

# Public Document Pack



## Agenda Supplement 2

Dear Councillor

### **ORDINARY COUNCIL - WEDNESDAY, 15TH MARCH, 2023**

I am now able to enclose, for consideration on Wednesday, 15th March, 2023 meeting of the Ordinary Council, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
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- |    |  |
|----|--|
| 4. | <b><u>Minutes of the previous meeting</u> (Pages 3 - 22)</b>                 |
| 7. | <b><u>Committee Chairs Reports and Members Questions</u> (Pages 23 - 38)</b> |

Yours sincerely

Chief Executive

Encs

13/03/23





## Minutes

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### Ordinary Council Wednesday, 1st March, 2023

#### Attendance

Cllr Mrs Francois (Mayor)	Cllr Hossack
Cllr Aspinell	Cllr Jakobsson
Cllr Barber	Cllr Kendall
Cllr Barrett (Deputy Mayor)	Cllr Laplain
Cllr Dr Barrett	Cllr Mynott
Cllr Bridge	Cllr Naylor
Cllr M Cuthbert	Cllr Parker
Cllr Mrs N Cuthbert	Cllr Mrs Pearson
Cllr Mrs Davies	Cllr Poppy
Cllr Mrs Fulcher	Cllr Reed
Cllr Fryd	Cllr Russell
Cllr Gelderbloem	Cllr Sankey
Cllr Haigh	Cllr Slade
Cllr Heard	Cllr Wagland
Cllr Hirst	Cllr White
Cllr Mrs Hones	

#### Apologies

Cllr S Cloke	Cllr Tanner
Cllr Lewis	Cllr Wiles
Cllr Mrs Murphy	

#### Officers Present

Phoebe Barnes	- Director - Assets & Investments
Sarah Bennett	- Director - Digital & Customer Engagement
Zoey Foakes	- Governance & Member Support Officer
Marcus Hotten	- Director - Environment
Andrew Hunkin	- Interim Director - People & Governance
Claire Mayhew	- Corporate Manager (Democratic Services) and Deputy Monitoring Officer
Tim Willis	- Interim Director - Resources
Emily Yule	- Strategic Director

## LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

### 363. Apologies for Absence

Apologies were received from Cllrs: Cloke, Lewis, Murphy, Tanner and Wiles.

### 364. Declarations of Interest

There were no declarations of interest at this stage.

### 365. Vary the order of the Agenda

The Mayor, Cllr Francois **MOVED** and Deputy Mayor, Cllr Barrett **SECONDED** to vary the order of the agenda to take Item 4 Urgent Business ahead of Item 3. This was **AGREED**.

### 366. Urgent Business

Due to the recent resignation of the Ward Member for South Weald and a Ward Member from Brentwood South becoming an Independent Member (non-aligned), the Council is required to approve an amended allocation of seats on Committees.

The report and appendices are appended to these minutes.

Cllr Hossack **MOVED** and Cllr Aspinell **SECONDED** the recommendation in the report. A vote was taken and it was **RESOLVED UNANIMOUSLY**.

Members are asked to:

**Approve the allocation of seats as set out in Appendix A.**

#### **Reasons for Recommendation**

The Council is required to make appointments to those Committees for the effective discharge of its functions.

### 367. Budget 2023/24 and Medium Term Financial Strategy

The report and appendices set out all the relevant information in support of the Council's Budget for General Fund services and Council Tax for 2023/24, together with financial forecast information through to 2025/26. Also included was information on the Housing Revenue Account (HRA) budget for 2023/24 and the Capital Programme 2023/24 to 2025/26.

- (i) Appendix A - The General Fund budget proposals for 2023/24 to 2025/26.
- (ii) Appendix B - The Housing Revenue Account (HRA) budget proposals for 2023/24 onwards.
- (iii) Appendix C - The Capital and Investment Strategy 2023/24.
- (iv) Appendix D – Fees & Charges Schedule 2023/24.
- (v) Appendix E - Pay Policy Statement.
- (vi) Appendix F - Section 151 Officer's Assurance Statement and useful information.
- (vii) Appendix G - Corporate Strategy Budget Summary.

The Budget was considered by the Policy, Resources and Economic Development Committee on 8 February 2023 and has been recommended to Ordinary Council for consideration and approval.

The report summarised the detailed service budgets, together with known adjustments including the impact of the provisional central government grant funding.

The key elements of the proposed budget were:

#### **General Fund**

- 1) A proposed 3% increase in Council Tax for 2023/24 for Brentwood Borough Council services.
- 2) Earmarked Reserves to set aside appropriate balances to mitigate future financial risk and build up in borough regeneration.
- 3) Future uncertainty of Local Government Financing.

