



AGENDA FOR THE EXECUTIVE

Members of the Executive are summoned to attend a meeting to be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on **8 December 2016 at 7.00 pm.**

Stephen Gerrard
Director Legal and Governance

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Despatched : 30 November 2016

Membership

Councillor Richard Watts
Councillor Janet Burgess MBE
Councillor Joe Caluori
Councillor Kaya Comer-Schwartz
Councillor Andy Hull

Councillor Asima Shaikh
Councillor Diarmaid Ward
Councillor Claudia Webbe

Portfolio

Leader of the Council
Executive Member Health and Social Care
Executive Member Children, Young People and Families
Executive Member for Community Development
Executive Member Finance, Performance and Community Safety
Executive Member for Economic Development
Executive Member for Housing and Development
Executive Member for Environment and Transport

Quorum is 4 Councillors

Please note

It is likely that part of this meeting may need to be held in private as some agenda items may involve the disclosure of exempt or confidential information within the terms of Schedule 12A of the Local Government Act 1972. Members of the press and public may need to be excluded for that part of the meeting if necessary.

Details of any representations received about why the meeting should be open to the public - none



Declarations of interest:

If a member of the Executive has a **Disclosable Pecuniary Interest*** in an item of business and it is not yet on the council's register, the Councillor **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent. Councillors may also **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency. In both the above cases, the Councillor **must** leave the room without participating in discussion of the item.

If a member of the Executive has a **personal** interest in an item of business they **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but may remain in the room, participate in the discussion and/or vote on the item if they have a dispensation from the Chief Executive.

- ***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) Sponsorship** - Any payment or other financial benefit in respect 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.

NOTE: Public questions may be asked on condition that the Chair agrees and that the questions relate to items on the agenda. No prior notice is required. Questions will be taken with the relevant item.

Requests for deputations must be made in writing at least two clear days before the meeting and are subject to the Leader's agreement. The matter on which the deputation wants to address the Executive must be on the agenda for that meeting.

A.	Formal Matters	Page
1.	Apologies for absence	
2.	Declarations of Interest	
3.	Minutes of Previous Meeting	1 - 4
B.	Performance and Monitoring Matters	
4.	Section 75 Annual Partnership Report - Adults and Childrens Commissioning - Islington Council and Islington Clinical Commissioning Group	5 - 54
5.	Section 75 Annual Partnership Report - Islington Council and Whittington Health	55 - 66
6.	Section 75 Annual Partnership Report - NHS Partnerships Camden and	67 - 92

Islington Foundation Trust

C. Budget and Resources Matters

7. Financial Position as at 31 October 2016 93 - 106

D. Service Related Matters

8. Adoption of Planning Obligations (S106) Supplementary Planning Document 107 - 206

E. Procurement Issues

9. Procurement strategy for preventing youth violence 207 - 216

10. Procurement Strategy for the Provision of Enforcement Agency services to collect on-street PCN debts 217 - 222

11. Procurement strategy for Anti Social Behaviour patrolling services 223 - 228

12. Procurement strategy for arboricultural services contract 2017-2024 229 - 234

F. Urgent non-exempt matters

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

G. Exclusion of press and public

To consider whether to exclude the press and public during discussion of the remaining items on the agenda, in view of their confidential nature, in accordance with Schedule 12A of the Local Government Act 1972.

H. Urgent Exempt Matters

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

The next meeting of the Executive will be on 19 January 2017

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Agenda Item 3

London Borough of Islington

Executive - 24 November 2016

Minutes of the meeting of the Executive held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 24 November 2016 at 7.00 pm.

Present: **Councillors:** Watts, Burgess, Caluori, Comer-Schwartz, Hull, Shaikh, Ward and Webbe

Also Present: **Councillors:** Klute attended for item B5.

Councillor Richard Watts in the Chair

324 **APOLOGIES FOR ABSENCE**
There were no apologies for absence.

325 **DECLARATIONS OF INTEREST**
None.

326 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting on the 20 October 2016 be confirmed as a correct record and the Chair be authorised to sign them.

327 **APPOINTMENTS TO BE MADE BY THE EXECUTIVE**

RESOLVED:

That Councillor Asima Shaikh be appointed as a substitute member of the Shared ICT and Digital Shared Joint Committee for the remainder of the municipal year 2016/17, or until a successor is appointed.

Reason for decision – to ensure that Islington Council can be fully involved in joint committee meetings.

Other options considered - none, other than detailed in the report and related papers. Conflicts of interest/dispensations granted – none.

328 **TENANT TAX (PAY TO STAY)**

This item was accepted as an urgent item of business because the government only announced the abandonment of the mandatory Tenant Tax for all council tenants on Tuesday and we wish to make a decision about whether or not to implement the discretionary Tenant Tax, to clarify the situation for residents as quickly as possible.

RESOLVED:

1. That the Government announcement that the provisions within the Housing and Planning Act 2016 known as 'Tenant Tax' or 'Pay to Stay' will no longer be mandatory be welcomed.
2. To thank all the residents who shared their powerful stories with the council, highlighting to Government the impact the policy would have on working tenants in the borough, be agreed.
3. That a commitment to not introducing discretionary Pay to Stay provisions be agreed.
4. To write to housing associations with properties in Islington to ask them to commit to not introducing discretionary Pay to Stay provisions for their tenants be agreed.

Reason for decision – the council considers that the introduction of discretionary Pay to Stay would have a detrimental impact on many of tenants in Islington
Other options considered – none other than as specified in the report.
Conflicts of interest/dispensations granted – none.

329

**HEALTH IMPLICATIONS OF DAMP PROPERTIES SCRUTINY -
RECOMMENDATIONS FROM HEALTH AND CARE SCRUTINY COMMITTEE**

Councillor Klute, Chair of the Health and Care Scrutiny Committee presented the committee's recommendations. Councillor Klute advised that although it was surprisingly difficult to find a causal link between living in damp homes and ill health, it was commonly accepted that people in damp properties often suffered from more health issues than others and that the committee felt very strongly that the council needed to take more positive action.

Councillor Watts thanked Councillor Klute and the Committee for their hard work. It was agreed there would be a further discussion about housing allocation scheme priorities prior to the Executive Member's formal response.

RESOLVED:

1. That the report of the Health and Care Scrutiny Committee be received.
2. That the Executive Member's response be reported to a future meeting of the Executive, having due regard to any relevant implications.

Reason for decision – to allow the Executive to consider the recommendations of the Health and Care Scrutiny Committee.
Other options considered – none, other than as detailed in the report and related papers.
Conflicts of interest/dispensation granted – none.

330

FINANCIAL POSITION AS AT 30 SEPTEMBER 2016

RESOLVED:

1. That the overall forecast revenue outturn for the General Fund (Table 1 and Appendix 1 of the report) of a gross overspend of £3.8m, including corporate items and a net overspend of 0.8m after a £3.0m drawdown from the contingency reserve (Section 3 of the report) be noted.
2. That the actions needed to reduce the underlying forecast net General Fund overspend (Paragraph 3.2 of the report) be noted.

3. That it be noted that the HRA forecast is in a break-even position (Section 5, Table 1 and Appendix 1 of the report).
4. That the latest capital position with forecast capital expenditure of £116.0m in 2016/17 (Section 6, Table 2 and Appendix 2 of the report) be noted.

Reason for decision – to allow Members to monitor the budget

Other options considered – none, other than as detailed in the report and related papers.

Conflicts of interest/dispensations granted – none.

331 CEMETERY FEES AND CHARGES

RESOLVED:

1. That the fees and charges as detailed in Appendix 1 of the report, for introduction on the 1 January 2017, be agreed.
2. That authority be delegated to the Corporate Director of Environment and Regeneration, in consultation with the Executive Member for Environment and Transport, to agree any in-year changes to Cemetery fees and charges.

Reason for decision – to ensure that the cemetery service continue to offer an excellent service at an affordable price.

Other options considered – none, other than as detailed in the report and related papers.

Conflicts of interest/dispensations granted – none.

332 ARTS STRATEGY

RESOLVED:

That the Arts Strategy 'Inspiring Islington' attached at Appendix 1 of the report, be agreed.

Reason for decision – in order to maximise the social and economic impact of the arts.

Other options considered – none, other than as detailed in the report and related papers.

Conflicts of interest/dispensations granted – none.

333 ANGEL ENERGY - ISLINGTON'S WHITE LABEL ENERGY SUPPLIER

RESOLVED:

That a strategic partnership and tariff agreement be entered into with Robin Hood Energy under the brand of Angel Energy, for the marketing of gas and electricity at agreed tariffs to local residents, subject to contract, be agreed.

Reason for decision – to help reduce resident's energy bills and enable them to have warmer homes, reducing the health impacts of fuel poverty.

Other options considered – none, other than as detailed in the report and related papers.

Conflicts of interest/dispensations granted – none.

MEETING CLOSED AT 7.20 pm

CHAIR

Report of: Executive Member for Health and Social Care

Meeting of:	Date	Ward(s)
Executive	8 December 2016	All

Delete as appropriate	Exempt	Non-exempt
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SUBJECT: Annual Report on the Partnership between Islington Council and Islington NHS Clinical Commissioning Group, 2015-16

1. Synopsis

1.1 Islington Council and the NHS in Islington have a long and successful history of working in partnership. The rationale for the joint commissioning of health and social care services is to produce better outcomes for vulnerable Islington residents than could be achieved by the Council and the Clinical Commissioning Group (CCG) alone.

This report refers to the partnership agreement between Islington Council and Islington CCG via a Section 75 agreement (National Health Service Act 2006).

Islington Council is signed up to other Section 75 Agreements with Whittington Health and Camden & Islington Foundation Trust. This report does not cover those, but rather the agreement to jointly commission services with Islington CCG.

1.2 Children and Adults Joint Commissioning supports the delivery of the Health and wellbeing priorities:

- Ensuring every child has the best start in life,
- Preventing and managing long term conditions to extend both length and quality of life and reduce health inequalities,
- Improving mental health and wellbeing, and
- Delivering high quality, efficient services within the resources available.

There are three key drivers:

1. *Effective* care and support for vulnerable people, who often need support from more than one service, is integrated and well-co-ordinated

2. *Value* (outcome over cost), can be produced, for the Council and the CCG, by pooling investment in 'pooled' budgets, managed by a joint commissioning management structure. Gaps or weaknesses in one part of the system of services, often affects services in another part.
3. *Sustainable* services are more likely when services work well together. The NHS and Islington Council face rising demand, growing expectations and increasing financial constraint. By developing and using joint commissioning levers, more sustainable delivery models can be developed.

1.3 This report will describe the main service developments for both Children's and Adult's Services and provide assurance on the value produced by the pooled budgets and the joint commissioning arrangements in 2015-16. A separate report will be provided for the Better Care Fund Section 75 arrangement.

2. Recommendation

2.1 This report is primarily for assurance.

It is recommended that Islington Council and Islington Clinical Commissioning Group note this report.

3. Adult Services

3.1 Pooled Budgets

Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Regulations 2000 provide the legislative framework for partnership working and allow for the establishment of a 'pooled' fund.

During the financial year ending 31 March 2016, six adult pooled budgets were in operation between Islington Council and Islington CCG, and 5 were hosted by the Council: Learning Disability, Intermediate Care, Mental Health Commissioning, Carers Services, and Mental Health Care of Older People. The breakdown of contributions is in appendix 1.

The summary revenue position for 2015-16 is shown below.

Table 1: 2015-16 Islington Council and Islington CCG Pooled budget summary table

Section 75 agreement	2015-16 Expenditure (£)
Intermediate Care (Delayed Transfer of Care)	6,643,474
Learning Disabilities	29,782,050
Mental Health Commissioning	4,634,000
Carers Pooled Fund	893,526
Mental Health Care of Older People (MHCOP)	5,471,000
Better Care Fund	17,093,000
Gross Expenditure	47,424,050

*£1.295m of BCF funding is included within the Intermediate Care and Carers pools at £1.2m and £95k

3.2 Adult Joint Commissioning

In addition to the pooled budgets integrated workforce arrangements, through the Adult Strategy & Joint Commissioning department, ensure that there is a joined up approach to health and care across all commissioned services, including those not funded through pooled budgets.

During 2015 the Adult Strategy & Joint Commissioning department underwent a re-organisation, resulting in a more integrated Strategy & Joint Commissioning structure.

The new structure has:

- improved the effectiveness of joint commissioning arrangements through better alignment of portfolios to reflect resident and service user experience
- ensured that the department has sufficient capacity to respond to the additional duties introduced by the Care Act and can begin to extend a commissioning approach to all services, including in-house services and those spot purchased
- strengthened collaboration across and beyond the department

4. Review Of Adult Service Developments

4.1 Older People and Mental Health Care of Older People

This pool provides a funding contribution to two care homes with nursing: Highbury New Park and Muriel Street which specialise in the provision of nursing care for older people with dementia and mental health ill health. Both homes are provided by Care UK. They work to:

- support local hospitals avoid and delay hospital admissions
- avoid delayed transfers of care, and
- provide good quality care in the community following discharge from hospital.

All care homes in Islington are delivering care to residents with increasingly complex conditions and a greater range of co-morbidities. A Lead Nurse is located within the joint commissioning team and supports partnership working into and across all care homes by co-ordinating support from Social Care, Continuing Healthcare, GP's, the Integrated Care Ageing Team (ICAT) and wider multi-disciplinary teams (MDTs).

The two care homes with pooled budget funding were rated as "Good" (fully complaint) by the Care Quality Commission (CQC) during 2015-16, with Muriel Street achieving its rating in May 2015 and Highbury New Park achieving its rating in February 2016. Whilst the overall CQC ratings for these homes indicate that the care being delivered meets the required national minimum care standards, the unannounced visits co-ordinated by the Lead Nurse in conjunction with other health and social care professionals have concerns.

The unannounced visits in 2015-16 highlighted a number of themes:

- concerns about clinical leadership
- insufficient proactive clinical risk management
- inconsistent record keeping

- lack of consistent application of Deprivation of Liberty Safeguards conditions in clinical practice
- frequent management changes leading to an inability to sustain improvements

Robust action plans were put in place and led to improvements in all areas but we remain concerned about the sustainability of these improvements due to regular changes in management in both homes. We are continuing to meet with the homes and their provider organisation on a monthly basis until we are assured that the operational and clinical leadership is sufficiently stable to ensure that recent progress is fully embedded.

Over the course of the year three areas were identified for particular focus:

Pressure ulcers

There was a 50% higher comparative incidence of low grade pressure ulcers in 2015-16 (for all care homes in the borough) than in 2014-15, but there was no increase in high grade pressure ulcers. The majority of the high grade pressure ulcers reported in 2015-16 were acquired outside the care home. Work is underway to improve analysis of grade classification, individual residents, and whether incidents were avoidable or unavoidable.

Falls within homes

Over the course of 2015-16, the number of falls in care homes increased in comparison to 2014-15 but the proportion of falls that resulted in hospital attendances or admissions remained very low. Safeguarding alerts (which have reported falls as the key reason or contributing factor) and subsequent learning from investigations have highlighted a gap in knowledge that would enable a more proactive approach in the management of falls. The Lead Nurse has worked closely with the care homes throughout the year to improve their approach to preventing falls.

Hospital admissions

The incidence of hospital admissions from care homes remained comparable to previous years. The majority of these were reported as unavoidable by the care homes, due to significant changes in the resident's condition; e.g. the resident became unwell during an outpatient appointment. Where hospital admissions were deemed to be avoidable, it was evident that escalation plans had not been adhered to. The Lead Nurse has been working with care homes to ensure that these plans are fully utilised.

As a result of the quality monitoring, a number of quality improvement initiatives have been implemented during 2015-16. These initiatives have been developed in part to address gaps in the delivery of effective and safe care, but primarily to continue to improve the experience of residents in the homes.

During 2015-16 our focus has been on developing:

- A more skilled qualified and unqualified workforce in care homes, for example the roll out of a Diabetes awareness training programme
- A more integrated workforce in the local health and social care system
- Extended clinical skills, for example training in the management of syringe drivers to support residents nearing their last years of life
- Care closer to home for residents, for example Advanced Care planning sessions for staff

- A more positive resident experience, for example the continued delivery of the “Kissing it Better” initiative

We know that Islington’s model of support to care homes compares well with care homes in the national Vanguard sites in that each care home has a named GP and receives on-going and regular input from a specialist multi-disciplinary team.

Recruitment and retention remains an area of concern across all the care homes in Islington and this continues to limit the scope to implement additional improvements. All of Islington’s care homes struggle to recruit and retain high quality staff. Over the last six months, half of our care home managers have resigned from their posts for a combination of reasons. Gaps and inconsistency in both management and clinical leadership are a significant risk to the provision of good care. This impacts on effective working relationships with the wider MDT and on the sustainability of improvements made as a disproportionate amount of time is focused on quality assurance rather than quality improvement.

In order to mitigate this, the MDT continues to provide high quality integrated training and supervision to care home staff and the Lead Nurse is fully engaged with local workforce development programmes to ensure that both short and medium term mitigations are being implemented. There are currently opportunities through the Islington and Haringey Wellbeing Programme to look at new models of care for Care Home provision and this will be explored during 2016-17.

Dementia remains as a priority area for Islington Council and the CCG. Whilst diagnosis rates remain high when compared to national rates, we want to ensure that people with dementia access support services as early as possible post diagnosis rather than when they are in crisis. Some parts of the dementia service pathway may be more effective than others. We are reviewing dementia services in 2016-2017.

Commissioned care homes will be supported to work towards the vision outlined in the NHS 5 Year Forward Plan with particular emphasis on treating people in a safe environment, protecting them from avoidable harm and helping people to recover from episodes of ill health or following injury. The following actions are in development and planned for 2016-17:

- Bespoke staff training for areas identified in action plans, for example on site falls training, pressure ulcer prevention and grading classification training, continence management training
- Implementation of NICE guidance NG27 (2015) and piloting an integrated Care pathway to establish a Hospital Transfer Pathway ‘Red bag’ initiative between acute and care homes setting
- Roll out of student nurse placements following evaluation of current placements and the development of a learning environment for other learners
- Increased uptake of facilitated clinical supervision with all homes participating by the end of 2017
- To establish Clinical Incidents Learning workshops across all care homes to facilitate shared learning and continuous improvement
- Review of the falls pathway, including falls prevention, across Islington led by CCG and LBI Commissioners with support from Public Health and providers
- Care Home contract key performance indicators to be reviewed to ensure they reflect our priorities, can be more accurately measured and enable better national benchmarking.

4.2 Intermediate Care and Rehabilitation

Intermediate care is a priority area for the CCG and the Council. The pooled budget invests in a range of integrated services to help people avoid going into hospital unnecessarily, help people to be as independent as possible after a stay in hospital, and to prevent people from having to move into a residential home until they really need to.

Throughout 2015-16, Islington Council and Islington Clinical Commissioning Group jointly funded a variety of 'at home' and 'bed based' clinical rehabilitation services as well as reablement services including:

Service category	Service	Provider	Description & Skill set
Crisis response (Rapid Response)	Rapid Home Care	LB Islington	Domiciliary Care service that can be "turned on" by the acute hospital and delivered for a maximum of 3 days.
Home based Intermediate Care	REACH home based	Whittington Health	Home based multi-disciplinary therapy including physiotherapy, occupational therapy, and nursing
Bed based Intermediate Care	REACH bed based Therapy Team	Whittington Health	Bed based multi-disciplinary therapy including physiotherapy, occupational therapy and nursing supporting Mildmay and St Anne's
	St Pancras Rehab Unit	CNWL NHS Trust	21 inpatient rehabilitation beds
	St Anne's Nursing Home	Forest Healthcare	10 rehabilitation beds in a nursing home setting
	Mildmay	Notting Hill House Trust	12 rehabilitation beds in an extra care sheltered setting
	Cavell Ward	Whittington Health	4 temporary step down beds (winter funding 2015-16)
Reablement	Community Enablement	Age UK	Short term interventions to increase independence and wellbeing for Islington residents 55 years and older
	In-house Reablement service	LB Islington	Reablement care to people in their own homes for a period of up to 6 weeks
	Mental Health Reablement	Camden & Islington NHS Foundation Trust	Short term interventions to prevent hospital admissions and facilitate safe and timely discharge from inpatient services.

Home Based Intermediate Care

REACH provide home based multi-disciplinary therapy including physiotherapy, occupational therapy and nursing. They also support the bed based providers, screening referrals from both acute and community settings. The service was particularly challenged in 2015-16. During the year they experienced significant increases in their waiting times and a backlog of referrals built up. The service is expected to see all new referrals within 6 weeks yet the average waiting time during the year has been 61 days. A combination of management actions and short term investment from the Local Authority enabled the service to bring the waiting times and backlog down during the winter but these have risen again since. Further work is being done with the Whittington to address this to ensure that patients aren't deteriorating or losing rehabilitation potential as a result of the long waiting times.

Intermediate Bed Based Care

Intermediate bed based care is provided at three sites, and has continued to play a key role throughout the year in supporting those with the most complex physical rehabilitation needs; also supporting hospital discharges from the Whittington and UCLH. The units have historically managed their own triages and admissions but it has become clear that this has meant that the available beds have not always been utilised most effectively. To that end, a single point of access is being setup to manage referrals into the Intermediate care beds and will be operational from late November 2016.

This will lead to the following benefits:

- patients will be more likely to be placed in the most appropriate bed to meet their needs
- bed capacity will be maximised with greater utilisation of the community beds and fewer waits for the inpatient beds
- health related delayed transfers of care will be reduced

Reablement

Islington Council provides a Reablement service to people in their own homes for up to a period of 6 weeks, usually following a period of illness or injury. The majority of people receiving these services are older adults but the service is offered to all Islington residents 18 years and over who meet the eligibility criteria. The length of time service users spend with the service is dependent on their rehabilitation goals and progress against these; these are actively monitored on a regular basis. Referrals into the service are considered for all people leaving hospital or entering social care via Islington's Access Service.

All residents in receipt of adult social care services are also considered for referral to reablement during the review of their care packages. Social workers assess whether they would benefit from reablement interventions in order to increase their independence.

The Reablement service receives an average of 52 referrals and sees an average 108 people in the service every the month. Over the last year, the 'Improving Reablement programme' has sought to ensure that it provides a quality service that delivers greater independence for residents and is value for money. During 2015-16, significant progress has been made to improve analysis of service effectiveness and target work to make improvements. This will continue to be a significant piece of work during 2016-17.

The vision for intermediate care going forwards

A detailed review of Intermediate Care was completed in 2016. Through this process commissioners engaged with all stakeholders in order to review current capability and capacity.

The review highlighted that the Islington intermediate care system has evolved over time and whilst some elements work well, the system as a whole could be significantly improved. Providers were not found to be able to demonstrate outcomes or value consistently enough and there was a lack of confidence in the sustainability of the system.

During 2016-17, the intermediate care system is being redesigned, in partnership with LB Haringey and through the Wellbeing Programme, in order to develop a more sustainable, integrated and outcomes focused system that delivers greater value and better meets patient and resident needs.

4.3 Mental Health

Mental Health and wellbeing are priority areas for both the Council and the NHS, and are one of the four priorities of the Health and Wellbeing Board.

The forward procurement plan for the 'pooled' budget (2015/16) aligns services in outcome based portfolios to support driving value by realising opportunities for supply side cost efficiencies and synergistic efficiencies. In 2015/16:

- A new *Talking Therapies Service* was commissioned to sit alongside IAPT (Improving Access to Psychological Therapies) but offering services to more hard to reach groups such as, refugees, those who have suffered abuse, or bereavement. Contract to commence Sept 2016.
- *Primary Care Mental Health* was piloted in 9 practices to strengthen capacity and support a more sustainable mental health system. This includes embedding psychiatry, psychiatric nursing and psychology in GP practices evaluation suggests that reductions are achieved in secondary care and GP satisfaction is high.
- *Early Intervention Psychosis* service was extended to over 35 year olds. Islington was one of the first areas to achieve this.
- *Enhanced Psychiatric Liaison* continues to be available at the Whittington with significant impact on quality and length of stay, readmission rates and access to specialist intervention.
- *Perinatal service* provision was extended to provide a service at UCHL
- A new *Wellbeing Service* was commissioned to deliver outreach and one-to-one support to hard to reach groups in order to raise awareness of mental wellbeing and increase access to mental health services. The service builds on the development of previously commissioned Community Development and Mental Health Champions services, forming partnerships with a range of community organisations, and recruiting volunteers to promote good mental wellbeing within their local communities. The new service was jointly commissioned with Public Health. Contract commenced July 2016.
- *Three 24-hour supported housing services* were re-commissioned, with capacity to support 25 adults as they recover from a period of mental illness and regain independent living skills. Two of the services continue to be delivered from existing locations at Turle Road and Davenant Road, whilst one service was moved to premises on Caledonian Road, offering higher quality and better value. Contracts commenced April 2016.
- A *residential service supporting homeless older men with alcohol-related dementia* was re-commissioned, with capacity to support 12 adults. This is a well-established service, which

continues to be delivered from Hilldrop Road. Contract commenced April 2016.

Priorities for 16/17 include:

- *Lost Years of Life* - Collaborative working between service users, providers and commissioners to address the fact that people living with psychosis are dying up to 20 years younger than their peers, has developed a new model that puts users firmly at the centre of a system. Camden and Islington Mental Health Foundation Trust were awarded the contract as the lead provider. This contract shifts the emphasis to achieving better health outcomes for patients across both mental and physical health.
- As part of the development of 2 year contracts with NHS services from April 17- March19 a new emphasis will be given to transformation of services and achievement of outcomes. This will include a greater emphasis on Primary Care Based mental health services for all mental health conditions, robust crisis services and appropriate use of inpatient facilities.
- Review and re commissioning of intermediate care services such as Day Centres, Crisis House and Reablement service to ensure that individuals are supported when in crisis and hospital admission is avoided where possible.
- Supported accommodation will be reviewed alongside a wider strategic review of all supported accommodation pathways by joint commissioning. Mental Health re-procurement is planned for early 2017.
- Mental health is a key priority in Haringey and Islington Well Being Partnership and work has begun on closer working to seek opportunities for efficiencies and improved health and wellbeing for residents.
- North Central London's Sustainability and Transformation Plan. The plan is likely to include initiatives to develop the approach in:
 - Crisis care and Female Psychiatric Inpatient Unit
 - Primary care based mental health services
 - Mental health liaison at emergency departments
 - Perinatal and CAMHS provision
 - Improve community resilience including early detection and employment initiatives

Driving up quality and value is core to commissioning activity. Service development work in 2015-16 included:

- On-going work to understand the increase in suicides of people known to services through thematic review.
- Commissioned an independent review of Acute and Crisis system for mental health, as part of our work to understand and find solutions to very high inpatient bed occupancy levels in the borough. An action plan has been developed to progress the findings.

4.4 Learning Disability and Autism

The learning disability 'pooled budget' commissions the Islington Learning Disabilities Partnership (ILDLP) which is an integrated health and social care team that provides for the holistic needs of young people and adults with a diagnosis of global learning disabilities, provided by London Borough of Islington, Camden & Islington NHS Foundation Trust (C&IFT) and Whittington Health NHS Trust. Learning disabilities is undergoing a programme of developments to improve the quality of services while meeting demographic pressures and savings requirements. ILDP is experiencing demographic pressures, estimated to be £1.8m in 2016/17. A significant part of this is an increase in complexity of

need and an increase in the number of people with learning disabilities in need of continuing health care.

During 2015-16 pooled budget expenditure on residential, nursing and continuing care decreased, whilst personal budgets and spending on social inclusion activities increased. This evidences Islington's commitment to choice and control and supporting people to meaningfully engage in their local community.

A CQC Inspection of C&IFT's services in February 2016 made special mention of learning disability services covered by the trust. The inspectors highlighted the excellent integrated multidisciplinary working taking place in a complex environment which delivers consistent positive outcomes for service users.

Achievements in 2015-16 include:

- Successful implementation of Care Act requirements; including development of the local market to support the wellbeing and preventative agendas and responding to new statutory expectations.
- The successful piloting and embedding of a 'Health Hub' based at ILDP run by the Learning Disability Nursing Team. The hub supports service users who don't feel comfortable accessing mainstream primary care services and carrying out desensitisation work on specific issues.
- Providing assurance in response to the Mazars Report (Independent review of deaths of people with a Learning Disability or Mental Health problem in contact with Southern Health NHS Foundation Trust April 2011 to March 2015). Islington has volunteered to be part of the London Learning Disability Mortality Review Pilot to further review pathways and ensure best practice is embedded across the service
- Significant increase in the number of DOLs assessments completed to ensure service users are safeguarded and supported in the least restrictive way
- Continued progress towards getting more people into employment - in 15-16, 18 people with learning disabilities started work for the first time
- Securing approximately 70 units of supported living accommodation in the borough that will be ready for occupation in a phased roll out 2017-2019 and will enable people with learning disabilities to live more independent lives within the borough
- The launch of the 'Move On' Project - an operational team with a remit to consider the least restrictive options to support individuals living in out-of-borough residential placements

Priorities for 2016-17 include:

- Continued work to improve access to primary care and other health services, including improving the number of GP annual health checks taking place & ensuring all health services are reasonably adjusted to the client group.

- Improving choice and diversity in the market and ensuring providers are prepared for the increasing complexity of need amongst service users
- Increasing the proportion of service users living in settled accommodation and reducing the use of residential care, nursing care and hospital care (see Transforming Care section)

Autism

Autism continues to be an area facing significant demographic pressure. We know that the needs of people with autism who also have a learning disability are well catered for by ILDP, however we recognise that the needs of people with autism who do not have a learning disability are less well known and there is risk of people 'falling through the gaps' of service eligibility criteria.

Areas of good practice include:

- A clear diagnostic pathway through a well-established diagnostic service for ASD and ADHD jointly commissioned with Camden
- The development of a bi-monthly autism partnership board, attended by a wide range of stakeholders across the local authority, CCG and externally, to oversee work to improve the health and wellbeing of people with autism
- Availability of autism awareness e-learning for all staff working in the field of adult social care in Islington

Priorities for 2016-17 include:

- Returning the 2016 autism self-assessment framework (SAF) and co-producing an action plan with the partnership board to deliver against identified gaps
- The launch of the Islington Autism Project (IAP) in October 2016 - the team, consisting of one senior practitioner and one support worker, have a specific remit around supporting people with autism who don't have a learning disability and reviewing how we can sustainably meet the needs of this cohort going forward

Transforming Care

Transforming Care is the program of work initiated in the aftermath of the abuse exposed at the Winterbourne View hospital in 2011.

The population defined within the national policy literature in relation to Transforming Care is very broad: "people with learning disabilities or autism who also have mental health conditions or behaviours viewed as challenging" and therefore includes:

- adults and children
- people with autism who do not have a learning disability
- people with a mental health condition who may have a secondary diagnosis of a (mild) learning disability or autism

The term “challenging behaviour” describes behaviour of such intensity, frequency, or duration, as to threaten the quality of life and/or the physical safety of the individual or others. 10 to 15% of people with learning disabilities nationally express challenging behaviour.

The vision for people with learning disabilities or autism was set out by the national Winterbourne View Joint Improvement Programme, and remains relevant:

“Everyone, with no exception, deserves a place to call home. Person by person, area by area, the number of people with learning disabilities and autism in secure hospitals or assessment and treatment settings will permanently reduce. At the same time local community based support and early intervention will improve to the point it will become extremely rare for a person to be excluded from the right to live their life outside of a hospital setting.”

However, since 2011-12, despite significant work in Islington, as across London and across England, the original overarching vision of Transforming Care has not been fully realised. Overall there has been some good progress in Islington to address the issues highlighted by Winterbourne View. There are good partnerships, good joint working between social care, health partners and providers and we have the resources in place to ensure every in-patient receives high quality care planning, including discharge planning. We plan with children’s services to identify, assess and plan for young people at risk as they become adults. However, like most areas, we have not seen a significant and permanent reduction in inpatient numbers, which have remained relatively static, as discharge rates have not out-paced admission rates. NHS England (NHSE) have issued a raft of guidance and best practice literature from 2012-2016, including a commissioning framework in late 2015 “Building the Right Support” and an associated National Service Model. 48 Transforming Care Partnerships (TCPs) were set up across England to deliver 3 year plans to re-shape services to meet local needs with community services that would enable in-patient beds to be reduced by 50%. This included 6 “fast-track” areas (none were in London).

Our next steps are to develop strategic actions to ensure that we have the resources in place to achieve these aims. Our strategic actions will focus on ensuring that we support this population with effective community services that promote their independence and well-being and reduce the risk of hospital admission. Much of this work is being planned at a North Central London (NCL) level which is our Transforming Care Partnership (TCP), with an NCL TCP plan recently completed and achieving assurance from NHSE. There is an Implementation Group driving this work with a Programme Board which started in July 2016 to oversee progress.

The NCL TCP consists of the CCGs and local authorities of Haringey, Enfield, Barnet, Camden and Islington. LB Islington and Islington CCG are part of the NCL TCP which has agreed a 3-year high level plan to transform services. This sets out how we will address the gaps and achieve our aspirations for Transforming Care, jointly across NCL. It includes:

- Commissioning services that prevent crisis and hospital admission, such as family support, crisis intervention and positive behaviour support
- Improving our discharge planning processes by learning from good practice and implementing it in NCL

- Developing the workforce – making sure staff have the right training and skills to better support people and their carers
- Increasing people's choice and control in the way their care is delivered, by using personal health budgets, personal budgets and direct payments
- Looking at housing options – using innovation and shared frameworks across NCL
- Working with organisations and providers to ensure there are high quality local services
- Making sure we have really good contracts, in particular with hospitals and housing services, so that people using them are kept safe and that their needs are met
- Making sure that services for children, adults and young people are joined up so that people get the right support as they get older
- Making sure people have access to information, advice, guidance and support at the right time and in the right place
- Improving processes for pre-admission care and treatment reviews and admission prevention registers so that professionals are identifying those at risk early enough to think about alternatives to admission.
- Making sure children's services support young people and their families to develop their independence and skills in preparation for adulthood
- Development of local resources so that fewer people are placed and/or educated outside of the area where they live.

By March 2019 we aim to reduce our use of hospital beds to care for people with learning disabilities and/or autism by 50% across NCL in line with the ambitions set out in Building the Right Support.

Priorities for Islington in 2016-17:

- Ensuring that each individual in-patient with learning disabilities has a care co-ordinator to ensure the appropriateness of placement, and to ensure that every one receives high quality care planning, including discharge planning.
- Ensuring that patients in our mental health system who may also have a learning disability and/or autism are identified and included in the Transforming Care programme, with the equivalent oversight and scrutiny.
- Embedding good practice guidance which states that people with learning disabilities and/or autism should be able to access the full range of mental health services and that there should be agreed pathways and joint working to supporting people who have learning disabilities and/or autism and mental health needs.
- There needs to be a clear strategy for learning disabilities and autism to ensure suitable services are

available and that reasonable adjustments are made in mainstream services for this client group.

- Ensuring Islington is capable and resourced to meet the needs of an increasingly complex client group, as more people are being supported in the community in less restrictive settings, who pose a risk to services, the community and themselves.
- Ensuring that we align work with children's services on Transforming Care at a strategic and operational level, including planning at an individual level and ensuring young people are supported to transition to adult services

4.5 Carers

Since being re-commissioned in November 2015 and transferring to Age UK Islington (AUI) the Islington Carers' Hub (ICH), the main commissioned service for carers, has continued to identify and support carers in Islington through partnership work and has continued the positive work started by the previous provider Carers UK. Because the re-commissioning occurred in the middle of the 2015-16 financial year, the following data represents an amalgamation of the achievements of the two providers.

During 2015-16, strong links have continued with health services, with ICH working with 16 of the 34 GP practices in the borough; working with them to identify and contact carers. Recent outreach work with the River Place and Elizabeth Avenue surgeries enabled contact with 250 carers across both practices who were sent an ICH information pack. The ICH is also actively involved in various boards and sub-groups run by the Council and health and care providers, including but not limited to Healthwatch Islington, the Dementia Navigation Steering Group, the Recovery College Steering Group and the Carers' Assessment Partnership.

During the year ICH has successfully identified 376 new carers taking its total membership beyond 1700.

The Flexible Breaks Fund (FBF), which enables carers and families to take a break from their caring roles, continues to be awarded to carers and families of carers who do not qualify for formal support from health and/or social care. In 2015-16, £25,000 from the FBF was distributed to 119 families equating to approximately 51 awards. 24 of these awards were offered to 13 palliative carers and their families. The FBF is a legacy of pre-Care Act provision and is therefore less necessary now that all carers have access to an assessment and support from either the Council or the ICH. The Council and AUI are therefore looking at options to re-purpose the funding for more general provision that will benefit more carers. This is currently in consultation with carers.

ICH delivers information and advice services, signposting carers and their families to services that can offer additional support. Some of this work is undertaken via the distribution of newsletters and e-bulletins that are sent to ICH's network of carers. In 2015-16 two newsletters were distributed, along with 27 e-bulletins. ICH also conducts face-to-face meetings and home appointments. In 2015-16, ICH undertook 288 meetings and 27 home appointments.

The re-commissioning of ICH within the year was in part in order to support Islington's compliance with the new requirements of the Care Act to offer advice, support and assessment to carers. Within this new remit, ICH now conducts low-level carers' assessments. This work began in January, and 35 assessments were completed between then and the end of March 2016. A further priority for the new

service has been to focus on prevention by identifying and engaging with hidden carers in the community. To address this, ICH has analysed its own data and compared this with a variety of local data sources including Census information. This has identified key target groups of hidden carers. These include:

- Male carers, who represent just over a third of newly registered carers.
- Young adult carers, who as in many other boroughs, are often not known to services.
- LGBT carers, who have until recently not been looked for or seen as a distinct category. All ICH staff have now received LGBT awareness training

This work has also highlighted that three wards – Hillrise, St Mary's and St Peters – are consistently under-represented on the database. Work will continue to make relevant partnerships in these (and other) specific wards in order to improve registration with and support from the ICH.

Priorities for Islington in 2016-17:

- To work with all GP surgeries in the borough.
- To re-focus the FBF funds to increase provision for carers
- To increase the identification and engagement of hidden carers:
 - conduct focus groups with newly registered male carers to support understanding of barriers to engagement
 - closer joint working with Family Action who run Islington's young carers service
 - enhancement of ICH's offer and outreach work to LGBT carers
 - To increase the identification and engagement of carers in Hillrise, St Mary's and St Peter's wards

4.6 Better Care Fund

The Better Care Fund follows a different format to the other pooled arrangement in Islington. This is due to the Better Care Fund's history as a national initiative aimed at supporting health and care transformation and integration.

Nationally, the Better Care Fund represents the largest financial incentive for the integration of health and social care. The government requires Clinical Commissioning Groups and local authorities to pool budgets and to agree an integrated spending plan. Nationally the government supported this change through carving out £3.8 billion in 2015/16 and an additional £3.9 billion in 2016/17.

In Islington, the Better Care Fund has been an extension of the established culture of integrated working. The Better Care fund has played two key roles through enabling integrated care transformation and protecting adult social care provision.

In June 2016, the Better Care Fund for Islington was formally signed off by NHS England for 2016/17. The submission received positive feedback from the central team in regards to the joined up approach demonstrated by Islington.

The Better Care Fund enables resources for a range of services and new transformation initiatives. The key areas enabled in 2015/16 and 2016/17 are:

- Roll out of the **Integrated Networks**- The networks are community based multi-disciplinary team meetings of key health and care professionals. The aim of the networks is to identify and put in

wrap around care plans/packages for the most complex and vulnerable people in the community
The Networks provide an early foundation for integrated health and care in the local health and care system and include a mechanism in which to align the following areas into a delivery vehicle:

- Rapid response
 - Co-ordinated care for those most in need (through integrated health and care teams)
 - Prevention and early intervention
 - Proactive, long term care
- Creation of Voluntary Sector **Locality Navigators**. The navigators from Age UK Islington perform an important function for signposting and navigation for service users which could be encouraged to further promote personalisation, wellbeing and consider areas such as loneliness. This includes providing 'Wellbeing Prescriptions' to service users to support the proactive, preventative approach to care.
 - **Protecting Adult Social Care**- the Better Care Fund provides additional funding to Adult Social Care. In Islington, this has enabled protection of services and provision of care packages to people who meet eligibility criteria. The funding of this area supports the whole health and care system. London Borough Council has maintained access to services through the Better Care Fund and implemented all the requirements of the Care Act including wellbeing principles.
 - Integrated Digital Care Record – 'CareMyWay- Personal and Professional'. The Better Care Fund has enabled the development of the integrated digital care record between health partners (hospitals, GPs, mental health, community services) and childrens/adults social care.
 - Establishment of a Community Education Provider Network and a integrated care training programme to enable a **skilled workforce** that delivers care with dignity and compassion, is motivated to make a difference and is rewarded for its efforts.
 - Implementation of **innovative blended roles** to enable medics and other professionals to work across organisational boundaries. This has included a new blended social care role with expertise in housing.
 - Expansion of **Practice Based Mental Health Service** to provide mental health assessment and interventions more closely within primary care. This helps ensure parity of esteem and access to people with mental health needs.

The impact of these investments and funding allocations are monitored through a range of metrics. The Better Care Fund Metrics are set nationally with two areas where local metrics can be selected. The metrics are set as system indicators rather than granular indicators of impact of individual initiatives. The Integrated Care Programme has a more in depth dashboard for specific local interventions.

Overall, Islington is performing better than statistical neighbours around areas such as Delayed Transfers of Care; non elective emergency admissions and admissions to residential and nursing care. Islington is continuing to work together to further improve performance and analyse areas where there has been a year on year increase.

The ambition for 16/17 and beyond is to continue to embed integrated working using a whole systems approach. This includes identifying opportunities to work together, implementing new ways of working, reviewing impact and continue to be nationally leading health and care economy for integrated working.

5. Children's Services

5.1 Pooled and non- pooled budgets

Whilst there are no pooled budgets in children services the Section 75 agreement covers one non-pooled budget which funds the staffing and running costs of the Children's Health Commissioning Team.

The Children's Health Commissioning team, located within the local authority, but who also work into the CCG, have developed well established linkages between health and local authority commissioning including Public Health. The direct management of the team is provided by the CCG's Director of Commissioning with a dotted line to LBI's Head of Partnerships and Support Services. The team links into the Children's Services Management Team through a regular health focussed meeting together with Public Health every 6 weeks which is also attended by the CCG Director of Commissioning.

Unlike adults, children's health and social care provision are commissioned separately. However, the S75 agreement enables the Children's Health Commissioning team to commission health services funded by the CCG or the local authority and to do so working closely with Public Health, other local authority partners and schools. This is particularly important in relation to the commissioning of speech and language and other paediatric therapies, services for children with disabilities, child and adolescent mental health services and health services for vulnerable children: including services into the Pupil Referral Units, children looked after, young carers and those known to the Youth Offending Service / Targeted Youth Support.

In 2015/16 the local authority contributed £130,200 towards the cost of this team and the CCG contributed £176,000.

Aligned budget: Within Children's Services there is also an 'almost' pooled budget referred to as an 'aligned' budget which covers the spot purchasing of placements for children with complex emotional, social and behavioural problems and/or disabilities.

Decisions about funding of these placements are made by a Joint Agency Panel (JAP) which is attended by a member of the Children's Health Commissioning team and commissioners from Social Care and Education. This low volume, high cost budget is carefully monitored via the JAP Panel which in 15/16 has continued to function effectively. The overall outturn in 15/16 was £4,076,916 with a standard split operating across agencies such that the outturn for each agency was as follows: CCG – £1,267,959, Education – £883,667, Social Care – £1,514,507 and ILDP £410,783.

5.2 Children's Health Strategy

The Children's Health Commissioning Team has continued to focus on the delivery of the Children's Health Strategy. Developed in 14 / 15 the strategy guides the work of the team and partners, setting out the direction of travel for Children's Health Services in Islington over the next 5 years; to deliver improved health and well-being outcomes for children and young people and their parents and carers. Regular progress reports are made to the Children's Service Improvement Group and the team are currently developing an annual update on the plan.

5.3 Children's Integrated Care

The Children's Health Commissioning Team leads on the Children's Integrated Care Programme and central to this is ensuring that children's health care is managed in the community where it is safe to do so. This has required close collaboration between primary, community and acute (hospital) services as well as linking up with local authority partners as needed.

Key projects that supported this in 15/16 were:

- The asthma friendly school nurse post: The school nurse is delivering an asthma friendly programme to all schools in Islington, which includes implementation of an asthma policy, care plans, training, asthma register and emergency procedures. 29 out of the 64 Islington schools have completed the asthma friendly school programme.
- Children's Nurses in Primary Care: The children's nurses are continuing to deliver clinics in primary care to improve health and wellbeing outcomes for children with certain long term conditions. Over 200 children were seen by the service in 15/16.

- **Children's Multidisciplinary Team Teleconference:** The Children's MDT Teleconference brings together an extensive core team of professionals once a month to discuss up to 10 children that would benefit from a multidisciplinary team discussion, including those with multiple A&E attendances. The core team includes the child's GP, a paediatrician, community nurse, school nurse, health visitor, pharmacist, Families First and SHINE. In 15/16 34 children were discussed at the Children's MDT teleconference. An evaluation of the service took place in 15/16 and the recommendations are being rolled out in 16/17.
- **Hospital @ Home:** Hospital @ Home enables acutely unwell children to have their care managed at home who would otherwise be treated in hospital. The project started in August 2014 and by the end of 15/16, 347 children were treated by the Hospital @ Home service. The service was evaluated by UCLP in 15/16. The outcome of the evaluation was extremely positive and the service is being seen nationally as best practice.

5.4 **Children's Community Health Services**

The Children's Health Commissioning Team has worked with Public Health to support the safe transitioning of Health Visiting and the Family Nurse Partnership from NHSE to the local authority by October 15. Key performance indicators for health visiting such as breastfeeding and immunisation rates improved in 2014-15 and were above the London average and the DH Annual Review of FNP was very positive.

Since April 2013 Public Health has been responsible for commissioning school health, sexual health and drug and alcohol services for young people. The Children's Health Commissioning Team has continued to collaborate with Public Health in these areas as needed so as to mitigate against health services becoming fragmented.

During 2015-16, the children's health commissioning team has been working closely with Public Health to roll out recommendations from the school nursing review.

5.5 **Input into the monitoring of the Whittington Health contract**

Most community health services for children in Islington are provided by Whittington Health and the Children's Health Commissioning team inputs directly into the monitoring of the overall contract with Whittington Health in relation to these services and in particular those that the CCG directly commissions which include the following:

Services for Children with Additional Health Needs such as Speech and Language Therapy, Occupational Therapy, Physiotherapy; Community Paediatrics, Community Nursing, Continuing Care and Palliative Care.

Services for Disabled Children including the Integrated Disabled Children's Service, Short Breaks Services and Assessment and Diagnostic services delivered from the Northern Health Centre. Child and Adolescent Mental Health Services (CAMHS) and Integrated Health Teams working within the Targeted Youth Support, Youth Offending Services and Looked After Children's Services.

The team also undertakes a series of engagement/monitoring meetings regarding the above and involves the local authority partners in these as needed. Hence the S75 is enabling the local authority to have more direct involvement in the monitoring of the Whittington health contract than would otherwise be the case. The value of the children's element of the contract with Whittington Health for community services is currently being disaggregated.

5.6 **Some of the achievements in 15/16 are as follows:**

- The decision to jointly fund speech and language therapy posts in mainstream schools between the CCG and schools Forum continues to have a really positive impact on the delivery of services into mainstream schools. Schools are now in receipt of ongoing provision which enables both direct intervention but also development of whole school approaches to support language and

communication skills in schools. The 15/16 Annual SLT report to the Schools Forum was well received and this work has really support our integrated approach to delivery of Education, Health and Care Plans in Islington.

- The Children's Health Commissioning Team has worked closely with Education and Social Care in implementing the Special Educational Needs and Disability (SEND) reforms. In 14/15 an integrated panel was set up with Commissioners from each agency to agree Education Health and Care (EHC) assessments and plans as well as continuing care assessments and personal (health) budgets. This panel is enabling partner agencies to make joined up decisions with the potential to maximise resources and deliver shared outcomes across Education, Health and Social Care. The panel has enabled a very joined up approach to EHCP's but also to SEND Joint Commissioning. The Joint Commissioning Sub Group is chaired by The Head of Children's Health Commissioning and significant progress has been made over the past year in the implementation of the Joint Commissioning Action Plan. This integrated approach to SEND across the CCG and LBI will be central to positive outcomes in the forthcoming SEND Joint Inspection.
- In accordance with the Department of Health recommendations, personal health budgets (PHBs) were made available for children eligible for continuing care funding from October 2014 and since this date all children with a continuing care package have been offered a PHB and to date 4 families have taken this up. Currently the team are working to roll out the offer of PHBs to C&YP who have palliative care needs and are in receipt of respite services. To ensure processes are joined up the team has worked closely with the children's personalisation team to ensure the alignment of systems and processes around personal budgets. The CCG contributes to a post within the team to support the establishment and on-going monitoring of these budgets.
- The Schools Forum have continued to purchase CAMHS in schools which has meant that a comprehensive service was been provided across all Children's Centres, Primary and Secondary schools as well as special schools. This has enabled the delivery of a seamless service from early identification and intervention through to more specialist interventions when required. Feedback from Children's Centres and schools has been consistently positive.
- In 2014/15 the Children's Health Commissioning Team worked with CAMHS and Adult Mental Health services to develop a parental mental health service – Growing Together - funded by the CCG. This has brought together CAMHS and Adult mental health clinicians to work in Children's Centres and other venues to provide clinical interventions to parents and children where the parent's mental health is having a negative impact on their children's mental health. In 15/16 the CCG commissioned a review of this service with a particular remit to consider the interface of the service with other services available in Islington to promote integration and collaboration.
- The CCG has continued to fund health services into the Youth Offending Service including a nurse (who also works into the Pupil Referral Unit) and a speech and language therapist. These services have been well received and enabled a far more comprehensive delivery of health services to this group of YP. Children's Commissioning continue to convene and chair a Health sub-group of the YOS management board which has overseen improvements however the production of robust health performance data continues to be a challenge.
- The CLA health team continued to perform well in meeting the statutory health targets in relation to health assessments (initials and reviews) and immunisation rates for children looked after.
- The Children's Health Commissioning Team have led on the development of Islington's Local CAMHS Transformation Plan 2015 - 2020, which is currently being refreshed. This has led to a significant increase in funding within local services to develop local service provision and support progress towards national targets in relation to improving access, specialist provision and most recently ensuring robust crisis care pathways are in place. The Team will be working closely with Children's Social Care this year to look at the delivery of CAMHS services to Children Looked After (CLA) to ensure we are maximising the use of the dedicated resource for CLA.
- Camden and Islington Young Carers Service delivered by Family Action – The team are responsible

for the ongoing monitoring of the current contract in partnership with Camden.

- Early Help Mentoring for vulnerable children provided by Chance UK – The team also lead on the monitoring of this joint contract between Islington Children’s Services and Safer Islington Partnership and facilitated an additional contract from the Preventing Youth Violence funding.
- SEND Community Support Service – Funded through Children’s Social Care, Education and Adult Services, children’s health commissioners led the procurement for this new service which commenced in April 2016.

5.7 Children’s User and Carer Involvement

The Children’s Health Commissioning team leads on ensuring that children and young people and their carers are involved in the design and delivery of health services, linking in with Healthwatch, Public Health and other partners as needed. Below are some examples of activities in 15/16:

- A young person engagement group was created in 15/16 called Youth Health Platform. Youth Health Platform has had a core membership of up to 14 young people aged 13 – 21 years. The group has been involved in a number of important engagement activities to support the teams commissioning including the design of the Islington Children and Young People’s Health Strategy, the digital hand held records, CAMHS Transformation Plan, youth mental health charter, Direct Action procurement and re-procurement of the SEND community support.
- A new Parent Champion initiative has been developed in partnership with education in which parents of children with SEND are trained to undertake peer to peer research with other parents. Three information sessions were held across three different days and times which nine parents attended. Of these, six parents decided to take up the positions of Parent Champions and have successfully been recruited, inducted and trained. The parent consultants have been instrumental in the recent review of our Autism Assessment and Diagnostic Pathways which was undertaken by The National Autistic Society.
- In 15/16, three Children’s Centres and our local sexual health service achieved the ‘You’re Welcome’ status for their ability to be ‘young people friendly’ in relation to young parents

5.8 Safeguarding Children

The close partnership working between Islington CCG and Islington Council in relation to the above is covered in the Islington Safeguarding Board Annual report. Under this Section 75 arrangement, the Children’s Partnership Commissioning Team has worked closely with the Islington CCG Designated Doctor and Nurse for Child Protection in supporting the CCG in ensuring that safeguarding arrangements are appropriately taken into account in the monitoring of health services referred to in this report.

The Head of Children’s Health Commissioning is a member of the NHS Islington Safeguarding Committee and the team reports to the Committee on child protection issues in relation to different community services on a rolling programme

6. Conclusion

- 6.1 The partnership between Islington CCG and Islington Council continues to ensure an integrated approach to service commissioning and delivery to meet the needs of vulnerable residents in a co-ordinated and seamless way. This report demonstrates some of the benefits over the last year for both children and adult and highlights some of the priorities for 2016-17.

2015-6 was again a year of achievement. We have continued to use models of care to develop new ways of working and will continue to strengthening the offer around individuals and their families.

Efficiency and effectiveness remains top of the agenda as the Council and CCG manage financial constraints and demand pressures. Planning and delivering services within a strong joint commissioning approach will help mitigate risks and ensure that we continue to deliver quality seamless services to our local residents.

7. Implications

7.1 Financial implications

There are no direct financial implications from this report.

Any financial implications arising need to be considered and agreed as necessary by the Council and/or the Clinical Commissioning Group (CCG).

Any plans or strategies derived or agreed in relation to this report should use existing available resources and therefore not create a budget pressure for the Council or the Clinical Commissioning Group (CCG).

7.2 Legal Implications

Section 75 of the National Health Service Act 2006 provides powers for the Islington Clinical Commissioning Group (the CCG) to exercise specified local authority functions and for the council to exercise specified functions of the CCG. A partnership agreement pursuant to section 75 has been established between the CCG and the council setting out the respective aims and obligations of the partners. Governance arrangements relating to the partnership agreement are set out within the terms of the partnership agreement.

The council's constitution requires the Executive:

- To be responsible for the regular monitoring of joint commissioning arrangements and joint management of services in relation to adult social care services (Responsibility for functions, council Constitution, Part 3, paragraph 4.6(i)).
- To act on the Council's behalf in any joint governance arrangements for the delivery or commissioning of children's and community care services with the National Health Service (Responsibility for functions, council Constitution, Part 3, paragraph 4.2(i)).

7.3 Environmental Implications

There are no environmental implications

7.4 Resident Impact Assessment

A Resident Impact Assessment has not been completed because the activities in this report seek to advance equality of opportunity, to minimise disadvantages and meet needs in particular for disabled persons' and encourage people to participate in public life.

8. Reasons for the recommendations / decision:

Report is for assurance and note only.

Signed by:



Date: 24 November 2016

Executive Member for Health and Social Care

Appendices

- Appendix 1- Adult Pooled Budgets
- Appendix 2 - Joint Commissioning Strategy for Special Educational Needs and Disability

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Adult Pooled Budget

Pooled Budgets

Central government has recognised the importance of pooled budgets as a mechanism for planning and delivering integrated and coordinated services, and is increasingly requiring Councils and CCGs to work together in this way.

Section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Regulations 2000 provide the legislative framework for partnership working and allow for the establishment of a 'pooled' fund. Contributions can come from two or more local authorities and NHS bodies who agree the aims and objectives of the joint investment fund in line with local needs and priorities. Pooled budgets support the implementation of joint commissioning strategies.

During the financial year ending 31 March 2016, five adult pooled budgets were in operation between Islington Council and Islington CCG, and hosted by the Council

- A pooled budget for **Learning Disability** Services has been in operation since 2004. The total gross budget for the pool was £29.792 in 2015-16. The Council's contribution to the pooled budget was £26.127m in 2015-16 and Islington CCG's contribution was £3.665m. The contributions remain the same for 2016-17.

In common with most other local authorities and CCG's, the Learning Disability pooled budget has continued to face significant pressure year on year, both in terms of the demographic demand for and cost of services. Management action plans have been developed to secure efficiencies in 2016-17.

- A pooled fund for **Intermediate Care**, established in 2003, seeks to prevent and reduce delays in discharge from hospitals for Islington residents. The total budget was £6.737m in 2015-16. The Council's contribution was £2.066m and the CCG's contribution £4.641m in 2015-16. It should be noted that a third pooled budget partner, Whittington NHS Trust, provides an additional £30k 'contribution in kind' to the pool. The investment from each organisation for 2016-17 will be £2,078m and £4.687m from the Council and CCG respectively with a total pooled fund of £6.795m including the £30k 'contribution in kind' from Whittington NHS Trust respectively.
- A pooled budget for **Mental Health** Commissioning of adult care began operating in April 2004. The total budget was £4.634m in 2015-16 and will be £4.700m in 2016-17. The Council's contribution to the pooled budget was £2.447m in 2015-16 and will be £2.513m in 2016-17. Islington CCG's contribution was £2.187m in 2015-16 and remains at that level in 2016-17, a net increase of £77k. This pool is hosted by Islington Council.
- A pooled budget for **Carers** services began operating in April 2011. The Carer's Pool seeks to increase support given to people who act as unpaid carers by integrating the service delivery between Health and Social Care. The total budget was £1.055m in 2015-16 and will remain at that level for 2016-17. The Council's contribution to the pooled budget was £960k in 2015-16 and Islington CCG's contribution was £95m. There will be no change to these levels in 2016-17.
- A pooled budget for **Mental Health Care of Older People** began operating in April 2011. The pool focuses on improving the delivery of residential services for older people with mental health needs by integrating the service and commissioning arrangements within Health and Social Care. The total budget was £5.471m in 2015-16 and will be £5.548m in 2016-17. The Council's contribution to the pooled budget was £2.518m in 2015-16 and will be £3.137m in 2016-17. Islington CCG's contribution was £2.953m in 2015

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ISLINGTON



Islington

Clinical Commissioning Group

Appendix 2

Joint Commissioning Strategy for Special Educational Needs and Disability

Education, Health and Social Care

Joint Commissioning Strategy for Special Educational Needs and Disability

1. Introduction

Context

- 1.1 Partners in Islington are committed to working collaboratively to support children and young people with Special Educational Needs and Disabilities (SEND), and their families. This strategy provides an overview of how the Joint Commissioning of services for children and young people with SEND in Islington will be developed and implemented in line with the requirements of the Children's and Families Act 2014 (see **Appendix 1**).
- 1.2 The strategy meets the requirements of Chapter 3 of the Code of Practice for 0-25 year olds with SEND, which is especially concerned with joint commissioning arrangements. It recognises our duty under the Children Act 2004 to safeguard and promote the welfare of children and to share information and work in partnership with parents and as agencies to achieve best outcomes for them.
- 1.3 Effective Joint Commissioning will work to ensure that resources are maximised across our services to drive forward improved outcomes for children and young people (0 – 25 years of age) with SEND and their families.
- 1.4 Key to the strategy is ensuring that needs are identified at the earliest opportunity, and that children, young people and their families are empowered to support themselves and each other. This framework therefore aims to work within and support Islington's approach to Early Help.

