expansions of both ARP and special school places in Brent between 2024-2026. The planned increase of 40 places in secondary has been factored into Table 20 and Figure 8 above. The planned increase in ARP places is not included in the 'special' place numbers in either Table 19 or 20.

Table 21: Confirmed additional ARP provision for Brent 2024-2026

School	Places	Phase	Delivery time scale
Elsley Primary School	10	Primary	August 2024
Preston Park Primary School	21	Primary	April 2025
Newman Catholic College	25	Secondary	September 2025
<b>Total</b>	<b>56</b>	-	-



Table 22: Confirmed additional special school provision for Brent 2024-2026

School	Places	Phase	Delivery time scale
Woodfield special school	40	Secondary	January 2027
The Village	20	All-through	TBC (so not included in modelling above)

### 9.5. Summary of need

As can be seen from the tables above, Brent has a current need for an additional 188 primary places and 34 secondary school places in addition to the places being created as part of the current capital expansion programme. This need is expected to increase year on year. The additional places needed will need to include specialist Social Emotional and Mental Health (SEMH) provision and special school provision (with a focus on children with ASC and/or cognition and learning needs).

### 9.6 Alternative provision

The Council has a statutory duty to arrange suitable full-time education for permanently excluded pupils, and for other pupils who because of illness or other reasons would not receive suitable education without such provision. In Brent there are two pupil referral units (PRUs) that are maintained by the local authority to provide sufficiency meet statutory duties. These are Brent River College (BRC) for permanently excluded pupils and Ashley College, for pupils who require alternative provision due to medical needs, and both PRUs are at the time of the strategy refresh judged as 'Good' by Ofsted.

For pupils in Key Stages 1, 2 and 3 at risk of a permanent exclusion who have complex needs, Brent Council commissions two providers, Brent River College and The Pears Family School for pupils requiring time limited placements. Roundwood School and Community Centre, an alternative provision free school is also another provider who adds to the sufficiency of alternative provision in the borough. Brent River College is heavily over-subscribed at primary level (Key Stages 1 and 2) offering only 7 spaces intended for short-term respite being occupied by primary aged children with an EHCP who have significant SEMH needs. At the end of the 2023 – 2024 academic year, there were 9 young people on the waiting list for an additional support placement at BRC.

The overall exclusion figures for all Brent pupils for the academic year 2023/24 remains low with 36 students permanently excluded. This is due to the focus on early identification and prevention strategies working alongside teams in mainstream school settings. However, the increasing number of children with complex social, emotional and mental health issues (SEMH) and pupils experiencing Emotional Based School Avoidance (EBSA) has highlighted a shortfall in provision for this cohort, especially for primary aged pupils for whom there is no provision,

and the offer is within their home. This need will be considered as part of wider school place planning considerations.

## **9.7 Post-16 Provision**

The government drive for improved engagement post-16 in supported employment and more paid employment opportunities has placed an additional focus on local authorities to drive forward an expansion in supported internships and opportunities for young people to prepare for adulthood through employability skills and work experience. As the number of young people with an EHCP continues to grow, the demand in this area will continue.

There is an expectation in the 2014 SEND Code of Practice that a full range of opportunities must be provided to support young people to become visible, active members of society. The Council has recently committed to developing post-16 SEND provision to meet this demand for places for young people with SEND, in particular young people aged 16-25 with complex learning difficulties. A new Post-16 Skills Resource Centre located at Welsh Harp was agreed by Cabinet in May 2023 and is aimed at addressing the current lack of in-borough provision for young people aged 16-25 with complex learning difficulties. The Welsh Harp facility is on course to open September 2027.

A partnership wide Supported Employment Forum has been established to ensure that the offer developed for young people is meaningful and sustainable. The Council, working with anchor organisations, has expanded the offer of supported internships. In the 2023/24 academic year, 68 students enrolled on the supported internship scheme, with 33 successfully completing the course. Brent is looking to increase the number of placements available to supported interns within the council (where appropriate).

## **10. Conclusion**

This strategy has set out the responsibilities the Council holds with regards to school place planning for early years, mainstream and special provision. It marks a departure from previous strategies which have been focused mainly on sufficiency of provision and moves towards a strategy based on the sustainability of provision that can adjust to both increases and decreases in demand for mainstream and specialist places.

This first-year refresh includes a deeper dive into Special Education Needs and Alternative Provision place planning which concludes additional provision is required to secure sufficient local places for children with SEND and children who need alternative provision.

The Local Authority will continue to work in partnership with schools to develop and implement actions identified as necessary to respond to both identified need and changes in demand to ensure the Brent school estate can support current and future educational use.

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**Brent School Place Planning Strategy 2024 – 2028**


First edition – Published October 2023

First refresh – Published November 2024

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 <b>Brent</b>	<b>Cabinet</b> 12 November 2024
	<b>Report from the Corporate Director of Neighbourhoods and Regeneration</b>
	<b>Lead Member - Cabinet for Environment and Enforcement (Councillor Krupa Sheth)</b>
<b>Statement of Licensing Policy</b>	
<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	One Appendix 1: Statement of Licensing Policy
<b>Background Papers:</b>	Two <ul style="list-style-type: none"> <li>Licensing Policy Consultation responses</li> <li>Equality Assessment</li> </ul> (Please note these have been published as a separate supplementary pack to accompany the main Cabinet agenda)
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Anu Prashar, Senior Regulatory Service Manager 020 8937 5515 <a href="mailto:anu.prashar@brent.gov.uk">anu.prashar@brent.gov.uk</a>

## 1.0 Executive Summary

- 1.1. The council in its role as a Licensing Authority under the Licensing Act 2003 has a duty to determine, publish and keep under review its Statement of Licensing Policy ('Policy') which has a five-year shelf-life but can be replaced at any time during that five-year period.
- 1.2. The current Policy is due to expire on the 5 January 2025. The proposed new Licensing Policy is attached at Appendix 1. The policy was last reviewed in January 2020; therefore, it must be reviewed before January 2025.
- 1.3. The Statement of Licensing Policy is a document that sets out our approach to issuing licences for the sale of alcohol and late night refreshment, the

management of those licences and the expectations the council has of licensees.

- 1.4. Since April 2018, when determining or revising its Licensing Policy, an authority must consider any Cumulative Impact Assessments (CIAs) it has published. A licensing authority can publish a CIA to reduce the number of or types of applications granted in an area where there is evidence that the area is having a cumulative impact and causing problems which undermine the licensing objectives. Where a CIA is already in operation, this must be reviewed not less than every three years.
- 1.5. The proposed draft Policy introduces 32 specific policies including twelve cumulative impact zones where street drinking and alcohol related crime exist to prevent growth of more off-licences The Policy also supports a 24-hour night time economy in Wembley and Kilburn to facilitate enhancement of leisure and entertainment functions with appropriate safeguards.

## **2.0 Recommendation(s)**

- 2.1 That Cabinet comment on and then note the draft revised Statement of Licensing Policy (5 January 2025 – 4 January 2030) at Appendix 1; and
- 2.2 In order to fulfill legal requirements, that Cabinet agree to refer that the draft revised Statement of Licensing Policy to Full Council in November 2024 for formal adoption.

## **3.0 Detail**

### **3.1 Cabinet Member Foreward**

- 3.1.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a Statement of Licensing Policy every five years.
- 3.1.2 The council must ensure that an appropriate Statement of Licensing Policy is in place as required by statute and will support the following council policies and strategies:
  - London Borough of Brent Borough Plan 2023-27, Prosperity and Stability in Brent
  - London Borough of Brent Borough Plan 2023-27, A Healthier Brent
  - London Borough of Brent Borough Plan 2023-27, Thriving Communities

### **3.2 Background**

- 3.2.1 The Licensing Act 2003 (“the Act”) requires that the council determine and publish a Policy at least once every five years, setting out its policies in order to exercise its licensing functions.

3.2.2 The council's current Policy came into effect on 6 January 2020 and is due to expire on 5 January 2025.

3.2.3 An evidence-based approach was adopted during the review of the current Policy, which included analysis of the following datasets:

- crime reports (all crime, alcohol related crime, violent crime & sexual offences);
- health (alcohol flagged data);
- licensed premises (licences held, reviewed, refused and revoked).

Furthermore, views from responsible authorities such as the Police, Nuisance Control Team etc. were sought prior to formulating the Policy.

3.2.4 The Licensing Policy provides transparency for everyone including local residents and businesses, who will be able to refer to the policy when making representations, and applicants when preparing their premises licence applications. The government recommend that the policy should also describe how the Licensing Authority's approach to licensing will be integrated with local council planning, crime prevention, transport and cultural strategies and any action plan or strategy for the management of the evening economy. The statements should also avoid duplicating other requirements e.g. health and safety regulations which already place a range of general duties on employers and licence holders.

3.2.5 The draft Policy introduces 32 specific policies as well as measures that promotes the four licensing objectives; namely prevention of crime & disorder, prevention of public nuisance, public safety and protection of children from harm. The policies would inform decision making in a meaningful way as well as provide useful and practical guidance to applicants, local residents, responsible authorities and magistrates (who decide cases on appeal).

3.2.6 The draft Policy has been updated to apply changes in laws and the Section 182 guidance, including the updates of pavement licences, a link to immigration status documentation and inclusion of a policy to prepare for 'Martyn's Law'.

3.2.7 New policies have been included to outline expectations in the following areas:

- a. Addressing risks and harms to women and vulnerable people in the night time economy;
- b. Responding to the proposed Martyn's Law by outlining event and large venue safety and risk assessment;
- c. Highlighting expectations for 'dark kitchens' and their premises to improve the operation and oversight of alcohol sales.
- d. Ensuring licenses are aware of their responsibilities in relation to drink spiking.
- e. Policies outlining expectations on delivery services and the dispersal of patrons from premises.

- 3.2.8 The policy on a voluntary Minimum Unit Price was removed from the draft statement, as it had not been used and other approaches had positive impact in the area of low cost, high strength alcohol sales. This has, however, now been reintroduced in the statement as a result of the public consultation.
- 3.2.9 The Policy still includes the twelve cumulative impact zones street drinking and alcohol related crime exist to prevent growth of more off-licences.
- 3.2.10 In addition, the Policy continues to support the Mayor of London's vision for London as a 24-hour City and to encourage the development of London as a vibrant, diverse, cultural city with a Night Time Economy that is of global significance. The Policy supports 24-hour night time economy in Wembley and Kilburn in order to facilitate an enhancement of leisure and entertainment functions and the night time economy, with appropriate safeguards.
- 3.2.11 The Policy sets out the council's standards that operators are expected to achieve and address issues that licensable activities may cause in relation to location of premises, hours of operation etc.
- 3.2.12 Before determining the Policy, the Licensing Authority must consult the persons listed in section 5(3) of the Licensing Act 2003. As is good practice, the Licensing Authority has consulted widely and not limiting the consultation to the persons listed in section 5(3) of the Act.
- 3.2.13 The work aimed at developing and improving the council's Policy will continue even after this draft Policy has been adopted. The cumulative impact zones will need to be reviewed and re-evaluated within 3 years. In line with this Policy, all the key stakeholders and members will be given the opportunity to inform the review of any future Policy and its outcomes.

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 Before determining the Policy, the Licensing Authority must consult the persons listed in section 5(3) of the Licensing Act 2003. As is good practice, the Licensing Authority has consulted widely and not limiting the consultation to the persons listed in section 5(3) of the Act.
- 4.2 In line with the Constitution, the Cabinet Member for Environment and Enforcement gave approval for consultation on Draft Statement of Licensing Policy on 22 July 2024.
- 4.3 A ten-week consultation has been undertaken which ended on 13 October 2024.
- 4.4 Persons consulted included, Chief Police Officer, London Fire Brigade, Director of Public Health, local premises licence holders, club premises licence certificate holders as well as bodies representative of businesses, residents, Planning, Trading Standards, Children Safeguarding, Public Safety, Noise Team, Licensing Authority and the Home Office.



- 4.5 The consultation took place online with respondents asked to complete a survey for the consultation. The online consultation received 13 responses and 7 additional responses were received directly by email.
- 4.6 The responses were mixed with roughly equal positive and negative answers and a higher level of no answer on maybe/not sure answers. Overall, the most positive responses were to the questions: does this contribute to the Brent vision and the contribution of the CIZs. The most negative responses were to the Policies on protecting vulnerable people and women in the night time economy and on addressing street drinking.
- 4.7 The questionnaire does not provide a clear indication either way in terms of the utility of the Statement of Licensing Policy. However, the expansion questions provided some key insights. These include:
- A concern in general in relation to the level of alcohol consumption and disorder in the borough, and concerns that enforcement is not addressing these issues effectively.
  - Concerns that the Policy relating to Women and Vulnerable People in the night time economy does not address LGBTQI+. It should be noted that the draft Policy does clearly note that LGBTQI+ communities are intended to be covered under this policy.
  - A desire for the voluntary Minimum Unit Price Policy to be reincluded.
- 4.8 The email responses focused primarily on the re-inclusion of Minimum Unit Price as a policy, and on the amendment of a number of minor matters and inclusions, as allowed for in Home Office guidance).
- 4.9 The residents that provided feedback are supportive of firmer measures to address alcohol related disorder, harms and nuisance in the borough, and that the primary means to do this are to reintroduce the voluntary Minimum Unit Price Policy and to support enforcement approaches to address concerns raised.

## **5.0 Financial Considerations**

- 5.1 There are none arising from this report. Any cost associated with publishing this policy would be contained within existing budgets.

## **6.0 Legal Considerations**

- 6.1 Under Section 5 (1) of the Licensing Act 2003 ('the Act') the council as the Licensing Authority is required to determine and publish its statement of policy in respect of exercising its functions under the Licensing Act 2003 at least once every five years. In this time period the policy must be kept under review. When preparing the policy the Council is required to have regard to the four statutory licensing objectives under Section of the Licensing Act 2003 which are: the

prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Licensing Authority also must consider the statutory guidance under Section 182 of the Licensing Act 2003.

- 6.2 Under Section 5A of the Act the Council is also required by review its Cumulative Impact Zone (CIZ) Assessment every 3 years. The effect of adopting a special policy of this kind would be to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact would normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 7.1 Page 4 of the Statement of Licensing Policy deals with equality matters.

- 7.2 An Equality Impact Assessment has been completed.

## **8.0 Climate Change and Environmental Considerations**

- 8.1 None specific.

## **9.0 Human Resources/Property Considerations (if appropriate)**

- 9.1 None specific.

## **10.0 Communication Considerations**

- 10.1 Consultation was publicised on the council website and through the usual communication channels.

### **Report sign off:**

**Alice Lester**

Corporate Director of Neighbourhoods and  
Regeneration



## **London Borough of Brent**

Statement of Licensing Policy (DRAFT)

2025 - 2030

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DRAFT

# Brent Statement of Licensing Policy

## Part 1: Introduction, principles and context

### 1. Purpose of the Statement of Licensing Policy

The London Borough of Brent (“the Council”) is the Licensing Authority under the Licensing Act 2003 (“the Act”) and is responsible for granting premises licences, club premises certificates and personal licence applications, as well as processing Temporary Event Notices in the London Borough of Brent.

The purpose of this licensing policy is to outline the approach that Brent Council will take to implementing the Licensing Act 2003. The policy will act as a guide for applicants, residents and Responsible Authorities under the Act.

This policy, along with current national guidance issued by the Home Secretary and primary legislation, forms the basis on which all licensing decisions are made.

The council is required by primary legislation to promote through its actions the four licensing objectives. These are outlined in the Licensing Act 2003 and are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

Each of these objectives is of equal importance in terms of licensing actions and decision making.

This policy:

- Outlines the legal framework and responsibilities under the Licensing Act 2003 and the associated Section 182 Guidance issued by the Home Secretary.
- Makes clear the expectations the council has for those engaging with the licensing system in Brent: including; licence holders, licence applicants, residents and Responsible Authorities.
- Makes clear the expectations that those engaging in the licensing system in Brent may have of the council and other licensing partners.

The aim is to make the Licensing system in Brent clear, simple and as effective as possible. The policy is set out as follows:

- A clear statement of the legal framework and linkages to other legal frameworks and strategies;
- The Brent context and the aspirations and intent of the policy within that context;
- The Licensing Objectives and the measures expected to promote them as required by the Licensing Act 2003;
- 32 specific policies that will provide more detailed guidance on the approach the council will take to specific issues and circumstances; and,
- Appendices that will provide useful further information.

Each new licence application or application for the variation of an existing licence will, where a representation is received, be considered on its own merits. This will include the proposed venue and its operation, or proposed change to an existing venue and/or its operation, as well

as the context in which it operates. If no representations are made to an application, the council must grant it in full.

Section 5 of the Licensing Act 2003 requires each Licensing Authority to prepare and publish a statement of its licensing policy every five years. The previous Brent Statement of Licensing Policy was published on 6 January 2020.

In drafting this Policy the council has had regard for the Home Office Guidance issued under S.182 of the Licensing Act and has given appropriate weight to the views of consultees. When revisions of the guidance are published the council will determine if revisions of this policy are appropriate.

### ***Review of the Statement of Licensing Policy***

Under the Act, the council must carry out a review of its Licensing Policy every five years. Prior to publishing the revised version, the council will consult fully with those individuals and organisations outlined under section 5 of the Act.

In addition, within the five-year period of the Licensing Policy the council will review the Licensing Policy whenever it feels that relevant issues have arisen or significant changes to the s. 182 guidance or the Act have occurred.

## **2. Scope of the policy**

The scope of the policy is the oversight and management of the provision and holding of licences under the Licensing Act 2003. The Act regulates the following licensable activities:

- Retail sale of alcohol;
- Supply of alcohol to club members;
- Supply of hot food and drink between 23:00 and 05:00
- Provision of regulated entertainment to the public or club members or with a view to profit;
- Film exhibitions;
- Performances of a play;
- Indoor sporting events;
- A boxing or wrestling entertainment;
- Live music performances (see Appendix 11 relating to the Live Music Act);
- Playing of recorded music; and,
- Dance performances.

There are a number of exemptions and details of these are set out in full in Part 2 of Schedule 1 of the Act.

The scope of these licensable activities is covered through application to the council for a licence to undertake these activities. These applications include applications for new premises licences, club premises certificates, variations to these and reviews of licence/certificates.

The scope of these licensable activities is covered through several authorisations obtained from the council. These authorisations can be permitted by applications for a new premises licence/club premises certificate, variations to an existing premises licence/club premises certificate or by way of a temporary event notice.

In the drafting of this policy the council has had regard to Home Office Guidance issued under S.182

of the Licensing Act and has given appropriate weight to the views of consultees. When revisions of the guidance are published the council will determine if revisions of this policy are appropriate.

### **Planning**

It is understood that the Planning regime in Brent has an impact on the Licensing regime. It is also noted that each of these regimes is covered by a separate legislative framework and administered through separate parts of the council, with separate Committees overseeing the processes. However, the council commits to working in alignment with the Planning regime as closely as is possible.

The use of premises for the sale or provision of alcohol, provision of entertainment or late-night refreshment or indoor sports may be subject to planning control. Such use may require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. Licensing and Planning are separate regimes, but consents from both must be in place to operate legally. If there is variance between the hours given under a licence and those permitted by the planning permission the earlier hours will apply.

### **Waste**

Commercial premises need to have provision for collection of waste etc. Care should be taken to ensure that collection of rubbish and glass does not occur at unsocial hours and should ensure they adhere to the agreed hours.

### **The Mayor's Vision for London as a 24-hour City**

We note that since the publication of the last Statement of Licensing Policy the Mayor of London has outlined his vision for London as a 24-hour City and has also appointed a Night Czar and a Night Time Commission to encourage the development of London as a vibrant, diverse, cultural city with a Night Time Economy that is of global significance.

The council is focussing support for a 24 hour night time economy in two main areas. Wembley is designated by the Mayor as a night time economy area of international or national significance, and Kilburn as an area of more than local significance. The council supports the Mayor's vision for these areas and will support applications which facilitate an enhancement of leisure and entertainment functions and the night time economy, with appropriate safeguards.

Brent has eight (8) priority town centres and wants to support businesses with a commercial food, drink, and entertainment offer, but with appropriate safeguards to maintain primary retail frontages and residential amenity.

### **Responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015**

The council has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. These responsibilities are outlined in Section 5: Licensing Objectives, and the subsection on the Prevention of Crime and Disorder. The London Borough of Brent has a duty under the Modern Slavery Act 2015 to co-operate with the Independent Anti-Slavery Commissioner, the council is also under this duty as part of the London Borough of Brent.

### **Health Act 2006**

It is expected that all licence holders will be compliant with the Health Act 2006 and all sundry Smokefree Regulations that govern smoking in licensed premises.



### ***Public Sector Equalities Duty***

Brent Council has a duty under the Equalities Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

To support delivering this duty the council will at all times have regard to the Equality Act 2010 and Brent's Equality policy and guidance.

Brent Council will implement the Statement of Licensing Policy in line with the Public Sector Equalities Duty.

The Licensing Act 2003 restricts the sale of alcohol to those 18 years of age and above, as such this effects a differential impact of the legislation underlying the Licensing Policy on those under the age of 18 years old. Research outlines specific additional health and social harms and levels of harm that those under the age of 18 years old are exposed to as a result of the purchase and consumption of alcohol. As such the Licensing Policy is likely to support a positive outcome for those under the age of 18.

When applications are received the council will consider these on their individual merits and will also ensure that the Public Sector Equalities Duty is applied where appropriate.

Furthermore, the council will apply the Public Sector Equalities Duty in the implementation of the 32 specific policies outlined in the Licensing Policy.

### ***Weights and Measures Responsibility and Role***

Brent's Trading Standards Team delivers the council's Weights and Measures responsibilities. These responsibilities and authority cover a number of matters that are direct relevance to the Licensing Policy, including underage sales, sale of alcoholic products that are counterfeit and other matters. In addition a number of areas relating to trading standards more broadly also have relevance to licensing whilst not directly coming under the Licensing regime, such as sale of illicit vapes and tobacco amongst other matters.

The Weights and Measures officers also hold the council's responsibilities and authority for enforcing trading standards and for conducting controlled test purchasing operations. As such any involvement by council officers in any controlled test purchase operations conducted within the borough should be done with the knowledge and approval of the Weights and Measures officer.

## **3. Principles of the policy**

This policy sets out the general approach the council will take when considering applications for licences. When determining applications and reviewing licences, the council will have regard to:

- the Act and related regulations; and
- Government guidance issued under section 182 of the Act and this Policy.

When determining an application under these considerations, the overriding principle adopted by the council will be that each application will be determined on its merits.

Applicants will be expected to address the licensing objectives in their operating schedule with particular regard to the nature of the location, type of premises, entertainment to be provided, and operational procedures. It is important that all operating schedules should be precise and clear on the measures proposed to promote each of the licensing objectives.



The eight (8) priority town centres in Brent include:

- Kilburn
- Wembley
- Church End
- Colindale
- Ealing Road
- Harlesden
- Neasden
- Willesden Green

### ***Diversity and demographics***

Brent is the second most culturally diverse local authority in the UK and has a long history of ethnic and cultural diversity. Brent was the first local authority in the UK to have a majority black, Asian and minority ethnic (BAME) population. In the 2021 Census, 64% of the population were BAME. A further 19% of residents are from White minority groups, 16% are White British, the second lowest in London.<sup>1</sup> Different ethnic groups are concentrated in distinct parts of the borough:

- Stonebridge and Harlesden wards have the highest concentration of black residents;
- Asian residents tend to live in the west of the borough; and,
- The white population is more concentrated towards the east of the borough - Kilburn, Mapesbury and Dollis Hill wards have the highest numbers of white Irish residents.

People belonging to the different ethnic groups in Brent vary with age. Among younger people (particularly those aged 5-15) the white population is lower and the black population is higher than for the borough as a whole. Minority language households or households unable to speak English are primarily concentrated in the far west and south of Brent.

Children and young people aged 18 or under constitute 23.9% of the population of Brent. The early years of a child's life are particularly important in shaping future health outcomes. Key factors, such as income, housing, education and other socioeconomic issues can particularly affect young people during their earliest years of life. The 2021 census showed that Brent has a young population as Brent's median age is 35, the same as the London average of 35, but lower than the England median age of 40.<sup>2</sup>

Brent's resident population is estimated to be 339,800 in 2021 and is continues to grow.<sup>3</sup> The borough population is dynamic and increasingly transient with significant numbers of people moving into the borough.

Certain groups and geographic areas in Brent may be more vulnerable to the effects of alcohol than others. These vulnerabilities and different ethnicities should be considered when reviewing licence applications. The council encourages the collection of evidence of the negative effects of alcohol on vulnerable groups within Brent to determine suitable prevention and treatment measures consistent with existing council and NHS health objectives. A vulnerable adult is a person aged 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of or protect him or herself against significant harm or exploitation. Brent has a multi-agency procedure for responding to suspected abuse of vulnerable adults wherein Adult and Community Services coordinate the policy with the Police and NHS.

### ***Town centres***

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<sup>1</sup> <https://data.brent.gov.uk/dataset/vqkrd/community-profile-evidence-pack>

<sup>2</sup> <https://www.ons.gov.uk/visualisations/censusareachanges/E09000005/#>

<sup>3</sup> <https://www.ons.gov.uk/visualisations/censuspopulationchange/E09000005/>

Brent contains 16 defined town centres that vary in size and density. The different town centres within the borough are classified as Major, District, and Local Centres. These typologies are outlined in the Brent Core Strategy. Town centres which share boundaries with neighbouring London Boroughs are indicated by an asterisk (\*).

Major Centres	District Centres	Local Centres
Kilburn*	Burnt Oak*	Kensal Rise
Wembley	Colindale*	Kenton*
	Cricklewood*	Queen's Park
	Ealing Road	Sudbury
	Kingsbury	
	Harlesden	
	Neasden	
	Preston Road	
	Wembley Park	
	Willesden Green	

## 5. Brent as a major events destination

Brent is the home to the Wembley Stadium and the Wembley Arena. This means that Wembley regularly hosts large events and events of international as well as national significance. The wider council and borough police have policies in place to address issues relating to these events. The Licensing Policy outlines specific matters relating to this covered by the Licensing Policy, the Cumulative Impact Policies and in a separate Public Space Protection Order.

Applicants, residents and Responsible Authorities should consider these additional requirements, guidance and expectations in terms of the Wembley area.

## Part 2: Licensing objectives

The Act provides a clear focus on the four statutory licensing objectives which the council must seek to promote when determining an application. These objectives are:

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance, and
- protection of children from harm.

Due to the wide variety of premises and activities to which this policy applies, applications will be expected to address all aspects relevant to the individual style and character of their premises and events. These objectives are set out in more detail in this section.

Those making representations to the Licensing Sub-Committee must base them on the four objectives. How applicants communicate the promotion of the licensing objectives in their operating schedule and application is essential for the full consideration of the application by the council.

### ***Demonstrating local knowledge***

Applicants are expected to demonstrate an understanding of the local area in which their premises will operate. Applicants are encouraged to provide a detailed operating schedule which demonstrates how the applicant will promote the licensing objectives. Applicants are expected to:

- demonstrate knowledge of the local area when describing the steps, they propose to take in order to promote the licensing objectives;
- undertake enquiries about the area in which the premises are situated to inform the content of the application;
- obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
  - a) the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  - b) any risks posed to the local area by the applicants' proposed licensable activities;
  - c) any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) they propose to put in place which might help to mitigate any potential risks.

Where specific policies apply in the area (for example, a cumulative impact policy or a Public Space Protection Order), applicants are also expected to:

- demonstrate an understanding of how such a policy impacts on their application;
- any measures they will take to mitigate the impact; and
- why they consider their application should be an exception to the policy.

Demonstrated knowledge about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises within close proximity to residential premises should consider how this will impact on patrons smoking, noise management and dispersal policies, to ensure the promotion of the public nuisance objective. Applicants are expected to consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, to acknowledge this in their application.

Applicants may consider canvassing the views of their neighbours and local residents as this can clear up any ambiguities and develop a relationship based on mutual cooperation before an application is made. This will assist the applicant by giving an understanding at the outset of what the community believe is acceptable in their area.

### ***Operating schedules***

Lists of matters which should be addressed in operating schedules are included in the Appendices to this document. Whilst applicants are strongly encouraged to consider these they should not be regarded as standard conditions and should be used and modified according to the individual application and location and to inform the operating schedule. By setting out a carefully considered operating schedule applicants can demonstrate that they have given thought to their application and its impact on the local environment.

An operating schedule should contain details relating to the promotion of the licensing objectives that are capable of being translated into enforceable conditions as, if there are no representations against the grant of the licence these will form the basis of the conditions that will be placed on the licence.

The failure by an applicant to clearly and fully demonstrate in the operating schedule that they have properly considered the promotion of the four licensing objectives is a legitimate concern should the application come before the Licensing Sub-Committee following receipt of relevant representations and may trigger a representation from the council.

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The majority of specific matters relating to licensing are dealt with through individual policies in this section.

### Policy 1: Process for applications

- **Policy:** the process for applications set out in this section will be followed in all cases of applications for licences.

The council recommend that applicants, where possible and appropriate, consider submitting a provisional application early in the process. This allows early engagement and discussion and can improve the quality of the subsequent application.

Applications will be progressed in accordance with procedures laid down by the Act. Prospective applicants should refer to the separate relevant guidance documents for further details. Where reference is made to applications in this policy this should be taken as referring to applications for new premises licences, club registration certificates, variations to these and reviews of licence/certificates.

Once an application is made and received electronically by the council it will be provided to all Responsible Authorities by the council. The public will also be notified via the Brent council website.

Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full, together with the relevant fee and all other required information, including a detailed premises plan, by the Licensing Authority and the relevant responsible authorities.

In accordance with the Provision of Services Regulations 2009, electronic application facilities are available. Electronic application facilities for premises licences may be found on council's own web site. Electronic applications for other categories of licence and consent are also available on this web site. Where electronic applications are made, the application will be taken to 'be given' when the applicant has submitted a completed application form Together with all other relevant documentation and fees.

The Metropolitan Police Service provide up to date crime data for postcode areas in Brent through both [www.mps.police.uk](http://www.mps.police.uk) and [www.police.uk](http://www.police.uk). Both of these websites can provide applicants with a better understanding of the crime and disorder characteristics for the area in which they are applying for a licence, and this understanding can help inform applications and operating schedules.

The Responsible Authorities are:

<b>Responsible Authority</b>	<b>Contact</b>
Licensing Authority	<a href="mailto:business.licence@brent.gov.uk">business.licence@brent.gov.uk</a>
Environmental Health Authority	<a href="mailto:ens.noiseteam@brent.gov.uk">ens.noiseteam@brent.gov.uk</a>
Trading Standards	<a href="mailto:trading.standards@brent.gov.uk">trading.standards@brent.gov.uk</a>
Child Protection Authority	<a href="mailto:brent.lscb@brent.gov.uk">brent.lscb@brent.gov.uk</a>
Planning Authority	<a href="mailto:planningnorth@brent.gov.uk">planningnorth@brent.gov.uk</a> ; <a href="mailto:planningsouth@brent.gov.uk">planningsouth@brent.gov.uk</a>
Health and Safety	<a href="mailto:ens.publicsafety@brent.gov.uk">ens.publicsafety@brent.gov.uk</a>
Metropolitan Police	<a href="mailto:NWMailbox.LicensingBrent@met.police.uk">NWMailbox.LicensingBrent@met.police.uk</a>
London Fire Brigade	<a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a>
Director of Public Health	<a href="mailto:publichealthlicensing@brent.gov.uk">publichealthlicensing@brent.gov.uk</a>
Home Office (Immigration Enforcement)	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY • Email: <a href="mailto:Alcohol@homeoffice.gsi.gov.uk">Alcohol@homeoffice.gsi.gov.uk</a>

The steps for consideration of a licence application, a licence variation and a club premises certificate are:

- a) If no representations are made to an application, the council must grant it in full.
- b) When an application is made, and relevant representations are received by the council it must hold a hearing of the licensing sub-committee (unless those who have made representations agree this is unnecessary or unless the applicant or objectors request a date beyond the twenty days period for specific reasons).
- c) The sub-committee will then consider the evidence provided by applicants and those making representations, the Guidance, this Statement of Licensing Policy and any other relevant data.
- d) The sub-committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. The steps undertaken will be fair, relevant and proportionate.
- e) Conditions on the licence, additional to those voluntarily sought by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of the resulting activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the council will consider whether it is appropriate for a licence to be granted or continue to operate.



## **Representations**

To ensure the best possible consideration of representations it is recommended that anyone making a representation do the following:

- Link the representation to the Licensing Objectives that are most relevant to the representation and outline how the representation is linked to the relevant Licensing Objectives:
- Ensure that the representation is specific to the premises or licence being sought:
- Consider what evidence can be provided to support the representation, particularly in terms of how the representation links to the Licensing Objectives: and,
- Be clear in terms of what the representation relates to, what Licensing Objectives it links to, and what is the proposed remedy, eg. Specific conditions to be placed on the licence or an objection to the licence being granted.

Representations cannot be made anonymously to the council to ensure that a representation is not vexatious. However, anonymity can be requested if there are concerns that support it.

## **Pre-application advice**

For further advice please contact [business.licencing@brent.gov.uk](mailto:business.licencing@brent.gov.uk).

## **Entitlement to work in the UK**

Individuals applying for a personal licence must be entitled to work in the UK.

### Documents which demonstrate entitlement to work in the UK

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. Guidance on how this can be demonstrated in specific circumstances is outlined in the linked webpage: <https://www.gov.uk/government/publications/right-to-work-checklist/employers-right-to-work-checklist-accessible-version>

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example they are subject to an immigration restriction that does not permit them to work.

## **Policy 2: Licensing fees**

- **Policy:** Licensing fees are set nationally and are due for payment on the anniversary of the licence, if the Licensing fee is not paid on time the licence will be suspended until fees are paid.

Licence fees are set in alignment with business rates (rateable value) and the council expects licence holders to pay the required licence fee when it is due. The licensing fees are set out on this web page <https://www.brent.gov.uk/business/licences-and-permits/alcohol-club-and-entertainment-licences/premises-licence#fees>.

If Licence fees are not paid at the time they are due suspension for non-payment of fees will be in force two days after the council notifies the licence holder. The council will notify the licence holder the day after the payment is due if it is not received.

The suspension will cease to be in place when the payment is received.

It is the licence holder's responsibility to pay their fees, the council will not issue a reminder of fees when they are due. This is a matter for licence holders and the council expects Licence holders to

take responsibility for ensuring their fees are paid when they are due.

There are some exemptions to this policy. Where late payment or non-payment is due to administrative error or if the fee is disputed prior to the date it is due for payment the licence will not be suspended.

### **Policy 3: Partnership Working**

- **Policy:** The council aims to work in partnership where and when it is possible and reasonable to do so. This includes aiming to work with: other Responsible Authorities and enforcement agencies within Brent; regional or national authorities and bodies outside of Brent; and the trade, trade representative organisations, and schemes such as PubWatch and Best Bar None.

#### ***Partnership with responsible authorities and enforcement agencies***

The council is committed to working collaboratively and as seamlessly as possible with the Responsible Authorities and enforcement agencies within Brent and more widely as appropriate.

In particular, this can include:

- **Tasking meetings:** Tasking meetings forms the basis for partnership working within the wider council and local partnership.
- **Joint enforcement approaches:** The council will work closely with the local police, licensing Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of council, Police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing law. Contact is also maintained with the Security Industry Authority (SIA) in relation to checks on door supervisors. Multi agency announced and unannounced inspections and visits are and will be undertaken.
- **Joint approach to representations:** The council will communicate with the Responsible Authorities to ensure that a partnership approach is taken in consideration of applications and any representation to be made to them where appropriate.
- **Information sharing:** Brent is committed to open data principles. Subject to the provisions of the Data Protection Act 1998 and General Data Protection Regulation the council will share information about licensees, licensed premises and activities associated with them to all partners. Operating schedules, results of compliance checks, and details of enforcement action may also be shared.

#### ***Partnership working with licensees, trade and residents***

The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, responsible authorities and the council. The council is keen to work in partnership with licensees and with bodies such as licensee forums, pub watches, business groups, tenants and resident's groups and those representing such groups to develop a prosperous and well managed economy whilst promoting the licensing objectives.

By working closely with trade and resident's groups the council aims to develop a preventative or early intervention approach to problems that may arise. To do this the council will:

- Be accessible to these groups.
- Regularly consider and/or canvas the views of Brent business and resident's groups as and when appropriate.

#### Policy 4: Enforcement approach

- **Policy:** The council supports compliant, well-regulated businesses, and as such will operate a clear two step enforcement approach within the circumstances and context of each individual requirement for enforcement action.

The council prefers a targeted approach to enforcement, where compliant, well-regulated licensed businesses are not generally a focus of enforcement and where licensed businesses that do not meet this standard are supported to become compliant, well-regulated business. Where this is not possible or successful, they will be subject to appropriate and proportionate enforcement measures.

The council will aim to give licence holders early warning of any concerns/ problems identified at any licensed premises and identify the need for improvement. Repeated or cumulative breaches of licences will potentially lead to a review where the full history of the venue will be examined.

Where a test purchasing exercise is undertaken by the Police and/or Trading Standards for age restricted goods, all licenced premises will be targeted equally.

An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder and nuisance in and around licensed premises will be collated to provide a risk-based approach for inspection and, where appropriate, surveillance.

Enforcement action will be taken in accordance with the principles of the Regulatory Compliance Code, requirements of the Licensing Act and the associated section 182 Guidance.

The council will consider the fundamental principles recommended by the Better Regulation Task Force for good enforcement and the Hampton report:

- **Proportionality:** for example, action taken should be proportional to the risk presented.
- **Accountability:** ensuring our activities are open to public scrutiny.
- **Consistency:** we will undertake enforcement in a fair and consistent manner.
- **Transparency:** for example, helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
- **Targeted:** for example, focusing on activities that give rise to the most serious risks or where hazards are least well controlled.

For more information on the council's Enforcement Strategies please go to the following Council web page: [Enforcement policy | Brent Council](#)

#### Policy 5: Opening hours

- **Policy:** The council expects and strongly encourages applicants applying to operate between the hours of midnight and 10:00 am to consider and assess the potential risks in the locality and the premises operation against the licensing objectives as part of their application.

International evidence shows that in case of alcohol the hours and days of sale is related to the harm that can be caused by excessive and risky consumption of alcohol. Evidence also indicates that certain hours of sale impacts on certain types of alcohol related harm.

Accordingly, venues which seek to open between midnight and 10:00 am are expected to risk assess their proposals, having regard to risks in the locality and those arising from their operation itself, and propose measures to promote each of the licensing objectives. Applicants will be expected (but are not legally bound) to supply such risk assessments alongside their operating schedule to demonstrate compliance with this policy. If they do not do so, it is likely that representations will be received, and that the application may be refused or stringent conditions placed on any licence granted.

Venues operating within these hours will also be expected to consider public nuisance caused by potential noise, anti-social behavior and crime, particularly in relation to the use of outside spaces and during entry, exit and dispersal from the premises.

## Policy 6: Temporary Events

- **Policy:** The council expects that all Temporary Events Notices (TENs) are submitted at least 10 days prior to the event and provide sufficient accompanying information to allow due consideration, including evidence of permission to use space if it is public or council land/venue. It is expected that any existing conditions on a licence will be maintained for the purposes of a TEN. It is also recommended that TENs are submitted as early as possible prior to the event to allow relevant responsible authorities to have appropriate time to consider the TENs.

Temporary Events Notices are intended to allow licensable activities without a premises licence. Only the Police or Environmental Health can object to a TEN. The council will intervene if the statutory limits on the number of TENs are exceeded.

It is recommended that TENs are submitted as early as possible prior to the event to allow for the relevant responsible authorities to have sufficient time to consider the notice.

If an objection to a late TEN (given with between 5 and 10 working notice) is received a counter notice will be served and the event will not be allowed to go ahead.

When a TEN is submitted the council expects that the following information will be provided:

- Evidence of permission to use outside space for an event, specifically where the outside space is council or public land;
- A risk assessment and capacity determination;
- Evidence of consultation with the Brent Safety Advisory Group.
- Any other information that is relevant or pertinent to the TENs.

If this information is not provided it is more likely that an objection will be forthcoming.

## Policy 7: Venue safety and assessment of risk at venues and events

**Policy:** Public Safety is expected to be a key consideration in large venues and higher profile events. This may include conducting a risk assessment to identify risks and mitigation approaches for venues where certain factors or circumstances (such as overcrowding or terrorism) may make the venue unsafe to those present in the premises. Mitigations may also need to consider the role of security staff in safety as well as security.

Public Safety in venues is a key consideration for the council. Incidents occurring at larger venues or events with high attendance are of particular concern to the council. The council expects applicants of larger venues or where high attendance events may take place to give particular consideration to measures to promote Public Safety. These may include:

- Conducting a risk assessment and consulting Brent Licensing and Police (see section below);
- Considering the role of security staff in promoting safety as well as security; and,
- Consideration about capacity limits and the ingress and egress of customers.

The council considers it prudent to prepare for the passage of the legislation related to this ('Martyn's Law'). When and if legislation is introduced there will be additional requirements placed on a number of licensees to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. If such legislation is passed the council expects relevant applicants to include appropriate measures to meet these obligations in their licensing application.

### **Policy: Risk Assessments**

Where an event involves live performers (for example, musicians, DJs, MCs and other artists) at a licensed premises that is promoted by the licence holder or an outside promoter the Police may require that a risk assessment be completed and submitted in advance to the satisfaction of the Police. This may also include the completion of an after event debrief form. This is to ensure that any crime and disorder, public safety matters or concerns are identified and addressed satisfactorily. Where risk assessments are required, they should be submitted at least 14 days before any proposed event.

The Safer Sounds programme run by the Safer Business Network and supported by the Mayor of London can provide more information around running safe events. The website is [www.safersounds.org.uk](http://www.safersounds.org.uk).

## Policy 8: Reviews

- **Policy:** Where a valid and reasonable request for a review of a licence is made to the council, the council will initiate a process to consider the review application

Responsible Authorities, residents or businesses or a representative of these may ask the council to review a premises licence because of concern(s) about the premises in connection with any of the four licensing objectives.

Any request for a review of a premises licence is required to be accompanied by evidence to substantiate the allegations.

When a request for a review is initiated by other persons, the council is required to first consider whether the representation made is relevant to the any of the four licensing

objectives and that is not vexatious or frivolous. Where a Responsible Authority requests a review it is expected that licensing objectives are considered prior to the review application.

Representations must relate to particular premises for which a premises licence is already held and must be relevant to the promotion of the licensing objectives. The review process is not an opportunity to revisit earlier representations made when the original application for a premises licence was determined, unless these relate to different circumstances.

Where the council receives a request for an expedited review in accordance with the closure procedures described in Part 8 of the Act, the council will arrange a hearing in accordance with the regulations set out by the Secretary of State.

The licensing committee, in determining a review application, may exercise the range of powers given to them to promote the licensing objectives.

These include:

- modify conditions of the premises licence (which includes adding new condition(s) or any alteration or omission of an existing condition temporarily or permanently);
- exclude a licensable activity from the scope of the licence;
- remove the designated supervisor;
- suspending the licence for a period not exceeding three months;
- revoke the licence; or,
- to take no action.

The council will seek to establish the cause or causes of the concern issues and action will be targeted at such causes. Any action taken will be proportionate to the problems involved.

Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.

Where a Magistrates Court makes a Closure Order under part 4 of the Anti-Social Behaviour, Policing and Crime Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will request a review or ask the council to carry out a review of the licence.

Where a closure order has been made under part 4 of the Anti-Social Behaviour Act 2003 (on grounds of noise) the council's Environmental Health section will normally request a review of the licence.

Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under 18. The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The sale of alcohol to persons who are intoxicated is also an offence under the Licensing Act 2003. The council will treat representations that these offences have occurred seriously when they arise in connection with the granting or review of a premises licence. It will also have regard to other criminal activities which may take place in some types of licensed premises such as:

- sale or distribution of drugs;
- sale or distribution of stolen or counterfeit goods or weapons sale of smuggled tobacco and alcohol;
- prostitution, pimping or procuring;
- use as a base for criminal activity, particularly gangs, organisation of racist activity, unlawful gaming and gambling; and,

- employment of those who do not have the right to work in the UK.

Where reviews arise and the council determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence- even in the first instance - will be seriously considered (s182 Guidance, paragraph 11.26). Revocation also remains an option if other licensing objectives are being undermined.

Comments about applications and reviews are made by way of representations. These can be from a Responsible Authority (such as the Police) or other persons (such as a local resident or residents' group). A representation can be an objection to an application or part of an application or can be in support of an application. Guidance on making representations and applying for a review is available on the council's website.

The review process is integral to the operation of the Licensing Act 2003.

The Government's intention is for a light touch regulatory regime with regard to the granting of new licences and variations. If problems arise in connection with a premises licence, it is for the responsible authorities and the other persons to apply for a review of the licence. Without such representations, the council cannot review a licence. Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

## Policy 9: Impact of major entertainment venues

- **Policy:** The council will continue the policy of imposing special conditions in Wembley for dealing with alcohol-related issues during major events.

Brent hosts two large-scale entertainment venues of international and national importance. Wembley Stadium and Wembley Arena are major sources of tourism and regeneration within the Wembley area. Thousands of people enter Wembley on event days and people consume alcohol as a part of their entertainment

The council will continue the policy of imposing special conditions in Wembley for dealing with alcohol-related issues during major event days. The conditions acknowledge the unique role alcohol plays in the overall enjoyment, social and economic activity associated with Wembley Stadium and Wembley Arena whilst balancing the four licensing objectives and the safety and concerns of local residents. These are included earlier in the Policy and include:

- No sale of alcohol one hour before the event, and one hour after.
- No alcohol to be sold off-licence to those wearing game day paraphernalia.
- Customers shall not be allowed to congregate outside the premises.
- No glass bottles shall be handed over the bar but shall be decanted into plastic vessels.
- The DPS shall work in partnership with the Police and comply with any direction given by the most senior Police Office on duty at the event.
- No alcohol of 'alcopop' type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.
- No more than 4 cans of alcohol can be sold to a customer.

## Policy 10: Noise disturbance in residential areas

- **Policy:** The council expects applicants to make specific consideration of measures they will introduce to reduce noise disturbance if the proposed premises is in a residential or mostly residential area.

Many areas of Brent mixed retail and leisure areas with areas of high residential concentration. To ensure that residents and businesses are able to maintain this balance it is expected the applications made in these areas pay particular attention to how they will limit noise disturbance for residents in the nearby area.

## Policy 11: Cumulative Impact Policy

- **Policy:** council has adopted a Cumulative Impact Policy to establish Cumulative Impact Zones for the following areas: Harlesden; Wembley Central; Ealing Road; Kilburn High Road; Willesden High Road; Neasden Town Centre; East Lane; Kingsbury, Queensbury Station Parade, Sudbury Town – Harrow Road and Watford Road, Wembley Park and Cricklewood Broadway. The Cumulative Impact Policy for these areas applies only to Off-Licences. Where relevant representations are received to an application for a new off-licence or for variations which would increase the sale of alcohol, including through longer hours, the presumption is that the application will be refused

The council has established twelve (12) Cumulative Impact Zones (CIZs) in Brent. The purpose of these CIZs is to address levels of crime and disorder, and anti-social behaviour, particular that associated with street drinking. Therefore, the CIZs will specifically relate to applications and variations for off-licences.

The Cumulative Impact Policy will be reviewed every three years in line with requirements under the Licensing Act 2003.

It is important to note that the CIZs adopted will not cause any existing licences to be changed. It can only apply to new applications and variations of existing licences. It is also not an absolute policy and where an applicant can satisfactorily evidence that their application or variation will not negatively impact on the licensing objectives the council may be minded to grant the application.

The CIZs do not address the matter of the need for a premises. The need for premises is a commercial matter and is not a consideration for the council in the discharge of its functions and this policy. Need is a matter for the Planning Authority and market forces.

It is also important to note that Policy 15: Voluntary ban on high strength sales and Policy 16: Street Drinking are separate policies and adoption of the voluntary condition(s) supported and encouraged in Policy 15 and Policy 16 will not necessarily address the requirements under a Cumulative Impact Zone. Any licence application in a CIZ area will need to demonstrate with evidence that its operation will not add to any cumulative impacts that the CIZ is seeking to address.

See Appendix 6 for further details.

### ***Cumulative impact outside of Cumulative Impact Policy areas***

The council recognises that the cumulative impact of licensed premises can be experienced by residents in areas where there is no current cumulative impact policy. Cumulative impact is not defined in the Licensing Act 2003 but is addressed in national guidance which defines it as “the



potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area". The guidance goes on to state that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing Authority to consider in developing its licensing policy statement.

The council will consider any representation that refers to the impact of a number of premises in an area. The absence of a special policy in an area will not prevent any Responsible Authority or other person from making representations on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives in the area in question. Representations referencing cumulative impact need to be evidence based and show how the present number of licensed premises are impacting on the objectives and demonstrate how a specific licensed premises in a particular area will add to those problems.

### Policy 12: Public Space Protection Orders

- **Policy:** Brent has Public Space Protection Order for street drinking covering the whole borough and therefore it is an offence to fail to comply with a request from an authorised person to cease drinking or surrender alcohol in public places.

The Public Space Protection Order for street drinking was applied Borough wide in October 2017. This means that it is an offence for any person to fail to comply with a request from an authorised person to cease drinking or surrender alcohol in a public place within the borough. If a police officer or authorised person reasonably believes that a person is, or has been, consuming intoxicating liquor within these areas, the officer or authorised person may require the person concerned:

- a) not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
- b) to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- c) An officer may dispose of anything surrendered to him/her as above.
- d) Issue fixed penalty notices on offenders
- e) Prosecute persistent offenders

### Policy 13: Violence Against Women and Girls

- **Policy:** We expect all licensed premises to have appropriately trained staff, who are proactive and vigilant around women's safety at night. This includes a duty to capture information and report to the police where appropriate.

Brent supports the Women's Safety Charter and is committed to sharing in the Mayor of London's vision that all Londoners are able to travel, work and go out safely and confidently at night without fear of being victims of criminal offences.

Brent recognises tackling Violence against Women and Girls (VAWG) as a priority.

We commit to sharing the Greater London Authority and Mayor's Office of Policing and Crime women's safety campaigns, promoting them within Brent and across our social media channels. We

encourage licensed premises across the borough to participate in and promote locally any London-wide campaigns to keep women safe at night that discourage harassment and encourage reporting.

We expect all licensed premises to build an atmosphere of transparency and safety for women who work at night.

We also recommend licence holders put in place measures to reduce gender-based violence, intimidation and harassment for all staff and customers. This may include 'Ask for Angela', WAVE and specific training for staff. Further details are available at the following links:

- Ask for Angela: <https://www.met.police.uk/AskforAngela>
- WAVE: <https://nbcc.police.uk/crime-prevention/safeguarding/welfare-and-vulnerability-engagement-wave-lesson-plan>

We expect all licensed premises to have appropriately trained staff, who are proactive and vigilant around women's safety at night. This includes a duty to capture information and report to the police where appropriate.

We also expect all licensees and applicants to be aware of their responsibilities in relation to drink spiking and refer you to paragraph 2.7 of the Government's Section 182 Guidance that contains the recognised definition of drink spiking.  
([https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf))

#### Policy 14: Violence Against Vulnerable People in the Night Time Economy

- **Policy:** We expect all licensed premises to have appropriately trained staff, who are proactive and vigilant around the safety of vulnerable people in the night time economy. This includes a duty to capture information and report to the police where appropriate.

We expect all licensed premises to build an atmosphere of transparency and safety for those who may be vulnerable working or taking leisure in the night time economy.

This should include the full diversity of people in the night time economy, include the full range of gender and identified gender, relationships, age, race and any other demographic characteristic.

We also recommend licence holders put in place measures to reduce vulnerability based violence, intimidation and harassment for all staff and customers. This may include WAVE and specific training for staff. Further details are available at the following links:

- WAVE: <https://nbcc.police.uk/crime-prevention/safeguarding/welfare-and-vulnerability-engagement-wave-lesson-plan>

We expect all licensed premises to have appropriately trained staff, who are proactive and vigilant around women's safety at night. This includes a duty to capture information and report to the police where appropriate.

We also expect all licensees and applicants to be aware of their responsibilities in relation to drink spiking and refer you to paragraph 2.7 of the Government's Section 182 Guidance that contains the recognised definition of drink spiking.  
([https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf))

### Policy 15: Voluntary ban on high strength sales

- **Policy:** The council strongly encourages applicants to implement a voluntary ban on the sale of high strength alcohol.

The council supports and encourages licensees implementing a voluntary ban on high strength alcohol sales. These voluntary bans are aimed to tackle the problems associated with street drinking by removing from sale low price, high-strength alcohol products through voluntary bans implemented by local retailers. Street drinkers often consume high strength alcohol. The scheme follows increasing evidence of the harm caused by this type of alcohol to vulnerable drinkers, and also the crime, disorder and nuisance caused by street drinkers. The models used vary from place-to-place but tend to target alcohol products above 6% alcohol by volume (ABV) as well as sale of miniatures, although some have focused on a slightly lower ABV or lower cost products.

The council encourages and supports applicants to outline any voluntary ban in their operating schedule or voluntary conditions offered as part of their licence application.

### Policy 16: Street drinking

- **Policy:** In areas where street drinking has been identified as a problem by the council new applicants and those applying for variations are required to demonstrate how their premises will not contribute to street drinking in those areas.

Applicants may wish to seek guidance from Licensing, Community Safety and Police partners as to specific measures that may be appropriate for their specific location. However, some general examples of good practice include:

- Reducing the strength approaches having voluntary bans on high strength low cost alcohol.
- Visible labels identifying the premises.
- Use of different coloured or labelled bags for sales of alcohol.
- Ensuring street drinkers do not congregate outside the premises.
- Ensuring drinkers do not consume alcohol on the premises, also not having the paraphernalia to allow that (e.g. Single plastic drinking vessels or bottle openers near the till area).
- No sale of miniatures.
- Keeping the premises locality clear of litter.

### Policy 17: Late Night Refreshment

- **Policy:** The sale of hot food and hot drinks between 11 pm and 5 am are licensable activities under the Act and will require a licence.

Under the Licensing Act 2003, the sale of hot food and hot drinks for consumption on or off the premises to the public between the hours of 11pm and 5am is a licensable activity. This includes premises that provide equipment for food and non-alcoholic drink sold to the public to be heated up prior to being consumed.

The council advises any applicants for a premises licence who provide hot food and non-alcoholic drink after 11 pm to give a detailed account of how they will promote the four licensing objectives and, in particular, the prevention of crime and disorder and the prevention of public nuisance.

As per Home Office guidance<sup>4</sup> the council wishes to exempt hospitals from the requirement to seek a licence for the provision of hot food and drinks.

This council will have due regard to any representations from Responsible Authorities and “other persons” to the grant or variation of a licence to provide hot food and non-alcoholic drink to the public. It will also look particularly closely at any measures proposed by the applicant to promote the licensing objectives.

### Policy 18: Shisha

- **Policy:** Conditions to promote the licensing objectives will be considered for Late Night Refreshment Licences specifically where shisha is also sold.

A number of shisha premises have Late Night Refreshment Licences which permit the sale of hot food and hot drinks between the hours of 11pm and 5am. Currently, there is no strong evidence to support limiting LNRL's in shisha premises however evidence is being collected to determine the suitability of licence conditions on such places in the future.

Where an applicant, for either Late Night Refreshment or the sale of alcohol, is also planning to sell shisha for consumption on the premises the council expects that the application will evidence how they will address any potential public nuisance caused by shisha smoking and also to demonstrate compliance with other regulatory regimes (e.g. Smokefree Regulations).

The licensing objectives still apply in these circumstances and the council expects applicants to provide clarity on the measures that they will take to ensure that the licensing objectives are upheld.

### Policy 19: Venue capacity limitations

- **Policy:** Venue capacity will be considered as part of wider consideration for licence applications

When determining applications for a licence, consideration of venue capacity will be taken into account. This is to help the council limit the potential for large venues becoming problem hot spots. This will apply to those venues that fit or likely to fit within the description of high-volume vertical drinking establishments where applicable. Applicants are required to submit robust crime & disorder proposals in their operating schedules as well as noise dispersal policies.

The council accepts that a lot of the problems that may occur in large premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises may also assist in promoting all of the licensing objectives, primarily crime & disorder.

The council will consider capacity conditions where this may be beneficial in promoting the licensing objectives.

### Policy 20: Voluntary schemes

- **Policy:** The council encourages applicants to consider the range of voluntary schemes available and appropriate for their premises and operation.

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<sup>4</sup> <https://www.gov.uk/government/publications/guidance-on-the-licensing-of-late-night-refreshment>

The Drink Wise Self-Assessment Framework suggests voluntary agreements with licensed premises helps to reduce alcohol related harm. However, this requires willing participation on the part of premises owners and operators. As such, the availability and sale of high-strength beer and cider can be inconsistent and sporadic.

Voluntary measures include code of good conduct schemes run by local industry, local authority, and policy partnerships has been adopted by over 100 towns and cities across the UK and has the support of the Home Office.

Pubwatch is a voluntary scheme with the aim of achieving a safer drinking environment in all licensed premises. Pubwatch can be an invaluable resource for licensees. It enables them to share information, intelligence and advice about crime, disorder and ASB in the area with each other, the council and the Police. This includes sharing information such as photographs of offenders and the “Barred from One, Barred from All” scheme. This can in turn assist with dispersal because known troublemakers cannot gain access to licensed premises in the first instance.

## Policy 21: Health

- **Policy:** The council will consider the impact on the health and public health of Brent residents as part of its considerations and duties relating to the sale and supply of alcohol.

Health is not a licensing objective, but the council is aware that there is a significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses, alcohol induced violence and domestic violence. Significant alcohol related hospital accident and emergency admissions and ambulance pick-ups are indicative of problems and may result in reviews of premises licences where these can be related to specific premises.

The evidence base for the impact alcohol has on the health and wellbeing of local areas is strong. For a full review of the evidence the Public Health England evidence review is available here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583047/alcohol\\_public\\_health\\_burden\\_evidence\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583047/alcohol_public_health_burden_evidence_review.pdf)

Since 2012 the Brent Director of Public Health has been a Responsible Authority and is able to make representations on applications and initiate reviews. The Brent Director of Public Health has access to data and evidence that is useful and informative for the development of policy, the consideration of applications and the conduct of reviews. This includes:

- evidence on the impact of alcohol on the physical and mental health of residents, particularly children;
- data on hospital admissions for alcohol related illness and injury;
- data from London Ambulance Service on alcohol related ambulance attendances; and,
- data and evidence from local alcohol services, such as out-reach and treatment services.

When such evidence and data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub-Committee in reaching its decision if applicable.

The Brent Director of Public Health expects that applicants to be aware of the proximity of the premises they are seeking a licence to substance misuse treatment facilities and other medical facilities. The Brent Director of Public Health, as a Responsible Authority under the Act, is minded to consider an objection where an application is likely to be in close proximity to a substance misuse

treatment facility or other sensitive medical facility.

## Policy 22: Outside spaces

- **Policy:** Beer gardens, roof terraces, pavements and other outdoor areas in licensed premises are expected to comply with appropriate conditions to ensure there is minimal disruption to residents in proximity to the licenced premises.

Outside spaces are an increasingly popular part of licensed premises, particularly in summer where there is more demand for outside drinking and eating. The outside spaces that are also used by patrons who smoke are expected to comply with Smokefree regulations. These outside spaces at premises need robust management to reduce the potential nuisance being caused to others located in proximity to the venue.

Where smoking, eating and drinking takes place outside, the council expects applicants to provide comprehensive details in their operating schedule on:

- the location of outside areas to be used;
- how the outside areas will be managed to prevent:
  - a) noise;
  - b) smell; and,
  - c) pavement obstructions.
- the arrangements for clearing, tables and chairs; and,
- preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.

Where outside spaces are used for eating, and where children may be present, the council expects applicants to provide detail on how smoking areas will be segregated from the general use areas.

