



Agenda

Policy, Projects and Resources Committee

Monday, 12 March 2018 at 7.00 pm

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

Membership (Quorum – 3)

Cllrs Mrs McKinlay (Chair), Kerlake (Vice-Chair), Barrett, Faragher, Hossack, Keeble, Kendall, Mynott and Parker

Substitute Members

Cllrs Hirst, Mrs Hubbard, Morrissey, Poppy and Ms Rowlands

Agenda

Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 12
3.	Preparation for General Data Protection Regulation - GDPR	All Wards	13 - 62
4.	Larkins Playing Field	All Wards	63 - 72
5.	Allotments	All Wards	73 - 78
6.	Leisure Strategy	All Wards	79 - 134
7.	Removal of RedGra area at Warley Playing Fields from	Warley	135 - 154

existing Joint User Agreement

- | | | | |
|------------|----------------------------------------------------------------------------------------|-----------|-----------|
| 8. | Town Hall Update and Automated Suppression System | All Wards | 155 - 188 |
| 9. | Wholly Owned Company | All Wards | 189 - 214 |
| 10. | Procurement of a Joint Venture Partner | All Wards | 215 - 240 |
| 11. | Brentwood Leisure Trust - Operational Loans, Leases and Service Level Agreement | All Wards | 241 - 244 |
| 12. | Urgent Business | | |

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

Chief Executive

Town Hall
Brentwood, Essex
02.03.2018

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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.

Information for Members of the Public

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.

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.

 **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.

 **modern.gov app**

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

 **Access**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. 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

Policy, Projects and Resources Committee 1 February 2018

Attendance

Cllr Mrs McKinlay (Chair)	Cllr Keeble
Cllr Kerlake (Vice-Chair)	Cllr Kendall
Cllr Faragher	Cllr Mynott
Cllr Hossack	

Apologies

Cllr Barrett	Cllr Parker
--------------	-------------

Substitute Present

Cllr Hirst

Officers Present

Phoebe Barnes	-	Principal Accountant
Chris Leslie	-	Commercial Manager
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Steve Summers	-	Chief Operating Officer
Adrian Tidbury	-	Estates and Valuation Surveyor
Daniel Toohey	-	Monitoring Officer
Jacqueline Van Mellaerts	-	Financial Services Manager

267. Apologies for Absence

Apologies were received from Cllrs Barrett and Parker. Cllr Hirst substituted for Cllr Parker.

268. Minutes of the Previous Meeting

The minutes of the Policy, Projects and Resources Committee held on 15 January 2018 were approved as a true record.

269. Memorial Walls

The report before Members continued from the Committee report made at the November 2017 meeting where officers put forward an outline idea, for agreement in principle, to build a Memorial Wall scheme which would in turn enhance the appearance of Woodman Road Cemetery.

Since then the scheme had been developed further and new ideas had emerged.

The central area of the cemetery lent itself to becoming the next “section” to be developed, and rather than just building a wall there were some more attractive ready-made options available that were relatively easy to install, more cost effective than a wall, plus they stored ashes. By using a combination of granite “Columbaria” and granite “Sanctums” (Vaults) the development could provide an attractive and desirable memorial.

At the far end of the cemetery, the boundary fence was in a bad state of repair. By investing in good quality fencing, it would be possible to develop this area into a “pet” memorial section where a plaque could be purchased to place on the fence to remember a pet. It was not envisaged at this stage to register the Council for the appropriate licences to accept ashes from pets, but this would be reviewed.

A business case had been drawn up and was appended to the report as Appendix A and approval was being sought from the Committee to proceed with the project.

Cllr Mrs Mckinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a full discussion a vote was taken on a show of hands and it was

RESOLVED

- 1. That approval be given to the proposed design, fees and length of agreement; and, subject to compliance with procurement regulations and requirements, to order 60 Sanctums, 2 Columbaria, a bench and tree grill along with the appropriate construction necessary to allow for the fitting of these.**

2. That a section of boundary fencing be purchased, subject to compliance with procurement regulations and requirements, and used for displaying Pet Memorial Plaques, in a separate area from the human areas of the cemetery, at the proposed fee rate and length of agreement.
3. That a report be made to the Environment and Enforcement Committee to propose a move away from ground interments of ashes or, alternatively, approve higher fees for ground interments of ashes wef 2019/20 or sooner.

Reason for recommendations

This scheme will enhance the appearance and attractiveness of Woodman Road cemetery. People will have more choice for storage of ashes and a peaceful place to sit and reflect upon their loved ones in a pleasant environment. It also introduces a memorial area for pets.

270. Lease of Land Next to Wash Road Electrical Transformer Station

The report sought delegated authority to grant a lease of land next to the electrical transformer station in Wash Road. There was opportunity to lease the site (subject to planning) for a battery storage facility that would be linked to the national grid, assisting with storage of renewable energy and addressing power outages.

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

RESOLVED

That delegated authority be granted to the Head of Paid Service consulting with the Chair of Policy, Projects and Resources Committee, and the Monitoring Officer to negotiate the terms and grant a lease or licence of land by the electrical transformer station along Wash Road.

Reason for recommendation

Committee approval is required to grant a commercial lease of over £25,000.

271. Medium Term Financial Plan 2018/19 - 2020/21

The Medium Term Financial Plan (MTFP) considered by Policy, Projects and Resources Committee on 29 November 2017 gave Members an update on the various significant changes that would impact on the Council's financial position. Particular issues highlighted, relevant to the General Fund & HRA included the phasing out of the Revenue Support Grant (RSG), changes to the New Homes Bonus & the Business Rates Retention schemes.

The fundamental principles of the Council's MTFP were to:

- (i) Maintain a sustainable financial position against a background of unprecedented financial uncertainty and reduced government funding, including the delivery of efficiency targets.
- (ii) Support the vision of our Borough through appropriate identification of resources required to deliver the key priorities outlined in the 'Vision for Brentwood'.
- (iii) Maximise opportunities and mitigate risks associated with the fundamental change to the way in which local government is financed.

The report before Members considered:

- (i) The General Fund budget proposals for 2018/19 to 2020/21.
- (ii) The Housing Revenue Account (HRA) budget proposals for 2018/19 onwards.
- (iii) The Capital Programme 2018/19 to 2020/21.
- (iv) The Treasury Management Strategy for 2018/19.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a full discussion a vote was taken on a show of hands and it was

RESOLVED

General Fund:

1. To approve the General Fund - Revised MTFP for 2018/19 as shown in Table 9 which includes the proposed savings target, presenting a zero net Funding Gap for 2018/19.

Housing Revenue Account (HRA)

2. To approve the HRA Business Plan for 2018/19 and beyond as shown in Appendix C of the report.

3. To approve a 1% decrease in rents for 2018/19 and for the following year.
4. To recommend to apply the formula rent to all new tenancies from April 2018/19.

Capital programme

5. To approve the Existing and New Schemes of the proposed Capital Programme for 2018/19 to 2020/21 as set out in Tables 16 and 17 of the report.

Treasury Strategy

6. To approve the Treasury Management Strategy as set out in Section 12 of the report.

Section 151 Officer's Assurance Statement

7. To note the Section 151 Officer's Assurance Statement as set out in Section 13 of the report.

(Cllr Hirst declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being a Trustee of Thames Chase).

Reasons for recommendation

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

272. Asset Development Programme Update

Since the January P, P&R Committee check and challenge sessions had taken place between Council Officers, the Project Delivery Team, the Project Lawyer and the EELGA and JCG consultants who arranged and coordinated the Market Soundings exercise. These sessions reviewed and summarised the key findings of the market soundings and discussions took place on how best to take the procurement of a joint venture partner forward, including initial thoughts on governance, procurement process, key decisions to be taken, crucial milestones etc. These were still being developed and a further report would be made at the March 2018 PPR meeting highlighting activity in relation to key sites incorporated into the joint venture procurement.

Each month, a "Project Highlight Report" was produced for the Asset Development Programme, setting out achievements for that month and what was planned for the coming month and reported to Project Board. Achievements in January 2018 and planned activities were detailed in the report for Members' information.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED

To note the progress of the Asset Development Programme Project Board

Reason for Recommendation

PPR Members to note progress at this stage.

273. Wholly Owned Company and Joint Venture

The report before Members set out the business case to create a company that would be wholly owned by the Council. It also provided an update on the progress of acquiring a partner to assist in the development of the Council's sites to realise regeneration and financial objectives.

As part of the Council's asset development programme a private company was required to engage in commercial activity and to facilitate future opportunities.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and following a full discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

- 1. That a report recommending the creation of a wholly owned company, (WOC) be brought to the next PPR Committee following finalisation of the governance arrangements.**
- 2. That the work on the procurement of an asset development partner continues and a decision to formally tender be brought back to the Committee.**

Reasons for Recommendation

To create a wholly owned company Committee recommendation to Council and subsequent Council approval is required.

274. South Essex Vision 2050

The purpose of the report before Members was to outline the work undertaken by Leaders and Chief Executives of South Essex Councils to create a vision and sense of place for the area commonly known as South Essex Vision 2050 also to explain the reason for the formation of a Joint Committee with the title of the Association of South Essex Local Authorities.

Members were advised that South Essex Councils were defined as Brentwood, Basildon, Thurrock, Southend, Rochford, Castle Point and Essex County Council.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

1. That Members support the co-ordinated approach with neighbouring authorities on strategic place shaping in the South Essex 2050 Vision.

2. That Members agree and support a programme of further collaboration on key strategic place shaping to support much needed infrastructure and economic growth to underpin delivery of the local plan.

Reason for recommendations

In order to fulfil the obligation of the Duty to Co-operate as required for the Brentwood LDP to be accepted, and to promote and deliver much needed infrastructure and economic growth, Brentwood must engage with the surrounding boroughs.

275. Devils Head Cross Roads - Dedication of Land for Highway Purposes

The report before Members considered a request from Essex Highways for an extension to the Highway Rights over the Council land title at the 'Devil's Head' cross roads in Warley.

Cllr Mrs McKinlay **MOVED** and Cllr Kendall **SECONDED** the recommendations in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

1. That the land coloured red on the plan – Appendix A - be dedicated as highway.

- 2. That delegated authority be given to the CEO in consultation with the Leader of the Council to finalise agreements with ECC in regards to safety improvements at Devil's Head crossing.**

Reason for Recommendation

To enable safety improvement works as proposed by Essex County Council to be carried out at the junction of Hartswood Road and Eagle Way, 'Devils Head' Crossroads.

276. Urgent Business

There were no items of urgent business.

The meeting ended at 8.30pm

12 March 2018

Policy, Projects and Resources Committee

Preparation for General Data Protection Regulation – GDPR

Report of: *Philip Devonald – Corporate & Information Governance Lawyer*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

1.1 On 25 May 2018, the General Data Protection Regulation (GDPR) will come into full force. In addition, the Data Protection Bill 2017 will effectively adopt GDPR directly into English law. The new Act will therefore have three main themes:

- Extending the scope of data regulation
- Empowering individuals to have greater control over their own data
- Building privacy into products and services
- Imposing big sanctions for non-compliance

1.2 Members considered a report on progress at the January meeting and this report provides a further update. The Council has continued to make progress towards introducing GDPR compliant measures in time for the new law coming into effect in three months' time.

1.3 Members are asked to consider and adopt a raft of policies to ensure compliance with new data protection legislation.

2. Recommendations

2.1 That the attached updated compliance action plan (Appendix A), be approved to enable officers to roll out effective GDPR compliance across the Council by 25 May 2018.

2.2 That Members note and approve the following additional revised and updated policy documents:

- **Data Protection Policy;**
- **Data Breach Policy;**
- **Consents Policy;**
- **Data Processing Impact Assessments Policy;**
- **Privacy Notices Policy; and**
- **Clear Desk Policy,**

with delegated authority granted jointly to the Head of Legal Services and the Senior Information Risk Officer to revise and update once the details of the new Data Protection Act are known.

