



# Agenda

## Planning and Licensing Committee

Wednesday, 31 January 2018 at 7.00 pm

Brentwood County High School, Shenfield Common, Seven Arches Road,  
Brentwood CM14 4JF

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### Membership (Quorum – 4)

Cllrs Ms Sanders (Chair), Faragher (Vice-Chair), Bridge, Chilvers, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Newberry, Reed, Mrs Slade and Wiles

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Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 20
3.	Setting of Hackney Carriage and Private Hire Driver License fees for 2017/18	All Wards	21 - 42
4.	Licensing Fees and Charges	All Wards	43 - 54
5.	Brigade Head Quarters, Rayleigh Close, Hutton, Brentwood, Essex Application Number: 17/01527/OUT	Hutton Central	55 - 74
6.	Response to the Epping Forest District Local Plan	All Wards	75 - 82
7.	Urgent Business		

A handwritten signature in black ink, appearing to read "P. L. Russell". The signature is stylized with a large, sweeping underline that extends to the right.

Chief Executive

Town Hall  
Brentwood, Essex  
23.01.2018

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### Information for Members

#### Substitutes

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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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#### Rights to Attend and Speak

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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.

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#### Point of Order/ Personal explanation/ Point of Information

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##### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

##### 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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## Information for Members of the Public

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### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

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

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

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

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

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

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

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### **Private Session**

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

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### **Access**

There is wheelchair access to the meeting venue from the Main Entrance. There is an induction loop in the meeting room.

### **Evacuation Procedures**

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



## Minutes

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### Planning and Licensing Committee Tuesday, 12th December, 2017

#### Attendance

Cllr Faragher (Vice-Chair)  
Cllr Bridge  
Cllr Mynott  
Cllr Newberry

Cllr Reed  
Cllr Mrs Slade  
Cllr Wiles

#### Apologies

Cllr Ms Sanders (Chair)  
Cllr Chilvers  
Cllr Mrs Middlehurst

Cllr Morrissey  
Cllr Mrs Murphy

#### Substitute Present

Cllr Mrs Pound  
Cllr Russell

#### Also Present

Cllr Lockhart

#### Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
David Carter	-	Environmental Health Manager
Philip Drane	-	Planning Policy Team Leader
Nick Howard	-	Development Management Team Leader
Caroline McCaffrey	-	Development Management Team Leader
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager

#### 208. Apologies for Absence

Apologies were received from Cllrs Chilvers, Mrs Middlehurst, Mrs Murphy (Cllr Mrs Pound substituted), Morrissey and the Chair, Ms Sanders (Cllr Russell substituted).

In Cllr Ms Sanders' absence the Vice Chair, Cllr Faragher, chaired the meeting and it was **RESOLVED UNANIMOUSLY** that Cllr Wiles should act as Vice-Chair for the duration of the meeting.

**209. Minutes of the Previous Meeting**

The minutes of the meeting held on 11 October 2017 were approved as a true record.

**210. Licensing - Fees and Charges**

Cllr Faragher advised that following consultation with the committee chair, Cllr Ms Sanders, it had been agreed to withdraw Item 4 – Setting of Hackney Carriage and Private Hire Driver Licence Fees for 2018/19 – pending consideration of issues raised in a letter received from the Taxi Trade Consultative Group.

In light of this, in order to consider the setting of all licensing fees and charges together, it had been decided to also withdraw Item 3 – Setting of Licence Fees for 2018/19 - from this agenda and consider both matters at the 31 January 2018 Planning and Licensing Committee meeting.

**211. Taxis - Fees and Charges**

This item was deferred until the Planning and Licensing Committee meeting on 31 January 2018 (see previous minute).

**212. The Brave Nelson, 138 Woodman Road, Warley, Essex CM14 5AL  
Application Number: 17/01442/FUL**

**SINGLE STOREY REAR EXTENSION TO CREATE KITCHEN AND RESTAURANT WITH ENTRANCE ONTO CAR PARK, INTERNAL ALTERATIONS TO LAYOUT AND CONVERT FIRST FLOOR FROM C2 RESIDENTIAL USE TO ANCILLARY WC'S, OFFICE AND BEDSIT, ALTER CAR PARK LAYOUT AND WIDEN VEHICULAR ACCESS.**

Mr John, an objector, was present and addressed the committee setting out his concerns in relation to the application.

Mr Dooley, the applicant, was present and addressed the committee in support of the application.

The site was located in a residential area and the public house use was clearly established. The Brave Nelson was also designated as an asset of community value. The NPPF stated that to help achieved economic growth, local planning authorities should plan proactively to meet the development needs of businesses (paragraph 20) and planning decisions should ensure established facilities and services were able to develop and modernize in a way that was sustainable and retained for the benefit of the community

(paragraph 70). The principle of expanding the building to provide larger facilities for the public house and a restaurant was therefore considered acceptable and this was supported by the majority of committee members. It was considered that a 'drinking pub' would cause more problems for neighbours than a pub with a restaurant, particularly as in this case food was only to be served in the evenings during the week and 12.00pm to 12.00am at weekends.

Following a full discussion, Cllr Bridge **MOVED** and Cllr Russell **SECONDED** that application 17/01442/FUL - The Brave Nelson, 138 Woodman Road, Warley, Essex CM14 5AL – be **APPROVED** subject to the conditions set out in the agenda with the exception of condition no.10 and with the addition of the following condition:

The opening hours of the restaurant will be 6pm – midnight Monday – Friday, 12 Noon – 12 Midnight Saturday, Sunday and Public Holidays. All customers to be off the premises by 12 Midnight.

A vote was taken on a show of hands and Members voted as follows:

FOR: Cllrs Bridge, Faragher, Mrs Pound, Reed, Russell, Mrs Slade and Wiles (7)

AGAINST: Cllr Newberry (1)

ABSTAIN: Cllr Mynott (1)

The Motion was **CARRIED** subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In order to safeguard the character and appearance of the area.

4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity. Given the nature of these necessary details, it is fundamental that this information is provided prior to any development being commenced.

5 Notwithstanding the width of the extended vehicular access shown on planning drawing 2395 LO1. The vehicular access for the car park and shall be relocated towards the east of the proposal site frontage and shall be provided with a dropped kerb crossover with a total width of no more than 8 metres. The access shall be constructed at right angles to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full details to be submitted and agreed with the Local Planning Authority prior to its first use. The development shall be undertaken in accordance with the approved plans.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

6 A minimum width of 9 metres of part of the existing and redundant dropped kerb access immediately to the west of the re-provided vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing immediately the revised access (as described in condition 5 above) is brought into first beneficial use. Full details to be submitted and agreed with the Local Planning Authority.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

7 Any mechanical ventilation must be capable of supplying fresh air to the kitchen with at least 20 air change/hour. Additionally, a ventilation hood located over the oven and heating appliance equipped with a grease filter should be installed. An activated carbon filtration system will need to be installed after the grease filter.

The extraction system will require adequate noise and vibration attenuation measures and details, assessment and recommendations of the system will be required by the Planning authority concerning its proposed acoustic



performance. The system will normally be required to terminate at least 1m above the highest roof level.

The level and the efflux velocity of the discharge shall be a minimum of 15m/sec.

A suitable flue termination such as Scandinavian sleeve must be provided.

These details shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development hereby approved and the approved details shall be provided prior to the first occupation of the development hereby permitted.

Reason: In the interests of the residential amenity of the adjoining residents.

8 A suitable and sufficient grease trap shall be installed within the foul drainage system. Details of which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The development shall be constructed in accordance with the approved details and the grease trap shall be provided prior to the first occupation of the development.

Reason: In the interests of the residential amenity of the adjoining residents.

9 No development above ground level shall be undertaken until full refuse facility details have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided on site prior to the first occupation of the development hereby approved and thereafter permanently retained.

Reason: In the interests of the residential amenity of the adjoining residents.

10. No development above ground level shall be undertaken until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all hard-surfacing materials. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

11. The opening hours of the restaurant will be 6pm – midnight Monday – Friday, 12 Noon – 12 Midnight Saturday, Sunday and Public Holidays. All customers to be off the premises by 12 Midnight

**213. Sawyers Church, Sawyers Hall Lane, Brentwood, Essex CM15 9BN  
Application No: 17/01499/FUL**

**DEMOLITION OF EXISTING CHURCH BUILDING AND CONSTRUCTION  
OF NEW CHURCH BUILDING**

This application sought permission for the demolition of an existing church building and to and replace it with a new, larger church building incorporating community facilities.

Planning permission was previously refused by the Council (ref. 13/00500/FUL) for the same development because the proposal would detract from the amenities of adjoining residents at Homehurst House and there was inadequate provision of off-street parking in the area. However, the application had been allowed at appeal.

Mrs Bealey was present and addressed the committee in objection to the application.

Mr Woollgard was present and addressed the committee in support of the application.

Mr Boyd, representing Homehurst House Residents' Association was present and addressed the committee in objection to the application.

Pastor Jordan, the applicant, addressed the committee in support of the application.

Members expressed concern that no amendments had been made to the proposal despite the unanimous decision to refuse the application when the Planning and Licensing Committee had considered it previously. Given that the application was allowed at appeal the committee was essentially obliged to approve it but the applicant was urged to engage with local residents to try to mitigate the detrimental effect the current proposals for the building would have on them.

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** that application 17/01499/FUL – Sawyers Church, Sawyers Hall Lane, Brentwood Essex, CM15 9BN – be **APPROVED** subject to the conditions set out in the report.

Following a full discussion, Members voted on a show of hands as follows:

FOR: Cllrs Bridge, Faragher, Newberry, Mrs Pound, Reed, Russell and Wiles ((7)  
AGAINST: Cllr Mynott (1)  
ABSTAIN: Cllr Mrs Slade (1)

The Motion was **CARRIED** and the application **APPROVED** subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 No development above ground level shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping showing details of new trees, shrubs and hedges and a programme for their planting and details of all existing trees and hedgerows on and overhanging the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interests of the character and appearance of the area.

4 All tree works must be carried out in accordance with good practice as defined in BS3998.

Reason: In the interests of the character and appearance of the area.

5 The development shall not commence until a detailed, current Travel Plan has been submitted to and approved by the local planning authority. The approved travel plan shall be complied with during the operation of the site for the approved uses.

Reason: To reduce the use of motor vehicles and encourage other modes of transport and to provide management of the vehicles attending the site.

6 The windows/glazing proposed for the central section of the southeastern elevation at first and second floor level shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed in accordance with the approved details prior to the first occupation of the building or use of the room in which the window(s) is installed. Those windows shall remain so glazed and non-opening.

Reason: In the interests of the residential amenity of the adjoining residents.

7 Details of a site wide waste strategy for the development shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The details shall include:  
i) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);  
ii) a waste management plan  
The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/ erected prior to the first occupation of the development and shall be maintained as such thereafter.

Reason: In the interests of the residential amenity of the adjoining residents.

8 No development shall take place until drawings that show details of proposed new windows, doors, eaves and cills by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: In the interests of the character and appearance of the area.

9 No development above ground level shall be undertaken until samples of the materials to be used on the external finishes have been made available for viewing on site and have subsequently been approved in writing by the local planning authority.

Reason: In the interests of the character and appearance of the area.

10 No development above ground level shall be undertaken until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of the character and appearance of the area.

11 The church building hereby approved shall not operate outside the hours of 07:00 until 23:00 hours on any day.

Reason: In the interests of the residential amenity of the surrounding dwellings.

12 The ground floor restaurant/bar facility hereby approved shall only operate as an ancillary service in conjunction with the operation of the site as a church and shall not be operated as a separate business.

Reason: In the interests of the character and appearance of the area.

13 The external play area as shown on the approved drawings shall not operate outside the hours of:

Thursdays between the hours of 09:30 and 17:00

Fridays between the hours of 09:30 and 17:00

Sundays between the hours of 10:30 and 12:30.

Reason: In the interests of the residential amenity of the area.

14 Development shall not be commenced until details of surface water drainage have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved surface water drainage details and shall be retained as such thereafter.

Reason: In the interests of the amenity of the area.

15 No development above ground level shall be undertaken until details of the existing and proposed site levels and the finished floor levels of the proposed building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

16 The premises shall be used for a Church and its ancillary activities and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the residential amenity of the area.

17 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. Given the nature of these details required, it is fundamental that this information is provided prior to the commencement of the development.

18 Prior to first occupation of the development the existing vehicular access at the south east of the site frontage shall be adjusted and reduced in width as shown in principle in the planning drawing A/04 Rev B. This shall become a shared vehicle access with the adjacent access road to the south. The width of the access at its junction with the highway shall not exceed 6 metres and shall retain an appropriate dropped kerb vehicular crossing of the footway. Full details of the shared access layout to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

19 The redundant part of the existing access at the south east of the site boundary shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately the proposed shared access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

20 Notwithstanding the details shown on the planning drawing A/04 Rev B, the proposed development shall not be occupied until such time as the vehicle parking areas including a minimum of 3 parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. Each parking space shall have minimum dimensions in accordance with current parking standards.

The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Full details of the revised layout to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

21 The proposed adjustment to the pedestrian access in the front boundary wall and the provision of new boundary wall on the south east site frontage directly abuts to the back of the footway. This is public highway and the construction work must be carried out subject to arrangements made with the Service Management Office (SMO).

Reason: In the interests of highway safety.

22 The Cycle / Powered Two Wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate Cycle / Powered Two Wheeler parking is provided in the interest of highway safety and amenity.

23 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

24 There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

**214. The Crown, High Street, Ingatestone, Essex CM4 0AT Application No(s): 17/01578/FUL and 17/01577/LBC**

**WORKS TO THE LISTED BUILDING TO ENABLE THE CHANGE OF USE OF THE HOST LISTED BUILDING TO CREATE 3 NO. RESIDENTIAL UNITS, INCLUDING THE DEMOLITION AND REPLACEMENT OF SINGLE STOREY SIDE ADDITION, FENESTRATION ALTERATIONS, INTERNAL ALTERATIONS AND THE CONSTRUCTION OF TWO STOREY AND SINGLE STOREY REAR ADDITIONS.**

The site comprised The Crown which was a former public house and was Grade 2 listed. To the north of the property was 67 High Street and to the rear was the grounds of the public house where three cottages had recently been constructed.

A change to the original planning permission and listed building was being sought retrospectively because works to the listed building had already been carried out. A number of alterations carried out to the property did not form part of the approved plans referred to in references 15/00851/FUL and 15/00852/LBC, discussed at the July 2017 Planning and Licensing Committee

meeting. Members resolved to refuse the planning application and listed building consent.

The Historic Buildings Officer had advised that the fundamental issues set out in the previous planning application had overall been overcome. There had been a quantum of restorative works and reversibility and a balance had been found in terms of the overall restoration and reuse of the previously vacant building. However, the HBO had concerns for the implementation of the final components of the Listed Building Consent and advised that a full compliance check be conditioned and undertaken. The condition would require the alterations to be carried out within two months of the date of permission being granted.

Mr Langford was present and addressed the committee on behalf of Post Office Road Residents Association in objection to the application.

Mr Davey, the agent, was present and addressed the committee in support of the application.

