



Agenda

Policy, Finance and Resources Committee

Tuesday, 15 September 2015 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum-3)

Cllrs Mrs McKinlay (Chair), Hirst (Vice-Chair), Aspinell, Barrett, Clark, Faragher, Hossack, Parker and Russell

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A handwritten signature in black ink, appearing to read 'P. L. R. B.' with a large, sweeping underline.

Head of Paid Service

Town Hall
Brentwood, Essex
07.09.2015

Information for Members

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The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

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Point of Order/ Personal explanation/ Point of Information

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Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

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Minutes

Policy, Finance and Resources Committee Tuesday, 30th June, 2015

Attendance

Cllr Mrs McKinlay (Chair)
Cllr Hirst (Vice-Chair)
Cllr Barrett
Cllr Clark
Cllr Faragher

Cllr Hossack
Cllr Parker
Cllr Russell
Cllr Mynott

Apologies

Cllr Aspinell

Substitute Present

Cllr Mynott (substituting for Cllr Aspinell)

Also Present

Cllr Barrell
Cllr Mrs Hubbard
Cllr Kendall
Cllr Morrissey
Cllr Ms Rowlands
Cllr Ms Sanders
Cllr Tee
Cllr Wiles

Officers Present

Chris Leslie
Greg Campbell
Steve Summers
Claire Hayden
Chris Gill
Chris Potter

Finance Director
Project Manager - Customer Transformation
Head of Customer Services
Governance and Member Support Officer
Interim Asset Manager
Monitoring Officer and Head of Support Services

70. Apologies for Absence

Apologies were received from Cllr Aspinell with Cllr Mynott substituting.

71. Minutes of the Previous Meetings

The minutes of the Finance and Resources Committee meeting held on 11th February 2015 and the Assets and Enterprise Committee meeting held on 27th March 2015 were approved and signed by the Chair as a correct record.

72. Variation on the Order of the Agenda

RESOLVED, following a request from the Chair, to move item 7 (Old House Refurbishment) forward for consideration.

73. Old House Refurbishment

The report considered the progress to date for the proposed refurbishment project for the Old House.

A motion was **MOVED** by Cllr Mrs McKinlay and **SECONDED** by Cllr Hirst to receive the recommendation in the report.

An amendment to the recommendation was **MOVED** by Cllr Barrett and **SECONDED** by Cllr Mynott to state:

"That the matter of the disposal of the Old House be referred to the Head of Paid Service, with delegated authority being granted to that officer, to consider, undertake, and report back to this Committee on, a full options appraisal, including disposal at less than best consideration to a community led group for the purpose of creating and running a community hub to secure the social benefit of improved social cohesion".

A vote was taken by a show of hands and it was **LOST**.

Returning to the **SUBSTANTIVE MOTION**, following a further discussion it **RESOLVED** that:

- 1. The Head of Paid Service be granted delegated authority to dispose of the Old House at best value (on the basis that planning approval being obtained and listed building consent had been granted).**

REASON FOR RECOMMENDATION

To enable the creation of a capital receipt for the Council.

74. Approval for Restructures in Three Service Areas

The report requested the approval of the Committee to allow the Head of Paid Service to conduct and implement restructures in three service areas of the

Council. The Council's Organisational Change Policy makes it clear that approval is sought from Members prior to any restructuring being carried out.

The areas that were under consideration for restructure were:

- Senior Management Team, also known as Corporate Leadership Board (CLB).
- Street Scene Management
- Car Parking

With agreement, the proposed restructures would be in place by 31st August 2015.

A motion was **MOVED** by Cllr Mrs McKinlay and **SECONDED** by Cllr Hirst to agree the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED** that:

- 1. The restructures in the service areas as defined in 1.2 in the report proceed in accordance with the Council's adopted policies and procedures.**
- 2. The Head of Paid Service be granted Delegated Authority to undertake, manage and implement the said restructures provided that consultation took place with the Leaders of all Political groups (or in their absence, their appointed deputies). Such consultation would include meetings with the said Leaders and would include advice as to progress.**

REASON FOR RECOMMENDATION

To enable the Council to align its available resources with its service delivery model.

75. Annual Treasury Management 2014/15

The Council were required by regulations under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15. The report met the requirements of both the CIPFA Code of Practice on Treasury Management(the code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

On 5th March 2014, Council approved the annual treasury strategy for 2014/15. The report compared the treasury activity for 2014/15 against the annual strategy.

A motion was **MOVED** by Cllr Hirst and **SECONDED** by Cllr Mrs McKinlay to agree the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

- 1. The treasury management activity and information for 2014/15 be noted.**

REASON FOR RECOMMENDATION

The Council was required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15.

76. Provisional Outturn 2014/15

As part of the year end process, the Council must report the outturn position for 2014/15 and produce a Statement of Accounts which must be signed off by the External Auditors (Ernst & Young) and published by 30 September 2015.

The report dealt with the 2014/15 financial outturn for the following:

- General Fund – projected breakeven position for the year.
- Housing Revenue Account – projected under spent of £94K for the year.
- Capital Programme – projected under spend of £3.4M for the year.

The report also considered the reserves and working balance levels.

A motion was **MOVED** by Cllr Hirst and **SECONDED** by Cllr Mrs McKinlay to agree the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

- 1. The provisional outturn information within this report was approved.**
- 2. The capital programme would carry forwards requested at paragraph 4.11 of the report were approved.**

REASON FOR RECOMMENDATION

The Council were required to ensure effective arrangements for financial management were in place.

77. Draft Corporate Plan

The purpose of the report was to commence the process of updating the Council's Corporate Plan for 2016-19 and for approval for a six week period of consultation. It was important for the Council to have in place a Corporate Plan so it was clear in the strategic direction and planned approach to deliver progress against its vision for the Council.

The draft Corporate Plan 2016-19 covered a 3 year period. The aim of the consultation was to ensure resident target groups, statutory partners, voluntary partners and interested parties, had an opportunity to put forward their priorities for the Council so as the revised Corporate Plan would reflect the needs of the Borough.

A motion was MOVED by Cllr Mrs McKinlay and SECONDED by Cllr Hirst to agree the recommendation in the report.

Cllr Mynott suggested an amended to the recommendation to state:-

“Members approved the consultation approach to the Corporate Plan 2016-19, as outlined in 4.1.”

The amendment was accepted by the Chair.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

- 1. The consultation approach to the Corporate Plan 2016-19, as outlined in 4.1, be approved.**

REASON FOR RECOMMENDATION

The Corporate Plan set the strategic direction and planned approach to delivering progress against the vision for the Borough. The consultation started the process of delivering the new plan.

78. Warley Training Centre - Sale and Acquisition

At the Asset & Enterprise Committee held on 15 July 2014 it was resolved *“That conditional contracts for the sale of the property are exchanged with the highest and most compliant bidder (Bid B), with the Council then negotiating to retain 5 units for revenue purposes.”*

A further report was presented to the Asset & Enterprise Committee on 17 September 2014 confirming that the Council’s solicitors have been instructed regarding the sale and negotiations have been undertaken to retain 5 units at a discount to current values.

A report was presented to Ordinary Council on 22 October 2014 relating to the acquisition of the 5 units.

Council resolved:

“1. That delegated authority be given to the Acting Chief Executive to approve and enter into conditional contract on behalf of the Council relating to the acquisition of the 5 x 2 bedroom apartment units as set out in exempt Appendix 1(Confidential) but such delegated authority shall be conditional upon best consideration relating to such acquisition and the connected disposal being reaffirmed to the satisfaction of the Section 151 Officer at the

date of exchange of contracts by an independent RICS) Royal Institution of Chartered Surveyors) qualified surveyor.

2. Members approve a virement from the Parking and Improvement Scheme to address the reduction in the original capital receipt anticipated for this sale”.

Following agreement of terms and approval of the Asset & Enterprise Committee and Ordinary Council to the proposed transactions the original compliant bidder has sought to reduce their offer for the site. The Asset & Enterprise Committee of the 27 March 2015 resolved to give delegated authority to the Chief Executive to approve and enter into conditional contracts with the party that submitted the highest compliant and deliverable bid and to enter into an option agreement to acquire up to 5 residential apartments.

Heads of terms have been agreed with the party indicated in Appendix A (Exempt). This party has undertaken discussions with the Local Planning Authority and the provision of the small community hall (60 sq m) has met with some resistance and developer has put forward an alternative proposal that is a capital payment is provided in lieu of the facility, Appendix A (Exempt) to be expended to support existing sport/ community/leisure facilities within Warley.

The proposal to acquire up to 5 residential apartments has been reviewed and as it would be necessary for the Council to borrow money to fund the proposal and therefore, increase its debt liability, it is considered that the option arrangement should not be pursued. The capital requirement could be better utilised to reduce the Councils debt or fund other capital schemes to avoid the necessity to borrow.

A motion was MOVED by Cllr McKinlay and SECONDED by Cllr Hirst to agree the recommendations in the report.

An amendment to recommendation 2.2 was MOVED by Cllr Clark and SECONDED by Cllr Mynott that:-

“The requirement for the developer to provide a community facility of 60 sq m was omitted and that the Head of Paid Service was given delegated authority to negotiate and agree, after consultation with the Chair of the Committee, a capital sum in lieu. The sum to be set aside for community facilities within Warley”

Cllr Clark request a recorded vote in accordance with Part 4.1 of the Constitution, Rule 9.5, five Members requested a recorded vote be taken and Members voted as followed:

FOR: Cllrs Barrett, Clark, Faragher and Mynott (4)

AGAINST: Cllrs Hirst, Hossack, Mrs McKinlay, Parker and Russell (5)

ABSTAIN: (0)

The amendment to the motion was **LOST**.

After a full discussion, an amendment to the SUBSTANTIVE MOTION was MOVED by Cllr McKinlay and SECONDED by Cllr Russell to recommendation 2.2.

“The requirement for the developer to provide a community facility of 60 sq m was omitted and that the Head of Paid Service was given delegated authority to negotiate and agree, after consultation with the Chair of the Committee, a capital sum in lieu. The sum to be set aside for community facilities within the Borough”.

Cllr Barrett suggested an amendment to this recommendation, which was agreed by the Chair.

The requirement for the developer to provide a community facility of 60 sq m was omitted and that the Head of Paid Service was given delegated authority to negotiate and agree, after consultation with the Chair of the Committee, a capital sum in lieu. *The sum to be set aside for community facilities within the Borough, with preference to the Warley Ward.*

A vote was taken by a show of hands and it was **RESOLVED** that:

- 1. Delegated authority be given to the Head of Paid Service to approve and enter into conditional contracts with the party that submitted the highest compliant bid as set out in Appendix A of the report (exempt appendix).**
- 2. The requirement for the developer to provide a community facility of 60 sq m was omitted and that the Head of Paid Service was given delegated authority to negotiate and agree, after consultation with the Chair of the Committee, a capital sum in lieu. The sum to be set aside for community facilities within the Borough, with preference to the Warley Ward.**
- 3. The requirement that the Council entered into an option agreement to purchase up to 5 residential units be withdrawn.**

REASON FOR RECOMMENDATION

To provide the Council with a capital receipt.

TERMINATION OF MEETING

During the preceding item, in accordance with Rule 28 of Part 4.1 – Council Procedure Rules, the businesses of the meeting not having concluded by two hours after its start, Members voted and agreed to continue with the meeting for a further 30 minutes.

79. Hutton Community Centre

The decision of the 18th February 2015 Asset and Enterprise Committee was to grant delegated authority in the following terms:

“That delegated authority be granted to the Strategic Asset Manager after consultation with the Chair of Asset and Enterprise Committee to negotiate and enter into a lease of the Hutton Community Centre to Essex Boys and Girls Club”.

Negotiations subsequently failed to result in the grant of a lease and so the matter was brought back to Members.

A motion was moved by Cllr Mrs McKinlay and **SECONDED** by Cllr Hossack to agree the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

1. **An external valuation of the property known as Hutton Community Centre be carried out to determine the current open market rental that could be expected.**
2. **The process for seeking bids for a lease of Hutton Community Centre be carried out in accordance with the process set out in the report.**
3. **Those bids received be considered by a future meeting of the Policy, Finance and Resources Committee.**

REASON FOR RECOMMENDATION

To secure a lease to a suitable Community group to manage and operate the centre for the benefit of the local community whilst securing the best rental return to the Council.

80. Bell Mead, Ingatestone - Sale

At the Asset & Enterprise Committee held on 15 July 2014 it was resolved:-

“That conditional contracts for the sale of this site should be exchanged with the party that had submitted the highest compliant and deliverable bid”.

Terms were agreed with a prospective purchaser and conditional contracts were exchanged in October 2014, Appendix A (Exempt).

The prospective purchaser following several pre app meetings with Planning submitted a planning application for a scheme to provide 14 units, a mixture of apartments and 4 town houses. The contract required the purchaser to provide 5 affordable units and an additional 10 community car parking spaces, Appendix B.

Following the submission of the planning application and consultation the purchasers has been advised by Planning to reduce the massing of the rear block which previous was to be 4 town houses. The scheme now provides 16 units all of which are to be apartments, of which 5 are to be affordable plus 10 additional car parking spaces. All other terms to remain as previously agreed, Appendix C.

A motion was **MOVED** by Cllr Parker and **SECONDED** by Cllr Faragher to agree the recommendation in the report.

