



Ordinary Council

Agenda

Part One

Town Hall, Brentwood

11 December 2013 at 7.00pm

Cllrs Mrs Henwood (Mayor), Reed (Deputy Mayor), Aspinell, Baker, Mrs Beeston, Braid, Carter, Chilvers, Clark, Clarke, Mrs Coe, Mrs Cohen, Mrs Cornell, Mrs Davies, Ms Golding, Hirst, Mrs Hones, Hossack, Keeble, Kendall, Kerlake, Le-Surf, Lloyd, McCheyne, Mrs McKinlay, Morrissey, Mrs Murphy, Mynott, Dr Naylor, Parker, Mrs Pound, Quirk, Russell, Sapwell, Sleep, Sparling and Tee.

Committee Co-ordinator: Mrs J Sharp 01277 312655

Additional Information:

Notice of an Amendment

Notice of an amendment to a recommendation or motion on the agenda for a Council meeting may be given by two members to the Monitoring Officer by 10.00 am **four working days** before the day of the meeting but amendments arising from the debate at the Council meeting on a motion or recommendation will always be considered.

Questions to a Committee Chair

A brief written report by each Committee Chair covering their area of responsibility will be circulated with the agenda for each Council meeting.

Any member may ask a Chair written or oral questions on:

- (a) any matter included in a Chair's written report; or
- (b) any matter in relation to which the Council has powers or duties or which affects the Council's area and which falls within the area of responsibility of the Chair's Committee.

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The period allowed for written and oral questions and answers will not exceed **80 minutes** without the leave of the Mayor and such leave will only be granted in exceptional circumstances.

Written questions to a Committee Chair

A member may ask a written question if notice in writing of the question has been received by the Monitoring Officer no later than 10.00 am **four working days** before the day of the Council meeting. Questions will be dealt with in the order in which notice was received.

An answer may take the form of:

- (a) a direct oral answer; or
- (b) a reference to a publication, where the information is in a publication of the Council or other published work; or
- (c) where the reply cannot conveniently be given orally (for example if is in the form of diagrams), a written answer will be circulated to all members at the meeting.

Each questioner is entitled to ask one supplementary question arising directly out of either the reply to the original question or where the questioner considers that the reply requires clarification.

Oral questions

After questions and answers under Rule 7.4 have been dealt with, any member may ask one question of a Chair under Rule 7.2.

No supplementary question shall be put except if the questioner considers that the reply requires clarification and the Mayor gives leave to the questioner to ask a supplementary question.

Point of Order/Personal explanation/Point of Information

For clarity, relevant sections of Rule 8 of the Council's Procedure Rules (Part 4.1 of the Constitution) are set out for Members' information below:

8.3.14 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure

Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

8.3.15 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. The ruling of the Mayor on the admissibility of a personal explanation will be final.

8.3.16 Point of Information or clarification

A member may raise a point of information or clarification at any time and the Mayor/Chair will hear them immediately. A point of information or clarification must relate to the matter being debated. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and its Boards and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk or from Democratic Services (01277 312739).

Webcasts

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

Private Sessions

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Board or Committee does so, you will be asked to leave the meeting.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

Part I

(During consideration of these items the meeting is likely to be open to the press and public)

1. Apologies for Absence

2. Mayor's Announcements

3. Minutes of the Ordinary Council meeting held on 23 October 2013

The Council is invited to approve the Minutes of the Ordinary Council meeting held on 23 October 2013.

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Minutes

Ordinary Council 23.10.2013

Membership/Attendance

- | | |
|--------------------|---------------------|
| * Cllr Aspinell | * Cllr Kerlake |
| * Cllr Baker | * Cllr Le-Surf |
| Cllr Mrs Beeston | Cllr Lloyd |
| * Cllr Braid | * Cllr McCheyne |
| * Cllr Carter | * Cllr Mrs McKinlay |
| * Cllr Chilvers | * Cllr Morrissey |
| * Cllr G Clark | * Cllr Mrs Murphy |
| * Cllr N Clarke | * Cllr Mynott |
| * Cllr Mrs Coe | * Cllr Dr Naylor |
| * Cllr Mrs Cohen | * Cllr Parker |
| * Cllr Mrs Cornell | * Cllr Mrs Pound |
| * Cllr Mrs Davies | * Cllr Quirk |
| * Cllr Ms Golding | * Cllr Reed |
| * Cllr Mrs Henwood | * Cllr Russell |
| * Cllr Hirst | * Cllr Sapwell |
| * Cllr Mrs Hones | * Cllr Sleep |
| * Cllr Hossack | * Cllr Sparling |
| * Cllr Keeble | * Cllr Tee |
| * Cllr Kendall | |

*present

Officers Present

Alison Crowe - Managing Director
Ashley Culverwell - Head of Borough Health, Safety and Localism
Chris Gill – Interim Strategic Asset Manager
Jo-Anne Ireland – Director of Strategy and Corporate Services
David Lawson – Monitoring Officer
Philip Ruck – Programme and Project Manager
Jean Sharp – Governance and Member Support Officer

204. Apologies for Absence

Apologies for absence were received from Cllrs Mrs Beeston and Lloyd.

205. Mayor's Announcements

All present stood for minute's silence in memory of former councillor Fred Chitty and Peter Warner – a long-serving BBC staff member.

The Mayor recounted some of the duties she had undertaken since May.

206. Variation in the Order of the Agenda

The Mayor acceded to Cllr Aspinell's request under Rule 8.1(3) that Members consider Item 14 - Notice of Motion – Chair of Overview and Scrutiny – before Item 9 – Notice of Motion – Fouling Under Railway Bridge, Shenfield was discussed.

207. Minutes of Ordinary Council 10.7.13 and Extraordinary Council 11.9.13

Resolved to approve as a true record the minutes of the Ordinary Council meeting held on 10.7.13 and Extraordinary Council held on 11.9.13.

208. Public Questions

Mrs Gearon-Simm had submitted two questions, details of which were before Members.

Responses to Mrs Gearon-Simm's questions were given by Cllr Kerslake and Cllr Mrs McKinlay.

Cllr Quirk requested circulation to Members of the minutes of the Town Hall Delivery Group meeting when the decision regarding the foodbank rent was made.

209. Exclusion of Public

The Managing Director considered that Item 16 on the agenda – William Hunter Way – contained exempt information under paragraph 3 of Schedule 12A of the Local Government Act 1972 and it had therefore been included in Part Two of the agenda.

The Monitoring Officer advised Members of the parts of the confidential report and appendices which were commercially sensitive and therefore needed to remain confidential.

Cllr Aspinell MOVED and Cllr Quirk SECONDED that the report be discussed in open session, ensuring the commercially sensitive information specified by the Monitoring Officer remained confidential.

A vote was taken on a show of hands and the Motion was LOST.

210. Memorials or petitions

None had been received.

211. Chairs Reports

Chairs' Reports were before Members.

212. Members' Questions to Committee Chairs

In accordance with Rule 7.4 of Council Procedure Rules, 7 written questions had been received from Members and details of these would be appended to the minutes.

Following the putting of these written questions to Chairs and receiving responses, oral questions were asked of Chairs and responses given. Details of the questions asked and the responses would be appended to the minutes.

213. Review of the Council's Constitution

The Council was required by Section 37 of the Local Government Act 2000 to keep its Constitution up to date.

The report before Members set out a number of proposals for revising the following Parts of the Constitution: Public Questions (Part 4.1); Access to Information Rules (Part 4.2); Budget and Policy Framework Rules (Part 4.3); Financial Regulations (Part 4.5); Staff Employment Procedure Rules (Part 4.7); Members Planning Code of Good Practice (Part 5.2) Staff Code of Conduct (Part 5.3) Member / Staff Relations Protocol (Part 5.4); Delegations to Staff General Principles to Appendix A) and Monitoring Officer (Article 12)

The cross-party Constitution Working Group was consulted on the proposed changes and the draft attached to the report before Members reflected the significant and detailed contribution of the Working Group's members.

Cllr Kerslake MOVED and Cllr Mrs Murphy SECONDED that the Council approved the changes to its Constitution as detailed in the revised documents appended to this report.

Following a full discussion a Member requisitioned pursuant to Rule 9.5 of Council Procedure rules that voting on the Motion be recorded.

FOR: Cllrs Braid, Mrs Coe, Mrs Cornell, Ms Golding, Mrs Henwood, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker; Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (20)

AGAINST: Cllrs Aspinell, Baker, Carter, Chilvers, Clark, Clarke, Mrs Cohen, Mrs Davies, Keeble, Kendall, Le-Surf, Morrissey, Mynott, Quirk and Sapwell (15)

ABSTAIN: None (0)

The Motion was CARRIED and RESOLVED accordingly.

214. Notice of Motion - Chair of Overview and Scrutiny

Cllr Hirst had submitted the following motion:

"In the light of the current Chair's poor handling of the business of Overview and Scrutiny Committee at recent meetings it is proposed that Council proceeds forthwith with a vote to remove the current Chair of the Overview and Scrutiny Committee and immediately thereafter to appoint a new Chair of Overview and Scrutiny and at the same time that Rule 1.2 of Part 4.4 of the Constitution be amended to read, "The Overview and Scrutiny Committee shall be chaired by a Member appointed at Council" .

The Motion was SECONDED by Cllr Mrs Murphy.

Following a full discussion a Member requisitioned pursuant to Rule 9.5 of Council Procedure rules that voting on the Motion be recorded.

FOR: Cllrs Braid, Mrs Coe, Mrs Cornell, Ms Golding, Mrs Henwood, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker; Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (20)

AGAINST: Cllrs Aspinell, Baker, Carter, Chilvers, Clark, Clarke, Mrs Cohen, Mrs Davies, Keeble, Kendall, Le-Surf, Morrissey, Mynott, Quirk and Sapwell (15)

ABSTAIN: None (0)

The Motion was CARRIED and RESOLVED accordingly.

Cllr Hirst MOVED under Para 8.1 (5) of Part 4 of the Council's Rules of Procedure (Motions which may moved without notice – to appoint a committee or member arising from an item on the agenda for the meeting) that "*Cllr Mrs Hones be appointed Chair of the Overview and Scrutiny Committee*".

Cllr Mrs McKinlay SECONDED the Motion.

Following a full discussion a Member requisitioned pursuant to Rule 9.5 of Council Procedure rules that voting on the Motion be recorded.

Cllrs Aspinell and Chilvers were not present for the vote.

FOR: Cllrs Braid, Mrs Coe, Mrs Cornell, Ms Golding, Mrs Henwood, Hirst, , Hossack, Kerslake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker; Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (19)

AGAINST: Cllrs Baker, Carter, Clark, Clarke, Mrs Cohen, Mrs Davies, Keeble, Kendall, Le-Surf, Morrissey, Mynott, Quirk and Sapwell (13)

ABSTAIN: Mrs Hones (1)

The Motion was CARRIED and RESOLVED accordingly.

215. Notice of Motion - Fouling Under Railway Bridge, Shenfield

Cllr Quirk had submitted a Motion but withdrew it as the action proposed was in process.

216. Notice Of Motion – Decisions On Senior Officer Salary

Cllr Quirk had submitted the following Motion:

'Government and this council talk much of openness, transparency and scrutiny. As such, as is the guidance of the coalition Government, the remuneration of the most senior public servants within our organisation must be decided in the most democratic and accountable way. For such decisions to ultimately be the gift of just one person is neither balanced nor democratic. This council therefore agrees that from here on the pay of the council's Managing Director and all staff that are set to receive a package that totals above £100,000 per annum in basic salary and bonus provision have their specific pay amount debated and decided by the full membership of this council in open forum before being formally agreed. This does not preclude the existence of a remuneration recommendation panel in this regard however the final decision will be made by council as a whole, not just the leader of the council'.

Cllr Baker SECONDED the Motion.

Following Cllr Hirst proposed an amendment to the Motion which was accepted by Cllr Quirk. The AMENDED Motion was as follows:

'Government and this council talk much of openness, transparency and scrutiny. As such, as is the guidance of the coalition Government, the remuneration of the most senior public servants within our organisation must be decided in the most democratic and accountable way. For such decisions to ultimately be the gift of just one person is neither balanced nor democratic. This council therefore agrees that from here on the pay of the council's Managing Director and all staff that are set to receive a package that totals above £100,000 per annum in basic salary and bonus provision have their specific pay amount debated and decided by the full membership of this council in open forum before being formally agreed. This does not preclude the existence of a remuneration recommendation panel in this regard however the final decision will be made by full council, not just the leader of the council'.

A vote was taken on a show of hands and RESOLVED ACCORDINGLY.

217. Notice of Motion - Licence for Trading Space

Cllr Baker had submitted the following motion:

"This council supports an entrepreneurial spirit and will encourage it amongst our local traders. However such initiatives must be within rules and guidelines. But of

course, those rules should also be flexible and have regard for common sense. On a daily basis in Brentwood's High Street, an ice cream van pitches outside of Marks and Spencer and receives parking tickets. It is my belief that instead of penalising something that seems to be a popular addition to the town, we should encourage it but within a regulatory framework. I therefore propose that officers investigate granting a pitch licence for this area, in conjunction with the Highways Authority if necessary, to enable all interested parties to bid for a trading space at this site in exchange for a licence fee payable to this council. This would allow an income to mitigate against the taxation burden on Brentwood council tax payers and ensure that local businesses could, if they wish, expand their trading activities within our bustling High Street space legitimately".

Following a discussion a vote was taken on a show of hands and the Motion was LOST.

218. Notice of Motion - The Introduction of Part Night Lighting to Brentwood

Cllr Kendall has submitted the following motion:

"Brentwood Borough Council has serious concerns about Essex County Council's plans to introduce part night street lighting in Brentwood in February 2014.

Members share residents concerns about potential increases in crime and anti social behaviour in the urban areas where the lights are going to be turned off.

