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Environment and Housing Management Committee

Wednesday, 9 March 2016 at 7.00 pm Council Chamber - Town Hall

Membership (Quorum-3)

Cllrs Hossack (Chair), Poppy (Vice-Chair), Mrs Coe, Mrs Davies, Mrs Henwood, Mrs Hubbard, Ms Rowlands, Sleep and Mrs Squirrell

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P.L. Burgs

Head of Paid Service

Town Hall Brentwood, Essex 01.03.2016

Information for Members

Substitutes

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

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi-judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information						
Point of Order	Personal Explanation	Point of Information or				
A member may raise a point of order	A member may make a personal	clarification				
at any time. The Chair will hear them	explanation at any time. A personal	A point of information or clarification				
immediately. A point of order may	explanation must relate to some	must relate to the matter being				
only relate to an alleged breach of	material part of an earlier speech by	debated. If a Member wishes to				
these Procedure Rules or the law.	the member which may appear to	raise a point of information, he/she				
The Member must indicate the rule	have been misunderstood in the	must first seek the permission of the				
or law and the way in which they	present debate, or outside of the	Chair. The Member must specify the				
consider it has been broken. The	meeting. The ruling of the Chair on	nature of the information he/she				
ruling of the Chair on the point of	the admissibility of a personal	wishes to provide and its importance				
order will be final.	explanation will be final.	to the current debate, If the Chair				
		gives his/her permission, the				
		Member will give the additional				
		information succinctly. Points of				
		Information or clarification should be				
		used in exceptional circumstances				
		and should not be used to interrupt				
		other speakers or to make a further				
		speech when he/she has already				
		spoken during the debate. The ruling				
		of the Chair on the admissibility of a				
		point of information or clarification				
		will be final.				

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• Evacuation Procedures

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Minutes



Environment and Housing Management Committee Wednesday, 9th December, 2015

Attendance

Cllr Hossack (Chair) Cllr Poppy (Vice-Chair) Cllr Mrs Coe Cllr Mrs Davies Cllr Mrs Henwood Cllr Mrs Hubbard Cllr Ms Rowlands Cllr Sleep Cllr Mrs Squirrell

Also Present

Cllr Barrett Cllr Murphy Cllr Pound Cllr Russell Cllr Ms Sanders Cllr Tee Cllr Wiles

Mrs M Montgomery – Tenants Talkback Representative

Officers Present

David Carter -	-	Senior EHO (Team Leader)
Helen Gregory -	•	Interim Head of Housing
Neil Haycock -	•	Environmental Health Officer
Paulette McAllister -	•	Design & Conservation Officer
Roy Ormsby -	•	Head of Street Scene
Jean Sharp -	•	Governance and Member Support Officer
Angela Williams -	-	Principal Officer (Housing Needs)

262. Apologies for Absence

No apologies for absence were received.

263. Minutes of the Previous Meeting

The minutes of the 23 September 2015 Environment and Housing Management Committee meeting were approved and signed as a true record, subject to the inclusion of Cllr Ms Rowlands' name as having been present.



264. Verbal update - Streetcare

The Chair and Head of Streetscene gave a verbal update regarding the issuing of grit supplies, litter recycling roadshows and the role of the recently appointed street inspector. The Chair also advised that planning permission had been granted for development of two of the Council's garage sites where 7 residential units were to be built.

265. Pilot Scheme for Refuse/Recycle bins in West Horndon

Members were reminded that at the Environment and Housing Committee on 23 September 2015 it was agreed to implement a pilot scheme for the introduction of refuse/recycle bins at a cost of £5,000.

Since that Committee meeting there had been positive discussions with West Horndon Parish Council who had agreed to pilot the scheme. However, it was agreed with them that the scheme should be extended to include the whole of the village.

As the scheme was now to include 650 homes and each would be issued with two bins - a 240ltr bin for dry recycling waste, and 180ltr bin for residual waste - the cost of implementation would be increased from the initial £5,000 to approximately £20,000.

Cllr Hossack MOVED and Cllr Poppy SECONDED the recommendation in the report and, following a full discussion, a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

That Members agree to the trial of bins to 650 homes in West Horndon at a cost of £20,000, which will be funded from the capital programme.

Reason for Recommendation

To ensure that the pilot is delivered to a larger number of households, and provide better data for Members to make an informed decision on any further schemes.

266. Fee and Charges - Streetscene

Members were reminded that fees and charges made by the Council for various services were reviewed on an annual basis by the relevant Committees relating to the services provided.

Recommended amendments to the fees and charges were incorporated into the budget setting process to take effect from the following financial year.

An increase of 2.5% was proposed to cemetery services, details of which were appended to the report before Members.

Cllr Hossack MOVED and Cllr Poppy SECONDED the recommendation in the report and following consideration of the proposed increase and a vote taken on a show of hands it was

RESOLVED UNANIMOUSLY

To approve an increase of 2.5% in fees for cemetery services.

Reasons for Recommendation

The recommendation was to increase all charges by 2.5%, which would make a small contribution to the subsidised services provided by the Council.

267. Verbal Update - Housing, Presentation & Update on Garage Sites

Officers gave presentations regarding:

- Progress on future Council Garage Site development feasibility
- Key performance indicators
- Customer satisfaction indicators

268. Rent Setting 2016/2017

The report before Members sought the approval of the Environment and Housing Management Committee on the proposed new rent levels for 2016/17.

The recommendations would be considered by the Policy, Finance and Resources Committee at its 16 February 2016 meeting when the final recommendation would be made as part of the budget process followed by the final decision being made at the Ordinary Council meeting on 2 March 2016.

The method of setting rents had changed in the Government's summer budget 2015: as part of the new Welfare Reform and Work Bill 2015/16, it was announced that rents in the social housing sector were to be reduced by 1% a year for the next four years.

The total rent reduction to the Housing Revenue Account (HRA) over the four year period would be £2,380,927.00. This was a significant reduction to income and would require the Council to make savings to HRA.

The Housing service, at the same time as the proposed rent reduction was taking place, was undergoing a transformation programme. As part of this transformation programme there was a need to improve the method of identifying and prioritising planned maintenance capital works to the Council's properties. To facilitate this, a full stock condition survey needed to be undertaken and Members considered this matter later in the meeting.