A vote was taken and by a show of hands it was **RESOLVED UNANIMOUSLY** that:

1. The variation to the original scheme be approved.

REASON FOR RECOMMENDATION

Planning has required the purchaser to vary the original scheme following consultations.

81. Hutton Football Club

The report considered the recommendation of the 27th March 2015 Asset and Enterprise Committee which dealt with the lack of rent reviews prior to the provision of a new lease as agreed by the 23rd January 2013 Asset panel.

“Hutton Football Club had put forward an offer of £900.00 per annum going forward until the lease expired in 2019.

That the offer from Hutton Football Club be submitted to the next Finance and Resource Committee with a recommendation that it should be accepted”.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Russell to agree the recommendation in the report.

A vote was taken and by a show of hands it was **RESOLVED UNANIMOUSLY** that:

- 1. The recommendation of the 27th March 2015 Asset and Enterprise Committee to accept the offer of £2000 back rental and £900 per annum going forward from Hutton Football Club until the lease expired in 2019 be agreed.**
- 2. The debt of the non crystallised back rent amounting to approximately £13,000 be written off.**
- 3. Negotiations be commenced concerning the provision of a new lease to the Hutton Football Club having regard to the terms agreed by the 23rd January 2013 Asset Panel and revised in the report.**

REASON FOR RECOMMENDATION

To ratify the decision of the March Asset and Enterprise Committee and accept the offer made by the club in respect of the current rent review.

82. King George's Playing Fields Cafe - Lease Renewal

The cafe was let to Emine Mani t/a Mani Caterers. The tenant was originally granted a lease from May 2006 which had now expired. Provisional agreement had been reached regarding a new lease and approval was sought from the Committee to conclude and regularise the tenancy.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Parker to agree the recommendation in the report.

A vote was taken and by a show of hands it was **UNANIMOUSLY RESOLVED** that:

- 1. Delegated Authority be given to the Head of Paid Service to grant a new lease to Emine Mani t/a Mani Caterers incorporating the terms as set out in Appendix A of the report (exempt appendix).**

REASON FOR RECOMMENDATION

To ensure that a revenue stream was maintained.

83. Shenfield Scout Lease

A motion was **MOVED** by Cllr McKinlay and **SECONDED** by Cllr Russell to **DEFER** this item to the next meeting, so that negotiations can be undertaken with the Scouts. **RESOLVED by assent that:** This item be deferred to the next meeting.

84. Performance Indicators Fourth Quarter and Year End 2014/15

The report detailed the Operational Performance indicators agreed for 2014/15 and gave performance detail for the fourth quarter and year end 2014/15.

A motion was **MOVED** by Cllr Mrs McKinlay and **SECONDED** by Cllr Hirst to agree the recommendations in the report.

A vote was taken and by a show of hands it was **RESOLVED UNANIMOUSLY** that:

- 1. The Committee noted that Operational performance Indicators for 2014/15.**

2. **The Committee considered and noted the performance and contextual information against the Fourth Quarter and Year End Key Performance Indicators for 2014/15.**

REASON FOR RECOMMENDATION

That the Committee reviewed the 2014/15 Performance Indicators and the performance for the fourth quarter and year end 2014/15 as required by the Terms of Reference.

TERMINATION OF MEETING

During the preceding item, in accordance with Rule 28 of Part 4.1 – Council Procedure Rules, the businesses of the meeting not having concluded by two hours after its start, Members voted and agreed to continue with the meeting for a further 30 minutes.

85. Write Offs

As outlined in the Council's constitution, all outstanding debts over £5,000 cannot be written off without Member approval.

The report requested the authorisation of the Committee to write off the Housing Benefit overpayment and Sundry debt listed within Appendices A and B to the report (exempt appendices).

A motion was **MOVED** by Cllr Mrs McKinlay and **SECONDED** by Cllr Hirst to agree the recommendation in the report.

A vote was taken and by a show of hands it was **RESOLVED UNANIMOUSLY** that:

1. **The Committee approve the write off of all debts listed within Appendix A and B (both exempt) to the report.**

REASON FOR RECOMMENDATION

All write offs over £5,000 must be approved by the Committee.

86. Exclusion of the press and public

Cllr Mrs McKinlay **MOVED** and Cllr Hirst **SECONDED** and it was **RESOLVED** that the press and public be excluded and the following item be considered in private session on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 to Schedule 12A to the Local Government Act 1972 (namely information relating to individuals).

87. Revenues and Benefits Restructure

Members discussed the report and **RESOLVED** to agree the officers recommendations as set out in the report.

88. Urgent Business

There were no items of Urgent Business.

The meeting concluded at 22.15

15th September 2015

Policy, Finance and Resources Committee

Draft Corporate Plan – Vision for Brentwood Consultation Results

Report of: *Gregory Campbell, Programme and Project Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The purpose of this report is to update members on the results of the consultation to help inform discussions on the draft corporate plan document.
- 1.2 The draft corporate plan will cover a three year period, 2016 to 2019. The plan will be referred to as the 'Vision for Brentwood' and refresh the previous plan, setting out clear strategic direction.
- 1.3 The consultation is now complete and the draft 'Vision for Brentwood' 2016 -2019 has been developed. Overall the summary of results indicated the following:
 - A preference towards Council ran services although not against alternative delivery methods,
 - Cleanliness and safety of the Borough took priority over events and support for community organisations with mixed views on the provision of affordable housing.
 - A focus on getting the basics right was seen as key to a good town centre; having attractive surroundings with the ability to park were respondents top priorities.
 - Of less concern is the evening economy, restaurants and café culture. Keeping the council tax low was important as was a clean and green environment.
 - Further it appears that respondents to the survey are 'tech-savvy' using different online methods to contact the Council and have benefitted from the enhanced level of customer service afforded by the Contact Centre.

1. Recommendation(s)

- 1.1 To agree the new draft corporate plan 'Vision for Brentwood' 2016-2019 and place on deposit for public comment until the end of September 2015.**
- 1.2 That the development of work programmes to deliver the 'Vision for Brentwood' 2016-2019 be agreed with details coming back to a future committee for decision**

2. Introduction and Background

- 2.1 At the Policy, Finance and Resources Committee held on the 23rd June 2015, it was agreed that resident groups, statutory partners, voluntary partners and interested groups be given the opportunity to put forward their priorities for the Council, through a 6 week consultation, and thus influence the Corporate Plan 'Vision for Brentwood' 2016 – 2019.
- 2.2 The consultation was carried out between 15th July and 25th August 2015.
- 2.3 During this period, the consultation was available to complete online and available in hard format upon request. 404 responses were received. Two Twitter chats were hosted by the Leader, where 15 Twitter users took active participation, as well as drop in meeting with over 25 residents, community groups and businesses in attendance.
- 2.4 Daily updates to Facebook and Twitter were also maintained. Some 3000 emails were sent out to individuals, community groups, parish councils and those respondents to the William Hunter Way and Local Development Plan consultations who had indicated they would participate in future consultations. An email was also sent to 1200 businesses. Three press releases were issued and the consultation featured on the homepage of the website throughout the six week duration. A pop up banner was placed in reception and posters and flyers were made available at each of the summer's Family Fun Days. Regular communications were issued to staff through the intranet and the staff newsletter.
- 2.5 This report includes analysis of the information received from the consultation and a draft 'Vision for Brentwood' (Appendix – To follow)

3. Issue, Options and Analysis of Options

- 3.1 The Corporate Plan 2013 – 2016 will be reaching the end of its natural life this year and the Council has begun to develop the next plan, aiming to take the organisation forward for its residents and other stakeholders.
- 3.2 The 'Vision for Brentwood' is a clear statement of the Council's high level intentions. From the key priorities, a clear programme of work will be developed in order to achieve the vision. In turn, service plans and individual appraisals will be aligned to work towards the main focuses of the vision, all underpinned by the Council's core values.
- 3.3 The main points from the consultation results are contained within the table 1.0 below:

Q.	Question in brief	General outcome
1	Which of the following service delivery methods would you be in favour of the Council exploring in order to reduce costs?	Although there is a preference for services being provided by the Council, it is clear that respondents are receptive to the idea of alternative delivery methods and with the Council sharing its office space.
2	Which Council services are most important to you, your family and your community?	Opinion is much divided on the importance of services, but the cleanliness and safety of the Borough seem to take priority over events and support for community organisations. There are mixed views on the provision of affordable housing. With a higher number of respondents unclear of their views on entrepreneurial activities and assets,
3	What makes a good town centre?	Respondents believe that getting the basics right is key to a good town centre; having attractive surroundings and the ability to park are respondents' top priorities. Of less of concern is the evening economy and of

		restaurants and café culture.
4	Which of the following services have you used or would like to use?	It seems that the respondents to this consultation are quite 'tech-savvy' and have used a variety of the Council's online facilities or have benefited from the enhanced level of customer service afforded by the Contact Centre
5	Free text comments	<p>A clean, green Borough is important to a large proportion of free text respondents</p> <p>It's clear that free text respondents would like to live in a town that is free from anti-social behaviour and crime and which embraces community spirit and its sports and leisure facilities.</p> <p>The range of views and strength of opinions on the future of the town centre is clear. Respondents wish to see a strong and vibrant town centre but one which values quality and sophistication.</p> <p>Finding the right blend of housing provision in the right location with the right infrastructure is a priority for respondents.</p> <p>In so far as creating a Modern Council, free text respondents would like to keep it simple; good services, well run to keep Council Tax low.</p>

Table 1.0

4. Reasons for Recommendation

- 4.1 The recommendations are based on the returns from the consultation, political priorities need to be ever more efficient, develop a modern thinking and delivering council.
- 4.2 It is noted that further work is required to identify the programmes of work in which the vision can be delivered.

5. Consultation

- 5.1 Leading members of the three main groups were given the opportunity to feed into the layout design and questions of the consultation plan before they were finally agreed and published.
- 5.2 Residents, partners, voluntary groups and interested parties were engaged with or had the opportunity to complete the online form or a requested hard copy.

6. References to Corporate Plan

- 6.1 This consultation and production of a new 'Vision for Brentwood' replaces the previous plan and is in line with continuing to deliver 'A modern Council' that considers how the council looks and works and will be transformed

7. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk

- 7.1 None directly arising from this report.

Legal Implications

Name & Title: Chris Potter, Monitoring Officer

Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk

- 7.2 None at present

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.3 This will be dependent on the acceptance of the new 'Vision for Brentwood', and the types of projects and work which will be required to achieve them. As yet this is unknown and will form the next phase of work which needs to be completed.

8. Background Papers

8.1 Corporate Plan 2013-2015

8.2 Consultation questionnaire- 15th July to 25th August 2015

9. Appendices to this report

- Draft 'Vision for Brentwood' 2016 -2019 – Appendix To follow.

Report Author Contact Details:

Name: Greg Campbell

Telephone: 01277 312738

E-mail: greg.campbell@brentwood.gov.uk



Welcome

I would like to introduce you to the Council's Vision for Brentwood, our new Corporate Plan, which focuses on the Council's top priorities and ambitions for the Borough over the next three years.

As local government continues to change and we face new and ever growing challenges, it is important that we are preparing ourselves as best we can so as to continue to deliver quality services that matter to our residents. We are exploring ways of generating income by maximising returns from our property assets but also reducing our costs by cutting unnecessary bureaucracy.

Our Borough is a great place to live, work and visit; with strong, healthy and vibrant communities along with a beautiful green environment to enjoy. We want to keep it that way and are working hard to produce a new Local Plan which both protects the essential qualities of the Borough, while at the same time delivering the right mix of housing, jobs, open space and other infrastructure that will be required in the future.

We know that keeping our streets and green spaces clean and tidy is a priority for many residents and we have already introduced our new Street Inspector initiative to help improve this and to drive up standards of cleanliness in the Borough.

We will continue to support the invaluable work carried out by the Community Safety Partnership who help our most vulnerable residents to feel safe and work with them to reduce anti-social behaviour and ensure Brentwood continues to be a safe place to live.

To get the best deal for Brentwood and to make sure the Borough's views are represented we will continue to strengthen our existing relationships with our partners and community groups both in the Borough and across Essex. We will also look at how we can improve resident engagement by finding new ways of reaching local groups.

We will continue to support Economic Development to build on the entrepreneurial spirit and aspirations of our businesses big and small whilst improving job creation with apprenticeship schemes and helping people back to work. By pledging to develop a Town Centre plan we can strengthen our commitment to link key development opportunities. By continuing our work with key business partners we can help maximise opportunities and reinforce that Brentwood is a great place to do business and to live.

Cllr Louise McKinlay
Leader of Brentwood Borough Council

Our Purpose and Vision

Brentwood Borough Council exists to serve the needs of local people. In partnership with the whole community, we aim to make the Borough an even better place to live, work and visit.