Purpose of this strategy

- 1.5 The purpose of this commissioning strategy is to understand and plan for the current and future needs of children and young people with SEND and their families to enable them to achieve good outcomes. We want to design our services around the outcomes that we know are important to children and young people with SEND and their families.
- 1.6 The strategy therefore sets out:
 - Our strategic aims for SEND services
 - The types of needs and demand on services
 - The types of services we will commission
 - Our commissioning priorities from April 2015 and beyond
 - How we will know if we have made a difference?

What is commissioning?

- 1.7 Commissioning is an ongoing process that involves:
 - Understanding local needs and resources
 - Identifying where needs are not met by current services
 - Taking decisions about priorities

- Ensuring the resources available are used in the best possible way
- Action planning to meet the needs

1.8 A commissioning approach ensures resources are targeted and services developed or procured where they will make the most difference. Service users should also be enabled to have a say over how their needs can best be met.

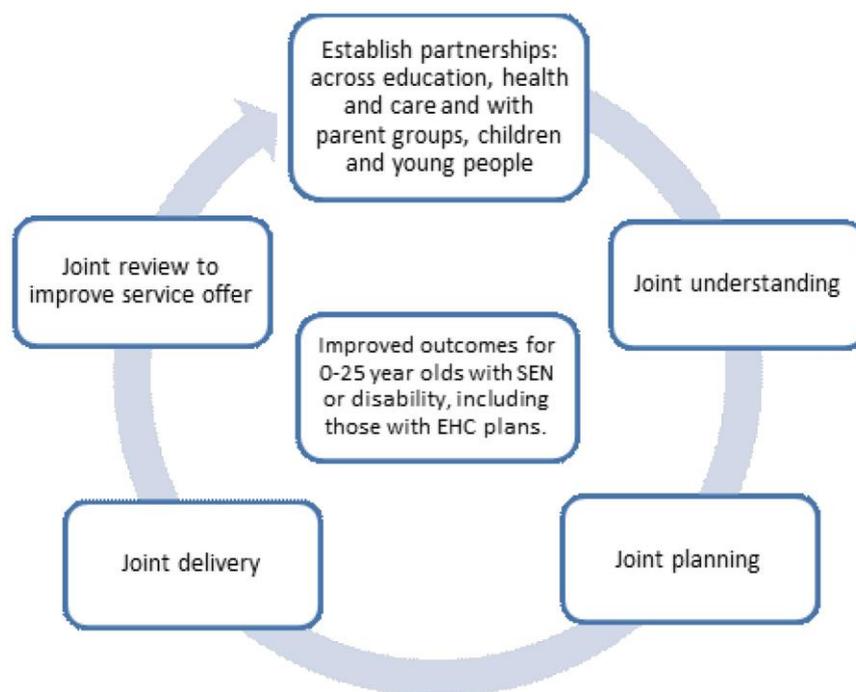
What is joint commissioning?

1.9 Joint commissioning involves planning and delivering services in a holistic, joined up way. It enables education, health, social care and adult services partners to work together to redesign services and operate more effectively, improving the experiences of children, young people and their families and making best use of local resources.

1.10 Joint Commissioning enables whole systems planning, can reduce unnecessary duplication of, or barriers between provision and the development of more efficient and cost effective service provision. Through working together and putting in place joint decision-making processes, partners can use Joint Commissioning to support early identification of needs, prevention and outcome focused service delivery and work to improve the experiences of services that children, young people and their families have.

The diagram below illustrates the commissioning cycle.

Figure 1: The Joint Commissioning cycle



From the SEN Code of Practice, Jan 2015 (DfE)

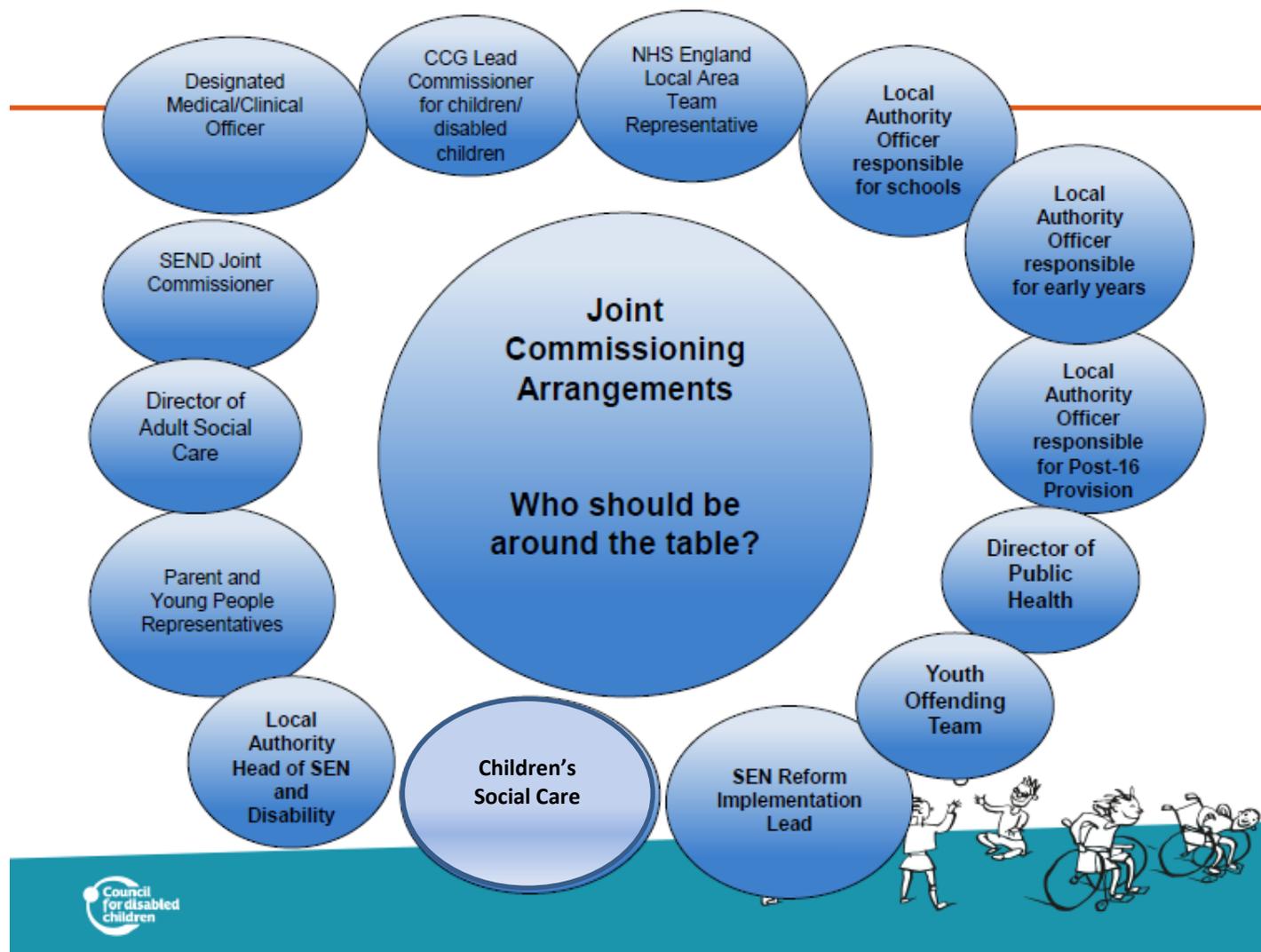
Where are we now?

- 1.11 We have a good understanding of local need which is the first step to identifying commissioning priorities.
- 1.12 We are developing commissioning priorities with our adult services colleagues to ensure a seamless service from birth to adult hood. The priorities include service redesign quality assurance, policies, procedures and protocols, taking into consideration our new statutory responsibilities through the Care Act and SEND reforms.
- 1.13 Varying levels of commissioning and Joint Commissioning are currently taking place across partners. Some services e.g. CAMHS and SALT in schools, are commissioned within clear joint commissioning arrangements. Other services have developed within an aligned approach with each commissioning organisation contracting similar services, separately with (sometimes the same) providers but without clear joint commissioning approaches to these being in place e.g. Centre 404.
- 1.14 For our children and young people with the most complex needs, budgets are already aligned through Joint Agency Panel (JAP) arrangements.
- 1.15 We have a Joint Strategic Needs Assessment (that will be updated annually) from which we need to confirm our commissioning priorities.
- 1.16 We have a range of jointly procured resources e.g JAP funded placements.

Financial challenges

- 1.17 We are facing unprecedented financial challenges. National funding reforms have include major changes to the way that SEND are funded in schools under a nationally prescribed formula. Schools and Local Authority funding is under pressure which is likely to continue due to population growth and increasing growth in the numbers of pupils with an identified SEND.
- 1.18 We therefore need to ensure that we use our resources in the best way to ensure that we work with children, young people, their families to ensure positive outcomes are provided in the family and community.
- 1.19 We need to target our resources appropriately, taking account of reducing budgets and an increase in significant and complex needs.
- 1.20 We need to ensure our services and those of our partners are joined up to maximise the impact they have on improving outcomes through greater access to universal and mainstream services in the family's local community.

Figure 2: Who are Joint Commissioners?



2. Vision and Strategic Aims

Vision

2.1 Our vision for supporting children and young people with special educational needs and their families is as follows:

- We want Islington children and young people with SEND to be healthy and safe within their families, to fulfil their potential through access to a well-planned continuum of provision that meets their needs, and builds family resilience.
- This means working together in a more integrated way and more collaboratively with parents towards agreed outcomes, with a focus on early help so that intervention is timely.
- We want all of our young people to progress to employment and independent living

From Working Together to Improve Outcomes, Islington's SEND Strategy

Aim

2.2 Our aim is to improve outcomes for children and young people with SEND and their families through robust and effective joint commissioning, based on objectives, plans, actions and decisions that are developed in partnership.

2.3 Our focus will be on commissioning for personalisation, inclusion and local delivery, based on evidence that most children and young people benefit from the protective environment of being part of their family, community and local school. We also believe that families have the knowledge and strengths to best care for and support their child.

2.4 We can improve our approach by ensuring better engagement of children, young people, their families and carers in co-producing plans to meet needs from within the family, local community and where necessary and appropriate through additional support from statutory services. We must support the strengths of families to enable greater independence of children and young people with SEND and their families.

2.5 Fundamental to this approach is 'Think Child, Think Parents, Think Family', which is embedded in our local delivery of Early Help. This means putting children, young people and families at the centre and supporting them to identify how they can improve their own outcomes using a strengths-based approach.

Objectives

2.6 Our objectives are as follows:

- To ensure that children, and young people with SEND are healthy and safe and able to live with their families
- To ensure that children and young people with SEND gain maximum life chance benefits, lead full and purposeful lives within their community and to develop a range of friendships, activities and relationships
- To ensure continuity as young people move into adulthood
- To enable children and young people with SEND to have as much choice and control over their lives as possible

- To ensure that families and carers are supported to fulfil their family and caring roles effectively
- To enable children and young people with SEND to access services that are designed around their individual needs
- To ensure that the work force is appropriately skilled, trained and qualified, to promote a better understanding of and meet the needs of children and young people with SEND.
- To develop and implement clear joint mechanisms to evidence value for money
- To support and manage the expectations of children, young people and their families with SEND in respect of their packages of care

Principles

- 2.7 Services are commissioned in line with the requirements of the Children and Families Act 2014.
- 2.8 Service development and delivery will be driven by best possible outcomes and commissioned in in order to meet:
- Identified current and future needs and gaps in provision
 - National and local guidance and good practice
 - Expected quality and performance standards
 - Shared performance indicators and contract management systems across health, social care and education.
 - Robust market management, engagement and development.
- 2.9 Commissioning will be underpinned by effective, meaningful and appropriate consultation, engagement and involvement with all relevant partners, children, young people and their families. For parents and young people's views on current provision, see **Appendix 2**.

Role of Joint Commissioners:

- 2.10 Joint Commissioners will:
- Develop and support integrated approaches to service provision.
 - Work towards simplified funding streams, aligning / pooling budgets across partners where appropriate
 - Ensure equity of access, so that all children, young people and their families are able to access the services they need
 - Take into account the whole needs of children, young people and their families
 - Enable the development of flexible and innovative services that suit the needs of children, young people and their families
 - Ensure that children, young people and their families are enabled to support themselves and each other to:
 - Know what services they are entitled to
 - Understand how they are funded
 - Know where they can go to get the help and support they need.
 - Further develop the Local Offer
 - Enable the implementation of personal budgets and ensure the further development of self-directed support and community capacity building
 - Be committed to prevention, early identification and intervention
 - Be transparent, fair and openly accountable, with all decisions based on a clear rationale for improving outcomes and linked to organisational and partnership priorities
 - Deliver value for money - getting the most out of every pound we spend

- Be creative – consider new solutions to problems and allow children and young people with SEND, their families and people who know them best to work together to work out the best solution in their local community.
- Reduce the need for children to be cared for outside of their family where it is safe to do so
- Where children need to be cared for outside of the family to ensure their right for family based care

Scope of the Joint Commissioning Strategy

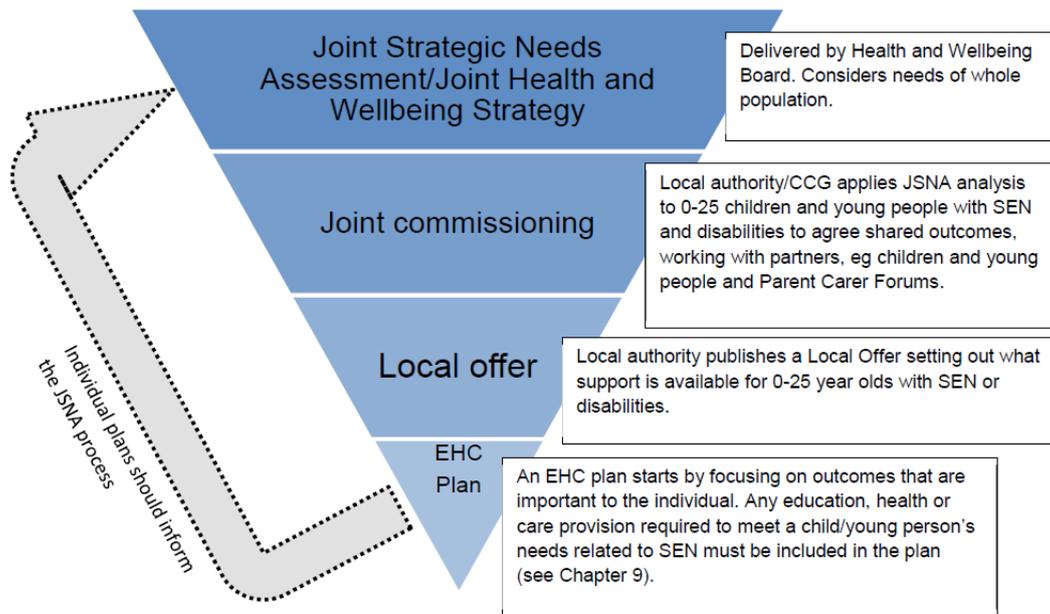
2.11 We see the scope of a Joint Commissioning strategy is as follows:

- The strategy will cover Islington Clinical Commissioning Group and Local Authority commissioned services across children and young people services and adult services for young people up to the end of the academic year that they reach the age of 25 years.
- The strategy refers to those with identified SEN and/or a disability and their families, both with an Education, Health and Care Plan and those whose needs are being met without the need for one
- Health refers to provision commissioned by the Clinical Commissioning Group and provided by NHS trust/ other commissioned providers

3. Needs Assessment

- 3.1 There is a clear relationship between population needs, what is procured for children and young people with SEN and disabilities, and individual EHC plans.

Figure 2: Joint Understanding: Joint Strategic Needs Assessment



From the SEN Code of Practice, Jan 2015 (DfE)

- 3.2 A comprehensive assessment of the needs of children and young people with SEND in Islington was undertaken in 2014. The key messages from this needs assessment are set out below:

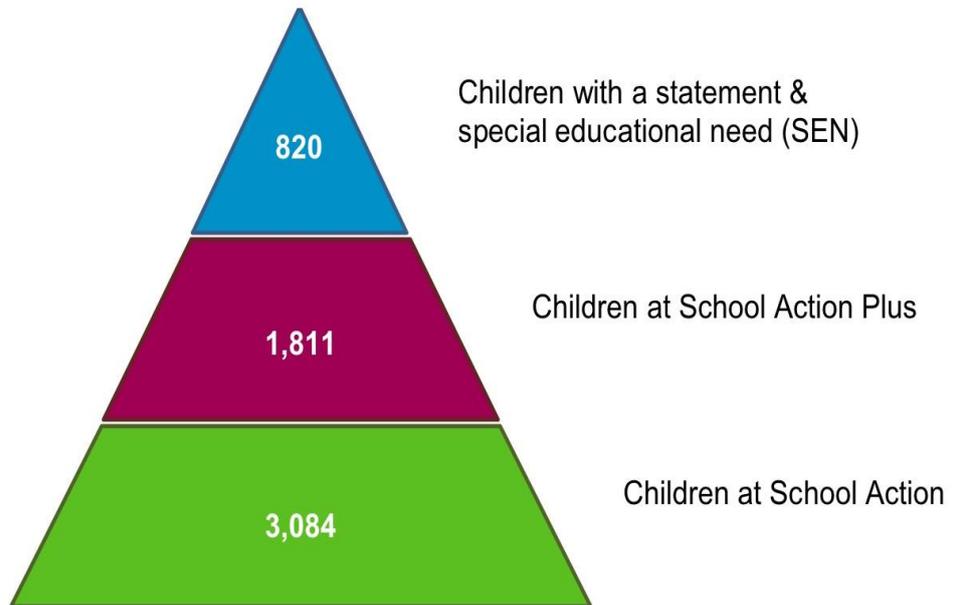
Table 1: Key Facts and Figures

Key facts & figures	
5,817 Islington pupils with Special Educational Needs <small>January 2013</small>	560 Estimated number of children and young people with an Autistic Spectrum Disorder in Islington <small>2013</small>
24.1% of Islington school pupils have some form of Special Educational Needs <small>January 2013</small>	820 Islington pupils with a Statement <small>January 2013</small>

Prevalence of SEND

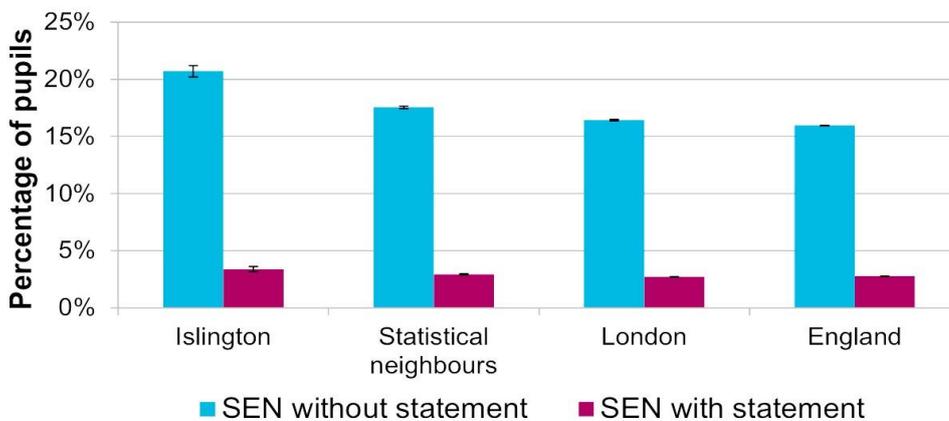
3.3 Islington has a statistically higher percentage of children and young people with a special educational need, both with and without a statement, compared to other areas with similar population characteristics (statistical neighbours), London and England. In 2013, 3.4% of Islington children and young people had a statement of SEN compared with 2.8% for our statistical neighbours and 2.7% for London. The number of statements has risen by approximately 20 per year for the last 5 years over and above any population increase (see Figures 7 and 8).

Figure 3: Prevalence of Special Educational Needs in Islington schools, 2013:



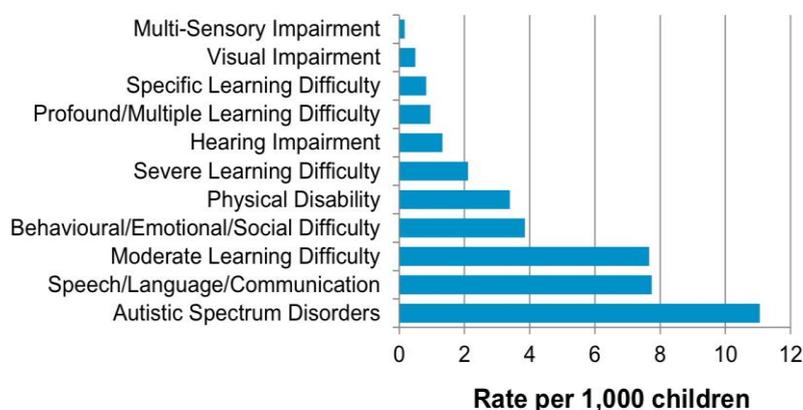
Source: Statistical First Release: Special educational needs in England: January 2013

Figure 4: Percentage of children and young people having SEN, with and without a statement, Islington (Jan 2013)



- 3.4 In 2013, 49.9% of children with a statement were placed in mainstream schools, compared to 41% of our statistical neighbours and 37.5% in London. We have a similar percentage placed in maintained special schools (30.5%) to our statistical neighbours (29.8%) and London (29.9%). In terms of percentage of children placed in special schools of various types, Islington currently ranks 62nd out of 148 local LAs (and 14th of 31 London LAs)¹
- 3.5 Amongst Islington children and young people with a statement, the following were the most common types of need:
- Autistic Spectrum Disorders (1.1%)
 - Speech, language and communication needs (0.8%)
 - Moderate learning difficulties (0.8%)
 - Behavioural, emotional and social difficulties (0.4%)

Figure 5: Primary presenting need of Islington children and young people with a statement (2013)



Source: ONE Pupil Database, July 2013, & Database of Islington Children, Children's Services, November 2013

¹ with the first ranking LA (Newham) having the smallest number of children in special schools. [Source: Contrasting Responses to Diversity: School Placement Trends 2007-2013 for All Local Authorities in England, 2014 – CSIE]

4. Framework for Commissioning

Good Practice in Joint Commissioning

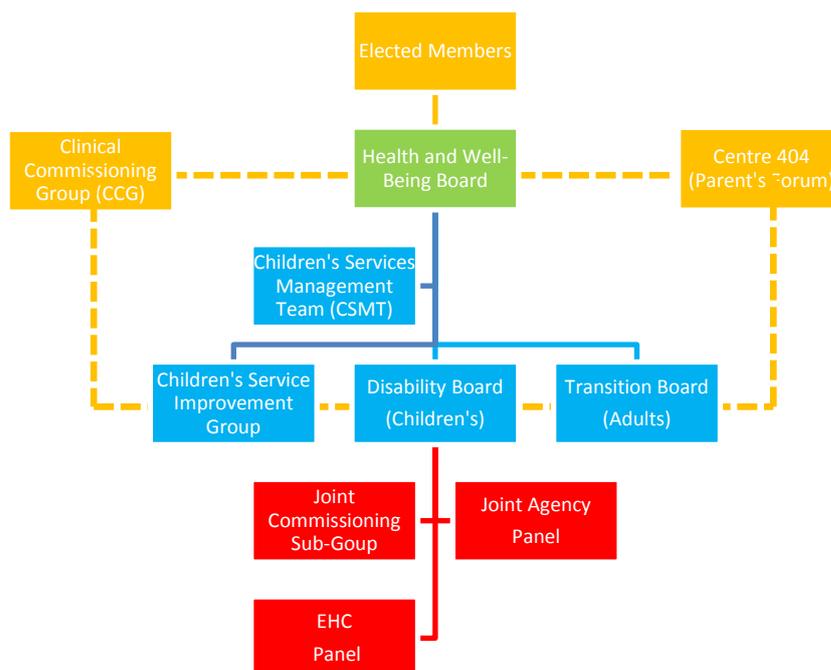
4.1 Islington Education, Health and Social Care services have a long history of successful joint commissioning arrangements, in some cases through a formal Section 75 agreement which describes arrangements for pooling of budgets. Both the Council and the CCG have sought to increasingly co-ordinate their commissioning, taking joint responsibility for implementing strategies, whilst seeking to ensure improved outcomes, greater efficiencies and higher quality services. Some current examples of this joint funding approach include:

- Section 75 agreement between the Council and the CCG's for the delivery of Tier 2 and 3 CAMH services
- Section 256 agreements to support the provision of short-breaks for children and young people with SEND
- Section 76 agreements to enhance the commissioning of speech & language therapy services for CWD and SEND
- Working with other Joint Delivery Boards to develop effective transition arrangements to help those C&YP with SEND prepare for adulthood, including living independently and employment

Joint Commissioning Governance Arrangements

4.2 Governance arrangements provide a framework for the delivery of services for children and young people with SEND and for achieving the priorities set by the Health and Well Being strategy. These arrangements enable commissioners to have joint engagement and ownership of commissioning arrangements and integrated strategies.

Figure 6: Joint Commissioning: local governance arrangements



- 4.3 The Strategy and Commissioning Board for children and young people with SEN and their families (the Disability Board) oversees the commissioning of local children's services and activities on behalf of Islington Council and CCG. The Board delegates work streams to a number of sub-groups who report and are accountable to it. The principle functions of the Board are to lead at a strategic level the commissioning of integrated services to meet the aspirations of children and young people and their families. The Board also determines and monitors strategic Risk Management, endorses Joint Commissioning Strategies to achieve agreed priorities and reports on progress to the Health and Wellbeing Board.

Key opportunities for Joint Commissioning

- 4.4 Key opportunities for Joint Commissioning will include:

- Arrangements for considering and agreeing EHC provision that will meet the assessed needs of the children and young people with SEND and their families
- Securing EHC needs assessment
- Section 75 agreements and pooled budgets
- Common outcomes and shared key performance indicators
- Information sharing, information governance and shared data

- 4.5 Commissioned services will fall into one of four commissioning priorities:

- **Support for universal settings² to help them identify and support children and young people at the earliest possible stage**

Early identification and intervention, and flexible responses to the needs of children and young people within universal settings are crucial, and this should improve the experiences of children and young people and reduce the need for higher costs later intervention.

- **Assessment and planning for individual children and young people who may need specialist support**

This includes working with families on integrated Education, Health and Care assessments and plans, and safeguarding services for children.

- **Specialist education, care and health services for individual children and young people**

This is a broad range of services including places at local and independent special schools, provision of therapy services and short breaks. An increasing element of these services are expected to be within the scope of personal budgets although at present there is limited provision under national regulations for personal budgets in relation to education placements.

² Universal settings include GPs and health services, Early years education settings and children's centres, mainstream schools and colleges.

- **Information, advice, guidance and mediation for families to help promote informed choice and increase resilience**

This will include a clear and helpful Local Offer which improves year on year in terms of level of detail and quality of information, informed by feedback from young people and families

- 4.6 Our commissioning cycle provides the framework to achieve our commissioning goals for children and young people and consists of four phases: Analyse, Plan, Do and Review. Generally after reaching the 'Review' phase, we return to the start of the cycle, but the cycle is also dynamic, depending on your specific drivers.

Understand, Plan, Do, Review

Understand

- Use quantitative and qualitative needs analysis to identify current and future needs and unmet and understand what is important to children, young people and their families
- Develop ways of gathering more informative commissioning intelligence across partners and from EHCPs, actively sharing information and working to fill in information gaps
- Use the Local Offer to map all provision within the local system. Find out how it is used, the outcomes achieved and any gaps
- Work out the real cost of in-house / externally commissioned services and the outcomes they achieve, assessing their effectiveness and value for money.
- Understand the development needs of the workforce.

Plan

- Agree the outcomes we expect providers to deliver
- Explore how different procurement approaches might improve efficiencies, and improve outcomes
- Co-produce services with children, young people and their families
- Co-produce a protocol for personal budgets, personalisation, co-production and self-directed support
- Plan the timings of procurement activity across partners and ensure effective management

Do

- Co-develop a resource allocation system which provides transparency and equity in terms of decisions about the allocation of personal budgets
- Publish commissioning decisions – provide transparent reasoning's for decisions made
- Procure/re-shape services - make investment decisions
- Ensure that workforce needs are effectively addressed
- Enable children, young people and their families to have control and choice relating to the care and services they receive

Review

- Jointly monitor service delivery against expected outcomes and report on how well it is doing, using this to improve the Local Offer and service delivery
- Review and monitor workforce developments
- Use evidence from the Local Offer as part of the joint approach to reviewing the effectiveness of services provided
- Develop a shared monitoring and performance management framework, which monitors outcomes achieved including those within EHCPs
- Work with children, young people and their families to enable them to review services with Commissioners

6. Implementation

- 6.1 Implementation will require a phased approach to move from the current position, which is a mixture of single, aligned and joint commissioning approaches to more formal, planned and fully coordinated joint commissioning covering the whole of the needs for children and young people with SEND and their families.
- 6.2 There is a strong ambition to develop robust joint commissioning approaches for the provision of children and young people's services between CCG's and the local authority. The aim is for a phased approach to implementation that will be completed over the next two years.
- 6.3 The initial focus will be further develop joint commissioning arrangements between the local authority, CCGs and NHS England, but further consideration will be given to how this can be extended to work with schools to understand their role and contribution to joint commissioning arrangements.

How will we know we have made a difference?

- 6.4 The Joint Commissioning Sub-Group are responsible for implementing this strategy and supporting plans. All commissioning partners will be asked to provide performance information to this group on an annual basis. Partners will be asked to provide information to measure progress regarding implementation and impact of services and interventions. Performance reports will be presented to the Strategy and Commissioning for Children and Young People with SEND Board.
- 6.5 Performance management will be used to inform future joint planning, commissioning and decommissioning.

We will want to see evidence of (outcomes):

- 6.6 We expect to see the following outcomes:
- Accelerated progress for pupils with SEND with a higher proportion achieving expected levels at the end of each key stage.
 - Educational settings can evidence good tracking of progress and provide clear information to parents, the young person and the professionals involved.
 - Achievement and progress reported for children and young people with severe and complex needs using P-scales and wider outcomes by evidencing greater participation, independence and making choices.
 - School attendance rates for pupils with SEND increasing, particularly those vulnerable groups with higher levels of absenteeism, i.e. those with social, emotional and mental health needs, and those with physical and sensory needs by ensuring appropriate emotional and pastoral support arrangements are in place.
 - Young people and their parents participating in the development of their support plans, supported by a Key Worker who takes the lead on coordinating assessment
 - A strengths based model is adopted by all professionals implementing integrated and holistic assessments, i.e. Early Support, CAF, Education, Health and Care plans, and Social Care assessments

- Professionals can show as part of their assessments they have explored with the family the resources that the child, young person and family have and can use to self-direct their lives, and identify where there are additional needs requiring support.
- Improved early preparation for adulthood improves life outcomes as evidenced by reduced number requiring out of authority high cost packages for young adults with learning difficulties, improved training and employment rates, more accessing community and leisure activities
- An increasing proportion of young people with SEND that continue in Education, Employment and Training post-16.
- Feedback from parents and carers on our Local Offer shows that they have the information needed to make choices on how they might best support their child
- Surveys demonstrate that parents, carers and young people with a Education, Health and Care plan feel that the outcomes they feel are important are improving.
- Carers being valued and supported (including emotional support) with evidence of improved wellbeing through the Social Care plans and increased access to their community.
- All children and young people with SEND have access to universal, preventive health interventions including healthy eating, immunisation and oral health advice and care.

Key performance indicators

6.7 This plan will be reviewed annually and actions will be monitored as part of regular commissioning review meetings. Key measures will be developed to monitor the success of the strategy and will include:

- Engagement of children and young people in the commissioning of services
Commissioned Services
- Key Health performance indicators
- Regional & Partner Developments
- Placement Composition & Spend
- Improved Outcomes for C&YP with SEND
- Number of disabled children with cp plan
- Number of disabled children CLA

Children's and Families Act 2014 SEND Joint Commissioning Arrangements

(1) A local authority in England and its partner clinical commissioning groups must make arrangements (joint commissioning arrangements) about the EHC provision to be secured for children and young people for whom the authority is responsible who have special educational needs.

(2) In this Part EHC provision means.

- (a) special educational provision;
- (b) health provision;
- (c) social care provision.

(3) Joint commissioning arrangements must include arrangements for considering and agreeing.

- (a) the EHC provision reasonably required by the special educational needs of the children and young people concerned;
- (b) what EHC provision is to be secured;
- (c) by whom EHC provision is to be secured;
- (d) procedures for ensuring that disputes between the parties to the joint commissioning arrangements are resolved as quickly as possible.

(4) Joint commissioning arrangements about securing EHC provision must in particular include arrangements for.

- (a) securing EHC needs assessments;
- (b) securing the EHC provision set out in EHC plans;
- (c) agreeing personal budgets under section 26.

(5) Joint commissioning arrangements may also include other provision.

(6) The parties to joint commissioning arrangements must.

- (a) have regard to them in the exercise of their functions, and
- (b) keep them under review.

(7) Section 116B of the Local Government and Public Involvement in Health Act 2007 (duty to have regard to assessment of relevant needs and joint Health and Wellbeing Strategy) applies in relation to functions exercisable under this section.

(8) A partner clinical commissioning group, in relation to a local authority, is a clinical commissioning group whose area coincides with, or falls wholly or partly within, the authority's area.

Feedback from Parents workshops, consultations, surveys and the Local Offer:

Key messages from parents and young people on the provision they want:

- Parents emphasise the importance of closer monitoring of support to ensure children received what they need, and for the *meaningful* involvement of parents
- Many parents referred to the need to change '*hearts and minds*' and build confidence of staff working with children and young people with disabilities and their families, and to remove the stigma still associated with disability
- Access to many types of support can be restricted by location, physical venue, literacy/language and transportation, or a combination of any of these
- The importance of 'transition' – this could include during the early years, school transitions, and transition to adulthood or help with life changing events such as bereavement, bullying or separation
- More still needs to be done to improve communication between Children's Services across agencies, and to improve links between children's and adult's support
- Concern that resources should be focused where there is most need with a strong view that those families in most need are not always the ones most likely to get support (i.e. 'those who shout loudest get most')
- A need for equity and clearer information about entitlement
- A view that inclusion may be potentially harmful for some children and is driven by politics rather than children's needs
- The need for less 'red tape' and more professional support, particularly for children with a diagnosis of ASD, including those with high-functioning autism
- Improved outcomes for children – both academic and social
- Better consultation with young people and their families on design and delivery of services and better feedback to those consulted on outcomes
- Parents want better information and advice on school choice in terms of those that are 'good' at SEND
- The need for more Post 16 provision. Transition remains a huge issue of concern for families. Parents and young people feel there is a lack of information about what's available and a lack of knowledge about needs, provision and how to access it

The three things parents have asked us to focus on:

'Do nothing about us without us'

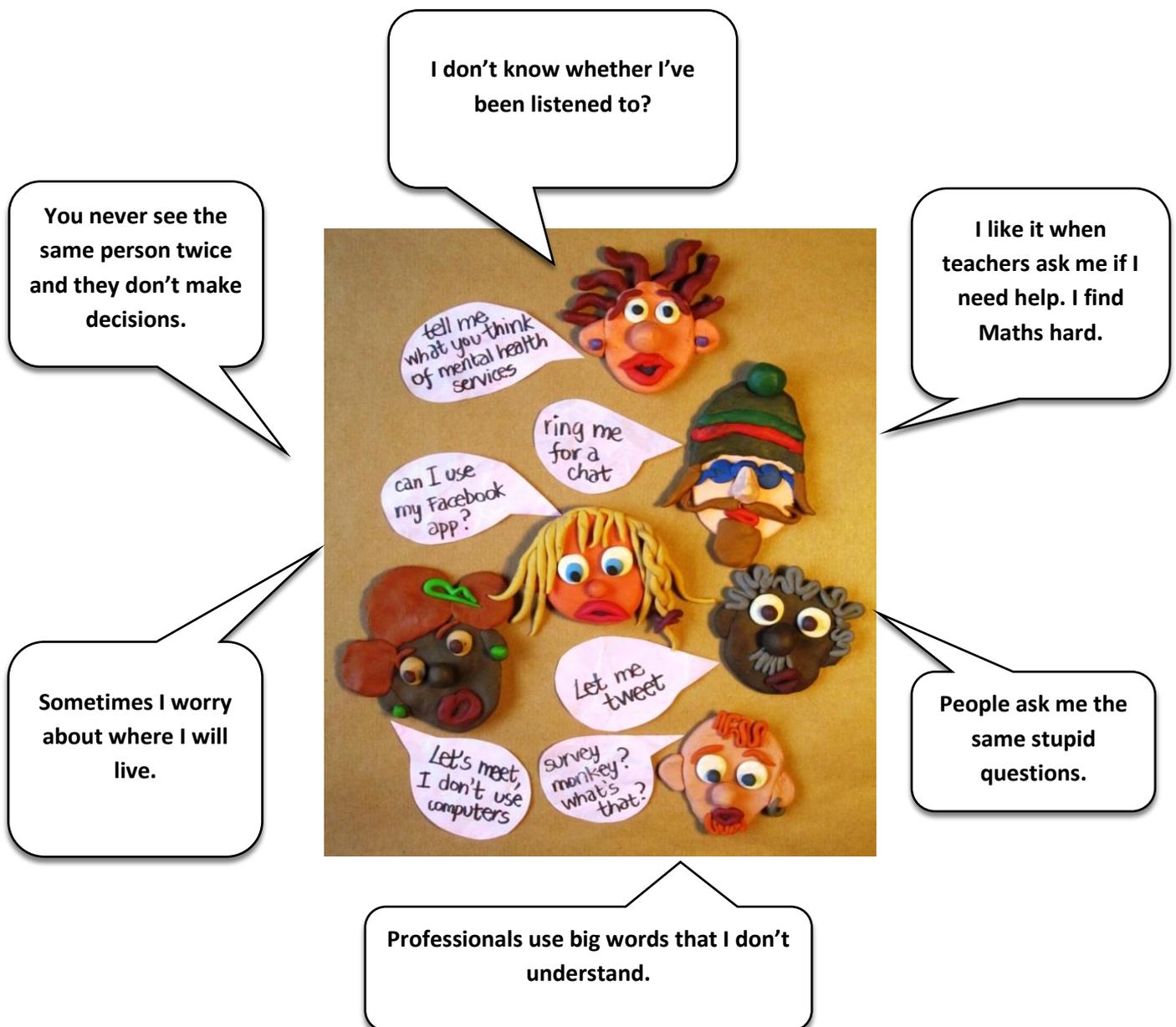
'The right services for the right children in the right place at the right time'

'A better informed workforce'

Principles of Participation Checklist

This checklist was drawn up by young people:

- Show us respect.
- Involve us in deciding/organising what/when/where.
- Make sure adults don't take over the consultation.
- Make consultation more interesting - making things fun.
- Don't make it too intense (making activities user-friendly).
- Pay attention: don't talk: listen.
- Let us talk with decision makers.
- Let us know what is going on.
- Talk afterwards and explain things.



Joint Commissioning priorities Sept 2015- Sept 16

Outcome (What are we trying to achieve?)	Commissioning activity (How will we do it?)	Evidence of impact (How will we know we are making a difference?)	Date	Lead
Priority 1: Universal settings appropriately identify and support children and young people with SEND at the earliest possible stage: (Early Help) (Universal settings include: GPs and health services, Early years settings and children’s centres, mainstream Schools and colleges).				
<p>Identification: All children with SEND effectively identified at the earliest possible stage so that their experiences and outcomes improve and the need for higher costs later intervention is reduced.</p> <p>Where appropriate, increase the support we provide to universal settings to help achieve the outcomes of this strategy</p>	<ul style="list-style-type: none"> • Convene Multi-agency SEND Workforce Development group* to conduct training needs analysis and develop a programme to ensure consistent practice in understanding of SEND, identification and early help. The group should agree a common set of key skills to identify and plan for meeting the needs of children and young people with SEND in a more personalised way. • Pilot shared framework for EHCP assessment QA • Refresh JSNA so that we can continue to use forecasting information alongside evidence from placements and reviews to identify gaps and pressures • Review the purpose and function of the Early Support Services (Children’s Centres, Centre 404, Early Support Team) • Improve information management systems for SEND provision with agreed common data sets and reporting information which track identification, outcomes, achievement and destinations and enable the quality of intervention to be evaluated • Agree protocol and implementation of Housing Risk Assessment policy 	<ul style="list-style-type: none"> • Volume evidence e.g. Early Help assessments, number of requests for statutory intervention, including those not agreed, impact assessment from Early Help services • Qualitative data e.g. self-evaluation and shared framework to measure service user feed-back at end of EHC assessment confirm that services and professionals are working together to identify and support the right children and young people and there is a good understanding of SEND across the workforce. 	<p>Start Sept 2015</p> <p>By Dec 2015</p> <p>By Sept 2016</p> <p>By Jan 2016</p> <p>Start July 2015 (Mapping)</p>	<p>ALL *(<i>Ellen Marks, Mary Day, Lesley Platts, Michelle Viridi, Penny Kenway, Helen Heery, Anne Corbett, School Improvement, EPS, Adults</i>)</p> <p>CH</p> <p>Public Health / Adam White (AW)</p> <p>SH / IC</p> <p>IC / Laura Scott / AW</p>

Joint Commissioning priorities Sept 2015- Sept 16

Priority 2: We have in place good assessment, planning and transition for individual children and young people who may need specialist support				
<p>Workforce Reform: Our workforce is reformed to better match delivery of current requirements</p> <p>Children and young people and their families who need it receive personalised support that builds their independence and resilience</p>	<ul style="list-style-type: none"> • Through the Workforce Development Group, develop a new approach to support and intervention in families, based on an early intervention model, to ensure specialist services are appropriately targeted so that: <ul style="list-style-type: none"> ○ Children and young people with SEND are kept safe ○ The workforce think and plan flexibly for a personalised individual response rather than responding to need through a traditional view of services and packages. ○ We build on the strengths and capacities of the young person and their family to prevent a culture of dependency on professionals and services and promote one of independence, choice and control through an emphasis on self-help and resilience • Consider the joint commissioning of an intensive intervention model to support families of children and young people who present challenging behaviour at home and in the community and promotes family resilience 	<ul style="list-style-type: none"> • New service specifications (for in-house services) that contribute to children and young people with SEND achieving their potential and being safe, notably through reductions in the numbers of Looked After Children and child protection plans. This will include Specialist SEND services providing advice and support to professionals in community settings, where needed, to support the delivery of preventative evidence based interventions. • An agreed multi-agency approach to co-producing a set of agreed outcomes with children and young people and their families • The role of Lead Professional is clear to all • Business Process reviewed so that children, young people and families are identified and supported more effectively, particularly during key transition stages 	<p>Start September 2015</p> <p>(Lead to be identified from within Workforce Devt Group)</p> <p>Start Sept 2015</p>	<p>ALL</p> <p>IC / SH</p>

Joint Commissioning priorities Sept 2015- Sept 16

<p>Progression to adulthood: Young people are effectively supported in Post 16 placements and progression pathways are developed so that transition arrangements are clear with is a shared understanding, and all young people aged 16-25 with SEND can participate in appropriate learning, training and supported employment</p>	<ul style="list-style-type: none"> • Adult Services to clarify scope of 14 plus (i.e. Transition) assessments and model to inform future practice / service redesign • Major redesign of services to assess, intervene and plan with young people with beyond the age of 14 through Joint Transition Programme Board • Continue to develop and define our 16-25 offer, working with post-16 educational providers to ensure that a broad and inclusive curriculum offer is available for young people with a range of learning difficulties and/or disabilities • Work with existing providers to develop new provision or explore the possibilities of bringing new providers to market where needs analysis identifies any significant gaps in provision (e.g. ASD). This will include the work of the ASD Planning Group across children's and adult services • Work in partnership with BEST and the National Apprenticeship Service to increase the number of young people with learning difficulties and/or disabilities securing employment with training through the apprenticeship programme or other pathways. 	<ul style="list-style-type: none"> • The number of NEETs with SEND remain below the national and London average • We have a robust response to the Care Act in terms of transition assessment requests through a local needs assessment tool • Young People and families report positively on their progression to adulthood pathway experience 	<p>By Sept 2015</p> <p>By Sept 2016</p> <p>By Sept 2016</p> <p>By April 2016</p> <p>By Sept 2016</p>	<p>Jim Beale</p> <p>ALL</p> <p>CH</p> <p>ALL</p> <p>CH / George Howard (Adults)</p>
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Joint Commissioning priorities Sept 2015- Sept 16

Priority 3: We provide an appropriate range of specialist education, care and health services that meet the identified needs of individual children and young people				
<p>Sufficiency and Quality: There is a broad range of services including places at local and independent special schools and care providers, provision of therapy services, access to equipment and short breaks so that users have choice.</p>	<ul style="list-style-type: none"> Consider population growth and sufficiency with a particular focus on the growth of ASD Map of all contracts through a register provides an overview of current performance Develop the market by being clearer on our expectations of services we commission (internal and external) through open communication with providers and robust contracts / specifications and monitoring systems, so that all parties are clear about their roles and responsibilities Ensure all Service Specifications include requirement to provide Local Offer information about the services 'normally available' to children with SEND and their families Ensure consequences and implications of under-performance of providers are clearly understood by all parties. Ensure quality assurance of all commissioned services through ongoing monitoring, evaluation and accountability processes to give insight into the user experience and outcomes delivered, and inform joint-commissioning to improve the quality and availability of provision 	<ul style="list-style-type: none"> No children and young people are without access to suitable provision (I.e. waiting list information, all children and young people accessing full-time appropriate education) Thorough commissioning checks and balances have provided a baseline for expected standards against which performance and quality has been assessed All existing services / contracts we commission have been reviewed to ensure they are achieving the outcomes set out in this strategy, resulting in the de-commissioning of providers, and/or development in-house capacity where outcomes are judged as unsatisfactory. Similarly, as a result of quality assurance processes, changes in the approach providers has occurred All directly commissioned services are rated good or better through local / external review against published criteria, with the right policies in place, good risk assessment procedures, high quality and experienced staff 	Sept 2015	<i>All</i>
			Dec 2015	<i>SH / Tanya Parr</i>
			Sept 2016	<i>ALL</i>
			Sept 2105	<i>CH / RW</i>
			Sept 2016	<i>ALL</i>
			Sept 2015	<i>CH</i>

Joint Commissioning priorities Sept 2015- Sept 16

	<ul style="list-style-type: none"> Develop personal budgets to deliver health, care and education specified in integrated plans, building on the families own resources (to include tariffs and rates) Ensure the commissioning and delivery of high quality, fun and age appropriate short break services and activities that are attractive to children and young people and parents, with clearly defined Short Break / Section 17 entitlement Put in place a clear policy and process for access to Auxiliary Access and Communication Aids 	<ul style="list-style-type: none"> The range of short break provision available continues to meet need in a context of increased uptake and budget pressures 	<p>Dec 2015</p> <p>Sept 2016</p> <p>Sept 2015</p>	<p>IC / RW</p> <p>RW / IC</p> <p>CH</p>
<p>Continuing Healthcare: Ensure children and young people with Complex Health and /or Palliative Care needs are assessed and supported appropriately:</p>	<ul style="list-style-type: none"> Children and young people thought to be appropriate for Continuing Healthcare are assessed in line with national framework and decisions made in a multi-agency forum, and policy and process reviewed by the joint commissioning group on an annual basis 		<p>Sept 2016</p>	<p>Catherine Ladd (Health Commissioner)</p>
<p>User Engagement: Review of provision takes into account the experiences of children, young people and families and this has informed future arrangements and the effectiveness of local joint working</p>	<ul style="list-style-type: none"> Parents and young people are involved in commissioning and procurement panels and provider reviews where possible Make good use of CAIS, School Councils and Community SEND contract to provide user feedback Development of parent consultant model to inform service development and review (Health) 	<ul style="list-style-type: none"> Parent and young people's views are incorporated into the Joint Strategic Needs Assessment 	<p>Sept 2016</p> <p>Apr 2016</p> <p>Dec 2015</p>	<p>ALL</p> <p>IC</p> <p>SH</p>

Joint Commissioning priorities Sept 2015- Sept 16

Priority 4: We provide good information, advice, guidance and mediation for families to help promote informed choice and increase resilience				
<p>Local Offer: There is a clear and helpful Local Offer which improves year on year in terms of level of detail and quality of information, informed by feedback from young people and families</p>	<ul style="list-style-type: none"> • Information available but needs to be set out in a local policy for Personal Budgets that includes: <ul style="list-style-type: none"> • A description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets • The mechanisms of control for funding available to parents/young people • Clear and simple statements of eligibility criteria and the decision-making processes that underpin them • Review mediation arrangements across children's and adult services 	<ul style="list-style-type: none"> • Jointly commissioned family advice and support services provide information advice and guidance, disagreement resolution and mediation advice 	Dec 2015	IC / RW
			Dec 2016	CH

Report of: Executive Member for Health and Social Care

Meeting of:	Date	Ward(s)
Executive	8 December 2016	All
Delete as appropriate	Exempt	Non-exempt

SUBJECT: SECTION 75 ANNUAL PARTNERSHIP REPORT – ISLINGTON COUNCIL AND WHITTINGTON HEALTH

1. Synopsis

- 1.1 The London Borough of Islington and Whittington Health have an existing Section 75 (National Health Service Act 2006) Partnership Agreement, which supports effective partnership working.
- 1.2 There are three main drivers for partnership working to deliver health and social care:
 - It makes sense for users – most vulnerable residents need elements of both, and the more integrated the response the better for them
 - It makes sense for staff – better understanding of, and access to, a wide range of health and social care services and advice enables them to provide a better service
 - It delivers better value for money – combining budgets and avoiding duplication makes for more effective use of public funds.

2. Recommendation

- 2.1 To note this annual report (Appendix 1) and endorse the achievements of the S75 Partnership working between London Borough of Islington Adult Social Services and Whittington Health for adults and older people.

3. Background

- 3.1 Islington has a long history of successful partnership working, with the first S31 (now S75) Partnership Agreement signed by the newly formed PCT and the Council in 2002. There has been significant structural change within the NHS and the S75 Partnership Agreements were updated in 2011 and that agreement, together with the Intermediate Care Integrated Provider Agreement, continues to have the following aims : -

- Support people to live independently for as long as possible

- Improve the services received by vulnerable people in the community, by integrating the service delivery and provider arrangements between health and social care. This will allow client focussed care to be developed and delivered to individuals in order to meet their needs in a more seamless and efficient manner.
- Enhance opportunities available to provide services to local people which meet their needs in an integrated, coordinated, sensitive and efficient manner
- Provide services to clients with fewer gaps and overlaps between different providers
- Provide communities with a single response from health and social care about how best to meet their needs
- Provide a richer pool of knowledge and experience for staff working within the partnership arrangements from which to draw upon in developing and delivering services
- Offer an improved infra-structure and management support for all staff working within the partnership arrangements
- Ensure policy, strategy and decision making takes place in whole system context
- Support the development of the joint strategic needs assessment and priority setting based in this
- Support the development of the Local Area Agreement and partnership activities to improve health and wellbeing outcomes for local people
- Achieve efficiency savings.

4. Implications

4.1 Financial implications

The Council and Whittington Health have a S75 partnership agreement that was set up in 2004 to assist with the access and delivery of equipment in the community. The total budget was £900k for 2015/16 and is the same for 2016/17. The Council and Whittington Health both make an equal contribution of £450k.

In 2015/16 the ICES (Integrated Community Equipment Store) pooled budget final position was £94k overspent which was then split on a 50/50 basis. It is currently expected that this budget will be £120k overspent in 2016-17. Risks should be managed down in year in accordance with the agreements set out.

Outside of the ICES Pooled Budget there is an additional £500,000 Capital budget for the purchase of ICES equipment over the value of £1,000 and funded solely by Islington Council

4.2 Legal Implications

The Health and Social Care Act 2012 sets out the obligations on the health service in respect of its relationship with care and support services, including making it easier for health and social care services to work together. The relevant agreement between Whittington Health and the Council, made under section 75 of the National Health Services Act 2006, includes arrangements for pooling resources and delegating certain NHS and Council health-related functions to the other partner, where this leads to an improvement in the way those functions are exercised.

The Council has a duty under Section 3 of the Care Act 2014 to integrate care and support with those provided by the NHS and other health-related services. The duty will apply where the Council considers that integration of services would promote the wellbeing of adults with care and support needs (including carers), contribute to the prevention or delay of developing care needs, or improve the quality of care in Islington.

4.3 Environmental Implications

Islington Social Services has a relatively minor environmental impact, which is largely limited to travel (emissions and congestion) and office usage (energy and paper use). Joint working projects such as this partnership with Whittington Health have the potential to have a positive environmental impact, due to a reduction in the duplication of work. The increasing use of telecare also has a positive environmental impact, as it reduces travel demand.

4.4 Equality Impact Assessment

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

5. Conclusion and reasons for recommendations

5.1 The strong history of partnership working between Islington Social Services and the health services that are now within Whittington Health NHS Trust provides a solid platform to further develop local and locality services that are truly 'joined up' and delivered in a way that offers integrated care and support, to the benefit of Islington residents. This has been effective to:

- Support people to stay in their own homes and be as independent as possible
- Avoid unnecessary stays in hospital
- Receive all necessary equipment that enables them to be safely cared for at home in a timely fashion
- Support integrated working with primary care to manage the care of people with complex needs or frailties more effectively.

It is important to preserve the benefits of integrated working, and to use the opportunities to develop further integration of front-line teams over the coming year, as this will provide a better coordinated service to vulnerable people, and ensures that opportunities to share expertise and specialist knowledge are maximised, and that any duplication of work is minimised.

The attached report details some of the key achievements and developments over the last year and outlines planned future developments.

Appendices

- Report on Section 75 (National Health Service Act 2006) Partnership Working between London Borough of Islington and Whittington Health NHS Trust

Final report clearance:

Signed by:



Executive Member for Health and Social Care

Date: 24 November 2016

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ISLINGTON

In partnership with

Whittington Health 

Appendix 1

**Report on Section 75 (National Health Service Act 2006)
Partnership Working between
London Borough of Islington and Whittington Health NHS Trust**

1. INTRODUCTION

This report covers the main achievements of the last year in the provision of integrated services for adults and older people, and identifies the key priorities for 2016/17.

2. KEY AREAS OF ACHIEVEMENT 2015-16

2.1 Developing Integrated Locality Team Working

2.1.1 Service Review and the recommendations

In September 2015, the council commissioned a review of the Integrated Locality Working Model. The purpose of the review was to look at the recent restructure of community health and social care services to identify how we could make the best use of available resources to achieve a more integrated and effective service and ensure that the service delivers more personalised and integrated support to service users.

The new model required significant changes to social care structures in order to ensure that duplication was minimised, outcomes improved and statutory obligations related to changes in legislation met. The implementation of the Care Act 2014 had significant operational implications for adult social care with an anticipated increase in demand from those requesting assessments, new duties to provide additional support (e.g. to self-funders) and an increased focus on providing information, advice and guidance to all.

The purpose of the review was to identify what was or wasn't working and ways of addressing concerns and how to further improve the model. We also wanted to check how we have responded to the additional duties introduced by the Care Act which necessitated operational changes to the service and contributes to the health and social care efficiency targets.

The Review made recommendations that can be summarised into three areas:

People

- Work with staff to support them to work to the principles of the new operating model
- Develop clear guidance on remit and role of each team and how they work together

Process

- Embed ownership of hospital work within community teams and define core social work tasks for discharge process
- Review the rotation system for staff across the front door teams
- Ensure effective contingency for staff cover across the service
- Implement a number of quick win operational decisions to facilitate day to day working
- Review caseloads across all teams to ensure these are equal

Systems

- Streamline interface between community teams and GP locality networks
- Decrease number of dropped calls between front door and community teams
- Streamline case closure and authorisation processes

2.1.2 The approach taken to resolve issues identified in the review

The review of the model gave Senior Management the opportunity to consider all staff feedback and make the required adjustments to the model.

Whilst the review identified that the number of incoming cases had not increased, the review identified that there were significant pressures on different parts of the system that are causing capacity issues. As a short term measure, 10 additional staff were brought into the

North and South Community and Social Care Rehabilitation teams to provide additional support.