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** that application 17/01577/LBC be **APPROVED** subject to the following condition:

Within two months of the date of this permission, the development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed in the report and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

Following a discussion vote was taken on a show of hands and Members voted as follows:

FOR: Cllrs Bridge, Faragher, Mynott, Newberry, Mrs Pound, Reed, Russell Mrs Slade and Wiles (9)

AGAINST: (0)

ABSTAIN: (0)

The Motion was **CARRIED** and the application **APPROVED** subject to the condition detailed above.

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** that application 17/01578/FUL be **APPROVED** subject to the following condition:

Within two months of the date of this permission, the development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed in the report and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.



Following a discussion vote was taken on a show of hands and Members voted as follows:

FOR: Cllrs Bridge, Faragher, Mynott, Newberry, Mrs Pound, Reed, Russell Mrs Slade and Wiles (9)

AGAINST: (0)

ABSTAIN: (0)

The Motion was **CARRIED** and the application **APPROVED** subject to the condition detailed above.

**215. 67 High Street, Ingatestone, Essex. CM4 0AT. Application Nos. 17/01579/FUL and 17/01580/LBC**

**VARIATION OF CONDITION 2 (APPROVED DRAWINGS), 3 (SAMPLES OF MATERIALS), 4 (DETAILS OF ROOF LIGHTS), 5 (ADDITIONAL DRAWINGS SHOWING WINDOWS DOORS) AND 8 (SCHEME OF HARD AND SOFT LANDSCAPING) OF APPLICATION 16/01565/FUL (CHANGE OF USE OF 67 HIGH STREET, INGATESTONE FROM A RETAIL UNIT (CLASS A1) TO RESIDENTIAL (CLASS C3) AND ASSOCIATED INTERNAL AND EXTERNAL WORKS).**

The applications were a resubmission of the previous refusals in which Members expressed concerns to the first amendments at the July 2017 committee. These applications (second amendments) sought to address the concerns raised and in particular Members at that committee requested to see details of any future proposal.

a) A planning application was being made to vary Condition 2 of planning permission 16/01565/FUL, so as to substitute the approved drawings for drawings showing the works as completed. Furthermore, the proposal included updating a number of conditions attached to the original planning permission, namely samples of materials, details of rooflights, drawings showing details of windows and doors and landscaping.

b) A listed building application was submitted, which, if granted, would replace the listed building consent 16/01752/LBC.

The works carried out were completed in April 2017 and these applications sought approval for an alternative scheme to that permitted in 2016. The proposal was for alterations to the curtilage listed building which were discussed in detail in the assessment section of the report.

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** that application 17/01580/LBC be **APPROVED** subject to the following condition:

Within two months of the date of this permission, the development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed in the report and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

Following a discussion vote was taken on a show of hands and Members voted as follows:

FOR: Cllrs Bridge, Faragher, Mynott, Newberry, Mrs Pound, Reed, Russell Mrs Slade and Wiles (9)

AGAINST: (0)

ABSTAIN: (0)

The Motion was **CARRIED** and the application **APPROVED** subject to the condition detailed above.

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** that application 17/01579/FUL be **APPROVED** subject to the following condition:

Within two months of the date of this permission, the development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed in the report and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

Following a discussion vote was taken on a show of hands and Members voted as follows:

FOR: Cllrs Bridge, Faragher, Mynott, Newberry, Mrs Pound, Reed, Russell Mrs Slade and Wiles (9)

AGAINST: (0)

ABSTAIN: (0)

The Motion was **CARRIED** and the application **APPROVED** subject to the condition detailed above.

## **216. Planning and Building Control - Fees and Charges**

The report had set out the Council's Planning and Building Control non-statutory fees and charges. Planning fees were set by central government and building fees continued to be led by market conditions.

It was also proposed to review the planning pre-application charging schedule on a quarterly basis and adjust those fees where appropriate to reflect the quality of service and resources provided. Otherwise, building control fees and other non-statutory fees would be reviewed on an annual basis.

There were no proposed fee increases to either Local Land Charges or to photocopying charges.

Building Control fees and charges were reviewed annually. Brentwood Borough Council building control fees had remained unchanged since 1st April 2015. However, as a result of local benchmarking and a budget challenge review, it was now proposed to be increase the standard charges by 10% as from 1st April 2018.

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** the recommendations in the report and following a discussion a vote was taken by a show of hands and it was

#### **RESOLVED UNANIMOUSLY**

- 1. That all Planning and Building Control non-statutory fees and charges, and Local Land Charges fees, are reviewed annually; and that Planning pre-application fees are reviewed quarterly; to be revised where appropriate as agreed by the Chief Executive and the Chair of Planning and Licensing Committee.**
- 2. That Members agree the fees and charges as in Appendix A and B to the report.**

#### **Reasons for Recommendation**

Ongoing budget constraints facing the public sector continued to be a factor in Council services seeking to generate income wherever possible to contribute to the provision of high quality services to residents and businesses. At this juncture it was not considered that an increase to non-statutory fees and charges was required, but this should continue to be reviewed on a regular basis and adjusted to reflect both the level of demand from the development industry and the Council's resources to provide a high standard of service. It was therefore proposed that all Planning and Building Control non-statutory fee income continued to be ring-fenced to the Planning and Development service area in order to justify charges and reassure applicants that the service they were paying for will be delivered.

Local Land Charge fees, having regard to the 1975 Act, were considered to be at a level that addresses the level of resource required to provide the demands of the service at cost. The fees had been reviewed in order to ensure that a cost recovery service was maintained and will be reviewed in line with any future legislative changes.

The Council regularly monitored how planning policies were being implemented in regards to the decision-taking process, as well as progress on the plan-making process for preparation of documents set out in the Local Development Scheme.

As agreed at Planning and Licensing Committee on 1 December 2015, as soon as monitoring data became available the information was collated for publication into a series of monitoring updates, each reporting on different monitoring issues, which together formed the Council's Authority Monitoring Reports (AMR). For clarity these had been branded "Brentwood Monitoring Reports" to be consistent with the emerging Brentwood Local Development Plan (LDP) and other supporting documents.

The latest monitoring report in the series of updates had been prepared for publication, with information relating to residential completions for the period 1 April 2016 to 31 March 2017 (data available after March 2017 was included where appropriate).

Cllr Faragher **MOVED** and Cllr Wiles **SECONDED** the recommendations in the report and following a discussion a vote was taken by a show of hands and it was

#### **UNANIMOUSLY RESOLVED**

**To approve publication of the Brentwood Monitoring Report: Housing Delivery 2016/17, as set out in Appendix A, subject to corrections discussed relating to Table 1 and Figure 1.**

#### **Reasons for Recommendation**

It was important that the Council published monitoring information in order to share performance and achievements with the local community as information became available. It also met the monitoring requirements set out in the PPF and Town and Country Planning Regulations 2012, as amended by the Localism Act 2011.

In addition to publishing monitoring information in usual formats, such as a PDF document on the Planning pages of the Council's website, use of the DataShare site would help meet the Council's commitment to being open and transparent. AMR data would be freely available to view and download in a variety of formats.

#### **218. Urgent Business**

There were no items of urgent business.

The meeting ended at 9.10pm

**31 January 2018**

**Planning and Licensing Committee**

**Setting of Hackney Carriage and Private Hire Driver  
Licence Fees for 2017/18**

**Report of:** *Paul Adams, Principal Licensing Officer*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 This report is to agree fees and charges associated with Hackney carriage and Private Hire Driver Licence applications for the 2017/18 period, for recommendation to Council for setting.

## **2. Recommendation**

- 2.1 Members to agree the schedule of fees shown in Appendix B and recommend to Council for adoption.**

## **3. Introduction and Background**

- 3.1 Most licence applications attract a fee, different licensing regimes have different ways in which the fees are set, which generally is by one of three ways.
- A statutory set fee.
  - A locally set reasonable fee that has by statute, a capped maximum amount.
  - A locally set reasonable fee with no maximum cap.
- 3.2 With the exception of the statutory set fees, any fee charged must be based on cost recovery, no profit can be made on the licence fee income
- 3.3 Fees that are set by statute, cannot be varied and must be charged as they are set within the legislation.

- 3.4 Fees that can be set locally with a capped maximum must be set on a cost recovery basis up to the cap. If the cost recovery is less than the capped amount then less than the cap should be charged, if it is higher than the cap then a loss will need to be made.
- 3.5 Fees that can be set locally without a cap, must be set on a cost recovery basis only, they cannot be used to generate an income to perform other functions of the Council. This includes all types of Hackney Carriage and Private Hire Licences.
- 3.6 Guidance does exist in relation to fee setting in the form of:
- Home Office Guidance on setting Scrap Metal Dealers Act 2013 Fees,
  - LGA Guidance on Locally Set Fees,
  - Welsh Technical Panel templates,
  - Case law.
- 3.7 Generally, fees cannot make a profit, case law has established that any surplus must be carried forward, and any deficit can also be carried forward and recouped.
- 3.8 Benchmarking of fees could be used only as a comparison, and should not be used as a fee matching exercise. Each authority will have different costs, structures and processes which will significantly could create differences in fees.
- 3.9 Brentwood Council last set its Hackney Carriage and Private Hire Licence fees in 2016.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Fee setting is usually carried out in preparation to bring into effect any changes at the start of each financial year. The Hackney Carriage and Private Hire Licence fees were not reviewed with all other licence fees for the 2017/18 period, as additional work was being undertaken on the costs associated with providing this licensing function.
- 4.2 This additional work has highlighted that the fee being charged for the Licensing of Hackney Carriage and Private Hire Drivers is significantly insufficient to cover the current calculated cost of providing the service. This was due to previous years calculations using predicted data instead of actual data when it became available.

- 4.3 It has been agreed with the Chief Executive that the historic deficit of £44,415 that exists since the actual data has been used on the drivers account will not be carried forward into future fee calculations, and has been zeroed at the end of the 2016/17 financial year and written off.
- 4.4 It is proposed to review the Hackney Carriage and Private Hire Drivers application fees now, as a measure to reduce the impact of the insufficient cost recovery of this element of the Licensing Service. This review uses actual data from the previous financial year with predicted data for this current financial year.
- 4.5 A copy of the licensing accounts for 15/16 and the fee income prediction for 17/18 is attached as Appendix A.
- 4.6 A Schedule scheduled of proposed fees for the 2017/18 period are attached as Appendix B.
- 4.7 It is intended that the fees will come into effect from 1 March 2018, subject to approval by Council.

#### **Hackney Carriage and Private Hire Drivers Licences**

- 4.8 All Hackney Carriage or Private Hire Drivers Licences are currently granted for 3 years, unless there is a good reason not to do so.
- 4.9 Currently the cost of the DBS and DVLA checks are charged in addition to the application fee. The proposed fee will now include the cost of these checks for the duration of the licence.
- 4.10 The cost of the DBS fee will rise to £52 from £44 to reflect the current cost incurred of this check.
- 4.11 A DVLA Licence check will be carried out annually, the cost of this is now included in the cost of the licence application.
- 4.12 A DVLA Group 2 Medical is required every three years unless age or medical conditions require otherwise, the cost of the medical is met by the applicant and is not included in this fee.
- 4.13 The application fee for new applicants is to include up to 4 attempts to pass the Knowledge Test, further attempts will be subject to an additional fee as provided in Appendix B.
- 4.14 It is proposed to increase the new licence fee to £456 from £300, which now also includes the DVLA and DBS checks, previously charged separately making the comparative increase £89, over three years, which equates to £2.47 per month.

- 4.15 The renewal fee will rise to £406 from £240, which now includes the DVLA and DBS checks, previously charged separately, making the comparative increase £99, over three years, which equates to £2.75 per month.
- 4.16 The situation will be monitored and will be reviewed at the end of this financial year once changes to the Licensing Team structure and process have imbedded; and revised time monitoring is undertaken for a reasonable period.

## **5. Reasons for Recommendation**

- 5.1 The fees and charges once approved have to be agreed by Council. The fees proposed are on a cost recovery basis where possible.

## **6. Consultation**

- 6.1 There is no consultation required under legislation relating to any of the discretionary fees outlined in this report that are subject to change. However, these will be published on the Council's website and are in all cases open to challenge by way of Judicial Review should they be inappropriately set.
- 6.2 Although no consultation is required by legislation, the proposed fee has been consulted with Brentwood's Taxi Trade Consultative Group, and the response from their agreed representative for this matter is attached as Appendix C.
- 6.3 The TTCG makes reference to five points in paragraph 9 of their response that they would like assurances on, for them not to oppose the proposed fee. Assurances can be given that these matters will be in place if not already in place for future accounting and fee calculation. A full response to all the points raised by the TTCG has been sent to them and is attached as Appendix D.
- 6.4 As an additional measure to provide assurance around the fee setting an audit was requested by the Head of Paid Services and Financial Services Manager to provide an independent review on fees relevant to taxi driver licensing. The purpose of the audit is to provide assurance that the proposed fees and charges for 2017-18 have been calculated correctly.
- 6.5 The Audit report provides that based upon the work undertaken and the information available at the time of the audit, the figures used in the setting of the taxi driver licensing fees for 2017-18 have been set with reference to the Council's approved budgets for the year and a reasonable assessment of actual costs to be incurred over the next three



years, such that the Drivers Trading Account can be brought back into a break even financial position. The Audit Key findings is attached as Appendix E.

6.6 The draft management response to the key findings are given below, and are subject to approval at the Audit Committee;

- Ref 2 - Financial Services Managers accepts that more transparency could be made to the TTCG, and sharing budget monitoring results could be of an effective approach. Actual Expenditure incurred is continually under review and is fed into the usual year-end adjustments to the Driver Trading budget, however this is accepted that it could be done in a more timely manner.
- Ref 3 – this has always been accepted by the Council that the time monitoring exercise be repeated to capture the amount of time that is spent on each area of licensing to ensure the cost recover model remains accurate. The current time monitoring will be continued for a period of at least one year or for longer if necessary to ensure an accurate picture is obtained, which is in line with the recommendation. Evidence of the review and the results from timesheet analysis and the impact upon the Driver Licenses Trading account will be shared with the TTCG.

## **7. References to Corporate Plan**

7.1 None

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Financial Services Manager**  
**Tel & Email: 01277 312 829**  
**jacqueline.vanmellarts@brentwood.gov.uk**

8.1 The impact of the revised fees and charges will be incorporated within the medium term financial plan.

### **Legal Implications**

**Name & Title: Surinder Atkar Senior Planning Solicitor**  
**Tel & Email: 01277 312 860 surinder.atkar@brentwood.gov.uk**

8.2 There are potential cost implications in the event of failure to calculate or advertise fees in the proper manner, however, the fees proposed in this report have been calculated on a cost recovery basis using a robust system of accounting which has been developed over time to ensure they are as accurate as possible.

8.3 The recovery of a fee for drivers licenses for hackney carriages and PHVs is under section 53 (2) Local Government (Miscellaneous Provisions) Act 1976 so that any fee must be reasonable with a view of recovering the costs of administration and issue.

8.4 Vehicle and operator's license fees are recoverable under section 70 of the same Act and any fee can only charge for the reasonable costs of carrying out the inspections of both types of vehicles for determining if a license should be granted, any reasonable costs for providing hackney carriage stands and any administrative or other costs relating to the control and supervision of vehicles.

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

8.5 None

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

9.1 Local Government (Miscellaneous Provisions) Act 1976.

**10. Appendices to this report**

- Appendix A - Licensing Accounts and Fee workings.
- Appendix B - Proposed 17/18 Taxi Licensing Fees and Charges.
- Appendix C – Consultation response on behalf of the TTGC.
- Appendix D – Response to the TTGC representation.
- Appendix E – Audit key findings.

