



Agenda

Environment and Housing Management Committee

Wednesday, 15 June 2016 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs Hossack (Chair), Poppy (Vice-Chair), Cloke, Mrs Coe, Mrs Davies, Mrs Fulcher, Ms Rowlands, Russell, Mrs Squirrell and Tumbridge

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| 8. | Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 | All Wards 29 - 32 |
| 9. | Waste Strategy Group | All Wards 33 - 36 |
| 10. | Urgent Business | |

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

Head of Paid Service

Town Hall
Brentwood, Essex
07.06.2016

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

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Personal Explanation

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

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor 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 Mayor on the admissibility of a point of information or clarification will be final.

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Minutes

Environment and Housing Management Committee Wednesday, 9th March, 2016

Attendance

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

Apologies

Substitute Present

Also Present

Cllr Russell	
Cllr Tee	
Cllr Ms Sanders	
Maureen Montgomery	- Chair of Tenants Talkback
Linda Skinner	- Tenants Talkback

Officers Present

Helen Gregory	- Interim Head of Housing and Benefits
Claire Mayhew	- Governance and Member Support Officer
David Carter	- Senior EHO (Team Leader)
Steve Chapman	- Team Leader – Property Services
Nicola Hitchen	- Assistant Housing Officer

383. Apologies for Absence

No apologies were received for this meeting.

384. Minutes of the Previous Meeting

The minutes of the Environment and Housing Management Committee 9th December 2015, were agreed as a true record.

385. Verbal update from the chair

The Chair thanked officers Dawn Taylor and Leona Murray-Green for their work on the Clean for the Queen project. The project was supported by a number of schools, the Voluntary Sector and Parish Councils.

Ward Members of Shenfield and Brentwood West noted that the Public Lavatories situated within their wards would shortly be removed, due to the contract expiring. The removal of these would commence in April 2016.

The Chair advised the Committee that Maureen Montgomery, the Chair of Tenants Talkback would be retiring from her role after 15 years. The Chair gave personal thanks for all her hard work over the years and that it would be a great loss.

386. Performance - Powerpoint presentation

A presentation on key Performance Indicators was given to the Committee by the Acting Head of Housing.

Overall performance is good. Ms Gregory advised that the KPIs % rent paid of current tenants as proportions of the rent roll had decreased to 98.95% our target is 99.70%. The team are planning an arrears campaign for the last 3 weeks of the financial year to promote payment and reduce rent arrears.

The Committee noted, that whilst discussions were due to take place with contractors on improvement in customer satisfaction, no complaints had been received about their services from customers.

387. Delegated Authority - Balcony Contract

The report looked at the previous contract for this work which was terminated due to performance issues.

There remained a need to finish work to 8 blocks where these were incomplete and to undertake full works to the remaining 7 blocks where work had yet to commence.

Given the value and complexity of the work it was necessary to undertake a competitive tender exercise to secure the services of another contractor. This would proceed using the Delta E-Procurement portal.

The cost of both work elements described above was estimated to be £240k.

A motion was MOVED by Cllr Hossack and SECONDED by Cllr Poppy to approve the recommendation in the report.

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

1. **That the Committee formally approve and the Council proceed to tender and delegate power to the Head of Paid Service and Section 151 Officer to award the contract.**

REASON FOR RECOMMENDATION

To enable the contract to be delivered appropriately with a high level of time and cost certainty.

388. Graffiti and Litter Enforcement

The report highlighted that at the Ordinary Council meeting on 27th January 2016, a notice of motion was carried unanimously which stated:

'As part of an on-going 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.'

The Report set 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.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Poppy to agree the recommendation in the report, subject to an additional recommendation by the chair.

Performance Indicators for Streetcare to be presented at future Environment and Housing Management Committee on the following points.