3. Introduction and Background

3.1 Data protection law requires individuals' personal data we hold to be processed securely, with severe and newly increased penalties for non-compliance. For this purpose, as part of the Council's general review of information governance, the Council is developing a new suite of data protection policies and procedures.

3.2 All relevant staff have been engaged to complete an online data protection training module based on these policies, during November and December 2017. This training module has now been made available to all Members.

3.3 The General Data Protection Regulation (GDPR) entered into force on 24 May 2016. However, enforcement of the GDPR will not begin until **25 May**. Organisations therefore have a limited window in which to ensure that their data processing activities are compliant with the requirements of the GDPR. The national laws implementing the Directive in each Member State will continue to apply until the GDPR Effective Date. However, the process of becoming compliant with the GDPR will take much planning and a significant amount of time. A Data Protection Bill is currently before Parliament and this will effectively adopt GDPR when enacted in due course. At the time of writing, the bill is awaiting its second reading in the House of Commons (5th March), having completed all stages in the House

of Lords. The bill is substantial, containing nearly 200 sections and 18 schedules.

- 3.4 The Council has therefore commenced work on its strategy for introducing GDPR compliant measures in time for the new law coming into full effect in May 2018.

4. Issue, Options and Analysis of Options

- 4.1 The main issue continues to be achieving effective buy-in from all staff across the Council. To this end, the Chief Executive has published on the Council's intranet a message to all staff explaining GDPR is coming and that all staff need to cooperate with actions as directed by the GDPR senior officer steering group, established to oversee the project. GDPR is a mandatory statutory requirement so the only available option is to comply with the new legislation.
- 4.2 The rules regarding subject access requests (SAR) will also change. Currently the Council can charge a £10 fee to respond to a SAR. Under the GDPR, no fee can be charged regardless of volume or complexity (unless the request is deemed "extreme"). The response time for responding is reduced from 40 days to one month.
- 4.3 The sharing of any personal data represents a potential risk under the new regime and this risk must be managed. Thus, data processing or sharing contracts must have specific terms included in them to ensure security and compliance with the data principles and existing contracts extending beyond May 2018 will need to be reviewed and possibly re-negotiated. A data sharing protocol is therefore proposed to be adopted. This will be brought before Members for consideration at a later meeting.
- 4.4 Another issue is that of document/data retention. In the absence of any specific legal requirements, personal data may only be retained as long as necessary for the purpose of processing. This means data must be deleted e.g. when: the data subject has withdrawn consent to processing, a contract has been performed or cannot be performed anymore, or the data is no longer up to date. Specifically we will need to develop a consistent rule for the retention of e mails; this should not be difficult as Outlook allows this to be done automatically once the rubric has been agreed. Consideration will also have to be given to the following issues:
- Has the data subject requested the erasure of data or the restriction of processing?
 - Is the retention still necessary for the original purpose of processing?
 - Does an exception apply to the processing for historical, statistical or research purposes?

4.5 Members are asked to consider and approve a revised and updated set of policies and procedures which it is hoped will inform the public of their rights and guide staff as to how they must handle personal data in the future. These consist of:

- An overarching Data Protection Policy (Appendix B).
- A Data Breach Policy (Appendix C). Under Article 33 of the GDPR the Council will have a new duty to report data protection breaches to the Information Commissioner and, in certain circumstances, to the individual whose personal data has been the subject of the breach. There is no legal requirement to do this under the current law. The policy/protocol has been drafted to set down the rules and procedures for staff in the event of a data breach.
- An Information Security Policy (Appendix D). Article 32 of the GDPR (Security of processing data) requires organisations to take necessary technical and organisational measures to ensure a high level of information security. The Council has already agreed a raft of measures to achieve this including policies covering access control, e mail policy, acceptable use as well as combined information security controls.
- A Consents Policy (Appendix E). This has changed significantly under the GDPR. Consent to processing personal data must be active and does not rely on silence, inactivity or pre-ticked boxes, is not bundled with other agreements supply of services is not made contingent on consent to processing which is not necessary for the service being supplied, data subjects are informed that they can withdraw consent and that there are simple methods for doing so.
- A Data Processing Impact Assessments Policy (Appendix F). Under Article 35 of the GDPR, where a type of data processing is likely to result in a high risk for the rights and freedoms of individuals, data controllers are required to carry out a DPIA prior to the processing to assess the impact of the proposed operation or change on the protection of personal data.
- A Privacy Notices Policy (Appendix G). The GDPR includes rules on giving privacy information to data subjects in Articles 12, 13 and 14. These are more detailed and specific than in the DPA and place an emphasis on making privacy notices understandable and accessible. Data controllers may need to include more information in their privacy notices. The GDPR says that the information you provide to people about how you process their personal data must be concise, transparent, intelligible and easily accessible; written in clear and plain language, particularly if addressed to a child; and free of charge.

- A Clear Desk Policy (Appendix H) which is self-explanatory.

5. Reasons for Recommendation

- 5.1 Members have approved a compliance action plan and project plan. This is a complex, council wide project so that some dates for action/completion under the project plan are subject to change for operational reasons. In addition, the law in terms of a new Data Protection Act is not yet enacted and further changes to the detail may be possible. This will not affect the overall projected completion date of 25 May 2018, though some on-going work will be necessary.
- 5.2 Specific work flows will be developed following receipt of council-wide responses to a questionnaire which has been sent out to all departments, along with guidance notes and other documents. This is vital to capture all information necessary to ensure compliance in all areas in due course, both hard copy and electronic. The deadline for responses is 12th March. After that we will analyse the information and categorise it. A programme of review and deletion of outdated material will then follow. Specific GDPR training will be put in place for both officers and Members to complete over the coming months.

6. Consultation

- 6.1 No consultation is required in advance of submission of this report to Committee.

7. References to Corporate Plan

- 7.1 With regard to the priority: 'Community and Health' this report supports businesses, safeguards public safety and enhances standards locally through risk-based regulatory compliance with the Data Protection Act 1998 and the forthcoming GDPR.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Financial Services Manager

Tel & Email: 01277 312 829

jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 Risk of up to €20.0m (£17.7m) fine for non-compliance with GDPR with associated financial consequences and potential reputational harm to the Council.

- 8.2 Currently the additional resources required for the implementation of GDPR by May 2018, consists of an Interim Corporate & Information Governance Lawyer and is being funded from the Council's Reserves due to the transformational activity. There will also be a cost of providing training to staff and Members, which is covered by existing budgets.

Legal Implications

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

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

- 8.3 Legal issues and implications are set out in the body of this report and appendices.

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

- 9.1 GDPR project plan summary.

10. Appendices to this report

- Appendix A - Updated GDPR Compliance Plan
- Appendix B - Data Protection Policy
- Appendix C - Data Breach Policy
- Appendix D - Information Security Policy
- Appendix E - Consents Policy
- Appendix F - Data Processing Impact Assessments Policy
- Appendix G - Privacy Notices Policy
- Appendix H - Clear Desk Policy

Report Author Contact Details:

Name: Philip Devonald, Corporate & Information Governance Lawyer

Telephone: 01277 312 707

E-mail: Philip.devonald@brentwood.gov.uk

GDPR PROJECT PLAN SUMMARY – 12 MARCH 2018

ACTIONS	OWNERS (to be agreed with Steering Group)	COMPLETION DATE
1. First meeting of steering group		COMPLETED Nov '17
2. Phil's launch note		COMPLETED Dec '17
3. DPA Training & Policies online		COMPLETED Dec '17
4. All staff complete training/read policies online		COMPLETED Jan '18
5. Obtain ECC GDPR presentation		BY MID JAN '18
6. Members invited to complete online DPA training		NOW
7. Prepare/send out questionnaire, guidance notes and data mapping exercise to all depts to complete and return to DPO (see further below for follow up action)		COMPLETED Feb '18
8. Roll out GDPR presentation to senior staff/all managers		COMPLETED Feb '18
9. Prepare updated progress report for PP&R Committee		COMPLETED Feb '18
10. Review IT compliance with GDPR requirements (SEE IT SPECIFIC ACTIONS/QUESTIONS BELOW)*		DURING MARCH/APRIL 2018
11. Check all responses to 7 above received then meet with steering group to allocate work streams/agree completion dates as necessary around requisite changes to contracts, data processor agreements, Privacy Notices, Privacy Impact Assessments, appointment of DPO, Data Breach Policy and any other areas identified from responses		BY MID MARCH '18 LATEST

12. Ensure all workstreams identified under 11 above completed		BY 25 MAY '18 LATEST
13. Amend annual registration payments as directed by ICO in due course		TBC
14. Appoint the Data Protection Officer		BY 25 MAY '18 LATEST
15. Ensure Data Breach Policy in place		COMPLETED March '18
16. Update DPA policies to reflect GDPR/new procedures being followed		COMPLETED March '18
17. Conduct GDPR compliance audit/make necessary changes to ensure reasonable compliance achieved		BY END MAY '18
18. IT SPECIFIC ACTIONS <ul style="list-style-type: none"> • Review security/encryption • Review process to pseudonymise or anonymise personal data • Consider corporate email deletion policy • Develop system for access to and portability of data for SAR's 		BY END MAY '18

Appendix B

Data Protection Policy Statement

Introduction

This policy defines Brentwood Borough Council's Data Protection Policy and is part of the Information Governance suite of policies adopted by the council. The council is committed to full compliance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. The council seeks to ensure that all employees, elected Members, contractors, consultants, partners or other servants or agents of the council who have access to any personal data held by or on behalf of the council are fully aware of and abide by their duties under the law.

Statement of Policy

The council needs to collect and use information about people with whom it works to operate and carry out its functions. These may include members of the public, current, past and prospective employees, clients and customers and suppliers. In addition, the council may be required by law to collect and use information to comply with the requirements of central government. This personal information must be handled and dealt with properly however it is collected, recorded and used and whether it is on paper, in computer records or recorded by other means.

Brentwood Borough Council regards the lawful and appropriate treatment of personal information as very important to its successful operations and essential to maintaining confidence between the council and those with whom it carries out business.

Handling personal data

Brentwood Borough Council will, through management and use of appropriate controls, monitoring and review:

- Use personal data in the most efficient and effective way to deliver better services
- Strive to collect, process and retain only the data which is needed
- Use personal data for such purposes as are described at the point of collection, or for purposes which are legally permitted
- Strive to ensure information is accurate
- Not keep information for longer than is necessary
- Securely destroy data which is no longer needed
- Take appropriate technical and organisational security measures to safeguard information (including unauthorised or unlawful processing and accidental loss or damage of data)
- Ensure that information is not transferred abroad without suitable safeguards
- Ensure that there is general information made available to the public of their rights to access information
- Ensure that the legal **rights** of people about whom information is held can be fully exercised. These rights include:
 - ✓ The right to be informed
 - ✓ The right of access to personal information
 - ✓ The right to request rectification
 - ✓ The right to request erasure ("the right to be forgotten")
 - ✓ The right to restrict processing in certain circumstances
 - ✓ The right to data portability
 - ✓ The right to object to processing

The Principles of Data Protection

Anyone processing personal data must comply with 6 principles of good practice. These principles are legally enforceable.

Summarised, the principles require that personal data shall be:

1. processed lawfully, fairly and in a transparent manner
2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes which is not incompatible with the initial purposes;
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. accurate and where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods where it will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures in accordance with the rights of data subjects under the GDPR/ Act

Definitions

The legislation provides conditions for the processing of any personal data and makes a distinction between personal data and 'special category' data.