**Report Author Contact Details:**

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**E-mail:** paul.adams@brentwood.gov.uk

# Appendix A

Driver Licences				Drivers							
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
				£	£	£	£	£	£	£	
				ACTUAL	ACTUAL	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	
Total Costs (Increase 1% Year on year from 17/18)				73,458	59,017	51,528	52,044	52,564	53,090	53,621	
<b>TOTAL EXPENDITURE</b>				<b>73,458</b>	<b>59,017</b>	<b>51,528</b>	<b>52,044</b>	<b>52,564</b>	<b>53,090</b>	<b>53,621</b>	
				Anticipated Income							
No of Licences	Current Fee	Proposed Fee		ACTUAL	ACTUAL	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	
	£	£									
Income 2013/14											
Total Income for 2013/14											
Income 2014/15				4,517							
Total Income for 2014/15											
Income 2015/16											
Total Income for 2015/16				62,476							
<b>Income 2016/17</b>											
New 3 Year Licence	25	300.00			2,500	2,500	2,500				
Renewed 3 year Licence	124	240.00			9,920	9,920	9,920				
ADJ TO MATCH FIN SYSTEM						2,181	2,181				
Total Income for 2016/17				149	0	12,420	14,601	14,601	0		
<b>Income 2017/18</b>											
New 3 Year Licence	30	300.00	456.00			4,560	4,560	4,560			
Renewed 3 year Licence	32	240.00	406.00			4,331	4,331	4,331			
Total Income for 2017/18				62	0	0	8,891	8,891	8,891	0	0
<b>Income 2018/19</b>											
New 3 Year Licence	30		456.00				4,560	4,560	4,560		
Renewed 3 Year Licence	169		406.00				22,871	22,871	22,871		
Total Income for 2018/19				199	0	0	27,431	27,431	27,431	0	0
<b>Income 2019/20</b>											
New 3 Year Licence	30		456.00					4,560	4,560	4,560	
Renewed 3 Year Licence	179		406.00					24,225	24,225	24,225	
Total Income for 2019/20				209	0	0	0	28,785	28,785	28,785	
<b>Income 2020/21</b>											
New 3 Year Licence	30		456.00						4,560	4,560	
Renewed 3 Year Licence	32		406.00						4,331	4,331	
Total Income for 2020/21				62	0	0	0	0	8,891	8,891	
<b>Income 2021/22</b>											
New 3 Year Licence	30		456.00							4,560	
Renewed 3 Year Licence	169		406.00							22,871	
Total Income for 2021/22				199	0	0	0	0	0	0	27,431
<b>OTHER INCOME (inc knowledge tests, badge replacements)</b>					20,477	2,182	0	0	0	0	0
<b>TOTAL INCOME</b>					82,953	14,602	23,492	50,923	65,107	65,107	65,107
<b>Surplus / (Deficit)</b>					9,495	-44,415	-28,037	-1,121	12,543	12,017	11,486
<b>Reserves</b>											
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	
Brought Forward					-5,292	4,204	0	-28,037	-29,157	-16,615	-4,598
Surplus/(Deficit)					9,495	-44,415	-28,037	-1,121	12,543	12,017	11,486
Carry Forward					4,204	0	-28,037	-29,157	-16,615	-4,598	6,888

**Breakdown Accumulated Reserve Position as at 31st March 2017**

16/17 (-Surplus)/Deficit	Drivers Account	Vehicles Account	Operators Account	Total
	16.83%	24.65%	0.55%	
<b>Reserve Accumulated Total as at 31st March 2016</b>	<b>-4,203.54</b>	33,477.83	9,757.21	39,031.49

Other Licensing
57.97%
0.00

TOTAL
39,031.49

Expenditure:				
Employees Related Expenses	25,867.68	38,131.95	840.77	64,840.40
Supplies and Services:				
Printing, Stationery & Office Expenditure	245.39	10,266.73	0.00	10,512.12
CRB Checks	6,377.00	0.00	0.00	6,377.00
DVLA Checks	135.00	9.00	0.00	144.00
Communications & Computing	1,753.69	2,055.59	38.59	3,847.87
Equipment, Furniture & Materials	0.00	0.00	0.00	0.00
Refunds	0.00	0.00	0.00	0.00
Inspection Costs	0.00	21,600.00	0.00	21,600.00
Legal Expenses	0.00	0.00	0.00	0.00
Other Fees & Services	0.00	0.00	0.00	0.00
Subscriptions	94.08	137.79	3.07	234.95
Refunds / Other	0.00	131.25	0.00	131.25
Depreciation	0.00	0.00	0.00	0.00
Recharges from Other Services:				
Corporate Leadership Team	1,088.88	1,594.82	35.58	2,719.28
Corporate Support	649.71	951.60	21.23	1,622.54
Design & Print	149.10	218.38	4.87	372.36
Financial Services	4,554.59	6,670.86	148.84	11,374.29
Human Resources	1,213.76	1,777.73	39.67	3,031.15
Information and Communications Technology	3,397.21	4,975.71	111.02	8,483.94
Internal Audit	1,453.89	2,129.44	47.51	3,630.85
Legal	991.16	1,451.70	32.39	2,475.26
Office Accommodation	2,405.23	3,522.81	78.60	6,006.64
Payroll	156.19	228.76	5.10	390.06
Business Transformation	0.00	0.00	0.00	0.00
Customer Contact Centre	4,271.63	6,256.42	139.60	10,667.64
Environmental Health Admin	4,212.69	6,170.10	137.67	10,520.46
Cost of Democracy	0.00	0.00	0.00	0.00
Income:				
Fees & Charges	-14,601.50	-107,930.00	-707.40	-123,238.90
Grants & Contributions	0.00	0.00	0.00	0.00
<b>(-Surplus)/Deficit Total for 16/17</b>	<b>44,415.37</b>	<b>350.65</b>	<b>977.13</b>	<b>45,743.14</b>
<b>Reserve Accumulated Total as at 31st March 2017</b>	<b>40,211.82</b>	<b>33,828.48</b>	<b>10,734.34</b>	<b>84,774.63</b>

88,617.55
25.00
0.00
0.00
3,572.06
0.00
0.00
0.00
1,500.00
1,321.30
674.05
501.90
-0.26
3,750.57
2,237.89
513.57
15,688.02
4,180.72
11,701.51
5,007.85
3,414.00
8,284.67
537.99
0.00
14,713.38
14,510.37
0.00
-101,565.51
0.00
79,186.65
0.00

153,457.95
10,537.12
6,377.00
144.00
7,419.93
0.00
0.00
21,600.00
1,500.00
1,321.30
909.00
633.15
-0.26
6,469.85
3,860.43
885.93
27,062.31
7,211.87
20,185.45
8,638.70
5,889.26
14,291.31
928.05
0.00
25,381.02
25,030.83
0.00
-224,804.41
0.00
124,929.79
84,774.63

**Breakdown Accumulated Reserve Position as at 31st March 2018**

17/18 (-Surplus)/Deficit	Drivers Account	Vehicles Account	Operators Account	Total	Other Licensing	TOTAL
	12.83%	24.65%	0.55%		61.97%	
<b>Reserve Accumulated Total as at 31st March 2017</b>	0.00	33,828.48	10,734.34	44,562.81	0.00	44,562.81
<b>Expenditure:</b>						
Employees Related Expenses	19,064.10	36,627.44	817.25	56,508.78	92,081.22	148,590.00
Supplies and Services:						
Printing, Stationery & Office Expenditure	1,347.15	11,588.25	57.75	12,993.15	6,506.85	19,500.00
CRB Checks	6,600.00	0.00	0.00	6,600.00	0.00	6,600.00
DVLA Checks	1,900.00	0.00	0.00	1,900.00	0.00	1,900.00
Communications & Computing	1,120.06	2,151.95	48.02	3,320.02	5,409.98	8,730.00
Equipment, Furniture & Materials	0.00	0.00	0.00	0.00	0.00	0.00
Refunds	0.00	0.00	0.00	0.00	0.00	0.00
Inspection Costs	0.00	19,000.00	0.00	19,000.00	0.00	19,000.00
Legal Expenses	384.90	739.50	16.50	1,140.90	2,859.10	4,000.00
Other Fees & Services	0.00	0.00	0.00	0.00	0.00	0.00
Subscriptions	0.00	0.00	0.00	0.00	0.00	0.00
Refunds / Other	1,200.00	500.00	0.00	1,700.00	200.00	1,900.00
Depreciation	0.00	0.00	0.00	0.00	0.00	0.00
Recharges from Other Services:						
Corporate Leadership Team	868.59	1,668.81	37.24	2,574.63	4,195.37	6,770.00
Corporate Support	455.47	875.08	19.53	1,350.07	2,199.94	3,550.00
Design & Print	106.49	204.60	4.57	315.65	514.35	830.00
Financial Services	3,643.72	7,000.60	156.20	10,800.52	17,599.48	28,400.00
Human Resources	919.91	1,767.41	39.44	2,726.75	4,443.25	7,170.00
Information and Communications Technology	2,770.00	5,321.94	118.75	8,210.68	13,379.32	21,590.00
Internal Audit	1,404.89	2,699.18	60.23	4,164.29	6,785.72	10,950.00
Legal	532.45	1,022.98	22.83	1,578.25	2,571.76	4,150.00
Office Accommodation	2,269.63	4,360.59	97.30	6,727.51	10,962.49	17,690.00
Payroll	111.62	214.46	4.79	330.86	539.14	870.00
Business Transformation	0.00	0.00	0.00	0.00	0.00	0.00
Customer Contact Centre	3,686.06	7,081.95	158.02	10,926.02	17,803.98	28,730.00
Environmental Health Admin	3,143.35	6,039.25	134.75	9,317.35	15,182.65	24,500.00
Cost of Democracy	0.00	0.00	0.00	0.00	0.00	0.00
Income:						
Fees & Charges	-23,491.67	-118,070.00	-770.00	-142,331.67	-101,910.00	-244,241.67
Grants & Contributions	0.00	0.00	0.00	0.00	0.00	0.00
<b>(-Surplus)/Deficit Total for 17/18</b>	28,036.70	-9,206.07	1,023.11	19,853.74	101,324.59	121,178.33
<b>Reserve Accumulated Total as at 31st March 2018</b>	28,036.70	24,622.41	11,757.45	64,416.55	0.00	64,416.55

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# Appendix B

## PLANNING AND LICENSING FEES & CHARGES SCHEDULE FROM 1 APRIL 2018

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2017-March 2018		April 2018-March 2019	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

### SERVICE AREA: LICENSING

#### CHARGING AREA: Licence Fees

##### Taxi

##### Vehicle Licence - Hackney Carriage

Vehicle Licence - including Plate	O	S	243.00	243.00	243.00	243.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

##### Vehicle Licence - Private Hire

Vehicle Licence - including Plate	O	S	225.00	225.00	225.00	225.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

##### Vehicle Inspections - Hackney Carriage and Private Hire

Vehicle Inspection	O	S	47.00	47.00	47.00	47.00
Trailer Inspections - Non Braked	O	S	15.00	15.00	15.00	15.00
Trailer Inspections - Braked	O	S	23.00	23.00	23.00	23.00
Re-Inspection	O	S	12.50	12.50	12.50	12.50
Re-Inspection 2	O	S	47.00	47.00	47.00	47.00

##### Drivers Licence - Hackney Carriage and Private Hire

Driver New - 3 years	O	S	300.00	300.00	N/A	N/A
Renewal - 3 years	O	S	240.00	240.00	N/A	N/A
Combined Driver New - 3 years (includes DBS and DVLA checks)	O	S	N/A	N/A	456.00	456.00
Combined Driver Renewal - 3 years (includes DBS and DVLA checks)	O	S	N/A	N/A	406.00	406.00
Re-Test - Knowledge Test	O	S	35.00	35.00	35.00	35.00
Disclosure and Barring Service (DBS) Check	O	S	44.00	44.00	52.00	52.00
Driver and Vehicle Licensing Agency (DVLA) Check	O	S	5.00	5.00	5.00	5.00

##### Replacements

ID	O	S	6.00	6.00	6.00	6.00
PHV Cards	O	S	6.00	6.00	6.00	6.00
Tariff Cards	O	S	6.00	6.00	6.00	6.00
Replacement Plates	O	S	12.00	12.00	12.00	12.00
Replacement Door Signs (pair)	O	S	15.00	15.00	15.00	15.00
Plate Platforms (optional)	O	S	6.00	6.00	6.00	6.00

##### Private Hire Operators

Single Vehicle Operators Licence - 5 years	O	S	325.00	325.00	325.00	325.00
Operator Licence - 2 to 5 Vehicles - 5 years	O	S	1,085.00	1,085.00	1,085.00	1,085.00
Operator Licence - more than 5 Vehicles - 5 years	O	S	1,345.00	1,345.00	1,345.00	1,345.00

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# Appendix C

## Members of the Planning and Licensing Committee

The Brentwood Taxi Trade Consultative Group (TTCG) was set up many years ago to provide a forum for the trade, officers and councillors to meet and discuss policy in a relatively informal yet also constructive way. Over the years, the TTCG has been key to ensuring that the trade in Brentwood works to high standards with a shared appreciation of the agreeing and then maintaining those standards by the trade as a whole. We appreciate that the group does not make decisions and that the discussions held do not in any way bind the individual councillors who attend the Planning and Licensing Committee.

The TTCG members have been appointed to represent Hackney Carriage and Private Hire drivers. Hackney Carriage and Private Hire proprietors as well as taxi operators in the Borough. The TTCG members work closely with all aspects of the trade who work both in Brentwood and Shenfield and the TTCG members jointly represent over 350 individuals who work within this trade.

The TTCG members have spent many months discussing the fees for Driver Licences which is now on the agenda of the Planning and Licensing Committee.

We would like you to make you aware of the points below which we hope you will consider when making your decision on this proposal which has been put forward by the Principal Licensing Officer, Paul Adams.

1. The fee for renewing a driver licence is currently £240 which if this proposal is agreed by members will increase to £406. This is a substantial increase and is way above inflation.
2. The trade in Brentwood is increasingly under threat from Uber drivers who operate under TFL rules which are much less stringent than those in Brentwood. Uber drivers have no topographical knowledge of Brentwood and recently the criminal record checks as well as the medical records of 13,000 Uber drivers have been brought into question. Uber drivers in Brentwood are paid a “retainer” of between £8.50 and £12.50 per hour just to sit and wait for potential bookings. The Uber platform is looking to achieve market domination to such a level that Brentwood Licensed drivers will be forced out of their trade.
3. The TTCG members have been inundated with complaints from hundreds of our drivers pointing out that the level of service from the Licensing Department has reached an all-time low. We are being asked to pay an increased fee for a declining level of service.
4. The TTCG and its members have been supplied with numerous financial statements over the past 2 years which have proven, when their accuracy was questioned by the trade, to be factually incorrect and flawed and later rescinded by the finance department and the licensing department. The TTCG have been informed by the Principle Licensing Officer that his predecessor, Gary O’Shea, made fundamental errors when presenting information to members and the anticipated £41,716 **surplus** on this account shown in the Agenda papers for the Planning and Licensing Committee of 3<sup>rd</sup> November 2015 was in fact a £40,000 **deficit**. This is, quite frankly, incredulous and we require a full written explanation from Head of Service.
5. The TTCG need to understand why the cost from Financial Services to the Drivers Licence account was £3,792.99 as at 31<sup>st</sup> March 2016 and yet the cost of Financial Services on this account was £8,594.47 as at 31<sup>st</sup> March 2015, £10,941.28 as at 31<sup>st</sup> March 2014 and £11,768.48 as at 31<sup>st</sup> March 2013.