Following the review and staff briefings, a number of business process mapping workshops were carried out with the following areas of the service:

- Access & Advice/Screening
- Urgent Response
- Assessment and Support Planning
- Enablement and Home Support Service
- Reviews
- Carers Assessments
- Direct Payments
- Hospital Discharges

The sessions were set up to test the business processes and systems to see if they were working in practice. This provided an opportunity to directly address some of the problems which staff reported in the review. Following this further work was done to:

- Finalise updated business processes for each area of the service to provide further clarity to staff about how they should be working
- Carry out targeted communications with staff to promote the new business processes
- Review aspects of integration which were not working and separate out responsibilities across health and social care Partners
- Develop the integrated networks to increase joint working where it was working successfully and include housing
- Progress the development on integrated health and social care record
- Develop fast track access to social care services through Rapid Homecare service

2.1.3 Where we are now

The 'Moving Forward' programme plan continues to focus on developing the integrated model between community rehabilitation, intermediate care and social care which seeks to ensure that the services are delivered in partnership and are sustainable and able to respond to the increasing number of people being supported to remain in their own homes and independent for as long as possible.

Collaboration between Whittington Health and Islington continues to work with:

- Progress with integration in line with healthcare priorities
- Consider how both organisations can integrate work happening in clinics across community health and social care
- Retain colocation between health and social care staff in the community setting
- Integrate team meetings across community health and social care
- Consider linking up front door services across community health and social care through an updating of the Islington Directory (formerly Links for Living)
- Benefits realisation of co-located between North and South teams.

2.2 Care Closer to Home – reducing the time people have to spend in hospital

Delayed Transfers of Care

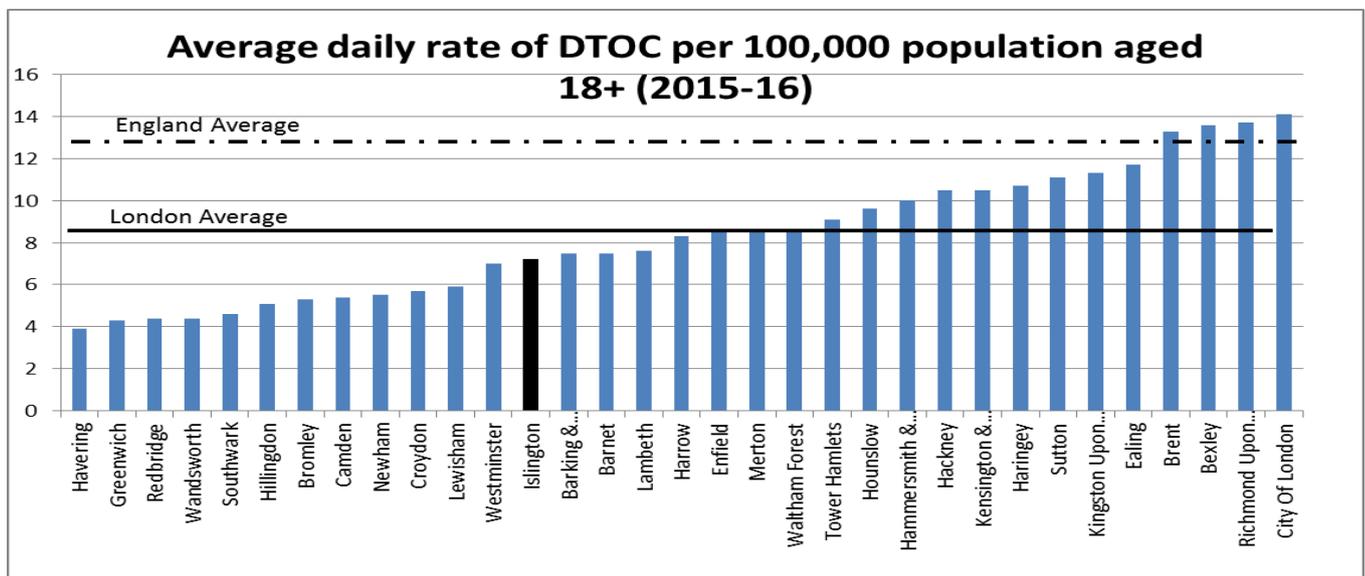
Islington continues to perform well in maintaining a low number of Delayed Transfers of Care (delays to people leaving hospital). This has been supported by: -

- Daily teleconferencing to discuss people with complex needs, and to agree actions across hospital and community teams towards discharge day and social work service over the winter period.
- The development of a "virtual ward" which enables patients to be discharged with

reablement packages of care over the weekend.

- Prompt access to necessary equipment via TCES (community equipment)
- A support worker (employed by Age UK) continues to carry out practical tasks necessary for hospital discharge, in a timely way e.g. getting keys cut, enabling essential work to prepare people's home for them to return to being carried out whilst they are still in hospital.
- Links to the voluntary sector, particularly Age UK, to support people on return home, for example following an attendance at accident and emergency.
- The appointment of a whole system Discharge Lead to monitor Delayed Transfers of Care for Islington residents and to escalate issues around delays.

Islington perform well when benchmarked with other providers and have consistently been a highly performing authority in London for the past 4 years. Performance has declined slightly in 2015-16 to 7.2 delayed transfers of care per 100,000 of the population compared to 6.2 per 100,000 in 2014-15. It is worth noting however that Islington rates of delay are still significantly lower than the London average of 8.3 delays per 100,000 of the population, and the England average of 12.3 delays per 100,000 of the population.



2.3 Avoiding Hospital Admission

Evidence shows that older people often ‘decompensate’ and lose their ability to keep independent in hospital, due to being in an unfamiliar environment, not keeping active to maintain muscle strength, and losing confidence. In the past year there has been an increased emphasis on supporting and caring for people at home if they do not need an admission for acute medical care.

The **Facilitating Early Discharge Service (FEDS)** is a team of therapists who see patients in the Emergency Department, Clinical Decision Unit, Acute Assessment Units and Ambulatory Care. The service is covered every day from 08.30 to 20.30.

The aim of the team is to screen all patients who require therapy intervention as part of a full MDT assessment within 12 hours of admission. The assessment will determine the needs of the person and if they can be supported to return home safely thus avoiding admission to hospital. Early intervention and rapid assessment can also significantly reduce the time the person is in hospital for reducing the risk of decompensation and hospital acquired infection.

The team work closely with the Virtual Ward service, Social Services and Reablement to ensure a seamless link from hospital to home. Equipment that is required to promote

independence, maintain function or improve safety can be rapidly accessed through a loan provider or via local pharmacies using a prescription system.

The team also includes a technician who can undertake further assessment in the home environment immediately post discharge, for example, to complete a home safety check, practise with new equipment in the home setting, assess for non-urgent equipment such as bathing aids or outdoor mobility equipment and make onward referrals to both statutory and voluntary sector services when required.

A social worker is linked to the team on weekdays to provide assistance and support with assessing the more complex patients who present for example with, a higher level need or safeguarding concerns. At the weekends the team link closely with the duty social worker based in EDT for the same purpose.

These initiatives are successfully minimising the time people spend in hospital, supporting them to remain as independent as possible and providing the support they need to remain in their own homes.

Key next steps are to progress with Discharge to Assess for home care and reablement which will further reduce duplications and length of stay by 1 to 2 days.

The work of **the Lead Nurse for Quality and Assurance**; a jointly funded post that sits in the Older Adults Commissioning Team within the Council, continues to improve the quality of care and clinical competency within the care homes, to prevent hospital admissions and to support reductions in hospital lengths of stay.

During 2015-16 work continued on the following streams:

- Development of the nursing audit tool
- Quality performance reporting
- Support for residents with PEG
- Medicine management
- Hospital avoidance SOP for deteriorating patients
- Training and workforce development

Majority of the streams above are now concluded with the exception of the 'Standard Operating Procedure for the management of deteriorating residents. To be progressed in 2017.

The Home Managers Clinical Care Improvement Group (HMCCIG)

This group was set up in 2014 and continue to meet bi monthly with a key focus to agree systems and process and drive actions to improve and sustain clinical change proposed by specialist groups. The group have a broad spectrum representation and include community based specialist teams (SALT, Dietician, OT, Physio Team), TVN, SAMH, DN, and other relevant resources. It remains the forum through which clinical concerns are highlighted and clinical improvement progressed.

The Lead Nurse also provides a monthly update of current and potential clinical risks and concerns to the RADAR group, which monitors the quality of clinical care provided within the care homes. The purpose of the group is to monitor areas of concern as well, engaged the wider MDT and share intelligence. The group is made up of operational and commissioning leads from both Health and Social Care including both the Council and CCG Safeguarding leads.

Current measures in place in support of hospital avoidance include the following:

- Access to a named GP and named GP/ICAT input and rounds in care homes
- On-going implementation of treatment escalation plans

- ICAT input during hospital admissions for care homes residents
- Access to the ambulatory care unit
- Regular input from wider MDT services e.g. Palliative / End of Life clinical nurse specialist

This collaborative approach has ensured that safeguarding concerns or investigations following complaints or feedback from the wider MDT with a clinical practice component are addressed quickly and effectively.

Quality improvement initiatives in support of clinical care

The quality monitoring initiated and built on throughout 2015-16 includes:

- Cavendish Care Certificate Training
- Clinical Supervision in Care Homes Project
- The SALT Dysphagia 'Train the Trainer' project
- Sharing Information & Good Practice
- Continuing Professional Development for care homes workforce
- Teaching Care Homes – Student Nurse Placements Middlesex University
- Care closer to home for residents e.g. Advanced Care planning sessions

These initiatives have been developed in part to promote links and address gaps in the delivery of effective and safe care and support the vision for hospital avoidance. The SALT Dysphagia 'Train the Trainer' project in its approach to provide input for sustaining good practice in the home is highlighted as one of the key contributors.

The incidence of hospital admission from Care Homes remained comparable to previous years. The majority of these were reported as unavoidable by the care homes, due to significant changes in the resident's condition; e.g. the resident became unwell during an outpatient appointment. In the cases where hospital admissions were deemed to be avoidable there was evidence that escalation plans had not been fully utilised. A key action is therefore for the Lead Nurse to work with Care Homes to ensure that these plans are fully utilised.

The Islington's model of support to Care Homes compares well with care homes in the national Vanguard sites in that each Care Home has a named GP and receives on-going and regular input from a specialist multi-disciplinary team.

However there are considerable concerns with the internal infrastructure and performance of the key care homes within Islington currently i.e., Cheverton, Lennox, Muriel Street and to a low degree Highbury New Park. Muriel Street has a 'Suspended Placement' in place following significant concerns about the home.

A pressing focus for the Lead Nurse is therefore to work in close conjunction with all stakeholders including the care home managers and senior management of the organisations to address issues identified and to minimise risk of avoidable hospital admissions and delayed discharge.

The 2016-17 focus of the HMCCIG is on developing the following:

- A more skilled qualified and unqualified workforce in care homes who are well able to utilise the resources available to manage long term conditions within the home.
- A more integrated workforce in the local health and social care system
- Consideration for extended clinical skills e.g. management of syringe drivers
- Potential to update clinical pathways that include care within care homes

2.4 Integrated Community Equipment Service

The Transforming Community Equipment Services project (TCES) has now been 'live' since

February 2011, when the retail model for simple aids to daily living, and joining the London Consortium for Complex Aids to Daily Living, were introduced in Islington.

In 2015-16 between 196-278 service users a month were issued with prescriptions and the redemption rates have averaged 85%, which is above the national average.

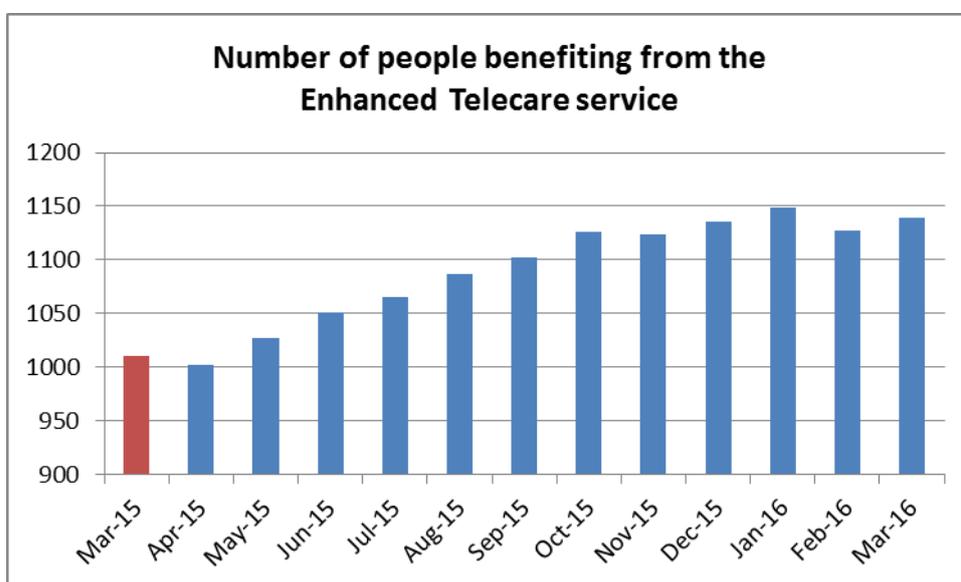
Trends in prescriptions are monitored jointly, and processes in place to ensure appropriate and consistent prescribing of equipment.

2.5 Expansion of the use of Telecare

The Enhanced Telecare team has expanded due to the increased demand to keep Islington residents safer and more independent at home, as well as delaying admission into care homes and preventing hospital admissions. This demand is also reflected by the number of people receiving the service steadily increasing as hospitals, community and social care teams continue to make referrals for residents.

In addition to private dwellings, Enhanced Telecare have also continued to work with Islington's Learning Disability Partnership, supported accommodations and sheltered schemes to assist onsite staff in managing their residents' needs and keeping people in their homes for longer.

The use of Telecare will continue to expand with the advancement of assistive technology and as knowledge of available equipment grows amongst professionals. Current Telecare projects are exploring the potential use of SIM card-operated alarms to facilitate hospital discharges for those without a telephone landline and GPS tracker devices (for those at risk of wandering/becoming lost) in Islington.



3

PLANNED DEVELOPMENTS

3.1 Developing the locality-based model with GPs

There is a commitment to participation in the locality-based multi-disciplinary team working within GP localities. The participation of staff from both social services, and community health teams, e.g. therapists, district nurses and community matrons, and hospital consultant geriatricians, in a fortnightly primary care led teleconference brings together information and expertise from a wide range of professionals, and from acute and community care. This supports development of a coordinated care plan to support better management of

people's well-being within a community setting. Whittington operationally manages the integrated networks (multiagency teams wrapped around primary care) through the Integrated Network Coordination (INC) infrastructure.

The development of locality based teams of health and social care staff will support effective links with the primary care localities, and development of multidisciplinary work to support management of patients most at risk of hospital admission or premature entry in to long term care.

Since February 2016, the Integrated Network initiative has been rolling out across Islington. Each Integrated Network is centred round a small group of GP surgeries that have agreed to work together. Integrated Networks meet face to face regularly to discuss the specific issues that are affecting individual patients/clients who are registered at that group of GP surgeries. Health and care issues are discussed systematically and the team create a coordinated plan that makes the best use of local services to ensure patients and service users benefit from the highest standard of care. This plan may reduce the likelihood of someone having an unplanned admission to hospital; support their existing community care or create a new approach to solving a long term problem. The progress of each plan is reviewed regularly.

Each Integrated Network consists of

- 1-4 GP's,
- a senior social work practitioner dual trained in Housing from LBI
- a locality navigator from Age UK
- a mental health practitioner from C&I
- a Whittington Health community matron
- Whittington Health senior administrator.

Referrals into the service can be via any organisation and this referral process is managed by Whittington Health's Integrated Network Coordination (INC) admin team.

Since February 2016 (until 14th October 2016), 815 patients have been discussed via the Integrated Networks. As of Autumn 2016, over 95% of Islington GP's will be attached to a Network. The next step will be looking at embedding these Networks into the health and social care systems to ensure benefit across the patch for all patients.

4 CONCLUSION

The strong history of partnership working between Islington Social Services and the health services within Whittington Health NHS Trust continues to provides a solid platform to further develop local and locality services that are truly 'joined up' and delivered in a way that offers integrated care and support, to the benefit of Islington residents.

It is important to preserve the benefits of integrated working, and to use the opportunities to develop further integration of front-line teams over the coming year, as this will provide a better coordinated service to vulnerable people, and ensures that opportunities to share expertise and specialist knowledge are maximised, and that any duplication of work is minimised.

Carole MacGregor, Head of Islington Community Rehabilitation Service

Paul Attwal, Director of Operations, Integrated Medicine

October 2016

Report of: Executive Member for Health and Social Care

Meeting of:	Date	Ward(s)
Executive	8 December 2016	All
Delete as appropriate	Exempt	Non-exempt

SUBJECT: 2015/16 Annual Report Section 75 (National Health Service Act 2006)
Partnership Agreement between Camden and Islington Mental Health
NHS Foundation Trusts and Islington Council

1. Synopsis

1.1 The Annual Report (appendix 1) attached reviews the mental health and substance misuse services provided under the Section 75 partnership arrangements between the London Borough of Islington and the Camden and Islington NHS Foundation Trust (C&I). The services covered by the partnership agreement include a range of multi-disciplinary community based mental health and substance misuse teams that provide holistic, integrated care.

The Trust was largely on or near target for its performance indicators which relate to Adult Social Care Outcome Framework. There is room for improvement with regard to undertaking reviews of care plans, particularly for carers in contact with the Adult Community Mental Health Teams. However, long term admissions to nursing and residential services remain relatively stable, demonstrating that people are being supported in the community, and access to employment targets were exceeded.

Safeguarding policies for adults and children and Mental Capacity policy were refreshed in 2015, in line with changes to national legislation and guidance. The implementation of new legislation and policies required implementation and a refreshed training programme. This training fell behind schedule during 2015/16, and in June 2016 the CQC identified some concerns with regard to safeguarding processes within the Trust. These issues are being actively addressed to ensure that mandatory training compliance targets are met and processes are changed to support the recommendations in the report.

Approved Mental Health Professional duty service has been under some pressure during 2015/16, both in terms of capacity which has reduced due to staff changes and increasing demand. Overall the number of completed Mental Health Act assessments continues to rise in Islington. This may in part, be due to better data recording but will also reflect increasing numbers of assessments that most boroughs are experiencing. A significant proportion (28%) of those accessing the service were not in contact with services at the time of referral. There are a disproportionate number of men requiring an AMPH intervention at 56%. Those with a white ethnicity are the highest proportion accessing the service at 51% followed by Black British at 28.5%. These two groups account for 79% of the people requiring AMPH interventions.

Positive steps forward have been the introduction of a re-commissioned ambulance service for non-emergency care to reduce the time waiting for transport at community based Mental Health Act (MHA) assessments and also the introduction of specific cluster Sergeants to help co-ordinate police assistance at community based MHA assessments.

The CQC inspection was critical of the safety and facilities in the Health Based Places of Safety (HBPS) provision and there can be delays for assessment and admission to acute mental health beds across London due to the increased demand.

Social work staffing remains stable within the Trust and there have been a range of staff development initiatives over the last two years. Significant achievements have been the recruitment of the Divisional Social Work Leads in most divisions and the development of a social work research group. However some areas of the strategy have been delayed due to implementation of the changes required due to the Care Act.

2. Recommendations

To note the report.

- 2.1 Appendix 1: 2015/16 Annual Report Section 75 (National Health Service Act 2006) Partnership Agreement between Camden and Islington Mental Health NHS Foundation Trusts and Islington Council final report clearance.
- 2.2 The Section 75 agreement between the Trust and the Council is undergoing a refresh which is expected to be complete by the end of 2016. This refresh will provide an opportunity to review the monitoring arrangements of the agreement and to bring a greater focus to areas requiring improvement.
- 2.3 Of particular note are the areas of concern highlighted by the CQC. Work is already underway to address these issues the action plan will be closely monitored to ensure the timely delivery of the plan. Safeguarding training is already well advanced. A priority area for development is a new Health Based Place of Safety which will comply with the latest standards and good practice.
- 2.4 The greater demands made of the Approved Mental Health Professional service need careful consideration and review. Planned initiatives such as improved early intervention and support in primary care could help reduce the need for crisis and Mental Health Act assessment and admissions. The Trust held a Crisis Hothouse Event to look at best practice and areas for improvement in September 2016. The findings and recommendations of this event when published should be used to look for areas of improvement for the service.

3. Implications

3.1 Financial Implications

- 3.1.1 The Council and Camden and Islington NHS Foundation trust have a Section 75 partnership agreement to assist in providing more effective services to adults in need of mental health services and support.

In 2015/16 the service ended the financial year with a small underspend of 2.4% (£76,000); driven almost entirely by slippage on recruitment against workforce vacancies. At this time there are no additional expected pressures on these budgets for 2016/17.

Any risks arising should be managed down in year in accordance with the agreements set out. Any financial implications arising in year are considered as necessary by the Camden and Islington NHS Foundation Trust and/or the Council.

3.2 Legal Implications

- 3.2.1 Section 75 of the National Health Service Act 2006 provides powers for the Camden and Islington Mental Health NHS Foundation Trusts (the FT) to exercise specified local authority functions and for the council to exercise specified functions of the Camden and Islington Mental Health NHS Foundation Trusts. A partnership agreement pursuant to section 75 has been established between the FT and the council setting out the respective aims and obligations of the partners. Governance arrangements relating to the partnership agreement are set out within the terms of the partnership agreement.

The council's constitution requires the Executive to consider all external reviews of adult social services performance including, the Annual Performance Review and to be responsible for the regular monitoring of joint commissioning arrangements and joint management of services (Responsibility for functions, council Constitution, Part 3, paragraphs 4.6(h) and (i)).

3.3 Environmental Implications

- 3.3.1 None.

3.4 Resident Impact Assessment

- 3.4.1 The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment has not been completed because it is not relevant to this report.

Final report clearance:

Signed by:

Janet Burgess

24 November 2016

Executive Member for Health and Social Care

Date:

Report Author Paul Calaminus
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Annual Report 2015-16

Mental Health and Substance Misuse Partnership Agreement

**London Borough of Islington and Camden and Islington Mental Health NHS
Foundation Trust**

Introduction

This Annual Report reviews the mental health and substance misuse services provided under the Section 75 partnership arrangements between the London Borough of Islington (LBI) and the Camden and Islington NHS Foundation Trust (C&I). The services covered by the partnership agreement include a range of multi-disciplinary community based mental health and substance misuse teams that provide integrated, holistic care. The services and functions covered by the partnership agreement include:

- Assessment and care management as defined in section 46 of the NHS and Community Care Act 1990,(now subsumed into the Care Act 2014)
- Provision of care and support packages which may include residential or nursing home placements, community support care packages and Self Directed Support through the use of Direct Payments.
- Provision of Personal Budgets
- Provision of day activities for adults and older people to support their personal outcomes
- Provision of multi- disciplinary community support teams
- Adherence to a range of other legislation such as Safeguarding
- Mental Capacity Act and the Human Rights Act.

The appointment of Approved Mental Health Professionals (AMHPs) and the performance of Local Authority duties under the Mental Health Act 2007 remains the responsibility of the London Borough of Islington, whilst the day to day management of AMHPs is undertaken by the Trust.

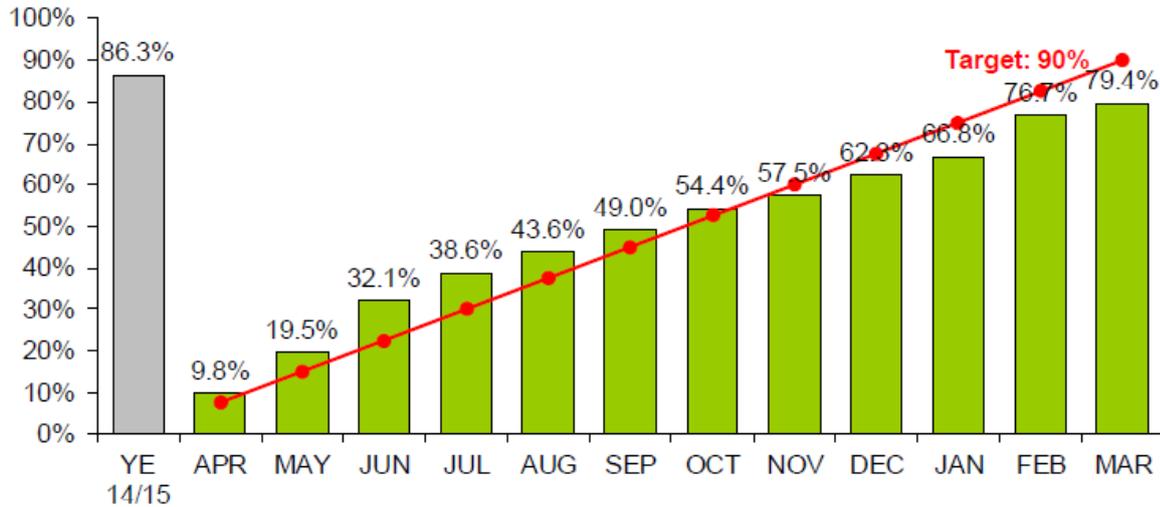
The report summarises performance within the mental health and substance misuse services against Key Performance Indicators, outlines work on Safeguarding and reports on the workforce related to the partnership arrangements.

Performance Indicators: 2015/16

This section details the mental health and substance misuse care group performance against key performance indicators in 2015-16.

Percentage of Mental Health Trust clients to receive a review on at least an annual basis

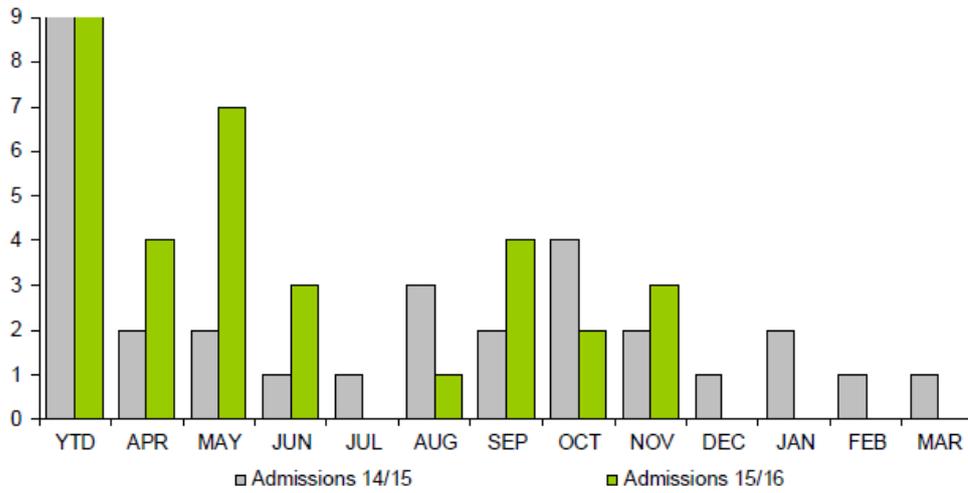
Review performance has remained steady during the year, although the year end position has not delivered the 90% target level.



Reviews 15/16	YE 14/15	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Target		7.5%	15.0%	22.5%	30.0%	37.5%	45.0%	52.5%	60.0%	67.5%	75.0%	82.5%	90.0%
ACMHT Performance	80.3%	7.1%	15.2%	27.7%	33.2%	38.3%	44.0%	50.2%	53.3%	56.7%	60.2%	73.3%	76.8%
SAMH Performance	99.3%	12.8%	21.7%	32.3%	46.3%	51.1%	56.9%	61.2%	66.0%	76.7%	85.6%	88.6%	86.3%
SMS Performance	115.1%	50.0%	84.2%	97.6%	85.5%	86.7%	87.1%	83.6%	81.7%	87.5%	95.8%	86.6%	90.5%
Total Number of Service Users	950	773	784	801	859	880	883	903	919	925	941	979	1002
Overall Performance	86.3%	9.8%	19.5%	32.1%	38.6%	43.6%	49.0%	54.4%	57.5%	62.3%	66.8%	76.7%	79.4%

We have therefore reviewed the internal process for reviews for the 2016-17 financial year, with the aim of ensuring that the 90% target is exceeded.

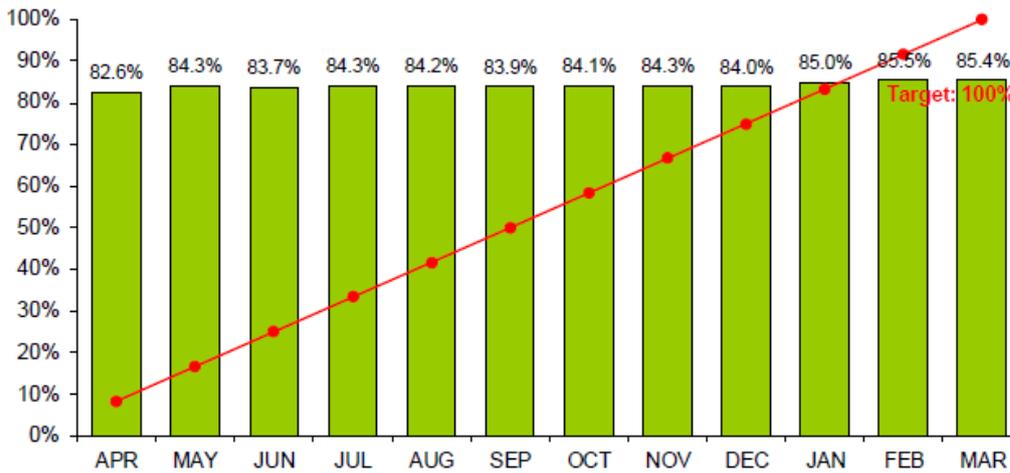
Broadly the same number of Islington residents have been admitted to residential and nursing care placements, with a slight increase in the number of younger adults admitted, and corresponding decrease in the number of older adults admitted. Please note there is not missing data between December and March 2016, there were no admissions.



Resi and Nurs		YTD	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
ACMHT	Admissions 15/16	13	4	3	2	0	0	2	0	2	0	0	0	0
	Admissions 14/15	9	1	2	0	0	2	1	0	1	1	0	0	1
SAMH	Admissions 15/16	11	0	4	1	0	1	2	2	1	0	0	0	0
	Admissions 14/15	13	1	0	1	1	1	1	4	1	0	2	1	0
MH	Admissions 15/16	24	4	7	3	0	1	4	2	3	0	0	0	0
	Admissions 14/15	22	2	2	1	1	3	2	4	2	1	2	1	1

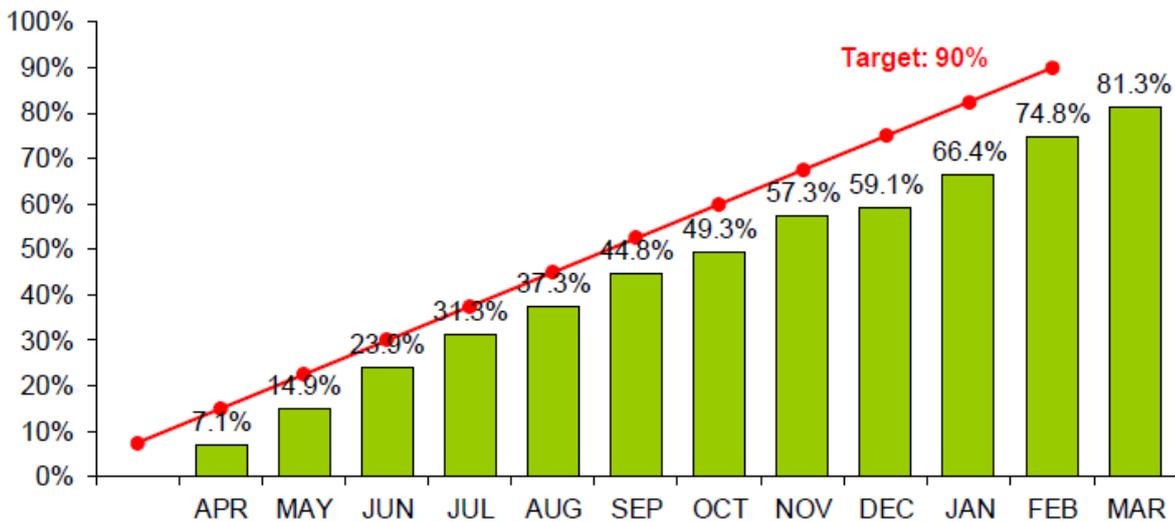
Personalisation and Recovery.

Performance in relation to self directed support and direct payments has remained steady during the year with a significant number of people supported to live as independently as possible within the community.



SDS clients	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Target	8.3%	16.7%	25.0%	33.3%	41.7%	50.0%	58.3%	66.7%	75.0%	83.3%	91.7%	100.0%
ACMHT Performance	81.5%	84.1%	83.7%	83.8%	83.8%	84.2%	84.8%	85.3%	85.5%	85.5%	85.7%	85.0%
SAMH Performance	90.1%	89.5%	89.1%	89.2%	89.8%	89.4%	89.0%	89.1%	89.2%	89.2%	89.0%	89.7%
SMS Performance	65.0%	66.7%	65.4%	70.8%	68.0%	58.3%	56.0%	53.8%	48.3%	60.9%	69.6%	72.7%
Total Number of CBS Service Users	419	433	443	445	457	459	459	464	482	467	470	473
Overall Performance	82.6%	84.3%	83.7%	84.3%	84.2%	83.9%	84.1%	84.3%	84.0%	85.0%	85.5%	85.4%

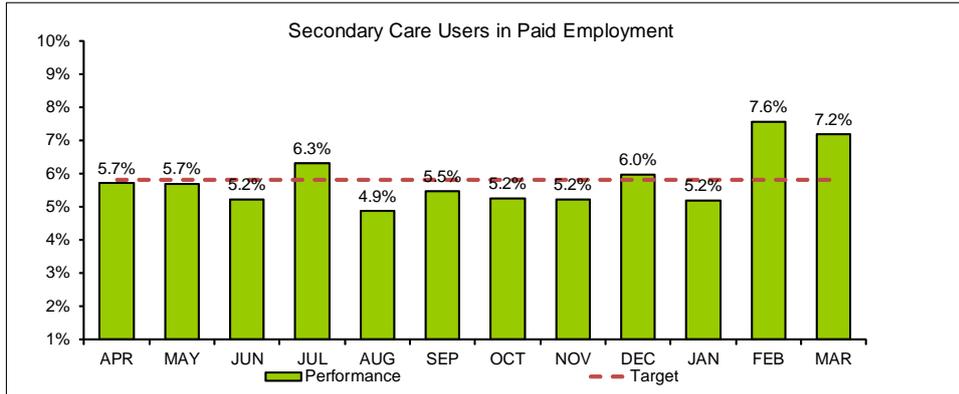
Support for carers has also continued to be an area for focus, with 81% of carers receiving a carers review during the year. However this is below the 90% target so we will continue to work on this area in 2016/17.



Carers Assessments & Reviews		APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Target		7.5%	15.0%	22.5%	30.0%	37.5%	45.0%	52.5%	60.0%	67.5%	75.0%	82.5%	90.0%
ACMHT Performance		6.7%	9.5%	14.2%	17.4%	22.0%	25.7%	31.1%	38.8%	40.8%	45.8%	53.6%	60.7%
SAMH Performance		9.1%	31.8%	72.7%	118.2%	136.4%	165.2%	156.0%	172.0%	169.2%	184.6%	196.2%	196.2%
SMS Performance		10.0%	58.3%	64.3%	64.3%	71.4%	85.7%	86.7%	86.7%	86.7%	106.7%	120.0%	133.3%
Total Number of CBS Carers		196	202	205	208	209	212	217	218	220	220	222	224
Overall Performance		7.1%	14.9%	23.9%	31.3%	37.3%	44.8%	49.3%	57.3%	59.1%	66.4%	74.8%	81.3%

Adults in contact with secondary mental health services (under CPA) in employment

This measure has seen improvement throughout the year, with the continued provision of support towards employment, including the work of the Recovery College and the pathway towards employment supported by Hillside Clubhouse. The mental health service has also been well engaged in work in Islington on the development of an Individual Placement Support service. A research trial on individual placement support started in autumn 2016, hosted in the Trust, and will provide additional input to people with mental health problems in the borough.

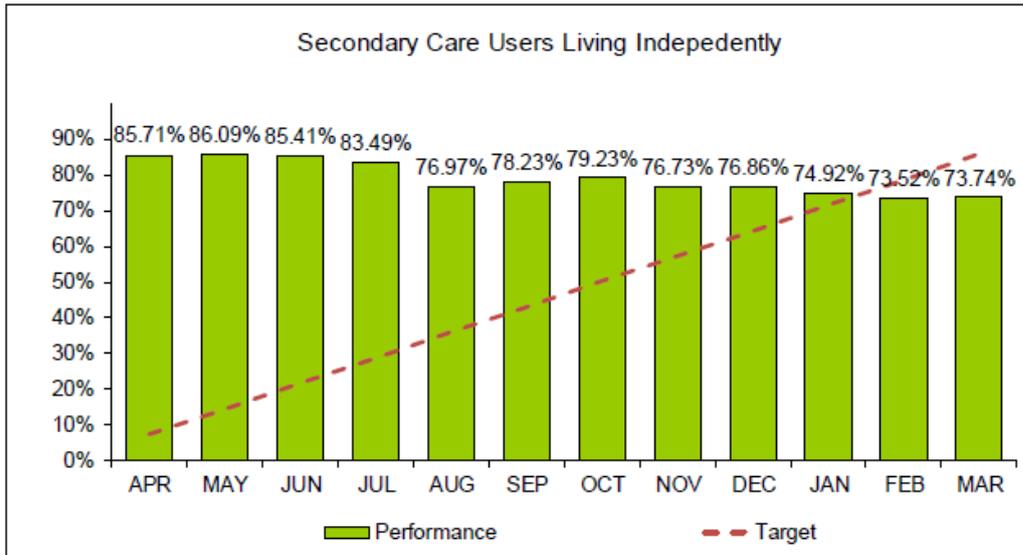


	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Target	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%
Paid Employment	56	54	49	61	50	55	52	51	57	50	93	77
Service Users	980	949	939	969	1029	1006	992	980	955	965	1231	1074
Performance	5.71%	5.69%	5.22%	6.30%	4.86%	5.47%	5.24%	5.20%	5.97%	5.18%	7.55%	7.17%

Adults in contact with secondary mental health services in settled accommodation

Across mental health and substance misuse, there have been continued good rates of settled accommodation and there continues to be joint working between mental health and housing staff to support people in settled accommodation within the borough. We believe that the drop in rates represented on the graph below is a result of some data quality issues within the Carenotes system rather than an actual decrease in rates of settled accommodation, and work is under way to try and address these issues.

There has also been a significant amount of work undertaken to support people who have no recourse to public funds – a group that appears to be increasing in number within mental health services in the borough. The Trust has established a specific working group to try and address the needs of this group of service users across both Camden and Islington.



	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Target	7%	14%	22%	29%	36%	43%	50%	57%	65%	72%	79%	86%
Independently Living	840	817	802	809	792	787	786	752	734	723	905	792
Service Users	980	949	939	969	1029	1008	992	980	955	965	1231	1074
Performance	85.71%	86.09%	85.41%	83.49%	76.97%	78.23%	79.23%	76.73%	76.86%	74.92%	73.52%	73.74%

Safeguarding

The Trust Safeguarding Adult policy was revised in July 2015, in line with the Care Act, and the Safeguarding Children Policy was reviewed and revised following updates to “Working Together to Safeguard Children” and the London Child Protection procedures. The Trust Mental Capacity Act Policy was also revised in December 2015 in line with national guidance.

Activity

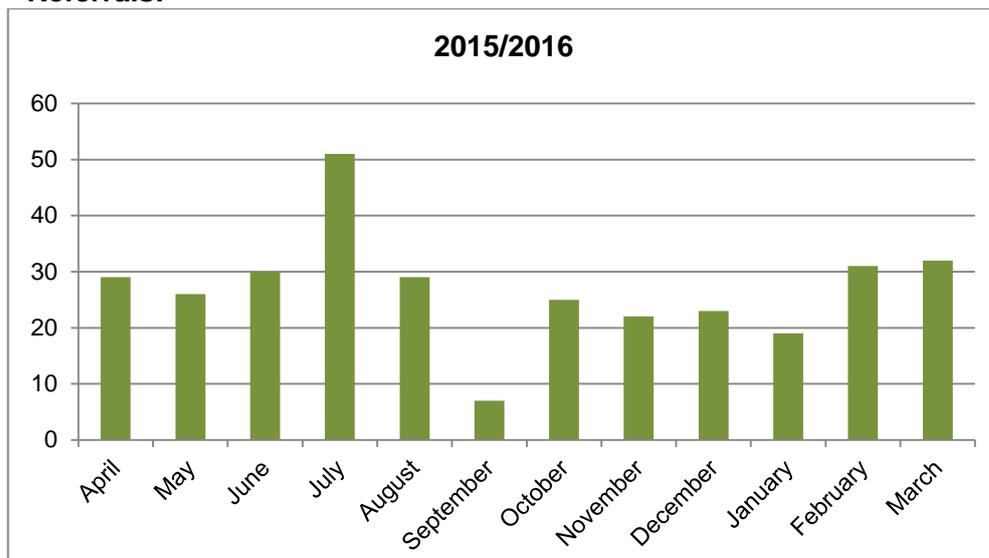
In total, 111 referrals were raised by mental health services in relation to Islington residents, with 9 of these being repeat referrals.

Actions and achievements in 2015/16	What difference did these achievements make to customers?
<p>Represented on the Multi-Agency Safeguarding Hub for children.</p> <p>Partner in multi-agency safeguarding children practice case file audits.</p>	A more integrated approach, including adult mental health input to the screening and assessment of referrals.
<p>Represented on the Islington Multi-Agency Risk Assessment Conference.</p>	A more integrated approach to working with cases of domestic abuse.
<p>Introduction of regular safeguarding forums in divisions across the Trust</p>	Personalised safeguarding practice for service users
<p>Embed a culture of awareness of domestic and sexual violence within the Trust.</p>	Staff are able to offer advice and support to victims of domestic and sexual abuse. MARAC referrals from the Trust have increased. Close working between the Local Security Management Specialist, Named Doctor for safeguarding children and Safeguarding manager has been essential to offer support to service users making such disclosures, and staff working with them
<p>Worked to embed safeguarding in the Trust governance arrangements, via DATIX incident reporting and regular performance monitoring in senior management meetings</p>	Consistent approach to safeguarding throughout the organisation
<p>Participated in multi-agency audit of safeguarding adults cases.</p>	Improvements in practice evidenced in Adult mental health teams, with particular areas of strength relating to protection planning, and ascertaining the adults’ views regarding the risk they faced.
<p>Continued to implement the “Awareness Raising of Domestic and Sexual Abuse (ARDSA)” project.</p>	Develop a culture of asking about domestic and sexual violence and abuse, with specific training on this as well as session on harmful practices. The White Ribbon event was attended by over 100 staff as well as partner agencies.

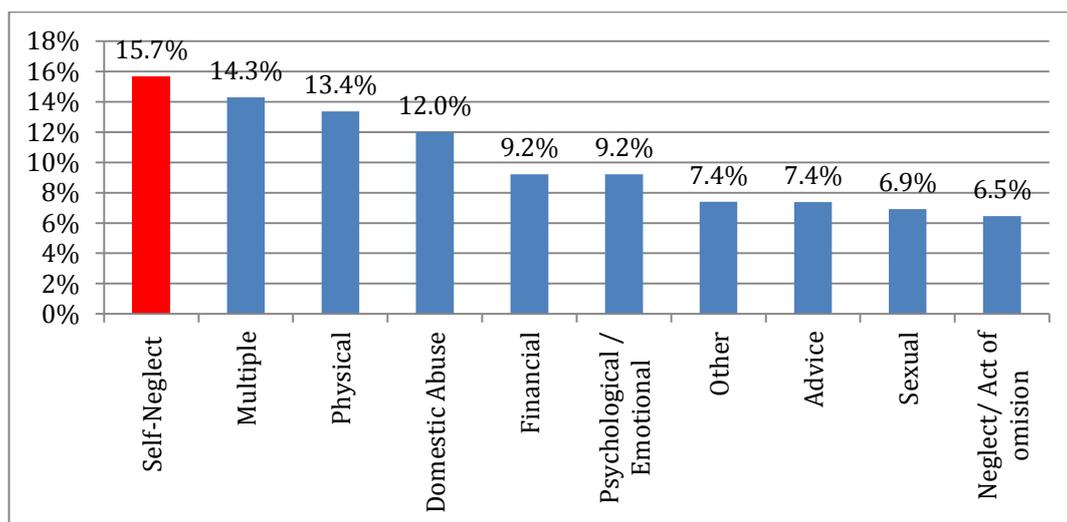
At the same time, the Trust also received a significant increase in referrals of Safeguarding Adults referrals of people not known to service, and these have been managed through the Camden and Islington Advice and Assessment team.

In 2015/2016 the AAT has processed an average of 27 pieces of safeguarding work per month (compared to an annual number of just over twenty in the previous year), with the majority falling in the category of self-neglect, which was a new category identified by the Care Act and demonstrates that work with local partners has raised awareness of this issue.

Referrals:



Category of alleged abuse



Further work is required to ensure that capacity is available to address these referrals alongside the GP, police and self referrals that are also managed at this point of access to mental health services in the borough.

Case Reviews

Working closely with partner agencies and Islington Safeguarding Adults Partnership Board and Local Safeguarding Children Board, we have been involved in one Serious Case Review for a child. There were no Domestic Homicide Reviews involving Trust service users during the year.

Learning from Serious Case reviews and Domestic Homicide reviews is reviewed within the quarterly Safeguarding Committee, and as part of the Trust's clinical governance processes. The Safeguarding Committee is chaired by the Director of Nursing and People (who also attends the SAPB), and we also have a named Non-Executive Director for safeguarding.

Safeguarding Training and Professional Development

Following the adoption of revised inter-collegiate guidance on safeguarding children training requirements, Trust compliance figures for safeguarding training showed a significant reduction during the year (against an 80% target rate).

The position during the year was as follows:

Safeguarding Adults

Level	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Level 1	92%	95%	94%	94%
Level 2	95%	91%	67%	82%
Level 3	97%	98%	83%	83%
Level 4	82%	100%	100%	100%

Safeguarding Children

Level	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Level 1	92%	95%	95%	94%
Level 2	95%	55%	42%	56%
Level 3	97%	39%	23%	62%
Level 4	84%	80%	100%	100%

A revised training programme is now in place, with associated trajectories, to deliver a compliant training position by December 2016 across the whole range of Child and Adult Safeguarding requirements. Progress against this is report both to the Trust Clinical Quality Review Group and the Safeguarding Board.

Whilst not in the 2015/16 financial year it is important to note the findings of the Care Quality Commission (CQC) inspection in June 2016. The CQC overall rating for the Trust was 'requires improvement'¹. There were specific safety concerns raised with regard to safeguarding. The inspection found that safeguarding was not always given sufficient priority, and the processes for managing safeguarding referrals could be improved particularly with regard to out of hours safeguarding alerts. Staff were unclear of how to raise safeguarding referrals out of hours and this had led to a delay in safeguarding referrals been acted upon. In addition there were incidents where staff did not always record safeguarding information appropriately and clearly.

The Trust and the Council take the CQC inspection findings very seriously. A comprehensive action plan has been developed to address the findings of the report, which is monitored frequently and regularly by the Trust, the Council and the Clinical Commissioning Group.

¹ <http://www.cqc.org.uk/provider/TAF>

Finance

	<u>Annual Budget</u> £	<u>Budget (YTD)</u> £	<u>Actual + GRNI (YTD)</u> £	<u>Variance (YTD)</u> £	<u>Variance (YTD)</u> %
LBI Admin Mgt Subtotal	235,180	235,180	239,908	4,728	2.0%
LBI Rehab & Recovery Subtotal	2,020,666	2,020,666	2,073,425	52,759	2.6%
LBI Acute Services Subtotal	108,238	108,238	57,161	(51,077)	-47.2%
LBI Community Mental Health Subtotal	407,300	407,300	381,894	(25,406)	-6.2%
LBI Services for Ageing Mental Health Subtotal	245,178	245,178	180,323	(64,855)	-26.5%
LBI SMS Subtotal	116,903	116,903	124,897	7,994	6.8%
TOTAL LBI	3,133,465	3,133,465	3,057,608	(75,857)	-2.4%

Overall, the service ended the financial year with a small underspend of 2.4%, driven almost entirely by slippage on recruitment against workforce vacancies.

Approved Mental Health Professionals

Islington Approved Mental Health Professional Duty service operates from Monday to Friday from the First Floor, East Wing, St. Pancras Hospital. It is co-located with the Camden AMHP service and the AMHP management team, which includes the AMHP training manager. One duty administrator provides support to both services and a locum 0.5 admin is also currently in post.

Due to the volume of work in both boroughs and the recommendation from the AMHP Review last year a dedicated duty manager for Islington was successfully recruited and started in post on 11th April 2016.

The service is run via a rota and draws AMHPs from across the mental health teams and also adult social care. The aim is to have three AMHPs on duty per day, undertaking both planned and emergency work across the borough. There are currently 23 warranted Islington AMHPs available for the rota reduced from 26 last year. There have been a considerable number of staffing changes that means we currently are unable to rota 3 AMHPs per day; however there is a plan in place to address this. The reduction in the number of AMHPs can mean that the duty AMPHs have to support other teams in their work that would not normally fall in the responsibly of the duty system. The AMHP managers offer advice and support to all AMHPs regardless of whether their work is within teams or as part of the duty service.

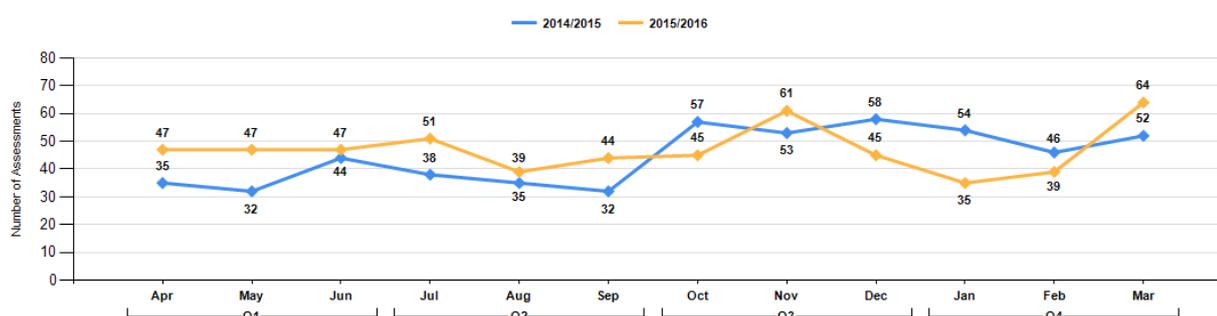
The volume of work is widely variable. On a day to day basis the number of assessments completed can range from 0 to 8. There are approximately 10 assessments per week. It is estimated that 12.5% of these assessments required planned police assistance. However, a number of assessments do not actually take place as the person is assessed prior to the planned date or sometimes the assessment is cancelled. We have undertaken a number of assessments where we have called the police as an emergency. We will record these more accurately as well as the number of warrants applications.

This report includes only completed assessments and therefore does not include the referrals that do not result in a completed assessment or repeated attempts. Due to the high number of police assisted assessments, a duty AMHP attends court approximately once a fortnight to support the police in their work in the community.

Data

The total number of Mental Health Act assessments undertaken during the year 2015/16 was **564** compared with **536** in 2014/2015. In common with most other boroughs this is an increase on previous years. An element of this used to be a data recording issue as three years ago data was not collected properly as Islington was not a centralised service but this would no longer be a contributory factor. The table below shows a substantial increase between February and March 2016.

Number of AMHP Assessments [Islington only] in Year April 2015 to 31 March 2016

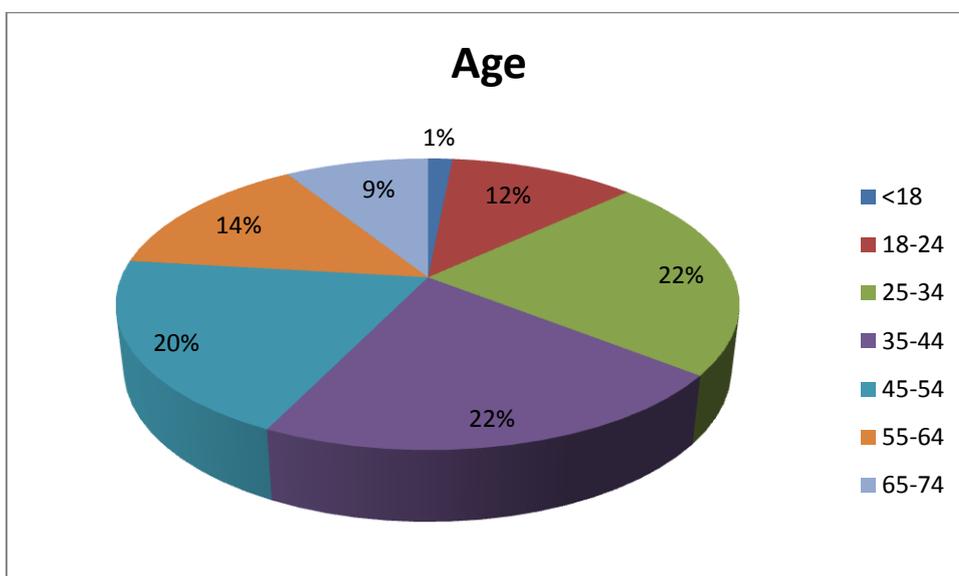
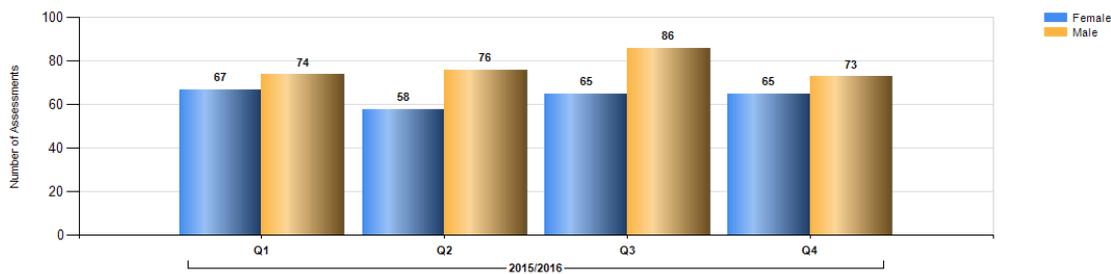


	Quarter	Q1			Q2			Q3			Q4		
Patient Borough	Year	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Islington	2014/2015	35	32	44	38	35	32	57	53	58	54	46	52
	2015/2016	47	47	47	51	39	44	45	61	45	35	39	64

Islington has the highest prevalence of people diagnosed with serious mental illness in London at just less than 1.5% which is significantly higher than London and England averages (QOF, 2011/12). Around 20% of people over 18 diagnosed with a psychotic disorder have bipolar disorder and the remaining 80% are diagnosed with psychoses, including schizophrenia. A significant number of people suffer from depression, the highest in London.

Out of the total number of assessments, 44% are women and 56% are men (compared to 50:50 last year). Every quarter shows more men assessed than women.

Number of AMHP Assessments Gender- 01 April 2015 to 31 March 2016



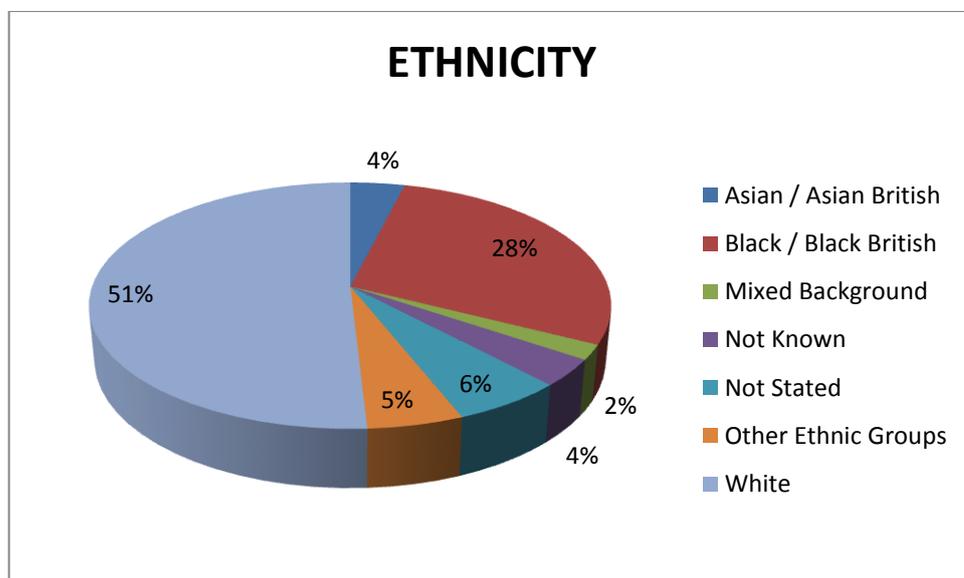
Age	<18	18-24	25-34	35-44	45-54	55-64	65-74	75+
No.	8	61	119	114	104	75	47	36
%	1.5%	11%	21%	20%	18.5%	13%	8.5%	6.5%

Information has been requested regarding the ages of under-18s as this more appropriately identifies CAMHs service users. The spread of the age range of those being assessed demonstrates the diversity of needs and also the skills and knowledge required to undertake AMHP work in Islington.

The numbers of adults with mental health conditions is expected to increase over the next 15 years. There are likely to be approximately an extra 5,500 cases in Camden and Islington, based on population growth estimates. Common Mental Disorders will make up the majority of the increase, but the number of people with dementia will see the largest percentage change. In the long term, it is predicted that the number of people with dementia will double by 2050 with the fastest percentage growth expected amongst people aged 85 and over.