#### **Housing Revenue Account**

- 1) For 2023/24 a budget that delivers a surplus of £26k.
- 2) Proposed increase in rents of 7% per annum.
- 3) Continued investment in the delivery of Decent Homes and development of Housing within the Borough.
- 4) Significant investment in the Strategic Housing Delivery Programme ensuring the 30-year business plan is sustainable.

#### **Capital**

- 1) Total capital investment of £36.3 million (General Fund) and £22.0 million (HRA) in 2023/24.
- 2) Subsequent investment of £20.2 million (General Fund) and £50.3 million (HRA) from 2024 to 2026.

Member's thanked the Finance Team for the work on the Budget.

Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** the recommendations in the report.

After a full discussion a recorded vote was taken in accordance with Local Authorities (Standing Orders) (England)(Amendment) Regulations 2014).

Members voted as follows:

**FOR:** Cllrs Francois, Barber, Bridge, Mrs Gelderbloem, Heard, Hirst, Mrs Hones, Hossack, Jakobsson, Parker, Mrs Pearson, Poppy, Reed, Russell, Slade, Wagland and White (17)

**AGAINST:** Cllrs Aspinell, Barrett, Dr Barrett, M Cuthbert, Mrs N Cuthbert, Mrs Davies, Fryd, Fulcher, Haigh, Kendall, Laplain, Mynott, Naylor and Sankey (14)

The Motion was **CARRIED** and it was **RESOLVED** to:

**R1. Approve the General Fund Budget 2023/24 and Medium-Term Financial Strategy as set out in Appendix A.**

**R2. Approve a proposed Council Tax increase of 3% for 2023/24, the charge of Band D property increases to £204.58 per annum for Brentwood Council services only.**

**R3. Approve the HRA budget 2023/24 including the 30-year HRA Business Plan within Appendix B.**

**R4. Approve a proposed increase to rents of 7% for 2023/24.**

**R5. Approve the Capital and Investment Strategy 2023/24 in Appendix C.**

**R6. Approve the Fees & Charges Schedule in Appendix D.**

**R7. Approve the Pay Policy Statement in Appendix E.**

**R8. To note the Section 151 Officers Assurance Statement in Appendix F.**

#### **Reasons for Recommendation**

Effective financial management underpins all the priorities for the Council and will enable the Council to operate within a sustainable budget environment.

The Council is required to approve the Budget as part of the Budget and Policy Framework.

The meeting concluded at 8.00pm

# Minute Item 366

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 1 <sup>st</sup> March 2023
<b>Subject:</b> Political Balance - Allocation of Committee Seats	<b>Wards Affected:</b> All
<b>Report of:</b> Andrew Hunkin – Interim Director of People & Governance & Monitoring Officer	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

Due to the recent resignation of the Ward Member for South Weald and a Ward Member from Brentwood South becoming an Independent Member (non-aligned), the Council is required to approve an amended allocation of seats on Committees.

## Recommendation(s)

**Members are asked to:**

**R1. Approve the allocation of seats as set out in Appendix A.**

## Main Report

### **Introduction and Background**

1. Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 as amended when two or more Councillors duly notify the Chief Executive as Proper Officer of their wish to be treated as a political group.
2. Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the allocation of seats on Committees of the Council between the political groups.

3. The following statutory principles apply to the allocation of seats:
  - a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
  - b) That the majority of seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - c) That subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
  - d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
4. The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

### **Political proportionality**

5. The political balance of the Council is calculated using the formula below (to two decimal places):

$$\frac{\text{Number of Group Members} \times 100}{36}$$

6. The political balance of the Council is set out in Appendix A.
7. To calculate political proportionality, the Council must have agreed the number of seats on each Committee and the total number of seats available on all Committees.
8. Councillors that are not members of political groups have no entitlement to an allocation of seats on Committees. Political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by Councillors not belonging to a political group. Such Councillors are called 'non-aligned'.



## Issue, Options and Analysis of Options

9. The number of seats on Committees that will be allocated amongst the political groups represented on the Council is shown in Appendix A.
10. Each of the political groups are entitled to the specified number of seats in Appendix A. This is based on their percentage representation on the Council as a whole.
11. The calculation to determine the entitlement of political groups to seats on Committees is as follows:

$$\frac{\text{\% from table 1 (Appendix A)}}{100} \times \text{Number of Committee seats available}$$

12. The strict entitlement to seats is shown in Appendix A.
13. Each of the political groups are only entitled to their proportion of seats and once this entitlement has been reached, any remaining seats may then be filled by those Councillors not belonging to a political group. Councillors who are not members of a political group have no legal entitlement to an allocation of seats on a committee. However, in the spirit of the Act they should be given their fair representation.
14. Appendix A shows a rounded allocation of seats to each political group. This is then manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed their entitlement.
15. Appendix B shows the revised nominations on the Committees of the Council.

## Reasons for Recommendation

16. The Council is required to make appointments to those Committees for the effective discharge of its functions.

## Consultation

17. Group Leaders have been consulted.

## **References to Corporate Plan**

18. The delivery of the Corporate Plan will be enabled by the appointment of the Committees of the Council to discharge its functions.