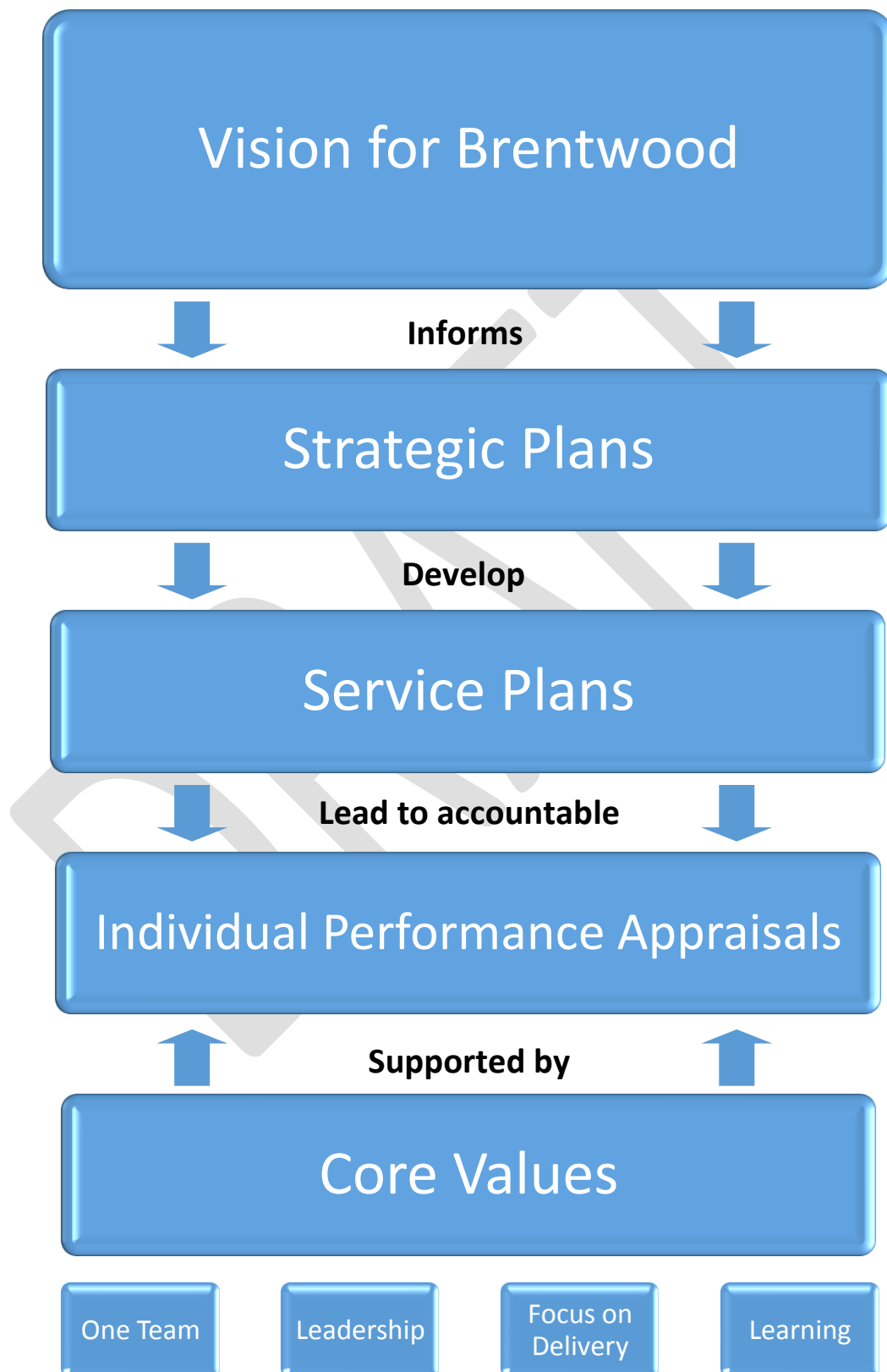
Over the next three years, we will put into place our plans to ensure the future wellbeing of our community, the cleanliness of our neighbourhoods and the prosperity of local businesses. We will focus on the right mix of homes in our towns and villages supported by appropriate infrastructure. Furthermore, we shall transform the way the Council works, providing first-class services with the most efficient use of resources.

Most importantly, we will work with residents and partner organisations to get the best for Brentwood. We shall develop new relationships within the community and work to strengthen existing ones so that our Borough remains the vibrant, pleasant and prosperous place we all enjoy.



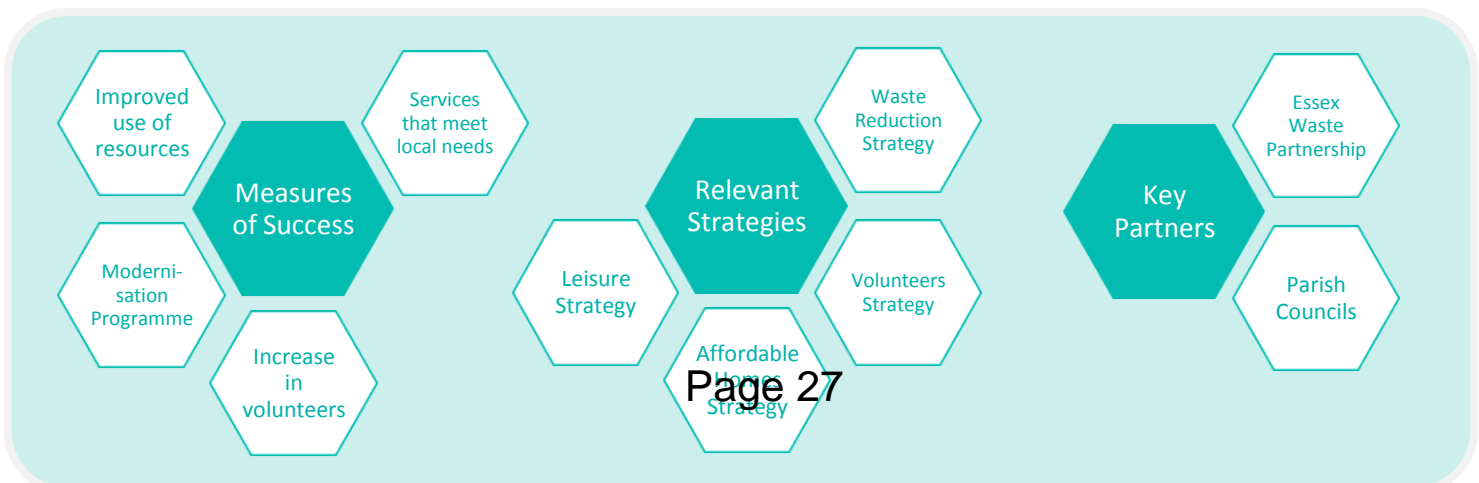
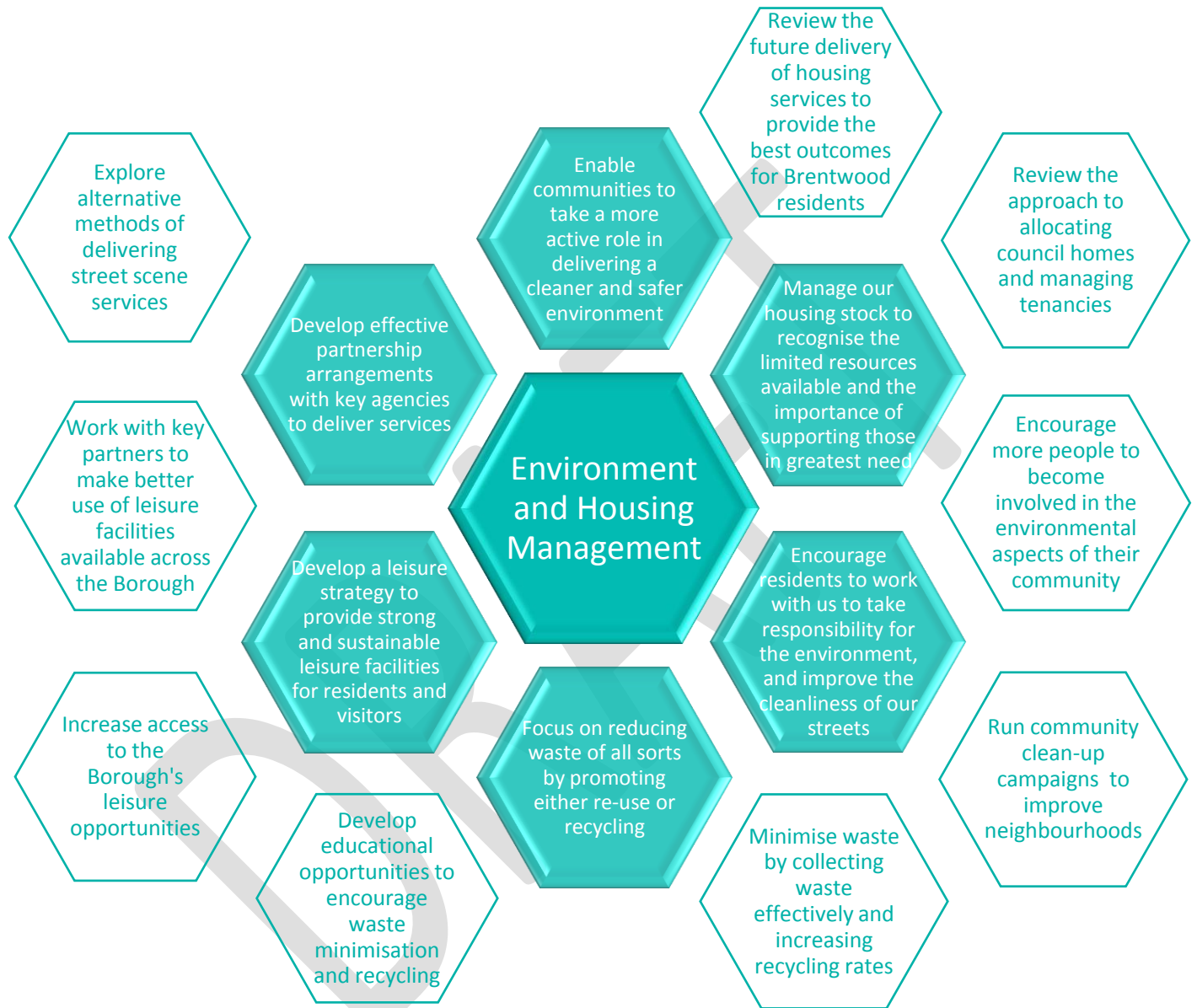
Planning Framework – The Golden Thread

Vision for Brentwood is our main strategic planning document, providing a framework for the delivery of services. It is a clear statement of our priorities for the next three years.



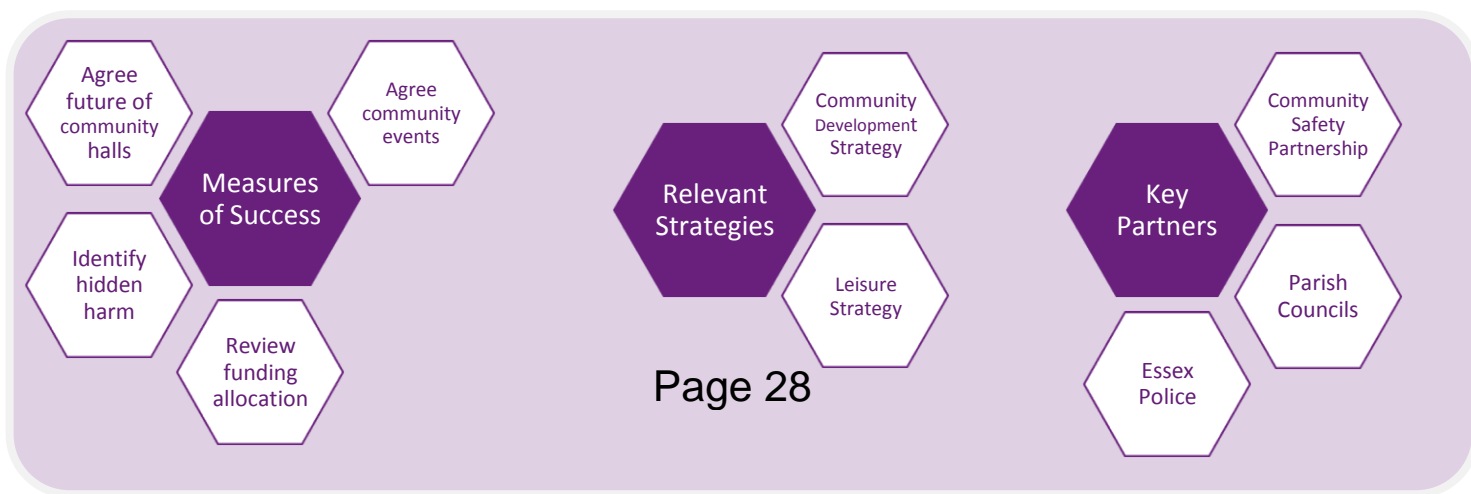
Environment and Housing Management

We will find new ways of working with partners and embrace the support of communities to enhance our environment and maintain the attractiveness of our Borough. We will work to ensure our housing stock is managed so as it delivers well for residents, in line with the resources available.