Based on current estimates of population change, and the proportion of children living in social housing remaining constant, the number of children with any mental health condition in Islington is expected to grow by an estimated 570 cases by 2030 (3,760 in total). (*Healthy Minds, Healthy lives: Widening The Focus on Mental Health. Camden and Islington Annual Public Health Report 2015*).

Ethnicity



	Asian / Asian British	Black / Black British	Mixed Background	Not Known	Not Stated	Other Ethnic Groups	White
Number	22	161	11	20	34	29	287
%	4%	28.5%	2%	3.5%	6%	5%	51%

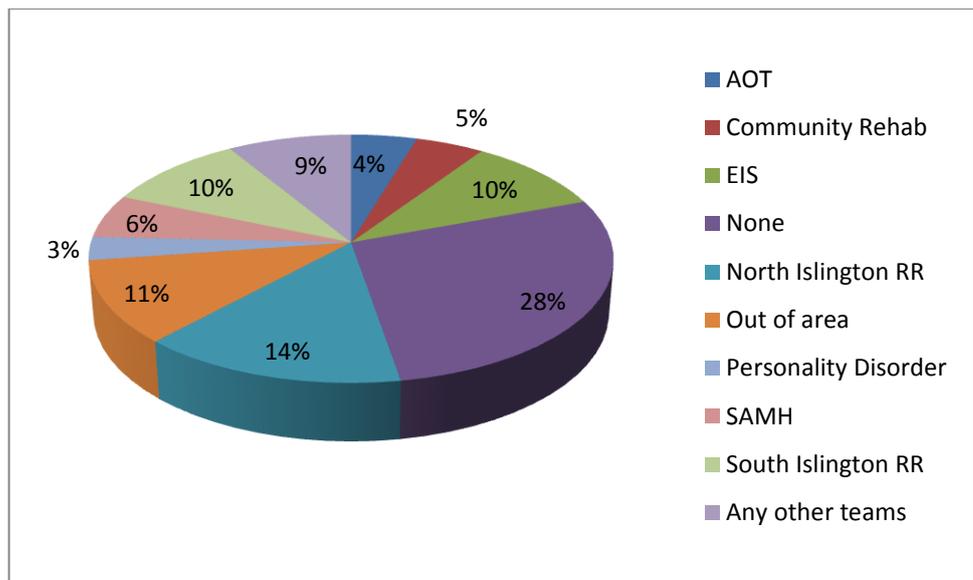
In 2014/15 49% of those assessed were White British which was the highest percentage, this has increased in 2015/16 to 51% followed by Black British at 28.5%. These two groups account for 79% of the people requiring AMPH interventions. Asian/Asian British at 4% White – any other background at 17%, Black African at 13%

and Asian British at 7%. Broad ethnic groups have been reported as Islington's population is very diverse and there are many smaller groups which are 1% of the total number. However, it would be useful to identify which groups are greatest in number if particular populations are increasing. These figures are drawn from the mental health case management system, it should be noted that these categories are sometimes not self-defined.

Islington has an ethnically diverse population: less than half (48%) of residents describe themselves as White British, which is slightly higher than the London average (45%). Islington's population has become more diverse since 2001, when 57% of Islington residents described themselves as White British. This was slightly lower than London (60%) average at that time.

Mental Health Advice and Assessment by Service User's Team

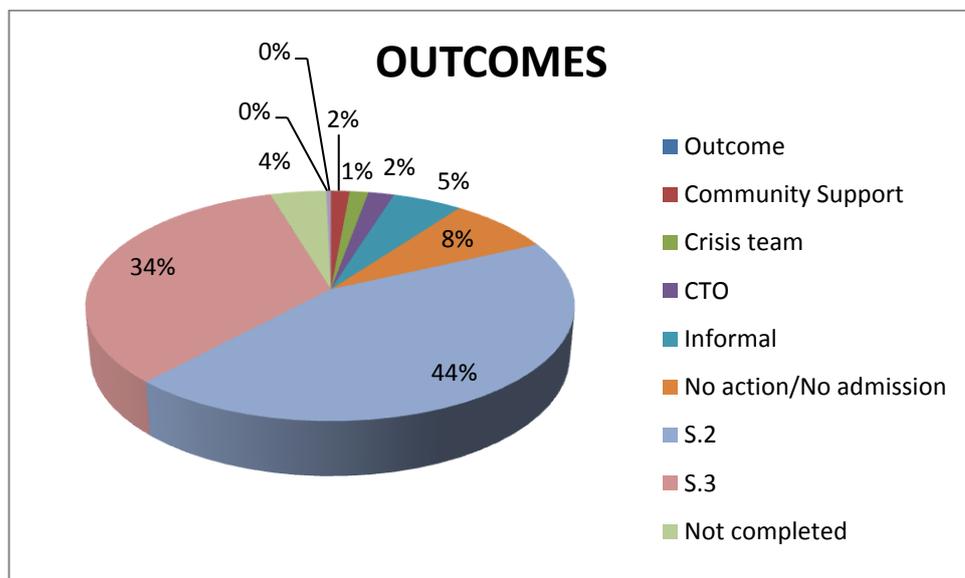
Of those assessed the largest percentage (28%) were not under the care of any local mental health service at the time of referral (the same percentage as last year). This figure is high and warrants further investigation. The next highest is North Islington R&R (14%) and then Out of Area assessments, which have increased significantly from last year's figure. These assessments will mostly be from Whittington A&E, Tolpudde police station, British Transport police and the prisons. One of the two local prisons has recently closed but as we do not complete very many assessments in prisons this should not have a major impact on the figures.



AOT	26
Community Rehab	27
EIS	56
None	158
North Islington Recovery and Rehabilitation Service	82
Out of Area	61
Personality Disorder	17
SAMH	32
South Islington Recovery and Rehabilitation Service	56
Any other teams	49

Outcomes

These figures are broadly similar to last year. 77% of those assessed were admitted formally (compared to 76% last year and the year before). This figure should always be reasonably high if filtering and consideration of alternatives is rigorously considered prior to a Mental Health Act assessment taking place. In addition 5% of were admitted informally, which is almost the same as last year. However, 8% of those were assessed and not admitted nor a community alternative recorded which is slightly lower than last year.



Outcome	No.
Outcome	
Community Support	8
Crisis team	8
CTO	11
Informal	30
No action/No admission	45
S.2	247
S.3	189
Not completed	24
S136 discharge	2

Police Waits for Community Mental Health Assessments

2015/2016									
Patient's borough	Waiting time days	Q1		Q2		Q3		Q4	
		Number of Patients	%	Number of Patients	%	Number of Patients	%	Number of Patients	%
Islington	[0-5] days	1	7.69	2	10.53	6	28.57	3	13.64
	[6-10] days	2	15.38	4	21.05	2	9.52	8	36.36
	[11-15] days	3	23.08	4	21.05	4	19.05	4	18.18
	[16-20] days	1	7.69	4	21.05	5	23.81	1	4.55
	More than 20 days	6	46.15	5	26.32	4	19.05	6	27.27
Total		13	99.99	19	100.00	21	100.00	22	100.00

Compared to 2014-2015's figure of 64%, 62.5% of assessments in 2015-2016 were not completed within 10 days. Compared to 2014-2015 when 31% waited for more than 20 days in 2015-2016 the percentage has lowered to 28%.

A year ago dedicated police Sergeants were allocated to the four Islington clusters reducing the waiting times to some extent. An Islington duty manager has recently been appointed and is currently building good working relationships with the police to reduce these requests for community mental health assessments further.

From mid-April 2016 the new London Ambulance Service transport system started in Camden and Islington. This has already proved to be a great success in reducing the waiting times for transport, particularly for community based MHA assessments.

The CQC inspection was critical of the safety and facilities in the Health Based Places of Safety (HBPS) provision staffed by Camden and Islington Foundation Trust in Whittington and Royal Free Hospitals in July 2016. Following the inspection work has been underway to make immediate improvements in the provision and to plan for the development of a new dedicated HBPS in line with the standards set out in London's Healthy Partnership guidance also published in July 2016. This included potential relocation of the sites and the gathering of more detailed data specifically in relation to assessment waiting times. Unfortunately there are often delays to admission to acute mental health beds across London due to the increased demand.

Islington Emergency Duty Team (EDT) provisional figures for 2015 -2016 are 283 assessments and 174 admissions. In comparison, the previous year EDT completed 190 assessments and admitted 120 people. This means in the last year there have been approximately 49% more MHA assessments completed by Islington EDT, but the rate of 'conversion' from assessment to detention stayed relatively level at 63% in 2014/15 and 61% in 2015/16. This figure does not take account of all the MHA assessments EDT were contacted about but they could not start because no beds were available.

Islington not only has a busy police station (Tolpuddle) but also Highbury Magistrates court diversion, Pentonville prison (HMP Holloway has closed this year) and Brewery Road British Transport Police. These all generate referrals for Mental Health Act assessments. Court Diversion is currently largely covered by an Islington AMHP seconded to Barnet, Enfield and Haringey Mental Health Trust Liaison and Diversion service. These assessments are not recorded in this report.

Overall the number of completed Mental Health Act assessments continues to rise in Islington. This may in part, be due to better data recording but will also reflect increasing numbers of assessments that most boroughs are experiencing. A significant percentage of service users assessed were not in contact with services at the time of referral. This report demonstrates that AMHPs in Islington are required to be highly skilled in order to respond to the high number and diversity of assessments.

Positive steps forward have been the introduction of the re-commissioned ambulance service for non-emergency care to reduce the time waiting for transport at community based MHA assessments and also the introduction of specific cluster Sergeants to help co-ordinate police assistance at community based MHA assessments.

The information for this report is derived largely from the dashboard. However, there remain data quality issues in both the accurate inputting and the information drawn from the new case management system Care Notes. The presentation, accessibility and accuracy require further work to ensure the dashboard provides easily available reports that demonstrate all AMHP activity.

Workforce

Establishment

At the end of the year there were 47 Whole Time Equivalent (WTE) seconded posts from the London Borough of Islington working in the Trust. This level of staffing enables an effective contribution to multi-disciplinary teams, and the fulfilment of the AMHP function, and is at a level comparable to other boroughs with similar levels of need. Recruitment and retention has been good historically and at present for seconded staff.

There has been a concerted effort to obtain greater transparency and accountability with regard to system and process of managing staff information between the Trust and LBI. There is a process in place to develop this further and it will form part of the refreshed S75 agreement.

Social Work Strategy

The Social Work strategy written in January 2014 seeks to re-position social work within health and to reinforce the values and skills of social work within the Trust.

Both the College of Social work and the Care Act provided a useful context for the strategy to position itself, setting out six main areas:

- **Workforce Development**-enhancing skills and confidence, and developing clear career development plans and working with the Local authority to achieve this. Monitoring appraisals, supervision and training for social work staff
- **Leading the profession and managing practice** – clarifying lines of accountability, improving practice, ensuring that high standards are maintained, and becoming leaders in social care audit and embracing a culture of learning.
- **Delivering outcomes** – effective measurement of social work interventions, with the focus on engagement, empowerment and personalisation, and using technological advances to improve outcomes
- **Leading on personalisation** – building the skills and confidence needed to lead on implementing a whole systems approach to personalisation.
- **Promoting and embedding safeguarding and managing risk** – continuous professional development and training to ensure that skilled, confident practitioners assess and manage risk, manage complex safeguarding situations, and leading safeguarding investigations.
- **Promoting the profession** – developing the skills and tools to challenge and reverse negative perceptions of social work in the media and in the general public.

An ambitious action plan accompanies the strategy and although there are some successes in implementing it there are also areas where there has been slippage. The Trust and Local Authorities are looking for opportunities to work together and become more joined up for example with regard to greater integration of health and social care in primary care settings. Of equal significance is investment in developing a more inclusive approach to service-users and carers, to co-produce service improvements and re-design, in Islington this has been through the 'Making it Real Board'. The development of the Principal Social Workers Network offers opportunities to strengthen and develop the role of social work.

Key achievements

Since 2014 there have been some key achievements. These are:

a) Workforce Development-

- All staff receive professional supervision
- Head of Social Work and Social Care part of Principal Social worker network and working in partnership with Adult Social Care
- Joint workshops between Adult Social Care and Mental Health- Head of Social Work is a member of both Local Authority workforce development groups
- Succession planning for managers- led by the Divisions
- Workforce scoping and succession planning for AMHPs- led by the AMHP training manager
- Students offered placements , and staff given opportunities to train as Practice Assessors and Educator in each Borough
- Regular Social Work forums on a quarterly basis
- All newly qualified staff supported under the Assessed, Supported Year in Employment (ASYE)

b) Leading the Profession and managing practice in each Division

- Divisional Social Work Leads – 4 out of 6 positions appointed
- Review of the AMHP Duty Service model- Both Boroughs now run in parallel
- Location of AMHP Services- now co-located
- Shared AMHP Duty Management team structure- separate Duty Managers for each Borough but both can provide cross cover
- All social workers have an annual Appraisal- this is managed within Divisions
- Improved and streamlined funding panel processes- Head of Social Work and team managers are all members of the panel. Senior managers and professional Lead in the Trust also chairs the panel.
- Funding panels focus on an assets based approach and achieving outcomes
- Safeguarding manager substantively appointed.

c) Leading on Personalisation

- Champions, for Think Local Act Personal Campaign.(TLAP) and LBI 'Making it Real Board' – Divisional Social Work Leads are members
- Review quality of support planning- newly created Review Team has audited this and designed training for all teams- March 2016
- All staff attend funding panel and are coached how to present- team managers and review team provide support.
- Local Authority Resources Directory accessible for all Care Coordinators
- Equality and Diversity Lead appointed to ensure E&D issues included in all services and interventions
- More joined up practice with Local Authorities - In Camden this is the Long term care finders team, and in Islington there are stronger links with Commissioners

d) Promoting / embedding Safeguarding and managing risk

- Risk management training has been reviewed for all staff seconded to the trust and is mandatory.
- Safeguarding Adult and Children training has been reviewed so that for safeguarding adults the training now includes the new categories in the Care Act and for Safeguarding children the training now aligns with Working Together 2014 and the Intercollegiate Document.
- Joint Managers meeting with Children's Social Care- the Trust has a member of staff based in the LBC MASH, and the Head of Social Work attends the LBC MASH board.
- Engagement and support for Kids time- this is still a well-used resource which front line staff refers to in both Boroughs. The Head of social work has also attended two meetings.
- Review the performance management of safeguarding- Teams use the balanced score cards, and basic reporting is captured on Datix (the system used to report serious incidents) and reported through local authority systems.

e) Promoting the Profession

- All staff are encouraged to attend the Social work research group, and two staff have become more involved in undertaking pieces of research
- Social workers attend the borough Annual conferences and this year Substance Misuse Services Lead social worker is presenting at Camden Safeguarding Board Conference.
- The Trust prepared an application for the first cohort of the 'Think Ahead' programme, even though the final decision was not to progress in 2015 intake.
- Social workers have been supported to attend various conferences on Co-Production, Community Care, AMHP Leads, and TLAP.

Challenges/Unresolved issues

Some areas of implementing the action plan have not been possible due to the rapid changes in health and social care landscape, for example the College of Social Work dissolved in 2015, and new initiatives to achieve financial savings and improve partnership working. The impact of the Care Act and increased reporting on Safeguarding procedures, Domestic and Sexual Abuse, FGM, and Prevent have also taken priority over implementing other areas of the strategy.

There have been some on-going challenges which require more work to make them run smoothly, these are mainly:

- Improvements with processes for monitoring of staff configuration and recruitment
- Access to Local authority data bases
- Facilitating Access to Trust Electronic Patient records
- Trust staff having access to local Borough Resources

The strategy, now in its second year, requires renewed focus to align with the Trust's and local authority strategic priorities. Continued work is required to ensure that social work as a profession within the Trust becomes more visible at every level within the partnership organisations. The appointment of all the Divisional Social work Leads will be a big step in helping to achieve this.

Priorities for 2016-17

These are the priorities for the coming year:

- a) Planned Social work audits- for example, supervision, appraisals,
- b) Developing social work research
- c) Induction programme for newly recruited Social workers
- d) Review opportunities for workforce development–Think Ahead

- e) Review the balance of social workers across teams against delivery of social care outcomes
- f) Appoint champions to lead and support service-user and carer involvement

Summary

The report has summarised performance in relation to the Section 75 Agreement with London Borough of Islington during the 2015/16 financial year. This has been a challenging year, with significant changes to elements of service, and financial pressure.



Report of: Executive Member for Finance, Performance and Community Safety

Meeting of:	Date	Ward(s)
Executive	8 th December 2016	All

FINANCIAL MONITORING 2016-17 MONTH 7

1. SYNOPSIS

- 1.1 This report presents the forecast outturn position for 2016-17 as at 31st October 2016. Overall, there is a forecast gross General Fund overspend of £2.15m.
- 1.2 The Housing Revenue Account (HRA) is forecast to break-even over the year.
- 1.3 It is forecast that £114.6m of capital expenditure will be delivered in 2016-17.

2. RECOMMENDATIONS

- 2.1. To note the forecast revenue outturn for the General Fund (**Table 1 and Appendix 1**) of a gross overspend of £2.15m, including corporate items (**Section 3**)
- 2.2. To agree the allocation of £1.6m of HRA resources to the General Fund towards the digital services infrastructure projects/improvements that were agreed in the month 4 monitoring report. (**Paragraphs 4.22 and 5.2.4**)
- 2.3. To agree the corporate allocations of £1m and £0.095m to Environment and Regeneration in respect of the cross cutting Wi-Fi concession saving and insurance claim legal costs respectively. (**Paragraphs 4.22.1 and 4.22.3**)
- 2.4. To note the actions to reduce the forecast gross General Fund overspend, and that any remaining overspend at year-end will be covered by drawing down from the £3m corporate contingency budget (**Paragraphs 3.2 and 3.3**)

- 2.5. To note that the net HRA forecast is a break-even position. (**Section 5, Table 1 and Appendix 1**)
- 2.6. To note the latest capital position with forecast capital expenditure of £114.6m in 2016-17. (**Section 6, Table 2 and Appendix 2**)

3. REVENUE POSITION: SUMMARY

- 3.1. A summary position of the General Fund and Housing Revenue Account is shown in **Table 1** with a more detailed breakdown contained in **Appendix 1** (by service area).

Table 1: 2016-17 General Fund and HRA Month 7 Forecast

	Forecast Over/(Under) Spend (£000)
<u>GENERAL FUND</u>	
Finance and Resources	713
Chief Executive's Department	968
Core Children's Services (Excluding Schools)	3,340
Environment and Regeneration	3,168
Housing and Adult Social Services	(16)
Public Health	0
DEPARTMENTAL TOTAL	8,173
Corporate Items	(6,023)
GROSS OVER/(UNDER) SPEND	2,150
<u>HOUSING REVENUE ACCOUNT</u>	
NET (SURPLUS)/DEFICIT	0

- 3.2. To reduce the underlying, forecast General Fund overspend, the following actions are being undertaken to bring the 2016-17 budget into balance:
- 3.2.1. Corporate Directors are identifying further management actions to bring down their departmental overspends; and
- 3.2.2. There will be clawback, at a level to be agreed, on new carry-forwards at the end of this financial year.
- 3.3. Any remaining overspend at year-end will be covered by drawing down from the £3m corporate contingency budget.

4. GENERAL FUND

Finance and Resources Department (+£0.7m)

- 4.1. The Finance and Resources Department is forecasting an overspend of (+£0.7m). This is due to the following variances:
- 4.1.1. (+£1.2m) shortfall against the commercial property income target due to savings materialising over a longer time frame.
 - 4.1.2. Re-phasing of the ICT shared service saving (+£0.5m) to allow the new service to get up and running.
 - 4.1.3. Compensating in-year management actions of (-£0.65m) through the more efficient use of staff for processing Housing Benefit claims, and (-£0.35m) managed underspend in accommodation and facilities using the building repairs fund.

Chief Executive's Department (+£0.97m)

- 4.2. The Chief Executive's Department is currently projecting a (+£0.97m) overspend. This is as a result of the legacy overspend position in the Strategy and Community Partnerships division prior to the Chief Executive Department restructure that took effect on 1st October 2016. The legacy overspend relates to the following:
- 4.2.1. New Homes Bonus (NHB) grant funding was received over the 2015-17 period and it was planned that this would replace council funding and other reducing funding streams within the Strategy and Community Partnerships division. However, this funding was committed against other expenditure in the division, meaning that the budgeted savings were no longer deliverable. Efforts are continuing to identify savings to reduce the overspend further.

Children's Services

General Fund (+£3.3m)

- 4.3. A (+£3.3m) provisional outturn overspend is forecast for the General Fund (non-schools) Children's Services budget as a number of pressures against demand led specialist services have continued from 2015-16 into 2016-17; especially in relation to increasing numbers of personal budget packages, care proceedings, care leavers, unaccompanied asylum seeking children and looked after children. Further overspends are occurring against secure accommodation costs and from the late notice of a further cut in grant funding from the Youth Justice Board. An overspend is also forecast against the universal free school meals budget as pupil numbers continue to increase and eligibility for statutory free school meals reduces. The key variances are as follows:
- 4.3.1. Increased demand for high level personal budgets to deliver community based packages. (+£0.2m)
 - 4.3.2. Increase in care proceedings including family assessment. Reflects a national trend where there has been an increase of 17% in care proceedings across the country. (+£0.10m)
 - 4.3.3. Leaving Care costs for 18+ year olds - significant increase in the number of care leavers that we are obliged to offer a service to. Includes rising 18's (Southwark judgement). (+£0.60m)

- 4.3.4. Unaccompanied Asylum Seeker Children (UASC) - the numbers of UASC have increased by 36 over the duration of the last financial year. The authority is allocated grant to cover the costs of an individual; however, this is not sufficient to meet the sums expended. The first 25 cases are not funded by the Home Office. (+£0.15m)
- 4.3.5. Children Looked After (CLA) staffing including Independent Futures and the associated increase on client (non-placement) costs (e.g. travel, interpreters, and rents). (+£0.15m)
- 4.3.6. Increase in support packages for young people placed for Adoption because of severe disability and the need for 1 to 1 support to carers. (+£0.1m)
- 4.3.7. CLA Placements – increase in the number and complexity of cases for the under-18 cohort of CLA. These are mainly regulated residential placements. (+£0.50m)
- 4.3.8. Increase in support for 16-17 years olds living in supported accommodation. (+£0.55m)
- 4.3.9. Youth Justice – late notification of £40k reduction of Youth Justice Board grant for 2016-17. (+£0.04m)
- 4.3.10. Disabled Children’s Services – re-phasing of savings from the service review and rationalisation. (+£0.15m)
- 4.3.11. Universal Free School Meals - increased pupil numbers and reduced eligibility for statutory free school meals. The forecast will be updated after the October 2016 schools’ census. (+£0.5m)
- 4.3.12. Holloway Pool Subsidy – savings from the removal of subsidy will not be realised in full. (+£0.06m)
- 4.3.13. Special Educational Needs (SEN) Transport (+£0.55m) - Increasing numbers of pupils and complexity of need.
- 4.3.14. Children’s Centres - net overspend from bringing Westbourne Children’s Centre back in house (General Fund share). (+£0.04m)
- 4.3.15. Short Breaks - increased use of targeted short breaks services by families assessed as requiring a personal budget. (+£0.04m)
- 4.3.16. Cardfields - overspend against premises costs as business rates have not previously been levied against this facility. (+£0.015m)
- 4.3.17. Grant Aid - underspend due to a different profile in take up of subsidised childcare than budgeted for. (-£0.04m)
- 4.3.18. Central staffing underspend of (-£0.165m).
- 4.3.19. Universal Youth - forecast short-term underspend as previously decommissioned services are re-commissioned. (-£0.2m)
- 4.4. Management action to reduce the overspend is currently underway which includes holding vacancies and reviewing high-cost social care packages, but demand in some areas is outstripping supply.

Schools (-£0.58m)

- 4.5. A Dedicated Schools Grant (DSG) underspend of (-£0.58m), or 0.4% of DSG, is forecast. All of the provisional DSG underspend consists of balances from previous years' underspends that are being managed to support specific areas of activity as previously agreed by Schools Forum.

Environment and Regeneration (+£3.168m)

- 4.6. The Environment and Regeneration Department is forecasting a (+£3.168m) overspend.
- 4.7. The main reasons for the overspend are set out below and are a combination of longstanding structural issues previously contained by managerial action across the department, shortfalls in income due to market conditions or decisions made by third parties impacting on earlier assumptions and delays in implementing earlier savings decisions.

Public Realm Division (+£1.874m)

- 4.8. The Public Realm division is forecast to be £1.874m overspent. This is as a result of:

Delays in realising savings around waste collection and recycling services and not implementing the Village Principle and consequential operational costs (+£3.085m)

- 4.8.1. A communally based Food and Garden Waste service was proposed as part of the 2014-15 budget setting process. A pilot was agreed to start in June 2015 for three months (+£0.03m). The establishment of the basic elements of the waste and recycling collection services provides the platform for the delivery of the Village Principle. A much longer period of time was taken than anticipated to assess the Food and Garden pilot; to consider alternative options and for the necessary consultative and decision making processes to be completed. This has led to the non-delivery of the savings as originally predicted (+£1.9m). It has also led to additional operational costs to support an ageing fleet as decisions on fleet replacement have also been delayed (+£0.6m). Further to this extra staffing costs have been incurred to ensure vital frontline services are maintained as a result of vehicle breakdowns (+£0.555m).

Shortfall in Trade Waste Income (+£0.372m)

- 4.8.2. The proposal was to progressively increase trade waste income by £1m over three years. Income is now gaining momentum as planned management actions take effect. The projection above is prudent and if the current rate of growth is maintained the overall shortfall could be as low as (+£0.25m).

Shortfall in Income from Advertising Concession contract (+£0.5m)

- 4.8.3. A survey of the whole borough had identified 60 premium advertising sites which could have generated income of around £9/10k each, totalling between £0.54m and £0.6m. These, however, were not granted planning permission by the Planning Committee. The current position is that planning permission has been granted for only 16 sites, the realisable market value of which are currently being established.

Use of Islington Trading Company (iCo) to deliver subsidy of (+£0.1m)

4.8.4. iCo is now trading in a number of areas – Trade Waste, Memorials, Schools Human Resources and Pest Control. It is likely that the level of activity will now deliver against the trading activity in these areas.

Parking Account (-£2.0m)

4.8.5. All income streams within the Parking Account are currently performing above the levels expected in the financial model and if this trend continues, will result in a significant underspend against budget which can be utilised against Highways and Transport related spend that would otherwise need to be funded from Council revenue and/or capital resources.

4.8.6. Improvements to the accuracy of Penalty Charge Notice (PCN) issues and debt recovery has increased the average value of a PCN, and parking bay suspension income remains high as a consequence of the high levels of economic activity in the borough. Pay and display levels are on target and permit sales have increased. Improvements to the monitoring of moving traffic offences are planned to be operational within the financial year that will also improve compliance levels in this area.

Other (-£0.183m)

4.8.7. Underspend within the Traffic and Engineering service area due to vacant posts. (-£0.055m).

4.8.8. There are some small underspends in the rest of the division. (-£0.033m).

4.8.9. There is an offsetting corporate allocation of (-£0.095m) relating to further legal costs on a settled claim against three privately owned mature London Plane trees that had been proven to cause subsidence. Due to strong public support, the Council argued for retaining the trees and won the appeal for the trees to be retained. The claimants then proceeded with a claim against the Council for repair costs.

Public Protection Division (+£0.67m)

4.9. There are a number of longstanding structural budget issues within the Public Protection Division that have materialised over recent years and were subject to extensive reporting during the 2015-16 monitoring cycle. These pressures, as reported during 2015-16, are detailed below:

4.9.1. (+£0.18m) pressure within business support mainly around cost pressures relating to staff budgets and non-staffing budgets around IT / licensing costs.

4.9.2. (+£0.14m) pressure in Houses in Multiple Occupation (HMO licensing) income with licenses lasting 5 years and income budgets remaining unachievable.

4.9.3. (+£0.14m) pressure relating to staff costs that were part funded by 'Smoke-free' grant that is no longer received.

- 4.9.4. (+£0.09m) pressure within the library service mainly around deteriorating income streams on DVD / music rentals and hall lettings.
- 4.9.5. (+£0.05m) pressure relating to a saving relating to loss of Public Health grant.
- 4.10. For 2016-17, budgets have been subject to a re-basing exercise and consequently all areas are around the breakeven position, with the identified budget shortfall described above, of around (+£0.6m), now labelled as management action. The division and department will look for actions and opportunities to reduce this deficit over the financial year; however, a decision has been taken to remove this deficit through a permanent departmental budget adjustment in 2017-18.
- 4.11. There is a continued downturn in Local Land Charges income of (+£0.1m).
- 4.12. The remaining service areas within this division are underspent by (-£0.03m).

Planning and Development Division (+£0.624m)

- 4.13. Development Management has cost pressures around the use of agency staff (used for vacancy and temporary cover) which is offset by an underspend on salaries due to vacant posts and strong pre-application income performance. The latter could reduce this net overspend position if this continues over the financial year. (+£0.335m)
- 4.14. The Building Control service is holding vacancies (-£0.135m) offset by a projected shortfall in income (+£0.2m), unfunded agency costs (+£0.1m), an unallocated saving of (+£0.08m) and an unbudgeted invoice of (+£0.04m) relating to a prior year Scootability payment within the Spatial Planning and Transport (SPAT) service.
- 4.15. There are other miscellaneous overspends of (+£4k) across the division.

Housing and Adult Social Services (Break-even Position)

Adult Social Care (Break-even Position)

- 4.16. Adult Social Care is forecasting a break-even position over the financial year.

Housing General Fund (Break-even Position)

- 4.17. The Housing General Fund is forecast to break-even over the financial year.

Public Health (Break-even Position)

- 4.18. Public Health is funded via a ring-fenced grant of £27.3m for 2016-17. There is a forecast net break-even position for the financial year.

Corporate Items (-£6.0m)

- 4.19. By integrating Strategic Community Infrastructure Levy (CIL) funding with the capital medium term financial strategy (MTFS), it is forecast that there will be £3.5m of previously unbudgeted Strategic CIL funding available for funding infrastructure in the 2016-17 capital programme. This will deliver a saving of (-£3.5m) of the annual corporate revenue contribution to the capital programme in 2016-17 and over the medium term.
- 4.20. The Council has continued to follow a successful Treasury Management Strategy of shorter-term borrowing at low interest rates. This is forecast to save the General Fund (-

£2.2m) in interest charges this financial year. The Treasury Management Strategy is kept under constant review to ensure that available resources are optimised and the longer-term interest rate position reviewed within an effective risk management framework and in line with the approved strategy.

- 4.21. Additional net unbudgeted grant income (-£0.6m) has been received to compensate for the impact of Government policy on our retained business rates income in 2016-17 (e.g. the continued doubling of small business rates relief).
- 4.22. The corporate position reflects the allocation of (-£1.6m) of HRA resources to the General Fund towards the digital services infrastructure projects/improvements that were agreed in the month 4 monitoring report.
- 4.23. These savings are partially offset by:
 - 4.23.1. Corporate savings of (+£1.0m) being applied to the Environment and Regeneration pressure on the cross-cutting Wi-Fi concession saving due to a lack of suitable General Fund sites (this is a net-nil impact overall as the Environment and Regeneration overspend is reduced, in respect of this applied funding, by the same amount).
 - 4.23.2. (+£0.8m) uncontrollable pressure due to the Council's statutory duty to provide assistance to all destitute clients who are Non-European Union nationals and can demonstrate need under Section 21 of the National Assistance Act, 1948. This is commonly referred to as No Recourse to Public Funds (NRPF).
 - 4.23.3. (+£0.095m) further legal costs within Environment and Regeneration relating to a settled claim against three privately owned mature London Plane trees that had been proven to cause subsidence. This corporate adjustment offsets the costs within Environment and Regeneration.

5. HOUSING REVENUE ACCOUNT

- 5.1. The forecast outturn for the HRA is a gross surplus of (-£2.6m) to be transferred into the HRA risk equalisation reserve, leaving a break-even position overall.
- 5.2. The key reasons for the forecast gross (-£2.6m) surplus are:
 - 5.2.1. An increase in rental income of (-£2m) due to the post budget setting confirmation that PFI properties were to be excluded from the 1% rent reduction.
 - 5.2.2. A review of annual leaseholder service charges leading to an underlying increase in charges of £1m, applied to both 2015-16 actuals and 2016-17 estimates, meaning a (-£2m) increase in income.
 - 5.2.3. Other additional net income, mainly in relation to charges for other services and facilities. (-£0.2m)
 - 5.2.4. Offsetting this is a charge in respect of new digital services projects/improvements to IT infrastructure of (+£1.6m).

6. **CAPITAL PROGRAMME**

- 6.1. It is forecast that £114.6m of capital investment will be delivered in 2016-17. This is set out by department in **Table 2** below and detailed at **Appendix 2**.

Table 2: 2016-17 Capital Programme Month 7 Forecast

Department	2016-17 Capital Budget	2016-17 Capital Forecast	Forecast Re-profiling (to)/from Future Years (£m)
	(£m)	(£m)	(£m)
Children's Services	18.9	18.8	(0.1)
Environment and Regeneration	29.4	27.2	(2.2)
Housing and Adult Social Services	61.2	68.6	7.4
Total	109.5	114.6	5.1

Forecast Re-profiling

- 6.2. Under the Council's financial regulations, the re-profiling of capital budgets between financial years over £1m on an individual capital scheme is a function of the Executive.

Housing and Adult Social Services

- 6.3. New Homes Programme – the new homes programme is fully funded over the medium term. The latest review in 2016-17 indicates deliverable new homes capital expenditure in the region of £37m in 2016-17, around £7.5m more than originally estimated when setting the 2016-17 budget. This is due to good progress being made on a number of schemes. This will continue to be monitored before determining the amount of resources to bring forward from future years to 2016-17.

7. **IMPLICATIONS**

Financial Implications

- 7.1. These are included in the main body of the report.

Legal Implications

- 7.2. The law requires that the Council must plan to balance its spending plans against resources to avoid a deficit occurring in any year. Members need to be reasonably satisfied that expenditure is being contained within budget and that the savings for the financial year will be achieved, to ensure that income and expenditure balance.

Environmental Implications

- 7.3. This report does not have any direct environmental implications.

Resident Impact Assessment

- 7.4. A resident impact assessment (RIA) was carried out for the 2016-17 Budget Report approved by Full Council. This report notes the financial performance to date but does not have direct policy implications, so a separate RIA is not required for this report.

Background papers: None

Responsible Officer:

Mike Curtis
Corporate Director of Finance and Resources

Report Authors:

Martin Houston
Strategic Financial Advisor
Tony Watts
Head of Financial Planning

Signed by

A handwritten signature in black ink, appearing to read "Andy Hill". The signature is written in a cursive style with a long horizontal stroke at the bottom.

29 November 2016

Executive Member for Finance,
Performance and Community Safety

Date

Appendix 1 - Revenue Monitoring 2016-17 Month 7 by Service Area

GENERAL FUND					
Department / Service Area	Original Budget	Current Budget	Forecast Outturn	Forecast Over/(Under) Spend Month 7	Forecast Over/(Under) Spend Month 6
	£'000	£'000	£'000	£'000	£'000
FINANCE AND RESOURCES					
Corporate Director of Finance and Resources	915	1,813	1,813	0	0
Digital Services and Transformation	1,345	7,097	7,597	500	500
Financial Management	(3,072)	(3,104)	(1,885)	1,219	1,219
Financial Operations	2,359	7,397	6,391	(1,006)	(1,006)
Internal Audit	551	567	567	0	0
Human Resources	0	20	20	0	0
Legal and Governance	0	(169)	(169)	0	0
Total Finance and Resources	2,098	13,621	14,334	713	713
CHIEF EXECUTIVE'S DEPARTMENT					
Chief Executive (including legacy of old department)	2,584	(821)	138	959	1,000
Communications and Change	651	(512)	(512)	0	0
Strategy and Change	175	860	869	9	0
Total Chief Executive's Department	3,410	(473)	495	968	1,000
CHILDREN'S SERVICES					
Learning and Schools	21,927	22,754	23,324	570	(80)
Partnerships and Support Services	15,273	16,175	15,825	(350)	(80)
Targeted and Specialist Children and Families	38,482	41,002	43,542	2,540	2,540
Employment, Adult Learning and Culture	0	1,994	1,994	0	0
Youth and Communities	0	372	372	0	0
Less Projected Ring-Fenced Schools Related Underspend	0	0	580	580	960
Total Children's Services	75,682	82,297	85,637	3,340	3,340
ENVIRONMENT AND REGENERATION					
Directorate	(2,458)	(1,213)	(1,213)	0	0
Planning and Development	1,796	2,041	2,665	624	636
Public Protection	10,609	11,548	12,219	671	615
Public Realm	24,694	23,368	25,241	1,873	1,951
Total Environment and Regeneration	34,641	35,744	38,912	3,168	3,202
HOUSING AND ADULT SOCIAL SERVICES (HASS)					
Temporary Accommodation (Homelessness Direct)	2,176	2,569	3,030	461	461
Housing Needs (Homelessness Indirect)	1,819	1,501	1,426	(75)	(75)
Housing Benefit	880	880	880	0	0
Housing Strategy and Development	217	174	143	(31)	(32)
Housing Administration	1,850	2,404	2,052	(352)	(352)
Voluntary and Community Services (VCS)	0	3,501	3,501	0	0
Total Housing General Fund	6,942	11,029	11,032	3	2
Adult Social Care	31,030	31,688	31,678	(10)	(10)
Integrated Community Services	15,772	16,104	15,923	(181)	(181)
Strategy and Commissioning	31,774	31,333	31,505	172	172
Total Adult Social Services	78,576	79,125	79,106	(19)	(19)
Total Housing and Adult Social Services	85,518	90,154	90,138	(16)	(17)
PUBLIC HEALTH					
Children 0-5 Public Health	2,132	4,094	3,873	(221)	(1)
Children and Young People	1,906	1,726	1,653	(73)	(61)
NHS Health Checks	342	364	417	53	53
Obesity and Physical Activity	731	731	731	0	0
Other Public Health	(21,496)	(22,944)	(23,044)	(100)	(359)
Sexual Health	8,268	7,984	8,057	73	73
Smoking and Tobacco	673	601	521	(80)	(80)
Substance Misuse	7,444	7,444	7,412	(32)	(5)
Less Projected Ring-Fenced Public Health Grant Underspend	0	0	380	380	380
Total Public Health	0	0	0	0	0
DEPARTMENTAL TOTAL	201,349	221,343	229,516	8,173	8,238
CORPORATE ITEMS					
Corporate and Democratic Core / Non Distributed Costs	15,129	14,545	14,545	0	0
Other Corporate Items	291	(1,207)	(5,791)	(4,584)	(2,984)
Corporate Financing Account	(22,475)	(22,475)	(24,722)	(2,247)	(2,247)
Levies	22,005	22,005	22,005	0	0
Transfer to/(from) Reserves	12,555	(5,492)	(5,492)	0	0
Specific Grants	(17,960)	(17,960)	(17,960)	0	0
Core Government Funding / Council Tax	(211,162)	(211,162)	(211,162)	0	0
No Recourse to Public Funds	268	403	1,211	808	808
Total Corporate Items	(201,349)	(221,343)	(227,366)	(6,023)	(4,423)
GROSS TOTAL	0	0	2,150	2,150	3,815

Appendix 1 - Revenue Monitoring 2016-17 Month 7

HOUSING REVENUE ACCOUNT(HRA)					
Department / Service Area	Original Budget	Current Budget	Forecast Outturn	Forecast Over/(Under) Spend Month 7	Forecast Over/(Under) Spend Month 6
	£'000	£'000	£'000	£'000	£'000
Dwelling Rents	(160,331)	(160,331)	(162,331)	(2,000)	(2,000)
Non Dwelling Rents	(1,750)	(1,350)	(1,350)	0	0
Heating Charges	(2,000)	(2,000)	(2,000)	0	0
Leaseholders Charges	(9,748)	(9,748)	(12,048)	(2,300)	(2,300)
Other Charges for Services and Facilities	(4,377)	(4,377)	(4,877)	(500)	(500)
PFI Credits	(22,854)	(22,854)	(22,854)	0	0
Interest Receivable	(500)	(500)	(500)	0	150
Contribution from General Fund	(816)	(816)	(816)	0	0
Gross Income	(202,376)	(201,976)	(206,776)	(4,800)	(4,650)
Repairs and Maintenance	31,930	31,930	31,930	0	0
General Management	49,155	48,955	50,770	1,815	1,220
PFI Payments	39,714	39,614	39,864	250	250
Special Services	16,817	16,817	16,817	0	0
Rents, Rates, Taxes and Other Charges	739	539	639	100	150
Capital Financing Costs	46,387	46,387	46,387	0	0
Bad Debt Provisions	750	750	750	0	0
HRA Contingency	2,500	2,500	2,500	0	0
Transfer to HRA Reserves	14,384	14,484	17,119	2,635	3,030
Gross Expenditure	202,376	201,976	206,776	4,800	4,650
Net (Surplus)/Deficit	0	0	0	0	0

Appendix 2: Capital Monitoring 2016-17 Month 7

	2016-17 Budget Monitoring						
	Original Budget	Budget Changes During the Year	Revised Budget	Forecast Outturn	Forecast Re-profiling (to)/from Future Years	Expenditure to Date	% Budget Spent to Date
	£m	£m	£m	£m	£m	£m	£m
CHILDREN'S SERVICES							
Moreland Primary School	8.4	0.0	8.4	8.4	0.0	6.5	78%
Dowery Street Pupil Referral Unit	4.3	(1.9)	2.4	2.4	0.0	2.5	105%
The Bridge Free School	4.7	0.0	4.7	4.7	0.0	0.0	0%
Primary School Expansions	6.4	(6.4)	0.0	0.0	0.0	0.0	0%
Primary Capital Scheme	0.3	0.1	0.4	0.4	0.0	0.1	13%
Windows Scheme	0.4	0.0	0.4	0.4	0.0	0.4	97%
Primary Bulge Classes	0.1	0.1	0.2	0.2	0.0	0.2	90%
Primary Electrical Schemes	0.9	0.0	0.9	0.9	0.0	0.6	62%
Mechanical Schemes	0.4	0.1	0.5	0.5	0.0	0.2	41%
Early Years Two Year Old Places	0.9	(0.4)	0.5	0.5	0.0	0.0	0%
Other	3.0	(2.5)	0.5	0.4	(0.1)	0.1	20%
Total Children's Services	29.8	(10.9)	18.9	18.8	(0.1)	10.5	56%
ENVIRONMENT AND REGENERATION							
Other Environment and Regeneration	0.0	0.7	0.7	0.7	0.0	0.0	0%
Planning and Development	2.0	(1.8)	0.2	0.2	0.0	0.1	32%
Cemetaries	0.5	0.0	0.5	0.1	(0.4)	0.0	0%
Disabled Facilities	0.7	0.2	0.9	0.9	0.0	0.4	41%
Libraries	0.0	0.1	0.1	0.1	0.0	0.0	0%
Private Sector Housing	1.6	(0.4)	1.2	1.2	(0.0)	0.0	4%
Combined Heat and Power	4.0	0.4	4.4	4.4	0.0	1.7	40%
Energy Saving Council Buildings	0.2	0.7	0.9	0.9	(0.0)	0.2	20%
Vehicles	3.7	(1.6)	2.1	1.2	(0.9)	0.7	34%
Greenspace	0.4	1.3	1.7	1.3	(0.4)	0.4	25%
Highways	4.4	(0.1)	4.3	4.3	0.0	1.0	24%
Ironmonger Row Bath	0.0	0.0	0.0	0.2	0.2	0.1	0%
Leisure	4.5	1.5	6.0	5.2	(0.8)	1.6	27%
Other Energy Efficiency	0.7	0.5	1.2	1.2	0.0	0.0	0%
Recycling Improvements	0.9	0.4	1.3	1.3	(0.0)	0.0	0%
Special Projects	0.0	0.4	0.4	0.5	0.0	0.1	28%
Traffic and Engineering	3.3	0.2	3.5	3.6	0.1	0.9	26%
Total Environment and Regeneration	26.9	2.6	29.4	27.2	(2.2)	7.4	25%
HOUSING AND ADULT SOCIAL SERVICES							
HOUSING							
Major Works and Improvements	31.1	0.0	31.1	31.1	0.0	14.8	47%
New Build	29.4	0.0	29.4	36.8	7.4	15.2	52%
Total Housing	60.5	0.0	60.5	67.9	7.4	29.9	49%
ADULT SOCIAL SERVICES							
Care Services	0.0	0.7	0.7	0.7	(0.0)	0.0	1%
Total Adult Social Services	0.0	0.7	0.7	0.7	(0.0)	0.0	1%
Total Housing and Adult Social Services	60.5	0.7	61.2	68.6	7.4	29.9	49%
FINANCE AND RESOURCES							
Finance	0.0	(0.0)	(0.0)	0.0	0.0	0.0	0%
Digital Services	1.5	(1.5)	0.0	0.0	0.0	0.0	0%
Total Finance and Resources	1.5	(1.5)	(0.0)	0.0	0.0	0.0	-334%
TOTAL CAPITAL PROGRAMME	118.7	(9.1)	109.5	114.6	5.1	47.8	44%

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Report of: Executive Member for Housing and Development

Meeting of:	Date	Ward(s)
Executive	8 December 2016	All

Non-exempt

SUBJECT: Adoption of Planning Obligations (Section 106) Supplementary Planning Document (SPD)

1. Synopsis

- 1.1 Planning obligations are used as part of the planning application process to address specific planning issues and impacts arising from a development proposal. They are secured in legal agreements under Section 106 of the Town and Country Planning Act 1990 and their purpose is to make a development acceptable that would otherwise be unacceptable in planning terms.
- 1.2 The Council's current adopted version of the Planning Obligations (Section 106) SPD was finalised and adopted in 2013. It therefore pre-dates the 2016 London Plan, Islington's Community Infrastructure Levy (CIL) and the adoption of a number of Council Supplementary Planning Documents.
- 1.3 The purpose of this report is to recommend adoption of the Planning Obligations (Section 106) SPD 2016 following public consultation on a draft version, and to outline its content and key changes made following consultation.
- 1.4 This new version of the SPD will help to strengthen the Council's S106 negotiating position during the planning application process, and will clarify the Council's approach to planning obligations and the Community Infrastructure Levy in line with CIL Regulations 2010 (as amended).
- 1.5 The Planning Obligations (Section 106) SPD 2016 outlines national, regional and local policies relating to planning obligations, and provide guidance on the procedure for agreeing planning obligations following adoption of the Islington's CIL and Development Viability SPD.

2. Recommendations

- 2.1 To note the summary of comments received during public consultation on the draft Planning Obligations (Section 106) SPD (see Appendix 2 for Consultation Statement), the Council's responses and proposed

changes to the SPD.

- 2.2 To agree to formally adopt the Planning Obligations (Section 106) SPD (as attached at Appendix 1).

3. Background

- 3.1 Planning obligations are an essential tool for the Council to ensure that development remains sustainable within the constraints of a diverse and densely-developed borough, thus helping to deliver the Council's policies.
- 3.2 Section 106 of the Town and Country Planning Act 1990 provides the legal means by which planning obligations are secured, allowing the Council to require obligations to make development acceptable in planning terms which would otherwise be unacceptable.
- 3.3 The Islington's Local Plan (Core Strategy and two of three associated Development Plan Documents (DPDs)) makes numerous mentions of the use of planning obligations to ensure sustainable development, as does the London Plan (2016). Since the adoption of the previous version of the SPD in 2013, the following additional SPDs have been adopted by the Council: Basement Development, Cally Plan, Development Viability, Inclusive Design in Islington, Location and Concentration of Uses, and Preventing Wasted Housing Supply. The Council has also produced a draft Islington Urban Design Guide. The adoption of a Development Viability SPD is particularly relevant, as it supersedes previous Council guidance on the subject of viability, as set out in the 2013 Planning Obligations SPD.
- 3.4 The purposes of this Planning Obligations (Section 106) SPD are to:
- Ensure that the Council's guidance on planning obligations is up to date with current policy, guidance and practice;
 - Provide clarity for developers and members of the public by explaining what level and types of obligations are likely to be required from different sizes and types of development;
 - Detail the process for agreeing planning obligations and how this is integrated with the development management process;
 - Set out the justification for the level and nature of each obligation;
 - Provide clarity on the matters that are addressed through planning obligations and CIL.
- 3.5 The Planning Obligations SPD sets out the type and level of planning obligations required from different types and sizes of development. Planning obligations were tested through the viability assessments considered as part of the Islington CIL Examination in Public and are subject to site specific viability testing as a part of the application process. The SPD also sets out changes to the operation of planning obligations since the adoption of Islington's CIL.
- 3.6 The Islington CIL, which came into effect in 2014, provides funding for the development of the borough, and has replaced Section 106 as the primary mechanism available to the Council to secure contributions from developers for many types of infrastructure. However, even where CIL applies, Section 106 is still necessary to secure certain other types of financial contributions and other benefits, affordable housing, impact mitigation measures and in-kind provisions from developers. Since Islington adopted its CIL charging schedule, some of the previous Section 106 infrastructure requirements have been scaled back to those matters that are both directly related to the specific site, and will not be addressed by CIL.
- 3.7 It should be noted that the Government have commissioned a review of CIL from an industry led panel which is due to report shortly. It is anticipated that the panel will recommend significant changes to the operation of CIL and S106 obligations which may require changes to legislation if accepted by the Government and could impact on the level of infrastructure funding secured by the Council. The Council will monitor this and may need to update its guidance further, depending on changes introduced by the Government and if new legislation comes into effect.

Consultation

- 3.8 The statutory policies in Islington's Core Strategy, Development Management Policies and Finsbury Local Plan DPDs that this SPD supplements have undergone extensive public consultation and Examination in Public. The Core Strategy was adopted in 2011, and the other DPDs were adopted in 2013.
- 3.9 Internal consultation has been undertaken as part of the development of the SPD with relevant officers responsible for a variety of areas including planning policy, development management, traffic and engineering, learning, skills and employment, energy, environmental health, legal and other teams. These internal consultation responses have helped to inform the SPD. Additionally, the Council carried out external pre-consultation between 20 June and 1 July 2016.
- 3.10 Public consultation on the draft SPD was subsequently carried out in line with the statutory requirements set out in the relevant planning regulations. This consultation took place for an eight week period between 29 July and 23 September 2016. The responses received informed the final version of the SPD. Responses were received from 14 individuals and organisations including from residents, charities, statutory consultees, consultants and developers.
- 3.11 Respondents generally welcomed further guidance on the subject and thus supported the update of the SPD. Three responses came from the private sector (two from companies within the Berkeley Group, namely St William and Berkeley Homes North East London and one response from Tetlow King Planning on behalf of Rentplus). The remaining eleven responses came from statutory consultees and bodies such as Transport for London, residents and charities.
- 3.12 Comments and questions were received on the following subjects:
- Querying the coordination of funding of certain provisions (e.g. transport, greenspace etc) between CIL and planning obligations;
 - Querying the use of planning obligations versus planning conditions to require certain provisions;
 - Asking for more flexibility for developers to make provisions (e.g. for employment / training) through their own initiatives rather than through the Council / through planning obligations;
 - Questioning the necessity for certain obligations (e.g. small sites affordable housing obligation);
 - Asking for greater support of 'rent to buy' housing products;
 - Asking for consideration of different methods of determining obligations as per practice of other councils;
 - Asking for changes to the order or length of certain sections or for clarifications/ elaborations, for example relating to the relationship between S106 and CIL;
 - Support for the whole SPD or certain sections;

No respondents objected to the SPD in principal.

SPD revision and adoption:

- 3.13 The Council has carefully considered the comments received which are summarised in the Consultation Statement along with Council responses (Appendix 2). Where appropriate, the draft SPD has been revised to take account of issues raised. In summary, changes made to the SPD from its draft version comprise minor changes to formatting, ordering or length of certain explanatory sections as well as addition of detail, references and clarifications. Issues did not arise from the consultation that would warrant major changes to the content or requirements of the SPD.

4. Implications

Financial implications

- 4.1 The cost of preparing the Supplementary Planning Document is being met from the existing revenue budget of the Spatial Planning and Transport service, which sits within the Planning and Development division. Once in place, this Supplementary Planning Document will be used in determining all planning applications that are expected to enter into a Section 106 agreement. The greater clarity afforded by this

SPD is likely to generate financial resources for the Council. Allocation and expenditure of S106 funds will be carried out in accordance with planning regulations and the specific legal agreements signed by the Council and land owners /developers.

Legal Implications

- 4.2 This draft Supplementary Planning Document has been prepared in line with the relevant planning regulations. There are policy foundations for the SPD within the Core Strategy, Development Management Policies and Finsbury Local Plan DPDs (see above). The Town and Country Planning (Local Development) (England) Regulations 2012 require that the Council carries out public consultation before making a decision about adoption. Following consultation and adoption, the SPD will be a material consideration in the determination of future planning applications.

Environmental Implications

- 4.3 The policies on which this SPD is based have been subject to extensive Sustainability Appraisal at each stage of plan preparation. The Planning Obligations (Section 106) SPD has not been subject to Sustainability Appraisal because the SPD does not introduce new policies – it supports implementation of existing policies established within the Core Strategy, Development Management Policies DPD and Finsbury Local Plan DPD. These policies have been sufficiently appraised through the SAs carried out for the Core Strategy and the DM Policies DPD.
- 4.4 In addition, a screening exercise has been carried out which has determined that this SPD does not require a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC. This is because the Planning Obligations (Section 106) SPD will not result in any significant effects in addition to those already identified through the higher level sustainability appraisals discussed above.

Resident Impact Assessment

- 4.5 The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.
- 4.6 An equalities impact assessment (EqIA) was undertaken on each of the documents that form the basis for this SPD – the Core Strategy, the Development Management Policies DPD and the Finsbury Local Plan DPD. The Planning Obligations SPD itself has also been subject to a Resident Impact Assessment which has been updated following consultation.
- 4.7 The RIA indicated that there were no negative equality impacts for equalities target groups which will arise from the publication of the SPD. The SPD supports the Council's planning policies in ensuring that the maximum reasonable affordable housing is provided and will additionally ensure that other policy requirements and site-specific infrastructure are provided to support development, which are likely to cause indirect benefits to equalities target groups. However, direct positive impacts to specific groups are difficult to predict, prove or measure in this case.

5. Conclusion and reasons for the recommendations

- 5.1 The Planning Obligations SPD will update the Council's guidance on the implementation of policies relevant to planning obligations, and provide further detail on the procedure for agreeing planning obligations since the adoption of Islington's CIL Charging Schedule.

5.2 Executive are asked to note the summary of comments received during consultation, the Council's responses and proposed changes, and to agree to the adoption of the Planning Obligations (Section 106) SPD.

