GREATER**LONDON**AUTHORITY

(By email)

Our reference: MGLA181022-1487

Date: 11 November 2022

Dear

Thank you for your further request for information which the Greater London Authority (GLA) received on 17 October 2022. Your request has been considered under the Environmental Information Regulations (EIR) 2004.

Please note that the information we have provided in response to your request is related to the new development on the Kilburn Square Estate (as referred to on the London Borough of Brent's website[1]) which we understand your EIR request relates to. Please be advised that we have not included information about any historic schemes on the Kilburn Square estate as we believe this to be outside of the scope of your request.

Our response to your request is as follows:

1. *Planning team. The emails provided are exchanges with the NW Area team, which I understand to be within the Housing and Land Directorate. My request also covered communications with the GLA Planning team: did they have no exchanges with Brent/ Network Homes this year?*

There has been no correspondence between the Brent / Network Homes and the GLA Planning Team in relation to the Kilburn Square scheme this year.

2. *A number of questions posed by the GLA team have no recorded answers in the thread provided; can you please clarify and provide me with those answers? As follows:*

Question	**Response**
Feb 18: New Head of Affordable Housing - *One of the questions I have for you is what now constitutes a SOS it use to be site preparation i.e. site buildings, demo etc. Could you let me have the official current response please?*	The Start on Site definition is set out in GLA's Capital Funding Guide (CFG) starting at section 2.3.16 on page 50. Linked here for ease of reference: section_2._general_22-4-22.pdf (london.gov.uk)
Aug 2: GLA Senior Area Manager - *Actions:*	The GLA are still in discussions with Brent regarding the up-to-date interim milestones for

[1] Kilburn Square Estate | Brent Council

• *Brent to review milestones on OPS and update to align with the above as well as including interim dates for the following milestones:*
  ○ *Planning submitted*
  ○ *EoI issued*
  ○ *ITT issued*
  ○ *Vacant possession achieved*
• *Brent to include a comment when the updated milestones are submitted on OPS to confirm that "Brent accepts that failure to meet any of the milestones as forecasted will result in a review of the delivery prospects of the project which may result withdrawal of allocated funding."*
• *Brent to finalise bid for extra care units and ensure the milestone dates align with the main general need project on OPS.*
	the Kilburn Square project and to finalise the bid for the extra care units preposed at Kilburn Square.

Sep 6: GLA Area Manager -
Please send over the FVA'S for , Kilburn Square and
• *With the FVA'S please provide commentary explain the level of grant requested for each scheme;*
• *Please provide commentary explaining LB Brent's policy of using LHA rents on its NAIL schemes;*
• *We require confirmation from LB Brent's Welfare benefits team that the rents and service charge will be covered by housing benefit;*
• *Please can you also confirm the following for each of the schemes:*
  ○ *Weekly rent charge;*
  ○ *Weekly service charge ;*
  ○ *How much of the service charge will be covered by housing benefit.*
	The information requested in this email is regarding the extra care project the London Borough of Brent are proposing at Kilburn Square. The GLA has not yet received this information from the London Borough of Brent. The GLA are in regular communication with the London Borough of Brent to discuss the project.

3. *You report that the OPS approval for Kilburn Square as at September 13 was still 123 units – whereas the scheme being prepared is for 139 units, of which 40 are Assisted Care. Earlier extracts from OPS in the correspondence have shown dates that have been missed and sometimes inconsistent intervals between milestones. And GLA Officers have regularly been urging updating. So*

   a) Is there a later entry now on OPS?
   b) For whatever is the latest entry, what are the milestone dates, risks identified and mitigations thereof?
   c) Has Brent now explicitly given the statement recognising the risk of grant withdrawal if SOS by end-March and intermediate milestone dates are not met?

The scheme information previously provided remains the latest approved position on OPS, as summarised below:

Project details (last approved on OPS 12/11/2018):

Project title	Brondesbury Road Mental Health Service
Organisation name	London Borough of Brent
Programme selected	Building Council Homes for Londoners
Brief project description	Master planning of the Kilburn Square site, phase 1 – Demolition of th existing facility and construction of a single block consisting of 70 units.
Address of the project	15 Brondesbury Rd, North Maida Vale, London, NW6 6BX
Borough	Brent
Ward	Brondesbury Park
Postcode	NW6 6BX

Co-ordinates	525267, 183702

Milestones (last approved on OPS on 20/01/2022):

Milestone	Date	Claim status
Detailed planning permission achieved	31/08/2021	Pending
Contractor appointment	30/06/2022	Pending
Start on Site	30/09/2022	Pending
Completion	31/12/2024	Pending

As previously stated, the GLA are in regular communication with the London Borough of Brent to discuss the scheme including any changes to the milestones . Any request to change the milestones will be reviewed and assessed by the GLA in accordance with the GLA's published policies as set out in the programme funding guidance which is available on the GLA's website[2].

We consider that the unapproved dates LB Brent have put on OPS is is exempt information by virtue of the disclosure-exception provisions found under regulation 12(4)(d) of the EIR. Regulation 12(4)(d) is engaged when the request relates to material that is still in the course of completion, unfinished documents or incomplete data. If the information in question falls into one of these categories, then the exception is engaged. Guidance[3] published by the Information Commisioner clarifies:

> *"The fact that the exception refers to both material in the course of completion and unfinished documents implies that these terms are not necessarily synonymous. While a particular document may be itself be finished, it may be part of material still in the course of completion. An example may be where a public authority is formulating and developing policy."*

The same guidance also clarifies that material which is still in the course of completion can include information created as part of the process by which it formulates policy and reaches decisions.

It is not necessary for the GLA to demonstrate where disclosure might have a particular adverse effect in order to engage the exception, but any adverse effects of disclosure may be relevant in the public interest considerations which the GLA is required to balance in order to decide whether the information should be withheld.

The Ops system contains 'live' data which is subject to further negotiation. By providing the unapproved dates LB Brent have put on OPS we risk the negotiations we have with other partners which could risk delivery in the Affordable Housing Programme 16-21.

There is a strong public interest in the release of information that would inform and engage public debate on issues pertinent the delivery in the Affordable Housing Programme 16-21.

Disclosure would also therefore help reassure the public that we are considering the most appropriate options. Effective policy and decision making should be informed by engaging with the public and key stakeholders; however this engagement needs to be structured to be effective. Disclosure of information relating to project slippage risks other partners doing the

[2] Building Council Homes for Londoners Funding Guidance
[3] eir_material_in_the_course_of_completion.pdf (ico.org.uk)

same and all of the schemes falling at the end of the programme, risking the delivery of homes and targets.

The GLA therefore considers that the best interests of the public – i.e. the public interest – is best served by ensuring that public authorities continue to deliberate robustly and comprehensively, considering all options and their potential impacts, in order for the best possible decisions to be taken when negotiatioting project milestones with its delivery partners.

Yours sincerely

Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:
Freedom of information | LGOV (london.gov.uk)