Where the use of outside spaces by the patrons of a licensed premises is unplanned and makes use of the pavement there is need for specific consideration. Members of the public can sometimes feel intimidated and crowds of drinkers spilling out onto the street may cause obstruction. Safety issues can arise with drinkers and members of the public being forced to use the road. Wherever, possible drinking should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a street trading licence has been granted by the council for tables and chairs, on the public highway.

Applications for the use of tables and chairs on the highway are not within the remit of this policy. In the event that the hours under any such licence do not match those on a licence issued under the Licensing Act 2003 the earlier hours will apply.

Where applicants wish to place tables and chairs on a public highway, they will require to be licensed for such an activity by the council.

Where applicants intend to use private land for alfresco meals or refreshments, they will be required to explain how possible nuisance or crime and disorder from late night use of table and chairs will be controlled. This may include such matters as restricting music or other forms of entertainment, providing additional supervision or installing CCTV. Police recommend in general that outside areas (e.g. beer gardens) should not be used after 23:00 hours.

## Policy 23: Dispersal and entry

- **Policy:** Licensed premises should take all reasonable measures to ensure that dispersal of patrons from the premises, and entry of patrons into the premises uphold the licensing objectives.

Section 182 guidance makes it clear that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling licensed premises. However, licensees should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter to the extent that these matters are within their control.

Licence holders should also consider the impact that patrons or others congregating around entry points to their premises have on the licensing objectives, particularly in relation to the general public. Licence holders should take all reasonable measures to ensure that both dispersal from their premises and entry into the premises uphold the licensing objectives.

The council recognises that it is difficult for licence holders to have influence over their patrons once they have left the immediate vicinity of their premises, however, disturbance caused by patrons, if linked to the operation of the premises, where contrary to the licensing objectives, can be a reason for the council to take action.

## Policy 24: Delivery Services and dark kitchens

- **Policy:** The council expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance related to delivery vehicles, ensuring the security of premises and delivery drivers, and protecting children by applying rigorous age checks at both purchase point and at point of delivery.

Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services, these tend to fall into three groups:

- Premium specialist product mail-order type services;
- Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and,
- Dark kitchens providing for delivery only food and beverage services;
- Convenience type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 or in the s182 guidance in any way differently from other licensed premises they do provide their own unique circumstances that need to be addressed. In particular, the council has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and,
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.

The council is likely to place the following conditions on to a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery **should** be obtained. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and **not** to a public place.
- Every third-party courier delivery box shall be labelled with the words “Age Restricted Product”.
- Any delivery driver or third-party courier will be required to have appropriate age verification training, particularly they will be required to have training on refusal of supply where age verification is not provided. This will need to be demonstrated by the applicant at application stage, and at any point where the delivery driver or courier service is changed.
- A refusals log will be maintained for deliveries and be available to the council on request.
- A log of all deliveries shall be maintained and be available to the council on request.
- Appropriate security will be in place at the premises as agreed with Police.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.

Each of these measures will need to be demonstrated to the council as part of the application.

The council also recommends that applicants seeking a licence where delivery of alcoholic beverages is to take place consider the following guidance from the Retail of Alcohol Standards Group: <https://rasg.org.uk/online-sales-guidance/>.

Where a number of dark kitchens operate in a single premises the council has a preference that the premises holds a licence that covers all the operators within the premises. This would provide consistency and address high turnover in operators.

## Policy 25: Age verification and test purchasing

- **Policy:** The council expects all licenced premises to have the specific age verification measures outlined below in place and will conduct test purchasing operations to test and assure compliance with the minimum purchase age requirements. If sales to children are made action will be taken by the council.

Age-verification measures, and test purchasing to assure these are robust and well-operated by licenced premises are the core measure to ensuring the licensing objective for the protection of children is met. Weights and Measures officers within Trading Standards in the council have the lead responsibility for undertaking Controlled Test Purchase Operations.

To support the age-verification process the council strongly recommended that premises have the following measures in place to ensure age verification for sales:

- That “Challenge 25” is supported as part of the age verification scheme established. The scheme requires the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.



- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log shall be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorized officers.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

Brent Trading Standards operate a policy of carrying out test purchasing for under age sales of alcohol. If sales are made to children action will be taken. This may be a review of the licence, or a request to include additional conditions on the licence designed to assist the management to counter attempts by children to buy alcohol. Any additional conditions felt appropriate will be subject to discussion with licence holders. The council may also, as a Responsible Authority, apply for reviews of premises licences when appropriate. If deficiencies in operating schedules of current licences become apparent the council will initially usually ask the licence holder to remedy this by way of an application for a minor variation. If this is not undertaken, then a review may be necessary to impose conditions on the licence. This process does not preclude prosecutions for offences under the Licensing Act.

## Policy 26: Authority and Designated Premises Supervisor

- **Policy:** Every supply of alcohol under a premises licence must be made or authorised in writing by someone holding a personal licence. Every premises with a licence must have one person holding a personal licence specified as the Designated Premises Supervisor (DPS).

The council recommends that all persons employed on licenced premises who are engaged in the sale and supply of alcohol be encouraged to attend regular training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Training programmes that raise awareness of the issues relating to drugs and violence in licenced premises are necessary. Suitable training should be extended to all staff involved in managing or supervising the premises. All training undertaken should be recorded and signed by the designated Premises supervisor.

It is recommended that persons employed on premises providing entertainment for children shall be trained in basic child protection and safety, and if appropriate have the necessary CRB checks.

Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. The Licensing Act does not require the presence of a personal licence holder at all material times but if any sales are made when a personal licence holder is not present, then they must have been authorised by somebody who holds a personal licence.

Every premise licenced for the sale of alcohol must have one personal licence holder specified as Designated Premises Supervisor (DPS). This will normally be the person with day-to-day responsibility for running the premises.

The council recognises that there is no requirement for the DPS to be at the premises throughout the hours of licensable activities, however, the DPS must be able to ensure that all four licensing objectives are properly promoted and that each premise complies with licensing law and licence conditions. The council expects that a DPS will be able to demonstrate knowledge of both the local geographic area and the patrons the premises attracts. The DPS should be sufficiently conversant in English to be able to properly communicate with patrons.

The council expects that when the DPS is not present on the premises written authorisation will have been given to other members of staff, and that one of these members of staff will be on the premises. Such authorisation should be in writing and be displayed with the premises licence.

It is considered good management practice to ensure that a personal licence holder/DPS is available at all hours that the premise is open to the public. It is regarded as good management practice that a personal licence holder/DPS be physically on the premises from 23:00 onwards.

#### **Policy 27: No sales below permitted price**

- **Policy: Premises are required on request by the Licensing Authority to demonstrate that alcohol is being sold at a price not less than the permitted price: i.e. the level of alcohol duty plus VAT**

A ban on selling alcohol below a “permitted price” has been in place since 28 May 2014. This was introduced through the Licensing Act 2003 (Mandatory Conditions) Order 2014. The permitted price is defined as the level of alcohol duty plus VAT.

All premises are required on request by the Licensing Authority to demonstrate that any alcohol is being sold at a price not less than the permitted price: i.e. the level of alcohol duty plus VAT.

Premises are expected not to offer or publicise irresponsible promotions which encourage irresponsible drinking.

Where any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it will be appropriate for the Licensing Authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. Each case will be considered on its own merits.

#### ***Minimum Unit Price***

National research shows that the introduction of a minimum unit price of 50 pence or more would reduce harmful and hazardous drinking which would lead to a reduction in occurrences of alcohol related crimes, hospital admissions and sickness absences and reduce the financial burden on the NHS, the criminal justice system and social care.

Research including modelling research and real-life research examples, show that a Minimum Unit Price can have a significant positive benefit for the health, safety and wellbeing of the population and that of our communities. These positive benefits have an impact on promoting each of the licensing objectives. Research evidence indicates an MUP is likely to reduce alcohol related criminal offences<sup>5</sup>, promote public safety by reducing traffic accidents and falls<sup>6</sup>, and is likely to promote the protection of children. It is also likely that it will impact on public nuisance, with a particular impact through reduced levels of nuisance caused by street drinking and related anti-social behaviour.

As such, the council encourages applicants to consider the benefits to Brent and their premises of including a voluntary condition of a 70p Minimum Unit Price in their application. Where representations are made on an application the council will consider applications that a voluntary condition of a Minimum Unit Price for all sales of alcohol to be more in alignment with the policy. This is NOT a mandatory condition and all applications will be considered on their own merits.

These conditions prevent drinking games, provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price. Conditions that may be considered to curb irresponsible drinks promotions which do not promote the licensing objectives may include measures such as:

1. A licensee may consider not using or limiting the use of 'A' boards on the public highway, particularly where these are to be used to market cheap alcohol.
2. Not placing or displaying alcohol at or near the entrance to a store.
3. Installing facial recognition CCTV at the entrance of the premises and covering the whole of the premises with CCTV.
4. Locating alcohol so as to be directly supervised by counter staff.
5. Not undertaking end of aisle promotions.
6. Prominently displaying Challenge 25 notices at the entrance, where alcohol is displayed and at the counter.
7. Using an electronic till prompt.
8. Maintaining a refusals log (paper or electronic).
9. Providing all staff selling alcohol with induction and refresher training in the responsible retailing of alcohol.
10. Exploring involvement with a community alcohol partnership.
11. A Minimum Unit Price applied of 70p.

#### **Policy 28: Provision of licences at schools, community halls and other venues that are used for child-care purposes**

- **Policy:** Where schools and other child related facilities seek licences, additional conditions will be considered to uphold the licensing objective to protect children from harm.

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<sup>5</sup> Page 56 of the linked document outlines the modelled impact that an MUP will have on reductions in crime and a reduction in deaths and injuries from alcohol related traffic accidents and falls, and on the protection of children: <https://www.gov.wales/sites/default/files/statistics-and-research/2019-05/model-based-appraisal-of-the-comparative-impact-of-minimum-unit-pricing-and-taxation-policies-in-wales-final-report.pdf>.

<sup>6</sup> This study concluded that MUP's applied in Canada had a beneficial impact on Public Health: <https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2013.301289>.

An increasing number of applications are being received for premises that are primarily places of education, community or child-care. The council understands that schools, community centres and child care facilities may wish to allow the use of halls or venues on their property for outside licenced events. Where schools, community centres and child care facilities seek licences, it is important for the applicants to consider a wider range of potential impacts in terms of the protection of children. In particular, it is important to consider the impacts that come from sharing facilities and to ensure that the use of the facilities for licensable activities have no impact on their purpose for child care and education. As such, the council expects that that these applicants consider the following matters and address them in their operating schedule:

- Ensuring appropriate time for cleaning and making good of the venue by not having licensable activities taking place on a day or evening when there are school or child care activities taking place the next day.
- Setting a cleaning and tidying protocol that ensures that no materials or waste are left behind in the venue that could be exposed to children at the school or child care facility at a later point. This would include drugs, drug use paraphernalia, alcoholic beverages or empty containers, and adult materials etc.
- Making clear areas that are part of the venue and areas that are not open or accessible to patrons and ensuring staff and security staff enforce this.

The council expects that applicants give specific consideration to reducing public nuisance, as many of these premises are in residential areas. The council also expects that these are for occasional events for the community or for fundraising. As such applications for these types of premises need to consider including submitting an events schedule every six months.

#### **Policy 29: No provision of credit for alcohol sales**

- **Policy:** The council expects that credit should not be offered to clients by licence-holders for alcohol sales.

The provision of credit for clients on alcohol sales is related and significantly contributes to specific harms in relation to alcohol misuse and dependence. Not offering credit on alcohol sales will have a benefit to reducing some types of alcohol related harm and is unlikely to impact adversely on the business. The council encourages applicants to consider this as a voluntary condition.

#### **Policy 30: Compliance with existing regulatory regimes**

- **Policy:** The council expects all applicants to be able to evidence, upon application, lawful compliance with all other relevant regulatory regimes.

It is expected that any licensee will be operating in full compliance with all relevant regulatory regimes. To avoid any overlap between regulatory regimes the council expect that all applicants can evidence that they are in full compliance with other relevant regulatory regimes and to undertake that they will remain so as responsible operators.

## Policy 31: Gaming machines

- **Policy:** An automatic entitlement of two (2) gaming machines is available to all licensed premises, where this entitlement is available where the licensed premises meets certain conditions and the council is notified. More than two (2) gaming machines will require a separate licensed premises gaming machine permit.

Certain premises which are subject to premises licences with a licence to supply alcohol are entitled to have one or two gaming machines available for use within their premises. To do this the licence-holder needs to notify the council.

The automatic entitlement is only available to licensed premises if they satisfy all of the following requirements:

- the premises are licensed to supply alcohol, for consumption on those premises
- the premises contain a bar
- the premises are not subject to any licence conditions limiting the supply of alcohol to people having meals on the premises.

Gaming machines are categorised according to how much they can gamble and the maximum prize available.

The automatic entitlement allows a maximum of two gaming machines from categories C and D available for use.

If more than two gaming machines are required at a premises, an Alcohol Licensed Premises Gaming Machine Permit must be obtained. The licensee is expected to ensure they have adequate space within the premises and the machines should be located in clear site of staff.

Applicants may wish to view the codes of practice for more information.

<https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>

## Policy 32: Scheme of delegation

Delegations of functions under Licensing Act 2003

The council's Licensing Committee is responsible for discharging the majority of the council's licensing functions under the Licensing Act 2003. The notable exceptions are the final approval of the council's Statement of Licensing Policy which is reserved for 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).

Matter to be dealt with	Licensing Sub-Committee	Officers
Application for personal licence	Where a Police objection has been received	Where an objection was not received

Application for provisional statement	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application for premises licence / club premises certificate	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application to vary premises licence / club premises certificate	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application to vary designated premises supervisor	Where a Police objection has been received	Where an objection was not received
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	Where a Police objection has been received	Where an objection was not received
Application for interim authority notice	Where a Police objection has been received	Where an objection was not received
Application to review premises licence/ club premises certificate	All cases	
Decision whether a representation is irrelevant, frivolous or vexatious		All cases
Making of representation when the council is consulted by neighbouring Licensing Authority.	All cases	
Determination of an application to vary premises licence at community premises to include alternative licence condition	If Police objection	All other cases
Consideration of a police objection to a temporary event notice	All cases	
Decision to consult other responsible authorities on a minor variation application		All cases
Determination of a minor variation application		All cases
Revocation of a club licence		All cases
Revocation of a personal licence	All cases	
Revocation for a club premises certificate where a club is deemed by the council to no longer satisfy the conditions for being a qualifying club	All cases	

## Part 4: Appendices

- Appendix 1: Measures to promote the prevention of crime and disorder
- Appendix 2: Measures to promote public safety
- Appendix 3: Measures to prevent public nuisance
- Appendix 4: Measures to promote the protection of children from harm
- Appendix 5: What to expect from a Licensing Sub-Committee hearing
- Appendix 6: Cumulative Impact Zones
- Appendix 7: Pool of model conditions
- Appendix 8: Documents which demonstrate entitlement to work in the UK
- Appendix 9: Women's Night Safety Charter
- Appendix 10: Glossary of Licensing terms

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## Appendix 1: Measures to promote the prevention of crime and disorder

The prevention of crime and disorder is a licensing objective due to the link between alcohol and a range of problems, including:

- anti-social behaviour;
- violence, including sexual assault;
- crime and criminal damage;
- domestic violence and abuse;
- street drinking;
- public disorder and misadventure; and
- Resulting ambulance call-outs and A&E attendances.

The consumption of alcohol can increase the likelihood of an individual becoming a perpetrator or a victim of crime. A significant level of violence is linked to alcohol consumption, and the likelihood of being both a victim or perpetrator of property crime or criminal damage increase as a result of alcohol consumption. A compliant, well-regulated licensed premises with effective measures in place to reduce crime and disorder can make a difference. The council expects existing licence holders and new applicants to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already intoxicated and thus potentially pose a risk to themselves or others.

Applicants are advised that they should, in their operating schedules, focus on measures that will ensure that their proposals will not add to any existing problems with crime and disorder.

It is recommended that applicants undertake an assessment of the likely risks and causes for crime and disorder and include measures in the operating schedule that they will take to address these.

These may include:

- Completion of a risk assessment;
- Use of CCTV with appropriate storage of footage;
- Use of appropriate Security Industry Association (SIA) trained door supervisors;
- Membership of the Business Crime Reduction Partnership;
- Being aware of the potential for drug misuse within the premises and, where this is a risk, to introduce measures that can mitigate this risk;
- Consideration of schemes that may provide additional support for addressing crime and disorder, for example, Business Improvement Districts, Pub Watch, Best Bar None etc.

The council would expect premises to cooperate with reasonable requests from Police following incidents, such as requests for CCTV footage or statements from staff members and have provisions in place to provide those without undue delay.

Licence holders are recommended to put measures in place to reduce gender-based violence, intimidation and harassment for all staff and customers. This may include 'Ask for Angela' and specific training for staff. Further details are available at the following links:

- Ask for Angela: <https://www.met.police.uk/AskforAngela>
- Safer Nightlife: [http://newip.safernightlife.org/pdfs/digital\\_library/uk\\_safer\\_nightlife\\_guideline.pdf](http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf)

Licence holders are recommended to put in place measures to address hate violence,



intimidation and harassment for all staff and customers. This shall include zero-tolerance approaches to race, faith, or LGBTQI+ focused violence, intimidation or harassment.

The council recognises that the Metropolitan Police are the main source of advice about crime and disorder, and that the Community Safety Partnership can also make a contribution. The council will accept all reasonable and proportionate representations made by the Police unless there is evidence that suggests to do so would not be appropriate for the promotion of the licensing objectives.

The prevention of crime includes the prevention of immigration crime including illegal working in licensed premises. The council will work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. In addition, the Home Office Immigration Enforcement may instigate a review of a premises licence as appropriate. Where appropriate, the council will consider imposing conditions directed at ensuring the prevention of illegal working in licensed premises, such as licence holders being required to undertake right to work checks on all staff and the retention of a copy of any document(s) checked as part of a right to work check on the premises for these purposes of inspection.

### ***Events and risk assessment***

Where an event that is promoted by the licence holder or an outside promoter, is to take place, premises operators are advised to undertake a risk assessment. Where this identifies a potential crime and disorder and/or a public safety risk linked to those providing the entertainment or to those attending the event, advice may be sought from the council and Police on the following email addresses: [NWMailbox.licensingbrent@met.police.uk](mailto:NWMailbox.licensingbrent@met.police.uk), [Business.licence@brent.gov.uk](mailto:Business.licence@brent.gov.uk) Where risk assessments are required, they should be submitted at least 14 calendar days before any proposed event and debrief forms submitted within 14 calendar days of the conclusion of the event.

### ***Major events at Wembley Stadium***

During major events at Wembley Stadium the following recommended conditions will be considered where there is a relevant representation:

- No sale of alcohol one hour before the event.
- Customers shall not be allowed to congregate outside the premises.
- No glass bottles shall be handed over the bar but shall be decanted into plastic vessels.
- The DPS shall work in partnership with the Police and comply with any direction given by the most senior Police Office on duty at the event.
- No alcohol of 'alcopop' type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.
- No more than 4 cans of alcohol shall be sold per customer.

The following lists suggestions that should be considered, although they will vary according to the use of each premise. The list is not exhaustive and is intended to act as a prompt for matters to consider. Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend these and formulate them into an operating schedule.

The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the council, a Responsible Authority or other person.

- Is there CCTV, and, if so, what are the areas covered, does it have the ability to see clear full-face recording of patrons entering, does it record the patron search area at the entrance as well as the till or servery area;
- What is the retention period for recordings and the provision of instant access to Police and Authorised officers. Does it have an ability to produce copies or download images;
- Are SIA door staff employed, numbers of door supervisors, use of search arches/wands, location of such searches, all such staff to have their details recorded and checks made with SIA website to ensure that licences are current, staff to sign in when commencing work and sign out when they leave. Any induction/training given to new door staff;
- Do door staff receive any venue specific training to enable them to deal effectively with the clientele of the venue;
- Is there use of ID scanning and recording systems, if so, what are the hours during which such systems will be in place, that all patrons will be required to use the system;
- Will there be a “No ID No entry” policy, or use of Clubscan;
- Any measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons. For example, designing out areas or surfaces where there is a likelihood of drug use;
- Is there a clear written policy regarding persons caught using/supplying, provision of safe storage for any seized drugs;
- Has the use of plastic or toughened glass for the serving of alcohol been considered, will glass bottles be handed across the bar;
- Any restrictions on patrons taking drinks outside the premises;
- Any restrictions on numbers of patrons using outside smoking areas;
- Are patrons searched on re-entering from smoking areas if there is the potential for patrons to have contact with non-patrons;
- Location of lighting inside/outside the premises;
- Is there a proof of age scheme to be used, if so what? Is there any dress code used at the premises;
- How are the numbers of patrons in the premises managed, including reference to any capacity restriction;
- The means by which the capacity is counted if appropriate;
- What is the frequency of staff training, what training is given. Will training records be available for Police and Authorised officers. Will the content of training be made available?
- What measures will be used to manage queuing;
- Detailed, achievable dispersal policy;

- Is there a drinking up time or quieter music before the terminal time of the licence?
- Are staff aware of how to respond to and record incidents of crime on their premises?  
Are incidents logged and reviewed in order to identify recurring issues?

For premises selling alcohol for consumption off the premises the following should be considered:

- Should beers, ales, lagers and ciders and anything similar that are sold/ supplied in a can only be sold in multiple packs in order to discourage street drinkers?
- Will there be a restriction on the sales/supplies of beers, ales, lagers or ciders or anything similar of 6% ABV or above, excluding the sale of specialist branded alcoholic beverages?
- Will there be a restriction on the sale/supply of miniature bottles of spirits of 50ml or less at any time?
- Will ales, lagers and cider be supplied only in bottles of 2 litres and above?

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## Appendix 2: Measures to promote public safety

The public safety objective is concerned with the physical safety of people using the premises. To ensure the safety of customers, applicants should be prepared to demonstrate that the premises comply with all health and safety regulations and that risk assessments, where required, are current.

The Act covers a wide range of premises and activities and each of these present a mixture of risks. Some of these risks will be common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and managed so as to safeguard occupants against these risks. The council will expect operating plans to satisfactorily address the objective of public safety in their operating schedule.

Applicants should note that the public safety objective is concerned with the physical safety of the people using the premises and not with public health which is covered by other legislation. Applicants may consider seeking seek advice from Licensing Officers, Health and Safety Officers, Environmental Health Officers and Fire Safety Officers before preparing their operating schedules. All new applications and variations should be accompanied by a Fire Safety risk assessment as required under the Regulatory Reform (Fire Safety) Order 2005. This will reduce the likelihood of the Fire Authority making a representation against the application.

Premises or activities that present a risk to the public either because of the way they are designed as well as the large numbers expected to attend in comparison to the size of the venue will be required to provide a capacity specific risk assessment for those premises or activities. This assessment will include holding capacity, exit capacity and calculations to demonstrate how the capacity was reached, the lower of the two numbers shall be the final capacity. Examples of this are discos and other entertainment venues (which may include dance), music etc. which attract large numbers of people, public houses close to Wembley National Stadium where large numbers of people may attend on event days, and activities that involve entertainments such as novelty acts involving pyrotechnics and other special effects. Whilst the character and nature of the premises will determine capacity limits, the council recommends that occupancy figures should be set at one person for every 0.3m<sup>2</sup> of available floor space for standing areas, one person for every 0.5m<sup>2</sup> for dance areas and one person for every 1m<sup>2</sup> for a seated area (although the final capacity may be curtailed by the number of fire exits).

A venue that intends to use special effects such as pyrotechnics, strobe lighting, haze or lasers is expected keep on record a site-specific risk assessment completed by a competent person. The use of such special effects are expected to be conducted by a suitably professionally qualified competent person or company.

Where there is relevant representation and the council considers that public safety has not been fully addressed in the operating schedule, it will consider attaching conditions to licences in order to achieve this licensing objective.

Special considerations will apply to night clubs and similar venues. Applicants should consider the Safer Sounds guidance here: <https://www.saferounds.org.uk>.

The following suggestions should be considered but will vary according to type of premise. The list is not exhaustive and is intended to act as A prompt for matters to consider. Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend these and form them into an operating schedule. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the council, a Responsible Authority or other person.

- What staff training is going to be provided? Will it include an awareness of selling alcohol to those already drunk?
- The potential impact of drunkenness on levels of violence;
- For premises operating until later hours what is the availability of taxis and public transport?
- Is a scheme such as 'TfL Cabwise' promoted?
- Is a telephone available inside the premises for patrons to call taxis?
- Are staff given training to recognise and deal with any harassment experienced by customers and is there a written policy?
- Does publicity material both inside the venue and on any website exist in relation to combating harassment?
- Any measures to combat drink spiking?
- Is there a dispersal policy to reduce queuing for taxis and transport?
- Is relevant and regular training provided to staff (e.g. 'Ask for Angela') in relation to safety, and in particular the safety of women patrons and staff?
- Has the premises and its staff (including door security staff) signed up to any relevant voluntary Charters in relation to keeping staff and patrons safe?
- Are all staff including door staff trained to recognise and assist vulnerable patrons, such as those who are leaving alone and/or appear to be under the influence of alcohol or drugs?

### Appendix 3: Measures to promote the prevention of public nuisance

The council recognises that licensed premises, especially those operating late at night or in the early hours of the morning, can cause a range of nuisances that impact on people living, working or sleeping in the vicinity of the premises.

Public nuisance is the most common reason for complaints and representations made about applications. It is also the most common cause of complaints about existing premises. It can range from low-level nuisance affecting a few people to a major disturbance.

The potential for nuisance varies according to the nature of the premises. The council will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.

Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower, and residents are trying to sleep, and so it is essential that applicants demonstrate how they will effectively manage these issues. It can include issues such as:

- the exit and dispersal of patrons including patrons loitering;
- noise from patrons standing in queues or in smoking areas;
- patrons returning to cars parked in surrounding streets
- access to taxi marshals, ranks or services; and
- general noise of people arriving and leaving.

Applicants for licences which are proposed to run after midnight and for variations to extend existing hours are expected to prepare a detailed dispersal policy and submit it with the application. Where applicants are completing operating schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.

The use and management of outside spaces within the direct and to a degree in-direct control of the licensee and the associated behaviour of people using outside areas can be problematic. Applicants are expected to take all reasonable steps to prevent public nuisance outside their premises where these matters are within their reasonable control. Policy 5 outlines the council's policy for the management of outside spaces.

Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The council will treat each case on its individual merit; however, stricter conditions will be considered being applied on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to the premises. This may include the council considering an earlier terminal hour than that proposed by the applicant

The following suggestions should be considered but will vary according to the type of premise. The following list is not exhaustive and is intended to act as prompt for matters to consider. Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend to these and form them into an operating schedule. Applicants will be expected to demonstrate in their operating schedule, that nuisance arising from noise, light, smoke odour, litter, anti-social behaviour, human waste, fly posting, highway/footway disruption, can be minimised. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the council, a Responsible Authority or other person.

- Is an acoustic report needed where an application involves live or recorded music and later hours?
- Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
- Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
- The location and availability of any taxi ranks, bus stops, train or tube stations in relation to the premises which are operational at or just after the terminal hour of the licence; Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas. The hours of use should also be included;
- Include details of dispersal policies, and consider the role of door supervision and winding down periods;
- Will you reduce music sound levels and tempo towards the end of the evening? Will lighting be increased towards the end of the evening?
- Will there be an area for patrons to use whilst waiting for taxis? Any wind down/chill out areas?
- Any use of outside areas such tables and chairs on the highway or smoking areas?
- If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this?
- Will there be litter patrols for takeaways?

#### **Appendix 4: Measures to promote the protection of children from harm**

The council takes the protection of children from harm very seriously and expects all licence holders and staff employed on licensed premises to do so as well. Applicants for new licences and variations are expected to address this in detail in their operating schedules. Existing licensees are advised to review their policies regularly to ensure that they are still relevant for the nature of the premises.

The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. Generally, the council will not seek to limit the access of children to licensed premises unless it is appropriate to protect children from harm.

The council will judge the merits of each application before deciding whether to impose conditions limiting access of children to individual premises. While the council wishes to see the development of family friendly environments, it may consider imposing conditions in the following circumstances:

- Where adult entertainment is provided
- Where there have been convictions of current management for serving alcohol or with a reputation for allowing under-age drinking
- Where there is a strong element of gambling on the premises
- Where the exclusive or primary purpose of the service provided is the consumption of alcohol.

The council will consider all or any of the following options when dealing with a licence application where limiting the access to children is considered appropriate to promote the protection of children from harm:

- Limitations on the hours when children may be present
- Limitations on ages below 18 years
- Limitations of exclusions when certain activities are taking place
- Presence of sufficient adults to control the access and egress of children and to ensure their safety
- Full exclusion of people under 18 years when any licensable activities are taking place
- Limitations to parts of the premises to which children may have access.

Where a significant number of children are likely to be present, a licensee should ensure that adequate number of staff are present to control their access, egress and safety. The number of staff required should be assessed by the licensee taking in to account the number of children to be present, the type of event, characteristics of the premises and any other relevant factor(s). The Council recommends that, while the aforementioned factors will determine the number of staff required, the sufficient number of adults present should be calculated at a rate of one adult for every 50 children or part thereof. Where there is a balcony the rate shall be one adult for every 30 children or part thereof.

Nothing in this policy shall seek to override or duplicate child supervision requirements contained in other legislation. However, the council will take into consideration (where appropriate) the measures taken by applicants to ensure that staff who have any contact with children are appropriately checked to ensure that they pose no risk to children. It may be appropriate to obtain enhanced disclosure checks from the Criminal Records Bureau in some cases.

Brent council supports the Challenge 25 Scheme, Brent's Age Restricted Goods Responsible Trader Scheme and similar proof of age schemes and will expect applicants to address this within their risk assessment in respect of determining access to premises or sale of alcohol to young persons.



Where entertainment includes the showing of any film the council will impose conditions requiring licensees to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications or by the council itself.

Where there is relevant representation and the council considers that the licensing objective regarding protection of children has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to protect children from harm.

Where licensees require identification to verify age, acceptable forms of ID include:

- Valid passport
- Proof of age card (with PASS hologram)
- Photo driver's licence card
- Armed Forces ID card.

It is to be noted that electronic identification cards are not currently accepted. However, changes in legislation may lead to these being acceptable.

The council's Trading Standards Team carry out regular operations using children aged under 18 to undertake test purchases for underage sales. Following any such sale, action will be taken. This may be a review of the licence, or a request to include additional conditions on the licence designed to assist the management to counter attempts by children wanting to buy alcohol. Any additional conditions felt appropriate will be subject to discussion with licence holders. It should be noted that Trading Standards may also take enforcement action where any underage sale takes place which may lead to prosecution for which the penalty is a fine. Evidence of any other sales of age restricted goods or any other illegal activity will be considered relevant. If a review of a licence does follow and the committee considers that the necessary safeguards, training or commitment to the protection of children are inadequate, then additional conditions, restrictions or, in appropriate cases, revocation of the licence may follow.

The council recommends that staff in licensed premises are made aware of information, training and the appropriate contact points to help them identify and raise any issues of child exploitation which they note in the licensed premises. The council also recommends licensees and their staff consider approaches to support safeguarding, including:

- Reporting when they see a young person in danger/at risk in your shop / event / immediate area;
- Reporting when they have concerns about safety issues to young people in the immediate area;
- Sharing ideas around improvements needed in the local area to make it safer for young people; and,
- Supporting with interventions to disrupt and change harmful social and community contexts.

It may also be useful for applicants and licensees to make themselves aware of Brent's Contextual Safeguarding approach

(<http://democracy.brent.gov.uk/documents/s79785/Task%20Group%20Report%20Contextual%20Safeguarding.pdf>)

The following suggestions should be considered but will vary according to the use of each premise. The following list is not exhaustive and is intended to act as prompt for matters to consider.

- Adoption of a proof of age scheme, details of which should be provided; Details of which proofs of age will be accepted;
- Any regular training of all staff, details of which should be recorded; Will new staff be trained on induction?
- Will on-line training be used, if so, provide details of the training and who has completed this? Is further or refresher training required - If so, how often is it scheduled?
- Who ensures that training takes place and proper records are kept and regularly updated?
- Will a refusals register be kept on the premises and used to record instances when sales have been refused?
- The frequency with which the refusals register will be checked to see if it is consistently used;
- Are there any restrictions on the hours that children may be present in the premises?
- Are there any requirements for accompanying adults to be present?
- If applicable, how will compliance with the British Board of Film Censorship (BBFC) film classification system be ensured?

Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend to these and form them into an operating schedule.

The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation against the application from the council, a Responsible Authority or other person.

We recommend that off-licences consider the Guidance from the Association of Convenience Stores on their obligations in relation to underage sales. This guidance can be found at <https://www.acs.org.uk/advice/age-restrictions>.

Venues that are family friendly are particularly welcome, applicants are encouraged to make this clear in their application, and to make this explicit in the operating schedule.

## Appendix 5: What to expect from a Licensing Sub-Committee Hearing

### Hearing procedure for Licensing Sub-Committee

Full information on the procedure is sent to all parties prior to the hearing. The information below is a summary of that information.

Parties to the hearing must notify the council's Licensing team within prescribed timescales (these vary according to the type of hearing) that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf.

The hearing will operate as follows (subject to the discretion of the Chair of the Licensing Sub-Committee)

1. A total of 5-10 minutes speaking time is normally allowed for each party. Any preliminary points will be treated separately.
2. In the form of a discussion led by the Committee; cross examination will not normally be permitted.
3. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.
4. Parties to the hearing may be permitted to ask questions of any other party or witness.
5. Parties to the hearing may be required to answer specific questions from members of the committee, objectors and responsible authorities seeking clarification of information.

The typical order of the hearing is as follows:

1. Chair will ask all parties and witnesses to introduce themselves and this should include a brief explanation of the purpose of their attendance.
2. Officers present the report.
3. Committee members ask questions of officers.
4. Applicant speaks.
5. Applicant's witnesses speak (with permission of Chair).
6. Committee members ask questions of applicants and their witnesses (only applies to witnesses who have been given permission to speak).
7. Other parties speak.
8. Other parties' witnesses speak (with permission of Chair).
9. Committee members ask questions of the other parties to the hearing and their witnesses (only applies to witnesses who have been given permission to speak).
10. Applicant (with exception and with permission of Chair) asks questions of the other parties to the hearing and their witnesses.
11. Other parties to the hearing (with exception and with permission of Chair) ask questions of the applicant/other parties to the hearing and their witnesses.
12. Closing remarks from all parties.
13. Committee retires to make their decision.

14. Legal adviser informs the hearing of any advice that they have given to the committee during the decision-making process.
15. Committee announces decision and gives reasons.
16. After the hearing, officers will write to all parties to confirm the committee's decision.

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## Appendix 6: Cumulative Impact Zones

The Council has determined that issues relating to the sale of alcohol from off-licences, specifically relating to crime and anti-social behaviour linked with street drinking, necessitate the introduction of Cumulative Impact Zones (CIZs). The areas in which these specific issues have been identified are:

- Harlesden;
- Wembley Central;
- Ealing Road;
- Kilburn High Road;
- Willesden High Road;
- Neasden Town Centre;
- Kingsbury Road and Queensbury Station Parade
- East Lane; and,
- Sudbury Town – Harrow Road and Watford Road.
- Wembley Park
- Cricklewood Broadway

### What is a CIZ?

Cumulative Impact Zones are a tool outlined in the Licensing Act 2003 to address specific issues where the authorising of further licences in a specific area may be inconsistent as well as undermine the promotion of the licensing objectives.

A CIZ creates circumstances in which any new licence or variation to an existing licence that increases the scope for the sale of alcohol within the specified area will not be granted unless the applicant can evidence that the operation of the licence or licence variation will not contribute to the issues identified to be addressed by the CIZ.

The effect of adopting a CIZ is to “create a rebuttable presumption” that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. CIZs have proved to be a useful tool for tackling alcohol related crime and anti-social behaviour for other licensing authorities. In May 2017, Parliament noted that there are now over 200 Cumulative Impact Zones (CIZs) in England and Wales.

### Why have CIZs in Brent?

Since 2016 there has been a significant and notable increase in alcohol related crime and anti-social behaviour which is having an adverse impact in some areas and neighbourhoods generating complaints from residents, councillors and the Police. This is undermining the licensing objectives and also has potential to undermine the vitality of Brent’s town centres and neighbourhoods.

Data captured from various sources including alcohol related police and ambulance call outs have been mapped and have shown suitable evidence to implement CIZs in the specified areas. In particular crime data and evidence shows a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking.

In areas which benefit from 24-hour tube service the council not only has to ensure a safe environment that also supports a vibrant, diverse and successful night time economy in Kilburn and Wembley. This involves promotion of on-licences for restaurants, music venues etc that support the culture and economy of these areas, whilst tackling the negative impacts created by too many off-licences in any given area.

### **Which types of licences will this effect?**

The proposed CIZs will only effect applications that relate to off-licences or variations to existing off-licences. This is specifically to address the public nuisance and crime and disorder (violence crimes in particular) that are caused through activities such as street drinking

### **Research Approach**

The aim of the research assessment was to identify locations across the London Borough of Brent where there is an emerging and/or are likely to negatively impact the promotion of the licensing objectives.

A data-led approach has been adopted to offer a transparent, consistent and replicable approach to evaluating the prevalence and degree of cumulative impact. However this approach does come with limitations, such as:

- Intelligence requirements cannot be met by existing data sets (due to lack of access, availability or suitability)
- Data sets offer limited insights (lacking spatial, temporal or descriptive granularity)
- Data may be collected for other purposes, such as operational service delivery, and is not always amenable to more strategic analysis (e.g. offers only a partial view of service demand or capturing limited categories)
- At the time of developing this assessment, the Metropolitan police are reviewing partnership access to data and currently limited access has been made available, so public data has had to be used in most instances. The main source has been crimemap software, available online.

In order to identify and assess potential areas of cumulative impact across the whole borough two key data sets from Anti Social Behaviour (ASB) related offences recorded to Brent and also public available police data were used

The recording of alcohol related criminal behaviour is not consistently reported via the Metropolitan Police and therefore this has been included alongside 4 other key reporting types:

- Anti Social Behaviour
- Public Order offences
- Robbery
- Violence and Sexual offences.

Additionally COVID has impacted on data with a reduction of recorded crime during the 'lockdown' periods of COVID restrictions, unless otherwise stated data used is between July 2019 and June 2022. This is to ensure a consistent approach and not a short period of time which may provide inconsistent approaches.

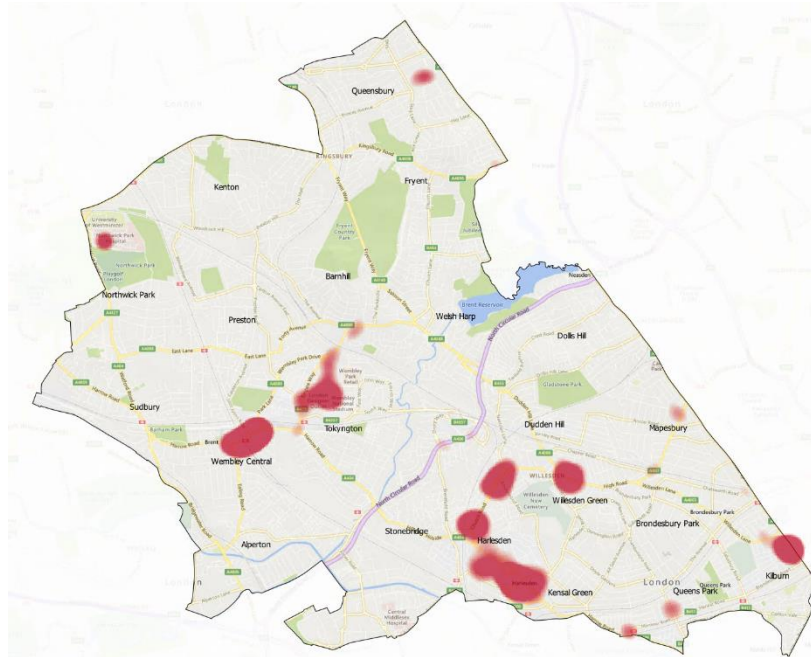
COVID restrictions reduced traditional street crime and this is reflected in both robbery and public order offences recorded over this period. Brent saw an overall reduction in all reported crime over the Covid 'lock down' periods.

### **London Borough of Brent**

Every year the Safer Brent Partnership produces a Strategic Assessment which looks at all aspects of crime and community safety issues. The most recent assessment was developed in April 2022 for the calendar year of 2021, below are some of the key information points about overall crime:

- Brent is among the top 20 safest Boroughs in London. The overall crime rate in 2021 was 82 crimes per 1000 people. This compares with London's overall crime rate of 87 per 1000 residents
- Brent was one of 16 local authorities to record a reduction in Total Notifiable Offences (TNO) in 2021.

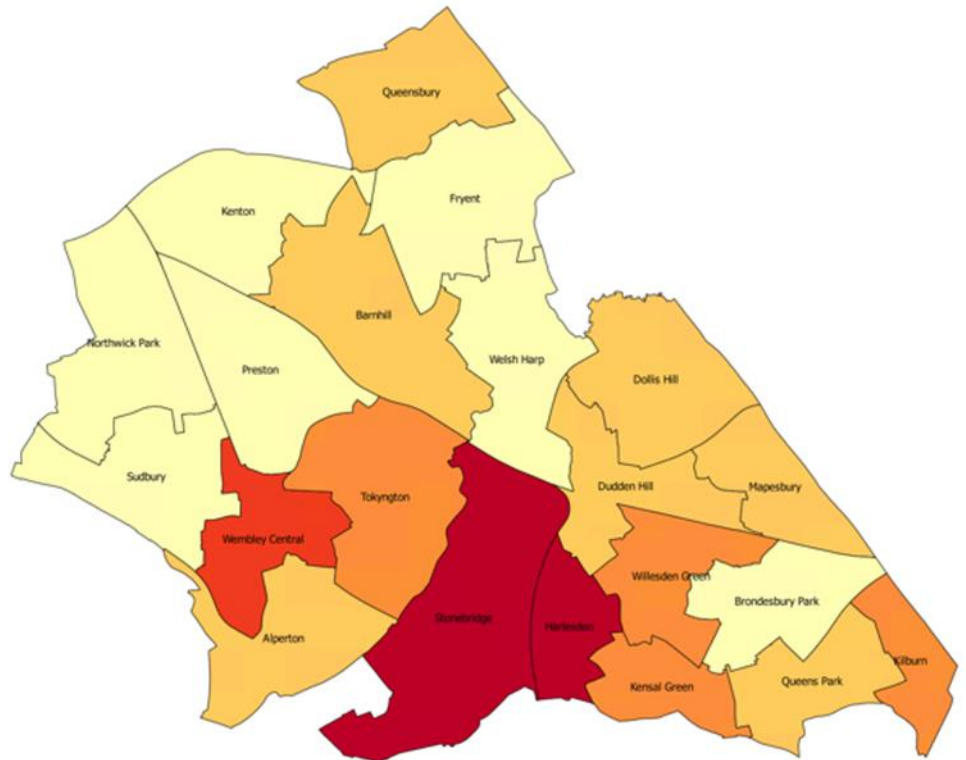
- This reduction is particularly marked in boroughs with significant night-time economies or tourist attractions and likely due to the COVID restrictions.
- Brent recorded a decrease of 2.3% in TNOs compared with 2019.
- Hotspot areas are largely unchanged from 2020 and for the last previous 3 years. The only significant change is that the areas immediately around Wembley Stadium and Arena are again a crime hotspot – this is due to the return of events after Covid restrictions were lifted.
- Hotspots are often reflective of areas that have high levels of gang activity and deprivation – this applies to South Kilburn and Harlesden.
- Other areas are crime hotspots due to high levels of footfall – Wembley High Road and Willesden High Road. The map below highlights this.



This can be further broken down by Ward by the total number of offences in each ward. The darker shade on the map highlights the high all crime reported.

## TNO by Ward

Ward	TNO	% of total
Stonebridge	2627	9.5%
Harlesden	2253	8.1%
Wembley Central	1897	6.8%
Willesden Green	1612	5.8%
Tokyngham	1570	5.7%
Kensal Green	1505	5.4%
Kilburn	1500	5.4%
Dudden Hill	1384	5.0%
Mapesbury	1349	4.9%
Queensbury	1278	4.6%
Alperton	1166	4.2%
Barnhill	1145	4.1%
Queens Park	1131	4.1%
Dollis Hill	1111	4.0%
Welsh Harp	1032	3.7%
Preston	991	3.6%
Brondesbury Park	924	3.3%
Sudbury	874	3.2%
Northwick Park	868	3.1%
Fryent	839	3.0%
Kenton	656	2.4%



Similarly when comparing this with the available data where alcohol has been reported, noting that accuracy of police reporting is limited regarding alcohol related crime, there is a similarity between the top 6 Ward areas. There is a significant drop from 7 Ward onwards.

Any assessment and recommendation should ensure that a specific focus is given to these 6 ward areas as part of any CIZ review and proposal. Data provided in table below is from 1 July 2021 – 30 June 2022.



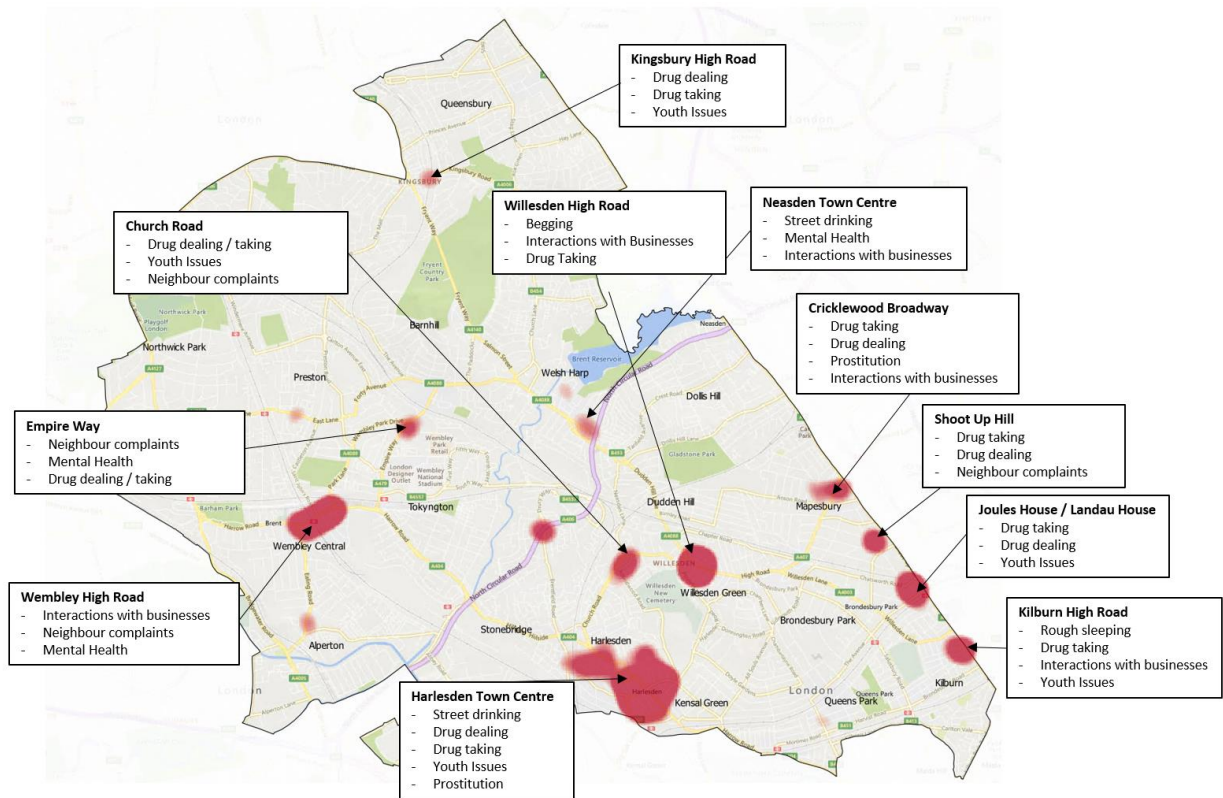
Ward	Police reports with alcohol reported	TNO Position
Wembley Central	63	3
Willesden Green	61	4
Tokington	58	5
Stonebridge	55	1
Harlesden	52	2
Kensal Green	36	6
Alperton	36	11
Kilburn	36	7
Northwick Park	34	19
Dudden Hill	33	8
Welsh Harp	33	15
Sudbury	31	18
Queensbury	30	10
Barnhill	29	12
Kenton	27	21
Queens Park	25	13
Mapesbury	24	9
Fryent	23	20
Preston	23	16
Brondesbury Park	22	17
Dollis Hill	18	14

### ASB in Brent

ASB is highlighted as a key concern for residents of Brent. ASB has increased across the Borough, and nationally. Locally, this could be down to increased reporting and an escalation in open drug markets and the impact of gang activities. Visible evidence of disorder through unchallenged ASB, leads to less secure communities and can impact negatively on feelings of safety and mental health. Environmental ASB is expensive to react to and leads communities to consider their neighbourhoods negatively, which in turn leads to social disorganisation.

When considering population, Brent had a slightly higher than average ASB incidents per 1000 population in 2021 compared with the rest of London. The average was 37.49 incidents per 1000 people with Brent at 39.35 calls per 1000 people.

The map below shows the hotspots of ASB in Brent. All the hotspots of ASB are in or adjacent to town centres. For each hotspot, the main ASB concerns are highlighted. Town centre areas continue to be affected by abusive or difficult residents with mental health or substance misuse issues including alcohol.



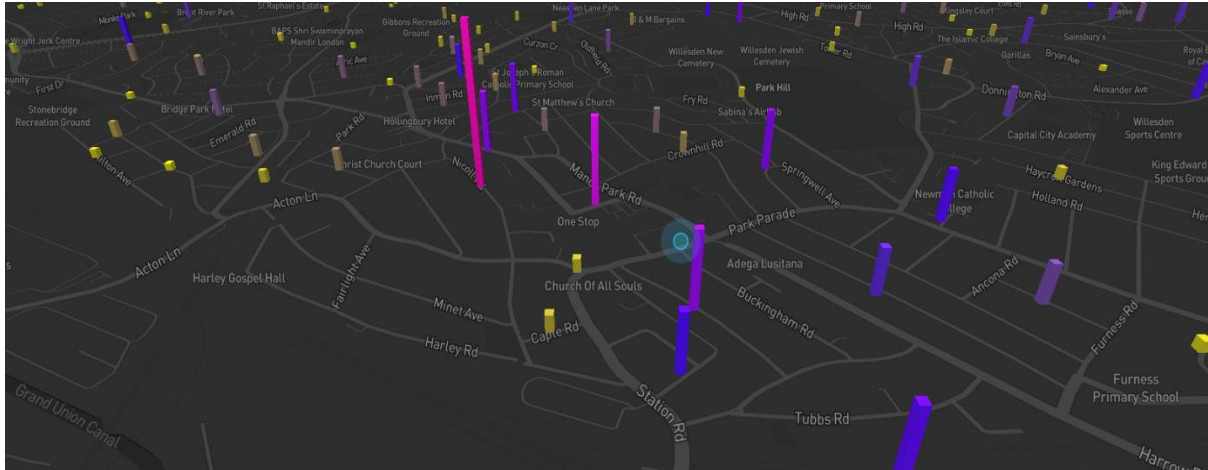
Data captured outlined in this document has been mapped and shown sufficient evidence to implement CIZs in the specified areas. In particular crime data and evidence shows a correlation between concentrations of off licences and anti-social behaviour where alcohol is often a significant issue.

The maps used below show reported crime data (Total Notifiable Offences) by postcode. This also protects victims of crime in order that they cannot be identified to low numbers of reporting when broken down lower.

## Harlesden

Harlesden town centre consists of a series of parades of shops that run along Craven Park, Craven Park Road, Park Parade and High Street Harlesden. The town centre falls between, Harlesden and Kensal Green ward and is one of the most deprived areas in the borough. Harlesden Town Centre is a hotspot for alcohol flagged calls to the Police for crime and antisocial behaviour and street drinking. The data shows the whole of the town centre suffers from high levels of alcohol related issues, including residential streets off the main town centre such as Rucklidge Avenue, Wendover Road, Buckingham Road and St Albans Road.

Harlesden Town Centre is also the primary hotspot for reports of street drinking to police. All other town centres in Brent suffer from street drinking; however, in parts of Harlesden such as Craven Park Road and High Street, the street drinking interrelates with drug misuse and violent crime.



The higher the bar the higher the reporting of the chosen dataset is in the area.

Crime Type	Number of reports
ASB	184
Public Order	28
Robbery	22
Violence/Sexual	87
TOTAL	321

The streets to be included in Harlesden are:

- Craven Park Road
- Craven Park
- High Street
- Park Parade
- Manor Park Road

### **Wembley Central (Wembley High Road/North End of Ealing Road)**

Wembley Central is a ward which includes two busy shopping parades on Wembley High Road and the north end of Ealing Road. Wembley central has areas of low to medium levels of deprivation.

Wembley Central is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour. The data shows the whole of the High Road from Ealing Road to Wembley Triangle experiencing high levels of crime associated with alcohol.



During the period of July 2019 and June 2022;

Crime Type	Number of reports
ASB	118
Public Order	39
Robbery	18
Violent/Sexual	104
TOTAL	279

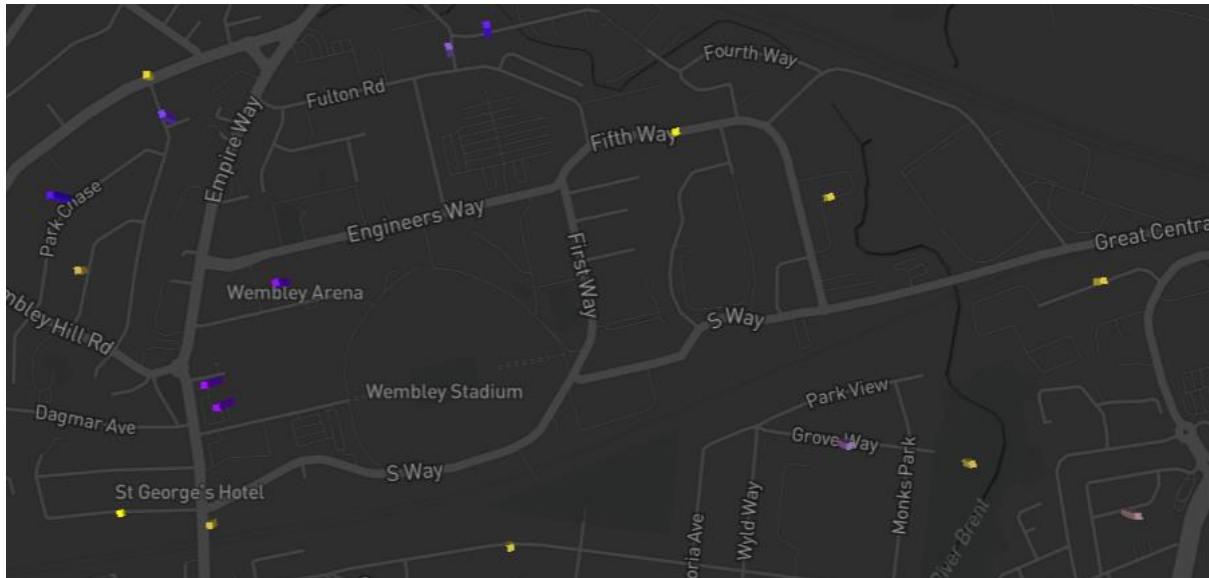
The streets to be included in Wembley Central are:

- High Road
- Lancelot Road
- Harrow Road – (Wembley- North of the North Circular)
- London Road
- Central Square
- Wembley Park Drive

### Wembley Park

Wembley Park is a CIZ that was introduced in 2022. It includes the roads surrounding the Stadium. Due to the number of events and the increased number of shops the data shows there is a high level of ASB in the area.

This new area comprises of St John's Avenue and Park Lane which will be removed from the Wembley Central CIZ.



Crime Type	Number of reports
ASB	147
Public Order	15
Robbery	5
Violence/Sexual	99
TOTAL	266

The streets included in Wembley Park are:

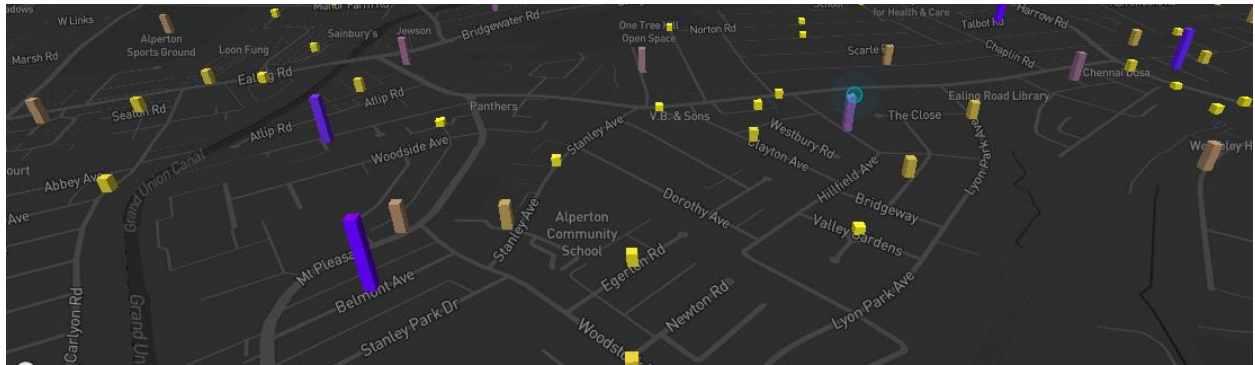
- Empire Way
- South Way
- Wembley Hill Road
- Engineers Way
- Grand Parade (Forty Lane)
- Olympic Way
- Bridge Road
- Wembley Park Drive

### **Ealing Road**

Ealing Road from the junction of High Road Wembley up to the junction of Bridgewater Road.  
The CIZ area includes:

- Atlip Road
- Mount Pleasant
- Montrose Crescent
- Union Road
- Coronet Parade
- Heather Park Drive

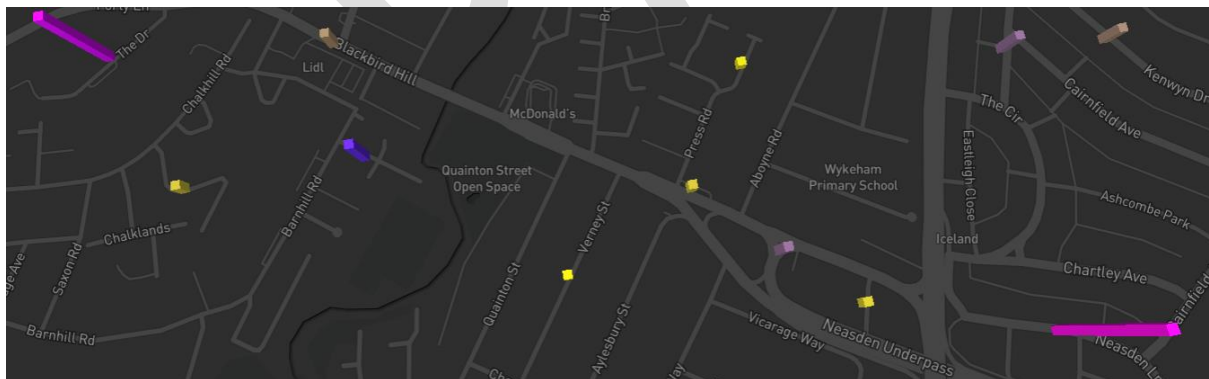
This is an area with medium to high levels of deprivation and is a hotspot for alcohol related calls to police. This is also a high reporting area for street drinking and ASB related reports to Brent Council.



