

Public Document Pack



Dear Councillor

ORDINARY COUNCIL - TUESDAY, 24TH MARCH, 2015

I am now able to enclose, for consideration on Tuesday, 24th March, 2015 meeting of the Ordinary Council, the following reports that were unavailable when the agenda was printed.

Agenda No Item

Contents

1. **Apologies for Absence**
Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
2. **Mayor's Announcements**
Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
3. **Minutes of the previous meetings (Pages 5 - 20)**
Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
Members are requested to approve as a correct record minutes of the Ordinary Council meeting held on 4 February 2015 and 4 March 2015 (to follow).
4. **Questions from the Public (Pages 21 - 22)**
Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
 - a) **Memorials or Petitions**
5. **Members' Questions on Chairs' Reports (Pages 23 - 50)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR

6. **Local Development Plan - Strategic Growth Consultation - Initial Findings (Pages 51 - 72)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
To receive a presentation at the meeting outlining the initial findings from consultation responses.

7. **Letter to the Secretary of State regarding the Brentwood Local Development Plan (Pages 73 - 76)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
To receive a report and draft letter for approval (to follow).

8. **Constitution (Revision) (Pages 77 - 80)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR

9. **Modern Planning Service (Pages 81 - 98)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR

10. **Planning and Building Control Fees and Charges Review (Pages 99 - 106)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR

11. **Enforcement Plan Adoption Report (Pages 107 - 112)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR

12. **Assignment of Strategic Safeguarding Lead and Member Champion (Pages 113 - 116)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
Report to follow.

13. **Elections - Appointment of Registration Officer and Returning Officer**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
Report to follow.

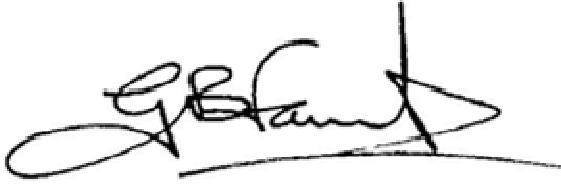
14. **Notices of Motion (Pages 117 - 118)**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
One notice of motion had been received at the time of publication of the agenda.

15. **Urgent Business**

Report of QUOTE \FIELD_AUTHOR\ * MERGEFORMAT FIELD_AUTHOR
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.

Yours sincerely

A handwritten signature in black ink, appearing to read "G. B. Smith". The signature is written in a cursive style with a prominent vertical stroke at the end. Below the signature is a horizontal line.

Chief Executive

Encs

26/03/15

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Minutes

Ordinary Council
Wednesday, 4th February, 2015

Attendance

Cllr Mrs Davies (Mayor)	Cllr Lloyd
Cllr Keeble (Deputy Mayor)	Cllr Mrs McKinlay
Cllr Aspinell	Cllr Morrissey
Cllr Baker	Cllr Mrs Murphy
Cllr Barrett	Cllr Mynott
Cllr Chilvers	Cllr Dr Naylor
Cllr Clark	Cllr Newberry
Cllr Cloke	Cllr Parker
Cllr Mrs Cohen	Cllr Quirk
Cllr Mrs Coe	Cllr Reed
Cllr Faragher	Cllr Russell
Cllr Mrs Hones	Cllr Ms Sanders
Cllr Hossack	Cllr Sapwell
Cllr Mrs Hubbard	Cllr Sleep
Cllr Kendall	Cllr Mrs Squirrell
Cllr Kerlake	Cllr Tee
Cllr Le-Surf	

Apologies

Cllr Carter	Cllr Hirst
Cllr Mrs Henwood	Cllr McCheyne

Officers Present

Ben Bix	Corporate and Democratic Services Manager
Jo-Anne Ireland	Acting Chief Executive
Chris Potter	Monitoring Officer & Head of Support Service
Jean Sharp	Governance and Member Support Officer

435. Apologies for Absence

Apologies were received from Cllrs Carter, Mrs Henwood, Hirst and McCheyne.

All present observed a minute's silence in tribute to Richard Harrison who died in January, having previously served as a ward councillor for Ingatestone, Fryerning and Mountnessing from 1992 until 2011.

436. Mayor's Announcements

The Mayor recounted some of the engagements she had undertaken since the 10 December 2014 Ordinary Council meeting.

437. Minutes of the previous meetings

RESOLVED to approve as a true record the minutes of the Ordinary Council meeting and the Extraordinary Council meeting both of which took place on 10 December 2014.

438. Questions from the Public

Two questions were received from Mrs Gearon-Simm, as follows:

1. *"Before Hutton Community Centre needed major refurbishment, why had the building been allowed to deteriorate so badly?"*

(NB This question was re-submitted since a formal response was not given at the 10.12.14 Council meeting):

Cllr Aspinell responded as follows:

"Since I have been in office I have understood more about Hutton Community Centre its problems, its future, its past and more than I needed to.

I believe the eye was taken off the ball and an eagerness to acquire Hutton Community Centre and in doing so some checks that should have happened were not completed and therefore there was no one in authority to stop or enforce and prevent the vandalism taking place. This is something I regret as a member of the council and the former lease have wholeheartedly apology that they were let down.

I cannot say for definite as I was not in the position to take authority".

2. *"Some tenants renting from private landlords in Brentwood are in receipt of Housing Benefit.*

How many of the properties in which these tenants live have been inspected by Brentwood Borough Council to find out if the properties are fit for purpose?"

In Cllr Carter's absence, Cllr Mrs Davies responded as follows:

“Environmental Health Services investigate complaints concerning living conditions from tenants living in the privately rented sector which could result in a property inspection to determine fitness for human habitation. If remedial action is necessary the landlord would be required to take action. The Essex Landlord Accreditation Scheme is being set up to promote and encourage landlords of privately rented homes to manage their properties to a high standard. We are expecting to be in a position to launch this scheme with private landlords in Spring 2015. Whether the tenant is in receipt of housing benefit is irrelevant to ensuring that their living conditions are of an acceptable standard and therefore this information is not recorded”.

3. Mrs Hickman submitted a question as follows:

“Hutton Community Centre, which was built by Hutton Community Association members, sits on land passed to Brentwood Borough Council by the Greater London Council in 1989.

Under the lease for the building, Brentwood Council were obliged to routinely inspect the Centre and issue any advisory notices to the Lessees covering maintenance work the authority considered to be required.

Can the Leader please advise how many inspections were undertaken by this authority from 1989 to date and can he please confirm that all documents relating to these inspections will be made available for public viewing”.

Cllr Lloyd read aloud Cllr Aspinell’s response, as follows:

“Thank you for your question. It refers to a lease dated 1989 but in fact that was a Deed of Variation dated 7th August 1989 in relation to an additional parcel of land adjoining the Hutton Community Centre, Brentwood for a proposed extension. It was supplemental to a lease dated 6th March 1974 between the Greater London Council and the trustees of Hutton Community Association. The Council is the successor in title to the former Greater London Council.

The lease dated 6th of March 1974 was for a term of 60 years from 24 June 1971 in respect of land at Harrison Close, Hutton and enabled the Lessor under clause 3(d) to view the condition of the property at all reasonable times and required the lessees under clause 3 (g) to yield up the premises “so well and sufficiently repaired” etc.

As far as can be ascertained an inspection by this Council took place on 3rd July 2012 which resulted in a condition report with costs and photographs being produced on 13th August 2012 and there are no written records for any other inspection.

It is confirmed that these documents relating to the inspection can and will be made available for public viewing”.

439. Memorials or Petitions

Cllr Aspinell submitted a petition to the Mayor relating to residents' opposition to the proposed closure of the post office in Harewood Road, Pilgrims Hatch.

440. Members' Questions on Chairs' Reports

Chairs' reports were before Members and no written questions had been received.

Oral questions were put and responded to by relevant Chairs.

441. Constitution Update

Members received a report to update them on the present review of the Constitution.

Under section 9P of the Local Government Act 2000 the Council was under a statutory duty to keep its Constitution under review so as to keep it up to date. This review was currently being undertaken by the Council's Monitoring Officer in conjunction with members of the Constitution Working Party.

Cllr Lloyd MOVED and Cllr Mynott SECONDED the recommendations in the report and following a discussion and a vote taken on a show of hands it was RESOLVED UNANIMOUSLY:

- 1. To note the progress made.**
- 2. That the Action Plan and Timetable be agreed, in principle.**

442. Appointment of an Interim Chief Executive and Designation as Head of Paid Service

The report before Members related to the proposal to appoint an Interim Chief Executive for Brentwood Borough Council and to designate an Officer of the Council as the Council's Head of Paid Service.

Cllr Aspinell MOVED and Cllr Lloyd SECONDED the recommendations within the report and the Motion was debated.

Cllr Mrs McKinlay MOVED and Cllr Parker SECONDED an AMENDMENT to the Motion. A vote was taken on a show of hands and the Motion was LOST.

Returning to the substantive Motion, Cllr Lloyd proposed the addition of the word 'Interim' which was agreed by Cllr Aspinell.

A vote was taken on a show of hands and it was RESOLVED:

1. To approve the interim appointment of Graham Farrant as Chief Executive and designate Graham Farrant as the Head of Paid Service with effect on and from 1 March 2015, shared with Thurrock Council.

2. To note that Jo-Anne Ireland will return to her substantive role as Director of Strategy and Corporate Services on and from 1 March 2015.

(During the discussion, Cllr Kendall declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being a member of Essex County Council).

443. Pay Policy 2015/16

The report before Members related to the proposed Pay Policy 2015/16 which was appended to the report for Members' consideration. In accordance with Section 38(1) of the Localism Act 2011 the Council needed to approve the Pay Policy annually.

Cllr Aspinell MOVED and Cllr Lloyd SECONDED and it was RESOLVED UNANIMOUSLY to agree the 2015/16 Pay Policy Statement as set out in Appendix A to the report.

444. Appointment of Electoral Registration Officer, Deputy Electoral Registration Officer and Returning Officer

Members were reminded that the Council must appoint named individuals to the roles of the Electoral Registration Officer, Deputy Electoral Registration Officer and Returning Officer.

The report before Members was to confirm and make the appointments to these roles.

Cllr Aspinell MOVED and Cllr Lloyd SECONDED the recommendations within the report and it was RESOLVED UNANIMOUSLY that:

1. Jo-Anne Christine Ireland be confirmed and appointed as the Registration Officer under section 8 of the Representation of the People Act 1983.

2. Carole Yvette Tatton-Bennett be confirmed and appointed as the Deputy Registration Officer under section 52(2) of the Representation of the People Act 1983.

3. Jo-Anne Christine Ireland be confirmed and appointed as the Returning Officer under section 35 of the Representation of the People Act 1983.

445. Notices of Motion

Three Notices of Motion had been submitted in accordance with the Council's procedure rules.

Cllr Kendall submitted the following motion:

1. "Brentwood Borough Council seeks to reverse the impact of Essex County Council's Part Night Street lighting policy within the Brentwood Borough by requesting that Essex County Council finds the sum of £63,000 per annum (identified by Essex County Council as the amount saved by the night time switch off of the Borough's lights) to enable the Brentwood street lights to remain on all night.

This Council believes that the safety of Brentwood pedestrians, motorists and residents living in fear of crime need to come first and calls on the County Council to get our streets lights back on as quickly as possible.

This Council also calls on Essex County Council to ensure that the Brentwood Borough is included in the next phase of LED lighting that is going to be rolled out across the County".

Cllr Aspinell SECONDED the Motion and following a full discussion a recorded vote was requested in accordance with Rule 9.5 of the Council's Procedure Rules. Members voted as follows:

FOR: Cllrs Aspinell, Baker, Barrett, Chilvers, Clark, Cloke, Mrs Coe, Mrs Cohen, Mrs Davies, Mrs Hones, Hossack, Mrs Hubbard, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mrs Murphy, Mynott, Newberry, Quirk, Russell, Ms Sanders, Sapwell, Sleep, Mrs Squirrell and Tee (27)

AGAINST: Cllrs Faragher, Kerslake, Mrs McKinlay, Dr Naylor, Parker and Reed (6)

ABSTAIN: (0)

The MOTION was CARRIED.

Cllr Kendall submitted the following motion:

2. *“Brentwood Borough Council is very concerned to hear that the Mid Essex Clinical Commissioning Group (MECCG) has decided to close the Walk in Medical Centre at Springfield in Chelmsford. This Centre whilst not in our Borough has been extremely well used by residents from the mid Essex area including some from Brentwood. The closure of this Centre will only result in more patients having to use the Accident & Emergency Department at Broomfield Hospital which is exactly what the walk in Medical Centre was designed to avoid. With this increase in the number of people visiting the Broomfield Hospital site including a number from Brentwood this Council calls for an assurance that there will be adequate healthcare capacity available, improved parking provision and a full review of car parking charges with a view to them being reduced’.*

The Council therefore requests that the Acting Chief Executive writes to the MECCG expressing our concerns about the closure of the Walk in Medical Centre and asks for an urgent response on the health capacity and car parking issues”.

Cllr Mrs Hubbard SECONDED the Motion and following a full discussion a vote was taken on a show of hands and the Motion was CARRIED.

Cllr Aspinell submitted the following motion:

3. *“That in order to protect the environment, this Council seeks clarity on all applications involving construction traffic and new or improved accesses for development so as to secure reinstatement of any damaged highway or public realm surface areas, including photographic surveys prior to development , and work with the County Council to promote a local Code of Practice to advise developers and their subcontractors which can be incorporated into standard conditions where appropriate”.*

Cllr Baker SECONDED the Motion and following a discussion a vote was taken on a show of hands and the Motion was CARRIED.

446. Urgent Business

There were no items of urgent business.

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Minutes

Ordinary Council Wednesday, 4th March, 2015

Attendance

Cllr Mrs Davies (Mayor)	Cllr Le-Surf
Cllr Keeble (Deputy Mayor)	Cllr Lloyd
Cllr Aspinell	Cllr McCheyne
Cllr Baker	Cllr Mrs McKinlay
Cllr Barrett	Cllr Morrissey
Cllr Carter	Cllr Mrs Murphy
Cllr Chilvers	Cllr Mynott
Cllr Clark	Cllr Dr Naylor
Cllr Cloke	Cllr Newberry
Cllr Mrs Cohen	Cllr Parker
Cllr Mrs Coe	Cllr Quirk
Cllr Mrs Henwood	Cllr Reed
Cllr Hirst	Cllr Russell
Cllr Mrs Hones	Cllr Ms Sanders
Cllr Hossack	Cllr Sapwell
Cllr Mrs Hubbard	Cllr Sleep
Cllr Kendall	Cllr Mrs Squirrel
Cllr Kerlake	Cllr Tee

Apologies

Cllr Faragher

Officers Present

Ashley Culverwell	Head of Borough Health Safety and Localism
Graham Farrant	Chief Executive
Gordon Glenday	Head of Planning & Development
Chris Leslie	Financial Services Manager
Roy Ormsby	Head of Street Scene
John Parling	Strategic Asset Manager
Chris Potter	Monitoring Officer & Head of Support Service
Phil Ruck	Contract & Corporate Projects Manager
Jean Sharp	Governance and Member Support Officer
Steve Summers	Head of Customer Services

476. Apologies for Absence

Apologies were received from Cllr Faragher.

The Mayor introduced the Council's new Chief Executive, Graham Farrant. Mr Farrant advised Members that Ms Ireland, Director of Strategy and Corporate Services and Section 151 Officer, had brought forward her date of resignation to 4 March 2015.