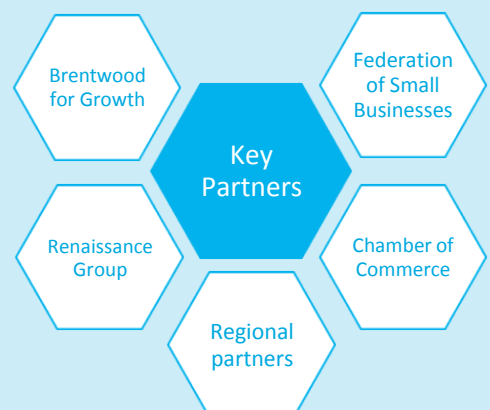
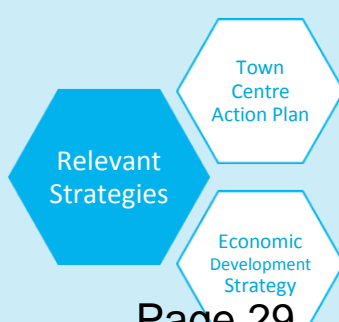
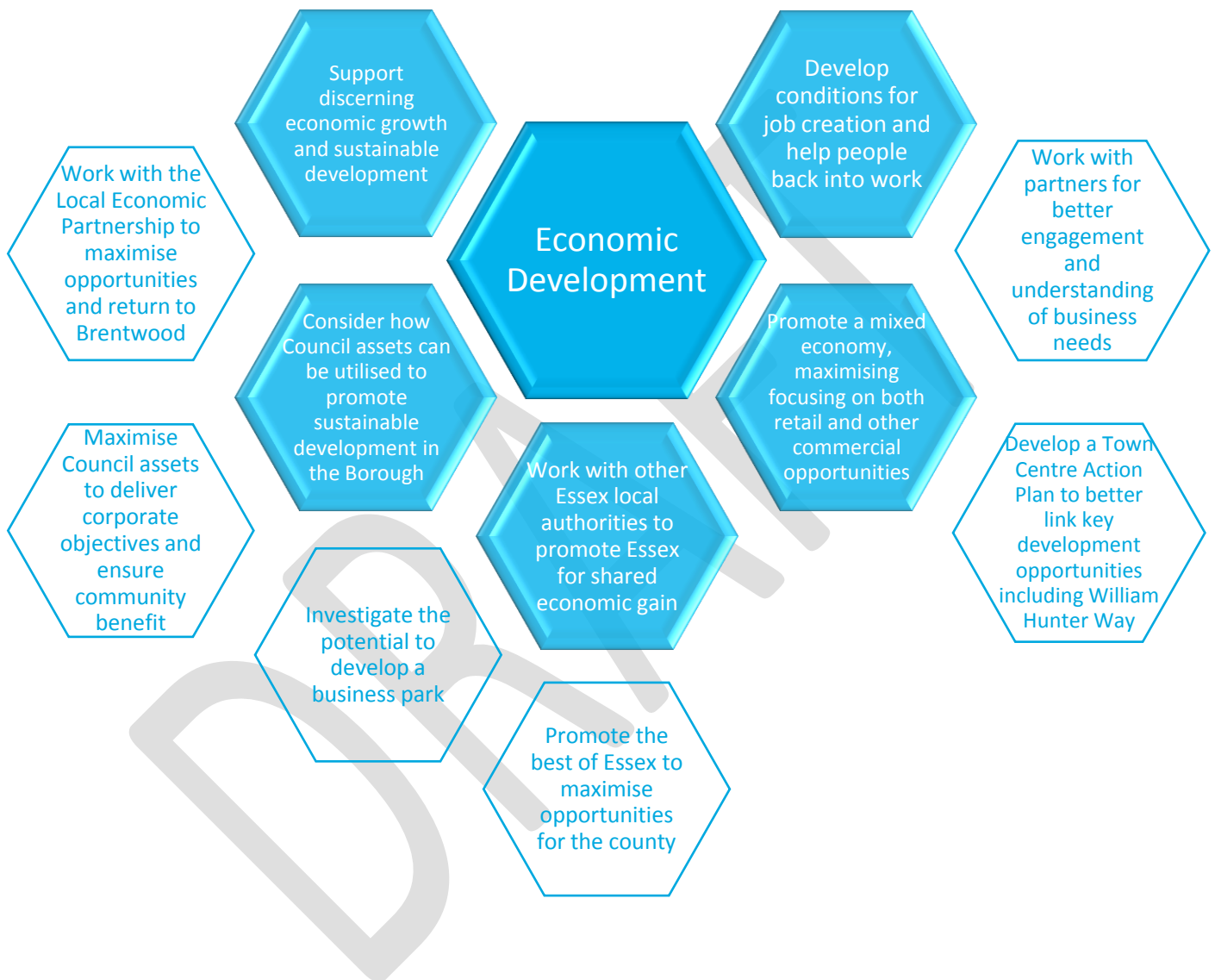
Community and Health

Brentwood is fortunate to benefit from a range of vibrant groups and organisations that enhance and support the local community. The Council will work with local businesses, community groups and the voluntary sector to ensure the future wellbeing of our Borough.



Economic Development

Our superior locational advantage and entrepreneurial spirit means that Brentwood is fortunate to have a strong economic foundation. In partnership with key local and regional business organisations, we can harness that force to promote the Borough, encourage a mixed economy and support sustainable development.



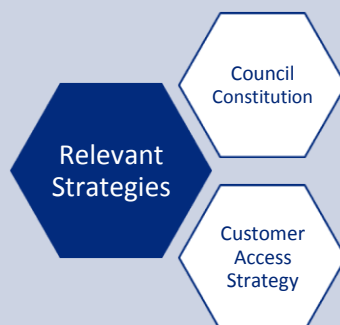
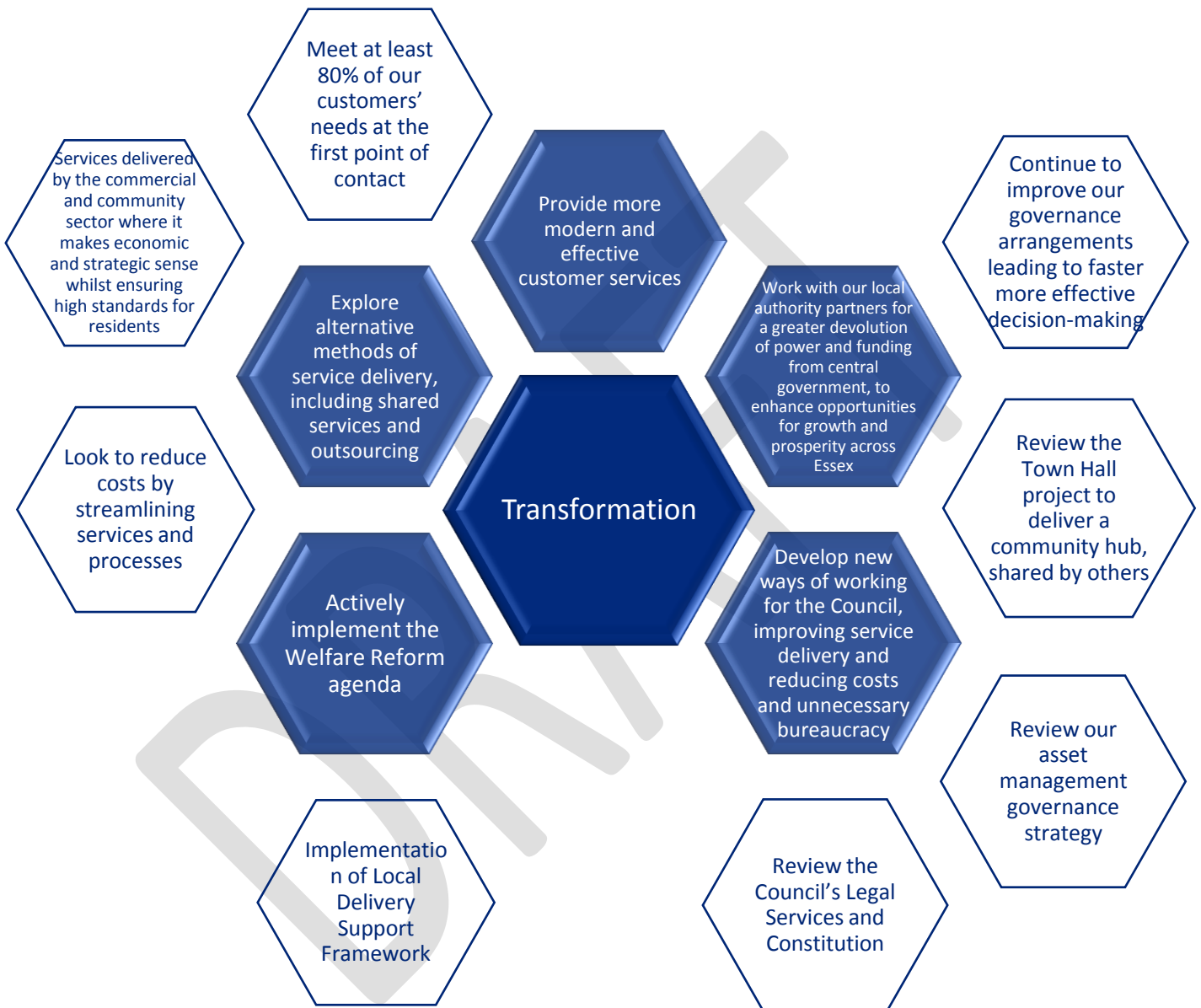
Planning and Licensing

A new Local Development Plan will shape the way our Borough will change over the next fifteen years. We will work hard to get the best outcome and achieve a good balance for residents and businesses in a way that celebrates Brentwood's unique history and quality of life; both within the borough and influencing the outcome of regional developments that will affect Brentwood residents.



Transformation

Between 2015 and 2018 the way the Council looks and works will be transformed. We will continue the drive to make it easier for customers to access services and information, cut out bureaucracy that doesn't add value and make sure taxpayers' money is even more wisely spent. We will explore new income generating ideas and opportunities. We will have services delivered by those best placed to deliver excellence and value-for-money, whilst holding onto and enhancing our role, duties and powers as local council and community leader.



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15th September 2015

Policy, Finance and Resources Committee

Unauthorised Incursions

Report of: Ashley Culverwell, Head of Borough, Health, Safety and Localism

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 A significant increase in the number of unauthorised incursions has occurred across the Borough over the past year.
- 1.2 In order to minimise the number and impact of these incursions approval is being sought for additional funding to secure key sites.

2. Recommendation

That Members agree to:

- 2.1 Expenditure of up to £150K be added to the capital programme for security improvements to sites across the Borough, funded from capital receipts.**

3. Introduction and Background

- 3.1 There has been a recent increase in unauthorised incursions in the Borough. A significant number of these have been on Council owned land. Since 2013 there have been twenty five unauthorised incursions in the Borough. Fifteen of these however have been since May this year.
- 3.2 There is considerable expense involved in respect of legal proceedings, officer time, clean up costs and repairs to damage to Council property as a result of these incursions in addition to disruption to our local residents. It is therefore timely that the Council considers how it can reduce such incursions and respond more effectively when they do occur.
- 3.1 In 2012/2013 the Council spent approximately £123,655.00 in securing its own sites. This prevented incursions taking place on specific sites and

increased the difficulty of penetrating other sites. Additional resources are required to further improve the security of sites.

- 3.2 If approved the related expenditure will be added to the capital programme and funded by capital receipts so the works can commence as soon as possible.

4. Key Sites

- 4.1 To maximise the impact of the works for residence the expenditure will focus on the following key sites:

- King George's Playing Field
- Hutton Recreation Ground
- Brentwood Centre Field
- Larkins Playing Field
- Entrance to Brentwood Centre
- Warley Playing fields

- 4.2 However security improvements on other sites will be considered where appropriate.

5 Reasons for Recommendation

- 5.1 To reduce the number of unauthorised incursions across the Borough.

6 References to the Corporate Plan

- 6.1 Improving security is linked to the Council's priority of a safe Borough.

7 Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 7.1 The capital expenditure required for the works will be funded from capital receipts.

Legal Implications

Name & Title: Chris Potter, Monitoring Officer

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

- 7.2 The Council has a duty to maintain their land for the benefit, improvement or development of the Borough so taking proactive steps to safeguard land against unauthorised incursions is in accordance with this duty.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.1 Risk assessments will be carried out in planning security solutions to strike a balance between unauthorised and authorised access.

Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 Not relevant

10. Appendices to this report

- 10.1 None

Report Author Contact Details:

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15th September 2015

Policy, Finance and Resources Committee

Income Generation

Report of: *Chris Leslie, Finance Director (Section 151)*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 In light of the significant budget pressures that are facing the Council in the coming years, ways of generating additional income and reducing costs are being explored.
- 1.2 This report sets out the current activities, which are being undertaken by the Council in relation to this.

2. Recommendation(s)

- 2.1 To approve the areas identified for a draft “Income Generation Programme” to cover the areas identified in 4.1-4.10 of this report.**
- 2.2 To agree that such activities as outlined below 4.1-4.10 of this report, be developed into full business cases with reports to come back to Policy, Finance and Resource Committee, once details are complete.**

3. Introduction and Background

- 3.1 The budget report presented to Council on the 10 June 2015 gave a commitment to finding additional efficiency savings and income generating activities to help reduce the budget gap.
- 3.2 Work has been carried out to identify opportunities and the current activities being pursued are set out in this report.

4. Income Generation and Cost Reduction Activities

- 4.1 The first process being undertaken is to ensure the Council is making the best use of its existing property assets as this is the quickest and lowest

risk way to generate additional income. Following completion of these tasks the resources can be diverted into setting up a structure suitable for acquiring and managing income generating property assets.