Cllr Hossack MOVED and Cllr Poppy SECONDED the recommendations in the report and following a full discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY that:

- 1. Members agree to decrease rent by 1% from April 2016 and for the next 4 years.
- 2. Members agree to stop non priority planned maintenance and capital programme works for 2016/17. This will reduce the Capital programme by £1 million in the first year (1 of 4 years) and enable the additional £1 million (rent reduction) to be spread over the following 3 years.
- 3. Members agree to freeze the proposed Services Charges at 2015/16 levels as outlined within the report (point 4.8) which will then be incorporated within the 2016/17 Budget.
- 4. Members agree to applying the formula rent to all new tenancies from April 2016/17.
- 5. Members agree to monitor the new Pay to Stay policy and the charging of affordable rents to households with more than £30,000 annual income from April 2017.

Reasons for Recommendation

The recommendation would be to follow the guideline 1% decrease for the next four years as this is set by government; to carry out a stock condition survey in 2016; to suggest that for 2016/17 only Capital Works already identified as a priority would be completed. There will be no change to the reactive repairs service this will be unaffected by the rent reduction in 2016. Taking this action now will ensure the HRA budget for 2016/17 is balanced.

The following assumptions had been taken into account when considering the Rent Setting for 2016/17:

- The financial viability of the HRA business plan
- Delivering a repairs capital programme of £2m for 2016/17
- Budget provision for repayment of HRA self financing loans
- Development fund for new homes £500k
- No allowance had been made for growth bids
- Affordability for tenants officers were mindful of the forthcoming roll out of universal credit and changes to Welfare benefits.

(Cllr Ms Rowlands declared a pecuniary interest under the Council's Code of Conduct and left the Chamber.

Cllr Mrs Squirrell declared a pecuniary interest under the Council's Code of Conduct and took no further part in the discussion or vote).

269. Rent Policy (Affordable Homes)

Brentwood Borough Council did not currently have a formal rent policy which outlined affordable rent setting and variation mechanisms.

The draft Rents Policy November 2015 appended to the report outlined a viable rent setting and variation mechanism for affordable rent properties.

To allow for continued capital receipt funded acquisitions and procurement and investment in future home building, an economically viable rent setting policy was required.

The rent on each affordable rent property (acquisitions and new-builds) was due to be set according to a graduated mechanism to make affordable rents more affordable, as the private rented property market was expensive in Brentwood.

Cllr Hossack MOVED and Cllr Mrs Henwood SECONDED the recommendation and following a full discussion it was

RESOLVED UNANIMOUSLY

that the Committee formally approves and recommends to the Policy, Finance and Resource Committee the appended Rent Policy (AH).

Reasons for Recommendation

The proposed policy would allow the Council to:

- 1. Maximise potential revenue of acquisitions funded through capital receipts, given that 'Right to Buy' acquisitions are an economy of diminishing returns.
- 2. Realise an agenda for new build and acquisitions which would otherwise be economically untenable.
- 3. Increase affordable housing supply within the Borough.
- 4. Broaden the housing range for residents.
- 5. Expand housing options for homeless households
- 6. Implement the Welfare Reform agenda (which Brentwood Council is committed to, particularly within existing written policy)
- 7. Encourage aspirational households to remain in/enter work whilst not being economically prevented from obtaining larger accommodation.
- 8. Enable the current provision of social rents to continue as a form of cross-subsidisation within the Housing Revenue Account.
- 9. Support families into accommodation which will be affordable where the needs are not met by existing stock.
- 10. Structure the Council's approach to housing, in particular as relevant to the Local Development Plan.

270. Fees and charges - Housing

The report before Members sought the approval on the proposed new fees & charges for 2016/17. Fees and charges made by the Council for various services were reviewed on an annual basis to ensure they reflected the current cost of the service provision. Recommended amendments to the fees and charges were then incorporated into the budget setting process to take effect from the following financial year.

At the Environment and Housing Management Committee held on 23 September 2015, as part of the Housing transformation programme, a new recharge policy was approved to enable the Council to recharge tenants.

Appended to the report was a list of the proposed individual charges which had been calculated with the following price mechanism:

- 2016/17 cost price less 30%
- 2017/18 cost price less 25%
- 2018/19 cost price less 20%

Subsequently it was proposed the percentage deducted would increase by 5% until the full cost price was recovered.

Members noted that the Tenants Talkback group were supportive of the new policy.

Cllr Hossack MOVED and Cllr Sleep SECONDED the recommendation in the report and following a full discussion and a vote taken on a show of hands it was

RESOLVED UNANIMOUSLY that

Members agree to the new recharging policy to tenants as outlined in Appendix A to the report.

Reasons for Recommendation

The introduction of these charges should encourage a reduction in costs that Council currently incurred and promoted responsibility, particularly with missed appointments for gas servicing.

The aim of the introduction of this policy was to deter unnecessary spend so that the Council's money could be invested into its housing priorities.

The policy would be reviewed in a year's time to establish if a reduction on costs had been achieved.

The Committee was requested to approve a new fees and charges policy in line with best practice and to assist in the Council's Modernisation Programme and efforts to help keep rents and service charges low.

271. Stock Condition Survey

As part of the Housing transformation programme Officers had identified that Brentwood Borough Council currently held limited stock condition data on its HRA assets.

It was proving problematic to appropriately identify properties that failed the Decent Homes standard and which required capital investment, which meant the Council was not delivering value for money. It was essential that the Council had robust property intelligence on all its properties to ensure that informed investment decisions were selecting properties for capital works or planned maintenance.

The best approach was considered to be the employment of an external provider to undertake a 100% stock condition survey and produce a report including a future programme of capital works and stock options.

Production of robust condition survey data would enable officers to quantify the Council's current and future liability with confidence and ensure there were no significant unidentified maintenance liabilities leading to urgent reactive replacements at increased cost.

Increasing the bank of real data made cost and condition data increasingly accurate. This would give greater confidence in the accuracy of the Council's Decent Homes statistical return.

The cost of the survey, with all associated works, was estimated to be c.£200K.

Cllr Hossack MOVED and Cllr Poppy SECONDED the recommendations in the report with the addition of some wording and following a full discussion and vote taken on a show of hands it was

RESOLVED UNANIMOUSLY that:

1. The Committee approves the appointment of an external specialist company to complete a full stock condition survey of the housing assets, anticipated to cost in the region of £200,000, a £10,000 discretion to be allowed.

2. The Committee approves Officers arranging to tender the works using the Council procurement process and that delegated authority be awarded to the Head of Housing in Consultation with the Head of Paid Service and Section 151 Officer to award the contract – in line with the timetable set in point 4.16 of the report.

Reasons for Recommendation

To enable BBC to maintain its responsibilities and fulfil its obligations as a landlord.

Until a full survey of all stock was available, asset management decisions were based on current officer knowledge or reaction to component failure.