## **Implications**

### **Financial Implications**

**Name/Title: Tim Willis, Interim Director of Resources (S151)**

**Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk**

22. The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2022/2023. The cost of servicing committees will be met through existing budgets.

### **Legal Implications**

**Name & Title: Andrew Hunkin, Interim Director of People & Governance) and Monitoring Officer**

**Tel & Email: 01277 312500/andrew.hunkin@brentwood.rochford.gov.uk**

23. The Council's Constitution provides that the Annual Meeting will note the allocation of seats on committees to members of political groups and to members who are not in any political group, appoint members to those allocated seats in accordance with nominations from the political group leaders and to the remaining committee seats from among those members who are not in any political group.
24. The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats. The Council is required under the Act to keep under review the representation of the different political groups on bodies appointed by the Council.

### **Economic Implications**

**Name/Title: Phil Drane, Director of Place**

**Tel/Email: 01277 312610/philip.drane@brentwood.rochford.gov.uk**

25. There are no direct economic implications

## **Equality and Diversity Implications**

**Name/Title:** Kim Anderson, Corporate Manager - Communities, Leisure and Health

**Tel/Email:** 01277 312634/kim.anderson@brentwood.gov.uk

26. The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
27. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
28. Advance equality of opportunity between people who share a protected characteristic and those who do not.
29. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
30. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
31. The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

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

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

32. None.

## **Appendices to this report**

Appendix A – Revised Allocation of Seats

Appendix B - Revised nominations on the Committees of the Council.

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**POLITICAL BALANCE**

The Political Balance of the Council is:

POLITICAL GROUP	NO. OF MEMBERS	%	POLITICAL GROUP	NO. OF MEMBERS	NO. OF SEATS ON ORDINARY COMMITTEES
CONSERVATIVE	19 =	52.7	CONSERVATIVE	19	35 (34.76)
LIBERAL DEMOCRATS	14 =	38.8	LIBERAL DEMOCRATS	14	26 (25.60)
LABOUR	2 =	5.5	LABOUR	2	4 (3.63)
INDEPENDENT	1	2.7	INDEPENDENT	1	2 (1.78)
<b>TOTALS</b>	<b>36</b>	<b>100</b>			<b>66</b>

**PROPOSAL:**

	A & S C (9)*	C E & E C (9)**	DAC+ (9)	H C ++ (9)	P & LC# (12)	P, R & ED C ## (9)	SAC~ (9)	Total	TOTAL 66
CON	5 (4.74)	5 (4.74)	5 (4.74)	5 (4.74)	6 (6.32)	5 (4.74)	4 (4.74)	35	35 (34.76)
LIB DEM	3 (3.49)	3 (3.49)	3 (3.49)	4 (3.49)	5 (4.65)	4 (3.49)	4 (3.49)	26	26 (25.60)
LAB	1 (0.49)	1 (0.49)	0 (0.49)	0 (0.49)	1 (0.66)	0 (0.49)	1 (0.49)	4	4 (3.63)
IND	0 (0.24)	0 (0.24)	0 (0.24)	0 (0.24)	0 (0.32)	0 (0.24)	0 (0.24)	0	2 (1.78)
	9	9	8	9	12	9	9	<b>65</b>	<b>65.77</b>

Page 3

Appendix A

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**APPENDIX B**

**NOMINATIONS TO SEAT ALLOCATIONS & APPOINTMENTS**

(Council must give effect to the wishes of the political groups as regards the nominations for the seats allocated to those political groups).

<b>Audit &amp; Scrutiny Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>
Chair*:	Cllr Heard	[REDACTED]	[REDACTED]
Vice-Chair**:	Cllr Hirst	[REDACTED]	[REDACTED]
[REDACTED]	Cllr Bridge	Cllr Fulcher	Cllr G Barrett
[REDACTED]	Cllr Wagland	Cllr Haigh	[REDACTED]
[REDACTED]	Cllr Slade	Cllr Sankey	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute	Cllr Reed	Cllr Cloke	Cllr Dr T Barrett
Approved Substitute	Cllr Jakobsson	Cllr M Cuthbert	[REDACTED]
Approved Substitute		[REDACTED]	[REDACTED]

Page 5 of 5

Appendix B

<b>Community, Environment and Enforcement (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>
Chair*:	Cllr Russell		
Vice-Chair**	Cllr Gelderbloem		
	Cllr Barber	Cllr Naylor	Cllr Dr T Barrett
	Cllr Slade	Cllr Aspinell	
	Cllr Reed	Cllr Laplain	
Approved Substitute:	Cllr White	Cllr Kendall	Cllr G Barrett
Approved Substitute:	Cllr Murphy	Cllr Haigh	
Approved Substitute	Cllr Wagland		