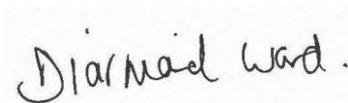
Appendices

- Appendix 1 –Planning Obligations (Section 106) SPD
- Appendix 2 – Consultation Statement on Planning Obligations (Section 106) SPD

Background papers:

- none

Signed by:



29.11.16

Executive Member for Housing and Development

Date

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Planning Obligations (Section 106)

Supplementary Planning Document

Using planning obligations to achieve sustainable development

December 2016



Contents

1.0	SUMMARY	4
2.0	INTRODUCTION	6
	PURPOSE OF THE DOCUMENT.....	6
	COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATIONS	6
	PLANNING OBLIGATIONS, S106 AGREEMENTS AND UNILATERAL UNDERTAKINGS	7
	OBLIGATIONS REQUIRED IN ISLINGTON.....	7
	STANDARD OBLIGATIONS AND OCCUPANCY RATES	14
3.0	POLICY FRAMEWORK	16
	CENTRAL GOVERNMENT POLICY, LEGISLATION AND GUIDANCE.....	18
	THE LONDON PLAN.....	20
	ISLINGTON CORPORATE PLAN 2015-2019	21
	ISLINGTON LOCAL PLAN.....	22
	CIL CHARGING SCHEDULE.....	23
	OTHER DOCUMENTS	23
4.0	INFRASTRUCTURE OBLIGATIONS	24
	ON-SITE PROVISION.....	25
5.0	ECONOMY AND EMPLOYMENT OBLIGATIONS	27
	CROSSRAIL (CENTRAL ACTIVITIES ZONE ONLY).....	28
	EMPLOYMENT AND TRAINING (CONSTRUCTION PHASE) (STANDARD OBLIGATION)	30
	EMPLOYMENT AND TRAINING (OPERATION OF DEVELOPMENT) (STANDARD OBLIGATION FOR COMMERCIAL / EMPLOYMENT DEVELOPMENTS)	30
	LOCAL PROCUREMENT (STANDARD OBLIGATION)	32
	SMALL, MICRO AND/OR AFFORDABLE WORKSPACE OR AFFORDABLE RETAIL SPACE (STANDARD OBLIGATION FOR ALL MAJOR NON-RESIDENTIAL DEVELOPMENTS WHERE MAJORITY OF FLOORSPACE IS NOT IN PUBLIC EDUCATION, COMMUNITY OR SOCIAL INFRASTRUCTURE USES) ..	33
	OTHER ECONOMY AND EMPLOYMENT OBLIGATIONS	33
6.0	COMMUNITY OBLIGATIONS	34
	AFFORDABLE HOUSING (STANDARD OBLIGATION FOR RESIDENTIAL DEVELOPMENT ONLY).....	36
	ACCESSIBLE PARKING & TRANSPORT (STANDARD OBLIGATION)	38
	MARKETING WHEELCHAIR ACCESSIBLE HOMES (STANDARD OBLIGATION FOR RESIDENTIAL DEVELOPMENTS ONLY)	40
	PREVENTING WASTED HOUSING SUPPLY (STANDARD OBLIGATION FOR RESIDENTIAL DEVELOPMENTS OF 20 UNITS OR MORE).....	41
	STUDENT BURSARIES (STUDENT HOUSING DEVELOPMENTS ONLY)	42
	MIXED USE DEVELOPMENT IN THE CENTRAL ACTIVITIES ZONE	42
	COMMUNITY ACCESS PLANS AND OTHER MANAGEMENT OR OPERATIONAL PLANS	43
	OTHER COMMUNITY OBLIGATIONS	45

7.0	ENVIRONMENT OBLIGATIONS.....	47
	CONSTRUCTION PRACTICE (STANDARD OBLIGATION)	47
	HIGHWAYS AND FOOTWAYS REINSTATEMENT (STANDARD OBLIGATION)	49
	CARBON OFFSETTING (STANDARD OBLIGATION ON ALL MAJOR SCHEMES AND ON MINOR RESIDENTIAL DEVELOPMENTS)	50
	DECENTRALISED ENERGY (STANDARD OBLIGATION)	52
	REMOVAL OF ELIGIBILITY FOR RESIDENTS' PARKING PERMITS (STANDARD OBLIGATION ON ADDITIONAL RESIDENTIAL UNITS)	55
	GREEN PERFORMANCE PLANS (STANDARD OBLIGATION)	55
	TRAVEL PLANS.....	56
	OTHER ENVIRONMENT OBLIGATIONS	58
8.0	OTHER OBLIGATIONS	59
	VIABILITY REVIEW	59
	COUNCIL COSTS	59
	OTHER	59
9.0	NEGOTIATING PLANNING OBLIGATIONS.....	60
	PRE-APPLICATION STAGE.....	60
	APPLICATION STAGE	60
	CONSULTATION	63
	DEVELOPMENT VIABILITY	63
	PAYMENT OF CONTRIBUTIONS	63
	ENFORCEMENT AND MONITORING	64
	ALLOCATION AND EXPENDITURE	64
10	APPENDIX A: OCCUPANCY AND EMPLOYMENT DENSITIES	66
11	APPENDIX B: DEVELOPMENT EXAMPLE	68
12	APPENDIX C: STANDARD HEADS OF TERMS	70
13	APPENDIX D: FREQUENTLY ASKED QUESTIONS	73
14	APPENDIX E: FURTHER INFORMATION.....	76

1.0 Summary

- 1.1 Islington has the highest population density of any local authority area in the UK, with a population that grew by 30,000 (17%) between 2001 and 2011¹, to 206,100 residents, and is predicted to continue growing. Recent GLA estimates suggest a 2016 figure of 222,396 residents². Islington has the fourth highest employment density in the capital³, and this is also projected to increase significantly in the future. High population and employment densities place pressure on infrastructure and public facilities, and this pressure will increase with each new development.
- 1.2 The Council is keen to ensure the delivery of new development as set out in its spatial plan for the borough, the Core Strategy (2011), however this must be supported by measures to ensure that development is sustainable.
- 1.3 Planning obligations are used as part of the planning application process to address specific planning issues and impacts arising from a development proposal. They are normally agreed between the Council, land owners and developers in a legal agreement called a Section 106 (S106) agreement, and are intended to make acceptable a development that would otherwise be unacceptable in planning terms.
- 1.4 Planning obligations can be used to regulate the nature of development, to address the impacts of development, and to contribute towards needs associated with a proposal. They help to ensure that new development is sustainable and assists in meeting the objectives of the Council's policies and strategies, including Islington's Core Strategy (February 2011) and its Corporate Plan 2015-19⁴.
- 1.5 This Supplementary Planning Document (SPD) provides further detail and explanation of the Council's policies on planning obligations and of the procedure for agreeing planning obligations following the adoption of Islington's Community Infrastructure Levy (CIL). Please note that this document does not establish new policy but provides guidance relating to policies in Islington's statutory Development Plan (the London Plan, Islington's Core Strategy, Development Management Policies, Finsbury Local Plan and Site Allocations). This SPD does not form part of Islington's Statutory Development Plan or Local Plan but it is a material consideration dependent on the circumstances of individual applications.
- 1.6 The Hearing for the Islington CIL Charging Schedule Examination in Public took place on 14 January 2014 and the schedule was adopted on 1 September 2014. CIL is a non-negotiable charge for funding infrastructure to support the development of an area through a tariff system applied to new developments, based on infrastructure needs and development viability. The CIL Charging Schedule includes a 'regulation 123 list', setting out the infrastructure projects or types of projects intended to be funded by CIL. Since its adoption, the Islington CIL has been applied in tandem with the borough's planning obligations requirements which have been scaled back in accordance with relevant legislation and guidance.

¹ 2001 and 2011 Census, Office for National Statistics (ONS)

² <http://data.london.gov.uk/dataset/2014-round-population-projections>

³ London Datastore, Jobs and Job Density, Borough, 2014

⁴ Towards a Fairer Islington: Our Commitment. Corporate Plan 2015-19;

[http://www.islington.gov.uk/publicrecords/library/Democracy/Quality-and-performance/Reporting/2015-2016/\(2015-10-27\)-Islington-Corporate-Plan-Oct-2015-\(resident\).pdf](http://www.islington.gov.uk/publicrecords/library/Democracy/Quality-and-performance/Reporting/2015-2016/(2015-10-27)-Islington-Corporate-Plan-Oct-2015-(resident).pdf)

- 1.7 In addition to the Islington CIL, the Mayor of London also charges a London-wide Mayoral CIL for the funding of Crossrail, which is collected by Islington on his behalf.

CIL note

- 1.8 Islington's Section 106 infrastructure requirements have been scaled back following the adoption of the borough CIL in 2014 to deal with matters that are both directly related to the specific site, and are not addressed by CIL.
- 1.9 There may still be site-specific infrastructure mitigation requirements without which a development should not be granted planning permission, and it may be appropriate to address these within a Section 106 agreement. Section 106 agreements will also continue to be used to address other policy requirements that cannot be dealt with through CIL.
- 1.10 This post-CIL version of the Planning Obligations SPD supersedes procedures detailed in any previous versions of the SPD from the date of its adoption.
- 1.11 The planning obligations necessary for each development will vary depending on the requirements associated with the individual scheme. A set of "standard" S106 planning obligations are generally used as a starting point, to provide certainty and to speed up the planning process. Different obligations are "standard" for different sizes and types of development (see table 2.1), with obligations added to or taken away from the list, as necessitated by the nature or location of the development.
- 1.12 Most obligations described as "standard" apply to the majority of major developments (1,000 sq. m of commercial or mixed use space⁵ or a residential-led development for which the site is capable of delivering an uplift of 10 residential units or more). The contribution amount or in-kind provision required for each obligation is calculated using the formulas shown in this SPD. The formulas are applied to proposed residential unit or employee uplift. If the uplift in employees is not known, the proposed floorspace for each use class is used, in combination with average employment densities (see Appendix A). Standard Heads of Terms can be found in Appendix C.
- 1.13 Members of the public and interested parties have the opportunity to make comments on any particular planning proposal during the consultation period of an application. Comments may relate to particular impacts or other issues arising from a development that could be addressed through planning obligations. Specific planning applications may be searched and commented on through the Council's website:
<https://www.islington.gov.uk/planning/applications/comment/planning-search>
- 1.14 The Council also undertakes consultations on documents which help to inform the use of planning obligations as well as on specific projects funded through S106 agreements.
- 1.15 A Strategic Environmental Assessment (SEA) Screening Statement and a preliminary Residents Impact Assessment (RIA) have been carried out for this guidance document. The SPD is available in PDF and RTF on the Council's website. Should you wish to receive a copy in a different format such as large print, audio or easy read, or in another language, please contact 020 7527 4039 and where possible we will meet requests.

⁵ A mixed use development includes more than one type of use class within the scheme

2.0 Introduction

Purpose of the document

- 2.1 This Supplementary Planning Document (SPD) updates existing guidance on the use of planning obligations, providing further information on the application of relevant policies within Islington's statutory Development Plan, consisting of the London Plan, the Islington Core Strategy and supporting development plan documents.
- 2.2 While obligations will be negotiated individually on a site-by-site basis, the SPD aims to give developers, members of the public and other stakeholders a clear indication of what obligations are likely to be required in order to make development acceptable in planning terms, to ensure the Council's objectives are met. Standard obligations will continue to be used for requirements not dealt with by CIL (see Chapter 2 section on standard obligations and occupancy rates).
- 2.3 These will assist applicants in estimating Section 106 (S106) obligation contributions, and help to reduce the time required to negotiate and agree obligations, speeding up the development management process and providing more certainty for all parties. The SPD also sets out the process for negotiating and entering into a S106 agreement (Chapter 9).
- 2.4 The SPD provides guidance on the implementation of adopted planning policies and will be a material consideration when determining planning applications.

Community Infrastructure Levy and planning obligations

- 2.5 The Community Infrastructure Levy (CIL) is a non-negotiable charge used to fund local infrastructure that will support future development. CIL was introduced by the Planning Act 2008 and came into effect through CIL Regulations 2010 (as amended). The Levy is charged on most new developments involving the creation of one or more new dwellings, or 100 square metres or more of new gross internal floorspace. The levy is charged in pounds per square metre on the gross internal area (GIA) proposed by the development. Two types of CIL are collected in Islington:
 - Borough-level Islington CIL and
 - Mayoral CIL
- 2.6 Details of the operation and collection of the Islington and Mayoral CIL are set out on the Council's website at www.islington.gov.uk/cil.
- 2.7 The Islington CIL Charging Schedule was adopted in September 2014 and finances both strategic and local infrastructure projects in the borough. The Islington CIL is used to fund the provision, improvement or replacement of community infrastructure that supports the development of the borough, such as sports and community facilities, schools, parks, playspace, health facilities and the transport network, as well as the costs of operating and maintaining infrastructure. The Islington CIL Charging Schedule sets out the variable CIL rates for different types and locations of development in the borough. The Charging Schedule and supporting documents are also available at the link above.
- 2.8 In most cases, the Islington CIL has replaced the use of planning obligations in S106 agreements to secure contributions towards infrastructure from development. S106 agreements are used to secure affordable housing, to mitigate site-specific issues, and to address other policy requirements that cannot be dealt with through CIL. The Council has published a 'Regulation 123' Infrastructure List, which sets out the items and types of

infrastructure that may be fully or partially funded by CIL. Infrastructure included in the list cannot be funded through a S106 agreement.

- 2.9 In addition, the CIL Regulations restrict the use of pooled S106 contributions towards items that could be funded via the levy. Further information on the relationship between CIL and planning obligations can be found in Chapter 8 of the CIL Draft Charging Schedule available at www.islington.gov.uk/cil.
- 2.10 The Mayor of London's CIL is used towards funding Crossrail. Islington Council collects the Mayoral CIL for developments in Islington on the Mayor's behalf. The Mayor's charging schedule was adopted in April 2012, with Islington listed as a "Zone 1 borough", assigning a £50 charge per square metre of development. Details of the Mayoral CIL can be found at www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy.

CIL note

- 2.11 Following the introduction of the borough CIL, Islington's Section 106 infrastructure requirements have been scaled back to deal with matters that are directly related to the specific site, and that will not be addressed by CIL. Section 106 agreements will continue to be used to ensure conformity with other policy requirements which cannot be dealt with through CIL.

Planning obligations, S106 agreements and unilateral undertakings

- 2.12 Planning obligations are specific requirements to be fulfilled by developers to ensure that impacts arising from a new development are addressed. For example, where a road is damaged or a community facility is lost as a result of a new development, S106 planning obligations can be used to offset these negative effects through requiring provision of or funds towards repairs or re-provision of facilities. Planning obligations are also used to ensure that a development accords with adopted planning policies and is socially, economically and environmentally sustainable, for example by ensuring that local residents are provided with training and employment opportunities.
- 2.13 Planning obligations may be contained in a S106 agreement (where the Council is also party to the document) or in a unilateral undertaking (where the Council is not). Planning obligations of either type are individual, scheme-specific legal documents used to address issues arising from development proposals to ensure that they are acceptable in planning terms. An agreement or undertaking can contain a number of planning covenants or obligations.

Obligations required in Islington

- 2.14 Planning obligations are always drawn up and negotiated based on the characteristics of the individual site and development proposed. Obligations can include either direct provision of a service or facility, contributions towards a provision made by the Council, or both. Obligations reflect the priorities and objectives set out in the London Plan and in Islington's Core Strategy, Development Plan Documents and Supplementary Planning Documents although other matters may be considered if they are relevant to the proposal.
- 2.15 Applicants for development proposals will usually be expected to enter into a S106 agreement with the Council on all schemes including one or more of the following:
- Residential dwellings;

- Hotels, hostels & student housing of 1,000 sq. metres gross external floorspace or more;
- Commercial / employment developments (defined by the DM Policies Glossary as any activities or uses that generate employment) of 1,000 square metres gross external floorspace or more;
- Mixed use developments of 1,000 square metres gross external floorspace or more (this can include residential developments of less than 10 units, combined with an office, retail or other mixed use element); and
- Other developments where necessary to ensure they are acceptable in planning terms.

2.16 This comprises all types of development meeting these thresholds, so long as it requires planning permission, including:

- new development (on vacant land or involving demolition);
- increases in usable floorspace on an existing permitted development (as part of refurbishment, demolition and rebuild or extension);
- intensification of use;
- bringing back into use of a long term vacant or significantly underused building; and
- changes of use with and without a change in floorspace.

2.17 Contributions charged will be calculated based on proposed uplifts in residential units and / or employees (see section on Standard Obligations and Occupancy Rates below / Appendix A on how this is calculated).

2.18 Requirements can be sought in relation to the following, if related specifically to the development in question:

Infrastructure – see Chapter 4

- Obligations to address infrastructure needs directly related to the specific site, which are not addressed by CIL (infrastructure charges, with the exception of Crossrail, will normally be covered by borough-level CIL)

Economy & employment – see Chapter 5

- Crossrail (Central Activities Zone only)⁶
- Employment and Training - Construction Phase
- Employment and Training - Operation of Development (on commercial / employment developments)
- Local Procurement
- Small, micro and/or affordable workspace or affordable retail space (for all major non-residential developments where the majority of floorspace is not in public education, community or social infrastructure uses)
- Other economy and employment obligations (e.g. initiatives to improve local employment, skills or training opportunities)

⁶ See section on Crossrail in Chapter 5 for more details of the funding split between S106 / CIL

Community – see Chapter 6

- Affordable housing
- Accessible Parking and Transport
- Marketing Wheelchair Accessible Homes (major residential developments only)
- Preventing Wasted Housing Supply (residential developments of 20 dwellings or more)
- Student Bursaries (student housing developments only)
- Mixed use development in the Central Activities Zone (for office developments only)
- Community Access Plans and other management or operational plans
- Other community obligations (e.g. community safety, Health Impact Assessments or public art)

Environment – see Chapter 7

- Construction practice
- Highways and footways reinstatement
- Carbon Offsetting
- Decentralised Energy
- Removal of eligibility for residents' parking permits (on additional residential units)
- Green Performance Plans
- Travel Plans (developments meeting thresholds in table 7.1)
- Other environment obligations (e.g. conservation of buildings or places of historic or architectural interest)

Council costs & other obligations – see Chapter 8

- Viability review (on all major residential / mixed use applications which do not meet the strategic affordable housing target and on all major applications where policy requirements are not met in full at the time permission is granted)
- Officer and legal costs
- Any other obligations necessary to address issues arising in relation to the development

2.19 Most planning obligations pay for a one-off cost such as the provision or improvement of a facility. In certain circumstances, a contribution may also be sought towards the ongoing costs of running a facility or providing a service. Both types of funding may be necessary to ensure that the specific impacts created by a development are addressed. As each case is assessed individually, there may be particular reasons for different developments why some obligations may be applicable and others not.

2.20 A new S106 agreement will usually be required for all new applications, including where there is an existing permission on the site. If a previous planning permission has been implemented, it is appropriate to have regard to S106 contributions that have already been paid when considering a new or revised application on the site.

2.21 If there is a valid permission on the site that has not been implemented, it may also be appropriate to have regard to the original or other previous S106 agreement. Any changes in the nature of units or floor-space being 'superseded' by the new application will need to be taken into consideration, for example if a greater number of occupants will be accommodated in the space as part of the new application.

Table 2.1: Planning Obligations required in Islington

Please note that any **mixed-use development** including residential and/or commercial elements will be liable for the sum of any obligations indicated for each element it contains.

<p>Planning obligations which generally apply, subject to assessment of the specific site</p> <p>Please note that this list is not exhaustive and other obligations may be required, having regard to site circumstances, relevant policies and evidence</p>	<p>Minor residential - Applies to all sites which can accommodate <10 residential units</p>	<p>Minor commercial - Applies to all sites containing <1000 sq. m of commercial floorspace</p>	<p>Major residential - Applies to all sites which can accommodate >10 or more residential units</p>	<p>Major commercial - Applies to all sites containing >1000 sq. m of commercial floorspace</p>	<p>CAZ - Applies only to developments in the Central Activities Zone (CAZ)</p>	<p>Applies only in special cases (e.g. on large sites > 200 units / 10,000 sq m floorspace, on student housing schemes or on other schemes with specific impacts as need arises)</p>
Infrastructure						
<p>General Infrastructure (Open Space, Leisure, Health, Education etc as per Islington CIL Regulation 123 list)</p>	<p>Addressed through Islington CIL</p>					<p>Potentially some provision on site, particularly on large sites / as need arises</p>
<p>Other infrastructure obligations (e.g. TfL provisions, utilities or emergency services)</p>						<p>Potentially some provision on site, particularly on large sites / as need arises</p>
Economy & employment						
<p>Crossrail</p>					<p>CAZ office, retail & hotels⁷</p>	
<p>Employment and Training (Construction Phase)</p>						
<p>Employment and Training (Operation of Development)</p>						
<p>Local Procurement</p>						

⁷ only where greater than the Mayor's CIL (see section on Crossrail in Chapter 5 of this SPD for further detail)

Small, micro and/or affordable workspace or affordable retail space				Major non-residential ⁸		
Other economy and employment obligations (e.g. to improve employment, skills, training opportunities etc)						

⁸ only where majority of floorspace is not in public education, community or social infrastructure uses

Community						
Affordable housing						
Accessible parking and transport						
Marketing Wheelchair Accessible Homes						
Preventing Wasted Housing Supply			On schemes of 20 units or more			
Student bursaries						On student housing only
Mixed use development in the CAZ					CAZ office schemes only	
Community Access Plans and other management or operational plans						E.g. on large sites
Other community obligations (e.g. community safety, Health Impact Assessment or public art)						
Environment						
Construction practice						
Highways and footways reinstatement						
Carbon offsetting						
Decentralised Energy			On minors only if feasible & if within 100m of existing / planned network			
Removal of eligibility for residents' parking permits						
Green Performance Plans						
Travel Plans			See table 7.1 for specific thresholds			
Other environment obligations (e.g. conservation of buildings or places of historic or architectural interest)						

Other obligations						
Viability review mechanism			Where affordable housing target not met / policy requirements not met in full at time permission is granted			
Officer and legal costs						
Any other obligations necessary to address further issues arising in relation to the development.						

Standard obligations and occupancy rates

2.22 As noted above, some obligations are “standard obligations”. These obligations are used as a starting point for drawing up a S106 agreement for those developments that meet the relevant thresholds as shown below and in table 2.1. Obligations are then added to or subtracted from the list, depending on the nature and location of the scheme in accordance with statutory requirements.

2.23 The following standard obligations apply to major developments (commercial / mixed use schemes of 1,000 sq m floorspace or more or sites capable of providing 10 or more residential units):

Economy and employment:

- Employment and training - construction phase
- Employment and training - operation of development (on commercial / employment developments)
- Local procurement
- Small, micro and/or affordable workspace or affordable retail space (on major non-residential developments for which the majority of floorspace is not in public education, community or social infrastructure uses)

Community:

- Affordable housing (residential development only)
- Accessible parking and transport
- Marketing wheelchair accessible homes (residential development only)
- Preventing wasted housing supply (residential development of 20 dwellings or more)

Environment:

- Construction practice
- Highways and footways reinstatement
- Carbon offsetting
- Decentralised energy
- Removal of eligibility for residents’ parking permits (additional residential development only)
- Green performance plan

2.24 The contribution amount due for each obligation is calculated using the formulas shown in this SPD. These formulas, shown in blue boxes, are based on:

- An assessment of the scale and nature of the impacts of a new development; and
- Needs and planning requirements applicable to development throughout the borough or in a particular part of the borough.

2.25 The formulas are applied to the proposed uplift in the number of residential units or employees. There are two ways of ascertaining the current occupancy of a commercial building, in order to establish the level of uplift in occupancy:

- If current occupancy levels are specified by the applicant on the planning application form or planning statement, we will use the self-declared occupancy as a starting point and calculate uplifts based on this, also taking into account average employment densities as detailed in Appendix A (unless the applicant provides proof that current occupancy is only temporarily different to the usual occupancy levels of the site, for

example when a site has been decanted due to an intention to end leases in preparation for demolition or refurbishment, and that the site could return to full use shortly without the granting of planning permission); or

- If current occupation levels are not specified / not certain in exact terms at the time of calculating Heads of Terms, an estimate of current occupancy levels is calculated by applying average employment densities, as detailed in Appendix A, and applied to the floorspace figures for each use class currently permitted on site.

- 2.26 Occupancy levels are applied to the floorspace figures for each use class proposed for the development. Uplift is established by subtracting existing from proposed occupation figures.
- 2.27 A worked development example is included in Appendix B, to show how increases in residential unit numbers and commercial occupancy interact with the obligation formulas to calculate planning obligations required.
- 2.28 Standard Heads of Terms are provided in Appendix C to give an indication of the terms that will usually form the basis of a typical S106 agreement. Each development proposal will be subject to assessment by officers and only planning obligations will be sought which meet the relevant tests as set out in the CIL Regulations 2010 (as amended) and the NPPF (see Chapter 3 of this SPD).
- 2.29 The level of planning obligations required may also increase or decrease based on the nature, location and impacts of the development and the characteristics and facilities of the local area. Charges may be updated to reflect inflation in costs.
- 2.30 The requirements in the Planning Obligations SPD have been informed by the development plan (including responses to consultation processes as well as research and technical evidence prepared to underpin policies), responses to SPD consultation processes (e.g. on previous versions of the Planning Obligations SPD and on any other SPDs which include requirements for planning obligations), discussions with internal consultees, research into the provision of infrastructure and facilities to meet future demand and research to underpin the Community Infrastructure Levy Charging Schedule.
- 2.31 The Council has also undertaken extensive viability work which assessed the impact of CIL and other policy requirements on the viability of development (see http://www.islington.gov.uk/services/planning/planningpol/community_infrastructure_levy/Pages/CIL-Charging-Schedule---Submission-Document-List.aspx). Viability testing indicated that CIL contributions and most other planning obligations account for only a small proportion of development costs and in most cases are very unlikely to make a development unviable. This is particularly the case for S106 obligations which have been scaled back since the introduction of CIL.

3.0 Policy framework

- 3.1 This SPD provides guidance on the use of planning obligations in Islington based on the principles established in a range of planning policy and guidance on a national, London-wide and local level. In line with the NPPF, this SPD aims to make schemes acceptable in planning terms that would otherwise have been unacceptable and to help applicants make successful applications by providing explanation and elaboration on existing policy, strategies and standards. As an SPD, this document does not set new policies and is not part of the local development plan for Islington, but it is capable of being a material consideration.
- 3.2 Each obligation is justified by a set of policies, setting out the reasons for which this obligation can be charged. In the following chapters (Chapters 4 - 8), the relevant policies from the key strategic planning documents, (i.e. the NPPF, the London Plan, the Islington Core Strategy, and the Islington DM policies) are set out under each obligation heading, in the following format:

POLICY SIGNPOST	NPPF Paragraph xxx	LONDON PLAN Policy x.x	CORE STRATEGY CS xx	DEVELOPMENT MANAGEMENT POLICIES DMx.x
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- 3.3 This is to provide a policy sign-post to the particular obligation's policy justification.
- 3.4 As supplementary planning guidance, this document, rather than establishing new policy, merely provides a summary, reference point and elaboration for all relevant existing policies as already contained in the Islington Development Plan and in national planning policy.
- 3.5 For the five key policy documents referenced in this SPD, except where specified otherwise:
- National Planning Policy Framework references (e.g. **NPPF 111**) always relate to NPPF paragraph numbers
 - London Plan references (e.g. **London Plan 1.1**) always relate to London Plan policy numbers
 - Core Strategy references (e.g. **CS 11**) always relate to Core Strategy policy numbers
 - Development Management references (e.g. **DM1.1**) always relate to Development Management policy numbers.
 - Finsbury Local Plan references (e.g. BC 10) always relate to Finsbury Local Plan policy numbers.
- 3.6 Relevant documents include but are not limited to:

National policy, legislation & guidance

- Town and Country Planning Act 1990 and amendments
- Planning and Compensation Act 1991
- Planning and Energy Act 2008
- Housing and Planning Act 2016
- National Planning Policy Framework (March 2012), which replaces previous Government Planning Policy Guidance/ Statements and Circulars

- National Planning Practice Guidance
- Town and Country Planning (Local Planning) (England) Regulations 2012
- The Localism Act 2011
- Community Infrastructure Regulations (April 2010) and Amendments
- Equalities Act 2010

Local policy

Adopted Development Plan

- London Plan (March 2015)
- Islington Core Strategy (February 2011)
- Development Management Policies (June 2013)
- Finsbury Local Plan (June 2013)
- Site Allocations (June 2013)

Other Development Plan Documents (forming part of the Development Plan once adopted)

- North London Waste Plan⁹

Supplementary planning documents¹⁰

- Affordable Housing Small Sites SPD (October 2012)
- Student Accommodation Contributions for Bursaries SPD (June 2013)
- Environmental Design SPD (October 2012)
- Streetbook SPD (October 2012)
- Inclusive Design in Islington SPD (February 2014)
- Preventing Wasted Housing Supply SPD (July 2015)
- Development Viability SPD (January 2016)
- Basement Development SPD (January 2016)
- Location and Concentration of Uses SPD (April 2016)

Related local plans and strategies

- Corporate Plan 2015-2019
- Transport Strategy and Implementation Plan 2011-2031 (March 2012)
- Fairness Commission Report (June 2011)
- Supporting People Strategy 2010-2015¹¹

⁹ A draft version of the North London Waste Plan prepared under Regulation 18 was consulted on in Summer/Autumn 2015. Adoption is expected in 2018.

¹⁰ https://www.islington.gov.uk/planning/planningpol/pol_supplement

¹¹ See also http://www.islington.gov.uk/advice/housingadvice/supporting_people/Pages/default.aspx and http://www.nihe.gov.uk/index/advice/supporting_people.htm

- 3.7 Other documents that set out the policy background and evidence supporting this document may also be referred to throughout the document as relevant.
- 3.8 Please note that any references to these policies, plans, strategies, standards, SPDs, legislation, regulations, guidance and so forth will also apply to any replacements, additions or alterations to these documents, during the lifetime of this SPD.

Central government policy, legislation and guidance

- 3.9 The legal basis for planning obligations is set out in Section 106 of the **Town and Country Planning Act 1990**. The Section defines the covenants and commitments which may be contained in planning obligations as those:
- restricting the development or use of the land in any specified way;
 - requiring specified operations or activities to be carried out in, on, under or over the land;
 - requiring the land to be used in any specified way; or
 - requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.
- 3.10 This is supplemented by Regulation 122 of the **Community Infrastructure Levy (CIL) Regulations 2010** (as amended) which states that a planning obligation may only constitute a reason for granting planning permission if it is:
- necessary to make the development in question acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 3.11 The CIL Regulations place the following limitations on the use of planning obligations:
- Planning obligations may only constitute a reason for granting planning permission if they meet three tests (see above);
 - Upon local adoption of the levy, where a Charging Authority sets out that it intends to fund an item of infrastructure via the levy, that authority cannot seek a planning obligation contribution towards the same item of infrastructure; and
 - Pooled S106 contributions may only be sought from a maximum of up to five separate planning obligations for projects or types of projects that could otherwise be funded from CIL.
- 3.12 Please note that this limit of five does not apply to Crossrail or to items that are not capable of being funded through CIL, such as Affordable Housing.
- 3.13 The **National Planning Policy Framework (NPPF)** published in 2012 also reflects the three tests referred to above as follows:

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

- 3.14 This is supported by the national **Planning Practice Guidance** (PPG) section on Planning Obligations which states in Paragraph 001 that “Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind”. PPG encourages local authorities to publish standard forms and templates and further information to assist with the process of agreeing planning obligations (PPG para 027) as provided in this SPD. It further urges early engagement between applicants and councils.
- 3.15 Following a Court of Appeal decision, restrictions on contributions from small developments (10 units and 1,000 sq m or less) have been reinserted into PPG. The Council will take into account these provisions on a case by case basis when determining applications in accordance with the development plan and other material planning considerations.
- 3.16 In terms of varying planning obligations, this can be done by agreement with the Council or by a formal application to the Council under Section 106A of the Town and Country Planning Act 1990. In most cases, a S106 agreement has to be at least five years old before Section 106A procedures allow a developer to seek to review it.
- 3.17 As stated in the PPG section on ‘Amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990)’, Section 73 of the Town and Country Planning Act 1990 allows for varying planning conditions “to seek a minor material amendment, where there is a relevant condition that can be varied”. This “is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”. Where amendments to a permitted scheme are proposed which change the use or character of a development or increase the floorspace assessed as part of the original application, additional obligations or CIL charges may be required. Where amendments do not fall within the confines of what is permitted under Section 73, the proposal may be dealt with as a new application and new planning obligations will be calculated accordingly.
- 3.18 New regulations in the **Housing and Planning Act 2016** will allow the Secretary of State to impose restrictions or conditions on the enforceability of planning obligations relating to affordable housing contained in a S106 agreement. The Act will also introduce new procedures for settling disputes relating to the negotiation of planning obligations and a number of other changes. However, details are yet to be set out in secondary legislation, which has not been published at the time of writing this SPD. Introduction of this legislation must follow due parliamentary process, which the Council will monitor. The Council will consider the impacts of further regulatory changes as they come into effect.
- 3.19 The NPPF attaches great importance to addressing impacts of development, providing facilities needed to make development sustainable and to addressing potential barriers to investment. NPPF paragraph 156 states that local planning authorities should set out the strategic priorities for the area in their Local Plan and put in place strategic policies to deliver a range of provisions including infrastructure for transport and health, community and cultural infrastructure, local facilities, climate change mitigation and adaptation, conservation measures etc. Some of these provisions to support new development are secured through planning obligations and some through CIL.

- 3.20 While acknowledging the importance of providing sufficient and appropriate facilities to support development and of addressing the impacts of development, the NPPF also places great importance on maintaining development viability. NPPF Paragraph 173 states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. Procedures for assessing viability in line with the NPPF are set out in the Council's Development Viability SPD.
- 3.21 NPPF Paragraph 174 requires planning authorities to test the sum of the Local Plan's requirements to ensure that they facilitate development throughout the economic cycle. This is supported by PPG paragraph 002 which states that local authorities should ensure that the combined total impact of CIL and planning obligations does not threaten the viability of the sites and scale of development identified in the development plan. Islington's local plan policies were tested in a study which considered the cumulative viability of the Council's requirements. The study used a Residual Land Value appraisal to assess the viability of a full, representative range of sites across the borough.
- 3.22 The **Public Sector Equality Duty** (part of the Equalities Act 2010) came into force across Great Britain on 5 April 2011. It means that public bodies have to consider all individuals when carrying out their day-to-day work. For planning obligations purposes, this means that the Council has to consider all individuals, including those with protected characteristics such as a disability, when it writes and interprets policy such as through this SPD, and when it delivers services or facilities paid for through S106 funds.
- 3.23 The duty also requires that the Council:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and people who do not share it.

The London Plan

- 3.24 The London Plan, formulated by the Mayor of London, is the Spatial Development Strategy for London and forms part of Islington's Development Plan. The latest version, consolidated with alterations since 2011, was published March 2015. Minor alterations to the London Plan 2015 were published in March 2016. The London Plan sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20–25 years. It is supported by supplementary planning guidance (SPG) on a range of subjects¹², including on
- Crossrail
 - Housing
 - The Central Activities Zone
 - Social Infrastructure

¹² <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance>

- Achieving an Inclusive Environment
- Control of Dust and Emissions
- Town Centres
- Character and Context and
- Sustainable Design and Construction.

- 3.25 London Plan Policy 8.2 assigns strategic lead funding priority for planning obligations jointly to affordable housing and transport. Particular emphasis is placed on the delivery of Crossrail, which will be funded through the Mayoral CIL (Policy 6.5) as well as through planning obligations. Other priorities for funding through planning obligations are climate change mitigation and adaptation, learning and skills, healthcare, child care facilities and small shops.
- 3.26 Boroughs should set out a clear framework for negotiations of planning obligations. It will be a material consideration whether a development makes appropriate contributions and/or provisions towards meeting requirements made necessary by, and related to, the proposed development. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and kind to the proposed development and its impact on a wider area (Policy 8.2).
- 3.27 Other London Plan policies are referred to throughout this SPD where relevant. The London Plan is available via <http://www.london.gov.uk/priorities/planning/london-plan>.

Islington Corporate Plan 2015-2019

- 3.28 The Islington Corporate Plan sets out the Council's proposals for creating a fairer Islington for everyone who lives and works in the borough. This includes actions from the Islington Fairness Commission. The plan's vision is "to make Islington fairer and create a place where everyone, whatever their background, has the same opportunity to reach their potential and enjoy a good quality of life". It contains six priorities towards achieving this vision:
- Building more Council housing and supporting private renters
 - Helping residents who are out of work to find the right job
 - Helping residents cope with the rising cost of living
 - Providing residents with good services on a tight budget
 - Making Islington a place where our residents have a good quality of life
- 3.29 S106 agreements will be used to help achieve the priorities of the Corporate Plan, particularly through on-site delivery of affordable housing, financial contributions to off-site delivery of affordable housing, provision of suitable facilities, resources and opportunities for residents of new developments and through the mitigation of negative development impacts on other residents' quality of life affected by a new development. Planning obligations can also help unemployed borough residents through the creation of employment and training opportunities.

Islington Local Plan

3.30 Islington's Local Plan¹³ currently comprises the Core Strategy and the Development Management (DM) Policies, Site Allocations and Finsbury Local Plan DPDs. The Core Strategy sets out strategic planning policies and spatial strategies for the shaping of borough development to 2025 and beyond. Islington's Development Management (DM) Policies, Site Allocations and Finsbury Local Plan, are aimed at achieving development that helps deliver the vision and objectives set out in the Core Strategy, to bring forward sustainable development.

3.31 Key measures and requirements specifically mentioned in the Core Strategy, DM and Finsbury Local Plan Policies to be delivered through planning obligations are as follows (although some of these are now primarily funded through CIL except in special circumstances or on very large sites where appropriate onsite provisions are required):

- Sustainable development (DM9.2)
- Affordable housing (CS 12)
- Infrastructure (CS 18 & DM9.1)
- Social and strategic infrastructure and cultural facilities (DM4.12)
- Crossrail (DM8.3)
- Transport / Public Transport (DM8.2 & DM 8.3)
- Walking & Cycling (DM8.4)
- Car Clubs (DM8.4)
- Accessible Parking (DM8.5)
- Open space and green infrastructure (CS 15 & DM6.2).
- Play space (CS 16)
- Employment spaces (CS 13)
- Size and affordability of workspace (DM5.4)
- Sustainable Design (CS 10, DM7.1 & DM7.2)
- Student Accommodation (CS 12)
- Health / Health impact assessments (CS 19 & DM6.1)
- Priority projects of the Finsbury Local Plan (BC 10)

3.32 Detailed guidance on how these policies will be applied is contained in the Council's Supplemental Planning Documents (http://www.islington.gov.uk/services/planning/planningpol/pol_supplement/Pages/default.aspx).

3.33 In addition to specific references within the Local Plan, there are also further local plan policies and objectives which can be delivered through planning obligations, which are mentioned where relevant in this SPD.

13

http://www.islington.gov.uk/services/planning/planningpol/local_dev_frame/Pages/default.aspx?extra=11

- 3.34 The Core Strategy emphasises the need for flexibility when applying planning obligations, to maintain viability, should market conditions seriously threaten local housing delivery rates across the borough. This is in line with requirements in the NPPF and PPG. Claims of an inability to meet planning obligations due to viability reasons must however be supported by a financial viability appraisal in line with the Council's Development Viability SPD, as well as payment for an independent appraisal review, conducted by a Council appointed expert and approved by the Council (see Chapter 9 of this SPD and the Islington Development Viability SPD for further details).
- 3.35 The Council is currently in the process of undertaking a local plan review. The Local Development Scheme (April 2016) available on the Council's website¹⁴, sets out which planning documents the Council proposes to produce in the near future, and when these documents are expected to be consulted upon and adopted.

CIL Charging Schedule

- 3.36 The Islington Community Infrastructure Levy (CIL) Charging Schedule came into effect on 1 September 2014. The Charging Schedule sets out the CIL rates for different types and locations of development in the borough. Islington has variable CIL rates depending on the land use type and area of the borough. The Charging Schedule was approved at an Examination on the Council's CIL proposals and it is supported by evidence relating to infrastructure needs and the viability of development. The Islington CIL Charging Schedule and information on the operation of CIL is available on the Islington website: www.islington.gov.uk/cil. Further information on CIL is set out in Chapter 2 of this SPD.

Other documents

- 3.37 In determining planning applications, linkages may also be made with other policy, strategy, legislation and guidance documents, including the supplementary planning documents, plans and strategies listed in paragraph 3.6, as appropriate.

¹⁴ [http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2016-2017/\(2016-04-29\)-Local-Development-Scheme-\(April-2016\).pdf](http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Publicity/Public-consultation/2016-2017/(2016-04-29)-Local-Development-Scheme-(April-2016).pdf)

4.0 Infrastructure obligations

4.1 DM9.1 states that to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Due to Islington's high population and employment density, this is particularly crucial.

CIL note

4.2 Financial contributions towards these types of provision will normally be dealt with through Islington's Community Infrastructure Levy (CIL).

4.3 However, in some cases, a development may create a specific infrastructure need which will not be addressed through CIL. In these cases, planning obligations may still be used to require a contribution, if it:

- is necessary to make the development acceptable in planning terms;
- complies with the CIL Regulations; and
- can be justified with reference to underpinning evidence in the Development Plan and infrastructure planning.

4.4 Since 1 September 2014, most infrastructure needs related to new development in Islington have been addressed through CIL. This means that improvements to existing Council-owned public open space, amenity space and play space will generally be funded through CIL.

4.5 Infrastructure contributions that can be sought through planning obligations deal with infrastructure needs directly related to the specific site, which are not addressed by CIL. This may include:

- Re-providing facilities lost or compromised (e.g. existing community centre being demolished as part of a development).
- Re-instatement or repair of damage caused by a development (Please note that any damages relating to highways and footways are covered by the highways and footways reinstatement obligation, and transport mitigation related to the construction process may be addressed through the construction practice obligation. please see Chapter 7 of the SPD).
- Undertaking works required by policy, such as street cycle parking, on-site provision of open space/amenity space/play space or provision of accessible parking and transport (the latter is addressed through the accessible parking and transport obligation in Chapter 6 of this SPD).
- Undertaking other works directly relevant to a specific site (e.g. access to a public footpath, canal towpath etc.).

4.6 It is not appropriate to address these types of works through CIL as they are only required on some specific developments or in special circumstances, which the Council would not be able to reliably predict or appropriately address through CIL.

4.7 In addition to planning obligations and CIL contributions required by the Council towards infrastructure, **Transport for London** (TfL) and other transport bodies may also require planning obligations towards mitigating the transport impacts of the development. These could relate to transport infrastructure and/or services. Examples of site specific transport

mitigation that may be required to make a development acceptable in planning terms include but are not limited to:

- New or improved bus stops, interchanges, stations and stands and any necessary associated infrastructure, driver or passenger facilities;
- New, extended or revised bus routes;
- Improvements, repairs (when damage is the result of the development) or reinstatements related to the Transport for London Road Network, including any commuted maintenance payments;
- Station enhancements such as ticketing areas and equipment, entrances, stairs, platforms, lifts, gatelines, passenger and/or staff facilities, security measures etc.;
- New or enlarged cycle hire docking stations or additional emptying or filling of docking stations;
- New or enlarged taxi ranks and/or drop off or pick up bays including any necessary driver and/or passenger facilities;
- Public realm enhancements; and
- Improvements to walking and/or cycling infrastructure generally including new routes and facilities, cycle parking, way finding (such as Legible London signage).

4.8 Where TfL (rather than the Council) is the relevant highway authority, the developer will be required to enter into an agreement with TfL providing for reinstatement of highways and footways. Any further works to the public highway or related works necessary to enable a development to take place will need to be agreed by the Council (or Transport for London or by neighbouring authorities where appropriate) and the costs of such works will also be payable by the applicant.

On-site provision

4.9 As part of suitable larger developments (usually in excess of 200 residential units or 10,000 square metres of gross external floorspace), the Council may require certain infrastructure items, such as community facilities or public open space, to be provided by developers on site. This is usually addressed through the main application proposals and planning conditions (conditions placed upon the grant of planning permission) or through CIL.

4.10 Planning obligations may however be required to outline arrangements for the specific access to a site or facility, or for its use, management or delivery. For example, an obligation could state that “the xx facility and associated open space shall be opened to the public prior to occupation of the 100th unit”, or that “£xxx shall be spent on the xx facility”.

CIL note

- 4.11 Where land or facilities are being provided on a development site for the provision of infrastructure, the CIL Regulations 2010 (as amended) allow for the Council to accept this as an 'in-kind payment' of CIL. In such cases, the relevant land must be transferred to the Council as payment of the charge. The land must be valued to determine the appropriate level of CIL which it accounts for. The Council will assess any proposals for in-kind payments of CIL on their merits and in accordance with CIL Regulations.
- 4.12 The CIL Regulations 2010 (as amended) also allow for the Council to accept one or more infrastructure payments in satisfaction of the whole or part of the CIL charge on a development. In order to allow infrastructure payments in Islington, the Council has published a document on its website giving notice that it is willing to accept infrastructure payments, and setting out the types of infrastructure it will consider accepting as infrastructure payments. In order to accept an infrastructure payment, the infrastructure type must be included on the Council's Regulation 123 Infrastructure List as a type of infrastructure that may be funded wholly or partly by CIL. The Council must also be satisfied that the infrastructure to be provided is not necessary to make the development acceptable in planning terms.

5.0 Economy and employment obligations

- 5.1 The planning system can play an important role in building a strong, responsive and competitive economy (NPPF 7) for all.
- 5.2 Development can help to maximize the opportunity for community diversity, inclusion and cohesion, sustaining the continuing regeneration of inner London and redress its persistent concentrations of deprivation (London Plan Policy 4.1). One of the ways in which this can happen is through increasing opportunities for local employment and local businesses, to make communities sustainable and to decrease social polarisation. The Mayor of London supports working to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also addressing its unique concentrations of deprivation (London Plan Policy 2.9).
- 5.3 For this purpose, it is essential to promote the availability of a sufficient number and variety of jobs and workspaces, as well as ensuring that local residents have the skills and experience necessary to take advantage of the job and business opportunities open to them.
- 5.4 Obligations aimed at improving the local economy and securing access to employment for local residents can include:
- Crossrail (Central Activities Zone only)
 - Employment and Training - Construction Phase (standard obligation)
 - Employment and Training - Operation of development (standard obligation for commercial / employment developments)
 - Local Procurement - (standard obligation)
 - Micro, small or affordable workspace or retail space (standard obligation for all major non-residential developments where majority of floorspace is not in public education, community or social infrastructure uses).
 - Other economy and employment obligations (e.g. initiatives to improve local employment, skills, training etc.)
- 5.5 Compared with other areas, Islington has:
- above average levels of unemployment¹⁵
 - a firm structure dominated by micro and small enterprises¹⁶
 - low (below optimal) vacancy rates¹⁷
 - a high proportion of residents claiming Job Seekers' Allowance and income support, and
 - a high proportion of long term unemployed residents¹⁸

¹⁵ 48th highest in the country and 7th highest in London by local authority in 2015

Source: Office of National Statistics (April 2016) Regional labour market statistics: M01 Model based estimates of unemployment for local and unitary authorities and parliamentary constituencies in Great Britain

¹⁶ Islington Employment Land Study (March 2016)

http://www.islington.gov.uk/services/planning/planningpol/local_dev_frame/pol_evidence/Pages/default.aspx

¹⁷ Islington Employment Land Study (March 2016)

- 5.6 One of the results of this is that nearly half of Islington’s children live in poverty, and almost all of those children are in workless families. At the same time Islington has the fourth highest employment density in the capital. High polarisation of wealth in the borough means that the lowest paid workers in Islington earn, on average, only a quarter of the better paid earners.
- 5.7 The 2016 Islington Employment Land Study places particular importance on nurturing small and medium sized enterprises (SMEs) in the borough. SMEs play a driving role in the Islington economy with micro businesses in the 0-4 persons category predominating. The dominant sectors are Information & Communications and Professional, Scientific & Technical firms. The study underlines the importance of start-up and micro businesses in the key growth sectors to Islington’s economic and employment prospects. This is particularly important in light of the fact that the borough has recently sustained substantial losses to employment spaces (mostly offices) due to new permitted development rights, many of which would have been the types of spaces suitable for meeting the diverse need of Islington’s SMEs or were already accommodating active businesses of this category, generating valuable jobs and output for the borough.

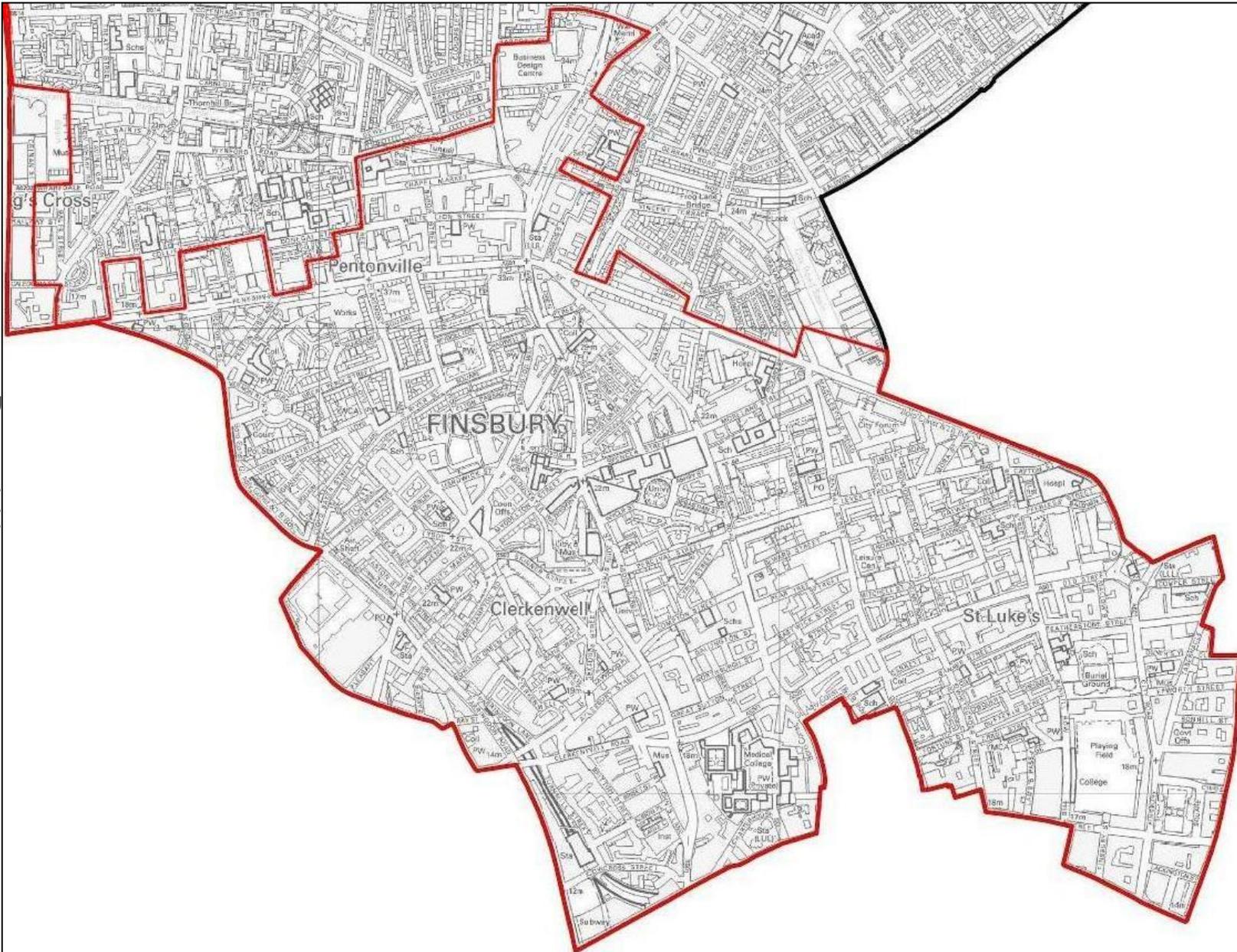
Crossrail (Central Activities Zone only)

POLICY SIGNPOST	NPPF	LONDON PLAN Policy 2.10, 2.11, 6.4, 6.5 & 8.2	CORE STRATEGY CS 7	DEVELOPMENT MANAGEMENT POLICIES DM8.3
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- 5.8 Crossrail funding is an exception to the division of responsibilities between CIL and S106. Islington collects funding on behalf of the Mayor, through Mayoral CIL or Section 106 (S106).
- 5.9 The S106 charge for those parts of Islington which are in the Central Activities zone (the area bounded by the red line on figure 5-1) is:
- For office developments: £140 per sq m
 - For hotel developments: £61 per sq m
 - For retail developments: £90 per sq m
- 5.10 The Mayor of London’s CIL in Islington is charged at £50 per sq m and applies to most developments which create a new residential unit or propose more than 100 sq m of new floorspace.
- 5.11 To ensure that schemes are not double charged, the Mayor of London has specified that any money payable under the Mayor’s CIL will be credited against any money that would otherwise be secured for Crossrail through planning obligations under London Plan Policy 8.2. This means that when an application triggers both the Mayoral CIL and S106 Crossrail contribution, the Mayoral CIL will be payable in full and offset against the S106 Crossrail charge.
- 5.12 Any remaining S106 charge will be payable as a ‘top up’ in addition to the CIL charge. If the CIL charge is greater than the S106 Crossrail charge there will be no S106 Crossrail contribution due from the development. For further details see paragraphs 4.15-4.20 of the Mayor’s Supplementary Planning Guidance on Crossrail Funding (March 2016). This document is available at https://www.london.gov.uk/sites/default/files/crossrail_funding_spg_updated_march_2016v2.pdf

¹⁸ Islington Employment Commission Paper ‘The picture of unemployment in Islington’ (January 2014)

Figure 5-1: Central Activities Zone boundary



Employment and training (construction phase) (standard obligation) & Employment and training (operation of development) (standard obligation for commercial / employment developments)

POLICY SIGNPOST	NPPF	LONDON PLAN Policy 2.9, 4.1, 4.12 & 7.1	CORE STRATEGY CS 10 & CS 13	DEVELOPMENT MANAGEMENT POLICIES DM9.2
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- 5.13 Strategic development proposals should support local employment, skills development and training opportunities, by providing jobs and training opportunities/support as follows:
- On-site construction training opportunities from developments of 10 residential units or above, hotels, student accommodation or hostels with 20 or more rooms, or with an uplift in business/employment floorspace of 500m² or greater Gross External Area (GEA) (Core Strategy CS 13); and
 - Jobs and training opportunities including apprenticeships from developments with an uplift in business/employment floorspace of 500m² or greater GEA; (London Plan Policy 4.12 & 2.9).
- 5.14 In line with this, Islington’s Core Strategy objective 8 is to tackle worklessness through training and employment initiatives. Using local labour also reduces the need to travel which will help to ensure that development is more environmentally sustainable, in line with Policy CS 10.
- 5.15 It is a strategic policy within the Islington Core Strategy to improve job opportunities for local residents, especially those who are disadvantaged in the labour market. Policy CS 13 states that new major developments will be required to provide jobs and training support and opportunities where there is a proven need. As such, the Council requires that opportunities for employment, training and other measures to overcome barriers to employment are provided through the construction phase of a development, as well as through the end use of a scheme, as set out in the Code of Employment and Training¹⁹.
- 5.16 Despite significant employment growth over the last 15-20 years, levels of worklessness in Islington have remained very high. This has been exacerbated by a shift towards a highly skilled, knowledge based economy, resulting in significant skills gaps between many Islington residents and the types of jobs being created, which are inaccessible without complementary employment and training opportunities. This obligation is aimed at ensuring that some of the benefits of London’s large construction and other employment markets go to resident workers, to help decrease deprivation and local unemployment and to create employment opportunities for the most vulnerable residents of the borough. The obligation thus helps the proposed development to deliver sustainable development (DM9.2).
- 5.17 Further information on the Council’s requirements relating to the construction phase and end use of the development are set out below, as well as in the Code of Employment and Training.
- 5.18 The Code seeks that construction work placements for local residents, each lasting a minimum of 26 weeks, should be facilitated during the construction phase of the development. The Council’s designated employment service works with employers,

¹⁹ <http://www.islington.gov.uk/s106>

responding both to their requirements and to the needs of unemployed residents in accessing construction sector jobs. The team does this by identifying appropriate positions within the various works packages that support entry level, improver, journeyman, apprenticeships and trainee type roles and by providing access to appropriately capable employees to assist developers and contractors in meeting local employment obligations. Developers will pay those undertaking placements at least the London Living Wage²⁰.

5.19 The number of placements that are sought is based on the estimated number of construction jobs likely to be created by a development, based on information provided for completed developments in the borough and the extent of local training and support needs based on unemployment figures.

5.20 The number of placements sought is as follows:

Formula - Construction placements

1 construction training placement per:

20 residential units;

20 student/ hotel/ hostel bedrooms;

1000 sq m (GEA) commercial and employment floorspace (additional and/or replacement)

5.21 Should it not be possible to provide these placements, the Council will seek an equivalent contribution for construction training, support and local procurement to enhance the prospects of the use of local employment in the development. This is based on the following formula:

Formula - Employment and training contribution – Construction

Number of construction placements (based on formula above) x cost of providing construction training and support per placement (£5,000) = contribution due

5.22 This is based on the average costs of providing construction training and support per person in Islington.

5.23 An employment and training contribution will also be sought to improve the prospects of local people accessing new jobs created in the proposed development. This is based on the proportion of Islington residents who require training and support (in 2015, according to the Office for National Statistics, 6.7% of Islington residents were unemployed²¹) as reflected in the following formula:

²⁰ <https://www.islington.gov.uk/about-the-council/vision-and-priorities/london-living-wage>

²¹ Office for National Statistics (April 2016) Regional labour market statistics:

M01 Model based estimates of unemployment for local and unitary authorities and parliamentary constituencies in Great Britain.

Formula - Employment and training contribution – Operation of development

Uplift in occupancy of the development (number of employees) x proportion of Islington residents requiring training and support (6.7%) x cost of training/ support per person (£2,500) = contribution due.

- 5.24 Projected occupancy is based on average employment densities (see Appendix A). The cost is based on the average cost of providing training and support relating to the end use of a development per person in Islington.
- 5.25 The Code of Local Employment and Training further sets out the details of the ways in which the occupier of a development with employment uses may be expected to work with the Council. This may relate to issues such as the creation of employment opportunities for local people and assisting Islington’s Education Business Partnership in their liaison with schools, colleges and training providers to support curriculum development and the provision of work experience and placements.

Local procurement (standard obligation)

POLICY SIGNPOST	NPPF	LONDON PLAN Policy 4.12, 5.3	CORE STRATEGY CS 10 & CS 13	DEVELOPMENT MANAGEMENT POLICIES
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- 5.26 London Plan Policy 5.3 states that major development proposals should meet the minimum standards outlined in the Mayor’s Supplementary Planning Guidance on Sustainable Design and Construction including securing sustainable procurement of materials, using local supplies where feasible.
- 5.27 Developers are asked to commit to the principles within the Council’s Code of Local Procurement to ensure that the procurement of goods and services through the construction phase allows for opportunities for local businesses to tender for these. This approach is important in addressing deprivation in the borough and increasing local employment by creating opportunities for local businesses, in line with Core Strategy objective 7 and Policy CS 13. Research has shown that local businesses are more likely to employ local labour and, where local sub-contractors are appointed, they spend more in the local economy. The promotion of local procurement also reduces the level of travel involved during the construction process, increasing the overall sustainability of the development (in line with CS 10).
- 5.28 Appointing suitable local sub-contractors provides developers with advantages such as: a reduction in transport and logistical costs, a reduced risk of delays, greater flexibility and reliability of supply of materials to site, better access to senior management and opportunities for face to face meetings.
- 5.29 Islington Council works closely with local companies to find them opportunities through local procurement programmes.

Small, micro and/or affordable workspace or affordable retail space (standard obligation for all major non-residential developments where majority of floorspace is not in public education, community or social infrastructure uses)

POLICY SIGNPOST	NPPF	LONDON PLAN Policy 4.1	CORE STRATEGY CS 13	DEVELOPMENT MANAGEMENT POLICIES DM4.1 & DM5.4
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- 5.30 A proportion of small, micro and/or affordable workspace or affordable retail space is required from major non-residential developments for which the majority of floorspace is not in public education, community or social infrastructure uses (see CS 13 as well as DM4.1 and DM5.4 for more details).
- 5.31 Affordable workspace should be leased at a peppercorn rate to a council approved Workspace Provider. The council will seek to maximise the period for which this peppercorn rate is applied in line with policy DM5.4, to be determined on a site by site basis.
- 5.32 Policy DM5.4 also outlines the exceptional circumstances in which the council may accept financial contributions in lieu of direct on-site provision. Where it can be justified that a direct provision on site is inappropriate or renders the development unviable, a financial contribution may be levied to support equivalent provision off-site. Another case in which such a contribution may be appropriate would be a significant loss of employment space, especially if this was small, micro and/or affordable workspace, for which replacement within the new development was not possible or appropriate.