Members are also very concerned about the number of urban roads that are not on the primary road network that are littered with potholes and footpaths that are in urgent need of repair across the Borough. These hazards will become even more of a danger for motorists and pedestrians when the lights are switched off.

This Council calls on Essex County Council to put on hold the roll out of the part night street lighting programme in Brentwood until the following issues have been properly addressed:

1) Brentwood Borough Council is given an assurance by the Cabinet member that there will be a full assessment and repair programme instigated as soon as possible to repair all the potholes and footpaths that are in urgent need of attention particularly on the urban roads across the Borough.

2) Members would like the County Council to produce a detailed report that fully evaluates LED technology and the impact LED lighting would have on a community like Brentwood.

3) Members would like a forum established in Brentwood for key stakeholders from the community to discuss these proposals in detail and decide at the local level the best way forward.

4) If part night street lighting is introduced in Brentwood then members believe it should only be during the hours of 1am and 5am.

Cllr Mrs Davies SECONDED the Motion.

Cllr Hossack proposed and Cllr Kendall accepted an AMENDMENT to proposal 3): that an existing working group, eg Brentwood Nightlife Action Group, would consider the proposals rather than establishing a separate forum for key stakeholders.

Following a full discussion a Member requisitioned pursuant to Rule 9.5 of Council Procedure rules that voting on the Motion be recorded.

FOR: Cllrs Aspinell, Carter, Clark, Clarke, Mrs Cohen, Mrs Davies, Hossack, Keeble, Kendall, Mynott, Sapwell and Tee(12)

AGAINST: Cllrs, Mrs Coe, Ms Golding, Hirst, Mrs Hones , Kerslake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker; Mrs Pound, Reed, Russell, Sleep, Sparling (15)

ABSTAIN: Cllrs Baker, Braid, Mrs Cornell, Mrs Henwood, Le-Surf, Morrissey and Quirk (7)

The Motion was LOST.

219. Notice of Motion – Commercial Viability of Print Unit

Cllr Aspinell had submitted the following motion:

"The Council requests the Strategy and Policy Board to urgently investigate both the potential for and commercial viability of the Print Unit being reconfigured in order

to trade and generate an income. Furthermore, the Council requests that the Strategy and Policy Board prepare a report of its investigations into the viability of the proposal, to include a business case, for consideration by the next Strategy and Policy Board or the earliest available meeting of the Board" .

Cllr Clark SECONDED the Motion.

Following a discussion, Cllr Mrs McKinlay proposed an AMENDMENT which was accepted by Cllr Aspinell, as follows:

"As part of the review of back office services the Council requests the Strategy and Policy Board to urgently investigate both the potential for and commercial viability of the Print Unit being reconfigured in order to trade and generate an income. Furthermore, the Council requests that the Strategy and Policy Board prepare a report of its investigations into the viability of the proposal, to include a business case, before the end of the financial year."

A vote on the Motion was taken on a show of hands and it was RESOLVED UNANIMOUSLY ACCORDINGLY.

- 220. Urgent Business: Notice of Motion: Confidential Information** (The following item was considered by the Mayor to be urgent business pursuant to Section 100B(4)(b) of the Local Government Act (as amended) in order that Members could consider the matter without further delay).

Details from the Part Two item to be discussed at this meeting had been revealed to the press since publication of the supplementary report five days before the meeting. Reaffirmation of Members' commitment to comply with the law and an urgent review of the system for dealing with confidential reports was therefore requested to reduce the risk of a recurrence. The Mayor believed this could not wait until the next Full Council meeting due to the risk of a similar disclosure being made and subsequent damage to the Council's reputation.

Cllr Parker had submitted the following Motion:

"In light of the apparent recent leaks of confidential information, members of this Council reaffirm their commitment to comply with both the letter and spirit of the law when dealing with "pink" items.

As the current member procedure for accessing the information in a secure environment is not working, we call upon the Managing Director and Monitoring Officer to carry out a review with regards to amending the process."

Cllr Russell SECONDED the Motion.

Following a discussion a vote was taken on a show of hands and it was RESOLVED ACCORDINGLY.

221. Proposed adjournment of meeting

Cllr Aspinell MOVED and Cllr Clark SECONDED that the meeting be adjourned and reconvened on 28.10.2013 to consider the confidential item 16 on the agenda - William Hunter Way.

Members voted on a show of hands and the Motion was LOST.

222. Confidential item – William Hunter Way

Earlier in the meeting Members had resolved that the public be excluded for this item of business on the grounds that the disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972 was involved.

The report before Members provided an update on the status of the scheme to develop the William Hunter Way site following the Extraordinary Council meeting 11th September 2013.

Cllr Hirst MOVED and Cllr Parker SECONDED that the recommendations included in the report be approved and following a discussion Members voted with a show of hands and it was RESOLVED ACCORDINGLY.

(Cllr Mynott declared a pecuniary interest under the Council's Code of Conduct by virtue of living adjacent to the proposed development site. However, the Interim Monitoring Officer had granted a dispensation for Cllr Mynott to participate in the Extraordinary Council Meeting on the grounds that it was in the interests of persons living in the authority's area that he be able to put their views and concerns).

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6. CHAIRS' REPORTS

([Appendix 1](#))

Report of *Managing Director*

Author *Jean Sharp*

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Email *jean.sharp@brentwood.gov.uk*

1. Executive Summary

1.1 A brief report by Committee Chairs covering their area of responsibility can be found at [Appendix 1](#).

A report from the Chair of Overview and Scrutiny Committee will follow.

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Chair's Report to the Council

Committee: Strategy and Policy Board

Chair: Councillor Louise McKinlay

Funding Strategy 2013-16

Members approved the Funding Strategy 2013-16 which provides the Council's strategic approach to funding and supporting the local voluntary and community sector, to ensure that it meets the Council's priorities and thereby supporting our local communities. Current spend in this area is £647,406.

The strategy will ensure that the support that the Council gives to organisations is targeted, supports the Council's priorities and provides effective support for the local community. The strategy provides a framework to move away from direct grant aid to a strategic commissioning approach for some services.

A statement of principles is included in relation future funding:

- a) Deliver the priorities and sub-priorities of the Brentwood Borough Council Corporate Plan 2013-16
- b) Support the creation of a Community Hub of community and voluntary sector organisations within the Town Hall as part of the Town Hall Delivery Project
- c) If in receipt of funding, the organisation acknowledges the support it has received from the Council
- d) Actively increases volunteering and supports the use of volunteers

The strategy also sets out the position for funding for Parish Councils from 2015-16, discretionary rate relief and in kind support given to some organisations.

Assets of Community Value

The Localism Act 2011 gave new rights and powers for communities in the Community Right to Bid which enables communities to nominate assets of community value and allows them enough time to develop a bid and raise money to purchase the asset when it comes on the open market.

Members agreed to delegate responsibility to determine whether nominations should be included within the lists of assets of community value to the Head of Borough Health, Safety and Localism in consultation with the Chair of Strategy and Policy Board and relevant ward Councillors.

MTFP Update

Members were updated on the MTFP following approval of the planning assumptions on the 4th September 2013. Members considered the potential changes to funding streams as indicated in the Comprehensive Spending Review, together with a number of budget/service pressures which had been identified. The MTFP is an on-going process which will be concluded at a dedicated Council meeting on 5th March 2014.

Housing Strategy & Homelessness Prevention Strategy

Members agreed to adopt the Housing Strategy and Homelessness Prevention Strategy following consultation on the draft documents.

The document provides an important summary that sets out the Council's priorities to meet local housing needs and aspirations, which will be an important supporting document to the emerging Local Development Plan.

It seeks to outline what the Council and its partners will do to ensure that the best possible housing options are available for the residents of the Borough. With less finance available through traditional public funding routes, this requires new, effective and realistic ways of working and greater reliance on effective partnerships if success is to be achieved.

Entrepreneurial Initiatives – Business Case

As part of the New Ways Working approach and the visions and the priorities set out in the Corporate Plan 2013-16 the exploration of potential entrepreneurial activity has been conducted in recognition of the fact that continued efficiency savings alone will not be sufficient to address the budget deficit.

The committee received a report on Commercial Opportunities – Investigation of Options for Brentwood Borough Council which considered opportunities for the Council to adopt an entrepreneurial approach in order to address deficits in revenue in future years.

Members approved in principle the following entrepreneurial opportunities subject to the development and approval of a business case with a full report coming back to Members:

- Careline
- Building Control
- Trade Waste Collection
- Other depot services including cleansing activities and grounds maintenance
- Town Centre Services

Members also agreed that there are a variety of potential housing entrepreneurial opportunities and approved the development of a business case for these as a potential second phase of developing a new entrepreneurial programme.

Officers will work with Leader and the Executive Committee Chairs and bring a detailed business case back to Strategy and Policy Board for review before any further action is progressed.

Customer Services Transformation

Members will be aware that the Council has committed itself to modern and effective customer services that meet at least 80% of our customers' needs at the first point of contact.

The committee approved the detailed business case that set out the proposal for a fully integrated customer contact centre offering high quality customer service which moves away from the traditional reception/telephone service currently offered by the Council to a new model that will offer a wide range of modern and efficient access channels for customers.

This will be complimented by extended operating hours to allow 24/7 contact in some instances. The service will have 3 main strands:

- Website
- Telephone Service
- Face to Face

In addition the Contact Centre Service will also handle other contact channels such as post, emails, text messaging and social media.

The Contact Centre Service will be initially operational on 1st April 2014 with a target date for full implementation by 1st April 2015.

New Ways of Working – Back Office Review

Following the update to the Board in September a further update was provided in respect of the following services which had been reviewed:

- Internal Audit
- Payroll
- Human Resources
- Legal

Having reviewed the above services Members approved the next recommended next steps to award contracts for Payroll and Internal Audit services to external companies. Therefore from April 2014, Payroll will be operated by Midland HR and Internal Audit will be operated by a company called BDO.

A full procurement exercise is also underway for HR services and any new arrangements for this service will come into effect from October 2014.

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Chair's Report to the Council

Committee: Performance and Resources Committee

Chairperson: Councillor John Kerslake

Essex Wide Pool for Business Rates

Under the Business Rates Retention Scheme, Local Authorities are able to voluntarily form a business rates retention pool. Local Authorities within a pool are treated as a single authority with all Tariffs and Top-Ups being combined and a single levy rate being applied.

At its meeting in October, the Committee considered the concepts and implications of joining an Essex Wide Pool.

Local authorities within a pool are treated as a single authority, with all Tariffs (i.e. where the NDR Baseline is higher than the Baseline Need), and all Top-Ups (i.e. where the NDR Baseline is lower than the Baseline Need) being combined, and a single levy rate being applied. Similarly, safety net eligibility is also calculated at aggregate pool level. Through pooling, groups of authorities are able to reduce the levy amount paid i.e. by acting as a single authority; the levy amount would be lower than had they acted individually. This therefore can create a gain from pooling, over and above what pooling authorities would have received, had they acted individually.

However, the Governance arrangements of an Essex Wide Pool would be an essential part of any pooling arrangements. Whilst, the key advantage of a pooling arrangement (particularly for Brentwood Borough Council) is the potential for a reduced tariff; the disadvantages of a pool are that any fall in business rates will most likely need to be absorbed by the Council, up to the level of the Government's Safety Net, whilst growth in business rates is shared.

The Committee agreed that the Council would not join the Essex wide pool for 2014/15.

Assets

Brentwood Golf Course Complex

- Officers are working hard to establish the Cross Party members working group which will engage with interested parties to develop a business plan for Brentwood Golf Course and Complex.

Old House

- Bids for the sale of old House were considered and ratification of the Performance and Resources Committee decision is being sought from the Strategy and Policy Board on 18th December 2013.

Hutton Community Centre

- This project is subject to call in procedures.

Property sales currently progressing:

- Swan Pond
- Bell Mead.
- Crown Street small parking area – Contracts Exchanged
- Hutton Parish Hall – Contracts Exchanged

Garden Land Sales:

- We are progressing 14 applications.

Sites being marketed:

- Warley Training Centre
- Hallsford Bridge Industrial Estate

Work Programme:

- Supporting the evaluation of the Repairs and Maintenance Procurement.

- Refreshing the Councils Asset Management Plan, Action Plan and delivery milestones.
- Implementing a rolling asset challenge process across the Councils Property Portfolio.
- Procuring valuers to negotiate rent reviews.
- Progressing rating appeals.
- Securing rent on bill boards
- Undertaking compliance checks across the corporate portfolio.
- Refreshing Strategic Asset Management Risk Assessments.

Half Year Budget Review

The key messages from the report presented on the 6th November were as follows:

- The Council is on track to deliver the savings targets for 2013/14 in respect of the Back Office and Procurement Reviews.
- The projected outturn for the General Fund is a potential funding gap of £174,000 compared to an original estimate of £477,600. This will result in a working balance at the end of the financial year of some £3.5m.
- The projected outturn for the Housing Revenue Account is a deficit of £249,600, compared to an original estimated surplus of £35,100. This will result in a working balance at the end of the financial year of over £1.5m.
- The projected spend on the Capital Programme for 2013/14 is £6.5m, compared to an original estimate of £8.4m.

Town Hall Delivery Group

Following the decision made at the Extraordinary Council on 11th September 2013 to proceed with the Town Hall project, the cross party Town Hall Delivery Group (THDG) needed to amend its Terms of Reference to reflect the new stage of the project.

The revised Terms of Reference were agreed by the Performance and Resources Committee, together with the Group Membership which will comprise four Administration and four Opposition Members.

Ordinary Council meeting 11.12.2013

Chair's Report to the Council

Committee: Licensing

Chairperson: Councillor McCheyne

Licensing Enforcement officers undertook stop checks with the Police on Tuesday 22nd October and Thursday 24th October. These events focussed on both hackney carriage and private hire vehicle inspections at various locations throughout the Borough. This joint initiative linked in with a week of action conducted by the police which was aimed at clamping down on burglaries. The police set up safe road blocks stopping vehicles of interest to them and also pulled over licensed vehicles so officers could examine the vehicles for safety purposes and ensure that licence documentation was in order.