Personal data is defined as any information relating to an identified or identifiable natural person

Special category data is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious/philosophical beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life or sexual orientation
- Biometric data

APPENDIX – GUIDANCE TO STAFF

General rules in complying with the GDPR and Data Protection Act 2018

Definitions

The legislation comprising the GDPR and DPA provides conditions for the processing of any personal data.

Personal data is defined as any information relating to an identified or identifiable natural person

Special category data (previously known as “sensitive personal data”) is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious/philosophical beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life or sexual orientation
- Biometric data

Special category data may only be processed if condition in Article 9 of the GDPR are met.

Data relating to **criminal offences** are treated separately from sensitive personal data. Criminal offence data may only be processed if conditions in Article 10 of the GDPR are met.

Data Protection Act means the Data Protection Act 2018

DPO means a Data Protection Officer

GDPR means [Regulation \(EU\) 2016/679](#) (the General Data Protection Regulation).

Privacy Impact Assessment means a Data Protection Impact Assessment, which is a structured review of a processing activity from a data protection compliance perspective.

Controller means the person or body which determines the purposes and means of processing personal data.

Processing means any operation that is performed upon personal data and **Processor** means a person or entity that processes personal data on behalf of a controller.

Profiling means processing for the purposes of evaluating personal data in order to analyse or predict the behaviour of a data subject.

What must I do?

1. You must comply with the requirements of the GDPR, Data Protection Act and the Human Rights Act when handling personal data of living individuals, whether relating to members of the public or BBC staff/members
2. You must make sure that the service users are informed why we need their data and how we intend to use it. Their consent must be obtained and they must be made aware of their rights under the law
3. You must collect, hold and use the minimum personal data necessary to deliver our services.
4. You must take reasonable steps to ensure the data we hold is accurate and up to date
5. Consent must be obtained if personal data is to be used in ways not expected by the data subject, or different from the reasons the personal data was originally obtained for example, for promoting or marketing goods and services or under a new data sharing agreement.
6. All managers must ensure that the personal data they manage is reviewed regularly and destroyed in line with your retention and archiving requirements when no longer required.
7. If you receive a request from a member of the public or a member of BBC staff asking to access their personal information, you must pass this to the DPO for logging and processing.
8. If you receive a request from anyone asking to access the personal information of **someone other than themselves**, this must be handled as a Freedom of Information Request or Environmental Information Regulations Request and in the first instance must be passed immediately to the DPO for logging and processing.
9. If someone contacts BBC formally stating that their personal data on our records is inaccurate, the request should be fully considered, and the record amended if the request is valid. Again, please ensure such requests are passed to the DPO for logging and processing.
10. You must follow system user guidance or other formal processes which are in place to ensure that only those with a business need to access personal data are able to do so. If you suspect any system puts BBC in breach of this requirement, please immediately notify the DPO
11. Information must only be shared with external organisations if it is done under a formal Information Sharing Agreement which clearly explains the limits of what can be shared, why and what safeguards will be in place to protect individuals' personal data.
12. All staff and elected members must be trained to an appropriate level, based on their roles and responsibilities, to be able to handle personal data securely.
13. When using 'data matching' techniques, this must only be done for specific purposes in line with formal codes of practice, informing service users of the details and obtaining their consent where appropriate.
14. Where personal data needs to be anonymised or pseudonymised, for example for research purposes and you are uncertain how to proceed with this, please seek guidance from the Data Protection Officer and/or IT Services.
15. You must not access personal data which is not necessary for you to see unless it is required in order for you to do your job properly.
16. You must not share any personal data held by BBC with any individual or organisation based in any country outside of the European Economic Area (European Union member states and Iceland, Liechtenstein and Norway).
17. Special care must be taken when dealing with sensitive personal data and data relating to criminal offences. Conditions set out in Articles 9 and 10 of the GDPR must be followed in every case.

How must I do it?

1. By following the requirements of this policy.
2. By following the requirements in the Privacy Notice Policy, the Consent Policy, the Clear Desk Policy, the Information Security Policy and the Privacy Impact Assessment Policy

3. By ensuring that the means you use to gather personal data (such as online or physical forms) only ask for the information required to deliver the service.
4. By considering that anything committed to record about an individual may be accessible by that individual in the future.
5. By following your Service's Retention and Archiving requirements. You must review personal data regularly and delete information which is no longer required, although you must take account of statutory and recommended minimum retention periods. Subject to certain conditions, the Act allows us to keep indefinitely personal data processed only for historical, statistical or research purposes.
6. By ensuring that all requests for personal data or other information under FOI/EIR are immediately referred to the DPO for initial consideration and to co-ordinate responses as required. This also includes requests to amend someone's personal data.
7. By being aware of the requirements of relevant I.T. policies and any other relevant policies in relation to:
 - technical methods such as encryption, password protection of systems, restricting access to network folders
 - physical measures such as locking cabinets, keeping equipment like laptops out of sight, ensuring buildings are physically secure and
 - organisational measures such as providing proper induction and training so that staff know what is expected of them.
8. Consult the DPO over any proposed sharing outside of the EEA. If you are a manager who is proposing a change to or implementing a new system which may involve the hosting of personal data whether within or outside the EEA, this must first be tested using a Privacy Impact Assessment. See Privacy Impact Assessment Policy.
9. By completing training courses relevant to your role.
10. By consulting the Data Protection Officer and/or I.T. Services to establish whether the proposed process is appropriate.
11. By carrying out a Privacy Impact Assessment when any change to processing personal data occurs or when a new system or process is put in place.

The Six Data Protection Principles

[Chapter 2] of the Data Protection Act lists the data protection principles in the following terms:

1. The processing of personal data must be lawful, fair and transparent
2. The purpose for which personal data is collected must be specified, explicit and legitimate and must not be processed in a manner which is incompatible with that purpose
3. Personal data must be adequate, relevant and not excessive in relation to the purpose for which it is processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data must be kept for no longer than is necessary for that purpose for which it is processed.
6. Personal data must be processed in a manner that includes taking appropriate security measures about risks arising from processing that data.

Breach Statement

A personal data breach means a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted stored or otherwise processed. Data breaches will be investigated and may result in disciplinary action. Serious breaches may be considered gross misconduct and result in dismissal without notice, or legal

action being taken against the person concerned. The Council, as well as those individuals affected is also at risk of financial and reputational harm. Fines of up to €20,000,000 may be imposed for serious data breaches. You must report any actual or potential data breaches or other concerns relating to information governance to the Data Protection Officer as soon as possible.

BRENTWOOD BOROUGH COUNCIL

Draft/DATA BREACH POLICY & PROCEDURE

V.2

Contents

1. Background	1
2. Aim	1
3. Definition	1
4. Scope	2
5. Responsibilities	2
6. Reporting a Breach.....	2
7. Data Breach Management Plan	3
8. Discipline	3
9. Review	3
10. References:	3

1 Background

Data security breaches are increasingly common occurrences whether caused through human error or via malicious intent. As the amount of data and information grows and technology develops, there are new ways by which data can be breached. The Council needs to have in place a robust and systematic process for responding to any reported data security breach, to ensure it can act responsibly and protect personal data which it holds.

2 Aim

The aim of this policy is to standardise the Council's response to any data breach and ensure that they are appropriately logged and managed in accordance with the law and best practice, so that:

- incidents are reported swiftly and can be properly investigated
- incidents are dealt with in a timely manner and normal operations restored
- incidents are recorded and documented
- the impact of the incident is understood, and action is taken to prevent further damage
- the ICO and data subjects are informed as required in more serious cases
- incidents are reviewed, and lessons learned

3 Definition

Article 4 (12) of the GDPR defines a data breach as:

“a breach of security leading to the unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.”

Brentwood Borough Council ('the Council') is obliged under [Principle 7 of the

Data Protection Act 1998] to act in respect of such data breaches. This procedure sets out how the Council will manage a report of a suspected data security breach.

The aim is to ensure that where data is misdirected, lost, hacked or stolen, inappropriately accessed or damaged, the incident is properly investigated and reported, and any necessary action is taken to rectify the situation.

A data security breach can come in many forms, but the most common are as follows:

- Loss or theft of paper or other hard copy
- Data posted, e mailed or faxed to the incorrect recipient
- Loss or theft of equipment on which data is stored
- inappropriate sharing or dissemination-Staff accessing information to which they are not entitled
- Hacking, malware, data corruption
- Information is obtained by deception or “blagging”
- Equipment failure, fire or flood
- Unescorted visitors accessing data
- Non-secure disposal of data

In any situation where staff are uncertain whether an incident constitutes a breach of security, either report it to the Data Protection Officer (DPO) or the Senior Information Risk Owner (SIRO). If there are IT issues, such as the security of the network being compromised, IT should be informed immediately.

4 Scope

This Council-wide policy applies to all Council an information, regardless of format, and is applicable to all officers, members, visitors, contractors, partner organisations and data processors acting on behalf of the Council. It is to be read in conjunction with the Council’s Information Security Policy.

5 Responsibilities

Information users

The GDPR applies to both Data Controllers (the Council itself) and to Data Handlers. Therefore, all information users are responsible for reporting actual, suspected, threatened or potential information security incidents and for assisting with investigations as required, particularly if urgent action must be taken to prevent further damage.

Managers

Heads of Department are responsible for ensuring that staff in their area act in compliance with this policy and assist with investigations as required.

Lead Responsible Officers

Lead responsible officers (DPO, SIRO, S 151 and MO) will be responsible for overseeing management of the breach in accordance with the Data Breach Management Plan. Suitable further delegation may be appropriate in some circumstances.

6 Reporting a Breach

Internal

Suspected data security breaches should be reported promptly to the DPO as the primary point of contact on 01277 312707, email: DPO@brentwood.gov.uk. The report must contain full and accurate details of the incident including who is reporting the incident [and what classification of data is involved]. The incident report form should be completed as part of the reporting process. See Appendix 1. Once a data breach has been reported an initial assessment will be made to establish the severity of the breach. See Appendix 2.

All data security breaches will be centrally logged by the DPO to ensure appropriate oversight in the types and frequency of confirmed incidents for management and reporting purposes.

External

Article 33 of the GDPR requires the Council as data controller to notify the ICO only when the breach “is likely to result in a risk to the freedoms and rights of natural persons”. Such a breach also must be communicated to the data subject (with certain exceptions). Notification must be made “without undue delay” and within 72 hours of becoming aware of it. If the Council fails to do this, it must explain the reason for the delay.

Article 33(5) requires that the Council must maintain documentation on data breaches, their nature and remedial action taken.

A report to the ICO must contain information as to the nature of the breach, categories of data,, number of data records, number of people affected, name and contact details of DPO, likely consequences of the breach and action taken.

7 Data Breach Management Plan

The Council’s response to any reported data security breach will involve the following four elements.

- A. Containment and Recovery
- B. Assessment of Risks
- C. Consideration of Further Notification
- D. Evaluation and Response

Each of these four elements will need to be conducted in accordance with the checklist. An activity log recording the timeline of the incident management should also be completed.

NB. This reflects current guidance from the ICO, which is likely to change.

8 Disciplinary

Officers, members, contractors, visitors or partner organisations who act in breach of this policy may be subject to disciplinary procedures or other appropriate sanctions.

9 Review

This document shall be subject to annual review by the DPO/SIRO and MO.

10 References

- **The GDPR**
<https://gdpr-info.eu/>

- **ICO GUIDANCE ON DATA BREACHES**

https://ico.org.uk/media/fororganisations/documents/1562/guidance_on_data_security_breach_management.pdf

BRENTWOOD BOROUGH COUNCIL

Information Security Policy

Title:	Information Security Policy
Purpose:	To ensure information is kept secure
Owner:	Data Protection Officer
Approved by:	Head of Legal Services
Date:	
Version No:	2.0
Status:	APPROVED BY PP&R COMMITTEE
Review Frequency:	Annually or when changes made to relevant Information Governance law
Next review date:	As above
Meta Compliance	IT to ensure policy subject to this

1. Introduction

This policy defines the Information Security Policy and is part of the Information Governance suite of policies including:

Access Control Policy

E Mail Policy

Information Classification & Handling Policy

Physical Security Policy

Conditions of Acceptable Use

Corporate Information Security Policy

.