- *How many cases of litter/graffiti/flytipping are report to Streetscene and Environmental Health*
- *The number of Community Protection Notices issued*
- *The outcome of the case – what action was taken as a result?*

A vote was taken with a show of hands and it was **RESOLVED UNANIMOUSLY.**

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. **Officers are instructed to investigate complaints of litter or graffiti on private property in accordance with the table in section 4 of the report.**

Abandoned vehicles		Street Scene	
Early presentation of waste		Street Scene	
Flytipping	Environmental Health		
Flyposting		Street Scene	
Graffiti		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	

3. Performance Indicators for Streetcare would be presented at future committee in the following points.

- **How many cases of litter/graffiti/flytipping are report to Streetscene and Environmental Health**
- **The number of Community Protection Notices issued**
- **The outcome of the case – what action was taken as a result?**

REASON FOR RECOMMENDATION

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

389. Community Alarm Charges

The report advised that the Council had a number of fees and charges relating to the services it provides. As part of the budget setting process, these charges were are reviewed on an annual basis. Whilst some of the fees and charges are statutory, and therefore determined through legalisation, the Council must also review its charges for discretionary services to ensure they reflect the current costs of service provision.

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.

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

After a full discussion, a vote was taken by a show of hands and it was **RESOLVED** to approve the recommendations in the report.

1. **That the Committee was asked to recommend to PFR Committee to approve Option B to increase the Community Alarm Charge by 0.50p per week from the general fund of £22,620.00**
2. **To approve that the fees and charges are reviews annually as part of the budget process.**

REASON FOR RECOMMENDATION

The fees and charges for this service had not been reviewed since 2013/2014 and it was proposed that the existing fees and charges were increased for the 2016/17 budget. Brentwood Community Alarm Charge is the lowest in Essex and will remain the lowest in Essex.

390. Parking Order

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

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

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

1. **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. **That a consultation take place with residents and business owners to outline the options and preferences for enforcement at these two car parks following implementation of the order.**
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.**

REASON FOR RECOMMENDATION

The Committee was asked to note the request from Members and residents to enforce parking in these three car parks.

The Committee was asked to note the length of time this problem had been ongoing and the work to date of Housing Services to mitigate the problem to no avail.

The Committee was asked to explore with other Council departments the potential for further paid parking in Warley which would help to meet the parking need in the area and increase income to the General Fund.

391. Urgent Business

There was no urgent business.

The meeting concluded at 20.25pm

15th June 2016

Environment and Housing Management Committee

Co-option of Tenants Representatives

Report of: *Helen Gregory, Head of Housing and Benefit Services*

Wards Affected: *All wards*

This report is: *Public*

1. Executive Summary

- 1.1 The report sets out proposals to co-opt representatives of Tenants Talkback into the Environment & Housing Management Committee for housing related items, in accordance with the Council constitution and with the previously approved Tenant Participation Compact.

2. Recommendations

- 2.1 **Tenant Talkback be invited to send two representatives to each meeting of the Environment and Housing Management Committee where housing items are to be discussed.**
- 2.2 **The representatives of Tenants Talkback be co-opted onto the committee for the duration of the consideration of these items, and have the right to speak, but not vote.**
- 2.3 **The Head of Housing and Benefit Services be requested to arrange appropriate training of the representatives.**

3. Introduction and Background

- 3.1 Members will be aware that Tenant Talkback is the group of Council tenants and leaseholders who meet regularly with housing staff and councillors to discuss various subjects that affect them. Each residents association representing Council tenants or leaseholders is invited to send two representatives along to the Tenants Talkback Group.

- 3.2 The role of tenant participation in general, and Tenant Talkback's place in it, has been greatly developed over the last few years. The former Housing and Health Committee on 9th July 2014 (Minute 65) resolved that a revised Tenant Participation Compact and Constitution for Tenant Talkback be approved to promote and develop ongoing tenant involvement and participation.
- 3.3 The Housing department have recently embarked on a review of the current Tenant Talkback structure to ensure we are working in the most effective manner. We have commissioned TPAS- Tenant Engagement Experts (<http://www.tpas.org.uk>) to provide us with an independent review. This review will include any relevant changes to the Tenant Participation Compact and respective constitutions. The results of the review will be provided at a future committee.
- 3.4 The Compact includes the following paragraph:
- Two representatives from the Talkback Group are invited to attend the Environment and Housing Management Committee in a non voting role. They are able to speak on housing related items at the Chair's discretion.*
- 3.5 In the previous operation of the Housing and Health Committee this arrangement operated on an informal basis.
- 3.6 The Council's updated Constitution was adopted at the Annual Council meeting on 15th May 2013 (Minute 11 refers) and further changes have been made subsequently.