Crime Type	Number of reports
ASB	72
Public Order	11
Robbery	9
Violence/Sexual	91
TOTAL	183

### Neasden Town Centre

Neasden town centre consists of a medium sized parade of shops that run along Neasden Lane which is just off the North Circular Road. The town centre is primarily in Dudden Hill ward and in an area of medium to high levels of deprivation. Neasden Town Centre is a hotspot for alcohol flagged calls to the Police but not for crime and anti-social behaviour. However, Neasden Lane North, just outside the town centre, is a hotspot for both.



Crime Type	Number of reports
ASB	91
Public Order	27
Robbery	13
Violence/Sexual	81
TOTAL	212

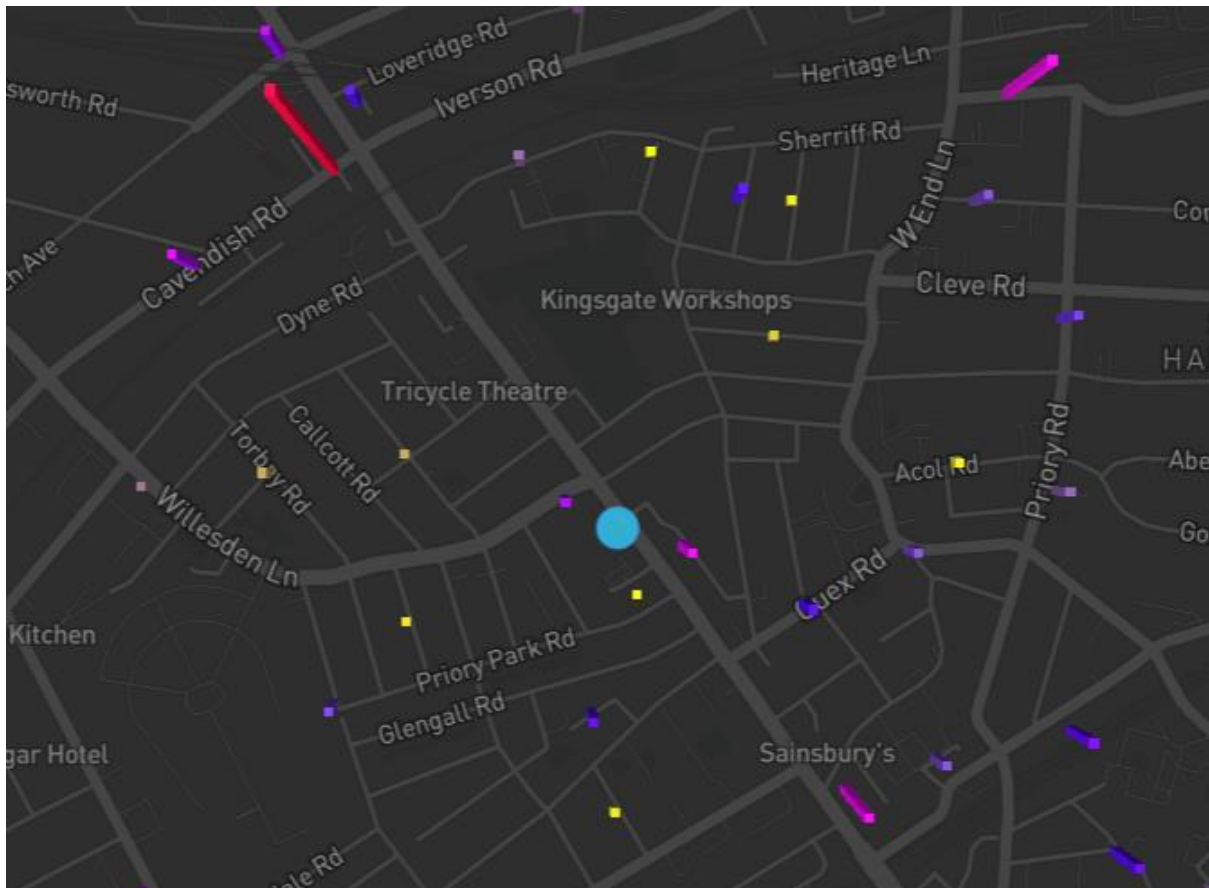
The streets to be included in Neasden Town Centre are –

- Neasden Lane

- Neasden Lane North
- Blackbird Hill
- Forty Lane (up until the road 'The Paddocks')

### Kilburn High Road

Kilburn High Road is a busy large shopping parade, which runs along the border of Brent and Camden. Kilburn High Road is predominately in an area of medium levels of deprivation apart from South Kilburn Estate, which has high levels of deprivation Kilburn High Road is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour.



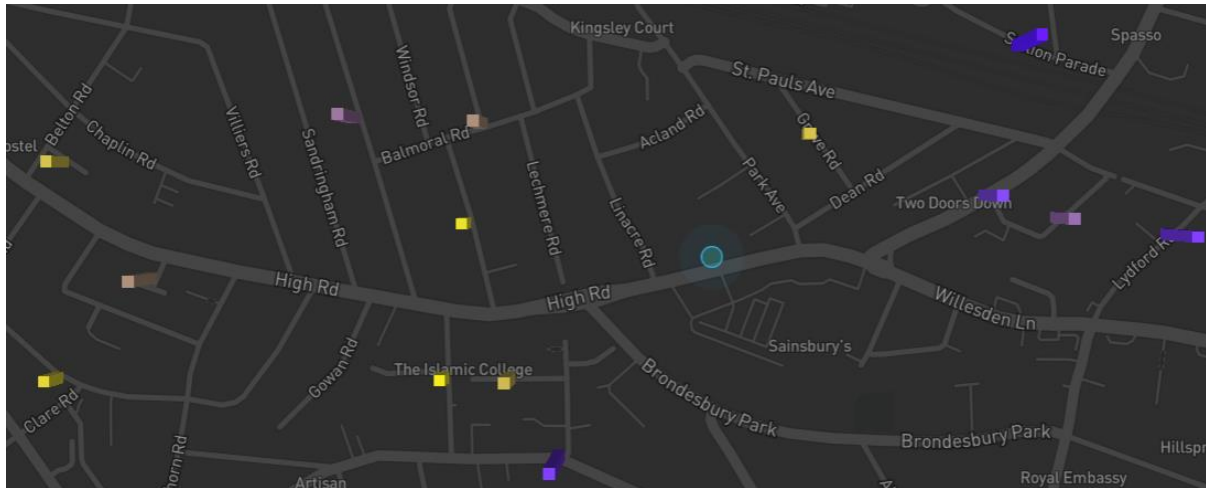
Crime Type	Number of reports
ASB	263
Public Order	58
Robbery	10
Violence/Sexual	225
TOTAL	556

The streets included in Kilburn are:

- Kilburn High Road
- Glengall Road
- Willesden Lane
- Cambridge Avenue
- Salusbury Road

### High Road, Willesden

Willessden is busy large parade of shops in Willessden Green Ward. High Road, Willessden is in an area of medium to high levels of deprivation. High Road, Willessden is a hotspot for alcohol flagged calls to the Police for crime and ASB. The data shows the alcohol related issues are primarily just outside the town centre around the junction of High Road, Willessden and Pound Lane.



Crime Type	Number of reports
ASB	93
Public Order	31
Robbery	10
Violence/Sexual	106
TOTAL	240

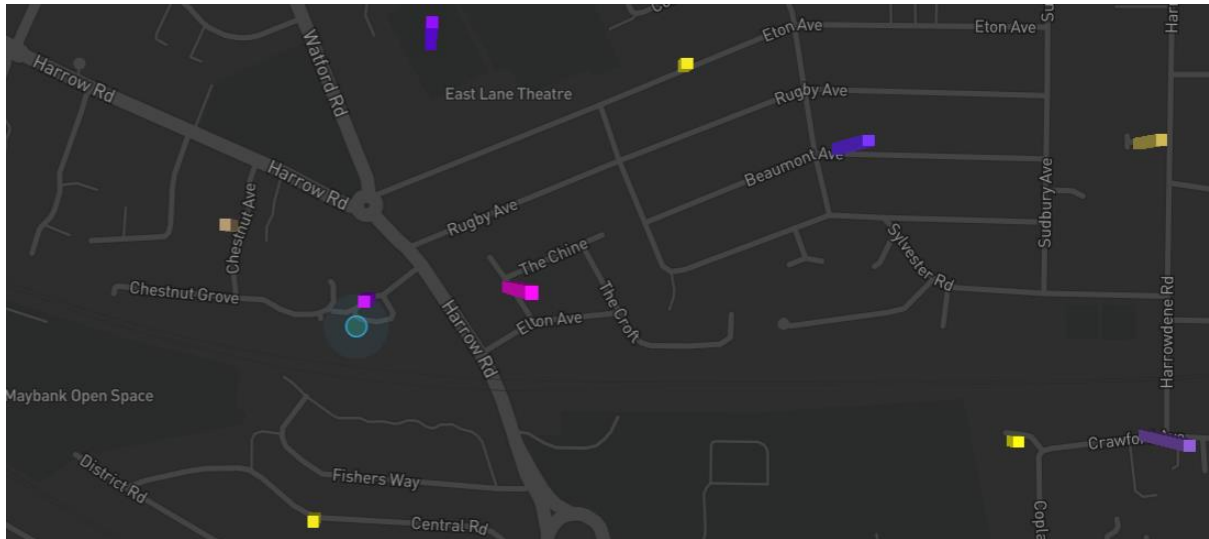
The streets included in High Road, Willessden are:

- High Road
- Dudden Hill Lane
- Walm Lane
- Station Parade
- Willessden Lane
- Pound Lane
- Church Road

### Sudbury Town Centre

Sudbury Town Centre is a medium sized shopping parade in an area of low levels of deprivation. Sudbury Town Centre is a minor hotspot for alcohol related police calls within Brent. Calls are generally related to the area from the roundabout at Butler's Green to the junction of Sudbury Crescent and Harrow Road.





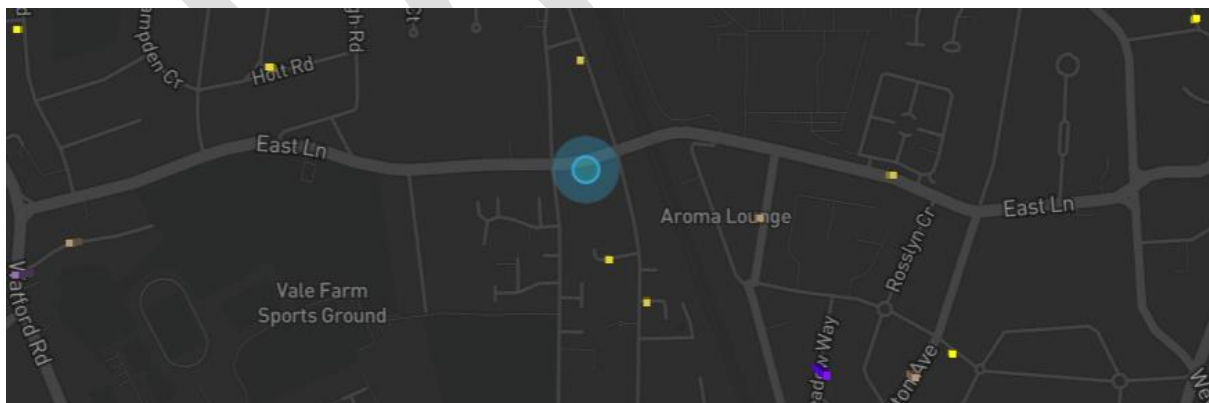
Crime Type	Number of reports
ASB	114
Public Order	20
Robbery	3
Violence/Sexual	72
TOTAL	209

The streets included in Sudbury Town Centre are:

- Harrow Road - North of the North Circular
- Watford Road

### East Lane

East Lane in North Wembley is a small sized shopping parade in an area of Medium levels of deprivation. East Lane is not a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour. Recent data has shown a reduction in this area, however historically this has been a challenging location and sits between 2 other CIZ locations.



Crime Type	Number of reports
ASB	84
Public Order	5
Robbery	0

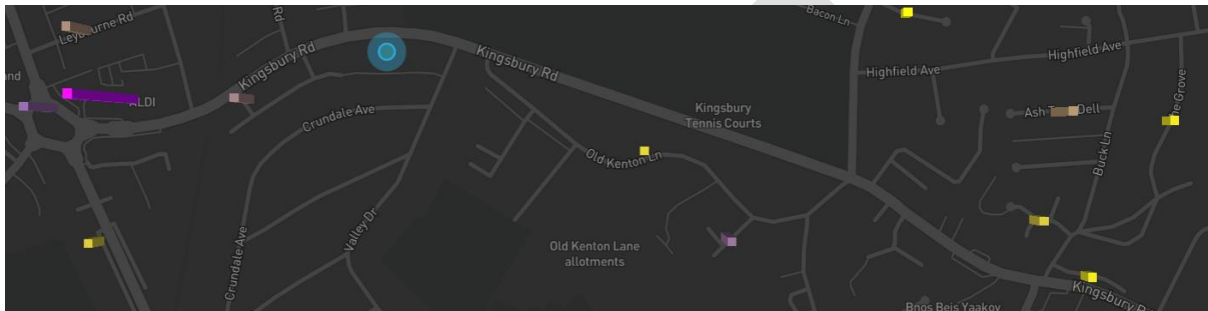
Violence/Sexual	31
TOTAL	120

The streets included in East Lane are:

- East Lane

### Kingsbury

Kingsbury town centre is busy shopping parade on both sides of a main road in an area of low to medium levels of deprivation. Kingsbury is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour in the north of the Borough. The hotspot area is around the London Underground station.



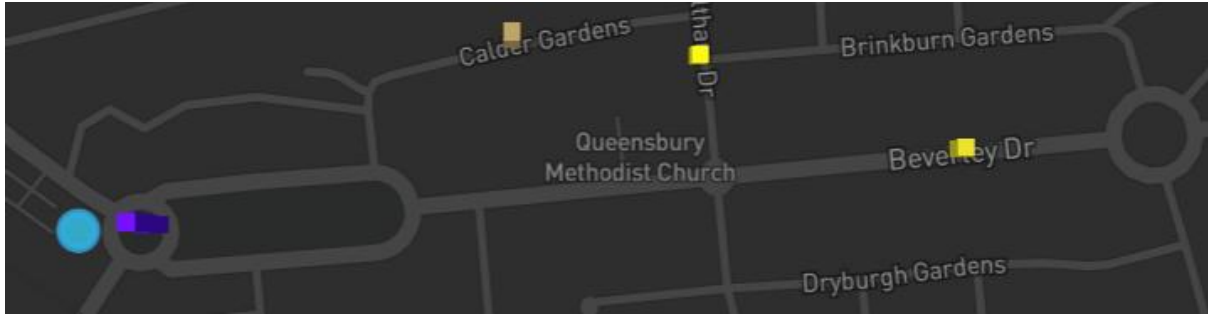
Crime Type	Number of reports
ASB	73
Public Order	11
Robbery	6
Violence/Sexual	68
TOTAL	158

The streets included in Kingsbury are:

- Kingsbury Road
- Edgware Road
- Church Lane
- Hay Lane
- Kenton Road

### Queensbury

Queensbury station parade is a parade of shops, businesses and restaurants surrounding a green public area in an area of Medium levels of deprivation. Incidents of street drinking are high perception wise, although they are not reflected in calls to police. This is a significantly smaller geographical area compared to other CIZs.



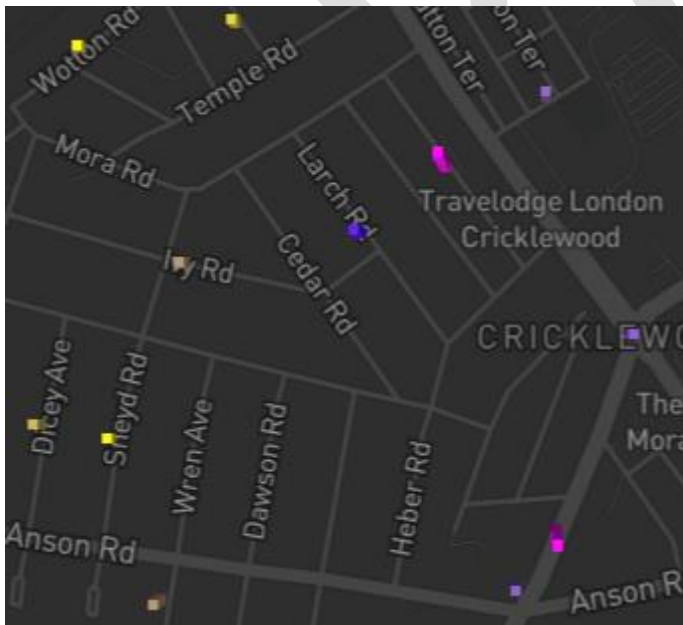
Crime Type	Number of reports
ASB	14
Public Order	4
Robbery	1
Violence/Sexual	24
TOTAL	43

The streets included in Queensbury is:

- Queensbury Station Parade
- Burnt Oak Broadway
- Honeypot Lane

### Cricklewood Broadway

Cricklewood Broadway is a busy High Street with a variety of shops on one side of the Broadway which is in Brent. The data shows that there is a high level of ASB. This is a new CIZ for Brent.



Crime Type	Number of reports
ASB	149
Public Order	2

Robbery	6
Violence/Sexual	81
TOTAL	238

The streets included in Cricklewood Broadway is:

- Cricklewood Broadway

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## Appendix 7: Pool of model conditions

When submitting an application under the Licensing Act 2003 for a new premises licence, club premises certificate, or to vary either of these authorisations, it is important that applicants clearly outline how they will promote the four licensing objectives within the operating schedule of their application.

The four licensing objectives are:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

Brent London Borough Council's Licensing Authority has provided the following list of licensing conditions to assist applicants with potential conditions that can help their business promote the four licensing objectives, while also ensuring consistency in wording throughout the borough.

The conditions provided should not be seen as 'standard conditions' to be automatically applied to all premises licences and club premises certificates. Instead, they are intended to offer a variety of possible conditions that may be relevant depending on specific circumstances. The wording of these conditions may need to be adjusted to fit a particular purpose.

While all premises licences and club premises certificates are subject to Mandatory Conditions prescribed by the Licensing Act 2003, it should be noted that each application submitted to the Licensing Authority shall be judged on its own merits. There is no one-size-fits-all approach when consulting on applications made under the Licensing Act 2003. It is important to find the right balance between promoting the four licensing objectives and implementing conditions that fit the business model. Each condition put forward within an application should be proportionate, justifiable, and capable of being met.

In practice, this means that applications for different business models should align with the nature of their business. For instance, an application for a newsagent should differ from one for a nightclub. This should be reflected in the appropriate control measures implemented to promote the four licensing objectives within their operating schedule.

The proposed pool of conditions is not intended to be an exhaustive list. There is an expectation that applicants possess the knowledge and awareness of the steps necessary to promote the four licensing objectives.

Furthermore, the pool should not limit any applicants, responsible authorities, or any other persons from proposing alternative or additional conditions if they believe it is necessary. Likewise, it does not restrict the council's Licensing Sub-Committee from imposing conditions following a hearing. The council understands that certain applications will be for time limited "one off events". It is therefore advisable that you contact [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk) and [bsag@brent.gov.uk](mailto:bsag@brent.gov.uk). Further to this, the council has included conditions pertaining to applications that intend to permit on-sales of alcohol within the Wembley footprint, aiming to welcome patrons attending events at Wembley Stadium. This has been done with input from the Metropolitan Police.

It should be noted that any conditions proposed by applicants within their initial application will be added to their premises licence unless they are deemed unnecessary and fall outside the scope of the four licensing objectives. The Section 182 guidance states that conditions that duplicate other legislation should not be added to a premises licence (e.g., a condition stating "All employees shall have the correct right to work documentation before undertaking employment" is unnecessary as this is already required by the Immigration Act 2016).

Applicants and premises licence holders should be mindful that failure to adhere to any of the conditions stipulated within their premises licence could result in committing a criminal offence each time they undertake licensable activities. This is pursuant to Section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities), as any licensable activity would not be in accordance with the lawful authorisation of their premises licence.

Offences committed under the Licensing Act 2003 and/or non-compliance with conditions could result in the premises licence being called into review, where it could ultimately be revoked. Furthermore, persons liable for any offences committed under the Licensing Act 2003 in relation to their permitted authorisation could also face an unlimited fine and/or imprisonment for up to 6 months if prosecuted.

### **The prevention of crime and disorder.**

#### General:

1. The premises shall install, operate, and maintain a digital colour CCTV system. The CCTV system shall continually record whilst the premises are open for licensable activities and all recordings shall be kept for 31 days.
2. CCTV footage shall be made available to the Police and any authorised Officers from Brent council upon request. CCTV footage shall be provided on removable media (i.e., USB, hard drive, CD etc..) within 48 hours of request.
3. The CCTV system shall display on any recordings, the correct date and time of the recording.
4. The CCTV system shall be capable of obtaining clear facial recognition images of every person entering or leaving the premises with further CCTV cameras covering the areas stipulated on the premises plan.
5. The CCTV system shall capture the entirety of any external area either used by the premises or used by patrons.
6. A member of staff who is conversant with the operation of the CCTV system shall always be available at the premises whilst the premises are open to the public.
7. Signage stating that CCTV is in operation shall be clearly and prominently displayed at the premises.
8. An incident log shall be kept at the premises, and made available for Inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
  - a) any incidents of crime and disorder. *(Delete as appropriate)*
  - b) any customers barred from the premises. *(Delete as appropriate)*
  - c) any ejections from the premises. *(Delete as appropriate)*
  - d) seizures of drugs or offensive weapon *(Delete as appropriate)*
  - e) any complaints received. *(Delete as appropriate)*
  - f) any faults in the CCTV system *(Delete as appropriate)*
  - g) any visit by a relevant authority or emergency service. *(Delete as appropriate)*

9. Any entries into the log shall be made within 24 hours of any incident and shall contain the time/date of the incident, the nature of the incident, a description of the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
10. Staff training shall be undertaken by all members of staff involved with licensable activities. Additionally, all staff shall undergo refresher training every 12 months which shall also be recorded. Staff training shall include the following topics:
  - Age verification policy (*Delete as appropriate*)
  - CCTV operation (*Delete as appropriate*)
  - Conflict management (*Delete as appropriate*)
  - Operating procedures (*Delete as appropriate*)
  - Proxy Sales (*Delete as appropriate*)
  - Permitted hours and relevant conditions (*Delete as appropriate*)
  - Regular robbery awareness and cash minimisation (*Delete as appropriate*)
11. Training records shall include the time/date of the training, staff members name, training topic and must be signed off by the relevant staff member and the respective premises licence holder/designated premises supervisor/duty manager.
12. A copy of staff training shall be available upon request by Police and authorised officers from Brent Council.

Pubs, bars & nightclubs:

13. A minimum of xx SIA licensed door supervisors shall be on duty after xx:xx on Monday/ Tuesday/ Wednesday/ Thursday/ Friday/ Saturday/ Sunday. (*Delete as appropriate*)
14. At least X SIA licensed door supervisors shall be at the entrance of the premises after xx:xx Monday/ Tuesday/ Wednesday/ Thursday/ Friday/ Saturday/ Sunday. (*Delete as appropriate*)
15. All SIA licenced door supervisors shall wear clothing that can be clearly and easily identified.
16. A log shall be kept of the SIA door supervisors working on any night to include their full name, date of birth, Security Industry Authority licence number, company and booking on-off times. A copy of SIA door supervisor log shall be available upon request by Police and authorised officers from Brent Council.
17. The premises licence holder shall undertake a written search policy as a preventative measure to negate patrons from bringing in any prohibited drugs, weapons, or any other unlawful item onto the premises.
18. An ID scanning system or electronic/biometric verification technology approved in writing by the Licensing Authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

19. There shall be no entry by patrons to the premises after xx:xx hours.
20. There shall be no re-entry after xx:xx hours except for smokers who will be permitted re-entry via a hand stamp system.
21. There shall be at least xx members of staff on site after xx:xx hours.
  
22. There shall be no glass vessels permitted outside the area defined on the premises plan.
  
23. There shall be no glass permitted in the outside seating area, and all drinks must be decanted into either toughened glass, polycarbonate material or any other type of plastic vessel.
  
24. All drinks must be decanted into either toughened glass, polycarbonate material or any other type of plastic vessel.
  
25. All staff shall be made aware of the Ask for Angela/Clive Campaign or any other similar initiative. Posters shall be displayed at the premises to raise awareness for customers.

Restaurants:

26. Alcohol sold for consumption on the premises shall only be made by waiter service to seated customers, shall be ancillary to the provision of table meal.
  
27. Alcohol sold for consumption on the premises shall only be made by waiter service to seated customers, and there shall be no sales of alcohol at bar/service area.
  
28. There shall be no vertical drinking at the premises and all alcohol shall be consumed by seated patrons.
  
29. Alcohol sold for consumption off the premises shall be in sealed containers only and supplied ancillary to a meal.

Newsagents, off-licences, and supermarkets:

30. There shall be no high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold.
  
31. There shall be no single cans or bottles of beer or cider shall be sold at the premises.
  
32. There shall be no miniatures under XXcl of spirits or wine sold at the premises.
  
33. There shall be no self-service of spirits on the premises with all spirits being located behind counter.
  
34. The premises licence holder shall display notice warning customers against drinking on the street in line with Brent Council's Public Spaces Protection Order.

Public safety.

General:



1. The maximum number of persons (including staff members) allowed on the premises at any given time shall not exceed xx persons.
2. The premises licence holder shall ensure that a suitable method of calculating the number of people present during licensable activities is in place.
3. All entry and exit points (including fire exits) shall be free from any obstructions.
4. The premises licence holder shall ensure that an in date first aid kit shall always be available at the premises with a trained first aider on duty whilst the premises is undertaking licensable activities.

#### Large pubs, bars & nightclubs:

5. The premises licence holder shall produce an Evacuation Plan, Crowd Management Plan, Entry/Exit Plan (*Delete as appropriate*). These plans will be reviewed on a yearly basis and shall be made available to officers of Brent Council and the Police upon request.

#### **The prevention of public nuisance.**

##### General:

1. Clear and legible notices shall be prominently displayed at the exit requesting patrons to respect the needs of residents when leaving the premises.
2. The placing of bottles into receptacles outside the building shall not be permitted between xx:xx hours & xx:xx hours the following morning.
3. Deliveries shall only be made to the premises between xx:xx and xx:xx hours.

##### Pubs, bars, nightclubs, and restaurants:

4. There shall be no licensable activities or consumption of alcohol permitted in any external area after xx:xx hours on any day.
5. Ingress and egress notwithstanding, all doors and windows shall remain shut beyond xx:xx hours.
6. Ingress and egress notwithstanding, all doors and windows shall remain shut during any regulated entertainment.
7. Any amplified music and/or speech shall not be permitted in the external areas.
8. The premises licence holder shall make available and publish an up-to-date telephone number for residents to make contact if there are any issues relating to noise.

##### Takeaways

9. All orders placed shall be made by way of arranged collection or delivery while the premises is undertaking licensable activities.
10. During licensable activities, the premises shall be closed to walk-in customers, except for those already collecting pre-placed orders.
11. There shall be no provision for customers to consume their meal on the premises during the hours permitted for licensable activities.

### **The protection of children from harm**

#### General:

1. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, or proof of age card with the PASS Hologram.
2. A Challenge 25 notice shall be conspicuously displayed at the point of sale.
3. A notice stating “No proof of age – No sale” shall be displayed at the point of sale.
4. A logbook shall be kept recording all refused sales of alcohol. The log shall contain the time/date of the refusal, a description of the customer, the name of the staff member who refused the sale, the reason the sale was refused and any other relevant observation. The refusals register shall be made available for inspection upon request of an authorised officer of a Brent Council and the Police.

#### Newsagents, off-licences, and supermarkets:

5. Notices shall be conspicuously displayed at the point of sale reminding customers that proxy sales are unlawful.
6. The premises licence holder shall ensure that all tills in operation at the premises automatically provide age-related prompts to staff to check the age of the buyer when alcoholic products are passed through the till, or entered onto the till, for sale.
7. The DPS shall produce a written list of all staff members who are authorised to sell alcohol on behalf of the DPS. This list shall have the staff members name, the signature of the staff member and the authorisation date.

#### Pubs & bars

8. There shall be no unaccompanied children under the age of 18 permitted at the premises after xx:xx hours.
9. There shall be not children under the age of 18 permitted at the premises after xx:xx hours.

### **Online sales provision**

1. The opening page on the website shall require the visitor to confirm that they are over 18 years old and to confirm their date of birth before they can continue. Any online orders shall be processed with online age verifications that would be appropriate to and in accordance with PAS 1296:2018 (Online age checking. Provision and use of online age check services).
  2. There shall be no telephone sales of alcohol and any sales of alcohol shall only be made through the company website, company application or legitimate delivery company.
  3. The premises licence holder shall ensure that there is a valid contract in place between themselves and any delivery company in which a robust age verification policy is undertaken.
  4. The minimum age for any delivery drivers shall be 18.
  5. The customer must provide their full name and address (including postcode) when placing an order.
  6. The premises licence holder shall ensure that all orders containing alcohol shall only be delivered to a residential or business address and not to a public place. All deliveries must be completed by way of a signature or photo.
  7. Prior to or at the time an order is placed, warning notices shall be presented to the person placing the order that they must be over 18 years of age to lawfully buy alcohol and that any attempted proxy sales would be considered a criminal offence.
  8. An incident log shall be kept at the premises, and always made available for inspection upon request by an authorised officer of Brent Council or the Police. The incident log shall record the following:
    - (a) Any complaints received in respect of activities at the premises or resulting from orders dispatched from the premises.
    - (b) Any incidents occurring at the premises or in relation to orders dispatched from the premises.
    - (d) Any visit to the premises by a relevant authority or emergency service.
    - (e) Any faults with the CCTV system.
- All delivery drivers shall refuse delivery if:
- (a) The person receiving the delivery is underage or does not have acceptable identification.
  - (b) Appears to be under the influence of alcohol or drugs.
  - (c) Appears to be a proxy sale.
  - (d) If the person seeking to accept the delivery does not appear to live at, or have the right to be at, the premises address (i.e. waiting on the street outside);
9. The premises licence holder shall ensure that a log shall be kept recording all refusals of alcohol sales. The log shall contain the time/date of the refused sale, a description of the customer, the address of the customer, the name of the staff member/delivery driver who refused the sale, and the reason the sale was refused.
  10. If delivery is not made for any reason the driver shall return the order to the warehouse.
  11. The right to refuse the sale of alcohol shall be stipulated within the company's terms & conditions.
  12. Members of the public shall not be permitted access to the premises to buy, collect, browse, or be supplied directly with alcohol at any time.

### **Adult Entertainment**

1. Nudity, striptease, and other entertainment of an adult nature shall not be permitted on the premises.
2. Nudity, striptease, and other entertainment of an adult nature shall not be permitted before (time) hours.
3. If dancers are employed, their names, passport and visa details, including those of the band members, shall be supplied to the police no less than one month before they are due to start performing.
4. The Club shall keep a record of the passport details of all dancers and this information shall be made available to the Police and any authorised Officers from Brent Council upon request.
5. No person under the age of 21 shall be present at the premises.
6. All customers shall remain seated other than to gain access to the bar or toilets.
7. There shall be no touching between customers and dancers and there shall be one metre between dancer and any customer.

### **Wembley Stadium Event Days**

#### **General**

1. During Wembley Stadium event days, the premises shall only take one set of football supporters (Fan Zone) on the production of a valid match day ticket. The designated team shall be allocated by the Metropolitan Police after a risk assessment has been conducted.
2. During Wembley Stadium event days, a minimum of xx SIA licensed door supervisors shall be on duty xx hours before the commencement of the main billed event time and/or advertised kick off time.
3. During Wembley Stadium event days, at least xx SIA licensed door supervisors shall be at the entrance of the premises xx hours before the commencement of the main billed event time and/or advertised kick off time.
4. During Wembley Stadium event days, at least xx SIA licensed door supervisors shall remain on duty until at least 30 minutes after the premises is closed for licensable activities.
5. During Wembley Stadium event days, there shall be a suitable mix of genders of SIA licenced door supervisor on duty.
6. The premises licence holder shall produce a specific Wembley Stadium event day dispersal policy. This policy shall be made available to the Police and any authorised Officers from Brent Council upon request.
7. On Wembley Stadium event days there shall be at least xx members of staff present and working at the premises (excluding any SIA licenced door supervisors).

8. During Wembley Stadium event days, the premises shall cease the sale of alcohol one hour before the commencement of the main billed event and/or advertised kick off time. The sale of alcohol shall not resume until xx minutes after the start of the main billed event and/or advertised kick off time.
9. During Wembley stadium event days, customers shall not be permitted to take any drinks outside the area defined on the premises plan.
10. During Wembley stadium event days, a personal licence holder shall be always present whilst the premises are undertaking licensable activities.
11. During Wembley Stadium event days, all drinks shall be decanted into either toughened glass, polycarbonate material or any other type of plastic vessel.
12. During Wembley Stadium football event days, the premises shall not show any live televised domestic or international football matches.
13. During Wembley Stadium event days, there shall be no be children under the age of 18 permitted at the premises unless accompanied by a responsible adult.
14. During Wembley Stadium event days, the DPS or relevant duty manager shall work in partnership with the Police and if necessary, comply with any direction given by a senior Police Officer, or Licensing Authority, on duty at the event. These directions may include:
  - a. Cease the sale of alcohol for a specified amount of time. This shall be monitored, and the supply of alcohol reinstated as soon as is possible.
  - b. Closing the entire premises for a specified amount of time. This shall be monitored, and the premises reopened as soon as possible.

#### Pubs/bars

1. During Wembley Stadium event days, all moveable furniture in designated external areas shall be removed.
2. During Wembley Stadium event days, customers shall not be allowed to congregate outside (licensable area) the premises.
3. The premises licence shall ensure that 1.5-metre-high planter or fence shall be installed before the commencement of licensable activities. If glass is part of this construction, it should be of a suitably quality / toughened standard. This area and the entrance into the external area shall be suitably supervised by a minimum of one SIA supervisor or staff member.

#### Restaurants

1. On Wembley Stadium event days, alcohol shall only be supplied as an accompaniment to a substantial meal, whilst seated at a table.
2. On Wembley Stadium event days, signage shall be displayed at suitable points in the premises stating that alcohol shall only be supplied ancillary to a seated table meal.

3. On Wembley Stadium event days, vertical drinking shall not be permitted at the premises and all alcohol shall be consumed by seated patrons.
4. On Wembley Stadium event days, all persons in the external area

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## Appendix 8: Women's Night Safety Charter

Women have the right to socialise and work in safety in our borough. That means they should be able to enjoy a night out or be able to work in a venue without danger, fear or harassment. Sexual comments from a stranger and uninvited touching or contact are never acceptable.

The council takes the safety of women at night extremely seriously and therefore it is essential that measures are taken to provide a safe environment for women. The council is one of the first signatories of the Mayor's Women's Night Safety Charter and we are committed to delivering these important pledges to make Brent's even more welcoming at night.

More information is available at the following link: <https://www.london.gov.uk/press-releases/mayoral/pledge-to-improve-womens-safety-at-night>.

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## Appendix 9: Glossary of Licensing terms


DPS	The Designated Premises Supervisor (DPS) is the personal licence holder specified in the premises licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority at a licenced premises. The DPS does not have to be on the premises at all times.
Late TENs	Late Temporary Event Notices. These refer to TENs applications received less than 10 full working days of the proposed event.  If there is an objection to a late TEN, the event will be immediately vetoed. There is no option for a hearing, nor to appeal against the decision.
Licensable activities	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late night refreshment. Any of these activities is likely to require prior authorisation (a premises licence, a club premises certificate or a temporary event notice).
Licensing Authority	Licensing authorities are usually local authorities and are responsible for licensing functions under the Licensing Act 2003.
Licensing Committee	Licensing Committees are appointed to carry out the functions of licensing authorities. They are made up of local authority councillors. The Committees delegate a number of their functions to sub-committees and to Licensing Authority officers.
Licensing objectives	The Licensing Act 2003 sets out four licensing objectives which must be taken into account when a Local Authority carries out its functions. They are: <ol style="list-style-type: none"> <li>1. the prevention of crime and disorder,</li> <li>2. public safety,</li> <li>3. prevention of public nuisance, and</li> <li>4. the protection of children from harm</li> </ol>
Live Music Act 2012	The Live Music Act 2012 regulates live performances, not recorded music. According to the Licensing Act 2003 (Descriptions of Entertainment) (Amendment)_Order 2013)  A licence is not required for the following: <ul style="list-style-type: none"> <li>• activities provided they take place between 08:00-23:00 on any day;</li> <li>• Amplified live music between 8.00 and 23.00 before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;</li> <li>• Amplified live music between 8.00 and 23.00 before audiences of no more than 500 people at places of work;</li> <li>• performance of a play in the presence of any audience of no more than 500 people;</li> <li>• an indoor sporting event in the presence of any audience of no more than 1,000 people;</li> </ul>



	<ul style="list-style-type: none"> <li>• most performances of dance where the audience comprises no more than 500 people</li> </ul>
Deregulation of entertainment	<p>Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, The Legislative Reform (Entertainment Licensing) Order 2014, Deregulation Act 2015 further relaxed some of the licensable activities under the Licensing 2003 Act in addition to the deregulation put through by the Live Music Act 2012. As a result, the following activities are no longer considered licensable between the hours of 8.00 and 23.00 on any day:</p> <p>(a) Performances of plays up to an audience of 500 people.  (b) Exhibitions of dance up to an audience of 500 people.  (c) Indoor sporting event up to an audience of 1000 people.  (d) 'Not for profit' film exhibitions up to an audience of 500.  (e) Playing of recorded music up to an audience of 500 on premises authorised to sell alcohol.  (f) Playing of recorded music in a church hall, community hall, or other similar community premises, that is not licensed to sell alcohol, up to an audience of 500 people and the organiser gets consent from the person responsible for the premises.  (g) Playing of recorded music at a non-residential premises of a local authority, a school or a hospital up to an audience of 500 people and the organiser gets consent from the local authority or the school or the health care provider for the hospital. Boxing and Wrestling (not inclusive of Greco-Roman or any other freestyle wrestling) is still to be considered a licensable activity in all circumstances.</p> <p>Any condition on annex two or annex three of any premises licence that relates to the any of the above regulated entertainment that is no longer considered licensable is therefore no lawfully applicable, unless the premises licence is called into review. Where a licence already has conditions, the Licensing Authority expect a premises licence holder to give consideration to continuing to comply with those conditions when providing deregulated forms of entertainment or to have taken suitable steps to be satisfied that such compliance is not necessary.</p>
Statement of Licensing Policy	<p>Section 5 of the Licensing Act 2003 requires each Licensing Authority to prepare and publish a Statement of its Licensing Policy every five years. The Policy has full regard to the Act, secondary regulations made under the Act and section 182 Guidance issued under S182 of the Licensing Act 2003, as issued from time to time by the Home Office.</p> <p>A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.</p>
Operating schedule	<p>An Operating Schedule is required as part of an application for a Premises Licence or Club Premises certificate. The Operating Schedule sets out:</p> <ul style="list-style-type: none"> <li>• What licensable activities will take place</li> <li>• Days of the week and hours when these will take place</li> <li>• The steps undertaken to promote the licensable activities</li> </ul> <p>If the license is granted, the information in the Operating Schedule becomes the conditions of the licence.</p>

Review	<p>The Licensing Act 2003 offers the ability to bring a premises to review where they are operating in a manner which is in contravention of one or more of the licensing objectives.</p> <p>The application for the review may be made by 'responsible authorities' such as the Police, Fire Authority, or the council's Noise team, or 'other persons', for example people who live or work near a venue and are affected by it. The individual or organisation applying for the review must demonstrate how the operation of the individual premises is in contravention of one or more of the Licensing objectives.</p> <p>The application for the review will trigger a Hearing of the Licensing Committee, unless an agreement is reached by all parties on the future operation of the premises, and the Licensing Authority agrees to waive the requirement for the Hearing as a result.</p>
Section 182 Guidance	<p>Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and, from time to time, may revise guidance to Licensing Authorities on the discharge of their functions under the Act.</p>

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 <b>Brent</b>	<b>Cabinet</b> 12 November 2024
	<b>Report from the Corporate Director of Neighbourhoods and Regeneration</b>
	<b>Lead Member - Cabinet for Environment and Enforcement (Councillor Krupa Sheth)</b>
<b>Statement of Gambling Principles</b>	
<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	One Appendix 1: Statement of Principles for Gambling
<b>Background Papers:</b>	Two <ul style="list-style-type: none"> <li>• Licensing Policy Consultation responses</li> <li>• Equality Assessment</li> </ul> (Please note these have been published as a separate supplementary pack to accompany the main Cabinet agenda)
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Anu Prashar, Senior Regulatory Service Manager 020 8937 5515 <a href="mailto:anu.prashar@brent.gov.uk">anu.prashar@brent.gov.uk</a>

## 1.0 Executive Summary

- 1.1. The Gambling Act 2005 was fully implemented during 2007 creating a system of licensing and regulation for commercial gambling. It requires the council to prepare and publish a Statement of Principles for each successive period of three years, which outlines the principles to be applied in exercising our functions as the Licensing Authority under the Act. Statutory consultation must take place prior to the Statement of Principles being determined by Full Council.
  
- 1.2. The Statement of Principles was comprehensively reviewed last year, but to bring the policy in line with the Gambling Commission review timetable, this policy will be reviewed again but in a light way. The policy has been slightly amended with updated website links and changes resulting from the

consultation. The current Gambling Act 2005 Statement of Principles expires on the 31 January 2025.

## **2.0 Recommendation(s)**

- 2.1 That Cabinet comment on and then note the draft revised Statement of Gambling Principles (31 January 2025 – 31 January 2028) at Appendix 1; and
- 2.2 In order to fulfill legal requirements, that Cabinet agree to refer the draft revised Statement of Gambling Principles to Full Council in November 2024 for formal adoption.

## **3.0 Detail**

### **3.1 Cabinet Member Foreward**

- 3.1.1 Under the Gambling Act 2005 ('the Act'), the council is responsible for issuing premises licences for casinos, bingo halls, betting shops, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
- 3.1.2 The Council must ensure that an appropriate Statement of Principles is in place as required by statute and will support the following Council Policies and Strategies:
  - London Borough of Brent Borough Plan 2023-27, Prosperity and Stability in Brent
- 3.1.3 The council is developing a Joint Strategy Needs Assessment to estimate the scale of potential risk that gambling poses to the health of Brent residents. Additionally, the council is working with a variety of concerned stakeholders to amplify shared concerns on gambling, particularly around the approval of new gambling premises, to the new government

### **3.2 Background**

- 3.2.1 Section 349 of the Gambling Act 2005 placed a duty on Licensing Authorities to prepare and publish a three-year Statement of Principles for Gambling that they propose to apply in exercising their functions. The licensing policy statement is a crucial component of local gambling regulation. It is expected that licensing authorities will use it to outline local issues, priorities, and risks that inform and underpin their approach to local regulation. This policy statement allows licensing authorities to agree on how gambling is managed in different parts of the local authority area, in response to local concerns and issues.
- 3.2.2 Furthermore, it provides clarity for licensees and prospective licensees regarding how their businesses are likely to be treated in different localities. With a clear and agreed policy statement, licensing authorities can work in

partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

3.2.3 The policy statement serves as the primary means for setting out the licensing authority's approach to regulation considering local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority's requirements and approach, including its view on local risks, to help them comply with local gambling regulations.

3.2.4 The statement must include the three licensing objectives which the policy will promote:

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.2.5 The aims of Statement of Principles are to:

- Set expectations on how gambling will be regulated in the local area.
- Set out how the authority intends to support responsible operators and take effective actions against irresponsible operators by granting, refusing and attaching conditions to premises licences.
- support licensing decisions that may be challenged in a court of law.

3.2.6 When preparing a Statement of Principles, Licensing Authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance. Any Licensing Authority departing from the guidance should have strong and defensible reasons for doing so as to avoid the potential risks and costs that would arise from any Judicial Review.

3.2.7 However, Licensing Authorities cannot consider matters relating to:

- **moral objections** to gambling. Gambling is a lawful activity and objections cannot be considered on these grounds alone;
- **planning status** of premises. A gambling licence application must be considered independently of any requirement for planning consent; and
- **demand**. The fact that there may already be sufficient gambling premises within an area to meet existing demand cannot of itself be considered when considering a new licence application.

3.2.8 Brent Council published its first Statement of Principles in January 2007, further revisions were made in January 2011, 2016, 2019, 2022 and 2024.

- 3.2.9 A draft Statement of Principles is attached at Appendix 1.
- 3.2.10 The Statement of Principles was comprehensively reviewed last year, but to bring the policy in line with the Gambling Commission review timetable this policy will be reviewed again but in a light way. The policy has been slightly amended with updated website links and include changes resulting from the consultation. The current Gambling Act 2005 Statement of Principles expires on the 31 January 2025.
- 3.2.11 The revised draft statement will take account of the Gambling Commissions Guidance and relevant codes of practice.
- 3.2.12 An eight-week consultation has been undertaken which ended on 29 September 2024.
- 3.2.13 Eleven responses were received. Relevant amendments have been undertaken.
- 3.2.14 Once the Statement of Principles is approved, it must publish its revised Statement for a period of four weeks prior to it coming into effect on 31 January 2025, on the council's website, in the local newspaper, on the public notice board at council's offices and make it available for public inspection.

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 The Licensing Committee members were consulted on 5 June 2024 prior to the public consultation.
- 4.2 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents have been consulted. Consultation responses have been published as a separate background paper to the main Cabinet agenda.

#### **5.0 Financial Considerations**

- 5.1 There are no direct financial implications for the proposed update to the Statement of Gambling Principles.

#### **6.0 Legal Considerations**

- 6.1 Adoption of the Council's Statement of Principles under the Gambling Act 2005 is a so-called 'shared function' under the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Part 3 Table 3 of the council's constitution, which means that it has to be formally proposed by Cabinet for approval by Full Council.
- 6.2 In accordance with section 349 of the Act and regulations made under the Act, the council must publish its revised Statement for a period of four weeks prior to its coming into effect on the council's website and make it available for public

inspection. The council must also advertise the fact that the revised Statement is to be published by placing a notice on its website, and in a local newspaper and/or a public notice board in or near the council's offices and/or at a public library in the borough. It is intended that the council's revised Statement will come into force on 31 January 2025.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 Section 2.8 of the Statement of Principles deals with equality matters.

7.2 An Equality Impact Assessment has been completed.

## **8.0 Climate Change and Environmental Considerations**

8.1 None specific.

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 None specific.

## **10.0 Communication Considerations**

10.1 Consultation was publicised on the council website and through the council's communication channels.

10.2 The revised Statement is to be published by publishing a notice on its website, and in a local newspaper and/or a public notice board in or near the Council's offices for a period of four weeks prior to its coming into effect on the council's website and make it available for public inspection.

**Report sign off:**

**Alice Lester**

Corporate Director of Neighbourhoods and  
Regeneration

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# **Statement of Gambling Principles – 2025-2028**

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## Executive summary

Brent Council has been responsible for licensing gambling premises since 2007. This is the seventh edition of our Statement of Principles ('policy') for gambling.

We, as a licensing authority, collaborate with the Gambling Commission and other agencies to regulate gambling in our Borough. Both the Gambling Commission and the Brent Council have crucial roles to play in regulating and addressing gambling concerns at national and local levels, respectively.

Our policy is designed to find a balance between safeguarding those who may be vulnerable to the harmful effects of gambling, while also supporting and boosting the resilience of local businesses in Brent during these challenging times caused by Covid-19 and the rising cost of living. This policy aims to achieve this goal by minimising incidents related to non-compliance and ensuring that all stakeholders are able to navigate the gambling landscape with ease and confidence.

This policy reflects Brent Council's commitment to supporting licensed businesses and promoting thriving high streets, in alignment with Borough Plan 1 (2023-2027). It outlines the five priorities that will guide these efforts, ensuring that the community's needs and aspirations are at the forefront of decision-making.

The policy has been reviewed taking into consideration our local area profile which allows us to remain responsive to emerging risks and undertake evidence-based decisions when addressing local gambling issues that may affect Brent.

In producing its statement, this Licensing Authority declares that it has had regard to the licensing objectives under the Act, the guidance issued by the Gambling Commission (published April 2021) and the final statement will have regard to any responses from those consulted on the statement.

This policy should be used by applicants, residents, businesses, and responsible authorities. It must be considered when preparing or reviewing applications and used to determine if they meet the Licensing Objectives and policies.

This Statement of Principles should be read in conjunction with the following reference materials:

The Gambling Act 2005

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

The Mandatory and Default Conditions for premises

<https://www.legislation.gov.uk/uksi/2007/1409/contents/made>

The Licence Conditions and Codes of Practice

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/online>

Gambling Commission Guidance to Licensing Authorities

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Anti-Social Behaviour Act

<https://www.legislation.gov.uk/ukpga/2003/38/contents>

The revisions incorporated into this statement, along with the consideration for our local area profile, will ensure that gambling establishments that promote responsible gambling can continue to operate and offer a valued leisure activity. It will also ensure that we have the necessary tools to tackle issues that might arise at gambling premises and safeguard vulnerable individuals from the adverse effects of gambling.

## **Statement of Principles for Gambling**

### **1. Introduction**

#### **1.1 About Brent Council – General**

1.1.1 Brent is located in Northwest 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 include Harrow, Camden, Ealing, Barnet, Westminster, Kensington & Chelsea, and Hammersmith. Brent is an outer London Borough with many 'inner' London characteristics. Its boundaries adjoin four of the capital's 14 Inner Boroughs.

1.1.2 ONS data<sup>1</sup> shows that, as of 2021, Brent has a population of 339,900 which represents an increase of 9.2% on the 2011 census. This growth is higher than the overall population growth of England (6.6%), lower than the growth of neighbouring boroughs Harrow (9.3%) and Barnet (9.2%), but higher than that within Kensington and Chelsea (-9.6%) and Westminster (-6.9%). 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 has been an increase of 20.9% in people aged 65 years and over, an increase of 9.2% in people aged 15 to 64 years, and an increase of 2.8% in children aged under 15 years.

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<sup>1</sup> <https://www.ons.gov.uk/visualisations/censuspopulationchange/E09000005/>

1.1.4 Brent is a multi-ethnic and multicultural borough, with black, Asian and minority ethnic (BAME) people accommodating for 65.0% of the borough's population; the second largest proportion of BAME people in England and Wales. 44.9% of Brent's population are born in the UK, with 37.0% not speaking English as a first language. In 2022, the average income in Brent was £43,241, 6.1% higher than England's national average salary of £40,746<sup>1</sup>. 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. The three largest religious groups in the borough are Christians comprising of 41% of the population, followed by Muslims at 19% and Hindus at 18%. About 82% of the residents follow a religion, which is the fourth highest rate in England and Wales. The borough has the second-largest Hindu population in England and Wales and the tenth-highest Muslim population as a percentage of the population.

1.1.6 Currently, there are eighty-three licensed gambling premises in Brent.

---

<sup>1</sup> <https://www.ons.gov.uk/help/localstatistics>

## 1.2 Borough Map

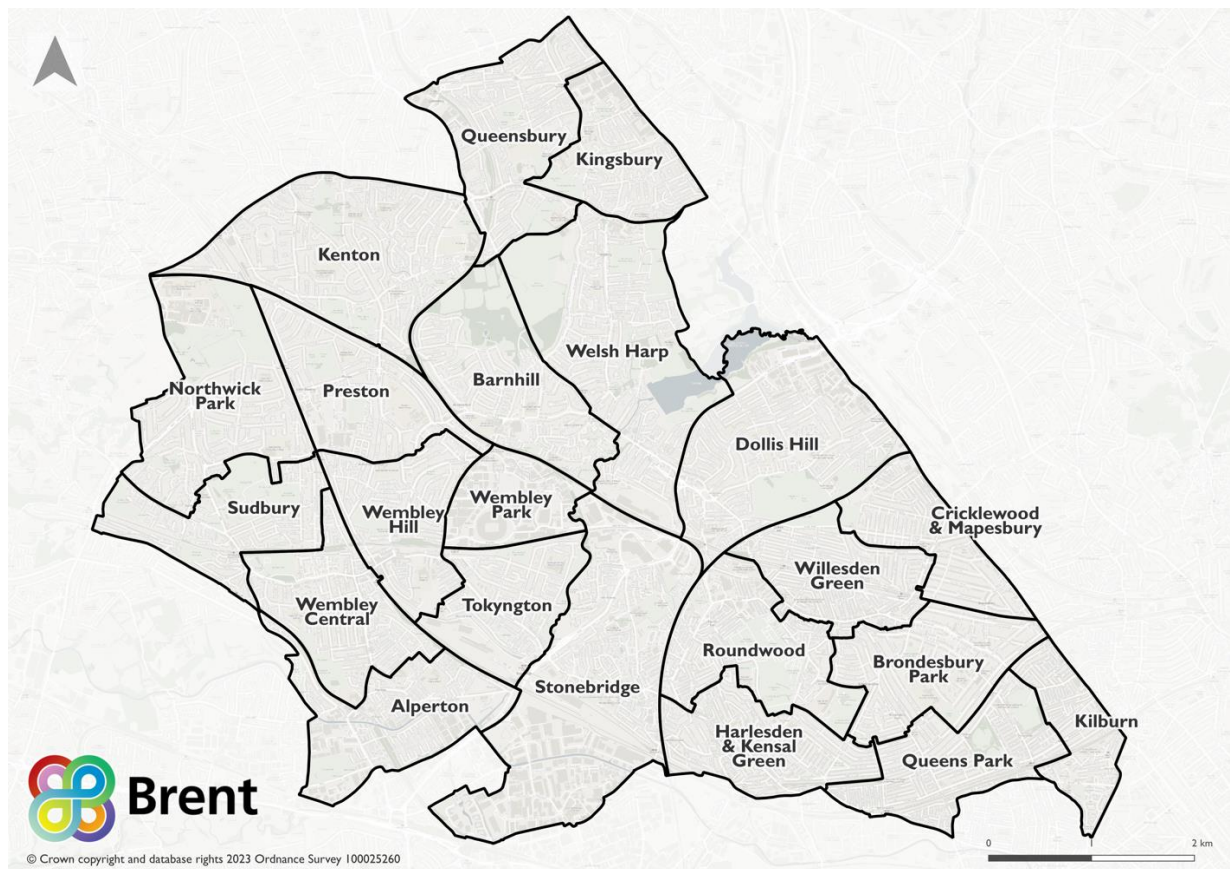


Figure 1: London Borough of Brent Map



### 1.3 **Brent's vision and priorities**

1.3.1 Our vision is to build a better Brent together. The current Borough Plan priorities are:

- Prosperity and Stability in Brent
- A Cleaner, Greener Future
- Thriving Communities
- The Best Start in Life
- A Healthier Brent

1.3.2 Each of the five priorities has a set of objectives which define the areas of focus for the Council, its partners, and the community:

#### **Prosperity and Stability in Brent:**

- Tackling inequality and easing the pressure of the rising cost of living. This means continuing to work with partners to build on our existing joint plans to reduce poverty, ensuring everyone has access to direct support when they need it.
- Create more accessible and genuinely affordable housing.

#### **A Cleaner, Greener Future:**

- Ensuring sustainability is central to the growth of our borough and local economy.
- Investing to make our streets cleaner and healthier.
- Continuing to work with both residents and partners to ensure that Brent is carbon-neutral by 2030.

#### **Thriving Communities:**

- We will continue to work with faith leaders, Brent hubs, and other voluntary and community sector partners to engage with underrepresented groups.
- Committing to working hard to prevent crime and anti-social behaviour.

#### **The Best Start in Life:**

- Ensuring our children and young people are safe by improving our approach to safeguarding, including for those who are transitioning to adulthood.
- Working with schools and partners to make sure access to education is fair and equal.
- Creating more opportunities and spaces to empower our young people to have their say.

#### **A Healthier Brent:**

- Explore inequalities in access, outcome and experience in health and care by ethnicity, deprivation or disability and work with our communities to develop targeted plans to address these.
- Maintain preparedness to cope with public health emergencies.
- Work with NHS and partners to deliver more cross- sector working within services that impact on health, such as housing, mental health, and community safety.

## **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 provide a resource to elected members sitting on the Licensing Committee which clearly sets out the powers available to them as representatives 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 may 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 Schedules 6 to 9.

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 had due 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 that 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-stakes 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 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 Gambling Act 2005 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 in 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 a 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,
- include 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 <https://www.gamblingcommission.gov.uk/public-register/premises>.

## **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 regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications, considering enforcement action, 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 that 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 consider 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 identifies risks and feeds information and intelligence back to licensing authorities. The Commission has access to a wide pool of intelligence which it can 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 2005<sup>1</sup> (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 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.
- 3.1.2 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005<sup>1</sup> (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 is satisfying 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:

- 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 principles

3.1.3 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 format of the council's Statement of Principles.

3.1.4 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.

3.1.5 Section 25(2) states that a local authority shall have regard to the guidance issued under section 25(1).

3.1.6 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.

3.1.7 This Statement of Principles follows the principles laid down in the Gambling Commission's Guidance to local authorities and can be accessed via <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>.

3.1.8 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.



3.1.9 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.

## **3.2 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.

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[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## **3.3 Roles and responsibilities**

3.3.1 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.
- Granting, refusing, and attaching conditions to premises licences; and
- Reviewing premises licences and attaching conditions or revoking them as a result.

3.3.2 The 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, 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.

3.3.3 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.”

According to the Gambling Commission<sup>1</sup>, ‘a customer in a vulnerable situation is somebody who, due to their personal circumstances, is especially susceptible to detriment, particularly where a business is not acting with appropriate levels of care’

**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 application process for an Operators’ licence.

---

<sup>1</sup> [www.gamblingcommission.gov.uk/about-us/guide/page/vulnerability-statement-what-do-we-mean-by-vulnerability](http://www.gamblingcommission.gov.uk/about-us/guide/page/vulnerability-statement-what-do-we-mean-by-vulnerability)

- 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 level of crime and/or disorder, 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 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
  - 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.
  - Consideration of the appropriate placement of externally visible signage, where better lines of sight into the premises would aid in the reduction of crime and anti-social behaviour associated with the premises.
  - The likelihood of any violence, public disorder, or policing problems if the licence is granted.
- 4.2.4 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.
- 4.2.5 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.
- 4.2.6 Some UK Police Authorities have trialled screening for gambling addiction as a result of concerns that high-stakes betting activity may be a driver for crime. Although we accept that causality is often difficult to establish in respect of specific crimes, we would expect licence applicants and licence holders to have an awareness of this potential link and to be vigilant in respect of

monitoring customer activity for signs of a link between gambling behaviour and criminal activity. This may include:

- Measures to address the risk of the premises being used for drug dealing.
- Measures to address the risk of the premises being used for the sale of stolen goods.
- Consideration of how to prevent the association of premises with crime and disorder, especially where residents or members of the public may be threatened, verbally abused, or physically abused as a result of persons congregating in or around the premises.

The measures mentioned above may include:

- An upgraded CCTV system includes cameras both inside and outside the premises,
- a monitor at the staff counter area for surveillance,
- the removal of advertising from the window to provide a better view of the exterior of the premises.
- increased staffing
- an SIA licensed security officer at the premises at specific times

4.2.7 The London Borough of Brent has implemented a Public Spaces Protection Order (PSPO) for three years starting on February 1, 2023. Restricted Areas will be identified in three maps, where activities listed under prohibitions are not allowed. Police and council officers have the power to require persons to cease restricted actions. The PSPOs have been implemented due to concerns around specific nuisances affecting the quality of life of residents within the community, including in response to the nuisance that is caused by street-drinking and anti-social behaviour. Where premises are located within such areas, Brent Council would expect that licensees take this into account when implementing risk mitigation measures as part of the Local Area Risk Assessment. Specific measures which may be appropriate include:

- Consideration of how to prevent the breach of Mandatory Licence Conditions by permitting alcohol to be brought onto the licensed premises.
- Use of clear signage which explains that it is prohibited to allow alcohol on the premises.
- Prevention of use of the premises by anyone who is or appears to be under the influence of alcohol, or drugs.
- Consideration of the vulnerability to gambling-related harm of customers who may be under the influence of alcohol or drugs.
- Training for staff in how to deal with customers under the influence of drugs or alcohol.