- 4.2 Review of existing property assets – All information on the Council's assets is being brought together into an updated asset register so work on maximising their potential revenue streams can be realised and use reviewed. For completion by the end of 2015/16.
- 4.3 Maximising returns from property assets – As details of assets are collated work has begun on reviewing existing leases, triggering rent review clauses or negotiating new agreements. This has identified some rent reviews that are due and these are now being enforced and income increased where possible and appropriate. A central list of all leased properties and rent review dates are being compiled in tandem with the review of existing assets to ensure leases are renewed promptly. This is anticipated to be completed by the end of 2015/16.
- 4.4 Sale of property assets – The identification and processing of redundant assets for sale is ongoing. This will generate additional resources to fund the capital programme and reduce the revenue implications. Current sales are expected to be concluded by the end of 2015/16.
- 4.5 Acquiring income generating property assets – To undertake a substantial investment exercise the Council must be clear about its investment objectives and criteria and have the correct resources to identify suitable properties to acquire and to manage them. This is targeted to be in place by mid 2016/17 following completion of the other work streams with the potential to commence acquiring assets by the end of 2016/17. An acquisition policy already exists which specifies a minimum yield criteria for purchases of 6% but this will be revisited. In addition, full work regarding the implications and management of such an approach need to be explored in full, ahead of any decision being made.
- 4.6 Local Authority Trading Company (LATCo) – A LATCo enables the Council to undertake commercial activity. However, a wide range of powers are already available to Local Authorities and other Councils have successfully acquired investment property without a LATCo, saving money as a result. The need for a LATCo and associated costs will be considered as part of each business case.

- 4.7 Minimising borrowing costs – Strategies to secure funding for acquisitions will be reviewed to minimise costs. This includes potential sources and profiling of borrowing if required.
- 4.8 A procurement challenge is being commissioned through the East of England Local Government Association. The challenge provides a check of the effectiveness of the current approach to procurement, including comparisons to best practice. It will also give recommendations for actions which will help to secure efficiency savings and better overall performance.
- 4.9 The provision of homelessness accommodation is a significant cost to the Council. A work stream is underway to investigate the possibility of providing a proportion of this accommodation directly by the Council, securing an additional income source and reducing costs.
- 4.10 Specialist VAT consultants have been engaged to explore the possibility of the Council reclaiming VAT. The Council has previously had success in reclaiming VAT through its 'Fleming Claims'.

5 Reasons for Recommendation

- 5.1 To provide Members with an update on the activities taking place regarding income generation and cost savings.

6 References to the Corporate Plan

- 6.1 Ensuring sufficient financial resources exist to achieve the priorities is key to the delivery of the Corporate Plan.

7 Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 7.1 Financial implications are considered throughout this report.

Legal Implications

Name & Title: Chris Potter, Monitoring Officer

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

- 7.2 None directly arising from this report.

Report Author Contact Details:

Name: Chris Leslie

Telephone: 01277 312542

E-mail: christopher.leslie@brentwood.gov.uk

15 September 2015

Policy, Finance and Resources Committee

Town Hall Meeting Room Charges

Report of: *Adrian J Tidbury, Estates and Valuation Surveyor*

Wards Affected: *Brentwood South*

This report is: *Public*

1. Executive Summary

- 1.1 This report considers the proposal for a scheme of charges for the hire of meeting rooms within the Town Hall by commercial organisations.
- 1.2 The Town Hall meeting rooms are used for a variety of purposes for Council business and a variety of external organisations, from the commercial and voluntary sectors.
- 1.3 External bookings have exceeded 100 per quarter and it is proposed that the Council should introduce a charging regime for commercial organisations to bring it into line with other providers.

2. Recommendation(s)

- 2.1 That a charging regime be introduced with immediate effect to charge commercial organisations and wedding parties in accordance with the charging regime as set out in the appendix to this report.**
- 2.2 That no charge be introduced for community groups directly benefiting the Borough of Brentwood in accordance with the appendix to this report but that details be published of community room bookings and use and the fee that could have been charged to ensure transparency for the benefits given to community groups using the Town Hall meeting rooms.**
- 2.3 Charges to come in effect from 1st November 2015.**

3. Introduction and Background

- 3.1 The Council receives over 100 external bookings for the Town Hall each quarter but at the moment the Council does not have clear guidance on charging for room hire to voluntary and commercial organisations. Understandably the issue of charging voluntary organisations for using Town Hall meeting rooms has been contentious. In 2013 Officers undertook a review of the level of support that it gave to voluntary and community organisations. It was agreed at the 18 June Overview and Scrutiny Committee (MIN REF 40) to look at four areas of support including Partnership/Community Funding and in kind support.
- 3.2 In kind support policy covers four key areas printing, parking permits, room hire and community lease arrangements.
- 3.3 The Council is having to grapple with budget constraints and generating income as well as ensuring that it continues to support the voluntary and community sector directly benefiting the town. It also needs to ensure a fair and transparent process is in place where it gives in kind support to voluntary sector organisations and groups who deliver in line with the Council's key priorities.

4. Issue, Options and Analysis of Options

- 4.1 Currently the Council's meeting rooms are used by a number of outside organisations both during working hours and out of normal working hours.
- 4.2 There are staff costs associated with these room bookings such as the administration to book the room, the set up of the rooms, security of the building and the cleaning of the rooms after a meeting. The proposed room booking charges would contribute to these costs as well as heating, lighting and general wear and tear etc.
- 4.3 Options available to the Council include:

Option	Benefits	Costs
Charge all organisations	Income Generation	Deter use of the town hall especially by community groups; alienate community groups.
Make use of the	Widespread use of	Adverse impact on

Town Hall meeting rooms free to all organizations wishing to use them	the Town Hall meeting rooms.	commercial venues especially if commercial bookings are displaced to the Town Hall. Loss of potential income from commercial lettings.
Charge all organizations but hypothecate the notional in kind subsidy to community groups from available community grant.	Open and Transparent. General fund income.	Reducing already scarce resources available through community grant by hypothecating. Administration cost.
Charge commercial organisations and weddings but make no charge to community groups directly benefiting Brentwood.	Reaffirms the Town Hall at the heart of the community. Income generation from commercial organizations.	Ensuring transparency in any in kind subsidy to community groups using the Town Hall.

5. Reasons for Recommendation

- 5.1 To create a scheme of charges for the hire of meeting rooms within the Town Hall by commercial organisations

6. Consultation

- 6.1 No formal consultation has been undertaken or is required

7. References to Corporate Plan

- 7.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 Charging for room hire will provide additional resources to the Council.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2 None directly arising from this report except to note that the Local Government Transparency Code 2015 is intended to ensure 'that local people are able to scrutinise how well their local authority manages its assets...'. By the Council requiring information as to the usage of community organisations to be given, the public can see what financial support in kind is being provided by the Council at the public expense and greater transparency is given.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

9. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None

10. **Appendices to this report**

Appendix A - Proposed Room Hire Charges

Report Author Contact Details:

Name: Adrian J Tidbury

Telephone: 01277 312678

E-mail: adrian.tidbury@brentwood.gov.uk



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APPENDIX A

Charging Rates:

Room charges are **not** levied for:

1. Meetings that the Council hosts as one of the partners within a group or organisation
2. Community groups/charities and small voluntary organisations which **directly** benefit the Town are not charged as part of the Council's contribution to facilitate community partnership and involvement.
3. Elected Councillors holding a relevant meeting.

Room charges **are** levied for:

Commercial Organisations and Weddings Only		
Room	Charge up to Half Day	Charge up to Full Day
Council Chamber	£200 half day	£400 full day
Committee Rooms 1 & 2	£100 half day	£200 full day
Meeting Room 1	£50 half day	£100 full day

Meeting times would generally be restricted to 08:30am to 7pm on a Monday to Friday basis consistent with the Council's current caretaking arrangements.

Available rooms for hire will be :

- Council Chamber
- Committee Rm 1
- Committee Rm 2
- Meeting Rm 1

Should meetings finish after 7pm, then an additional charge of £20 per hour will be made to cover the additional overtime costs.

Refreshments will be available from the vending machines.

Room Hire Charges will not include the provision of parking space in either the North, South or rear Car Parks. Car parking provision is at a premium and the visitor car park is now Pay and Display.

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15 September 2015

Policy, Finance and Resources Committee

Fron Cottage

Report of: *Adrian J Tidbury, Estates and Valuation Surveyor*

Wards Affected: *Shenfield*

This report is: *Public*

1. Executive Summary

- 1.1 This report considers the request from the owner of Fron Cottage, Alexander Lane Shenfield to acquire land adjacent to his property as 'garden land' to increase the size of the available garden.
- 1.2 Members will be aware that the Asset, Infrastructure and Localism Panel held on 12 February 2012 resolved to accept the Asset Strategy reported which included the sale of minor strips of land of no value to the Council.
- 1.3 A number of residents declared an interest in this initiative including the owners of Fron Cottage.

2. Recommendation(s)

- 2.1 That the valuation of the Council's agent in the sum of £15,000 for a 99 year lease be accepted. or**
- 2.2 That the valuation of the Council's agent in the sum of £1,500 p.a. for the provision of a license to occupy the land as garden land be accepted**
- 2.3 That should the owner of the property not accept the terms offered by the Council the land be returned to form part of the Alexander Lane playing fields**

3. Introduction and Background

- 3.1 The Council was approached by the prospective purchasers of the property in April 2014. The purchasers indicated that were made aware that the seller of the property had a Garden License covering the land in question and approached the Council for the License to be transferred into the name of the purchaser following the acquisition of the property.
- 3.2 The Garden License to the previous owner of the property is shown in Appendix A
- 3.3 The purchase of the property was completed in July 2014 when the owner again contacted to Council to commence the process for the purchase of the land.
- 3.4 the established process is as follows:
- Discussions with Chair of Asset committee now Policy, Finance & Resources Committee
 - Agreement from Ward members to proceed
 - Valuation of the property
 - If valuation is below £10,000 and at best value proceed to sale
- 3.5 Should sale or lease rental be over £10,000 or at less than best value, committee approval would be required.
- 3.6 Delegated authority was sought in September 2014 under the decision of the Asset, Infrastructure and Localism Panel held on 28 February 2012, to proceed with the sale of the land to the owner.
- 3.7 The valuation of the land was received on 12 December 2014 and is shown in appendix B.
- 3.8 The valuation of the property exceeded the limit for delegated authority and therefore needs committee authority to proceed.
- 3.9 The valuation was provided to the applicant on 22 January 2015 with the understanding that the applicant was required to enter into either a lease of the land or a license to occupy the land. I no agreement is reached with the applicant then the land would need to be return to the Council as they are currently in unlawful occupation.

- 3.10 Due to the value of the land the resident requested the Council on 23 January 2015 to consider the provision of a new license and the Council valuer was asked to advise on the suitable license fee.
- 3.11 The valuer's response was received 14 April 2015 and is contained in appendix C
- 3.12 The applicant has funded the valuation and in response has made an offer to the Council of £10,000 to purchase the land or £400 p.a. to rent. However, this is some £5,000 short of best value for a purchase and £1,100 for a rental.

4. Issue, Options and Analysis of Options

- 4.1 The original garden License fee to the previous owner was in the sum of £50 p.a. which can only be considered as a token value as it does not reflect any true valuation of the land. This is the case with the majority if not all such licenses for land and access on Council property.
- 4.2 The applicant is concerned that there is a significant increase in the yearly cost of the license although it has been explained as the difference between a token value and the actual value and clearly indicates the loss of income from this license and the many others across the Borough.
- 4.3 The applicant is aware that he is in unlawful occupation of the land and needs to regularise the situation either by entering into a 99 year lease of the land with a single payment or entering into a license to occupy the land with a yearly license fee.
- 4.4 Members will be aware that the 27 March 2015 Asset and Enterprise Committee agreed new policies under the report Asset Acquisition, General Disposal and Disposals at less than Best Value.
- 4.5 The policy shown in appendix D sets out the statutory background to property disposals
- 4.6 Para 2.1 of the policy sets out section 123 of the Local Government Act 1972 in that Councils, except with the expressed consent of the Secretary of State, cannot dispose of land (other than by way of a short tenancy i.e. grant of a lease term not exceeding 7 years) for consideration less than best that can be reasonably obtained in the market.
- 4.7 Para 2.2 of the policy sets out General Disposal Consent (England) 2003 which gives local authorities greater freedom to dispose of any interest in

land at less than best consideration without specific consent to the Secretary of State. Under this General Disposal Consent local authorities may consider disposal at a reduced price if the purpose for which the land is to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental well being of its area.

- 4.8 it is clear from the policy and from the legislation that there is no facility for the Council to offer the land at less than best consideration for a term longer than 7 years as there is no community benefit being provided by the applicant.

5. Reasons for Recommendation

- 5.1 To consider the request from the owner of Fron Cottage, Alexander Lane Shenfield to acquire land adjacent to the property as 'garden land' to increase the size of the available garden.