6. It is incredulous that as at 31<sup>st</sup> March 2013 £31,207.16 was charged for Financial Services to the taxi trade and £29,888.94 was charged in 2014 just for issuing our licences! Once again, we require a full written explanation from Head of Service.
7. The TTCG have requested information regarding time monitoring of Licensing staff which we were assured was being completed and we were assured at previous TTCG meetings that these Licensing team time records were being used to calculate this year's licence fees. However, when we requested copies of these time monitoring sheets (which we are entitled to view under the FOI Act), we were advised that no such sheets existed and were not being filled out. It beggars belief that these actions are deemed acceptable within this department.

#### Going forwards

8. The TTCG would request that accurate time recording of officers' time is carried out in order to set the fees in line with the legislation. This is vital because the Licensing department has been completely restructured over the last 12 months. Accounting for officer time is now further complicated by the fact that officers time is now split between Brentwood and Thurrock local authorities. The rationale for the changes was to improve efficiency and reduce costs. So, the changes should have led to a welcome reduction in licence fees, rather than any further increase.
9. The TTCG will not object to the fees as proposed if we can be provided with certain assurances. These assurances are:
  - i) accurate recording of officer activity will take place,
  - ii) that the time recording will be subject to quarterly review by managers,
  - iii) quarterly reviews take place of the different taxi licence accounts, measuring performance against the budgets,
  - iv) that the management information relating to these quarterly reviews is shared with representatives of the TTCG,
  - v) that the TTCG is consulted on any action which it is proposed be taken to deal with any consequent deficit or surplus on all or any of the taxi licence fee accounts.
10. If assurances can be given re points i) to v) above, then the TTCG would not oppose the proposed licence fees, on the understanding that this is being done, so that in the future there can be certainty on the accuracy of the recording of time and expenditure and confidence that the fees levied are lawfully set at the correct level.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Bond'.

Signed on behalf of:

Members of the Taxi Trade Consultative Group

## Appendix D

Dear, Steve Smith, on behalf of the TTCG.

With reference to your response to the consultation in relation to the setting of Driver Licence fees, that has been presented to the Licensing Committee in full for their consideration, when deciding on the fees. You specifically requested a written response to two points in your letter from the Head of Service, as the position of Head of Service no longer exists for either The Licensing Department or Financial Services, I will be making the response as the Environmental Health and Trading Services Licensing Manager which has the oversight of the Licensing Department at Brentwood. I will deal with all points of your response in turn:

1. There is no disagreement that there is a substantial increase in the fee. However, the current figure of £240 does not include the additional £52 for the DBS check or the additional £15 that also has to be paid by drivers for the DVLA annual check during the duration of the three year licence whereas the £406 proposed fee does include these charges.

The increase in the renewal fee is £99 and not £166 as suggested in your representation when you include all the relevant costs given above

The increase whilst substantial is essential to ensure that the service operates on a cost recovery basis.

2. There is no disagreement that TFL licensed drivers, such as those operated by Uber, are providing an increasing competition for Brentwood licensed drivers which is likely to be having an impact on the income of the Brentwood licensed trade. However, the fees proposed are based on a cost recovery model and only reflect the cost to Brentwood Council of licensing their drivers.
3. With approximately 350 licensed drivers, the Council have not been in receipt of the same level of complaints regarding the service received from the Licensing Department. The Council generally is changing the way it engages with its customers, and is trying where possible to utilise online and email communication, as opposed to telephone and face to face contact. This supports the Council's new ways of working such as hot desking/remote working. The Licensing Department has a dedicated email address [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk) which they are advising communication through where possible, and most applications are now accessible via the website. The way in which drivers access the service has changed, but this has not resulted in a drop in the level of service, most enquires, and requests are responded to within an appropriate time frame dependent on their urgency.
4. The Report that went to Committee on the 3 November 2015 did have two fundamental issues, the first related to the prediction of the income for future

years. This principally related to the prediction that had been made with the expected number of new or renewed licences that would be processed in the following years. As an example, the predicted number of renewals for the 17/18 period was given at committee as 151, whereas the actual figure drawn from the licensing database shows that this figure for renewal will only be 31, which resulted in a £28,800 reduction in income, based on a £240 application fee.

It was also provided in the notes at the bottom of Appendix C of the report of the 3 November 2015, on page 43 that:

*“From 1 October 2016 there will be a significant reduction (estimated at approximately £25,000 PA) in income caused by the loss of 1 and 2-year licences. Whilst this would be likely to require an increase in fees, there should be an associated reduction in costs by 2017/18. Therefore, this will be monitored and adjusted as appropriate.*

*Whilst expecting to make a year on year loss from 2016/17, there is an expected surplus of £41,716 by the end of the current financial year. In order to reduce this, the overall fees have been reduced by £115. However, these will need to be closely monitored and assessed to reflect potential changes following the change to three-year licences only, which will reduce income and may reduce expenditure to compensate.”*

The second issue that contributed to the accumulated deficit, was discovered after TTCG questioned the figures from previous years, when Finance looked back at the figures it was noted that the figures that had been used by licensing in the preparation of the 3 November 2015 report had been based on predicted income over the previous years and the spreadsheet at the end of the relevant financial years had not been updated with actual data for that year. Once this data was refreshed it contributed further to the deficit on the account.

It is accepted that these errors have hidden what was a deficit on the account. The proposal to not carry forward this deficit into future fee setting is the recognition of this error and there is no cost passed onto the trade.

5. Central support calculations are a very lengthy process and has to be looked at across the Council as a whole. The methodologies used for the Council's Central Support recharges are reviewed on an annual basis. Financial Services is one of the recharging departments and its full costs including recharges received from other central support departments (e.g. Office Accommodation and Human Resources) are apportioned to services across the Council. The figures reported are those that were attributed to the Licensing Accounts for those periods.

As an example, the total cost of Financial Services for 2012/13 was £1,376,994 and in accordance with accounting practice this full value is then recharged to each of the services which the Finance function supports. For 2012/13, a total recharge of £68,958 was made to Licensing, this equates to 5% of the total costs

of Financial Services. From this figure, £31,207 was then charged to the Taxi Licensing trading accounts based on time allocations from the direct operational staff. This equates to 2.27% of the Total costs of the Finance Department.

The cost of Financial services has reduced over the years as efficiency savings and restructures have taken place, this is reflected in the 16/17 accounts which allocate £11,374 to the taxi licensing which is a reduction on the years that you refer to.

6. This point has been addressed in point 5 above.
7. Time monitoring by the Licensing Department has been undertaken during periods since August 2017 there is no requirement in legislation or any guidance on fee setting that requires continuous time monitoring at all times. It is for the Council to utilise a system that it can accurately allocate its time spent against each licensing regime. For the last two years there has been no time monitoring undertaken.

In 2013 time monitoring was carried out constantly for that year which demonstrated that it spends 18.64% of its time on driver licensing related activities. The service has not really changed much between then and 2016, where there was a reduction in the team with the post of licensing administrator being deleted and the position of Principal Licensing Officer being reduced to two days per week. It's worth noting that the current percentage of time that is allocated to drivers licences for this current year is 12.83% which has been estimated down to reflect the changes in staffing structure.

The TTCG have been previously advised that time monitoring will be reinstated so that it can re assess the percentage of time it is providing to each licensing regime, particularly to reassess the time that is being spent with the new structure.

A system is now in place that is recording the time spent by all members of the Licensing Team. This process will be continued for as long as the Council feels necessary to justify its fees, and will be revisited where necessary in the future. There is no commitment or requirement that this will be a process that will be carried on continuously, but is something that will be reviewed where there are further significant changes or when the council feels necessary. The results of the time monitoring will be incorporated into the fee calculations, and if less time is being spent then costs will be reduced, conversely if the time is greater costs will rise.

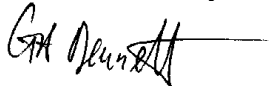
8. This point has been addressed in point 7 above, although it is emphasized that it is not required in legislation that time recording is undertaken.
9. Assurances can be given that:

- i) As mentioned above in point 7, time recording is now in place and will continue for as long as necessary to establish the cost of each licensing regime.
- ii) Time recording is already and will be subject to at least a quarterly review by management to ensure that all members of staff are recording their time correctly.
- iii) A system is already in place between Finance and the Licensing Department to monitor the budgets for the accounts relating to Licensing Department on at least a quarterly basis.
- iv) A summary will be made of the quarterly review findings which will be shared at TTCG meetings.
- v) As per current process the TTCG will be consulted on any fee setting, which would include consultation over any future deficit or surplus on any of the taxi licensing accounts.

10. Assurances have been given to you in relation to all the points you have requested, which I hope satisfies your requirement to not oppose the proposed licence fees.

I understand the frustrations of the trade with the previous confusion around the fee setting process and in particular the potential to have year to year changes in fees to balance as closely as possible the fees collected for driver licences with the costs to the Council of administering these licences. Staff turnover prevents us from calling upon officers in post at the time of previous fee setting processes to clarify the circumstances around their decisions at that time, however I am confident that with the level of scrutiny that both Paul Adams and the Finance Department have given to ensure the accuracy of the historical information, and with the systems that they have put in place to accurately monitor the budgets and to collate the relevant information, will ensure a transparent fee setting process on a cost recovery basis.

Yours sincerely



Gavin Dennett  
Environmental Health and Licensing Manager

# DETAILED FINDINGS AND RECOMMENDATIONS

## The Driver Trading Account does not show the accurate financial position to the end of 2016-17

Ref.	Results of internal audit review	Sig.	Recommendation
1.	<p>We reviewed the accuracy of the figures within Appendix A Driver Fees Accounts and Fee Workings accompanying the paper “Setting of Hackney Carriage and Private Hire Driver Licence Fees for 2017/18” presented to the Planning and Licensing Committee on 11 October 2017.</p> <p>We have concluded that the figures reflect the accurate position as recorded in the general ledger of the Council’s financial systems:</p> <ul style="list-style-type: none"> <li>• Direct costs and employee related expenditure had been subject to appropriate budgetary controls via the Council’s routine collaborative planning (CP) process to confirm that they had been correctly coded to the Licensing Team’s cost centres (G319 and G754)</li> <li>• Indirect costs (corporate departmental overheads) charged to cost centre G754 had been attributed in accordance with the established framework used across the council (e.g. HR costs attributed by number of full-time equivalents, office accommodation by desk-space)</li> <li>• Income relating to the 2016-17 year had been fully accounted for in cost centre G319.</li> </ul> <p>Therefore the reported financial position of £44,415 deficit for 2016-17 on the Driver License Trading Account can be confirmed as accurate.</p> <p>The Council’s Statement of Accounts for year ended 31 March 2017 have also been signed off with an unqualified opinion by the external auditors. This outcome was reported to the meeting of the Audit Committee on 13 September 2017.</p>	N/A	No recommendations raised.

# DETAILED FINDINGS AND RECOMMENDATIONS

The anticipated costs on which the trading account break even position for 2017-18 has been calculated are inaccurate

Ref.	Results of internal audit review	Sig.	Recommendation																								
2.	<p>We reviewed the accuracy of the figures used by the Council to determine the costs and income to be included in the budget for the Driver Trading Account for 2017-18.</p> <p>We have found that:</p> <ul style="list-style-type: none"> <li>Employee related expenditure budgets are broadly comparable to the actual costs incurred in 2016-17</li> <li>Employee related budgets reflect accurately only the costs of the employees working in the Licensing Team and the approved 40% of the costs of the Principal Licensing Officer, as agreed with Thurrock Council</li> <li>The Licensing Team budgets for the following costs appear high based upon actual costs incurred last year and expenditure incurred in 2017-18 to date:</li> </ul> <table border="1"> <thead> <tr> <th>Area</th> <th>Budget 2017-18</th> <th>Actual 2016-17</th> <th>Actual 2017-18 to date</th> </tr> </thead> <tbody> <tr> <td>Purchases - General Equipment</td> <td>£7,500 revised to £5,000</td> <td>£939.95</td> <td>£70</td> </tr> <tr> <td>Books and CDs</td> <td>£2,000 revised to £1,000</td> <td>£112.90</td> <td>£0</td> </tr> <tr> <td>Printing Materials</td> <td>£1,000</td> <td>£0</td> <td>£0</td> </tr> <tr> <td>Legal Fees</td> <td>£3,000</td> <td>£0</td> <td>£0</td> </tr> <tr> <td>Training Expenses</td> <td>£3,500</td> <td>£372.50</td> <td>£310</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>We note however that the latest projected year end expenditure for the above items is in line with revised budgets for 2017-18 as shown in the table above.</li> <li>Budgets in respect of corporate overheads have been allocated to the Licensing Team in accordance with the Council's framework.</li> </ul> <p><i>Continued overleaf...</i></p>	Area	Budget 2017-18	Actual 2016-17	Actual 2017-18 to date	Purchases - General Equipment	£7,500 revised to £5,000	£939.95	£70	Books and CDs	£2,000 revised to £1,000	£112.90	£0	Printing Materials	£1,000	£0	£0	Legal Fees	£3,000	£0	£0	Training Expenses	£3,500	£372.50	£310	Med.	<p>a) Actual expenditure incurred relating to direct costs, Licensing Team support costs and corporate overheads should continue to be kept under review and fed into the usual year end adjustments to the Driver Trading budget calculations for future years as appropriate.</p> <p>b) As part of the regular meetings with the Taxi Trade Consultancy Group and in the interests of transparency the results of budget monitoring via the Collaborative Planning approach in the Council and the impact upon the Driver Trading account should be shared.</p>
Area	Budget 2017-18	Actual 2016-17	Actual 2017-18 to date																								
Purchases - General Equipment	£7,500 revised to £5,000	£939.95	£70																								
Books and CDs	£2,000 revised to £1,000	£112.90	£0																								
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Training Expenses	£3,500	£372.50	£310																								



# DETAILED FINDINGS AND RECOMMENDATIONS

The anticipated costs on which the trading account break even position for 2017-18 has been calculated are inaccurate

Ref.	Results of internal audit review	Sig.	Recommendation
2.	<p>... Continued</p> <ul style="list-style-type: none"> <li>Analysis shows that in the main the budgets for corporate overheads assigned to the Licensing Team are less than the actual expenditure incurred during 2016-17. The indirect budgeted costs are in total £23,285 lower than the actual costs incurred in 2016-17. The proportion of costs allocated to the Drivers Trading Account is £9,121 less than actual costs incurred in 2016-17.</li> <li>We note that the actual costs will be allocated across departments and teams at the end of the financial year as part of routine year end processes.</li> </ul> <p><i>We have considered the use of timesheets on the next page to allocate corporate overheads from the Licensing Team to the Drivers Trading Account in findings and recommendations 3.</i></p> <ul style="list-style-type: none"> <li>Income budgets are based upon reasonable assumptions about the number of taxi drivers operating in the borough and the spread of the renewal of licence fees over a rolling three year period.</li> </ul>		
MANAGEMENT RESPONSE			RESPONSIBILITY AND IMPLEMENTATION DATE

# DETAILED FINDINGS AND RECOMMENDATIONS

The time [sheets] on which the taxi driver licensing fees calculations are based do not reflect the current position				
Ref.	Results of internal audit review	Sig.	Recommendation	
3.	<p>We have not been able to confirm with reference to timesheets or other evidence that the figures of 16.83% used to allocate the costs for 2016-17 and 12.83% used to allocate the budget for 2017-18 relating to the Licensing Team and Corporate Overheads to the Driver Trading Accounts are reasonable.</p> <p>We have confirmed that a time-recording system has been in place within the Licensing Team since 31 July 2017 to record how time is spent, to enable more accurate determination of the percentages to be assigned across the various activities undertaken.</p> <p>Verbal instructions on how to complete the timesheets have been provided to the team. A review is to be undertaken by the Principal Licensing Manager in December 2017, following which a formal guidance procedure document will be produced.</p> <p>We have been advised that the work of the team in relation to taxi driver licensing will fluctuate across the months and years based upon the number of applications and renewals processed.</p> <p>It is the responsibility of the Principal Licensing Officer to review and monitor the timesheets submitted by the team and to confirm their accuracy and completeness. It is currently the intention to carry out monitoring on a quarterly basis.</p> <p>A specific timeframe has not been set for the length of time that the team will continue the use of the timesheets or how the results will be shared with the TTCG.</p>	Med.	<p>a) The timesheets recording system should be run until for a period of at least one year or a longer period until such time as the full effect of fluctuations in activity can be seen.</p> <p>b) Based upon the data collected via the timesheets recording system, adjustments to the Drivers Trading budget calculations for future years should be made as appropriate.</p> <p>c) Monitoring of timesheets should be undertaken regularly and on a timely basis to feed into the regular meetings with the Taxi Trade Consultancy Group. In the interests of transparency evidence of the review and the results from timesheet analysis and the impact upon the Driver Licenses Trading account should be shared.</p>	
MANAGEMENT RESPONSE			RESPONSIBILITY AND IMPLEMENTATION DATE	

**31 January 2018**

**Planning and Licensing Committee**

**Setting of Licence Fees for 2018/19**

**Report of:** *Paul Adams, Principal Licensing Officer*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 This report is to agree fees and charges associated with licence applications for the 2018/19 period, for recommendation to Council for setting.