Over the two days 13 Taxi's and 2 Private Hire vehicles were inspected. Some of the vehicles were licensed outside of the borough, although it is legitimate when passing through Brentwood that they can be stopped and inspected by Brentwood licensing officers in order to ensure the safety of the residents of our borough.

Drivers should carry their identity badges as issued by the relevant authority at all times. Vehicle licences must be maintained and current and the vehicle must obviously be mechanically sound. In every case all aspects of the checks were found to be in order.

Future similar operations are planned in addition to the regular testing of vehicles that the Council conducts as part of the ongoing licensing process.

Generally the licensed trade in Brentwood have an excellent reputation for ensuring the safety and wellbeing of the travelling public as reflected in the random results of the inspections carried out. Regular engagement with the taxi trade through the taxi trade consultative group has resulted in positive outcomes and true partnership working to the benefit of our community.

Ordinary Council meeting 11.12.2013

Chair's Report to the Council

Committee: Community Services Committee

Chairperson: Councillor Mrs Pound

Environmental Health

Environmental Health, working in conjunction with Papworth Trust, have been delivering assistance to elderly and vulnerable residents through the provision of Disabled Facilities Grants and other assistance such as the handy man and gardening scheme. So far this year there has been an increased demand for help to adapt properties to assist in maintaining independent living, which was one of our key corporate objectives identified in the Council's Corporate Plan.

Officers have also been working with the police to carry out stop checks at various locations in the Borough to reduce the likelihood of fly-tipping and illegal transport of waste. The team stopped 25 vehicles and gave them advice on how to ensure they are complying with the law on the transporting and the disposal of commercial waste. Most vehicles stopped had the correct license which is much improved on a previous operation in February where most vehicles did not have the correct paperwork.

The CCTV team have now been provided with a Police Airwave radio which has already been successful in improving communication between the control room and police officers, enabling us to respond rapidly to incidents as they occur and to gather useful evidence. We have also streamlined procedures to ensure that data produced from CCTV is delivered effectively to the officers investigating incidents in the Borough.

Community Safety

The delivery of the Community Safety Commissioning Plan is well underway. The first Firebreak course took place on 21st October, which was a great success with the 12 young people who took part completing the course and achieving fantastic results. Three of the young people excelled significantly and have been referred to the Young Firefighters Scheme run by Essex County Fire & Rescue. This scheme is designed to

promote safety awareness, self esteem, leadership and citizenship life skills. The Fire Service who normally run this outside the Borough have kindly agreed that the next course in March will be run from Ingatestone.

The Vulnerable/Elderly Person Safety Awareness Event will take place on 25th March and we are working in partnership with Essex County Council Youth Service and Youth Council on delivering the youth summit. A youth engagement project has also been commissioned in local schools.

The new and innovative project Life Choices – Last Chances has commenced and will run until 12th December. This project helps steer at risk youngsters in making the right choices in life. Referrals were sought from local secondary schools. The first session was a success and all the young people present have signed up to the project.

Housing

The cross-party Repairs and Maintenance Working Group continues to work closely with officers in the retendering of our repairs and maintenance service. The tender period is now complete, and the evaluation of tenders received has now begun. The results of tenders will be considered by the Community Services Committee in February 2014.

In November, we responded to a Government consultation about revised guidance for council's allocation policies. Government proposes introducing new guidance to strongly encourage all local authorities to adopt a two year residency test as part of their allocation policy qualification and criteria. A residency test is consistent with our new approved allocation policy, and so we have supported the principle. However, we have suggested to Government about the need for consistency between the residency test as it is proposed and the local connection definition as it operates within statutory homeless legislation and guidance.

Ordinary Council 11.12.2013

8. Local Council Tax Support Scheme 2014/15

Report of *Director of Strategy and Corporate Services*

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Wards Affected *All*

1. Executive Summary

- 1.1 The 2013/14 Local Council Tax Support (LCTS) scheme was adopted by Ordinary Council on 19th December 2012 and replaced Council Tax Benefit (CTB) from 1st April 2013. The scheme only affects working age claimants as pensioners are protected and continue to be paid in accordance with the CTB regulations.
- 1.2 A report outlining the findings of the first year of operation of the Scheme was reported to the Overview and Scrutiny Committee on 18th September 2013 and proposed amendments to the scheme were considered by a Task and Finish Group.
- 1.3 Consultation with residents regarding the proposals was conducted over a 6 week period from 20th September 2013 to 1st November 2013 but as all of the proposals were favourable to residents, not unexpectedly we received a low key response.
- 1.4 Only three residents responded to the consultation but all were in favour of introducing the changes.
- 1.5 The final proposals were then agreed by Overview and Scrutiny Committee at its meeting on the 26th November 2013 before submitting the final scheme to Full Council for adoption.

2. Recommendation(s)

- 2.1 Members note the consultation response and Equality Impact Assessment as set out in the document at Appendix **1**.
- 2.2 That the Council adopts the 2013 Local Council Tax Support (LCTS) scheme and includes the following policy amendments:

- a) Protections for residents acting as a carer.
- b) An up-rate of up to 1% to the applicable amount for working age claimants in line with DWP rates for Housing Benefit.
- c) A delay in the assessment of notional income for self employed claimants until their third year of operation and using either the higher of the current rate of minimum wage or the appropriate market rate for the employment market that the claimant or their partner is operating in.

2.3 The Council endorses the following proposed change to current Council Tax Discounts and Exemptions for 2014/15:

- a) To reduce the discount on properties that has major repairs or structural alterations to 25% for 12 months.

2.4 That the Council adopts the proposals to impose penalties on residents who fail to notify the Council of a relevant change in circumstances that affects the amount of Council Tax liability as follows:

- a) Housing Benefit - £50
- b) Local Council Tax Support - £70
- c) Council Tax - £70

2.5 In order to implement working age up-rating in line with DWP rates for Housing Benefit, delegated powers are awarded to the Section 151 Officer, in consultation with the Leader and Deputy Leader of the Council to make minor technical changes to the Local Council Tax Support Scheme.

3. Background

3.1 The 2013/14 Local Council Tax Support (LCTS) scheme was adopted by Ordinary Council on 19th December 2012 and replaced Council Tax Benefit (CTB) from 1st April 2013. The scheme only affected working age claimants as pensioners were protected and continue to be paid in accordance with the CTB regulations.

3.2 There are currently seven scheme principles which are incorporated within four sub- scheme types:

Sub-Scheme 1 Pensioners

Pensioners are currently protected and therefore the amount of LCTS awarded is based on the previous CTB regulations.

Sub- Scheme 2 Vulnerable

Protect those who have limited opportunity to improve their circumstances: Residents in receipt of a Disability Premium, a War Disablement Pension, War Widows Pension or Armed Forces compensation payment will be protected by having their entitlement assessed on CTB rules just like residents of pension age.

Sub- Scheme 3 Working age - Employed

Reward those in work by assessing their LCTS entitlement on a maximum liability of 100% (not 80%). The in work taper should be 15% rather than 20% for those not working.

Sub- Scheme 4 Working age – Not employed

Everyone should pay at least 20% of the annual liability. Maximum liability therefore will be 80%. Include within assessment both child benefit and child maintenance (ignored for Housing Benefit). Residents of Band E properties have entitlement restricted to that of a Band D charge and owner occupiers of Band F, G & H properties are not entitled to LCTS (Social Housing tenants remain eligible). Non dependant deductions from LCTS are set at NIL to encourage families to stay together. If the claimant has lived at the same address for more than a year and has not claimed LCTS or CTB within the previous 12 months they will be protected for 13 weeks. This means they will be treated in the same way as pensioners and vulnerable claimants for those 13 weeks.

4. 2014/15 scheme amendments

4.1 The Overview and Scrutiny Committee agreed the following proposed amendments to the 2013/14 LCTS Scheme:

| Proposal | Estimated No. Of Claimants Affected | Estimated Cost £ |
|---|--|-----------------------------|
| 1.To introduce protections for residents acting as a carer in line with existing protections for pensioners and vulnerable residents. | 29 | 10,000 |
| 2. To up-rate the applicable amount (the minimum amount of income that a household can exist on) for working age claimants by up to 1% in line with the DWP rates for Housing Benefit. | 2,200 | 19,000 |
| 3. To delay the assessment of notional income for self employed claimants until their third year of self-employment, and instead use the higher of: <ul style="list-style-type: none"> • current minimum wage at the time of the application for LCTS or; • the appropriate market rate for the employment market that the claimant or their partner is operating in. | 19 | 28,500 |

4.2 In addition to these changes, the following amendment to current Council Tax Discounts was also agreed:

| Proposal | Estimated No. Of Claimants Affected | Estimated Saving £ |
|--|--|-------------------------------|
| 1. To reduce the level of discount applicable to the liable person of a property undergoing major/structural works (previously Class A Exemption) from 50% for 12 months to 25% for 12 months. | 36 | (17,000) |

4.3 The Council also has the power to impose penalties on residents who fail to notify the Council of a relevant change in circumstances that affects the amount of Housing Benefit and/or Local Council Tax Support received. Powers also exist to impose penalties on residents who fail to notify the council of a relevant change in circumstances that affects the amount of Council Tax liability.

Housing Benefit

Section 116 of the Welfare Reform Act introduced powers for a Local Authority to impose a £50 civil penalty where a claimant has failed to notify the Council of a relevant change in circumstances affecting their Housing Benefit and/or Council Tax Benefit within 1 calendar month of the effective date of the change and providing that an overpayment of benefit has occurred.

Local Council Tax Support

The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 also introduced powers for a Local Authority to impose a £70 civil penalty where a claimant has failed to notify the Council of a relevant change in circumstances within 1 calendar month of the effective date of the change occurring and providing that an overpayment has occurred.

Council Tax

The Local Government Finance Act 1992 introduced powers for a Local Authority to impose a £70 civil penalty where a claimant has failed to notify the Council of change of eligibility to an exemption or discount or has supplied incorrect or inaccurate information pertaining to their liability within 1 calendar month of the effective date of the change occurring.

- 4.4 The Council would not impose a penalty where the resident is deemed by the Council as vulnerable. The vulnerability criteria would be in accord with that adopted by the Council within its Local Council Tax Support scheme.
- 4.5 The number of changes where a penalty will be applicable will vary from month to month and additional income will initially be anticipated. However this proposal is intended to affect behavioural change as it will reduce the level of fraud and claimant error by encouraging prompt notification of changes to circumstances

Discretionary Hardship Fund

- 4.6 The Discretionary Hardship Fund is an extra amount that the Council can award in addition to the claimant's normal Local Council Tax Support, if the Council determines that the claimant needs further financial assistance to meet the Council Tax liability for the financial year in question.
- 4.7 The Council have agreed that 2% of the annual funding for LCTS should be allocated to the Discretionary Hardship pot and for 2014/15 this is currently estimated at £74,000. These costs will be contained within the overall cost of the scheme.

Exceptional Hardship Fund

- 4.8 An Exceptional Hardship Fund has also been created to provide financial support for residents who fall outside the normal qualifying criteria for Local Council Tax Support or the discretionary fund and where financial support is deemed necessary because of the exceptional circumstances of the resident.
- 4.9 Essex County Council are providing a grant towards the cost of any reliefs awarded as part of the Exceptional Hardship Policy. The value of this funding

is agreed at 0.2% of the total cost of the scheme and for 2014/15 this is currently estimated at £7,400.

5. Financial Implications – Comment from S151 Officer

5.1 The funding allocation for LCTS in 2014/15 will form part of the overall Government Grant funding and will therefore not be separately identifiable. However, should the costs of the scheme exceed the grant funding, the Council will be able to utilise the Funding Volatility Reserve to protect the Council's General Fund position during the early years of the new LCTS arrangements if required.

6. Implications and References to Corporate Plan

6.1 Housing, Health and Well Being – implementing a Council Tax Scheme that includes work incentives and protect the most vulnerable.

7. Background Papers

1. 19th December 2012 – Ordinary Council
2. 18th September 2013 – Overview and Scrutiny Committee: LCTS 2014/15
3. 26th November 2013 – Overview and Scrutiny Committee: LCTS 2014/15

Local Council Tax Support

Brentwood Borough Councils Local Council Tax Reduction Scheme
Final Scheme Design
Consultation Response



This Equality Impact Assessment (EIA) is based on the financial models adopted for consultation by Brentwood Borough Council. An impact assessment of the change to local support for Council Tax nationwide can be found at <https://www.gov.uk/government/consultations/localising-support-for-council-tax>

Proposed change

From 31 March 2013 Council Tax Benefit has been abolished. The Local Government Finance Act 2012 replaces Council Tax Benefit with a reduction scheme to be designed by each billing authority. Funding will no longer be demand led. It will be based on an estimate of Borough caseloads, with an overall budget 10% lower than that of Council Tax Benefit.

Reason for the service change

The Council Tax Benefit scheme was abolished by the Welfare Reform Bill 2011 and section 13 of the Local Government Finance Act was amended which allows for the development of a new Localised Council Tax Support scheme to be implemented from 1 April 2013.

Every billing authority in England must design a scheme specifying the reductions which are to apply to amounts of council tax payable in respect of dwellings in its area.

There is no separately identifiable funding for Council Tax Support. A grant of £3.85 million was shared between Essex County Council, Brentwood and the Police and Fire Services to make up the loss of Council Tax Benefit from April 2013.

Our preceptors have asked for support to be maintained at or below that level in 2014. Essex County Council have not asked for any further reductions to level of Council Tax forgone as a result of Council Tax Support awards.