### **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 (except 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 Part 4 of the Act establishes offences related to children and gambling, including participation, entry to premises, and employment. For the purposes of the Act, any person aged less than 16 is a child, any person aged sixteen

or more, but who is not yet eighteen, is a young person. Sections 46 and 48 prohibit inviting children and young persons to gamble and participating in gambling, while sections 47 and 49 prohibit inviting young persons onto gambling premises. 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 that an offence is not committed.

- 4.4.5 The Commission's Licence Conditions and Codes of Practice include requirements for holders of Operating Licences that licensees must have and put into effect 'Social Responsibility' policies and procedures designed to prevent underage gambling and monitor the effectiveness of these.

## 4.5 Protecting vulnerable adults

- 4.5.1 Since the last Statement of Policy review, the Gambling Commission has provided further guidance on the factors which may make an individual vulnerable to gambling harm as part of the publication of formal guidance to accompany the relevant social responsibility code provisions. The following provides useful guidance when considering vulnerability<sup>1</sup>:

- **personal and demographic** - if the individual is experiencing poor physical or mental health, physical or cognitive impairment, suffering side effects from a brain injury or medication or has an addiction
- **situational** - if the individual is experiencing financial difficulties, is homeless, is suffering from domestic or financial abuse, has caring responsibilities, experiences a life change or sudden change in circumstances
- **behavioural** - if an individual has a higher than standard level of trust or high appetite for risk
- **market-related** - if an individual is engaged in an activity which is highly complex; that they have a lack of knowledge and/or experience of the market
- **access** - if an individual has difficulty accessing information because of poor literacy or numeracy skills, knowledge, dyslexia.

- 4.5.2 The Commission's 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:

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<sup>1</sup><https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/page/vulnerability#:~:text=Life%20events%20or%20changes%20to,or%20other%20factors%20as%20follows>.

- 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.

4.5.3 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. Additional considerations will include the following:

- How staff members are trained to protect customers and provide effective customer interaction
- How staff members are trained to identify and act on markers of gambling harm
- How staff members are trained to be alert to potential signs of vulnerability and to determine whether an individual presents an increased level of risk of experiencing gambling harms

4.5.4 Although the following is not a definitive list, this Authority would expect that staff members have received training to identify and act on potential indicators of gambling harm such as:

- Depositing behaviour – High frequency of deposits, chasing losses, indications that bank transactions have been declined due to insufficient funds
- Bonus seeking behaviour
- Repeated over-riding or ignoring of responsible gambling tools such as session limits
- Spending extended periods of time engaged in gambling on the premises
- Accessing gambling facilities late at night, (not withstanding employment outside of standard office hours)
- Aggressive behaviour
- Frequent complaints

4.5.5 This Authority will want to understand the steps taken by the applicant to monitor the effectiveness of their policies and procedures and to evaluate the impact of their customer interactions.



## **4.6 Choosing a suitable location**

4.6.1 The location of gambling 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 adult gaming centres are increasingly being opened in densely populated areas of the borough where there may be high numbers of children and young people. This in itself is not a problem where appropriate steps have been taken to minimise the risks of children being attracted to gambling. However, in relation to Adult Gaming Centres, and specifically where they are located within areas involved in provision of the borough's night-time economy and intend to open late at night, this Authority would expect that this would be taken into consideration within the Local Area Risk Assessment.

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, emergency accommodation, supported accommodation or other accommodations 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.

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 According to the National Drug Treatment Service Monitoring System (NDTMS), Brent has higher rates of opiate and crack misuse compared to the London or national average. The borough also has higher rates of opiate use and similar rates of crack use compared to the London average and above the national average.
- 5.1.2 The rate of alcohol-related hospital admissions for minors in Brent is lower than both the London and national averages. Most youths do not abuse drugs, but around 140 young people in Brent access specialist substance misuse services, with the most common referral being from the youth justice system and cannabis being the most commonly used substance.
- 5.1.3 Regular alcohol use above low-risk levels can cause hospital admissions, most commonly involving high-risk, dependent, or binge drinkers. From 2013/14 to 2017/18, alcohol-related hospital admission rates have increased in Brent, with higher rates for men compared to London and England averages.
- 5.1.4 Services, both substance misuse treatment services and general physical and mental health services, have identified a need to respond to an aging and older cohort of people misusing alcohol and/or drugs within Brent.
- 5.1.5 Preventing opiate, crack, and cocaine usage remains a priority in Brent. Addressing new challenges posed by Novel Psychoactive Substance (NPS) is also a current priority.

### **5.2 Levels of Harm identified within Health Survey for England**

- 5.2.1 The Health Survey for England 2021, published in May 2023, found that 50% of adults participated in gambling within the last year. Men (55%) were more likely than women (45%) to gamble.
- 5.2.2 Brent Council is keen to reduce gambling-related harm. There is little borough-specific data available, but of those surveyed as part of the Health Survey for England, 0.3% of the adult population engage in problem gambling, 2.8% were identified as at-risk or problem gamblers, with men (4.4%) more likely than women (1.1%) to be identified as at-risk or problem gamblers. These individuals are likely to experience negative social, financial, and psychological consequences as a result of their gambling behaviour.
- 5.2.3 The report suggests that certain types of gambling can be more harmful than others. For instance, the prevalence of rates of problem gambling is higher among those who engage in online gambling compared to those who

participate in other forms of gambling such as the National Lottery. Neither of these products is regulated by Brent Council.

### **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, which 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 attention<sup>1</sup>. They also identify those who are likely to be more vulnerable to gambling harm. Those with the strongest vulnerability are:

- Ethnic Groups
- Youth
- Neurodivergent
- 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 well-being of partners, children, friends, employees, the community, and the economy.

5.3.4 In 2023, harmful gambling cost the UK government approximately £412.9 million in direct financial costs, and between £635 and £1,355.5 million in annual societal health impacts. The combined estimate is around £1.05 to £1.77 billion. Cultural and relationship costs have not been factored in. Although this data referenced above, and summarised within the table below, 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.

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<sup>1</sup> Gambling-related harm as a public health issue - Briefing paper for Local Authorities and local Public Health providers February 2018

Table 1. Estimated excess cost of harm associated with gambling in England, by type of harm and type of cost (in 2021 to 2022 prices)<sup>1</sup>

Type of harm (or domain)	Sub-domain	Cohort	Government (or direct) costs (£ millions)	Wider societal (or intangible) costs (£ millions)	All costs (£ millions)
<b>Financial</b>	Statutory homelessness	Adults	£49	N/A	£49
<b>Health</b>	Deaths from suicide	Adults	N/A	£241.1 to £961.7	£241.1 to £961.7
<b>Health</b>	Depression	Adults	£114.20	£393.80	£508
<b>Health</b>	Alcohol dependence	Adults	£3.50	N/A	£3.50
<b>Health</b>	Illicit drug use	17 to 24 years	£1.80	N/A	£1.80
<b>Total health harms</b>	All health sub-domains	All health cohorts	£119.50	£635 to £1,355.5	£754.4 to £1,475
<b>Employment and education</b>	Unemployment benefits	Adults	£77	N/A	£77
<b>Criminal activity</b>	Imprisonment	Adults	£167.30	N/A	£167.30
<b>Excess cost (£ millions)</b>	All sub-domains	All cohorts	£412.90	£635 to £1,355.5	£1,047.8 to £1,768.4

<sup>1</sup> [https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary--2#:~:text=Our%202023%20economic%20analysis%20estimated,in%202021%20to%202022%20prices\).](https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary--2#:~:text=Our%202023%20economic%20analysis%20estimated,in%202021%20to%202022%20prices).)

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

- A new premises licences.
- 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.

5.3.5 Local risk assessments should be kept on the premises and made readily available to all relevant staff and authorised officers in request. Where electronic copies are held, the Licensing Authority would expect to be provided with a digital copy within two working days of the request being received.

## **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. The current interactive map can be accessed using the following link:

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

## **5.5 Factors informing the Local Area Profile**

### **5.5.1 Deprivation**

5.5.2 Research shows a higher prevalence of problem gambling in deprived areas. In relation to deprivation, both the overall and individual maps should be reflected upon.

5.5.3 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.

5.5.4 The following factors have been used to inform the Local Area Profile relating to deprivation:

- Income
- Employment
- Education, Skills & Training
- Health & Disability
- Crime
- Barriers to Housing & Services
- Living Environment
- Income deprivation affecting children.
- Income deprivation affecting older people.

### **5.5.5 Crime & Disorder Data in relation to Local Anti-social Behaviour (ASB)**

5.5.6 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.

### **5.5.7 Local Amenities**

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

5.5.9 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.

- 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

## **5.6 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 receipt of benefit payments

- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Urban settings 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 The following list (which is not exhaustive) shows 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 oversight 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:  
<https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp>

## **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 consider all local risks to the licensing objectives posed by the provision of gambling at their premises. This may include identifying risks which take into account issues which relate to factors present within neighbouring wards and Boroughs. Applicants will be expected to take these into account when making a decision to apply for a new licence and/or writing/modifying 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 cannot 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 is 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 is 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
  - Children’s 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 authorises 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 nonremote 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:

Type of premises	Access provisions
<b>Casinos</b>	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

<b>AGCs</b>	no customer must be able to access the premises directly from any other licensed gambling premises.
<b>Betting shops</b>	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.
<b>Tracks</b>	no customer must be able to access the premises directly from a casino or AGC.
<b>Bingo premises</b>	no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.
<b>FECs</b>	no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.

## 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](http://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 may 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 any 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 application 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 may 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.

7.2.3 All staff shall be trained in identifying those who may be vulnerable to gambling harm and records of the training given shall be retained on the premises and made available for inspection by authorised officers.

## **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.

7.6.0 The mandatory and default conditions are intended to be, and usually are, sufficient to ensure consistency with the licensing objectives and that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the applicant's local risk assessment.

## **8 Protection of children and vulnerable persons - premises other than betting premises**

### **8.1 Advertising of 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. Licensees 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 socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.
- Must not portray, condone, or encourage gambling behaviour that is socially irresponsible or could lead to financial, social, or emotional harm.
- Must not condone or encourage criminal or anti-social behaviour.

## **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 machine gaming machine 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 that 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 pay-outs 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 the 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 Bingo premises may only make gaming machines available for use where there are substantive facilities for non-remote bingo, as set out within Section 9.1.2 of the Licence Conditions and Codes of Practice.

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 Commission'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 dog tracks) 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, and in respect of fairs which are ‘wholly or principally’ providing amusements) 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 exception 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 prejudging 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 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	s.165,	The applicant	
a premises licence or to vary a	s.187 and		
premises licence, or an application for a provisional statement	s.188		
Decision to grant an application for	s.164,	<input type="checkbox"/> The applicant*	

<b>a premises licence or to vary a</b>	s.187 and	<input type="checkbox"/> Any person who
<b>premises licence, or an application for a provisional statement</b>	s.188	made representations on the application
<b>Decision to take action or to take no action following a review</b>	s.202	<input type="checkbox"/> The applicant
		<ul style="list-style-type: none"> <li>• Any person who made representations on the application</li> <li>• The person, if any, who applied for the review</li> <li>• The Commission</li> </ul>

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 racecourses, 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 machines 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 are 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' club 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.

10.7.7 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 will 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 nonmonetary 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 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 lotteries 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 the 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 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](mailto: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 refusing 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](mailto: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<sup>1</sup>. Regulators whose functions are specified by order under section 24(2) of the Legislative and Regulatory Reform Act 2006 must have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

Regulators have a responsibility to support those they regulate in complying with regulations while also allowing them to grow. To achieve this, regulators must provide straightforward and simple ways for those they regulate to communicate and share their opinions. To ensure that regulatory activities are based on risk, regulators must share information on compliance and risk. Additionally, regulators must provide clear guidance, advice, and information to aid those they regulate in meeting their responsibilities. Finally, regulators must ensure transparency in their approach to regulatory activities.

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.

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<sup>1</sup> <https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf>

- 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 principal 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](http://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 young 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**

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[www.brent.gov.uk](http://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 <sup>1</sup>	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 <sup>2</sup>	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 <sup>3</sup>							No limit on category C or D machines	
Family entertainment centre (with permit) <sup>3</sup>							No limit on category D machines	
Clubs or miners' welfare institute (with permits) <sup>4</sup>	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

### Additional Guidance

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.

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.<sup>1</sup>

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.

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.

Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

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<sup>1</sup>With reference to the proposed changes introduced by the government's 'White Paper', this additional guidance is subject to change within the policy period.



## **Schedule 2: Summary of gaming machine categories and entitlements**

Link to summary of gaming machine categories and entitlements.<sup>1</sup>

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

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<sup>1</sup> With reference to the proposed changes introduced by the government's 'White Paper', this additional guidance is subject to change within the policy period

### **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/authorities/guide/codes-of-practice>

## 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: <https://www.gamblingcommission.gov.uk/authorities>

## **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).

## **Schedule 6: 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

## **Schedule 7: Persons or Bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions**

- London Borough of Brent Councillors
- Brent MPs and Member of the Greater London Authority
- All Brent Council Directorates
- The Safer Brent Partnership
- Gamblers Anonymous
- Alcoholics Anonymous
- New Beginnings
- Youth Offending Service (YOS)
- National Probation Service
- Citizens Advice
- Brent Samaritans
- Salvation Army
- Brent Magistrates' Court
- Brent Mind
- Brent Council's Residents' Association
- Age UK

## **Schedule 8: 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
- Betting and Gaming Council
- Gambling Business Group

### **Schedule 9: Any other individuals or organisations<sup>1</sup>**

- General Public - via Council Website and Press Release

### **Schedule 10: Relevant Strategies and Assessments in Place within Brent Council**

Borough Plan 2023 – 2027

<https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies/brent-borough-plan-2023-2027#boroughplan>

Brent Black Community Action Plan

<https://www.brent.gov.uk/neighbourhoods-and-communities/community-priorities/brent-black-community-action-plan#bbcap>

Brent Health and Wellbeing Strategy

[https://legacy.brent.gov.uk/media/16420668/brent\\_health\\_and\\_wellbeing\\_strategy.pdf?\\_ga=2.107383937.2044133350.1692864662-782607314.1683191094](https://legacy.brent.gov.uk/media/16420668/brent_health_and_wellbeing_strategy.pdf?_ga=2.107383937.2044133350.1692864662-782607314.1683191094)

Homelessness and Rough Sleeping Strategy

<https://www.brent.gov.uk/housing/housing-assistance/homelessness-and-rough-sleeping-strategy>

Brent SEND Strategy 2021 – 2025

[https://legacy.brent.gov.uk/media/16420000/send-strategy-2021-25.pdf?\\_ga=2.215917844.2044133350.1692864662-782607314.1683191094](https://legacy.brent.gov.uk/media/16420000/send-strategy-2021-25.pdf?_ga=2.215917844.2044133350.1692864662-782607314.1683191094)

Brent Stronger Communities Strategy

<https://legacy.brent.gov.uk/media/16412463/stronger-communities-strategy-2019.pdf>

Brent Youth Strategy

[https://legacy.brent.gov.uk/media/16420126/brent-youth-strategy.pdf?\\_ga=2.174490785.2044133350.1692864662-782607314.1683191094](https://legacy.brent.gov.uk/media/16420126/brent-youth-strategy.pdf?_ga=2.174490785.2044133350.1692864662-782607314.1683191094)

Brent Joint Strategic Needs Assessment (JSNA) 2023

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<sup>1</sup> This is not an exhaustive list and may change during the consultation process.

## Schedule 11: Glossary of terms

<b>Applications</b>	Applications for licences and permits
<b>Authorised local Authority Officer</b>	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
<b>Authorised Person</b>	<p>A Licensing Officer, an officer of an authority other than a Licensing Authority, both of whom 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  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>
<b>Automated Roulette</b>	<p>2 types:</p> <p>(a) Linked to live game of chance, e.g., Roulette (b) Plays live automated game, i.e., operates without human intervention</p>
<b>Automatic condition</b>	Condition attached automatically to premises licences or authorisations. The Licensing Authority has no desecration not to include or modify them.
<b>AWP machines</b>	Amusement with Prizes Machines.
<b>BACTA</b>	British Amusement Catering Trade Association.
<b>Betting Intermediary</b>	Offers services via remote communication, such as the internet.
<b>Betting Ring</b>	An area that is used for temporary „on course“ betting facilities.
<b>Bingo</b>	A game of equal chance.

<b>Casino</b>	An arrangement whereby people are given an opportunity to participate in one or more casino games.
<b>Casino Games</b>	Games of chance that are not equal chance gaming.
<b>Casino Premises</b>	(a) Regional Casino Premises Licence
<b>Licence Categories</b>	(b) Large Casino Premises Licence (c) Small Casino Premises Licence

	<b>(d) Casino permitted under transitional arrangements.</b>
<b>Club Gaming</b>	Permit to enable the preemies to provide gaming machines
<b>Machine Permit</b>	(3 machines of Categories B C or D).
<b>Code of Practice</b>	Means any relevant code of practice under section 34 of the Gambling Act 2005.
<b>Complex Lottery</b>	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.
<b>Council</b>	Brent Council
<b>Customer Lotteries</b>	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.
<b>Default Conditions</b>	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.
<b>Delegated Powers</b>	Decisions delegated either to a Licensing Committee, Sub Committee or Licensing Officers.
<b>Disorder</b>	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.
<b>Domestic Computer</b>	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
<b>Dual Use Computer</b>	Definition in forthcoming Regulations. Exempt from a Gaming machine Permit.
<b>Equal Chance Gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
<b>EBT</b>	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo
<b>Exempt Lotteries</b>	Lotteries specified in the Gambling Act as permitted to be run

	<p><b>without a licence from the Gambling Commission. There are 4 types:</b></p> <p>(a) <b>Small Society Lottery (required to register with Licensing Authorities)</b></p> <p>(b) <b>Incidental Non-Commercial Lotteries e.g., Raffle at a dance/church fair</b></p> <p>(c) <b>Private Lotteries e.g., Raffle at a student hall of residence</b></p> <p>(d) <b>Customer Lotteries e.g., Supermarket holding a hamper raffle</b></p>
<b>External Lottery</b>	An individual, firm or company appointed by the small Lottery Society
<b>Manager</b>	to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery
<b>Fixed Odds Betting</b>	General betting on tracks,
<b>Gaming</b>	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

<b>Gaming Machine</b>	Machine covering all types of gambling activity, including betting on virtual events.  Categories – See Appendix E
<b>Guidance</b>	Guidance issued by the Gambling Commission dated April 2006.
<b>Human Rights Act</b>	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions.
<b>1998 Articles: 1, 6,</b>	Article 6: - the right to a fair hearing
<b>8 and 10</b>	Article 8: - the right of respect for private and family life Article 10: - the right to freedom of expression.
<b>Incidental Non Commercial Lottery</b>	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)
<b>Information Exchange</b>	Exchanging of information with other regulatory bodies under the  Gambling Act (Schedule 7)
<b>Interested Party</b>	Interested parties can make representations about licence applications or apply for a review of an existing licence. A person who:

	(a) <b>Lives sufficiently close to the premises to be likely affected by the authorised activities.</b>  (b) <b>Has business interests that might be affected by the authorised activities.</b>  (c) <b>Represents persons in either of the above groups.</b>
<b>Irrelevant Representations</b>	Where other legislation can cover the representation.  Demand in premises licensing
<b>Large Lottery</b>	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.

<b>Licensed Lottery</b>	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission.  Operating Licences will be required.
<b>Licensing Authority</b>	The London Borough of Brent
<b>Licensing Committee</b>	A committee of 10 to 15 councillors appointed by the Council to represent the Licensing Authority.
<b>Licensing Sub Committee</b>	A subcommittee of members appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.
<b>Live Gaming Lottery</b>	Gambling on a live game as it happens (e.g., In-Play Betting).  An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
<b>Lottery Tickets</b>	Tickets that must:  (a) Identify the promoting society.  (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 (c) State the date of the draw or enable the date of the draw to be determined.
<b>Mandatory Condition</b>	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.

<b>Members Club</b>	<p><b>A club that must:</b></p> <p>(a) <b>have a least 24 members.</b></p> <p>(b) <b>be established and conducted „wholly or mainly“ for purposes other than gaming</b></p> <p>(c) <b>be permanent in nature.</b></p> <p>(d) <b>Not established to make commercial profit controlled by its members equally</b></p>
<b>Notifications</b>	Notification of temporary and occasional use notices
<b>Non-commercial event</b>	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not private gain.
<b>Non-Commercial Society/small society</b>	A society established and conducted: <p>(a) for charitable purposes.</p> <p>(b) for the purpose of enabling participation in, or of</p> <p>(c) supporting, sport athletics or a cultural activity; or (c) for any other non-commercial purpose other than that of private gain</p>
<b>Occasional Use Notice</b>	Betting may be permitted on a „track“ without the need for a full Premises Licence.
<b>Off Course Betting</b>	Betting that takes place other than at a track, i.e., at a licensed betting shop.
<b>Off Course Betting – Tracks</b>	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.
<b>On Course Betting – Tracks</b>	Betting that takes place on a track while races are taking place.
<b>Operating Licences</b>	Licence to permit individual and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.

<b>Permits</b>	Authorisation to provide a gambling facility where the stakes and prizes are very low, or gambling is not the main function of the premises.
<b>Personal Licence</b>	<b>Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.</b>
<b>Pool Betting – Tracks</b>	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
<b>Premises</b>	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.
<b>Premises Licence</b>	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks adult gaming centres and family entertainment centres.
<b>Private Lotteries</b>	3 Types of private Lotteries: (a) Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society. (b) Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises. (c) Residents" Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.
<b>Prize Gaming</b>	<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. <input type="checkbox"/> The prizes will be determined by the operator before play commences.
<b>Prize Gaming Permit</b>	A permit to authorise the provision of facilities for gaming with prizes on specific premises.

<b>Provisional Statement</b>	Where an applicant can make an application to the Licensing Authority in respect of premises that he: Expects to be constructed. Expects to be altered. Expects to acquire a right occupy
<b>Racino</b>	Casino located at a racecourse.
<b>Regulations:</b>	Regulations made under the Gambling Act 2005

<b>Relevant Representations</b>	<b>Representations that relate to the Licensing Objectives or that</b> raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Code of Practice.
<b>Responsible Authorises</b>	Responsible authorises can make representations about licence applications or apply for review of an existing licence.  For the purposes of this Act, the following are responsible authorises in relation to premises:  (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.  N.B. In accordance with the Gambling Commission's guidance for local authorities designates the Brent Safeguarding Children's Board for this purpose.
<b>SIA</b>	Security Industry Authority

<b>Simple Lottery</b>	An arrangement where: (a) Persons are required to pay to participate in the arrangement In (b) the course of the arrangement, one or more prize is allocated to one or more members of a class; and (c) The prizes are allocated by a process which relies wholly chance.
<b>Skills with Prize</b>	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.
<b>Small Lottery</b>	Where the total value of tickets in a single lottery is £20,000 or less

	<b>and the aggregate value of the tickets in a calendar year is £250,000 or less.</b>
<b>Small Society Lottery</b>	A lottery promoted on behalf of non-commercial society, i.e., lotteries intended to raise funds for good causes.
<b>Small Operations</b>	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
<b>Society</b>	The society or any separate branch of such a society, on whose
<b>Statement of Principles</b>	Matters taken into account when considering an applicant's suitability for an application for FEC Permits etc.
<b>Temporary Use Notice</b>	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.
<b>Small Operations</b>	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
<b>Totalisator or Tote</b>	Pool betting on tracks.

<b>Touch Bet Roulette</b>	Where a player gambles on a live game of chance without actually being seated.
<b>Track</b>	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.
<b>Travelling Fair</b>	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.
<b>Vehicles</b>	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
<b>Vessel</b>	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.
<b>Vessel; and Relevant Licensing Authority</b>	The Licensing Authority for the area in which the vessel is usually moored or berthed.
<b>Virtual Betting</b>	Machine that takes bets on virtual races i.e., images generated by computer to resemble races or other events.
<b>Vulnerable</b>	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.
<b>Young Person</b>	An individual who is not a child but who is less than 18 years old.



Football temporary use notice
Family entertainment centre gaming machine permit
Club/miners welfare institute: equal chance gaming
Club gaming permit
Club machine permit
Equal chance gaming, on – licensed premises
Gaming machines: automatic entitlement, on – licensed premises
Licensed premises gaming machine permit
Travelling fair gaming machine
Prize gaming permit
Other prize gaming
Ancillary equal chance gaming at travelling fairs.
Private gaming and betting
Non-commercial prize gaming
Non-commercial equal chance gaming

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 <b>Brent</b>	<b>Cabinet</b> 12 November 2024
	<b>Report from the Corporate Director of Neighbourhoods &amp; Regeneration</b>
	<b>Lead Member – Leader &amp; Cabinet Member for Housing, Regeneration, Planning &amp; Growth (Councillor Muhammed Butt)</b>
<b>Staples Corner Growth Area Masterplan &amp; Design Code Supplementary Planning Document</b>	
<b>Wards Affected:</b>	Dollis Hill
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Three Appendix 1: Weblink to the SCGA Masterplan SPD: <a href="https://acrobat.adobe.com/id/urn:aaid:sc:va6c2:2e5f53c1-209c-4c57-9101-4c89f80094d4">https://acrobat.adobe.com/id/urn:aaid:sc:va6c2:2e5f53c1-209c-4c57-9101-4c89f80094d4</a>  Appendix 2: Statement of Consultation Appendix 3: Equality Analysis
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Gerry Ansell, Director Inclusive Regeneration & Employment 020 8937 6477 <a href="mailto:Gerry.Ansell@brent.gov.uk">Gerry.Ansell@brent.gov.uk</a>  Jonathan Kay, Head of Regeneration 020 8937 2348 <a href="mailto:Jonathan.Kay@brent.gov.uk">Jonathan.Kay@brent.gov.uk</a>  Paul Lewin, Spatial Planning Manager 020 8937 6710 <a href="mailto:Paul.Lewin@brent.gov.uk">Paul.Lewin@brent.gov.uk</a>

## **1.0 Executive Summary**

- 1.1 Brent Council Cabinet 28 May 2024 approved the draft Staples Corner Growth Area Masterplan and Design Code Supplementary Planning Document (SCGA Masterplan SPD) for publication and statutory consultation. This report sets out the consultation feedback, officer consideration and recommended changes to the document. It is recommended Cabinet approve the Staples Corner Growth Area Masterplan and Design Code Supplementary Planning Document for adoption.
- 1.2 Members are asked to note that this report has been circulated as “To Follow” due to the need to finalise what represents an extensive set of documents with the need for approval being sought by Cabinet in November as part of the Council’s Local Plan commitment to deliver a Masterplan for Staples Corner.

## **2.0 Recommendations**

- 2.1 Cabinet to consider the consultation feedback, officer consideration and recommended changes to the Staples Corner Growth Area Masterplan and Design Code Supplementary Planning Document.
- 2.2 Cabinet to approve the Staples Corner Growth Area Masterplan and Design Code Supplementary Planning Document for adoption, subject to any de minimus and non-substantial edits to the document.

## **3.0 Detail**

### **3.1 Cabinet Member Foreword**

- 3.1.1 The Staples Corner Masterplan delivers on our Local Plan commitment for regeneration and growth and sets an ambitious vision to create a higher quality and intensified industrial area sitting adjacent to a new urban community. Regeneration and growth will support a rich ecology of industrial and co-located residential uses to create an exemplary 15-minute city where people live, work and interact. Intensification will deliver a new and varied supply of modern industrial premises for London’s strategic and local business needs, as well as commercial space, social infrastructure and an improved public realm to support a new mixed use residential community.
- 3.1.2 This SCGA Masterplan SPD sets the framework to facilitate the delivery of high-quality homes, attract investment for more business opportunities and jobs, all supported by new infrastructure and community facilities. Business growth will strengthen the area’s existing economy and provide space for emerging sectors, including logistics, light industrial units and workspaces. By 2041, Staples Corner will deliver at least 2,200 new homes co-located alongside new

and refurbished industrial premises in a way that supports the transition to a net zero carbon circular economy and the challenges of climate change.

3.1.3 Brent Cross West station has improved Staples Corner public transport connectivity into central London and beyond. Planned West London Orbital services will further improve connections and cut journey times around West London, providing future residents and workers greater choice and convenience. The council will work with landowners, developers, residents, businesses and other stakeholders to bring forward change to realise the area's massive potential.

### 3.1.4 **Contribution to Borough Plan Priorities & Strategic Context**

3.1.5 The SCGA Masterplan SPD addresses the following Borough Plan Priorities.

- Strategic Priority 1 - Prosperity and Stability in Brent. Through the preparation of a SCGA Masterplan SPD, the Council provides a framework to support the business community to grow, ensure the provision of secure local well-paid jobs and delivering accessible and genuinely affordable housing.
- Strategic Priority 2 - A Cleaner, Greener Future. The SCGA Masterplan SPD seeks to ensure sustainability is central to the growth of our borough and local economy. This is further discussed in Section 8.0.
- Strategic Priority 3 – Thriving Communities. The preparation of the SCGA Masterplan SPD is informed by engagement with stakeholders, local residents and communities, businesses and landowners. This has been ongoing for the past two years, most recently with the six week statutory consultation period 4 June to 16 July 2024.

## 3.2 **Background**

3.2.1 Brent's Local Plan (2019-2041) was adopted in February 2022. The Plan sets out the vision and policies for development in the borough for the next 10 years, which includes the delivery of 23,250 new homes from 2019/20 to 2028/29. Key to accommodating an increasing population are eight growth areas, viewed as the most sustainable spatial expression for growth, exploiting brownfield land, good access to public transport and higher densities to deliver the majority of new homes alongside regeneration benefits and infrastructure.

3.2.2 The Staples Corner Growth Area (SCGA) extends to 43 hectares of brownfield land that accommodates light industrial, heavier industrial and distribution uses, plus other uses such as wholesale and trade counter in a mixture of old and more modern premises of varying heights and quality. It is bounded on the north by the Welsh Harp / Brent Reservoir and Neasden Recreation Ground open spaces. To the east is the A5 Edgware Road, beyond that warehousing and the Brent Cross Opportunity Area in London Borough of Barnet. Brent Cross West station recently opened which has improved the transport connectivity of Staples Corner. The Local Plan allocates Staples Corner as a "Growth Area -

Strategic Industrial Location subject to co-location and intensification”. The plan states that in addition to around 2,200 homes, the area will through industrial intensification together with co-location of residential and industrial uses provide a major boost to business and employment opportunities through increased floorspace. Staples Corner has the potential to deliver a new varied supply of modern industrial premises, studios and managed workspaces to meet London’s strategic and local business needs, as well as new commercial space and social infrastructure to support a mixed use residential community.

- 3.2.3 The SCGA Masterplan SPD is a long-term, ambitious and comprehensive plan that will help to secure at least 2,200 new homes, as well as new infrastructure to help maximise opportunities and wellbeing for local residents, businesses and communities. The document identifies how the majority of the industrial land will be protected and intensified solely for industrial purposes but allowing some either for a mix of uses incorporating some industrial or for residential led development. Importantly, the SCGA Masterplan SPD is not a fixed masterplan because different acceptable scenarios dependent upon design and delivery approaches could be equally or more successful in fulfilling policy objectives.
- 3.2.4 To support the SCGA Masterplan SPD, transport consultants Steer were commissioned in November 2023 to undertake a Transport Study to consider transport impacts on the strategic and local road network. The Steer Transport study assumptions were informed by a series of discussions with LB Brent Highways, TfL and National Highways. The Steer study highlights that, were the redevelopment to be fully built out, traffic flows on Staples Corner will increase to a level that is likely to impact the performance of the M1//A406 junction. The study in response proposes a series of mitigations, which have been included into the SCGA Masterplan SPD and require consideration for relevant proposals. The study has been circulated to key stakeholders National Highways, TfL and LB Barnet. It is noted that under a Statement of Common Ground (SoCG) between LB Brent and National Highways (formerly Highways England), agreed in advance of LB Brent Local Plan adoption in 2022, LB Brent agreed to engage National Highways and TfL to assess the impacts from Staples Corner redevelopment on the strategic road network, in advance of adoption of the SCGA Masterplan SPD. Comments received from National Highways, LB Barnet and TfL in response to the Steer Study are discussed in paragraphs 3.3.33 to 3.3.36 below.

## **Consultation**

### *Pre- Statutory Consultation*

- 3.3.1 Early consultation with local residents, businesses and communities in Staples Corner over 2022 and 2023 to inform development of the draft SCGA Masterplan SPD included:
- Business Survey
  - Residents Survey
  - Landowner / Leaseholder Engagement
  - Stakeholder Engagement
  - Splash Workshops

- 3.3.2 Feedback indicated broad support for the drafted plan and an appetite for change but also highlighted that the SCGA SPD would present an opportunity to tackle key issues in the area i.e. deprivation, crime, lack of access to green spaces and affordable housing.

#### *Statutory Consultation*

- 3.3.3 The SCGA Masterplan SPD was subject to 6 weeks of formal consultation from 4 June 2024 to 16 July 2024. This was in accordance with the Regulations and the Council's Statement of Community Consultation (SCI). Statutory public consultation provided further opportunities for engagement with partners, stakeholders, local residents, businesses and communities.
- 3.3.4 Information about the SCGA Masterplan SPD consultation received 6,771 hits via the Council's social media and there were 852 hits to the dedicated SCGA website. Details for the statutory consultation process were publicised on social media channels including Facebook, Instagram, LinkedIn Nextdoor and X. Paper copies of the SCGA Masterplan SPD were made available at Ealing Road, Harlesden, Kilburn, Kingsbury, Wembley and Willesden libraries. 9,131 GovMail letters were sent to all properties within the Dollis Hill ward notifying of the statutory consultation period as well as details of the drop in events. This included letters to residents, businesses and local groups (i.e. all properties in the ward with a postal address). Nine consultation drop-in sessions were held in and around the SCGA to listen and answer concerns and queries regarding the draft Masterplan SPD. A wide range of stakeholders including individual residents, local organisations, councillors, statutory consultees, landowners and developers, and other interested parties identified on the planning policy contacts database were notified of the consultation.
- 3.3.5 178 people, including residents and other stakeholders, attended the nine consultation events and engaged in dedicated one-to-one discussions with officers. 151 people completed the surveys available in our events and online via our consultation portal. 21 people/organisations issued formal consultation responses. In total, 172 responses were received to the Draft SCGA SPD during the statutory consultation period.

#### *Consultation Responses – Summary*

- 3.3.6 172 responses were received on the Draft SCGA Masterplan SPD during the 6-week consultation period. 151 people completed the survey, and the table below details the majority percentage of people that supported the proposed plans and the more limited percentage of people that were not supportive:

Survey totals	Vision	Challenges	Opportunities	Masterplan	Design Code
Supportive	82%	77%	83%	72%	74%
Not supportive	11%	13%	7%	16%	11%
No response	1%	1%	5%	6%	8%
Not sure	6%	9%	5%	6%	7%
Totals	100%	100%	100%	100%	100%

Whilst responses are broadly positive and supportive of the overarching vision for regeneration set out in the draft SCGA Masterplan SPD, consultation responses included specific questions and concerns, mainly in relation to the topics below.

*Key topics of concern*

- 3.3.7 Housing, particularly affordable housing delivery: it was felt that more housing, particularly affordable housing is needed and should be available for local residents in need of more suitable accommodation. The SCGA Masterplan SPD has factored in provision for housing and includes provision for 3,066 homes and follows the council's policy that a minimum 35%, and where viable 50%, of new homes should be affordable, with a tenure split of 70% Social Rent/London Affordable Rent and 30% Intermediate Housing.
- 3.3.8 Safety and poor environmental quality concerns of the area: These concerns are noted as challenges in the document. Investment in the physical infrastructure and an improved public realm will be essential to the growth of the area. Design Code Chapters 6 to 8 illustrate the design requirements for new developments coming forward in the SCGA and promote high quality and successful design. Developments are expected to provide passive surveillance and street lighting which help guard against anti-social behaviour.
- 3.3.9 Request for more local services such as culture, schools, shops, doctors' surgeries and dentists: The Local Plan does not identify the need for additional school provision in the area, but this is regularly reviewed as part of Brent Council's statutory responsibility for school place planning. Provision for retail, other local amenities and community use have been factored into and included within the SCGA Masterplan SPD, with Section 9.6 Social Infrastructure detailing the requirements for such community facilities. S106 and Community Infrastructure Levy (see para. 5.6) are mechanisms that further will support additional needs as planning application come forward. The Integrated Neighbourhood Team have not highlighted any immediate need for doctor or



dentist provision, but new community spaces could be made available for that purpose should this future need arise.

- 3.3.10 Density and building heights proposed: The whole of the Growth Area falls within Brent's Tall Building Zone. The SCGA Masterplan SPD has determined that the tallest buildings are appropriate in the areas adjacent to the emerging Brent Cross West development, particularly along the Edgware Road close to Brent Cross West Station and Brent Cross Town, where the public transport accessibility level is the highest. At the same time building heights should respond sensitively to the suburban, low density streets to the south and the Brent Reservoir. Tall buildings are required to provide high-quality mixed-use environments that will add quality to Staples Corner's character and sense of place. The SCGA SPD requires that tall buildings must not create a 'canyon effect' in order to prevent extreme wind conditions at ground level. Townscape and Visual Impact Assessments will be required for schemes coming forward to test the impact of tall buildings in more detail.
- 3.3.11 More facilities needed for young people such as play space: The SCGA Masterplan SPD includes provision for a series of new open spaces and pocket parks as well as improving access to existing park spaces such as the Welsh Harp and Clitterhouse Playing Fields. This includes provision for a large open space along the Edgware Road. Individual residential developments will be required to make children's play space provision in line with London Plan and Local Plan policies.
- 3.3.12 Increase in traffic and parking congestion: London Plan and Brent Local Plan policies already encourage accessibility by active travel and public transport modes and the use of parking restraint measures will discourage car use. Industrial uses will however need to maintain vehicle use essential to their operation, with the SCGA Masterplan SPD encouraging the use of e-vehicles and consideration of opportunities for the consolidation of servicing and deliveries, with last mile delivery by more sustainable modes. Residential uses will be required to be car free except for wheelchair provision. Controlled Parking Zones will likely be needed for surrounding residential streets, the cost of introducing which will be the subject of developer contributions secured as part of the planning process.
- 3.3.13 Better connection to public transport: It was stated that better infrastructure should be provided, particularly to link to Brent Cross West Station. The SCGA Masterplan SPD sets out key infrastructure projects, including the provision of a new at grade Edgware Road pedestrian and cycle crossing to directly link to Brent Cross West Station. The council will seek to secure S106 contributions and Community Infrastructure Levy as part of the planning process to contribute towards delivery.
- 3.3.14 Impacts on residential amenity, i.e. loss of light, wind conditions, overlooking, noise: Concerns about potential impacts on residential amenity are noted. More detailed design development will be required to consider these issues as on a case-by-case basis as schemes are developed, and must include daylighting, sunlight, microclimate, overlooking as well as noise assessments.

The requirement for undertaking these detailed assessments is included in the SCGA Masterplan SPD.

- 3.3.15 Student accommodation not supported: There are concerns that this specific type of accommodation will replace conventional housing delivery. Whilst the SCGA Masterplan SPD does not mention any requirement for student accommodation it is acknowledged that Sheffield Hallam University Campus is planned to open in Autumn 2026 in Brent Cross. Consequently it is quite possible there will be demand for some student accommodation within and around the Staples Corner area. Policies already exist within the Local Plan (Policy BH7) and London Plan (Policy H15) to provide the basis for determining the acceptability of such proposals should they come forward.
- 3.3.16 Impact on flooding: The principle fluvial flood risk runs along the course of the River Brent and around the Brent Reservoir, which falls within the 1 in 100 year fluvial flood zone. Wider parts of the area such as the Staples Corner roundabout and the Edgware Road have a lower probability of flooding but do have some risk. Surface water flooding mainly appears on the north-east, north-west and south of the SCGA and where significant road level changes appear on Oxgate Lane and Coles Green Road. To mitigate against flooding, urban greening and sustainable drainage solutions form part of the SCGA SPD, with detailed guidance provided in Chapter 9.5 Environmental Sustainability. Design Code N.03 further requires development proposals to integrate water management, sustainable drainage systems and flooding mitigation.
- 3.3.17 Impact on the Welsh Harp i.e. breeding birds and dominating buildings: The SCGA Masterplan SPD has sought to limit heights and building proximity along the more sensitive northern edge of the Growth Area where it meets the Welsh Harp. Design Code N.01 requires that existing green and blue assets, and wildlife habits including native established vegetation must be protected as a minimum and enhanced where possible. Ecological surveys and protected species surveys will be required to accompany planning applications where the development has the potential to affect designated environmentally important sites or where there is a reasonable likelihood of protected species being present.
- 3.3.18 Poor quality architecture is shown in the document: Design Code Chapters 7 & 8 of the SCGA Masterplan SPD seek to enhance the character of the area and improve architectural quality and successful design, through the use of Design Codes. 3D visualisations have been included within the document and illustrate the form and massing of the future development, on an indicative basis. Design Code I.01 requires development proposals to respond to the industrial heritage and character of the area.
- 3.3.19 Support for small to medium enterprises: Developers will be required to explore relocation options and propose and implement a business decant and relocation strategy as part of any planning application. The Local Plan requires 10% of new employment floorspace within the SCGA as affordable workspace.

3.3.20 Delivery challenges given land fragmentation: The SCGA Masterplan SPD proposes a phased approach to redevelopment given the 200+ landowners in the area and has sought to identify larger opportunities and consolidate sites. Section 10 of the SCGA Masterplan SPD sets out a delivery strategy and indicative phasing.

*Key concerns from Statutory Consultees on the SCGA Masterplan SPD*

3.3.21 Statutory consultees responded on their areas of responsibilities with replies received from National Highways, Transport for London, the Greater London Authority, LB Barnet, Historic England, the Canal and River Trust and the Environment Agency.

3.3.22 National Highways (NH): NH welcomed the vision and objectives of the Masterplan and Design Code SPD to work towards sustainable redevelopment. NH commented that there are no impacts for the Strategic Road Network arising from the design code chapters. However, NH noted separate discussions with officers on the Transport Study that accompanies the SCGA Masterplan SPD and that whilst NH welcome the policies and strategies set out in the SPD document, their comments do not apply to the SCGA Transport Study. This matter is further discussed in paragraphs 3.3.33 to 3.3.36 below.

3.3.23 Transport for London: (TfL): TfL made it clear that they are unable to commit to funding infrastructure improvements and that any new proposals for infrastructure would need to be discussed with the appropriate TfL departments, including the proposal for a new pedestrian and cycle crossing over the A5 Edgware Road to create direct route to Brent Cross West Station. TfL made a number of comments on the maps within the document and these have been corrected and clarified. A reference has been added in relation to developer contributions being used towards the West London Orbital, to address their comment in this regard. TfL further made a number of comments on the proposals to create new cycling infrastructure and the aspirational street sections included within the document. Clearer labelling and caveats have been added to clarify that the aspirational sections for all streets are an indicative way of reallocating space and do not represent final proposals.

3.3.24 Greater London Authority (GLA) stated that on balance, the Mayor is satisfied with the SCGA Masterplan SPD and agrees the document, subject to modifications. The modifications requested are not felt to be significant and relate to design changes reinforcing the intensified industrial nature of the SCGA Masterplan SPD. In response, reference has been included to 24-hour, 7-days-a-week industrial operations and a requirement that London Plan (2021) Policy D13 (Agent of Change) is a consideration in determining relevant planning applications, in the context of new residential uses near intensified industrial activity, so the area continues to function and prosper as an industrial area. Guidance has been added to require service yards to be designed to be sufficient for the intensified industrial floorspace, limit any impact on the highway, and be attractive to a broad range of occupiers. Design Code amendments have been made to ensure landscaping in industrial areas is robust to withstand heavy goods vehicles and is designed to help reduce air

pollution for future residents. It is felt that the GLA's comments have been responded to with changes made to the document as described.

3.3.25 LB Barnet: LB Barnet commented that there is a need to take a comprehensive and holistic approach to the character of development along the Edgware Road and to secure the infrastructure necessary to support the level of planned growth as well as achieve good place-making. Regular meetings over the past two years have taken place with LB Barnet to ensure cross-borough co-ordination and these will continue as development proposals come forward, to ensure that masterplanning for the two areas is coherent in terms of proposed development and the delivery of supporting infrastructure.

3.3.26 Historic England (HE): HE submitted detailed comments on the extent to which the historic baseline had been mapped, considered and taken into account in the development of the SCGA Masterplan SPD. HE noted that the SCGA Masterplan SPD proposes that the following buildings would be lost: The locally listed Oxgate Admiralty Citadel, Victoria Works, Sayer House, part of the Atlas Business Centre and China House. HE also queried the tall buildings proposed in the SCGA Masterplan SPD which are up to 31 storeys and exceeds heights of Brent's Tall Building Strategy 2020.

3.3.27 Changes have been made to positively address HE's comments. In a new Section 2.3 Historic Baseline, a new map includes relevant historic and heritage features. Whilst there are buildings of notable architectural language and character in the area, only Oxgate Farm is a designated heritage asset, and this sits outside the Growth Area boundary. The Ox & Gate public house is considered to be a non-designated heritage asset, but again it sits outside the Growth Area boundary. Any development proposals on neighbouring sites would need to be assessed on their own merits. In terms of the Oxgate Admiralty Citadel, this site is subject to a live planning application (ref 20/4143) and heritage will be considered in the planning balance as part of the determination process. Whilst the retention of Victoria Works, Sayer House, Atlas Business Centre and China House is encouraged due to their contribution to the character of the area, their significance is not such that this is an absolute requirement. As mitigation, Design Code R.03 clearly states that, "Opportunities for reuse, adaptation and retrofitting must be explored as a first approach to any and all development proposals" and is considered sufficient.

3.3.28 In addition, specific references to Heritage have been included within the Vision and Opportunities sections of the document. Additional wording has been included in the accompanying Strategic Environmental Assessment Screening Statement, to clarify the approach taken in respect to tall buildings, with the Brent Tall Building Strategy 2020 now superseded by the masterplanning which has established suitable development forms and heights.

3.3.29 The Canal and Rivers Trust: (CRT): The CRT asked for reference to the Canal & River Trust within the document, as the owners of the Brent Reservoir. CRT also requested that developers of sites close to the reservoir be encouraged to discuss their proposals with the Trust at the earliest design stage. Additional paragraphs have been included in the SCGA Masterplan SPD in response.

Further paragraphs have been added to address their specific issues relating to environmental sustainability and water use.

3.3.30 Environment Agency (EA): The EA highlighted the need to provide a stronger focus on reducing flood risk and sustainable drainage. The SCGA Masterplan SPD has been amended to improve the document in this regard.

3.3.31 The remaining part of statutory consultees were broadly supportive of the plans. Suggestions were made to improve the document and when possible/required amendments were made. It is felt that the changes have positively enhanced the document. The full detailed response can be found within Appendix 2.

*Key concerns from Landowners and Developers on the SCGA Masterplan SPD*

3.3.32 In summary, the landowners and developers provided in principle support for the SCGA Masterplan SPD and agreed with the Vision and Objectives. Some concerns related to the provision of infrastructure requirements and density on individual sites. Where more specific issues have been highlighted, it is recommended detailed discussions take place with landowners and developers per Brent's pre application service. Some of the landowners have recently mobilised design teams and have begun developing proposals for their sites since publication of the draft document.

*Key concerns from Statutory Consultees on the SCGA Transport Study*

3.3.33 Per paragraph 3.2.4 above, transport consultants Steer were commissioned in November 2023 to undertake a Transport Study to consider transport impacts on the strategic and local road network. National Highways and LB Barnet comments in response to the SCGA Transport Study propose, amongst other matters, carrying out a new additional standalone assessment of the M1/A406 junction, based on the existing road layout, because there is uncertainty that the consented but not yet constructed new Staples Corner junction scheme (in LB Barnet) which is assumed in the current model will actually go ahead. This approved junction scheme is however in the current TfL LOHAM (London Highway Assessment Model) as a committed scheme, and the assumption to include it in the Steer model was agreed with both TfL and National Highways. Steer have acted in accordance with best practice and on the best available information by taking it into account in the study. It is noted that a traffic model based on the existing road layout, being asked for by National Highways and LB Barnet does not currently exist, as it is not best practice to remove a scheme that is consented and is part of the TfL model.

3.3.34 In response to the concerns raised by National Highways and LB Barnet, a new transport section (section 9.7 Transport Mitigation) has been included in the SCGA Masterplan SPD that details the mitigations for increased traffic flows that are likely to impact the M1/A406 junction, as well as LB Brent's commitment to continue to engage National Highways and LB Barnet regarding plans for the M1/A406 junction, and any fair, reasonable and proportionate mitigations from redevelopment at Staples Corner. The SCGA Masterplan SPD will also likely be reviewed after 5 years, and such review could be brought forward were

National Highways and LB Barnet to agree a new approach for the M1/A406 junction.

3.3.35 TfL comment that there remains a chance that the M1/A406 junction upgrade will be delivered as part of the current consented scheme and that should revised designs for the junction emerge, recommend that a strategic approach is taken with all relevant stakeholders working together, and that any developments impacting on the junction should make a fair, reasonable and proportionate contributions towards any necessary changes. As above, the new Section 9.7 Transport Mitigation addresses these points.

3.3.36 To conclude, it is felt that comments made by National Highways, LB Barnet and TfL have been appropriately addressed and responded to in the document, and that continued engagement with these stakeholders will continue in the event that any revised designs for the Staples Corner junction emerge.

#### **4.0 Stakeholder and ward member consultation and engagement**

4.1 The former Cabinet Member for Regeneration, Planning & Growth has been regularly briefed on the development of the draft SCGA Masterplan SPD.

4.2 Ward councillors from Dollis Hill were briefed March 2023 and January 2024 on public engagement and the development of the draft SCGA Masterplan SPD. Discussions on the development of the SCGA Masterplan SPD took place with the Local Plan Member Working Group February 2023 and February 2024. Further engagement and consultation has taken place recently with members. The draft Masterplan was presented at Brent's Quality Review Panel January 2024 and June 2024. London Assembly Member Hirani was briefed January 2024.

4.3 Statutory public consultation was undertaken for 6 weeks in line with the relevant Regulation and as set out in this report.

#### **5.0 Financial Considerations**

5.1 Costs to produce the SCGA Masterplan SPD are being met through existing Neighbourhoods and Regeneration budgets and earmarked reserves.

5.2 There are no spending commitments entered into as a result of the approval of this document. However, Cabinet should be made aware of the following implications of new development, which are summarised below at a high level (with assumptions) and which will require further detailed analysis in the future.

5.3 The SCGA Masterplan SPD identifies the capacity to deliver between 2,935 and 3,066 additional homes. The increase in the council tax base could generate between £1.1m and £2.2m of additional council tax income per year at today's rates, depending on the details of development.

5.4 The SCGA Masterplan SPD also suggests an increase in commercial floor space of up to 120,381m<sup>2</sup>, which could result in additional business rates

income when compared to the existing amount of commercial property in the area.

- 5.5 New developments will bring increased costs for the council through the need for additional refuse collections, greater demand for social services, and higher pressure on existing community resources. Some of the new refuse collection costs could be covered by the existing contracts threshold for growth. A detailed analysis would need to be carried out to estimate the full extent of all the additional costs.
- 5.6 The impact on community resources could be mitigated through the collection of additional Community Infrastructure Levy (CIL) payments from developers. For example, the addition of 3,066 new homes could net up to £25.7m in CIL contributions. A more detailed estimate will not be possible until planning applications are submitted.
- 5.7 The report gives high-level consideration to potential funding streams that could aid delivery, and these will need to be maximised upon implementation. Examples include Government / GLA grant funding (e.g. the New Homes Bonus or similar future affordable housing incentives) and local funding in terms of Section 106 planning agreements.

## **6.0 Legal Considerations**

- 6.1 Town and Country Planning (Local Planning) (England) Regulations 2012 provide for Local Planning Authorities to adopt Supplementary Planning Documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary Planning Documents cannot introduce new policy or allocate sites for development.
- 6.2 A Strategic Environmental Assessment (SEA) Screening Statement has been prepared to support the SCGA Masterplan SPD. This has concluded that a SEA is not required due to the Masterplan SPD supplementing policies covering the area, which have already benefitted from consideration in the Brent Local Plan SEA.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

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

3. Foster good relations between people who share a protected characteristic and those who do not.
- 7.2 Equalities Analysis has been undertaken and is at Appendix 3. The SCGA Masterplan SPD aims to deliver new jobs, homes and infrastructure, and in doing so support good growth, deliver high quality placemaking, and ensure social, economic and physical regeneration brings forward transformational changes, contributing to a vibrant and inclusive neighbourhood. By facilitating these objectives, the SCGA Masterplan SPD has the potential to benefit the businesses, residents and diverse communities in Staples Corner and surrounding areas.
  - 7.3 The SCGA Masterplan SPD has the potential to have positive impacts on existing and new communities, including groups with protected characteristics, as it will identify a range of placemaking, environment and sustainability principles which should apply to and guide comprehensive redevelopment of the area. There may also be specific positive impacts on groups with protected characteristics. Improvements to the public realm and redevelopment are likely to benefit all groups, particularly people of different age groups and those with disabilities. Provision of accessible and affordable housing will also benefit disabled people and those from socio-economically disadvantaged backgrounds. Given that Staples Corner and the surrounding areas have a high Black, Asian and Minority Ethnic population, regeneration in the area providing improved connectivity, infrastructure and employment opportunities is likely to benefit these groups.
  - 7.4 The analysis also identifies some businesses may need to move to alternative premises whilst redevelopment takes place. This could affect some ethnic groups more than others. The SCGA Masterplan SPD recommends a phased approach to regeneration and that new development proposals retain businesses in the area and protect local employment wherever practical, supported by a Business Relocation Strategy.

## **8.0 Climate Change and Environmental Considerations**

- 8.1 The council declared a climate and ecological emergency in 2019 and set out it would do all reasonable in the council's gift, within available resources and competing priorities, to aim for carbon neutrality for the borough by 2030. The council has subsequently adopted a Climate and Ecological Emergency Strategy (2021-2030) which sets out the council's route map to achieve this aim.
- 8.2 The council's climate and ecological emergency strategy has five key themes. These are: 1) Consumption, Resources and Waste; 2) Sustainable Travel; 3) Homes, Buildings and the Built Environment; 4) Nature and Green Space; 5) Supporting Communities. It is important that regeneration schemes are therefore taking into account the aims and objectives of these five themes.
- 8.3 The SCGA Masterplan SPD has been developed from the outset with environmental sustainability embedded in the proposals with consideration to



opportunities for an aspirational and innovative energy and sustainability strategy. It aspires to create a place that is low carbon, resource efficient, high quality and that promotes health and well-being for future generations.

- 8.4 When considering this scheme alongside five key themes of the council's climate and ecological emergency strategy, the following key points have been addressed within the report content and are thematically grouped below.

#### Theme 1 – Consumption, Resources and Waste

- Paragraph 3.1.2 – explains that the scheme will see new homes alongside new and refurbished industrial premises in a way that supports the *transition to a net zero carbon circular economy*.

#### Theme 2 – Sustainable Travel

- Paragraph 3.3.12 – sets out the provisions being considered to encourage improved accessibility via active travel and public transport, with the residential uses being car free except for wheelchair provision and proposals for Controlled Parking Zones on surrounding residential streets
- Paragraph 3.3.13 – outlines that improved connections to public transport via Brent Cross West Station are integral to the scheme.
- Paragraph 3.3.24 – TfL have been consulted on the proposals and provided comment on the active travel elements to the scheme.

#### Theme 3 – Homes, Buildings, and the Built Environment

- The following design and build principles and opportunities have been considered as part of this process :
  - Proposals for new development at Staples Corner should be based on a fabric first approach with efficient services and exceed minimum requirements for carbon reductions.
  - Passive solutions should be prioritised to mitigate potential overheating risk. Building massing should consider the surroundings, and buildings should be designed following London Energy Transformation Initiative (LETI) guidance with efficient form, solar orientation, and shape factor to maximize ability for natural ventilation in a dual-aspect flat configuration.
  - Renewable energy generation should be maximised on site.
  - A district heat network (DHN) is proposed, which could utilise the waste heat from the data centre on site (721-721A North Circular Road), and would offer a great opportunity for neighbouring buildings to connect and reduce their carbon footprint. An additional opportunity for linking the site to the heat network nearby in Barnet as part of the Brent Cross regeneration scheme could also be explored as part of London's Zero Carbon Accelerator programme
  - Any additional street lighting should be LED, in accordance with the rest of Brent's street light population
- Paragraph 3.3.16 and para 3.3.31 – outlines that climate adaptation risks with regards to flood risk, and potential solutions have been considered.
- Paragraph 3.3.28 – states that, with regards to historic buildings, design code R.03 has been considered and that therefore that 'opportunities for

reuse, adaptation and retrofitting must be explored as a first approach to any and all development proposals’.

#### Theme 4 – Nature and Green Space

- Paragraph 3.3.11 – sets out provisions which have been included for a series of new open spaces and pocket parks, as well as improving access to existing park spaces.
- Paragraph 3.3.17 – states the planning policies which are in place to protect wildlife habitats and protected species where possible.
- Paragraph 3.3.30 – outlines that the Canal and Rivers Trust have been engaged with as part of the process to date, and specific issues raised relating to environmental sustainability have been addressed.

#### Theme 5 – Supporting Communities

- Sections three and four of the report set out the consultation and engagement to date with key stakeholders and ward members.

8.5 It is therefore deemed that, to date, the scheme has adequately considered the environmental sustainability implications and aligns broadly to the council’s aims within its climate and ecological emergency strategy, which will remain under close review.

#### **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 None are identified.

#### **10.0 Communication Considerations**

10.1 The council’s website to be duly updated to include the adopted SCGA Masterplan SPD.

#### **Report sign off:**

**Alice Lester**

Corporate Director of Neighbourhoods and  
Regeneration

# STATEMENT OF CONSULTATION

## **Staples Corner Growth Area Masterplan & Design Code (SCGA)**

Supplementary Planning Document (SPD)

**October 2024**

This document sets out the public consultation that took place for the draft Staples Corner Growth Area Masterplan and Design Code SPD, summarises the representations received and the Council's response.

## Introduction

Staples Corner Area (SCGA) is a priority growth area in the Brent Local Plan. Regeneration in SCGA aims to provide at least 2,200 new homes, employment and supporting infrastructure, including green space, transport, community facilities, and an enhanced public realm. This vision will be achieved through delivering industrial intensification and the co-location of industrial and residential uses. Through a 'master planning approach', the SCGA Masterplan & Design Code Supplementary Planning Document (SPD) has been prepared to guide the comprehensive development of the area.

The SCGA SPD sets out the vision, objectives and an Illustrative Masterplan; comprising development, sustainability and environmental principles that will guide future comprehensive development of the area. It gives a positive message that Brent welcomes and encourages new development of high-quality sustainable design and recognises the benefits that it can bring to communities.

Initial engagement informing the vision and objectives took place in summer / autumn 2022 and in spring / summer 2023 consisting of business and resident surveys, as well as a Splash event to raise awareness of the project. Further detail of this early engagement, as well as details of the stakeholders who were engaged, can be found from page 67.

The SCGA SPD includes a Design Code, to shape development proposals emerging within the area. The Design Code aims to assist developers, designers, local communities, planning officers and those determining planning applications to understand better what is expected of new developments in SCGA, depending on its surrounding context and how regeneration can be achieved holistically. A group of Staples Corner Community Champions were recruited specifically to participate in the preparation of the Design Code, for which a series of engagement workshops took place in December 2022, and January and February 2023.