477. Variation in the order of the agenda

At the request of Cllr Mrs McKinlay, the Mayor proposed and it was **RESOLVED** that Item 6 – Council Tax 2015/16 - be considered as the first item of business.

478. Council Tax 2015/16

Members were reminded that the Council was the billing authority for the Borough of Brentwood and was required to set a Council Tax that would not only cover its own requirements, but also those of Essex County Council, Police and Crime Commissioner, Fire Authority and the Parish Councils.

The precept requirements for 2015/16 were:-

	2014/15 £	2015/16 £
Brentwood Borough Council	5,194,416	5,238,503
Essex County Council	33,573,402	33,858,348
Police and Crime Commissioner	4,456,991	4,584,546
Fire Authority	2,051,940	2,069,354
Parishes	301,626	361,474

A schedule of the Parish Precepts was attached to the report.

Cllr Lloyd MOVED and Cllr Aspinell SECONDED the recommendations in the report and it was RESOLVED UNANIMOUSLY that:

- 1. The Council approve the formal Council Tax resolution contained in Appendix 1 to the report.**
- 2. It be noted that for the year 2015/16 Essex County Council, Essex Police and Crime Commissioner and Essex Fire Authority had stated the following in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 ("the Act") for each of the categories of dwellings (valuation band) shown below:**

Valuation Band	Essex County Council £	Essex Police and Crime Commissioner £	Essex Fire Authority £
A	724.50	98.10	44.28
B	845.25	114.45	51.66
C	966.00	130.80	59.04
D	1,086.75	147.15	66.42
E	1,328.25	179.85	81.18
F	1,569.75	212.55	95.94
G	1,811.25	245.25	110.70
H	2,173.50	294.30	132.84

3. That having calculated the aggregate in each case of the amounts calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands and the amounts in 2.2 above, the Council, in accordance with Section 40 of the Act, hereby sets the amounts below as the amounts of Council Tax for the year 2015/16 for each of the categories of dwellings shown:

	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Blackmore	999.64	1,166.25	1,332.86	1,499.46	1,832.67	2,165.89	2,499.10	2,998.92
Doddinghurst	1,009.12	1,177.32	1,345.50	1,513.69	1,850.06	2,186.44	2,522.81	3,027.38
Herongate	1,001.64	1,168.58	1,335.52	1,502.46	1,836.34	2,170.22	2,504.10	3,004.92
Ingatestone and Fryerning	1,018.97	1,188.81	1,358.63	1,528.46	1,868.11	2,207.78	2,547.43	3,056.92
Kelvedon	998.32	1,164.71	1,331.10	1,497.48	1,830.25	2,163.03	2,495.80	2,994.96
Mountnessing	1,002.05	1,169.07	1,336.07	1,503.08	1,837.09	2,171.12	2,505.13	3,006.16
Navestock	996.97	1,163.14	1,329.30	1,495.46	1,827.78	2,160.11	2,492.43	2,990.92
Stondon Massey	1,002.30	1,169.36	1,336.41	1,503.46	1,837.56	2,171.67	2,505.76	3,006.92
West Horndon	1,012.20	1,180.90	1,349.60	1,518.30	1,855.70	2,193.10	2,530.50	3,036.60
Unparished	978.97	1,142.14	1,305.30	1,468.46	1,794.78	2,121.11	2,447.43	2,936.92

REASON FOR DECISION

The Council had a legal requirement to set the Council Tax for its area by 11 March 2015.

479. Medium Term Financial Plan (General Fund) 2015/16 - 2017/18, Treasury Management Strategy Statement 2015/16 and Capital Programme 2015/16 - 2017/18

The Mayor proposed that item 2 – Medium Term Financial Plan (General fund) 2015/16 – 2017/18, item 4 – Treasury Management Strategy Statement 2015/16 and item 5 – Capital Programme 2015/16 – 2017/18 be considered en bloc.

Cllr Mrs McKinlay advised that a figure included in the Conservative Group's proposed amendment to the Medium Term Financial Plan (General Fund) 2015/16 – 2017/18 had been validated on several occasions by the Section 151 Officer (Ms Ireland) but had been subsequently identified as an error shortly before the deadline for submission of amendments.

The Section 151 officer present (Mr Leslie) advised that figures included within the reports before Members were robust and fit for Members to make a decision.

Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED that items 2-5 be deferred to a future meeting to allow an independent assessment to take place of the figures in the reports before Members.

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

Cllr Mrs McKinlay advised that the Conservative Group's proposed amendment, which had been circulated to Members, would not be put forward.

Cllr Lloyd MOVED and Cllr Aspinell SECONDED the recommendations in items 2, 4 and 5 en bloc and following a full discussion, in accordance with Rule 9.6 of the Council's procedure rules, a recorded vote was taken since the decision related to the budget.

Cllr Cloke left the Chamber during voting.

For: Cllrs Aspinell, Baker, Barrett, Carter, Chilvers, Clark, Mrs Cohen, Mrs Davies, Mrs Hubbard, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Newberry, Quirk, Sapwell, and Mrs Squirrell (19)

Against: Cllrs Mrs Coe, Mrs Henwood, Hirst, Mrs Hones, Hossack, Kerlake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker, Reed, Russell, Ms Sanders, Sleep and Tee (16)

Abstain: 0

The MOTION was CARRIED and it was RESOLVED as follows:

In relation to Item 2 - Medium Term Financial Plan (General Fund) 2015/16 – 2017/18: the report set out the key financial management principles and budget assumptions which were used as the framework for the detailed budget setting process. This would ensure that the Council's resources were managed effectively to meet its statutory responsibilities and delivered the priorities of the Council over the medium term.

RESOLVED:

- 1. To note the key assumptions that underpin the Medium Term Financial Plan and the associated risks.**
- 2. To note the projected outturn of an estimated deficit of £17,000 for 2014/15.**
- 3. To approve the spending requirement for 2015/16 as shown in the table at para 4.38 which includes:**
 - 3.1 The sum of £163,850 for new developments**
 - 3.2 The sum of £545,000 for anticipated savings**
 - 3.3 The sum of £361,634 to be taken from the Working Balance**
 - 3.4 The sum of £350,000 to be earmarked for the WHW Development.**
- 4. To approve the Section 151 Officer's Assurance Statement on the robustness of the estimates and adequacy of the reserves.**
- 5. That regular reports are presented to Finance & Resources Committee on the progress on delivery of the savings.**

REASON FOR DECISION:

To ensure the Council's resources were managed effectively to meet its statutory responsibilities and deliver the priorities of the Council over the medium term.

In relation to Item 4 – Treasury Management Strategy Statement 2015/16 which also outlined associated Prudential Indicators, it was RESOLVED:

- 1. That the Treasury Management Strategy and Prudential Indicators for 2015/16 – 2017/18 be approved.**
- 2. That the Minimum Revenue Provision (MRP) Statement be approved.**

- 3. That the framework and criteria for determining counterparties and the Schedule of Approved Bodies for Investment be approved.**

REASON FOR DECISION

The Local Government Act 2003 required the Council to adopt the CIPFA Prudential Code and produce Prudential Indicators.

In relation to Item 5 – Capital Programme 2015/16 – 2017/18 the report regarding which considered the Capital Programme and supporting strategy for the period 2015/16 - 2017/18 it was RESOLVED:

- 1. To approve the proposed Capital Programme and funding totalling £21.5 million, for 2015/16 – 2017/18.**

REASON FOR DECISION

The Council was required to approve the Capital Programme as part of the Budget and Policy Framework.

480. Medium Term Financial Plan (Housing Revenue Account) 2015/16 - 2017/18

The report before Members considered the Medium Term Housing Revenue Account (HRA) budget.

The report included results of the tenant consultation, the consideration of the Housing and Health Committee and the recommendation of the Finance and Resource Committee concerning the proposed level of rent increase for 2015/16.

Cllr Carter MOVED and Cllr Mrs Davies SECONDED the recommendations within the report and officers and Tenants Talkback were thanked for their assistance and support in preparation of the Medium Term HRA Budget.

Following a discussion, a vote was taken on a show of hands and it was RESOLVED:

- 1. That the Council approves a level of rent increase for 2015/16 based on the Government formula of CPI + 1% per week, for all rents as detailed in the report.**
- 2. That the Council agrees to freeze the proposed Service Charges for 2015/16 for tenants, however any decrease to service charges, will be passed onto the tenant.**

3. **That the Council agrees that Leaseholder Service Charges be calculated in line with the current reconciliation policy.**
4. **That the Council agrees to applying the formula rent to all new tenancies from April 2015/16.**
5. **To approve the Section 151 Officer's Assurance Statement on the robustness of the estimates and adequacy of the reserves.**

REASON FOR DECISION

1. Effective financial management underpinned all of the priorities for the Council.
2. The Council was required to compile a budget which collated all the income and expenditure relating to the Council's housing stock. The Council was also required to agree the rent levels and notify tenants of any increases.

481. Urgent Business

There were no items of urgent business.

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24 March 2015

Ordinary Council

Questions from the Public

Report of: *Graham Farrant – Chief Executive*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 In accordance with the Council's Constitution, a member of the public resident within the Borough may ask a maximum of two questions relating to the business of the Council providing notice has been received by 10.00am two working days before the relevant meeting.
- 1.2 If the person wishing to ask the question is not present at the meeting when the item is called the question(s) will be deleted from the list of questions to be asked.
- 1.3 Every question asked pursuant to rule 11.1 of the Constitution shall be put and answered without discussion but the Member to whom the question has been put may decline to answer. An answer may take the form of a direct oral answer at the Council meeting or where there has been insufficient time to research an answer, a written answer will be sent to the questioner.
- 1.4 At the time of publication of the agenda no questions had been received from members of the public.

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24 March 2015

Ordinary Council

Members' Questions on Chairs' Reports

Report of: Graham Farrant – Chief Executive

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility is included in this agenda.
- 1.2 Any Member may ask a Chair a written or oral question 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.
- 1.3 The period allowed for Chairs' reports, written and oral questions and answers will not exceed 60 minutes without leave of the Mayor.

2. Appendices to this report

Appendix A – Chairs' reports (to follow)

Report Author Contact Details:

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Report to the Council 24 March 2015

Committee: Asset & Enterprise Committee

Chair: Cllr Russell Quirk

Since the last Council there have been two meetings of the Asset & Enterprise Committee, 21 January 2015 and 18 February 2015, and a number of key decisions have been made and action undertaken.

The Committee discussed or were updated and action has been undertaken on the following issues:

- Terms have been agreed for the conditional sale of Hallsford Bridge.
- The contracted developer of Bell Mead has submitted a planning application for the provision of 14 residential units 5 of which are to be affordable units.
- A Report was presented to the Committee on the Asset Management Strategy. Action Plan Update.
- The rent review at Harewood Road has been settled and arrears recovered
- Westbury Road car park and the Multi Storey Car Park are now subject to reviews to determine what more valuable uses the assets could be put to.
- The refurbishment and letting of two vacant cemetery lodges to the private rented sector has been progress, 5 London Road has now been let and the refurbishment of the other lodge will be completed shortly.
- An exercise to seek expressions of interest from community groups interested in running Hutton Community Centre has been undertaken and a group has been identified as the preferred provider.
- Work to refurbish and subdivide Old House to provide 5/6 residential units has been progressed. Invitations to tender for the works are to invited week commencing 23 March 2015

Report to Ordinary Council - 24 March 2015

Committee: Audit & Scrutiny Committee

Chair: Councillor Graeme Clark

The Audit and Scrutiny Committee met on 9 March 2015. Task and Finish Groups continued to deliver the Scrutiny work programme.

Audit

Audit Plan 2014/15: The Plan summarised the initial assessment of the key risks driving the development of an effective audit for the Council and outlined the planned audit strategy in response to any risks.

Internal Audit Plan 2014/17: The Committee approved the Internal Audit Plan for 2014/17 and the Operational Plan for 2015/16.

Internal Audit Progress Report: The Committee noted the progress on the implementation of internal audit recommendations.

Internal Audit Charter: The Committee approved the Internal Audit Charter for 2015/16.

Scrutiny

Call-in of decision 458 of the Asset and Enterprise Committee 18 February 2015, Hutton Community Centre – New Lease

A call-in complying with the requirements set out in Part 4.4 of the Council's Constitution, was received within the permitted timescale following the publication of decision 458 of the Asset and Enterprise Committee. The Asset and Enterprise Committee had resolved that delegated authority be granted to the Strategic Asset Manager after consultation with the Chair of the Asset and Enterprise Committee to negotiate and enter into a lease of the Hutton Community Centre with Essex Boys and Girls Clubs.

The Committee, having followed Overview and Scrutiny Procedure Rules 10 -14 in full, resolved that the decision 458 of the Asset and Enterprise Committee 18 February 2015 be implemented without further delay.

Scrutiny Work Programme: The Committee agreed to amend its work programme for 2015/16, following two referrals under Regulation 6 of the Local Authorities (Committee System) (England) Regulations 2012 to include officer reports on a) the Appointment of an Interim Chief Executive and Designation as Head of Paid Service and b) the Revenues and Benefits – Shared Services Partnership. Further, the Committee agreed

c) to establish a task and finish group to consider Member engagement with the press with regard to the Member Code of Conduct and the reputation of the Council; and d) the withdrawal of the Brentwood Committee Transport item.

The Chair and Vice Chair would like to thank all Members and Officers who worked on task and finish groups throughout the year.

Report to Ordinary Council – 24 March 2015

Committee: Business and Town Centres Committee

Chair: Councillor David Kendall

A Task and Finish Group has met to develop a proposal for the second stage to complete the *Brentwood Business Directory*. This is being presented at the Business & Town Centres Committee on 26 March 2015. The preferred option is to purchase the remaining data records from external supplier and then undertake a telemarketing exercise in-house utilizing the Borough Council's Customer Contact Team.

The Directory will assist us to understand who our businesses are so that we can engage, support and communicate with them effectively to support their growth and development.

Following agreement at the 23 February Business and Town Centres Committee, a Working Group held its first meeting on the 16th March to consider and discuss developing a Borough *Car Parking Strategy*.

The first ever *Brentwood Borough Business Speednetworking event* was held successfully on the 18 March 2015 at De Rougemont Manor attracting nearly 60 businesses. Workshops were also provided on how to recruit an apprentice, and presentations made by Essex County Council on their apprenticeships scheme and from UKTI on export advice. An evaluation of the event and its impact on businesses will be reported at the 26 March 2015 Business & Town Centres Committee.

A free business briefing on *Business Planning – Making your Business Grow*, was held on 25 February 2015 9am to 12.30pm at The Town Hall, Brentwood. This was the second in a series of free briefings planned in partnership with Pro-Actions Ltd, business coaching experts. The briefing outlined the steps that businesses can take to make business planning effective for them and provided an opportunity for networking. The event also provided an opportunity to introduce Brentwood Borough Council's Economic Development Team and our work to support businesses and key priorities. The marketing of the event was supported by the Council's business directory and was attended by 16 businesses. From the 13 evaluation sheets all attendees rated the event as very good or excellent. 100% rated the content, presentation and delivery as very good or excellent. All attendees expressed an interest in one or more of the future events that we are planning and 12 of the 13 businesses providing feedback stated that the briefing would be helpful for the future of their business.