<b>Dismissals Appeal Committee (9)</b>	<b>Conservative (4)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (0)</b>
Chair*:	Cllr Hossack		
Vice-Chair**:	Cllr Poppy		
	Cllr Jakobsson	Cllr Aspinell	
	Cllr Gelderbloem	Cllr Mynott	
		Cllr M Cuthbert	
		Cllr Davies	
Approved Substitute:	Cllr Bridge	Cllr N Cuthbert	
Approved Substitute:	Cllr Hirst	Cllr Haigh	
Approved Substitute:	Cllr Wagland		

<b>Housing Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (0)</b>
Chair:	Cllr White		
Vice-Chair:	Cllr Pearson		
	Cllr Slade	Cllr Davies	
	Cllr Poppy	Cllr Cloke	
	Cllr Hones	Cllr Kendall	
		Cllr N Cuthbert	
Approved Substitute:	Cllr Murphy	Cllr Lewis	
Approved Substitute:	Cllr Hossack	Cllr Fryd	
Approved Substitute:			

<b>Planning &amp; Licensing Committee (12)</b>	<b>Conservative (6)</b>	<b>Liberal Democrat (5)</b>	<b>Labour (1)</b>
Chair*:	Cllr Tanner		
Vice-Chair**:	Cllr Barber		
	Cllr Murphy	Cllr Mynott	Cllr Dr T Barrett
	Cllr Jakobsson	Cllr Fryd	
	Cllr Gelderbloem	Cllr M Cuthbert	
	Cllr Parker	Cllr Laplain	
		Cllr Sankey	
Approved Substitute:	Cllr Hones	Cllr N Cuthbert	Cllr G Barrett
Approved Substitute:	Cllr Heard	Cllr V Davies	
Approved Substitute:	Cllr Pearson		

<b>Policy, Resources and Economic Development Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (0)</b>
Chair*:	Cllr Hossack		
Vice-Chair**:	Cllr Poppy		
	Cllr White	Cllr Lewis	
	Cllr Russell	Cllr Mynott	
	Cllr Pearson	Cllr Kendall	
		Cllr Naylor	
Approved Substitute:	Cllr Parker	Cllr Aspinell	
Approved Substitute:	Cllr Gelderbloem	Cllr Fryd	
Approved Substitute:			

<b>Staff Appointments Committee (9)</b>	<b>Conservative (4)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (1)</b>
Chair*:	Cllr Hossack	[REDACTED]	[REDACTED]
Vice-Chair**:	Cllr Poppy	[REDACTED]	[REDACTED]
[REDACTED]	Cllr Gelderbloem	Cllr Cloke	Cllr G Barrett
[REDACTED]	Cllr Tanner	Cllr Laplain	[REDACTED]
[REDACTED]	[REDACTED]	Cllr Fryd	[REDACTED]
[REDACTED]	[REDACTED]	Cllr Sankey	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute:	Cllr Bridge	Cllr Kendall	Cllr Dr T Barrett
Approved Substitute:	Cllr Russell	Cllr Mynott	[REDACTED]
Approved Substitute:	Cllr Barber	[REDACTED]	[REDACTED]

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# Agenda Item 7

<b>Committee:</b> Ordinary Council	<b>Date:</b> 15 <sup>th</sup> March 2023
<b>Subject:</b> Chairs' reports and Members' Written Questions	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew – Corporate Manager (Democratic Services)	<b>Public</b>
<b>Report Author/s:</b> Name: Claire Mayhew - Corporate Manager (Director Services) Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Information</b>

In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility is provided for Members' information at each Ordinary 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.
- (c) No question should be put to the Chair if it relates exclusively to a ward, operational or resident matter that could have otherwise been resolved by reasonable use of the casework system.

The period allowed for Chairs' reports, written and oral questions and answers will not exceed 60 minutes without the leave of the Mayor and such leave will only be granted in exceptional circumstances.

Six written question have been submitted:-

## 1. Question from Cllr Naylor

This is a question to the Chair of the Community, Environment & Enforcement Committee

At the Full Council meeting held on Wednesday 1<sup>st</sup> March, the Liberal Democrat Group raised concerns over the continued failure to repair/replace various items of equipment within our 'Flagship' play area at King George's Park. Notification of various defects has been presented through the appropriate channels on at least three separate occasions, dating back as far as October, 2022, but a satisfactory response has not yet been forthcoming.

Given our summer months are now approaching, bringing with them a much higher public usage of our outdoor facilities, can the Chair of the Community, Environment and Enforcement Committee provide a definitive date when the Zip Wire and Suspended Roundabout equipment will be fully operational.