2. Context

Information is essential to delivering services to our customers and the businesses we work with. Information security refers to the protection of physical information or information systems from unauthorised or unintended access, destruction or tampering. It is important to act appropriately with the information we hold. Confidentiality, integrity and availability of information must be proportionate to maintain services, comply with the law and provide trust to our customers and partners. Consequences of unauthorised access/loss of information, in particular personal data, can result in serious financial and reputational harm to BBC, its customers and businesses.

3. Application of Policy

Everyone who accesses information we hold must be aware of these policy statements and their responsibilities in relation to information security.

The Council commits to informing its employees, members, voluntary workers, agency staff, contractors and other third parties of their obligations before they are authorised to access systems and information and subsequently at regular intervals. Other organisations and their users granted access to information held by our organisation must abide by this policy.

All those who access information may be held personally responsible for any breach or misuse.

4. The law

Article 32 of the GDPR says:

1. Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including inter alia as appropriate:
 1. the pseudonymisation and encryption of personal data;
 2. the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
 3. the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
 4. a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.
2. In assessing the appropriate level of security account shall be taken in particular of the risks that are presented by processing, in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.
3. Adherence to an approved code of conduct as referred to in [Article 40](#) or an approved certification mechanism as referred to in [Article 42](#) may be used as an element by which to demonstrate compliance with the requirements set out in paragraph 1 of this Article.
4. The controller and processor shall take steps to ensure that any natural person acting under the authority of the controller or the processor who has access to personal data does not process them except on instructions from the controller, unless he or she is required to do so by Union or Member State law.

OBLIGATIONS

- Only access systems and information for which you are authorised.
- Only use systems and information for the purposes authorised.
- Comply with all applicable legislation and regulation.
- Comply with controls communicated by the Council, its Service Managers ('Information Asset Owners') and the Data Protection Officer (DPO).
- Do not disclose confidential or sensitive information to anyone without the permission of the Council. In practice, this will usually be your line manager but if in any doubt, please contact the DPO for guidance.

- Ensure confidential or sensitive information is protected from view by unauthorised individuals. See our **Clear Desk Policy**
- Do not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are your responsibility.
- Protect information from unauthorised access, disclosure, modification, destruction or interference.
- Keep passwords secret and do not allow anyone else to use your access to systems and accounts.
- Notify the DPO of any actual or suspected breach of information security and assist with prompt resolution, including taking all steps necessary to limit breaches and to avoid repetition of such breaches.
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information.
- Ensure you/your staff have completed the **online FOI and DPA awareness training**.

ROLES AND RESPONSIBILITIES

The organisation

- Ensures compliance with law governing the processing and use of information.

The Chief Executive

- Acts as the 'Accountable Officer' ensuring that all information is appropriately protected.

Senior Information Risk Officer

- Assures information security within the organisation
- Promotes information security at executive management level
- Provides an annual statement about the security of information assets

Data Protection Officer

- Manages the investigation and mitigation of information breaches
- Supports Management in assessing risks and implementing controls
- Keeps the SIRO fully briefed on all information risk matters

Service Managers (Information Asset Owners)

- Assess the risks to the information they are responsible for
- Define the protection measures of the information they are responsible for, taking account of the sensitivity and value of the information.
- Communicate the protection controls to authorised users and ensure controls are followed

- Ensure their staff have undertaken appropriate information governance training, including **online FOI and DPA awareness training**.

Senior Management Team

- Ensure their employees are fully conversant with this policy and all associated standards, procedures, guidelines and relevant legislation and are aware of the consequences of non-compliance.
- Introduce training and develop procedures, processes and practices which enable compliance with this policy across their business areas.
- Ensure all contractors and other third parties to which this policy may apply are aware of their obligation to comply with it.

Employees

- Conduct their business in accordance with this policy
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them, with particular emphasis on the need to ensure no information is released, published or otherwise disclosed without prior authorisation from their manager.
- Ensure they have received appropriate level FOI/DPA training based on their level of access to information.

Breach Statement

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you. The Council as well as those individuals affected is also at risk of financial and reputational harm. Fines of up to **€20,000,000** may be imposed on Councils for serious data breaches. Please report any actual or potential data breaches or other concerns relating to Information Governance to the Data Protection Officer as soon as possible.

END OF DRAFT POLICY

This page is intentionally left blank

BRENTWOOD BOROUGH COUNCIL

Data Consent Policy

Title:	Consent Policy
Purpose:	Guidance on obtaining someone's permission to use their personal data
Owner:	Data Protection Officer
Approved by:	Head of Legal Services
Date:	February 2018
Version No:	2.0
Status:	APPROVED BY PP&R COMMITTEE
Review Frequency:	Annually or when changes made to relevant Information Governance law
Next review date:	As above
Meta Compliance	IT to ensure policy subject to this

Introduction

This document sets out the Council's Data Consent Policy. It covers the processing and sharing of personal data and is part of the Information Governance suite of policies currently under review. If you require advice and assistance around any Information Governance matters (including for example Data Protection, data security and FOI requests) please contact the council's Data Protection Officer (DPO). Further information and resources including training and other online support are available on the council's intranet.

The GDPR and Consent

The GDPR sets a high standard for consent. Consent means offering individuals real choice and control. Genuine consent should put individuals in charge, build customer trust and engagement, and enhance the Council's reputation.

The GDPR states that an indication of consent must be unambiguous and involve a clear affirmative action (an opt-in). It specifically bans pre-ticked opt-in boxes. It also requires individual ('granular') consent options for distinct processing operations. Consent should be separate from other terms and conditions and should not generally be a precondition of signing up to a service.

You must keep clear records to demonstrate consent.

The GDPR gives a specific right to withdraw consent. You need to tell people about their right to withdraw and offer them easy ways to withdraw consent at any time.

Public authorities like Brentwood, employers and other organisations in a position of power may find it more difficult to show valid freely given consent.

You need to review existing consents and your consent mechanisms in your service to check that they meet the GDPR standard. If they do, there is no need to obtain fresh consent.

What must I do?

1. Staff must have respect for privacy and people's right to determine what happens to their personal and sensitive information, except in limited circumstances (please contact the Data Protection Officer (DPO) if you require advice and guidance in such cases.).
2. Individuals have the right to withdraw/withhold consent in most circumstances, and this must be respected and recorded appropriately.
3. Consent must be freely given, specific and informed.
4. All employees must ensure they consider the safety and welfare of the individual when making decisions on whether to share information about them.
5. All employees must establish the capacity of the individual's ability to provide consent.

6. When requesting consent, staff must ensure that information is provided in a suitable, accessible format or language for example, by providing large print or Braille versions and also consider the use of accredited interpreters, signers or others with special communication skills.
7. Where it has been established that an individual is unable to give consent (and where there is no existing legal representation) or to communicate a decision, employees must take decision about the use of information by taking into account the individual's best interests and any previously expressed wishes.
8. Where an explicit request by a child that information should not be disclosed to parents or guardians, or indeed to any third party, their decision must be respected except where it puts the child at risk of significant harm, in which case disclosure may take place in the public interest without prior consent.
9. Staff must record the decision to share personal information on an appropriate system which can be readily accessed.
10. Staff must not refuse to share information solely on the grounds that no consent is in place. Each case must be judged on a case by case basis as there will be some circumstances where we can share without the consent of the individual.

What if there is no consent?

The Council acknowledges that obtaining consent is not always possible, or consent may be refused. However, not obtaining consent or the refusal to give consent may not constitute a reason for not processing or sharing information. An individual's information can be disclosed without obtaining consent, if there is another lawful basis for processing.

The lawful bases for processing are set out in **Article 6 of the GDPR**. At least one of these must apply whenever you process personal data:

(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

NB Different criteria apply to **sensitive personal information** (now called "special categories of personal data". This is now defined as data relating to:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

In order to process special category data legally, you must identify **both** a lawful basis under **Article 6** **and** a separate condition for processing special category data under **Article 9**. These do not have to be linked. In summary, these are:

- (a) explicit consent of the person concerned; or
- (b) for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection; or
- (c) to protect the vital interests of the data subject or of another natural person; or
- (d) processing is carried out with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim (This does not apply to Councils); or
- (e) processing relates to personal data which are manifestly made public by the data subject; or
- (f) processing is necessary for the establishment, exercise or defence of legal claims; or
- (g) processing is necessary for reasons of substantial public interest; or
- (h) for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment; or
- (i) for reasons of public health; or
- (j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

Special Cases

Children

The duty of confidentiality owed to a **child/young person** who lacks capacity is the same as that owed to any other person. Occasionally, children/young people will lack the capacity to consent. An explicit

request by a child that information should not be disclosed to parents or guardians, or indeed any third party, must be respected except where it puts the child at risk of significant harm, in which case disclosure may take place in the 'public interest' without consent.

Criminal Offences

The GDPR rules for sensitive (special category) data do not apply to information about criminal allegations, proceedings or convictions. Instead, there are separate safeguards for personal data relating to criminal convictions and offences, or related security measures, set out in **Article 10**.

To process personal data about criminal convictions or offences, you must have **both** a lawful basis under **Article 6** and either legal authority or official authority for the processing under **Article 10**.

Article 10 also specifies that you can only keep a comprehensive register of criminal convictions if you are doing so under the control of official authority.

How must I do it?

See the checklist at the end of this policy statement and consult the DPO for further advice and guidance if you are uncertain about how to apply any part of it. **Breach Statement**

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you. The Council as well as those individuals affected is also at risk of financial and reputational harm. Fines of up to €20 million may be imposed on Councils for serious data breaches. Please report any actual or potential data breaches or other concerns relating to Information Governance to the Data Protection Officer as soon as possible, in accordance with the Council's Data Breach Policy

CHECKLIST

Asking for consent

- We have checked that consent is the most appropriate lawful basis for processing.
- We have made the request for consent prominent and separate from our terms and conditions.
- We ask people to positively opt in.
- We don't use pre-ticked boxes or any other type of default consent.
- We use clear, plain language that is easy to understand.
- We specify why we want the data and what we're going to do with it.

- We give individual ('granular') options to consent separately to different purposes and types of processing.
- We name organisations and any third-party controllers who will be relying on the consent.
- We tell individuals they can withdraw their consent.
- We ensure that individuals can refuse to consent without detriment.
- We avoid making consent a precondition of a service.
- If we offer online services directly to children, we only seek consent if we have age-verification measures (and parental-consent measures for younger children) in place.

Recording consent

- We keep a record of when and how we got consent from the individual.
- We keep a record of exactly what they were told at the time.

Managing consent

- We regularly review consents to check that the relationship, the processing and the purposes have not changed.
- We have processes in place to refresh consent at appropriate intervals, including any parental consents.
- We consider using privacy dashboards or other preference-management tools as a matter of good practice.
- We make it easy for individuals to withdraw their consent at any time, and publicise how to do so.
- We act on withdrawals of consent as soon as we can.
- We don't penalise individuals who wish to withdraw consent.

This page is intentionally left blank

BRENTWOOD BOROUGH COUNCIL

Data Protection Impact Assessments Policy

Title:	Data Processing Impact Assessments Policy
Purpose:	To ensure we assess and manage risk appropriately around personal data when adopting new or amended systems, contracts and processes
Owner:	Data Protection Officer
Approved by:	Head of Legal Services
Date:	March 2018
Version No:	2.0
Status:	APPROVED BY PP&R COMMITTEE 12/3/18
Review Frequency:	Annually or when changes made to relevant Information Governance law
Next review date:	As above
Meta Compliance	IT to ensure policy subject to this

Introduction

This policy defines the Data Protection Impact Assessments Policy and is part of the Information Governance suite of policies. If you require advice on this or any information governance matter, please contact the council's Data Protection Officer (DPO). Further information and resources including training and other online support are available on the council's intranet.