The first edition of the *Brentwood Borough Council Business E-Newsletter* was issued on the 26 February 2015. This is an online newsletter that will be produced by the ED

Team on an adhoc basis when there is significant news and information on business support events and projects that we wish to communicate to businesses. The newsletter was sent out to the 1186 businesses with email on the Brentwood Business Directory and to key business groups and partners. It includes information on the Brentwood Business Speed Networking Event, the Get Your Business Online for Free Event, Essex Means Business: Project Europe Conference, Free Mentoring & Training for Start-Up SMEs in the Tourism and Hospitality Sector and Digital Skills for Growth Programme. The newsletter includes a link for businesses to provide their feedback and ideas for future editions and an opportunity to register to be included on the Brentwood Business Directory. This feedback will be monitored by the ED team and appropriate action taken. As the Business Directory grows the reach of the newsletter will extend.

Firebreak

A Young Persons Firebreak course took place the week commencing 23rd March. The project continues to be one the most effective projects the Community Safety team commission for young people. The project which works with 12 young people helps to build confidence, promote team work and to help the young people learn new skills.

Youth Conference

A Youth Conference took place on 18th March at Doddinghurst Road Church. Year 9 pupils from local schools had the opportunity to take part in a fantastic day where they received presentations from Essex Police on topics such as internet safety, crime and sexual exploitation. They also heard from Essex County Fire & Rescue Service of fire safety. In the afternoon they saw a play about alcohol and drugs which was followed by workshops. The day closed with a talk from an ex gang member and drug addict and how his actions impacted on him, his family, the public and victims.

Community Safety Partnership Newsletter

Each edition of the newsletter will be released after every Community Safety Partnership Strategy Panel Meeting. The next meeting is scheduled to take place Friday 27th March. The newsletter covers key items from the meeting as well as everything the Community Safety Partnership are doing in Brentwood.

Community Safety Commissioning Plan 15/16

The Community Safety Commissioning Plan 15/16 is going to Business & Town Centre Committee Thursday 26th March for approval.

Keep Safe

Essex Keep Safe day is 19th June 2015, the Community Safety Partnership and other partners will continue to promote Keep Safe scheme in Brentwood and hold a 'year on' event. They will also be expanding the project to cover Shenfield at a separate event the same week. Over 400 local residents have signed up to the scheme so far.

Senior Safety Road Shows

There has been 3 Senior Safety Road shows this year, with more road shows to take place over the next few months. The plan is to visit existing local groups, sheltered schemes, Parish Councils and provide crime prevention and safety advice.

Door Chain Project

The Community Safety Partnership (CSP) Door Chain Project launched in October is going from strength to strength with nearly 50 door chains fitted to vulnerable elderly resident's homes free of charge so far. Feedback received has been fantastic with an 80% return rate and 100% satisfaction. The CSP along with partners MenShed are in discussion and have received funding to install more door chains and possibly install sensor lights to some of the more vulnerable residents.

CCTV Upgrade

We are currently completing a major upgrade to the CCTV control room which has replaced the old storage system for CCTV data installed in 2007. The new platform is an Avigilon system incorporating storage and operating software which has been supplied and installed by a local company. The system will enable us to add new high definition megapixel cameras into the CCTV network in key locations including Brentwood High Street, Shenfield town centre and Brentwood rail station and will improve the quality of recorded images from our existing camera network provided as evidence to the Police to help to detect crime incidents in the areas covered by CCTV. We are also currently working to transfer CCTV images from the multi-storey car park in Coptfold Road to the Town Hall CCTV centre to improve efficiency and security for the car park outside normal operating hours.

Report to Ordinary Council – 24 March 2015

Committee: Community Services Committee

Chair: Councillor Karen Chilvers

First Aid Mental Health Training

The two day First Aid Mental Health training was undertaken by Members, Officers and volunteers on the 4 and 11 March. Cllr Barrett was the Member representative for the Council.

Safeguarding

As part of the safeguarding action plan, basic staff awareness training is being rolled out week beginning 23 March 2015. Separate Member awareness training will be rolled out in June after the elections.

Ward Budgets

Members have supported a huge variety of local initiatives through the ward budget process which closed on 15 March. Total spent was £46,647.76

Commissioning Prospectus

The Citizens Advice Bureau, Brentwood Community Transport and Brentwood Council for Voluntary Services were the successful as part of the tendering process to provide the following services to support the Council's priorities

- The provision of a free, confidential, debt management, housing needs and welfare benefits advice service for Brentwood Borough residents
- The coordination of a Community transport provision for Brentwood Borough
- The provision of a coordinated framework which will support Brentwood's voluntary and community sector organisations

Community Event Programme for 2015

The Council's Community Event programme has been set for 2015/16 and will include 7 Family Fun Days, Strawberry Fair, Heritage and Cultural Festival, Lighting Up Brentwood and Shenfield Christmas Fayre

Report to Ordinary Council – 24 March 2015

Committee: Environment Committee

Chair: Councillor William Lloyd

Parks Management

Four management plans were presented to the Committee, which included; King George's Playing Fields, Hutton Recreation Ground, Warley Playing Fields, and Bishops Hall Park. These are detailed plans and identify the issues that need to be addressed over the next few years. This is being discussed further with Thames Chase, and it is hoped that bids can be made through them to fund some of the work required.

West Horndon Park

A bid was received from West Horndon Parish Council for additional funding for the maintenance of the park. The Council have been providing £3,300 for a number of years, but it was agreed that this should cease from April 2016 to ensure there is consistency with funding for Parish Councils.

The Council will also provide the £14,099, which is in a holding account, to enable the Parish Council to carry out additional work as they wish.

Recycling Contract

The Council has just been through a joint tender process with; Basildon, Rochford and Uttlesford, for our recycling contract. The market is in a depressed state, and the best offer means that the Council will have a net loss of £85 per tone. This will put an additional £300,000 pressure on the budget for 2015/16.

Although there was a feeling within the industry that there would be a reduction it was not felt it would be to this extent. The net loss will be approximately £520,000, with £250,000 put in the 2015/16 budget. There was also an estimate of an additional £45,000 in income from the current contract in the first quarter of 15/16, which will now not be achieved. The total net pressure on the 2015/16 budget will therefore be £300,000.

Thames Chase/Shenfield Conservators

There will be ongoing work with the groups, and it is felt that some of the budget for Thames Chase can be redirected to the Conservators. This will assist with important environmental work, but all will be done through partnership arrangements between the organizations and the Council.

Report to Ordinary Council - 24 March 2015

Committee: Finance and Resources Committee

Chair: Councillor Barry Aspinell

Further to the Committee's meeting on 11 February 2015 the following items were debated and their decisions noted below;

Performance Indicators - Third Quarter 2014-15

It was agreed that key strategic performance indicators for 2014/15 would be reviewed focusing on monitoring the delivery of the Council's Corporate Plan and service plans. These were reviewed by CLB on a quarterly basis and reported to Members by exception.

The key Strategic indicators were to be measured annually and would involve a customer satisfaction survey to gauge how residents and businesses rated the Council's performance.

The report before Members detailed the Operational Performance Indicators agreed for 2014/15 and gave performance details for the third quarter of 2014/15.

Members agreed the following:

1. The Committee notes the Operational Performance Indicators for 2014/15;
2. The Committee notes the performance and contextual information against the Third Quarter Key Performance Indicators 2014/15.

Medium Term Financial Plan Proposals

At its meeting on 14 January 2015, the Finance and Resources Committee received information on initial funding and proposals for the Medium Term Financial Plan (MTFP). In accordance with the Budget and Policy Framework, these initial proposals were presented to Audit & Scrutiny for their consideration. The report before Members considered and responded to the feedback from Audit & Scrutiny.

The report also updated the figures for changes made since January which were a direct result of the on-going work by the Finance Team to review and refine the MTFP figures.

Members agreed the following:

1. Members note the updated position of the MTFP;

2. An outline Strategy be prepared to support final budget proposals to Council, which provides information on how the funding gaps will be addressed;
3. Finance and Resources support the proposal from Audit & Scrutiny for them to commence their Budget Review work in September to include a service review of existing budgets;
4. Members consider the financial position of the Council when proposing a level of Council Tax for 2015/16.

Rent Setting and Service Charges

The report before Members considered the proposed new rent levels for 2015/16, together with the service charge proposals for tenants and leaseholders;

The report included the consideration of the Housing and Health Committee with regards to the proposed rent levels for 2015/16, and sought the recommendations of the Finance and Resource Committee to Ordinary Council on 4th March 2015.

Members agreed the following:

1. Members agree to increase Rent to CPI plus 1% from April 2015;
2. Members agree to freeze the proposed Service Charges for 2015/16 for tenants, however any decrease to service charges will be passed onto the tenant;
3. Members agree that Leaseholder Service Charges be calculated in line with the current reconciliation policy;
4. Members agree to apply the formula rent to all new tenancies from April 2015/16.

Equality Duty

Members were reminded that a report was presented to Overview and Scrutiny Committee on 29 February 2012 which set out the new Equality Act 2010 and the implications for Brentwood Borough Council (BBC). The Borough Council had a duty to comply with the Equality Act 2010 as part of the Public Sector Duty.

The report before Members provided an update on this previous report about how the Council was currently complying with the Equality Act and also set out how BBC would look to meet its Equality Objectives which were set out in Appendix B of the report.

Members agreed the following:

1. Note the updated report on how the Council is currently complying with the Equality Act in Appendix A to the report;
2. Officers develop an action plan by April 2015 to ensure the Council meets its Public Sector Equality and Diversity Objectives in Appendix B to the report.

Revenues and Benefits - Shared Service Partnership

Members were reminded that, as outlined in the 'New Ways of Working' business case presented to Members in February 2013, it was agreed that efficiency reviews of Council services would be considered. As part of this initiative officers had been investigating a number of options for the improvement and delivery of the Revenues & Benefits Service at reduced cost.

It was anticipated that the introduction of Universal Credit would generate savings for the Council and change working structures and practices. However, there had been a number of problems with the implementation of Universal Credit and whilst this was now due to be introduced in Essex from March 2015 on a small scale, there was no definite timescale for full implementation.

The options for the transformation of the Revenue & Benefits service had included exploring internal in house transformation, sharing the service delivery with neighboring Councils and outsourcing.

Following consideration of the above options officers had recognised that the shared service model could engender both savings and improved service delivery in the short to medium term.

Members agreed the following:

1. Delegated authority be given to the Section 151 Officer to sign the Revenues & Benefits Shared Services Partnership Agreement between Brentwood Borough Council and Basildon Borough Council.
2. Approval be given for funding of £146k to implement this shared service arrangement as set out in 4.12 of the report with a 3 year pay back period.
3. A review of the Revenues & Benefits Shared Services Partnership be undertaken by the Audit & Scrutiny Committee 12 months after the agreement comes into effect.

Report to the Ordinary Council 24 March 2015

Committee: Housing and Health

Chair: Councillor Ross Carter

Garage Development Sites

As part of the Affordable Housing Strategy and following the recommendation of Committee on the 5th November 2014 an initiative to identify the potential redevelopment of garage sites that provide opportunities for new Affordable Housing is being implemented; garage sites across the Borough are often underused and hard to let. Three sites have been identified that, subject to surveys of utilities, provide opportunities for redevelopment. These sites will potentially provide twelve new homes at a cost of £1.64m.

These sites are being reviewed for development potential by Housing Services, Planning Services and Asset Management with an appropriate development vehicle and funding model in the process of being formulated. There is cross party support for developing affordable housing on garage sites. Ward members have been consulted as part of this process to allow for an outline planning application to be drafted for submission to Planning Services in March/April 2015. Any garage tenants who will be affected by this scheme will be consulted accordingly.

Essex Landlord Accreditation Scheme (ELAS)

On the 5th November 2014 the Housing & Health Committee approved and confirmed that Brentwood Council would join the ELAS scheme. We are currently awaiting the final contract to be drawn up by Blue watch for signature, before proceeding with operational implementation. The Chief Fire Officers Association ('CFOA') 'Bluewatch', as the provider of the service to ELAS, has now setup the portal website for landlords to join the scheme. Currently the active consortium includes: Chelmsford, Colchester, Uttlesford, Tendring, Braintree, Epping Forest and Maldon. We are currently waiting for the Local Authorities in the scheme to agree a launch date.

The ELAS scheme is being set up to promote and encourage landlords of privately rented homes to manage their properties to a high standard. It has been identified that evictions from the private sector is our highest reason for people presenting to the Council as being homeless. The housing department is keen to develop good working relationships with private landlords.

A Private Landlords Forum is being booked for the end of May 2015 to discuss ELAS and a deliver a training session on good practice with ending tenancies.

Armed Forces Charter

Approval was granted to develop the Armed Forces Charter at Housing & Health Committee on the 7 January 2015.

Two Housing Officers have been tasked to lead the above initiative and to provide a specialist point of contact for Armed Forces housing advice applicants. A key component of this initiative is to provide time-critical advice and support, maintaining a core service commitment of a personal advice session being offered within seven days of first contact, either at the Town Hall or via a home visit as may be required.

To further develop the armed forces provision a bespoke Armed Forces housing advice handbook is being drafted, to provide relevant applicants with a single information gateway through which they can effectively access Council services. This will be made available in both paper and e-formats. It will also provide a focused signposting pathway to allow more effective access to partner agency services.

As part of this initiative we are now also part of the Essex Civilian Military Partnership Board which includes a number of other Local Authorities, Military Services, Mental Health Foundation Partnership Trust, Essex County Council and Business & Active Essex and it is anticipated that the Partnership Board will continue to include new partners in the future such as Education Authorities, National Health Trust and private enterprise.

A meeting of the Partnership Board was held on the 18th March 2015, where it was identified that the key areas of concern are Housing, Health, Education and Employment and will be the focus for all partners in addressing. As part of this commitment we have also committed to the VIP Tree portal concept which will allow service veterans to register in order to access services and support available under the Community and Corporate Covenants. It is likely that there will be significant marketing of this portal as this will be the first in the Country to go live, marketing will be county wide and is likely to include television, radio, local press, and other social network feeds.

Brentwood tops for food safety again!

For the second year running, Brentwood Borough Council is delighted to be recognised again as second in the UK and the best in Essex when it comes to taking food safety seriously.

According to an investigation carried out by the national consumer organisation, Which?, residents and visitors are better informed when eating out in Brentwood, thanks to the borough being in the top ten authorities for food hygiene enforcement. They looked at 398 local authorities in the UK and, using the latest data submitted to the Food Standards Agency (FSA), ranked how they are performing on food safety enforcement.

Food Hygiene Ratings are part of a national scheme developed by the Food Standards Agency (FSA). The ratings scheme showcases food hygiene inspection results for food businesses across the borough. Food outlets are given a sticker and certificate to show their rating, and scores are available for anyone to view online.

The rating scheme where '5' is 'Very Good' and '0' is 'Urgent Improvement Necessary', is used for each food premises to provide information on food hygiene standards, to help people to choose where to eat out or shop for food. The ratings are based on information gathered during routine food hygiene inspections carried out by Environmental Health Officers to ensure they meet the legal requirements on food hygiene.

Credit must be given to our food businesses as this is their success too and they should be congratulated for the effort they make to help build confidence in eating out which encourages economic prosperity in the Borough. For the Council, It is great to get recognition from an independent organisation for the second year running that highlights we work hard with the resources we have to ensure that food sold in the Borough is safe and fit to eat by our residents and visitors. We've achieved this through investing in our businesses by giving them the support they need. We successfully accessed grant funding from the Food Standards Agency which has allowed us to provide training to catering businesses at no extra cost to council taxpayers. We also run regular food hygiene courses for local food businesses and these courses have a high pass rate. Over the years we have developed a strong professional relationship with our traders built on trust and expertise. They are encouraged to actively come to us for advice and support, which is what we are here for".