## **2. Recommendation(s)**

- 2.1 **To recommend to Council the adoption of the licence fees as detailed in Appendix A.**

## **3. Introduction and Background**

- 3.1 Most licence applications attract a fee, different licensing regimes have different ways in which the fees are set, which generally is by one of three ways.
- A statutory set fee.
  - A locally set reasonable fee that has by statute, a capped maximum amount.
  - A locally set reasonable fee with no maximum cap.
- 3.2 With the exception of the statutory set fees, any fee charged must be based on cost recovery, no profit can be made on the licence fee income.
- 3.3 Fees that are set by statute, cannot be varied and must be charged as they are set within the legislation, this relates to all licences under the Licensing Act 2003 (Alcohol and Entertainment) and some of the Gambling Act 2005 Fees.
- 3.4 Fees that can be set locally with a capped maximum must be set on a cost recovery basis up to the cap. If the cost recovery is less than the capped amount then less than the cap should be charged, if it is higher than the cap

then a loss will need to be made. This relates to most fees under the Gambling Act 2005.

- 3.5 Fees that can be set locally without a cap, must be set on a cost recovery basis only, they cannot be used to generate an income to perform other functions of the Council. This relates to Taxis, Sex Establishments, Scrap Metal Dealers, Massage and Special Treatments, Street Trading and all Animal Welfare Licences.
- 3.6 Guidance does exist in relation to fee setting in the form of:
- Home Office Guidance on setting Scrap Metal Dealers Act 2013 Fees,
  - LGA Guidance on Locally Set Fees,
  - Welsh Technical Panel templates,
  - Case law.
- 3.7 Generally, fees cannot make a profit, case law has established that any surplus must be carried forward, and any deficit can also be carried forward and recouped.
- 3.8 Benchmarking of fees could be used only as a comparison, and should not be used as a fee matching exercise. Each authority will have different costs, structures and processes which could create differences in fees.
- 3.9 Brentwood Council last set its local fees in 2017.
- 4. Issue, Options and Analysis of Options**
- 4.1 A Schedule of proposed fees for the 2018/19 period are attached as Appendix A.
- 4.2 It is intended that the fees will come into effect from 1 April 2018, subject to approval by Council.

#### **Animal Welfare Licences**

- 4.3 Animal welfare licences for the purpose of this report applies to:
- Boarding Establishment Premises (Animal Boarding Establishments Act 1963)
  - Dangerous Wild Animals (Dangerous Wild Animals Act 1976)
  - Dog Breeding Establishments (Breeding of Dogs Act 1973)
  - Pet Shops (Pet Animal Act 1951)

- Riding Establishments (Riding Establishments Act 1964)
  - Zoos (Zoo Licensing Act 1981)
- 4.4 In addition to the fee the applicant will also continue to be invoiced for the fee charged to Brentwood Council for the Vet inspection of the premises. The Vet fee will vary from premises to premises.
- 4.5 There is a proposal to increase this fee by 3% which is in line with the council's adjustments for inflation, which will maintain the cost recovery basis.

### **Hackney Carriage and Private Hire**

#### **Private Hire Operators Licences**

- 4.6 There is a deficit on this area of licensing, however it is proposed not to increase the fee at this stage. The situation will be monitored and will be reviewed during this year once changes to the Licensing Team structure and process have fully imbedded and a review of time monitoring has taken place.
- 4.7 If this fee is to be varied, then the statutory consultation process would need to be followed.

#### **Vehicle/Proprietors Licences**

- 4.8 Vehicle licensing is in deficit from previous years, which will be carried forward into next year. The situation will be monitored and will be reviewed during this year once changes to the Licensing Team structure and process have fully imbedded and a review of time monitoring has taken place.
- 4.9 If this fee is to be varied, then the statutory consultation process would need to be followed.

#### **Hackney Carriage and Private Hire Drivers Licences**

- 4.10 All Hackney Carriage or Private Hire Drivers Licence fees are subject to a separate report, the fee for 18/19 will remain the same as agreed by that report.

### **Sex Establishments**

- 4.11 Sex establishments for this purpose are to include Sex Shops, Sex Cinema's and Sexual Entertainment Venues.
- 4.12 There is a proposal to increase this fee by 3% which is in line with the councils adjustments for inflation, which will maintain the cost recovery basis.

### **Licensing Act 2003**

- 4.13 These fees are currently set by legislation, although there is a proposal that these are to be set locally, a change to the legislation is not expected this year.

### **Gambling Act 2005**

- 4.14 There is no proposal to change the fee charged for 2018/19.
- 4.15 The maxim fee is currently charged.

### **Scrap Metal Dealers Act 2013**

4.16 These fees were reviewed last year, and are for a three-year licence.

4.17 There is no proposal to change the fees charged for 2018/19.

### **Table and Chair Licensing**

4.18 There is a proposal to increase this fee by 3% which is in line with the council's adjustments for inflation, which will maintain the cost recovery basis.

### **Street Trading**

4.19 There is no proposal to change the fee charged for 2018/19

4.20 A review of the current provisions and extent of the scheme will take place this year and any variation to the fees charged will be reviewed at that time.

### **Special Treatments**

4.21 There is a proposal to increase this fee by 3% which is in line with the council's adjustments for inflation, which will maintain the cost recovery basis.

### **Road closures**

4.22 There is no proposal to change the fee charged for 2018/19.

## **5. Reasons for Recommendation**

5.1 The fees and charges have to be agreed by Council and cannot be set by this committee. The fees proposed are on a cost recovery basis where possible

## **6. Consultation**

6.1 There is no consultation required under legislation relating to any of the discretionary fees outlined in this report that are subject to change. However, these will be published on the Council's website and are in all cases open to challenge by way of Judicial Review should they be inappropriately set.

6.2 If changes to the Hackney carriage or Private Hire Vehicle fees, or the Private Hire Operator fees, are considered then public consultation must be carried out in accordance with the requirements contained within Section 65, Local Government (Miscellaneous Provisions) Act 1976.

## **7. References to Corporate Plan**

7.1 None

## 8. Implications

### Financial Implications

**Name & Title:** Jacqueline Van Mellaerts, Financial Services Manager

**Tel & Email:** 01277 312513/jacquelinevanmellaerts@brentwood.gov.uk

- 8.1 The fees referred to in this report will inform the 2018/19 budget setting process.

### Legal Implications

**Name & Title:** Surinder Atkar, Planning Solicitor

**Tel & Email:** 01277 312860 /surinder.atkar@brentwood.gov.uk

- 8.2 There are no additional legal implications other than those already mentioned above and particularly in section 3.

**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 Local Government (Miscellaneous Provisions) Act 1976.

## 10. Appendices to this report

Appendix A - Proposed 18/19 Licensing Fees and Charges

### Report Author Contact Details:

**Name:** Paul Adams

**Telephone:** 01277 312500

**E-mail:** paul.adams@brentwood.gov.uk

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# Appendix A

## PLANNING AND LICENSING FEES & CHARGES SCHEDULE FROM 1 APRIL 2018

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2017-March 2018		CHARGES April 2018-March 2019	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

### SERVICE AREA: LICENSING

#### CHARGING AREA: Licence Fees

##### Street Trading

Independent Permanent Stall - Annual	O	D	350.00	350.00	350.00	350.00
Independent 'One Off Stalls'	O	D	85.00	85.00	85.00	85.00
Lighting Up Brentwood	O	D	30.00	30.00	30.00	30.00

##### Scrap Metal

Site Application - New	O	D	495.00	495.00	495.00	495.00
Collector Application - New	O	D	280.00	280.00	280.00	280.00
Variation	O	D	89.00	89.00	89.00	89.00
Site Renewal Application	O	D	445.00	445.00	445.00	445.00
Collector Renewal Application	O	D	230.00	230.00	230.00	230.00

##### Skin Piercing

Premises Registration	O	D	250.00	250.00	257.50	257.50
Practitioner Registration	O	D	89.00	89.00	91.50	91.50

##### Animals

\* Please note vet costs are in addition to these fees

Pet Shops - 1 year	O	D	250.00	250.00	257.50	257.50
Boarding Kennels - 1 year	O	D	250.00	250.00	257.50	257.50
Dog Breeders - 1 year	O	D	250.00	250.00	257.50	257.50
Riding Establishments - 1 year	O	D	250.00	250.00	257.50	257.50
Dangerous Wild Animals - 2 years	O	D	250.00	250.00	257.50	257.50
Zoo Premises New - 6 years	O	D	900.00	900.00	927.00	927.00
Zoo Premises Renewal - 4 years	O	D	550.00	550.00	566.50	566.50

##### Sex Establishment Licensing

Premises Application	O	D	2,255.00	2,255.00	2,322.50	2,322.50
Premises Renewal	O	D	1,537.50	1,537.50	1,583.50	1,583.50
Premises Variation	O	D	512.50	512.50	528.00	528.00

##### Pavement Permit

New application Tables and Chairs 1-2 tables	O	D	250.00	250.00	257.50	257.50
New Application Tables and Chairs 3-6 tables	O	D	450.00	450.00	463.50	463.50
New Application Tables and Chairs over 6 tables.	O	D	650.00	650.00	669.50	669.50
Renewal application Tables and Chairs 1-2 tables	O	D	150.00	150.00	154.50	154.50
Renewal Application Tables and Chairs 3-6 tables	O	D	350.00	350.00	360.50	360.50
Renewal Application Tables and Chairs over 6 tables.	O	D	550.00	550.00	566.50	566.50

##### Road Closure

Application to close road with 0 - 499 people attending	O	D	200.00	200.00	200.00	200.00
Application to close road with 500 - 1999 people attending	O	D	360.00	360.00	360.00	360.00
Application to close road with 2000+ people attending	O	D	680.00	680.00	680.00	680.00

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2018**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2017-March 2018		April 2018-March 2019	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: LICENSING**

**CHARGING AREA: Licence Fees**

**Gambling Act 2005**

Bingo Clubs

New Application	O	D	3,500.00	3,500.00	3,500.00	3,500.00
Annual Fee	O	D	1,000.00	1,000.00	1,000.00	1,000.00
Application to Vary	O	D	1,750.00	1,750.00	1,750.00	1,750.00
Application to Transfer	O	D	1,200.00	1,200.00	1,200.00	1,200.00
Application to Re-instatement	O	D	1,200.00	1,200.00	1,200.00	1,200.00
Application for Provisional Statement	O	D	3,500.00	3,500.00	3,500.00	3,500.00
Licence Application (Provisional Statement Holders)	O	D	1,200.00	1,200.00	1,200.00	1,200.00

Betting Premises

New Application	O	D	3,000.00	3,000.00	3,000.00	3,000.00
Annual Fee	O	D	600.00	600.00	600.00	600.00
Application to Vary	O	D	1,500.00	1,500.00	1,500.00	1,500.00
Application to Transfer	O	D	1,200.00	1,200.00	1,200.00	1,200.00
Application to Re-instatement	O	D	1,200.00	1,200.00	1,200.00	1,200.00
Application for Provisional Statement	O	D	3,000.00	3,000.00	3,000.00	3,000.00
Licence Application (Provisional Statement Holders)	O	D	1,200.00	1,200.00	1,200.00	1,200.00

Tracks

New Application	O	D	2,500.00	2,500.00	2,500.00	2,500.00
Annual Fee	O	D	1,000.00	1,000.00	1,000.00	1,000.00
Application to Vary	O	D	1,250.00	1,250.00	1,250.00	1,250.00
Application to Transfer	O	D	950.00	950.00	950.00	950.00
Application to Re-instatement	O	D	950.00	950.00	950.00	950.00
Application for Provisional Statement	O	D	2,500.00	2,500.00	2,500.00	2,500.00
Licence Application (Provisional Statement Holders)	O	D	950.00	950.00	950.00	950.00

Family Entertainment Centres

New Application	O	D	2,000.00	2,000.00	2,000.00	2,000.00
Annual Fee	O	D	750.00	750.00	750.00	750.00
Application to Vary	O	D	1,000.00	1,000.00	1,000.00	1,000.00
Application to Transfer	O	D	950.00	950.00	950.00	950.00
Application to Re-instatement	O	D	950.00	950.00	950.00	950.00
Application for Provisional Statement	O	D	2,500.00	2,500.00	2,500.00	2,500.00
Licence Application (Provisional Statement Holders)	O	D	950.00	950.00	950.00	950.00

Adult Gaming Centres

New Application	O	D	2,000.00	2,000.00	2,000.00	2,000.00
Annual Fee	O	D	1,000.00	1,000.00	1,000.00	1,000.00
Application to Vary	O	D	1,000.00	1,000.00	1,000.00	1,000.00
Application to Transfer	O	D	1,200.00	1,200.00	1,200.00	1,200.00
Application to Re-instatement	O	D	1,200.00	1,200.00	1,200.00	1,200.00
Application for Provisional Statement	O	D	2,000.00	2,000.00	2,000.00	2,000.00
Licence Application (Provisional Statement Holders)	O	D	1,200.00	1,200.00	1,200.00	1,200.00