Policy points are numbered. The numbering corresponds to explanations of 'why?' and 'how?' for each point further down the page.

Data protection impact assessments (DPIAs) help us identify, assess and mitigate or minimise privacy risks with data processing activities. They are particularly relevant when a new data processing process, system or technology is being introduced.

DPIAs also support the accountability principle, as they help the council to comply with the requirements of the General Data Protection Regulation (GDPR) and demonstrate that appropriate measures have been taken to ensure compliance.

The Legal Requirement

Article 35 of the GDPR states:

“Where a type of processing in particular using new technologies, and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data. A single assessment may address a set of similar processing operations that present similar high risks.”

When should I do it?

A DPIA should be conducted as early as possible in any new project, so that its findings and recommendations can be incorporated into the design of the processing operation.

What must I do?

1. If you are managing any initiative to create a new process or contract or amend an existing process or contract which involves the use of personal data or business sensitive data, you must contact the Data Protection Officer (DPO) to begin the Data Processing Impact Assessment (DPIA) process.
2. If you are managing an initiative which requires a DPIA, you must begin the DPIA process in the planning phase of any project cycle or new contract.
3. DPIA's must be approved* before any activity being considered under the DPIA is implemented.
4. The owner of the process being considered under a DPIA is responsible for drafting the DPIA.

5. *DPIA's must be reviewed and approved by the service manager and Data Protection Officer in every case.
6. The Data Protection Officer must keep a central record of DPIA's carried out by Services; the DPIA's will identify risks and mitigations and approvals.
7. The Data Protection Officer will monitor performance against this policy and report to the Senior Information Risk Officer on areas for improvement.
8. The Data Protection Officer will review DPIA's to ensure that the requirements identified have been fully implemented.

Why must I do it?

1. Known as ***privacy by design***, the embedding of data privacy assessment into the design of projects can have the following benefits:
 - Potential problems are identified at an early stage.
 - Addressing problems early will often be simpler and less costly.
 - Increased awareness of privacy and data protection across the organisation.
 - Organisations will be less likely to breach the GDPR.
 - Actions are less likely to be privacy intrusive and have a negative impact on individuals.
2. To comply with the Information Commissioner's Code of Practice supporting compliance with the Data Protection Act, which may be viewed at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>
3. A DPIA may arrive at an outcome that the proposals in an initiative are not appropriate due to the degree of risk to the Council of breaching the Data Protection Act. In such instances, the Data Protection Officer will suggest possible alternatives, but may refuse to approve the proposal. If work has already begun on implementing the proposal and contractual arrangements have been entered into before being approved under a DPIA, this would represent a breach of this policy. This may result in the discontinuance of work already commenced and present BBC with legal, contractual and financial consequences.
4. The approval of a DPIA is the authorisation that BBC is satisfied that the risks of the proposal are acceptable. This policy is breached by implementing a proposal involving personal data without prior DPIA approval, rather than only in the event of something going wrong.

5. The Data Protection Officer can provide advice on what the DPIA needs to include but cannot complete the form on your behalf. The review of the DPIA needs to be objective.
6. To review and audit the quality of the process. To ensure recommendations in the DPIA have been implemented. To assist with future reviews on the same processes.
7. To ensure the process is working and refinements are made to improve performance.
8. To ensure recommendations have been adopted.

How must I do it?

1. If your initiative requires technical IT support, contact the IT manager in the first instance.
2. Once you have identified that personal data will be involved in your proposed project/contract, you should contact the Data Protection Officer for an initial discussion around your proposals and to run through the DPIA form.
3. If in doubt about the progress or status of your DPIA, contact the Data Protection Officer.
4. Use the Data Processing Impact Assessment Form within the Code of Practice document contained in the above-mentioned link.
5. Each DPIA will be reviewed by the DPO and proposals reviewed to assess with the process owner risks and consider suggestions for risk mitigation and approval of the DPIA once sufficient mitigation has been demonstrated.
6. The DPO will maintain a central record of all DPIA's for audit and reference/precedent purposes.
7. Reporting on statistics re: DPIA's received, implemented and breaches of policy.
8. DPO to ascertain from the relevant Service Manager that adequate controls are in place.

Breach Statement

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you. The Council as well as those individuals affected is also at risk of financial and reputational harm. Fines of up to €20,000,000 may be imposed on Councils for serious data breaches. Please report any actual or potential data breaches or other concerns relating to information governance to the Data Protection Officer as soon as possible.

This document includes a DPIA template for you to use.

References:

GDPR 2016

Data Protection Act 2018

Conducting Privacy Impact Assessments Code of Practice (ICO)

Human Rights Act 1998

BRENTWOOD BOROUGH COUNCIL

Privacy Notices Policy

Title:	Privacy Notices Policy
Purpose:	To ensure customers understand how and why their personal data is processed in accordance with the first principle under DPA
Owner:	Data Protection Officer
Approved by:	Head of Legal Services
Date:	March 2018
Version No:	2.0
Status:	APPROVED BY PP&R COMMITTEE 12/3/18
Review Frequency:	Annually or when changes made to relevant Information Governance law
Next review date:	As above
Meta Compliance	IT to ensure policy subject to this

Introduction

This policy defines the Privacy Notices Policy and is part of the Information Governance suite of policies. If you require advice and assistance around any information governance matters, please contact the council's Data Protection Officer (DPO). Further information and resources including training and other online support are available on the council's intranet.

What is a Privacy Notice?

A privacy notice is a statement that describes why and how an organisation collects, uses, retains and discloses or shares personal information. The notice should also explain what rights individuals have to control how the council uses their information.

Policy points are numbered. The numbering corresponds to explanations of 'why?' and 'how?' for each point further down the page.

What must I do?

1. Whenever we collect personal information about an individual, we must tell them why we are collecting it to assure them that their information is collected and used **fairly in accordance with the first Principle of the Data Protection Act (see further below for list of all DPA Principles)**. Personal data is information which could identify a living individual.
2. A Privacy Notice must, as a minimum, tell people who we are, what we are going to do with their information and who it will be shared with.
3. You must consider whether your privacy notice should provide more details such as information about people's rights of access to their data, your arrangements for keeping their data secure and how long it will be kept for.
4. You must review your Privacy Notices annually and where amendments are required to reflect changes to legislation, processes and/or information sharing agreements.
5. Where we collect information on behalf of a third party or vice versa, you must make this clear in the Privacy Notice.
6. If you intend to share the information, this must be included in your Privacy Notice. If the customer has a choice regarding whether the information is shared, this must be communicated, and they must be given the opportunity to opt out of sharing. If there is no choice, you should explain in the Privacy Notice why the sharing is necessary and legally justified.
7. If you would like to send your customers marketing information, including emails to update them on changes to our services, you must first obtain their consent to do this. This should be included in the Privacy Notice.

8. To encourage the public to provide us with their opinion on issues such as where they live or the services we provide, we may run competitions, perhaps attached to surveys. You must include details about how we will make use of their personal data.

9. If you are conducting a survey, you must always consider whether it is possible to collect the information without any personally identifiable information.

10. If we have told someone that their information is to be deleted after a certain period, we must ensure that we do this.

11. You must consider that when asking for postcode information that some postcodes can identify individuals' addresses, so this would be treated as personal identifiable information.

Why must I do it? (Note - please see list of the six Data Protection Principles further below)

1. This is a legal requirement under Chapter 3 of the GDPR

2. Basic legal requirement where personal data is being collected.

3. The level of detail required in the Notice depends on many factors; the more information being gathered, level of sharing and the longer you may want to keep it for dictates the need to explain more. If in doubt, consult the Data Protection Officer.

4. We must ensure that the Privacy Notice remains accurate and relevant to how we use the data.

5. The public has a right to know all parties involved in processing their personal data.

6. The public has a right to know all parties involved in processing their personal data.

7. People being able to control the volume and means of being contacted using their personal data is one of the key rights in the Data Protection Act.

8. Because we are collecting personal information, a Privacy Notice will need to be added. People may be more willing to participate if they know how their information will be used, for example, it will not be kept longer than is necessary.

9. Collection of personal data must always be justifiable and proportionate. This protects the privacy of individuals and a Privacy Notice is not always necessary if the information is completely anonymous.

10. Otherwise would be in breach of the Data Protection Act.

11. Particularly in rural areas, a postcode may identify a single property.

How must I do it?

1. This would normally be achieved by providing a statement, known as a Privacy Notice, on the form or paperwork that we are asking customers to complete.

2. A very simple, basic Privacy Notice may read as follows: "Brentwood Borough Council collects your personal information to process your xyz application. This information will not be shared with any other party unless the law requires us to do so". For further guidance on how to draft Privacy Notices, see:

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/how-should-you-write-a-privacy-notice/>

and

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/privacy-notices-under-the-eu-general-data-protection-regulation/>

3. Consider how you intend to process the data, how it will be used, stored, shared and retained. Consider what concerns customers may have over these issues and what benefits would come from reassuring customers with an explanation, or the risks from failing to provide sufficient explanation to them.

4. A review should look at what has been stated in the current Notice, considering whether anything has materially changed in how the data is being used and managed, and consider whether a change to the Notice is required.

5. The statement would then start as follows: "BBC collects this information on behalf of (third party) who are working in partnership with us for the purposes of (xyz). OR, "(third party) collects this information on behalf of BBC....".

6. If there is no choice available, an example text would be: "Your details, excluding your payment details, will only be shared with (third party) who work in partnership with us for the purposes of (xyz). OR, "We would like to share your information with (third party) so that they can provide further information and advice that may be of benefit to you. If you are happy with us sharing your information for this purpose, please tick this box".

7. An example could be: "We would like to contact you in the future to provide updates on xyz. If you would like to receive this information, please tick here".

8. An example could be: "The personal information you have provided will only be used to administer the prize draw and to select a winner at random. We will keep this information for one week after the closing date of the prize draw and will not share your information with anyone".

9. When planning a survey, start with the assumption that no personal data will be gathered. Each element of quality data that relies on personal data being provided should be considered by balancing the positive outcome for your survey against the level of personal data required to achieve it.

10. In many cases, someone's personal information is not relevant to the information on the survey itself, so if you wish to keep the survey, but not the personal details, make sure these can be removed.

11. Consider whether a full postcode is necessary. The first 3 or 4 digits of a postcode are considered not to be sufficient to disclose personal data, so this would be an acceptable alternative if the means of capturing the data make it clear that only part of the postcode is required, or participants are not able to enter more than 4 digits.

The Six Data Protection Principles

Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

Breach Statement

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you. The Council as well as those individuals affected is also at risk of financial and reputational harm. Fines of up to €20,000,000 may be imposed on Councils for serious data breaches. Please report any actual or potential data breaches or other concerns relating to information governance to the Data Protection Officer as soon as possible.

BRENTWOOD BOROUGH COUNCIL

Clear Desk Policy

Title:	Clear Desk Policy
Purpose:	To ensure information is kept secure
Owner:	Data Protection Officer
Approved by:	Head of Legal Services
Date:	FEBRUARY 2018
Version No:	2.0
Status:	APPROVED BY PP&R COMMITTEE []
Review Frequency:	Annually or when changes made to relevant Information Governance law
Next review date:	As above
Meta Compliance	IT to ensure policy subject to this

1. Introduction

This policy defines the Clear Desk Policy and is part of the Information Governance suite of policies. If you require advice and assistance around any Information Governance matters (including for example Data Protection, data security and FOI/EIR requests) please contact the council's Data Protection Officer (DPO). Further information and resources including training and other online support are available on the council's intranet.