For more information on food outlets in Brentwood visit www.brentwood.gov.uk/food or www.food.gov.uk/ratings

Report to Ordinary Council - 24 March 2015

Committee: Licensing Committee

Chairperson: Councillor Gareth Barrett

Following the approach to Parish Councils as previously reported, there have been no notifications of interest in holding a market received to date. The deadline given for responses was 31 March 2015 and therefore there is still an opportunity for parishes to explore this opportunity should they wish to. Ward Councillors are respectfully reminded that they too may submit an expression of interest in which respect the licensing team will be pleased to assist or to answer any specific questions.

The cross party task and finish group to consider the future structure and process relating to the setting of taxi fares and the terms of reference of the Taxi Trade Consultative Group (TTCG) has now been established. This group will commence its work in the near future with a view to informing a report to licensing committee later in the year. The TTCG has expressed a desire to be involved in the process and will be engaged from the outset to ensure that the process is both open and consistent and that their needs, as well of those of residents and the travelling public are considered.

In February of this year the licensing team took an Ice cream trader to Court for continually breaching licence regulations by trading in the High Street Brentwood without a licence. The prosecution against Piccadilly Whip followed a number of months of attempting to seek compliance, with site visits, letters and evidence gathering. Six Counts of trading without a licence were put forward; however no evidence was offered in exchange for a guilty plea on the other two.

Whilst evidence could have been produced for all offences, it was considered that this outcome achieved the aim of bringing the offender to task and sending out a clear message that this type of unlawful activity will not be tolerated, particularly when it poses a risk to pedestrians and impacts on our law-abiding local businesses. The District Judge fined the director of Piccadilly Whip, John Bonnar, £500 for each of the two offences and awarded the full costs requested of £1720.57.

As this is the final Chairperson's report of the 2014/15 Council year I would like to take the opportunity to thank my fellow committee members for their efforts this year, especially those who have been part of the range of Licensing Sub-Committee hearings. I would also like to offer my personal thanks to the Licensing team at the Council who have consistently exceeded my expectations both individually and collectively, and I remain impressed by their efforts to continuously improve their levels of service to the residents and businesses of our town.

Report to Ordinary Council - 24th March 2015

Committee: Planning and Development Committee

Chair: Councillor Phil Baker

As Members can see from the agenda items on tonight's Full Council meeting, the planning service is at the forefront of the Council's activities at the moment. Whether it is through headlines in the local paper or letters from our local MP, planning certainly matters in Brentwood.

Local Development Plan (LDP)

The Local Development Plan (LDP) continues to generate a lot of interest which is great – we want local people to take an active role in shaping their local areas. A lot of work has gone into the LDP and I am indebted to the support and input from the cross-party LDP Members Working Group in seeing this work progress.

The Strategic Growth Options consultation that ended on 17th February has generated around 4000 comments so far from over 700 residents, interest groups and statutory agencies. Our officers are now going through each of the submissions made and will give us their professional opinion on how to address the various points later in the year. A draft Plan will be brought to the Council in the Autumn and will suggest which sites we should propose for development as well as outlining new policies and proposals for key issues such as housing, leisure, employment, transportation and protecting our heritage. The LDP will still need to go through a public inquiry next year before it is approved but we are now moving forward positively with this key document and clearly have local people and businesses actively engaged in its preparation.

LDP Letter to the In-Coming Secretary of State

If we are going to move forward with a LDP that really works for the people of Brentwood, we need to make sure that growth includes new physical and social infrastructure. We cannot be expected to build new homes in the Borough without the essential infrastructure to make it work. New roads, schools, leisure facilities etc will all be needed if we are to move forward with an LDP that local people can support. In Brentwood, we have the additional challenge of meeting these growth demands while having almost 90% of the Borough designated as Green Belt. The people of Brentwood are rightly proud to live in an area with so much valued green space and want to protect it for future generations. Given this extremely challenging position that we find ourselves in, I do find it most disappointing that our local MP, the Secretary of State for Communities and Local Government, has chosen not to engage with us pro-actively in addressing the dilemma.

While we have responsibility for preparing a balanced and sound LDP, we do not, unfortunately, have all of the powers or resources to deliver the infrastructure necessary to meet the needs of the proposed growing population. Our LDP will rely on partnership working with central government and other key agencies. This is why we have prepared a letter to send to the Secretary of State to flag up the dilemma we face. We need assurances from the Minister that more new homes in Brentwood will need an increase in road capacity, new schools, sports and leisure facilities and improvements to our public realm and streets. This is the least that our community deserves and I will continue to make sure this point is addressed at every stage of the LDP process.

A Modern Planning Service

As highlighted in the Modern Planning Service and Planning Fees and Charges reports on tonight's agenda, I have been working extensively with officers to streamline our planning service so that efficiencies and savings can be made. By moving from the weekly list to an electronic system that allows Members to get more involved at an earlier stage in the planning process, everyone benefits. Members can find out what's going on with specific applications earlier so they can keep their local residents and businesses informed at an earlier stage - and so avoid unnecessary confusion about what planning proposals are coming forward. Officers also benefit as they will be spending less time on lengthy, bureaucratic processes - and more time providing our customers with a professional planning service.

Consequently, the provision of a better service means we can charge more for our non-statutory fees for planning and building control advice. I have requested that moving forward, our planning and building control fees are annually reviewed to make sure that the rates we charge are fair and reflect the quality of the service provided. These increased fees will be used to continue to improve the services we deliver to our residents and developers alike ... which will be a beneficial outcome. All in all, I think that this is an excellent result for Brentwood.

Crossrail

Council officers and representatives from Crossrail, Network Rail, Costain and Essex County Council continue to work closely to make sure that as far as possible, the works necessary to progress the development of Crossrail is undertaken in a way that minimises the disruption to local people and businesses as much as possible. Regular monthly meetings of officers from all of the key partners meet as part of the Transport Liaison Group in order to keep the dialogue going during this key construction phase. A revised "Crossrail Questions and Answers" document is due to be published by Crossrail this week and will highlight how the various issues affecting local people and businesses are being addressed. My colleague, Cllr Clark, also chairs the Crossrail Working Party which brings industry experts and local people together to discuss and

resolve key issues relating to Crossrail's development. This week for example, we have Crossrail's Operations Director coming to our Working Party to address various issues with the scheme as it develops in the Borough. I acknowledge that everything isn't perfect with the implementation of the Crossrail works, but I am convinced that without our efforts to bring Crossrail and its partners to the table to discuss how things are progressing, the disruption for local people and businesses would have been a lot worse on the ground with our efforts to improve parking being proactively addressed.

Planning Applications

Finally, I just want to bring Members' attention to our latest figures relating to planning applications. So far, for 2014/15, we have received almost 1500 planning applications. As the development industry moves out of recession, this figure is likely to rise over the coming years.

With regards to "major" planning applications (10 houses or more), we determined 21 cases of which over 70% were decided within the 13 week statutory timeframe. The Brentwood target is to determine 50% within 13 weeks so we are well ahead of that. In terms of "minor" applications, 75% of the 164 applications decided were within the 8 week target (Brentwood sets a 70% standard for these). Of the "other" 604 smaller planning applications determined in 2014/15, 84% of these were dealt with within the 8 week target – compared with a Brentwood standard of 80% for this.

I am proud of the fact that our performance figures are consistently exceeding national standards in terms of the delivery times for planning applications. As we move forward with the implementation of a more modern planning service as mentioned earlier, I expect that these performance figures will continue to improve as officers spend more time planning and less time printing and photocopying. In my mind, this is a clear justification for having promoted the decision to change the way all of us deal with the planning service – including removing the weekly list. Brentwood's planning service is now a service equipped to deal with the increasingly challenging environment that local government finds itself in with committed personnel rising successfully to that challenge - my thanks go to them all.

Better Performance = Better Service = More Income = Better Brentwood

24 March 2015

Ordinary Council

Strategic Growth Options Consultation: Initial Findings Presentation

Report of: Gordon Glenday, Head of Planning

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 As part of preparing its new Local Plan, the Council agreed to consult on Strategic Growth Options at the meeting of Ordinary Council on 10 December 2014.
- 1.2 The Strategic Growth Options Consultation took place for six weeks until 17 February 2015. A summary of some of the initial findings from representations input onto the Council's consultation software so far are to be presented to Members in order to share information as soon as possible.

2. Recommendation

- 2.1 That Members note the initial findings so far and await more detailed analysis as part of Local Plan preparation in due course.**

3. Introduction and Background

- 3.1 The National Planning Policy Framework (NPPF) requires local planning authorities to produce a Local Plan for their area (Paragraph 153). Brentwood Borough Council is in the process of producing a new Local Plan and has undertaken various stages of consultation as part of the plan making process.
- 3.2 The most recent consultation was on Strategic Growth Options (January 2015). The consultation document provided an overview of the main issues to be considered as part of the Plan and set out all potential sites put forward to the Council to date for housing, employment and retail.

- 3.3 Public consultation as part of the plan making process provides opportunities for the public and stakeholders to submit their views, which are taken into consideration when preparing the Local Plan.
- 3.4 All representations made in response to the Strategic Growth Options Consultation are currently being input onto specialist planning consultation software. Representations will then be analysed and a response to each made, ensuring that comments inform the production of the next iteration of the plan; the Draft Plan.
- 3.5 In the meantime, it is possible to gain a very early indication of the level of response and key themes that the Council will need to consider.

4. Issue, Options and Analysis of Options

- 4.1 A presentation of the initial findings from responses received to the Strategic Growth Options Consultation will be made at the meeting of Ordinary Council.
- 4.2 The presentation will include information on the amount of responses received and individual comments made to particular consultation questions or issues (representations). It will also set out an initial summary of the comments received from neighbouring local planning authorities, Parish Councils, and key statutory bodies (such as Environment Agency, NHS England, Highways Agency etc).

5. Reasons for Recommendation

- 5.1 The presentation of initial findings enables information to be shared as soon as possible about some of the responses received and key themes that the Council will need to consider as part of the plan making process. However, it is important to note that while initial findings give an indication of comments received, these do not provide the final view and will require further input and analysis.

6. Consultation

- 6.1 Consultation on the Strategic Growth Options took place for six weeks from Tuesday 6 January 2015 to Tuesday 17 February 2015, in line with regulations and the Council's adopted Statement of Community Involvement.

7. References to Corporate Plan

- 7.1 The Strategic Growth Options consultation forms part of the preparation of the Brentwood Local Development Plan, a key priority in the Council's Corporate Plan as part of 'A Prosperous Borough'.

8. Implications

Financial Implications

Chris Leslie, Deputy S151 Officer
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- 8.1 The cost of carrying out the Strategic Growth Options consultation, including input and analysis of comments received, has been accounted for within the existing Planning Policy budget.

Legal Implications

Philip Cunliffe-Jones, Planning Lawyer
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- 8.2 This is a necessary consultation within the statutory requirements and the Council's adopted Statement of Community Involvement (SCI).

Other Implications

- 8.3 Following analysis of all comments received, a Consultation Statement will be prepared. This statement will be brought to Members for consideration in due course and will inform preparation of the Local Plan. In addition, a Consultation Statement for the Local Plan Preferred Options Consultation (July 2013) will also need to be considered by Members and inform the next stage of plan preparation.

9. Background Papers

- 9.1 Strategic Growth Options Consultation (January 2015)

10. Appendices to this report

N/A

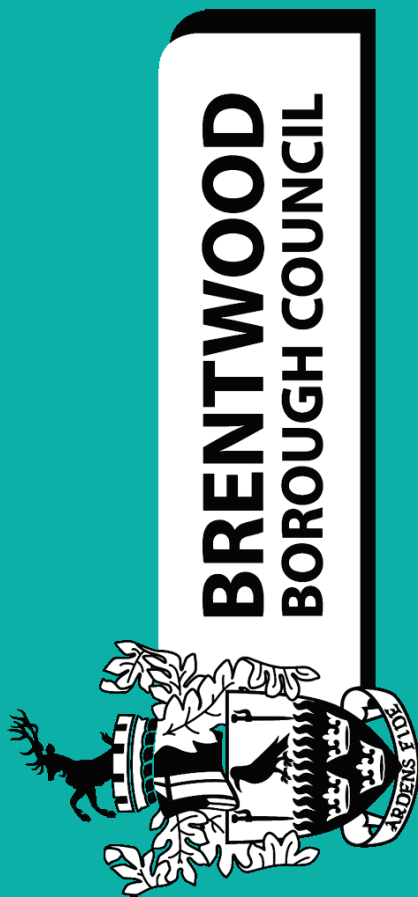
Report Author Contact Details:

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Strategic Growth Options Consultation

Initial Findings

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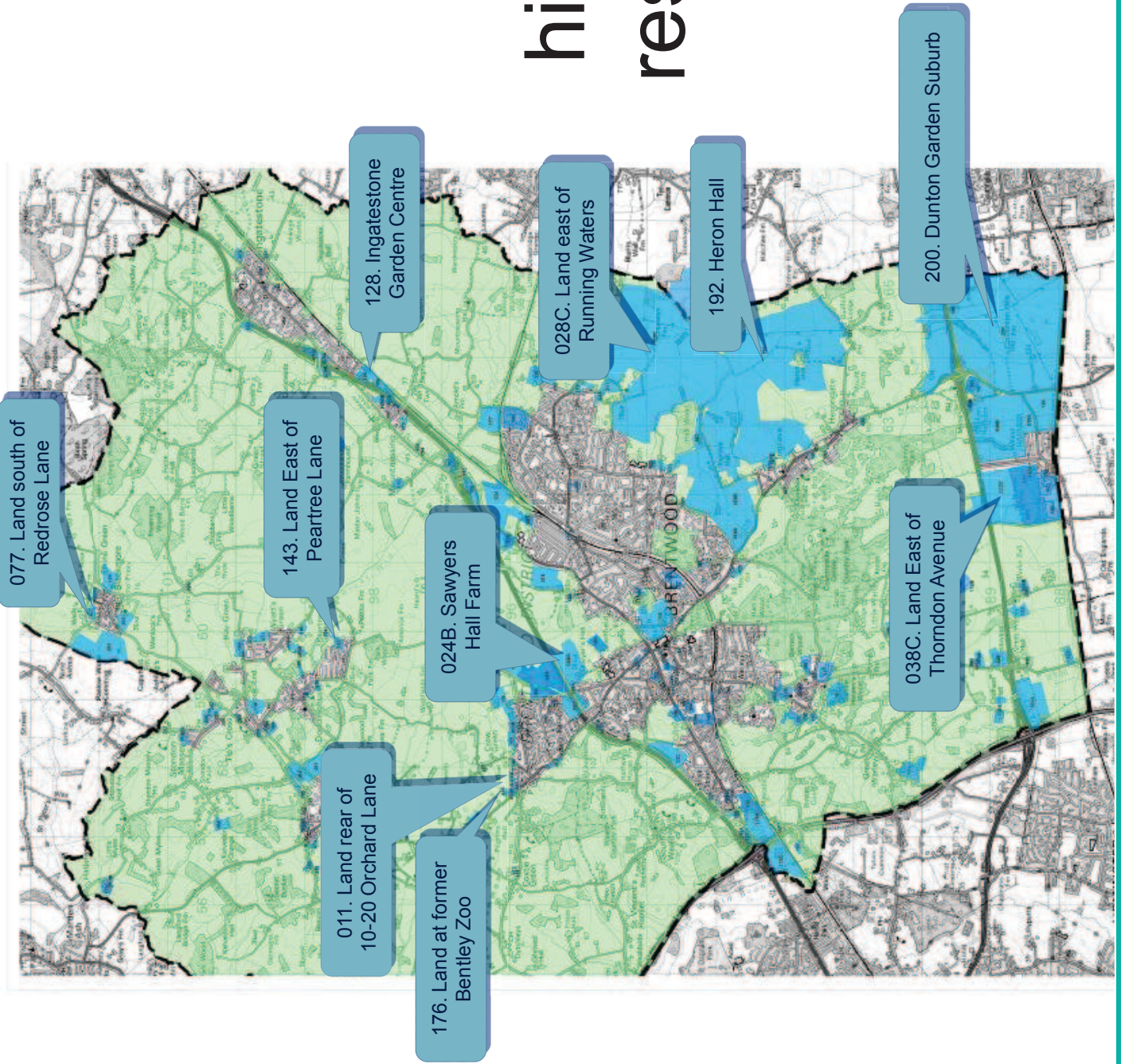
24 March 2014

Statistics at a glance



- The Strategic Growth Options consultation ran for a period of six weeks from Tuesday 6 January to Tuesday 17 February 2015.
- So far we have input **3,167** representations from **423** respondents.
- There are still comments from approximately another **300** respondents to be processed.
- It is important to note that numbers and comments shared in this presentation are initial findings. Remaining comments will be input onto our system and all comments analysed before these are brought to Members to inform preparation of the next stage of the plan-making process: a Draft Plan.