Other economy and employment obligations

- 5.33 Apart from the above mentioned obligations, other obligations relating to the economy and employment may be required if the circumstances of a specific development make them necessary. This could, for example, include contributions towards initiatives which aim to improve **local employment opportunities**, provide **skills development** and **training opportunities**, and **remove barriers to employment and progression**.

6.0 Community obligations

6.1 Community obligations can include requirements relating to:

- Affordable housing (standard obligation on residential developments only)
- Accessible Parking and Transport (standard obligation)
- Marketing wheelchair accessible homes (standard obligation on residential developments only)
- Preventing wasted housing supply (standard obligation for residential developments of 20 units or more)
- Student bursaries (student housing developments only)
- Mixed use development in the Central Activities Zone (CAZ)
- Community Access Plans and other management plans
- Other community obligations (e.g. community safety, policing facilities, Health Impact Assessments, public art etc.)

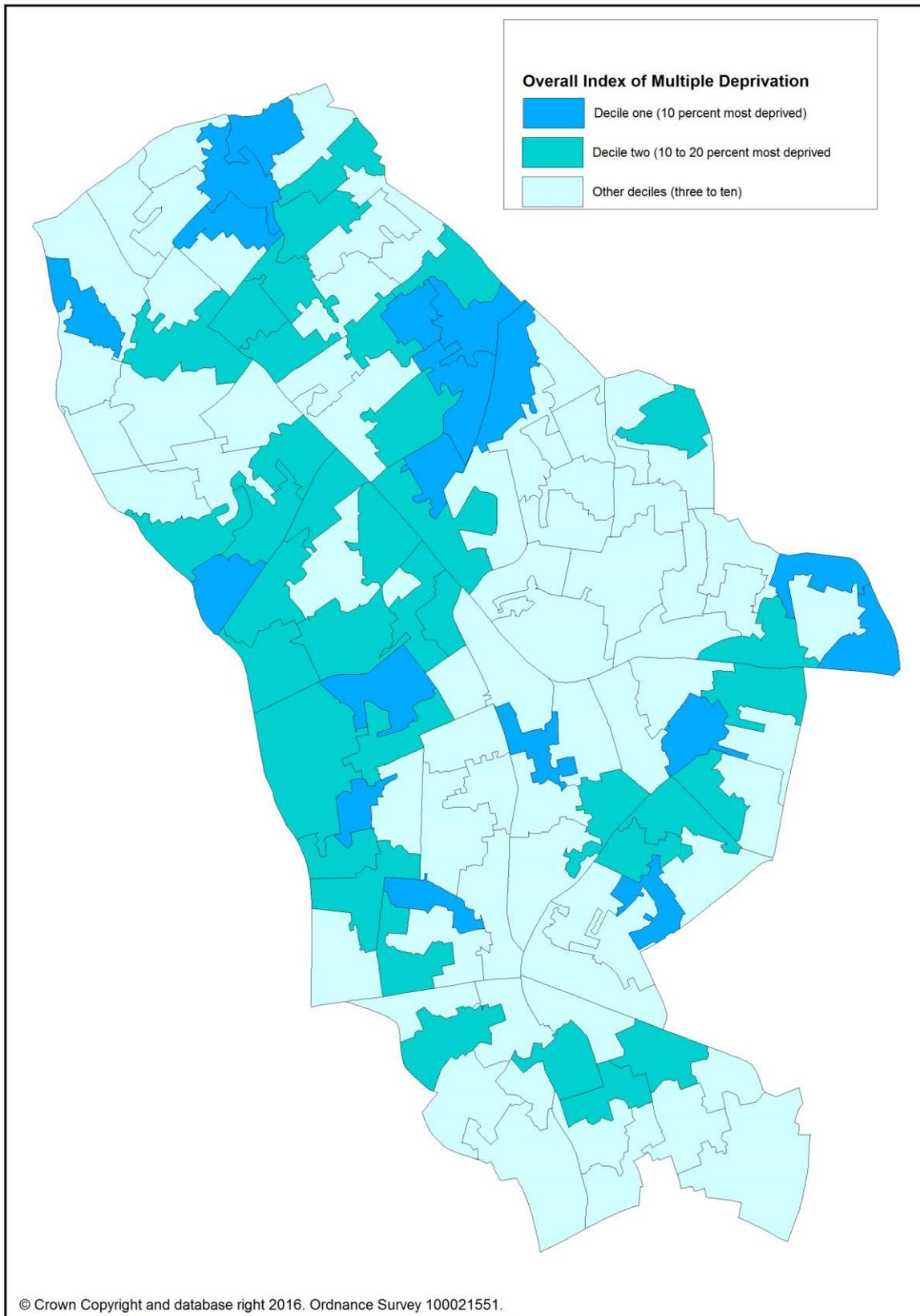
6.2 According to the Indices of Deprivation (IMD 2015), Islington is the 13th most deprived Local Authority in England and fifth most deprived in London. 41% of Islington's population lives in one of the most deprived 10% of Lower Layer Super Output Areas (LSOAs) nationally. The borough has the third highest proportion of children and older people living in income deprivation in the country.

6.3 The indices are constructed from a set of domain indicators, related to income, employment, education, skills and training, access to housing and services, health and disability, crime and living environment.

6.4 Figure 6-1 below shows the pattern of deprivation within the borough, with darker areas representing the more deprived areas. The highest concentration of the most deprived areas are to the north and west of the borough, with further substantial clusters to the south east and pockets of deep deprivation scattered elsewhere.

6.5 At the same time, the borough is also home to some of the wealthiest and most influential people in Britain. The Council is aware of an increasing polarisation and therefore the six key priorities of the Corporate Plan all relate to combatting deprivation and building a fairer community, regarding housing, employment, living costs, Council services and a good quality of life for all Islington residents.

Figure 6-1: Deprivation map of Islington - Index of Multiple Deprivation (IMD) 2015 ²²



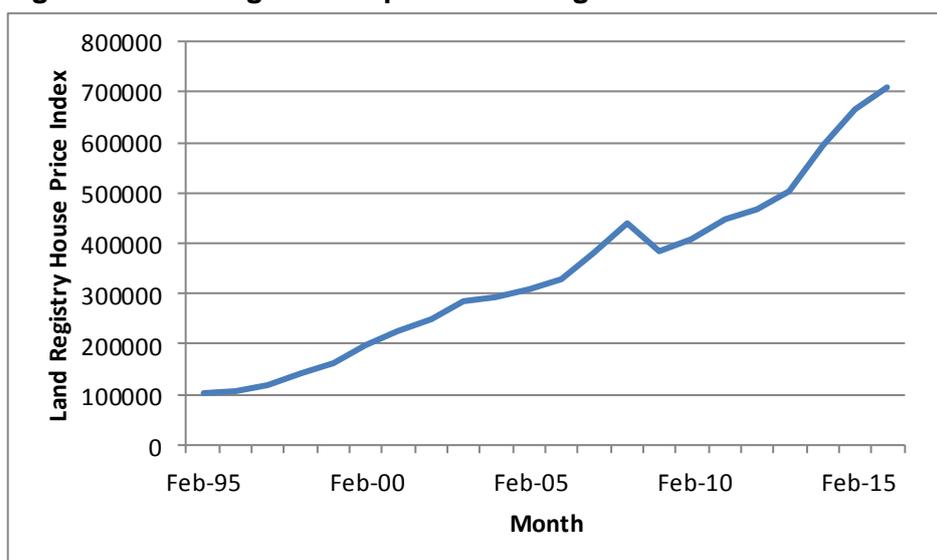
²² For more information see: <http://data.london.gov.uk/dataset/indices-of-deprivation-2015>

Affordable housing (standard obligation for residential development only)

POLICY SIGNPOST	NPPF Paragraph 47, 50 and 173	LONDON PLAN Policy 3.12 & 3.13	CORE STRATEGY CS 12	DEVELOPMENT MANAGEMENT POLICIES
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- 6.6 Islington, as a small borough and the most densely populated area in the UK, has a severe shortage of accommodation and land to meet continued high housing demand. Islington is a high value, high demand area.
- 6.7 Average house prices in the borough have risen very significantly and are now, at £711,077, well above the peak of 2007 (£441,000). Average residential sales values rose by just under 42% over the last three years (Feb 13-Feb 16).

Figure 6-2: Average house prices in Islington 1995-2016



Source: Land Registry April 2016

- 6.8 In addition, private rents have increased quickly. In the 12 months to quarter 3 of 2015 average monthly private sector rents in Islington were £1,943, up by 9.5% on the preceding 12 months (Source: VOA).
- 6.9 Housing costs are also very high relative to residents' incomes, with close to a third of households having incomes of less than £20,000 per year. Access to affordable housing therefore remains one of the borough's biggest challenges. The 2011 North London Strategic Housing Market Assessment (SHMA)²³ identified an affordable housing need of between 54% and 65% of the borough's overall housing delivery target, with the higher figure of 65% being more reflective of the actual level of local need, as it is based on an adjusted London Council Housing Needs Index which removed elements of the index not directly related to housing need, whereas the lower figure is based on an unadjusted index.
- 6.10 The Council's key priority is to secure a supply of affordable housing that households on the housing waiting list can afford without increasing long-term benefit dependency. This

²³ [https://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Information/Advice-and-information/2012-2013/\(2012-05-11\)-Islington-SHMA.pdf](https://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Information/Advice-and-information/2012-2013/(2012-05-11)-Islington-SHMA.pdf)

requires striking a balance between ensuring affordability for those in housing need and securing as much new supply as reasonably possible. Given the level of need in the borough, Core Strategy Policy CS12 therefore sets out that the Council will seek the maximum reasonable amount of affordable housing, especially social rented housing, from private and mixed use schemes. For a scheme to be policy compliant, the starting point for negotiations is:

- 50% of units on-site as affordable, with a tenure split of
 - 70% social rent and
 - 30% intermediate.

6.11 Following the introduction of the Affordable Rent tenure and engagement with the Mayor, the Council has considered how this product could contribute to meeting housing need, and the approach is set out in Appendix 1 of the Islington Development Viability SPD (2016).

6.12 Affordable housing will be provided through planning obligations in accordance with policy CS 12 by:

- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable;
- requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough;
- seeking the maximum reasonable amount of affordable housing, especially social rented housing, from private residential and mixed-use schemes over the thresholds set above, taking account of the overall borough wide strategic target (it is expected that many sites will deliver at least 50% of units as affordable, subject to a financial viability assessment, the availability of public subsidy and individual circumstances on the site); and
- delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing.

6.13 The impact of the Core Strategy requirements for the provision of affordable housing, together with the cumulative impact of the Council's other adopted and emerging requirements, have been tested in evidence considered as part of the public examination of the Council's policies (in line with NPPF paragraph 173).

6.14 On-site affordable housing provision is required in line with CS 12 and NPPF paragraph 50:

Formula – Affordable housing on-site provision

All sites capable of delivering 10 or more residential units are required to provide affordable homes on site:

- maximum reasonable, taking account of the 50% borough-wide strategic target, the availability of public subsidy and individual circumstances on site
- with a tenure mix of 70% social rented housing and 30% intermediate housing

6.15 Smaller sites provide a financial contribution towards affordable housing provision elsewhere in the borough (CS 12 and Islington's Affordable Housing Small Sites SPD):

Formula – Affordable housing small sites contribution

Sites capable of delivering fewer than 10 units are required to provide a financial contribution on net additional units, of:

- £50,000 per unit in the north and middle parts of the borough, and
- £60,000 for sites south of Pentonville Road/City Road.

6.16 These amounts were tested in a viability study which informed the Affordable Housing Small Sites SPD and also in viability evidence considered as a part of the Islington CIL Examination. The level of contribution is also subject to viability assessment on individual developments. Applicants can submit a viability appraisal in line with the Islington Development Viability SPD if they believe the payment would render the development unviable. Exemptions include self-build for occupation, for which planning conditions and a legal agreement will be used to defer payment until any eventual sale.

Accessible parking & transport (standard obligation)

POLICY SIGNPOST	NPPF Paragraph 35 & 39	LONDON PLAN Policy 3.8, 6.13 & 7.2	CORE STRATEGY CS 10, CS 12 & CS 14	DEVELOPMENT MANAGEMENT POLICIES DM8.5
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6.17 Inclusive environments derive from an understanding of the needs of our increasingly diverse communities and the need to adapt to their different and evolving demands. Truly inclusive environments are functional, easily adaptable, and consider the design and management of the environment to be inextricably linked.

6.18 All developments should be located and designed where practical to consider the needs of all people, including those with disabilities (NPPF 35). When setting local parking standards for developments, local authorities should take into account the accessibility of the development and the availability of and opportunities for using public transport (NPPF 39).

6.19 In view of the Council's car-free policy and the fact that some public transport options remain inaccessible to people with mobility impairments, provision should be made to support a range of sustainable accessible alternatives such as accessible cycle racks, storage and charging facilities for mobility scooters and door to door services such as dial a ride and taxi card. Where cycle parking is provided, this should also be designed to take into account the needs of mobility impaired cyclists as well as adapted or less conventional bicycle types (see London Plan parking addendum 6A.13 regarding space for tricycles etc).

6.20 London Plan Policy 7.2 'An Inclusive Environment' requires that the physical environment can meet the highest standards of accessibility and inclusion and that the principles of inclusive design are adopted at the earliest stages of the development process. This means considering inclusive design aspects at the stage of drawing up masterplans, area planning frameworks and development briefs. In accordance with this, the Council requires that adequate parking provision is made for disabled people, in connection with new development.

6.21 Standards for the provision of parking for Lifetime Homes and wheelchair accessible housing are set out in a separate SPD on Inclusive Design In Islington, adopted February 2014 (https://www.islington.gov.uk/planning/planningpol/pol_supplement/inclusivedesign).

- 6.22 Islington requires adequate provisions to be made for accessible parking and transport arrangements to ensure that its car free policy (CS 10) does not disadvantage older or disabled people, children and families, be they residents, workers, students or visitors. 18% of Islington residents are disabled or have a long-term limiting illness (between 16-20% according to Disability Action in Islington).
- 6.23 The Council therefore seeks the provision of one accessible parking bay, wherever possible on street, for every wheelchair accessible home or hotel/hostel room provided (this should be 10% of total units, in accordance with CS 12, CS 14 and the Accessible Housing SPD).
- 6.24 For non-residential developments, one accessible parking bay is required per 33 employees, as on average, 3% of working age adults are disabled drivers with a mobility impairment:
- 15% of working age adults have a disability (Family Resources Survey 2010/11);
 - 34% of disabled people have a mobility impairment (Prevalence of mobility impairment by Government Office Region) and;
 - 20% of disabled adults are drivers (Papworth Trust – Disability in the UK 2010).

Formula – Accessible parking provision

Residential development

Number of wheelchair accessible units (10% of all habitable rooms) = number of accessible parking bays required

Hotel and student development

Number of wheelchair units (calculated as 10% of the total bedrooms) = number of accessible parking bays required

Commercial

Uplift in number of employees / 33 = number of accessible parking bays required

- 6.25 For other uses including shopping, recreation, leisure, education, healthcare and worship space, the Council will seek accessible parking and / or a contribution towards the provision of alternative accessible transport options to reflect the percentage of disabled users of the development, in addition to the required provision for employees. The Council is committed to delivering facilities and services that will meet potential demand based on national, regional and local statistic regarding the prevalence of disability, mobility impairment and cognitive difficulties²⁴. Further detailed guidance on parking provision for sports facilities can be found in the Sport England publication 'Accessible Sports Facilities 2010'.
- 6.26 Where this provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. The charge for providing an on-street accessible parking bay is £2,000 per bay²⁵.

²⁴ See disability information from Census 2011 for further details, e.g. <http://visual.ons.gov.uk/disability-census/>

²⁵ The total cost for a single bay can actually be as much as £7,500 based on the average cost for the Council to amend traffic orders, advertise, consult on and implement an accessible on-street parking bay in Islington. We aim to reduce this overall cost by undertaking some or all of these processes (e.g. advertising, issuing traffic orders etc) simultaneously for a number of bays, if possible.

Formula - Accessible parking contribution

Net number of disabled parking bays required (see above) x cost of disabled parking bay provision (£2,000 per bay) = contribution due

- 6.28 Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments.
- 6.29 Developments may also be required, through planning conditions or obligations, to provide adequate provision for mobility scooter storage and charging, safe drop off, and on occasion concessionary membership of local car clubs. It is also crucial that car-free developments, through their Design and Access Statements and Transport Assessments consider the full range of personal and public transport alternatives and their accessibility.

Marketing wheelchair accessible homes (standard obligation for residential developments only)

POLICY SIGNPOST	NPPF Paragraphs 50 & 159	LONDON PLAN Policy 3.8	CORE STRATEGY	DEVELOPMENT MANAGEMENT POLICIES
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- 6.30 The NPPF requires development plans to:
- Enable a mix of housing based on current and future demographic trends, taking into account the needs of different groups in the community, including older people and people with disabilities (paragraph 50).
 - Address the requirement for all types of housing, including that for families with children and older and disabled people, based on an understanding of the housing needs in their area (paragraph 159).
- 6.31 Since 2004 Islington Council has required, in line with the London Plan, that 100% of new housing is built to 'Lifetime Homes' standard, with 10% being fully wheelchair accessible. The National Housing Standard specifies that 90% of new housing will be built to Category 2 ("Building Regulation requirement M4 (2) 'accessible and adaptable dwellings and 10% to Category 3 (M4 (3) 'wheelchair user dwellings)'). However, research by the GLA has revealed that once planning permission has been granted, little awareness of the accessibility of the homes survives among those marketing them or is passed on to purchasers and the object of the policy is lost.
- 6.32 To improve awareness of these accessible units, developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months.
- 6.33 Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development. Accessible units must be marketed according to these descriptions (i.e. wheelchair accessible units must be identified and advertised as such). After 6 months, developers may can drop this label from their marketing material and revert to describing the unit as they choose. There is no requirement to restrict or target marketing to a specific audience.

Preventing Wasted Housing Supply (standard obligation for residential developments of 20 units or more)

POLICY SIGNPOST	NPPF Paragraph 47	LONDON PLAN	CORE STRATEGY CS12	DEVELOPMENT MANAGEMENT POLICIES
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- 6.34 The Preventing Wasted Housing Supply SPD provides guidance on how the council will ensure that new residential development in Islington will contribute to meeting housing need. This will ensure that such development will meet the objectives of Core Strategy policy CS12, parts B and C, and NPPF paragraph 47.
- 6.35 The Preventing Wasted Housing Supply SPD was introduced in response to the evidence and proxy indicators which suggest that a meaningful number of new residential dwellings in the borough were purchased but not occupied, either by their owner or tenants, and thus do not contribute to meeting housing need. As Islington is the most densely populated local authority area in the country, land for all forms of development is scarce. Therefore it is necessary to ensure that supply which does come forward is not wasted.
- 6.36 The SPD applies to developments that provide 20 or more additional residential dwellings. It requires developers to enter into a S106 agreement, binding on subsequent owners of each dwelling. The obligations are set out in paragraph 6.10 of the Preventing Wasted Housing Supply SPD:
- 6.10.1: Dwellings shall be fully furnished and equipped for use as a home.
 - 6.10.2: Dwellings shall not be left unoccupied or unused as a dwelling house for any continuous period of 3 consecutive months or more.
 - 6.10.3: In any period of 3 consecutive months the dwelling shall be occupied for at least 14 days.
 - 6.10.4: The owner shall provide reasonable evidence of the above on request from the council.
 - 6.10.5: The freehold owner and/or head leasehold owner shall include the obligations at 6.10.1- 6.10.4 in any lease / sublease of an individual dwelling.
 - 6.10.6: The freehold owner and/or head leasehold owner shall include details of the obligations in 6.10.1 – 6.10.4 in any sales or marketing material.
 - 6.10.7: The freehold owner and/ or head leasehold owner shall provide the council on request with such information as it shall reasonably require in respect of the obligations at 6.10.1 – 6.10.6.
- 6.37 Paragraph 6.11 of the SPD sets out evidence that the council will consider suitable to demonstrate compliance if required.
- 6.38 If the Council requests evidence of compliance and does not receive it, if expedient the council will seek to obtain an injunction to enforce compliance.
- 6.39 The SPD was adopted in July 2015 and can be viewed at:
http://www.islington.gov.uk/services/planning/planningpol/pol_supplement/Pages/prevent-wasted-housing.aspx?extra=23

Student bursaries (student housing developments only)

POLICY SIGNPOST	NPPF	LONDON PLAN	CORE STRATEGY CS 12	DEVELOPMENT MANAGEMENT POLICIES DM3.9
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- 6.40 One of the ways in which the Council tackles deprivation, worklessness and social exclusion, in the context of the borough's high levels of inequality, is by widening the access to education. To this end, bursaries are provided to Islington students leaving care or facing other hardship who are attending institutions of higher and further education.
- 6.41 Developers of purpose-built student accommodation are required by Core Strategy Policy CS 12 (see also DM3.9 and the SPD on Student Accommodation Contributions for Bursaries) to provide a financial contribution towards these bursaries through an annual payment.

Formula – Student bursaries

All purpose-built student accommodation developments are required to provide a financial contribution towards student bursaries, equal to:

2.4% of the total annual rental income from a development of student accommodation for thirty years.

- 6.42 The aim is to mitigate the impact of the high cost of rent in such student developments, which presents a real barrier to Islington's most deprived young people accessing education and realising their potential. Funds will be distributed to eligible students according to the terms of the S106 agreement and Core Strategy policy CS 12 part J.

Mixed use development in the Central Activities Zone

POLICY SIGNPOST	NPPF Paragraph 38 & 58	LONDON PLAN Policy 4.3	CORE STRATEGY CS 8 & CS 12	DEVELOPMENT MANAGEMENT POLICIES DM2.1 & DM5.1
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- 6.43 One of the aims set out in the NPPF is to ensure that developments optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks (NPPF 58). It is important to ensure that a range of needs can be met through a new development. For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Journey lengths should be minimised where possible (NPPF 37). Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties (NPPF 38).
- 6.44 Islington has a distinct character with small and large clusters of mixed uses throughout the borough, which the Council wants to protect (CS 8) while also meeting the high demand for housing, and especially affordable housing (CS 12).
- 6.45 Mixed use development contributes to the vitality, safety and sustainability of an area, as a mix of uses can:
- Intensify use of a site, encouraging a lower land take;

- Encourage occupation of the site at all times throughout the day, creating continued natural surveillance; and
- Reduce distances between homes, employments spaces and services, promoting walking and cycling.

6.46 London Plan Policy 4.3 states that within the Central Activities Zone (CAZ), increases in office floorspace should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan (see figure 5-1 for CAZ boundary). In such cases, developments should provide a contribution towards offsite housing delivery (see London Plan Policy 4.3 and accompanying text for more details).

6.47 Islington’s DM Policies therefore require that development proposals sustain and reinforce a variety and mix of uses (DM2.1). Where housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council will seek an equivalent contribution for the provision of housing off-site (DM5.1).

6.48 This requirement is founded on consideration of previous sites and will be calculated:

- Based on the number of residential units that could reasonably be accommodated on site; and
- Having regard to the average size of housing units in Islington.

6.49 The following formula sets out the approach for assessing the level of required affordable housing contribution:

Formula - Provision of a mix of uses in CAZ office proposals and off-site contribution

Increase in **office floorspace** (sq m) x 20% - uplift in **residential floorspace** / average **residential** unit size (75 sq m gross internal area) = number of additional housing units that could be achieved.

Contribution due = number of additional housing units that could be achieved (see above) x £50,000 (for sites in the north and middle parts of the borough) or x £60,000 (for sites south of Pentonville Road/City Road) in line with the Council’s Small Sites Affordable Housing Policy (see Chapter 6)

6.50 The average unit size of residential developments in Islington, based on an average of minimum residential space standards as set out in local policy is 75 sq. m GIA (gross internal area, taking account of internal walls, lift lobbies etc).

Community Access Plans and other management or operational plans

POLICY SIGNPOST	NPPF	LONDON PLAN Policy 4.5, 5.12, 5.18, 6.3	CORE STRATEGY	DEVELOPMENT MANAGEMENT POLICIES DM6.4, DM8.2, DM8.6 & DM9.2
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6.51 The purpose of a management or operational plan is to set out arrangements for:

- How, after a development is built and occupied, a provision made as part of a development will be managed, accessed or used; and

- How arrangements agreed as part of a planning permission will be upheld and continued.
- 6.52 This is to ensure that the original purpose of a provision or arrangement made during the planning process of a development is preserved. Management plans covering different provisions and arrangements can either be prepared and provided separately, or in one overarching management plan for ease of reference.
- 6.53 Management and operation plans are most commonly required through planning obligations either in relation to:
- Community access and/or management of open space, community facilities, play space or other publically accessible provisions made as part of a development; or
 - Construction, delivery and/or servicing of a development.
- 6.54 Community access and management plans are required where a publically accessible facility is included as part of a development. This will have to be:
- Formulated in consultation with local residents; and
 - Submitted to and approved in writing by the Council, prior to the occupation of the development.
- 6.55 The access and management plan should set out the following arrangements (including details and justifications where necessary, such as on pricing / access):
- Arrangements for ongoing consultation with residents and other local stakeholders (should normally include at least one public meeting per annum following the occupation of the new development);
 - Date by which the facility has to / is allowed to be completed, opened or made available to the public (usually upon occupation of the development);
 - Proposed arrangements for liaison between the facility, the development, residents and/or the Council;
 - Times at which the facility will be open to the public if there is a gate or door which can prevent public access;
 - Arrangements for times when the facility is closed;
 - Other community access arrangements (e.g. location of entrances etc.);
 - Pricing policy (e.g. rents at which a community meeting room which can be hired is made available);
 - How and by whom a facility will be managed (including making arrangements for cleaning, hiring etc.);
 - Where (on what websites, publications etc. eg. Council and Voluntary Action Islington website) and how a facility will be advertised (e.g. length of advertisement period);
 - How it is anticipated that a facility will be occupied (e.g. target local community groups) and what types of activities will be likely to take place (including implications for noise, transport etc.);
 - How a facility will complement existing services or activity in the locality;
 - How a facility will be staffed (on-site / off-site, by whom, at what times etc.);
 - Arrangements for how any changes in the above arrangements will be managed; and

- Arrangements for the regular review of the plan at certain intervals (usually 6 months, 3 years, 5 years and 7 years after inception).

6.56 There should be some flexibility provided within the plan to allow for changes to be made to it in response to the plan reviews and consultation arrangements mentioned above, to ensure that it continues to be delivered against agreed provisions.

6.57 Management plans relating to construction logistics, delivery or servicing may be required for developments where there may be an impact on roads, to demonstrate how any potential impacts will be mitigated. These plans should be secured in line with TfL guidance on freight²⁶ and be co-ordinated with travel plans. Details discussed could include:

- Delivery hours;
- Delivery frequency;
- Service bay location;
- Service bay operation (including swept path analysis); and
- Type / size of servicing vehicles.

6.58 For major developments, delivery and servicing plans should contain details for refuse and recycling, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores. Applications for larger residential developments must demonstrate that delivery and servicing would not impact negatively on refuse collection arrangements.

6.59 Other types of management and operation plans not related to community access or management of a publicly accessible facility can cover:

- Restrictions on the use of land;
- Waste;
- Flood management;
- Accessibility and inclusion; or
- Student housing.

6.60 Student Accommodation Plans are required to demonstrate that a student accommodation development will not give rise to any significant adverse amenity impacts on the surrounding neighbourhood and to ensure that the development is subject to an appropriate site management and maintenance plan.

Other community obligations

6.61 Beside the more common above mentioned types of community obligations, other areas for which contributions or provisions may be required, depending on the nature of the individual proposal, could relate to community safety, health impact assessments or public art.

6.62 Planning obligations relating to **community safety** can be sought to implement measures which can help to minimise potential crime and the fear of crime. This could be achieved with the help of direct, physical measures, such as improved street lighting or streetscape works which design out crime. Alternatively, community safety could be improved with the help of more indirect measures to improve community cohesion and integration, such as planning

²⁶ <https://tfl.gov.uk/corporate/publications-and-reports/freight>

decisions around landscape and streetscape. Improved community cohesion helps to reduce some crimes such as hate crimes, graffiti and criminal damage.

- 6.63 Islington has one of the highest crime rates in the country, although this has been reducing in recent years²⁷. The rate of crime in Islington is affected by a number of factors including high population density, a large transient population and high number of visitors, a thriving night time economy, high levels of deprivation and social polarisation, and concentration of transport hubs. As the population and densities in the borough increase with new developments, there is potential for the number of crimes to increase with, for example, more competition over the use of space and new residents and visitors coming into the borough without knowledge of the local area being more at risk of becoming victims of crime.
- 6.64 The impacts on the health and wellbeing of communities of major development proposals must be assessed through a **Health Impact Assessment** (see London Plan Policy 3.2, CS 19). DM 6.1 states that this will be required for large developments of over 200 units, or 10,000m² and developments where potential health issues are identified. The purpose of such an assessment is to promote health, reduce health inequalities and mitigate any identified impacts of the development on the wider determinants of health. These assessments can be required through planning obligations. Camden and Islington's Public Health Annual Report 2013/14 "Widening the focus: tackling health inequalities in Camden and Islington" provides useful information on health inequalities, their relationship to housing, employment etc and what can be done to improve these²⁸.
- 6.65 Islington Council may seek the provision of **public art** as a part of new development where this can be appropriately provided, in accordance with London Plan Policy 7.5, stating that opportunities for the integration of high quality public art into the public realm should be considered when making planning decisions.
- 6.66 Art provided as part of a development should:
- Be accessible to the public;
 - Be integrated within public open space where this is being provided (using features such as decorative lighting, water features or paving);
 - Be discussed with the Council's Arts Officer at an early stage, before subsequent submission to the Council for approval; and
 - Where possible, involve artists, local residents and other groups at an early stage in the design process.
- 6.67 Provision of art on construction hoardings is also strongly encouraged. It provides visual interest, softens the impact of a development site on the local area, deters fly-posting and presents a further opportunity to engage with the community, young people and involve local artists.

²⁷ <http://www.islington.gov.uk/services/policing-safety/crime/Pages/default.aspx>

²⁸ [http://www.islington.gov.uk/publicrecords/library/Public-health/Quality-and-performance/Reporting/2014-2015/\(2014-05-29\)-Widening-the-Focus-tackling-health-inequalities-in-Camden-and-Islington.pdf](http://www.islington.gov.uk/publicrecords/library/Public-health/Quality-and-performance/Reporting/2014-2015/(2014-05-29)-Widening-the-Focus-tackling-health-inequalities-in-Camden-and-Islington.pdf)

7.0 Environment obligations

- 7.1 Increases in population mean higher levels of consumption of energy, transport, water and a variety of other resources and services. As Islington becomes an increasingly densely populated area, it is crucial that new development should be designed and built so that positive effects on people's quality of life and the local environment are maximised and negative environmental impacts are minimised or avoided through careful design and management.
- 7.2 Climate change and air pollution creates additional challenges over time, some effects of which are still uncertain. Development has to not only try to prevent negative environmental effects but also be adaptable over time to a range of possible effects of climate change, which can include flooding, overheating, water and waste issues and effects on local biodiversity. As emissions of CO₂ and local air pollutants are usually from the same sources, policies to manage these sources must consider both sets of emissions. Climate change will make air quality problems worse, as hotter drier summers will lead to pollution episodes. By integrating air quality and climate change policies the short-term benefits to local pollution will be felt in addition to long-term benefits to the climate.
- 7.3 The environmental role of planning for sustainable development, as set out in the NPPF (Paragraph 7) is to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 7.4 Obligations and charges can be sought in relation to the following:
- Construction practice (standard obligation)
 - Highways and footways reinstatement (standard obligation)
 - Carbon offsetting (standard obligation on all major schemes and on minor residential)
 - Decentralised energy (standard obligation)
 - Removal of eligibility for residents' parking permits (standard obligation on additional residential units)
 - Green Performance Plans (standard obligation)
 - Travel Plans
 - Other environment obligations (e.g. conservation of buildings or places of historic or architectural interest)

Construction practice (standard obligation)

POLICY SIGNPOST	NPPF	LONDON PLAN Policy 5.3& 5.18	CORE STRATEGY CS 10	DEVELOPMENT MANAGEMENT POLICIES DM7.4
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- 7.5 The Islington Core Strategy requires every development to take all possible measures to minimise negative impacts of construction on the environment (Policy CS 10). To this end all developments are required to comply with Islington's Code of Practice for Construction Sites (DM7.4). This is available at: [http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Information/Leaflets/2006-2007/\(2006-09-21\)-Code-of-Practice-for-Construction-Sites.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Information/Leaflets/2006-2007/(2006-09-21)-Code-of-Practice-for-Construction-Sites.pdf)

- 7.6 This document specifies construction practice standards and measures which should be put in place to address the potential effects of construction, including contamination of land and water, air pollution, noise and vibration, dust, traffic congestion and waste disposal. The code is applicable to both demolition and construction and its compliance may be conditioned. It also includes requirements regarding liaison with the community.
- 7.7 Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation (see London Plan Policy 5.3 and the Mayor’s Sustainable Design and Construction Supplementary Planning Guidance²⁹).
- 7.8 Further related guidance can be found in the GLA and London Councils ‘The control of dust and emissions from construction and demolition’³⁰. The London Plan promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings following best practice guidance contained in this document (see London Plan Policy 7.14) and encourages the sustainable management, reuse, recycling and removal of construction, excavation and demolition waste (Policy 5.18).
- 7.9 Other construction related requirements may be addressed through planning conditions. This could include the submission of a site-specific response document to the Code of Construction Practice (for example providing a construction management plan, applying the requirements of the code, taking into account the relevant environmental issues of the site etc).
- 7.10 The Council incurs costs in the monitoring of construction practice and in liaising with developers and the community, which should be met by the developer. The level of monitoring required will depend on a number of factors such as:
- The size of development;
 - The length of project;
 - Whether demolition is involved;
 - The form of construction practices used and associated level of noise generated;
 - Times of operation³¹ and
 - Proximity to other properties.
- 7.11 Indicative costs are set out below, based on experience of monitoring construction impacts:

Formula - Construction Practice Monitoring Costs

£100 per residential unit and per 100 sq m commercial floorspace (additional and/or replacement).

£50 per student housing, hotel and hostel bedroom³².

²⁹ <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/sustainable-design-and%20>

³⁰ <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and>

³¹ The Council has standard noisy working hours that all sites have to adhere to as their maximum time period of operation, but some sites may be active for only certain times of the day.

³² Costs based on the resources required for monitoring construction impacts in previous developments in Islington.

- 7.12 All developers and contractors carrying out construction works in the borough must:
- Comply with the Council's up to date Code of Construction Practice.
 - Adhere to the construction management plan, as approved by Council Highways and Planning departments.
 - Ensure that all construction on site has been agreed with the Council's Streetworks Department.
- 7.13 In the case of non-compliance with the code, where for example unreasonable levels of dirt are brought onto the public highway by construction vehicles, the developer will be subject to non-compliance measures (including a charge) to address the issues that have arisen.
- 7.14 Additional obligations may also be sought where there are likely to be significant construction impacts or where a specific need is identified, for instance in relation to the following (costs to be met by the applicant):
- The costs of any necessary modification, removal or replacement traffic calming, to avoid damage/ reduce noise and vibration;
 - Building condition surveys and structural surveys of properties to be carried out where these may be affected by construction activity or vibrations from construction traffic;
 - Work practices including haulage routes to be amended as necessary and the costs of any damage; and
 - Mitigation measures for the loss of or interference to radio/ television signals.

Highways and footways reinstatement (standard obligation)

POLICY SIGNPOST	NPPF	LONDON PLAN	CORE STRATEGY CS 18	DEVELOPMENT MANAGEMENT POLICIES DM9.2
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- 7.15 The condition of highways and footways around a development make a significant contribution to the appearance and feel of the development. These are however often damaged as a result of the construction process. By funding the replacement of agreed areas of the highway and/or footway around the development, reinstatement works can be completed in conjunction with the development to ensure that the required standards and appearance of the site are maintained.
- 7.16 The Council will therefore secure an agreement with the developer to ensure that all highways and footways shall be reinstated to the satisfaction of the Council after the completion of the development. This will be secured via the submission and approval of Schedules of Condition and a financial contribution to pay for the full cost of the Council's reinstatement works (in line with DM9.2 and CS 18). A Highways Agreement may be used to carry out highways reinstatement works.
- 7.17 The financial contribution to be paid by the developer will cover the cost of:
- Reinstatement works;
 - Related utility works;
 - Any damage to or relocation of street furniture; and
 - The removal of redundant crossovers.

7.18 Condition surveys will need to be submitted to and agreed by the Council before and after construction of the development. These will be used to assess the damage that has occurred as a result of the development and will allow LBI Highways to determine the extent and costs of reinstatement works required. The developer will be required to pay a deposit to cover the cost of the estimated reinstatement works. If this exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.

7.19 Condition surveys should assess the following:

- Line and level of footways and carriageways;
- Condition of surfacing;
- Condition of access covers;
- Condition of cycle lanes, tracks and paths;
- Condition of street furniture (including lighting);
- Condition of gullies, connections, channels and kerbs;
- All gullies in footways and carriageways to be checked for blockages and to remain free flowing;
- Redundant crossovers;
- Barriers to access; and
- Other relevant issues particular to the site.

7.20 Where Transport for London (rather than the Council) is the relevant highway authority then the developer will be required, prior to commencement of development, to enter into an agreement with TfL providing for reinstatement of highways and footways.

7.21 Any further works to the public highway or related works necessary to enable a development to take place (e.g. alterations of access to a site) that are not already covered through the Transport and Public Realm contribution will need to be agreed by the Council (or Transport for London/ neighbouring authorities where appropriate) and the costs of such works will also be payable by the applicant.

7.22 Works to the Public Highway with regard to a development will be undertaken by the relevant Highway Authority (the Council, Transport for London or the neighbouring authority where appropriate) as set out in Section 278 of the Highways Act (1980). However, under exceptional circumstances and where agreed by the Highway Authority, an applicant may enter into an agreement with the Highway Authority to undertake works on the Public Highway.

7.23 Where a new road is being built by the developer it may be necessary to enter into an agreement with the Highway Authority as detailed in Section 38 of the Highways Act 1980, including providing a commuted sum, to enable this to become adopted Highway.

Carbon offsetting (standard obligation on all major schemes and on minor residential developments)

POLICY SIGNPOST	NPPF Paragraph 17, 95 & 97	LONDON PLAN Policy 5.1	CORE STRATEGY CS 10	DEVELOPMENT MANAGEMENT POLICIES DM7.1 & DM7.2
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- 7.24 One of the NPPFs core planning principles is to support the transition to a low carbon future in a changing climate, taking full account of flood risk, to encourage the reuse of existing resources, including conversion of existing buildings, and to encourage the use of renewable resources (for example by the development of renewable energy) (NPPF paragraph 17).
- 7.25 To support the move to a low carbon future, the NPPF states that local planning authorities should:
- Plan for new development in locations and ways which reduce greenhouse gas emissions;
 - Actively support energy efficiency improvements to existing buildings; and
 - When setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards (NPPF 95)
- 7.26 The Mayor of London seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent (below 1990 levels) by 2025 and expects boroughs to help meet this target. Development proposals should make the fullest contribution to minimising emissions in accordance with targets for minimum improvements (see London Plan Policy 5.1), which are designed to lead to zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019.
- 7.27 Policy CS 10 states that the Council will seek to minimise Islington's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. It will do this by:
- requiring all development to demonstrate that it has minimised on-site carbon dioxide (CO₂) emissions; and
 - requiring all minor residential and all major development to offset all remaining CO₂ emissions associated with the building through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.
- 7.28 The Environmental Design SPD and Development Management policies provide guidance on design and construction methods to help achieve this aim. All developments in Islington are required to achieve best practice energy efficiency standards, in terms of design and specification (DM7.2).
- 7.29 All remaining emissions not dealt with by on-site measures will be offset in line with policies CS 10 and DM7.2. Developers are required to meet full offsetting costs, unless it can be demonstrated that this is not feasible, in which case the maximum feasible payment for offsetting will be required. Further details are provided in the Environmental Design SPD. The Council will apply the Environmental Design SPD in favour of DM7.2 to the extent that carbon offsetting will not be required for non-residential minor development.
- 7.30 A contribution towards offsetting any projected residual carbon emissions of the development will be calculated as follows:

Formula – Carbon offsetting

After minimising CO₂ emissions onsite (regulated emissions for minor new build residential developments, regulated and unregulated emissions for major development³³), all remaining emissions will incur a charge, which is calculated as follows:

For all major developments (10 residential units / 1000sqm of commercial floorspace and above) it is based on an established price per tonne of CO₂ for Islington (currently set at £920); the amount of CO₂ to be offset and the resulting financial contribution shall be specified in the submitted Energy Statement.

For minor new-build residential developments (1 to 9 units) the cost of the offset contribution is a flat fee based on the development type:

- Houses - £1500 per house
- Flats - £1000 per flat

7.31 The submitted Energy Statement is required to use building modelling software to calculate the baseline total CO₂ emissions for a Building Regulations Part L 2006 or 2010 compliant scheme. The Energy Statement will then demonstrate how the CO₂ emissions for the scheme have been further reduced through energy efficient fabric and services and the inclusion of any renewable technologies. Once this reduction is subtracted the resulting measure will be the remaining total CO₂ emissions, which need to be offset.

7.32 The contribution towards offsetting projected residual carbon emissions is spent on measures which reduce carbon emissions from the existing building stock, such as energy efficiency improvements to social and private housing in the borough. The spending of carbon offset payments and the monitoring of carbon savings delivered will be managed by the Council.

Decentralised energy (standard obligation)

POLICY SIGNPOST	NPPF Paragraph 97	LONDON PLAN Policy 5.2 & 5.6	CORE STRATEGY CS 10	DEVELOPMENT MANAGEMENT POLICIES DM7.3
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7.33 One of the ways in which carbon emission reductions can be achieved is to identify and realise opportunities for developments to draw their energy supply from decentralised, renewable or low carbon energy supply systems and for potential heat customers and suppliers to be co-located (NPPF 97).

7.34 Major development proposals should include a detailed Energy Statement to demonstrate how the targets for carbon dioxide emissions reduction are to be met. This should include information on proposals to further reduce carbon dioxide emissions through the use of decentralised energy where feasible, such as district heating and cooling and combined heat and power (London Plan 5.2).

³³ Regulated emissions are those controlled by Part L of Building Regulations. Unregulated emissions are those not controlled by Part L of the Building Regulations, for example, plug loads.

7.35 Policy 5.6 of the London Plan requires major developments to select energy systems in accordance with the following hierarchy:

- i. Connection to existing heating or cooling networks;
- ii. Site wide CHP network;
- iii. Communal heating and cooling.

7.36 Islington Council will promote zero carbon development by working with partners to promote and develop decentralised energy networks (DENs), with a particular focus on areas of the borough with the greatest potential for such networks (see figure 7-1).

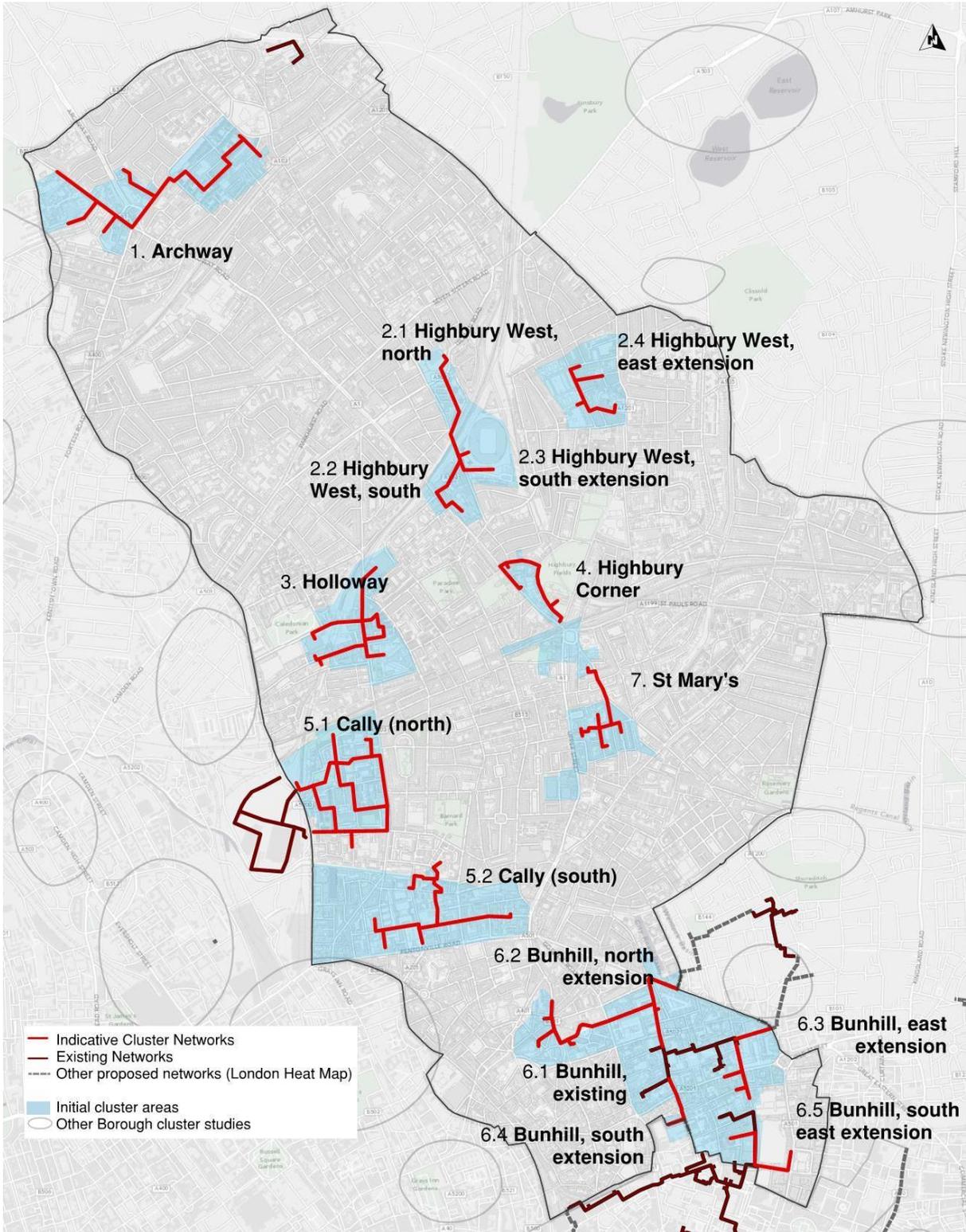
7.37 All development will be required to contribute to the development of these DENs, including by connecting to networks where these exist in their vicinity (CS 10) unless it is demonstrated that this is either not feasible or not viable. In the case of minor development, whether or not a development will be required to assess the viability of a connection is decided by the location of the development.

7.38 The requirements for connection to DENs are as follows (DM7.3):

- Major Developments are required to be designed to be able to connect to a DEN and, unless a feasibility assessment demonstrates that this is not reasonably possible,
 - if located within 500 metres of an existing DEN, will be required to connect and meet associated charges;
 - if located within 500 metres of a planned future DEN (likely to be operational within 3 years of planning permission), will be required to provide a means to connect and meet associated charges;
 - if connection is possible, are required to detail a preferred energy strategy and an alternative energy strategy within their Energy Statements; and
 - if connection is not possible, should develop and/or connect to a Shared Heating Network (developers will be obliged to look at the neighbouring buildings to assess the applicability of expanding a site-wide communal energy network beyond the site to the local neighbourhood);
- Minor developments located within 100 metres of an existing DEN, unless it can be demonstrated that this is not reasonably possible, will be required to be designed to be able to connect to a DEN.

7.39 Figure 7-1 shows existing and proposed locations for Decentralised Energy Networks in the borough. Further detail on the existing and future networks can be found at www.islington.gov.uk/environment/energy-services/decentralised-energy

Figure 7-1: Decentralised Energy Network map



Source: Islington Borough Energy Mapping, Buro Happold (2014)

Removal of eligibility for residents' parking permits (standard obligation on additional residential units)

POLICY SIGNPOST	NPPF Paragraphs 29-30, 39	LONDON PLAN Policy 6.13	CORE STRATEGY CS 10	DEVELOPMENT MANAGEMENT POLICIES DM8.5
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- 7.40 Islington has high levels of public transport accessibility and low levels of car ownership by national standards. However, as it is such a densely populated area, the rate of resident-owned vehicles per hectare is the third highest in London and the UK (see Islington's Development Management Topic Paper on the subject of transport³⁴). As a result, congestion and pollution levels are high.
- 7.41 Islington wants to encourage sustainable transport choices through new development, to minimise Islington's contribution to climate change and ensure that the borough develops in a way that respects environmental limits and improves quality of life. Therefore, as stated in DM8.5, all additional homes are required to be car free in line with Core Strategy Policy CS 10. Unless exceptional circumstances can be demonstrated, no parking permits will be issued to occupiers of these new homes and no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking.
- 7.42 Owners must notify prospective purchasers and tenants of the car-free status of a property prior to entering into a contract to sell or rent the property.
- 7.43 The car-free status of new residential units can be formalised either as part of a legal agreement or via planning conditions.

Green Performance Plans (standard obligation)

POLICY SIGNPOST	NPPF Paragraphs 94 & 95	LONDON PLAN Policy 5.3	CORE STRATEGY CS 10	DEVELOPMENT MANAGEMENT POLICIES DM7.1
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- 7.44 The NPPF requires the move towards a low carbon future, and adoption of proactive strategies to mitigate and adapt to climate change (paragraphs 94 & 95).
- 7.45 Surveys of completed buildings reveal a substantial gap between design expectations and delivered performance, especially with regard to energy performance. To support and promote sustainability through buildings' ongoing operation (CS 10), Islington Council requires all major developments to provide a Green Performance Plan (GPP) (DM7.1).
- 7.46 Based on the Travel Plan model, the GPP is a plan for monitoring the performance of a building in use against key sustainability indicators. The requirements for what to cover in the plan are contained within Appendix 3 of the Environmental Design SPD. This includes:
- Measurable performance targets and indicators for the occupied building;
 - Arrangements for management and monitoring of the plan over the first two years of occupation;

³⁴ [http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Information/Guidance/2012-2013/\(2012-08-17\)-Topic-Paper-Transport.pdf](http://www.islington.gov.uk/publicrecords/library/Planning-and-building-control/Information/Guidance/2012-2013/(2012-08-17)-Topic-Paper-Transport.pdf)

- Arrangements for addressing performance in the event that the agreed objectives are not met at the end of the two year monitoring period.

- 7.47 The measurable performance targets and indicators should be based on the commitments made in the Sustainable Design and Construction Statement (including the Energy Statement) submitted as part of the planning application. It is anticipated that monitoring of residential schemes is likely to be more difficult than for non-residential schemes. For this reason, core indicators are set out separately for residential and non-residential schemes. These can be found in Table 8.1 of the Environmental Design SPD.
- 7.48 The managing and monitoring arrangements will be a key part of the GPP. The developer is required to clearly set out how the ongoing management, monitoring and reporting of the plan will be coordinated. In cases where the end occupier is not known, arrangements for the handover of the GPP to occupiers/managers of the site or another relevant body will also need to be detailed. A monitoring and reporting schedule and outline of approach to monitoring should be set out in the plan, with a minimum monitoring period of two years.
- 7.49 In the event that the agreed objectives are not met at the end of the nominated monitoring period, the final report will need to analyse and explain the reasons for why targets were missed. The arrangements for addressing performance where objectives are not met will need to be agreed with the Council and included in the S106 agreement.
- 7.50 A draft GPP is required to be submitted with the planning application. Where the end occupier is known, the plan should be developed jointly. A full GPP with updated targets (adjusted to reflect new information on occupancy etc.) and with full details of monitoring arrangements shall be submitted within 6 months of occupation. A final report on implementation of the GPP shall be submitted at the end of the nominated monitoring period (minimum two years), to the satisfaction of Council officers.
- 7.51 For further detail regarding the information requirements at each stage of GPP submission, see Appendix 3 of the Environmental Design SPD.

Travel Plans

POLICY SIGNPOST	NPPF Paragraph 32, 35-36	LONDON PLAN Policy 6.3	CORE STRATEGY CS 10	DEVELOPMENT MANAGEMENT POLICIES DM8.2
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- 7.52 To ensure that opportunities for the use of sustainable transport modes are protected and exploited, the NPPF states that all developments that generate significant amounts of movement should be:
- Supported by a Transport Statement or Transport Assessment (NPPF paragraph 32); and
 - Required to provide a Travel Plan (NPPF paragraph 36).
- 7.53 To support and encourage sustainable transport choices (CS 10) Islington Council (through DM8.2) requires development proposals, in accordance with the thresholds outlined below, to include either a:
- Transport Assessment and Travel Plan; or
 - Transport Statement and Local Level Travel Plan.

Table 7.1: Thresholds for Transport Assessments and Travel Plans

Land use	Threshold for full Travel Plan
A1 Retail	Equal to or more than 1,000sqm
A3/A4/A5	Equal to or more than 750sqm
B1/B2/B8	Equal to or more than 2,500sqm
C1 Hotels	Equal to or more than 50 beds
C3 Residential	Equal to or more than 50 residents
D1 Hospitals/medical centres	Equal to or more than 50 staff
D1 Schools	All developments to have a school Travel Plan
D1 Higher and further education	Equal to or more than 2,500sqm
D1 Museum/gallery	Equal to or more than 100,000 visitors annually
D1 Places of worship	Equal to or more than 200 members/regular attendees
D2 Assembly and Leisure	Equal to or more than 1,000sqm

Source: DM Policies

7.54 All major developments that fall below the thresholds in the table above will be required to produce a Transport Statement and a Local Level Travel Plan. In some circumstances a Travel Plan will also be necessary for proposals that do not meet the thresholds where the nature of the development warrants this, where a transport impact is expected from the development, or where a cumulative impact is expected from different uses within a development or from a number of developments in the vicinity.

7.55 A Travel Plan should set out how the end users of the development will accord with sustainable transport objectives, identifying a package of measures that promote sustainable transport, with an emphasis on reducing travel by motor vehicles and encouraging walking and cycling (see Appendix 5 of DM Policies, London Plan Policy 6.3 and TfL's Transport Assessment Best Practice Guidance for major planning applications³⁵ for more detail). The submitted information is required to be sufficiently detailed and accurate to enable the Council to fully assess the development proposal.

7.56 Where Travel Plan measures are not considered adequate, the Council may require additional contributions where necessary to help to offset the impacts of the development.

7.57 A Draft Framework Travel Plan for the whole development should be submitted at application stage if:

- The end-occupier of the development is unknown at the time of submission; or if
- A development is phased.

7.58 A Draft Full Travel Plan must then be submitted to the Council for approval:

- Prior to occupation of the site.

7.59 A Full Travel Plan must then be submitted to the Council for approval:

- Within six months after first occupation of the site, including a full travel survey; or
- Within six months of occupation of each phase of the development (for phased developments).

7.60 In all cases, a Travel Plan update should be submitted to the Council (including a travel survey) three years after occupation of the development (or relevant phase) for the Council's approval.

³⁵ <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance>

Other environment obligations

- 7.61 Other than the more commonly applied environment obligations shown above, depending on the nature of the individual scheme and site, contributions or provisions may also be required in relation to the conservation of buildings or places of historic or architectural interest.
- 7.62 An inherent part of Islington's distinct character is its wealth of many important heritage assets which date from various periods. Islington's heritage assets make a substantial positive contribution to the borough's local character and distinctiveness and are an irreplaceable resource which justifies their conservation and enhancement in a manner appropriate to their significance.
- 7.63 These heritage assets include listed buildings, conservation areas, registered parks and gardens, scheduled monuments and archaeological priority areas. The layout and patterns of streets, vistas, streetscapes and open spaces are also of importance. It is vital that the borough retains its distinct character and the assets which form part of it, regardless of whether they are designated or not (Core Strategy CS 9, London Plan 7.8, NPPF 126).
- 7.64 Planning obligations may be used to ensure that new developments:
- Make appropriate provisions for the protection, conservation, repair, restoration, maintenance or relocation of heritage assets and if necessary, their setting;
 - Where possible, make these assets available to the public on-site and provide appropriate visitor infrastructure; and
 - Where the archaeological asset or memorial cannot be preserved or managed on-site, make provision for the investigation, understanding, recording, dissemination and archiving of that asset.
- 7.65 Please note that measures relating to climate change adaptation and biodiversity are dealt with mostly through the main planning application, through planning conditions or, if an obligation is necessary, through public realm or open space works (see Chapter 4).

8.0 Other obligations

Viability Review

- 8.1 In order to ensure that the maximum reasonable level of affordable housing is provided in line with London Plan Policy 3.12 and Core Strategy Policy CS12 and that other plan requirements are met, the Council will require viability review mechanisms through Section 106 agreements:
- On all major residential / mixed use applications which do not meet the strategic affordable housing target; and
 - For all major applications where policy requirements are not met in full at the time permission is granted.
- 8.2 For more details on this obligation see the Islington Development Viability SPD (2016) Chapter 7.

Council costs

- 8.3 Negotiating, agreeing, implementing, monitoring, enforcing and allocating planning obligations are additional costs to the Council. The officer and legal costs of negotiating, monitoring and implementing obligations will be recouped through planning obligations.

Other

- 8.4 Applications are considered on a case by case basis and where an additional need arises relating to a development proposal, other obligations will be required where they are necessary to make a development acceptable in planning terms.