4. Context

- 4.1 Following the adoption of the Council's new constitution, the previous informal operation of Tenant Talkback's right to speak at committee needs to be formalised.
- 4.2 The new constitution has anticipated such an arrangement in Part 4.1 of the Constitution (Council Procedure Rules) paragraph 25, which reads:
- 25. Co-option**
Generally a committee, or a sub-committee may co-opt two persons onto the committee. Any persons so co-opted may speak but not vote.
- 4.3 In order to maintain the commitment of the Tenant Participation Compact, it is recommended that Tenant Talkback be invited to send two

representatives to each meeting of the Environment and Housing Management Committee which housing related items are to be discussed. The representatives will be able to speak but not vote. It is recommended that their right to speak be on similar basis of other members of the committee.

- 4.4 It is important that Talkback Representatives receive a similar level of training to other committee members to ensure they are confident in the process of the operation of the committee.
- 4.5 It is anticipated that generally Tenant Talkback will send the same individuals to each meeting, which will be helpful to ensure consistency of understanding of the Committee process. However, it is also acknowledged that substitute representatives may also need to be sent.
- 4.6 Consequently, it is recommended that the Head of Housing and Benefit Services arrange appropriate training for a number of Tenant Talkback representatives to ensure both the regular delegates and any substitutes have had the benefit of appropriate training.

5. Reference to the Corporate Plan

- 5.1 This supports the Council's priorities for Housing Health and Wellbeing and A Prosperous Borough, and is consistent with the priorities of Housing Health and Wellbeing to provide effective representation of local people's views.

6. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

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

- 6.1 There are no financial implications of the recommendations.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 6.2 The legal basis for the recommendations and related legal implications are as set out 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.

- 6.3 Equality and diversity implications: The recommendations support effective representation of local people’s views, which in turn supports equality of housing opportunities and life chances.

7. Background Papers

- 7.1 None

8. Appendices to this report

- 8.1 None

Report Author Contact Details:

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15 June 2016

Environment and Housing Management Committee

Brentwood Garage Sites Update

Report of: *Helen Gregory, Head of Housing & Benefit Services*

Wards Affected: *Hutton Central and Hutton East*

This report is: *Public*

1. Executive Summary

- 1.1** The report provides an update on progress in delivering the Garage Site redevelopment proposal.
- 1.2** In September 2015 the committee granted approval to procure a Registered Provider (RP) developer framework to acquire and redevelop Magdalen Gardens and to redevelop Fawters Close for older people's housing to remain in Council ownership.
- 1.3** By January 2016, with significant changes to the funding of local authorities, the Council sought to identify alternative revenue funding streams for the General Fund. The Council is currently exploring how garage site redevelopments could generate revenue funding for the General Fund.
- 1.4** This financial assessment is ongoing. Whilst this is taking place, the procurement of a RP framework has been placed on hold pending the outcome of the assessment. It was the intention that the Council would invest the Right To Buy Capital Receipts with the RP framework partners. Since this is now on hold, consultants have been commissioned to prepare a specification and tender drawings to enable the Council to procure a building contractor for Fawters Close and Magdalen Gardens. This will contribute towards the Council meeting the December 2016 Right To Buy Capital Receipt expenditure target.
- 1.5** A separate project management tender is to be undertaken to seek architectural advice, contracts administration and cost management throughout the construction process to completion and handover, as there is no in-house development team.

- 1.6** The third site identified in the garage site programme, Fielding Way has been assessed and is not considered viable for housing redevelopment. An alternative site is being identified as part of the next tranche of garage sites to be assessed for the programme.

2. Recommendation(s)

- 2.1** That delegated authority is granted to seek tenders to procure a building contractor for the redevelopment Fawters Close and Magdalen Gardens.
- 2.2** That delegated authority is granted to seek tenders to appoint consultants to provide architectural advice, contracts administration and cost management throughout the construction process to completion and handover, as there is no in-house development team.
- 2.3** That delegated authority is granted to the Chief Executive and Finance Director in consultation with the Chair of Environment & Housing Management Committee to award the building contract to the successful building contractor within the approved budget.