It was important that investment decisions were informed by a sound understanding of the condition of the Council's properties. Whilst staff had an awareness of condition, an externally validated assessment was seen as essential.

It was vital that the Council had up to date information about condition of the HRA stock in order to support its investment decisions each year. The risks in not having this information included the failure to provide adequate resources to tackle repairs and maintenance that subsequently led to the need for replacement at a much higher cost.

For short to medium term financial planning purposes a full stock condition survey (100%) was considered necessary. This would provide a sound baseline position and a high level of confidence in the future allocation of investment across the stock.

The result of the survey would be used to inform the HRA Business Plan and to formulate a more accurate Capital Programme.

Reduced frequency of unscheduled maintenance visits would enable commitment to this area to be reduced.

272. Renewal of Communal Gas Central Heating, Hot and Boosted Cold Water Systems to Drake House

Members were advised that the communal gas central heating, hot and boosted cold water systems at Drake House were considered to be beyond economic repair.

System components were obsolete, did not meet current regulations and were failing with increased regularity. It was proving problematic to maintain adequate system functionality within reasonable cost levels.

A report on the system failures and the best approach for renewal had been commissioned and produced. This suggested that the systems were replaced in their entirety with modern components meeting all current regulations.

The cost of renewal of the systems, with all associated works, was estimated to be c.£470K.

Cllr Hossack MOVED and Cllr Ms Rowlands SECONDED the recommendations in the report and following a full discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY that

- 1. Committee approved Option 4: to replace all communal systems.
- 2. Council Officers be requested to arrange to tender the works using the Council procurement process (timetable outlined in point 4.13) and delegated authority be awarded to the to the Head of Housing in consultation with the Head of Paid Service and Section 151 Officer to award the contract.

Reasons for Recommendation

To enable BBC to maintain its responsibilities and fulfil its obligations as a landlord.

It adopted a "spend to save" approach which saw high initial investment with significant long term gains due to reduced fuel use as a consequence of system run time and reduced frequency of unscheduled maintenance visits.

The approach allowed the residents to manage and review their individual energy and water consumption. At the moment, the residents paid a heating charge which was divided over all flats irrespective of how much energy they used. Going forward residents would only pay for the energy they used and would be able to have full control of the heating in their properties. Water meters would also be fitted to each property which would reduce residents' costs as they would only pay for the water that they consumed.

273. Termination of Meeting

In accordance with the Council's Procedure Rules, the meeting not having been concluded by two hours after its start, the Chair interrupted the meeting and took a vote as to whether to continue the meeting for 30 minutes and this was accordingly **RESOLVED UNANIMOUSLY**.

274. Fees and Charges - Private Sector

The Council had a number of fees and charges relating to the services it provided. These charges were reviewed on an annual basis by the relevant Committee and were incorporated into the budget setting process to take effect from the following financial year. Whilst some of the fees and charges were statutory, and therefore determined through legislation, the Council must also review its charges for discretionary services to ensure they reflected the current costs of service provision.

The individual charges that were being proposed were set out in Appendix A to the report before Members. These related to charges for licences issued for houses in multiple occupation where there was a mandatory licence

requirement, i.e. where there was a three or more storey property occupied by five or more people in two or more households. Charges were also made for inspecting properties for immigration and landlords were charged where a formal notice under the Housing Acts had been issued.

Cllr Hossack MOVED and Cllr Sleep SECONDED the recommendation and following a full discussion and a vote taken on a show of hands it was

RESOLVED UNANIMOUSLY

That Members agree the proposed Fees and Charges, as outlined within Appendix A to the report to be incorporated within the 2016/17 Budget.

Reasons for Recommendation

To revise the charges for 2016/17 following the review of all discretionary fees and charges to inform the 2016/17 budget setting process.

(Cllrs Poppy and Ms Rowlands each declared a pecuniary interest under the Council's Code of Conduct in this agenda item and the following two items and left the Chamber).

275. Private Sector Housing Renewal Policy Update

Members were reminded that the Council's Private Sector Renewal Policy was agreed and adopted at the meeting of Environment, Health and Housing Board on 8 June 2011.

At the meeting of the Environment and Housing Management Committee on 17 June 2015 Members agreed to consult on the proposal to consolidate the existing range of discretionary housing loans into two loans, Discretionary Disabled Facilities Loans and Emergency Home Repair Loans.

The consultation had been running on the Council website from 8 July 2015 and stakeholders including voluntary groups and Papworth Home Improvement Agency were invited to respond.

The consultation response was in support of the proposal to revise the range of discretionary housing loans.

Cllr Hossack MOVED and Cllr Sleep SECONDED the recommendation and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

That Members agree to adopt the proposed revised Private Sector Renewal Policy at Appendix A to the report.

Reasons for Recommendation

To better target Council financial resources to provide housing assistance to those most in need.

(Cllrs Poppy and Ms Rowlands had each declared a pecuniary interest in relation to the previous item, the current item and the following item and remained outside the Chamber).

276. Civil Penalty Scheme for non-compliance with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Members were advised that new legislation had been introduced to ensure smoke and carbon monoxide alarms were in working order in privately rented accommodation.

The legislation allowed discretion for Local Authorities to set a Civil Penalty in the form of Fixed Penalty for non-compliance with the requirements which could be up to £5000.

The report before Members sought authority to set the level of the Civil Penalty.

Cllr Hossack MOVED and Cllr Mrs Davies SECONDED the amended recommendation and following a full discussion it was

RESOLVED UNANIMOUSLY that:

1. The Committee delegates authority for the administration and enforcement of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to the Head of Borough Health Safety and Localism and Officers nominated by him.

2. The Committee agrees the Civil Penalty for failure to comply with requirements of these Regulations will result in the maximum Civil Penalty of £5000 being levied for the first and each subsequent offence for a property within the ownership of the same landlord.

3. The Committee agrees to the promotion of the Regulations and Civil Penalty Scheme via the medium of landlords forums, community safety. newsletters, press releases and other applicable communication channels.

Reasons for Recommendation

It was acknowledged that the private rented sector played an important and valuable role in the provision of housing to Brentwood residents. Whilst landlords were supported in providing this service, the health and safety of tenants was paramount. A remedial notice was served where a breach of the legislation was discovered, giving the landlord 28 days in which to install a smoke or carbon monoxide alarm. This action was not onerous and there

were few excuses for non-compliance. Therefore a civil penalty for initial and subsequent non-compliance with the legislation would illustrate the seriousness with which the Council regards this matter.

(Cllrs Poppy and Ms Rowlands had each declared a pecuniary interest in relation to the previous two items and the current item).