## **2. Question from Cllr Kendall**

This is a question for the Chair of Community, Environment and Enforcement Committee

*King George's Play area is promoted as a 'fully inclusive' environment for the enjoyment of residents and visitors alike and it is noted that apparatus specifically for those with disabilities features as part of the park's overall offering. However, it appears that some very fundamental operational considerations have been overlooked.*

*Use of the toilet facilities adjacent to the play areas is restricted to the seasonal opening times operated by the splash park with the only alternative being located at the pavilion site. This is especially problematic for mothers/carers of young or disabled children who require prompt access to toilet, baby changing and disabled facilities.*

*Can the Chair of the Community, Environment and Enforcement Committee please explain why access to the toilets adjacent to the play areas is restricted and what plans are in hand to increase accessibility to an all year-round basis.*

## **3. Question from Cllr Laplain**

This is a question to the Chair of Community, Environment and Enforcement Committee

*Following an inspection of the play facilities at Warley, it was noted that two items of equipment are out of use / unusable. Can you please provide a date when we can expect these to be repaired. The first item is in the toddler section and the second is in the gym.*

*However, of more immediate concern, three of the child safety gates are no longer operating effectively. The springs designed to ensure they re-close after entry/exit have malfunctioned, leaving the gates wide open. These circumstances could easily result in a young child leaving the park parameters and wandering into the road. If not yet repaired, please confirm the date this vital maintenance work will be undertaken.*

## **4. Question from Cllr Naylor**

This is a question to the Chair of Community, Environment and Enforcement Committee

*River Road children's play area has had a swing broken for some considerable time, eventually being removed.*



*Can I have a response detailing why it has been left in an unusable condition for such a lengthy period of time, and the date it will be restored for the use of local families.*

#### **5. Question from Cllr Davies**

This is a question to the Chair of Community, Environment and Enforcement

*Bishops Hall Park play area currently has at least three items of equipment unavailable for use. In the main area, a large 'Do not use' sign is placed against equipment that has been out of use for a lengthy period. Additionally, on other equipment there are two supporting posts remaining, but the accompanying middle section completely missing and in the toddler's section the tyre basin swing has disappeared.*

*This is a well-used play park, serving numerous residents from within Pilgrims Hatch and the wider area.*

*Can you confirm dates when the appropriate repairs / replacement will take place in order that the facilities can be brought back to an acceptable standard.*

#### **6. Question from Cllr Fryd**

This is a question to the Chair of Community, Environment and Enforcement

*Courage's play area is a welcome facility for local children, and especially those attending Shenfield St. Mary's school, which is adjacent. Whilst the toddler's area appears to be in satisfactory order at this moment, the section for older children has, for some time, looked extremely neglected.*

*On a recent inspection both the basket swing and cable runway are unusable, and a further piece of equipment has been removed from the site completely. The climbing equipment looks in a very poor state of repair, not helped that a component part, the slide, has disappeared entirely.*

*Please can you provide a timescale for this much used facility to be returned to full usage.*

The order for a new seat for the runway was also placed at the start of January, this has already arrived – installation is planned by the end of March. The other cable runway is fully functional.

## **Appendices to this report**

Chairs Reports for:

Appendix A: Planning & Licensing Committee – to follow

Appendix B: Audit and Scrutiny Committee – to follow

Appendix C: Policy, Resources & Economic Development – to follow

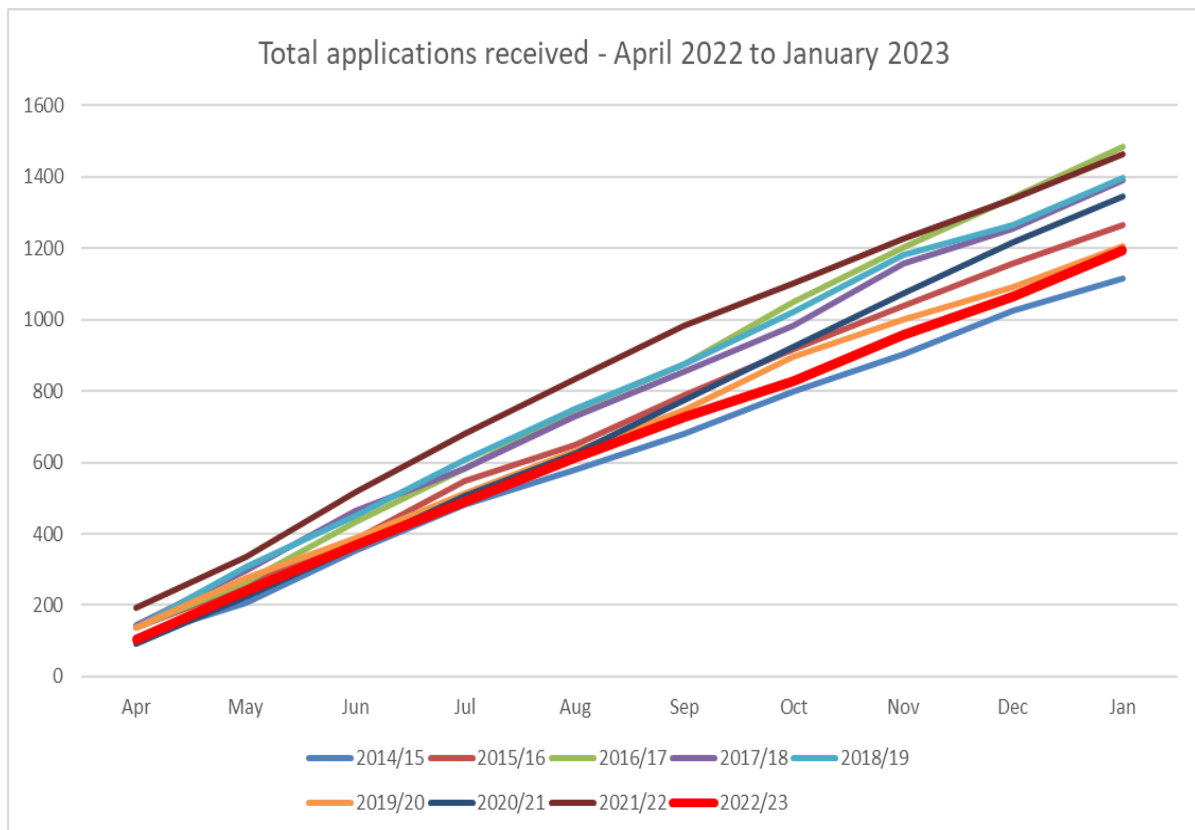
Appendix D: Housing Committee – to follow