An earlier version of the Draft Staples Corner Design Code was consulted on from 24 August to 2 November 2023. Consideration was given to all consultation representations, responses provided and, where necessary, changes recommended. On Tuesday 7 May 2024, the decision was taken to approve the changes to the Draft Staples Corner Design Code considering consultation responses and incorporate it into the draft Staples Corner Masterplan & Design Code SPD.

Activities that have informed the preparation of the SCGA SPD include:

1. Business and resident surveys with people living and working in Staples Corner and community groups.
2. An online Have Your Say platform for gathering feedback about the area.
3. Drop in events with people living and working in Staples Corner, businesses and community groups.
4. Targeted 1:1 engagement sessions with landowners and other key stakeholders which include the Greater London Authority, Transport for London, National Highways, the Canal & Rivers Trust, LB Barnet, Brent's Quality Review Panel and Brent's Community Review Panel.
5. A targeted session with the Young Brent Foundation.
6. A drop in Splash event to help inform the vision and objectives.
7. A series of engagement workshops with the Staples Corner Community Champions to inform the preparation of the Design Code.
8. Nine events as part of the statutory consultation process, one of which was an online event.

This Consultation Statement has been prepared in accordance with Regulation 12(a) and (b) of the Town & Country Planning (Local Planning) (England) Regulations 2012 (the

Regulations). It sets out details of the consultation that took place and which has informed and refined the SPD.

A summary of the events and how they have informed the SPD can be found within this document.

### About the Statutory Consultation

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The Draft SCGA Masterplan SPD was subject to six weeks of formal consultation from 4 June to 16 July 2024. This was in accordance with the Regulations and Brent Council's Statement of Community Consultation (SCI). This Consultation Statement sets out the comments received, the Council's response and where appropriate consequential changes made to the SPD. In accordance with the SCI, during the consultation period, the following process was adhered to:

- The Draft SCGA SPD, details of the project and how to get involved were published and promoted on a dedicated website:  
<https://www.brent.gov.uk/business/regeneration/growth-areas/staples-corner>
- A dedicated Have Your Say page was also set up to receive comments, along with details of other ways to send comments such as by post or email:  
<https://haveyoursay.brent.gov.uk/en-GB/projects/brent-have-your-say-staples-corner-consultation>
- 9,131 GovMail letters were sent to all properties within the Dollis Hill ward notifying of the statutory consultation period as well as details of the drop in events. This included letters to residents, businesses and local groups (i.e. all properties in the ward with a postal address).
- The consultation was publicised weekly via social media channels- Facebook, Twitter, Nextdoor, Instagram and LinkedIn.
- Copies of the Draft SCGA SPD were available to view at Wembley, Kilburn, Willesden, Ealing Road, Kingsbury and Harlesden libraries.
- Stakeholders and groups on the Local Planning Authority consultation database were emailed, notified of the consultation and consultation events, and invited to comment and attend the consultation events.
- Consultation updates were sent to councillors to promote the statutory consultation and events.
- A total of nine consultation sessions took place in different times and locations as summarised below. All of the events took place in the SCGA apart from Event No. 2 which took place in the nearby Gladstone Park, Event No. 8 which took place in the nearby Brent Cross West station in LB Barnet and Event No. 9 which took place in Wembley. Event No. 7 took place online (Zoom platform).
  - Event No. 1: Tuesday 12 June 12:00 – 15:00 Bellissima Ristorante, Coles Green Road
  - Event No. 2: Tuesday 18 June 13:00 – 14:00 Gladstone Park
  - Event No. 3: Wednesday 19 June 15:30 - 16:30 Young Brent Foundation, Ehatt table tennis club, Oxgate House, Oxgate Lane

- Event No. 4: Thursday 27 June 12:00 – 15:00 Bellissima Ristorante, Coles Green Road
  - Event No. 5: Wednesday 3 July 2024 17:30 – 19:30 Millenium Business Centre, Humber Road
  - Event No. 6 Tuesday 9 July 2024 13:00 to 16:30 Staples Corner business door knocking
  - Event No. 7: Wednesday 10 July 18:00 – 19:00 Online event (Zoom platform)
  - Event No. 8: Thursday 11 July 16:00 - 18:00, Brent Cross West station, Barnet
  - Event No. 9: Tuesday 16 July 10:00 - 11:00 Wembley Jobs Fair, Wembley Stadium
- In addition to the consultation described above, engagement with the following stakeholders also formed part of the Draft SCGA SPD Masterplan preparation: -
    - Brent's Quality Review Panel (QRP) – two sessions took place (22 January 2024 and 24 June 2024). The QRP applauded the excellent piece of work, highly commending the level of detail and thoroughness of both the masterplan and design code. They included a series of comments in their report, some of which has led to changes and amendments in line with their suggestions. Where comments were not carried forward into actions or changes to the document, it was felt that these were already covered by existing policy and guidance and did not need to be repeated or were addressing on a case by case basis and therefore did not warrant any change to the document.
    - Brent's Community Review Panel (1 July 2024) – a walkaround of the SCGA with panel members.
    - Department for Housing, Levelling up and Communities (regular briefing meetings during the preparation of the Design Code with comments and suggestions feeding into the development of the Design Code).

## Reach

Information about the Draft SCGA SPD consultation received 6771 hits via the Council’s social media. There were 852 hits to the dedicated SCGA Have Your Say website. 178 people (including residents and other stakeholders) attended the nine consultation events and engaged in dedicated one-to-one discussions with officers about the plans. 151 people completed the surveys available in our events and online via our consultation portal. 21 people/organisations issued formal consultation responses. In total, 172 responses were received to the Draft SCGA SPD during the statutory consultation period.



Figure 1: Photos from engagement events

## Overview feedback

In total, 172 people / organisations have provided comments on the draft SCGA SPD during the 6-week consultation period. The majority of comments were supportive. Below are some of the supportive quotes:

- *“Broadly agree with the plan, but I think more than 2,200 new homes should be provided on the site. It is an opportunity to create a new, sustainable, intensive residential area with large amounts of homes provided in medium- and high-rise buildings. This will drastically increase the appeal of the area in terms of amenities and buzz”.*
- *“Very excited about this overall! Brent Cross West has been a great start”.*
- *“The changes appear reasonable and will benefit the area”.*
- *“The plan is sound and a good opportunity for local communities”.*
- *“It is really positive and hope development partners will come forward to bring it to reality”.*
- *“Very exciting times for the people in the area and future developments”.*

## Formal Representations

151 people completed the survey and 21 written representations were received (total 172).

Of those that completed the survey, the table below demonstrates the percentage of people that supported the proposed plans when attending the events or filling the feedback forms and the more limited percentage of people that disagreed:

<b>Survey totals</b>	Vision	Challenges	Opportunities	Masterplan	Design Code
Supportive	82%	77%	83%	72%	74%
Not supportive	11%	13%	7%	16%	11%
No response	1%	1%	5%	6%	8%
Not sure	6%	9%	5%	6%	7%
Totals	100%	100%	100%	100%	100%

**Table 1: Survey results**

As demonstrated above, 82% of respondents agreed with the Vision, 77% with the Challenges, 83% with the Opportunities, 72% with the Masterplan and 74% with the Design Code.

Of those that did not agree, the following main areas of concern were noted:

- Housing, particularly affordable housing delivery.
- Safety and poor environmental quality concerns of the area.
- Request for more local services.
- Density and building heights proposed.
- More facilities needed for young people such as play space.
- Increase in traffic and parking congestion.
- Better connection to public transport.
- Impacts on residential amenity.
- No student accommodation please.
- Impact on flooding.
- The impact on the Welsh Harp.
- Poor quality architecture.
- Support for small to medium enterprises.
- Delivery challenges given land fragmentation.

A response to these concerns are set out in the table below, with details of any proposed changes to the draft SCGA SPD in the final column. A summary of the other written representations received is also outlined within the following pages.



REP #	CONSULTEE	DRAFT SPD CHAPTER, SECTION, PARAGRAPH OR PAGE NO	OFFICER SUMMARY OF RESPONSE	OFFICER CONSIDERATION	PROPOSED CHANGES	
Page 521	S01-1	National Highways	General	<ul style="list-style-type: none"> <li>NH welcome the vision and objectives of the Masterplan and Design Code SPD to work towards sustainable redevelopment which results in a modal shift away from single occupancy vehicle travel.</li> <li>The bulk of the SPD is made up of the proposed design code for the area. There are no impacts for the Strategic Road Network as a result of anything contained within the design code.</li> <li>We are currently in discussions separately with the London Borough of Brent and their consultants regarding the Staples Corner Growth Area (SCGA) Strategic Transport Study. This aims to provide a transport evidence base for redevelopment of the area and our work on this is ongoing. Whilst we welcome the policies and strategies set out in the SPD being consulted on, our comments here do not impact our ongoing work on the SCGA Strategic Transport Study.</li> <li>Based on our review of the Staples Corner Masterplan and Design Code SPD, we are content that there are no implications for the SRN.</li> </ul>	National Highways comments are welcomed. LB Brent have been in regular discussion and dialogue with National Highways during the preparation of the draft SCGA SPD. National Highways have also been engaged with respect to the SCGA Transport Study. Per the Statement of Common Ground agreed as part of the Local Plan preparation, LB Brent will continue to engage National Highways and undertake reasonable endeavours to ensure that they are content with the SCGA Transport Study prior to adoption of the SCGA SPD.	No proposed change.
	S01-2	Natural England	General	<ul style="list-style-type: none"> <li>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</li> </ul>	Noted.	No proposed change.
	S02-1	GLA	General	<ul style="list-style-type: none"> <li>On balance, the Mayor is satisfied with the work done by LBB and accordingly agrees the Draft Staples Corner Growth Area</li> </ul>	The GLA's comments are welcomed.	No proposed change.

			(SCGA) Masterplan and Design Code SPD, subject to the following modifications.		
S02-2	GLA	<b>4.4 Sub Area 1: Staples Corner West</b>	<ul style="list-style-type: none"> <li>Firstly, unless already in residential use, identify Use Class E as the preferred use for the upper floors of the small buildings to be retained on the northern side of the North Circular. The North Circular and the resulting intensified industrial nature of the SIL is unlikely to provide a satisfactory environment for residents and could make industrial operations susceptible to nuisance complaints.</li> </ul>	Noted. The upper floors of these retained properties are already in residential use and therefore in line with the GLA's comments recognising this, no change is proposed.	No proposed change.
S02-3	GLA	<b>4.9 Sub Area 6: Apsley Way</b>	<ul style="list-style-type: none"> <li>Similarly, for the proposed co-located block on the northern side of Apsley Way, a pure industrial block would enable a strong edge to the future SIL boundary as well as minimise potential complaints about industrial activity.</li> </ul>	A pure industrial block on the northern side of Apsley Way was tested, per the development scenarios in 5.3 Design Scenarios, specifically 2A-1. The most preferred / most viable scenario forms part of the Illustrative Masterplan. There are many potential variations for how development could come forward across the SCGA. Consideration of this pure industrial typology would not be precluded subject to aligning with the Spatial Strategies and Design Code, per the text in Chapter 5.1. Based on the above, it is not felt necessary to further illustrate industrial development on Apsley Way.	No proposed change.
S02-4	GLA	<b>4.3 General &amp; Working Assumptions</b>	<ul style="list-style-type: none"> <li>Policy D13 (Agent of Change) in the London Plan 2021 should be referenced throughout the SPD to ensure that, in the context of new residential uses near the intensified industrial activity, the area continues to meet the Local Plan's ambitions to prosper as an industrial area.</li> <li>The draft SPD should include 24-hour, 7-days-a-week industrial operations as a working assumption of the draft SPD alongside the working assumptions already set out on page 66 of the draft document.</li> </ul>	<p>Noted. The Agent of Change policy is referred to in Chapter 10.2 Sequencing and Zoning (paragraph 10.2.6). It is however accepted that an additional reference be included as follows.</p> <p>The text accompanying Map 14: Land use zoning strategy diagram to be amended to include reference to the London Plan Agent of Change policy.</p> <p>Working Assumptions on page 69 be amended to include reference to 24-hour, 7 days a week industrial operations.</p>	<p>To add the following text to Map 14: Land use zoning diagram to include, the following, at the end of the first paragraph.</p> <p><u>Policy D13 (Agent of Change) of the London Plan 2021 (including any subsequent policy versions) will be a relevant consideration in determining relevant planning applications.</u></p> <p>4.3 Working Assumptions, to be amended to include the following</p>

					<p>wording under a new heading of “General Industrial Assumptions”.</p> <p><u>General Industrial Assumptions</u></p> <ul style="list-style-type: none"> <li>• <u>24 hour, 7 days a week industrial operations</u></li> </ul>	
<p>Page 52 of 59</p>	S02-5	GLA	<p><b>Chapter 10 Delivery Approach and Phasing &amp; General</b></p>	<ul style="list-style-type: none"> <li>• In line with the Practice Note, LBB should reassure itself that the delivery of the remaining phases of the masterplan with its heavy reliance on stacked industrial floorspace is viable over the plan period and set out how the proposed infrastructure improvements will be funded.</li> <li>• In this regard, the SPD or Design Code should also set out some basic design or operational objectives for the industrial floorspace to ensure it can be effectively occupied by a broad variety of industrial uses, and especially heavier industrial uses that are most appropriately located SIL.</li> </ul>	<p>Noted. Financial viability and deliverability of the Illustrative Masterplan, including stacked industrial typologies has been tested, a report of which accompanies the SCGA SPD.</p> <p>In relation to the setting out of design or operational objectives, the SPD has tested a number of industrial typologies, including stacked options. It is not the scope of the Design Code to code for the industrial spaces themselves.</p>	No proposed change.
	S02-6	GLA	<p><b>Design Code</b></p>	<ul style="list-style-type: none"> <li>• The “green fingers” connecting the reservoir to the masterplan should align with the pedestrian links and could be more generous in size.</li> </ul>	<p>The ‘green fingers’ are indicated in Section 3.6, Map 23 are primarily strategic, but have been embedded in the Illustrative Masterplan. Design codes have been included to support the delivery of these where practically possible and to align with the pedestrian links.</p>	No proposed change.

<p>S02-7</p>	<p>GLA</p>	<p><b>Design Code</b></p>	<ul style="list-style-type: none"> <li>Landscaping in industrial areas must be robust to withstand heavy goods vehicles and help reduce air pollution for future residents. Stronger language is needed to ensure effective greening in these zones, as it impacts streetscape quality and pedestrian experience.</li> </ul>	<p>Noted. Assuming this is in relation to planting withstanding difficult growing condition, then the Design Code can be amended to address this accordingly.</p> <p>It is also felt that reference to the need for planting to improve air quality should be added in Section 9.5 Planting Strategies.</p>	<p>Section 7.1 – amended design code R.06 to read as follows:</p> <p>Tree and plant species selected as part of development proposals and public realm improvements must be able to endure <u>difficult growing conditions and</u> prolonged severe weather conditions, such as drought and heavy rainfall, and where relevant, well-suited to SuDS.</p> <p>Section 9.5 – Planting Strategies. New sentence to be added as follows:</p> <p><u>Planting will also be required to improve air quality.</u></p>
<p>S02-8</p>	<p>GLA</p>	<p><b>4.3 Working Assumptions</b></p>	<ul style="list-style-type: none"> <li>The masterplan assumes Cross Laminated Timber (CLT) construction for residential towers between 6-10 storeys. However, updates to Approved Document B3 ban structural timber in external walls of buildings over 18m tall, making it challenging to deliver CLT towers of this height.</li> </ul>	<p>Noted. It is recommended that this be deleted in the document.</p>	<p>4.3 Working Assumptions to be amended to delete reference to CLT construction:</p> <ul style="list-style-type: none"> <li><del>Generally max 10 stories to allow for CLT construction.</del></li> </ul>
<p>S02-9</p>	<p>GLA</p>	<p><b>Design Code</b></p>	<ul style="list-style-type: none"> <li>The design guidance should ensure the service yards are sufficient for the intensified industrial floorspace to limit any impact on the highway and to ensure the space is attractive to a broad range of occupiers.</li> </ul>	<p>Noted. Under 4.3 Working Assumptions, it is recommended to add wording to ensure that service yards are designed to be sufficient for the intensified industrial floorspace.</p>	<p>Under 4.3 Working Assumptions, add the following wording:</p> <p><u>Service yards should be designed to be sufficient for the intensified industrial floorspace to limit any impact on the highway and to ensure the space is attractive to a broad range of occupiers.</u></p>
<p>S03-1</p>	<p>Canal &amp; Rivers Trust</p>	<p><b>General</b></p>	<ul style="list-style-type: none"> <li>We would welcome direct reference to the Canal &amp; River Trust within the document, as the owners of the Brent Reservoir. We</li> </ul>	<p>Noted. It is recommended that Section 3.6 Green and Blue Infrastructure and Section</p>	<p>Section 3.6 Green and Blue Infrastructure – new sentence added to para 3.6.2 as follows:</p>

			<p>would also request that developers of sites close to the reservoir be encouraged to discuss their proposals with the Trust at the earliest design stage.</p>	<p>9.5 Environmental Sustainability be amended accordingly.</p>	<p><u>The Canal &amp; Rivers Trust are owners of the Brent Reservoir.</u></p> <p>Section 9.5 Environmental Sustainability - new paragraph added as follows:</p> <p><u>The Canal &amp; Rivers Trust are owners of the Brent Reservoir, and it is recommended they are consulted with respect to any proposals close to the reservoir at the earliest design stage.</u></p>
<p><b>S03-2</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 525</p>	<p>Canal &amp; Rivers Trust</p>	<p><b>3.6 Green &amp; Blue Infrastructure Strategy</b></p>	<ul style="list-style-type: none"> <li>• This section should also include: 8) Manage invasive species (Japanese Knotweed, Giant Hogweed) to improve the growth of native species around the Brent Reservoir. 9) Cutback of willow trees to improve the growth of natural reed beds.</li> <li>• There is a lot of contaminated land in the Staples Corner area, and it appears there are also surface water discharges that discharge poor water quality into the reservoir, adversely affecting its overall water quality. Any new surface water discharges proposed as part of developments should be controlled, and details reviewed and agreed through the planning process.</li> <li>• Swales and water features potentially introduce further contamination risk to the reservoir, and future developments should be designed to avoid poor water quality discharges, and work to improve existing surface water discharges and other water sources that reach the reservoir.</li> <li>• The reservoir also suffers from fly-tipping from adjacent properties, and developments coming forward should be designed to prevent opportunities for this.</li> </ul>	<p>It is felt that including reference to invasive species and the cutback of willow trees is not appropriate since it is the CRT who should be responsible for managing these operational matters on Brent Reservoir land. No change is recommended.</p> <p>An additional sentence is recommended in relation to new surface water discharges and contamination risk in Section 9.5.</p> <p>On fly tipping and tackling litter, a new paragraph can be added at 3.6.6 to refer to these issues.</p>	<p>Section 9.5 Environmental Sustainability, under Water Use, add:</p> <p><u>Any new surface water discharges proposed as part of developments should be controlled, and details reviewed and agreed through the planning process.</u></p> <p><u>Future developments, including any swales and water features, should be designed to avoid poor water quality discharges, and to improve existing surface water discharges and other water sources that reach the reservoir.</u></p> <p>New paragraph 3.6.5 at Section 3.6 Green and Blue Infrastructure, as follows:</p> <p><u>Future developments in the area should seek to prevent opportunities for fly tipping and litter dropping in the Brent Reservoir, especially in the location of the River Brent trash</u></p>

			<ul style="list-style-type: none"> <li>Where the River Brent enters the Brent Reservoir, there is the River Brent trash screen, owned by the Environment Agency. This is not regularly cleaned and maintained, and many wet wipes and other waste from the River Brent enter the Brent Reservoir here. The Trust is having to clear large amounts of rubbish near the trash screen on a weekly basis. We would therefore support the explicit mention of tackling litter in the document, especially at the trash screen area. A large development close to the reservoir previously helped to fund a part time dedicated ranger of the SSSI, and this could help manage this sort of issue.</li> </ul>		<p><u>screen, where the River Brent enters the Brent Reservoir.</u></p>
<p><b>S03-3</b></p> <p>Page 526</p>	Canal & Rivers Trust	<b>4.2 The Illustrative Masterplan</b>	<ul style="list-style-type: none"> <li>CRT note that General industrial / Storage &amp; distribution / Data centre / Substation uses are indicated along the boundary with the Brent Reservoir. The implementation of enhanced green buffer zones around the new developments will be key in helping to lessen disturbance to Brent Reservoir from these industrial uses.</li> </ul>	Noted. Planting and buffer zones are shown on the Illustrative Masterplan and therefore no change is proposed.	No proposed change.
<b>S04-1</b>	Historic England	<b>General</b>	<ul style="list-style-type: none"> <li>The draft SPD is missing some historic environment baseline data. This leads us to query whether heritage has been considered as required (i.e. in terms of conserving/enhancing and placemaking) and to advise further consideration of the area's historic environment based on a proportionately robust understanding of the historical development of the area and the extant heritage assets within it, and their significance.</li> </ul>	A new historic environment map to be added to the document to include heritage assets. For completeness, it is recommended that some of the heritage features be taken out of Map 6 Existing site plan with Growth Area and SIL boundaries and included on this new map. All relevant features to include a short description and will include surrounding listed buildings, locally listed buildings/areas and Archaeological Priority Areas.	<p>A new Historic Baseline map to be added to the document in a new Section 2.3 (Historic Environment) to include mapping of the following features including some written wording to explain their origins:</p> <ul style="list-style-type: none"> <li>Heritage assets</li> <li>Buildings of architectural character</li> <li>Tier 2 Archaeological Priority Area</li> <li>Welsh Harp Open Space</li> <li>Neasden Recreation Ground</li> <li>Gladstone Park</li> </ul>

S04-2	Historic England	<b>1.1 Overarching Vision Statement</b>	<ul style="list-style-type: none"> <li>Recognise that the SCGA may not be an especially rich heritage area. London Plan Policy D3 requires a design led approach to optimising site capacity that responds to the existing character of a place, respecting and enhancing heritage assets.</li> <li>HC1b also explicitly required that the historic environment and its significance should be used to inform a 'clear vision.</li> <li>We therefore advise that the historic environment is woven into the vision statement e.g “A functional and permeable place with improved environment for active travel, health, biodiversity, <u>and ecology and heritage</u>”</li> </ul>	Noted. It is recommended that heritage be added to the vision statement.	<p>1.1 Vision, to make the following additions:</p> <ul style="list-style-type: none"> <li>A functional and permeable place with improved environment for active travel, health, biodiversity, <u>and ecology and heritage</u>”</li> </ul>
S04-3	Historic England	<b>1.2 Values and objectives</b>	<ul style="list-style-type: none"> <li>We welcome the recognition of the area’s heritage within the “Destination Corner” and “Celebrate the existing objectives”. However, we would query how effectively these are being delivered when there is only one area wide design code criteria relating to the historic environment (I.01, Page 113) and the retention/ interpretation of historic assets and /or buildings of historic / architectural character, does not appear to have been fully considered.</li> <li>If heritage is to be a primary factor in design (as required by the London Plan), then this ought to come across more consistently otherwise these objectives will be undermined.</li> </ul>	Noted. Reference to heritage principles is also included in C.01 (where a comprehensive context study incorporating an analysis of notable local buildings, amongst other factors), is required. This is the first design code in the document and therefore sets this clear, strategic requirement.	No proposed change.
S04-4	Historic England	<b>1.3 Opportunities</b>	<ul style="list-style-type: none"> <li>Heritage is not mentioned in this section at all, yet the industrial character and green infrastructure of SCGA and the surrounding area are of historic origin and comprise heritage assets. This should be acknowledged at paragraphs 1.3.5 and 1.3.6.</li> </ul>	Noted. This can be amended and heritage acknowledged at paragraph 1.3.5 which relates to industrial identity. It is not felt appropriate to add a heritage reference to 1.3.6 since this paragraph relates to green infrastructure and so is a different subject matter.	<p>Paragraph 1.3.5, to add the following words:</p> <p><b>1.3.5 Industrial identity:</b> Identity and character should respect the industrial legacy <u>and heritage</u>. Architecture should have an industrial character and materials palette.</p>

S04-5	Historic England	<b>1.4 Opportunities / 1.5 Challenges</b>	<ul style="list-style-type: none"> <li>The grade II* Oxgate Farm is potentially the oldest building in Brent and it is at risk. Does the masterplan provide an opportunity to think strategically about ensuring that the building is preserved through proactive planning and Community Infrastructure Levy contributions?</li> </ul>	The Oxgate Farm exists outside of the SCGA boundary. It was the subject of a refused planning application (Ref 22/2478) which was subsequently allowed at appeal (Appeal Ref APP/T5150/W/23/3320652) on 9 November 2023 and this should safeguard the future of the existing building.	No proposed change.
S04-5	Historic England	<b>1.5 Site history</b>	<ul style="list-style-type: none"> <li>This section should be revised to identify key extant heritage assets and buildings of architectural character and to explain their origins.</li> </ul>	Noted. Please refer to S04-1 above.	As above under S04-1.
S04-6	Historic England	<b>1.5 Site history</b>	<ul style="list-style-type: none"> <li>Recommend that a key is provided to the mapping to make clear what the map colours denote.</li> </ul>	Noted. A new key can be added to reference the colours on the map.	1.5 Site History:  Add a new key to reference the colours on these maps.
S04-7	Historic England	<b>2.2 Policy context and Map 6: Existing site plan with Growth Area and SIL boundaries</b>	<ul style="list-style-type: none"> <li>A locally listed building – Oxgate Admiralty Citadel, 403-405 Edgware Road is missing from the historic environment baseline.</li> <li>So too has the Tier 2 Archaeological Priority Area that runs along the Edgware Road and the eastern boundary which demarcates the potential for the remains of a Roman to modern road.</li> <li>The Welsh Harp Open Space and Neasden Recreation Ground as well as Gladstone Park are also locally listed heritage assets.</li> <li>The draft SPD (page 48) incorrectly identifies Brent Reservoir as having heritage significance and also mentions that there are buildings of heritage significance in sub area 4 along the North Circular Road (page 74) as well as in sub area 7 (Atlas Business Estate). However, these are not mapped.</li> <li>All heritage assets need to be identified, mapped and their significance understood.</li> </ul>	Noted. Please refer to S04-1 above.	As above under S04-1.



			<p>The SPD should then demonstrate clear consideration of their conservation/enhancement and potential to deliver wider public benefits especially in terms of place making.</p> <ul style="list-style-type: none"> <li>The need for heritage and / or archaeological design based assessments (and potentially pre application evaluations) is made clear within the policy context.</li> </ul>		
<b>S04-8</b>	Historic England	<b>2.2 Policy context and Map 6: Existing site plan</b>	<ul style="list-style-type: none"> <li>According to the Local Plan Policies Map, the mapped “Areas of Archaeological Interest” should be “Archaeological Areas of Importance”. We suggest amending this.</li> </ul>	Noted. This will be amended as these designations have been replaced by Archaeological Priority Areas Tiers 1-3. To be mapped on the new Historic Baseline map per S04-1.	Per S04-1, Archaeological Priority Areas to be mapped on a new Historic Baseline Map, per S04-1.
<b>S04-9</b>	Historic England	<b>2.2 Policy context and Map 6: Existing site plan</b>	<ul style="list-style-type: none"> <li>To align with London Plan Policy D3 and demonstrate how the masterplan is responding to local character, we also advise the mapping of any buildings that do not qualify as heritage assets, but which have architectural character.</li> </ul>	Noted. Please refer to S04-1 above.	As above under S04-1.
<b>S04-10</b>	Historic England	<b>Paragraph 3.6.1</b>	<ul style="list-style-type: none"> <li>Suggest paragraph is amended to better explain the heritage significance of Brent Reservoir and Gladstone Park. This currently stated to derive from their historic recreational and historic value but Brent Reservoir also has historic value as a remnant of the early industrialisation of the area, having been built to feed the Grand Union and Regents Canal. Meanwhile Gladstone Park is a reminder of the area’s rural history and a remnant of Dollis Hill House parkland with surviving designed features including parkland trees, the lake and walled garden.</li> </ul>	Noted. This paragraph will be amended to include this additional heritage information.	<p>Chapter 3.6 Green and Blue Infrastructure, paragraph 3.6.1 to insert the following, after the second sentence.:</p> <p><u>Brent Reservoir also has historic value as a remnant of the early industrialisation of the area, having been built to feed the Grand Union and Regents Canal. Meanwhile Gladstone Park is a reminder of the area’s rural history and a remnant of Dollis Hill House parkland with surviving designed features including the stables, parkland trees, the lake and walled garden. In the north-west, a monument dedicated to prisoners of war and the victims of</u></p>

					<a href="#"><u>concentration camps in WWII by sculptor Fred Kormis (1887-1986).</u></a>	
Page 530	S04-11	Historic England	<b>3.7 Strategic aims, Tall Building</b>	<ul style="list-style-type: none"> <li>Welcome the strategic aim to not unacceptably impact on the protected local view from Golders Hill to Harrow on the Hill.</li> <li>However, it is not clear what the value of this view is and whether it has any heritage value.</li> <li>Golders Hill Park was created from the grounds of Golders Hill House (reportedly landscaped by Capability Brown, Humphrey Repton and Robert Marnock. It is therefore possible that the park has heritage significance and that the view could relate to that significance meaning that change to the view may require a heritage impact assessment of Golders Hill Park as well as a visual impact assessment of the view.</li> </ul>	<p>Noted.</p> <p>It is understood that this Barnet protected local view is cast towards St. Mary's Church atop Harrow-on-the-Hill which provides for a landmark feature. This vantage point is narrow in scope, particularly in the warmer months when trees are in full leaf. The trees mask the significant number of taller buildings in the valley floor around Brent Cross and the southern part of Edgware Road. The precise corridor which is being protected needs further consideration by LB Barnet.</p> <p>However, in terms of responding to the protected view, it has influenced the approach to building heights in the Illustrative Masterplan, per Map 26: Building heights strategic aims diagram. As noted in paragraph 4.1.7 on Design Limitations, Townscape and Visual Impact Assessments will be required (for tall buildings) as schemes come forward for planning permission.</p>	No proposed change.
	S04-12	Historic England	<b>3.7 Tall building Strategy</b>	<ul style="list-style-type: none"> <li>Welcome the tall building objective of considering the setting of the locally listed Brent Reservoir but this should be amended to encompass responding sensitively to the significance (i.e. setting) of all nearby heritage assets.</li> </ul>	<p>It is felt that this objective, of responding sensitively to the significance of all nearby heritage assets is already covered by existing policy and guidance in the London Plan and Local Plan and therefore it is not considered necessary to repeat here.</p>	No proposed change.
	S04-13	Historic England	<b>3.7 Tall Building Strategy, Map 26 (now Map 27)</b>	<ul style="list-style-type: none"> <li>Map depicts four areas outside of the SCGA that are considered opportunities for tall buildings. Three are along Coles Green Road, with two either side of the grade II* listed Oxgate Farm. We required clarification on the suggestion that areas outside of the SCGA are being considered</li> </ul>	<p>Noted. These are errors on the map and therefore can be deleted.</p>	<p>Tall Building Strategy, Map 26 (now Map 27):</p> <p>Delete the four mid yellow shaded areas, lying outside of the SCGA on the map.</p>

			<p>for tall buildings as this does not accord with the Local Plan and its evidence base.</p> <ul style="list-style-type: none"> <li>Concern with adverse effect on Oxgate Farm if they are.</li> </ul>		
S04-14	Historic England	<b>4.1 Introduction</b>	<ul style="list-style-type: none"> <li>Would welcome an explicit reference that the policy objectives include celebrating the boroughs heritage.</li> </ul>	<p>Noted. It is not considered necessary to make this change. A new map of relevant features is to be included in the document, per S04-1 above.</p>	No proposed change.
S04-15	Historic England	<b>4.2 Illustrative Masterplan, Map 28 (now Map 29)</b>	<ul style="list-style-type: none"> <li>Map shows existing buildings to be retained. When compared with Map 8: Existing Landmarks and Buildings of Notable Architectural Character in the draft design code, it shows that only one of six such buildings is being retained.</li> <li>The buildings lost comprise the locally listed Oxgate Admiralty Citadel, Victoria Works, Sayer House, part of the Atlas Business Centre and the China House.</li> <li>Historic Environment policy requires that great weight be given to the conservation of heritage assets and that harm is avoided and minimised and any loss justified by public benefits.</li> </ul>	<p>Figure 8 in the draft Design Code consulted on in 2023 highlighted 'buildings of notable architectural language and character', but only Oxgate Farm is a designated heritage asset, and this sits outside the Growth Area boundary.</p> <p>The Ox &amp; Gate public house is considered to be a non-designated heritage asset, but again it sits outside the Growth Area boundary. Any development proposals on neighbouring sites would need to be assessed on their own merits.</p> <p>In terms of the Oxgate Admiralty Citadel, this site is subject to a live planning application (ref 20/4143) and heritage will be considered in the planning balance as part of the determination process.</p> <p>Whilst the retention of Victoria Works, Sayer House, Atlas Business Centre and China House is encouraged due to their contribution to the character of the area, their significance is not such that this is an absolute requirement. As mitigation, R.03 clearly states that, "Opportunities for reuse, adaptation and retrofitting must be explored as a first approach to any and all development proposals" and is considered sufficient.</p>	No proposed change.

S04-16	Historic England	<b>4.7 Sub-Area 4 North Circular</b>	<ul style="list-style-type: none"> <li>Welcome retention of buildings but there is no baseline data on those buildings. Suggest “Site History” section is used to make clear which heritage assets are extant.</li> </ul>	Noted. Please refer to S04-1 above.	No proposed change.
S04-17	Historic England	<b>4.10 Sub- Area 7 Atlas Business Centre</b>	<ul style="list-style-type: none"> <li>The draft Design Code does not identify the rear portion of Oxgate House as having heritage value, only the mid century building fronting Oxgate Lane (which the masterplan proposed to be replaced).</li> <li>Further information on Oxgate House, how it relates to the design code and informs the masterplan is therefore needed. Further to this, we would query whether design options retaining the mid century building have been considered.</li> </ul>	<p>Whilst Figure 8 in the draft Design Code consulted on in 2023 highlighted the Atlas Business Centre as a building of notable architectural language and character, as the Illustrative Masterplan developed, an assessment of its heritage value was undertaken. This concluded that on balance the retention of only the rear portion of Oxgate House was a priority, for the reasons set out in this SPD.</p> <p>However, as mitigation, R.03 clearly states that, “Opportunities for reuse, adaptation and retrofitting must be explored as a first approach to any and all development proposals” and is considered sufficient.</p>	No proposed change.
S04-18	Historic England	<b>4.13 Sub Area 9 Wing Yip and Oxgate Centre, Bullet point three</b>	<ul style="list-style-type: none"> <li>Proposed building heights are 22 to 31 storeys, stepping down to 12 to 16 storeys. We would query the evidence base for his given that Brent Tall Buildings Strategy identified the area as being appropriate for tall buildings of six to 20 storeys (i.e. 18-60m AOD).</li> </ul>	<p>Noted. The Brent Tall Building Strategy is now considered superseded as noted in paragraph 8.39 of the strategy:</p> <p><i>“Masterplanning work will be undertaken to establish suitable development forms and heights”.</i></p> <p>It should also be noted that the Brent Tall Building Strategy is not an adopted document, but instead forms part of the Local Plan evidence base.</p>	No proposed change.
S04-19	Historic England	<b>7.1 Area wide Design Codes: Identity</b>	<ul style="list-style-type: none"> <li>The 2023 draft design code included heritage with place making vision priority 11 and two of the area wide design criteria relating to Identity (I.09A) and Built Form (B.01.A). Heritage is now only mentioned once in the side wide design code criteria at Identity – I01.</li> </ul>	Noted. Please refer to S04-3 above.	No proposed change.

			<ul style="list-style-type: none"> <li>Suggest as a minimum that the original built form criteria is returned.</li> </ul>		
<b>S04-20</b>	Historic England	<b>7.1 Area wide Design Codes: Resources</b>	<ul style="list-style-type: none"> <li>Welcome support for re-use and retrofit at R.03 but are any of the buildings of traditional construction (i.e. pre 1919)? These will required a whole building approach informed by heritage expertise.</li> </ul>	Detailed analysis of how individual buildings are constructed across the Growth Area has not been undertaken and is considered beyond the scope of this SPD. As set out in R.03, “Opportunities for reuse, adaptation and retrofitting must be explored as a first approach to any and all development proposals” and will be assessed on a case-by-case basis.	No proposed change.
<b>S04-21</b>	Historic England	<b>8.4 Coles Green Road: Identity Design Code (I.05)</b>	<ul style="list-style-type: none"> <li>The criteria states that notable existing buildings of architectural character along Coles Green Road should be retained. If these buildings are of heritage value then this should be stated too.</li> </ul>	I.05.CGR encourages the retention of 158-162 Coles Green Road – whilst not designated or non-designated heritage assets, they are proposed to be retained within the Illustrative Masterplan on the basis of their contribution to the character of the area.	No proposed change.
<b>S04-22</b>	Historic England	<b>8.5 Humber Road, 8.7 Apsley Way &amp; Brook Road, 8.8 East-West Service Route and 8.9 North-South Spine Route</b>	<ul style="list-style-type: none"> <li>There are several references to residential building potentially incorporating “Metroland” inspired architectural features (eg I.05,HBR, 1.08.WLR, I09.AWB, I08.NSS etc). Please can the SPD explain the historical character context for this.</li> </ul>	It is felt the Metroland character of Brent is well understood and established and it is therefore not considered necessary to expand on this further in this SPD.	No proposed change.
<b>S04-23</b>	Historic England	<b>Chapter 8 Design Code C: Streets</b>	<ul style="list-style-type: none"> <li>Query whether it would be helpful to have a map showing how design code streets relate to the masterplan sub areas (e.g Edgware Road is sub areas 5,9 and 10)?</li> </ul>	It is not considered necessary to provide a map of how design code streets relate to masterplan sub areas. The purpose of the Design Code is to provide a holistic overview of how improvements could be made to the public realm and streetscape. Landowners and developers should be able to clearly understand what street(s) and masterplan sub area their site relates to.	No proposed change.
<b>S04-24</b>	Historic England	<b>Appendix C – Additional Guidance</b>	<ul style="list-style-type: none"> <li>2019 reference to Brent Tall Buildings Strategy should be 2020.</li> </ul>	Noted. The reference to Brent Tall Building Strategy will be amended to 2020.	Appendix C – Additional Guidance to be amended as follows:

			<ul style="list-style-type: none"> <li>Suggest that additional historic environment guidance is added to this section (2015 and 2017) as well as Natural England Green Infrastructure Principles.</li> </ul>	<p>The other documents, whilst still relevant, are not felt necessary to specifically include in the Appendix.</p>	<ul style="list-style-type: none"> <li>Brent Tall Building Strategy (<del>2019</del>) (2020)</li> </ul>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 534</p>	<p>Historic England</p>	<p><b>Draft Strategic Environmental Assessment Screening Statement</b></p>	<ul style="list-style-type: none"> <li>In the absence of a complete historic environmental baseline and any detail regarding the implementation of historic environment policies, it is not clear whether potential impacts, and their significance have been understood or considered.</li> <li>Therefore query the SEA's reasoning that the SPD aligns with relevant policy and unlikely to result in significant environmental effects.</li> <li>Also query whether the SEA can be valid with respect to building heights up to 31 storeys which exceeds heights of the Tall Building Strategy 2020.</li> </ul>	<p>Noted. Please refer to S04-1 above.</p> <p>Additional wording to be added to the Draft Strategic Environmental Assessment Screening Statement to refer to the additional Historic Environmental map and baseline information added.</p> <p>In relation to the reference to the Brent Tall Building Strategy 2020, please refer to S04-18 above. Notwithstanding some additional wording to be added to the Draft Strategic Environmental Assessment Screening Statement to cover this point.</p>	<p>Additional wording to be added to the Draft Strategic Environmental Assessment Screening Statement as follows:</p> <p><u>Historic environmental baseline features have been mapped across the SCGA and therefore have been duly referenced and noted in the document.</u></p> <p><u>The Brent Tall Building Strategy is now considered superseded as noted in paragraph 8.39 of the strategy which states that: "Masterplanning work will be undertaken to establish suitable development forms and heights". The draft SCGA SPD has developed its tall building strategy taking into account the site topography and the 24m level change across the SCGA, the locally protected view from Golders Hill to Harrow on the Hill, the emerging development at Brent Cross Town, the setting of the locally listed Brent Reservoir and public transport accessibility levels. Building heights also respond sensitively to the suburban, low density streets to the south.</u></p> <p><u>It is noted that the heights exceed those referred to in the Brent Tall Building Strategy 2020 but as above, the masterplan has superseded this strategy and</u></p>

					<u>determined the acceptable heights with reference to the factors described above.</u>
S06-01	Environment Agency	<b>3.6 Green and Blue Infrastructure</b>	<ul style="list-style-type: none"> <li>Any new developments (and existing) must make sure their drainage is correctly connected. Some recognition of this and the role of new development in better managing the extent of pollution entering the Brent from this industry would be positive.</li> <li>We recommend that the wording in paragraph 3.6.4 is altered from 'ecological value' to 'ecological <b>status</b>'.</li> </ul>	<p>Noted. The Canal &amp; Rivers Trust made similar comments – see S03-02.</p> <p>On the second point, this can be changed.</p>	<p>See above under S03-02.</p> <p>Paragraph 3.6.6 to be amended as follows:</p> <p><u>Generally, the ecological status value inside the growth area is relatively low.</u></p>
S06-02	Environment Agency	<b>3.6 Strategic Aims, Map 21 (now Map 22)</b>	<ul style="list-style-type: none"> <li>We recommend that reducing flood risk is added as a benefit and strategic aim of utilising SuDS.</li> <li>We also note that points F and G appear to be identical. We strongly recommend one of these is changed to state SuDS should also improve the quality of surface water runoff and water quality.</li> <li>We recommend that a further strategic aim is added along the lines of "Achieve improvements and prevent deterioration of the ecological statuses of the Brent Reservoir/Welsh Harp and the River Brent and of their associated WFD elements."</li> </ul>	<p>Noted. Reducing flood risk can be added as a benefit and strategic aim of SuDS.</p> <p>Point G to be changed in line with the recommendation.</p> <p>A further strategic aim can be added in line with the recommendation. However reference to the WFD (Water Framework Directive) is considered to be too technical for the purposes of this document and it is recommended this wording is not included.</p>	<p>Strategic Aims Map 21 (now Map 22) to be changed as follows:</p> <p>F) Introduce new SuDS along existing and new streets to improve air quality, <u>contribute to urban greening and reducing flood risk.</u></p> <p><del>G) Introduce new SuDS along existing and new streets to improve air quality and contribute to urban greening. SuDS should also improve the quality of surface water runoff and water quality.</del></p> <p><u>H) Achieve improvements and prevent deterioration of the ecological statuses of the Brent Reservoir/Welsh Harp and the River Brent.</u></p>
S06-03	Environment Agency	<b>3.6 Green and Blue Infrastructure Strategy, Map 22 (now Map 23)</b>	<ul style="list-style-type: none"> <li>It is positive to see River Restoration as one of the key aims (point 7). However, the methods suggested (floating reedbeds and riverbed planting) are not the most</li> </ul>	<p>Noted. This can be amended in line with the suggestion.</p>	<p>Green &amp; Blue Infrastructure Strategy, Map 22 (now Map 23) to be changed as follows:</p>

			appropriate methods for this type of waterway. We suggest changing the wording to <i>'river naturalisation and enhancement'</i> so it is not as specific at this stage.		7) Make River Brent accessible and enhance its setting with riverbank restoration, <del>floating reed beds and riverbed planting,</del> <u>river naturalisation and enhancement.</u>	
Page 536	S06-04	Environment Agency	<b>4.6 Sub Area 3 Aquarius Business Park</b>	<ul style="list-style-type: none"> <li>This sub-area is in close proximity to the Brent Reservoir SSSI, and the river Brent. An 8m buffer zone from the top of bank of the river Brent would be required to allow a natural riparian buffer zone. Therefore, no buildings, hard standings, and paths etc., should be suggested in this zone. We strongly recommend that the requirement for an 8m buffer zone is referred to within the illustrative masterplan for Sub-Area 3.</li> <li>If the red-line boundary falls within 10m of the watercourse, the watercourse module of the statutory biodiversity metric must be completed as part of the biodiversity net gain proposals for this area.</li> </ul>	<p>The 8-metre buffer relates to a byelaw which requires the Agency's consent of a licence to develop within this distance of an ordinary water course. Historically this has been used to stop obstructions for maintenance of watercourses. The scope more recently appears to have widened to ensure a more natural environment. Additional wording can be added to Sub Area 3: Aquarius Business Park to include reference to this natural riparian buffer zone.</p> <p>Regarding the statutory biodiversity metric, this is covered by existing policy namely London Plan Policies G6 and BG11 and Local Plan Policy BG11. It is not considered necessary to repeat the policy requirements here.</p>	<p>To add the following wording to 4.6 Sub Area 3: Aquarius Business Park in a new bullet point:</p> <ul style="list-style-type: none"> <li><u>This sub-area is in close proximity to the Brent Reservoir SSSI, and the river Brent. An 8m buffer zone (an Environment Agency byelaw) from the top of bank of the river Brent would be required to allow a natural riparian buffer zone. Therefore, no buildings, hard standings, and paths etc., should be provided in this zone.</u></li> </ul>
	S06-05	Environment Agency	<b>General</b>	<ul style="list-style-type: none"> <li>It is indicated that some of the proposed sites will be industrial in nature. Certain industrial activities (such as an installation or waste activity) will require an Environmental Permit.</li> </ul>	Noted.	No proposed change.
	S06-06	Environment Agency	<b>Chapter 7 Design Code B: Area Wide Design Codes</b>	<ul style="list-style-type: none"> <li>Suggest one addition to the nature design codes, to add that greenfield runoff rates should be required in the Staples Corner Growth Area.</li> <li>Resources R.03 - we would, however, like to see water specifically mentioned as a resource where usage improvements should be sought.</li> <li>Resources R.05 – would like to see that an 'Excellent' rating must be achieved</li> </ul>	<p>Noted. This SPD is not seeking to replicate policy and matters related to greenfield runoff rates are already covered by Policy S113 of the London Plan, and therefore not specific to Staples Corner.</p> <p>Similarly, matters relating to the water efficiency of new development is already captured as part of the planning process and within existing planning policy.</p>	No proposed change.



			<p>specifically in the water efficiency (WAT 01) category.</p> <ul style="list-style-type: none"> <li>Recommend a new Design Code added under “Nature” - “Development proposals must protect and enhance groundwater and land quality”.</li> </ul>	<p>In terms of R.03, there is no need to highlight water as a resource specifically. Equally, groundwater would be covered as a “blue asset” under N.01.</p>	
<b>S06-07</b>	Environment Agency	<b>Chapter 9 Infrastructure, Sustainability and Energy, Paragraph 9.5</b>	<ul style="list-style-type: none"> <li>We welcome the promotion of “the use of green, blue and brown roofs could also be explored in the next stages of design by developers.” However, we recommend the wording is changed from could to <b>should</b> to strengthen the design code.</li> </ul>	<p>Noted, this can be changed in line with the recommendation.</p>	<p>9.5 Environmental Sustainability, under Drainage, amend as follows:</p> <p>The use of green, blue and brown roofs <del>could</del> <b>should</b> also be explored in the next stages of design by developers.</p>
<b>S07-01</b>	Sport England	<b>General</b>	<ul style="list-style-type: none"> <li>Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site sports facilities and/or providing additional capacity off-site which does not appear to be addressed in the SPD.</li> <li>The level and nature of any provision should be informed by an up-to-date and robust evidence base for sport facility provision which the Council do not appear to have as the Open Space, Sports and Recreation Study was developed in 2019 and is likely to be considered out-of-date.</li> <li>Sport England, therefore, encourage that the Council develop Playing Pitch and Built Sport Facility Strategies.</li> </ul>	<p>Noted. It is considered that these aspects are covered separately by other policy documents, such as London Plan policies S4 Play and Informal Recreation and S5 Sports and Recreation Facilities, as well as BS11 Social Infrastructure and Community Facilities of the Local Plan. It is felt that these policies do not need to be repeated in the document.</p> <p>It should also be noted that a Play and Informal Recreation Strategy is a requirement for all planning applications for new residential development.</p> <p>Comments made in relation to encouraging the development of a Playing Pitch and Built Sport Facility Strategy will be taken into account during the Local Plan Review.</p>	<p>No proposed change.</p>
<b>S07-02</b>	Sport England	<b>General</b>	<ul style="list-style-type: none"> <li>Sport England recommends that the Council strengthen their vision to improve the health and wellbeing within the area by having clear references to Active Design, its principles and the Active Design Checklist within the SPD.</li> </ul>	<p>Noted. Brent has developed an Active Travel Implementation Plan 2024 – 2029 which was published in draft in September 2023. Whilst it is accepted that the principles contained within the document may differ from Sport England’s Active Design Principles, it is felt that this place</p>	<p>No proposed change.</p>

			<ul style="list-style-type: none"> <li>Active Design Principles (and the completion of the Checklist being a requirement of any planning application submission) could be requirements of the area design code(s).</li> <li>Active Design, produced by Sport England working with Active Travel England and the Office for Health Improvement and Disparities, is a guide to planning new developments that create the right environment to help communities to get more active and improve the local population’s health and wellbeing.</li> </ul>	<p>based SCGA SPD is not the most appropriate place to refer to these Active Travel principles and they are best placed to be addressed in these other topic based documents, such as the Brent Active Travel Implementation Plan 2024 – 2029.</p>		
Page 58	S07-03	Sport England	<b>General</b>	<ul style="list-style-type: none"> <li>The SPD should consider sports uses, such as fitness clubs, gyms, climbing centres and five aside centres, to be acceptable on employment sites as they do create sustainable employment opportunities and provide work experience and qualifications.</li> </ul>	<p>Noted. For these specific types of uses, the relevant policies of the London Plan and Local Plan will be referred to, to determine acceptability if these uses do come forward.</p>	No proposed change.
	S07-04	Sport England	<b>7.1 Area – Wide Design Code N.04</b>	<ul style="list-style-type: none"> <li>Sport England suggests that Design Code N.04 is amended to allow the exception for the provision of community sport and recreation facilities if there is a future need locally for such a provision.</li> </ul>	<p>Noted. Please refer to S07-03 above.</p>	No proposed change.
	S08-01	Thames Water	<b>General</b>	<ul style="list-style-type: none"> <li>The existing water and wastewater networks are likely to require upgrades in order to support the growth proposed within the Staples Corner Growth Area. In this context we would encourage early engagement with the developers as recommended in the Local Plan and there may be benefit in also referencing the need for early engagement with Thames Water within the masterplan.</li> <li>In relation to water consumption, Thames Water offer environmental discounts for water efficient development through reductions in infrastructure charges for new development.</li> </ul>	<p>Noted. It is recommended that some additional wording is added to 9.5 Environmental Sustainability to address this.</p>	<p>New sentence to 9.5 Environmental Sustainability, first paragraph on Water Use:</p> <p><u>The existing water and wastewater networks are likely to require upgrades in order to support the growth proposed. Developers are encouraged to engage with Thames Water at the earliest opportunity regarding water and wastewater infrastructure requirements.</u></p>

S09-01	Barnet Council	<b>3.7 Tall Building Strategy, Map 25 (now Map 26)</b>	<ul style="list-style-type: none"> <li>It is clear that development along the Edgware Road is capable of supporting taller buildings, reflecting the emerging Brent Cross Cricklewood regeneration scheme which has already consented a number of tall buildings, and taking advantage of good public transport connectivity.</li> <li>There is, however, a need for a cohesive approach to development scale and massing along this key transport route to ensure good place making and urban design.</li> </ul>	Noted. Regular meetings have taken place with Barnet Council to ensure co-ordination and these will continue as development proposals come forward.	No proposed change.
S09-02	Barnet Council	<b>9. Infrastructure, Sustainability &amp; Energy</b>	<ul style="list-style-type: none"> <li>Chapter 9 of the Draft Staples Corner SPD notes that the Waste Transfer Station off Geron Way approved would provide refuse derived fuel for a District Heating Network (Figure 61). This is not the case. The approved Waste Transfer Station is designed to receive and bulk household waste and recycling for onward transfer to other appropriate waste facilities where it will be further processed.</li> <li>The aspiration to deliver a District Heating Network (DHN) is noted that can be connected to the Barnet DHN. Two connection options are suggested, both of which present various delivery challenges. As noted in the document, this will require further assessment and engagement with the relevant stakeholders, including Barnet Council, to review the viability and feasibility of making these connections.</li> </ul>	<p>Figure 61 with respect to the Waste Transfer Station will be corrected.</p> <p>The comments made in relation to the DHN are noted and it is agreed that further work will be required to enable delivery.</p>	<p>The text accompanying Figure 61 be amended as follows:</p> <p>Figure 61 LB Barnet waste handling facility <del>provides refuse derived fuel for Brent Cross Town DHN, designed to receive bulk and household waste for recycling.</del></p>
S09-03	Barnet Council	<b>9. Infrastructure, Sustainability &amp; Energy</b>	<ul style="list-style-type: none"> <li>Notwithstanding the administrative boundary between the two growth areas, there is a need to take a comprehensive and holistic approach to the character of development along the Edgware Road and to secure the infrastructure necessary to</li> </ul>	<p>Noted and agreed. Please refer S09-01 above.</p> <p>In relation to Brent Cross Town, it should be noted that the Transport Study has</p>	No proposed change.

			<p>support the level of planned growth as well as achieve good place-making.</p> <ul style="list-style-type: none"> <li>To achieve this there will need to be close coordination between Brent Council and Barnet Council to ensure that masterplanning for the two areas is coordinated both in terms of proposed development and the delivery of supporting infrastructure.</li> <li>It will be important for development coming forward in the Staples Corner Growth Area to take the consented development at Brent Cross Town into consideration in cumulative assessments.</li> </ul>	taken this consented development into account.	
S10-01 Page 549	Transport for London	<b>Appendix C- Guidance documents</b>	<ul style="list-style-type: none"> <li>It would be beneficial to refer to London Cycling Design Standards (LCDS) and TfL's Cycling Quality Criteria in Appendix C.</li> </ul>	Noted. It is recommended these be added.	<p>Appendix C, under Movement and Connectivity add:</p> <p><u>London Cycling Design Standards (LCDS)</u></p> <p><u>TfL's Cycling Quality Criteria</u></p>
S10-02	Transport for London	<b>Walking and Cycling Strategy – North Circular Road</b>	<ul style="list-style-type: none"> <li>Whilst the principle of improving pedestrian links to support in overcoming severance is supported, any new crossings on or over the A406 will need to be discussed with the appropriate TfL departments, with relevant work such as, but not limited to, robust modelling exercise and safety assessments.</li> <li>TfL is unable to commit to funding Improvements.</li> <li>For any pedestrian bridges which are to cross the A406 consideration will need to be given to clearance above the road.</li> </ul>	Noted.	No proposed change.
S10-03	Transport for London	<b>Figure 72: Walking and Cycling Strategy – A5 Edgware Road</b>	<ul style="list-style-type: none"> <li>The SPD includes a proposal for a new pedestrian and cycle crossing over the A5 to create direct route to Brent Cross West Station, the exact form and location of this crossing will need to be determined</li> </ul>	<p>Noted.</p> <p>In terms of the provision of a two-way cycle route to the western side of Edgware Road, this was considered appropriate given the split management responsibility with LB</p>	<p>Figure 72 label to read as follows:</p> <p><u>A5 flyover as it might be incorporating cycle infrastructure.</u></p>

			<p>through further work, including bus journey impacts.</p> <ul style="list-style-type: none"> <li>Throughout the proposed SPD there are several references to creating cycle infrastructure along Edgware Road. It is not entirely clear what the Council is proposing in this area i.e. the illustrative material indicates a two-way cycleway on the western side of Edgware Road whereas Figure 72 indicates cycling facilities on the flyover, nor is it clear how such facilities will tie in with the existing cycling network.</li> </ul>	<p>Barnet and officers felt the aspirational sections should only focus on LB Brent owned land. This idea was tested along with an aspiration to reconfigure the existing A5 flyover to include a two-way cycle route as part of more detailed work undertaken by transport planners and engineers at Alan Baxter Associates.</p> <p>It should be made clear, however, that Figure 72 does not illustrate a fully resolved proposal and should therefore be re-labelled.</p>	
Page 541	S10-04 Transport for London	General	<ul style="list-style-type: none"> <li>There may be benefits in working with Barnet Council to ensure a joined-up approach to tackle challenges such as severance from major road and rail corridors.</li> <li>It may also be beneficial to identify this growth in additional visualisations within this SPD, rather than just in Maps 91-93.</li> </ul>	<p>Noted. Regular co-ordination meetings have taken place with LB Barnet and these will continue as development proposals come forward.</p> <p>LB Barnet growth is not shown in the CGI visualisations as the VuCity 3D model did not reflect the final approved form and massing of buildings, and so would not have been accurately depicted.</p>	No proposed change.
	S10-05 Transport for London	Chapter 7 Design Codes	<ul style="list-style-type: none"> <li>The preferred minimum lane width for a bus is 3.2m on a straight alignment. However, road widths between 3.2m and 4m should be avoided as this creates indecision areas. Areas where this is specifically mentioned in the document include M.03.B, M.06.B, M.08.B.</li> </ul>	<p>This response refers to design codes in the draft Design Code consulted on in 2023 that have since been superseded.</p>	No proposed change.
	S10-06 Transport for London	Figure 40: Walking and Cycling Strategy and 11.3 CIL/S106 Planning Obligations	<ul style="list-style-type: none"> <li>Whilst the principle of improving bus infrastructure is welcomed and in line with Policy T3, any improvements must be discussed in consultation with TfL.</li> <li>Figure 40 of the SPD shows how public realm, cycling and pedestrian improvements will be made on Coles Green Road, there is no consideration for how bus assets such as stops, flags and</li> </ul>	<p>Noted regarding the consultation and discussion regarding bus infrastructure with TfL.</p> <p>Figure 40 does not represent final proposals and it is not within the scope of this SPD to produce a detailed design for Coles Green Road. However, it would be helpful for this SPD to signpost to the relevant TfL guidance.</p>	<p>Section 11.3 CIL/S106 Planning Obligations, to add the following wording be added at the end of paragraph 11.3.1:</p> <p><u>This may include developer contributions to support bus infrastructure.</u></p>

			<p>shelters will be incorporated into this design.</p> <ul style="list-style-type: none"> <li>SPD refers to bus service frequency to be increased to meet demand from increased activity in the masterplan area. To improve bus frequency, we are likely to need bus reliability protected, developer contribution, and support for bus infrastructure.</li> </ul>	<p>Similarly on the likelihood of requiring developer contributions and support for bus infrastructure. Whilst this is covered by the Brent’s Planning Obligations Supplementary Planning Document (2022), it is felt that some additional wording should be added to Section 11.3 CIL/S106 Planning Obligations.</p>	<p>A caveat note to be added to Figure 40 and other similar illustrations that cover streets with bus services to read as follows:</p> <p><u>Any improvements to streets accommodating bus routes must be designed in accordance with the relevant TfL guidance.</u></p>
<b>S10-07</b>	Transport for London	<b>3.1 Service and Movement Strategy</b>	<ul style="list-style-type: none"> <li>TfL is the highway authority for the North Circular Road and any amendments to its junction must be agreed with TfL.</li> <li>Map 8 (now Map 9) indicates a one-way service strategy for vehicle routes. It is not clear whether this will impact on bus operations.</li> </ul>	<p>Noted. The separate Transport Study will address these matters. TfL have been regularly briefed on the progress of this study and this will continue until it is finalised.</p>	<p>No proposed change.</p>
<b>S10-08</b>	Transport for London	<b>Front cover</b>	<ul style="list-style-type: none"> <li>The image on the cover, and other images show the proposed development massing on the Brent side but nothing on the Barnet Brent Cross West side.</li> </ul>	<p>Please refer to S10-04 above.</p>	<p>No proposed change.</p>
<b>S10-09</b>	Transport for London	<b>1.6 Location, Map 1</b>	<ul style="list-style-type: none"> <li>TfL questions whether the WLO should be labelled on this map given it is not an existing service.</li> </ul>	<p>Noted. This label can be removed.</p> <p>Noted. WLO to be retained on diagram but renamed “Proposed West London Orbital.”</p>	<p>Map 1: Location of Staples Corner in London Borough of Brent to be amended as follows:</p> <p><u>Proposed West London Orbital.</u></p>
<b>S10-10</b>	Transport for London	<b>2.1 West London Orbital</b>	<ul style="list-style-type: none"> <li>It is noted that Paragraph 2.1.1 refers to the Mayor’s Transport Strategy 2018. It is suggested that an additional sentence along the lines of - “Brent Council is working with the West London Alliance of boroughs and Transport for London to develop the scheme further and move it forward towards delivery in the early 2030s” - is added to this section.</li> </ul>	<p>Noted. This can be added.</p>	<p>Paragraph 2.1.1, add the following sentence at the end:</p> <p><u>Brent Council is working with the West London Alliance of boroughs and Transport for London to develop the scheme further and move it forward towards delivery in the early 2030s.</u></p>
<b>S10-11</b>	Transport for London	<b>2.1 West London Orbital, Map 5 – West London Orbital</b>	<ul style="list-style-type: none"> <li>There are a range of issues with Map 5 which need to be addressed:</li> </ul>	<p>These errors are noted and will be corrected, as described in the following column.</p>	<p>Map 5: West London Orbital Proposed Route (Mayor’s Transport Strategy 2018) to be corrected as follows:</p>

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Page 543		<p><b>Proposed Route (Mayor’s Transport Strategy 2018)</b></p>	<ul style="list-style-type: none"> <li>• The geographical positioning of the WLO route and its stations looks correct in relation to the borough boundaries. However, there are issues with the positioning of two other points on the map. The HS2 station at Old Oak Common is shown quite far to the west of the WLO station when in fact HS2 is to the east. The Bakerloo Line/existing Overground station at Harlesden is just to the west of the WLO station, not to the east.</li> <li>• The WLO station at Old Oak Common should be called ‘Old Oak Common Lane’ to differentiate it from the HS2/Elizabeth line station.</li> <li>• The HS2 station should also have Elizabeth line and National Rail logos.</li> <li>• West Hampstead station is mis-spelt and should probably be labelled ‘West Hampstead Thameslink’ for clarity.</li> <li>• The brown lines represent ‘Existing West London Overground line’ according to the key. However, what is shown is a selection of other existing London Overground lines, not just the West London Line. The simplest way to present this consistently is probably to add the existing London Overground route between Willesden Junction and Richmond, which is missing, and change the key to refer to ‘Existing London Overground lines.’</li> </ul>		<ul style="list-style-type: none"> <li>• HS2 station – relocate to the east of the WLO.</li> <li>• Bakerloo Line / existing Overground station at Harlesden – relocate to the west of the WLO</li> <li>• Rename WLO station from Old Oak Common to Old Oak Common Lane.</li> <li>• The HS2 station – to also include Elizabeth line and National Rail logos.</li> <li>• Correct spelling of West Hampstead station is mis-spelt and label as ‘West Hampstead Thameslink’ for clarity.</li> <li>• Add the existing London Overground route between Willesden Junction and Richmond to the map</li> <li>• Change the key to refer to ‘Existing London Overground lines.’</li> </ul>
S10-12	Transport for London	3.1 Movement	<ul style="list-style-type: none"> <li>• For the existing PTAL diagram has Brent Cross West station been included noting that it is now open and operational?</li> </ul>	No, the Existing PTAL diagram is pre the opening of the Brent Cross West station. TfL’s point is noted. This diagram is no longer needed now that Brent Cross West is open and thus can be deleted.	Section 3.1 Movement::  Delete the Existing PTAL diagram.
S10-13	Transport for London	3.1 Movement, Map 7 (now Map 8)	<ul style="list-style-type: none"> <li>• As noted throughout this response, further discussion with the relevant highway and traffic authorities about proposals will be required.</li> <li>• It is noted that A) seeks to improve connections to the Strategic Road Network</li> </ul>	Noted regarding the consultation and discussion with the relevant highway and traffic authorities and the requirement for a full road safety audit as well as modelling work.	No proposed change.