277. Papworth Home Improvement Agency - Contract Renewal

Members were reminded that Brentwood Borough Council worked in partnership with Papworth Trust to provide a Home Improvement Agency service, giving assistance to elderly and vulnerable residents in obtaining adaptations for disabilities, small repairs, access to funding for housing repairs and other services.

Essex County Council undertook a procurement exercise in 2010 to determine the contractors to provide Home Improvement Agency (HIA) functions throughout the county, funded through Supporting People at Essex.

The original contracts issued by Essex were for a three year period, which has subsequently been extended by them until November 2015. Papworth Trust were awarded the HIA contract for the area covering Brentwood, Basildon, Rochford and Castle Point districts.

Brentwood Borough Council entered into a service level agreement with Papworth Trust to provide local services to Brentwood residents, which was for the same time period as the initial contract with Essex.

Essex County Council was reviewing its existing contractual arrangements and had now further extended its contract with Papworth until March 2016 until it had made a decision.

Authority was therefore sought from this Committee to extend the existing SLA contract with Papworth until March 2016. Funding for this financial year had been budgeted for and there was financial provision for this further extension.

Cllr Hossack MOVED and Cllr Sleep SECONDED the recommendation in the report and following a discussion, a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY that:

1. Members agree to extend the time period for the service level agreement with Papworth to March 2016.

2. Officers are instructed to report back on the outcome of Essex County Council's procurement and the future provision of Home Improvement Agency services for the Borough.

Reasons for Recommendation

To ensure continuity of services provided by the HIA in line with the Essex agreements.

278. Urgent Business

There was no urgent business.

The meeting ended at 9.30pm

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Agenda Item 4

9 March 2016

Environment and Housing Management Committee

Retender of the Repair and Refurbishment to Various Balconies on the Three Arch Bridge Estate CM13 BAL Ref: 372/14

Report of: Helen Gregory, Acting Head of Housing & Benefits

Wards Affected: Brentwood South

This report is: Public

1. Executive Summary

- 1.1 The previous contract for this work was terminated due to performance issues.
- 1.2 There remains a need to finish work to 8 blocks where these are incomplete and to undertake full works to the remaining 7 blocks where work has yet to commence.
- 1.3 Given the value and complexity of the work it is necessary to undertake a competitive tender exercise to secure the services of another contractor. This shall proceed using the Delta E-Procurement portal.
- 1.4 The cost of both work elements described above is estimated to be c.£240K.

2. Recommendation

2.1 The Committee is asked to formally approve that we proceed to tender and delegate power to the Head of Paid Service and Section 151 Officer to award the contract.

3. Introduction and Background

- 3.1 As set out above the previous contract was terminated early.
- 3.2 Outstanding work is required to the following:

Part Works (Previous undertaken by MNM Property Services)

142-152 Hawthorn Avenue

162-172 Hawthorn Avenue

91-101 Hawthorn Avenue

63-69 Hawthorn Avenue/13-14 Rowan Green East

15-20 Rowan Green East

21-26 Rowan Green East

1-4 Oaktree Close/11-13 Hawthorn Ave

9-14 Oaktree Close

Complete works (Previously within the MNM Property Services contract but nothing commenced)

15-17 Hawthorn Avenue/19-22 Oaktree Close

39-49 Hawthorn Ave

51-61 Hawthorn Ave

71-77 Hawthorn Ave/11-12 Rowan Green West

90-100 Hawthorn Ave

5-10 Rowan Green West

27-32 Rowan Green East

4. Issue, Options and Analysis of Options

- 4.1 It was necessary to fully consider and ascertain the best way forward with these works given the prolonged disruption to the residents. There were two options identified and these are outlined below.
- 4.2 Options considered:
 - Explore the use of a secondary organisation from the original tender process.
 - Undertake a new tender process including all statutory leasehold consultation (Section 20).
- 4.3 The first option was discounted as the original tender process had been run a relatively considerable time ago, late 2014 and there could be no certainty that costs would remain as originally offered.
- 4.4 Given that there is to be a new contract and subsequently a new contractor it is necessary to re-issue Section 20 notices to leaseholders.

5. Reasons for Recommendation

- 5.1 To enable the contract to be delivered appropriately with a high level of time and cost certainty.
- 5.2 Residents will benefit from the works being completed with a superior level of professionalism.
- 5.3 The work will be completed during the summer enabling wet product curing times to be met and a reduced level of protection offered. This should enable the works to proceed apace with minimal "down time".

6. Consultation

6.1 Statutory leasehold consultation has commenced with the initial Notice of Intention having already being issued. All affected residents have been kept aware of the process and respective timeframes.

7. References to Corporate Plan

7.1 Housing, Health and Wellbeing. The recommendation will enhance the resident dwelling external environment and provide increased protection to structural elements of the blocks.

8. Implications

Financial Implications Name & Title: Ramesh Prashar, Financial Services Manager Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

8.1 The spend associated to this project was originally budgeted for in 2015/16, within the HRA Business Plan. The slippage of this budget has been built into 2016/17 capital program and funding. The final slippage figure will go to committee in the new financial year when the final outturn is produced.

Legal Implications Name & Title: Daniel Toohey, Monitoring Officer Tel & Email: 01277 312500 / daniel.toohey@brentwood.gov.uk

8.2 The value of this contract is below the threshold requiring EU wide competitive tendering. However, the councils constitution will apply which means a competitive tendering exercise is required. Under the Public

Contracts Regulations 2015, a fair and transparent process is required. Legal Service is available to advise and assist with the process.

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

- 8.4 None
- **9 Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None

10 Appendices to this report

None

Report Author Contact Details:

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9th March 2016

Environment and Housing Management Committee

Litter and Graffiti Enforcement

Report of:Gordon Glenday, Head of Planning & Environmental Health
Roy Ormsby, Head of Street Scene & Environment

Wards Affected: All

This report is: Public

1. Executive Summary

1.1 At the Ordinary Council meeting on 27th January 2016 a notice of motion was carried unanimously which stated:

'As part of an ongoing campaign and commitment to keeping Brentwood clean, this Council resolves to explore powers at its disposal to take action against private land owners who fail to remove litter or graffiti from their land or property. A full report with proposed action will come forward to the Environment and Housing Committee'.

1.1 This report sets out the powers available to the Council to deal with removal of litter and graffiti on private land where land owners fail to carry this out.