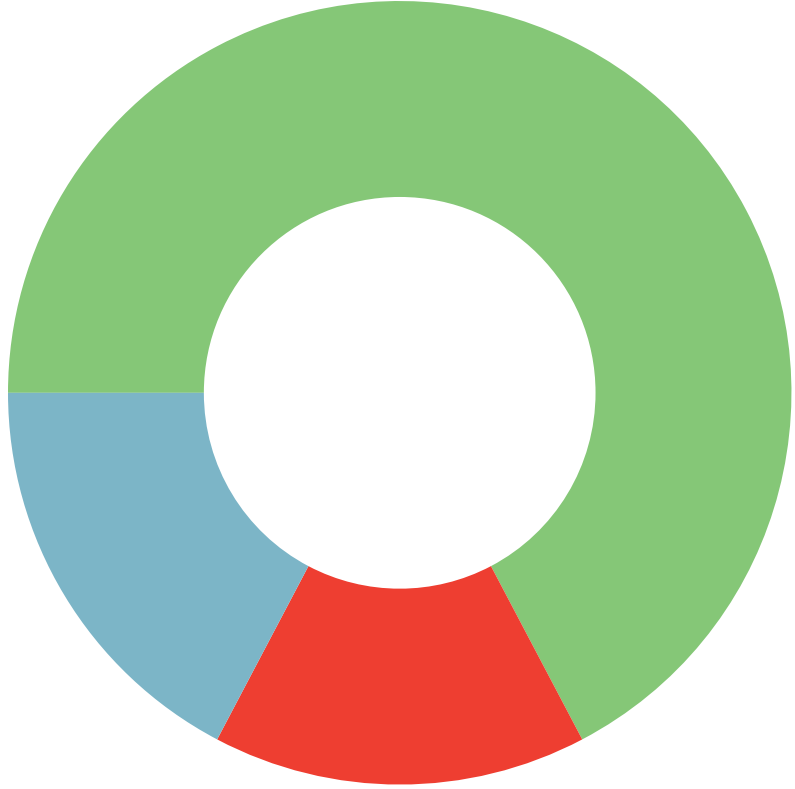
Sites with highest level of response so far



Statistics so far



Q7: To enable future employment need to be met do you agree that the most sustainable approach is to allocate new sites close to the strategic highway network?



Support
Object
Comment

Q8: In order to ensure that the Town Centre remains economically sustainable, do you agree that a “Town Centre First” approach should be taken to retail development?



Support
Object
Comment



Responses from neighbouring local planning authorities

What did our neighbours say?



Comments received from Basildon Borough Council, Chelmsford City Council, Epping Forest District Council, Thurrock Council, London Borough of Havering, Essex County Council and Greater London Authority.

- Support for the commitment to accommodate full housing need within the Borough.
- Focusing growth along the A12 and A127 corridors seems realistic.
- New employment land close to the strategic highway network is reasonable, including the principle of a new business park at M25 Junction 29.
- Points raised regarding plan-making process and how this consultation fits in.
- General consensus that a full suite of evidence needs to accompany future stages of Plan consultation, particularly by the time the Plan is submitted.
- Further discussion needed with adjoining authorities where sites are near to the Borough boundaries, specifically London Borough of Havering regarding land put forward at M25 junctions 28 and 29 and Basildon Borough Council regarding land at Dunton.

Greater London Authority



London out-migration

- The Council may wish to reassure itself that its needs assessment takes into account uncertainty over future levels of out-migration from London.

Logistics in South East Region

- May wish to consider scope to accommodate demand for logistics serving London and wider South East region in employment land policies, in line with the London Plan (ensure efficient logistics provision throughout the South East region).

Retail & Town Centres

- Support a Town Centre first approach.

Essex County Council



General Comments

- A number of locations on the strategic highway network require improvements.

Evidence

- Lack of full supporting evidence. ECC need to be satisfied that they can provide their responsibilities if large scale development goes ahead.
- Local Plan and evidence should address deliverability and viability, including provision commitment and delivery of infrastructure.



Responses from Parish Councils

What did Parish Councils say?

Responses were received from six Parish Councils (Doddinghurst, Herongate & Ingrave, Mountnessing, Ingatestone & Fryerning, Stondon Massey, and West Horndon). Some common themes emerged:

- A number of site specific comments received discussing suitability.
- Various infrastructure concerns were raised, particularly concerning traffic congestion.
- Ensuring the mechanisms for delivery of infrastructure alongside future development are effective.
- General consensus to protect the Green Belt from development.
- Specific comments regarding Dunton Garden Suburb.



Responses from statutory consultees

Transport



Office for Rail Regulation

- Proposals do not affect current or future operation of mainline network.

Highways Agency

- M25 Junction 28 is congested by queues and delays in peak periods. Junction 29 by comparison is relatively underutilised.
- New accesses onto the strategic road network may be identified and developed through the Local Plan where essential for delivery of strategic planned growth, otherwise no new accesses will normally be permitted.

Dunton Garden Suburb

- Potential for transport synergy and opportunities to develop a sustainable community alongside existing and expanded employment base.
- Need to integrate and strengthen transport links with adjoining urban area and consider measures to reduce private motorised transport of potential occupants if allocated.

Environment and Heritage



English Heritage

- Support Baytree Centre redevelopment - potential to enhance historic environment.
- Sustainability Appraisal underplays impact on historic environment and heritage assets regarding land east and south east of Hutton/east of Herongate.
- Reservations about cumulative impact and urbanisation of A127 corridor if both Dunton and West Horndon were developed.

Natural England

- Joint approach between Brentwood and Basildon Councils encouraged although there are potential negative effects from Dunton Garden Suburb.
- Further collection of environmental evidence suggested.

Environment Agency

- Sustainability of sites should be the main factor that drives the selection process.
- Dunton Garden Suburb offers possible sustainable benefits by extending existing urban area and incorporate green technologies not be possible on smaller sites.

Healthcare and Schools



NHS England

- Existing GP practices do not have capacity to accommodate significant growth.
- Brentwood Community Hospital has some capacity and is underutilised. Its role will require review with expanding population.
- Growth unsuitable in A12 Corridor at present because GP surgeries in Brentwood and Shenfield are at capacity.
- Raised concerns regarding sustainability of the area south east of Brentwood and Shenfield as a location for development.
- One single large site with new infrastructure would be more sustainable than dispersing growth across settlements with impact on infrastructure left unmitigated.

Essex County Council Education & Schools

- Lack of capacity for Primary Schools, particularly those in the Brentwood urban area with limited scope to expand.
- Capacity at Borough's secondary schools.



Next Stages

What next?



- Consultation Statement for both 2015 Growth Options representations and 2013 Preferred Options representations for Members consideration
- Preparation of a Draft Plan
- Consultation on Draft Plan (Autumn 2015)
- Preparation of Submission version
- Consultation on Submission version (early 2016)
- Submit Plan (Spring 2016)
- Examination in Public (Summer 2016)
- Adopt Plan (late 2016)



Questions?

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24 March 2015

Ordinary Council

Letter to Secretary of State for Communities and Local Government re the Brentwood Local Development Plan

Report of: *Gordon Glenday, Head of Planning*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The public consultation on the Brentwood Local Development Plan (LDP) Strategic Growth Options has just been completed. A key element of the LDP is the assumption that around 3000 new homes will need to be provided on land currently designated as green belt. If it is proposed to de-designate parts of our green belt to meet future housing needs, Members will need assurances that this growth will be accompanied by the timely delivery of the necessary infrastructure to meet increasing demands for new physical and social infrastructure such as schools, roads, health-care and sports and leisure facilities.
- 1.2 It is therefore proposed to send a letter after the national elections to the incoming Secretary of State for Communities and Local Government seeking assurances that Brentwood's proposed housing growth can only be sustainable if the appropriate physical and social infrastructure is resourced and delivered in parallel with the housing development. The letter will be presented to Members at Full Council for consideration.

2. Recommendation(s)

- 2.1 **That Members agree to send the letter to the in-coming Secretary of State for Communities and Local Government.**

3. Introduction and Background

- 3.1 The Brentwood Local Development Plan (LDP) has just completed the public consultation on its Strategic Growth Options. At the next stage of the LDP, members will need to consider which sites in the Borough should be taken forward for development to meet our need for growth over the next 15 years.

- 3.2 As highlighted in the Strategic Growth Options consultation, there is an expectation that around 3000 new homes will need to be provided on land currently designated as green belt. This is clearly an issue that Members and the local community will only consider doing very reluctantly.
- 3.3 If it is proposed to de-designate parts of our green belt to meet future housing needs, local people will need the reassurance that this growth will be accompanied by the timely delivery of the necessary infrastructure to meet this growth.
- 3.4 It is therefore proposed to send a letter to the in-coming Secretary of State for Communities and Local Government seeking assurances that Brentwood's proposed housing growth can only be sustainable if the appropriate physical and social infrastructure is resourced and delivered in parallel with the housing development. This letter, if agreed by Full Council, will be sent to the Secretary of State after the national elections in May 2015 so that the issue is considered at the highest level at the earliest stage by the MP responsible for local government over the next 5 years.

4. Issue, Options and Analysis of Options

- 4.1 Members are requested to approve the proposed letter to the in-coming Secretary of State for Communities and Local Government. This letter will be presented at Full Council

5. Reasons for Recommendation

- 5.1 The letter to the Secretary of State for communities and Local Government will flag up Brentwood Borough Council's concerns that future housing growth needs to be accompanied by the funding and timely delivery of the appropriate physical and social infrastructure needed to facilitate the proposed growth

6. Consultation

- 6.1 The LDP is a key priority for the Council to develop a prosperous borough for the future.

7. References to Corporate Plan

- 7.1 The LDP is a key priority for the Council to develop a prosperous borough for the future.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Deputy S151 Officer

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

- 8.1 There are currently no specific financial implications. However, the provision of essential new infrastructure will require considerable investment in order to deliver sustainable growth in Brentwood over the next 15 years of the LDP. The Council and partner agencies, including central government, will therefore need to identify and allocate the essential funding required for the delivery of the essential infrastructure.

Legal Implications

Name & Title: Philip Cunliffe-Jones, Solicitor

Tel & Email 01277 312860 / p-cunliffe.jones@brentwood.gov.uk

- 8.2 There are no specific legal implications arising from this report. The proposed letter to the Secretary of State will not have any statutory weight as such but will record Brentwood Borough Council's concerns that additional housing development in the area needs to be accompanied by an appropriate increase in the provision of suitable physical and social infrastructure in order to deliver sustainable growth.

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

None to report

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

- 9.1 Strategic Growth Options Consultation (January 2015)

10. Appendices to this report

- Letter to Secretary of State – Brentwood Local Development Plan (Tabled at Meeting).

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24 March 2015

Ordinary Council

Constitution (Revision)

Report of: Christopher Potter, Monitoring Officer and Head of Support Services.

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The purpose of this report is to seek approval of changes to the Council's Constitution.
- 1.2 This report arises as a result of a review by the Constitution undertaken by the Constitution Working Group and the Monitoring Officer.

2. Recommendation(s)

- 2.1 That the Constitution be approved as revised and take effect on and from 25 March 2015.**

3. Introduction and Background

- 3.1 The Council is required to keep its Constitution updated.
- 3.2 The Constitution adopted on 15 May 2013 was last formally revised on 2 July 2014.
- 3.3 Various legislative changes has taken place which need to be reflected in the Council's Constitution and some suggestions by way of local choice have also been made.

4. Issue, Options and Analysis of Options

- 4.1 The Constitution is in effect the Council's internal rule book and sets out how the Council operates including the allocation of responsibilities.
- 4.2 The Council is required under section 9P of the Local Government Act 2000 to prepare and keep up to date its Constitution which must contain:-

- a copy of the Council's standing orders for the time being;
- a copy of the Council's Members' Code of Conduct for the time being under section 28 of the Localism Act 2011;
- such information as the Secretary of State may direct, and
- such other information (if any) the Council considers appropriate.

4.3 As the Council operates a committee system as the Council's form of governance, the Constitution must also contain a statement as to whether the Council has resolved to have an overview and scrutiny committee under Section 9JA of the Local Government Act 2011. The present Constitution did not do so and therefore one of the revisions is to ensure compliance with section 9P(2) of the Local Government Act 2011.

4.4 Appendix A to this report sets out the changes in detail and will follow after the meeting of the Constitution Working Group on 17 March 2015 has put forward its recommendations after receiving any feedback from Members.

4.5 But in essence the amendments suggested largely relate to making sure the Constitution properly reflects changes in legislation brought into force over recent years such as, for example, by virtue of the Equality Act 2010, the Bribery Act 2010, the Localism Act 2011, and the Local Authorities (Committee System) (England) Regulations 2012, and also this year such as by the Local Authorities (Electronic Communications) Order 2015.

4.6 The amendments also include some updating such as, for example, the changed narrative under the Seven Principles of Public Life (the Nolan Principles) which the fourteenth report of the Committee on Standards in Public Life (published in January 2013) revised.

5. Reasons for Recommendation

5.1 The reason for the recommendation is to update the Constitution and to make it more fit for purpose.

6. Consultation

6.1 The Constitution Working Group has been reviewing the Constitution and at its request all Members of the Council have been consulted and asked to feedback any comments to the Constitution Working Group.

7. References to Corporate Plan

- 7.1 The Modern Council priority within the Council's Corporate Plan sets out how the Council will be transformed between 2014 -2016. This includes improving our governance arrangements.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Financial Services Manager (S151 Officer)

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

- 8.1 None directly arising from the report itself.