3. Introduction and Background

- 3.1** In September 15, the Council approved the procurement of a framework of RP developer partners to acquire and redevelop the freehold or long leasehold interest in the garage sites for affordable housing, with Fawters Close retained in Council ownership and managed by the Council.
- 3.2** A RP framework was considered the preferred development option because RPs have the track record and capacity to deliver high quality new build affordable housing.
- 3.3** However, by January 16, as a result of the changes to the funding of local authorities, the Council began to identify potential revenue funding sources for the General Fund.
- 3.4** The procurement of a framework of RPs has been placed on hold pending the completion of a full financial assessment of the garage site redevelopment programme as a possible funding source.

4. Issue, Options and Analysis of Options

- 4.1** A full assessment of the financial options is ongoing. The assessment will consider a number of options and their impact on revenue income generation for the General Fund.
- 4.2** In addition to the General Fund considerations, the Council must continue to meet its Right To Buy Capital Receipt spend targets by December 16. Under the proposed RP framework agreement, the Council could have invested the RTB Capital receipts with the framework RPs. Since the procurement of the RP framework is on hold pending the outcome of the financial options appraisal, consultants have been commissioned to prepare a specification and tender drawings to enable the Council to procure a building contractor. In addition, a separate project management tender is to be undertaken to seek architectural advice, contracts administration and cost management throughout the construction process to completion and handover, as there is no in-house development team.
- 4.3** The estimated design and procurement programme is set out below:

	Fawters Close and Magdalen Gardens	
Task	Start	Finish
Prepare detailed drawings and tender documents	May 16	July 16
Prepare tender documents	June 16	July 16
Out To Tender for building contractor and consultants.	July 16	Aug 16
Tender return evaluation, contractor and consultant appointments.	Aug 16	Sept 16
Start on site	Sept 16	April 17

- 4.4** It is proposed that the construction of Fawters and Magdalen Gardens is delivered as one building contract to achieve efficiency under a traditional form of contract. Anticipated start on site in September 16 would achieve Right to Buy Capital Receipt expenditure in the sum of approximately £550,440 by December 2016. This would be achieved through construction interim certificates and consultant fee expenditure.

4.5 The third site identified in the garage site programme, Fielding Way, has been assessed and is not considered viable for housing redevelopment. An alternative site is being identified as part of the next tranche of garage sites to be assessed for the programme.

5 Reasons for the recommendation

5.1 The Council will progress the design to tender and the procurement of a building contractor for Fawters Road and Magdalen Gardens directly, pending the outcome of the financial assessment.

5.2 This will contribute towards the Council meeting its Right To Buy Capital Receipt expenditure targets for December 2016.

6 Consultation

6.1 Residents of Fawters Close have been consulted on the boundary wall and access arrangements during the construction period.

7 Reference to Corporate Plan

7.1 The Council's Corporate Plan aims to:

- Broaden the range of housing in the borough to meet the needs of Brentwood's population now and in the future and;
- Achieve a better mix of housing to meet Brentwood's needs, including a wider range of housing solutions for older people.

7.2 The Housing Strategy 2013-16 aims to:

- Address opportunities for delivery of new housing through the emerging asset management strategy;
- Continue to foster partnership arrangements with registered social landlords to deliver affordable housing.

7.3 The garage redevelopment proposals aim to broaden the range of housing in the borough to meet housing needs including housing solutions for older people.

8. Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

- 8.1 The cost for the redevelopment of the garage sites has already been budgeted for in the 2016/17 Housing Business Plan. The building work on the sites will need to start before 31/12/16 so that the council does not incur any interest on the retained RTB funds.

Legal Implications

Name: Angela Willis, Major Projects Solicitor

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- 8.2 The estimated value of the building contract is below the OJEU procurement threshold, so is not subject to the full EU procurement regime, but must still comply with the EU principles of fairness, transparency and diversity.
- 8.3 In addition, the Council's Contracts Standing Orders will apply, so that any procurement exercise must involve a formal tendering process conducted in compliance with the relevant Standing Orders.
- 8.4 BDTLegal will be available to advise and assist officers throughout the procurement process.

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

- 8.5 There is a health & safety risk at Fawters Close with asbestos roofing on garages. A asbestos survey has been commissioned to provide essential health & safety advice on safe removal of the asbestos , as the garages will need to be demolished at Fawters Close to enable the development.

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 – Exempt

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APPENDIX A

Exempt – Not for publication

Exempt under Schedule 12A to the Local Government Act 1972
– relating to Information relating to the financial or business affairs
of any particular person (including the authority holding that
information).