2. Recommendation(s)

- 2.1 Members agree to define the roles and responsibilities of officers so that a comprehensive and effective response is made to deal with issues relating to litter or graffiti.
- 2.2 Officers are instructed to investigate complaints of litter or graffiti on private property in accordance with the table in section 4 of this report

3. Introduction and Background

3.1 Litter and graffiti have a detrimental effect on the character and amenity of an area. The Street Cleansing team currently arranges for removal of

graffiti from Council owned land and property through an online reporting system on the Council website.

- 3.2 The Clean Neighbourhoods and Environment Act 2005 (CNEA) introduced new provisions for dealing with litter. Litter Clearing Notices and Street Litter Control Notices were introduced and provision was made for issuing Fixed Penalty Notices (FPNs) for environmental offences.
- 3.3 The Principal Litter Authorities (PLAs) were empowered to deal with litter on 'relevant land', which is land that is open to the air, under their control to which the public have access. The offence of leaving litter under s.87 of the Environmental Protection Act 1990 applies to any place in the area of a PLA and a PLA is a litter authority for the purposes of issuing FPNs for leaving litter, under s.88 Environmental Protection Act 1990.
- 3.4 At the meeting of the Policy Board on 21st June 2006 (Min 115) Members adopted the powers under the CNEA 2005.
- 3.5 A report was submitted to Environment Panel on 5th November 2008 (Min. 368) which considered the possibility of employing Litter Wardens to discourage littering in the Borough and the use of FPNs. In all of the Essex authorities who have responded (11/13) the enforcement of litter and graffiti on private land is carried out by Street Scene Enforcement Officers.
- 3.6 The Register of Delegated Powers dated June 2010 gave delegations to the Head of Planning and Regulation and the Head of Sustainable Communities and Public Places to take action under CNEA (PO4/2).
- 3.7 The Street Scene Strategy 2012-2017 adopted by Members (Min 187) undertakes to 'use appropriate enforcement action to safeguard our environment' where required.
- 3.8 A report considering the Council's approach to dealing with graffiti was made to the Policy Board on 14th March 2007. This report explained that complaints to the Council about graffiti on Council land and property are normally dealt with by the service responsible for that asset. Accordingly, graffiti in the street is dealt with by Street Care and Waste Management Services; graffiti on council housing is dealt with by Housing Services; and graffiti on play areas is dealt with by the Parks and Countryside Department'.
- 3.9 The Anti-social Behaviour Act 2003 provided for Graffiti removal notices which could be served where a 'relevant surface' had been defaced by

graffiti; a 'relevant surface' includes the surface of any street or of any building, structure, apparatus, plant or other object in or on any street. This required the owner to remove the graffiti within 28 days.

- 3.10 Graffiti can also be considered as criminal damage under the Criminal Damage Act 1971 with a maximum fine of £5000.
- 3.11 The Council adopted Fixed Penalty Notices to deal with these offences, covering graffiti, fly-tipping, fly-posting, litter, dog fouling, leaflet distribution and waste registration breaches.
- 3.12 The Anti-Social Behaviour, Crime and Policing Act 2014 (ASBC&PA) superseded the CNEA and the former Litter Control Notices, Street Litter Clearing Notices and Graffiti/Defacement Removal Notices were replaced by the Community Protection Notice procedure.
- 3.13 The power available to the Council now to deal with both litter and graffiti on private land is contained within the Community Protection Notice. This notice is intended to replace current measures such as litter clearing notices, defacement removal notices and street litter control notices. It is not meant to replace the statutory nuisance regime and where the behaviour is such as to amount to a statutory nuisance under section 79 of the Environmental Protection Act 1990 (EPA), it should be dealt with as such.

3.14 Community Protection Notice

A CPN can be issued to an individual aged 16 or over if an authorised person is satisfied that -

- a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- b) the conduct is unreasonable.

Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a fixed penalty notice or prosecution.

3.15 A report was made to the Business and Town Centre Committee on 16th December 2014 to authorise the Heads of Street Scene, Borough Health, Safety and Localism, Housing and Planning and nominated officers to issue FPNs under s. 53 of the ASBC&PA.

4. Issue, Options and Analysis of Options

- 4.1 The options available are to:
 - To investigate complaints of litter and/or graffiti received and to take appropriate enforcement action in accordance with the Council's Regulatory Services Enforcement Policy which incorporates Anti-Social Behaviour.
 - 2. To define roles within Council services such that issues relating to litter and graffiti are effectively dealt with. It is intended that the table below will determine the service with primary responsibility for each area, but that officers will liaise with other services if appropriate.

Abandoned vehicles		Street Scene	
Early presentation of waste		Street Scene	
Flytipping	Environmental Health		
Flyposting		Street Scene	
Litter (e.g. cigarette, gum, fast-food)		Street Scene	
Shopping trolleys		Street Scene	
Transport of waste	Environmental Health		
Untidy Land			Planning
Waste receptacles		Street Scene	

The primary responsibilities are as set out in the table below:

3. Provide appropriate training to staff to enable the effective use of Community Protection Notices and Fixed Penalty Notices where issues arise.

4. Options for enforcement should be considered having regard to the Council's Regulatory Services Enforcement Policy, taking into account the seriousness and nature of the offence.

5. Reasons for Recommendation

5.1 To better target issues of litter and graffiti in the Borough and to deal effectively with problems on private land.

6. Consultation

6.1 Consultation on the use of the powers within the Anti-Social Behaviour, Crime and Policing Act 2014 has already been undertaken.

7. References to Corporate Plan

- 7.1 Environment and Housing Management Encourage more people to become involved in the environmental aspects of their community Encourage residents to work with us to take responsibility for the environment, and improve the cleanliness of our streets Enable communities to take a more active role in delivering a cleaner and safer environment
- 7.2 Community and Health Work with partners to reduce anti-social behaviour and ensure that Brentwood is a safe place to live

8. Implications

Financial Implications Name & Title: Ramesh Prashar, Financial Services Manager Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

8.1 All costs will be met from existing budgets.

Legal Implications Name & Title: Daniel Toohey, Monitoring Officer and Head of Support Services Tel & Email: 01277 312860 / daniel.toohey@brentwood.gov.uk

8.2 The legal implications are contained in the body of this report.

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

- 8.3 None identified
- **9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 Brentwood Borough Council Regulatory Services Enforcement Policy 2015
Brentwood Borough Council Anti-Social Behaviour Strategy 2005

10. Appendices to this report

None.