Legal Implications

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

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

- 8.2 The report sets out the legal implications.

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

- 8.3 The Council's Constitution plays an important part in respect of the above matters as it forms the basis of corporate governance.

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

- 9.1 None.

10. Appendices to this report

- Appendix A (to follow)

Report Author Contact Details:

Name: Christopher Potter

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

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24 March 2015

Ordinary Council

Modern Planning Report

Report of: *Gordon Glenday, Head of Planning and Development*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 In this report are proposals for improved delivery of the Council's planning services for recommendation to full Council, where necessary
- 1.2 The proposals focus on the current system of delegation of decisions of planning applications and enforcement cases and sets out an alternative process as explained in the Appendices to this Report.

2. Recommendations

- 2.1 **That all planning decisions to be delegated to the Head of Planning except for those retained to the Planning and Development Control Committee, or referred to as set out in the revised delegation arrangements and call-in referral protocols.**
- 2.2 **The replacement of the weekly list production by email alert of validated applications and method of call-in of planning applications by Ward Members, Parish Councils or Chair /Vice Chair to Committee.**
- 2.3 **That enforcement issues be determined having regard to the Planning Enforcement Plan when adopted.**
- 2.4 **That revised planning protocols, delegation arrangements and other Constitutional changes to implement the above be adopted.**

3. Introduction and Background

- 3.1 The planning system has changed considerably since the 1980's; the thrust of current government thinking is a 'positive and proactive'

approach by local planning authorities when engaging with applicants and an emphasis on finding solutions to problems, encouraging the delivery of sustainable development. A modern planning service no longer seeks to restrict or 'control' development but to manage the process from the conception of a scheme at pre-application stage, to its delivery and compliance. Public participation entails a service to the public as well as applicants for permission, and use of technology is essential to achieve efficiency at moderate cost.

- 3.2 Planning decisions are currently delegated to officers only if they are reported first to members via the production of a published 'weekly list', a procedure which entails additional work and curtails available time. This system dates back to the early 1980's and is heavily process driven. In order for a decision to be issued within the government's target of 8 weeks (or 13 for a major application), an officer's recommendation must be ready for publication at least 10 days in advance of the target date and up to 21 days. This puts the Council at a self-imposed disadvantage in improving its performance, and out of reach of the top quartile of best performing authorities in the Country. A common complaint from users of the planning service is that they have not been given opportunity to address the issues raised in reasons for refusal during the planning assessment period; equally, the opportunity for promoting good design, wider community engagement or exploring benefits that a development may offer is missed.
- 3.3 The current scheme of delegation constrains officer time, incurs production costs and hinders a positive approach to problem solving. Conversely, the national planning system places great weight on good quality pre-application discussions and front loading of applications; local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage (para 189 NPPF, 2012). Because of the inflexibility of the current delegation process, valuable officer resource is focused not on pre-application stage, but on producing a recommendation driven disadvantageous target dates.
- 3.4 The current method for Member call-in relies on the publication of an officer's recommendation within a public document. At present only once a recommendation is published can a Member call-in the application to the Committee. This exposes Members to lobbying from objectors, applicants and agents and results in the call-in of applications which may be based on personal and subjective preferences rather than recognised national planning policy principles. This is wholly undesirable for Members of the Committee, who are required to keep an open mind on applications and be fair to both applicants and objectors. In any event, Committee Members should refer such approaches to other Ward Members.

- 3.5 Ward Councillors who are Members of the Planning Committee may attend pre-application meetings and ask questions but express no views on proposals. Thereafter Ward Councillors who are members of the Committee should remain impartial on applications which may come before the Committee. Concerns from residents should be passed to the case officer by Committee Members should not come to a firm view on such applications.
- 3.6 The Council's adopted Statement of Community Involvement refers to call in by Parish Councillors and Ward Councillors but is not transparent about the process. In Wards where there are Parishes it is hoped that there will be liaison between Borough Councillors and Parish Councils on applications which raise concerns. The Protocol recommended separates the roles of Ward Councillors who are Members of the Committee and as such may not call-in applications, and other Ward Members who may take a firm view on a particular application and if that Member considers there are Planning grounds for Call- in, complete a Pro Forma accordingly (Appendix D – example of completed pro forma).
- 3.7 As set out in the next section, Members who have an e-mail alert may notify local residents but should explain the governance issues for contacting Ward Councillors if residents have particular concerns. Members who have taken a firm view or championed a position for or against an application and signed Call in pro forma which has been accepted should not be a member of the Committee deciding the application or substitute for a Member of the Committee for the determination of that application.
- 3.8 The Chair of the Committee is appointed by Council has wide powers and responsibilities. Only the Chair can call-in applications from any ward in the Borough, after discussion with the Head of Planning- in his absence the Vice-Chair can act. It is proposed that the Vice-Chair should also have power to refer applications from a Single Member Ward if the Member is a Member of the Planning Committee.
- 3.9 Public opinion by itself is not a material planning consideration. The reasons for debate at the Committee should be for planning reasons of policy, development plan interpretation or evidence based concerns.

4 Issue, Options and Analysis of Options

- 4.1 The issue is one of improving the planning service through the streamlining of processes and procedures and the provision of a fully reviewed and updated pre-application service.
- 4.2 In order for officer resource to be able to focus on problem solving it has been necessary to identify the options for delegation of planning decisions in the most cost efficient way commensurate with good service to Members, applicants and public.

- 4.3 The option identified is to cease production of a weekly list and replace this with the daily email alert to Members of valid applications made within their Ward. This would be before the publication of applications on the public access system. Members will be able to note the validity and communicate but the opportunity for call-in pro forma completion for referral to Committee should rest with Members not on the Planning Committee. The option recommended is to revise the period for call-in of an application from day of validation to 7 days following the close of neighbour consultation. Appendix A of this report outlines the process for Member email alert, Appendix B details the call-in process and Appendix D example of completed pro forma.
- 4.4 The extended call in period will allow Members to enter into discussion with officers and raise issues which have been raised by their constituents with officers, prior to any formal recommendation.
- 4.5 A formal request for call-in will be agreed with the Chairman of Planning (or Vice Chairman in absence) following a discussion with the case officer and or Team Leader or Head of Planning. In Wards where there are Parish Councils it is hope there will be liaison if call-in is to be triggered.
- 4.6 The option relies on both Members and officers engaging in early dialogue and a proactive approach to problem resolution. The suggested option priorities Member notification of a new application and before it is publicised either on the Council's web site or via neighbour notification.

5 Reasons for Recommendation

- 5.1 The Council has a foundational basis for its Planning Service in historical constitutional arrangements, some of which date back to 1982. The need for review and update is urgent, therefore, as there is increasing risk of challenge from working with such out-dated procedures.
- 5.2 The removal of the weekly list will enable Members to get involved with applications at a much earlier stage in their process and work positively with officers as they make their technical assessments. The removal of the weekly list will result in efficiency savings

6 Consultation

- 6.1 Discussions with staff have been held in the preparation of this report. A draft of this report was sent to all Members of the Council on Monday 9 February.

7. References to Corporate Plan

- 7.1 Proposals in this report support the Modern Council theme of the Corporate Plan in making efficiencies and savings, while improving service delivery to customers.
- 7.2 The planning service itself supports the Prosperous Borough theme by its promotion of quality development and growth.

8 Implications

Financial Implications

Name & Title: Chris Leslie, Financial Services Manager (S151 Officer)
Tel & Email 01277 312 542 / chris.leslie@brentwood.gov.uk

- 8.1 There are no specific financial implications in this report, although a review of the pre-application service and fees and charges is presented, subject to approval of this report.

Legal Implications

Name & Title: Philip Cunliffe-Jones, Planning Lawyer
Tel & Email 01277 312703 philip.cunliffe-jones@brentwood.gov.uk

- 8.2 Last year, the Openness of Local Government Bodies Regulations 2014 came into force. These require certain decisions made under delegated powers to be recorded and published on the web site when the effect of the decision is to grant a permission or licence, affect the rights of an individual, or award a contract or incur expenditure which, in either case, materially affects the Council's financial position. The written record required to be maintained for six years must contain:

- (i) The decision date
- (ii) The decision itself;
- (iii) The record of the decision itself;
- (iv) Any alternative options (if any) considered and rejected, and
- (v) Any declaration of conflict of interest by a member of the Council where express authorisation is being exercised.

For the great majority of the decisions made under the Planning statutory regime, items (i) – (iii) are already being done and do not have to be repeated, but items (iv) and (v) are still required to be added to the written record and published on the website subject to exceptions if confidential or containing exempt information.

- 8.3 The Call-in referral is not considered to be a decision under the Openness Regulations being rather a request for an internal procedure. However, openness and transparency are essential to public confidence by applicants and residents or other affected parties, and a pro forma setting out policy or evidence-based issues for examination is considered good practice and desirable to avoid possible criticism of inconsistency.
- 8.4 The recording of decisions on Planning Enforcement will be affected by the Openness Regulations as mentioned in the Enforcement Plan which has been through public consultation.
- 8.5 The changes in delegation, if approved will need to be programmed for report to the Council meeting on 25 March 2015.

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

- 8.6 No other implications are identified.

9 **Background Papers**

- 9.1 Appendices to this report

10 **Appendices to this report**

- Appendix A – Member Notification e-mail alert
- Appendix B – Referral to Committee by call in procedure
- Appendix C – Protocol/ Guidance Note
- Appendix D – Example of completed pro forma

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Modernising Planning Service Report

Appendix A – Member Notification and Open Dialogue processes

Description of technology support systems:

Uniform – Planning application processing system

Planning Portal – Website where electronic submission of planning applications can be made

Public Access – Website where planning applications can be viewed, tracked and comments can be made

e-mail alerts – this is an internal system to provide Members with information for consideration. This may be tailored to member requests and allow for briefing updates on proposed decisions. Any response is a matter for the Member concerned

Dialogue:

Protocol and Pro formas – These are constitutional requirements in the interest of good governance

Pre-application meetings – Ward Councillors may attend with officers but any discussion between officers and Councillors is after the developer has left. The meetings are confidential. The formal advice of the Council as Planning Authority can be disclosed as Environmental Information, in accordance with guidance of the Information Commissioner.

Parish Council meetings – Parish Councils are statutory consultees for their areas and may have such meetings with applicants for Planning Permission, or with objectors or the public at large as they think fit

Informal meetings – Members of the Planning and Development Control Committee declare under the adopted Local Code of Conduct contacts with objectors and applicants and must not be biased in favour or against an application. Ward Councillors who take a firm advance position on an application should not be part of the Committee determining the application. Informal meetings can be very positive in resolving issues and reducing costs and uncertainty. Good practice is for an officer to attend.

Site meetings – These are in advance of the Committee meeting to enable the Committee to be informed of the existing situation and site context of all applications.

Enforcement enquiries or complaints – Enquiries or complaints may be made in confidence.

Objectives:

The Council seeks to adopt best practice of transparency, fairness and efficiency. All elected Members have public responsibilities and as Ward Councillors take up planning concerns for enforcement, attend pre-application development meetings with officers and are able to call-in planning applications for determination by Committee. Positive dialogue may reduce costs and uncertainty. Members of Planning Committees are trained and are bound by codes of conduct which apply only to Planning matters and may need in some circumstances to distance themselves from dialogue on matters which may come before the Committee.

Brief Overview:

Planning applications are received on a daily basis and are either manually entered on to the Uniform system or if they are submitted via the Planning Portal they are automatically entered on to Uniform. Once a planning application is received and entered, a validation process is followed ensuring that all the information has been provided in order to validate the application, following National guidance. If further information is required, a letter is sent via e-mail to the applicant or their agent requesting the missing information in order to make the application valid.

Once a valid date is entered on to Uniform the application is now published on Public Access, the submitted documents should be viewable the same day if not the following working day.

Process:

1. At first you will need to register on Public Access, of which guidance notes and training will be provided. Once you are registered, a search of valid planning applications within your ward will be undertaken and saved. A search would need to be saved in order for you to receive daily e-mail alerts of any new valid planning applications within your saved search criteria.
2. Planning applications always have a valid date entered before neighbour notifications are undertaken and this would result in you being notified of a valid planning application before the local residents are notified.
3. If you would like to receive an e-mail alert of any valid applications within the Borough or on a particular site, this is also possible, by saving a further search.
4. At present the e-mail alerts are sent at 9pm daily.
5. The inputting of the valid date is mandatory when validating a planning application and therefore it is unlikely that you will not receive an alert of a valid planning application.

6. The same day, if not the following day, the planning application documents should be viewable on line.
7. You can also track the progress of any planning application. Tracking the progress will then provide you with e-mail alerts on status updates throughout the progress of the planning application i.e such report writing and decision outcome.

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Modernising Planning Service Report

Appendix B – Member Call in process

Description of systems:

Uniform – Planning application processing system

Planning Portal – Website where electronic submission of planning applications can be made

Public Access – Website where planning applications can be viewed, tracked and comments can be made

Brief Overview:

From receiving the e-mail alert notification through Public Access, as a Ward Member, you will be given a specific length of time to discuss your concerns with the allocated planning officer. Having identified an application that you wish to refer to committee, you must contact the planning officer to alert them to your interest, which will be recorded against the application on the Uniform system. A formal request for call-in will be agreed with the Chairman of Planning (or Vice Chairman in their absence) following completion of the proforma.

Process:

1. From receiving the e-mail alert notification through Public Access, as a Ward Member, you will be given an extra 7 days from the Neighbour Consultation Expiry date to call in the planning application to Planning Committee.
2. The Neighbour Consultation Expiry date is viewable on Public Access and a further 7 days would be your expiry date from the initial neighbour consultation.
3. If neighbours are not notified and a site notice is displayed, then your extra 7 days will be from the Latest Site Notice Expiry date.
4. Having alerted your interest in an application with the planning officer, this will be recorded on the Uniform system (internal part only) for our records.
5. In some instances concerns could be addressed by negotiated improvement via amended plans. If any revised plans are submitted and you have raised concerns with the planning officer, you will be contacted to inform you of any revisions. If further neighbour consultations are undertaken due to revisions, your expiry date will not be extended.

6. If you decide to call in the planning application to the next available planning committee, you must have discussed your planning reasons with the planning officer and submitted the completed pro forma, sent to referrals@brentwood.gov.uk and also cc in the planning officer.
7. The referral mailbox will be checked daily. The decision to accept or reject the referral shall be made by the Chair or the Committee (or Vice Chair in their absence) after discussion with the Case Officer or Head of Planning and Development. You will be informed of the outcome of the referral request.
8. If no call in or concerns have not be raised to the planning officer, once your expiry date has passed, the application will be determined with delegation to the Head of Planning and Development.

Following implementation, production of the weekly informer list and planning decision list will cease, as these can also be obtained from Public Access.

Timeline of events:

Based on a standard 8 week application (56 days).