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15th June 2016

Environment and Housing Management Committee

New Housing and Planning Act 2016

Report of: *Helen Gregory, Acting Head of Housing and Benefit Services*

Wards Affected: *All wards*

This report is: *Public*

1. Executive Summary

1.1 On Thursday 12 May, the Housing and Planning Act received Royal Assent. The Housing and Planning Bill was introduced in the House of Commons on 13 October 2015 by the Secretary of State for Communities and Local Government.

1.2 The key changes in the new Housing and Planning Act 2016 that will impact the Council's housing department are:

- the requirement to Sell our higher value vacant properties to fund the voluntary Right to Buy for Housing Association tenants
- the implementation of the 'Pay- to-Stay' policy which will require the Council to increase the rent to tenants earning higher incomes;
- Secure tenancies, the introduction of a new fixed 10 year tenancy agreement.

1.3 The Council will need to plan to make financial provision for these changes and make adjustments in service delivery.

1.4 The full text of the Act is available at <http://www.legislation.gov.uk>

2. Recommendations

2.1 Members of the Committee are requested to note the contents of the report.

3. Introduction and Background

Sale of Higher Value Council Homes

- 3.1 The Government has given a commitment to tenants of Housing Associations to extend the offer to purchase their home. Under the agreement the expectation is that every property sold will be replaced by a new affordable home. To fund this The Act requires Council's to pay an annual charge into a national pool. It is intended that Councils will fund this arrangement by selling their 'higher value' properties as they become vacant.
- 3.2 The DCLG have advised that the definition of 'higher value' properties has yet to be agreed.
- 3.3 At present we do not know the value of how much money the Council will need to raise. The DCLG are currently conducting detailed financial analysis into working out the formula that Local Authorities will need to adopt to calculate how much monies will need to be invested into the national pool.
- 3.4 The Council will be charged an annual levy to be paid into a national pool set up by the Government to fund the 30% RTB discount element of the sale price of the housing association properties. The maximum threshold of discount per RTB property is £77,900.00 (seventy seven thousand, nine hundred pounds) outside London.
- 3.5 It is difficult to predict what the take up from tenants will be to buy their homes. A survey conducted by Sheffield Hallam University in partnership with Housing Partners in February 2016 does however provide a potential insight to the likely uptake; the survey asked 6,700 tenants living in housing associations in England the following question "*how likely would you be to take up the opportunity to buy your current home from your landlord?*"

The results from the Survey revealed:

- 13 % of housing association tenants were assessed as being able to afford to buy their home under the assumed terms of the RTB
- Only 7% of tenants both indicated that they were likely to take up the RTB and were assessed as being able to afford to do so: this suggests an estimate of 70,000 sales across England
- There were significant regional differences in the likely take up in the RTB with the largest take up in the Midlands and the North 24% South East 6% and London 1%.

The results of the survey although not scientific data and will be subject to change with tenants circumstances and opinions; but it does provide a gauge of appetite for home ownership from tenants surveyed in February 2016.

- 3.6 It is expected the definition and formula has been agreed by Government in the autumn 2016. The DCLG will then issue a determination to the each Local Authority to agree the calculation.

Secure Tenancies

- 3.7 The changes in the Act will enable local authorities to grant longer-term tenancies of up to 10 years in certain circumstances with potential for longer tenancies for families with children. The legislation originally limited this to five years, with no concession for families with children.
- 3.8 Currently we issued 5 year fixed term tenancies to all new tenancies. This change was introduced by the Allocations policy in 2014.
- 3.9 The first batch of fixed term tenancies is not due for review until 2019; so we are unable to provide information at this stage on the renewal rate.

Introduction of Pay to Stay

- 3.10 The introduction of the Pay to stay policy requires tenants earning in excess of £30k living outside of London to pay a higher rent up to a market rent dependant on their income. For tenants living in London the income threshold is increased to £40k. Increases in rent will be tapered. For every £1.00 a tenant earns above the threshold will mean a 15p increase in rent. The income thresholds will increase annually in line with CPI.
- 3.11 The Government has not decided if Councils are able to keep the additional revenue collected or if the increase must be returned to the treasury.
- 3.12 There will be a resource cost to implementing and administering the pay to stay policy. The challenge will be identifying and validating tenant's income. The government has announced that the HMRC will work with Council's to verify tenant's incomes.
- 3.13 There maybe a risk that the costs of administering pay to stay policy outweigh the additional rent collected.