9.0 Negotiating planning obligations

9.1 The negotiation of S106 agreements is primarily the responsibility of the Development Management case officer, supported by an officer from the Planning Obligations team. There may also be need for potential involvement from other bodies in the process, such as Transport for London (see SPD Chapter 4), who may be signatories to the S106 agreement and/or be responsible for infrastructure or services included in such an agreement. Figure 9-1 contains an outline of the negotiation process.

Pre-application stage

- 9.2 It is essential that the probable need for a S106 agreement is considered at pre-application stage.
- 9.3 At this stage, full consideration should be given to the impacts of the proposed development and its acceptability in accordance with relevant planning policy and standards. This includes assessing the need to enter into a S106 agreement with the Council, and considering which planning obligations may be necessary to make a development acceptable, to bring it into line with the objectives of sustainable development and to ensure compliance with relevant Council policies and strategies.
- 9.4 Details of the development proposed should be submitted to relevant officers at pre-application stage. Officers will make an assessment of the impacts of the development and will provide guidance regarding the planning obligations that are likely to be required.
- 9.5 The Council aims to agree draft Heads of Terms (which will form the basis of the agreement) at pre-application stage. This should ensure that there is sufficient time for drafting and completing the agreement prior to determination of the application where applicable.
- 9.6 During S106 negotiations, if an agreement cannot be reached, the applicant may be invited to provide alternative proposals and a related justification.
- 9.7 In line with the national indicator for planning activity performance (NI 157), planning applications should be processed “in a timely manner”:
- Minor applications - within 8 weeks
 - Major applications - within 13 weeks
 - Other applications - within 8 weeks
- 9.8 It is essential that the process for agreeing a S106 does not prevent the achievement of performance targets and time limits, and planning and legal officers should all be working towards the appropriate limit for the issuing of the legal agreement and the planning decision. Early and close cooperation between the development management case officer, the planning obligations officers and the legal team is therefore essential.

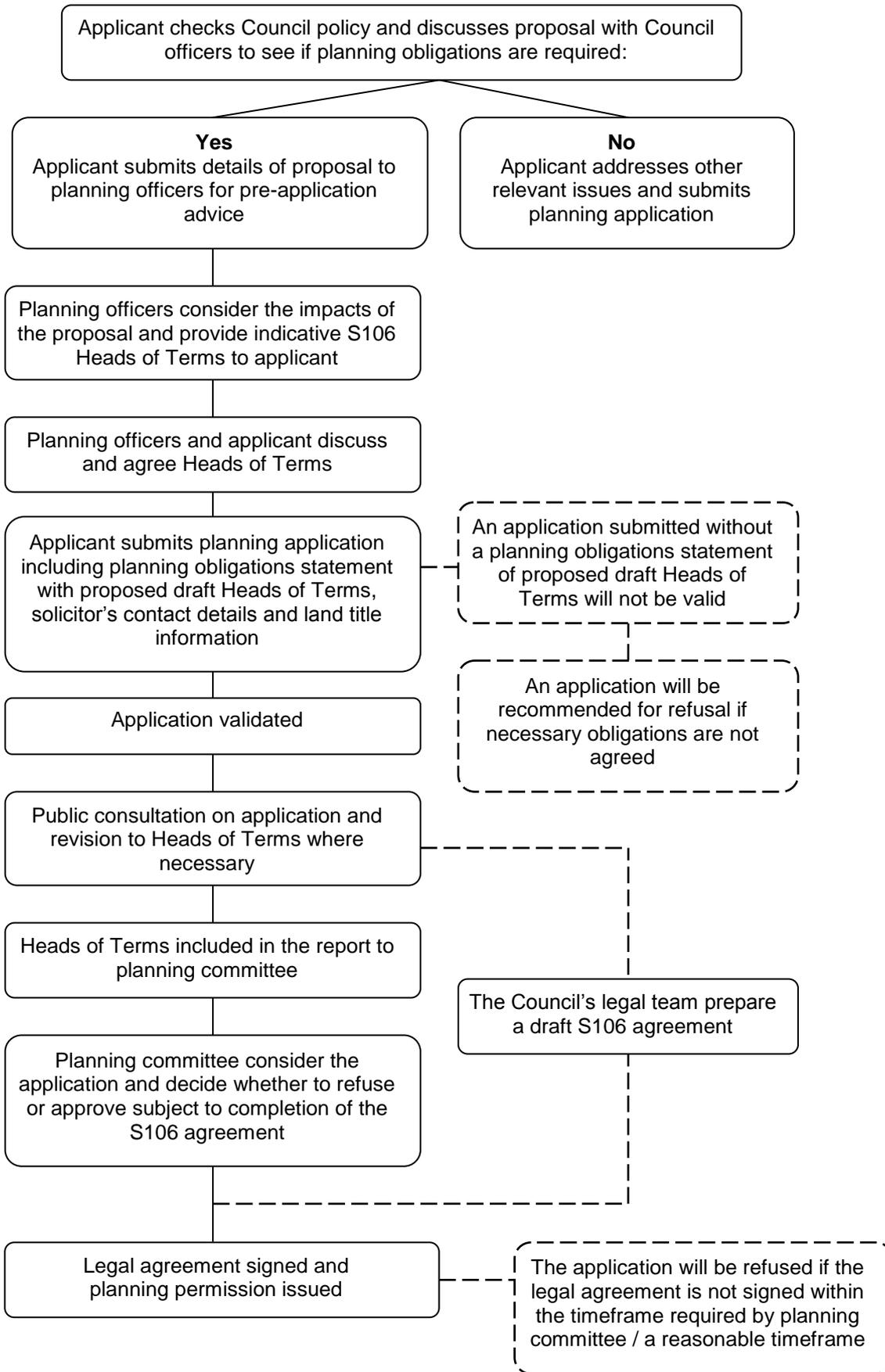
Application stage

9.9 A statement of the proposed Heads of Terms which will form the basis of a Section 106 (S106) agreement to be entered into in respect of the application should be submitted as part of any planning application for a major development which is likely to require planning obligations (see thresholds in Chapter 2 of this SPD). For minor developments involving at least one residential unit, unilateral undertakings are required in relation to carbon offsetting, removal of eligibility to car parking permits and small sites affordable housing contributions.

Please see Chapter 2 of this SPD for further guidance and clarify the situation with officers at pre-application stage.

- 9.10 To enable the Council to determine the application, the statement should:
- indicate what planning obligations will apply to the development,
 - clarify any advice provided at pre-application stage and
 - provide details of the applicant's solicitors and land title.
- 9.11 All parties with an interest in the land should enter into the agreement. It is vital that these parties are identified and informed early in the application process to avoid delays in the completion of the agreement.
- 9.12 Advice given by the Council before an application is submitted or in the initial stages of the application may be subject to alteration during the application process, as a result of further issues that arise during the application and consultation process. Officers will instruct the Council's legal department to commence drafting the agreement at the earliest possible stage, so that this is ready for completion within statutory deadlines as soon as Heads of Terms are agreed.
- 9.13 If necessary planning obligations are not agreed to, officers will prepare a recommendation to refuse permission. If agreement is reached and the development is acceptable in all other matters, officers will prepare a recommendation to grant planning permission subject to the completion of a satisfactory S106 agreement.
- 9.14 Heads of Terms will be included in a planning report and will form part of the basis from which a decision is made. The delegation of authority from the Executive relating to planning applications requires that all recommendations to grant planning permission for major developments have to be determined by the Planning Committee. Any planning applications for minor developments with a S106 agreement should be determined by the Planning Sub Committee, unless:
- The Heads of Terms relate only to securing affordable housing and/or affordable workspace and/or carbon offsetting in line with planning policy and/or securing highway works in relation to the application site; or
 - The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site.
- 9.15 Following a committee decision, should the applicant not be willing to complete the agreement under the terms presented and within a reasonable timescale, the application will be refused.

Figure 9-1: S106 negotiation process



Consultation

- 9.16 Local residents, stakeholders and the public can make comments on a planning application during the statutory consultation period. Consultees may identify particular impacts or other issues that are likely to arise from a development and potential areas for mitigation. A process of internal consultation also takes place with relevant officers and local Councillors.
- 9.17 The Council will consider comments submitted and establish whether it is appropriate to use planning obligations to address issues raised. If so, officers will seek to agree the terms of relevant obligations with the applicant where these have not already been addressed. Further information on how to comment on planning applications is set out on our web page on Consultations on Planning Applications:
<https://www.islington.gov.uk/planning/applications/permission-check/planning-application-process>
- 9.18 Comments received during the application stage will also be reviewed at the time of implementation of S106 agreements, when contributions are received by the Council and when project proposals are considered for funding.
- 9.19 The Council also undertakes consultation on area strategies and frameworks, on specific projects to improve facilities such as streets and open spaces, and for the purposes of informing other borough wide plans, strategies and assessments, which are used to help inform the use of S106 contributions.

Development Viability

- 9.20 Applicants are required to submit a viability appraisal for major residential applications or for any other application where viability is relied upon as a factor in determining the application.
- 9.21 Viability assessments should be undertaken in line with guidance published in the Council's Development Viability SPD. Key requirements of the Council centre around verification of information, deliverability and transparency; methodology and procedure; evidence, inputs and assumptions; viability review mechanisms; and Council monitoring and reviews.
- 9.22 In cases where applicants submit that financial viability issues do not allow for the full range of planning obligations to be met, they are required to provide a financial appraisal and pay for a review of the appraisal by a suitably qualified expert appointed by the Council. Only where financial viability is a demonstrable issue and where developments have overriding planning benefits should consideration be given to a grant of planning permission. Further information is set out in the Development Viability SPD, which can be found at: <http://www.islington.gov.uk/developmentviability>

Payment of contributions

- 9.23 Payment of financial contributions should normally be on or before implementation of the development. This will enable mitigation and improvement works to commence during construction of the development and, where feasible, be co-ordinated with the completion of development.
- 9.24 For phased developments, the staging of payments may be acceptable. The developer must inform the Council when the relevant stage triggers have been reached. The Council will normally only receive contributions if construction of the development has commenced. Larger projects funded through S106 contributions may take longer to deliver given the time that may be required to put sufficient additional funding in place, to work up details of

projects, undertake consultation, obtain relevant consents and address any other issues that arise.

9.25 All financial contributions should be index-linked from the date of committee to the date of actual payment, to ensure that the value of the obligation does not reduce over time due to inflation.

9.26 Should a payment not be made on the date due, interest will be charged in order to act as a disincentive to late payment.

Enforcement and monitoring

9.27 Planning obligations are enforceable by the Council as local planning authority under the Town and Country Planning Act 1990:

- In the courts by application for an injunction or recovering contributions payable; and
- By carrying out any operations required by the Planning Obligation and recovering the cost from the person(s) against whom the obligation is enforceable.

9.28 It is the responsibility of the S106 monitoring officer to:

- Monitor the implementation of developments;
- Monitor developer's compliance with planning obligations;
- Report on the status of S106 agreements; and
- Commission S106-funded schemes.

9.29 A solicitor's undertaking will be required to pay the Council's reasonable legal fees based on the time taken in preparing the S106 agreement. The costs of monitoring and implementing the agreement will be included within the contributions sought (see also Chapter 8).

Allocation and expenditure

9.30 The management of S106 funded projects will largely be the responsibility of other Council departments or, in certain circumstances, external organisations. The S106 monitoring officer will work with project managers to ensure that schemes are delivered in compliance with the terms of the S106 agreement.

9.31 Most obligations will need to be met on or before 'implementation' of the development. Implementation is the date on which any material operation³⁶ forming part of the development begins. Developers should notify the Council of their intention to implement the planning consent and at any other times specified in the agreement. Contributions will normally be paid at this time. This is to ensure that capacity improvement works are carried out during the construction of the development, to minimise upheaval to residents and create sufficient capacity on local infrastructure in advance of occupation.

9.32 Contributions will be used for projects which address the issues referred to in this document and other needs which may arise by mitigating the impacts of the development. The works undertaken will be informed by a range of existing and forthcoming documents which include details of borough requirements which will be affected by new development. The use of contributions will be informed by consultation undertaken on the planning application,

³⁶ As defined by Section 56(4) of the Town and Country Planning Act 1990

associated planning obligations, and relevant planning documents. Where insufficient contributions are available from one development to deliver a project, these may be pooled with other funding sources in line with limitations as set out in the CIL Regulations (see Chapter 2 of this SPD).

- 9.33 Where appropriate, on receipt of contributions the Council undertakes a process of evaluation of different project proposals based on a range of criteria, including government guidance, the terms of the S106 agreement, relevant strategies and priorities. This is undertaken in consultation with Ward Councillors and allocations are approved by the Service Director for Strategic Planning.
- 9.34 “Ward Improvement Plans” are used to help prioritise projects for funding. Projects can be viewed and new projects submitted through the Ward Partnership. The Ward Improvement Plan for each ward can be found on the relevant Ward Partnership page on the Council’s website: <http://www.islington.gov.uk/involved/ward-partnerships/Pages/default.aspx>”.
- 9.35 The impact of projects funded through S106 contributions upon equality will be considered in accordance with the Council’s equality and diversity policy ‘Dignity For All’. The organisations involved in the implementation of projects will be required to comply with relevant equalities policy detailed within ‘Dignity For All’³⁷.

³⁷ https://www.islington.gov.uk/~/_media/sharepoint-lists/public-records/communityandliving/businessplanning/policies/20112012/20120303dignityforallbooklet

10 Appendix A: Occupancy and employment densities

- 10.1 Planning obligations are generally worked out on the basis of the specification of the development proposal i.e. the number of residential units of a specific size, the number of hotel/ student housing/ hostel bedrooms and/ or the floorspace of commercial/ employment uses.
- 10.2 The occupancy of employment spaces can be calculated by dividing the amount of employment floorspace (in square metres) by the employment densities (square metres per employee) as detailed in the 2015 Homes and Community Agency (HCA) Employment Density Guide.
- 10.3 Applicants should provide the Council with net internal area (NIA) measurements to facilitate this calculation, as well as GIA and GEA measurements. If these measurements are not provided the Council will use the measurements listed in the planning application form and convert them, based on the guidelines set out for this in the HCA Employment Density Guide 2015:
- GEA to GIA: Reduction of 5%
 - GIA to NIA: Reduction of 15-20%
- 10.4 With the move to more flexible working practices such as smart working, there has been an increasing reduction in the area of employment floorspace per employee in recent years. Uplift of employees, to determine an increase or decrease in the intensity of a site's use, can be demonstrated by the applicant through evidence of existing and proposed numbers of employees on site.
- 10.5 For schemes where either current or proposed occupancy levels are not specified or not certain in exact terms at the time of calculating Heads of Terms, the Council may use previous or current HCA employment density levels (from 2001, 2010 or 2015 depending on the nature, age and use of the building) to estimate current or recent occupancy of a development and current HCA employment densities (2015 or any future updates as they are published) to project estimated levels of future occupancy for a proposed new development (see table overleaf and also Chapter 2 section on Standard Obligations and Occupancy Rates of this SPD for more details).
- 10.6 These figures are provided as a guide and may be reviewed in relation to specific sites and when further information becomes available. Employment densities for any use classes not present in the table below will be determined according to available evidence at the time of assessment.

Table 10.1: HCA Employment Density Matrix 2015

Use Class	Sub-Category	Sub-Sector	Density (sqm)	Notes
B1a Offices	General Office	Corporate	13	NIA
		Professional Services	12	NIA
		Public Sector	12	NIA
		TMT	11	NIA
		Finance & Insurance	10	NIA
	Call Centres		8	NIA
B1b	R&D Space		40-60	NIA lower densities will be achieved in units with higher provision of shared or communal spaces
B1c	Light Industrial		47	NIA
B2	Industrial & Manufacturing		36	GIA
B8	Storage & Distribution	National Distribution Centre	95	GEA
		Regional Distribution Centre	77	GEA
		'Final Mile' Distribution Centre	70	GEA
Mixed B Class	Small Business Workspace	Incubator	30-60	B1a, B1b – the density will relate to balance between spaces, as the share of B1a increases so too will employment densities.
		Maker Spaces	15-40	B1c, B2, B8 - Difference between 'planned space' density and utilisation due to membership model
		Studio	20-40	B1c, B8
		Co-Working	10-15	B1a - Difference between 'planned space' density and utilisation due to membership model
		Managed Workspace	12-47	B1a, b, c
B8 / Sui Generis	Data Centres	Wholesale	200-950	
		Wholesale Dark Site	440-1,400	
		Co-location Facility	180-540	
A1	Retail	High Street	15-20	NIA
		Foodstore	15-20	NIA
		Retail Warehouse	90	NIA
A2	Finance & Professional Services		16	NIA
A3	Restaurants & Cafes		15-20	NIA
C1	Hotels	Limited Service / Budget	1 per 5 beds	FTE per bed
		Mid-scale	1 per 3 beds	FTE per bed
		Upscale	1 per 2 beds	FTE per bed
		Luxury	1 per 1 bed	FTE per bed
D2	Fitness Centres	Budget	100	GIA
		Mid Market	65	GIA – both types tend to generate between 40-50 jobs per gym
		Family		
	Cinema		200	GIA
	Visitor & Cultural Attractions		30-300	The diversity of the cultural attraction sector means a very wide range exists
	Amusement & Entertainment Centres		70	Potential range of 20-100sqm

Source: 3rd edition (2015) Homes and Community Agency (HCA) Employment Density Guide

11 Appendix B: Development example

11.1 The tables below provide a worked example of the main S106 planning obligations sought for a hypothetical development proposal which can be defined in numerical terms (e.g. contributions £, number of placements or parking bays required etc). The tables identify the predicted occupancy of the development and the standard obligations and contributions likely to be due for each relevant type of obligation mentioned in this document.

11.2 For some obligations such as employment and training and accessible parking, the Council may seek that provision is made on site. In this instance, both the provision and the financial contribution is shown.

11.3 The example scheme illustrated below is for a mix of uses including residential units (50% market and 50% affordable housing, with the affordable housing being split into 70% social and 30% intermediate housing) and A1 commercial space outside of the Central Activities Zone (CAZ):

- 20 x 1 bedroom flats (10 market units, 7 social units, 3 intermediate units)
- 40 x 2 bedroom flats (20 market units, 14 social units, 6 intermediate units)
- 20 x 3 bedroom flats (10 market units, 7 social units, 3 intermediate units)
- 350 square metres of A1 floorspace

11.4 Employment occupancy details are worked out as follows:

Employment occupancy	Floorspace area (sqm)	Density (sq m per employee)	Number of employees
A1 - Shops	350	/ 15	= 23.3

11.5 Standard obligations and contributions and contributions are subsequently worked out, based on the above occupancy calculations:

Employment and training placements (construction)			
	Units / area sq. m.	No of units / floorspace per placement	Number of placements required
Residential Units	80	/ 20	= 4
Employment Floorspace	350	/ 1000	= 0.35
		Total	= 4.35
OR			
Employment and training contribution (construction)			
	Number of placements	Cost of providing construction training and support per placement	Contribution to be paid (£)
	4	x 5000	= 20,000
		Total	= 20,000

	Occupancy of the development		Islington residents requiring training and support		Cost of training/support per person (£)		Contribution to be paid (£)
Employees	23.3	x	0.067	x	2500	=	3,903
					Total	=	3,903

	Units / area sq. m.		No of units / floorspace per £1000 contribution		Contribution		Contribution to be paid (£)
Residential Units	80	/	10	x	£1000	=	8,000
Employment Floorspace	350	/	1000	x	£1000	=	350
			Total			=	8,350

Accessible parking provision units / area sq. m.			No of residential units / employees per parking bay		Number of disabled parking bays required
Residential Units	80	/	10	=	8
Employees	23.3	/	33	=	0.71
			Total	=	9
OR					
Accessible parking contribution			Contribution per parking bay (£)		Contribution to be paid (£)
Net number of disabled parking bays required					
9		x	2,000	=	18,000
			Total	=	18,000

Carbon offsetting			Carbon offsetting contribution (£)		Contribution to be paid (£)
Tons of residual carbon to be offset (specified in the submitted Energy Statement)		x	established price per tonne of CO2 for Islington (currently £920)	=	TBC by the Council's Energy Conservation Officer
			Total	=	TBC

11.6 The results of these calculations provide a starting point for negotiations, together with other standard obligations which are not worked out on a numerical basis (e.g. a requirement for the development to be car free etc; see Appendix B for more details). Final obligations can be refined based on the specific characteristics and impacts of the development, having regard to relevant evidence and legislation and in consultation with key officers in relevant departments (e.g. learning, skills and employment, highways etc).

12 Appendix C: Standard Heads of Terms

12.1 The following standard Heads of Terms are provided to give an indication of the terms that will usually form the basis of S106 agreements for typical new major or minor developments, based on a 10 unit threshold for residential and a 1,000 sq m threshold for commercial or mixed use sites.

12.2 Standard obligations and costs are explained in the Chapter 2 section on Standard Obligations and Occupancy Rates of this SPD. All obligations and relevant thresholds are listed in Table 2.1, with more details on each type of obligation in Chapters 4 - 8.

Example Heads of Terms – All major development

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation of x work placement(s) during the construction phase of the development. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider(s) to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). LBI will request a fee of £5,000 per placement not provided.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £x and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of x accessible parking bays or a contribution of £x towards bays or other accessible transport initiatives.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920); Total amount to be confirmed by the Council's Energy Conservation Officer.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan.

- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1).
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
- Others as necessary.

Additional Heads of Terms for all major residential / mixed use applications which do not meet the strategic affordable housing target and for all major applications where policy requirements are not met in full at the time permission is granted

- Viability review in line with the Islington Development Viability SPD (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units or 3 months prior to practical completion. Reasonable fees of assessing the information to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the Council, to be determined in accordance with the SPD and capped at the equivalent of the Council's affordable housing target and/ or a contribution for other planning obligations that were deemed to be unviable at application stage, capped at the policy requirement.
- For phased developments a further viability review will be required prior to implementation and for large phased developments a third review will be required at a mid-term stage in line with the Development Viability SPD.

Additional Heads of Terms for residential developments:

- Removal of eligibility for residents' parking permits (additional units only)

Major residential developments only:

- On-site provision of affordable housing in line with Core Strategy Policy CS 12
- Prevention of wasted housing supply. All dwellings required to be fully furnished and equipped for use as a home, and not to be left unoccupied for any continuous period of 3 consecutive months or more (plus other requirements as per Islington's Wasted Housing Supply SPD). The applicant agrees to include these obligations in sales and marketing information and in any head lease or subleases that may be granted.
- Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development.

Minor residential developments only:

- A financial contribution of £x towards affordable housing provision elsewhere in the borough.

- A contribution towards offsetting any projected residual carbon emissions of the development, to be charged at £1,500 per house or £1,000 per flat (to be confirmed by the Council's Energy Conservation Officer).

Additional Heads of Terms for commercial developments:

- Payment of a commuted sum of £x towards employment and training for local residents.
- Affordable workspace or equivalent provision to be agreed between the applicant and the Council.

Additional Heads of Terms for developments in the Central Activities Zone

- A contribution towards Crossrail of £x.
- For proposals with an increase in office floorspace in the Central Activities Zone, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site.

Additional Heads of Terms for student residential developments:

- A management agreement, including drop off restrictions and noise agreements, to be made available to local residents on request.
- A contribution of 2.4% of the total annual rental income from the student housing development towards bursaries for students leaving Council care and other Islington students facing hardship who are attending a higher or further education establishment (Payments due annually for a period of thirty years, or until the site ceases to be used for student accommodation, whichever is shorter. Initial payment will be made at agreed date at end of the first operational calendar year. Successive payments will be due annually on this date).

Other obligations which may be required:

- In addition to the above, planning obligations may also be sought to address any other impacts arising from an individual development (see Chapters 4-8 for examples).
- As each case is assessed individually, there may be particular reasons why some obligations may be applicable and others not for different applications. The examples listed in this SPD are not exhaustive and do not raise every issue that may need to be addressed.
- All payments should be index-linked from the date of Committee. The Council requires that discussions regarding Heads of Terms are carried out at pre-application stage and that details of Heads of Terms are incorporated as a part of the application or otherwise agreed at this stage. It is also necessary to provide solicitors' contact details and proof of title.

13 Appendix D: Frequently asked questions

What are planning obligations?

- 13.1 Planning obligations are used as part of the planning application process to address specific planning issues arising from a development proposal that cannot be dealt with through planning conditions. They are normally agreed between the Council, land owners and developers and are set out in legal agreements called Section 106 agreements. They can also be offered by developers or land owners in unilateral undertakings (see below).
- 13.2 Planning obligations may require developers to provide affordable housing, a financial contribution towards local improvements, employment and training schemes or other measures to address the impacts of a development and to help to ensure that it is acceptable in planning terms.

What is a Section 106 agreement?

- 13.3 A Section 106 agreement is a legal agreement incorporating legally binding covenants or obligations. It is made under the terms of Section 106 of the Town and Country Planning Act 1990, as amended. Where a Section 106 agreement has been entered into, it automatically binds anyone with a legal interest in the land to which it relates.

What are planning conditions?

- 13.4 Planning conditions limit and control the way in which the planning permission may be implemented. Conditions may be imposed on the grant of planning permission for a number of purposes including regulating development or use of any land under the control of the applicant and requiring the carrying out of works on such land.
- 13.5 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (NPPF Paragraph 206).

What are unilateral undertakings?

- 13.6 Unilateral undertakings are similar to Section 106 agreements. They also include legally binding planning obligations but are signed by developers and land owners only (and not the Local Planning Authority).

What is CIL?

- 13.7 The Community Infrastructure Levy (CIL) is a non-negotiable charge and is used to fund local infrastructure that will support future development.
- 13.8 Two types of CIL are collected in Islington:
- Borough-level Islington CIL
 - Mayoral CIL
- 13.9 The Islington CIL is used to finance the provision, improvement or replacement of community infrastructure that supports the development of the borough, as well as the costs of operating and maintaining infrastructure.
- 13.10 The Mayor of London's CIL goes towards funding Crossrail. Islington Council collects the Mayoral CIL for developments in Islington on the Mayor's behalf.
- 13.11 Both CILs are charged on all development which involves

- the addition of 100 square metres or more of gross internal floorspace or
- the creation of a new dwelling of any size.

13.12 Islington's CIL Charging Schedule sets out the CIL rates for different types and locations of development in the borough. Further details can be found here: <http://www.islington.gov.uk/cil>

How is CIL different from planning obligations?

13.13 CIL is a standard, non-negotiable charge, which operates like a tax. It is calculated per square metre of development, allocating each development with a fraction of the total cost needed to provide the borough with the infrastructure necessary to support projected levels of local development.

13.14 Planning obligations are individual charges, calculated separately for each new development, based on requirements created by each individual development, usually based on the number of residential units, number of student or hotel rooms or square metres of commercial floorspace, and their relevant projected occupation. Their purpose is to make a development acceptable in planning terms which would otherwise not be acceptable.

13.15 In most cases, the Islington CIL replaces the use of planning obligations in Section 106 agreements to secure contributions towards infrastructure from development. Section 106 agreements continue to be used to secure affordable housing, to mitigate site-specific issues, and to address other policy requirements that cannot be dealt with through CIL.

What has changed with the adoption of CIL?

13.16 With the adoption of the Islington CIL, many infrastructure costs previously addressed through standard Section 106 charges are now covered by CIL. Key changes are flagged up in this document with boxes titled "**CIL note**".

13.17 Section 106 agreements however continue to be used to address site-specific impacts and ensure conformity with other policy requirements.

What are planning obligations for?

13.18 Through the NPPF published in 2012, the government sets out when and how planning obligations can be used. The NPPF can be downloaded from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

13.19 Regulation 122 of the Community Infrastructure Levy Regulations 2010 and NPPF paragraph 204 set out three tests that a planning obligation should meet for it to be a proper reason for granting planning permission:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

13.20 A fundamental guiding principle is that planning permission cannot be bought or sold.

13.21 Planning obligations can cover a variety of matters:

- restricting the development or use of the land in any specified way;
- requiring specified operations or activities to be carried out in, on, under or over the land;

- requiring the land to be used in any specified way; or
- requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

When do obligations take effect?

13.22 Planning obligations can take effect immediately or on other time triggers set out in the agreement, e.g. six months after implementation. Once a planning obligation comes into effect, it will 'run with the land'. This means that it will apply to the site and automatically bind land owners until it is discharged, even if the land is sold. To discharge a planning obligation the owner of the land must write to the Council providing evidence that all of the covenants and commitments contained in it have been complied with.

How and where can Section 106 contributions be spent?

13.23 Contributions will be used for projects which address the issues referred to in this document and other needs which may arise by mitigating the impacts of the development. The works undertaken will be informed by a range of existing and forthcoming documents which include details of borough requirements which will be affected by new development. The use of contributions will be informed by consultation undertaken on the planning application, associated planning obligations, and planning documents.

13.24 Section 106 contributions are spent on projects which address the issues referred to in this document and other needs which may arise by mitigating the impacts of the development. Allocation and expenditure of S106 funds are made in accordance with the legal agreement between the Council and land owner/developer.

How can I have a say?

13.25 The Council carries out consultation and publicises every planning application it receives by sending letters to neighbouring properties, posting notices near the site, providing details on the website and sometimes advertising in the local press. More information can be found on our website:

<https://www.islington.gov.uk/planning/applications/permission-check/planning-application-process>

13.26 Comments on how a development is likely to impact an area and suggested measures that could help to mitigate these effects are welcome. These will be taken into consideration when assessing the application and determining the nature of planning obligations that may be necessary to make the development acceptable.

13.27 The Council also undertakes consultation on area strategies and frameworks, specific projects to improve facilities such as streets and open spaces, and for the purposes of informing other borough wide strategies and assessments. These are used to help inform the use of S106 contributions.

Who can I speak to if I have a question?

13.28 If you have any queries relating to this document, please contact the S106 and Development Viability Team (see below). For specific questions regarding planning obligations generally or on a specific site, please contact the Planning Obligations (S106) Team (also below).

13.29 If you have a question in relation to a current application, please contact the relevant Development Management Case Officer, whose name and number can be found by searching through the following link:

<https://www.islington.gov.uk/planning/applications/permission-check/planning-application-process>

14 Appendix E: Further information

14.1 Further information on S106 agreements, contributions and associated projects can be requested from the Council through the contact details below or found on the Council's website.

S106 agreements

14.2 Copies of completed Section 106 agreements can be found through the Council's 'Planning Online' Service via the following link:
http://www.islington.gov.uk/services/planning/planninginis/plan_interest/Pages/planning-search.aspx. The S106 agreement can be found under 'Document and Plans'. Alternatively, they can be requested in writing.

Further information about planning and development in Islington

14.3 Up to date information on Islington planning including policy and guidance and details of the planning application process can be found via the following link:
<https://www.islington.gov.uk/planning/applications/permission-check/planning-application-process>

Contact details – Planning obligations (S106) team

14.4 If you have and queries relating to this document, please contact the S106 and Development Viability Team at:

Spatial Planning and Transport
4th Floor, Municipal Offices
222 Upper Street
London N1 1YA
Tel: 020 7527 4039
Council Switchboard: 020 7527 2000
Minicom: 020 7527 1900
Website: www.islington.gov.uk/S106

stephanie.brewer@islington.gov.uk
Tel: 020 7527 4039

14.5 If you have any questions regarding planning obligations generally or on a specific site, please contact:

s106@islington.gov.uk
Tel: 020 7527 2293

If you would like this document in large print or Braille, audiotape or in another language, please contact 020 7527 4039.

Consultation Statement

Planning Obligations (Section 106)

Supplementary Planning Document



December 2016

**Consultation Statement
Planning Obligations (Section 106)
Supplementary Planning Document**

1. Introduction

1.1 This consultation statement sets out details of the consultation which has informed the 2016 version of the Planning Obligations (Section 106) Supplementary Planning Document (SPD). This statement has been prepared in accordance with regulation 12(a) of the Town and Country Planning (Local Development) (England) Regulations 2012.

1.2 The Consultation Statement details:

- A summary of previous, internal and preliminary consultation undertaken;
- Details of the public consultation exercise;
- Who the Council consulted when preparing the SPD; and
- A summary of the main issues raised during consultation and the Council's response.

2. Previous, Internal and Preliminary Consultation

Previous Consultation

2.1 The previous Planning Obligations (Section 106) SPD was consulted on publicly in the summer of 2013 and adopted in November 2013. A total of 15 responses were received to the consultation and two representations submitted to the Community Infrastructure Levy (CIL) consultation earlier that year were also taken into account.

2.2 The purpose of the 2016 SPD is to update the previous 2013 version and provide advice and guidance to the public and developers regarding implementation of and compliance with the policies relating to planning obligations in the London Plan, the Core Strategy, the Finsbury Local Plan and the Development Management (DM) Policies. All of these documents, and hence all of the policies within them relating to planning obligations and elaborated on in this SPD, have also already undergone extensive public consultation.

2.3 The Core Strategy sets out strategic planning policies and spatial strategies for shaping the borough's development to 2025 and beyond. Islington's DM Policies, Site Allocations and the Finsbury Local Plan, are aimed at achieving development that helps deliver the vision and objectives set out in the Core Strategy, to bring forward sustainable development.

2.4 The Planning Obligations (Section 106) SPD supports the implementation of a number of Core Strategy, DM and Finsbury Local Plan policies including:

- Sustainable development (DM9.2)
- Affordable housing (CS 12)
- Social and strategic infrastructure and cultural facilities (DM4.12)
- Crossrail (DM8.3)
- Accessible Parking (DM8.5)
- Employment spaces (CS 13)
- Sustainable Design (CS 10, DM7.1 & DM7.2)
- Student Accommodation (CS 12)
- Priority projects of the Finsbury Local Plan (BC 10).

2. Internal Consultation

2.1 Below is a list of the officers and teams within different council services who were consulted as part of the internal consultation undertaken between 24 February 2016 and 20 May 2016, during the preparation of the draft SPD. The table below is organised in the order of the sections of the SPD:

CONSULTATION ON SPECIFIC SECTIONS OF DOCUMENT
POLICY
Core Strategy, DM Policies, general policy section & "Other policy documents": Planning Policy team
Affordable Housing on Small Sites: Officer responsible for Small Sites SPD within Planning Policy team
Student Accommodation: Officer responsible for Student Bursaries SPD within Planning Policy team
Environmental Design: Energy conservation officer and officer responsible for Environmental Design SPD within Planning Policy team
Streetbook: Planning Policy Inclusive Design Officer
Inclusive Design in Islington / Accessible Housing: Planning Policy Inclusive Design Officer
Preventing Wasted Housing Supply: Officer responsible for Preventing Wasted Housing Supply SPD within Planning Policy team
Basement Development: Officer responsible for Basement Development SPD in Planning Policy team
Location and Concentration of Uses: Officer responsible for Location and Concentration of Uses SPD within Planning Policy team
CIL / Interaction of Planning Obligations with CIL: CIL team
Transport Strategy & Implementation: CIL Team Manager responsible for liaising with transport, Planning and Project Management team
INFRASTRUCTURE
Infrastructure Section & onsite provision of infrastructure: CIL Team & Development Management Team
ECONOMY AND EMPLOYMENT
All obligations (other than Crossrail): Strategy and Community Partnerships, Business and Employment and Support Team
Crossrail: CIL team
COMMUNITY
Affordable Housing: Officer responsible for Housing within Planning Policy team
Mixed Use in CAZ: Planning Policy team, CIL team, Development Management Team
Accessible Parking & Transport: Planning Policy Inclusive Design Officer and Public Realm division
Marketing Wheelchair Accessible Homes: Planning Policy Inclusive Design Officer
Preventing Wasted Housing Supply: Officer responsible for Preventing Wasted Housing Supply SPD within Planning Policy team
Student Bursaries: Officer responsible for Student Bursaries SPD within Planning Policy team
Community Access & Other Management Plans: Strategy and Community Partnerships
Community Safety: Community Safety service
Health Impact Assessments: Public Health team
Public Art: Arts and Cultural Development Manager
ENVIRONMENT
Construction Practice: Public Protection, Environmental Health team
Highways Reinstatement: Transport and Engineering and Public Realm teams
Carbon Off-setting: Energy conservation officer and officer responsible for Environmental Design SPD within Planning Policy team
Removal of Eligibility for Residents' Parking Permits: CIL Team Manager responsible for liaising with transport, Planning and Project Management team

Decentralised Energy: Decentralised Energy Programme Manager, and officer responsible for Environmental Design SPD within Planning Policy team
Travel Plans: Planning and Project Management team, and officer responsible for Travel Plans
Green performance plans: Sustainability officer within Planning Policy team
Other environment obligations (e.g. heritage / conservation): Design and Conservation team
OTHER OBLIGATIONS
Council costs and Other Obligations: Section 106 team and Development Management team
Viability Review: Development Viability Team and Development Management team
NEGOTIATING OBLIGATIONS
Section 106 team, Development Management team and Development Viability Team
IMPLEMENTATION OF SPD
Section 106 team and Development Management team
APPENDICES
Section 106 team and Planning Policy Team

- 2.2 The various teams within the council were consulted through a series of e-mails, meetings and discussions about draft sections to be included or altered.
- 2.3 Where any changes were proposed after the early external consultation or public consultation stages (see below), the teams with responsibilities relating to the relevant sections of the SPD were re-consulted and asked to suggest and/or agree appropriate changes in reaction to comments made by external consultees (see below).

Early external consultation

- 2.4 On 20 June 2016 an external pre-consultation letter was sent to the following parties:

Organisation
Amwell Society
Canal and River Trust
Mayor's Office for Policing and Crime (MOPAC)
UNITE Group PLC
DP9 on behalf of Royal Mail Group Limited
English Heritage
Environment Agency
Berkeley Homes Capital
GL Hearn Limited
GLA and Transport for London
Highways Agency
Islington Society
Marine Management Organisation
Natural England
Thames Water
The Theatres Trust

- 2.5 The purpose of this letter was to notify those who had previously made comments during latest round of consultations on the now adopted Planning Obligations SPD (2013) to give them advanced notification of the upcoming public consultation process as well as to allow them to share their opinions on the subject to help shape the updated draft.

2.6 Pre-consultation comments were invited until Friday 1 July 2016 and four responses were received, from the Canal and River Trust, the Mayor of London, from Transport for London and from Natural England. Three responses declared that they had currently no specific comments to make. The Canal and River Trust made some comments which are shown in the table below.

Table 1: Summary of issues raised during the internal and early external consultation stages and how they were addressed in the draft SPD

Persons/ organisations	Main issues raised	How addressed in SPD
Number of council services (see above)	<p>During a series of meetings and ongoing discussions, the draft of each section to be included in the Planning Obligations (Section 106) SPD was discussed.</p> <p>Internal comments related to:</p> <ul style="list-style-type: none"> bringing certain sections up to date with current updated statistics, policy, guidance, legislation and practice and the need for updating the approach to implementation of the Mixed Use Development in the Central Activities Zone (CAZ) obligation in relation to London Plan Policy 4.3 and Development Management Policy DM5.1. 	<p>Changes were made following the advice provided by various council services and teams to refine the draft SPD to ensure it is up to date, and to ensure that implementing the SPD will be feasible.</p> <p>All comments were addressed wherever relevant and possible within the confines of legislation and previous area-wide viability testing.</p>
Canal and River Trust	<p>It should be made clearer how unique infrastructure improvements only relevant to specific sites (such as canal and towpath capacity access/ improvements in the vicinity of Regent's Canal) will be addressed through S106 / CIL.</p> <p>The process for claiming S106 funds for projects should be explained in the SPD.</p>	<p>Changes were made to the consultation draft SPD aiming to address both comments with:</p> <ul style="list-style-type: none"> an additional bullet point in Section 4 about type of locally relevant infrastructure works specific to a site (e.g. access to public footpaths, canal towpaths etc) which may be funded through Section 106 and a reference to Ward Improvement Plans in Section 9.

3. Formal consultation on the Draft SPD

3.1 The Council conducted a formal public consultation exercise on the draft Planning Obligations (Section 106) SPD for an eight week period from 29 July to 23 September 2016, which in turn has informed the final version of the SPD.

3.2 Responses were received from 14 individuals and organisations:

Organisation
Berkeley Homes North East London (part of Berkeley Group)
Canal and River Trust
Environment Agency
Highways England
Islington Society

Natural England
Two residents (including a member of Cycle Islington and the London Cycling Campaign)
Sport England
St William (part of Berkeley Group)
Tetlow King Planning on behalf of Rentplus
Theatres Trust
Transport for London Planning
Woodland Trust

3.3 Responses have been grouped together and listed by themes in table 2 as follows, with reference to the structure of the SPD:

- Summary, Introduction & Policy Framework (SPD Sections 1-3) and general comments
- Specific Obligations (Sections 4-8)
- Negotiating Planning Obligations (Section 9)

3.4 The Council is grateful to those who have responded to the consultation and helped inform the SPD.

Table 2: Summary of main issues raised during consultation on the draft Planning Obligations (Section 106) SPD (please note all paragraph references below relate to the draft not the final SPD paragraph numbering)

Ref	Respondent(s)	Comments	Council's response
Summary, Introduction & Policy Framework (SPD Sections 1-3) and General Comments			
1	Islington Society	Strong support for Council's continued use of Section 106 planning obligations for site specific infrastructure mitigation in addition to the application of CIL to achieve sustainable development.	Noted.
2	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Support for general direction of revised draft and aim to provide further clarity and transparency.	Noted.
3	Natural England; Highways England; Environment Agency; Canal & River Trust;	SPD reviewed and no comments made.	Noted.
4	St William (Berkeley Group)	Document could be more concise. Repetitions should be deleted. Table 2.1 should be moved to an appendix. Relevant documents' listed in section 3 could be presented differently to avoid a lengthy list of bullet points. Likewise, it is not considered that a section on each of LB Islington's adopted SPD's is required.	Noted. Table 2.1 is an important referencing tool, allowing a quick overview of what obligations will be required and will therefore be retained as part of the main text. The section on relevant documents / adopted SPDs has been shortened, taking this comment into account. In some instances occasional repetition of the SPD has been judged necessary due to its frequent use as a referencing

			document where only certain sections are read, rather than the whole document.
5	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Support for draft SPD paragraphs 3.49 & 3.20.	Noted.
6	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	<p>Need greater consistency with National Planning Policy Framework (NPPF) particularly in SPD section 2, re. NPPF paragraphs 173 and 204-206. Reference to NPPF paragraphs 203-205 (paragraph 3.13 of draft SPD) should be brought forward to SPD Section 2. Paragraph 2.33 should be amended as follows: “The Council has also undertaken extensive viability work which assessed the impact of CIL and other policy requirements on the viability of development (see http://www.islington.gov.uk/services/planning/planningpol/community_infrastructure_levy/Pages/CILCharging-Schedule---Submission-Document-List.aspx). Viability testing indicated that CIL contributions and most other planning obligations account for only a small proportion of development costs and in most cases are very unlikely to make a development unviable. This is particularly the case for S106 obligations which have been scaled back since the introduction of CIL. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”</p>	<p>Re. NPPF / greater emphasis on viability, please note that Islington has developed a separate SPD (adopted January 2016) on the subject of Development Viability, which is referenced frequently throughout the draft Planning Obligations SPD 2016. Initial reference to the tests included in the CIL Regulations and the NPPF is already provided in paragraph 2.30 of the draft SPD. A more detailed quote is included in SPD section 3.</p> <p>The suggested quote from the NPPF, relating to viability testing, is also already included in paragraph 3.19 of the draft, as part of the SPD policy context.</p>
7	St William (Berkeley Group)	Consideration could be given to partially re-ordering Sections 2 & 3 to provide summary of policy framework / legal basis for requiring planning obligations before setting out obligations required.	Order of sections retained as in draft SPD to maintain SPD as clear referencing tool with immediate summary of general obligations required, followed by policy and legal basis for requiring said obligations, as the former will be of more immediate interest, especially for applicants on smaller sites who make up the majority of the applications made to the council.

8	St William (Berkeley Group) & Berkeley Homes (10 Berkeley Group)	Suggest adding reference to how amendments to existing planning permissions are treated regarding CIL and planning obligations (e.g. through Section 73 applications).	We will assess any proposed amendments to planning conditions in line with policies as they stand at the time. Additional CIL and planning obligations will be sought where amendments result in a net increase of floorspace above that approved in the original planning permission. Where amendments do not fall within the confines of what is permitted under Section 73 (decision made by development management team, based on thresholds set), the proposal may be classed as a completely new application and will be dealt with accordingly. As stated by Planning Practice Guidance (PPG), on amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990), a section 73 application to vary planning conditions can be used "to seek a minor material amendment, where there is a relevant condition that can be varied". This "is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved". Where amendments to a scheme are proposed which change the use or increase floorspace assessed as part of the original application additional obligations or CIL charges may be required. A reference to this process will be added to the SPD.
9	St William (Berkeley Group)	Section 3 should make reference to the Minor Alterations to the London Plan (MALP's) published in March 2016.	Noted. Reference added.
10	St William (Berkeley Group)	Paragraph 3.16 should be removed as this has been repeated and it is not considered relevant.	The reference to Sections 106BA to 106BC of the 1990 Act (second half of paragraph 3.16) will be deleted as their cancellation has now been in place for a reasonable amount of time.
11	St William (Berkeley Group)	Regarding expenditure of S106 funds, it will be important for the Council to demonstrate that this is directly related to the development in question in order to meet terms set out in Regulation 122 of the CIL regulations (potential to create legal uncertainty and increase the risk of third party challenge).	Noted. The tests for planning obligations in the CIL regulations are referred to in the SPD.
Specific Obligations (Sections 4-8)			
Infrastructure Obligations (Section 4)			
12	Sport England	Sport England recently raised concerns	The council notes your concern. The

		<p>regarding change from specifying specific parks in the existing London Borough of Islington CIL Regulation 123 List to a generic open space, amenity space and play space term in the draft consultation list but it was confirmed that the purpose of this was to ensure that on-site open space provision or a financial contribution could still be agreed through a Section 106 agreement. Sport England is concerned, as the draft SPD indicates this would only be the case in 'special cases' and that type of infrastructure would be mostly funded through CIL. Notwithstanding the above, given the contents of CIL Regulation 123 List, sport and leisure facilities and playing pitches would mostly be funded through CIL except when open space, amenity space and play space works are required within development sites and/or in order to make a specific development acceptable in planning terms. As a result, Sport England has no objection to the Draft Supplementary Planning Document.</p>	<p>new wording of the CIL 123 list envisages that improvements to existing council-owned public open space, amenity space and play space will continue to be funded through CIL. Measures to mitigate for the lack of on-site provision of open space/amenity space/play space, where required on specific sites will be funded through S106. Changes to the wording in the Infrastructure section of the Planning Obligations SPD have been made to clarify this.</p> <p>As you identified, this approach was taken to be clear about the infrastructure items that can be funded through CIL versus S106 due to pooling restrictions, tests in relation to S106 and rules to prevent overlaps of funding arrangements in line with CIL Regulations. The new CIL 123 list will enable the council to allocate CIL to the highest priority infrastructure requirements, without compromising Section 106 obligations where necessary and not addressed through CIL.</p>
13	Theatres Trust	<p>The Trust is pleased paragraphs 4.4 and 4.5 in the revised SPD continue to facilitate cultural re-provision which will support policy DM4.12 in the Local Plan, which aims to safeguard cultural venues.</p>	<p>Noted.</p>
14	Transport for London (TfL)	<p>SPD should make reference to TfL, amongst others, having the ability to request site specific Section 106 contributions to mitigate the impacts of development and to enable TfL and the developer to enter into s278 agreements for highway works. It is of course recognised that the Local Planning Authority is responsible for negotiating these agreements as part of their determination of an application.</p> <p>Need for transport mitigation is not confined to only large developments (as may be implied by Table 2.2) and instead should be assessed on the basis of the expected nature and quantum of the impacts themselves. TfL would therefore suggest that Table 2.1 is clarified so that it is confirmed that transport mitigation may be required for all types of development identified in the table. Please note also that the mitigation may not necessarily be on site. Similarly highways (carriageways and / or footways)</p>	<p>The draft SPD makes reference to this circumstance in paragraphs 4.7, 7.19 and 7.20, stating that in addition to planning obligations and CIL contributions required by the Council towards infrastructure, TfL may also require provisions of or contributions towards infrastructure provided or owned by them. Where TfL (rather than the Council) is the relevant highway authority, the developer will be required to enter into an agreement with TfL providing for reinstatement of highways and footways. Any further works to the public highway or related works necessary to enable a development to take place will need to be agreed by the Council (or Transport for London/neighbouring authorities where appropriate) and the costs of such works will also be payable by the applicant.</p> <p>Amendments to section 4 and table 2.1 will be carried out to address the issues raised.</p>

		<p>reinstatement could be required for minor as well as major development.</p> <p>TfL seeks that the text in Paragraph 4.7 is reworded to read:</p> <p>“In addition to planning obligations and CIL contributions required by the Council towards infrastructure, Transport for London and other transport bodies may also require planning obligations towards the mitigation of the transport impacts of the development. These could relate to transport infrastructure and/or services. Examples of site specific transport mitigation that are required to make a development acceptable in planning terms include but are not limited to:</p> <ul style="list-style-type: none"> • New or improved bus stops, interchanges, stations and stands and any necessary associated infrastructure, driver or passenger facilities; • New, extended or revised bus routes” • Improvements, repairs (when damage is the result of the development) or reinstatements related to the Transport for London Road Network, including any commuted maintenance payments; • Station enhancements such as ticketing areas and equipment, entrances, stairs, platforms, lifts, gatelines, passenger and/or staff facilities, security measures etc.; • New or enlarged cycle hire docking stations or additional emptying or filling of docking stations; • New or enlarged taxi ranks and/or drop off or pick up bays including any necessary driver and/or passenger facilities; • Public realm enhancements; and • Improvements to walking and/or cycling infrastructure generally including new routes and facilities, cycle parking, way finding (such as Legible London signage)”. 	
15	TfL	<p>It would be helpful if the document could include cross referencing such that transport mitigation included in other sections is not overlooked (or duplicated) for example accessible parking and transport (community section) and construction, Controlled Parking Zone exemption and highways</p>	<p>Noted. A reference to transport related obligations discussed in other sections of the SPD was already included in paragraph 4.5 but will be expanded to address this comment.</p>

		(Environment section).	
Economy and Employment Obligations (Section 5)			
16	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Approve of councils approach and commitment to tackle local unemployment and approach to community obligations to meeting some of the needs of the borough.	Noted.
17	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Regarding economy & employment obligations we suggest more flexibility / more tailored targets that take into account direct initiatives by developers and contractors such as the Berkeley 'reach apprenticeships'.	The council welcomes developer led employment and training initiatives such as the 'reach apprenticeship' scheme. However it notes that this is the only scheme of this kind and extent by a major developer which the council has encountered to date. The council would like to encourage other developers to adopt this level of responsibility toward ensuring both direct employment and future workforce development in the construction sector. The council is supportive of existing developer led programmes such as 'reach' and will work with developers to realise their own employment and training ambitions where they share the aims of the council.
18	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Possibility of local skills gap preventing compliance with obligation on some schemes. Council should make it clear how they seek to ensure there is availability of appropriate skills and this should be monitored and managed. This could include provisions to allow jobs to be allocated to people from neighbouring boroughs which would be included within the 'local labour' definition.	The aim of requiring construction placements through planning obligations is to address this concern, to develop the skills of the local labour force. The aim of the council's Employment and Training Code is to allow for maximum lead in time for preparation and recruitment of candidates. The council sets out its intention to raise skills levels through ensuring there are opportunities on site for such skills development. Should a developer not be willing or able to provide such placements on site, the financial contribution sought towards construction training and support is to ensure that those Islington residents seeking employment are offered support to develop their skills and enable them to make use of future job opportunities as they arise. The council's employment and training officers will help with seeking appropriately skilled labour.
19	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Re. construction placement, to allow for fluctuations of skills availability, % range (up to 20%) should be applied to total number of jobs generated rather than 1 placement per 20 residential units to create flexibility/ consistency of approach across all development types.	This proposed alternative system is more difficult for the council to monitor as well as to manage. The council has considered the alternatives and considers its current approach of setting specific requirements based on 1 per 1000 sq m or 20 residential units, aligned to a payment for non- provision,

			to be the most proportionately effective method currently being operated in London in this context.
20	St William (Berkeley Group)	Suggestion that paragraph 5.20 and its associated formula should be omitted.	The council employs formulae for the calculation of provisions or contributions required to ensure a consistent and proportionate approach. While direct investment in employment initiatives is welcomed by the council, accountability and transparency are essential.
21	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	The formula relating to 'employment and training contribution – operation of development' does not take into account the additional job creation from development and any in-house schemes of developer or future tenants which would negate requirement for financial contribution. Greater flexibility is needed.	The contribution is sought to improve the prospects of local people accessing the jobs created in the operation of the proposed development, by providing training and support relating to the particular end use of the development in question. This contribution enables the council to generate schemes to up-skill, train/offer qualifications and build the capacity and confidence of often disadvantaged residents so that they are able to compete on a more level playing field. As regards in-house schemes of developers or future tenants, these are welcomed by the council but not seen as substitutes for the employment support and training the council itself provides to the local residents it has a duty towards.
Community Obligations (Section 6)			
22	Resident	<p>Disagree with levying obligations on schemes of fewer than 10 units / less than 1000 square metres (e.g. small sites affordable housing contribution). No S106 contributions should be sought on such developments. Council should follow revised government guidance re. small sites affordable housing contributions.</p> <p>Seeking contributions should not be requirement for validation purposes.</p> <p>Small sites affordable housing obligation is particularly unacceptable for house owners that only have one house and seek to improve their property as this stalls improvements to existing stock / does not give owners the chance to redevelop older style properties.</p>	<p>Planning legislation (Section 70 of the Town and Country Planning Act 1990 and Section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Ministerial Written Statement and Planning Practice Guidance (PPG) on small sites are material considerations. It is for the decision maker to balance the weight given to Development Plan policies and material considerations given the specific circumstances that apply. The intention of the revision to PPG, as stated in the Ministerial Statement was to reduce "<i>disproportionate burdens on developer contributions.</i>" Contributions are subject to viability testing and are only applied to the extent that schemes remain viable.</p> <p>In light of this and the significant housing needs in the borough, the council considers that subject to the specific circumstances that apply,</p>

			<p>greater weight should generally be given to policy requirements.</p> <p>In line with National Planning Policy Framework (NPPF), local authorities are asked to publish a list of their own information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Supporting information requested should be relevant, necessary and material to the application in question. The council's local validation list includes requirements for an affordable housing statement and a planning obligation statement (draft heads of terms), both of which the council considers meet the tests as set out by the NPPF.</p> <p>Regarding home owners of only one property seeking to improve their own home, these types of developments (e.g. loft extension, conservatories & other home improvements) are exempt from Small Sites Affordable Housing contributions and other such planning obligations. These obligations only apply to developments which create additional new housing units.</p>
23	Tetlow King on behalf of Rentplus	Section 6 of SPD should reference 'rent to buy' and encourage developers to provide a proportion of sites as 'rent to buy', particularly where this will assist viability. Incorporating this model will improve viability due to considerable and ready availability of private funding and significant scope for early delivery on many sites. By planning for inclusion of this model, the Council would ensure that the SPD remains in conformity with national planning policy and is planning more effectively and positively for sustainable development to meet full range of residents' needs.	The council will take into account models of intermediate affordable housing delivery when reviewing its Core Strategy. The council considers it inappropriate for this particular SPD to endorse any particular type of intermediate housing, however these issues will be considered as a part of a review of evidence of housing needs and the council's policies.
24	St William (Berkeley Group)	SPD formulas/sections repeating what is already stated in policy (e.g. 6.14) or other SPDs (e.g. disabled parking provision set out on pages 42 – 44) constitute unnecessary repetition.	Noted. The purpose of the SPD is as a central reference document to provide a single source for all information relating to planning obligations required in the borough. However, we agree that the more detailed design guidance (draft SPD pages 42-44) is not necessary to be repeated here. This will be replaced with a reference to the Inclusive Design SPD.
25	St William (Berkeley Group) &	It is not reasonable to include need for financial contributions for disabled parking bays for every development.	Within the context of a car free policy it will always be preferable to provide accessible parking bays (as an

	Berkeley Homes (Berkeley Group)	There will be some circumstances where it will not be possible to accommodate such parking provision near to or within a development. In these instances if there is adequate evidence (e.g. through transport assessment) that provision is adequate, this requirement should not be applied.	exception to the rule) on street rather than on site because, on street, they can be taken in and out of use (according to need) without leaving valuable space on site vacant. A sum will therefore be collected from the developer as a contribution towards the conversion and consultation exercises associated with the on street solution. Where there is insufficient on street space to deliver the requisite number of bays then a contribution will be taken towards the provision of other accessible and sustainable transport services e.g. dial-a-ride, taxi-card, scootability etc.
26	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	New obligation on marketing of wheelchair accessible homes (paragraphs 6.32-33) is not consistent with planning obligations tests set out in the NPPF and legislation (not considered necessary nor fairly or reasonably related to development). Current wording of draft guidance too onerous. Is not the role of the planning system to dictate marketability / timeframe for release of homes to open market. Also, shared ownership element of development would generally be marketed by third party who is unlikely to be a signatory of the S106 Agreement.	Noted. The wording of the SPD will be revised to clarify the council's position. The council does not seek to restrict who will buy these units but merely desires that clear information is available, to ensure that both vendors and buyers will be aware of the standard to which the unit has been constructed. The following revision will be made to draft paragraph 6.32 to clarify: "To improve awareness of these accessible units, developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. before any of the homes, if still unsold, are released onto the open market. "
27	Resident (Member of Cycle Islington and the London Cycling Campaign)	Paragraph 6.17 on accessible parking and transport: The SPD does not make reference to people with disabilities who cycle and provision of cycle parking for them (See London Plan pg. 278 6A.13 regarding space for tricycles etc).	Noted. Reference has been added to cycle parking needing to take into account the needs of mobility impaired cyclists and adapted/less conventional types of bicycles. The council also encourages provisions for people with disabilities who cycle and provision of cycle parking for them to be incorporated in the design of the developments themselves. This will also be considered as part of work on the current revision to the council's design standards, which aim to serve as many different types of cycles and cyclists as possible. A further addition has been made to SPD (after paragraph 6.18), to acknowledge that in view of the council's car-free policy and the fact that some public transport options remain inaccessible to people with mobility impairments, provision should be made to support a range of sustainable accessible alternatives

			such as accessible cycle racks, storage and charging facilities for mobility scooters and door to door services such as dial a ride and taxi card.
Environment Obligations (Section 7)			
28	St William (Berkeley Group)	The Government has stated that policy on carbon emissions is to be dealt with in Building Regulations rather than planning policy (National housing standards March 2015). Once the 2008 Planning and Energy Act is amended by section 43 of the 2015 Deregulation Act, local planning authorities will no longer be able to apply energy or water efficiency standards through planning policy. Therefore provisions related to energy efficiency would be regarded as unlawful within this SPD once section 43 is amended (which is due by the end of 2016). The draft guidance relating to energy efficiency should only be applied until S43 is renewed and the draft SPD should make this clear.	<p>Planning legislation (Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The council acknowledges the Written Ministerial Statement (WMS) on Housing Standards (March 2015) is a material consideration in the assessment of new build residential applications, but does not outweigh the development plan given the specific circumstances in Islington. This approach is echoed by the Mayor of London in the updated Housing SPG published in March 2016, confirming London's approach to Zero Carbon development. The Council has not been made aware of any imminent proposals to enact Section 43 of the Deregulation Act, and the Council will consider this should these legislative changes be forthcoming.</p> <p>Notwithstanding this, the SPD deals will all forms of development in the borough and it is important to note that neither the WMS or Section 43 of the Deregulation Bill affect the provisions and policies relating to non-residential developments, residential refurbishments or changes of use and is therefore also relevant for these circumstances.</p>
29	TfL	In paragraph 7.13 TfL suggest that a list of the impacts which should be mitigated during construction is included, particularly those affecting cyclists and pedestrian safety and convenience.	A list of the impacts which should be mitigated during construction, particularly those affecting cyclists and pedestrian safety and convenience, will be included in the updated Code of Construction Practice as this is currently under review. Please note that the council already secures these types of measures on some major developments through the S106/planning process, where necessary and appropriate (e.g. agreements to temporarily remove speed humps around a site to reduce construction traffic vibration, designated construction traffic routes, house

			condition surveys for properties potentially affected etc).
30	Resident (Member of Cycle Islington and the London Cycling Campaign)	Regarding SPD section 7 on environment obligations: Monitoring costs must include inspection and correction of road works during construction. Successful 'road works patrol' in Southwark has helped reduce road danger to all users (ref: Michael Barratt, TfL)	Contractors undertaking works have a duty to monitor and ensure the ongoing safety of the highway. The council monitors the construction process and requires developers to comply with the Code of Construction Practice. In the absence of a significant additional monitoring fee, the council currently has insufficient resources to instigate a patrol of road works. The need to reinforce statutory duties relating to construction and highway safety will be considered as part of the current review of the Code of Construction Practice. The SPD will remind applicants that all developers and their contractors undertaking works must adhere to the construction management plan, as approved by Council Highways and Planning departments and that construction on site must also be agreed with Islington Council's Streetworks department.
31	Resident (Member of Cycle Islington and the London Cycling Campaign)	Add to paragraph 7.5 "Developers must ensure that contractors and their sub-contractors working on construction sites in Islington are FORS (Fleet Operators Recognition Scheme Silver Graded or higher) and are registered as CLOCS (Construction Logistics and Cyclist Safety) Champions". Islington Code of Practice for Construction sites does not currently include such requirements which have been adopted by City of London, London Borough of Camden and TfL.	The Islington Code of Construction Practice is currently being revised and the intention is for the new code to be published in early 2017. Your comments will be considered as part of this review. The SPD will remind developers that they and their contractors must comply with the up to date Code of Construction Practice.
32	Resident (Member of Cycle Islington and the London Cycling Campaign)	7.18 Reinstatement: Add to paragraph 7.18 "and cycle lanes, tracks or paths". These are sometimes overlooked in repair schedules. Poor surface quality can be a serious hazard for a cycle user.	Noted. The highways reinstatement team already repairs and re-instates any part of the public highway damaged through construction, including cycle lanes, carriageway etc. however the suggested addition will be made to paragraph 7.18 to draw additional attention to this issue.
33	Woodland Trust	There is a wealth of evidence on many benefits of Green Infrastructure and in particular accessible woodland and high tree canopy cover. These include improvements to variety of issues summarised in publication "Residential Development and Trees". www.woodlandtrust.org.uk/publications/2015/07/residential-developments-and-trees/	Tree planting, if not sufficiently addressed through the landscaping proposals as part of the planning application would generally be sought through planning conditions rather than through planning obligations (as indicated by the 1990 Planning Act). Off-site planting would normally be funded through CIL contributions towards public realm and open space improvements.
34	Woodland Trust	The Trust would expect to see tree	Where tree planting may be necessary

		<p>planting and other Green Infrastructure (GI) mentioned in section 7 on Environment Obligations. Paragraph 7.65 of the draft SPD only states: “measures relating to climate change adaptation and biodiversity are dealt with mostly through the main planning application, through planning conditions or, if an obligation is necessary, through public realm or open space works (see Section 4)” Neither GI nor tree planting is mentioned in section 4.</p> <p>Section 197 of the 1990 Planning Act requires planning authorities to include appropriate provision for planting of trees when granting planning permission “to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees;“</p>	<p>as part of improvements to existing council-owned public open space, amenity space and play space in the borough, this will be funded through CIL.</p>
35	Woodland Trust	<p>Suggest adding “Tree planting” to list in 7.4, and sub-section on Tree Planting written and inserted between the sections on Travel Plans and on Other Environment Obligations. This should include Islington’s commitment to increasing canopy cover (with reference to Council Tree Strategy) and following paragraph: “There is now a wealth of evidence on the many benefits of planting more trees to increase canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; as well as the more obvious benefit of improving biodiversity”.</p>	<p>Planning obligations would only be used in special circumstances to fund improvements which may include (but usually would not be limited to) tree planting where site specific circumstances make it necessary to mitigate for the lack of on-site provision of open space/amenity space/play space on specific sites or for replacement trees.</p>
Negotiating Planning Obligations (Section 9)			
36	TfL	<p>In the process section (section 9) TfL requests that paragraph 9.1 refers to the potential involvement of other bodies in the process – TfL being but one example of a provider who can be a signatory to a S106 agreement or be responsible for infrastructure or services included in such an agreement.</p>	<p>The following amendment will be made to paragraph 9.1: “The negotiation of S106 agreements is primarily the responsibility of the Development Management case officer, supported by an officer from the Planning Obligations team. There may also be need for potential involvement from other bodies in the process, such as Transport for London (see SPD section 4), who may be signatories to the S106 agreement and/or be responsible for infrastructure or services included in such an agreement. Figure 9.1 contains an outline of the negotiation process”.</p>

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Report of: **Executive Member for Children and Families**

Meeting of:	Date	Ward(s)
Executive	8 December 2016	All

Delete as appropriate	Exempt	Non-exempt
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SUBJECT: Procurement strategy for preventing serious youth violence

1. Synopsis

- 1.1 The council is providing £2m additional investment to enhance the council's efforts to prevent serious youth violence (£500,000 per year 2016-2020). This report sets out the procurement strategy in relation to one part of this investment, the commissioning of services for the value of £200,000.00 per year for the procurement of new services to deliver mentoring and key working support.