2. Purpose

To ensure all personal and confidential information that the council holds is kept secure in accordance with the Principles of the Data Protection Act 2018 and under the Freedom of Information Act 2000.

3. Scope

This policy must be adhered to by all employees, elected members, contractors/agency workers, third party organisations or other authorised personnel.

4. Objectives

The objective of the Clear Desk Policy is to prevent unauthorised access to sensitive personal and/or confidential information.

5. Roles and responsibilities

Managers are responsible for implementing this policy within their departments and ensuring that staff comply with it. All staff will accept personal responsibility for compliance evidenced through online meta-data tools.

6. Policy statements

6.1 A clear desk will only contain: a telephone, computer, keyboard, mouse and mat or docking station for laptops and stationery. **A clear desk will not contain any information held by the council.**

6.2 Whether you have a fixed workplace or hot desk, when you have finished using your desk, or expect to be away from it for longer than 4 hours, you must clear all information from your desk and ensure that it is locked away.

6.3 When you have finished using your desk or expect to be away from it for longer than 4 hours, you must shut down your computer.

6.4 All information must be locked away in your department cupboard or filing cabinet.

6.5 Cupboard and filing cabinet keys must be kept secure.

6.6 PC's must be locked when you are going to be away from your desk for a short period of time, e.g. during comfort breaks.

6.7 Documents/information must not be left on top of cabinets.

6.8 All cabinets must be closed at the end of the day, with the appropriate cabinets locked for security.

12 March 2018

Policy, Projects and Resources Committee

Larkin's Playing Fields

Report of: *Kim Anderson, Partnership, Leisure and Funding Manager*

Wards Affected: *All Brentwood Borough Wards*

This report is: *Public report*

1. Executive Summary

- 1.1. The report considers a request by Brentwood Youth AFC to provide the club with long term tenure at Larkin's Playing Fields, subject to the relevant planning permission being granted and subject to contract with Brentwood Borough Council. In order that Brentwood Youth AFC can secure external funding to improve facilities at Larkin's Plying Fields, external funders such as the Football Association require a commitment from the landowner (Brentwood Borough Council) that will support their improvement plans and provide the club with long-term tenure at Larkin's Playing Fields. It is proposed that the attached letter of intent will be sufficient evidence of the Council's commitment to support improvement to the whole site. The report has been presented to the Community, Health and Housing Committee on 5 March for their consideration, but as this relates to one of the Council's Assets it was recommended that the report would be referred to Policy, Projects and Resources Committee for their consideration.

2. Recommendations

- 2.1 That Members agree to issue the proposed letter of intent to Brentwood Youth Club AFC.**

3. Introduction and Background

- 3.1. The Council has been approached by Brentwood Youth AFC (which is a merger of Kelvedon Hatch Football Club and Brentwood Athletic Football Club) over their proposals for improvements at Larkin's Playing Fields. In particular improvements to the existing car park, improvements to the playing pitches and the construction of a new pavilion building.

- 3.2. Officers and the Chair of Community Health and Housing Committee met with representatives from the club to discuss their proposals in August 2017.
- 3.3. While in principle the Council is supportive of improvement to the facilities there were a number of considerations that also needed to be considered as there is an existing Covenant (1928) in place which sets out the restrictions for Larkin's Playing Fields as follows:
- a) 'used as a Recreational Ground or Sports, or Cricket Field for the benefit of the young persons of the Town of Brentwood, aforesaid, be called 'Larkin's Field' and for no other purpose'
 - b) 'Not ever permit to be erected upon the said property hereby conveyed or any part hereof any dwelling house or other building or erection except as may be necessary to enable the said property to be enjoyed as a recreation ground or sports or cricket field.'
- 3.4. In order that Brentwood Youth AFC can secure external funding to improve the facilities at Larkin's Playing Fields, external funders such as the Football Association require a commitment from the landowner (Brentwood Borough Council) that will support their improvement plans and provide the club with long-term tenure at Larkin's Playing Fields.
- 3.5. As the site is also designated and maintained as public open space the Council would not be able to issue a lease for the whole site.

4. Issues, Options and Analysis of Options

- 4.1. The key issues with the site are improvements to the playing pitches, improvements to the car parking facilities and construction of a new pavilion building which will provide changing facilities for the football teams.
- 4.2. It is proposed to issue a letter of intent to the club which sets out the Heads of Terms for the lease for the footprint of the pavilion site, and a non-exclusive license to occupy the site. This will be subject to the relevant planning permissions being granted and also subject to any subsequent contract agreed with Brentwood Borough Council.
- a) That a lease of 25 years be granted for the pavilion building (using the existing footprint), subject to contract and the relevant planning

permissions being granted. A lease cannot be granted for the whole site as it needs to be maintained as public open space.

b) That a non-exclusive licence to occupy the playing fields (as indicated on the attached site map) be given to Brentwood Youth AFC.

c) Any rental income for the site is subject to negotiations with Brentwood Borough Council and if less than best consideration and for more than 7 years, it will be a requirement that any contract comes back to Policy, Projects and Resources Committee (or relevant committee) for Member consideration.

d) It is recommended that a joint improvement plan for the entire site is also developed so that the club can work in partnership with Brentwood Borough Council and the Football Association to further improve the facilities.

e) It is also recommended that a pre-application meeting with the Council's planning department is held to discuss the improvement plans for the site, the car park and the pavilion building.

f) Subject to all permissions and contracts being agreed, that a separate maintenance agreement for ongoing maintenance of the site is drafted and agreed with Brentwood Borough Council and Brentwood Youth AFC.

4.3. The proposal has also been referred to the Corporate Landlord project board for consideration and comment.

4.4. The report has been submitted to the Community Health and Housing Committee on 5 March 2018, but as Larkin's Playing Fields is a council owned asset it has also been referred to this committee for their consideration.

5. Reasons for Recommendation

5.1 The Council's Draft Leisure Strategy is also before Members tonight and some of the key recommendations within the Strategy is the improvement to leisure facilities across the Borough and working in partnership to deliver the expected outcomes from the Strategy. Comments received from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy is required that assesses Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the

residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan. Following this feasibility work, the Council will then be able to determine which projects will be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.

- 5.2 The Council's Asset Management Strategy 2014/15 also sets out the need to obtain maximise income where possible from its asset portfolio.

6. References to Council Priorities

The Leisure Strategy sits under two main strands of the Vision for Brentwood 2016-19: Environment and Housing Management to develop a Leisure Strategy to provide strong and sustainable leisure facilities for residents and businesses; and Community and Health - to work with community and voluntary organisations to develop the priorities for community development. There are also strong links for the priorities of the Council's Health and Wellbeing Strategy 2014-2017, the Local Development Plan, Active Brentwood/Essex and the Council's Asset Management Strategy 2014/15.

7. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Financial Services Manager
Tel & Email: 01277 312829
jacqueline.vanmellaerts@brentwood.gov.uk

- 7.1 One of the key drivers for the Leisure Strategy is to reduce the Council's current revenue and capital costs on its leisure facilities and ensure that they are affordable, sustainable and fit for purpose to meet future requirements.

- 7.2 Any contractual arrangements and rental income will come back to committee for consideration by Members if it is less than best consideration and longer than 7 years.

Legal Implications

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

- 7.3 The proposed improvement plans to establish the viability of the planned improvement to the facilities will ultimately constitute a material consideration in any Planning Decision in the matter.
- 7.4 In respect of the procurement of contracts if required, the Council must comply with approval and selection procedures as set out in its Constitution and where relevant, procurement regulations including the Public Contracts Regulations 2015. Legal Services are available to advise and assist as the project proceeds.

8. Background documents:

Local Development Plan
National Planning Policy framework
Fields in Trust - Guidance for Outdoor Sport Play: Beyond the Six Acre Standard

9. Appendices to this report

Appendix A – Draft letter of intent
Appendix B – Larkins Playing Fields Site Map

Report Author Contact Details:

Name: Kim Anderson
Telephone: 01277 312634
E-mail: kim.anderson@brentwood.gov.uk

This page is intentionally left blank



Date: XXXX

Our reference: LPF/LOI2018

Your reference:

Dear Lee

Larkin's Playing Fields

A report went to the Council's Policy, Projects and Resources Committee on 12 March 2018, which set out the request from Brentwood Youth AFC to provide the club with long-term tenure at Larkin's Playing Fields subject to the relevant planning permission being granted and subject to contract with Brentwood Borough Council.

As you are aware there is an existing Covenant (1928) in place which sets out the restrictions for Larkin's Playing Fields as follows:

'used as a Recreational Ground or Sports, or Cricket Field for the benefit of the young persons of the Town of Brentwood, aforesaid, be called 'Larkins Field' and for no other purpose'

'Not ever permit to be erected upon the said property hereby conveyed or any part hereof any dwelling house or any other building or erection except as may be necessary to enable the said property to be enjoyed as a recreation ground or sports or cricket field'.

In order that the Brentwood Youth AFC can secure external funding to improve facilities at Larkin's, external funders such as the Football Association require a commitment from the landowner (Brentwood Borough Council) that will support their improvement plans and provide the club with long-term tenure at Larkin's Playing Fields.

The key issues at the site are improvement to the playing pitches, improvement to the car parking facilities and the construction of a new pavilion building which will provide changing facilities for the teams.

This letter sets out draft Heads of Terms for the lease for the footprint of the pavilion site, and a non-exclusive licence to occupy site. This will still be subject to relevant planning permissions being granted and subject to any subsequent contract agreed with Brentwood Borough Council.

- That a lease of 25 years be granted for the pavilion building (using the existing footprint), subject to contract and the relevant planning permissions being granted.

A lease cannot be agreed for the entire site as it needs to be maintained as public open space.