Report Author Contact Details:

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Agenda Item 6

9 March 2016

Environment & Housing Management Committee

Community Alarm Service

Report of: Helen Gregory, Acting Head of Housing & Benefits

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The Council has a number of fees and charges relating to the services it provides. As part of the budget setting process, these charges are reviewed on an annual basis. Whilst some of the fees and charges are statutory, and therefore determined through legislation, the Council must also review its charges for discretionary services to ensure they reflect the current costs of service provision.
- 1.2 Historically review of fees and charges for this service have been on an adhoc basis and have not reflected the true cost of this service.

2. Recommendation(s):

- 2.1 The Committee is asked to recommend to PFR Committee to approve Option B to increase the Community Alarm Charge by 0.50p per week from the 1 June 2016. This will generate an additional income to the general fund of £22,620.00.
- 2.2 To approve that these fees and charges are reviewed annually as part of the budget setting process.

3. Introduction and Background

- 3.1 The Council currently operates a Community alarm service to residents in the Borough which is a discretionary service. The purpose of this service is to provide a 24 hour response service for vulnerable or older residents who may suffer with ill health, disability or other risk due to age. This service provides residents with the opportunity to remain independent in their own home.
- 3.2 Currently, we have 1142 clients that use our alarms service, and it is anticipated that this figure will continue to rise given the increasing financial pressures on other organisations.

4. Issue, Options and Analysis of Options

- 4.1 The fees and charges for this service have not been reviewed since 2013/2014 and it is proposed that the existing fees & charges are increased for the 2016/17 budget.
- 4.2 The review of the current fees and charges for this service has been carried out and it has demonstrated that our current fees and charges are one of the lowest in Essex and we will remain less in comparison to other Authority's in Essex if we increase our charges (See Appendix A).
- 4.3 Various options have been considered of what increase would be appropriate in this financial climate as below;

Option A	£0.25p increase
Option B	£0.50p increase
Option C	£0.75p increase
Option D	£1.00p increase

4.4 It is recommended that Option B is approved for the 2016/17 financial year and that these charges are reviewed annually as part of the budget setting process. Based on initial estimates, it is anticipated that the option B proposal will generate an additional fee income of approximately £22,620 to the general fund which is based on the number of current service users and the charges being implemented from 1st June 2016.

- 4.5 It would be recommended to consider increasing the charges by 0.25p per year which would mean an increase to £45,240.00 in year 2017/18 and a further increase to £60,320.00 in year 2018/19 based on the current income of £148,070.
- 4.6 There are 101 service users that pay a lower charge as they are in receipt of Housing Benefit or Pension credit.
- 4.7 It is anticipated that this will virtually offset the anticipated loss of income from Essex County Council.
- 4.8 With the proposed increase of 50p per week, the comparison below demonstrates that our fees and charges will remain below that currently provided by other Local Authority's.
- 4.9 The increase in charge would be implemented at 1 June 2016 to allow resident consultation to take place.

5. References to Corporate Plan

- 5.1 Value for Money "Investing and innovating in key services.
- 6. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director Tel & Email: 01277 312542 / chris.leslie@brentwood.gov.uk

6.1 Increased income for the General Fund.

Legal Implications Name & Title: Daniel Toohey, Monitoring Officer Tel & Email: 01277 312500 / daniel.toohey@brentwood.gov.uk

6.2 Taken with s93 of the Local Government Act 2003, s3 of the Localism Act 2011 contains general powers for a local authority to charge for nonstatutory or discretionary services, subject to a duty to secure that , taking one financial year with another, the income from charges does not exceed the costs of provision. **Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

6.3 The review of Community alarm fees affects vulnerable or elderly clients. Proposals for reduced fees for clients in receipt of benefit will minimise the impact of this.

7 Background Papers

7.1 None

8 Appendices to this report

Appendix A - Local Authority comparison

Report Author Contact Details:

Name:	Helen Gregory, Acting Head of Housing & Benefits
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Community Alarms

Local Authority comparison

Authority	Current charge (inc VAT)	Income (excl VAT)	Current charges	Current Income
Brentwood	3.00	2.50	148,070.00	
Basildon	5.38	4.48	-	-
Colchester	5.95	4.96	-	-
Tendring	4.98	4.15	-	-
Harlow	3.86	3.22	-	-
Redbridge	4.35	3.63	-	-

Proposed charge increases

Current charge +	Increased charge (inc VAT)	Increased charge if in receipt of full HB or pension credit (inc VAT)	Income (excl VAT)	Income if in receipt of full HB or pension credit (excl VAT)	Annual income based on current number of service users (all services)	Annual income increase based on current number of service users (all services)
Current	3.00	2.40	2.50	2.00	148,070.00	-
25p	3.30	2.70	2.75	2.25	163,150.00	15,080.00
50p	3.60	3.00	3.00	2.50	178,150.00	30,160.00
75p	3.90	3.30	3.25	2.75	193,310.00	45,240.00
1.00	4.20	3.60	3.50	3.00	208,390.00	60,320.00

Appendix A

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Additional services – Charges to customer

Charge type	Current charge (£) Incl VAT	+25p	+50p	+75p	+1.00
Extra 2 nd pendant/week	0.60	0.90	1.20	1.50	1.80
Smoke detectors/week	0.60	0.90	1.20	1.50	1.80
Key safe/week	0.60	0.90	1.20	1.50	1.80
Bogus caller Button/Panic button/week	0.60	0.90	1.20	1.50	1.80
Temperature extreme sensor/Week	0.60	0.90	1.20	1.50	2.40
CO2 Detector/week	1.20	1.50	1.80	2.10	2.40
Fall Detector/week	1.20	1.50	1.80	2.10	2.40
Flood Detector/week	1.20	1.50	1.80	2.10	2.40
Bed sensor/week	2.40	2.70	3.00	3.30	3.60
Pill dispenser/week	2.40	2.70	3.00	3.30	3.60

Other charges - Income

Charge type	Current income (£) excl VAT	+25p	+50p	+75p	+1.00
Extra 2 nd pendant/week	0.50	0.75	1.00	1.25	1.50
Smoke detectors/week	0.50	0.75	1.00	1.25	1.50
Key safe/week	0.50	0.75	1.00	1.25	1.50
Bogus caller Button/Panic button/week	0.50	0.75	1.00	1.25	1.50
Temperature extreme sensor/Week	0.50	0.75	1.00	1.25	1.50
CO2 Detector/week	100	1.25	1.50	1.75	2.00
Fall Detector/week	100	1.25	1.50	1.75	2.00
Flood Detector/week	1.00	1.25	1.50	1.75	2.00
Bed sensor/week	2.00	2.25	2.50	2.75	3.00
Pill dispenser/week	2.00	2.25	2.50	2.75	3.00

Agenda Item 7

9 March 2016

Environment and Housing Management Committee

Parking Order

Report of: Helen Gregory, Acting Head of Housing & Benefits

Wards Affected: Warley

This report is: Public

1. Executive Summary

1.1 The inclusion of Housing owned car parks in the parking order will enable the Council to enforce parking measures to prevent non residents parking in the limited number of bays available to residents of specific blocks.