- | | |
|----------|--|
| Stage 1 | Application received |
| Stage 2 | Application validated, Member alert |
| Stage 3 | Neighbour consultation commences |
| Stage 4 | Neighbour consultation ceases |
| Stage 5 | Member call in date expires |
| Stage 6 | No pro forma call in received, decision can then be issued |
| Stage 6a | Pro form received and verified by Chair, case goes to next available committee |

Appendix C

PROTOCOL/GUIDANCE NOTE ON THE REFERRAL OF PLANNING APPLICATIONS TO COMMITTEE

- Only the Chair of the Planning and Development Control Committee can refer applications across the Borough, after discussion with the Head of Planning and Development. In the absence of the Chair, the Vice-Chairman may exercise this discretionary power. The Vice-Chairman may also act at the request of Single Ward Members who are also Members to the Committee.
- Ward Members not on the Committee (or not intending to participate in the decision) can refer applications to Committee after discussion with the Case Officer. A Member of a Parish Council, authorised by the Parish Council, may also refer applications within the Parish after discussion with the Case Officer. Referrals should be made using the Pro forma indicating the Policy context, relevant issues and any procedural concerns. Any disclosable interest should be declared. The decision to accept or reject the referral shall be made by the Chair of the Committee (or Vice-Chair in his absence) after discussion with the Case Officer or Head of Planning and Development.
- Referrals should not be made simply to allow an applicant or agent to address the Committee, or in the case of subsequent applications within two years of a previous refusal without material alterations.
- When a referral has been made and accepted as valid, the Member or Parish Council representative involved shall be advised of the date of the Committee meeting, may attend and, if so, shall be entitled to address the Committee but not vote.

GUIDANCE

Statutory provisions

Section 70(2) Town and Country Planning Act 1990 requires that the Local Planning Authority - the Committee or an officer acting under delegated powers - in dealing with an application shall have regard to provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the application and to any other material considerations. This section must be read together with Section 38(6) Planning and Compulsory Purchase Act 2004. This provides that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the provisions of the development plan unless material considerations indicate otherwise.

To be material considerations must be planning considerations. The requirement to have regard to "any other material considerations" means not only that all relevant matters are taken into account, but also the decision may be invalid is based upon a consideration which is not material.

Accordingly, at the time of decision it important that all material decisions must be known to take them into account. Responses to consultation, even if late, must be taken into account to the extent that they raise new material planning considerations. A distinction must be drawn between considerations which are potentially material but are not relevant in the case of the particular application: examples include ecological issues under the Habitats Directive which are evidence based

Examples of material considerations

- Relevant Government Policy
- Existing Use
- Effect on neighbouring properties
- Presumption in favour of sustainable development
- Loss of visual amenity
- Design

- Heritage
- Highways
- Noise
- Previous decisions
- Fairness
- Permitted Development
- Human Rights
- Flooding
- Crime and Fear of Crime
- Financial Matters
- Trees
- Noise
- Personal Hardship
- Parking
- Precedent /Consistency

Pre- application meetings are confidential. Ward Councillors may attend and ask questions (whether Members of the Planning Committee or not) but must not express views on the proposal to the developer applicant. The Information Commissioner Guidance is that the formal advice of the Local Planning Authority after pre-application meetings is to be made available free of charge upon requests made under the Environmental Information Regulations.

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Appendix D

Cllr: CUR X	Date: 20/2/15	
Ward: X		
(Please declare any disclosable interest under the Code if Applicable for contact with applicant or objectors)		
Application Number: 15/XXXXXX/FUL	Address: X	Description: X
Policy context:	Criteria:	Ward Member's Concerns
Policy Considerations: Choose which are the most relevant policies to the determination of the application specifically criteria where relevant: Please indicate where the application in your view conflicts with policy and why	E.g.: CP1 NPPF NPPG GB1 GB2	EFFECT ON SURROUNDING CHARACTER
Main issues arising from application, supporting documents and responses to consultations	Site context and impacts:	Ward Member's Concerns:
Relevant considerations e.g. : a) Design and Access statement b) Amenity issues c) Harm to interests of acknowledged importance d) Other impacts and mitigation e) Sustainability f) Other	E.g. Impact on visual or residential amenity Design and living standards Site specific mitigation Trees Sunlight/overshadowing Health and safety/crime fear Highway safety and traffic	DENSITY
Procedures	Consistency of decision making	Ward Member's Concerns
Relevant history Pre- app advice		SIGNIFICANT LOCAL CONCERN

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24 March 2015

Ordinary Council

Planning and Building Control Fees and Charges Review

Report of: *Gordon Glenday, Head of Planning and Development*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report reviews the Council's Planning and Building Control non-statutory fees and charges. The current fees and charges have been benchmarked against the rates charged in other Essex councils and some East London Boroughs to gauge how Brentwood's rates compare with similar services elsewhere in the area.
- 1.2 The evidence suggests that Brentwood is currently undercharging for the planning and building control services it provides. It is therefore proposed to increase the planning and building control fees and charges to a more appropriate level given the level of service currently offered. It is also proposed to review the planning and building control fees annually to ensure they reflect the services provided and prevalent market conditions in the development industry. It is important for the Council to undertake an annual review of fees and charges moving forward as Council budgets continue to reduce and the need to increase income external sources such as fees and charges becomes increasingly important.
- 1.3 This report does not propose to increase the photocopying charges for Planning and Building Control.

2. Recommendations

That the Council's Planning and Building Control non-statutory fees and charges be amended to the rates outlined in paragraph 4.3 of this report, with effect from 1 April 2015.

That annual review and future revision where appropriate of all Planning and Building Control non-statutory fees and charges be delegated to the Head of Planning and Development after consultation with the Chair of the Planning and Development Committee.

That in relation to recovery of costs relating to the inspection and monitoring of Section 106 Agreements, standard clauses be introduced to the Council Agreements where appropriate, with the agreement of the Head of Planning and Chair of Planning and Development

3. Introduction and Background

- 3.1 Local authorities charge for the planning and building control services they provide. Certain fees and charges such as planning application fees are set by central government and so cannot be changed at the local level. However, other fees and charges such as pre-planning application advice to developers is not a statutory function and so can be charged as it is up to the developer whether or not to utilise such services. Consequently, fees for these non-statutory services can be set by the Council. However, the rates set need to be reasonable and broadly reflect the cost of providing the service.
- 3.2 Brentwood's Planning and Building Control non-statutory fees and charges have not been reviewed or updated since May 2010. This report has considered the fees currently charged by the Council compared with some neighbouring Essex and London boroughs to give an idea of the varying rates charged in similar authorities. Rates across other councils vary depending upon the cost and level of service provided.
- 3.3 Given the Council's on-going budget challenges, there is increasing pressure on service areas to generate and increase income wherever possible to contribute to the funding of the Borough's services. The Planning and Development service therefore needs to maximise the opportunities to generate income from the non-statutory services it offers in order to provide a high quality of service to its customers.
- 3.4 Brentwood's high quality environment and proximity to London has always made it an attractive place to develop. With the development of Crossrail in the Borough, Brentwood is becoming an increasingly attractive place for the development industry looking to develop profitable schemes. The emerging Local Development Plan (LDP) and the need for Brentwood to

build around 5500 new homes over the next 15 years also means that development opportunities in the Borough will increase over the coming years. The Council's Planning and Development Department therefore needs to be able to provide a high quality service to the development industry in order to ensure that new development is of the highest quality. To provide the level of service required in the current local government budgetary environment means that recovering costs through planning and building control fees is imperative. The rates proposed in paragraph 4.3 of this report seek to generate an appropriate fee income for 2015/16 to meet the costs of delivering an effective pre-planning application service without making the charges prohibitive for developers.

4. Proposed Planning and Building Control Fees and Charges

4.1 The Borough's current fees and charges are set out on the Council's website so that all developers know the rates in advance of preparing their planning applications. If the proposed changes to the Council's fees and charges are accepted, the new rates will need to be uploaded to the website so that developers are aware of the changes.

BRENTWOOD COUNCIL'S CURRENT PLANNING FEES

No Fee	<p>A single meeting with householders living within Brentwood Borough and/or their agents concerning the extension or alteration of their dwelling (but not the redevelopment or replacement of their dwelling).</p> <p>A single meeting with the operators of businesses within Brentwood Borough and/or their agents concerning the extension or alteration of their business premises, including the proposed display of advertisements relating to those premises (but not the redevelopment of their businesses premises)</p> <p>The owners or occupiers of listed buildings concerning structural alterations to their buildings that would require listed building consent.</p>
Band A - £50 including:-	<p>Second or subsequent meetings with those entitled to a free first meeting (except in relation to Listed Building Consent issues where all meetings are free). Non-residents of Brentwood Borough in connection with extensions or alterations of dwellings within the Borough.</p>
Band B - £300 including:-	<p>Development comprising the extension or alteration of buildings, the construction of ten dwellings or fewer or non-residential development of less than 1000 sq m.</p> <p>The change of use of buildings resulting in equivalent accommodation or other development including the 'variation' of conditions or planning obligations</p>
Band C - £750 including:-	<p>Developments in excess of ten dwellings or 1000 sq m of non-residential development where one meeting is required.</p> <p>Change of use of equivalent accommodation</p>

Band D - £negotiable:-	Larger or more complex Band B or C developments where a developer may wish to embark on a programme of meetings.
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4.2 Having benchmarked the Council’s current rates against other comparative Boroughs, the evidence suggests that Brentwood does have the capacity and justification to increase its fees with immediate effect. If the proposed amendments to the Planning Service proposed in the March 2015 Planning Committee report “Modernising the Planning Service” are agreed and implemented, the rates charged for pre planning application advice needs to be annually reviewed to reflect the likely continuing improvements to the overall services provided.

4.3 In the meantime, it is proposed to increase the Planning Fees and Charges for the current Bands outlined in Table 1 to the levels outlined in Table 2. These rates include VAT.

PROPOSED PLANNING FEES AND CHARGES

No Fee	<p>A single meeting with householders living within Brentwood Borough and/or their agents concerning the extension or alteration of their dwelling (but not the redevelopment or replacement of their dwelling).</p> <p>A single meeting with the operators of businesses within Brentwood Borough and/or their agents concerning the extension or alteration of their business premises, including the proposed display of advertisements relating to those premises (but not the redevelopment of their businesses premises)</p> <p>Pre-application advice on works to protect trees and legal advice and support on Section 106 obligations can be provided at a cost to developers if the service is requested</p>
Band A - £100 including:	<p>Second or subsequent meetings with those entitled to a free first meeting.</p> <p>Non-residents of Brentwood Borough in connection with extensions or alterations of dwellings within the Borough.</p> <p>The owners or occupiers of listed buildings concerning structural alterations to their buildings that would require listed building consent</p>
Band B - £500 including:-	<p>Development comprising the extension or alteration of buildings, the construction of ten dwellings or fewer or non-residential development of less than 1000 sq m.</p> <p>The change of use of buildings resulting in equivalent accommodation or other development including the 'variation' of conditions or planning obligations</p>
Band C - £1500 including:-	<p>Developments in excess of ten dwellings or 1000 sq m of non-residential development where one meeting is required.</p> <p>Change of use of equivalent accommodation</p>
Band D - £negotiable:-	Larger or more complex Band B or C developments where a developer may wish to embark on a programme of meetings.

- 4.4 In addition to the proposed fee changes outlined in Table 1, it is also proposed to increase Building Control fees by 5% to reflect the increased costs of providing this service since these rates were last set in 2012.
- 4.5 A final area where Brentwood's planning fees need to be brought in line with many other boroughs relates to Section 106 monitoring fee charges. In order to manage and monitor all Section 106 agreements and spending, many local authorities charge a S106 administration fee. A common rate is a 5% charge on top of the total S106 contribution paid towards the costs of the development. It is important to note, however, that such a fee must be ring-fenced to the administration of the S106 fee and so cannot be spent on other planning or council services.
- 4.6 However, the High Court has just recently upheld a decision by an Inspector which held that such a charge was not legally justifiable. It is too early to say what the full implications of this decision on councils currently charging a percentage rate for S106 Monitoring fees will be. Importantly though, in the light of this very recent case law, it would not be advisable for the Council to introduce a flat rate S106 monitoring charge at present. Instead, it needs to consider standard clauses providing for cost recovery of specific fees for essential inspection and monitoring developments where inspection is necessary. Officers will therefore look at the options available with a view to introducing appropriate charges for site inspection and monitoring relating to this as soon as is practicable. Once agreed by the Head of Planning and the Chair of Planning and Development, these new fees will be instigated on subsequent s106 Agreements.

5. Reasons for Recommendation

- 5.1 Brentwood Council's Planning Fees and Charges have not been reviewed since 2010 and so do not reflect the current costs of providing non-statutory planning services to developers. Neither do they consider the increasing budget constraints facing the public sector meaning that there is now a prerogative upon all Council services to generate income wherever possible to contribute to the provision of high quality services to residents and businesses.
- 5.2 The proposed review of the Planning Fees and Charges outlined in Section 4 of this report will better position Brentwood's Planning and Building Control services to meet the increasing needs for high quality, cost effective services. Given the interest shown by the development in developing in Brentwood over the coming years, alongside the opening of Crossrail services into London in

2018/19, it makes sense to ensure that the Council's fees and charges reflect this. The rates proposed are relatively high compared with neighbouring Essex council rates but are still modest in comparison with London boroughs. Given Brentwood's proximity to London's job markets and services and the fact that it more closely reflects the Capital's land values, it is reasonable to relate Brentwood's Planning and Building Control fees and charges to the levels in London.

- 5.3 However, it is important to acknowledge that any increased fee income resulting from the proposed increase in fees and charges is justified on the basis that the planning and building control services are delivered to a high standard. Such a high quality service requires appropriate funding to deliver the services that the higher fee paying developers will expect. The Council must provide value for money for the services it charges. It is therefore proposed that all planning and building control non – statutory fee income is ring-fenced to the Planning and Development service area in order to justify the charges and reassure developers that the service they are paying for will be delivered.
- 5.4 It is difficult to estimate the impact of the proposed changes to the Council's fee income for Planning and Building Control services as this very much depends upon the development industry's willingness to sign up to the proposed arrangements. However, as the proposed fee increases are mainly for medium and larger developments, and these developers are already used to paying similar rates to those proposed in Section 4, the industry is unlikely to resist the proposals provided that the service they receive provides value for money. On this basis, and assuming rates of development are similar to that in previous years, the Council could reasonably expect to generate an additional £50 000 in 2015/16 from its new Planning and Building Control fees and charges.

6. Consultation

- 6.1 Discussions with staff have been held in the preparation of this report. Benchmarking against the fees and charges of other similar local authorities has also been undertaken.

7. References to Corporate Plan

- 7.1 Proposals in this report support the Modern Council theme of the Corporate Plan in making efficiencies and savings, while improving service delivery to customers.

- 7.2 The planning service itself supports the Prosperous Borough theme by its promotion of quality development and growth.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Financial Services Manager and Section 151 Officer

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

- 8.1 If the proposed Planning and Building Control fees and charges are approved and introduced for 1 April 2015, the Council's fee income for planning services will could increase by £50 000 in 2015/16 based on previous levels of planning and building control service charges. If this income level were to be achieved for 2015/16, it would make a significant contribution towards the Council's budget deficit. It must be stressed, however, that this income cannot be guaranteed and is reliant on the development industry coming forward with development proposals and agreeing to pay the non statutory fees and charges proposed.

Legal Implications

Name & Title: Philip Cunliffe-Jones, Planning Lawyer

Tel & Email 01277 312703 philip.cunliffe-jones@brentwood.gov.uk

The Local Government Act 1999 provides that the Council is under a general duty to "make arrangements to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness" Statutory Guidance, revised in September 2011, emphasises that authorities should engage service users and the wider community in consultation on options for the future and reshaping of the service.

Charges for discretionary services such as pre-application advice and planning performance agreements are allowed by the Local Government Act 2003.