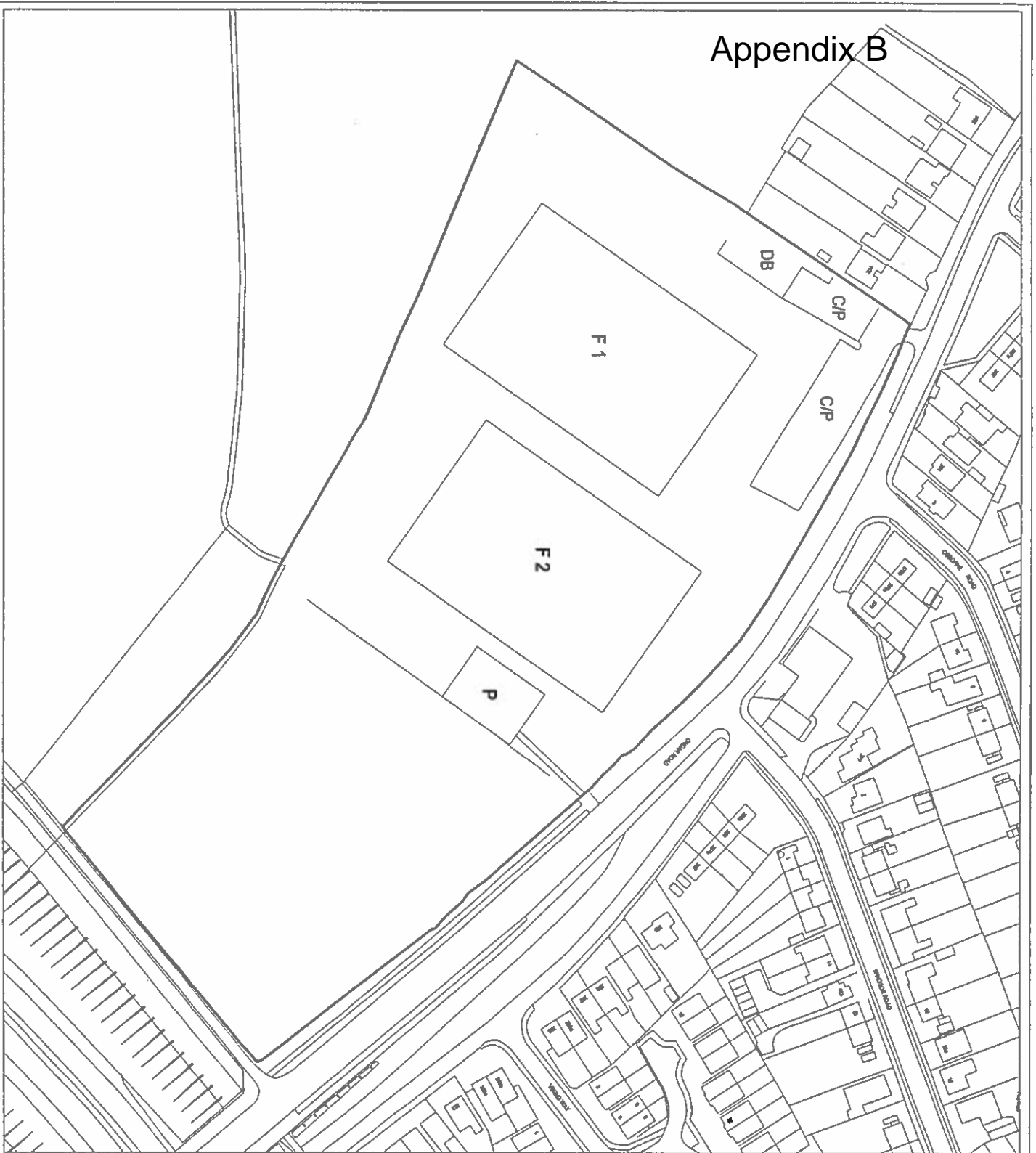
- That a non-exclusive licence to occupy the playing fields (as indicated on the attached site map) be given to Brentwood Youth AFC.
- Any rental income for the site will be subject to negotiations with Brentwood Borough Council and if less than best consideration and for a period longer than 7 years, it will be a requirement that any contract to come back to Policy, Projects and Resources Committee (or the relevant committee) for Member approval.
- It is recommended that a joint improvement plan for the entire site also be developed so that the club can work in partnership with Brentwood Borough Council and the Football Association to further improve the facilities.
- It is recommended that a pre-application meeting with the Council's Planning Department is put in place to discuss the improvement plans for the site, the car park and the pavilion building.
- Subjects to all permissions and contracts being agreed, that a separate maintenance agreement for ongoing maintenance of the site be drafted and agreed with Brentwood Borough Council and Brentwood Youth AFC.

At the 12 March Policy, Projects and resources Committee, Members agreed/ did not agree to the Council's Draft Leisure Strategy 2018-28 which sets out the Council's objectives and the desired outcomes. One of the key focus areas is the improvement and enhancement of facilities and as such the Council supports your proposals to improve the facilities at Larkin's Playing Fields. This is subject to all the relevant permissions and contracts being agreed in relation to the site.

Yours sincerely

XXXXX

Appendix B



NOTES

- F - Football Pitch
- P - Play Area
- C/P - Car Park
- DB - Demolished Building

Size and Position of labelled items are approximate

Community Services

R. McLintock
M.Sc D.M.S., Dip.Ed.

Deputy Chief Executive
and Director of Community Services

Project

Public Open Spaces

The

Larkins Playing Fields

Drawn By J.R.

Scale 1:1250

Date 28th July 1990

Checked

Revisions

Drawing No.



Carol O'Shea, Joyce Reid, Brenda
Edgar CHAISON Tel. 01277 281111

Produced from the 1990 Ordnance Survey 1:2500 mapping by permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction is prohibited without the prior written permission of the Controller.

This page is intentionally left blank

12th March 2018

Policy, Projects and Resources

Allotments

Report of: Philip Ruck – Chief Executive

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 There are a number of allotments within the Borough. These have attached to them a variety of statuses and lease arrangements
- 1.2 The council recognise the importance of allotments and their benefit to the community, and is seeking to ensure they are preserved for future generations.

2. Recommendations

- 2.1 To agree that a paper is prepared for the next PPR committee to
 - a) detail allotments that are deemed “statutory”
 - b) consider a referral to the Secretary of State, if appropriate, to appoint some additional allotments as “statutory”and
 - c) to agree a standard Heads of Agreement to apply to allotments (subject to any individual circumstances/peculiarities relating to particular allotments)

3. Introduction and Background

- 3.1 Section 23 of the Small Holdings and Allotments Act 1908, states that If a council believes that there is a demand for allotments, they have a statutory duty to provide a sufficient number of plots.

- 3.2 Whilst there is no legal national minimum provision standard, for councils to supply a minimum number of plots per thousand population, councils are required to audit allotments, set standards of provision, and assess their actual provision.
- 3.3 There is no legal minimum size for an allotment. The Allotments Act 1922 defines 'allotment gardens' as 'an allotment not exceeding forty poles in extent which is mainly cultivated by the occupier for the production of vegetables and fruit crops for consumption by himself or his family'. (Section 22) - That said, it is generally accepted that the average plot is 300 square yards or 250 square metres.
- 3.4 There is no legal requirement for the council to provide anything other than land on the allotment site.
- 3.5 Allotment sites owned by local authorities can be designated as 'statutory' or 'temporary' where 'statutory' sites are subject to some protection under the Allotments Act 1925.[107] 'Temporary' sites have no security beyond the usual planning system requirements. As a result of these differences, the designation of a site is important to local authorities and allotment holders alike.
- 3.6 The following is the response from government to the “allotments petition in 2007”

Quote

Planning Policy Guidance 17 (PPG17) requires that local authorities make provision for all types of open space that may be of public value. It also requires local authorities to undertake robust assessments of local needs for, and audits of, existing open space, sports and recreational facilities and to establish standards for new provision. It is expected that by implementing the guidance in PPG17, local authorities should make adequate provision for allotments.

Furthermore, if an allotment authority is of the opinion that there is a demand for allotments in its area, it is required under Section 23 of the Small Holdings and Allotments Act 1908, to provide a sufficient number of allotments and to let them to persons residing in its area who want them.

Written representations may be made to the local authority on the need for allotments by any 6 residents on the electoral register or persons liable to pay council tax, and the local authority must take those representations into account (section 23(2) of the Small Holdings and Allotments Act 1908). The Council must assess whether there is a demand for allotments in their area. If the council decides that there is a demand for allotments; they have a statutory duty to provide a sufficient number of plots. In terms of the duty to provide under section 23 of the Small Holdings and Allotments Act 1908 there is no time limit for provision once it has been established that there is a demand.

Unquote

4. Reasons for Recommendation

- 4.1 Appendix A details the current Allotment sites within the Brentwood area:
- 4.2 A number of discussions have taken place over the last 12 months with key stakeholders representing various allotments. It is clear from this that allotment users require clarity around the definition of “statutory” and “temporary” status and that appropriate lease/financial arrangements need to be defined and put into place.

5. Consultation

- 5.1 Discussions have been undertaken with allotment users who are in agreement with the suggested approach

6. References to Corporate Plan

- 6.1 Value for money: Policies that invest in key services to create opportunity for all, provide better value for Brentwood’s residents and enhance the community.

7. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Financial Services Manager

Tel & Email: 01277 312 829

jacqueline.vanmellaerts@brentwood.gov.uk

- 7.1 There are no direct financial implications arising from this report. The Council currently receives 10% of the Rental Income to Brentwood Horticultural Society.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

- 7.2 Legal Services are available to provide ongoing advice and assistance in relation to the redrafting of leases under this proposal and Legal Services will review the legal position in relation to the allotments, including statutory allotments, and will advise in more detail in the proposed upcoming report.

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

- 7.3 Not applicable

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

- 8.1 None

9. Appendices to this report

- 9.1 Appendix A – List of Allotment Sites

Report Author Contact Details:

Name: Philip Ruck – Chief Executive

Telephone: 01277 312648

E-mail: Philip.ruck@brentwood.gov.uk

Appendix A

List of Allotment Sites

Reference	Address	Site Area (Acres)	Plots
1	West Horndon - Cadogan	1.5	14
2	Hutton - Wash Road	2	70
3	Hutton - Fielding Way	1	14
4	Ingrave - Middle Road	1.5	18
5	Hartswood	7	269
6	Crescent Road	4	108
7	River Road	1	28
8	Honeypot Lane	1	34
9	Park Road	10	178
10	Ongar Road	2	71
11	Bishops Hall Road	1	13
12	Birkbeck Road (Trading Shed)	0.50	5
	Birkbeck Road		
13	Whittington Road		
	Total	32.5	822

This page is intentionally left blank

12 March 2018

Policy, Projects and Resources Committee

Leisure Strategy

Report of: Kim Anderson, Partnership, Leisure and Funding Manager

Wards Affected: All Brentwood Borough Wards

This report is: Public report

1. Executive Summary

- 1.1. The Leisure Strategy is one of the key strategies as set out in the Vision for Brentwood 2016-19 document. The Council has ageing facilities and needs to ensure that its leisure facilities are not only fit for purpose now but in the future. The Strategy and action plan sets out the vision, what the Council needs to achieve, the challenges it faces and how the priorities and outcomes have been identified. The Leisure Strategy is a large piece of work, so it has been split into workstreams to enable its delivery. The Strategy will cover a period of 10 years, but the supporting action plan will be a live document which will be reviewed and updated regularly to note the progress on the delivery of the Strategy.
- 1.2. The draft Leisure Strategy was presented to Community, Health and Housing Committee on 5 March for approval with a recommendation to refer to Policy, Projects and Resources Committee due to the resources and budgets that need to be agreed by Members.

2. Recommendations

- 2.1 **That Members agree to the draft Leisure Strategy and action Plan and;**
- 2.2 **The draft Leisure Strategy is put out for consultation and the final strategy comes back to the relevant committee for approval.**
- 2.3 **Subject to approval at Policy, Projects Resources Committee and the required resources and budgets being agreed that delegation is given to the Chief Executive in consultation with the Chair of Community Health and Housing Committee to appoint a Leisure Development Partner to develop a business case for the improvements to King George's Playing Fields.**

3. Introduction and Background

- 3.1. The Leisure Strategy provides a comprehensive overview of the opportunities and challenges to the Council's leisure development and operational partners. A number of assessments have been undertaken which have been used to identify the priorities in relation to the Council's leisure facilities including key assessment documents, local profiles for Brentwood and the priorities and expected outcomes from the Department of Culture, Media and Sport, Department of Health, Sport England, National Governing Bodies of Sport, together with Active Essex, Brentwood Health and Wellbeing Board and the Brentwood and Basildon Clinical Commissioning Group.
- 3.2. The national context is seeing increased activity levels as the golden thread that can support a healthy community, physically and mentally and economically.
- 3.3. Providing the right mix of activities and evidenced based programming is key to delivering the priorities and outcomes for the Leisure Strategy so that there is support for residents and visitors from the cradle to the grave.
- 3.4. One of the key challenges for the Council is its current financial situation together with a portfolio of ageing facilities which is not sustainable.
- 3.5. The Council needs to decide where it needs to prioritise its investments, how improvements to facilities can be funded and ensuring that the right operators are in place to deliver the right programme of activities to support needs of the residents.
- 3.6. The Council may have to make some tough decisions on some of its facilities that may need to be consolidated and identify those that could benefit from investment and improvement.
- 3.7. The Council has commissioned a number of assessments and reports which have been used to inform the priorities of the Strategy.
- 3.8. It was agreed at the Policy, Projects and Resources Committee on 20 June (min. ref.42) that the Leisure Strategy work will be split into three

separate phases to allow officers and Members to thoroughly explore the options available to them, and that the Leisure Strategy Working Group (LSWG) would be established to scrutinize any of the work and report back to the Corporate Projects Scrutiny Committee with recommendations, and that these recommendations would be referred on to the Community, Health and Housing Committee or other relevant committee as appropriate.