6. Consultation

- 6.1 No formal consultation has been undertaken or is required

7. References to Corporate Plan

- 7.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 The lease or licence of the land will generate additional resources for the Council.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

8.2 None directly arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

None

10. Appendices to this report

Appendix A – Garden License to Previous Owner

Appendix B - Valuation

Appendix C – Valuers’ response to rental

Appendix D - Less than Best Value Policy

Report Author Contact Details:

Name: Adrian J Tidbury

Telephone: 01277 312678

E-mail: adrian.tidbury@brentwood.gov.uk

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DATED 12th February 2008 2007

BRENTWOOD BOROUGH COUNCIL

to

LORRAINE THORNTON

GARDEN LICENCE

of Garden at Fron Cottage
Alexander Lane
Shenfield
Brentwood Essex

Town Hall
Ingrave Road
Brentwood
Essex CM15 8AY

THIS LICENCE is made the *Twelfth* day of *February* Two Thousand and Seven *Eight*

BETWEEN:

- (1) BRENTWOOD BOROUGH COUNCIL of Town Hall Brentwood Essex ("the Council") and
- (2) LORRAINE THORNTON of Fron Cottage Alexander Lane Shenfield in the County of Essex ("the Licensee")

WHEREAS:

- (1) The Council is the owner of a parcel of land at the rear of Fron Cottage Alexander Lane Shenfield ("the Land") more particularly described in the Schedule attached hereto
- (2) The Licensee wishes to use the Land as a garden/for horticultural purposes in conjunction with the Licensee's dwelling and has applied to the Council for permission to use the Land for this purpose

NOW IT IS AGREED as follows:

1. THE Council grants to the Licensee permission to enter on to the Land and to use it as a garden/for horticultural purposes for one year from the 15th November 2007 and thereafter from year to year subject only to the provisions of clause 3 below
2. IN consideration of the grant of this Licence the Licensee will pay to the Council the sum of FIFTY POUNDS (£50.00) per annum, the first payment to be made on the execution of this Licence and each anniversary of that date
3. THIS Agreement is to continue until terminated by either party at any time (except that the Council shall not terminate this Agreement earlier than one

year from the date of this Agreement) by giving the other no less than three calendar months notice in writing (hereinafter referred to as "the Notice") and no part of the Licence fee shall be returnable

4. THE Notice shall be given on the part of the Council by leaving the Notice at the Licensee's premises or by sending the Notice to the Licensee's last known address by first class post and on the part of the Licensee by addressing the Notice to the Council's Director of Legal Services (or his successor in title) and leaving it at the Town Hall Ingrave Road Brentwood Essex or by sending the same by first class post
5. THE Licensee shall to the Council's reasonable satisfaction repair and keep in good condition the boundary walls and/or fences indicated by a "T" mark on the plan annexed hereto
6. THE Licensee shall not during the subsistence of this Agreement remove uproot fell lop top or wilfully damage or destroy or suffer or permit the removal uprooting felling lopping or topping wilful damage or destruction of any trees situated on the Land at the commencement of this Licence
7. THE Licensee must not do anything on the Land that may cause nuisance damage disturbance inconvenience discomfort or annoyance to the Council or any occupant or nearby premises
8. THE Council is not liable for any accident or loss or damage suffered by the Licensee in using the Land
9. THE Licensee must indemnify the Council against all actions/proceedings or claims by any third party arising from her use of the Land
10. THE Licensee will not at any time during the subsistence of this Agreement erect or build or permit or suffer to be erected or built any building or erection whatsoever upon any part of the land

11. THE Licensee accepts that the Council its duly authorised agents workmen or other persons have the right to enter on to the Land at all reasonable times for the purpose of inspection
12. THE Licensee shall pay the Council's costs of preparing this Agreement and a Counterpart thereof
13. NOTHING contained in this licence is to create the relationship of landlord and tenant
14. THIS Agreement is personal between the parties hereto and the beneficial user thereof shall not be assignable and if the Licensee shall sell or otherwise dispose of the dwelling known as Fron Cottage Alexander Lane Brentwood then the Licensee shall inform the Council in writing forthwith

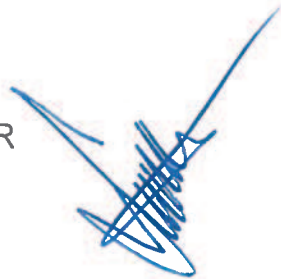
IT WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Licensee has signed this Licence as a deed the day and year first above written

SCHEDULE

Land shown coloured green on the attached plan situate at the rear of Fron Cottage Alexander Lane Shenfield Essex

EXECUTED AS A DEED by
BRENTWOOD BOROUGH COUNCIL
whose Common Seal was hereunto
affixed in the presence of:-

MAYOR



CHIEF EXECUTIVE



SIGNED AS A DEED by the said
LORRAINE THORNTON
in the presence of:-



L.Thornton

WITNESS:

MR. STEFANO TIZZANO
11 THE CEDARS
IVY HOUSE LANE
BERKHAMSTED
HERTS HP4 2PE



S. TIZZANO

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Appendix B
LAND TO REAR OF
FRON COTTAGE
ALEXANDER LANE
SHENFIELD
ESSEX
CM15 8QE

Leasehold Market Valuation Report

Mark Burton BSc FRICS

Mass & Co
25 High Street
Brentwood
Essex. CM14 4RG

12th December 2014



Mass & Co

Chartered Surveyors

Our Ref: MPB/md

12 December 2014

A Tidbury Esq
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
CM15 8AY

Dear Sir

Re: Fron Cottage, Alexander Lane, Shenfield CM15 8QE

1.0. Introduction

- 1.01. In accordance with instructions we have undertaken an inspection and measurement of the back garden of Fron Cottage, Alexander Lane, Shenfield CM15 8QE. Additionally we have undertaken an inspection of Fron Cottage and prepared a report on the market value of the long leasehold interest in the area of garden land currently occupied under the terms of a licence (hereinafter referred to as the "Licensed Garden").
- 1.02. This report is prepared in accordance with The RICS Valuation - Professional Standards 2014.
- 1.03. We confirm that we have sufficient current knowledge of the market and the skills and understanding to undertake this valuation competently.
- 1.04. We understand the purpose of this report is to advise you on market value in connection with a potential sale of a 99 year leasehold interest in the garden area currently held under Licence.
- 1.05. A detailed building survey has not been undertaken and our comments on condition contained in this report are made for the purposes of our valuation assessment only and should not be relied upon for any other purpose whatsoever.
- 1.06. We have assumed there is no contamination affecting the Property which may adversely affect our valuation. Should it however be established that contamination exists at the Property, or on any neighbouring land, or that the Property has been put to contaminative use, the value now reported may be reduced.
- 1.07. The Property was inspected and measurement taken on Friday, 28 November 2014. The date of valuation is the date of this report and assumes that circumstances relating to the Property have not altered following the inspection.
- 1.08. We are now pleased to report as follows.

25 High Street Brentwood Essex CM14 4RG Tel: 01277 201300 Fax: 01277 232033
email: post@massandco.com www.massandco.com

Regulated by RICS

Mass & Co. Ltd is Registered in England and Wales (No. 4088262)
at the above address, where a list of Directors is held.



2.0. Description

- 2.01. The Licensed Garden comprises an area of land of slightly irregular shape but generally being rectangular set to the rear (west) of Fron Cottage, Alexander Lane.
- 2.02. The Licensed Garden is approached via paved steps and provides a combination of lawn, mature bedding plants and borders with a shed at the west (rear) boundary.
- 2.03. The northern boundary with Farm Cottage has a close boarded fence. The southern boundary has a mix of hedges, chain link and timber fences.
- 2.04. To the rear of Fron Cottage and within its ownership there is an area of hard landscape patio area abutting the house leading into a lawn.
- 2.05. Fron Cottage comprises a 1980's, two storey, detached, four bedroom family dwelling and garage.
- 2.06. The adjacent property to the north, Farm Cottage was built at the same time and in the same style.
- 2.06. Photographs of the Licensed Garden and Fron Cottage are included at **Appendix I**
- 2.07. A Promap Extract is included at **Appendix II**

3.0. Location

- 3.01. Fron Cottage lies on the west side of Alexander Lane. The adjacent Farm Cottage is the last property heading north. The land to the west comprises Alexander Lane Recreation Ground.
- 3.02. The Property is conveniently located for Shenfield town centre and the amenities this provides including a main line rail service to London Liverpool Street.

4.0. Accommodation

- 4.01. We have undertaken check measurements of the Licensed Garden on site having regard to the plans you have provided.
- 4.02. In scaling from Promap we calculate the Licensed Garden to extend to approximately 140 sq m and this is supported by our measurements taken on site.
- 4.03. We calculate the rear garden area falling in the ownership of Fron Cottage to be approximately 141 sq m.
- 4.04. The aggregate area of the land currently utilised as rear garden by Fron Cottage is approximately 281 sq m (140 sq m plus 141 sq m).
- 4.05. The portion of the rear garden utilised by Fron Cottage held under licence is approximately 50%.
- 4.06. The total plot comprising the Licensed Garden and Fron Cottage is 503 sq m. The Licensed Garden comprises approximately 28% of the total plot area.
- 4.07. The maximum depth of garden falling within Fron Cottage's Title is approximately 13.3m at its southern boundary.

4.08. Fron Cottage offers well proportioned accommodation comprising:

Ground Floor		
Entrance Hall		-
Kitchen	2.94m x 5.27m	
Family/Dining Room	3.17m x 4.21m	
Lounge	3.97m x 7.40m	
Study	2.30m x 2.76m	
Utility Room	2.19m x 2.44m	
WC		
First Floor		
Bedroom	3.96m x 3.95m	Plus en-suite shower room
Bedroom/Dressing Room	2.34m x 4.19m	
Bedroom	3.94m x 4.20m	
Bedroom	3.37m x 4.23m	
Bathroom	3.95m x 1.98m	
Gross Internal Area	161sq m	
Garage	2.30m x 4.8m	Approximate not measured

4.09. The dimensions given are maximums.

5.0. Tenure

5.01. The freehold in the Licensed Garden is owned by Brentwood Borough Council and is occupied under the terms of a Garden Licence. We understand that this Licence has been assigned to the current owners of Fron Cottage, Mr & Mrs Johnston.

5.02. We have not been provided with a copy of the Licence but assume it to be identical in terms of its benefits and obligations as that granted in respect of the adjacent Farm Cottage, a copy of which we have seen.

5.03. The Farm Cottage Licence allows the demised to be used as a private garden for horticultural purposes at an annual fee of £50 per annum. The agreement is determinable by either party at any time on no less than 3 calendar months written notice.

5.04. The Licence for Farm Cottage takes a fairly standard form and requires the licensee to maintain the southern boundary whilst not removing, uprooting, felling, lopping or wilfully damaging or destroying trees situated on the land at the commencement of the Licence. We would anticipate identical terms within the Licence for Fron Cottage.

5.05. It is assumed that Fron Cottage is owned freehold by Mr & Mrs Johnston, the Licensees to the garden land.

6.0. Town Planning, Highways and Environmental

6.01. We have not made any formal enquiries of the Local Planning Authority (Brentwood Borough Council) but we are unaware of any schemes or proposals likely to impact on the future use or occupation of the Property.

6.02. We have assumed the present use of the Property as garden land is a Permitted Use.

6.03. A simple review of the Environment Agency's web site does not reveal any potential flooding issues.

7.0. General Construction and State of Repair

- 7.01. We were not instructed to carry out any form of detailed survey report and have not done so.
- 7.02. Fron Cottage is of traditional brick construction set beneath a pitched roof with tile covering and was found to be in good repair throughout.
- 7.03. The Licensed Garden has been maintained to a satisfactory standard.

8.0. Market Conditions

- 8.01. We have not been able to find evidence of similar garden land sales.
- 8.02. We have made enquiries of a number of local estate agents none of whom could point towards transactions that may assist in the valuation process although all expressed (differing) views.
- 8.03. We are aware of garden land to rear of 71 Rose Valley, Brentwood being let on 5 year lease from August 2009 at an annual rent of £400. This would suggest that the current licence fee of £50 per annum is some way below a market figure although possibly reflective of the short term nature of the current arrangement.
- 8.04. Land Registry records confirm our research that a sale of Fron Cottage completed on 10th July 2014 at a price of £682,500.
- 8.05. The plot immediately to the south of Fron Cottage and known as 'Leabur' is in the course of redevelopment to provide a contemporary house arranged over three floors, the upper floor being within the roof space. The plot of Leabur is of irregular shape. The house is being developed on a triangular front portion which opens out to a rectangular garden to the rear of Fron Cottage and to the south of the land held under Garden Licence. We understand that there had been the possibility of a land swap between these neighbours allowing each party to improve their garden configuration. However, as part of the development, a single storey structure has now been constructed adjacent to the east and north boundaries of the rectangular area of the garden to the rear of Fron Cottage. This appears to be a permanent structure and is likely to thwart any possibility of a land swap.

9.0. Conclusions and Valuation

- 9.01. Fron Cottage without the Licensed Garden would have a relatively small garden for a four bedroom family house. Nevertheless, without the Licensed Garden it would overlook recreational land which is unlikely to be developed. As such it would not be impacted upon adversely by overlooking.
- 9.02. The Licensed Garden is not land locked and could be re-incorporated into the adjacent recreational land. It may also be of interest to the owners of Leabur and Farm Cottage. As such, we are of the opinion that the freeholder should benefit from full value rather than a share of any synergistic value.
- 9.03. The sale of Fron Cottage indicates that there is a market for a house of these proportions with limited garden area.
- 9.04. The addition of the Licensed Garden provides enhanced amenity to Fron Cottage but does not offer significant potential to extend the accommodation.
- 9.05. The addition of the Licensed Garden would create an irregular shaped plot.