<b>Committee:</b> Ordinary Council	<b>Date:</b> 1 March 2023
<b>Subject:</b> Planning and Licensing Committee Chairs Update	<b>Wards affected:</b> All
<b>Chair:</b> Cllr Sandy Tanner	
<b>Report of:</b> Phil Drane, Corporate Director – Planning & Economy	<b>For information</b>

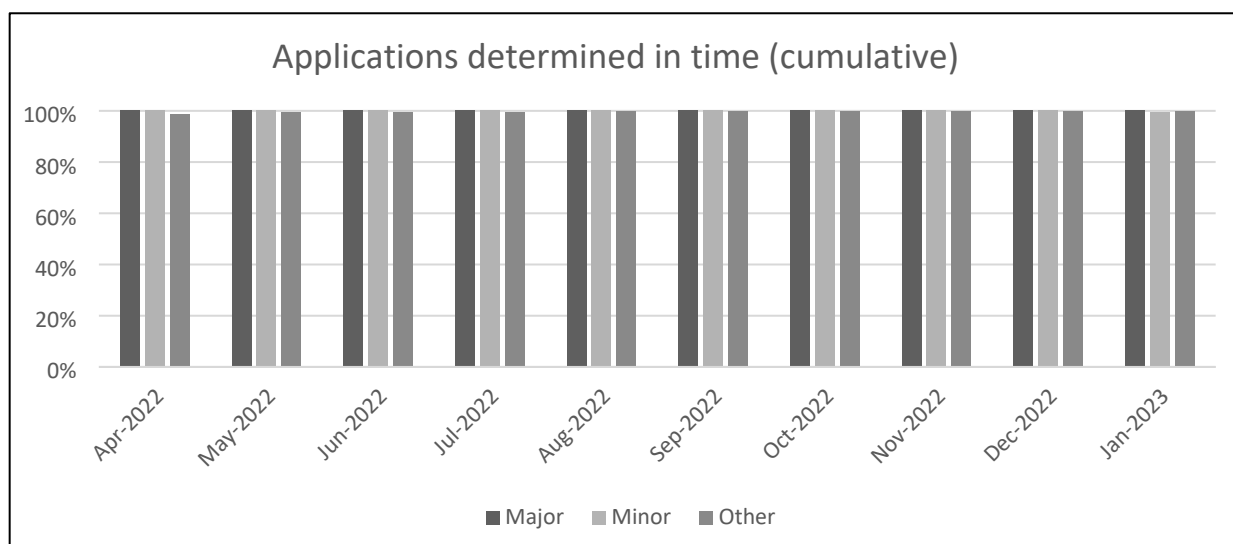
**PLANNING DEVELOPMENT MANAGEMENT**

**Applications and performance**

The number of applications received, using the broadest measure (i.e. relating to all types of applications) for the whole year 2021/22 was the second highest since 2014, when data was first recorded in a comparable way. Since that time the number of applications has reduced, currently being approximately 18% down on last year. Likewise, the number of applications received last year in the narrower measure of applications (FUL, LBC etc) was also the second highest for all years since 2014 and has reduced so far this year and is currently down by approximately 22%. The following graph compares the total number of applications received for each year since 2014. This shows 2022/23 to currently be the second lowest number of applications received up until January compared with previous years.