Information about the changes

The Department for Communities and Local Government (DCLG) have completed an Impact Assessment for the implementation of local support for Council Tax nationwide;

<https://www.gov.uk/government/consultations/localising-support-for-council-tax>

Brentwood Borough Council have the option of allowing the cost of the shortfall to fall on the General Fund and the precepting authorities within the collection fund or designing a revised scheme which incentivises work.

The Council is in a partnership with Essex County Council to control the costs of discounts and exemptions within the Council Tax collection Fund. This ensures that taxpayers are not unduly burdened by excessive reductions in the Council Tax Base. Part of that agreement is to ensure that the Cost of Council Tax Support is “cost neutral” when compared to the

2013/14 funding allocation for Council Tax Support. Any additional costs are borne by Brentwood's taxpayers.

On 8 August 2013 our preceptors, Essex County Council, the Fire Service and the Police confirmed that Local Schemes will not need to have further reductions passed on to them.

Nature of the consultation

The Council consulted staff in the Housing and Revenues & Benefits services. The Council has worked with other authorities throughout Essex and Essex County Council to monitor the costs and success of the scheme.

In July a staff consultation took place to consider what changes to make to the scheme.

These ideas were put to an Overview and Scrutiny Task and Finish Group.

The Task and Finish Group considered the following options:

Growth items

To introduce protection for carers.

Brentwood's scheme affords the disabled and war pensioners support at equal or better levels than that previously offered by Council Tax Benefit. The vast majority of carers are already protected within our scheme because of protections offered to those looking after disabled children or a disabled partner. However carers looking after a disabled adult were not protected.

Relax restriction for owner occupiers of band F, G & H

This restriction has had a negative impact on collection but delivers a significant saving to the overall cost of the scheme. Removal of the full restriction for owner occupiers of Band F, G & H properties and introduction of a maximum award of Band D equivalent will reduce the annual liability from just under £3,000 per annum liability to just under £1,500 per annum.

Up-rate applicable amounts

The applicable amount is the figure provided by DWP and up-rated annually which represents the minimum amount of income that a household can be reasonably expected to live on. This is compared against the actual income of the household to calculate how much of benefit and support is awarded. The Council uses the same figures that the DWP within the 2013/14 LCTS scheme to calculate entitlement. For administrative convenience it makes sense to uprate the 2014 figures in line with the DWP.

Introduce a minimum self employed income of £271per week

The assessment of self employed earnings within both Housing Benefit and LCTS is based on an estimate of net profit. For Council Tax Support there is an anti abuse clause in our scheme that allows Officers to ignore that calculation and use either the minimum wage or

higher after the first year of operation (Year 2). Members of the Task and Finish Group asked for this to be put back to the second year of operation (Year 3).

Additional Scheme Savings

Introduce a non dependant deduction for non-passported residents aged over 18.

The current scheme has set non-dependant deductions for all non dependants at zero. The Task and Finish Group were asked to consider a two tier level of deduction based on the gross income of the non dependant.

Introduce a residency rule to match the housing allocation criteria

Some authorities have introduced a residency rule which matches the local housing allocations policy. The allocations policy at BBC includes the restriction that someone must be classed as resident in the Borough for at least 3 of the last 5 years before they can be considered for re-housing.

Widen the restriction to all Bands F, G & H residents including tenants

There are a number of very high cost social sector properties in Brentwood. We offer claimants in these properties only 50% support when taking into account the restriction to 80% of a Band D property. Whether this level of support provides for an affordable bill is questionable.

Empty Homes Premium

The Council doesn't currently charge a premium on homes that have been empty for 2 years or more. 6 of the 14 Essex local authorities already apply a premium of 50%.

Local discount for properties undergoing major works

The current local discount is 50% of the full charge for 12 months from the date the property becomes uninhabitable. This was reduced from 100% when the technical changes were introduced in April 2013. This however is more generous than many other Councils.

Penalties for non notification of change in circumstances

Both Housing Benefit and Council Tax legislation allows Local Authorities to impose a penalty (up to £70 for Council Tax and £50 for Housing Benefit) on residents who fail to notify the Council of a change in circumstances that is likely to affect the amount of Housing Benefit or Council Tax reduction they receive. The introduction of a penalty would act as an incentive for residents to advise the Council of changes promptly, which would reduce the level of fraud and error within the system.

Additional reductions were presented to the Task and Finish Group however as a result of the preceptors confirming no further reductions in scheme costs were required these were not considered.

The Task and Finish Group took the following issues into account:

- Council Tax Support is still relatively new. Brentwood has designed a scheme that wants to effect behavioural change and therefore it needs time to “bed in”.
- As the computer systems are new Officers were unable to provide realistic costings for any significant changes to the scheme.
- Collection rates seem to be minimally impacted by the current scheme.

The Task and Finish Group therefore did not recommend any radical change to the scheme.

On 18 September 2013 the Overview and Scrutiny Committee agreed to take forward the following recommendations.

- To introduce protections for residents acting as a carer.
- To uprate the applicable amount for working age claimants by 1%.
- To delay the assessment of notional income for self employed income until their third year of self employment, and instead use the higher of current minimum wage at the time of application for LCTS or the appropriate market rate for the employment market that the claimant or their partner is operating in.

Options

There is a requirement in the Local Government Finance Act 2012 for the billing authority to consult their preceptors. Essex County Council, the Police and Fire Service have all been kept informed about the design of the scheme and they have made clear that the scheme should be cost neutral, which means that the reductions must be found by reducing the level of support to benefit claimants.

The proposed changes do not add significantly to the cost of Council Tax Support and in partnership with Essex, Brentwood Borough Council is going to adopt a more holistic approach to monitoring support and discounts applied to Council Tax in order to minimise reductions to the Council Tax Base.

Brentwood Borough Council has a working group of Officers to consider the implementation of Council Tax Support and a Member led Task and Finish Group to design the final scheme for 2014. Members on the working group were minded to continue a means tested scheme aimed at helping those with greatest need. This would continue to be a means tested scheme built on the framework of the existing Council Tax Benefit with modifications to make the scheme affordable.

The scheme proposed by the Task and Finish Group complies with the Pan-Essex agreement to deliver a scheme that is cost-neutral or below. Implicit in that is an acceptance of the Essex wide localised regulatory framework.

Consultation Considerations

The following items were put forward to the public as a result of the Overview and Scrutiny Committee on 18 September 2013.

As no significant changes were proposed the consultation was low key and as a result there were only 5 responses.

To introduce protections for residents acting as a carer.

All respondents supported this proposal.

To uprate the applicable amount for working age claimants by 1% in line with the DWP.

Three supported this proposal one opposed.

To delay the assessment of notional income for self employed income until their third year of self employment, and instead use the higher of current minimum wage at the time of application for LCTS or the appropriate market rate for the employment market that the claimant or their partner is operating in.

2 respondents supported this proposal, 1 opposed and 1 did not answer.

Application of civil penalties

3 respondents were in favour. One did not state an opinion.

Reduction in support for properties undergoing structural repair.

Two respondents supported this. Two had comments.

Empty second homes are currently increasing in value by an equivalent of the band D Council Tax each month. The market needs those empty homes to be available.

The Task and Finish Group were not looking to make significant changes to Council Tax Discounts and Council Tax Support without information about how welfare reforms and other changes were impacting the Borough. During the second year of operation more information will be available to allow for consideration of more options.

A family that has broken down is charged council tax twice, both the partner who has left the home and the partner who remains with the children. This situation is totally "different" to a "co-habiting" family who only pay council tax once even though it covers the same number of people. A broken family, under your (desperate) new 'keep families together' rule now has to pay two lots of rent/mortgage, two lots of utility bills and two lots of council tax. Breaking up is extremely expensive and isn't a fun thing to do! As if that wasn't enough the council then take child maintenance, child benefit and child tax credit into account as income even when there is NO other income to the stay at home parent. This is unfair as one partner will be paying council tax and that should be enough for the council. I think it is outrageous that child maintenance is taken into consideration against these families, this (usually very small) amount money is to feed and clothe children, in fact, so is Child Tax Credit and Child Benefit (which, incidentally, are not taxable but are being used for council tax) putting an unfair financial burden on these families. Children are suffering under these punitive rules which probably only apply to a small number of families. p.s. I hear BBC are funding a shiny new car park for £9.5m - you should get your values right first.

In addition to the above comment, during the consultation period Gingerbread, a Lone Parent support group wrote to the Leader of the Council and others to express opposition to our scheme including child maintenance within the assessment.

In a much broader consultative exercise in 2012 this proposal had significant support. Of those expressing a negative opinion, the most stated view point was that child benefit was specifically for the child.

When the decision was taken to disregard Child Benefit, the Institute of Fiscal Studies provided [written evidence to Parliament](#) that the change would benefit better off families.

Disregarding child benefit in HB/CTB does not affect families who are receiving the full entitlement of HB/CTB, as it is impossible for them to be entitled to any more HB/CTB; it only affects those families who are on the taper of HB/CTB, and those families who, without the disregard, have incomes sufficiently high to not be entitled to HB/CTB and who will become entitled with the disregard. In practice, this means that the disregard benefits working families with children on HB/CTB.

Disregarding Child Benefit is an expensive way of improving work incentives, which also had many disadvantages. As the same IFS report stated

9. There are several drawbacks of this reform.

10. First, it extends HB/CTB entitlement to more families. Given the existing difficulties that some local authorities have in administering HB claims, this may not be an obviously desirable outcome.

11. Second, the increased entitlement to HB/CTB will increase the number of working families facing the extremely high marginal effective tax rates that come about when a rise in earnings leads to reduced tax credits, reduced HB/CTB as well as extra payments of income tax and national insurance. However, a recent study by IFS and One Parent Families/Gingerbread suggested that the positive impact of a measure like this on the proportion of lone parents working would outweigh the negative impacts of some affected lone parents choosing to work fewer hours.[\[28\]](#)

12. Finally, the reform will only help families if they claim HB/CTB, and recent estimate is that take-up of HB amongst working lone parent families is around two-thirds, considerably lower than take-up amongst non-working families.[\[29\]](#) Government-funded research found widespread perception amongst potential claimants and even Jobcentre Plus staff that HB/CTB were not available to working families.[\[30\]](#) The true impact of this reform will only be seen if the government can raise take-up of HB/CTB amongst working families.

13. The reform also highlights that working families who are not renting are not entitled to any help with their housing costs. Theoretically, any increase in entitlements to HB, such as this reform, further increases this discrepancy. Whether this discrepancy should be seen as an unwelcome distortion depends on one's view towards housing policy, social housing and the role of housing benefit.

Our scheme improves work incentives by lowering the taper and increasing the amount that can be rebated from a maximum of 80% of a Band D liability to 100% of a Band D liability. The Brentwood proposals lower the “effective rate of tax” for in work claimants.

Joint Housing Benefit (or Universal Credit) claimants and CTR recipients lose 80p in the £1 for every extra £1 they earn, compared to 85p under Council Tax Benefit. The proposals provide a direct incentive to increase the level of hours worked and it targets resources towards the lower paid.

Gingerbread stated that the average award of child maintenance is £15 and that the median award is only £12. Our scheme disregards in full awards of child maintenance at or below £15. Our scheme fully protects the majority of families with more modest awards.

Effect of these changes

Uprating the applicable amount.

This will cost the scheme £19,000 and will affect 2,200 working age claimants. This increase is in line with average pay awards and the Department for Work and Pensions. For pension age claimants the scheme costs will increase by £19,000 for each 1% the DWP uprates pensions by. The Government has a triple lock for pensions that ensures that applicable amounts and the State Pension will rise by the greater of earnings, the Consumer Price Index (CPI) or 2.5%. Uprating the applicable amount for pensioners is offset by the increase in pensions. The worst case scenario is that this change will cost the scheme £47,500.

To introduce protections for residents acting as a carer.

The vast majority of carers are protected within our enhanced scheme, because of protections for disabled children and disabled claimants and disabled partners. The claimants affected are those who care for adult relatives who are not their partner or are a disabled adult child. It is estimated (based on no caseload change) that this will cost the scheme an additional £10,000.

To delay the assessment of notional income for self employed income until their third year of self employment, and instead use the higher of current minimum wage at the time of application for LCTS or the appropriate market rate for the employment market that the claimant or their partner is operating in.

There are a number of self employed claimants who have been declaring zero income for a number of years. There are incentives within the current benefit system to do this as a claimant will qualify for the less restrictive Working Tax Credit and therefore will not need to work within the Jobseekers Allowance sanctions policies. Removing this anti abuse protection will cost the scheme £28,500. Councillors were however concerned that the second year of operation will still be difficult for many self employed people in the current climate.

Local discount for properties undergoing major works

There are 26 Council Tax payers whose current discount runs beyond 1 April 2014. These recipients were written to in a separate exercise and one telephoned to object. Brentwood

currently offers one of the highest levels of this discount in Essex. By reducing the discount to 25% the Council will be consistent with other billing authorities across the County.

Managing Costs

In order to manage down cost and avoid risk, the Borough proposes the following:

Awards of Local Council Tax Support will be reviewed regularly and those claiming support, whilst not working, will be required to work with a County funded early intervention officer who will provide advice on issues such as job skills matching, budget management etc.

A thorough review of all discounts and support will be introduced in 2014. The Council will be able to retain a significant share of any surplus generated in the collection fund as a result. The success of this will depend on civil penalties.

The Council will also be able to retain in full the value of any civil penalties recovered. However as these are to promote prompt notification of changes and not revenue we are unable to cost how much of a revenue stream civil penalties will generate.

Stakeholder involvement

This scheme design follows publication of the draft proposals, a formal online consultation period ran between 27 September and 3 November 2013. The consultation was promoted on the front page, pages under Council Tax and pages under benefits.

Impact of change

- **Who will be affected?**
- **How the change will impact on equality groups?**
- **Any positive and negatives impacts of the changes on users. Actions taken to avoid or lessen any negative impacts.**

The scheme has been designed to improve work incentives. Brentwood Borough Council has designed their scheme so that restrictions on benefit can be mitigated by the claimant, either through finding employment or moving to a cheaper property.