2. Recommendation(s)

- 2.1 That the Committee approve the request to include three housing owned car parks, Gibraltar House, Mayflower House and The Keys Eagle Way, in Brentwood Borough Council's parking order.
- 2.2 That a consultation takes place with residents and business owners to outline the options and preferences for enforcement at these two car parks following implementation of the order.
- 2.3 That a longer term parking solution is explored to increase paid parking capacity in the area and to accommodate the displaced vehicles from these two car parks and surrounding area.

3. Introduction and Background

3.1 Housing Services have been asked by Members and Residents to review and implement parking enforcement over three sites, Gibraltar House, Mayflower House and The Keys Eagle Way.

- 3.2 There is an ongoing issue across these sites due to office workers regularly parking for long periods of time in resident only bays. This means that there are no available bays for Brentwood Council Tenants and Leaseholders to park their cars.
- 3.3 Measures have been undertaken by Housing Officers to mitigate the problem including writing to the business owners but these warning letters have not been heeded.
- 3.4 A new 'residents only parking' sign has been erected at Gibraltar House to deter office workers parking in the car park but this too has been ignored by non residents.

4. Issue, Options and Analysis of Options

- 4.1 Parking across Gibraltar House, Mayflower House and The Keys Eagle Way has been an issue for a number of years. One main problem is the increased number of cars per household.
- 4.2 However, the main issues is that is non residents from the offices nearby are parking in resident parking bays for prolonged periods of time usually between 8am and 6pm.
- 4.3 After investigation into parking enforcement options it has been highlighted that these three car parks can be included in Brentwood Borough Council's Parking Order which will enable a permit scheme or limited stay scheme to be implemented.
- 4.4 There are certain restrictions which mean that no land that is owned by Brentwood Borough Council but controlled by Essex Highways can be included in the order.
- 4.5 Therefore plans of all three sites have been sent to Essex Highways and land which is controlled by them has been highlighted. (see Appendix A)
- 4.6 Plans have been drawn up (see Appendix B) that show which areas of each car park will be enforceable under the Parking Order.
- 4.7 It is proposed that Gibraltar House and Mayflower House will be enforced through 'resident only' parking permits and The Keys Eagle Way will be enforced through the use of limited stay '2 hours only no return within 4 hours'.

- 4.8 It is anticipated that office workers who currently park in these three car parks will move their cars elsewhere thus dispersing the parking problem to a different location.
- 4.9 There is possible space to create parking bays in the locality which could be chargeable. These spaces would minimise the dispersal, maintain manageable parking and generate income to the General Fund.
- 4.10 Housing Services will hold consultations with residents to keep them updated on the process of parking enforcement.
- 4.11 Housing Services would charge residents for their permits yearly in line with current resident permit charges.
- 4.12 Due to the location of the car parks, Residents may attempt to sell their permits for a substantial amount of money. Therefore each resident would be required to provide documents showing the registered address of their car as in a particular block before a permit is granted.

5. Reasons for Recommendation

- 5.1 The committee is asked to note the request from Members and residents to enforce parking in these three car parks.
- 5.2 The committee is asked to note the length of time this problem has been ongoing and the work to date of Housing Services to mitigate the problem to no avail.
- 5.3 The committee is asked to note the potential for further paid parking in Warley which will increase income to the General Fund.

6. Consultation

- 6.1 Consultations have been held with residents to establish their view on permit parking with positive feedback.
- 6.2 Essex Highways have been consulted in respect of identifying land controlled by them.
- 6.3 Further consultations will be held with residents regarding number of permits per household and the yearly charge applicable for each permit.

7. References to Corporate Plan

7.1 Housing, Health and Wellbeing; the implementation of parking will meet the Councils commitment to service improvements for our residents.

8. Implications

Financial Implications Name & Title: Chris Leslie, Finance Director Tel & Email: 01277 312 542 / christopher.leslie@brentwood.gov.uk

8.1 Income to the General Fund will increase through the yearly charge for permits and through the payment of parking fines.

Legal Implications Name & Title: Daniel Toohey, Monitoring Officer Tel & Email: 01277 312 860 / daniel.toohey@brentwood.gov.uk

8.2 Only land owned and controlled by Brentwood Borough Council can be included in the parking order. All other land must be controlled by South Essex Parking Partnership.

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

- 8.3 None
- **9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)
- 9.1 Car park plans from Essex Highways highlighting land controlled by them. Not exempt from public viewing.
- 9.2 Car park plans drawn up to form the parking order highlighting the areas which will be enforceable under the parking order. Not exempt from public viewing.

10. Appendices to this report

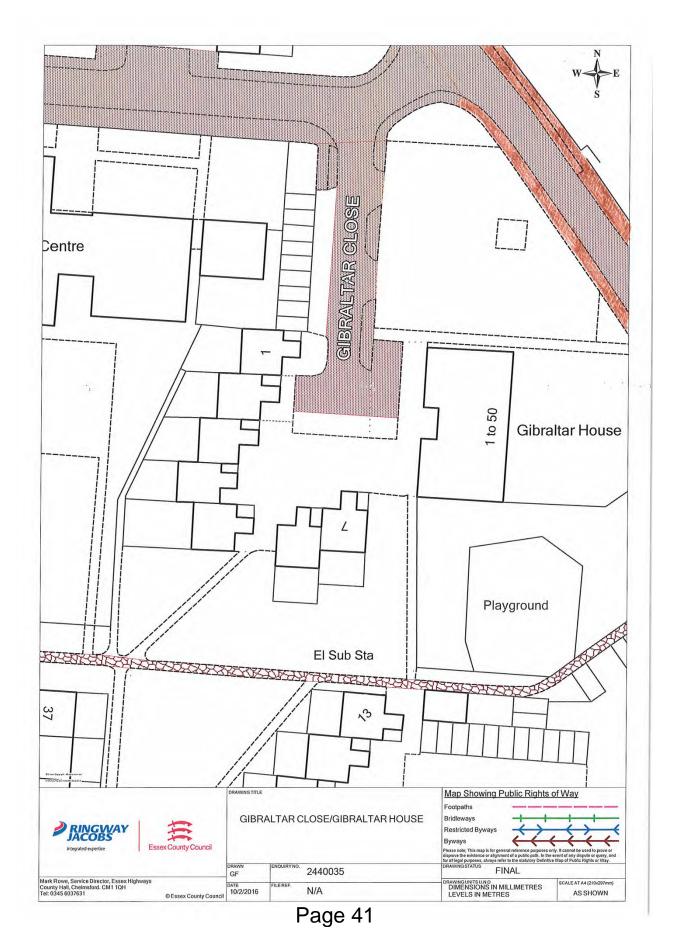
- Appendix A: Land ownership plans from Essex Highways.
- Appendix B: Car parking plans by Brentwood Borough Council highlighting enforcement areas under the parking order.