Prize Gaming Permit and Family Entertainment Centre Gaming Machine Permit

Permit Application (New)	O	S	300.00	300.00	300.00	300.00
Permit Application (Existing Operator)	O	S	100.00	100.00	100.00	100.00
Renewal of Permit	O	S	300.00	300.00	300.00	300.00
Change of Name on Permit	O	S	25.00	25.00	25.00	25.00
Copy of Permit	O	S	15.00	15.00	15.00	15.00

Club Gaming or Machine Permit

Permit Application (New)	O	S	200.00	200.00	200.00	200.00
Permit Application (Existing Holder)	O	S	100.00	100.00	100.00	100.00
Permit Application (Holder of club premises certificate under Licensing Act 2003)	O	S	100.00	100.00	100.00	100.00
Renewal of Permit	O	S	200.00	200.00	200.00	200.00
Annual Fee for Permit	O	S	50.00	50.00	50.00	50.00
Application to Vary Club Permit	O	S	100.00	100.00	100.00	100.00
Copy of Permit	O	S	15.00	15.00	15.00	15.00

Other

Temporary Use Notice (TUN)	O	S	0.00	0.00	0.00	0.00
Occasional Use Notice (OUN)	O	S	0.00	0.00	0.00	0.00
Copy of Premises Licence	O	S	25.00	25.00	25.00	25.00
Notification of Change of Circumstances for Premises Licence	O	S	50.00	50.00	50.00	50.00

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2018**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2017-March 2018		April 2018-March 2019	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: LICENSING**

**CHARGING AREA: Licence Fees**

Licensing Act 2003

Premises - Band A (None to £4,300)

Premises Licences - New Application and Variation	O	S	100.00	100.00	100.00	100.00
Premises Licences - Annual Charge	O	S	70.00	70.00	70.00	70.00
Club Premises Certificates - New Application and Variation	O	S	100.00	100.00	100.00	100.00
Club Premises Certificates - Annual Charge	O	S	70.00	70.00	70.00	70.00

Premises - Band B (£4,301 to £33,000)

Premises Licences - New Application and Variation	O	S	190.00	190.00	190.00	190.00
Premises Licences - Annual Charge	O	S	180.00	180.00	180.00	180.00
Club Premises Certificates - New Application and Variation	O	S	190.00	190.00	190.00	190.00
Club Premises Certificates - Annual Charge	O	S	180.00	180.00	180.00	180.00

Premises - Band C (£33,001 to £87,000)

Premises Licences - New Application and Variation	O	S	315.00	315.00	315.00	315.00
Premises Licences - Annual Charge	O	S	295.00	295.00	295.00	295.00
Club Premises Certificates - New Application and Variation	O	S	315.00	315.00	315.00	315.00
Club Premises Certificates - Annual Charge	O	S	295.00	295.00	295.00	295.00

Premises - Band D (£87,001 to £125,000)

Premises Licences - New Application and Variation	O	S	450.00	450.00	450.00	450.00
Premises Licences - Annual Charge	O	S	320.00	320.00	320.00	320.00
Club Premises Certificates - New Application and Variation	O	S	450.00	450.00	450.00	450.00
Club Premises Certificates - Annual Charge	O	S	320.00	320.00	320.00	320.00

Premises - Band E (£125,001 plus)

Premises Licences - New Application and Variation	O	S	635.00	635.00	635.00	635.00
Premises Licences - Annual Charge	O	S	350.00	350.00	350.00	350.00
Club Premises Certificates - New Application and Variation	O	S	635.00	635.00	635.00	635.00
Club Premises Certificates - Annual Charge	O	S	350.00	350.00	350.00	350.00

Additional Fees (based on number in attendance at any one time)

Additional Premises Licence Fee:

5,000 to 9,999	O	S	1,000.00	1,000.00	1,000.00	1,000.00
10,000 to 14,999	O	S	2,000.00	2,000.00	2,000.00	2,000.00
15,000 to 19,999	O	S	4,000.00	4,000.00	4,000.00	4,000.00
20,000 to 29,999	O	S	8,000.00	8,000.00	8,000.00	8,000.00
30,000 to 39,999	O	S	16,000.00	16,000.00	16,000.00	16,000.00
40,000 to 49,999	O	S	24,000.00	24,000.00	24,000.00	24,000.00
50,000 to 59,999	O	S	32,000.00	32,000.00	32,000.00	32,000.00
60,000 to 69,999	O	S	40,000.00	40,000.00	40,000.00	40,000.00
70,000 to 79,999	O	S	48,000.00	48,000.00	48,000.00	48,000.00
80,000 to 89,999	O	S	56,000.00	56,000.00	56,000.00	56,000.00
90,000 and over	O	S	64,000.00	64,000.00	64,000.00	64,000.00

Additional Annual Fee Payable (if applicable):

5,000 to 9,999	O	S	500.00	500.00	500.00	500.00
10,000 to 14,999	O	S	1,000.00	1,000.00	1,000.00	1,000.00
15,000 to 19,999	O	S	2,000.00	2,000.00	2,000.00	2,000.00
20,000 to 29,999	O	S	4,000.00	4,000.00	4,000.00	4,000.00
30,000 to 39,999	O	S	8,000.00	8,000.00	8,000.00	8,000.00
40,000 to 49,999	O	S	12,000.00	12,000.00	12,000.00	12,000.00
50,000 to 59,999	O	S	16,000.00	16,000.00	16,000.00	16,000.00
60,000 to 69,999	O	S	20,000.00	20,000.00	20,000.00	20,000.00
70,000 to 79,999	O	S	24,000.00	24,000.00	24,000.00	24,000.00
80,000 to 89,999	O	S	28,000.00	28,000.00	28,000.00	28,000.00
90,000 and over	O	S	32,000.00	32,000.00	32,000.00	32,000.00

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2018**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2017-March 2018		CHARGES April 2018-March 2019	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: LICENSING**

**CHARGING AREA: Licence Fees**

Licensing Act 2003 (cont.)

Other Fees

Application for the grant or renewal of a personal licence	O	S	37.00	37.00	37.00	37.00
Temporary event notice	O	S	21.00	21.00	21.00	21.00
Theft, loss etc of premises licence or summary	O	S	10.50	10.50	10.50	10.50
Application for a provisional statement where premises being built etc	O	S	315.00	315.00	315.00	315.00
Notification of change of name or address	O	S	10.50	10.50	10.50	10.50
Application to vary licence to specify individual as premises supervisor	O	S	23.00	23.00	23.00	23.00
Application for transfer of premises licence	O	S	23.00	23.00	23.00	23.00
Interim authority notice following death etc.of licence holder	O	S	23.00	23.00	23.00	23.00
Theft, loss etc.of certificate or summary	O	S	10.50	10.50	10.50	10.50
Notification of change of name or alteration of rules of club	O	S	10.50	10.50	10.50	10.50
Change of relevant registered address of club	O	S	10.50	10.50	10.50	10.50
Theft, loss etc.of temporary event notice	O	S	10.50	10.50	10.50	10.50
Theft, loss etc.of personal licence	O	S	10.50	10.50	10.50	10.50
Duty to notify change of name or address	O	S	10.50	10.50	10.50	10.50
Right of freeholder etc.to be notified of licensing matters	O	S	21.00	21.00	21.00	21.00
Application to vary premises licence at community premises to include alternative licence condition	O	S	23.00	23.00	23.00	23.00
Application for minor variation	O	S	89.00	89.00	89.00	89.00

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2018**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2017-March 2018		CHARGES April 2018-March 2019	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: LICENSING**

**CHARGING AREA: Licence Fees**

Taxi

Vehicle Licence - Hackney Carriage

Vehicle Licence - including Plate	O	S	243.00	243.00	243.00	243.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

Vehicle Licence - Private Hire

Vehicle Licence - including Plate	O	S	225.00	225.00	225.00	225.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

Vehicle Inspections - Hackney Carriage and Private Hire

Vehicle Inspection	O	S	47.00	47.00	47.00	47.00
Trailer Inspections - Non Braked	O	S	15.00	15.00	15.00	15.00
Trailer Inspections - Braked	O	S	23.00	23.00	23.00	23.00
Re-Inspection	O	S	12.50	12.50	12.50	12.50
Re-Inspection 2	O	S	47.00	47.00	47.00	47.00

Drivers Licence - Hackney Carriage and Private Hire

Driver New - 3 years	O	S	300.00	300.00	N/A	N/A
Renewal - 3 years	O	S	240.00	240.00	N/A	N/A
Combined Driver New - 3 years (includes DBS and DVLA checks)	O	S	N/A	N/A	456.00	456.00
Combined Driver Renewal - 3 years (includes DBS and DVLA checks)	O	S	N/A	N/A	406.00	406.00
Re-Test - Knowledge Test	O	S	35.00	35.00	35.00	35.00
Disclosure and Barring Service (DBS) Check	O	S	44.00	44.00	52.00	52.00
Driver and Vehicle Licensing Agency (DVLA) Check	O	S	5.00	5.00	5.00	5.00

Replacements

ID	O	S	6.00	6.00	6.00	6.00
PHV Cards	O	S	6.00	6.00	6.00	6.00
Tariff Cards	O	S	6.00	6.00	6.00	6.00
Replacement Plates	O	S	12.00	12.00	12.00	12.00
Replacement Door Signs (pair)	O	S	15.00	15.00	15.00	15.00
Plate Platforms (optional)	O	S	6.00	6.00	6.00	6.00

Private Hire Operators

Single Vehicle Operators Licence - 5 years	O	S	325.00	325.00	325.00	325.00
Operator Licence - 2 to 5 Vehicles - 5 years	O	S	1,085.00	1,085.00	1,085.00	1,085.00
Operator Licence - more than 5 Vehicles - 5 years	O	S	1,345.00	1,345.00	1,345.00	1,345.00

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## COMMITTEE REPORT

**Reference:**  
17/01527/OUT

**Site:**  
Brigade Head Quarters  
Rayleigh Close  
Hutton  
Essex  
CM13 1AL

**Ward:**  
Hutton Central

**Parish:**

**Proposal:**  
Outline application for the construction of a 55 bed assisted living and a 77 bed care home development together with associated communal facilities, access, basement car, cycle and mobility scooter parking, refuse storage area, landscaped grounds and associated works following demolition of existing buildings. (Landscaping reserved matters).

**The application is presented to committee as it is a major application with a significant number of objections**

**Applicant:**  
Hallmark Care Homes

**Case Officer:** Mr Nick Howard

### 1.0 DESCRIPTION OF PROPOSAL

The application is in outline with means of access, appearance, layout and scale to be approved at the outline stage. Landscaping is to be approved at the reserved matters stage.

The proposal is for the redevelopment of the site to comprise a 77 bedroom care home, 55 assisted living apartments, car parking, retention of important mature trees around the site perimeter. Both the care home and apartments will comprise a resident dining room, lounge and range of communal facilities including café, gym, hairdresser, cinema and therapy rooms.

The proposal will be in the form of two large buildings. The assisted living apartments is to be located on the eastern part of the site and the care home is to be sited on the western side of the site. Between the two buildings the proposal includes a pond feature with formal open space. More informal open space is provided around the perimeter of the site.

## **2.0 SITE DESCRIPTION**

The site comprises the former Brigade Head Quarters, Rayleigh Close, Hutton. The site has an area of about 1.2 hectares and contains a number of buildings previously occupied by the Essex County Fire and Rescue Service.

To the south, east and north are existing residential properties. The western boundary comprises Rayleigh Road to which Rayleigh Close leads off which forms the access point to the site. The character of the area is predominately residential with detached properties set in spacious grounds.

## **3.0 RELEVANT HISTORY**

17/01888/DEM- Application for prior notification for the proposed demolition of the existing buildings on site- no objections.

## **4.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **ECC SUDS-**  
No objections
  
- **Design Officer-**  
Design officer raises no objections subject to conditions. The design officer's comments are contained within the assessment section of the report.
  
- **Arboriculturalist-**  
No objections
  
- **Highway Authority-**  
The Highways Authority raise no objections subject to conditions.
  
- **Essex Badger Protection Group-**



We have reviewed the ecological assessment which states that no setts or signs of badgers were found on site. Whilst this is noted, we would stress that the assessment was dated July 2016 and is therefore well over a year old. We do not therefore agree with the suggestion of the ecologist that no further surveys are necessary. Badgers are under increasing pressure for space, especially in the Hutton area where foraging grounds and setts have been lost in ever increasing numbers due to the need for new housing. New setts are therefore appearing regularly and there is no reason to assume that this site would not be attractive to any badgers driven from their original homes in the area. We have first-hand experience of setts being dug in a matter of days and therefore we do not believe it is possible to make a reasoned planning decision based on such historic data.

We would therefore urge planners to insist upon a revised and updated ecological assessment for the site before reaching any conclusions and to approach relevant consultees for comment at that time. We would recommend that such a survey, at least in relation to badgers, is undertaken in the Spring when badgers become more active following their winter torpor and before vegetation begins to take hold again.

- **Planning Policy-**

Planning policy comments are integrated into the assessment section below.

- **Environmental Health & Enforcement Manager-**

No objections subject to conditions including a suitable Environmental Management Plan relating to Dust suppression, Noise and potential Contaminated Land issues.

- **Anglian Water Services Ltd-**

No objections subject to conditions

- **Essex & Suffolk Water-**

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Detailed below is a summary of the neighbour comments. The full version of each neighbour response

can be viewed on the Council's website via Public Access at the following link:  
<http://publicaccess.brentwood.gov.uk/online-applications/>

22 objections have been received on the following grounds:

- Four storey building is out of keeping with the area
- Majority of trees will be removed
- Overbearing impact on the neighbouring properties located on the Spinney
- The front of the block at the northern end is close to the boundary of Laurel Court
- Plant room on the ground floor close to the neighbouring properties with a potential for noise and disturbance.
- Height of the block would obscure morning sun.
- The distance from the proposed building to No 1 The Spinney is less than the applicant's need to be at least 15 metres, the actual distance is 14 metres to the boundary.
- The proposed dining area will overlook sitting out area of neighbouring property.
- No details with the proposed trees submitted
- The bedrooms on the second floor of the Care Block will overlook a neighbour sit out area and dining area and not conform to the Essex Design Guidelines
- The balcony on the second floor of the dining room on the care Block will overlook the neighbours sit out area.
- Proposal will overshadow and overlook neighbouring flats within Laurel Court.
- Loss of trees will lead to loss of privacy
- Increased pressure on doctor's surgeries in area
- Increased traffic into and out of the site
- Provision for pets for the residents.

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: Policy H12 Residential Homes  
Policy CP1 Core Policy

The production of the Local Plan has been delayed due to a number of factors but mainly as a result of an increase in the identified Objectively Assessed Housing Need (OAHN). This has resulted in the need to consider additional housing and employment site options and the requirement to update the evidence base that accompanies the Local Plan. The

intention is to publish a focused review of the Draft Local Plan which will set out the spatial strategy and the site allocation options. Consultation on this focused review is anticipated to take place in early 2018 (Regulation 18 consultation). Following this the Pre-Submission Draft version of the Local Plan (Regulation 19) is scheduled to be published in summer 2018 with Examination in Public taking place in late 2018. Adoption is currently anticipated to take place in early 2019.