For several years now, the percentage of planning applications decided within statutory deadlines has remained at the highest levels recorded for the Planning Development Management service and comparable to the best nationwide. The following table sets out performance so far in 2022/3 for applications determined in time.



### Decision-making

Since January 2020, 80 applications have been determined by the Planning & Licensing Committee, of which 28 decisions have been contrary to recommendation (35%). Eight of those overturned recommendations were for approval but refused, and 19 with recommendations for refusal were approved. A further application for listed building consent was refused on officer advice as the associated planning application had been refused by the committee contrary to recommendation.

Since the local plan was adopted in March 2022, 28 applications have been determined by the committee. Nine (i.e. 32%) were determined contrary to recommendation – eight approvals when the recommendation was refusal, and one refusal when the recommendation was for approval.

The Planning & Licensing Committee has so far met eight times in the municipal year (since May 2022). The committee has split planning and licensing items so that the committee convenes to consider any licensing items first, and then concludes before starting again for Planning items. The committee membership is the same for both.

### Appeals

As regularly reported in this briefing, the Secretary of State operates a ‘quality’ measure of planning decisions. Like the measures for speed, these are assessed as two types: Majors and ‘non Majors’. The measure assesses the number of allowed

appeals as a percentage of all applications of that type determined by the local planning authority in the previous two years. This assesses the decision failure rate, what the Government may consider to be poor or bad decisions. The threshold for concern is 10% (i.e. the loss rate should not exceed this level).

Two major appeals have been lost in the qualifying period that ends in December 2022. One was a non-determination appeal for a large residential development in Ingatestone submitted in 2020 and allowed on appeal last year. The second was the recent decision (February 2023) to allow development of a Lidl supermarket at the former Wates Way industrial estate in Brentwood. This involved the part award of costs for two reasons for refusal, which in summary were the impact of increased air pollution for resulting vehicle journeys and the implementation of street signage to facilitate the access junction. Overall the inspector was satisfied that the development could be safely accommodated despite the highway authority (Essex County Council) objection. A more detailed summary of the decision and next steps is to be presented to the committee on 22 March 2023 as part of the regular appeals overview. The two major appeals lost in this period is under the 10% threshold set by government (i.e. 5.7%) based on 35 major application decisions.

Looking at appeals on a more basic allowed/dismissed level, the percentage of appeals lost this financial year (to end of January) is about a third, since when several dismissed appeals have been received. However, this isn't the measure that the Government considers to be important.

An overview of recent appeal decisions and performance is regularly reported to the Planning and Licensing committee for information, most recently in January 2023 and with a further update to be presented on 22 March 2023.

### **Planning Enforcement**

A regular series of updates are presented to the Planning and Licencing Committee. In the year 2022, 79 enforcement cases were opened and 102 were closed. However, prior to opening an enforcement case each referral is assessed to see if it a potential breach of planning control rather than a non enforcement matter. This assessment carries with it a level of work not reflected in the figure of opened cases.

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## Appendix B

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 15 <sup>th</sup> March 2023
<b>Subject:</b> Chairs report for Audit and Scrutiny Committee	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Thomas Heard	
<b>Report of:</b> Tim Willis, Interim Director of Resources	<b>For Information</b>

Members were updated on the progress made against the 2022/23 internal audit plan.

A report submitted the report and recommendations of the Formal Complaints and Performance Indicators Working Group for consideration by the Audit & Scrutiny Committee.

Concerns were raised regarding the fall in recycling figures. Officers explained this could be due to the fact that following the pandemic and the return to work of residents, less recycling was being processed from homes. It would take at least 6 months to review the trend going forward and obtain accurate recycling figures. However, the Council would be monitoring this.

A report presented the Committee with the Annual Audit Report issued by the external auditors, Ernst & Young, following the completion of the audit of the 2020/21 accounts which was noted by the committee.

The Internal Audit Plan 2023-24 was approved by the committee.

A Risk Management report updated members of the Audit & Scrutiny Committee on the status of the Council's 2022/2023 Strategic Risk Register and high-level operational risks. As a result of the current risk review one risk score has reduced. The other risk scores have remained the same from the previous review in November. Of the high-level operational risks, one risk score has been increased and one reduced, with the other risks scores remaining the same.

Members noted the current s106 financial contributions and proposed future plans for processes and procedures.

The progress on Motions agreed at Ordinary Council were reported to members to provide an update on the progress and will be an annual report.