- 9.06. Logically, the market value of the Licensed Garden will be reflective of the difference in value of Fron Cottage with and without its benefit. There is no evidence on which we can rely. The indications are that the sale price of Fron Cottage is at the higher end of expected prices for a property of this nature in this location. However, we are of the opinion that the Market Value of Fron Cottage with the benefit of a Licensed Garden will be in the region of £690,000/£700,000.
- 9.07. These figures suggest an uplift in value of between and £7,500 and £17,500 which provides parameters for further thought.
- 9.08. Faced with the prospect of a potentially restricted market coupled with added amenity, we are of the opinion that £7,500 would be considered as an extremely attractive price to the owner of Fron Cottage and £17,500 being approximately 2.5% of the probable improved value, would not be considered wholly unreasonable. On balance, our view is that the figure will lie towards the higher end of these two extremes.
- 9.09. Having regard to the nature of the premises, its location and all other circumstances, we are of the opinion that the market value of a 99 year leasehold interest at a peppercorn ground rent in the Licensed Garden as described herein would be fairly represented by a sum in the region of:

£15,000

(Fifteen thousand five hundred pounds)

- 9.10. The valuation assumes that the long lease will be drawn on standard terms without obligations or liabilities that will have a negative impact on the occupation, use and future enjoyment.

Definition of Market Value

- 9.11. The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

10.0. General Remarks

- 10.01. As mentioned in the Introduction to this report, a detailed building survey has not been undertaken on the Property and our comments on condition and state of repair are made to assist with our valuation assessment only and should not be taken as making any implied representation or statement about such parts.
- 10.02. We have assumed for the purpose of our valuation the Property is free from any contamination which may have an adverse impact on value.
- 10.03. It is further assumed that there is good Title to the Property and free from all encumbrances.
- 10.04. This report should not be reproduced in whole or in part without the express authority of Mass & Co.
- 10.05. We understand the purpose of this report is to advise Brentwood Borough Council on market value to assist in respect of a potential sale of garden land to the rear of Fron Cottage, Alexander Lane, Shenfield, CM15 8QE to the owners of the adjacent property Fron Cottage and is given on the strict understanding it is for this sole purpose only and should not be used or relied upon by any other Third Party whatsoever and in consequence we cannot accept liability for any Third Party Claims which may arise in connection with this matter.

10.06. We trust this report is satisfactory for your purposes. However, we shall be pleased to provide any additional comment or clarification on any part of this report as may be necessary.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'Mark P. Burton', with a long horizontal stroke extending to the right.

Mark. P. Burton. BSc FRICS

RICS Registered Valuer

Mass & Co.

email: mark@massandco.com

mobile: 07557 763561

Appendix I
Photographs



Area subject to 'Garden Licence' looking west



View from foot of garden looking east towards house



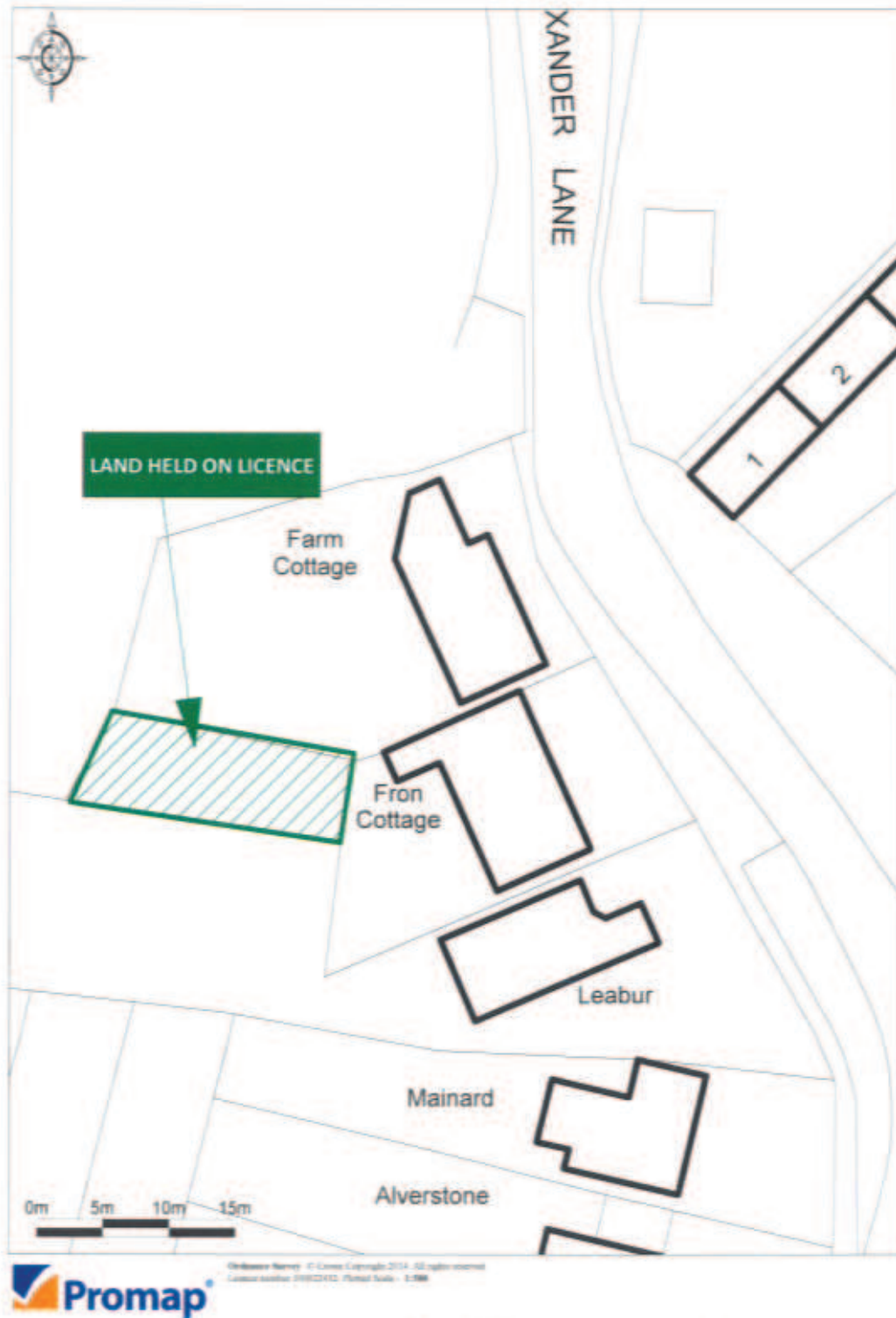
Fron Cottage looking west



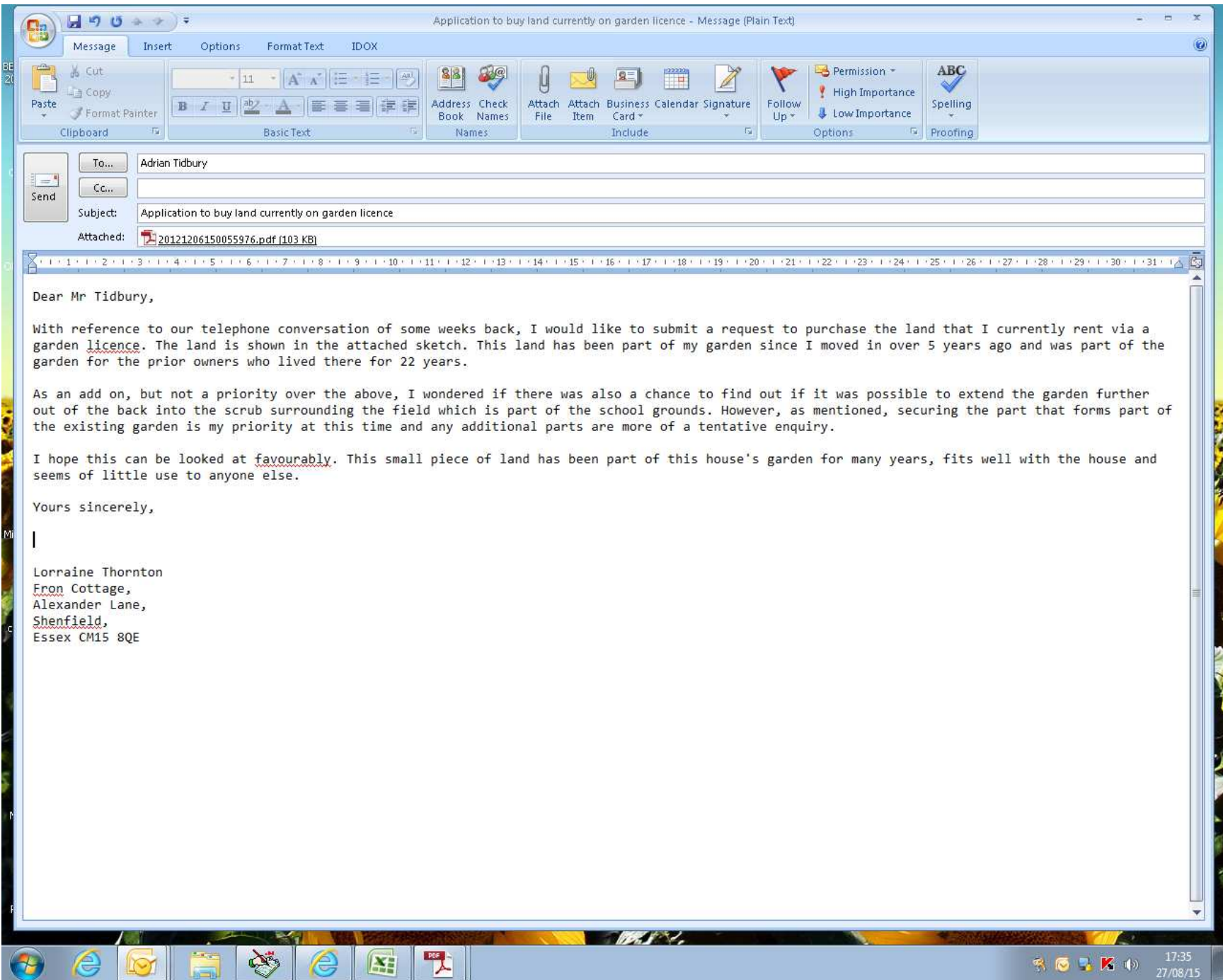
Fron Cottage viewed from recreation ground (Farm Cottage in foreground)

Appendix II
Plan

Land at Fron Cottage, Alexander Lane, Shenfield CM15 8QE




For identification purposes only

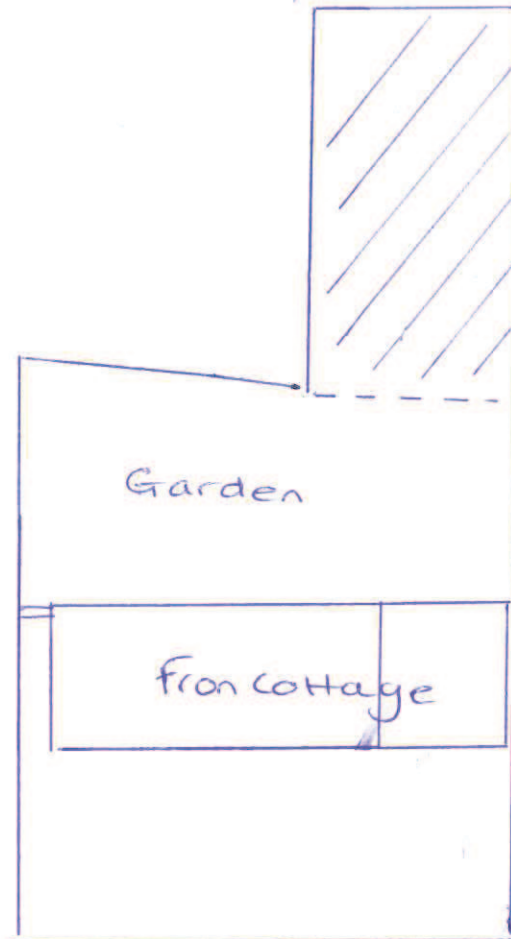


Fron Cottage, Alexander Lane, Shenfield CM158QE

Shenfield School grounds

 ← rough area of scrub

△ currently on garden licence



LEASUR

Farm Cottage

applicant: Lorraine Thornton

Tel: 07921912638

Disposals at Less Than Best Consideration Policy

1. Introduction

- 1.1 This document sets out the Council's policy on the disposal of Council owned land and property at less than best consideration reasonably obtainable. The policy relates to both granting of leases and the disposal of freehold and long leasehold interests.

2. Statutory Background

- 2.1 Section 123 of the Local Government Act 1972 states that Council's, except with the express consent of the Secretary of State, cannot dispose of land (other than by way of a short tenancy i.e. grant of a term not exceeding 7 years) for consideration less than best that can be reasonably obtained in the market.
- 2.2 The 1972 Act authorised the Secretary of State to issue General Disposal Consents covering particular types of cases. However, the General Disposal Consent (England) 2003 gives Local authorities greater freedom to dispose of any interest in land at less than best consideration without the specific consent of the Secretary of State. Under this General Disposal Consent LA's may consider disposal at a reduced price if the purpose for which the land is to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental well being of its area.
- 2.3 There are a limited number of cases where the General Disposal Consent will not apply, housing land, open space land and land held under specific statutory powers that preclude a sale under the Local Government Act 1972.
- 2.4 The Council must be aware of the rules regarding state aid. Selling land at under value confers a benefit upon the purchaser and a Council vendor must not breach the European Commission rule which relate to the importance of avoiding distortion in competition.

2.5 The General Disposal Consent strongly advises Councils to obtain a realistic valuation on the under value in all cases. All values are to be reported in capital, not rental, terms i.e. discounted rent multiplied by the number of years granted.