### New Local Plan

The site has been previously submitted for consideration as part of the Local Plan production. This was submitted as a single parcel of land known as 'Essex County Fire Brigade HQ, Rayleigh Road, Brentwood' site reference 005. The most recent version of the Local Plan was the Draft Local Plan published in January 2016, this set out draft policies and proposed allocations. The Draft Local Plan identified site 005 as a proposed housing allocation as set out in Policy 7.4, this was for approximately 50 dwellings. As set out in paragraph 7.32 the indicative number of dwellings set out in Policy 7.4 did not necessarily represent a cap depending on the appropriateness of increased density or more efficient land use in line with policies in the plan.

At this stage the Draft Local Plan holds very limited weight and only serves to provide the direction of travel for policies and allocations. As per paragraph 216 of the National Planning Policy Framework the weight attached is generally limited due to it being at an early draft stage (Regulation 18). As the plan advances and objections become resolved more weight can be applied to the policies within it. In advance of the publication of the focussed consultation and the Pre-Submission version of the plan it is difficult to form a definitive view on particular sites. However, on the basis that this site has been previously identified due to it conforming with the emerging spatial strategy (being located within the A12 corridor and within an existing urban area) it is likely that this will be identified as a preferred allocation in future iterations of the Local Plan.

## **7.0 ASSESSMENT**

Policy H12 of the Brentwood Replacement Local Plan refers to Residential Homes. The policy states that proposals including new buildings or a change of use for residential homes within the built-up area will only be permitted where the following criteria are met:

- i) *the proposal would not result in the over concentration of residential homes in any individual street.*

The site is situated in a self-contained site set back from the road. Furthermore, there are no residential homes in close proximity which could lead to an over concentration. The proposal complies with the first criterion.

- ii) *the proposal is within an established residential area and within close proximity to facilities such as shops, leisure and health care facilities and, where appropriate, employment and day centres*

The site is within an established residential area and there are a number of facilities within Shenfield which are in relative close proximity to the site. The proposal accords with the second criterion.

- iii) applicants will be expected to demonstrate the suitability of the premises to meet the particular needs of the group to be housed, in particular to provide sound insulation, means of escape and access for people with a disability or similar mobility difficulties.

The applicant has submitted a statement setting out the need for such a proposal in this location. The building has been designed for the needs of the future occupants and therefore the proposal accords with the third criterion and Policy H12 in the round. Furthermore, given the site is situated within the Brentwood Urban area as defined in the Local Plan proposals map, the status of the new local plan carries no weight and there is a need for such a facility the principle of development is acceptable.

#### C2 residential use lack of affordable housing

The proposal comprises two elements, firstly the care home element is firmly within the C2 use class category and it is evident that the occupants of this building will need a significant level of care. The second element is the assisted living building which provides accommodation for residents who will be assessed before occupying a unit to ensure that they require a minimum level of care (1.5 hours per week) and will be subject to a mandatory care package and have access to additional support services.

The assisted living units will give the illusion of independent living for marketing purposes, but the development will, in reality, be a tightly knit community unified by access to a dedicated enterprise of specialist care and security for the elderly residents. Residents will need to be in need of care or assistance to live independent lives. As a result, and as secured by a planning condition, residents in any unit will need to be 65 or over in age and that there will be a requirement in terms of occupation that prospective residents will have had an assessment of their needs and that there would be a contract to pay for and accept the level of assessed care. The residents will be supported 24 hours a day with facilities for staff to stay overnight if the need arises. The care package, which will vary with each resident, is extensive and provides services to live independently or assisted when the need arises. The assisted-living units will also complement the care home by providing a development to meet a wide spectrum of needs for the elderly, enabling residents to be able to transfer from the assisted living unit to the care home as their needs increase ensuring they do not need to relocate at a time in their lives that could cause anxiety and stresses. In this regard the combination of both the assisted living units

and care home on one site is a significant benefit as a facility for the aging community and partners caring for spouses with care needs.

Officers therefore consider that given the level of care that will be provided for both the care home and assisted living building that both elements of the scheme fall within the C2 use class and accordingly no affordable housing is required in this instance. The operation of the assisted living units can also be controlled by condition, which will ensure it falls within the C2 use class order in perpetuity.

#### Impact on the character of the area

The main issue within this part of the report is the principle of two large buildings both four storeys in height. The site currently accommodates a three-storey post-modern building with a large single storey building situated to the north (which equates to two storeys when compared with the proposed building). The site is self-contained with mature trees along the perimeter of the site, providing it with a degree of enclosure.

The applicants have provided a site section as a visual reference for the overall scale and mass of the development in comparison to the surrounding built environment. Due to the topography the adjacent dwellings on Burses Way are located on higher land. Furthermore, the sections show that the land on which the buildings will be constructed will be lowered slightly. In comparing the existing building with the proposed buildings, the existing three storey element is situated to the southern part of the site in a similar location to the southern part of the assisted living apartments building. The increase in height in this location is not considered to be a significant increase.

Overall the provision of two large four storey buildings will introduce a significant level of increased mass to the site. However, the combination of the enclosed nature of the site, the level of vegetation along the perimeters of the site, the mass of the existing buildings and the location of the buildings set back from Rayleigh Road leads to the view that the principle of four storey buildings in this location would not be harmful to the character of the area

#### Design and Layout

The existing building is a postmodern form, with an expanse of both hard standing and mature trees within its immediate setting, the loss of this building raises no objections. Adjacent to the site frontage is the residential villa of Beech House; this is not a listed building but considered to be of architectural merit. The surrounding context of the site evidences a variety of domestic dwellings, largely dating from the expansion of Shenfield and Hutton in the mid to late C20th. There is no overarching style of architecture here, however larger scale buildings, such as the Essex Education Centre facing the principle thoroughfare of Rayleigh Road (NW) are Victorian in style and ornate in detail. The site location is highly sustainable, a short walk to services and public transport.

The proposals for the development consist of two block forms within a landscape setting; the detail of these have developed through a long gestation of preapplication discussions, with refinement being afforded to massing, detailing and importantly roofscape. The 'Crown roof' and flatted sections have been omitted, except for lesser sections within the valleys, this results in a truer architectural form which is of a 'Polite' style and clad with contextually appropriate materials.

The design officer draws your attention to the sectional information submitted and shadow studies, these illustrate the view into the site from the public realm (Rayleigh Road) and any shadowing upon residential amenity within the context (Drawing Ref; 5056 DE 30 Block Plan– Neighbourly Matters). Whilst the massing is dominant within the site, the design officer does not consider it harmful to context or the local distinctiveness therein; forms are sited appropriately, with a buffer zone from the residential edges.

Massing is articulated to express a more considered roofscape. A long view into the site is positioned from the existing access which affords a relief in bulk of form, facilitating visual permeability into a landscaped setting. The landscaping and materiality is critical to the realisation of this intent, and such matters must not be value engineered. In summary, the design officer raises no objections.

#### Impact on neighbouring properties

The Council have received a number of objections from residents concerning overlooking and loss of privacy. The Essex Design Guide (EDG) normally requires a minimum of 25 metres between the backs of properties with habitable windows facing each other.

However, in the instances the guide states that where new developments backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Therefore, the new development should not encroach any closer than 15 metres to an existing rear boundary. Furthermore, upper storey flats can cause problems of overlooking from living rooms and therefore any rear-facing upper storey living room should be no closer than 35 metres to the rear of any other dwelling.

In assessing the proposed development with the EDG standards the development is predominantly set off all the boundaries of the site by 15 metres. There are four exceptions. Two relate to small wings of the development comprising the apartments. The first element faces towards the rear of No 10 Burses Way. On this elevation the ground, first and second floor would comprise a single lounge window which would be obscured. The principle window to these rooms would face south away from the neighbouring properties. The second element on the assisted living element, which faces the rear of No 2 Burses Way, would comprise minor windows serving a communal lounge/café on the ground floor and an obscure window serving a bedroom on the upper floors. The proposal would therefore not lead to any overlooking into the neighbouring properties.

Turning to the care facility again there are two small wings facing towards the rear of No 1 The Spinney and Laurel Court. However, on the ground floor there would be a patio

door serving a communal dining room and a plantroom with many doors, the first, second and third floors would have no windows and would be blank elevations. Therefore, from these wings there would be no overlooking to these neighbouring properties.

With regard to the relationship between the upper floor living rooms and neighbouring properties a distance of 35 metres is required. The applicant has provided a plan which shows the distances between the development and neighbouring properties. Along the eastern boundary facing the rear of Burses Road properties the distances range from 42 metres to 67 metres. Along the southern boundary the smallest distance from the development is to No 24 Burses Way, with a distance of just over 35 metres. Along this part of the boundary is a group of trees which will be removed as they are of little quality but will be replaced with new planting. It is accepted that the development is relatively close to No 24, however the existing planting to be retained will filter views of the proposal and given the distance is just more than 35 metres, it meets the requirements set out in EDG and will not cause an unacceptable degree of overlooking.

Turning to the care facility the distance between the development and No 2 The Spinney is 36 metres which is more than the requirement. In addition, some of the bedroom windows have been angled away facing south west away from No 2. Moving north, No 1 The Spinney will face the small wing as previously discussed and a row of windows which serve utility rooms (i.e. non-habitable). Further north is Laurel Court which is located close to the plant room and staircase. On the first and second floor there is a communal lounge with windows facing south, away from the neighbouring properties and on the third floor the proposal includes a laundry room. Overall there would be no harmful overlooking from the development into neighbouring properties situated on the western boundary.

#### Pressure on Local GPs

The applicant has stated that research carried out by Aston University confirms that proposals such as these have a net benefit on local GP services because the residents within the scheme are being cared for thereby resulting in less need to call upon the services of the local GP.

From 2012 to 2015 the Extra Care Charitable Trust commissioned Aston University to undertake a study looking at the benefits for older people of living in a retirement village setting which is identical to the proposals here. It highlighted for the first time, the benefits of allowing older people to remain independent, while living in a retirement community with onsite support services and strong links into the wider neighbourhood.

The applicant further states that key findings of the research included:

Residents experienced a significant reduction in the duration of unplanned hospital stays from 8 to 14 days, to 1 to 2 days.

Routine GP appointments for residents fell 46% after a year.

NHS costs for residents were cut by 38% over 12 months compared with their costs when they first moved in.

Accordingly, there is evidence that the proposed development, considering the nature of care provided, will reduce pressures on existing local healthcare facilities such that no improvements will be required to existing healthcare because of this development. Furthermore, many of the residents will already be local and therefore not be additional numbers to the area or the GP surgery. The development will only be occupied in a phased manner over a given period and will not therefore result in a sudden influx of new elderly people to the area. Overall officer's do not have any counter evidence to dispute the applicant's contentions.

#### Traffic Impact, Access and Car Parking

The Transport Assessment that accompanies the planning application has been considered and it is accepted that the existing permitted use of the site would generate a greater number of peak hours than the proposals. A minor increase in off peak trips is expected but the Highways Authority is confident that the network can accommodate this satisfactorily.

Therefore, given the site's sustainable location with good access to Hutton and Shenfield's shopping facilities and public transport, a suitable site access, and a level of parking provision that is considered appropriate, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions.

#### Impact Upon Ecology and Trees

A tree survey has been undertaken for all the trees on site that concluded that while there are many trees on site, many of these are not of high quality due to lack of appropriate management. The survey was carried out in consultation with the tree officer who requested that many poor-quality specimens that would not be affected directly by the development be removed to allow space for remaining trees to develop and to plant new, better quality specimens. This approach will result in a better tree stock on site in the long term.

The effects of the tree removal/management works would be more prominent on the southern side of the site as it is proposed to remove the Leyland Cypress hedge on the boundary and many small trees. The plans show that new trees would be planted to supplement the retained specimens. Overall however it is considered that the remaining trees around the site will provide a significant screen for surrounding residents.

A few additional trees are shown as being removed than were referenced in the report, mainly due to their proximity to the new building. It is agreed that if the development is permitted then it would not be feasible to retain them due to post-development pressures.



Trees T22, T23 T26 & T26 although close to the building is adjacent to a stairwell which will limit post-development pressures.

It is noted that landscaping is a reserved matter. An indicative plan has been included in the Design and Access Statement. This shows paths running through the wooded areas with new planting and outdoor gym equipment etc being on site. In principle it will be good to allow access to the wooded areas for residents however the detailed landscape scheme will need to demonstrate that the proposed works will not damage the tree roots or require the removal of any additional trees. This would be required by condition.

The site has been relooked at by the applicant's ecologist and has confirmed that there is no evidence of badger activity on the site.

#### Other matters

Residents have raised an issue with the location of the plant room. The applicant has responded to state the plant room is positioned for access within the building with only an emergency access to the garden. The nature of the plant installed in this room is providing heating and water to the building including a mist sprinkler system. None of the equipment installed into this room will generate noise as it would affect the internal living environment. As there is no internal noise generated, there will be no external noise. The amenities of neighbouring residents will therefore be unaffected.

The plant will include water storage, gas boilers, combined heat and power plant, building management equipment (i.e. fault alerts, building efficiency – all of which are on a display panel or IP address generating information).

The construction of the building, brick, block and insulation levels, by its nature, creates a robust sound contained environment for the plant.

Environmental Health will require detailed specifications relating to this equipment's combined noise output from a set distance from the Plant room. As this equipment is likely to require ventilation, a detailed assessment of the acoustic output from this equipment will also be required.

It is recommended that this assessment be carried out by a competent acoustician. The findings/assessment must be presented, in the form of a report, to the satisfaction of the Planning Authority. These issues can be controlled by the imposition of a condition.

Residents also raised the issue of provision of pets of the future occupants, however this is not considered to be a material consideration to the determination of the application.

## **8.0 CONCLUSION**

The site lies within the existing built up area and the Local Plan supports the principle of development. The applicant has demonstrated a need for this type of development. Overall the design and layout of the development would not be out of keeping with the character of the area and would not be harmful to the living conditions of neighbouring residents because of overlooking and loss of privacy.

Accordingly, the proposal is policy compliant and any adverse impacts outlined by neighbouring residents are outweighed by the material benefits that arise from the development and therefore the recommendation is to approve.

## **9.0 RECOMMENDATION**

The Application be APPROVED subject to the following conditions:-

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from date of approval of the last reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

4. A schedule of all external surface materials including walls and roofs, and a schedule of all external joinery, indicating the proposed finish and decoration to be used, shall be submitted to and approved by the local planning authority in writing prior to the commencement of any works. The development shall be constructed in full accordance with the approved details.

In order to safeguard the character and appearance of the area.

- 5 Works shall not be commenced until sample panels of 1 square metre minimum shall be erected on site to show areas of new, exterior walling, have been approved in writing by the local planning authority. Where appropriate, these panels shall indicate: brick bond, copings, mortar mix, colour and pointing profile, render mix, finish and colour. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

In order to safeguard the character and appearance of the area.

- 6 Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges, cills and coping to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

In order to safeguard the character and appearance of the area.

- 7 All windows and doors in masonry walls shall be inset at least 70mm, fitted with sub-cills and permanently maintained as such. No visible trickle vents/vent strips.

In order to safeguard the character and appearance of the area

- 8 No electricity, gas or water meter boxes shall be fixed to the external fabric of the building. All electrical and telephone services to the development shall be run underground.

In order to safeguard the character and appearance of the area

- 9 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

In order to safeguard the character and appearance of the area

- 10 The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

11 All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

13 Prior to occupation of the development and as shown in drawing no 66041-TS-002, the site access at its centre line shall be provided with a clear to ground visibility splays, with dimensions of 2.4 metres by 48 metres to the east and 2.4 metres by 47 metres to the west as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to first occupation and retained free of any obstruction at all times.