The primary groups targeted by the reductions are those of working age because the Government is legislating to protect those of pension age from the reductions.

Analysis

As caseload data is continually changing, analysis and effects will continue throughout the year.

To minimise the cost of collection and the impact on the very poorest, who would find themselves unable to increase their income, proposals only affect those who are able to better their position.

The changes being considered affect Working Age claimants only. The DCLG will govern the scheme for those of pension age, although no additional funding will be available if demand increases.

| Disability | Positive | Negative |
|------------|---|--|
| | <p>Higher allowances will continue to be awarded in the calculation of support for those receiving disability benefits.</p> <p>The removal of non-dependant deductions will provide those with the disability premium the same protection afforded to those with the severe disability premium under the current Council Tax Benefit scheme. Our proposal allows for a non-dependant to stay and provide help where necessary without any deduction.</p> <p>The disabled and vulnerable are on average better off as a result of Council Tax Support.</p> | <p>Decisions concerning disability are not going to be made by the Council. The DWP is currently reviewing all disability benefits and as a result some groups may lose protection. It would not be feasible for the Council to perform medical assessments, nor is it the intention of the Council to make CTR a disability related support. Disability decisions are therefore best placed to remain with the DWP, whose decision will be followed by the Council.</p> |

| Household demographics | Positive | Negative |
|--------------------------|--|--|
| Single person Household. | <p>13 week protection would be available to those who could afford their property.</p> <p>Single people are able to move into work more easily than other demographic groups and then qualify for the lower taper.</p> | <p>Single people under 25 are less likely to be impacted by this change. This is because of Housing Benefit restrictions which limit single people, aged under 35 to the maximum rent for 1 bedroom in a shared house. This group is better able to be mobile in the labour and property market.</p> |

| | | |
|-------------------------|---|---|
| | | <p>Most claimants in shared accommodation are not required to pay Council Tax</p> <p>Older single claimants above the age of 35 are likely to be expected to pay more.</p> |
| Couple with no children | <p>13 week protection would be available to those who could afford their property.</p> <p>Couples will benefit from the £10 earned income disregard and the lower taper should they take up work totalling 24 hours.</p> | <p>Couples do not gain or lose more relative to any other group. Couples will be expected to pay more towards their Council Tax if they are long term unemployed.</p> |
| Lone Parent Families | <p>13 week protection would be available to those who could afford their property.</p> <p>Lone Parents will benefit from a £25 earned income disregard.</p> <p>The premiums that exist now, which reflect the additional costs of being a lone parent are continuing.</p> <p>Lone Parents, with older children will benefit from the removal of non-dependant reductions.</p> | <p>Lone parents who are long term unemployed will be expected to pay more.</p> <p>Some working age lone parents may lose out by the inclusion of child benefit and child maintenance in the assessment of support. Lone parents do have a higher needs allowance, which has been built in to the scheme. The greatest impact of the Child Benefit and Maintenance changes will be felt by those with relatively higher income levels.</p> |
| Families with children | <p>13 week protection would be available to those who could afford their property.</p> <p>The premiums that exist now, which reflect the additional costs of bringing up a family are continuing.</p> <p>Families with older children will benefit from the removal of non-dependant</p> | <p>Families who are long term unemployed will be expected to pay more.</p> <p>Some working age parents may lose out by the inclusion of child benefit and child maintenance in the assessment of support. Parents do have a higher needs allowance, which has been built in to the scheme</p> |

| | | |
|-----------------------|---|--|
| | reductions. | The greatest impact of the Child Benefit and Maintenance changes will be felt by those with relatively higher income levels. |
| Households with carer | Households without a formal carer, but with a non-dependant relative who remains in the house to care for a relative will benefit from the removal of non-dependant reductions. Carers Premium and the premiums related to disability remain in this scheme. | In cases where the claimant is the cared for person, the household will be better off. In cases where the cared for person is a non dependent, the impact on the household will depend on any non-dependent deductions previously made. New protection will apply when the carer is the applicant which will mean that they will not have to apply via the hardship route. |

| Race / Ethnicity | Positive | Negative |
|------------------|---|---|
| No CTB data held | The scheme will not treat people in these groups any differently. Facilities are available for those for whom spoken or written English is either not available or a second language. Consultation material will be made available in other languages should this be requested. | Black and ethnic minority communities often face higher rates of unemployment than other groups. These changes are designed to minimise the impact of the reduction in funding on those who have no ability to increase their earning potential through employment. |

| Gender | Positive | Negative |
|------------|--|---|
| Neutrality | This scheme does not treat men or women differently. The premiums and levels of support are the same regardless of gender. | <p>Child Benefit and Child Maintenance were included in Housing and Council Tax Benefit until 2008. The decision of the government to disregard these benefitted those with higher levels of income as it brought them back into benefit entitlement.</p> <p>Particular groups may feel this is unfair due to large families being a cultural factor. This can be related to religious beliefs and would affect the family's disposable income.</p> <p>The greatest impact may be on lone parents.</p> <p>http://www.gingerbread.org.uk/content.aspx?CategoryID=365</p> <p>Some working age lone parents may lose out by the inclusion of child benefit and child maintenance in the assessment of support. Lone parents do have a higher needs allowance and the greatest impact will be felt by those with more money. Male and Female lone parents are treated the same under this Council Tax support scheme.</p> |
| Females | Unemployment among women in Brentwood is low (352). | |
| Males | | Male unemployment is much higher in Brentwood than female unemployment. |

| | | |
|--|--|--|
| | | However the unemployment rate is relatively low and the Borough is prosperous. |
|--|--|--|

Issues and Recommendations

The Government protected pensioners from reductions in support and have regulated the approach in calculating future support for pension age claimants. Brentwood Borough Council, along with other Essex authorities have consulted with Essex County Council, the Fire and Police as major preceptors and they have been unable to fund the shortfall, therefore the support for working age claimants needs to cost neutral when compared to the 2013 grant.

Brentwood Borough Council has designed a scheme, which we believe targets the reductions towards those most able to improve their circumstances.

To protect vulnerable people who may be unable to improve their circumstances, there will be an allowance for hardship cases within the scheme. This is proposed at 2% of overall expenditure. This would allow for individual circumstances to be taken into account when appropriate. This continues in 2014.

In addition to this, for cases that fall outside of the hardship scheme Essex County Council are funding an exceptional hardship scheme.

Consideration of Transitional Relief

Support will be awarded on the basis of the scheme proposed. In view of the expressed desire of the preceptors to maintain a cost neutral scheme the Council will not award a transitional relief scheme to individual claimants.

Impact Assessment Results

The final options for the scheme were tested during consultation and subsequently evaluated against the following framework from the Equality and Human Rights Commission's guidance on "Making Fair Financial Decisions":

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/using-the-equality-duty-to-make-fair-financial-decisions/>

Outcome 1: No major change required when the assessment has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

Outcome 2: Adjustments to remove barriers identified by the assessment or to better advance equality. The Council will need to be satisfied that the proposed adjustments will remove barriers.

Outcome 3: Continue despite having identified some potential for adverse impacts or missed opportunities to advance equality. In this case, the justification will be included in the assessment and will be in line with the duty to have 'due regard'. This will include sufficient detail on how the impacts are being reduced and how this will be monitored.

Outcome 4: Stop and rethink. This is unlikely, but will be the measure taken if unlawfully disproportionate actions are found. The Equality Impact Assessment, completed above, is based on a thorough desktop analysis of the impacts based on the current demographics of current benefit claimants. However, in order to ensure a thorough and comprehensive analysis of the potential impacts of developing a localised Council Tax support scheme the Council will conduct a 6 week period of consultation.

The 6 week consultation allowed Brentwood Borough Council to test the impacts forecasted in this assessment. As a result of public feedback tangible mitigations were implemented. Questions posed by stakeholders were noted and the final draft of the scheme was remodelled to take into account public opinion.

A broad ranging consultation was undertaken which included:-

- Promotion of our online survey to benefit claimants and non benefit claimants.
- Advertising in public spaces
- Inviting expert stakeholders to consult and advise on the proposed scheme.
- Consultation workshops

We worked with representatives from across the community and voluntary sector in Brentwood and they were given the option of consulting their resident networks on the proposals and feeding this back to the council.

Feedback from the consultation was presented to a Cross Party Member Working Group

In addition to this the Council recognises its continuing duty to carry on monitoring the effects of any decision taken following on from to initial consultation process and this will be carried out through a robust process. The details of the monitoring of real impact will be published later but will include close monitoring of the financial hardship on vulnerable groups.

Alternative options considered by the Council and the financial model are listed here:

www.brentwood.gov.uk/lcts

Details of the technical consultations are also available online at

www.brentwood.gov.uk/lcts

Comments on this document should be sent to

Local Support for Council Tax
Brentwood Borough Council
Town Hall, Ingrave Road,
Brentwood, Essex CM15 8AY

Email: lcts@brentwood.gov.uk

Web address: www.brentwood.gov.uk/lcts2014

Large print copies of this document can be requested

Ordinary Council 11.12.2013

9. REVISED CALENDAR OF MEETINGS

(Appendix 1)

Report of Managing Director

Author *Leanna McPherson*

Telephone Number 01277 312739

Email

leanna.mcpherson@brentwood.gov.uk

1. Executive Summary

- 1.1 Members are asked to consider and review a revised Calendar of Meetings from May 2014 – July 2014 and alterations to the 2013/14 Calendar of Meetings.

2. Recommendation(s)

- 2.1 To approve the revised Calendar of Meetings May 2014 to July 2014.
- 2.2 To approve an additional Licensing Committee on 26.03.2014
- 2.3 To approve the change of Audit Committee from 21.01.2014 to 11.03.2014

3. Background

- 3.1 Following the publication of Statutory Instrument 2013 No. 227 Local Government, England, The Local Elections (Ordinary Day of Elections in 2014) Order 2013, Members are advised that the local elections and the European Parliament Election are now scheduled to be held on 22.5.2014.
- 3.2 The change in date for the local Elections has meant that Annual Council 2014 needs to be moved until after 22.5.2014 and therefore cannot take place on the current planned date of 14.5.2014.

4. Context

- 4.1 The Calendar of Meetings from May 2014 – July 2014 has been revised to reflect the changes required by the Order and therefore it is proposed Annual Council be moved to 11.6.2014.

- 4.2 The dates of following Boards and Committees have also been amended and moved forward to reflect the change in date for Annual Council.
- 4.3 With regard to the current Municipal Year, Members are asked to consider changing the date of Audit Committee on 21.01.2014 to 11.03.2013 due to the Internal Audit contract expiring in March 2014. With the procurement process for a new contract currently being undertaken, the Internal Audit Work Plan would not be completed for the meeting schedule for the 21st January 2014. Therefore it had been suggested the next Audit Committee be moved to 11th March 2014. This would not affect any other items which were due to be reported in January.
- 4.4 Members are also asked to consider adding an additional Licensing Committee meeting on 26.03.2013 to enable fees and charges to be considered, following an objection which has been raised.
- 4.5 Members are asked to consider the changes made to the revised calendar.

5. Financial Implications – Comment from S151 Officer

- 5.1 There are no additional financial implications arising from this report.

6. Implications and References to Corporate Plan

- 6.1 Good governance arrangements are essential to ensure that the Council discharges all its duties and responsibilities.
- 6.2 The Corporate Plan 2013-16 and its attendance action/delivery plan is monitored by the relevant committees throughout the year.

7. Background Papers

- 7.1 Statutory Instrument 2013 No. 227 Local Government, England The Local Elections (Ordinary Day of Elections in 2014) Order 2013

| | MAY 2014 | | |
|--|-----------------|-------|------------------------------------|
| | | | |
| | 01 | Thurs | |
| | 02 | Fri | |
| | 03 | Sat | |
| | 04 | Sun | |
| | 05 | Mon | Bank Holiday |
| | 06 | Tues | |
| | 07 | Wed | |
| | 08 | Thurs | |
| | 09 | Fri | |
| | 10 | Sat | |
| | 11 | Sun | |
| | 12 | Mon | |
| | 13 | Tues | Planning and Development Committee |
| | 14 | Wed | |
| | 15 | Thurs | |
| | 16 | Fri | |
| | 17 | Sat | |
| | 18 | Sun | |
| | 19 | Mon | |
| | 20 | Tues | |
| | 21 | Wed | |
| | 22 | Thurs | Elections (Local and European) |
| | 23 | Fri | |
| | 24 | Sat | |
| | 25 | Sun | |
| | 26 | Mon | Bank Holiday |
| | 27 | Tues | |
| | 28 | Wed | |
| | 29 | Thurs | |
| | 30 | Fri | |
| | 31 | Sat | |
| | | | |
| | June | | |
| | | | |
| | 01 | Sun | |
| | 02 | Mon | |
| | 03 | Tues | |
| | 04 | Wed | |
| | 05 | Thurs | |
| | 06 | Fri | |
| | 07 | Sat | |
| | 08 | Sun | |
| | 09 | Mon | |

| | | | |
|------------|-------------|-------|-------------------------------------|
| | 10 | Tue | |
| | 11 | Wed | Annual Council |
| | 12 | Thurs | |
| | 13 | Fri | |
| | 14 | Sat | |
| | 15 | Sun | |
| | 16 | Mon | |
| | 17 | Tues | Overview and Scrutiny Committee |
| | 18 | Wed | Strategy and Policy Board |
| | 19 | Thurs | |
| | 20 | Fri | |
| | 21 | Sat | |
| | 22 | Sun | |
| | 23 | Mon | |
| | 24 | Tue | Planning and Development Committee |
| | 25 | Wed | Performance and Resources Committee |
| | 26 | Thurs | |
| | 27 | Fri | |
| | 28 | Sat | |
| | 29 | Sun | |
| | 30 | Mon | |
| | | | |
| | JULY | | |
| | | | |
| | 01 | Tues | Audit Committee |
| | 02 | Wed | Ordinary Council |
| | 03 | Thurs | |
| | 04 | Fri | |
| | 05 | Sat | |
| | 06 | Sun | |
| | 07 | Mon | |
| LGA | (08 | Tues | Licensing Committee |
| Conference | (09 | Wed | |
| | (10 | Thurs | |
| | 11 | Fri | |
| | 12 | Sat | |
| | 13 | Sun | |
| | 14 | Mon | |
| | 15 | Tues | |
| | 16 | Wed | Community Services Committee |
| | 17 | Thurs | |
| | 18 | Fri | |
| | 19 | Sat | |
| | 20 | Sun | |
| | 21 | Mon | |

| | | | |
|---------------------|---------------|-------|------------------------------------|
| | 22 | Tues | Planning and Development Committee |
| School Summer Break | 23 | Wed | |
| (| 24 | Thurs | |
| (| 25 | Fri | |
| (| 26 | Sat | |
| (| 27 | Sun | |
| (| 28 | Mon | |
| (| 29 | Tues | |
| (| 30 | Wed | |
| (| 31 | Thurs | |
| | AUGUST | | |
| (| 01 | Fri | |
| (| 02 | Sat | |
| (| 03 | Sun | |
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| (| 05 | Tues | |
| (| 06 | Wed | |
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| (| 20 | Wed | |
| (| 21 | Thurs | |
| (| 22 | Fri | |
| (| 23 | Sat | |
| (| 24 | Sun | |
| (| 25 | Mon | Bank Holiday |
| (| 26 | Tues | |
| (| 27 | Wed | |
| (| 28 | Thurs | |
| (| 29 | Fri | |
| (| 30 | Sat | |
| (| 31 | Sun | |