An annual Outside Organisation review has been undertaken to ensure effective partnership working wherever appropriate to help deliver the Council's objectives and to ensure that the Council's time is spent productively and effectively

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## Appendix C

<b>Committee:</b> Ordinary Council	<b>Date:</b> 13 <sup>th</sup> March 2023
<b>Subject:</b> Policy, Resources and Economic Development Committee Chairs Update	<b>Wards Affected:</b> All
<b>Chair:</b> Cllr Chris Hossack	
<b>Report of:</b> Steve Summers, Strategic Director and Deputy Chief Executive	<b>For Information</b>

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## Appendix D

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 15 <sup>th</sup> March 2023
<b>Subject:</b> Housing Chairs Update	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Garry White	
<b>Report of:</b> Angela Abbott – Corporate Manager – Housing Needs and Nicola Marsh – Corporate Manager – Housing Estates	<b>For Information</b>

### **National Award Winners:** *Strategic Housing Delivery Partnership (SHDP)*

Congratulations to the SHDP team who have won the iESE Public Sector Transformation awards in the Community Focus category for our Affordable Homes Programme. Our Affordable Housing Development Programme delivers new homes on Council owned land, all of which are aimed at Zero Carbon standard and offer a range of high-quality and energy efficient buildings to meet the needs and circumstances of residents, both now and in the future.

Brentwood Borough Council has developed an exemplar zero-carbon housing scheme in partnership with the Norse Group & Hamson Barron Smith and supported by the Community Engagement Team from Barton Willmore [now Stantec].

The programme will see measurable social impact of Brookfield Zero Carbon in use new homes, in terms of unlocking potential local skills, qualifications and apprenticeships in this technology; driving positive health and wellbeing outcomes and GP intervention savings and easing debt and fuel poverty.

For more information on the iESE Awards, visit <https://iese.org.uk/public-sector-transformation-awards-2023>

### **Essex Awards Winners:** Housing Options Team

Congratulations to the Housing Options Team who were part of a team that won an award at the Essex Housing Awards 2022 in November for their partnership working with the Mid Essex Rough Sleepers Initiative Outreach service which includes Essex County Council, Essex Partnership Foundation and nine District Councils, including Brentwood, Braintree, Castle Point, Chelmsford, Epping Forest, Harlow, Rochford, Tendring and Uttlesford District Councils.

The aim and objective of the Partnership is to solve rough sleeping and single homelessness within its boundaries, providing interventions that build positive relationships with new and entrenched rough sleepers and hand hold them off the streets and into sustained accommodation. The service also links rough sleepers to support services and provides employment and training support.

## **Resident Engagement – Resident Living Rooms**

In December, Housing opened Brentwood's first 'Resident Living Room' in the newly renovated community room at Gibraltar House. Created not just for Tenants and Leaseholders but available to any resident of the borough, the aim is to provide a warm, welcoming, and safe space for residents to talk.

Working with external partners, officers are looking to introduce workshops on a variety of prevalent topics as well as being able to invite Tenants and Leaseholders into complete income and expenditure forms, discuss their Tenancy or simply request help where needed.

Currently open Wednesday's 10am until 4pm, it is hoped to increase these hours over the next few months as officers have more of a presence on estates.

The time on site has allowed officers to identify and rectify any fly tip or health and safety issues in the building and residents have welcomed the presence of officers with more than one, coming to speak with us weekly just for a coffee and a chat.

Through their engagement in the Living room, officers have been able to build numbers for the new Resident Engagement Panels and build rapport with residents.

Councillors are welcome to come and visit the Living Room and I, along with what I understand to be several other members have already had used them as venues for for meeting with officers.

## **Landlord Gas Safety inspections**

The Council has a statutory duty, as a landlord, to check any gas appliance in properties owned by them to ensure these are safe for tenants and their families to use. On 14 February, the Repairs team completed the annual gas service to the one outstanding property where access could not be gained.

This means Brentwood Council is fully compliant for its gas safety duty.

The effort to achieve, and stay, at 100% is not to be underestimated and I would like to congratulate the Repairs team for this significant achievement and commitment to keeping our tenants safe in their homes.

## **Keeping residents and members informed**

Housing have reported to Committee and other members in some wards when various major service issues have occurred during the year – this has included water failures, Tunstall equipment failures and boiler malfunctions.

Timely communications and engagement with residents is particularly important in these circumstances, including the presence of onsite staff where necessary and the identification of anyone with vulnerabilities that may be affected.

Officers have been quick to ensure that residents, ward members and the Chair and Vice Chair of Housing Committee are kept updated with efforts to rectify the issues when they occur – regardless of the time of day, or night, that these this has occurred.

### **Committee update**

The Housing Committee met on the 27<sup>th</sup> February 2023 with updates on the Policy Review Schedule which ensures that the Housing Department has the relevant Strategies and Policies in place in order to provide a clear framework of its responsibilities.

A report set out the energy efficiency approach that is being adopted by Brentwood Council for its social housing assets and the measures being implemented further to previous Ordinary Council discussion.

Members approved the “Landlord Offer” to residents affected by the Councils housing regeneration activity and approved the commencement of the decanting of residents at Harewood Regeneration under the terms specified in the “Landlords Offer”.

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