			- any direct new connections to or access onto the A406 or A5 or changes to service road directly fronting them will need to be approved by TfL and may need to be subject to a full road safety audit and modelling work.			
Page 54/54	S10-14	Transport for London	<b>3.5 Activation Strategy- Aims</b>	<ul style="list-style-type: none"> <li>Consideration could be given to slight amendment to wording: 'A) Create active <del>and</del>, safe and <u>perceived to be safe</u> routes connecting train stations, amenities (including retail facilities at Brent Cross Shopping Centre and Brent Cross Town) and local neighbourhoods during the day and night.</li> </ul>	This can be amended in line with TfL's suggestion.	Map 20: Activation strategic aims diagram, to change the description under A) as follows: <ul style="list-style-type: none"> <li>A) Create active <del>and</del> safe and <u>perceived to be safe</u> routes connecting train stations amenities (including retail facilities at Brent Cross Shopping Centre and Brent Cross Town) and local neighbourhoods during the day and night.</li> </ul>
	S10-15	Transport for London	<b>3.3 Public Realm Strategy, Map 16 (now Map 17)</b>	<ul style="list-style-type: none"> <li>The references to Edgware Road could be clearer, in relation to the plan. For example, number 4 relates to active ground floor uses but it is not clear where this refers to. In addition, number 5 of this strategy refers to cycling infrastructure on the A5 – the number of plan is only on Staples Corner so it is not clear whether it is only in this location or along all of Edgware Road.</li> </ul>	Noted. It is agreed that the references to both number 4 and number 5 on the plan could be made clearer.	Section 3.3 Public Realm Strategy, Map 16 (now Map 17) to extend the references to number 4 and 5 to along the Edgware Road corridor. <ul style="list-style-type: none"> <li>Extend no. 4 along the Edgware Road.</li> <li>Extend no.5 along the Edgware Road</li> </ul>
	S10-16	Transport for London	<b>3.6 Green and Blue Infrastructure Strategy, Map 22 (now Map 23)</b>	<ul style="list-style-type: none"> <li>From the submitted document, it is not clear what a landscape buffer for the A406 and A5 would mean in practice – this could more helpfully be described in different terms, eg linear landscape features introduced through redevelopment (if that is what is meant).</li> </ul>	Noted. The landscape buffer key can be expanded to include more detail.	Green and Blue Infrastructure Strategy Map 22 (now Map 23), to amend the key as follows: <p>Landscape buffer such as SuDS <u>and other linear landscape features.</u></p>



			<ul style="list-style-type: none"> <li>On Map 22, it is also not clear what is meant by 'soften against breeding edge'.</li> </ul>		
<b>S10-17</b>	Transport for London	<b>4.3 Working Assumptions</b>	<ul style="list-style-type: none"> <li>Total number of parking spaces is 550.</li> <li>It is useful to highlight that several of the areas identified for residential development are identified in proximity to Brent Cross West Station and bus services, as such car-free development is a realistic option for residents and/or visitors of the proposed development.</li> </ul>	Noted. This can be highlighted in the document to refer to car free development.	Chapter 4.3 Working Assumptions to be amended as follows, under car parking to add: <ul style="list-style-type: none"> <li><u>Car free residential development in relevant locations in line with the Local Plan.</u></li> </ul>
<b>S10-18</b>	Transport for London	<b>3.1 Movement, Map 7 (now Map 8)</b>	<ul style="list-style-type: none"> <li>It would be beneficial to show Brent Cross LU station on the map.</li> </ul>	It is not felt that including Brent Cross LU station is necessary on Map 8 as no other stations or lines are marked on it.	No proposed change.
<b>S10-19</b>	Transport for London	<b>9.1 Figure 63</b>	<ul style="list-style-type: none"> <li>Noting Brent Cross West Station is open and operational, is there a figure which could be used which does not show it still under construction.</li> </ul>	A new photograph will be added to show the now completed Brent Cross West station.	Figure 63, to substitute with a new photograph of the now completed station.
<b>S10-20</b>	Transport for London	<b>8.1 North Circular Road</b>	<ul style="list-style-type: none"> <li>The drawings are aspirational, and are clearly labelled as such, but there may still need to be some explanation. For example, some visualisations show a planted verge between carriageway and footway, but others show a footway between the planting and the carriageway.</li> <li>The implication, although not spelled out, is that both are equally acceptable.</li> <li>On SUDS, it is not clear on the purpose of the buffer zone and who will be responsible for its long term maintenance.</li> <li>The buffer zone shouldn't encroach into the existing highway, or any additional land TfL would require to maintain the highway.</li> <li>The proposed green estate in the central reserve would be hazardous for TfL contractors to maintain in the long term, so the type of green estate that could be accommodated here needs to be carefully considered.</li> </ul>	<p>A coordination meeting between TfL and LB Brent took place on 24th January 2024. Further clarity on the ambitions of the Design Code was provided by LB Brent officers and the street section drawings were agreed in principle.</p> <p>For the avoidance of doubt, no changes are proposed to the North Circular Road within the highway boundary beyond the suggestion of planting to the central reservation. Concerns over the safety of TfL contractors maintaining planted central reservations are understood and these have been omitted from the street section drawings.</p>	No proposed change.

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 546</p>	<p>Transport for London</p>	<p><b>8.2 Edgware Road</b></p>	<ul style="list-style-type: none"> <li>• It would be useful to caveat Figure 31, the aspirational street section, with a note about flexibility of the arrangement. For example, doubling-up on the footway on the western side with the two parts separated by a planting and furniture zone, is an acceptable way of arranging the public realm, but it should be made clear that it is not the only way. (The same comment applies to the section on Humber Road, pages 138-139.) Likewise, it should be clear that the carriageway width is indicative, rather than a minimum.</li> <li>• Given the indicatory requirement M.05.EWR, it may be more helpful to set out minima or a range for carriageway width rather than stating 7.4m for two lanes. As highlighted above, a number of bus services operate along Edgware Road. Appropriate carriageway widths which maintain safe and efficient bus operations should be ensured.</li> <li>• The illustration shows trees that obscure traffic signals and reduce visibility between bus passengers and bus drivers.</li> </ul>	<p>A coordination meeting between TfL and LB Brent took place on 24th January 2024. Further clarity on the ambitions of the Design Code was provided by LB Brent officers and the street section drawings were agreed in principle.</p> <p>Clearer labelling and caveats included to clarify that all aspirational sections for all streets in the Design Code are an indicative way of reallocating space and do not represent final proposals.</p> <p>The provision of a two-way cycle route to the western side of Edgware was considered appropriate given the split management responsibility for Edgware Road and officers felt the aspirational sections should only focus on LB Brent owned land.</p>	<p>A caveat note to be added to Figure 31 and other similar illustrations to read as follows:</p> <p><u>Please note this illustration shows one example of how the streetscape could be improved and, along with the carriageway widths, is indicative only.</u></p>
<p>S10-22</p>	<p>Transport for London</p>	<p><b>9.2 Infrastructure Projects</b></p>	<ul style="list-style-type: none"> <li>• Sitewide bus stop/lane improvements have also been identified, but no detail has been provided on these proposals. TfL involvement will be required.</li> </ul>	<p>Noted.</p>	<p>No proposed change.</p>
<p>S10-23</p>	<p>Transport for London</p>	<p><b>10.5 Public Realm and Infrastructure Delivery</b></p>	<ul style="list-style-type: none"> <li>• More exploration of funding mechanisms for delivery of the infrastructure projects would be beneficial.</li> <li>• Has any consideration been given to a phasing plan for when the walking and cycling improvements will be needed?</li> <li>• A reference to developer contributions being used towards the WLO would be useful.</li> </ul>	<p>New Section 9.7 Transport Mitigation to be added to the draft SPD which set out detail on funding mechanisms and mitigations for infrastructure. A reference to in principle support for the use of developer contributions towards the WLO has been noted.</p>	<p>Please refer to new section 9.7 Transport Mitigation where some additional detail on the delivery of infrastructure projects has been set out, including in principle support for securing contributions towards the WLO.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 547</p>	<p><b>S11-24</b> Brent &amp; Westminster Swifts Group</p>	<p><b>7.1 Design Codes – Nature</b></p>	<ul style="list-style-type: none"> <li>• In summary, please include swift bricks or bird bricks in accordance with best-practice guidance in new developments in the Staples Corner Growth Area.</li> <li>• Swift bricks are not just for swifts, they are a universal nest brick for small bird species and supported by national, London and Brent planning guidance.</li> <li>• The National Model Design Code Part 2 Guidance Notes (2021) also clearly recommends bird bricks in multiple sections of the document - however, there doesn't seem to be anything about nesting provision in the current Staples Corner SPD documents.</li> <li>• Reference to nesting provision appears to have been removed - most bird species cannot nest in "green infrastructure" until it has matured after many decades.</li> <li>• The National Model Design Code Part 2 Guidance Notes (2021) also recommends bird bricks (Integrating Habitats section on page 25, and Creating Habitats section on page 26).</li> <li>• The Brent Sustainable Environment &amp; Development SPD (June 2023) makes several references to the importance of swifts and swift bricks, in particular highlighting that they are excluded from the Biodiversity Net Gain metric (see sections 3.5.1, 3.5.3, and 3.6.6 (d)).</li> </ul>	<p>Noted – whilst important, it is considered to be too specific for this place based document and would necessitate that similar detailed guidance be provided for other relevant species.</p>	<p>No proposed change.</p>
<p><b>G01-01</b></p>	<p>Brent Cycling Campaign</p>	<p><b>3.1 Walking and Cycling Strategy</b></p>	<ul style="list-style-type: none"> <li>• High quality cycle infrastructure must be implemented now, with this development, otherwise the potential of these routes and this development will be failed and Brent residents will face another 40 years of danger.</li> <li>• Key cycle infrastructure is needed in the area.</li> </ul>	<p>Noted and agreed that key cycle infrastructure is needed in the area.</p>	<p>No proposed change.</p>

G01-02	Brent Cycling Campaign	<b>1.4 Challenges</b>	<ul style="list-style-type: none"> <li>1.4: Misses the current danger imposed for pedestrians and cyclists by the current and surrounding infrastructure.</li> </ul>	Paragraph 1.4 does note “ <i>The area is dominated by highways infrastructure, that is heavily trafficked and polluted, and presents a hostile environment, particularly for pedestrians and cyclists</i> ”. No change is considered necessary.	No proposed change.
G01-03	Brent Cycling Campaign	<b>3.1 Walking and Cycling Strategy</b>	<ul style="list-style-type: none"> <li>Walking and Cycling Strategy is welcome. If all solid green routes are protected cycle infrastructure this would become the best-connected cycling infrastructure in Outer North or West London.</li> </ul>	Noted.	No proposed change.
G01-04	Brent Cycling Campaign	<b>3.3 Public Realm, Map 15 (now Map 16)</b>	<ul style="list-style-type: none"> <li>Strategic aims - Public Realm, Map 16 it is completely wrong to claim LCN 85, LCN 49, LCN 5, etc as “Major routes”: these fail modern design standards and are inadequate as you show on page 40.</li> </ul>	It is recommended to amend the labelling on Map 16 to delete reference to “Major” and substitute the word with “Important”.	To amend the key to Map 16: Public realm strategic diagram on page 44 as follows:  <u>Important</u> <del>Major</del> routes - pedestrian and cycle
G01-05	Brent Cycling Campaign	<b>General</b>	<ul style="list-style-type: none"> <li>A significant problem with the document is the lack of any concepts at all, suggested or even indicative, of how the desired ‘high quality network of walking and cycling routes’ could co-exist with the existing gross engineering of the Staples Corner West road junction, with its two levels of flyovers, multiple high-speed approach planes and slip roads and central barriers.</li> </ul>	Chapter 8 Design Code C: Streets has been prepared to show how the street focussed design codes, which relate to the importance of delivering active travel infrastructure, including cycling provision, could be delivered with the Staples Corner flyovers, central barriers and slip roads intact. These include existing and aspirational sections through the roads with the SCGA. Computer Generated Images have also been prepared indicating the form these could take and are included on pages 118 (North Circular Road), page 125 (Edgware Road), page 128 (Oxgate Lane) and page 135 (Coles Green Road). Hence, no changes are considered necessary.	No proposed change.
G01-06	Brent Cycling Campaign	<b>General</b>	<ul style="list-style-type: none"> <li>The Masterplan would be far more convincing if solutions that had been used in other locations that had similar issues in the past were referenced, for example, the removal of Bristol’s high-speed ring-road</li> </ul>	The inclusion of the removal of Bristol’s ring road and the demolition of the Belgrave flyover would be misleading, since the removal of the existing Staples Corner highway infrastructure does not	No proposed change.

			<p>from its city centre at George Square, or the demolition of the Belgrave flyover in Leicester.</p>	<p>form part of the masterplan strategy, being located outside of the SCGA boundary and requiring significant transport investment and junction remodelling. Therefore no changes are recommended here.</p>	
Page 549	<p><b>G01-07</b> Brent Cycling Campaign</p>	<p><b>7 &amp; 8 Design Codes</b></p>	<ul style="list-style-type: none"> <li>7.1, C.01, M.01, M.02, P.01, in particular M.01: Strongly support this emphasis on mandatory codes for cycle provision. However; this is insufficient, and the proposals to meet this are clearly inadequate to meet M.02 (Healthy Streets), London Cycle Design Standards (LCDS), and Cycle infrastructure design (LTN 1/20).</li> <li>1.01.EWR etc. As mentioned above, the proposed character and identity of Edgware Road is discordant with existing gross road infrastructure to which no changes are proposed. Fig 33. 'View of Edgware Road as it might be' has been drawn for a point just outside Brent Cross West Station, because it could not be drawn for a point 100m to the north, where there would be no view across the 'Broadway' as buildings would front on to the concrete wall under the A5 flyover. How this 'Broadway' with its 'active frontages' is supposed to function for the new residents in the 500m south of the A406 is unclear.</li> <li>M.02.NCR: shared space for pedestrians and cyclists is inadequate and fails to meet local, London, and National standards: M.02, P.01, LCDS, LTN 1/20. Dedicated separate cycle and pedestrian space must be given on main roads.</li> <li>M.04.EWR: This is promising and 4 metres width two-way protected space for cycling meets current future-proofed design standards (LTN 1/20). This must be upgraded to "must".</li> <li>M.04.OGL: Given figure 36 space is clearly present for a 4.0 metre wide protected</li> </ul>	<p>LCDS recommendations have informed the indicative widths of all cycle routes shown in this SPD, based on the estimated flow categories set out in figure 4.12.</p> <p>Figure 33 illustrates Edgware Road as it might be where mixed-use development is planned to come forward in the Illustrative Masterplan. The A5 flyover starts approximately 300m south of the A406 and much of the land in this area is planned for industrial intensification. Figure 34 shows that, despite the presence of the flyover, it is possible to create an active frontage to Edgware Road and the design of both the streetscape and building facades will be key here.</p> <p>At present, the widths of cycle routes set out in the design codes referenced are based on the estimated flow categories set out in figure 4.12 of the LCDS – these may change over time and flexibility is required here to ensure that detailed proposals for cycle infrastructure respond to future demand, as it is envisaged at any such time. As such, the use of 'should' is felt to be sufficient at this stage.</p>	<p>No proposed change.</p>

<p>Page 550</p>			<p>cycle lane to meet future proofed design standards. This must be upgraded to “must”. Example given in Figure 37 will not be met at 3.0 m width because there will be insufficient space for cargo cycle use.</p> <ul style="list-style-type: none"> <li>• M.04.CGR: 3.0 m is the minimum acceptable for CGR. This must be upgraded to “must”.</li> <li>• M.04.HBR: No specific comment. A motor vehicle one-way system could be considered to provide space for safe cycle infrastructure.</li> <li>• M.07.WLR: We support the addition of a cycle contraflow; however, 1.5 m is insufficient for an unprotected route. This must be protected. Non-contraflow lane widths and PCUs must meet LTN 1/20 if cycles and motor vehicles are to share space. This must be upgraded to “must”.</li> <li>• M.09.WLR, M.11.WLR: As above shared space for pedestrians and cyclists is inadequate and fails to meet local, London, and National standards.</li> <li>• M.02.AWB: This is excellent and we strongly support this proposal for improved connection. As above shared space for pedestrians and cyclists is inadequate.</li> <li>• M.08.AWB: As above shared space for pedestrians and cyclists is inadequate and fails to meet local, London, and National standards.</li> <li>• M.09.AWB: 3.0 m is the minimum acceptable for Brook Road. Given that this is expected to connect to an existing cycle route enhanced infrastructure is warranted. This must be upgraded to “must”.</li> <li>• EWS: We recognise the industrial nature of this route. Cycle parking must be mandated to allow end of journey options at businesses on this road.</li> <li>• NSS: A new street is proposed. The new street must have high quality protected</li> </ul>		
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			cycle infrastructure to LTN 1/20 (2x 1 way, >=2.5 m wide). Given this is new, space is clearly available.		
Page 551	L01-1 Related Argent	<b>General</b>	<ul style="list-style-type: none"> <li>Related Argent and Brent Cross South Limited Partnership to be important local stakeholders in the development of the draft masterplan for the Staples Corner Growth Area (SCGA) SPD. It will be important for the parties to collaborate, particularly on transport and movement strategies and future connections between the two important growth and opportunity areas, as well as with the London Borough of Barnet in relation to their Brent Cross West (Staples Corner) Growth Area (between the two), to ensure a holistic approach to this part of north London.</li> <li>The draft SPD makes numerous references to Brent Cross Town, the new station at Brent Cross West and amenities such as Clitterhouse Playing Fields, particularly in the context of improved connections. It will be important for development coming forward in the SCGA to take development at BXT into consideration in cumulative assessments and, for example, underlying transport and programme assumptions.</li> </ul>	<p>Noted and agreed with respect to collaboration. This has been ongoing and will continue as development proposals come forward.</p> <p>In relation to Brent Cross Town, it should be noted that the Transport Study has taken this consented development into account.</p>	No proposed change.
	L02-1 Landowner – 150b Coles Green Road	<b>8.4 Coles Green Road</b>	<ul style="list-style-type: none"> <li>Figure 42 shows this building is removed to make space for a park as well as a note with the following: “Landowners along Coles Green Road must work together with the council to deliver a new public space”.</li> <li>Your code explains the category implication of the word “must”.</li> <li>Would prefer the building to be retained and shown as hatched on the plan.</li> </ul>	Noted. The development capacity of the site is limited in isolation. As such, the site and its immediate neighbours on Coles Green Road are likely to come forward comprehensively to represent a viable development opportunity and to deliver the pocket park as P.01.CGR. However, no landowner is obliged to redevelop their site.	No proposed change.
	L03-1 Iceni Projects Limited, on behalf of Dominion	<b>General</b>	<ul style="list-style-type: none"> <li>Dominion owns 665 North Circular Road, London NW2 7AX and is in use by Dominion.</li> </ul>	Noted. Map 30 (now Map 31) is an existing ground floor plan of Sub Area 1: Staples Corner West. It does not seek to	No proposed change.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 55-1 52</p>	<p>Mosaic and Tile Co. Ltd</p>		<ul style="list-style-type: none"> <li>• Dominion request that the Council correctly identify their landholding and 661 North Circular Road as occupied on Map 30 of the Draft Masterplan.</li> <li>• Dominion generally support for the Council's vision to deliver industrial intensification including large stacked industrial units within the northern area of Staples Corner adjacent to the North Circular.</li> <li>• Industrial intensification could be delivered through amalgamation of landholdings with the Staples Corner West sub area which is something that Dominion are currently exploring.</li> <li>• Dominion welcome the opportunity to proactively and collaboratively work with the Council on the progression of the Masterplan and would welcome the opportunity to meet with the Council at the appropriate time.</li> </ul>	<p>identify landholdings or ownership boundaries. No change is proposed.</p> <p>Comments in relation to proactively working and collaborating with the council are noted and appreciated.</p>	
	<p>Rapleys, on behalf of Legal &amp; General Investment Management (LGIM)</p>	<p><b>4.6 Sub Area 3</b></p>	<ul style="list-style-type: none"> <li>• Response submitted in connection with Unit 3, JVC Business Park, North Circular Road</li> <li>• Request that light industrial uses and sui generis uses are included as appropriate uses for Sub Area 3.</li> <li>• While LGIM supports the notion of intensification at Sub-Area 3, it considers that the reference to a specific quantum of proposed floorspace is unnecessary and overly prescriptive and reliant on a multi level solution which has viability implications.</li> <li>• It is considered the proposed ramp could not only serve to constrain the floorspace that could be delivered at the Site, but it is also noted that the delivery of Phase 2 is to a large extent dependent on the delivery of this HGV ramp. If development in the eastern parcel was able to provide its own</li> </ul>	<p>Noted. Light industrial uses are already shown in the Sub Area 3 Illustrative Masterplan. It is felt not appropriate to reference sui generis uses as this use class encompasses a very broad range of uses, each with its own very specific level of impact. Acceptability of sui generis use classes are best considered through the pre-planning and planning application process and on a case-by-case basis.</p> <p>References to floorspaces have been included to sit alongside the massing of the buildings shown in the Illustrative Masterplan and to demonstrate how industrial intensification can be achieved. The most preferred / most viable scenario forms part of the Illustrative Masterplan. There are many potential variations for how development could come forward across</p>	<p>No proposed change.</p>



			<p>access for instance this problem could be avoided.</p>	<p>the SCGA, including variations on HGV ramp and access provision. Consideration of other typologies would not be precluded subject to aligning with the Spatial Strategies and Design Code, per the text in 5.1 Development brief sites.</p> <p>Based on the above, it is not felt necessary to make any changes.</p>	
L05-1	Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group	<b>1.1 Vision Statement &amp; 3.2 Land Use Zoning Strategy</b>	<ul style="list-style-type: none"> <li>Representation relates to 150 Coles Green Road and has frontages on Coles Green Road and Waterloo Road.</li> <li>Strongly in favour of the Vision Statement, Land Use Zoning Strategy and the Green and Blue infrastructure strategy.</li> <li>A preliminary Design Document enclosed of a residential led development.</li> </ul>	<p>These comments are welcomed.</p> <p>The preliminary Design document is noted. However, detailed discussions per Brent's pre application service are recommended to discuss any proposed scheme (see 11.1 Pre-application discussions) of the document.</p>	No proposed change.
L05-2	Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group	<b>3.7 Tall Building Strategy, Figure 23</b>	<ul style="list-style-type: none"> <li>The Landowners consider that tall building development should be acceptable in any locations within the Growth Area falling within the Brent Tall Building Zone.</li> <li>The Landowners respectfully suggest that the frontage of Coles Green Road within the Brent Local Plan Tall building Zone is included within the area noted as having "Greatest Potential for Tall Buildings".</li> </ul>	<p>The Brent Tall Building Strategy 2020 identifies the tall building zone (Figure 23). The strategy states that tall buildings could be from six to 20 storeys.</p> <p>Further to the above, Local Plan Policy BEGA 2A Staples Corner states "As a <i>transformational area it has been identified in the Tall Buildings Strategy with the potential for tall buildings of over 10 storeys. Appropriate heights, extent and location of these will be identified in the masterplan and more detailed townscape/ views assessment</i>".</p> <p>The Brent Tall Building Strategy is now considered superseded as noted in paragraph 8.39 of the strategy: "Masterplanning work will be undertaken to establish suitable development forms and heights".</p>	No proposed change.

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 554</p>				<p>The Illustrative Masterplan has determined that the tallest buildings are appropriate in the areas adjacent to the emerging Brent Cross West development, particularly along the Edgware Road close to Brent Cross West Station and Brent Cross Town, where the public transport accessibility level is the highest. But also that building heights should respond sensitively to the suburban, low density streets to the south. This approach has been followed and is reflected in Map 62: Overview of Illustrative Masterplan and indicative number of storeys – Option 1.</p> <p>Based on the above, it is not felt necessary to include the frontage of Coles Green Road within the area as having the greatest potential for tall buildings.</p>	
	<p>Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group</p>	<p><b>4.2 Illustrative Masterplan</b></p>	<ul style="list-style-type: none"> <li>• In the case of the industrial designated land on the western part of the Coles Green Road Site, this results in an overly restrictive designation and request a more flexible industrial use designation.</li> <li>• On the eastern part of the site, request an amendment to show this area as suitable solely for C3 residential use (rather than Class E at ground).</li> <li>• The positioning of open space on the site is unnecessarily restrictive and would harm viability.</li> </ul>	<p>The western part of the Coles Green Road site fronts onto Waterloo Road. The industrial use designation reflects the cluster of other industrial uses shown in this location and accordingly it is not felt necessary to change it. If the landowner wishes to bring forward a light industrial scheme, then this would not necessarily be precluded, subject to complying with the text in 5.1 Introduction, where a requirement to comply with the Spatial Strategies and Design Code is specified.</p> <p>On the eastern part of the site, the Class E use shown at ground reflects the provision of local services that are required to support the growth area. It is also noted that there is an existing café, known as the Bellissima Ristorante in this location.</p> <p>Open spaces and green infrastructure are proposed in a number of locations in the SCGA and seek to address the open space</p>	<p>No proposed change.</p>

				deficiency in the area. The introduction of new open spaces will have a positive impact on future development, as well as for residents and businesses.	
Page 555	L05-4 Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group	<b>4.3 Working Assumptions</b>	<ul style="list-style-type: none"> <li>50% affordable housing delivery is in excess of the 35% target set out in London Plan Policy H5: Threshold Approach to Applications.</li> <li>Also request an amendment to the tower heights assumption as this relates to a typical C3 residential use rather than other C Class uses.</li> <li>Additionally, the tower heights referenced – 6-10 storeys with a maximum of ten storeys – are inconsistent with the definition of tall buildings found in the Brent Tall Building Strategy and referenced earlier in the document in the section determining the potential for increased density.</li> <li>Should be made clear that make CLT construction is merely a suggestion for enhanced sustainability rather than a design guideline.</li> </ul>	<p>The 50% affordable housing delivery aligns with the Local Plan Policy BH5 Affordable Housing strategic target of 50%.</p> <p>Local Plan Policy BEGA2A Staples Corner Growth Area sets out the requirement for Staples Corner to deliver around 2,200 homes (Class C3), rather than any other type of Class C use. Based on this, it is not considered necessary to make any changes. The acceptability of other types of Class C use will be determined on a case by case basis.</p> <p>Noted on the tower heights, this can be amended.</p> <p>In relation to CLT construction, please refer to S02-8 above, where it is proposed this be deleted.</p>	<p>4.3 Working Assumptions to be amended as follows:</p> <p>Towers</p> <ul style="list-style-type: none"> <li><del>6-10 storeys for 1+2B apartments with duplexes at ground floor.</del> <u>Up to 31 storeys with up to 8 flats per core.</u></li> </ul>
	L05-5 Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group	<b>4.9 Sub Area 6, Apsley Way</b>	<ul style="list-style-type: none"> <li>Co-location should be expanded to include co-location with C-Class quasi-residential uses.</li> <li>Additionally, the Landowners would seek an amendment to the references to maximum heights of six storeys in relation to residential accommodation on Coles Green Road – to up to a minimum of 10 storeys, and the CGI amended.</li> </ul>	<p>Noted.</p> <p>Please refer to L05-4 above on Class C uses.</p> <p>Please refer to L05-2 above on building heights.</p>	No proposed change.
	L05-6 Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group	<b>7 Design Code B: Area</b>	<ul style="list-style-type: none"> <li>All development proposals classed as 'major development' must be reviewed at least twice by both the Brent Quality Review Panel (QRP) and Community Review Panel (CRP), with the review</li> </ul>	<p>This is considered to be the minimum level of independent scrutiny required for 'major development' based on the council's existing approach. However, schemes are brought before both the QRP and CRP in consultation with officers to ensure they are</p>	No proposed change.

			<p>format to be agreed with the council on a case-by-case basis.</p> <ul style="list-style-type: none"> <li>The Landowners consider that this requirement is onerous and would place unnecessary costs on developers.</li> </ul>	<p>timely, effective and proportionate to the scale and type of development proposed.</p> <p>If entering into a planning performance agreement (PPA), QRP and CRP meetings will be agreed in principle as part of the overall schedule of pre-application meetings, and this is assessed on a case-by-case basis. As such, the wording of L.05 is considered to be sufficiently clear and flexible.</p>		
Page 556	L05-7	Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group	<b>Design Code C: Streets</b>	<ul style="list-style-type: none"> <li>The following points, when taken in combination, have the potential to limit the developable area of the Coles Green Road Site, resulting in a less efficient use of land: M.01.CGR, M.04.CGR, N.02.CGR, N.03.CGR and B.01.CGR.</li> <li>Suggest requirements downgraded from “must” to “should”.</li> <li>Clarification required on: P.01.CGR Landowners along Coles Green Road must work together with the council to deliver a new public space. This is not supported.</li> <li>I.03.WLR is considered unnecessary and impractical.</li> </ul>	<p>Noted. The dimensions set out in the design codes referenced are considered the minimum to deliver the required improvements to the Coles Green Road streetscape. The impact of these on individual sites has not been tested in detail, but it is acknowledged that these may be difficult to deliver and, as such, they may need to be negotiated, in some cases. Regardless, any development proposals are best considered through the pre-planning and planning application process and on a case-by-case basis.</p>	No proposed change.
	L05-8	Rok Planning on behalf of Hashim Nawrozzadeh and Shakilla Nawrozzadeh and Bugler Group	<b>10. Delivery approach and phasing</b>	<ul style="list-style-type: none"> <li>Strongly support the phasing plan and agree that the Coles Green Road Site is both suitable for development in Phase 1 and deliverable within that timeframe.</li> <li>It is noted that a series of smaller plans on pages 183 and 184 appear to show industrial development on a small portion of the east part of the Coles Green Road Site. Given that this is inconsistent with every other part of the Draft SPD, and is not reflected by any supporting text, it appears that this may be an error.</li> </ul>	<p>These comments are welcomed.</p> <p>Maps 83, 84 and 85 to be amended to delete illustration of the small portion of industrial development shown on the east part of the Coles Green Road. It is agreed these are errors. Maps amended to match Map 46 which show residential and café / retail here.</p>	<p>Amendments to maps 83, 84 and 85 (now maps 85, 86 and 87) to:</p> <ul style="list-style-type: none"> <li>Delete blue shaded industrial area shown on the east part of the Coles Green Road.</li> <li>Maps amended to match Map 45 (now Map 46) which show residential and café / retail.</li> </ul>
	L05-9	Rok Planning on behalf of Hashim Nawrozzadeh and	<b>Part 9: Infrastructure</b>	<ul style="list-style-type: none"> <li>The East-West Active Travel Connection should not be allowed to minimise the</li> </ul>	Noted.	No proposed change.

	Shakilla Nawrozzadeh and Bugler Group	<b>Sustainability &amp; Energy</b>	potential for development on sites along its route.		
<b>L06-01</b>	Iceni Projects Limited on behalf of Wing Yip	<b>General</b>	<ul style="list-style-type: none"> <li>Wing Yip are supportive of the Council's ambitious overall long-term vision for the Staples Corner Growth Area and see their landholdings as being strategically significant to help deliver upon the Council's vision for the area.</li> <li>Being able to develop an early phase along the key Edgware Road frontage would act as a substantial mixed use catalyst and kick start for this phase of the masterplan.</li> <li>Wing Yip wish to retain flexibility across their whole landholdings to deliver a new superstore and / or smaller retail stores across any ground and podium level commercial spaces delivered as part of any redevelopment.</li> <li>Design document is enclosed with this representation which includes a preferred 'Wing Yip Masterplan and Vision' for their Landholdings which are considered to be deliverable.</li> </ul>	<p>These comments are welcomed. LB Brent agree that the Wing Yip is a key landowner and the importance of their strategic land holding is recognised.</p> <p>The bringing forward of an early phase along the frontage of the Edgware Road aligns with the Site 3 Alternative Scenario on page 101.</p> <p>LB Brent understands that Wing Yip wish to retain flexibility to deliver a new superstore and / or smaller retail stores and to this end has developed an Option 2 Illustrative Masterplan on page 64 which shows provision of a replacement store on their Oxgate Lane landholding, should that be a scenario that the Wing Yip wish to explore.</p> <p>The enclosed Design document is noted. However, detailed discussions per Brent's pre application service are recommended to discuss any proposed scheme (see 11.1 Pre-application discussions) and the design document.</p>	No proposed change.
<b>L06-02</b>	Iceni Projects Limited on behalf of Wing Yip	<b>4.2 Illustrative Masterplan, North-South service route</b>	<ul style="list-style-type: none"> <li>The Council's Masterplan currently proposes a new north-south pedestrian and vehicular spine route which would require the demolition of Wing Yip's superstore during an early phase of redevelopment. This is considered unnecessary and would result in a significant detrimental impact on Wing Yip's business.</li> <li>Wing Yip's draft Masterplan, therefore, seeks to propose an alternative phasing and delivery approach which allow the</li> </ul>	<p>Noted. Wing Yip's business continuity concerns are acknowledged and have been considered in drawing up the draft Masterplan. Whilst Wing Yip's draft Masterplan is welcomed, it does present a number of strategic issues in relation to the placement of the open space which would not be in the optimum or desirable place to receive a new A5 pedestrian / cycle crossing. Their proposed alignment of the north – south spine route would</p>	No proposed change.

			<p>superstore to remain open for a much longer period and based on the re-alignment of this north south spine route to reflect the existing internal access and servicing road.</p>	<p>compromise the servicing of the plots further to the south of their site.</p> <p>A phasing plan has been sent to the Wing Yip indicating how their store could remain in operation whilst a new store is constructed, with the north -south spine route not requiring any relocation. As above under L06-02, should the Wing Yip wish to discuss a proposed scheme, they are recommended to use the council's pre – application service.</p>	
<p>Page 558</p>	<p>L06-03 Iceni Projects Limited on behalf of Wing Yip</p>	<p><b>5.6 Retention of the Wing Yip Superstore in-situ until the last phase of redevelopment</b></p>	<ul style="list-style-type: none"> <li>• Being able to keep the store open and deliver development around the superstore for as long a period as is possible prior to its redevelopment within later phases is critical.</li> <li>• This includes the ongoing use and retention of the primary vehicular entrance points for customers and servicing vehicles (including HGV trucks) to service the Wing Yip store via Humber Road and Oxgate Lane. This must be retained through all phases of redevelopment, and the same or better access would need to be provided for a new store. It is also important that the existing car parking provision for customers is retained for both the existing store and any future new store.</li> </ul>	<p>Please refer to L06-01 and L06-02 above.</p>	<p>No proposed change.</p>
	<p>L06-04 Iceni Projects Limited on behalf of Wing Yip</p>	<p><b>5.6 Placemaking, public realm and connectivity</b></p>	<ul style="list-style-type: none"> <li>• Wing Yip's draft masterplan would see the delivery of two mixed use towers with podium buildings on their landholdings with ground floor commercial uses fronting the Edgware Road and a new public square.</li> <li>• An additional green open space would be provided to the rear of the northern tower building, providing a space which is protected and separated from the noisy Edgware Road. This is considered to be a betterment in placemaking from the Council's Draft Masterplan.</li> </ul>	<p>Please refer to L06-01 and L06-02 above.</p>	<p>No proposed change.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 55 of 67</p>	<p>L06-05 Icen Projects Limited on behalf of Wing Yip</p>	<p><b>5.6 Appropriate phasing strategy within the existing leasing arrangements of the landholding</b></p>	<ul style="list-style-type: none"> <li>• The preferred phasing strategy is articulated in the enclosed design document, and would see:</li> <li>• Phase 1: the delivery of a significant high-density mixed-use development along Edgware Road.</li> <li>• Phases 2 and 3: These phases would include the delivery of high-density co-location development fronting Oxgate lane with podium commercial (which could accommodate a new Wing Yip Superstore) and light industrial uses with residential development above commensurate with the objectives of the Council's Draft Masterplan.</li> <li>• Phase 4: removal of the existing Wing Yip Superstore to be replaced with high-density mixed-use development.</li> <li>• Flexibility in the commercial podiums fronting Oxgate Lane are requested should Wing Yip choose to relocate their business into one of these tenancies in the future.</li> </ul>	<p>Noted. Please refer to L06-01 and L06-02 above. The phases as described in Wing Yip's design document broadly align with the indicative phasing as shown on Map 68 Landownership and phasing diagram.</p>	<p>No proposed change.</p>
<p>L07-01</p>	<p>Turley Associates, on behalf of Goodman Real Estate</p>	<p><b>General</b></p>	<ul style="list-style-type: none"> <li>• Goodman is the owner of Staples Corner Business Park, 1000 North Circular Road.</li> <li>• Agree that the site has the potential for intensification including large-scale employment accommodation and multi-level typologies. We are pleased to see that this potential is acknowledged and supported by the Draft SPD which seeks to create a framework for such intensification.</li> <li>• Pleased to see that the Draft SPD recognises the potential for a significant increase in height and massing on the Goodman Site.</li> <li>• Strongly supports the decision to merge the Masterplan and Design Code.</li> </ul>	<p>These comments are welcomed. The strategic significance of the Goodman site is recognised and the potential for it to deliver large scale industrial intensification is reflected in the Illustrative Masterplan.</p>	<p>No proposed change.</p>
<p>L07-02</p>	<p>Turley Associates, on behalf of</p>	<p><b>Design Code Chapters 7 &amp; 8</b></p>	<ul style="list-style-type: none"> <li>• Several specific design codes would benefit from further revision or modification</li> </ul>	<p>Noted.</p>	<p>No proposed change.</p>

	Goodman Real Estate		to avoid the potential for uncertainty and inconsistency (between the Draft SPD and the adopted Development Plan.		
L07-03	Turley Associates, on behalf of Goodman Real Estate	<b>4.2 Illustrative Masterplan</b>	<ul style="list-style-type: none"> <li>It is imperative that the illustrative masterplan remain illustrative at this stage. This is to ensure that the Draft SPD provides for sufficient flexibility to enable future planning applications to adapt to changing business/market needs over the lifetime of the Masterplan.</li> </ul>	<p>Noted and agreed. Per text in paragraph 4.1.2: -</p> <p><i>“The Illustrative Masterplan demonstrates how a broadly acceptable scenario for development could come forward. It should not be read as a fixed masterplan because different acceptable scenarios – dependent on different design and delivery approaches – could be equally or more successful in fulfilling the policy objectives.”</i></p>	No proposed change.
L07-04	Turley Associates, on behalf of Goodman Real Estate	<b>3.2 Land Use Zoning and Pages 38-39 and 3.7 Intensification / Optimising sites and Building Heights</b>	<ul style="list-style-type: none"> <li>Strongly support the identification of the Goodman site as a suitable location for tall buildings.</li> <li>The Goodman site presents a longer-term development opportunity, as it is currently fully let with redevelopment anticipated in 10+ years' time.</li> </ul>	These comments are welcomed.	No proposed change.
L07-05	Turley Associates, on behalf of Goodman Real Estate	<b>3.1 Movement, Map 7 (now Map 8)</b>	<ul style="list-style-type: none"> <li>The precise location of the service loop appears to be inconsistent, as Map 7 (now Map 8) shows the loop passing through the Goodman Site, while Map 8 (now Map 9) shows the loop passing around the site.</li> <li>At this stage we object to the provision of a service loop through the Goodman site, as proposed by Design Codes M.01.EWS – M.07.EWS in Section 8.8 of the Draft SPD.</li> <li>Moreover, a new service loop will also adversely impact on the developable area and operational functioning for intensified industrial uses on the Goodman site, which would be contrary to one of the central elements of the overall vision for transformational change at Staples Corner.</li> <li>Accordingly, we recommend that the Service Loop is removed from Maps 7 (now Map 8) and 8 (9). Any future service</li> </ul>	<p>Noted.</p> <p>Map 7 (now Map 8) is a high level transport strategic aims diagram. Map 8 (now Map 9) should be more detailed and should be consulted with respect to the arrangement of the service loop, which passes along the southern boundary to the site.</p> <p>Goodman’s objections to the service loop passing through their site are noted.</p> <p>Delivering a service route will be critical to the functioning of the intensified industrial site as well as the wider SCGA in order to support the intensified industrial uses, noting the one way in and out vehicular restrictions along the Edgware Road and North Circular Road. The alternative to this</p>	No proposed change.

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<p>Page 561</p>			<p>loop proposal would need to be subject to further technical feasibility work and discussion with landowners. We would recommend that Design Code M.01.EWS is then re-worded as follows to align with this approach: “Feasibility work between the Council and landowners will consider the potential for a servicing route must be provided between Coles Green Road and Edgware Road to enable the delivery of the East-West Service Route.”</p>	<p>service route would be a turning circle, which would be likely to impact on their developable area to a greater degree. It is not possible for Goodman to build right up to their southern boundary as this would prejudice development coming forward on adjacent sites as well as causing potential residential amenity impacts to existing residential properties along Coles Green Road and Kelceda Close. Therefore, it is felt that the location of the service loop is in the optimum position, would not adversely compromise Goodman’s developable area and would serve to enable a wider SCGA movement strategy. The service loop would be subject to more detailed design and testing, per paragraph 4.1.7 on Design Limitations.</p> <p>Goodman are a strategic landowner in the SCGA, owning one of the largest sites. It is considered that key sites should contribute and deliver these infrastructure requirements and support the SCGA service strategy. No proposed change to the service loop is recommended.</p>	
<p>L07-06</p>	<p>Turley Associates, on behalf of Goodman Real Estate</p>	<p><b>3.3 Public Realm pages 41 and 43 (now pages 43 and 45).</b></p>	<ul style="list-style-type: none"> <li>• The site is not considered to be a suitable location for a north-south local street. The site is considered to represent the most suitable location within the Growth Area to accommodate large-scale intensification typologies on account of its large size, excellent connectivity to the Strategic Road Network (‘SRN’), and relative lack of development constraints.</li> <li>• We therefore recommend that the local street is removed from the Public Realm Strategy Diagram set out on Page 43 and that a caveat is then added to clarify that all new streets and connections will need to be subject to thorough feasibility testing,</li> </ul>	<p>Noted. This north-south local street would be on the alignment with the proposed north - south servicing street as well as the alignment of a proposed North Circular Road at grade crossing. Per paragraph 4.1.6 and 4.1.7, the Illustrative Masterplan has been subject to high level design development and testing. As schemes come forward for planning, more detailed design development and more detailed strategies and testing will be required. No proposed change is recommended.</p>	<p>No proposed change.</p>

			including technical analysis, as part of the development management process.		
<b>L07-07</b>	Turley Associates, on behalf of Goodman Real Estate	<b>4.2 Illustrative Masterplans and Parameters</b>	<ul style="list-style-type: none"> <li>Any references to specific parameters within the Draft SPD relating to height, layout or density should be clearly labelled as having been provided for illustrative purposes only. Stipulating a specific building height or density is too prescriptive at this stage in the regeneration process.</li> <li>Accordingly, we recommend that an “illustrative only” label is applied to the above pages.</li> </ul>	Please refer to L07-03 above.	No proposed change.
<b>L07-08</b>	Turley Associates, on behalf of Goodman Real Estate	<b>Design Code: Area B – Identity and Use</b>	<ul style="list-style-type: none"> <li>Design Code U.01, which states that: “Development proposals must support the creation of a mixed community of workplaces, homes and social infrastructure through the delivery of industrial, residential and community uses, as set out in the masterplan.”</li> <li>The design code should be amended to clarify that while the overall masterplan area should create “a mixed community of workplaces, homes and social infrastructure through the delivery of industrial, residential and community uses,” individual development proposals themselves do not need to provide a mix of all such uses on specific sites.</li> <li>We would also recommend that Design Code I.01 (“Development proposals must respond to the industrial heritage and character of the Staples Corner Area”) is re-worded to confirm that it applies only to sites sensitive in heritage terms.</li> </ul>	<p>Map 14 in Section 3.2 clearly sets out the land use strategy and it is not felt necessary to add a caveat to U.01.</p> <p>I.01 is felt to be sufficiently open to interpretation and the industrial character of Staples Corner at present is as much established by contemporary large-scale sheds as it is by period brick warehouses.</p>	No proposed change.
<b>L07-09</b>	Turley Associates, on behalf of Goodman Real Estate	<b>Design Code: Area B – Resources</b>	<ul style="list-style-type: none"> <li>Eight design codes within Section 7.1 concern the use of resources. While our client is supportive of many of these aspirations (including the incorporation of circular economy principles), we remain concerned that several resource-related</li> </ul>	R.03 clearly sets out that reuse, adaptation and retrofitting must be explored as a first approach, not that it must be delivered. It is intended to encourage applicants to undertake the appropriate assessments at	No proposed change.

			<p>design codes – much like I.01 above – risk stifling the intensification and transformational change sought for the area by the Local Plan. For example, Design Code R.03 states that: "Opportunities for reuse, adaptation and retrofitting must be explored as a first approach to any and all development proposals."</p> <ul style="list-style-type: none"> <li>• However, it is inappropriate for sites proposed for SIL intensification or those that are underutilised and/or coming towards the end of their lifetime.</li> </ul>	<p>the earliest stages of a project to explore alternative approaches to their sites.</p>	
<p>L07-10</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 563</p>	<p>Turley Associates, on behalf of Goodman Real Estate</p>	<p><b>Design Code: Area B – Lifespan</b></p>	<ul style="list-style-type: none"> <li>• As a general comment, while Goodman are broadly supportive of the aspirations set out in Section 7.1, we disagree with the notion that its requirements should “apply to all sites, regardless of where they are located or the scale of development proposals.” Instead, we consider that the Draft SPD should make clear that various aspects of this section are only applicable to the co-location or residential-led elements.</li> <li>• Eg Design Code L.05 on QRP &amp; CRP, these are likely to be less relevant for many industrial developments within the SIL where design considerations must be balanced against the need to meet operational requirements.</li> <li>• It is therefore proposed to modify Design Code L.05 to state that “[a]ll development proposals classed as ‘major development’ must be reviewed, <u>where necessary</u>, <del>at least twice</del> by both the Brent Quality Review Panel (QRP) and Community Review Panel (CRP), with the review format <u>and number of reviews</u> to be agreed with the council on a case-by-case basis”.</li> <li>• We also object to the current wording of Design Code L.01, which states that: "Streetscape improvements on privately-</li> </ul>	<p>All design codes set out in Section 7.1 have been drafted to broadly be applicable to any and all development sites and types – where a design code applies to a specific use, this is already referenced in the text, though there are some areas where this could be clarified.</p> <p>In terms of L.05, this is considered to be the minimum level of independent scrutiny required for ‘major development’ based on the council’s existing approach. However, schemes are brought before both the QRP and CRP in consultation with officers to ensure they are timely, effective and proportionate to the scale and type of development proposed.</p> <p>If entering into a planning performance agreement (PPA), QRP and CRP meetings will be agreed in principle as part of the overall schedule of pre-application meetings, and this is assessed on a case-by-case basis. As such, the wording of L.05 is considered to be sufficiently clear and flexible.</p> <p>It is the council’s ambition that the east-west and north-south routes within the</p>	<p>Section 7.1 – amended design code R.04 to read as follows:</p> <p>All development proposals <u>incorporating non-industrial uses</u> must demonstrate that they will be easily connectable to a district heat network in the future.</p> <p>Section 7.1 – amended design code L.06 to read as follows:</p> <p><u>Developers of proposals incorporating residential uses</u> must prepare community-led management plans as part of management and maintenance strategies to support opportunities for residents to take ownership over communal spaces within individual developments.</p> <p>Section 7.1 – amended design code L.01 to read as follows:</p> <p>Streetscape improvements on privately-owned land must be designed to adoptable standards and offered to the council for</p>

			<p>owned land must be designed to adoptable standards and offered to the council for adoption."</p> <ul style="list-style-type: none"> <li>• Accordingly, we recommend that the second part of the wording is removed from Design Code L.01.</li> <li>• The objectives of Design Code L.06 are noted and acknowledged. However, it should be specified that it is only applicable to parts of the Growth Area providing communal amenity spaces within individual developments.</li> </ul>	<p>Illustrative Masterplan will become part of the adopted highway to allow the movement network to function as set out in the relevant spatial strategy in Section 3.1. However, the council recognises other less significant access roads or spurs within individual sites should remain the responsibility of landowners.</p>	<p><u>adoption, unless the council agrees that the overall movement strategy of the Growth Area is not impacted by non-adoption.</u></p>
<p>L07-11</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 564</p>	<p>Turley Associates, on behalf of Goodman Real Estate</p>	<p><b>8.1 North Circular Road</b></p>	<ul style="list-style-type: none"> <li>• Section 8.1 seeks to guide the enhancement of the North Circular Road.</li> <li>• At present, however, the associated design coding is too inflexible and fails to acknowledge that the desired enhancements will not be achievable on every site.</li> <li>• London Plan Policy T7 is clear that development proposals should not cause unacceptable impacts on London’s strategic road networks.</li> <li>• Not only are the design codes silent on this matter, their wording is in many places at odds with the schedule set out in the Cabinet Report (Row 183) which accompanied the publication of the Draft SPD. At present a number of the design codes in this section are worded as “must[s]” – namely, Design Codes M.01.NCR, M.02.NCR, B.01.NCR, B.02.NCR and I.03.NCR. However, the Cabinet Report recognises that the design codes for the North Circular “will not be achievable on every site” and should instead be considered “a starting point for discussions as part of the development management process”.</li> <li>• Accordingly, we recommend that these design codes are either deleted, re-worded to comprise a much broader, less-</li> </ul>	<p>Noted. The dimensions set out in the design codes referenced are considered the minimum to deliver the required improvements to the North Circular Road streetscape. The impact of these on individual sites has not been tested in detail, but it is acknowledged that these may be difficult to deliver and, as such, they may need to be negotiated, in some cases. Regardless, any development proposals will be assessed on a case-by-case basis, per Brent’s pre application service.</p>	<p>No proposed change.</p>

			prescriptive set of objectives, or else prefaced with a similar caveat to that set out in the Cabinet Report.		
<b>L07-12</b>	Turley Associates, on behalf of Goodman Real Estate	<b>9. Delivery approach and Phasing</b>	<ul style="list-style-type: none"> <li>The indicative massing suggests the Goodman site will be delivered between years 6-10.</li> <li>The site is considered to present a longer-term development opportunity: it is currently fully let and, as a result, not expected to come forward for redevelopment until approx. ten years' time, when leases of the current occupiers are due to expire.</li> <li>Accordingly, we would suggest that the re-developed site massing should instead first appear on the following page, which provides an indicative overview of massing during years 11-15+ of the Masterplan period.</li> </ul>	<p>Noted.</p> <p>It is recommended the massing diagrams be retained as is, to allow Goodman flexibility to bring forward redevelopment earlier if circumstances and conditions allow, with an additional footnote to the phasing diagram to cover this point.</p>	<p>To change the Overview of massing 6-10 years diagram to add the following footnote:</p> <p><u>Indicative phasing is shown for the Staples Corner Business Park site (1000 North Circular Road). Development on this site is expected to come forward when circumstances and commercial conditions allow.</u></p>
<b>R01-1</b>	Resident 1	<b>General</b>	<ul style="list-style-type: none"> <li>Brent does as it chooses for e.g., Watling Gardens. No parking, no gardens not even any consideration for privacy.</li> </ul>	Noted.	No proposed change.
<b>R02-1</b>	Resident 2	<b>General</b>	<ul style="list-style-type: none"> <li>Concerned with homelessness in the country.</li> </ul>	Noted.	No proposed change.
<b>R03-1</b>	Resident 3	<b>General</b>	<ul style="list-style-type: none"> <li>The Council should have more important things to spend its money on – health, social care and education.</li> </ul>	Noted.	No proposed change.
<b>R04-1</b>	Resident 4	<b>3.2 Land Use and Zoning</b>	<ul style="list-style-type: none"> <li>Housing, particularly affordable housing delivery is crucial.</li> </ul>	<p>Noted and agreed.</p> <p>The draft SCGA SPD has factored in provision for housing and includes provision for 3,066 homes. Affordable housing provision is included within this number, the proportion of which is based on targets set within the Local Plan.</p>	No proposed change.

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R05-01	Resident 5	<b>1.4 Challenges</b>	<ul style="list-style-type: none"> <li>Safety and poor environmental quality of the area.</li> </ul>	This is noted as one of the Challenges on Page 17 of the draft SCGA SPD. Investment in the physical infrastructure and an improved public realm will be essential to the growth of the area.	No proposed change.
R06-01	Resident 6	<b>9.2 Infrastructure Projects</b>	<ul style="list-style-type: none"> <li>Request for more local services such as culture, schools, shops, doctors' surgeries and dentists.</li> </ul>	The Local Plan does not identify any need for school provision in the area, but this is regularly reviewed as part of Brent Council's statutory responsibility for school place planning. Provision for retail and other types of community use have been factored into and included within the draft Illustrative Masterplan.	No proposed change.
R07-01	Resident 7	<b>4.15 Indicative Massing and Building Height</b>	<ul style="list-style-type: none"> <li>Density and heights proposed, particularly heights along the residential boundaries i.e. Chipstead Gardens are a concern.</li> </ul>	The draft Illustrative Masterplan has sought to limit building heights along the sensitive fringes of the SCGA and has sought to optimise them along the Edgware Road where they would be closer to public transport i.e. Brent Cross West Station. Specific concerns have been raised about the heights closest to Chipstead Gardens. The heights are indicative and acceptability will be determined on a case by case basis and be subject to daylight and sunlight assessments. Please refer to Design Limitations at paragraphs 4.1.6 and 4.1.7 of the document.	No proposed change.
R08-01	Resident 8	<b>3.6 Green and Blue Infrastructure</b>	<ul style="list-style-type: none"> <li>More facilities needed for young people such as play space.</li> </ul>	The draft Illustrative Masterplan (Chapter 4) includes provision for a series of new open spaces and pocket parks as well as improving access to existing park spaces such as the Welsh Harp and Clitterhouse Playing Fields. Individual residential developments will be required to make children's playspace provision in line with London Plan and Local Plan policies.	No proposed change.
R09-01	Resident 9	<b>General</b>	<ul style="list-style-type: none"> <li>Increase in traffic and parking congestion.</li> </ul>	Industrial uses will need to maintain vehicle use since this is essential to their operation. The residential uses will be	No proposed change.