Ordinary Council 11.12.2013

10. NOTICE OF MOTION - PART NIGHT LIGHTING

Report of *Managing Director* Author *Jean Sharp*

Telephone Number 01277 312655

Email jean.sharp@brentwood.gov.uk

1. Executive Summary

1.1 A Motion has been received from Cllr Kendall.

2. Context

2.1. Cllr Kendall has submitted the following motion:

"The Members of Brentwood Borough Council call on Cllr Rodney Bass the Cabinet Member for Highways at Essex County Council to delay the proposed introduction of "Part Night Lighting" in Brentwood from February 10th 2014 to a later date.

This action will give councillors, residents and local interest groups sufficient time to properly study the maps showing where the lights are going to remain on in the Borough and make representations to the County Council on other areas that should be included. The County Council have said that the maps showing where the lights are going to remain on won't be available for public viewing until 24th January 2014 which gives very little time for interested parties to engage in the process".

3. Background

No background information has been provided.

4. Financial Implications:

Jo-Anne Ireland, Director of Strategy and Corporate Services
jo-anne.ireland@brentwood.gov.uk

There are no direct financial implications arising from this motion.

5. Legal Implications:

Fiona Taylor, Deputy Monitoring Officer
fiona.taylor@brentwood.gov.uk

The Highways Act 1980 empowers the County Council as highway authority to provide lighting for the purposes of any highway for which they are responsible, but does not place a statutory duty to do so. Obstructions placed on the highway by the highway authority must however be adequately lit and there is a duty imposed on owners and occupiers of electrical equipment, under Electricity at Work Regulations, to ensure the safety of the equipment.

Ordinary Council 11.12.2013

11. NOTICE OF MOTION - PENSIONERS' BUS PASSES

Report of *Managing Director* **Author** *Jean Sharp*

Telephone Number 01277 312655

Email jean.sharp@brentwood.gov.uk

1. **Executive Summary**

1.1 A Motion has been received from Cllr Kendall.

2. **Context**

2.1 Cllr Kendall has submitted the following Motion:

"The members of Brentwood Borough Council call on Essex County Council to give a commitment to the bus pass users of Brentwood and Essex that it will not seek to reduce the travel periods for pensioners with bus passes when it enters into talks over the 2014/15 English National Travel Scheme.

Pensioners with bus passes in Brentwood and across Essex greatly value the opportunity to travel from 9am to midnight, Monday to Friday and all day at weekends and many would be very concerned if the starting time was changed from 9am to 9.30am"

3. **Background**

No background information has been provided.

4. **Financial Implications:**

Jo-Anne Ireland, Director of Strategy and Corporate Services
jo-anne.ireland@brentwood.gov.uk

There are no direct financial implications arising from this motion.

5. **Legal Implications**

Fiona Taylor, Deputy Monitoring Officer
fiona.taylor@brentwood.gov.uk

The Concessionary Bus Travel Act 2007 extended concessionary travel by bus with Local Authorities receiving grant under Section 88B of the Local Government Finance Act 1988. : RR R Regulation EC No. 1370/2007 of the European Community .

The Annex to Regulation EC No 1370/2007 sets out rules for compensation for public service operation of public passenger transport services.

Ordinary Council 11.12.2013

12. NOTICE OF MOTION - MULTI PURPOSE VEHICLE

Report of *Managing Director* **Author** *Jean Sharp*

Telephone Number 01277 312655

Email jean.sharp@brentwood.gov.uk

1. Executive Summary

1.1 A Motion has been received from Cllr Aspinell

2. Context

2.1 Cllr Aspinell has submitted the following Motion:

That this Council resolves to investigate supporting the purchase of a multi-purpose vehicle for snow clearance and grit spreading through a financial contribution equivalent to the purchase cost of such a vehicle to to be presented to the Essex Fire Authority. This vehicle would be permanently based at Brentwood Fire Station for exclusive use within the Brentwood Borough boundary and used to make safer the areas identified by Brentwood Borough Council not covered by ECCs winter programme.

This contribution would constitute a one-off capital expenditure and the Fire Authority would take on the revenue, maintenance and insurance responsibilities and undertake the crewing of the vehicle".

3. Background

No background information has been provided.

4. Financial Implications:

Jo-Anne Ireland, Director of Strategy and Corporate Services
jo-anne.ireland@brentwood.gov.uk

The costs of any such purchase or contribution will need to be met from the Council's Capital Programme. Since there is no existing budget provision for this, Members will need to consider the availability of resources once the cost has been confirmed.

5. Legal Implications

Fiona Taylor, Deputy Monitoring Officer

fiona.taylor@brentwood.gov.uk

Essex Fire and Rescue Authority is a public body with whom the Council may agree for the use by the Fire Authority of any vehicle owned by the Council under Section 1 Local Authorities (Goods and Services) Act 1970

Ordinary Council 11.12.2013

13. NOTICE OF MOTION - WEBCASTING

Report of *Managing Director* **Author** *Jean Sharp*

Telephone Number *01277 312655*

Email [*jean.sharp@brentwood.gov.uk*](mailto:jean.sharp@brentwood.gov.uk)

1. Executive Summary

1.1 A Motion has been received from Cllr Aspinell

2. Context

2.1 Cllr Aspinell has submitted the following Motion:

"That this Council resolves to implement continual coverage of the Webcast facility for Part 2 Agenda Items.

It is the Council's responsibility to make sure that Part 2 items would not be transmitted for public consumption but stored for record keeping and reference archive material.

Also, that all Part 1 and Part 2 Webcast recordings are stored for historical and reference purposes in perpetuity".

3. Background

No background information has been provided.

4. Financial Implications:

Name and Title: Jo-Anne Ireland
jo-anne.ireland@brentwood.gov.uk

The current provider of the Webcast facility will need to be contacted to confirm if this proposal is feasible and if it attracts any additional costs.

5. Legal Implications

Fiona Taylor , Deputy Monitoring Officer
fiona.taylor@brentwood.gov.uk

Section 224 Local Government Act 1972 requires the Council to make proper arrangements with respect to documents which belong to or are in the custody of the Council or any of their officers. Guidance was issued by the former Office of the Deputy Prime Minister which includes management of electronic records, historical records and proper arrangements for archives:.

Ordinary Council 11.12.2013

14. NOTICE OF MOTION - WILLIAM HUNTER WAY DISABLED CAR PARK

Report of *Managing Director* **Author** *Jean Sharp*

Telephone Number 01277 312655

Email jean.sharp@brentwood.gov.uk

1. Executive Summary

1.1 A Motion has been received from Cllr Mynott

2. Context

2.1 Cllr Mynott has submitted the following Motion:

"At Policy in 2007 it was unanimously resolved to delegate authority to officers, following consultation with the Chair of the Policy Board, "to take all necessary action to acquire the Barclays Bank Car Park site in William Hunter Way, including the provision of alternative car parking if necessary for Barclays" [Policy Board, 14th March 2007; minute 524; Pp.348/349].

Thought has therefore been given to the repercussions of this for Barclays. There is no evidence, however, that thought has been given to the possible consequences for Brentwood's disabled residents, nor that it was even apparent to members in 2007 that the William Hunter Way disabled car park might be lost because of their resolution.

As such it is illegitimate to attempt to hang the entire six-year process, subsequent to 2007, on the phrase 'all necessary action'. Without any judgement of Barclays, considering its interests over those of Brentwood's disabled community is not acceptable, and Full Council must vote on whether it is prepared to sell off the disabled car park, and sell out the disabled".

3. Background

No background information has been provided.

4. Financial Implications:

Jo-Anne Ireland, Director of Strategy and Corporate Services
jo-anne.ireland@brentwood.gov.uk

There are no direct financial implications arising from this motion.

5. Legal Implications

Fiona Taylor , Deputy Monitoring Officer:
fiona.taylor@brentwood.gov.uk

Under the Disable Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended badge holders are enabled to use a badge anywhere in England and other parts of the United Kingdom.:

Ordinary Council – 11 December 2013

15. INTERIMREPORT -WILLIAM HUNTER WAY

Report of: *Managing Director*

Author: *Philip Ruck*

Telephone Number: *Ext 2569*

Email: *philip.ruck@brentwood.gov.uk*

1 Executive Summary

1.1 This report provides the current status of the scheme to develop the William Hunter Way site, since the Ordinary Council meeting 23rd October 2013.

1.2 In considering this report, Members are asked to note the following:

- a. The Development Agreement (DA) is still in force. Whilst the revised longstop date for the DA, 7th December 2013, has passed, the agreement remains in force until either party terminates it.
- b. Stockland Halladale (UK) Limited (Stockland), have confirmed that the financial appraisal provided by them in October 2013, is their final offer.
- c. The due diligence report from CBRE in relation to a review of the source and availability of funding for the development of the scheme will be included in the next version of this report, alongside any further updates associated with the Conditions Precedent. Members are advised that Stockland have been requested not to put forward any material changes to the DA after 2nd December 2013. This allows any analysis / investigation to be conducted prior to presenting the outcome to Members.

1.3 The report also provides a comparison with the original proposal for the scheme agreed by Members in May 2007.

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2 Recommendations

2.1 To follow.

3 Background

3.1 In order to strengthen Brentwood's town centre retail and visitor offer, the Council has long held an aspiration to achieve the redevelopment of this surface car park for a high quality, mixed use scheme. The intention has been to provide a cinema,

further large retail units and a new multi storey car park, supported by a strong pedestrian link between the new development and the High Street.

- 3.2 The Council will retain the Freehold of the land and the duration of the lease will be for 150 years.
- 3.3 The Council entered a Development Agreement (“DA”) with Stockland Halladale (UK) Limited (Stockland), in 2007 to develop the William Hunter Way car park site in Brentwood. The DA contains nine conditions precedent (CP’s) which were originally to be satisfied by the longstop date of 7th December 2013. The responsibility for achieving the CP’s is between the Council and Stockland.
- 3.4 The original plan was to provide for:
- a) 6 screen Cinema
 - b) Foodstore
 - c) Retail/Restaurants
 - d) 18 one bedroom flats
 - e) Decked car park with 661 spaces

The plan was to have this open in November 2009. (CBRE presentation 27th June 2007)

- 3.5 The latest proposal achieves the aims of the original proposal with the exception of one area – the financial return to the Council. This has reduced by approximately £100,000 due to the downturn in the economy and the negative growth in the retail rental market. The independent CBRE report comments upon the return from the scheme and the change in the Council share of the projected rental income.
- 3.6 This report includes to or refers to the following :-
- 1. Details of the final financial appraisal. See para (4) below.
 - 2. The current status on each of the nine Conditions Precedent. Note this will be updated in the next version of this report.
 - 3. A review of the final appraisal by CBRE, see para (5) below, will be incorporated in to the next version of this report.
 - 4. The District Valuer report on the proposed transaction for land owned by Barclays, see para (7) below, will be incorporated in to the next version of this report.
 - 5. A summary and detailed description of the variations proposed by Stockland to the Development Agreement, see para (8) below will be incorporated in to the next version of this report.
 - 6. Proposed Stockland share transfer, see para (9) below, will be incorporated in to the next version of this report.
 - 7. Legal observations on the current status of transactions, see para (10) below, will be incorporated in to the next version of this report.