4. Issue, Options and Analysis of Options

- 4.1 The housing department will set up a taskforce to monitor the progress of and action any developments/regulations in the new Housing and Planning Act 2016 to sell higher value vacant properties to fund RTB for housing association tenants and Pay to Stay policy and to identify what system and skills gaps would need to be addressed to fulfil the new requirements.

- 4.2 The sale of higher value vacant council properties has potentially big ramifications for the HRA both in terms of reducing our stock and income.
- 4.3 Both the Pay to stay policy and the sale of higher value vacant council properties are registered on the Council risk register.
- 4.4 The housing department will work with the Finance team to begin to work through detailed analysis to forecast/impact on the HRA business plan.
- 4.5 We recommend regular update reports are submitted to Committee to enable Members to monitor progress.

5. Reference to the Corporate Plan

5.1 The Council's Corporate Plan aims to:

- Broaden the range of housing in the borough to meet the needs of Brentwood's population now and in the future and;
- Achieve a better mix of housing to meet Brentwood's needs, including a wider range of housing solutions for older people.

6. Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312513/ramesh.prashar@brentwood.gov.uk

6.1 It is too early to be able to analyse the financial impact on the HRA. As more details are released by DCLG the HRA Business Plan will be updated to reflect the changes so that the Council can analyse the financial impact on the HRA.

Legal Implications

Name & Title: Saleem Chughtai, Legal services Manager

Tel & Email: 01277 312542/saleem.chughtai@brentwood.gov.uk

6.2 The relevant legislation and legal implications are set out in the body of this report

7. Consultation

7.1 Tenants talkback will be consulted on the changes outlined in Housing and Planning Act 2016 at the next meeting in June 2016.

8. Background Papers

8.1 None.

9. Appendices to this report

9.1 None.

Report Author Contact Details:

Name: Helen Gregory, Head of Housing and Benefit Services
Telephone: 01277 312586
E-mail: helen.gregory@brentwood.gov.uk

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15th June 2016

Environment and Housing Management Committee

Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016

Report of: *David Carter, Environmental Health Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into force on 9th May 2016.
- 1.2 These Regulations introduce a new fixed penalty notice for fly tipping of waste offences under section 33 of the Environmental Protection Act 1990.
- 1.3 The default fixed penalty amount set in the regulations is £200, however it is open to councils to set alternative rates up to a maximum of £400.

2. Recommendation(s)

- 2.1 **Members agree to set a fixed penalty amount of £400 to provide a greater deterrent to fly tipping and help towards the recovery of costs to the Council of this activity.**
- 2.2 **That Members do not set a reduced amount for the early payment of this fixed penalty due to the significant harm caused by fly tipping.**
- 2.3 **Members delegate to the Environmental Health Manager authority to implement a scheme for the issuing of fixed penalties for the unauthorised deposition of waste.**

3. Introduction and Background

- 3.1 Section 33 of the Environmental Protection Act 1990 (the Act) deals with fly tipping, which is defined as the unauthorised depositing of waste on land. The Act provides a maximum penalty on conviction for fly tipping of an unlimited fine and/or five years imprisonment. The Government have introduced fixed penalties for fly tipping to provide additional means for local authorities to deal with these offences whilst avoiding court cases.

- 3.2 The new fixed penalties are introduced by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 and came into force on 9th May 2016. These fixed penalties are intended to be considered as an option for dealing with smaller scale fly tipping incidents.
- 3.3 For individual fly tipping offences the decision to issue a fixed penalty notice or take an alternative form of action will continue to be determined with reference to the Council's Enforcement Policy. Decisions on legal proceedings resulting from fly tipping offences will continue to be determined by relevant managers and approved by the Head of Legal Services.

4. Issue, Options and Analysis of Options

- 4.1 Local authorities can set the level of the fixed penalty locally and when an authority does so the level must be between £150 and £400. Where this option is not taken by a local authority the level remains at the default level of £200.
- 4.2 Fixed penalties have to be paid within 14 days of being issued. Councils can agree reduced penalties locally for prompt payment (within 10 days of the notice being issued). Where Councils exercise this option the reduced penalty must be between £120 and £399.
- 4.3 Failure to pay the fixed penalty renders the offender liable for prosecution for the original fly tipping offence.