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				required to be car free except for wheelchair provision. It is likely that Controlled Parking Zones will be needed for surrounding residential streets, the cost of introducing these will be the subject of developer contributions to be secured as part of the planning process.	
R10-01	Resident 10	3.3 Public Realm	<ul style="list-style-type: none"> <li>Better connection to public transport is required and more improved pedestrian connections to the Brent Reservoir.</li> </ul>	Transport connectivity improvements are outlined in 9.2 Infrastructure Projects. Item F Edgware Road crossing to better link to Brent Cross West Station and Item C new pedestrian and cycle green bridge. The council will seek to secure S106 contributions and Community Infrastructure Levy as part of the planning process to contribute towards delivery.	No proposed change.
R11-01	Resident 11	3.3 Public Realm	<ul style="list-style-type: none"> <li>Cycle lanes are needed in the area.</li> </ul>	The draft SCGA SPD includes potential for new and improved cycle infrastructure in Design Code Chapters 8. These will rely on privately owned land for delivery and be controlled by a combination of S278 and S38 legal agreements.	No proposed change.
R12-01	Resident 12	General	<ul style="list-style-type: none"> <li>Impact on bus services.</li> </ul>	Please refer to S10-06 above.	Please refer to S10-06 above.
R13-01	Resident 13	General	<ul style="list-style-type: none"> <li>Impacts on residential amenity, i.e. loss of light, wind conditions, overlooking, noise.</li> </ul>	Per 4.1.7, more detailed design development will be required to consider these issues as schemes are developed, and must include daylighting, sunlight, microclimate, overlooking as well as noise assessments.	No proposed change.
R14-01	Resident 14	General	<ul style="list-style-type: none"> <li>No student accommodation please.</li> </ul>	This is noted. The draft SCGA SPD does not mention any requirement for this type of accommodation. The acceptability of determining these specific types of uses will be determined on a case by case basis, subject to the planning process.	No proposed change.
R15-01	Resident 15	3.6.9 Flood Risk	<ul style="list-style-type: none"> <li>Impact on flooding.</li> </ul>	Urban greening and sustainable drainage solutions form part of the draft SCGA SPD,	No proposed change.

				in Chapter 9.5 Environmental Sustainability.	
R16-01	Resident 16	<b>3.3 Public Realm</b>	<ul style="list-style-type: none"> <li>Urban greening and green space.</li> </ul>	The draft Illustrative Masterplan (Chapter 4) includes provision for a series of new open spaces and pocket parks as well as improving access to existing park spaces such as such as the Welsh Harp and Clitterhouse Playing Fields.	No proposed change.
R17-01	Resident 17	<b>General</b>	<ul style="list-style-type: none"> <li>The impact on the Welsh Harp i.e. breeding birds and dominating buildings.</li> </ul>	Section 3.7 of the draft SCGA SPD requires the flight paths of breeding birds to be considered. The draft Illustrative Masterplan has sought to limit heights and building proximity along the more sensitive northern edge of the Growth Area where it meets the Welsh Harp.	No proposed change.
R18-01	Resident 18	<b>General</b>	<ul style="list-style-type: none"> <li>Poor quality architecture is shown in the document.</li> </ul>	Design Code Chapters 7 & 8 of the draft SCGA SPD seek to enhance the character of the area and improve architectural quality, through the use of Design Codes.	No proposed change.
R19-01	Resident 19	<b>2.2 Policy Context</b>	<ul style="list-style-type: none"> <li>Heritage and retention of buildings.</li> </ul>	Per S04-01 above, a new historic environment map to be added to the document to reference heritage buildings and assets, including retained assets.	Please refer to S04-01 above.
R20-01	Resident 20	<b>Design Code Chapters 6 to 8</b>	<ul style="list-style-type: none"> <li>Is the Design Code mandatory?</li> </ul>	The design code requirements are defined by the use of clear language such as 'must', 'should' and 'could'.	No proposed change.
R21-01	Resident 21	<b>3.2 Land Use and Zoning</b>	<ul style="list-style-type: none"> <li>Designation for flexible C-Class uses instead of solely "residential.</li> </ul>	The draft SCGA SPD has been informed by the Local Plan which sets out an ambition to deliver 2,200 homes. The acceptability of determining specific types of Class C uses will be determined on a case by case basis, subject to the planning process.	No proposed change.
R22-01	Resident 22	<b>10.6 Decant and Business Relocation</b>	<ul style="list-style-type: none"> <li>Support for small to medium enterprises is required.</li> </ul>	Developers will be required explore relocation options and propose and implement a business decant and	No proposed change.

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				relocation strategy as part of any planning application. The Local Plan requires 10% of any new employment floorspace is affordable.	
<b>R23-01</b>	Resident 23	<b>Chapter 10 Delivery Approach &amp; Phasing</b>	<ul style="list-style-type: none"> <li>Delivery challenges given land fragmentation.</li> </ul>	Noted. The draft SCGA SPD has made assumptions given the 200+ landowners in the area and has sought to identify larger opportunities and consolidate sites. Section 10 sets out a strategy and phased approach to delivery.	No proposed change.
<b>R24-01</b>	Resident 24	<b>General</b>	<ul style="list-style-type: none"> <li>Edgware Road is not suitable for homes.</li> </ul>	It is assumed this comment is made in relation to noise and air quality. The acceptability of determining new homes along the Edgware Road will be subject to noise and air quality assessments. Please refer to Design Limitations at paragraphs 4.1.6 and 4.1.7 of the document.	No proposed change.
<b>R25-01</b>	Resident 25	<b>1.7 Staples Corner Growth Area</b>	<ul style="list-style-type: none"> <li>How was the masterplan boundary drawn?</li> </ul>	The masterplan boundary has been set by the Local Plan Policy BEGA2A.	No proposed change.
<b>R26-01</b>	Resident 26	<b>General</b>	<ul style="list-style-type: none"> <li>Fly tipping is a concern.</li> </ul>	Please refer to S03-2 above with respect to fly tipping to the River Brent and Brent Reservoir. Investment in the physical infrastructure and an improved public realm will benefit the environmental quality and appearance of the area.	Please refer to S03-2 above.
<b>R27-01</b>	Resident 27	<b>Design Codes Chapters 6 to 8</b>	<ul style="list-style-type: none"> <li>Who will be responsible for making the roads wider/adding green footpaths and the new access roads?</li> </ul>	The majority of these will come forward on private land, and secured via a combination of S278 and S106 legal agreements. Please refer to 6.8 Delivery and Phasing for more detail.	No proposed change.
<b>R28-01</b>	Resident 28	<b>General</b>	<ul style="list-style-type: none"> <li>Would like to see Brent leading a campaign against single-use plastic shopping-bags.</li> </ul>	Noted, however this comment is not a relevant consideration for this place specific supplementary planning document.	No proposed change.
<b>R29-01</b>	Resident 29	<b>General</b>	<ul style="list-style-type: none"> <li>Please can we have a cinema /cultural hub/events space and independent shops?</li> </ul>	Provision for retail and other types of community use have been factored into	No proposed change.

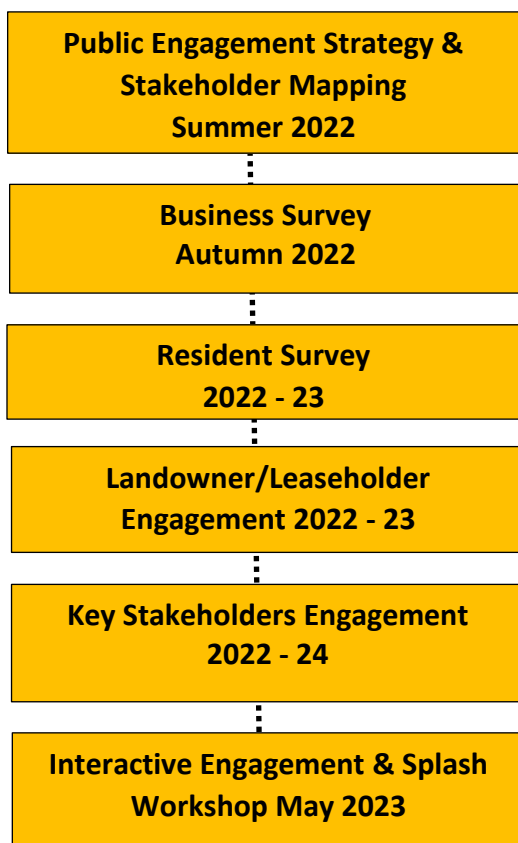
				and included within the draft Illustrative Masterplan. The acceptability of determining these specific types of uses will be determined on a case by case basis, subject to the planning process.	
<b>R30-01</b>	Resident 30	<b>General</b>	<ul style="list-style-type: none"> <li>More tree planting and green infrastructure is needed.</li> </ul>	Open spaces and green infrastructure are proposed in a number of locations in the SCGA and seek to address the open space deficiency in the area. The introduction of new open spaces will have a positive impact on future development, as well as for residents and businesses.	No proposed change.
<b>R31-01</b>	Resident 31	<b>General</b>	<ul style="list-style-type: none"> <li>The walk to the station is not the nicest, having to walk through an industrial estate which ultimately discourages using it.</li> </ul>	Noted. This route lies within LB Barnet who aware of the issue. If the relevant site comes forward for redevelopment, there would be an opportunity to address this.	No proposed change.
<b>R32-01</b>	Resident 32	<b>General</b>	<ul style="list-style-type: none"> <li>Skills training for young persons is needed.</li> </ul>	Noted. This can be secured as individual sites come forward for planning permission as part of the S106 legal agreement attached to any grant of planning permission.	No proposed change.
<b>R33-01</b>	Resident 33	<b>9.2 Infrastructure Projects</b>	<ul style="list-style-type: none"> <li>A bridge to connect Crest Road to the new development.</li> </ul>	Existing routes provide walking facilities from Crest Road to the SCGA. Owing to the level change from Crest Road to the SCGA (over 24m), a bridge would serve no purpose or benefit.	No proposed change.
<b>R34-01</b>	Resident 34	<b>8.1 North Circular Road</b>	<ul style="list-style-type: none"> <li>In the Design Code for the North Circular Road, that there is a pedestrian path which separates "Trees and SuDS" from a 3-lane carriageway. Is this intentional? It sticks out, relative to the other Design Codes, in using pedestrians to protect cars from hitting trees. Surely the trees should protect pedestrians from being hit by cars? I would certainly move "Trees and SuDS" so that it is next to the carriageway, as it is for other Design Codes in this consultation (e.g. Edgware Road).</li> </ul>	<p>Noted. Unfortunately, this cannot be delivered without consent from TfL who own and manage the North Circular Road. As such, we have assumed retention of a footway directly adjacent to the carriageway.</p> <p>However, a 4m wide shared zone for pedestrians and cyclists is shown behind the 'Trees and SuDS' zone and it is expected this will become the principal footway along the North Circular Road.</p>	No proposed change.

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 571</p>	<p>R35-01 Resident 35</p>	<p><b>Design Code Chapters 6 to 8</b></p>	<ul style="list-style-type: none"> <li>Not been enough consultation with the local community on the Design Code and this new identity. There have been Staples Corner Community Champions involved in this project but how many of them were there and from which areas?</li> </ul>	<p>Engagement has been at the heart of the development of this SPD since work commenced in 2022. In terms of the Design Code, this started with the recruitment of a democratically selected group of Community Champions to participate in a series of engagement workshops that took place from December 2022 to February 2023.</p> <p>The Sortition Foundation, on behalf of the council, sent 4,000 letters to residents and businesses within and around the Staples Corner Growth Area, inviting them to become Community Champions. The recruitment area was defined based on proximity to the Growth Area and included all of Dollis Hill ward east of Dudden Hill Lane, part of Welsh Harp ward, and parts of LB Barnet to the east of the A5 Edgware Road.</p> <p>The Sortition Foundation selected 25 people to participate as Community Champions using their established methodology for defining focus groups that are truly representative of a particular area. This methodology utilised data from sources including the ONS, NOMIS and Brent Equality Profile and set corresponding proportional targets across a range of demographics such as, gender, age, ethnicity, disability, and educational level.</p> <p>A draft Design Code was consulted on from 24th August to 2nd November 2023. This included a number of in-person drop-in events in the local area. In total, 191 representations were received from 36 respondents throughout the consultation</p>	<p>No proposed change.</p>
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				<p>period including residents, local stakeholders, landowners and statutory authorities. Consideration was given to all consultation representations, responses provided and, where necessary, changes were recommended to the draft Design Code, that have since been incorporated into this SPD.</p>	
<b>R36-01</b>	Resident 36	<b>3.2 Land Use and Zoning</b>	<ul style="list-style-type: none"> <li>More flexible land uses - i.e. no separation between industrial and light industrial uses, designation for flexible C-Class uses instead of solely "residential".</li> </ul>	<p>Land Use Strategy and Zoning is set out in Masterplan SPD Section 3.2. The acceptability of determining more specific types of uses will be determined on a case-by-case basis, subject to the planning process.</p>	No proposed change.
<b>R37-01</b>	Resident 37	<b>4.2 The Illustrative Masterplan</b>	<ul style="list-style-type: none"> <li>Removal of prescribed areas open space / green infrastructure within the masterplan to allow for a site-specific approach to provision to make effective use of land and better respond to local-level constraints.</li> </ul>	<p>Open spaces and green infrastructure are proposed in a number of locations in the SCGA and seek to address the open space deficiency in the area. The introduction of new open spaces will have a positive impact on future development, as well as for residents and businesses.</p>	No proposed change.

## Pre-Statutory Consultation Events



### Phase 1: Early Engagement Activities Business Survey – Autumn 2022

Brent’s Regeneration Team developed a Business Survey to connect with businesses located within Staples Corner, with the goal of developing a masterplan that maximises opportunities for both local and new businesses to thrive and expand. Conducting a Business Survey provided valuable insights into the characteristics of local businesses, their satisfaction levels, confidence, future plans, and identified areas for improvement at Staples Corner to enhance support for businesses.

#### Leaflets distribution

814 business surveys were distributed by post to local businesses within Staples Corner. The survey included an option to provide additional contact information in order to be kept more easily informed about future engagement activities.

#### HaveYourSay Platform

Online platform (Have Your Say) was set up to support and promote the business survey and online feedback. The Have Your Say Online platform (Brent website) offers an accessible platform for interacting and consulting with communities and stakeholders, enhancing participation, diversifying engagement demographics, fostering trust via transparency, and enabling collaboration to enhance design quality. The platform remained open at all times during the preparation of the Staples Corner Masterplan.

#### Door Knocking

We conducted door knocking during the month of September 2022.

The team visited more than 100 businesses located within the SCGA, where 65 surveys were completed in a short face-to-face interviews, and door knocking was thus considered the most effective approach for getting businesses to engage with the Business Survey.

### **Analysis of survey responses**

84 total responses were received as part of this business survey. We analysed the survey responses received by various mediums (online, post and door knocking). Based on the businesses that participated in the survey, the following conclusions can be drawn:

#### **About the business:**

- 62% of the businesses to remain open and only two businesses are planning to close.
- 88% of the businesses have no plans to relocate outside Staples Corner.
- Wholesale with retail covers a significant part (33%) of businesses within Staples Corner.
- 51% of the businesses trading in Staples corner for less than 10 years.
- Have been operating stable and expect to increase their trading over the next 5 years.

#### **About Staples Corner:**

- Staples Corner is considered an ideal location for business.
- The area has a good road network and connectivity with central/rest of London.
- Local employment (staff and/or business owners live locally).
- Areas of concern within Staples Corner are safety and security, environment, on-street parking, traffic, pedestrian, public transport and logistics/access to their premises.
- New Brent Cross West Station will improve transport connectivity with central London.

#### **About the premises:**

- Overall businesses are happy with their premises and the size of their unit.
- 37% of the businesses have floor spaces of over 500 sq.m.
- 75% of the premises are under leasehold or rented.
- 58% of the premises have up to 10 workers.
- Businesses are not satisfied with the business rates and tax.

### **Residents Survey – 2022-2023**

The carrying out of a Residents Survey formed part of the Regeneration team's early engagement strategy and was undertaken to better understand the needs of local residents, satisfaction levels and how Staples Corner could be improved to better support residents.

### **HaveYourSay Platform**

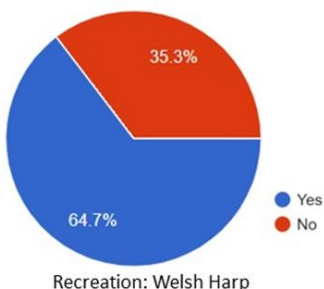
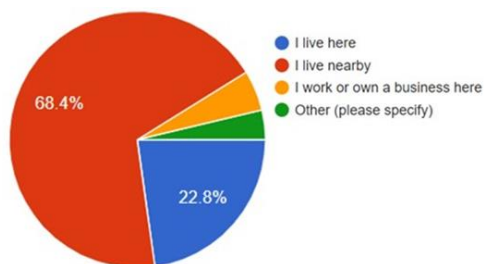
Online platform (Have Your Say) was set up in December 2022 to support and promote the residents survey and online feedback. The Have Your Say Online platform (Brent website) offers an accessible platform for interacting and consulting with communities and stakeholders, enhancing participation, diversifying engagement demographics, fostering trust via transparency, and enabling collaboration to enhance design quality.

## Advertising and promotion

The resident’s survey was advertised on various platforms including Brent’s magazine during the months of January to March 2023 to make residents aware and to have a maximum response. The survey includes an option to provide additional contact information in order to be kept more easily informed about future engagement activities.

## Analysis of survey responses

In total 216 responses received via haveyoursay platform and google form. Based on the residents that participated in the survey, the following conclusions can be drawn:



**Total Responses: 216**  
**22.8%** live within Staples Corner  
**68.4%** live nearby to Staples Corner

**Key locations for shopping:**  
 Brent Cross  
 Tesco Brent Cross  
 Wembley, Neasden, Cricklewood and Colindale

**Recreation**  
**Approx. 65% visit Welsh Harp reservoir for recreation.**

**Other green spaces/recreation nearby**  
 Gladstone Park  
 Hampstead Heath  
 Fryent Country Park  
 Clitterhouse playing fields

**Strengths:**

- Good Shops
- Parking
- Connectivity- convenience of access in all directions
- Easy access to M1, bus routes

**Weaknesses:**

- Traffic and Congestion
- Poor quality of environment
- Poor pedestrian and cycle route
- Not resident friendly and heavy industrial

**Key Need for Development:**

- Green space/parks
- Walking and cycling routes
- Community space

## Landowner/Leaseholder Engagement 2022 - 23

Early conversations between the Council and key landowners/leaseholders were initiated as part of the masterplan process and this process was continued through statutory consultation.

Discussions were useful to understand landowners/leaseholder current use of their sites and future plans, to inform the phasing and the timing for future redevelopment. Proposals in the masterplan were then developed so sites could come forward accordingly in different periods. Individual particularities about the sites were taken into consideration when developing the proposals to support its deliverability.

## Stakeholder Engagement 2022 - 2023

Dedicated meetings were held with key stakeholders as part of the masterplan process to produce a shared vision and a deliverable SCGA Masterplan. Public bodies and infrastructure providers engaged with are listed below:

- GLA
- Barnet Council
- TFL
- National Highways
- Canal and Rivers Trust
- Natural England
- West London Alliance

- West London Business
- Vattenfall
- Brent’s Quality Review Panel

## Phase 2: Interactive Engagement & Splash Workshops May 2023

During May 2023, we organised interactive engagement events and hosted a splash workshop as part of our public engagement program for Phase 2 of the Masterplan development process, led by RCKa consultants. The main purpose of this phase was to engage with the community on what the key guiding principles and vision for the area should be.

### Guiding Principles to 'What if...?' Statements

The Guiding Principles were developed by a select community group known as the Staples Corner Community Champions. The first phase of engagement involved opening up this conversation to the wider community through 'What If...' Vision Statements to understand:

- If the community agrees with the principles?
- What are their priorities and concerns?
- Do the statements need to change?
- What is missing?

This was formatted into a Questionnaire published on Brent's 'Have your say' website and printed and distributed during the 'Splash' site visits and in-person engagement event.

 <p><b>Destination Corner</b></p> <p><b>What if Staples Corner was known across London?</b></p> <p>A unique and desirable location with a reputation for thriving businesses, as well as culture and educational opportunities.</p>	 <p><b>Celebrate the Existing</b></p> <p><b>What if Staples Corner celebrated its unique history?</b></p> <p>A rich sense of identity expressed through historic landmarks, celebrating existing communities and industrial heritage.</p>
 <p><b>Harmony and Balance</b></p> <p><b>What if Staples Corner provided equal opportunities to all?</b></p> <p>Safety, wellbeing and a collaborative business environment—a great place to live and work.</p>	 <p><b>New Connections</b></p> <p><b>What if Staples Corner was the best connected neighbourhood in Brent?</b></p> <p>Local transport links, walkable routes to Brent Cross and the Welsh Harp, and efficient connections to central London.</p>
 <p><b>Love and Care</b></p> <p><b>What if the people of Staples Corner were empowered to shape their neighbourhood?</b></p> <p>A diverse community of people, with the tools needed to take active ownership of a flourishing neighbourhood.</p>	 <p><b>Unlock Value</b></p> <p><b>What if Staples Corner was the ideal place to grow your business?</b></p> <p>Prioritising opportunities for new jobs alongside economic growth, including manufacturing, logistics and the creative industries.</p>

### On-site splash campaign

A graphic identity for the Staples Corner Community Vision Engagement was developed from the original work developed by Bandiera as part of the Design Code engagement.



On May 3rd and 5th 2023, RCKa carried out two site walk-arounds, handing out flyers, meeting with local business owners and erecting posters and banners to advertise the project and events. Key stakeholders were contacted prior to the visits including:

- Schools;
- Religious Groups;
- Sports Clubs and Youth Groups;
- Community Groups;
- Housing Associations;
- Businesses;
- The Staples Corner Community Champions;
- Cafés and Restaurants.

RCKa walked around the Staples Corner Growth Area over 2 days, handing out over 200 leaflets and talking to business owners, employees and local people. Four meetings were set up with businesses including:

- Motacus Construction;
- Atlantic Electronics;
- Cocap;
- Rama Carpets.

The team also visited other businesses including the Ox and Gate Pub, Bellissima, Work Man's Café, Megabites, Omega Café, Harrison Varma Joinery, English Cheesecake Company and Magnet Trade.

Concerns about the development included the increase in traffic, not simply service traffic but the adjacent schools cause domestic traffic at similar closing times to businesses. The lack of amenity, green space and good quality F&B options was a clear issue with many businesses having staff kitchens, so they are not reliant on the existing facilities. It was noted that this has put employees off working in the area and limits places to meet clients. Businesses were keen to group together to raise awareness, improve marketing and outreach through a Staples Corner Business Association and/or website.

### **Community engagement events (in-person)**

On May 23<sup>rd</sup> 2023, an in-person engagement event was held over lunchtime at Bellissima Ristorante. Bellissima is located on Coles Green Road, a central location in the Staples Corner Growth Area. The intention was to make the event accessible to businesses and employees during the working day.

A QR code was created and added to all collateral and social media posts directing interested parties to an eventbrite event to sign up to either the in-person or online events. Eight A1 consultation boards gave details on the ambition of the masterplan and some of the preliminary feedback from the Community Vision questionnaire on each of the Guiding Principles.

The event drew a lot of attention with 26 people attending including business and landowners.

### **Community engagement events (online)**

On the evening of May 24<sup>th</sup> 2023, the team held an online engagement event. The turn-out was fewer than expected with only six attendees therefore the format was altered to a presentation with an open discussion at the end.

## **Collating feedback**

For a complete understanding of how the future of Staples Corner should develop, a review of the feedback to date was completed alongside the community vision engagement. This included a review of:

- LBB Business Survey
- LBB Resident Survey
- LBB Engagement Strategy
- Landowner Engagement

In addition, the team organised an additional vision workshop with Brent with a detailed look at the Guiding Principles and the evolving vision statements.

**Landowner Engagement:** As part of this stage of the engagement, the team carried out a series of meetings with landowners to understand their concerns, constraints and desire to develop the land. The following landowners participated:

- Atlantic Group
- Euro Group
- Goodman
- John and Pascalis
- Legal and General
- Pure Data Centres
- Rama Carpets
- Wing Yip
- Atlantic Group
- 2 Apsley Way and 4 Wellington Park Estate
- Hathaway Developments
- Casabella Development
- Hurlington Capital
- Safestore

**Community Vision Questionnaire:** The Community Vision Questionnaire was hosted on Brent's 'Have Your Say' website and was live throughout the month of May 2023. The questionnaire received 99 responses.

After collating all the survey feedback, the Guiding Principles were developed into Vision Statements. Firstly, a second visioning workshop was held with Brent Council, following which the vision statements were updated and published on a final poll for final feedback.

Feedback from the Community Vision Questionnaire, Brent's engagement surveys, landowner meetings and visioning workshops was incorporated into the Vision Statements. The updated statements were published in the final public poll to summarise this stage of the masterplan engagement. The poll had a total of 22 responses.

The poll was split into two sections, the first asking for comments on the high-level vision statements and section 2 providing more detail about how this will be achieved.

## **Results:**

77% of people either definitely agree or somewhat agree that the statements reflect their vision for the future. Common feedback was that visual examples would help to visualise the Vision Statements. This should be demonstrated through the Development Scenario Options.

77.5% of people either definitely or somewhat agree with the vision statement. Responses agreed with the vision for creating a platform for existing businesses, supporting local employment and encouraging a mix of businesses. Concerns were mostly focused on the language of the statement which, without examples, made the vision difficult to understand.

73% of people either definitely or somewhat agree with the Vision Statement. Responses were enthusiastic about outreach and training for young people, creative spaces and possibility of increased footfall. Concerns included how this would be achieved in reality and about the increased traffic pressures this would put on the existing roads.

77% of people either definitely or somewhat agree with the vision statement. Concerns included the safety of walking and cycle routes in the area, parking numbers and reliance on car usage for travel in this area and improving the quality of the environment including air, acoustics, and planting.

68% of people either definitely or somewhat agree with the vision statement. Comments agreed the need for social infrastructure including a post office and dental clinics. Concerns included how to balance industry and residential neighbourhoods in reality and responses required more information on the council's ambition to provide affordable homes.

73% of people either definitely or somewhat agree with the vision statement. This is the vision statement with the largest proportion of people voting 'definitely agree'. Responses focused mainly around the need for green spaces and planting and for improvements to the maintenance of public realm.

77.5% of people either definitely or somewhat agree with the vision statement. Responses to the Love and Care statement are similar to the others however the comments express a concern in how the vision will be delivered in practice. Further discussion required to enable the community to feel greater ownership of future development.





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## EQUALITY ANALYSIS (EA)

<b>POLICY/PROPOSAL:</b>	Staples Corner Growth Area (SCGA) Masterplan Supplementary Planning Document (SPD) and Public Engagement Strategy
<b>DEPARTMENT:</b>	Neighbourhoods and Regeneration
<b>TEAM:</b>	Regeneration
<b>LEAD OFFICER:</b>	Kirti Chovisia/Kiran Chauhan
<b>DATE:</b>	15 <sup>th</sup> April 2024

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

### SECTION A – INITIAL SCREENING

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

**Proposal:**

**SCGA Masterplan SPD**

Brent's Local Plan (2019-2041) identifies Staples Corner as one of eight Growth Areas in the borough, viewed as the most sustainable spatial expression for growth, exploiting brownfield land, good access to public transport and higher densities to deliver the majority of new homes alongside regeneration benefits and infrastructure. It outlines a vision to transform Staples Corner into a significant mixed-use community, prioritising industrial space that meets 21st century business needs in association with around 2,200 homes and social infrastructure.

Staples Corner is a designated Strategic Industrial Location, meaning it has importance at a London level. Its location near to the A5, A406 and M1 provides excellent road transport links, suitable for heavy goods vehicle access. However, as a gateway to Brent from wider London, Staples Corner presents a poor initial impression of the borough. Industrial intensification and mixed-use regeneration will make more effective use of the site, and provide a boost to business and employment, increase housing supply, and deliver infrastructure to support a growing population in this area.

Regeneration of the Staples Corner Growth Area (SCGA) is also an opportunity to improve links to the recently opened Thameslink Brent Cross West Station and Brent Cross regeneration in the neighbouring Barnet. There is potential for significant improvements to the townscape on the A5 Edgware Road and A406 North Circular Road, and improved access and enhancement of the Welsh Harp environmental asset.

A detailed Staples Corner Growth Area (SCGA) Masterplan Supplementary Planning Document (SPD) is required in order to establish the urban development framework and planning requirements for comprehensive and coherent regeneration of the area. The SCGA SPD will also include the Staples Corner Design Code, a set of concise, measurable and illustrated design requirements for new development coming forward in the Staples Corner Growth Area. It will provide landowners, developers, design teams and council officers with greater certainty about how development proposals should come forward.

The Council is committed to engaging the range of local businesses, residents and community groups located in Staples Corner and the surrounding area, to provide an opportunity to be a mutual author of the SCGA Masterplan, and thus shape the vision and future of the area. Stakeholder mapping has reviewed the population, demographics, businesses on the industrial estate, and location and profile of key organisation/institutions and surrounding residential neighbourhoods. A Public Engagement Strategy has also been developed for Masterplan, which outlines the objectives, principles, process and methods to be used in order to ensure local people and stakeholders are kept informed, can have their say and contribute to and influence the transformation of Staples Corner.

Recruitment of the Staples Corner Community Champions for the engagement process took place at project initiation. The Staples Corner Community Champions group consists of 25 individuals who live, work, run businesses, or own property in Staples Corner and the surrounding area. These individuals were selected to provide input and steer the development of the design code and the masterplan.

### **Objectives / Expected Outcomes:**

A Staples Corner Growth Area (SCGA) Masterplan SPD will:

- Establish the long-term vision and objectives for the SCGA;
- Encourage more effective and efficient land use through industrial intensification and residential co-location to increase industrial capacity and meet housing demand;
- Intensify capacity for industrial uses able to support business and employment growth, supporting both traditional and new/emerging growth sectors;
- Identify the amount and location of new homes, including affordable homes, through co-location, contributing to Brent's Local Plan housing target;
- Identify locations within the SCGA suitable for tall buildings;
- Plan supporting uses such as open spaces, infrastructure and public realm improvements;
- Provide for an integrated and permeable movement network for pedestrians, cyclists and public transport users, and promote 'Active Travel', raising the environmental quality of the area and delivering against the council's Climate and Ecological Emergency Strategy 2021-2030;
- Maximise the opportunity to benefit from the adjacent Brent Cross regeneration and new Brent Cross West Thameslink Station;
- Integrate into surrounding communities and existing housing stock, including setting a framework for linkages to the surrounding open and green spaces and LB Barnet;
- Conform with London and Local Plan policies and be a material consideration when assessing planning applications that come forward within the SCGA;
- Attract long-term investment into the growth area and provide certainty to investors;

The SCGA Public Engagement Strategy sets out how the council will meet the following consultation objectives:

- Provide businesses, landowners, residents and relevant stakeholders with enough opportunities to 'have their say', contribute their views and have influence on the future of Staples Corner and issues that are important to them;



- Ensure that enhancement and growth meets the needs and aspirations of local businesses and people, enabling the council to build effective partnerships and support long-term community stewardship;
- Demonstrate how meaningful consultation and engagement can have an impact on proposals and influence decision-making – “you said, we did”;
- Meet the Council’s ambition to engage a diverse range of local residents, businesses and communities when drawing up proposals and before taking decisions;
- Improve the Council’s reputation through consultations so it is perceived as listening to its residents and businesses and is responsive to their needs;
- Ensure that due regard is paid to the Council’s Public Sector Equality Duty (PSED) in carrying out all consultation activities.

**Initiative:** Industrial Intensification and Consolidation with Residential Co-location

**Objective:** The primary objective is to support the delivery of industrial intensification and consolidation with residential co-location in the Staples Corner area.

**Intended Results:** The aim is to create at least 2,200 new homes and address the challenges facing the area by embedding biodiversity net gain, climate change mitigation, and health and well-being improvements within the design code. The design code is expected to deliver consistent design quality and provide a robust framework for assessing development schemes during the planning process.

**Initiative:** Addressing Challenges and Improving Connectivity

**Objective:** Address issues of high car dependency, low land values, severance by major roads, low-density industrial land, and poor-quality cycling infrastructure.

**Intended Results:** Improve connectivity, reduce severance, and enhance the quality of public spaces. Active transport improvements, such as walking and cycling infrastructure, are key components of addressing these challenges.

**Initiative:** Place-based Recovery and Green-led Approach

**Objective:** Foster a green-led and place-based recovery in Brent, particularly in response to health and socio-economic impacts, including the Covid-19 pandemic.

**Intended Results:** Promote sustainable development, enhance biodiversity, mitigate climate change, and improve the overall health and well-being of the community. The design code is expected to align with the ambitions outlined in the recently adopted Local Plan.

Overall, the objectives of the initiatives above are to promote sustainable development, improve connectivity and public spaces, deliver new homes, and create a resilient and vibrant community in the Staples Corner area. The intended results include enhanced design quality, long-term planning certainty, and positive socio-economic and environmental outcomes.

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

The SCGA Masterplan Public Engagement Strategy and Design Code will affect various groups of people who live and work in Staples Corner and surrounding areas, including local businesses, existing and future residents, landowners, developers, community groups, and local councillors. Further details are set out below:

**Local businesses / employers / employees**

The SCGA Masterplan SPD will affect local businesses both within the growth area boundary and in neighbouring areas, including in LB Barnet. Depending on the proposals set out in the Masterplan SPD, some businesses or sub-areas may be affected more than others, and this will be considered closely when undertaking engagement activities.

**Local residents**

The SCGA is predominantly industrial with few residential areas. However, there are two known permitted developments containing residential flats: Hanover House (63 flats) and Myrddale Lodge (58 flats) within the Growth Area boundary. Also, those living in the residential areas surrounding Staples Corner, such as Dollis Hill, Cricklewood and Hendon, are also highly likely to be affected by development in Staples Corner. The SCGA Public Engagement Strategy outlines how residents will be engaged with throughout the development of the Masterplan, including those living within the Growth Area, and in surrounding areas in LB Brent and LB Barnet. The introduction of industrial intensification, consolidation with residential co-location, and the development of new homes may affect the local housing market, community dynamics, and quality of life for residents.

**Land and property owners / developers**

There are approximately 344 individual land interests in the SCGA, including 174 freeholders and 170 leaseholders. When taking into account landowners that own multiple land parcels, there are approximately 200 land and leaseholders in the area. The SCGA Masterplan Public Engagement Strategy identifies the need for engagement with land and property owners throughout the development of the Masterplan, for example through surveys and interviews.

**Service providers of social infrastructure**

This includes local schools, sports and recreation facilities, community groups, and health and social care facilities.

**London Borough of Brent departments**

Including staff from Regeneration, Planning, Housing, Property, Highways, Public Health, Customer & Digital Services, Environment Services, Growth & Employment, Strategy and Partnerships.

**London Borough of Barnet**

Given the location of Staples Corner on the boundary with LB Barnet, the SCGA Masterplan SPD will have important impacts on residents, businesses and communities within LB Barnet. The Council will engage with LB Barnet departments and local communities to ensure development is co-ordinated and seeks to benefit both boroughs.

**Transport and Infrastructure Providers**

Organisations responsible for transport infrastructure, such as Transport for London (TfL), National Highways and Network Rail, could be impacted by the proposed improvements in connectivity and public realm. They may need to coordinate their efforts to align with the objectives of the SCGA Masterplan and ensure effective integration of transportation systems.

**External and Statutory Agencies**

Canals & River Trust, Environment Agency, Greater London Authority, Natural England, Historic England, National Highways, Thames Water, Transport for London.

**Environmental Organisations**

The documents also focus on infrastructure, sustainability and energy within the SCGA and could involve collaboration with environmental organisations. These organisations could provide expertise and guidance on sustainable practices, ecological conservation, and achieving environmental objectives.

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

Yes, there is relevance to the council's public sector equality duty, and due regard to such is paid in drawing up this equality analysis.

The SCGA Masterplan SPD seeks to secure a range of measures to positively address any potential harm caused by new development to the environment. It will create a high quality and healthy environment that will maximise benefits to occupants and the local area and community. It is likely to benefit most occupants, workers, visitors, and developers who principally will benefit from an improved environment and cost-effective developments in the future.

#### **SCGA Masterplan SPD**

A SCGA Masterplan SPD will guide substantial regeneration and growth planned to be delivered in the SCGA over the next 20 years, and therefore should aim to remove or minimise disadvantages which are connected to characteristics of protected groups.

A future SCGA Masterplan SPD is highly likely to have relevance to the council's equality duty in a number of ways. For example, industrial intensification will have the potential to advance equality and employment opportunities for financially disadvantaged people, through provision of new business and employment spaces/affordable workspace, new jobs, training opportunities and opportunities for new start-ups. It also will aim to meet some of the affordable housing needs of the borough, including the needs of protected groups, including people with disabilities and elderly people. An improved public realm and provisions for safe walking/cycling routes would also have positive impacts on all groups.

Consistent with the aims of the general equality duty, the SCGA Masterplan SPD aims to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between different groups.

#### **SCGA Masterplan Public Engagement Strategy**

The SCGA Masterplan Public Engagement Strategy seeks to ensure all impacted groups have a say on the development of the Masterplan SPD and Design Code, including those with protected characteristics.

In order to bring about comprehensive redevelopment in the area, partnerships are required between existing and future communities, the Council, landowners and developers. The Public Engagement Strategy sets out how the council will engage with the various stakeholders, including groups with protected characteristics. One of the main consultation principles set out in the Public Engagement Strategy is to identify under-represented groups and make greater efforts to engage with them. In practice, this will include meeting with community organisations, utilising existing local networks, considering the needs of under-represented groups when organising workshops and events, and ensuring engagement materials are accessible. The engagement activities set out in this Strategy also have the potential to facilitate collaboration between community groups, and in achieving successful co-design of the Masterplan SPD and realising its objectives, foster good relations and create an inclusive local community.

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

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

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

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

## SECTION B – IMPACTS ANALYSIS

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

<p>Brent's Local Plan (2019-2041) identifies the SCGA as one of eight growth areas, viewed as the most sustainable spatial expression for growth, exploiting brownfield land, good access to</p>
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public transport and higher densities to deliver the majority of the future housing and employment needs of the borough, and was extensively consulted upon and subject to its own equality impact assessment. A SCGA Masterplan SPD will be developed to conform to both the Brent Local Plan (2019-2041) and the new London Plan.

The SCGA Masterplan Public Engagement Strategy is an opportunity to build positive relationships with businesses, residents and community groups in Staples Corner and surrounding neighbourhoods such as Dollis Hill, Neasden, Cricklewood and Hendon. The list below details the information and evidence gathered for the SCGA Masterplan and Public Engagement Strategy to date. The Masterplan SPD will continue to be developed in partnership with local communities, and further evidence will be gathered throughout this process. This evidence base will be expanded and updated as the Masterplan develops.

- Equality profile of Brent, 2020-21
- Brent Local Plan, 2019-2041
- ONS datasets from the 2021/22 Census
- GLA Population Projections
- Brent Borough Plan, 2023-27
- Brent Inclusive Growth Strategy (2019-2040)
- Joint Strategic Needs Assessment (JSNA), 2019-20, London Borough of Brent
  - Indices of Deprivation
  - Migrants and refugees
  - Economy and Employment
- Black Community Action Plan, 2020
- Stakeholder Mapping Report, including land ownership and demographics analysis undertaken by Regeneration Team
- Advice from colleagues in Regeneration, Planning, Communications, Partnerships and Engagement
- Learnings from previous Masterplan Public Engagement Strategies, such as the Church End Growth Area Masterplan public engagement.
- Wider research on engagement with under-represented groups

#### **External Stakeholder Engagement**

The SCGA Masterplan SPD has been developed based on robust analysis and stakeholder engagement, including:

- 1:1 meetings with landowners and leaseholders
- 1:1 meetings with key stakeholders, statutory consultees and LB Barnet
- An online platform reaching out to a greater number of stakeholders, residents, businesses, community groups, etc.
- Online survey: local residents survey, business survey with employers and business owners.
- Door knocking and drop-in sessions with local business and filling survey within Staples Corner.
- In person splash event within SCGA and online engagement sessions.

#### **Internal Stakeholder Engagement**

The development of the masterplan was also advised by the following Council's teams: Planning; Transport Planning; Partnerships; Property; Parks; Highways and Environmental Services and Climate Action.

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

<b>AGE</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• <b>Environment and Infrastructure:</b> The final SCGA Masterplan SPD would have potential to deliver significant improvements to the local environment and movement infrastructure, including public/green spaces, community facilities, crossings, and an enhanced public realm. This would benefit groups of all ages.</li> <li>• <b>Employment opportunities:</b> By securing new modern and fit for purpose employment spaces, the SCGA Masterplan SPD has potential to attract higher value jobs to the area for local people, as well as training and apprenticeship opportunities.</li> <li>• <b>Housing, including affordable housing/workspace:</b> The final SPD is likely to meet some of the borough’s general needs housing, affordable housing and local employment needs, which would have positive impacts on all community groups and ages, especially those who are socio-economically disadvantaged.</li> <li>• <b>Engagement:</b> Older people are more likely to be digitally excluded or less able to participate in engagement activities delivered online, including via the Have Your Say page. Young people are also often under-represented in consultation activities, and given Dollis Hill’s large youth population, the Council will need to make efforts to engage with this age group. In order to ensure people of all ages are included, the Council will adopt a mixed methods approach to public engagement, producing both online and offline consultation materials to be disseminated across a variety of platforms and formats. In particular, the Council will deliver interactive workshops with schools and community organisations, use printed media such as flyers, paper surveys, freepost, as well as undertake door knocking and drop-in sessions.</li> <li>• <b>Health, mobility and well-being:</b> sustainable requirements could reduce the cost of heating and servicing homes. This may benefit the elderly, specifically those on lower incomes who are more likely to suffer fuel poverty. Cleaner and greener transport infrastructure are likely to benefit all those without access to a motor vehicle.</li> <li>• Good quality open spaces and effective greening will improve environment and encourage people of all age to use them.</li> </ul>
<b>DISABILITY</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• <b>Public realm:</b> One of the aims of a SCGA Masterplan SPD is to deliver public realm improvements, such as public/green spaces and movement infrastructure including the number of crossings. This has the potential to benefit all groups including disabled people.</li> <li>• <b>Accessible Housing:</b> Provision of new wheelchair accessible and adaptable housing and blue badge parking designed and built to</li> </ul>

	<p>modern DDA standards would be beneficial to people with disabilities.</p> <ul style="list-style-type: none"> <li>• <b>Engagement:</b> People with some learning disabilities may find online surveys challenging and face difficulties understanding engagement materials. Efforts will be made to tailor engagement materials to the audience. This may include engaging with local organisations such as Brent Mencap and producing easy read versions of engagement materials. Efforts will also be made to ensure in-person events are accessible for wheelchair users.</li> </ul>
<b>RACE</b>	
<p><b>Details of impacts identified</b></p>	<ul style="list-style-type: none"> <li>• <b>Black, Asian and Minority Ethnic (BAME) communities:</b> According to the 2021 Census, 66% of the population of Dollis Hill were from BAME groups. There is a particularly high population of Black African, Pakistani and Indian people, as well as a higher than average other Asian population. Regeneration in the area is likely to benefit these groups through improved connectivity and public realm.</li> <li>• <b>Business Relocation:</b> The final SCGA Masterplan SPD could disproportionately affect employees from certain ethnic groups or races where businesses are relocated during redevelopment. Some sub-areas of Staples Corner have higher numbers of employees from certain races or ethnicities. For example, there is a significant Chinese population working in the Wing Yip area. There is also a high Indian population across much of Staples Corner. In order to mitigate potential negative impacts of business relocation, the Council will adopt a phased approach to relocation and require new development proposals to seek to retain businesses in the area and protect local employment. Developments impacting industrial sites will be supported by a Business Relocation Strategy that demonstrates how the applicant will work with existing businesses that wish to be retained/relocated. The council will continue to monitor and engage with businesses and residents to mitigate potential negative impacts.</li> <li>• <b>Housing:</b> Certain ethnic groups may have specific housing requirements, for example, larger family groups who choose to live in the same home may require larger houses. The Masterplan SPD promotes the provision of a range of new housing types and sizes to accommodate various local housing needs and support a diverse community. Lower incomes mean a higher prevalence on cheaper forms of accommodation. They will therefore benefit from improved standard of accommodation that the Design Code seeks to ensure.</li> <li>• <b>Engagement:</b> The Public Engagement Strategy recognises the need to strengthen and build connections with under-represented Black, Asian and Minority Ethnic groups and make greater efforts to engage with them. This includes translating engagement materials where appropriate and strengthening partnerships with local voluntary sector organisations. The council will also undertake a mixed methods approach to engagement, including targeted workshops and drop-in sessions, and will carefully</li> </ul>

	consider timings and location to ensure that as many people as possible can participate.
<b>SEX</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• Safety: Increased surveillance and high quality public realm is likely to provide increased safety, something which is particularly impact women.</li> <li>•</li> </ul>
<b>SEXUAL ORIENTATION</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• No obvious impacts upon groups with the protected characteristics of Gender Reassignment is identified in this equality analysis.</li> </ul>
<b>PREGANCY AND MATERNITY</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• No obvious impacts upon groups with the protected characteristics of Gender Reassignment is identified in this equality analysis.</li> <li>• <b>Community Spaces:</b> Increased community spaces will offer more opportunities for accessing services and support.</li> <li>• <b>Public/Green Spaces:</b> Connected network of safe and accessible public, green and playful spaces will also provide more opportunities and support for women in pregnancy and/or with children.</li> </ul>
<b>RELIGION OR BELIEF</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• The Brent Local Plan notes that there should be consideration to delivering religious buildings and other social infrastructure to support a larger residential and business community. The Masterplan SPD seeks to provide community infrastructure that is adaptable and could support a range of faith requirements. Public realm improvements will also improve connectivity and access to other local religious premises, potentially having a positive impact on various religious groups.</li> </ul>
<b>GENDER REASSIGNMENT</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• No obvious impacts upon groups with the protected characteristics of Gender Reassignment is identified in this equality analysis.</li> </ul>
<b>MARRIAGE &amp; CIVIL PARTNERSHIP</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>• No obvious impacts upon groups with the protected characteristics of Marriage &amp; Civil Partnership is identified in this equality analysis.</li> </ul>



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

No.

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

**SCGA Masterplan SPD**

The SCGA Masterplan SPD has been developed since 2022 through consultation with a wide range of key stakeholders including businesses/employees, residents, landowners, community groups, local councillors and internal stakeholders, with a focus on ensuring participants are representative of the people who will be affected by the Masterplan. The Council is committed to re-engaging the local community throughout the statutory public consultation process by summer 2024. The Equality Analysis of the SCGA Masterplan SPD will be updated once further engagement has taken place.

**Design Code**

Recruitment of the Staples Corner Community Champions for the engagement process took place at project initiation. The Staples Corner Community Champions group consists of 25 individuals who live, work, run businesses, or own property in Staples Corner and the surrounding area. These individuals were selected to provide input and steer the development of the design code and, potentially, the masterplan. The recruitment process, selection criteria, and demographics of the Community Champions group were evaluated by external consultants in relation to the broader population of Brent borough. Additional methods for the engagement strategy, such as outreach efforts, methods used to recruit and engage marginalised groups, and efforts to include various perspectives, were also relevant in determining the representativeness of the engagement process.

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

**Census data:** The demographics analysis of Staples Corner and surrounding areas is based primarily on 2021 Census data. Detailed and up-to-date information on race, ethnicity and language helped inform how the Council engages with the business community and identify any further equality impacts.

**SCGA Masterplan SPD:** The document is based on the policies set out in the Brent Local Plan, and the London Plan. These documents have gone through significant and rigorous scrutiny, both by the Council, residents, and other stakeholders. As such, it is considered that the SCGA Masterplan SPD as a result is based on a robust and evidence based approach, and therefore does not require any further evidence.

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

N/A

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

**SCGA Masterplan SPD**

Once the SCGA Masterplan SPD has been adopted, the Council is expected to consider the need to review the document every five years to ensure it remains relevant over the Local

Plan period. Notwithstanding this potential for review, the guidance must be sufficiently flexible and capable of responding to changes in market demands and commercial and economic circumstances. These are factors that can radically change in a short space of time.

The impact of the Masterplan will be assessed by monitoring the policies in the Local Plan and through the annual Authority Monitoring Report.

The SCGA Masterplan SPD will also provide information on measures that can be taken for future-proofing design in a changing climate and the vital transitioning to net-zero carbon. New development must embody the principles of sustainability and adapt to future changes, and this is particularly relevant as the SCGA is planned to be delivered over a period of approximately 15-20 years.

#### **Design Code**

The impact of the Design Code will be assessed by monitoring the policies in the Local Plan and through the annual Authority Monitoring Report.

### **SECTION C - CONCLUSIONS**

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

#### **SCGA Masterplan SPD**

The SCGA Masterplan SPD aims to deliver new jobs, homes and infrastructure, and in doing so support good growth, deliver high quality placemaking, and ensure social, economic and physical regeneration brings forward transformational changes, contributing to a vibrant and inclusive neighbourhood. By facilitating these objectives, the final SCGA Masterplan SPD has the potential to benefit the businesses, residents and diverse communities in Staples Corner and surrounding areas.

The final SCGA Masterplan SPD will potentially have positive impacts on existing and new communities, including groups with protected characteristics, as it will identify a range of placemaking, environment and sustainability principles which should apply to and guide comprehensive redevelopment of the area. There may also be specific positive impacts on groups with protected characteristics. Improvements to the public realm is likely to benefit all groups, particularly people of different age groups and those with disabilities. Provision of accessible and affordable housing will also benefit disabled people and those from socio-economically disadvantaged backgrounds. Given that Staples Corner and the surrounding areas have a high Black, Asian and Minority Ethnic population, regeneration in the area providing improved connectivity, infrastructure and employment opportunities is likely to benefit these groups.

The main potential negative impact of the SCGA Masterplan SPD that is identified is that some businesses might need to be relocated to alternative premises whilst redevelopment takes place. This could affect some ethnic groups more than others. The Council proposes a phased approach to relocation and will require new development proposals seek to retain businesses in the area and protect local employment, supported by a Business Relocation Strategy.

The SCGA Masterplan SPD will assist the Council in securing better quality residential development and industrial intensification improving the borough's environment and tackling climate change. This will positively impact upon a range of protected characteristics, helping to reduce inequalities for Brent residents in and around the Growth Area and consequently the quality of life generally for all.

## SECTION D – RESULT

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

## SECTION E - ACTION PLAN

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

<b>Action</b>	<b>Expected outcome</b>	<b>Officer</b>	<b>Completion Date</b>
SCGA Masterplan SPD Early and pre-statutory engagement	Collate and review all comments received during pre-statutory engagement and produce a Consultation Statement.	KC	Summer 2023
Development of the SCGA Masterplan, informed by further research/analysis and feedback from engagement activities. Modifications made to Equality Analysis and Public Engagement Strategy where necessary.	Integrate learnings from research and all comments from public consultation into the Masterplan.	KC	Spring/Summer/Autumn 2023
Statutory public consultation of the Draft SCGA Masterplan SPD for a minimum of six weeks	Review of all comments received throughout the consultation process	KC	Summer 2024

Final modifications and adoption of the SCGA Masterplan SPD, and Equality Analysis updated	The SCGA Masterplan SPD will now apply, any development proposals must take into account and adhere to the principles set out and guidance provided	KC	Autumn/Winter 2024
Review periodically (every five years)	Monitor and review equalities impacts	KC	n/a
Determine applications in accordance with the SCGA Masterplan SPD	Improved environment and development meeting policy requirements in London and Local Plan.	Development Management Officers, Planning Policy Officers, Urban Design Officer, Transport Officers and Environmental services	On-going

#### SECTION F – SIGN OFF

Please ensure this section is signed and dated.

<b>OFFICER:</b>	Kirti Chovisia, Regeneration Officer
<b>REVIEWING OFFICER:</b>	Kiran Chauhan, Project Manager
<b>HEAD OF SERVICE:</b>	Jonathan Kay, Head of Regeneration ; 15 <sup>th</sup> April 2024

 <p><b>Brent</b></p>	<p><b>Cabinet</b> 12 November 2024</p>
	<p><b>Report from the Corporate Director, Neighbourhoods &amp; Regeneration</b></p>
	<p><b>Lead Member - Cabinet for Environment and Enforcement (Councillor Krupa Sheth)</b></p>
<p><b>Authority to invite tenders for the provision of Street Lighting Maintenance Services</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Tony Kennedy, Head of Highways Management 020 8937 5025 <a href="mailto:tony.kennedy@brent.gov.uk">tony.kennedy@brent.gov.uk</a>

## 1.0 Purpose of the Report

1.1 This report concerns the procurement of Street Lighting services for maintenance and schemes. This report requests approval to invite tenders in respect of a contract for the provision of street lighting maintenance services as required by Contract Standing Orders 88 and 89.

## 2.0 Recommendation(s)

That Cabinet:

2.1 Approve inviting tenders for the provision of Street Lighting Maintenance Services on the basis of the pre - tender considerations set out in paragraph 3.3 of the report.

- 2.2 Approve Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.3.1 section (vi) of the report.
- 2.3 Delegate authority to the Corporate Director, Neighbourhoods and Regeneration in consultation with the Lead Member for Environment and Enforcement to award the contract for the provision of Street Lighting Maintenance Services for a term of four (4) years with the option to extend by yearly periods up to a maximum of two (2) years (on a 4+1+1 basis).
- 2.4 Approve the variation of the existing contract for street lighting maintenance services with FM Conway to permit the extension for the reasons set out in paragraph 3.2.7.
- 2.5 Approves the extension of the Contract detailed in paragraph 2.4 for a period of three (3) months from 1 April 2025 to 30 June 2025 in the sum of £333,000.00 for the reasons set out in paragraph 3.2.7.

### **3.0 Detail**

#### **3.1 Cabinet Member Foreword**

- 3.1.1 The purpose of street lighting is to improve road safety for motorists, cyclists and pedestrians. Street lighting can also play a role in the reduction of car crime, and fear of crime generally, in addition to encouraging economic and social activity during the hours of darkness. It is therefore essential we have provision in place for planned and reactive maintenance to ensure our lighting assets remain in good working order.
- 3.1.2 It will directly contribute to strategic priorities 1, 2 and 5 of the Borough Plan. Priority 1: Prosperity & Stability in Brent – Working street lighting supports the nighttime economy. Priority 2: A Cleaner Greener Brent, Priority 5: A Healthier Brent – working lighting set at appropriate levels encourages walking and cycling whilst also reducing the perception of fear of crime.

#### **3.2 Background**

- 3.2.1 The Council requires the provision of street lighting maintenance services of its street lighting stock, including illuminated signs and bollards. Officers have considered whether the provision of street lighting maintenance services can be provided by the Council itself but have concluded that street lighting maintenance services is best provided by an external contractor.
- 3.2.2 The maintenance services within the proposed contract will ensure that street lighting assets remain in light and are maintained to maximise their life span. The service also includes provision to rectify faults within 48 hours; and a 2 hour emergency response service in the event of an asset becoming unsafe due to a road traffic accident or vandalism, for example.

- 3.2.3 The Council use Symology to order and monitor scheme delivery and a Central Management System (CMS) to remotely monitor / adjust lighting levels. The CMS also detect faults that can then be issued to the contractor for repair / investigation
- 3.2.4 During the term of the new contract it will be necessary to carry out structural and electrical testing on all circa 21,000 columns. A similar exercise has just been completed and all columns categorised as "red" have been replaced. A number of columns categorised as "amber with limitations" will require further investigation during the new contract to confirm if the column needs to be replaced.
- 3.2.5 The Council is responsible for maintaining almost 21,000 street lights and columns, and 5,600 other street lighting assets. These include illuminated signs, bollards and Belisha beacons. FM Conway Limited are the current contractors delivering the service, having been appointed in 2019 on a 6 year contract on a 4+2 years basis. The current contract expires on 31 March 2025 and the Council requires street lighting maintenance services thereafter.
- 3.2.6 The purpose of this report is to seek approval to go out to tender for the provision of a contractor to deliver the full range of street lighting maintenance services for the Council.

### **Extension of existing contract**

- 3.2.7 Officer also recommend the variation and extension of the existing contract for street lighting maintenance services with FM Conway for a period of 3 months from 1 April 2025 to 30 June 2025. The Council entered into contractual arrangements for street lighting maintenance services with FM Conway on the 1<sup>st</sup> June 2019 for a period of 3 years with options to extend by a further 2 years. The extension options in the contract have been utilised and the contract is due to expire on 31 March 2025. Officers envisage that the new contract for Street Lighting Maintenance Services will not be in place by 1 April 2025 due to the lack of resources to prepare the procurement which has led to time constraints with the procurement timetable. Officers therefore recommend that the existing contract is varied and extended for a period of 3 months to avoid a disruption of services until the procurement process is completed and the new contract is in place. Officers have entered into discussions with FM Conway to explore the possibility of varying and extending the existing contract from 1 April 2025 to 30 June 2025, and FM Conway have indicated their agreement to the proposed variation and extension for 3 months.

### **3.3 Pre-tender Considerations**

- 3.3.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the contract for Street Lighting maintenance services (the "Contract") have been set out below for the approval of the Cabinet.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(i)	The nature of the services / supplies / works.	The provision of planned and reactive maintenance services for all illuminated street furniture, including street lighting, illuminated signs and bollards. The provision of services to deliver scheme work for both Council and third party schemes. Provision of call-out service.	
(ii)	The estimated value.	Circa £8m excluding VAT (over six (6) years on an initial four (4) year term with options to extend by yearly periods up to a maximum of two (2) years)	
(iii)	The contract term.	Four (4) years with the option to extend by yearly periods up to a maximum of two (2) years (on a 4+1+1 basis)	
(iv)	The tender procedure to be adopted.	Open	
(v)	The procurement timetable.		<b>Indicative dates are:</b>
		Adverts placed	December 2024
		Expressions of interest returned	January 2025
		Invite to tender	January 2025
		Deadline for tender submissions	February 2025
		Panel evaluation and shortlist	February 2025
		Interviews (if any) and contract decision	March 2025
		Report recommending Contract award circulated internally for comment	March 2025
		Corporate Director approval	April 2025
		Minimum 10 calendar day standstill period – notification issued to all	April 2025



Ref.	Requirement	Response
		<p>tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full requirements of PCR 2015 only)</p>
		<p>Contract Mobilisation</p> <p>May 2025</p>
		<p>Contract start date</p> <p>1 July 2025</p>
(vi)	The evaluation criteria and process.	<p>1. A selection questionnaire will be used to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>2. For those meeting the requirements, the panel will evaluate the tenders against the following criteria:</p> <ul style="list-style-type: none"> <li>• Price 40%</li> <li>• Quality 50%</li> <li>• Social Value 10%</li> <li>• Health &amp; Safety compliance pass/fail</li> </ul>
(vii)	Any business risks associated with entering the Contract.	No specific business risks are considered to be associated with entering into the Contract.
(viii)	The Council's Best Value duties.	An open tendering process will enable the Council to achieve best value for money.
(ix)	Consideration of Public Services (Social Value) Act 2012	The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and social value forms 10% of the evaluation score.
(x)	Any staffing implications, including TUPE and pensions.	See section 9 below.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(xi)	The relevant financial, legal and other considerations.	See sections 5 and 6 below.
(xii)	Sustainability	This has been assessed in line with the Procurement Sustainability Policy and determined that a quality measure for sustainability is not required and can be captured as part of the Social Value criteria.
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.
(xiv)	London Living Wage	The Contract will require the payment of the London Living Wage.
(xv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.

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

#### **4.0 Stakeholder and ward member consultation and engagement**

4.1 The Cabinet Member for Environment and Enforcement has been consulted on this report.

#### **5.0 Financial Considerations**

5.1 The estimated total value of the service to be provided under the contract over the contract term of 6 years (4+1+1) is £8m at today's prices.

5.2 The 3 month extension has been agreed with the supplier, which is in line with the current contract price, and therefore within existing budget.

5.3 The cost of the new Contract will be funded from existing revenue budget within Highways Management.

#### **6.0 Legal Considerations**

6.1 The estimated value of the Contract is above the threshold for Services under the Public Procurement Regulations 2015 (the "PCR 2015") and the procurement is therefore governed by the PCR 2015.

6.2 The procurement is subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts given the procurement is valued at £8,000,000 plus VAT for High Value Contracts, the Cabinet must approve

the pre-tender considerations set out in paragraph 3.3 above (Contract Standing Order 89) and the inviting of tenders (Contract Standing Order 88).

- 6.3 In accordance with Recommendation 2.3, once the tendering process is undertaken, Officers will report to the the Corporate Director, Neighbourhoods & Regeneration explaining the process undertaken in tendering the Contract and recommending award.
- 6.4 As this procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the PCR 2015 before the Contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the Contract may commence.
- 6.5 As the decision that is being sought here is a Key Decision, the decision may not be taken by Cabinet unless this matter has been published on the Forward Plan. The Key Decision must be published on the Forward Plan (Paragraph 30 of the Access to information rules) and must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 34 of the Access to Information Rules).
- 6.6 As the decision that is being sought here is a Key Decision, the decision is subject to a 5 clear day call-in period. This call-in period will run concurrently with the standstill period under the PCR 2015. The decision to award may not be implemented until after expiry of the call-in period provided that no call in has been made.
- 6.7 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) is likely to apply where there is a continuation of the service by a new provider upon contract award. Should a new provider be awarded the Contract then TUPE is likely to apply in this instance. There will be no Council staff impacted by this decision.
- 6.8 Officers recommend the variation and extension of the original contract for street lighting maintenance services with FM Conway as set out in paragraphs 2.4 and 2.5. The value of the original contract is such that it is subject to application of the Public Contract Regulation 2015 (PCR 2015).
- 6.9 A contract may only be modified (to include an extension) without a new procurement procedure where this is done in accordance with Regulation 72 of the PCR 2015. Regulation 72 sets out various circumstances in which it is possible to vary and extend a contract. Regulation 72 (1)(b) of the PCR 2015

states that contract and framework agreements may be modified without a new procurement procedure for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:

- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and
- (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority;

provided that any increase in price does not exceed 50% of the value of the original contract.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:

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

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

7.3 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.