The Government has published a consultation report on Section 106 Agreements to speed up S106 negotiations including amendments to guidance making clear that S106 negotiations should be part of pre-application discussions and should then conclude during the statutory determination periods. This will require co-ordination with other parties including especially Essex County Council but is entirely consistent with the several recommendations before the Council to improve and expand current practice. Standard documentation and clauses will need to be prepared and explained to assist applicants and developers with appropriate charges.

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

8.3 No other implications are identified.

9. **Background Papers**

9.1 Research of other Essex and east London boroughs' fees and charges rates

9.2 Section 106 Planning Obligations - speeding up negotiations. DCLG Consultation (closing date 19th March 2015)

10. **Appendices to this report**

None

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24 March 2015

Ordinary Council

Enforcement Plan Adoption Report

Report of: *Gordon Glenday, Head of Planning and Development*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report sets out responses to the consultation Draft Enforcement Plan, including internal consultations. The Government has a fund for assistance with the costs of Legal injunctions under planning legislation whereby Local Authorities bidding for financial assistance must have an adopted enforcement plan for three months prior to bidding.
- 1.2 The Planning Enforcement Plan amended as agreed by the Planning and Development Control Committee will follow. This now includes a scoring chart for assessing harm and expediency for taking Enforcement Action. New procedures are required for recording decisions taken under delegated powers under the Openness of Local Government Bodies Regulations when the effect of the decision affects the rights of an individual. The effect of such decisions have to be published and maintained on the website for six years subject to exceptions as to confidential or exempt information. Better use should be made of technology support as the weekly list is replaced.

2. Recommendations

- 2.1 That the Planning Enforcement Plan as amended by the Planning and Development Control Committee be adopted with effect from 1st April 2015;**
- 2.2 That all planning enforcement decisions be delegated to the Head of Planning and Development and in his absence the Team Leader of Development Management or and Planning Policy subject to the Enforcement Plan. Decisions to approve recommendations of any type of stop notice, injunction or prosecution action shall not be taken under delegated authority except after consultation with the Chair or Vice-Chair of the Planning and Development Control Committee and having regard to such advice as may be practicable**

and appropriate. A record of all enforcement decisions shall be made in accordance with statutory requirements ;

2.3 That a review of Enforcement Plan operation be considered annually by the Planning and Development Control Committee .

3. Introduction and Background

3.1 The National Planning Policy Framework (NPPF) (2012) refers to planning enforcement in paragraph 207 and references the need for an enforcement plan. Although such a plan is not a Development Plan Document, it does provide a statement of the Council's objectives and priorities regarding planning enforcement.

3.2 National Guidance emphasis that local enforcement plans are important because it:

- Allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- Sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- Provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;
- Provides greater certainty for all parties engaged in the development process.

3.3 The Department for Communities and Local Government (DCLG) has introduced a new time-limited Planning Enforcement Fund for all local planning authorities in England. The scheme provides a grant contribution to local planning authorities for securing a Court injunction to prevent actual or apprehended breaches of planning control.

3.4 To qualify for consideration, an authority is required to confirm it has adopted the enforcement best practice recommended in paragraph 207 of the National Planning Policy Framework and published its plan to manage enforcement of breaches proactively. An authority's enforcement plan must have been published at least three months prior to applying for grant and the authority is required to confirm adherence to the recommendations of the National Planning Policy Framework of how the authority:

- Monitors the implementation of planning permissions;
- Investigates alleged breaches of planning control; and
- Take enforcement action whenever it is expedient to do so.

- 3.5 The Eligibility Criteria was set out at Appendix A to the Planning Committee report.
- 3.6 When the draft Enforcement plan was reported in draft to the Committee in July 2014, the Openness of Local Government Bodies Regulations were in draft. These have now been made a Statutory Instrument no 2095 of 2014. In order to meet the requirements of these negotiations, a record form is proposed completed with a current example to show how the suggested new record system would work was included as Appendix B to the Planning Committee report.
- 3.7 In the presentation to the Committee in July 2014, the need to make the best use of IT was mentioned. The Council has Middleware to enable Enforcement Complaints submitted by the website to be uploaded onto the Enforcement Uniform system, but this has not been brought into use.

4. Issue, Options and Analysis of Options

4.1 External responses to the consultation document raised the following issues:

4.1.1 The tenor and tone of the plan is quite threatening;

4.1.2 HRA legislation gives people a right to a private lift and intrusion can't be based on expediency – after all an unlawful alteration isn't going anywhere;

4.1.3 The plan should embrace the concept of a shared heritage and be a supportive measure to help householders comply with the legislation

4.1.4 Mountnessing Parish Council is supportive of the proposals set out in the above Plan. It is in agreement with its objectives and priorities and the proposed standards are acceptable. Parish Councillors are aware that the Borough is subject to financial constraints but would urge that the necessary resources are devoted to achieve the aims of the Plan.

4.2 The tenor and tone of the plan is intended to be a transparent policy of service standards - more a promise than a threat. Planning enforcement is about achieving compliance with procedures and legal requirements.

4.3 Enforcement is discretionary where it is expedient in planning terms to take action. The word "expedient" is not defined in the Act, but implies a balance of policy and other factors against perceived or potential harm. Human rights of occupiers must be taken into account where relevant.

4.4 So far as heritage issues are concerned, letters were sent to all owners of Listed Buildings in the Borough drawing attention to the consultation of draft enforcement plan and legislative changes. The concept of shared heritage has been developed in two European Conventions of the Council of Europe. The Florence Convention of October 2000 is aimed at promoting high quality landscapes for future generations, and has been in force in the UK since 2007. The Faro Convention promotes a broad definition of cultural heritage but is not in force in the UK.

4.5 Householders do have support. These are permitted development rights and a free single advice service for pre-application. It is accepted that more could be done in respect of new householder applications. Householders should ensure that the professionals who are engaged fulfil the application requirements. Where there are complaints about unauthorised development, it is always helpful if there has been prior discussion with a Planning Officer. The Middleware technology also serves to clarify pre-application discussions and could include local requirements and standards.

4.6 The response of Mounthessing Parish Council is a welcome endorsement of the aims and standards of the enforcement plan. However, the issue of managing resources involves corporate priorities which may change from time to time. In order to provide greater transparency regarding the issue of expediency, a scoring chart for assessing harm, and when a threshold of expediency for taking action is now proposed. If corporate priorities change the resource available may be adjusted as a higher or lower score.

4.7 Internal Responses to the Consultation include the following:

4.7.1 The Enforcement Toolkit should be aligned with National Guidance on ensuring effective enforcement and, where appropriate, the Good Practice Guide of 1997;

4.7.2 Where no formal action is taken, National Guidance recommends that a record is kept for the decision. The enforcement file may be re-opened at any time. Where there is a technical breach and no formal action the landowner may be advised that a search of the property on a prospective sale will disclose a breach of control;

4.7.3 The Good Practice Guide recommends that any delay should be prevented by ensuring that a properly delegated person is always available to take urgent action/decisions when needed. This should be put in place;

4.7.4 Where Planning Enforcement breaches are found to involve Council owned land, any enforcement investigation will be terminated and the matter referred to the relevant asset manager to remedy. Land ownership remedies are generally speedier and more efficient than planning enforcement measures. Covenants imposed on land sold by the Council, where there is an overlap with breaches of planning control, should also be dealt with by the relevant asset manager.

4.7.5 A useful additional way of enforcing planning control (or indeed any part of it e.g in respect of demolition of buildings in a Conservation Area) is a confiscation order under Pt 2 of the Proceeds of Crime Act 2002 (referred to in the cases as POCA). For these provisions to apply there must have been a successful prosecution of the offence (s.6(2)) and the prosecution must have asked for the order or the Court believes it is appropriate to make it (s.6(3)). The order will not be made unless the defendant has benefited from the conduct (s.76). This has been added to the Toolkit. The confiscation order is in addition to any other penalty (e.g. fine) which may have been imposed.

4.7.6 National Guidance includes the right to costs and expenses in the event of default action. The toolkit now refer to this and a practice note on enforced sale procedures proposed.

4.8 The Toolkit and delegation arrangements includes references to best practices on prosecutions, the power to issue a letter giving a time-limited assurance not to prosecute, and acceptance of undertakings to resolve breaches to an acceptable standard.

4.9 A scoring chart for assessment of harm and expediency test for enforcement action is recommended for incorporation into the Plan with a form of decision record form where required. Publication of Enforcement Action by ward and Parish will be considered separately.

4.10 The effectiveness of planning enforcement will be enhanced by improved technology. This should be progressed and kept under review. It is recommended that the Enforcement Plan be adopted and reviewed annually.

5. References to Corporate Plan

- 5.1 Proposals in this report support the Modern Council theme of the Corporate Plan in making efficiencies and savings, while improving service delivery to customers.
- 5.2 The planning service itself supports the Prosperous Borough theme by its promotion of quality development.

6. Implications

Financial Implications

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Legal Implications

Name & Title: Philip Cunliffe-Jones, Planning Lawyer

Tel & Email 01277 312703 philip.cunliffe-jones@brentwood.gov.uk

- 6.1 Legal implications have been incorporated report and revised Enforcement Plan recommended for adoption into the internal responses.

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

- 6.2 No other implications are identified.

7. Background Papers

The revised Brentwood Local Planning Enforcement Plan is appended to this report. Report to the Planning and Development Committee and the Appendices:

- Appendix A – Eligibility Criteria for bidding for support for injunctions
- Appendix B – Openness Regulations 2014 decision record form (included in the revised Enforcement Plan)
- Appendix C– Scoring chart for harm (included in the revised Enforcement Plan)

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24 March 2015

Ordinary Council

Assignment of Strategic Safeguarding Lead and Member Champion

Report of: *Graham Farrant – Chief Executive*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 At the 17 December 2014 Community Committee meeting, Members considered a report on Safeguarding Policy and Procedures.
- 1.2 The recommendations included in the report were resolved unanimously by the Committee and for one of these agreement was needed by Full Council, as follows:

3. Members recommend that the Strategic Safeguarding Lead be assigned to the (Acting) Chief Executive and the Safeguarding Member Champion be allocated to the Leader of the Council, to be agreed at Ordinary Council.

2. Recommendation

That the Council's Strategic Safeguarding Lead be assigned to the Chief Executive and the Safeguarding Member Champion be allocated to the Leader of the Council.

3. Introduction and Background

A report entitled 'Safeguarding Policy and Procedures' was considered by the Community Committee on 17 December 2014 when Members were reminded that Brentwood Borough Council had a duty to comply with Section 10 and 11 of the Children's Act 2004 (and by implication sections 157 and 175 of the Education Act), and as part of the Southend, Essex and Thurrock (SET) procedures to work together to protect children, young people and vulnerable adults. The Council also had guidance from the Department of Health 'No Secret: Guidance on developing multi-agency policies and procedures to protect vulnerable adults from abuse', 2000.

Members noted that the Council had undertaken a number of self audits for both Children and Young People and Adults which had informed the

Council's Safeguarding Policies and Procedures. The outcome from the 2013 audit identified some areas of improvement, especially around some new emerging issues such as Domestic Violence; Honour Based Abuse and Female Genital Mutilation; Child Sexual Exploitation and Counter Terrorism.

Due to the number of new and emerging issues the Council's own Safeguarding Policy and Procedures and Safeguarding Action Plan had been reviewed and revised for Member approval.

The recommendations in the report were resolved unanimously as follows, that:

1. Members agree to the revised Safeguarding Policy and Procedures appended to the report.
2. Members agree that Officers will implement the Safeguarding Action Plan 2015/16.
3. Members recommend that the Strategic Safeguarding Lead be assigned to the (Acting) Chief Executive and the Safeguarding Member Champion be allocated to the Leader of the Council, to be agreed at Ordinary Council.

4. Issue, Options and Analysis of Options

- 4.1 The Council had undertaken a number of self audits for both Children and Young People and Adults which had informed the Council's Safeguarding Policies and Procedures. The outcome from the 2013 audit identified some areas of improvement and the resolution of the Community Committee addressed these.

5. Reasons for Recommendation

- 5.1 To assign a Strategic Lead and Member Champion for the Council's Safeguarding Policies and Procedures.

6. Consultation

- 6.1 The Community Committee had considered the report and the agenda had been publicly available.

7. References to Corporate Plan

- 7.1 Safeguarding covers a number of Corporate priorities but especially Housing, Health and Wellbeing – make sure that the more vulnerable residents in Brentwood are protected, and help goes to those most in need of it; Safe Borough – promote Brentwood as a safe place to live and celebrate our success; promote crime awareness and vigilance across Brentwood residents.

8. Implications

Financial Implications

Name & Title: Chris Leslie – Financial Services Manager and Section 151 Officer

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

- 8.1 There are no further financial implications at this time.

Legal Implications

Name & Title: Chris Potter – Monitoring Officer and Head of Support Services

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

- 8.2 Brentwood Borough Council has a duty to comply with Section 10 and 11 of the Children's Act 2004 (and by implications sections 157 and 175 of the Education Act), and as part of the Southend, Essex and Thurrock (SET) procedures to work together to protect children, young people and vulnerable adults. The Council also has guidance from the Department of Health 'No Secret: Guidance on developing multi-agency policies and procedures to protect vulnerable adults from abuse', 2000.

All other legal implications are set out within the Safeguarding Policy and Procedure.

Other Implications (where significant)

Equality and Diversity implications

- 8.3 The Safeguarding Policy and Procedures sets out the Council's Safeguarding Policy and Procedures which covers the whole community, but in particular children, young people and vulnerable adults. Within the Policy there are a number of emerging issues which may affect some sections of the community more than others such as Honour Based Abuse and FGM.

Risk Management implications

- 8.4 The Council needs to ensure that staff, contractors, volunteers and Members are aware of the Safeguarding Policy and Procedures and adhere to safe working practices. Any procurement or contracting of services which relate to children, young people or vulnerable adults must ensure that they must evidence that they have robust safeguarding policies in place.

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

9.1 None.

10. Appendices to this report

- Appendix A – Report and appendices
- included in the agenda for the 17.12.14 Community Committee meeting.

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24 March 2015

Ordinary Council

Notices of Motion

Report of: Graham Farrant – Chief Executive

Wards Affected: All

This report is: Public

1. Executive Summary

1.1 One Notice of Motion has been submitted in accordance with the Council's procedure rules by Cllr Barrett.

1.2 *"The Council believes that giving blood saves and improves lives, and that without the support of the highly experienced Brentwood staff team many lives would not have been improved and saved. The Council further believes that this team at the Brentwood Blood Donor Centre are assets to the community that will be much missed by their donors and the wider population when the facility is lost.*

That the Council (1) recognises the good work of the staff and the generosity of the thousands of donors who have used the Brentwood Blood Donor Centre (2) expresses its disappointment at the loss of this facility to the community and its regret upon the breaking up of a staff team who have supported hundreds of donors.

That the Council will seek, in recognition of the loss of the Centre, to engage with the National Blood Service to make sure appropriate facilities remain open to encourage blood donation and that through the Audit & Scrutiny Committee, the Council will seek to understand the impact on donors from the loss of this team and facility, alongside investigating the facilities proposed by the National Blood Service to replace this loss."

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Members Interests

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

- **What are pecuniary interests?**

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

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

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

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

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

- participate in any discussion of the business at the meeting, 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

General Powers of 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 committees. It also agrees the membership of the committees/sub-committees.

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;
- (c) 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;
- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000;