8. Timeline for Scheme Commencement– see Appendix (1)
9. Retail Rental Value Growth between 2000 and 2012 – See Appendix (2)
10. A timeline of Council decisions – see Appendix (3)

3.7 The next version of the report will be published 3rd December 2013.

4 Financial Appraisal

- 4.1 The Developer (Stockland) has provided their final financial viability appraisal of the project. In producing this, they report that due to the current economic climate, there is a gap between the rental levels and capital values anticipated in 2007 as compared to those available in the current market. A revised financial package has been provided to the Council by Stockland. This includes a revised management option for the car park, referred to in section (6.9.1c)
- 4.2 The latest financial assessment for the Council based upon the current proposal from Stockland (August 2013) is shown at summary level below. This includes a comparison with the original estimate produced in 2007 and that provided to the Ordinary Council 23rd October 2013 (the middle column in the table below).

| <i>Figures shown are on a per annum basis</i> | Original Proposal (May 2007) | Proposal (Aug 2013) (as per last report) | Final Proposal (Oct 2013) |
|---|---------------------------------|--|------------------------------|
| % of rent returned to BBC | 13.75% | 10.0% | 10.77% |
| Rental Income to BBC | | | |
| Lettings | | | |
| Retail & Cinema | £210,875 | £158,998 | £171,242 |
| Car Park | £103,157 | £50,000 | £53,850 |
| Total | £314,032 | £208,998 | £225,092 |
| Minimum Guaranteed Rent to BBC | £325,000 | £209,000 | £225,000 |
| Add | | | |
| Net benefit of increased Business Rates* | £176,000 | £176,000 | £176,000 |
| New Homes Bonus** | £25,902 | £25,902 | £25,902 |
| Net annual income to BBC | £526,902 | £410,902 | £427,804 |

* The business rates quoted are net of the business rates received from the existing car park

** The current proposed changes to the New Homes Bonus (NHB) would effectively see a 35% reduction in the grant to fund Local Enterprise Partnerships. If this goes ahead it will dilute the strength of NHB Grant to

support the overall budget. The impact of this has not been evaluated. The NHB is currently only paid for the first 6 years.

- a. The Council's consultants CBRE advice on the final financial appraisal, will be included within the appendices of the next version of this report.
- b. Stockland have provided detailed and summary financial appraisals that compare their final appraisal with the original appraisal. This will be included as appendices in the next version of this report.
- c. This appraisal also incorporates the impact of the New Homes Bonus Grant and the Localisation of Business Rates.

4.3 The lease agreement with Stockland will be renegotiated after 25 years. The agreement allows for RPI to be applied every 5 years

5 Review of the final appraisal by CBRE

5.1 The full CBRE report will be included within the next version of this report.

6 Conditions Precedent - current status

6.1 The DA was signed with the developer on 7th December 2007, fixing the principles of the scheme in a binding legal contract. The DA is conditional on the satisfaction of a number of matters which would need to be resolved before any development could commence. The inclusion of CP's is very common with major development schemes and provides both parties the security of a contractual relationship and a defined process against which to justify the time and expenditure (particularly by the developer) on taking forward the detailed planning and design work necessary for implementation.

6.2 The William Hunter Way agreement contains nine CP's. Stockland and the Council have endeavored to satisfy their respective CP's since 2007 and while some have been quickly satisfied, others have taken additional time. Stockland estimates that it has spent over £2million so far on reaching this stage. The Council expenditure is in the region of £270,000, much of which is recoverable from Stockland under the terms of the agreement. The Council figure does not include any allowance for officer time.

- 6.3 Under the terms of the DA the Council and Stockland are obliged to use all reasonable endeavors to satisfy the remaining CP's and carry out its responsibilities under the DA until the final Longstop Date of 7th December 2013.
- 6.4 Once all of the CP's have been met, the DA becomes unconditional and Stockland can commence development at the site, subject to compliance with the planning permission, the pre-commencement conditions contained in the Development Agreement and the Section 106 Agreement. The developer will need to satisfy all such agreements before any physical start on site can be made.
- 6.5 One of the pre-commencement conditions is that prior to start on site, proposals must be finalised for temporary parking to replace the spaces lost at William Hunter Way to the satisfaction of the council and making payments to Essex County Council for transport/ highway works.
- 6.6 Set out below is an overview of the conditions and whether they have been resolved. Where unresolved, further update is provided in the following paragraphs. Where in the following sections an item is marked as "Unresolved" it means that the Council is not in possession of evidence to verify any verbal statements from the developer or negotiations have yet to be concluded. Note this should not be interpreted that such evidence does not exist. This table will be updated in the next version of this report.

| No: | Heading | Summary | Status as at 23 rd October | Status as at report production |
|-----|----------|---|---|---|
| 1 | Title | Council to secure ownership of the entire development site. See full update at paragraph | Unresolved (Negotiations ongoing) | Resolved (But see the Barclays condition – 6.9 below) |
| | | Stockland to secure indemnity Insurance. See full update at paragraph [6.7] | Unresolved (Awaiting Evidence) | Unresolved |
| 2 | Lettings | Stockland to secure occupation lettings for a cinema, 55,000 square feet of retail space and a car park. See full update at paragraph [6.8] | Unresolved (Awaiting Evidence of commitment to the scheme) | Unresolved (Awaiting Evidence of commitment to the scheme) |
| 3 | Barclays | Council to acquire land owned by | Unresolved | Unresolved |

| No: | Heading | Summary | Status as at 23 rd October | Status as at report production |
|-----|--------------------|---|---|---|
| | | Barclays Bank in the Development Site See full update at paragraph [6.9] | (This is subject to ongoing discussions) | (This is subject to ongoing discussions) |
| 4 | Sainsbury's | Council to secure a certificate from Sainsbury's regarding possible overage payments. See full update at paragraph [6.10] | Unresolved (This is subject to ongoing discussions) | Unresolved (This is subject to ongoing discussions) |
| 5 | Planning | Stockland to obtain satisfactory planning permission that must be extant at the time that the other conditions precedent are satisfied. | Resolved – subject to S106 agreement | Resolved – subject to S106 agreement |
| 6 | Appropriation | The Council to provide evidence of Appropriation and/or acquisition for a planning purpose. This can be waived by Stockland and is likely to be waived. See full update at paragraph [6.11] | Unresolved (Awaiting confirmation that Stockland intend to waive this condition) | Unresolved (Awaiting confirmation that Stockland intend to waive this condition) |
| 7 | Developers Land | Stockland to obtain freehold ownerships of the freehold land in the area. Stockland may waive this condition See full update at paragraph [6.12] | Unresolved (Awaiting confirmation that Stockland intend to waive this condition) | Unresolved (Awaiting confirmation that Stockland intend to waive this condition) |
| 8 | Highways | Stockland to obtain a stopping up order for land relevant to the scheme | Resolved | Resolved |
| 9 | Site Investigation | Stockland to obtain satisfactory site investigation reports | Resolved | Resolved |

6.7 The Title Condition

6.7.1 The only element remaining unresolved in the Title Condition, except that relating to Barclays (see 6.9 below) relates to the Developers indemnity insurance. Stockland have a preliminary quote for indemnity insurance and have advised that this will be moved on in line with due process and do not see a difficulty in resolving this condition.

6.8 Letting Condition

6.8.1 In order to satisfy this condition Stockland must secure lettings for a cinema, 55,000 square feet of retail space and a Car Park operator. The present position is as follows:

- a. Cinema – Stockland are in final stages of negotiation of legal documentation for lettings with Odeon cinemas.
- b. Retail – agreement for lease are in place for lettings to TK Maxx and Marks and Spencer (M&S). In addition Stockland have been asked to provide confirmation that M&S are still committed to the scheme. To date the Council have been provided an email via Stockland stating this but the Council have requested a stronger form of advice.
- c. Car Park - There has been limited interest in the Car Park. Stockland are now proposing the alternative solution for the car park where there would be a management arrangement for the running of it. This would mean that the owners of the development would run the car park. CBRE have reviewed the revised car parking proposals and have provided comments on the proposal and potential yield from this revised operation and these can be found in Appendices that were issued with the 23rd October report to Ordinary Council.. Revised terms will require an amendment to the DA. It is important to note that the current management proposal from Stockland does not satisfy the CP for lettings.

6.9 Barclays Relocation Condition

6.9.1 In order to satisfy this condition, the Council must acquire land in the development site from Barclays.

6.9.2 Although unresolved, this CP is nearing completion. Heads of terms are agreed and legal documentation is being finalised between solicitors for Brentwood Borough Council and Barclays.

6.9.3 A District Valuer's report has confirmed that the arrangements with Barclays are satisfactory and has already been provided to Members. Copies of this will be made available if Members require this. The receipt of the DV report satisfies the requirements of the Delegated Authority allowing the Managing Director to conclude this arrangement.

6.9.4 Council officers are making best efforts to ensure that the transaction is concluded as quickly as possible. However, the internal governance arrangements within Barclays are causing a delay.

6.9.5 It should be emphasised that the comments contained in the report relate to the commercial transaction currently negotiated with Barclays in relation to the land owned by Barclays and as such the DV report can be viewed as being independent of the terms of DA with Stockland.

6.10 Sainsburys' Condition

6.10.1 In order to satisfy this CP, The Council must obtain a certificate from Sainsbury's in relation to the overage which affects the site.

6.10.2 When the Council acquired the site in 1990, the agreement contained overage provisions which entitle Sainsbury's to a top up payment, should the total consideration received for all transactions (not just the development under the DA) on the site exceed £7,000,000.

6.10.3 The Council are using all reasonable endeavors to progress this matter with Sainsbury's in order to satisfy this condition. Officers have now met with key Sainsbury's stakeholders to brief them on the proposed transaction and ascertain details of Sainsbury's solicitors and the process and timescales to agree the relevant terms and documentation. Notwithstanding that details of the final terms and conditions for all lettings under the lettings condition need to be resolved.

6.11 Appropriation Condition

6.11.1 In order to satisfy this CP, if Stockland require, the Council must provide evidence that the development site has been appropriated for planning purposes.

6.11.2 This condition requires that the Council provide evidence of Appropriation and/or acquisition for a planning purpose within the meaning of section 232 Planning Act of the whole of the Property

6.11.3 Whilst this is unresolved, it is understood that Stockland are unlikely to require appropriation.

6.11.4 Stockland have been asked to confirm that they wish to exercise their right to waive this condition and the Council is waiting upon their response.

6.12 Developers Land Condition

- 6.12.1 In order for the Developers Land Condition to be satisfied, Stockland must secure ownership of property in Brentwood. It is possible for Stockland to waive this condition and therefore it may not require resolution before the longstop date.
- 6.12.2 This condition requires the Developer to obtain freehold ownerships of the freehold land known as 73, 73a and 73b High Street, Brentwood and registered at the Land Registry with freehold title absolute with the Developer's Title Number.
- 6.12.3 Stockland have been asked to confirm that they wish to exercise their right to waive this condition and the Council is waiting upon their response.

7 Summary of the variations proposed by Stockland to the Development Agreement

- 7.1 Stockland are preparing both a detailed statement of the proposed requirements in relation to the variation of the agreement. This will be available in the next version of this report.

8 Proposed Stockland share transfer

- 8.1 Stockland have advised the Council that that they have been approached to sell their shares in Stockland Halladale (UK) Limited. The company responsible for delivery of the scheme will remain unchanged although the shareholders of the company will be different.
- 8.2 Stockland have approached the Council for consent to release Stockland (UK) Limited as guarantor under the DA and replace Stockland with a new entity. Details of the new proposed Guarantor have been requested and due diligence will be undertaken on the new company. Stockland will continue to be a guarantor for the DA until formally released by the Council
- 8.3 The Council appointed CBRE to conduct a due diligence exercise on the new company and the report on this will be available as an appendix in the next version of this report.

9 Legal Review

- 9.1 As part of the due diligence being undertaken by the Council, legal views have been requested on key areas. This advice will be incorporated in to the next version of this report.

10 Timeline for Scheme Commencement

- 10.1 The developer believes that it may be possible to achieve a start on site in July 2014 with completion of the project scheduled for September 2015.

- 10.2 The latest schedule provided by Stockland can be viewed as Appendix 1.