3. Purpose of the Policy

3.1 A clear statement of the terms under which the Council will consider the sale of land and property at an under value is important because of the likely impact on the capital programme if capital receipts are lower than they would be if the asset was disposed of at best consideration.

3.2 The adoption of a policy will also provide the Council with a clear and consistent basis for making decisions about using its property assets as a means of achieving community objectives, recognising that best consideration in terms of asset value on disposal is not necessarily always measured simply in monetary terms.

4. Policy Scope

4.1 The Council will consider disposals at less than best consideration in accordance with the General Disposal Consent (England) 2003 where it is satisfied that the proposed use to which the property will be put assists in achieving the Council's objectives and in excess of that currently provided. Where possible assistance should be in the form of annual grants rather than discounts to value.

4.2 The Council must be satisfied that the promoting local body, voluntary group or association ("the body") is properly constituted and managed. This will be verified beforehand by appropriate investigation and audit.

4.3 The application for the Council to consider any concessions regarding value should be submitted to the Asset & Enterprise Committee and should include:

- a) An assessment as to the extent which the organization activities contribute towards achieving the Council's aims and objectives
 - b) Include a copy of the organisation's constitution and three years of accounts.
 - c) Set out the extent to which the organization is proactive in seeking to share and make available the assets to other
 - d) community and voluntary sector uses on a not for profit basis
 - e) A recommendation as to the length of any discount
 - f) Confirmation that the organization will submit its activities and accounts on an annual basis or when required by the Council.
- 4.4 The Council will consider the sale of a freehold at less than best consideration only in very exceptional circumstances.
- 4.5 The Council, where appropriate, will consider disposing of leasehold interests at less than best consideration:
- For up to 7 years.
 - For up to 25 years in circumstances where a significant investment is to be made by the body which involves external funding and where the funding body requires a longer term.
 - In both cases the granting of the leases will only be made when the investment is approved by the Council and funding has been obtained to undertake the investment.
- 4.6 The Council will include in any lease an appropriate clause under which the asset will revert to the Council in the event of:
- a) Bankruptcy
 - b) Corruption
 - c) Failure to deliver benefits
 - d) Mutual annual break clauses
- 4.7 All leases will contain rent review provisions indicating that the market rent will be reviewed at appropriate intervals (annually at RPI)
- 4.8 All leases will include provisions to exclude any security of tenure rights

5. Implementation of the Policy

- 5.1 Due to the variety of arrangements currently in place in respect of the use of the Council's assets by voluntary and community organizations it will be necessary to phase in the policy as follows:-
- a) As soon as possible where lease arrangements have already expired
 - b) As and when existing lease is due to expire
 - c) When the Council agrees to enter into a new lease arrangement
6. All disposals will be conducted in accordance with the Council's Financial Standing Orders and Schemes of Delegations.

15 September 2015

Policy, Finance and Resources Committee

2 Harewood Road Pilgrims Hatch Brentwood

Report of: *Russell Clinker, Senior Assets Manager*

Wards Affected: *Pilgrims Hatch*

This report is: *Public*

1. Executive Summary

- 1.1. This report considers the cost of refurbishing the shop at 2 Harewood Road Pilgrims Hatch so that the property can be let.
- 1.2. The shop at 2 Harewood Road Pilgrims Hatch has been vacant for some time and works are required to make the shop safe to let. Initially the property was under offer to a party as seen although they pulled out whilst the matter was in solicitors' hands and offers have been invited from interested parties. Firm interest has now been received from a party but on the basis that the property is refurbished ready to receive their fitting out works.
- 1.3. Quotations have therefore been sought for these works. The quotations are split into the cost of the electrical works and the general refurbishment and removal of the previous tenants' redundant fitting out.

2. Recommendation

- 2.1 **That the shop unit is refurbished to meet current electrical and health and safety standards to put the shop into a lettable condition ready to receive a prospective tenant's shop fitting.**

3. Introduction and Background

- 3.1. The previous tenant was a lessee of the above shop for approximately 35 years and the dated state of the interior of the shop, in particular the electrics, mean that extensive works are required to bring the property up to a safe lettable standard.
- 3.2. The previous tenant signed a deed of surrender dated 24 March 2015.

- 3.3. It is recommended that the shop is properly refurbished by the council's contractors (rather than an ingoing tenant) to ensure that the job is done thoroughly to enable the letting the shop for the foreseeable future. This is on the basis that the shop is ready to receive the tenant's fitting out works.

4. Issue, Options and Analysis of Options

- 4.1. This is an income producing asset and the required refurbishment will ensure that the asset can continue to produce income albeit that the refurbishment costs will be offset against some rental income for a period of time.
- 4.2. We have sought quotations from the Council's term contractors Oakray (electrics) and Wates (refurbishment works) in order to speed up the process of getting the unit let and income producing.

5. Reasons for Recommendation

- 5.1. To ensure the shop is brought up to a lettable standard that complies with current health and safety regulations.
- 5.2. To preserve the council's investment and future rental income stream.

6. Consultation

- 6.1. No formal consultation has been undertaken or is required

7. References to Corporate Plan

- 7.1. Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2. Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1. The cost of the works and rental income lost during the renovation period will be recovered from the future rental income of the shop.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2. None directly arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.1. None directly arising from this report.

9. Background Papers

None

10. Appendices to this report

Appendix A – Contractors Quotations - Exempt

Report Author Contact Details:

Name: Russell Clinker
Telephone: 01277 312931
E-mail: russell.clinker@brentwood.gov.uk

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Appendix A

The appendix is confidential by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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15 September 2015

Policy, Finance and Resources Committee

4 The Keys Warley Brentwood

Report of: *Russell Clinker, Senior Assets Manager*

Wards Affected: *Warley*

This report is: *Public*

1. Executive Summary

- 1.1. This report considers the renewal of the lease at 4 The Keys which is currently occupied by 'Martin The Newsagent' as a convenience Store.
- 1.2. The current lease on 4 The Keys, Warley expires in September 2016
- 1.3. It is proposed that Martins take a new lease from September 2015 (surrendering their current lease) at an increased rent and widened user clause to incorporate the selling of alcohol subject to the tenant at 3 The Keys (currently holding over on their lease) which currently sells alcohol terminating their lease (3 months Notice to terminate required).

2. Recommendation

- 2.1 That a new lease is agreed with Martins on the above outline basis to increase the income to the Council approx. a year earlier than expected and secure a key tenant in the Keys shopping parade for the immediate future.

3. Introduction and Background

- 3.1. Martins need to expand their user clause to include alcohol sales in order to protect the long term viability of their shop at 4 The Keys which is in competition with similar convenience stores in the locality which do sell alcoholic drinks.
- 3.2. Martins have been in discussions with the tenant at 3 The Keys which trades as an off licence in order to purchase their goodwill of that business. The off licence is struggling and they want to vacate and they have been speaking to Martins to sell the goodwill of their business so

Martins can (subject to approval from the council and licencing officers) expand their user clause to include alcohol sales.

- 3.3. An application for a Licence to sell alcohol (for consumption off the premises) has been received from agents acting for Martin McColl Ltd by the Licencing Team at Brentwood Council on 6 August. This relates to 4 The Keys.

4. Issue, Options and Analysis of Options

- 4.1. Martins are the only multiple tenant in this shopping parade and therefore a key occupier in terms of its covenant and the larger size of the store. It is a shop that attracts footfall to this location and it is important to secure the future of this shop and therefore the security of the income for the future.
- 4.2. For Martins to commit to another lease term they require an extended user clause to include alcohol sales in order to compete with similar shops in the local area.

5. Reasons for Recommendation

- 5.1. To ensure that this key tenant that generates footfall in the Keys is retained for at least another five years.
- 5.2. To increase the rental income.

6. Consultation

- 6.1. No formal consultation has been undertaken or is required

7. References to Corporate Plan

- 7.1. Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2. Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back

into work and providing good quality housing making Brentwood our residents' Borough of Choice.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

8.1. The lease will generate income for the Council.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

8.2. None directly arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.1. None directly arising from this report

9. Background Papers

None.

10. Appendices to this report

Appendix A – Exempt

Report Author Contact Details:

Name: Russell Clinker

Telephone: 01277 312931

E-mail: russell.Clinker@brentwood.gov.uk

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Appendix A

The appendix is confidential by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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15 September 2015

Policy, Finance and Resources Committee

Corporate Asset Management Plan Update – Asset Challenge

Report of: *Chris Gill, Interim Project Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The Asset Management Strategy 2014/15 was approved by the Asset & Enterprise Committee on 15 July 2014. An update on progress was noted by the Asset & Enterprise Committee on 27 March 2015.
- 1.2 The Strategy highlighted the entrepreneurial approach to the Councils management of its assets and the March Committee report provided an update on progress. Since March the Councils Strategic Asset Manager has moved on and a temporary resource has been brought in for a short time to work with the asset management team to provide support and mentoring to the team as they continue to deliver the Asset Management Strategy.
- 1.3 A key project for the remainder of 2015/16 will be to complete the Asset Challenge Review to inform a refresh of the Asset Management Strategy for 2016/17.

2. Recommendation

- 2.1 To agree an update review to the current Asset Management Strategy and Action Plan to ensure it remains in line with Council needs.**

3. Introduction and Background

3.1 The key actions for 2014/15 set out in the Asset Management Strategy were:

- Asset Challenge Review
- Delivery of Major Projects
- Develop Housing for Social and Private Tenants
- Maximise Revenue and Capital Receipts
- Acquisition of Revenue Generating Opportunities

3.2 Asset Challenge Review – The Strategic Asset Management Team (SAMT) have started a review of all of the Councils assets with the exception of HRA dwellings to determine usage and whether assets are being put to best use and whether there are alternative and better solutions to deliver the same outcomes. Work to date has identified a number of potential opportunities which officers will report to a future meeting of this Committee and has also identified a need in consultation with the Interim Head of Housing to extend the scope of the work to include HRA dwellings so that all parcels of land can be considered.

3.3 Delivery of Major Projects – The SAMT are working hard to progress sales and to support delivery of major projects.

3.4 Develop Housing for Social and Private Tenants – SAMT are working closely with Housing to acquire residential units and in time develop where appropriate.

3.5 Maximise Revenue and Capital Receipts – SAMT are working through a backlog of rent reviews and lease renewals to bring the portfolio management up to date and may also identify opportunities for the Council to generate additional revenue.

4. Issue, Options and Analysis of Options

4.1 In continuing to follow a strategic approach to the management of its property portfolio the Council is ensuring that its asset portfolio is efficiently and effectively managed to ensure best use and to maximise revenue and capital receipts.

4.2 However it is also important to keep the Asset Management Strategy up to date and delivery of the Asset Challenge Review will inform a refresh of the Asset Management Strategy for 2016/17.

5. Reasons for Recommendation

- 5.1 To provide Members with an update on progress delivering the Councils Corporate Asset Management Plan.

6. Consultation

- 6.1 No formal consultation has been undertaken at this stage but the outcome of the asset challenge and refreshed Asset Management Strategy will be reported to a future meeting of this Committee for consideration.

7. References to Corporate Plan

- 7.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 The asset challenge process aims to ensure that the Council is making the best use of its assets including identifying alternative use or disposal options.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email 01277 312860 / christopher.potter@brentwood.gov.uk

8.2 None directly arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.1 None directly arising from this report.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

None

10. Appendices to this report

Appendix A - Asset Management Action Plan (Exempt)

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Appendix A

The appendix is confidential by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Policy, Finance and Resources Committee

1. The functions within the remit of the Policy, Finance and Resources Committee include all financial matters relating to the budget, (and for the avoidance of doubt, being the superior Committee on all such matters including capital, revenue and the Housing Revenue Account (HRA) except where the law otherwise requires), and, without prejudice to the generality of this, include the specific functions which are set out below.

Policy

To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

Finance

- 1) Financial Services
 - 2) Contracts, commissioning, procurement
 - 3) Legal services
 - 4) Health and safety at work (in so far as it relates to the Council as an employer)
 - 5) Corporate communications and media protocols
 - 6) Corporate and Democratic services
 - 7) Member Development
 - 8) Data quality
 - 9) Human resources
 - 10) Information Communication Technology
 - 11) Revenues and Benefits
 - 12) Customer Services
 - 13) Assets (strategically)
2. Overall responsibility for monitoring Council performance.
3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.
4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.

7. To approve the making of a virement or payment from the Council's reserves with a maximum value of £200,000.
8. To approve the write-off of any outstanding debt owed to the council above the delegated limit of £5,000.
9. To determine capital grant applications.
10. To make recommendations on the allocation and use of resources to achieve the Council's priorities.
11. To manage and monitor the Council approved budgets;
12. To provide the lead on partnership working including the joint delivery of services.
13. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
14. To strategically manage any lands or property of the Council and provide strategic property advice relating to the Council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following:-

The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases licenses dedications and easements.
- (c) Promoting the use of Council owned assets by the local community and other interested parties.
- (d) To manage any lands or property of the Council;
- (e) To include properties within the Council's Asset Management Portfolio including Halls etc.
- (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
- (g) To review the Corporate Asset Management Plan annually.
- (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
- (i) Disposal of land (including by lease) surplus to the requirements of any Panel or Committee.
- (j) Appropriation of land surplus to the requirements of a committee.
- (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.
- (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.

(m) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.

(n) Promoting a culture of entrepreneurialism and building the required skills and capacity.

(o) To consider, and approve, business cases and commercial business plans for commercial activity.

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