5. Reasons for Recommendation

- 5.1 Fly tipping is a serious problem in Brentwood and gives rise to a drain on the resources of the authority when tips have to be cleared from public land. It is also burdensome for private land owners who are unfortunate enough to have their land targeted by tippers.
- 5.2 The imposition of a £400 fixed penalty for fly tipping would allow officers investigating these offences, where sufficient evidence was available, to deal with smaller scale fly tips by way of fixed penalty notice where appropriate, and in some cases avoid the need for lengthy and expensive court proceedings that could be reserved for the larger scale offences which occur.
- 5.3 A fixed penalty notice of £400 would deter many would be household fly tippers and leave more resources remaining for the investigation of the offences committed by a hard core of professional offenders.

6. Consultation

- 6.1 A Government consultation on proposals to enhance measures to tackle waste crime was undertaken between 26th February and 6th May 2015; the responses indicated support for the use of fixed penalty notices for small scale fly-tipping with prosecutions for more serious cases.

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*

Provide advice, support, guidance and enforcement

Work with partners to reduce anti-social behaviour and ensure that Brentwood is a safe place to live

7.3 *Transformation*

Look to reduce costs by streamlining services and processes

Develop new ways of working for the Council, improving service delivery and reducing costs and unnecessary bureaucracy

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 Saleem Chughtai, Legal Services Manager

Tel & Email: 07966891705/ saleem.chughtai@brentwood.gov.uk

- 8.2 The relevant legislation and legal implications are set out 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.

10. Appendices to this report

10.1 None.

Report Author Contact Details:

Name: David Carter Environmental Health Manager
Telephone: 01277 312509
E-mail: david.carter@brentwood.gov.uk

15th June 2016

Environmental & Housing Management Committee

Waste Strategy Group

Report of: Dawn Taylor – Business Support Services Manager – Street Scene

Wards Affected: All Wards

This report is: Public

1. Executive Summary

- 1.1 At Environmental Committee on 20/01/2015 it was resolved unanimously to develop a cross party Waste Strategy working group to meet and develop a Waste Strategy for the Council in line with the Essex Waste Management Partnership. It was agreed that that the working group would report back to the Panel with key recommendations for the future of waste related items.
- 1.2 The original members consisted of Cllr Hossack, Cllr Poppy, Cllr Sleep, Cllr Squirrell and Cllr Barrett and Officers from Street Scene.

2. Recommendation(s)

- 2.1 **That Members approve that the Waste Strategy Group continues to meet and develop the Waste Strategy for the Council in line with the work being undertaken through the Essex Waste Management Partnership**
- 2.2 **That the working group report back to the Environment & Housing Management Committees and commit to meeting four times a year (prior to Panel meetings)**
- 2.3 **Recommended that original Members remain on the group and that one more Member is now elected to replace Cllr Sleep.**

3. Introduction and Background

- 3.1 The Council's current Waste Plan was approved at the Environment Panel on 30th January 2013. This now needs to be reviewed in line with the work that is being undertaken with ECC, but it is felt that this needs to be

done to enable Members to consider the current financial challenges that this, and all other Council's now face.

3.2 The dates of the Waste Strategy Group meetings are scheduled as follows:

- Mon 4th July 2016
- Wed 7th September 2016
- Wed 23rd November 2016
- Wed 22nd February 2017

The meetings will be held at The Depot Office in Warley and commence at 5pm for each of the above.

4. Reasons for Recommendation

4.1 To enable cross party group to discuss ideas/research and then bring recommendations to Panel.

5. Consultation

5.1 This will be a continuous process providing ideas and feedback to Members at Panel.

6. References to Corporate Plan

6.1 To look at ways of improving the environment and engage with our residents on matters concerning Waste.

7. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director (Section 151)

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

7.1 None

Legal Implications

Name & Title: Daniel Tooley, Head of Legal and Monitoring Officer

Tel & Email: 01277 312860 / daniel.tooley@brentwood.gov.uk

7.2 None

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

7.3 None

8. Background Papers

8.1 None

9. Appendices to this report

9.1 None

Report Author Contact Details:

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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