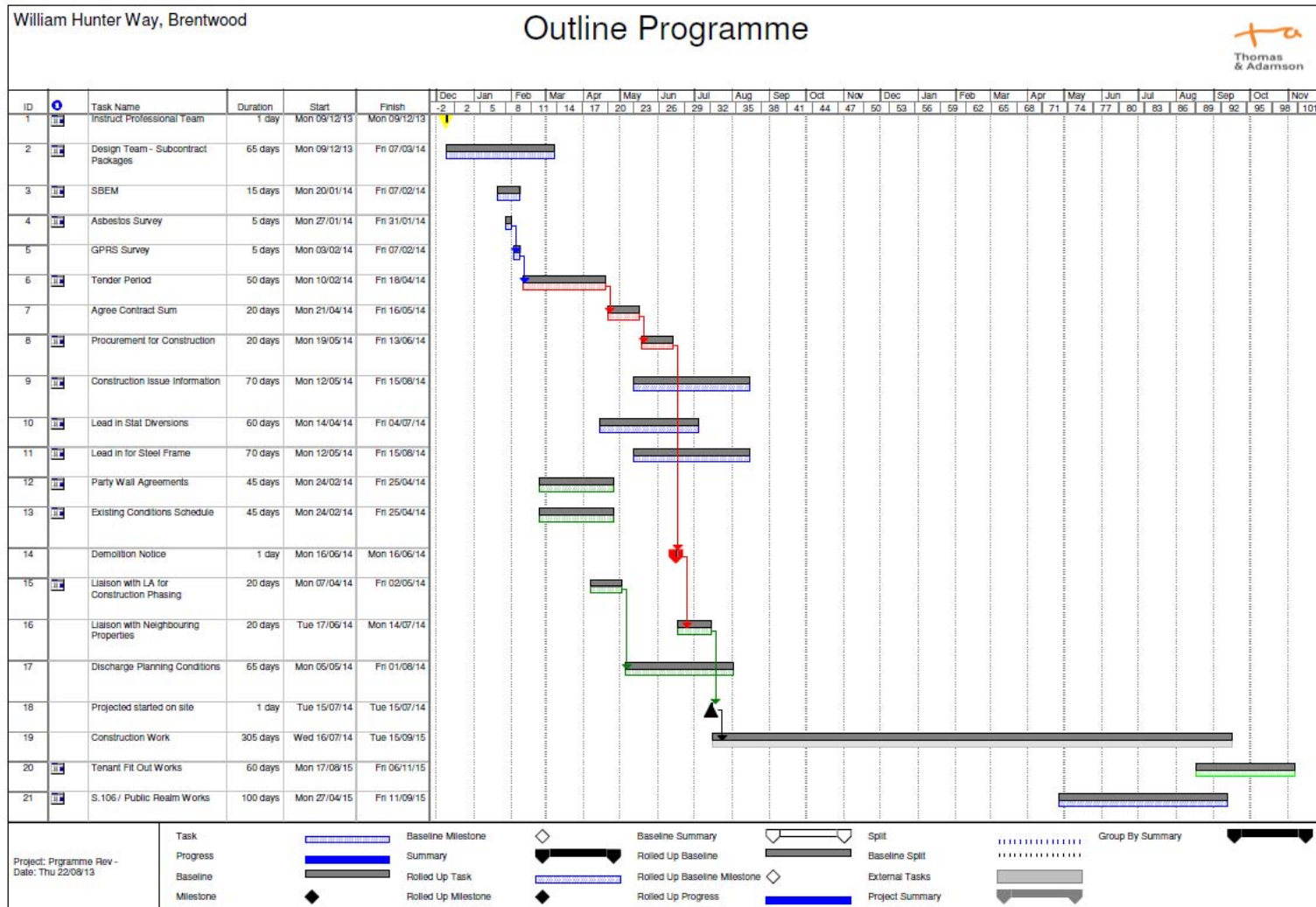
11 Conclusions

To follow

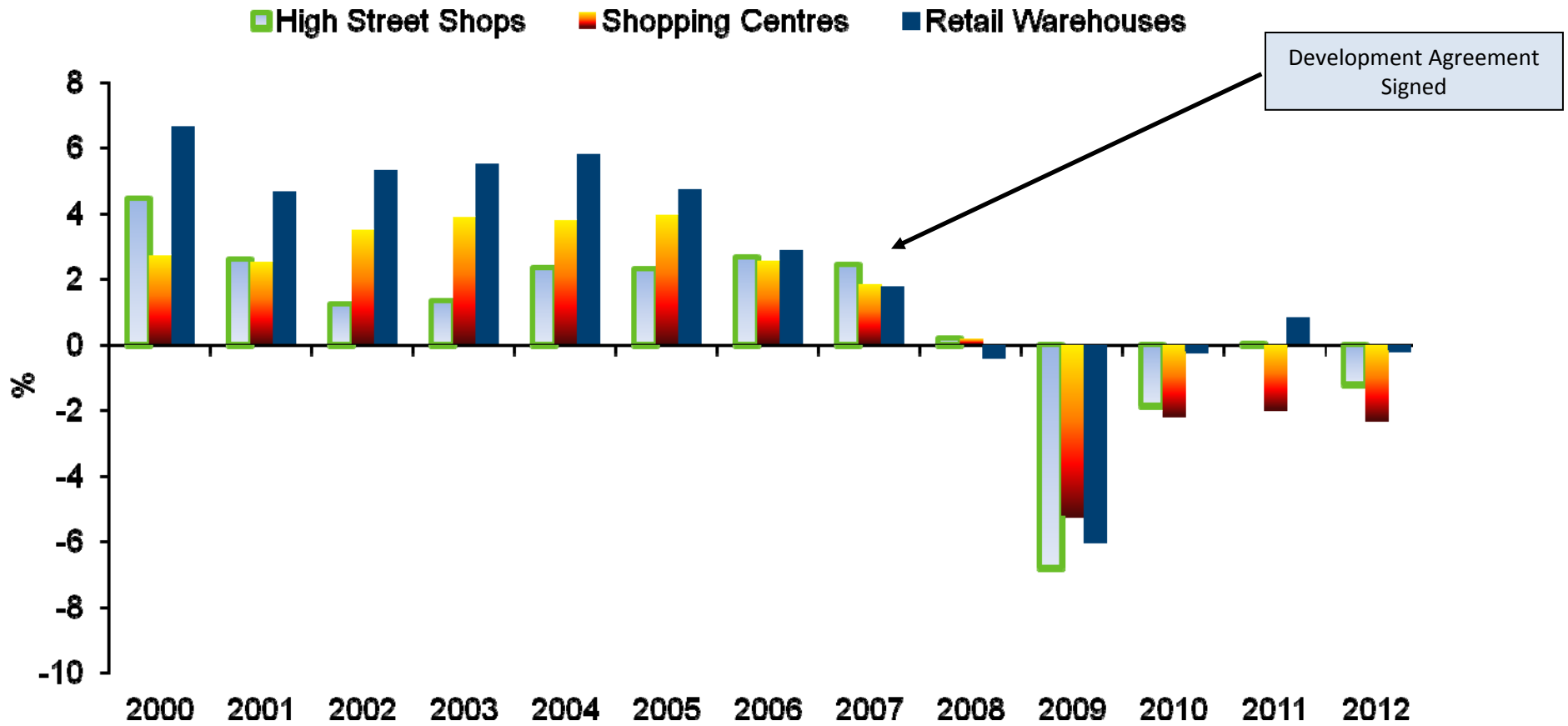
12 Summary of Appendices Issued with this Report

| Appendix Number | Contains | Comment |
|------------------------|--------------------------------|----------------|
| 1. | Stockland proposed timeline | Attached |
| 2. | Retail Rental Value Growth | Attached |
| 3. | Timeline of Council decisions' | Attached |
| 4. | Visuals of the proposed scheme | Attached |

Stockland Proposed Timeline



Retail Rental Value Growth



Source IPD

Timeline of Council Decisions

| Meeting | Resolution |
|---|---|
| 29 June 2005 (Policy Board) | RESOLVED UNANIMOUSLY that a planning brief be prepared for the development of the William Hunter Way Car Park, to incorporate a mix of uses on the site and an increase in shoppers car parking. |
| 12 October 2005 (Policy Board) | Resolved that the planning brief be approved. |
| 30 November 2005 (Policy Board) | <p>RESOLVED UNANIMOUSLY:</p> <ol style="list-style-type: none"> 1. That Standing Orders (Contracts) be waived and negotiations commence as recommended by the District Valuer with Halladale Group Plc as a “special purchaser” in respect of the redevelopment of the William Hunter Way Car Park site, such negotiations to include the financial terms of any development. 2. That all negotiations with Halladale Group Plc be based on the broad framework set out in the approved Planning Brief for the site. 3. That the District Valuer and CBRE be appointed to assist the Council in its negotiations with Halladale Plc. |
| 21 June 2006 (Policy Board) | <p>RESOLVED UNANIMOUSLY:</p> <ol style="list-style-type: none"> 1. That following advice from the Council's advisers and the District Valuer, approval of the Heads of Terms be delegated to the Chief Executive and Town Clerk following consultation with a cross-party group of Members comprising the Leader and Deputy Leader of the Council, the Chairmen of the Environment and Community Panels and the Leaders of the two Opposition Groups on the Council. 2. That the plan of the proposed development be reported to the next meeting of the Policy Board. |
| 25 September 2006 (Member Panel comprising the Leader Cllr Brandon Lewis and Deputy Leader (Cllr Phil Baker) of the Council, the Chairmen of the Environment (Cllr Tony Sleep) and Community Panels (Cllr Frank Kenny) and the Leaders of the two Opposition Groups on the Council) – Lib Dem Leader (Cllr Charles Myers and Lab Leader (Cllr David Minns). | Unanimous approval of the main financial negotiations for the project at a cross party Member Consultation Panel. |
| 11 October 2006 (Policy Board) | RESOLVED to authorise such Compulsory Purchase action as necessary. |

| | |
|--------------------------------------|--|
| 14 March 2007 (Policy Board) | <p>RESOLVED UNANIMOUSLY</p> <p>1. To delegate authority to the Chief Executive & Town Clerk following consultation with the Chairman of the Policy Board, to take all necessary action to acquire the Barclays Bank Car Park site in William Hunter Way, including the provision of alternative car parking if necessary for Barclays. Any financial expenditure incurred by the Council to be first agreed by the District Valuer.</p> <p>2. That following advice from CBRE and the District Valuer, if necessary any amendment to the Heads of Terms and decision on the disposal of the site by way of a long lease to Halladale be delegated to the Chief Executive & Town Clerk following consultation with a cross-party group of Members comprising of the Leader and Deputy Leader of the Council, the Chairmen of the Environment and Community Panels and the Leaders of the two Opposition Groups on the Council.</p> <p>3. To appropriate the whole of the William Hunter Way site for planning purposes under Section 232 of the Town and Country Planning Act 1990.</p> |
| 27 June 2007 (Ordinary Council) | <p>RESOLVED that the Council approves the financial package associated with the development agreement for the proposed redevelopment of William Hunter Way and that the legal documentation be progressed to completion.</p> |
| 26 September 2007 (Ordinary Council) | <p>RESOLVED UNANIMOUSLY that authority is delegated to the Deputy Town Clerk/Director of Legal Services, following consultation with the Chairman of the Policy Board, to agree the way forward in order that the Development Agreement may be completed.</p> |

14 September 2011 (Policy ,
Performance and Resources
Board)

The following amendments to the recommendation was
MOVED and SECONDED:

- To agree the contribution that the Town Hall carpark can make, *subject to consultation with the Town Hall Delivery Group*, to help ease the situation for local businesses.
- To discuss with BT the possible use of their car park.

The MOTION was CARRIED.

RESOLVED UNANIMOUSLY that the Leader of the Council, in conjunction with the Chairman of the Business, Community and Culture Panel to meet with local traders, business organisations, town centre businesses and local residents to discuss the following proposals:

1. To agree the contribution that the Town Hall carpark can make, subject to consultation with the Town Hall Delivery Group, to help ease the situation for local businesses.
2. To conclude discussions with the developer in securing a minimum of 100 parking spaces at the Brentwood station car park for the duration of the redevelopment of William Hunter Way car park or until the replacement multi storey car park become operational.
3. To change the operation of the Westbury Road car park from season ticket holders to pay and display, operating on the same tariff as the Chatham Way car park(or whatever standardised charging structure is agreed through the parking review) and to advise the existing season ticket holders accordingly.
4. To advise the existing season ticket holders that currently use the town centre car parks of the new parking facility at the Brentwood Station and of the discount available and to assign 100 of those existing season ticket holders to the Brentwood Station car park.
5. To modify the access arrangements to the Westbury Road car park, lighting and CCTV provision in accordance with the Section 106 agreement.
6. To discuss with BT the possible use of their car park.

Subject to discussions with users and representatives, the Leader of the Council be given delegated powers to authorise officers, to make the necessary changes to the off street parking places order and ensure appropriate signage and advertisement of the changes takes place.

| | |
|---|--|
| <p>19 October 2011 (Ordinary Council)</p> | <p>RESOLVED that authority is delegated to the Council's Monitoring Officer, in consultation with the Mayor and the Leader to take appropriate decisions with regard to land in relation to the development of William Hunter Way. In addition that authority is given to extend the existing Development Agreement and Agreement for lease of the site as necessary by 12 months to allow for the resolution as necessary of any other matters prior to commencement of the development works.</p> |
| <p>12 February 2013 (Ordinary Council)</p> | <p>Resolved that</p> <ol style="list-style-type: none"> 1. The Council agrees that the William Hunter Way cross party working group comprises of three members of the Administration and a representative from each of the Opposition Groups on the Council, the Managing Director, the S151 Officer, the Head of Legal and Governance and other officers deemed necessary to inform the meeting. 2. The Council agrees that the Local Development Plan Member Working Group be amended to include a Member from the Brentwood First political group. |
| <p>11 September 2013 (Planning Committee)</p> | <p>Planning extension granted to 11/09/2015</p> |
| <p>23 October 2013 (Ordinary Council)</p> | <p>Resolved that the recommendations included in the report be approved. The recommendations were:</p> <ol style="list-style-type: none"> 2.1 Members are asked to agree that the current financial appraisal and the changes to the DA proposed by Stockland in support of it do not meet the requirements of the Council. 2.2 Members are asked to agree that officers instruct Stockland to: <ol style="list-style-type: none"> a. Provide a much improved financial appraisal b. Produce Stockland's funding proposals for the scheme c. Provide evidence of the terms of the preferred funder d. Provide evidence that the scheme is funded with details of the guarantor. |

Visuals of the Scheme



Perspective 01: Southeast corner of Building 'A'; looking along William Hunter Way



Perspective 02: Building 'C' (Link) in foreground with Building 'B' (Carpark) + Building 'A' behind; looking Northwards



Perspective 03: Southwest corner of Building 'A'; viewed from outside Link Building looking east up William Hunter Way



Perspective 04: East elevation of Building 'A' and Building 'B' (Carpark); looking Westwards along William Hunter Way



Perspective 05: Southeast corner of Building 'A' in foreground; looking towards Building 'C' (Link) in background
Note: Building 'C' (Link) is subject to a separate planning application



Perspective 06: Residential Building 'D' in foreground with Building 'B' (Carpark) + Building 'A' behind; looking South along North Service Road



Perspective 07: Residential Building 'D'; looking Eastwards along Chestnut Grove

16. URGENT BUSINESS

An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'MJE'.

Managing Director
Town Hall
Brentwood, Essex
26.11.2013

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, or 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.

Ordinary Council Terms of Reference

Powers and Duties of the Council Matters reserved to meetings of Council

Council

The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 37 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its Strategy and Policy Board and its Committees. It also agrees the membership of the Board and Committees/Sub Committees.

The Council is responsible for:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Council policies and strategies which form the policy framework;
- (c) agreeing and approving the budget;
- (d) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;
- (e) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (f) adopting a members' allowances scheme under Part 6;
- (g) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;

(h) confirming the appointment of the Head of Paid Service; Monitoring Officer; and Section 151 Officer;

(i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(j) all other matters which by law must be reserved to Council;

(k) to designate the leader of the largest political group as the Leader of the Council;

(l) adoption of the Code of Conduct for Members;

(m) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000; and

(n) determination of other matters appropriately referred to Council.