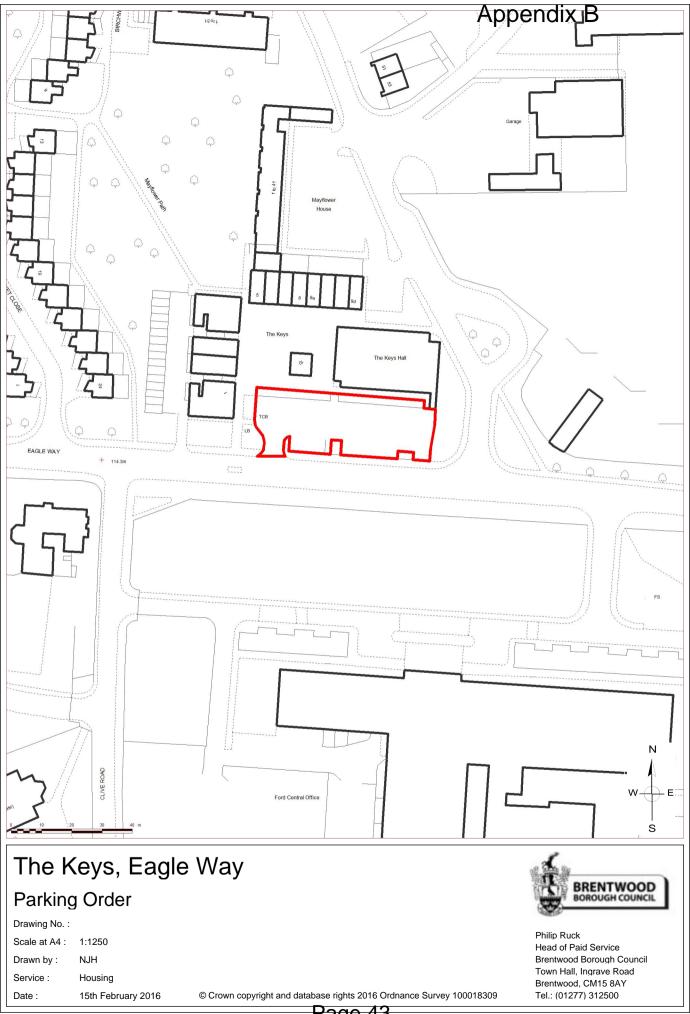
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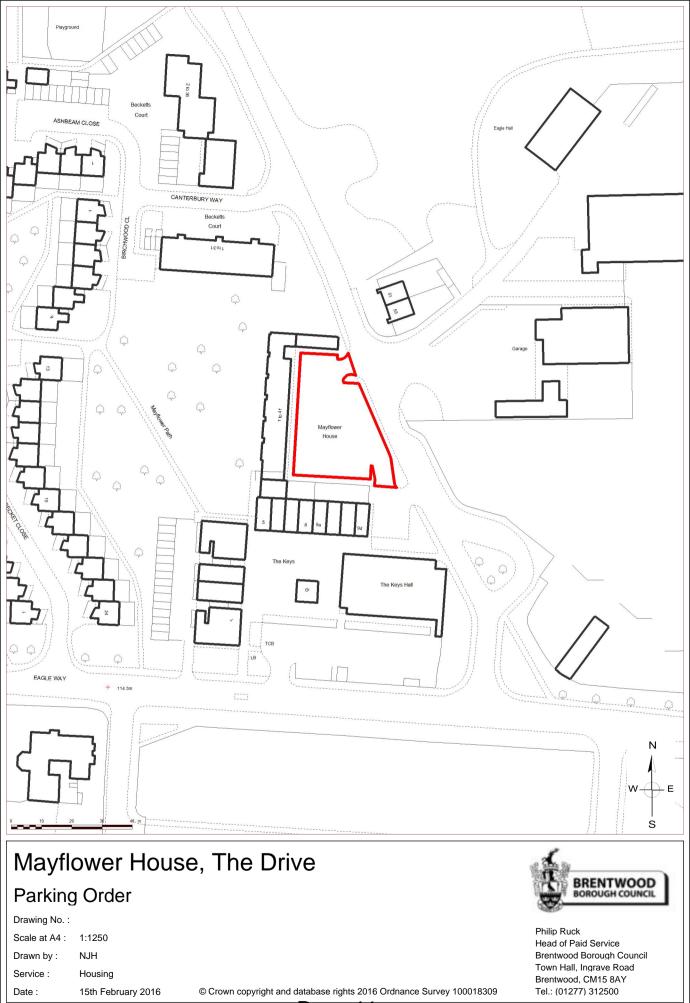
Appendix A







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Members Interests

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

• What are pecuniary interests?

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

• Do I have any disclosable pecuniary interests?

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

• What does having a disclosable pecuniary interest stop me doing?

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

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

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

• Other Pecuniary Interests

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

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

• Non-Pecuniary Interests

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

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

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

Environment and Housing Management Committee

1. The functions within the remit of the Environment and Housing Management Committee (including the operational management of assets which for the sake of clarity also comprises maintenance) are set out below:

- 1) Waste management, refuse collection and recycling.
- 2) Environmental improvement schemes.

3) The quality of the public realm, including street services and grounds maintenance.

4) Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage.

- 5) Public conveniences.
- 6) Cemeteries and closed churchyards.
- 7) Unlawful incursions.
- 8) Affordable housing.

9) Housing strategy and investment programme where the Policy, Finance and Resources Committee does not decide to exercise such functions as the superior Committee.

10) The Housing Revenue Account Business Plan where the Policy, Finance and Resources Committee does not decide to exercise such functions as the superior Committee.

11) Housing standards, homelessness, homelessness prevention and advice.

- 12) Housing needs assessment.
- 13) Housing benefit welfare aspects.
- 14) Private sector housing and administration of housing grants.

15) Tenancy Management and landlord functions.

16) To make recommendations to Finance and Resources on the setting of rents for Council homes.

17) Operational facilities management (including maintenance) of the Town Hall and the Depot.