To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan

- 14 Prior to occupation the proposed new pedestrian footway access shall be provided with a minimum two metre width for its entire length

To provide a safe link for both pedestrians and the mobility impaired in the interest of accessibility in accordance with Policy T2 of the Brentwood Replacement Local Plan.

- 15 Prior to occupation the existing bus stops on both sides of the A129 Rayleigh Road to the west of the site shall be improved to Essex County Council specifications. The eastbound stop shall be relocated approximately 25 metres to the west of its existing location i.e. further away from the traffic signals and shall be provided with raised kerbs to facilitate pedestrian and wheelchair access as well as timetable information. The existing westbound stop shall be provided with raised kerbs and a new bus shelter to incorporate new timetable information.

To encourage trips by public transport in the interest of accessibility in accordance with Policy T2 of the Brentwood Replacement Local Plan.

- 15 The proposed development shall not be occupied until such time as the vehicle parking area including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy T2 of the Brentwood Replacement Local Plan.

- 16 Cycle parking for both the assisted living and the care home shall be provided in accordance with the Council's parking standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T2 of the Brentwood Replacement Local Plan.

- 17 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

To prevent environmental and amenity problems arising from flooding.

- 18 No drainage works shall commence until a surface management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing

areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy.

19 Other than the staff the assisted living residential units shall not be occupied other than by a 'qualified person', defined as:

- i). Persons of more than 65 years of age;
- ii). Persons living as part of a single household with such a person or persons;
- iii). Persons who were living as part of a single household with such a person or persons who have since died.
- iv) Persons in need of personal care by reason of old age, illness or disablement.

To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

20. The assisted living units shall not be occupied other than by persons who are, assessed on admission, as a qualified person in need of care. All potential residents of the assisted living units will be assessed as to their care needs before occupation by the onsite assisted living manager and on occupation agree to be contracted into a minimum care package.

To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

To prevent environmental and amenity problems arising from flooding.

21. Before development commences a noise acoustic report identifying the plant equipment's combined noise output from a set distance from the plant room shall be submitted to and approved by the Local Planning Authority. The recommendations in the report shall be implemented before the development is first occupied.

In the interests of protecting the living conditions of the neighbouring residents.

#### Informative(s)

Anglian Water recommends that petrol/oil interceptor to be fitted in all car parking areas. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglia Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties

suffering blocked drains, sewerage flooding and consequential environmental and amenity impact and may constitute an offence.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of the Highway Authority, details to be agreed before the commencement of work.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

**Appendices to the report:**

Appendix A: Site Map

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Title : Brigade Head Quarters, Rayleigh Close, Hutton

17/01527/OUT

Scale at A4 : 1:1250

Date : 31st January 2018

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**31 January 2018**

## **Planning and Licensing Committee**

### **Response to the Epping Forest Local Plan Submission Version 2017**

**Report of:** *Phil Drane – Planning Policy Team Leader*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 This report seeks Members approval on a formal response to Epping Forest District Council's Local Plan Submission Version (December 2017). A response has been submitted to comply with the consultation deadline, subject to the approval of the Council's Planning and Licensing Committee.
- 1.2 The Council's response sets out general support for the Epping Forest Local Plan, with concerns expressed over the Plan not meeting the five-year housing supply and lack of clarity as to the actual housing figures.
- 1.3 Both Councils have a "Duty to Cooperate" on strategic priorities, such as planning issues that cross administrative boundaries. These priorities include housing and Gypsy, Traveller and Travelling Showpeople site allocations; conservation of the natural and built environment; and green infrastructure. Although Epping Forest District Council are at the Pre-Submission stage of their Local Plan, the two councils will continue to engage through the duty to cooperate, even after both respective Local Plans have been adopted.

#### **2. Recommendation**

- 2.1 **To approve the response to the Epping Forest Local Plan Submission Version (December 2017), as set out in Appendix A.**

### **3. Introduction and Background**

- 3.1 Epping Forest District Council undertook a public consultation for the Epping Forest Draft Local Plan (Regulation 18) in October 2016. Brentwood Borough Council responded to this consultation to indicate general support. The Epping Forest Draft Local Plan (2016) focused on the vision for the district as outlined in the Brentwood Planning and Licensing Committee report on 13 December 2016 (Item No. 238).
- 3.2 Moving on to the next stage of the Epping Forest plan-making process, Epping Forest District Council is inviting representations for the statutory minimum consultation period of six-weeks from 18 December 2017 to 29 January 2018. The Local Plan Submission Version (2017) is at the pre-submission stage of the plan-making process (Regulation 19), which is the final opportunity to make representations on the plan before it is submitted to the Secretary of State and the Planning Inspectorate are appointed to consider whether the proposals are "sound" for adoption. If adopted this version of the plan will replace the combined policies of the current Epping Forest District Local Plan (1998) and Alterations (2006).
- 3.3 Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans. The Council's response is limited to high level comments regarding the strategic planning issues shared by Epping Forest District and Brentwood Borough.

### **4. Issue, Options and Analysis of Options**

- 4.1 The National Planning Policy Framework (NPPF) requires each local planning authority to produce a local plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs, in line with national policy and guidance.
- 4.2 Local Plans should include strategic policies to deliver:
- a) Homes and employment needed in the area;
  - b) Provision of retail, leisure, and other commercial development;
  - c) Provision of infrastructure for transport, telecommunications, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - d) Provision of health, security, community and cultural infrastructure and other local facilities; and

- e) Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

4.3 Responses to a Regulation 19 pre-submission stage of the plan-making process are limited to identifying whether the proposed Local Plan has adhered to the duty to co-operate, is sound, and legally compliant. These are defined in national policy as:

#### **Duty to Co-operate**

Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities as set out in para 156 of the NPPF.

#### **Soundness**

Soundness is defined in NPPF paragraph 182 as a local plan which is:

- a) **Positively prepared** - the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- b) **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- c) **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- d) **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

#### **Legally Compliant**

A plan is legal when it complies with the legal requirements under section 20(5)(a) of the Planning and Compulsory Purchase Act 2004.

4.4 Epping Forest District Council and Brentwood Borough Council have been meeting to discuss strategic planning matters (as identified in paragraph 4.2 of this report). Continued engagement will be required following the adoption of the Epping Forest Local Plan, particularly around infrastructure, schools, and GP surgeries in the Ongar area due to its proximity to Brentwood Borough.

4.5 Epping Forest District shares a housing market area with three other districts (East Herts, Harlow, and Uttlesford). The Epping Forest Local

Plan Submission Version (2017) states that 51,700 new homes were identified for the housing market area need between 2011-2033, as set out in the West Essex & East Herts Strategic Housing Market Assessment (SHMA) (2015). According to the SHMA (2015), Epping Forest District would be responsible for providing 12,573 new dwellings over the plan period 2011-2033. All local planning authorities within this housing market area have signed a memorandum of understanding where Epping Forest is committed to providing 11,400 dwellings and 64 pitches for Gypsy, Traveller and Travelling Showpeople.

- 4.6 It is proposed that concern needs to be raised by Brentwood Borough Council regarding the lack of five-year housing supply. The Epping Forest Plan states that "if the Authority Monitoring Report (AMR) demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is lower) for three consecutive years, the Council will undertake a partial review of the Plan". Further concern is raised as to whether Epping Forest District can meet their housing need as set out in the plan and West Essex & East Herts SHMA. Local plans are required to be reviewed every five years. Therefore, the above sentence would not be required unless there were concerns that the housing delivery targets could not be met.
- 4.7 Epping Forest District Council has proposed that the majority of this development will take place around Harlow as urban extensions (approximately 3,900 new homes within Epping Forest District over the plan period), as well as infilling around the central transport corridor of the urban areas of Epping and Loughton. There are also a number of smaller extensions to villages within the district, including Ongar close to the northern Brentwood Borough boundary.
- 4.8 Development proposed in the eastern parts of Epping Forest District in Ongar is for 590 homes (20 less than what was previously indicated in the Draft Local Plan 2016). Therefore, whilst it is acknowledged that this is a significant increased proportion of new homes in the area, it is considered that any direct impact on Brentwood Borough is likely to be minimal. Comment is made that the additional homes in Ongar need to provide supporting local community infrastructure facilities to lessen any burden on nearby villages within the 'rural north' area of Brentwood Borough.
- 4.9 The Epping Forest Local Plan Submission Version (2017) proposes a minimum of 40% affordable housing on sites of 11 or more units. Proposals are also made that the loss of bungalows will be resisted.

- 4.10 Where there is evidence of unmet need, and where there is already appropriate infrastructure and larger scale new development, the plan requires development to incorporate specially designed/specialist accommodation for people with support needs (including older people) and for self-build/custom build schemes.
- 4.11 The Functional Economic Market Area (FEMA) aligns with the Housing Market Area (HMA). According to the FEMA the employment for the HMA is 51,000 new jobs, of which Epping Forest will be providing 10,800 over the plan period (2011-2033). According to the plan, 7,900 new jobs will be provided between 2016-2033. It is unclear from the plan whether the remaining 2,900 new jobs have already been provided for (between 2011-2015) and so this is highlighted in the submitted response set out in Appendix A.

## **5. Reasons for Recommendation**

- 5.1 The Epping Forest Local Plan Submission Version (2017) has been considered by Officers to be in general conformity with the duty to cooperate, soundness, and legally complaint. Therefore, support of the Plan is proposed. Concerns are raised as outlined above in section 4.
- 5.2 It is considered appropriate that Brentwood Borough Council express general support for the way Epping Forest District Council has moved forward with challenging local development needs, and a commitment to continued collaboration through the duty to cooperate on strategic planning matters that affects our two areas.

## **6. Consultation**

- 6.1 The Epping Forest Local Plan was made available for public comment between 18 December 2017 and 29 January 2018. Local planning authorities have a statutory obligation to allow consultees a minimum of six weeks to respond as part of the plan-making process.
- 6.2 Officers have responded to the consultation in order to meet the deadline. This response was submitted subject to the approval of Members at the next available Planning & Licensing Committee. Thanks is expressed to Epping Forest District Council for allowing this approval to take place after the deadline. It is noted that although Epping Forest District Council allowed for representations to be made for the statutory six-week period, given this time fell over the Christmas and New Year's bank holidays, additional time for representations could have been permitted.

## **7. References to Corporate Plan**

- 7.1 The Epping Forest Local Plan will have a close relationship with the emerging Brentwood Local Development Plan, the production of which is a key priority in the Council's Corporate Plan.

## **8. Implications**

### **Financial Implications**

**Name/Title:** Jacqueline Van Mellaerts, Financial Services Manager

**Tel/Email:** 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 None directly arising from this report.

### **Legal Implications**

**Name/Title:** Daniel Toohey, Head of Legal Services and Monitoring Officer

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- 8.2 The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their Local Plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.

## **9. Background Papers**

- 9.1 Epping Forest Local Plan Submission Version (December 2017)

## **10. Appendices to this report**

- 10.1 Response letter to Epping Forest Local Plan Submission Version (2017)

### **Report Author Contact Details:**

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**Brentwood Borough Council response to: Epping Forest Local Plan  
Submission Version (2017)  
January 2018**

**Principle**

1. Thank you for inviting Brentwood Borough Council to provide comments as part of the Epping Forest District Council's Local Plan Pre-Submission Publication (Regulation 19). Brentwood Borough Council is a neighbouring local planning authority and there are a number of strategic issues, such as housing and infrastructure, which can be considered at levels greater than a single local planning authority area and which concerns both Council areas. It is important that such issues are addressed through collaborative working and meaningful discussions in accordance with legislation, the National Planning Policy Framework (NPPF), and Planning Practice Guidance (PPG).
2. Please note that we have limited our comments to addressing the strategic planning matters which affect both our areas and comments on the soundness of the plan, and duty to cooperate as required at the Regulation 19 stage of the plan making process.

**Strategic Planning Matters**

3. Epping Forest District Council and Brentwood Borough Council share a number of strategic planning matters such as housing and infrastructure. We note that development is planned for Ongar, which borders between the Epping Forest and Brentwood administrative boundaries. Brentwood is in support of Epping Forest's Plan to meet their housing need over the plan period, and are therefore in general support of the development. Continued engagement will be required following the adoption of the Epping Forest Local Plan, particularly around infrastructure, schools, and GP surgeries in the Ongar area due to its close proximity to Brentwood Borough.

**Soundness**

4. Epping Forest shares a housing market area with three other districts - East Herts, Harlow, and Uttlesford. The four districts have finalised and signed a Memorandum of Understanding (MoU) in regard to the housing requirements where the West Essex & East Herts housing market area authorities have committed to meeting their housing needs. Brentwood Borough supports this approach. However, we do note that Epping Forest District Council will not be meeting their five-year housing supply. The Epping Forest Plan states that "if the Authority Monitoring Report (AMR) demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is lower) for three consecutive years, the Council will undertake a partial review of the Plan". Further concern is raised as to whether Epping Forest District can meet their housing need as set out in the Plan and SHMA. Local plans are required to be reviewed every five years. Therefore, the above

sentence would not be required unless there were concerns that the housing delivery targets could not be met.

5. Development is proposed in the eastern parts of Epping Forest District in Ongar for 590 new homes. The additional home in Ongar need to provide supporting local community infrastructure facilities to lessen any burden on nearby villages within the 'rural north' area of Brentwood. Brentwood would welcome joint working with Epping Forest to discuss this further through duty to cooperate.
6. According to the Epping Forest Plan, the district will be providing 10,800 new jobs over the plan period (2011-2033). It goes on to further state that 7,900 new jobs will be provided between 2016-2033. However, it is not clear in the plan if the remaining 2,900 jobs have already been provided for between 2011-2016.

### **Duty to Cooperate**

7. It is noted that Officers responded to the Epping Forest Local Plan publication to meet the deadline. This response is subject to the approval of Members at the next available Planning & Licensing Committee. We would like to thank Epping Forest for allowing this approval to take place after the deadline. It is noted that although Epping Forest District Council allowed for representations to be made for the statutory six-week period, given this time fell over the Christmas and New Year's bank holidays, additional time for representations could have been permitted.
8. Brentwood Borough Council welcomes the opportunity to continue to work with Epping Forest District Council in progressing the plan-making process of both area on an ongoing basis in line with the requirements of the duty to cooperate.

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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.

## **Planning and Licensing Committee**

### **Planning**

(a) Town and Country Planning Act 1990 and any related legislation including:-

- (i) determination of planning applications;
- (ii) enforcement of planning control;
- (iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

- (i) determination of applications for Listed Buildings and Conservation Area consent;
- (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

(a) To guide the Council in setting its policy objectives and priorities.

- (b) To carry out the duties and powers of the Council under current legislation;
- (c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
- (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (e) To consider and approve relevant service plans;
- (f) To comply with the standing orders and financial regulations of the Council;
- (g) To operate within the budget allocated to the committee by the Council.
- (h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning.

### **Licensing**

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

(d) To exercise all other functions relating to licensing and registration including

- i. Trading Requirements.
- ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators.

- iii. Animal Welfare and Security.
  - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing.
  - v. Sex establishments (including Sex Entertainment Venues (SEV)).
  - vi. Pavement Permits.
  - vii. Charitable Collections.
  - viii. Camping, Caravan Sites and Mobile Homes.
  - ix. Scrap Metal.
  - x. Game Dealers.
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
  - (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
  - (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.