7.4 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.

7.5 The proposals in this report have been subject to screening and Officers believe that there are no adverse equality implications.

7.6 There are no health equalities implications arising from this report

## **8.0 Climate Change and Environmental Considerations**

8.1 All of our light columns have been converted to LED and subjected to lighting level reviews for dimming. During the term of the Contract further energy savings will be explored through an illuminated bollard replacement programme and review of illuminated signs.

## **9.0 Human Resources/Property Implications (if appropriate)**

9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract. However, if a new provider is awarded the Contract then there will be TUPE implications with staff from the incumbent provider liable to transfer pursuant to TUPE to the new provider. As part of the procurement process all employee liability information will be shared with bidders.

9.2 This service is currently provided by an external contractor and there are no property considerations.


## **10.0 Communication Considerations**

10.1 N/A

**Report sign off:**

**Alice Lester**  
Corporate Director,  
Neighbourhoods and Regeneration

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 <p><b>Brent</b></p>	<p><b>Cabinet</b> 12 November 2024</p>
	<p><b>Report from the Corporate Director Neighbourhoods and Regeneration</b></p>
	<p><b>Lead Member – Cabinet Member for Environment &amp; Enforcement (Councillor Krupa Sheth)</b></p>
<p><b>Authority to invite tenders in respect of appointing Charging Point Operator (s) to supply, install, operate and maintain electric vehicle charge points on behalf of Brent in relation to the Local Electric Vehicle Infrastructure (LEVI) Funding</b></p>	

<b>Wards Affected:</b>	All wards
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Annekatriin Dennemann, Principal Transport Planner Spatial Planning 020 8937 3553 <a href="mailto:Annekatriin.dennemann@brent.gov.uk">Annekatriin.dennemann@brent.gov.uk</a>

## 1.0 Executive Summary

1.1 This report provides Cabinet with proposals to expand electric vehicle charging provision in Brent including a funding opportunity to further expand the charge point network in the borough. The Council, as part of a six strong London boroughs partnership, is seeking to invite tenders in respect of appointing a Charge Point Operator(s) to supply, install, operate and maintain up to 2,723 additional electric vehicle charge points in Brent. The report makes recommendations for Cabinet to approve accepting Office for Zero Emission Vehicles funding and enter a tender process as part of a borough partnership.

## **2.0 Recommendations**

That Cabinet:

- 2.1 Approve the Council receiving Local Electric Vehicle Infrastructure (“LEVI”) funding provided by the Office of Zero Emission Vehicles (“OZEV”) for the purpose of procuring additional on-street electric vehicle charge point infrastructure within Brent and entering into a funding agreement with OZEV in the sum of £1,250,000.
- 2.2 Approve the Council collaboratively procuring with five other London boroughs a Charge Point Operator(s) to supply, install, operate and maintain up to 2,723 electric vehicle charge points across Brent.
- 2.3 Agree that the London Borough of Hammersmith and Fulham will act as the lead authority in the collaborative procurement detailed in 2.2 for the reasons detailed in paragraph 3.4.1 and accordingly that in its Standing Orders and Financial Regulations will be used for the collaborative procurement.
- 2.4 Delegate authority to the Corporate Director for Neighbourhoods and Regeneration, in consultation with the Cabinet Member for Environment and Enforcement, to award a fifteen-year contract(s) with the successful bidder(s) to provide up to 2,723 on-street electric vehicle charge points across Brent, as specified in the Heads of Terms set by OZEV.

## **3. Detail**

### **3.1 Cabinet Member Foreword**

- 3.1.1 The Borough experiences a range of transport and related challenges, including long-standing issues around congestion, air quality and road safety, as well as growing problems around public health inequalities and climate change. A key priority for the Council is to enable greener and more active and sustainable travel choices, with a particular emphasis on encouraging journeys to be completed by walking, cycling and public transport thereby reducing the number of journeys completed by private motor vehicles. Facilitating the take-up of zero/low-emission vehicles through expansion of the charging infrastructure for electric vehicles addresses concerns about range and is central to achieving the abovementioned priority of achieving a greener Brent.
- 3.1.2 Fuel use and emissions from road transport is one of the key sources of CO2 emissions in Brent, representing 22% of the borough’s territorial carbon dioxide emissions. The Brent Climate and Ecological Emergency Strategy 2021-2030 set out in key theme 2, Transport, that petrol and diesel road journeys will have at least halved by 2030 whilst residents’ journeys by walking, cycling or public transport should have increased. Many of Brent’s drivers have already changed from a petrol or diesel car or van to an electric vehicle (EV).



3.1.3 One of the Borough Plan five specific priorities to build a Better Brent is to build 'A cleaner, more considerate Brent'. Further expansion of the borough's EV charging infrastructure to support the continued transition from petrol and diesel vehicles to EVs will help achieve this.

3.1.4 The Brent Long Term Transport Strategy Review 2022 set out a principal Delivery Plan with measures and interventions aimed at helping to reduce traffic and facilitate healthy, sustainable travel in Brent. Brent's Electric Vehicle Charging Infrastructure Plan 2022-2041 was developed in support to bring about a step change in the provision of publicly available EV charging facilities.

## **3.2 Background**

3.2.1 In exploring funding opportunities and entering into various partnerships with a range of charge point operators the Council has made substantial progress in delivering EV charging infrastructure over recent years. At present there are 831 charge point sockets operational and accessible for public use on Brent's public highway, including:

- 612 standard CPs (3.7- 8kW);
- 204 fast CPs (8-50kW);
- 15 rapid CPs (50-150kW);
- An additional 30 fast CPs will become available for use in spring 2025; and
- 90 Trojan CPs (7-22kW) have been installed on a trial basis and are expected to be formally integrated into Brent's public charging infrastructure in the coming months.

In summary this means that there will be 951 charge point sockets available by early 2025 with a further 30 to 40 charge point sockets planned to be installed later during 2025.

3.2.2 Despite the progress made to date, challenges associated with existing local EV infrastructure provision remain. An analysis of current and future EV infrastructure ("EVI") provision in Brent and across parts of London reveals the following:

- Disparities in access to off-street parking and socio-economic factors significantly influence EV adoption rates across London, with parts of outer London and areas of high deprivation often seen as less attractive by operators for investment in EVI.
- Strategic deployment and expansion of EVI is imperative to meet projected EV growth in London and ensure equitable access to charging. As the number of drivers using/purchasing electric vehicles increases, there is a growing need to provide additional charge points and supporting infrastructure, particularly for those who do not have access to private, off-street parking.

### **3.3 Local Electric Vehicle Infrastructure Fund**

3.3.1 The Government's Office for Zero Emission Vehicles (OZEV) set the Local EV Infrastructure (LEVI) Fund to support local authorities across England to plan and deliver charging infrastructure for residents without off-street parking. The fund comprises:

- capital funding to support charge point delivery and
- capability funding to ensure that local authorities have the staff and expertise to plan and deliver charging infrastructure.

3.3.2 Indicative capital funding has been allocated to Tier 1 local authorities (unitary, county Council or combined authorities) in England on behalf of all their constituent authorities. In London, capital funding will be delivered through borough partnerships.

3.3.3 Brent has been entered into one of London's borough partnerships: Partnership 6. This partnership comprises of six boroughs: Brent, Hammersmith & Fulham, Harrow, Ealing, Hillingdon and Haringey. Following the submission of an Expression of Interest (Stage 1) in May 2023, Partnership 6 has been provisionally allocated LEVI funding totalling £7,544,000 for the purpose of delivering on-street charging infrastructure to support residents to make the switch to electric vehicles. A decision on the funding is still to be formally confirmed so that the Corporate Director's, Finance and Resources approval of acceptance of LEVI funding is at this point not yet required. Additionally, in acknowledgement of the LEVI programme's demand on officer time, Brent and the other partnership boroughs have individually received capability funding. Brent received £80,000 for 2024/25.

3.3.4 The primary focus of the proposed further expansion of the existing EVI network across the partnership area aims at meeting provision requirements that enhances accessibility and convenience. Brent specific challenges to be addressed include:

- Disparities in access to off-street parking within the borough, impacting EV adoption rates.
- High levels of air pollution in central and south-central areas.
- Transition of many taxis and PHVs registered in Brent to EVs to positively impact local emission levels will require the expansion of the EVI.

3.3.5 Based on a predominately residential charging model, where most CPs will be in residential streets, the 2022 Brent Electric Vehicle Infrastructure Plan (EVCIP) projected a need of 3,100 CPs by 2030. However, the EV and charging infrastructure market is rapidly evolving so that projections are subject to change.

3.3.6 Cenex, a consultancy commissioned by OZEV to form part of the support body assisting in the delivery of the LEVI programme, have developed the National EV Insights and Support (“NEVIS”) service, which supplies data, maps and modelling. Based on March 2024 NEVIS projections for a residential high growth model continued and substantial growth of Brent’s EV infrastructure will be required in order to enable Brent’s drivers to make the switch from petrol- and diesel-powered cars and vans to EVs. The above projections show that Brent’s EV fleet will require a total of 3674 on-street CPs by 2030. This means an additional 2,723 CPs compared to current provision.

3.3.7 NEVIS projections further show that delivery of these 2,723 additional charge points should be prioritised in high demand areas that have a high percentage of on-street parking, low current numbers of CP provision and are lagging in EV uptake.

3.3.8 LOTI (London Local Government’s Innovation Team), a coalition of London Boroughs, London Councils and the Greater London Authority (“GLA”), is assisting boroughs to work together, use innovation, data and technology, be high-performing organisations, improve services and tackle London’s biggest challenges together. LOTI has set up a dedicated EV Charger Dashboard, a data and mapping service that provides numerous useful information that help to inform EVCP site identification. As a LOTI member, Brent Council can access the EV Charger Dashboard.

3.3.9 Building on the Brent EV Charging Infrastructure Plan, supplemented with analysis of more recent datasets provided by NEVIS and LOTI and in line with OZEV LEVI funding guidance, provisionally proposed charging device locations have been drawn up. The Criteria for identifying these areas include:

- highest proportion of on-street parking, socio-economic factors that significantly influence EV adoption;
- poor access to public transport links;
- high car ownership density;
- large number of registered taxis and PHVs;
- high numbers of Motability customers;
- areas with high numbers of EVCP resident requests; and
- strong utilisation of existing EVI.

3.3.10 Based on the above a range of Brent postcode areas have provisionally been identified for priority charging network expansion.

- Brondesbury NW2
- Church End NW10
- Cricklewood Anson Road NW2
- Harlesden NW10
- Kensal Green NW10
- Kilburn West NW6
- Kingsbury NW9 0
- Preston HA9 9

- Queens Park NW6
- Queensbury NW9/HA7/HA8
- Roundwood Park NW10
- South Kilburn/Kilburn Park NW6
- St Raphael's Estate NW10 0
- Stonebridge NW10
- Sudbury Hill HA0 2
- Wembley Park HA9 8
- Willesden Green NW2

3.3.11 Individual sites will require detailed assessment to ascertain whether they are feasible for installation of charge points, the type and number of charge points that could be supported, and whether any potential mitigation measures might be required, or alternative locations need to be considered. Site assessments will be undertaken following the appointment of a CPO(s) and a final list of locations drawn up.

3.3.12 When determining appropriate locations for new charging infrastructure, the Council will also take into consideration a range of additional factors, including existing/potential parking pressures; road safety and access considerations; potential harm to the streetscape, whether the area is within a Green Neighbourhood, heritage considerations and access to appropriate power networks. Charge points would be installed under Permitted Development rights.

3.3.13 A prioritisation process considering the above range of criteria will be established to inform which locations should be prioritised for installation in a manner that both meets OZEV's priorities and support EVI delivery in areas where demand is currently lower due to socio-economic factors as well as such locations that offer sufficient financial incentive vis a vis utilisation levels and thus profitability to charge point operators.

3.3.14 It is anticipated that almost all charge points will be installed on the public highway. Some will require designated parking bays, enforceable via a Traffic Management Order (TMO), to ensure that these bays remain accessible to EV for the purpose of charging only and are not blocked by petrol or diesel vehicles. Assessment of potential locations will take care to ensure that any loss of existing resident or pay and display parking bays is avoided wherever possible. Any loss will be kept to a minimum.

3.3.15 Officers from across the partnership have been working collaboratively on a joint formal application for funding under the LEVI programme (Stage 2). The application has been submitted by LB Hammersmith & Fulham, currently the partnership lead borough, on 19th July 2024. As part of the application the partnership is seeking capital funding to deliver up to 12,000 charge points across the six boroughs with up to 2,723 of these to be delivered solely within Brent. Details of the capital funding application can be accessed via the following link:

<https://www.gov.uk/guidance/apply-for-local-ev-infrastructure-levi-funding> .

- 3.3.16 In response to the application the partnership received positive feedback but was also requested by OZEV to provide some additional information regarding specific aspects of the application. The partnership boroughs are in the process of providing this additional information.
- 3.3.17 In anticipation of the partnership securing the requested funding from OZEV, the Council as part of this partnership, is now preparing to commence Stage 3 - the tender process in order to procure CPO(s) to deliver a high value contract for the supply, installation, operation and maintenance of electric vehicle charging points on the public highway across all partnership boroughs.
- 3.3.18 LEVI funding and forming a partnership with neighbouring boroughs provides the opportunity and economy of scales to attract substantial additional private sector investment in the expansion of the charging infrastructure for electric vehicles, facilitating a continued and equitable take-up of zero/low-emission vehicles.. This is central to addressing transport related challenges, including long-standing issues around congestion and air quality, as well as growing problems around public health inequalities and climate change. This will also help achieve one of the Council's key priorities: to enable greener and more sustainable travel choices.

#### **3.4 Procurement and delivery of Charge Points and Operator(s)**

- 3.4.1 OZEV requires borough partnerships to undertake a single joint procurement for one or more suitable CPO(s). Subject to relevant internal approvals of six councils, the partnership has agreed to enter into an open procurement process to appoint a charge point operator(s) (CPO) across the six boroughs, though each borough will enter into its own contract with the CPO. As detailed in paragraph 3.3.15, the LB Hammersmith & Fulham is currently the partnership lead borough, having submitted the grant application and therefore it is considered that it should lead on the procurement and as a result, its Contract Standing Orders and Financial Regulations should be used for the procurement.
- 3.4.2 Early market engagement and work on developing the various tender documents including detailed specifications of requirements is under way with documents required to align with the requirements of the Heads of Terms (HoTs) as set out by OZEV. Formal agreement by the participating local authorities to these HoTs is a condition for receiving LEVI funding. The HoTs can be accessed here:
- [https://nevis.cenex.co.uk/assets/procurement\\_forum/concession-heads-of-terms\\_v4.7.4\\_published.pdf](https://nevis.cenex.co.uk/assets/procurement_forum/concession-heads-of-terms_v4.7.4_published.pdf)
- 3.4.3 Once Invitation to Tender (ITT) documents are finalised and agreed with the Government's support body Expressions of Interest (EoI) will be requested from previously identified potential CPOs before these are formally invited to tender. Ultimately the procurement process, notification of award and contract completion is not expected to conclude before late 2025.

- 3.4.4 Following the appointment of an operator(s) further technical work will be undertaken to confirm suitable charge point locations, which will then, where applicable, be consulted upon through public consultation and the required statutory Traffic Management Order (TMO) process. Following installation of a charge point the CPO will become responsible for its continued operation and maintenance for the duration of the contract.
- 3.4.5 The EV & Shared Mobility Programme Coordinator, a post created within the Transportation Planning Team, will be filled from November 2024, funded in part by the capability funding as well as income generated through some of the exiting EVI contracts. The post holder will lead on the LEVI project delivery and contract management. Discussions are currently underway on the establishment of an internal, cross-service EVI Project Management Working Group consisting of experienced staff and senior managers from the Transportation Planning Team and the Healthy Streets & Parking Team who to date have led on existing Council EVI policy, planning and delivery. The working group's role will be to support different elements of the project including site selection phase, public and statutory consultation processes and TMO creation. A project steering group will provide strategic direction and leadership on this project's forward planning and delivery as well as identification and management of any operational risks. The working group and the steering group will report through existing corporate reporting and management structures as well as the Lead Member for Environment & Enforcement.
- 3.4.6 LEVI funds will have to be spent solely on EV infrastructure, however, as part of the preparation of tender document the partnership is currently exploring options for mechanisms to generate revenue for partnership boroughs to support rising staffing costs in respect of project planning and delivery as well as ongoing project management over the 15-year contract period. There is still some uncertainty regarding the CPO contract structure and how revenue share mechanisms will be selected and split. Options under consideration include fixed EV bay licence fees and pence per kW charge revenue to be shared across partnership boroughs. It is anticipated that the contract will also include details regarding benchmarking and capping of pence per kW charging tariffs as well as end of contract arrangements such as removal of CPs that are no longer required and making good of surfaces at nil-cost to the Partnership boroughs.
- 3.4.7 Key risks linked to the successful procurement of a CPO and delivery of the proposed charge points include:
- Procurement as partnership: Partnership Procurement as one will bear significant risks, particularly with respect to aligning positions, development of tender documents, reporting and sign-off.
  - Availability of staff resources: Preparation of tender documents, specification of requirements, evaluation, and moderation of submissions across six boroughs, contract negotiations, management of delivery stage

and contract over fifteen-years will require substantial staff time. Availability of sufficient staff resources is a key risk.

- Capacity and capability of charge point operators: EV charging infrastructure is a developing field where technology is continuously evolving, and the legislative framework is subject to change. Charge point operators are developing their capacity and capability to operate in this immature market alongside these advancements, carrying risks regarding their capacity and capability to fulfil technical, operational and contractual requirements.

### 3.5 Next Steps

3.5.1 The table below outlines the next steps and indicative delivery programme for the LEVI programme. This programme is subject to change.

**Table 3.5.1 Next Steps and Indicative Delivery Programme**

<b>Timeframe</b>	<b>Key Tasks/Activities</b>
October/November 2024	Develop Invitation to Tender Documents
March 2025	LEVI Grant Approval and Reception by Partnership
Early 2025 to late 2025	Procurement and Contract Development
Early to mid-2026	Contract Completion





- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Annual review of hardware</li><li>• Remote diagnostics of equipment</li></ul> |
|--|---|

### **3.6 Alternative Options Considered**

- 3.6.1 The expansion of EVCP provision in the borough forms a key component of the Council's current and emerging policies around mitigating climate change, improving air quality and 'greening' transport, but is largely dependent on the provision of third-party funding to progress.
- 3.6.2 In combination with the Government's LEVI grant funding private sector funding provided by a CPO ensures that the necessary financial capacity to deliver the large number of charge points necessary to meet the EV charging infrastructure needs projected. Without LEVI funding as an incentive to encourage CPOs to invest in delivery of EV infrastructure in locations across the borough, areas where socio-economic factors have to date resulted in a much slower transition to EVs, these areas would likely not see the numbers of EVCPs required to inspire and enable local drivers to switch to an EV. Equitable EVI coverage presently depends on grant funding so that charge point operator(s) will make available match funding to provide, install, operate and maintain the EV infrastructure delivered through this project.
- 3.6.3 A small number of local authorities, facilitated by capital loans from e.g. the Public Works Loan Board, are opting to adopt an 'own and operate' model where they invest in the charging hardware themselves and appoint a CPO to operate the charge points on their behalf. This puts the local authority in a stronger position when negotiating a percentage share of revenue as well as charging tariffs with the CPO. In the anticipation of strong charge point utilisation a favourable share of revenue is hoped to provide these local authorities with the financial returns that enables them to service their loan agreements as well as, over time, generate an income.
- 3.6.4 Whilst this may be an attractive option it is considered that the council does not currently have the capacity and capability required to deliver and manage this type of project set up.

## **4. Stakeholder and ward member consultation and engagement**

- 4.1 Locations will be subject to public consultation with residents and businesses. Depending on the outcome, the Traffic Management Orders will be progressed, which require statutory consultation and the placing of notices. Officers will consider any objections during the process and may choose to change proposed locations.

## **5. Financial Considerations**

- 5.1 Funding for this programme will be provided from two sources: a contributory grant from the OZEV, and the successfully appointed CPO(s) (see paragraphs 5.4 and 5.5). Brent has applied for £1,250,000 LEVI funding from OZEV in support of the initiatives outlined in Section 3 of this report. The funding begins

in 2024/25 and is expected to cover the stages up to 2030 outlined in table 3.5.1, though delivery timings may vary. There is no requirement for match funding from Brent. OZEV will supply between 15% and 30% of funding required, whilst the appointed CPO(s) will be expected to provide between 70% and 85% match funding in addition to meeting all operational and maintenance costs associated with the respective charge points over the duration of the concession contract, which is expected to be in place for 15 years.

- 5.2 The £1,250,000 awarded to Brent represents one-sixth of the total of the £7.5m awarded to the partnership for the six London boroughs and 15% - 30% of the capital costs associated with the delivery of up to 2,723 electric vehicle charge points solely within Brent and many more across the partnership area. The EV infrastructure delivery costs have been benchmarked against equivalent costs of similar infrastructure installed in the borough and elsewhere in London.
- 5.3 The total amount of funding available for the supply, installation, operation and maintenance will be determined by the percentage share of LEVI funding relative to the percentage share of investment the CPO(s) will be willing to contribute.
- 5.4 At a minimum OZEV is expecting a total project funding and investment envelope for each individual partnership borough at around:
- 30% LEVI funding + 70% CPO investment, i.e.
  - £1,250,000 LEVI funding + £2,916,666 CPO investment = £4,166,666
- 5.5 At a maximum OZEV is expecting a total project funding and investment envelope for each individual partnership borough at around:
- 15% LEVI funding + 85% CPO investment, i.e.
  - £1,250,000 LEVI funding + £7,083,333 CPO investment = £8,333,333
- 5.6 Expenditure will be monitored in line with specific project plans, to ensure it is spent in accordance with the timeframes and conditions set out by the funders. The Council is already in receipt of additional £80,000 Capability Funding from OZEV to fund additional staff resource to begin delivery of the project in 2024/25 and to cover certain legal costs. Additional costs associated with the delivery of the proposed charge points, such as TMOs, public consultations etc., should not put a burden on Council revenue budgets. Officers will require contributions from the CPOs to cover any ancillary costs. The partnership is seeking to make provisions to address this in the tender documents and subsequent CPO contract details.
- 5.7 Borough partners would seek a percentage of charge point turnover rebate to be paid annually in arrears, once utilisation reaches a sufficient threshold, in line with the LEVI Heads of Terms. The amounts would be proposed by the CPOs in their tender bids but would only make up a small element (no more than 5-10%) of the evaluation, with the vast bulk of the evaluation being driven by the number of charge points proposed, i.e. maximising the output from the LEVI grant. Revenue will help to fund ongoing monitoring and help to mitigate

any loss of parking revenue (non-infrastructure costs). A separate administration fee would also be charged annually to cover contract management, based on pro-rata FTE staff costs in each borough. More details will become apparent once CPOs have been procured.

- 5.8 Dependent on the final contract the Council may also stand to receive a licence fee and a share of the revenue from the CPO for operating charge points in the public highway which could in part compensate for any parking income loss and project related staffing costs. Details will have to be explored more in detail as part of the tender process and contract negotiations.

## **6. Legal Considerations**

- 6.1 The Council's powers to apply for grant funding and enter into a Grant Funding Agreement derive from section 111 of the Local Government Act 1972 and the power of general competence set out in section 1 of the Localism Act 2011.
- 6.2 Approval is sought to enter into a funding agreement with OZEV in the sum of £1,250,000. Prior to determining that the Council can enter into a Grant Funding Agreement, the Cabinet must ensure that the objectives of the Grant Funding Agreement are consistent with the Council's objectives and priorities in accordance with Financial Regulation 9.1.1.
- 6.3 Legal Services have reviewed the grant agreement and can confirm that it is legally permissible for the Council to enter into the grant agreement.
- 6.4 Upon receiving the Grant Funding the Council will need to procure and appoint a CPO(s) to supply, install, operate and maintain electric vehicle charge points. This will be a joint procurement with 5 other local authorities with a joint total value of £7,544,000. Officers are proposing that a concession contract(s) is awarded to a CPO(s) for a period up to 15 years. As the appointment of CPO(s) will be classed as a Concession Contract, the procurement will therefore be subject to the Concession Contracts Regulations 2016. The threshold for concession contracts is £5,336,937. The overall value of the concession contracts to be procured by all six authorities will exceed the threshold for concession contracts for reasons stated in Section 5 of this report.
- 6.5 The value of Brent's element of any procurement is £1,250,000. As such it would ordinarily be procured in accordance with the Council's Contract Standing Orders and Financial Regulations for Medium Value Contracts. For the reasons detailed paragraph 3.4.1 it is proposed that the London Borough of Hammersmith and Fulham act as the lead authority in the collaborative procurement and accordingly that its Standing Orders and Financial Regulations will be used for the collaborative procurement.
- 6.6 As the procurement is subject to the full application of the Concession Contracts Regulations 2016, the Council must observe the requirements of the mandatory minimum 10 calendar day standstill period imposed by the Concession Contracts Regulations 2016 before the CPO contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision

to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However, if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

## **7. Equity, Diversity & Inclusion (EDI) Considerations**

- 7.1 The public sector duty set out in Section 149 of the Equality Act 2010 requires the Council, 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, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 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.
- 7.3 Road transport is the main source of nitrogen dioxide (NO<sub>x</sub>) and a significant contributor to particulate matter (PMs) in Brent, two of the most dangerous pollutants, which contribute to the premature death of nearly 10,000 people a year in London. Motor vehicles are currently responsible for 49% of NO<sub>x</sub> emissions and 30% of PM<sub>10</sub> emissions in the borough. Facilitating the uptake of low/zero emission vehicles through increased provision of electric vehicle charging facilities provides significant opportunities to improve air quality in parts of the borough and will benefit the health of everyone who lives or works in or visits Brent. The Council is taking into account the high levels of air pollution in the south and south-central areas of the Borough as part of its criteria for expanding the EVI network, and increasing usage of electric vehicles in those areas as well as the wider borough area may positively impact the health and wellbeing of residents.
- 7.4 In addition, the criteria for identifying areas for charging device locations in Brent include poor access to public transport, and high numbers of Motability customers, indicating there may be positive equality impacts on people with disabilities as the additional EV charging infrastructure and availability of EVs may reduce the burden of traveling to a public transport station or bus stop.
- 7.5 As charge points are to be located on the public highway, a consultation process will be conducted. Any aspects of individual charge point locations that might have the potential to disproportionately or negatively impact on

individuals or groups with protected characteristic will be identified and addressed at this stage to ensure fairness and inclusivity.

## **8 Climate Change and Environmental Considerations**

- 8.1 Supporting and encouraging Brent drivers in their transition from petrol and diesel vehicles to EVs is seen as key to helping address the climate emergency and poor air quality. Amongst the key actions identified in the Brent Climate and Ecological Emergency Strategy and the Brent Air Quality Action Plan include plans for petrol and diesel road journeys to have at least halved by 2030 and for the borough's EV charging infrastructure to be expanded. The EV charge points proposed to be delivered funded through LEVI and CPO investment are part of these plans.

## **9 Human Resources/Property Considerations (if appropriate)**

None.

## **10 Communication Considerations**


None.

**Report sign off:**

**Alice Lester**

Corporate Director Neighbourhoods and  
Regeneration

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 <b>Brent</b>	<b>Cabinet</b> 12 November 2024
	<b>Report from the Corporate Director, Care Health and Well Being.</b>
	<b>Lead Member - Cabinet for Community Health and Wellbeing (Councillor Neil Nerva)</b>
<b>Authority to Award the contract for the provision of Integrated Treatment, Recovery Wellbeing and Substance Misuse Service</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Andy Brown, Head of Substance Misuse, 0208 937 6342 <a href="mailto:andy.brown@brent.gov.uk">andy.brown@brent.gov.uk</a>

## 1.0 Executive Summary

1.1 This report concerns the delivery of the Integrated Treatment Recovery Wellbeing and Substance Misuse Service. The report outlines the current position with regard to delivery of services and sets out proposals for the re-procurement of a contract for the Integrated Treatment Recovery Wellbeing and Substance Misuse Service using the Provider Selection Regime.

## 2.0 Recommendation(s)

That Cabinet

2.1 Notes that the Integrated Treatment Recovery Wellbeing and Substance Misuse Service is currently provided to the Council by VIA Community Ltd.

2.2 Approves the direct award under the Provider Selection Regime of a replacement Integrated Treatment Recovery Wellbeing and Substance Misuse Service to VIA Community Ltd for a period of 1 year 4 months.

### **3.0 Detail**

#### **3.1 Cabinet member foreword**

- 3.1.1 The contract for the Integrated Treatment Recovery Wellbeing and Substance Misuse Service detailed in this report supports the Brent Borough Plan 2023 – 2027 priorities of ‘Thriving Communities’, ‘A Healthier Brent’ and ‘Prosperity and Stability in Brent’. This Service also closely aligns with the Health and Wellbeing Strategy 2022 – 2027 ‘Healthy Lives’ priority.
- 3.1.2 The Integrated Treatment Recovery Wellbeing and Substance Misuse Service is provided by Via Care (formerly WDP - Westminster Drugs Project) the services delivers against the key priorities outlined in 2021 National Drug Strategy: *From Harm to Hope* and this includes Clinical Prescribing including relapse prevention, Treatment and Recovery Services, Care Planned Counselling service and Recovery Day Programme, Outreach and Engagement, Criminal Justice Interventions and Young Persons Early Intervention and Prevention Services.
- 3.1.3 There is evidence that being in treatment has marked impacts on the wider health and social care economy, as well as on levels of offending. There continues to be a recognition that evidence-based drug and alcohol services support improvements in health, reduce drug and alcohol related deaths, reductions in blood borne viruses, improve relationships and reduce wider social harms. Substance misuse services in Brent have always been required to demonstrate to Public Health commissioning leads how they contribute to these wider societal agendas.
- 3.1.4 There is an extensive Treatment and Recovery offer available to Brent residents which is tailored according to individual health and social care needs in which all those who access the service have a clinical assessment and an individual care plan which will also include advice about health and wellbeing, regular one to one key working sessions, support groups, weekend services as well as a range of education, training and employment programmes and opportunities for volunteering.
- 3.1.5 Increasing the numbers in structured treatment is a central tenet of the *Building a World Class Treatment System* chapter of the National Drug Strategy: *From Harm to Hope* and performance directly influences the level of funding received by Brent via the Supplementary Substance Misuse Treatment and Recovery Grant.
- 3.1.6 Via have continued to provide services outlined in the original contract and submissions to National Drug Treatment Monitoring System (NDTMS) through 24/25. They have continued to improve performance on key areas outlined in the 2021 National Drug Strategy: *From Harm to Hope* such as increasing the numbers in structured treatment.
- 3.1.7 The Provider Selection Regime (PSR) provides flexibility for relevant authority such as Brent Council to be able to take local decisions to arrange public health



services in a way that best suit the needs of local residents and service users. In the case it allows for continuity of a well performing service.

## **3.2 Background**

3.2.1 Brent Council entered a contract to provide substance misuse services under the Integrated Treatment Recovery Wellbeing and Substance Misuse Service (the “Contract”) with Westminster Drugs Project (now rebranded and renamed as VIA Community Ltd (“Via”)) from 1 April 2018 on a 4 + 1 +1 basis.

3.2.2 The Contract is funded through a number of funding streams as set out in paragraph 5.1. of the Financial Considerations. Since the start of the Contract, there has been growth in investment from two funding streams from Central Government which have been used to add significant capacity to existing provision, namely:

- The Rough Sleepers Drug and Alcohol Treatment Grant (RSDATG) which has focused on addressing rough sleeping where drugs and alcohol as a major barrier to accessing secure accommodation. The allocation for Brent in 24/25 is £434,000.
- The Supplementary Substance Misuse Treatment and Recovery Grant (SSMTRG) is funding to enable Local Authorities to improve local treatment and recovery systems. The allocation for Brent in 24/25 is £985,826.

3.2.3 The RSDATG and SSMTRG Grants are both prescriptive on what the funding can be utilised for and required a fully allocated spend and activity plan to be agreed and signed off by the Office for Health Improvement and Disparity (OHID). The future of both the grants for 2025/26 is uncertain although clarity is expected in later in 2024 following the Autumn Budget on 30<sup>th</sup> October.

3.2.4 The Contract with Via is managed directly by Public Health supported by B3 (the service user council whose members completed or are in the process of completing their treatment and recovery journey through Via New Beginnings). Performance and agency activity is recorded through the monthly reports produced by the Via service lead which are reviewed at monthly contract meetings.

3.2.5 Via have continued to provide services outlined in the original contract and submissions to NDTMS through 24/25. They have continued to improve performance on key areas outlined in the 2021 National Drug Strategy: *From Harm to Hope* such as increasing the numbers in Structured Treatment.

3.2.6 Current performance on National Drug Treatment Monitoring Service (NDTMS) highlights that there are 1288 local residents engaged in structured treatment programmes. This represents 97% performance against the 24/25 Borough Plan of 1325 and 91% performance against the national target of 1410 residents engaged in structured treatment services at the end of Quarter 1 24/25. It is anticipated that both these targets will be met before the end of 24/25.

- 3.2.7 There are currently no waiting times for residents needing access to the service and retention rates remain above national averages for opiate and crack users, alcohol and non-opiate users. In March this year Via reported the micro-elimination of Hepatitis C in the local treatment population, one of six boroughs nationally to report on this area at the start of the 24/25 year.
- 3.2.8 The Contract formally expired on 31 March 2024 although contractual arrangements with the Council have continued with Via on the same basis since 1 April 2024 whilst Officers considered the most appropriate approach to re-procurement.
- 3.2.9 Via employ a number of local residents in a variety of roles across the service, this includes ex service users who have completed their treatment and recovery programme with New Beginnings. The service has continued to deliver services beyond the scope of the contract such as the development of the Elev8 Young People's Mental Wellbeing Service and an extensive outreach programme which involves significant resident engagement and work to support street homeless/rough sleepers who have entrenched drug and alcohol misuse.

### **3.3 Provider Selection Regime**

- 3.3.1 The Health and Care Act 2022 fundamentally changed the health and social care landscape. The previous commissioning / provider relationships and competitive procurement have been replaced by new duties of collaboration and the creation of Integrated Care Boards (ICBs) which bring together NHS commissioners and providers in sub-regional groupings. The Health and Care Act 2022 also introduces the Provider Selection Regime (PSR) as a means of procuring health care services.
- 3.3.2 The PSR governs the procurement of health care services in England by bodies including NHS England, ICBs, NHS Trusts and local authorities. The Integrated Treatment Recovery Wellbeing and Substance Misuse Service is therefore in scope. The PSR removes the requirement to competitively tender in accordance with the Public Contracts Regulations 2015 (PCR 2015) and provides an alternative framework to allow collaboration.
- 3.3.3 There have been significant delays in the introduction of the PSR and it was only introduced on 1<sup>st</sup> January 2024, with the necessary changes made to the Council Constitution to allow for the procurement of contracts using the PSR provided that advice is sought from the Corporate Director, Law & Governance and the Head of Procurement. Advice has been sought and both the Corporate Director, Law & Governance and the Head of Procurement have confirmed that procurement of the Contract under the PSR is appropriate.

### **3.4 Options**

- 3.4.1 Officers in Public Health have been in discussion with colleagues in Procurement and Legal and it is considered that there are 2 main options under

the PSR for the procurement of the Integrated Treatment Recovery Wellbeing and Substance Misuse Service, namely:

- Option 1: Open Procurement. Competitive procurement remains an option for health services under the PSR. However, within the new collaborative arrangements many NHS providers have chosen not to compete against each other in competitive procurements. Whilst there has been some interest from other third sector providers in health services market, it is considered unlikely that the Integrated Treatment Recovery Wellbeing and Substance Misuse Service in Brent would be attractive to providers at this time, particularly given the short duration of the contract. It should also be mentioned that the service in Brent is quite unique in that the Via effectively subcontract their clinical provision in partnership with CNWL NHS Foundation Trust. Across London the main instruments of delivery for substance misuse services are through Third Sector providers
- Option 2: To award the contract to the current provider under the PSR. The current provider, Via, is an integral part of the local health and care system priorities and embedded in local partnerships.

3.4.2 Having considered the options, Officer recommend Option 2 a direct award of the Contract for a term from 1<sup>st</sup> December 2024 to 31<sup>st</sup> March 2026 to Via under the new PSR.

3.4.3 A direct award for one year and four months is to reflect the availability of current grants. Public Health anticipates that the Government will develop a new national drug strategy as a result of the comprehensive review to be undertaken. A new national policy direction may require public health commissioning to consider a new service model. While this is being co-produced with services users and partners, existing grants will be maintained for a further 12 months from 1 April 2025.

### 3.5 Pre procurement Considerations

3.5.1 The pre-tender considerations relevant to the Contract are as follows.

Ref	Requirement	Response	
(i)	The nature of the services / supplies / works	As detailed above	
(ii)	The Value	£4,857,964 per annum	
(iii)	The contract term	1 year 4 months	
	The tender procedure to be adopted	Direct award using PSR	
(v)	The procurement timetable	Stage in Procurement	Indicative dates
		Contract start date.	1 Dec 24

(vi)	The evaluation criteria and process	Direct award using PSR
(vii)	Any business risks associated with entering the contract	Uncertainty of the future of the additional grant funding
(viii)	The Council Best Value duties	For the reasons set out in Section 3, it is considered that Direct Award will result in the Council achieving Best Value
(ix)	Consideration of Public (Social Value) Act 201	Officers have had regard to the Public Services (Social Value) Contract 2012
(x)	Any staffing implications include TUPE and pensions	There are no implications for Council staff arising from the procurement
(xi)	The relevant financial legal and other considerations	Financial – See Financial Implications in Section 5
		Legal - see Legal Implications at Section 6
		Other - N/A
(xii)	Sustainability	Given the nature and value of the Contract, it is not possible to include specific sustainability requirements.
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the contract as outline in the National Drug Treatment Monitoring Service (NDTMS)
(xiv)	London Living Wage	The contract will require the payment of the London Living Wage
(xv)	Contract Management	A contract manager will be appointed, and appropriate contract management provisions will be included in the contract

#### **4.0 Stakeholder and ward member consultation and engagement**

4.1 Given the intention to directly award to the incumbent provider under the PSR, it has not been considered necessary to consult with stakeholders or ward members.

#### **5.0 Financial Considerations**

5.1 The annual cost of the Service is £4,857,964 This will be funded by a combination of the Public Health Grant - £3,806,000, The Rough Drug and Alcohol Treatment Grant (RSDATG) - £356,100 and the Supplementary Substance misuse Treatment and Recovery Grant (SSMTRG)- £693,864.

#### **6.0 Legal Considerations**

6.1 As indicated in the body report, the Health and Care Act 2022 introduced a new procurement regime for health contracts from 1 January 2024, namely the PSR. Officers are therefore bound to procure health service under the PSR rather than under the Public Contracts Regulations 2015. Whilst the PSR allows for competitive procurement, for the reasons detailed in Section 3.4, Officers recommend direct award as is permitted under the PSR.

6.2 The Council's Contract Standing Order 86(f)(iv) states that subject to complying with the relevant parts of Procurement Legislation, tenders need not be invited for contracts for healthcare services procured in compliance with the PSR provided that advice is sought from the Corporate Director Governance and the Head of Procurement. Both the Corporate Director Governance and the Head of Procurement have confirmed that a direct award under the PSR to Via is permissible.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 The public sector equality duty set out in Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 The proposals in this report have been subject to a screening equality impact assessment and officers believe that there are no adverse equality implications. The contract covers a range of programmes and services that are undertaken by Via to improve the health and wellbeing of residents who need to engage in treatment and recovery programmes as a result of problematic drugs and alcohol misuse.

## **8.0 Climate Change and Environmental Considerations**

8.1 The proposals in this report have been subject to screening and officers believe that there are no adverse impacts on the Council's environmental objectives and climate emergency strategy.

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from the direct award to the incumbent provider.

## **10.0 Communication Considerations**


10.1 Given that the recommended award of the Contract is to the incumbent provider, it is not considered that the award of the contract has any direct communication considerations.

**Report sign off:**

***Rachel Crossley***

Corporate Director Community Health &  
Wellbeing

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 <p><b>Brent</b></p>	<p><b>Cabinet</b> 12 November 2024</p>
	<p><b>Report from the Corporate Director, Community Health and Wellbeing</b></p>
	<p><b>Lead Member Cabinet for Community Health and Wellbeing (Councillor Neil Nerva)</b></p>
<p><b>Authority to invite tenders for the provision of care and support at six supported living sites for adults with Learning Disabilities.</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Paper:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Jacqueline Casson, Interim Supplier Relationship Manager 020 8937 2024 <a href="mailto:Jacqueline.casson1@brent.gov.uk">Jacqueline.casson1@brent.gov.uk</a>

## 1.0 Purpose of the Report

1.1 This report concerns the procurement of care and support for six supported living schemes. This report requests approval to invite tenders as required by Contract Standing Orders 88 and 89 for care and support at the following six Supported living sites:

- 5 bed learning disabilities supported living service at 57 Preston Road
- 5 bed learning disabilities supported living service at 36 Woodhill Crescent
- 3 bed learning disabilities supported living service at 54 Beechcroft Gardens
- 4 bed learning disabilities supported living service at 63 Manor Drive

- 6 bed learning disabilities supported living service at 115 Gladstone Park Gardens
- 5 bed learning disabilities supported living service at 18 Ruby Street

## **2.0 Recommendation(s)**

That Cabinet:

- 2.1 Approve inviting tenders for care and support services at six supported living sites for adults with learning disabilities separated into 3 Lots on the basis of the pre - tender considerations set out in paragraph 3.3 of the report. The 3 Lots are set out below:
- Lot 1: Learning Disabilities Supported Living Service at Preston Road and Woodhill Crescent
  - Lot 2: Learning Disabilities Supported Living Service at Beechcroft Gardens and Manor Drive
  - Lot 3: Learning Disabilities Supported Living Service at Gladstone Park Gardens and Ruby Street
- 2.2 Approve Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.3 section (vi) of the report.
- 2.3 Delegate authority to the Corporate Director for Community Health and Wellbeing, in consultation with the Lead Member for Community Health and Wellbeing to award the contract for the 3 Lots identified in 2.1 above for care and support services at six supported living sites for adults with learning disabilities for a term of 3 years with the option to extend by yearly periods up to a maximum of 2 years (3+1+1).

## **3.0 Detail**

### **3.1 Cabinet Member Foreword**

- 3.1.1 This tender which is for care and support services at the six supported living sites as outlined above is strategically positioned to significantly contribute to Brent Council's Borough Plan 2023-2027 Strategic Priority 5, by achieving desired outcome 1 Tackling Health Inequalities and desired outcome 2 Localised Services for Local Needs
- 3.1.2 The six sites are dedicated to serving vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge. The services were designed to provide supported living accommodation which enable service users to live more independently, promote their wellbeing and reduce the potential of having to move to more restrictive forms of care, such as residential care services.



3.1.3 By providing an inclusive and accessible environment, the services actively work towards reducing health inequalities and strengthening community ties through supporting people closer to home, engagement initiatives and robust partnerships with local organisations. Furthermore, the settings not only support employment in the local community through job creation and specialised training but also enhances the resilience of these communities by fostering supportive networks. This tender will ensure the continued alignment with and contribution to the Council's aspirations, promoting a healthier, more equitable, and unified community.

## **3.2 Background**

3.2.1 The Council requires the provision of care and support at six supported living sites for adults with learning disabilities. All six sites have contracts that are due to expire on 31<sup>st</sup> March 2025. Officers have considered whether the care and support at the six supported living sites can be provided by the Council itself but have concluded that care and support services at these sites is best provided by a contractor. The appointed contractor will have the staff and experience in providing care and support services to this cohort of service users and the tender process will provide value for money.

3.2.2 There are six supported living services, which ASC are seeking approval to be tendered in 3 separate Lots and in accordance with Contract Standing Orders 88 & 89. All six sites are existing services with existing service users living at the properties.

3.2.3 Combining some of these services and procuring them under the same Lot offers the Council economies of scale, while at the same time, attracting a good mix of providers. The opportunities have been developed on the basis of geographical proximity and number of units.

3.2.4 It is proposed that in line with the current contracts these new contracts will be based on a core and flexi model with only the core element being commissioned through this procurement. The core service is designed to meet daily living needs, unplanned and emergency care needs and night support to provide 24-hour support in line with the supported living model of care for individuals with a range of needs. Each service will have care staff on site for 24 hours a day.

3.2.5 The flexi hours are based on service users' assessed needs, with their care and support plan outlining support to ensure their outcomes are met. The additional support is likely to be provided by the provider who delivers the core support within the contract, but the service user can exercise personal choice and choose another provider via a Direct Payment. The distinction between core and assessed hours will be made explicitly clear in the tender documents.

3.2.6 The services deliver support in line with the 'active' model of care, working on a planned basis in delivering proactive support to service users to develop daily living skills within the home and community. This support includes cooking,

cleaning, self-care, community access and participation as well as support to manage their finances. The services were designed to work with service users to develop new skills.

3.2.7 The duration of the contracts for the 3 Lots will be for a period of three years with the option to extend for a further two years on a one plus one basis (3+1+1) subject to satisfactory performance of the successful providers. The length of this contract will be attractive to the market, whilst at the same time maintaining a degree of flexibility for the Council. The total contract value for all services for the initial contract term of three years and two 1-year options to extend (5 years) is estimated to be £8,802,380. Individual contract values are listed under paragraph 3.3 section (ii) and under Financial Considerations in section 5. Officers anticipate that assuming a successful procurement the contracts and service commencement for the 3 Lots will be 1<sup>st</sup> April 2025.

3.2.8 Co-production is at the heart of the Brent approach. Stakeholder engagement commenced in October 2023 when officers visited all six services to seek the views of service users and their family members. Representatives from our health and social care partners were also consulted. The output of these discussions has influenced the service delivery model and service specification. Feedback from service users about what was important to them included the following:

- Activities –having varied interesting activities including being involved in the local community
- Staff being flexible to enable service users to undertake their preferred activities
- Respect for their views and choices
- Having a named keyworker – being able to build a good rapport
- Staff assisting them with finances, benefits, form filling, going with them to the bank etc.
- Making their own choices

3.2.9 In addition to the benefits that this model gives to service users, the schemes generate efficiency savings to ASC through the provision of care and support as an alternative to residential placements where tenants are unable to claim Housing Benefit to pay for accommodation costs which are otherwise funded by Adult Social Care budgets. Within the supported living scheme, the Council fund care and support while service users are supported to claim Housing Benefit to pay accommodation costs.

3.2.10 If consent is given to proceed to tender, a market engagement session will be held to encourage and alert the market to the proposed tender and commissioners will intensively manage the contract award and mobilisation process in partnership with council stakeholders and the awarded providers.

3.2.11 The council is tendering six services in three lots, with two services in each lot. In order to ensure diversity in the care market, the Council is looking to appoint three providers, one for each lot. If fewer than three providers submit bids of sufficient quality, the council will reserve the right to award more than one contract to an individual provider.

### **The individual procurement opportunities**

#### **1. Lot Preston Road and Woodhill Crescent**

3.2.12 Preston Road and Woodhill Crescent will be tendered as one Lot with one provider delivering care at both services.

3.2.13 Both properties are owned and managed by Brent Council. Both sites provide care and accommodation for vulnerable adults with a learning disability, and/or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge.

3.2.14 The existing contracts with Metropolitan Housing t/a Metropolitan Thames Valley Housing is due to expire on 31st March 2025.

3.2.15 Woodhill Crescent currently has five service users and Preston Road four service users.

3.2.16 Preston Road and Woodhill Crescent were both originally six bed properties. However, in April 2022 it was agreed to reduce capacity at Woodhill Crescent to five due to the unsuitability of the 6<sup>th</sup> bedroom for someone with learning disabilities and the size and layout of the property.

3.2.17 Preston Road's sixth bedroom has remained void during the lifespan of the current contract. It is now proposed to reduce the capacity at Preston Road to 5 due to the unsuitability of the sixth bedroom and the overall size and layout of the property.

3.2.18 Preston Road and Woodhill Crescent will each require 266 core hours per week totalling 532 hours across both sites. This will mean that there are two staff providing support during the day and a waking night member of staff for each service ensuring 24-hour continuous care.

#### **2. Lot Beechcroft Gardens and Manor Drive**

3.2.19 Beechcroft Gardens and Manor Drive will be tendered as one Lot with one provider delivering both services. These sites are within a short walk for each other.

3.2.20 Both properties are owned and managed by Brent Council. Both sites provide care and accommodation for vulnerable adults with a learning disability, and/or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge.

3.2.21 The existing contracts with Dimensions (UK) are due to expire on 31st March 2025. The existing contract currently allows for a sleeping night at the service. Brent's other block contract provision for similar service users includes a waking night. To bring the services in line with national best practice and our other supported living block provision, a waking night has been added into the cost modelling.

3.2.22 Manor Drive can accommodate four service users and currently has four services users. Beechcroft Gardens can accommodate three service users and currently has three service users.

3.2.23 To meet care and support needs of the residents Beechcroft Gardens and Manor Drive will jointly require 434 core hours per week. This will mean that there are staff providing support during the day and a waking night member of staff ensuring 24-hour continuous care.

### **3. Lot Gladstone Park Gardens and Ruby Street**

3.2.24 Gladstone Park Gardens and Ruby Street will be tendered as one lot with one provider delivering both services.

3.2.25 Both properties are owned and managed by Brent Council. Both sites provide care and accommodation for vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge.

3.2.26 The existing contracts with Dimensions (UK) is due to expire on 31st March 2025.

3.2.27 Gladstone Gardens can accommodate six service users and Ruby Street can accommodate five service users. Both services are currently fully occupied.

3.2.28 To meet care and support needs of the residents, Gladstone Park Gardens and Ruby Street will each require 266 core hours per week, totally 532 across both sites. This will mean that there are 2 staff providing support during the day and a waking night member of staff ensuring 24-hour continuous care.

### **3.3 Pre-tender Considerations**

3.3.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the contracts for the 3 Lots outlined above (the "Contracts") have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response	
(i)	The nature of the services / supplies / works.	Delivery of care and support services at six supported living sites which have been separated into 3 Lots with 2 sites in each Lot as outlined in paragraph 2.1. The services are for vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge	
(ii)	The estimated value.	<p><b><u>Lot 1 Preston Road and Woodhill Crescent</u></b></p> <p>Up to £627,930 ex VAT annually Up to £3,139,650 ex VAT over the full contract period including extensions (3+1+1)</p> <p><b><u>Lot 2 Beechcroft Gardens and Manor Drive</u></b></p> <p>Up to £495,847 ex VAT annually Up to £2,479,235 ex VAT over the full contract period including extensions (3+1+1)</p> <p><b><u>Lot 3 Gladstone Park Gardens and Ruby Street</u></b></p> <p>Up to £636,699 ex VAT annually Up to £3,183,495 ex VAT over the full contract period including extensions (3+1+1)</p>	
(iii)	The contract term.	Three years with the option to extend for a further two, one-year extensions (3+1+1)	
(iv)	The tender procedure to be adopted.	A variation of the Open process under the Light Touch Regime	
v)	The procurement timetable.		<b>Indicative dates are:</b>
		Adverts placed	21 November 2024
		Publish Contract Notice on Find a Tender service and Contracts Finder	21 November 2024

Ref.	Requirement	Response	
		Publish Invitation to tender	21 November 2024
		Deadline for tender submissions	22 December 2024
		Panel evaluation and shortlist	06 January - 24 January 2025
		Report recommending Contract award circulated internally for comment	By w/c 31 January 2025
		Corporate Director approval	w/c 06 February 2025
		Minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers	07 February - 17 February 2025
		Contract Mobilisation	18 February – 31 March 2025
		Contract start date	1 April 2025
(vi)	The evaluation criteria and process.	<ul style="list-style-type: none"> <li>At selection stage shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a selection questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</li> <li>At tender evaluation stage, the panel will evaluate the tenders against the following criteria: 50% quality, 10% Social Value and 40% price</li> </ul>	
(vii)	Any business risks associated with entering the Contract.	The following business risks are considered to be associated with entering into the Contract. Some risks may include failure to select a suitable provider to provide one or more of the Lots. Mitigations are	

Ref.	Requirement	Response
		<ul style="list-style-type: none"> <li>• selection criteria case studies will be used as part of the evaluation to assess previous experience and how providers plan to achieve and sustain objectives.</li> <li>• The tender evaluation criteria for the award section will ensure that all tenderers have experience and skills available to deliver the services specified.</li> </ul> <p>Financial Services and Legal Services have been consulted concerning this Contract.</p>
(viii)	The Council's Best Value duties.	The Council will be awarding the Contracts for each Lot to providers that have the Most Economically Advantageous Tender (MEAT)
(ix)	Consideration of Public Services (Social Value) Act 2012	<p>It is the intention within this tender that 10% of the total evaluation criteria will be reserved for social value considerations.</p> <p>Bidders will be asked to provide a social value action plan and method statement which then be measured for impact and delivery over the life of the Contract through the Contract Management function.</p>
(x)	Any staffing implications, including TUPE and pensions.	There will be TUPE implications for the awarded providers which have been taken into consideration within the time scales. See Section 9 below.
(xi)	The relevant financial, legal and other considerations.	See sections 5 and 6 below.
(xii)	Sustainability	This has been assessed in line with the Procurement Sustainability Policy and determined that a quality measure for sustainability is not required and can be captured as part of the Social Value criteria.
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.
(xiv)	London Living Wage	The Contract will require the payment of the London Living Wage.
(xv)	Contract Management	A contract manager will be appointed for the Contracts and appropriate contract management provisions will be included in the Contracts.

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

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 Co-production is at the heart of the Brent approach. Officers visited the six service sites, met with all the service users and with some family members. The feedback received has been taken into account in the development of the specification and delivery model proposed. Please see paragraph 3.2.8 for a summary of the feedback the consultation and engagement activity.

#### **5.0 Financial Considerations**

- 5.1 The value of the Contracts for the term of five years (3+1+1) is estimated to be up to £8.80m, which amounts to £1.76m annually. This has been calculated based on the number of hours required within each lot and these are listed in Section 3.2 above. Each resident will have an equal share of core hours which includes a waking night. Assessed hours as required by individual support plans will be purchased based on the hourly rate that is agreed as part of the new contract.
- 5.2 Brent is committed to ensuring all contractors pay LLW as a minimum. These contracts will be London Living Wage compliant. The annual cost of these contracts is likely to increase each year when the London Living Wage (LLW) commission announce the annual uplift. The likely increase to contract values each year to ensure Brent's commitments to LLW are adhered to. This is taken into consideration as part of the Council's Medium Term Financial Planning.

#### **6.0 Legal Considerations**

- 6.1 The services that Officers are proposing to procure fall under Schedule 3 of the Public Contracts Regulations 2015 ("PCR 2015"). The estimated value of the proposed Contracts for Lot 1, 2 and 3 are above the threshold for Schedule 3 Services under the ("PCR 2015") and the procurement is therefore governed by the Light Touch Regime under the PCR 2015.
- 6.2 In accordance with the Council's Contract Standing Orders, the Contracts are defined as a High Value Contracts pursuant to Contract Standing Order 82 and shall be entered into and procured pursuant to Contract Standing Order 84. As such the Contract shall be procured in accordance with the tendering procedures set out in Contract Standing Order 95(c).
- 6.3 The procurement is subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts given procurement is valued at £8,802,380.00 + VAT. For High Value Contracts, Cabinet must approve the pre-tender considerations set out in paragraph 3.3 above (Contract Standing Order 89) and the inviting of tenders (Contract Standing Order 88).
- 6.4 In accordance with Recommendation 2.3, once the tendering process is undertaken, Officers will report to the Corporate Director, Community Health



and Wellbeing, in consultation with the Lead Member for Community Health and Wellbeing explaining the process undertaken in tendering the Contract and recommending award.

- 6.5 The Council will observe a voluntary 10 calendar day standstill period before the Contracts can be awarded. This will include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However, if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council will issue a letter of acceptance to the successful tenderers and the Contracts may commence.
- 6.6 As the decision that is being sought here is a Key Decision, the decision is subject to a 5 clear day call-in period and the Council will undertake standstill period concurrently. The decision to award the Contracts may not be implemented until after expiry of the call-in period provided that no call in has been made.
- 6.7 As the decision that is being sought here is a Key Decision, the decision may not be taken by Cabinet unless this matter has been published on the Forward Plan. The Key Decision must be published on the Forward Plan (Paragraph 30 of the Access to Information Rules) and must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 34 of the Access to Information Rules). Cabinet decisions are to be recorded and published along with the report.
- 6.8 Officers have set out in section 9.1 that the proposed services will be provided by external contractors. As such, the proposed procurement process is unlikely to have a direct impact on Council staff. There are likely to be TUPE implications as a result of the procurement process due to a continuation of services from the current contracts and the new Contracts being procured. In this respect, Officers have set out in section 9.2 how it would manage any TUPE issues that might arise as a result of the procurement process.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 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.
- 7.4 The very nature of supported living services for adults with learning disabilities means that they are accessed by vulnerable adults who are also more likely experience multiple disadvantage due to their age, and health conditions. Equalities issues have been taken into account throughout the review of the services and have been a key focus in the service model and service specification.
- 7.5 An Equalities Analysis has been completed. Where negative impacts have been identified these have been addressed within the service model and specification. Where positive impacts of the proposed model have been identified they have been enhanced where possible. This has been achieved by ensuring that all the current service users and their families at these sites have had the chance to participate in consultation and engagement activities and their view have been reflected in the specification.
- 7.6 The proposed service model will not remove services, but it will enhance the way services are delivered and will place greater emphasis on a personalised outcomes based approach.
- 7.7 The new service model is expected to deliver improved quality of service provision, improved service user experience, and establish more productive working relationships with providers. Impacts will be monitored throughout the implementation period and beyond via ongoing service user and provider engagement and the Quality Assurance Framework, the Outcomes Framework and Performance Management Framework that are included in the service specification and associated schedules.

## **8.0 Climate Change and Environmental Considerations**

- 8.1 All six supported living settings, managed by Brent Council and overseen through Brent Housing Management and the NAIL programme, exemplifies modern environmental standards aimed at enhancing sustainability and efficiency.

- 8.2 Constructed within the last decade, this facility incorporates energy-efficient designs including advanced insulation and efficient systems and uses sustainable materials that enhance indoor air quality. It also features water-saving fixtures and rainwater harvesting, utilises renewable energy sources to reduce carbon emissions, and includes green spaces to promote biodiversity.
- 8.3 Additionally, pollution control measures were implemented during construction and ongoing operations. These initiatives reflect the Council's commitment to sustainable and responsible building practices in creating supportive living environments. It is for this reason that we can demonstrate that the setting meets and continues to meet the Council's environmental and climate control objectives.

#### **9.0 Human Resources/Property Implications (if appropriate)**

- 9.1 These services will be provided by an external provider and there are no direct staffing implications for the Council arising from the tender process. The Council own and manage the buildings and schemes through the Brent Housing Management Service.
- 9.2 As part of the procurement process, employee liability information will be sought from current contractors and provided to the tenderers. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase.

#### **10.0 Communication Considerations**

- 10.1 To enhance the existing communication plan, given our familiarity with the resident population, a tailored communication plan will be put in place with service users and their families.

**Report sign off:**

**Rachel Crossley**  
Corporate Director, Community  
Health and Wellbeing.

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