2. Recommendations

- 2.1 To approve the procurement strategy for the keyworking and mentoring services that will be commissioned in 2017 as outlined in this report.

3. Background

3.1 Objective and commissioning approach

Islington Council has continued to prioritise resources and services for children, young people and families and across the partnership and there is a wide range of services in the borough. However, given the level of incidents of youth violence and gang related violence Islington has seen in recent years, Islington is investing an additional £500k per year, in interventions to further tackle this issue as it is an issue that adversely affects and can have very traumatic long term consequences for young people, families and the wider community. This investment will complement existing services and initiatives such as voluntary sector youth and family services, early help services including Families First and Targeted Youth Support, Youth Offending and The Integrated Gangs Team. It will also enhance our Stronger Families offer.

The additional investment will enable the council to maintain and strengthen its resources for ensuring an early intervention approach to tackling serious youth crime, by providing targeted interventions to children and young people from 7 to 18 years old; resources to better understand and respond to the nature of gangs and offending in the borough; and multi-agency workforce development opportunities to build the skills and confidence of the workforce.

Interventions will be targeted at those who are at risk of becoming involved in gang activity or a perpetrator and/or victim of youth violence. Investment will also focus on those who would benefit from specialist interventions to enable them to exit gang activity and/or support to overcome trauma and risks associated with being victims of youth violence.

It is anticipated that this investment, alongside the other work already underway within the borough, will all contribute towards reducing youth crime and the gravity of offences in Islington which in turn will help people feel safer, aid community cohesion and create a stronger sense of safety within the community.

The groups of young people targeted by this spend:

1. Young people who are willing to engage but face significant barriers in taking a safe path or making a positive change. The younger end of this scale will be targeted at young people who face behavioural problems in school and who are younger siblings of offenders. At the older end are offenders who are aware of the barriers they face but are unable to surmount them without significant support.
2. Young people who professionals and services have to try harder to reach, including young people entrenched in gang activity who are more resistant to change. They may have fundamental barriers which they are unaware of and/or are not addressing and may prefer to engage with voluntary providers.

A project group have been steering a thorough commissioning approach involving regular consultation with the Corporate Director Children's Services and Executive Member for Children and Families.

Priorities for spend are based on a detailed analysis of the youth offending and gang profiles within the borough; an evidence review of 'what works' and promising practice in preventing youth crime and serious youth violence, drawing largely on the Early Intervention Foundation's recent review of interventions delivered in the UK and abroad¹; identification of principles of effective practice; and a mapping exercise to understand the current range of interventions across the borough and gaps.

The commissioning approach reflects the need for a spread of services/interventions across the local authority and independent providers.

Headline messages informing the commissioning priorities are:

the need for additional intensive one-to-one interventions (keyworking and mentoring) which develop trusting collaborative relationships, enable change and engage young people in education, training and employment. Islington already delivers a range of services which creatively engage and support young people, so this additional investment will build further capacity within the multi-agency workforce

- child sexual exploitation and harmful sexual behaviour are issues for a small but significant number of children and young people and are often linked with gang

¹ [Link to 'What works to prevent gang involvement, youth violence and crime'](#), EIF 2015

activity. Interventions are needed to support medium to high risk victims and perpetrators as well as develop direct work tools and confidence among the wider targeted and specialist children's services workforce

- Staff across the multi-agency workforce are seeking additional learning to build capacity in this specialist and undeveloped area of work, across both social work and youth work. Therefore priority should focus on creating opportunities for frontline services to train in evidence based interventions, share knowledge, expertise, tools, learning and examples of effective practice.

Professional stakeholder engagement: Central to the commissioning approach was a multi-agency Preventing Youth Violence Collaborative Workshop held on 3 August 2016 in which 49 statutory and voluntary sector colleagues shared knowledge, expertise and insights and contributed to unpicking the issues around serious youth violence and helped shape the priorities for the use of the additional investment.

The Independent Chair of the Children and Young People's Voluntary Sector Forum will sit on the Procurement Panel for services to be commissioned in 2017.

Young people stakeholder engagement: The commissioning approach has been enhanced by drawing on a range of sources of information that highlight young people's insights and lived experiences, including research and review papers and radio and television interviews. In addition the Project Group have sought the views of young people through existing user involvement groups including the Youth Council and Children's Active Involvement Service, as well as drawing on outcomes from the Targeted Youth Support (TYS) consultation, a youth 'market research' event and VCS youth summit. Through these events and forums young people have told us what they wanted which has shaped the commissioning priorities and the content of the service specifications.

3.2 **2016-17**

Elected members have been keen to minimise delay whilst commissioning is underway for spend from 2017 onwards. Therefore £500k has already been invested in the following ways in 2016/17, as part of an integrated multi-agency approach to tackling youth crime, gang activity and violence:

- mentoring for targeted primary school children (externally commissioned 2016- end Dec 2018 with option to extend for further 3 years pending available funding)
- mentoring for targeted young people aged 11-17 years
- one-to-one intensive keyworking support for targeted 10-18 year olds
- youth counselling to young people aged 12-18 years old
- education, training and employment support for young people known to the Youth Offending Service (YOS)
- Integrated Gangs Team (IGT) workers to increase case work capacity as well as enhance communication, information sharing and analysis of the cohort (2016-2020)
- Specialist Intervention Pilot Project (SIPP) delivered within the council to implement and evaluate specialist interventions for young people at medium to high risk of being a victim or perpetrator of child sexual exploitation. This pilot will also develop direct work tools and provide consultation to build confidence and skills of the workforce (2 year pilot 2016-2018)

3.3 **Multi-agency workforce development – plans for spend in 2017**

The collaborative workshop identified that despite a good level of skills and expertise across the workforce, including the voluntary and community sector, there is a need to further develop the capacity of the multi-agency workforce in relation to working with vulnerable adolescents who are at risk of or already involved in gangs and violence

offending.

£30,000 per year has been identified from the £500,000 per year budget to meet the following objectives:

- Increase specialist knowledge and promote models of evidence based interventions and good practice in working with gang affected young people
- Increase knowledge of services working around youth violence and referral pathways
- Build relationships between services and practitioners to encourage multi-agency working and peer support
- Further develop our shared understanding of and measurement of risk in relation to gangs and youth violence among frontline practitioners,
- Share and promote good practice and evidence of what works within Islington and beyond to build the evidence base and showcase effective interventions

The project group are currently undertaking a more detailed needs analysis to identify: what exists already and who for; evidence of most effective and least effective methods of workforce development; and gaps.

The next step will then be to identify the most appropriate and affordable multi-agency workforce development opportunities that are realistic and sustainable, to further improve services and support to adolescents and families at risk.

3.4 **Procurement Strategy for keyworking and mentoring services to be commissioned in 2017**

This strategy relates to the £200k per year of the additional £500k per year funding which has been allocated for the procurement of new services to deliver mentoring and key-working support.

The procurement strategy was taken to Commissioning and Procurement Board on 29 September 2016.

Nature of the services

Key-working

This will be provided to young people who are at risk of, already involved in, offending and youth violence and their families, to prevent crime and reduce reoffending, and will involve a persistent and intensive approach. Key-workers will maintain small caseloads and will provide tailored support based on each service user's strengths, needs and risks, with individual assessments, effective action plans and case management, and on-going wraparound support. Key-working will:

- Offer a consistent presence and regular contact
- Provide a strengths and resilience approach that recognises and utilises the skills and abilities of young people
- Enable young people to develop the skills they need to get ahead in life (such as communication skills, problem solving, ability to manage feelings)
- access education, training and employment opportunities, including council apprenticeships to give young people alternative and positive pathways away from criminal and street life
- Provide access to opportunities that enable young people to build a more positive stake in their community
- Address the issues that can influence a young person's likelihood to commit crime, including homelessness, education problems, health, and difficulties with resettlement or with parenting etc.
- Work with young people to build a stake in their education and future

- Utilise effective and evidence based interventions that have a track record in supporting positive behaviour change and reducing offending.

Mentoring

Mentoring will be offered to help young people to access and actively engage with support, as well as providing highly structured and positive activities which can open up new possibilities for young people, and help provide a bridge to education, training and employment.

Mentors will be recruited and screened, fully trained, and regularly supervised to provide a positive and safe mentoring relationship that is part of a coordinated package of support to young people at risk of youth violence.

Mentors will support young people to prepare for the world of work which may include activities such as completing CVs and application forms, and interview preparation. Mentors will provide positive role models who inspire and motivate young people to improve engagement in education, training and employment opportunities, such as apprenticeships.

3.4.1 Estimated value

The maximum value of the contracts will be £1,800,000 over a nine (9) year period. Initial contract length is 3 years 2017-2020 with the option to extend for a further 3+3 years pending available funding. The total annual value of the two contracts is £200,000. This is broken down as £150,000 for key-working and £50,000 for mentoring.

We have benchmarked cost against similar services working in the borough.

3.4.2 Timetable

The following key dates must be reached:

- Executive – December 2016
- Advert and tender documents published – January 2017
- Evaluation completed – April 2017
- Contract Award – May 2017
- Implementation period – May 2017 – June 2017
- Contract start date – July 2017

A panel of young people will be involved in devising and evaluating the presentation as part of the tender process.

3.4.3 Options appraisal

The project group looked at the following options

- Joint procurement with neighbouring boroughs
- Providing the service in-house

Contact was made with Camden, Haringey and Hackney to see whether they would be interested in a joint procurement. However, although all boroughs are interested in developing services in this area, there has been no equivalent injection of additional funding so they are not in a position to procure a new service at this time.

Providing the service in-house would risk losing the knowledge and expertise that some voluntary and independent providers have in working with this high risk group of young people many of whom view local authority services with suspicion.

The preferred option is procurement through a restricted procedure. This will provide an opportunity to test the market for such a service from the range of organisations who

work in this area. A drawback is the time taken to undertake a restricted procedure process.

3.4.4 Key Considerations

This service will work closely with young people who are at risk of becoming involved in gang activity, a perpetrator or victim of youth violence; or who would benefit from specialist interventions to enable them to leave gang activity and/or overcome trauma and risks associated with being victims of youth violence. This service, alongside the other work already underway, will all help contribute to reduce youth crime and the gravity of offences in Islington.

London Living Wage (LLW) has been considered and successful bidders will be contractually obliged to pay LLW or above should there be no cross border interest in the contract following the OJEU contract notice. However this contract is not expected to generate cross border interest.

The service will operate within a performance monitoring and quality assurance framework. The contract will be monitored against a range of targets and outcome measures. Review meetings will be held and attended by the provider and representatives from Islington Council and quality assurance checks will be carried out. This process allows for continuous improvement and service development.

An environmental impact assessment has been carried out which found no negative impacts.

TUPE may apply.

3.4.5 Evaluation

This tender will be conducted in two stages, known as the Restricted Procedure as the tender is 'restricted' to a limited number of organisations. The first stage is Selection Criteria through a Pre-Qualification Questionnaire (PQQ) which establishes whether an organisation meets the financial requirements, is competent and capable and has the necessary resources to carry out the contract. The PQQ is backwards looking and explores how the organisation has performed to date, its financial standing, information about their history and experience.

A limited or 'restricted' number of these organisations meeting the PQQ requirements as specified in the advertisement are then invited to tender (ITT). The second stage, the ITT, is now forward-looking using Award Criteria. Tenders are evaluated on the basis of the tenderers' price and ability to deliver the contract works or services as set out in the evaluation criteria in order to determine the most economically advantageous offer.

Bids will be awarded on the basis of 70% quality and 30% cost.

Tender award criteria			Total
Cost			30%
Quality – made up of	Method Statement	Presentation	70%
Proposed approach to achieving positive outcomes	15%	15%	30%
Proposed approach to service delivery, including running of the business	15%		15%
Proposed approach to multi-agency working	5%		5%
Proposed approach to safeguarding	5%		5%

Proposed approach to capacity building	5%		5%
Proposed approach to equality and diversity	5%		5%
Proposed approach to contract implementation, transition and mobilisation	5%		5%
Total			100%

3.4.6 Business Risks

There are two main risks identified with this procurement.

Firstly, no one bids for this service. This is unlikely but the impact would be high. There is an established market of providers (both local and national) for services for young people in this field.

Secondly, young people could face a lack of continuity of service as there would need to be a transfer of a number of young people to this new service. This is likely and could have a high impact. To mitigate the impact, there will be a requirement for robust implementation and transition arrangements, with a mobilisation period to allow for case transfer. This will also ensure new referrals are taken by the existing service until transfer of caseload to avoid any break in service provision.

There will also be an expectation that the winning providers would actively identify opportunities to strengthen relationships with the voluntary sector and apply for funding to bring in additional capacity to the service.

The Employment Relations Act 1999 (Blacklist) Regulations 2010 explicitly prohibit the compilation, use, sale or supply of blacklists containing details of trade union members and their activities. Following a motion to full Council on 26 March 2013, all tenderers will be required to sign the Council's anti-blacklisting declaration. Where an organisation is unable to declare that they have never blacklisted, they will be required to evidence that they have 'self-cleansed'. The Council will not award a contract to organisations found guilty of blacklisting unless they have demonstrated 'self-cleansing' and taken adequate measures to remedy past actions and prevent re-occurrences.

3.4.7 The following relevant information is required to be specifically approved by the Executive in accordance with rule 2.6 of the Procurement Rules:

Relevant information	Information/section in report
1 Nature of the service	Mentoring and key-working services for young people at risk of involvement in youth violence See paragraph 3.4
2 Estimated value	The estimated value per year is £200,000 for both mentoring and key-working (£150,000 for key-working, £50,000 for mentoring) The agreement is proposed to run for a period of 3 years with two optional extension periods of 3 years each. See paragraph 3.4.1

3 Timetable	See paragraph 3.4.2
4 Options appraisal for tender procedure including consideration of collaboration opportunities	Restricted procedure See paragraph 3.4.3
5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications	Considerations factored into evaluation criteria and contractual arrangements. See paragraph 3.4.4
6 Evaluation criteria	Cost 30% - Quality 70%. The award criteria price/quality breakdown is described within the report. See paragraph 3.4.5
7 Any business risks associated with entering the contract	Business risks will be managed through good communication and engagement with the provider. See paragraph 3.4.6
8 Any other relevant financial, legal or other considerations.	See paragraph 4

4. Implications

4.1 Financial implications:

Funding proposals are within the current revenue budget allocation for Preventing Youth Violence - £500k per annum.

Contract extensions i.e. at three year intervals, are subject to reviewing the financial position at that time.

4.2 Legal Implications:

The council has various powers and duties under the Anti-social Behaviour, Crime and Policing Act 2104 to tackle anti-social behaviour within the borough. In discharging these functions the council has the power to provide mentoring and key-working support services under section 111 of the Local Government Act 1972. The Council has the power to enter into contracts with providers of mentoring and key-working support services under section 1 of the Local Government (Contracts) Act 1997. The procurement strategy for contracts with a value less than £2,000,000.00 may be approved by the Corporate Director for Children's Services. However, such approval may be sought from the Executive should the Corporate Director for Children's Services wish to do so.

The proposed contracts are contract for services that fall under the light touch regime for purposes of the Public Contracts Regulations (the Regulations). The threshold for application of the Regulations for light touch services is currently £589,148.00. The value of the proposed contract is above this threshold. It will therefore need to be advertised in the Official Journal of the European Union (OJEU). The council's Procurement Rules also require contracts over the value of £164,176.00 to be subject to competitive tender. The proposed procurement strategy, to advertise a call for competition and procure the service using a competitive tender process, would be in compliance with the Regulations and the council's Procurement Rules.

On completion of the procurement process the contracts may be awarded to the highest scoring tenderer subject to the tender providing value for money for the council. Approval for contract award may be provided by the Corporate Director for Children's Services in the form of a Key Decision.

4.3 Environmental Implications:

An Environmental Impact Assessment was carried out and no implications were identified

4.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding."

A Resident Impact Assessment was completed on 30 June 2016 and it identified that these services will have a positive impact on young people.

5. Conclusion and reasons for recommendations

- 5.1 Reducing the number of young people affected by youth violence and youth offending remains a priority for Islington. The council is investing in early intervention to identify and respond to children and young people at risk of involvement in offending, gang activity and violent crime. It is also focusing investment on those already entrenched in offending and/or who may be victims of serious youth violence, to understand the mind set of our most vulnerable children and young people, and challenge and support them to change their attitudes and behaviour.

Mentoring and key-working services will work intensively with young people who are at risk of becoming involved in gang activity, either as a perpetrator or victim of youth violence; or who would benefit from specialist interventions to enable them to leave gang activity and/or overcome trauma and risks associated with being victims of youth violence. This service, alongside the other work already underway, will all help contribute to reduce youth crime and the gravity of offences in Islington.

Appendices: None

Background papers: None

Signed by:



Councillor Joe Caluori
Executive Member for Children and Families

Date: 16 November 2016

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Report of: Executive Member for Environment and Transport

Meeting of:	Date	Ward(s)
Executive	8 December 2016	All

Non-exempt

SUBJECT: Procurement Strategy for the Provision of Enforcement Agency services to collect on-street Penalty Charge Notice (PCN) debts

1. Synopsis

- 1.1 This report seeks pre-tender approval for the procurement strategy in respect of the Provision of Enforcement Agency services to collect on-street Penalty Charge Notice (PCN) debts, in accordance with Rule 2.5 of the Council's Procurement Rules.
- 1.2 The contract will seek to employ three Enforcement Agent suppliers, to perform debt collection services for debts that are created by the non-payment of on-street Penalty Charge Notices. The recovery of such debts is established in law, and is enacted by the service of court-issued warrants, obtained after all statutory Council-led attempts at debt recovery have been exhausted. As a concession agreement, the contract will be at no cost to the Council.

2. Recommendations

- 2.1 To approve the procurement strategy for the Provision of Enforcement Agency services to collect on-street Penalty Charge Notice (PCN) debts as outlined in this report.
- 2.2 To delegate authority to award the contract to the Corporate Director of Environment and Regeneration, in consultation with the Executive Member for Environment and Transport.

3. Background

- 3.1 The Traffic and Parking Service seeks to employ three enforcement agencies to collect registered debts created as a result of non-payment of Penalty Charge Notices issued as a result of drivers contravening local parking regulations. The Council does not carry out such activities in-house and the nature of such debt collection is one where nationwide coverage is necessary. Collection of such debts is crucial to the

integrity and fairness of the Parking Service. There is an expectation that the Council will attempt to recover debts to which they are legally entitled, and any failure to do so would be unfair to those who discharge their liabilities and pay for such PCNs at earlier stages of the recovery process. The contract will reduce the number of enforcement agencies from the existing four to three and is part of an effort to incentivise and improve recoverability rates by issuing greater levels of work to the better performing agencies, over and above a set minimum allocation of work. The contract will be for a period of four years.

- 3.2 The contract will be awarded at zero cost to the Council. It is based on national guidelines whereby the enforcement agency will recover the debts due and transfer these to the Council. The costs of enforcement action are covered by the statutory fees that the agencies are entitled to claim over and above the debts due to the Council. The Council can expect to issue approximately 25,000 warrants in a year and as the average debt is £203, the potential value of all debts registered would be around £5m per annum (or £20m over 4 years). However, the reality of debt recovery work is that recovery rates are low, and annual income to the Council would be in the region of £760k per annum (or £3.04m over 4 years). Any associated costs (such as the £8 registration fee per case) are currently managed within the parking account, where income exceeds such direct expenditure. Effective debt recovery is improved by councils registering and transferring such debts to the Enforcement Agencies as swiftly as possible

3.3 **Timetable**

The current contract expires at the end of December and a waiver is being sought to cover the period until the new contract can start..

After inviting expressions of interest, the appraisal of submissions is intended for March 2017, with the aim being to begin a new contract by May 2017.

3.4 **Options appraisal**

The preferred contract route is one of competitive tender. Consideration was given to using existing framework agreements, such as that run by Yorkshire Purchasing Organisation, but market testing indicated that such frameworks did not offer the flexibility that the Council requires. There is little to be gained from seeking a collaborated contract, as financial saving cannot realised because fees are statutory across all contracting authorities.

The ultimate benefit of a single competitive tender approach is that it will allow the Council to use a specification that is specific to our needs, and creates a performance monitoring regime that suits the business need.

- 3.5 The Council will seek to employ contractors that can show that they carry out their functions efficiently and in a manner that demonstrates effective recovery of monies due to the Council. We will expect them to do so in a manner that is in keeping with environmental sustainability by the intelligent use of media and resources to trace debtors before personal visits are necessary and before their own fees increase. As part of the quality assessment, we would also expect all contractors to fully outline their policies in respect of establishing and managing debtor vulnerability. That assessment will also take into consideration any innovations that the contractors propose for continuous improvement throughout the contract period.

As a contact condition, we will expect all staff employed by the contractor to be at or above the London Living Wage

3.6 **Evaluation**

The tender will be conducted in one stage, known as the Open Procedure as the tender is 'open' to all organisations who expression their interest in the tender. The Open Procedure includes minimum requirements which the organisation must achieve before their evaluation Award Criteria is considered.

The minimum standards that the Parking Service will set will include suitable experience of managing

similar sized contracts for other London parking authorities, and the financial stability of the organisation. Given there is no cost to the Council the award of contract will be based 100% quality.

The breakdown of those criteria will be:

Proposed approach to maximising recovery performance: 50%

Public accessibility and customer service standards: 30%

National coverage of debt recovery: 20%

3.7 Business Risks

In setting award criteria where income maximisation is considered, the Council expects interested parties to propose projects and schemes to maximise income collection, without increasing the risks associated with managing vulnerable customers. Any agency appointed will be expected to be capable of fully utilising a variety of tracing methods to locate debtors who may have moved address.

It is worth noting that during the period of the last contract, changes were made to the legal guidelines that enforcement agencies are expected to follow. These included the introduction of a transparent fee structure, the use of which has significantly reduced the risk of complaints and the number of complaints received by the Council.

3.8 The Employment Relations Act 1999 (Blacklist) Regulations 2010 explicitly prohibit the compilation, use, sale or supply of blacklists containing details of trade union members and their activities. Following a motion to full Council on 26 March 2013, all tenderers will be required to sign the Council's anti-blacklisting declaration. Where an organisation is unable to declare that they have never blacklisted, they will be required to evidence that they have 'self-cleansed'. The Council will not award a contract to organisations found guilty of blacklisting unless they have demonstrated 'self-cleansing' and taken adequate measures to remedy past actions and prevent re-occurrences.

3.9 The following relevant information is required to be specifically approved by the Executive in accordance with rule 2.6 of the Procurement Rules:

Relevant information	Information/section in report
1 Nature of the Service	Enforcement Agent services are essential to the complete recovery process related to on-street parking Penalty Charge Notices. See paragraph 3.1
2 Estimated value	The estimated value in terms of collected debt to the council per annum is approximately £750k (or £3m over the lifetime of a 4 year contract). The agreement is proposed to run for a period of 4 years, with no added option for any extension of time. See paragraph 3.2
3 Timetable	The Council will seek to invite expressions of interest by way of advert and will begin the appraisal of submissions by March 2017. The aim will be to begin a new contract by May 2017 See paragraph 3.3
4 Options appraisal for tender procedure including consideration of collaboration opportunities	The preferred contract route is by open tender. See paragraph 3.4
5 Consideration of: Social benefit clauses; London Living Wage;	The contractor will be expected to demonstrate sustainable operational effectiveness and also demonstrate suitable consideration as to the management of vulnerable

Best value; TUPE, pensions and other staffing implications	customers. LLW will apply. See paragraph 3.5
6 Evaluation criteria	The contract will be awarded entirely on the basis of the quality brought to the contract and the quality of service that is provided to customers. See paragraph 3.6
7 Any business risks associated with entering the contract	There is little risk to the Council in undertaking this contract exercise. The bigger risk is that of not using the services required and the impact that would have on reputation and income. See paragraph 3.7
8 Any other relevant financial, legal or other considerations.	See paragraphs 4.1 and 4.2

4. Implications

4.1 Financial implications:

The enforcement agency contract is awarded at zero cost to the Council with income recovered through the process exceeding any costs associated with the contract. Transactions arising from the contract are accounted for within the parking account.

4.2 Legal Implications:

The Council's power to issue on-street Penalty Charge Notices are set out in Part 6 of the Traffic Management Act 2004 and the regulations to bring Part 6 into effect. The Council may appoint enforcement agents to perform debt collection services under section 111 of the Local Government Act 1972. The statutory fees that bailiffs can charge are set out in the Taking Control of Goods (Fees) Regulations 2014 No.1.

It is proposed that this contract is procured as a concession contract. The procurement of concession contracts are governed by the Concession Contracts Regulations (2016/273) ("CCR"). A Service Concession for purposes of the CCR means a contract for pecuniary interest where the concessionaire is entrusted with the responsibility for the provision and the management of services the consideration of which consists either solely in the right to exploit the services that are the subject of the contract or in that right together with payment; and the award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the services (Regulation 3). The Council's pecuniary interest lies in the fact that it is seeking to procure enforcement agency services at zero cost to the Council by funding this service from the statutory fees that the agencies are entitled to claim over and above the debts due to the Council. Operating risk in exploiting the service is also being fully transferred to the concessionaire. Therefore this contract falls under the definition of a Service Concession within the CCR.

The value of the proposed concession contract has been estimated to be £3.04m for the contract term of 4 years. This is below the threshold of £4,104,394.00 for the full application of the CCR and therefore is unlikely to require advertisement in the Official Journal of the European Union (Regulation 9). However the procurement procedure adopted ought to comply with the general principles of treating economic operators equally and without discrimination and acting in a transparent and proportionate manner (Regulation 8).

The Council's Procurement Rules requires concession contracts with a value over £164,176.00 to be subject to a minimum of five written competitive tenders (Rule 1.8). Given the value of this concession contract it is likely to be a Key Decision but it is one that may be made under delegated authority by the Corporate Director for Environment and Regeneration since the council's Procurement Rules do not reserve the award of the contract to the Executive.

On completion of the procurement process the contract may be awarded to the highest scoring tenderer.

4.3 Environmental Implications

The enforcement agencies will have some environmental impact associated with their work, including travel which has aspects such as vehicular emissions and congestion, and office usage which includes energy use, paper use waste generation etc.

4.4 Resident Impact Assessment:

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was carried out on 18th October 2016, and the summary is given below.

Whilst the recovery of debts is an activity that affects all socio-ethnic groups, the appointed contractors are obligated to consider cases of vulnerability and hardship. Complaints regarding unethical or unscrupulous behaviour by the contractor will be properly investigated and the contractor penalised if such claims are upheld.

5. Conclusion and reasons for recommendations

- 5.1 The use of Enforcement Agents is essential to comply with best practice in regards to recovery of unpaid Council parking debt.

Appendices – none

Background papers – none

Final report clearance

Signed by:



29.11.16

**Executive Member for Environment and
Transport**

Date

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Tel: 07773 289519

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Report of: Executive Member for Finance, Performance and Community Safety

Meeting of:	Date	Ward(s)
Executive	8 November 2016	All
Non-exempt		

SUBJECT: Approval of the Procurement Strategy for Anti-Social Behaviour Patrol Services

1. Synopsis

- 1.1 This report seeks pre-tender approval for the procurement strategy in respect of an Anti-Social Behaviour (ASB) Patrol Services contract in accordance with Rule 2.5 of the Council's procurement rules.
- 1.2 The Council currently has two ASB patrolling services contracts, one that covers parks and open spaces, and one that covers streets and estates, including late-night and cemeteries. This latter supports and supplements the in-house ASB service. The intention is to procure a new single contract as from 1 June 2017.

2. Recommendations

- 2.1 To approve the proposed procurement strategy for ASB Patrol Services as outlined in this report.
- 2.2 To agree to delegate the key decision of the award of the contract to the Corporate Director of Environment and Regeneration in consultation with the Executive Member for Finance, Performance & Community Safety.

3. Background

- 3.1 ASB exists across the Borough. It occurs on housing estates, streets, parks, open spaces, and can be associated with licensed premises. It also occurs at the Cemeteries that are operated through Islington and Camden Cemetery Services (ICCS).

There is currently an in-house ASB service within the Public Protection Division that responds to

ASB reports relating to Islington's streets and housing estates. This service is supported by a Metropolitan Police accredited contractor working under a Public Protection's ASB Patrolling Services contract. Additionally, the Parks Service also have a Metropolitan Police accredited contractor to deal with ASB issues in parks and open spaces under their own contract.

These contracted services provide support to partners including Police Officers, Estate Services Officers and youth workers, and can be tasked to hotspot areas. The services also provide reassurance to residents and users through a uniformed presence, a more comprehensive source of information and intelligence, as well as the deterrent effect of additional patrols.

In February 2014 the Council adopted Late Night Levy (LNL) powers for Islington. The LNL enables the Council to raise funds from licensed premises that are open between midnight and 6am. Funds raised from the levy must be used to address issues related to the late night economy. The funds raised are used for additional ASB patrols.

The current Public Protection contract ends in December 2016 and has no provision for extension. The Parks Service contract also ends in December 2016 but can be extended for a period of between three months to 4 years. The intention is to extend the Parks Service contract for six months to finish on the 31 May 2017 and to procure a short-term Public Protection patrolling services for the six months up until the 31 May. This is to ensure there is sufficient time to procure a Council-wide patrolling service contract.

The combining of the Public Protection and Parks contracts into one Council-wide contract will help deliver consistency, more efficient working across the Borough, and offer potential savings and increased value for money.

3.2 **Estimated Value.**

The total spend over the last two full financial years 14/15 & 15/16 for both the existing services was £1.77m.

The value of the procurement is therefore estimated to be in the region of £3.6 million for a period of 4 years. It is intended that there is an option to extend the contract from three months up to a maximum of a further 4 years which would take the total value to a maximum of £7.2m.

The contracted ASB services relating to out-of-hours and the Cemetery Service are already being funded from existing revenue budgets within the service areas. The LNL is a new income stream that is shared 70/30 between the Police and Council respectively. This pooled levy income will be used to finance the £250K per annum cost of patrolling the late night economy.

LNL patrols are a new service and no other Local Authority is known to have adopted this model. Outside of the LNL and the Cemetery Service, efficiencies have been achieved by grouping ASB and noise services where there is overlap, and bringing all ASB patrolling together does achieve economies of scale through eliminating duplication and cover.

3.3 **Timetable:**

The project plan proposes a target date of 31st May 2017 for bringing together all Council ASB patrolling services. This date is the soonest that can be achieved for merging the services with a view to achieving greater efficiencies going forward. It is anticipated that a new contract for all elements will commence on 1 June 2017.

The current Public Protection contract ends in December 2016. For the period January to June 2017 a quotation exercise will be used to procure a short term contract until the patrolling services can come under the new combined contract. This issue does not arise with the Parks Service provision as there is a provision for extending the contract.

It is recommended that due to the timescales involved, Executive delegate the contract award decision to the Corporate Director of Environment and Regeneration in consultation with the Executive Member for Community Safety. The contract commencement date will be 1 June 2017.

3.4 **Options appraisal:**

The option of providing the service in-house has been considered but rejected on several grounds:

- lack of necessary powers alongside the relevant accreditations being difficult to obtain
- lack of flexibility in response to changing demands, resourcing and capacity issues
- lack of appropriately qualified/competent staff (ACPO CSAS standard, Association of Chief Police Officers, Community Safety Accreditation Schemes)
- inability to draw in other services on an ad-hoc basis e.g. drug dog patrol, street drinking outreach
- capital costs to set up to purchase vehicles, equipment and IT

External collaboration is also not a current option because of the timescales and the specificity of what the Council requires. Competitive tender for a contract is the preferred option to ensure value for money is achieved for the Council through a robust process.

Due to the nature of the procurement and our specific requirements in regard to police accreditation and powers to enforce, it is apparent through market appraisal that only a small number of suppliers can provide the required services. The preferred procurement route is therefore to use the Open Procedure instead of the Restricted Procedure.

3.5 **Key Considerations:**

The ASB Patrol Service will be required to be responsive to the needs of all communities and ensure that all who come into contact with the service receive a fair and non-discriminatory service. The service will contribute to improving the lives of residents by preventing crime and reducing ASB. It will assist people who are vulnerable due to excessive alcohol consumption and have a 'first on the scene' first aid capacity. It will contribute to providing safer and stronger communities through provision of intelligence led patrols and a response service for residents and businesses.

A London Living Wage (LLW) report has been completed, and all staff employed under this contract will be paid at or above the LLW rate. The rate will be £9.75 an hour with effect from 1 April 2017.

Best Value considerations include:

- Limited duration of contract
- Performance indicators in specification
- Regular review of performance
- Flexible tasking process
- Flexible contract to respond to changing demands
- Ability to require provision of additional specialist services from the service provider, for example drug dog patrols and street drinking outreach team at agreed unit rates
- Requirement for the service provider to be CSAS accredited to ensure effectiveness and the continuation of a high quality service

The contract specification requires the contractor to build relationships and work in partnership with key stakeholders in order to resolve ASB effectively. Stakeholders include the Police, Council, VCS organisations, RSLs and the licenced trade. The service provider will deploy staff with the skills and competencies to provide a quality service. The contractor will be expected to be responsive to concerns of key departments, participate in proactive initiatives and attend relevant meetings and provide reports etc.

In addition to other ASB patrols, the service provider will operate street based foot patrols specified for LNL, with a vehicle to facilitate rapid response and a mobile control centre. Tasking, deployment and reporting will be via electronic systems. The contractor must have regard to the environmental

impact of any vehicle that they use.

The supplier will be required to be accredited under the Association of Chief Police Officers Community Safety Accreditation Scheme (CSAS) and be able to provide Patrol Officers accredited by the Police with specific delegated enforcement powers. The benefit of using a supplier with Metropolitan Police accreditation enables Patrol Officers to exercise powers normally reserved for the Police, such as issuing fixed penalty notices, lawfully obtaining names and addresses and detaining individuals. An accredited patrol service is a valuable resource and forms part of the Council's partnership problem solving approach for tackling crime and ASB. An accredited ASB patrol service provider will promote resident satisfaction, offer protection to our staff and reduce many forms of ASB across the borough.

It is important to holistically solve ASB problems in the community and therefore contractor staff will all be offered and required to complete Make Every Contact Count (MECC) online training.

The contractor will be expected to approach Islington's Employment Team to identify suitably qualified and accredited local candidates for consideration for any new recruitment or apprenticeships.

There may be TUPE implications associated with this procurement for a single employee and this is being explored further.

The contract will be managed by Public Protection as the lead division with input from other relevant services via a steering group.

3.6 **Evaluation:**

The tender will be conducted in one stage, known as the Open Procedure as the tender is 'open' to all organisations who expression their interest in the tender. The Open Procedure includes minimum requirements which the organisation must achieve before evaluation Award Criteria are considered. The evaluation criteria will be 30% on price and 70% on quality as the nature of ASB requires quality to be the priority consideration.

Tender award criteria	Total
Cost	30%
Quality for the delivery of the contract includes:	
Proposed approach to dealing with the issues of ASB on the streets and estates within an inner city environment including equalities issues in a multi-cultural community	15%
Proposed approach to work effectively in partnership with the Council, Police and partner agencies and any current partnership working	25%
Proposed approach to innovatively responding to emerging local and national priorities	15%
Proposed approach to management and supervision	15%
Total	100%

3.7 **Business Risks**

There is a risk that the Council will not be able to secure an appropriate service provider, within an appropriate timescale, but this is seen as a low risk.

There is a financial risk to one element of the service, specifically income grant income from the LNL but this is also considered low.

3.8 The following relevant information is required to be specifically approved by the Executive in accordance with rule 2.6 of the Procurement Rules:

Relevant information	Information/section in report
1 Nature of the service	Provision of ASB Patrol Services
2 Estimated value	The estimated value per year is £900K. The agreement is proposed to run for an initial period of 4 years with an option to extend from 3 months up to a maximum of a further 4 years.
3 Timetable	Award decision 1 April 2017, with a contract commencement date of 1 June 2017. See section 3.3
4 Options appraisal for tender procedure including consideration of collaboration opportunities	This will be an Islington contract by competitive tender See section 3.4
5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications	See section 3.5 – LLW will apply and TUPE may apply to a single employee.
6 Evaluation criteria	30% on price and 70% on quality. The award criteria price/quality breakdown is given in paragraph 3.6
7 Any business risks associated with entering the contract	Some funding relies on income from the LNL. See section 3.7
8 Any other relevant financial, legal or other considerations.	None

4 Implications

4.1 Financial implications:

The ASB services relating to the Parks Service, Out of Hours and the Cemetery Service are currently funded by existing revenue budgets.

The additional cost of ASB patrol support required for the late night economy may be funded by use of the LNL, a new income stream adopted by the Council in February 2014 and is shared 70/30 between the Police and the Council respectively. Based upon the current levels of licensed businesses the pooled levy could generate up to £511k of income. Depending upon the hours of operation, level of exemptions and number of businesses reducing their hours, this income could be as low as £212k.

4.2 Legal implications:

The Council has various powers and duties under the Anti-social behaviour, crime and policing act 2104 to tackle anti-social behaviour within the borough. In discharging these functions the Council has powers to conduct patrolling services under section 111 of the Local Government Act 1972) which enables the Council to carry out any activity that is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The Council may enter into contracts for such services under section 1 of the Local Government (Contracts) Act 1997. The Executive may provide Corporate Directors with responsibility to award contracts with a value over £2,000,000.00 (Procurement Rule 16.2).

The proposed contract is a contract for services. The threshold for application of the Public Contracts Regulations 2015 (the Regulations) is currently £164,176.00 for service contracts. The value of the proposed contract is above this threshold. It will therefore need to be advertised in the Official Journal of the European Union (OJEU). The council's Procurement Rules also require contracts over the value of £164,176.00 to be subject to competitive tender. The proposed procurement strategy, to advertise a call for competition and procure the service using a competitive tender process, would be in compliance with the Regulations and the Council's Procurement Rules.

On completion of the procurement process the contract may be awarded to the highest scoring tenderer subject to the tender providing value for money for the Council.

4.3 **Environmental implications:**

ASB includes environmental crimes. It undermines people's sense of safety, their well-being and ultimately their health. Evidence suggests that if swift action is taken to deal with it, it is less likely to recur. Conversely, incidents that may be relatively minor in themselves can have a serious cumulative impact if left unchecked. Procuring an accredited ASB patrolling service will help to protect communities from ASB impacts. Whilst inevitable vehicle use will have an impact on air quality, the overall impact of the service on the community and the local environment is positive.

4.4 **Resident Impact Assessment:**

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment RIA has been undertaken for the procurement of ASB services and concluded that outcomes will be positive for all residents and especially so for more vulnerable groups. There are no additional equalities or safeguarding implications that are not in place already given the in-house ASB service. Current key priorities and actions are confidentiality, referral to support agencies, prioritisation for hate crime issues, interviews with parents where young people are involved, reassurance visits for the elderly and awareness training on mental health issues.

5. **Conclusion and reasons for recommendations**

5.1 This procurement is essential to address antisocial behaviour issues in Islington. It allows for continuation of the service, possible future expansion and service flexibility.

Appendices - none

Background papers - none

Final report clearance:

Signed by:



29.11.16

Executive Member for Finance, Performance and
Community Safety

Date

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Report of: Executive Member for Environment & Transport

Meeting of:	Date	Ward(s)
Executive	8 December 2016	All

Non-exempt

SUBJECT: Procurement Strategy - Arboricultural Services

1. Synopsis

- 1.1 This report seeks pre-tender approval for the procurement strategy in respect of Arboricultural Services in accordance with Rule 2.5 of the Council's Procurement Rules.
- 1.2 The contract is to procure all aspects of Arboricultural Services including the pruning, felling and planting of all council owned trees. This procurement will be a Single Supplier Framework Agreement utilising direct call-offs and will be subject to a joint procurement exercise with the City of London Corporation and Waltham Forest Council. Islington Council will be the Procurement Lead for this joint collaboration.

2. Recommendations

- 2.1 To approve the procurement strategy for Arboricultural Services as outlined in this report.
- 2.2 To delegate authority to award the contract to the Corporate Director of Environment and Regeneration in consultation with the Executive Member for Environment & Transport.

3. Background

3.1 Nature of the service

We wish to procure an Arboricultural services framework agreement for all types of tree works, including pruning, felling and planting. This contract will apply to all trees on Council land (including highways, housing, parks and open spaces). It is necessary to procure a new contract for this work as the current contract comes to an end on the 31.6. 2017 and we need ensure continuation of service. We are in the process of developing the specification with the partner organisations and have been carrying out

market testing.

3.2 Estimated Value

The arrangement will be funded through current service level agreements with other directorates within the Council and other councils, plus additional income that the service generates. The estimated value of the procurement is £750k per annum for the Council, with an overall estimated annual spend of £1.6m per annum when incorporating Waltham Forest's and The City of London Corporation's spend (£750k and £80k respectively). To allow for fluctuations in funds and growth, the contract will have an annual value range of £1.2m to £2m). The contract will be a four year framework agreement which allows call-off contracts for up to a total length of seven years. The total contract value will therefore be between £8.4m and £14m.

Islington has spent a total of £1.5 million on this service over the last two years.

Any reduction in spend will result in a reduction in the amount of tree works undertaken through the contract. This would result in trees being pruned less frequently, likely resulting in an increase in complaints. It would also result in increased risk of claims being made against the Council for tree related subsidence. There would be a reduced ability to defend such claims as it would become more difficult to demonstrate that we had acted reasonably in relation to managing a known risk (that of trees causing damage to building on clay soil) resulting in a financial risk to the Council.

The existing contract was let three years ago, and market testing is now being carried out to review the schedule of rates. By undertaking a joint procurement, it is hoped that economies of scale may result in savings being realised, and efficiencies that can be delivered by the contractor will be considered as part of the quality methodology assessment.

3.3 Timetable

Contract award - May 2017
Contract mobilization period - June 2017
Contract Start - 1 July 2017

The current contract expires 31 June 2017.

As the value of this contract is over the EU threshold, the contract notice will be advertised in OJEU and the timescales as per the Public Contracts Regulations 2015.

We have consulted with both Procurement who are supporting us with the process, and Legal Services who have now drafted the framework agreement and call-off contract documents. As this is a collaborative procurement we have also consulted with our partners.

3.4 Options appraisal

We have considered the following procurement strategy options:

- single supplier award (not a framework)
- in-house provision
- single supplier framework agreement.
- use of existing framework

A single supplier award (not a framework) is not a viable option as we cannot define the total value of works to be placed under this contract. The option of bringing this service back in house would increase costs and we would lose the flexibility in resources that a large contractor is able to provide. We have also reviewed frameworks currently available, but none are sufficiently local as to be suitable to provide this service.

In-house provision is not considered a viable option due to the requirement for the service to provide a

wide range of tasks (felling, planting, pruning, stump grinding, specialist felling etc) which requires specialist equipment and trained operatives. These tasks fluctuate throughout the year resulting in the need for a highly flexible workforce. A large contractor can provide this flexibility whereas an in-house team would need significant investment to enable this wide range of tasks. A large contractor has greater capacity to deal with storms/ unforeseen surge in work.

The preferred procurement route is therefore a single supplier framework agreement with call-off contracts as it allows us not to commit to a total spend over the period of the contract and gives us the security of procuring a flexible resource that can meet the demands of the service.

This contract is being jointly procured with the City of London Corporation and Waltham Forest Council.

A framework agreement with call off periods of up to five years plus two years (seven in total), provides flexibility and allows spend to fluctuate whilst delivering a length of contract that allows contractors to invest in specialist plant and equipment.

3.5 Key Considerations

A requirement for apprenticeships will be written into the contract, as well as a requirement to engage in local employment and an expectation for the contractor to become involved in community events such as “Love Parks” and tree planting events.

A requirement for the payment of LLW will be included as a condition of this contract if there is no cross border interest in the contract following OJEU notice or if cross border bidders do not expect to use employees for this contract who are established in another EU member state.

At any time during the framework contract period, the Council can require the supplier to initiate a Best Value review at the supplier’s expense in relation to the supplier’s performance of its obligations under the Framework Agreement and call off contracts, including without limitation any subcontracted elements of the service provided to the Participating Authorities.

The contract will address environmental sustainability by insisting that the contractor operates an environmental management system, operates at all times within the Environment Protection Act 1990 and the Environment Act 1995. The contract will also detail protection of waterways, wildlife protection and specifically Bat regulations.

TUPE will apply to this procurement.

3.6 Evaluation

The tender will be conducted in one stage, known as the Open Procedure as the tender is ‘open’ to all organisations who express their interest in the tender. The Open Procedure includes minimum requirements which the organisation must achieve before the evaluation Award Criteria are considered.

The proposed evaluation award criteria is:

Cost – 60% Quality - 40%

Quality will be made up of:

- Efficiency/ Savings -10%
- Communications and Customer Care-12%
- Mobilisation / Implementation plan - 6%
- Health and Safety - 6%
- Social Benefit - 6%

3.7 Business Risks

The joint collaboration of this contract in itself presents some business risks. We have worked hard in

previous contracts in reducing risk to the contractor, by ensuring efficient business processes between us and the contractor and ensuring that there is an even flow of work issued to the contractor. Whilst Islington and Waltham Forest are looking at unifying the way we approach managing the contract as much as possible, the City of London Corporation may client the contract in a different way. One example is that whilst we will have a small number of officers who can raise work with the contractor, the City, due to the way it is structured, may have many and involving the use of a variety of systems. This is likely to result in additional costs to the contractor. To protect the Council from the risk of increased costs, an uplift on the City of London's work will be applied. There are also opportunities from collaborating more closely in the future and realising potential savings and efficiencies in the clienting side.

Health and Safety is an important consideration in this contract, and as such the bidding contractors Health and Safety policies will be assessed by Corporate Health and Safety.

3.8 The Employment Relations Act 1999 (Blacklist) Regulations 2010 explicitly prohibit the compilation, use, sale or supply of blacklists containing details of trade union members and their activities. Following a motion to full Council on 26 March 2013, all tenderers will be required to sign the Council's anti-blacklisting declaration. Where an organisation is unable to declare that they have never blacklisted, they will be required to evidence that they have 'self-cleansed'. The Council will not award a contract to organisations found guilty of blacklisting unless they have demonstrated 'self-cleansing' and taken adequate measures to remedy past actions and prevent re-occurrences.

3.9 The following relevant information is required to be specifically approved by the Executive in accordance with rule 2.6 of the Procurement Rules:

Relevant information	Information/section in report
1 Nature of the service	To manage and maintain tree stock. See paragraph 3.1
2 Estimated value	The framework agreement has an estimated annual value of between £700,000 and £1,000,000 of Council spend. The total estimated value of the framework agreement is between £1,200,000 and £2,000,000 per year, totalling between £8,400,000 and £14,000,000 over the life of the contract See paragraph 3.2
3 Timetable	Key dates within the procurement timetable have been provided within this report, with a contract start date of 1 July 2017. See paragraph 3.3
4 Options appraisal for tender procedure including consideration of collaboration opportunities	This contract will be jointly procured with Waltham Forest and The City of London. The procurement strategy options that have been considered are set out in this report. See paragraph 3.4
5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications	Social benefit clauses will be written into the contract. The London Living Wage and TUPE will apply to this contract as appropriate. See paragraph 3.5

6 Evaluation criteria	<p>Cost – 60% Quality 40%</p> <p>Quality will be made up of:</p> <ul style="list-style-type: none"> • Efficiency/ Savings -10% • Communications and Customer Care-12% • Mobilisation / Implementation plan - 6% • Health and Safety - 6% • Social Benefit - 6% <p>See paragraph 3.6</p>
7 Any business risks associated with entering the contract	<p>The business risks have been identified and steps to mitigate these are being identified.</p> <p>See paragraph 3.7</p>
8 Any other relevant financial, legal or other considerations.	None

4. Implications

4.1 Financial implications:

The contract has an estimated annual value for the Council of up to £1million and is financed from budgets within the tree service and across the Council who commission the tree service work. The service also generates external income from services to third parties. The cost of the procurement will be met from budgets within the tree service.

4.2 Legal Implications:

The Council has powers to maintain open spaces and burial grounds under section 10 of the Open Spaces Act 1906 and a general power to improve highways under section 62 of the Highways Act 1980. Both these powers may involve the planting of trees. Maintenance of trees may be carried out under s111 of the Local Government Act 1972. The Council has power to enter into contracts with providers of arboricultural services under section 1 of the Local Government (Contracts) Act 1997.

The Executive may provide Corporate Directors with responsibility to award contracts with a value over £2 million using revenue money (council's Procurement Rule 16.2).

The proposed contract is a contract for services. The threshold for application of the Public Contracts Regulations 2015 (the Regulations) is currently £164,176.00 for service contracts. Contracts above this threshold must be procured with advertisement in the Official Journal of the European Union and with full compliance of the Regulations. The Council's Procurement Rules also require contracts over the value of £164,176.00 to be subject to competitive tender. The proposed procurement strategy, to advertise a call for competition and procure the service using a competitive tender process, is in compliance with the principles underpinning the Regulations and the council's Procurement Rules.

On completion of the procurement process the contract may be awarded to the highest scoring tenderer subject to the tender providing value for money for the Council.

4.3 Environmental Implications

Arboriculture services are high risk in terms of environmental implications due to the nature of the works, which may cause significant damage to the trees and protected species that live in them (e.g. bats or nesting birds) if carried out incorrectly. The contractor will be required to submit and adhere to

method statements detailing how they will carry out and manage any works, and ensure their staff are appropriately trained.

More minor aspects of the contract involve travel around the borough, which will be mitigated by the contractor scheduling works to minimise travel. Other aspects include those associated with the use of offices and tools by the contractor – e.g. energy and water use and waste generation. All bidders are expected to have an environmental management system in place to address these, and will also be legally required to comply with the waste hierarchy, prioritising recycling over landfill.

4.4 Resident Impact Assessment:

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 31/10/16. Tenders will be required to address as part of the method statement on Social Benefit, how their site set-up and management in public places will reduce the impact of their works on people with visual impairments and other disabilities. The contractors also have to access gardens in the rear of tenanted properties and we will be looking for how they intend to protect children and vulnerable adults. Their method statements will form part of the contract specification.

We will work with the contractor to seek to ensure access to employment on the contract of local people and under represented groups wherever possible.

5. Reason for recommendations

- 5.1 The recommendations are to allow for the procurement strategy detailed in this report to be progressed securing a single supplier framework agreement as this provides the best contractual structure for this type of service for the Council and its' partners.

Appendices – none

Final report clearance:

Signed by:



29.11.16

Executive Member for Environment and Transport

Date

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