- 3.9. Phase 1 would include King George's Playing and Warley Playing Fields. Phase 2 would include the Council's play areas and Phase 3 would include options for the Brentwood Centre and the longer term strategic view of the Council's leisure facilities.
- 3.10. All Members were invited to attend two Leisure Developments presentations in November 2017 which highlighted some of the advantages of working with a Leisure Development Partner when developing the Council's Leisure Strategy and the future vision for its leisure facilities.
- 3.11. At the Council's Corporate Projects Scrutiny Committee on 21 November 2017, the LSWG recommendations (min. ref. 168) were agreed by the Committee and submitted to Community, Health and Housing Committee on 4 December 2017 for their consideration. The recommendations were for officers to facilitate a workshop with industry experts and Members to drive the outcomes and principles of the Council's Leisure Strategy. Following on from the workshop session, it was recommended that officers liaise with industry experts to develop the Leisure Strategy for Brentwood to enable the Council to deliver the outcomes, agree the short-term priorities and longer-term objectives. That officers and Members explore the potential of a parallel procurement process when developing the Leisure Strategy subject to the Council's procurement procedures.
- 3.12. It was also recommended at the Council's Corporate Projects Scrutiny Committee on 21 November 2017 that a slight revision to the Terms of Reference be implemented to remove 'phases and replace with workstreams to enable greater flexibility when developing the strategy (min. ref. 168).
- 3.13. Members were invited to attend two workshops with industry experts in January to assist and inform the framework of the Leisure Strategy within

the parameters of the Council's current financial constraints. This will enable the Council to be clear about how it can deliver the desired outcomes, prioritise areas of investment and identify any areas that could be rationalized to reduce Council expenditure.

- 3.14. It is important that the Leisure Strategy aligns with the priorities for Sport England and National Governing Bodies for Sport (NGBs) which could realise significant external funding contributions which will have an impact on the Council's financial capacity to deliver realistic improvements to the Council's leisure facilities.
- 3.15. The draft Leisure Strategy and action plan is before Members tonight for approval. Subject to approval, the draft strategy will be put on the Council's website for consultation with a deadline for comments and feedback before the start of Purdah (27 March 2018). These comments will be reviewed and fed into the final strategy which will come back to the relevant committee for approval.

4. Issues, Options and Analysis of Options

- 4.1. The Leisure Strategy is one of the key strategies as set out in the Vision for Brentwood 2016-19 document. To deliver a successful Strategy, Members and Officers need to have a complete picture of the costs of the current provision, how it measures in terms of value for money, the future options available to them, together with any risk profiles associated with its leisure facilities.
- 4.2. The LSWG identified that without a Leisure Strategy in place the Council has no clear path on how it will deliver the desired outcomes or identify the priorities that will support delivery.
- 4.3. The key decision for Brentwood Borough Council is how to provide the level of leisure provision for both the current and future Brentwood residents, bearing in mind that it has existing but ageing facilities and that the Council will also be faced with ongoing budgetary and development growth pressures.
- 4.4. The draft Leisure Strategy sets out:
 - a) The overall vision;
 - b) What the council needs to achieve;
 - c) How the Council has identified the priorities;
 - d) The existing provision;

- e) The key issues facing the Council;
 - f) How the Council will deliver the strategy;
 - g) Workstreams and priorities;
 - h) Who can deliver the strategy, and;
 - i) Action plan which set out the priority areas and actions to achieve the desired outcomes.
- 4.5. The draft Leisure Strategy was presented to the Community, Health and Housing Committee on 5 March 2018 for their consideration. As the contents of the strategy also deals with proposed improvements to Council assets and any future resources and budgets need to be identified and agreed, the strategy is before Members of the Policy, Projects and Resources Committee tonight for their consideration.
- 4.6. The draft Leisure Strategy and Action Plan is attached in Appendix A.
- 4.7. It is recommended that to progress improvements in King George's Playing Fields, and subject to the resources and budgets being agreed, that a Leisure Development Partner is appointed to develop a business plan for the planned improvements.
- 4.8. It is also recommended that subject to approval at Policy, Projects Resources Committee and the required resources and budgets being agreed that delegation is given to the Chief Executive in consultation with the Chair of Community Health and Housing Committee to appoint a Leisure Development Partner to develop a business case for the improvements to King George's Playing Fields.
- 4.9. The completed business case will identify possible options, the amount of investment required, external funding options and the commercial viability that could attract private partners and provide an income to the Council. Any proposed development plans will be required to come back to the relevant committee for consideration.

5. Reasons for Recommendation

- 5.1** As part of the Council's due diligence in delivering a successful Leisure Strategy, Members and Officers need to have a complete picture of the current associated costs, risk profiles for the Borough' Leisure facilities and identify opportunities for the income generation.
- 5.2** Comments received from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy is required that assesses

Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan. Following this feasibility work, the Council will then be able to determine which projects will be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.

- 5.3** The Council's Asset Management Strategy 2014/15 also sets out the need to obtain maximise income where possible from its asset portfolio.

6. References to Council Priorities

The Leisure Strategy sits under two main strands of the Vision for Brentwood 2016-19: Environment and Housing Management to develop a Leisure Strategy to provide strong and sustainable leisure facilities for residents and businesses; and Community and Health - to work with community and voluntary organisations to develop the priorities for community development. There are also strong links for the priorities of the Council's Health and Wellbeing Strategy 2014-2017, the Local Development Plan, Active Brentwood/Essex and the Council's Asset Management Strategy 2014/15.

7. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Financial Services Manager
Tel & Email: 01277 312829
jacqueline.vanmellaerts@brentwood.gov.uk

- 7.1 One of the key drivers for the Leisure Strategy is to reduce the Council's current revenue and capital costs on its leisure facilities and ensure that they are affordable, sustainable and fit for purpose to meet future requirements.

The Council needs to ensure that all costs and income are identified and agreed at all stages of the delivery of the Leisure Strategy and the appropriate procurement processes are adhered to.

There will be associated costs for the development of the business plan for King George's Playing Fields which will be allocated to the Leisure Strategy work from the Council's reserves subject to approval from Ordinary Council.

The Council's Partial Exemption (VAT) calculation which the Council has to complete annually, and any future VAT claims will need to be considered alongside decisions made with regards to the Council's Leisure strategy, so the Council keeps its VAT costs to a minimum.

Legal Implications

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

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

The Council must comply with procurement regulations and its Constitution Contract Standing Orders, when commissioning contractors and/or partnerships, as well as complying with its own policies and procedures in relation to service partnerships. Legal Services is available to advise and assist as matters progress.

8. Appendices:

Appendix A – Draft Leisure Strategy and Action Plan

Background documents:

Local Development Plan

National Planning Policy framework

Fields in Trust - Guidance for Outdoor sport Play: Beyond the Six Acre Standard

PLC report

4Global report

Sport England

Leisure Strategy summary report

Report Author Contact Details:

Name: Kim Anderson

Telephone: 01277 312634

E-mail: kim.anderson@brentwood.gov.uk

This page is intentionally left blank

BRENTWOOD BOROUGH COUNCIL

Leisure Strategy 2018-2028

Built for today fit for tomorrow

Contents

1. Foreword
2. The Strategy
3. What we need to achieve
4. How have we identified the priorities?
 - a. National context
 - b. County context
 - c. Brentwood context
 - d. What does the local profile for Brentwood tell us?
5. Existing provision in Brentwood
6. Key issues facing the Council
7. How will we deliver a successful Strategy?
 - a. Built facilities
 - b. Open Spaces
 - c. Play areas
 - d. Sport
 - e. Health and Wellbeing
 - f. Management and Oversight
8. Who can deliver the Strategy?
9. How can the Leisure Strategy be delivered?
10. Leisure Strategy Action Plan

11. Appendices

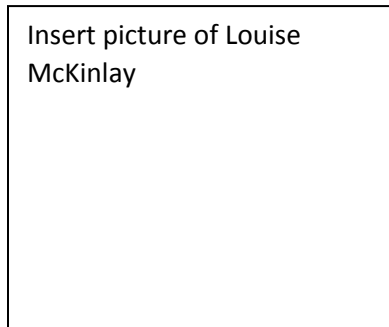
- a. 4Global reports
- b. Play Pitch and non-pitch assessment
- c. Built facilities assessment

12. Background documents and links

- a. Sport England Strategies
- b. Public Health England – Brentwood Borough Health Profile
- c. Essex Health and Wellbeing Board Joint Health and Wellbeing Strategy
- d. Active Essex Strategy 2017-2021– 1,000,000 People Active
- e. Brentwood Borough Council - Local Development Plan
- f. Brentwood Borough Council - Pitch Non-Pitch Assessment
- g. Brentwood Borough Council - Open Space Assessment
- h. Brentwood Borough Council - Built Facilities Assessment
- i. Essex Health and Wellbeing Board Joint Health and Wellbeing Strategy
- j. Strategic Asset Management Plan

Page 89

1. Foreword



The Borough of Brentwood is a borough is fortunate to have plenty of leisure opportunities from playing sport, visiting the Brentwood Centre or the play areas, or walking in the parks and open spaces, there is something for everyone. Maintaining and developing the wide range of facilities is important to ensure that Brentwood remains a great place to live, work and visit.

The Leisure Strategy provides the context within it sits and then sets out the vision, strategic priorities and key indicators that the Council will focus on over the next few years. The Leisure Strategy is closely aligned to the Council's Corporate Plan 2016-19, the Local Development Plan, the Asset Management Strategy and the Brentwood Health and Wellbeing Board Strategy and supports government, county and local priorities which improve the health and wellbeing of the population.

There has never been a more important time to use sport and physical activity to create a fitter and healthier population when we are tackling growing levels of obesity and diabetes, mental health problems and other conditions associated with a growing culture of inactivity. This is especially the case with technology and young people as well as the ageing population.

The challenge facing Brentwood is clear - the Council needs to reduce its expenditure, it has a number of ageing leisure facilities, the borough age profile is changing, with the number of people over 65 expected to increase by around a **third?** Increasing participation in sport and physical activity is key to supporting the health and wellbeing priorities.

The Council needs to ensure that it has a clear strategic vision for the future of its leisure facilities, so that resources are applied effectively. This will ensure that local people enjoy high quality sustainable leisure facilities that suit their lifestyle and maintain and improve the quality of their lives.

The Council cannot achieve all the desired outcomes alone and will work with partner organisations to continue to offer varied activity programmes for all ages, supported by a focused sports development function, which will contribute to the health of our community and the prosperity of the Borough.

2. Introduction

The Government and Sport England recognise the importance of sport and physical activity has on the health and wellbeing of the population and have five key outcomes that they want to achieve.

- Physical Wellbeing - Increase the percentage of people that are physically active and decrease in those that are physically inactive;
- Mental Wellbeing - Improve subjective wellbeing of participants;
- Individual development – Increased levels of perceived self-motivation to change their behaviour;
- Social and community development - Increase levels of social trust in communities
- Economic Development – Value of sport to the UK economy.

Public Health England's Strategy 2014, Everybody Active, Every Day also looks at the importance of improving the general awareness of the benefits of regular physical activity.

The Council, its partners and the recommendations from assessments have helped to identify the priorities for Brentwood in relation to its leisure facilities. In addition, local health profiles for Brentwood and the priorities and expected outcomes identified from Sport England, National Governing Bodies for Sport, Active Essex, Health and Wellbeing Board (Essex and Brentwood) and Brentwood and Basildon Clinical Commissioning Group.

The Council alone cannot deliver all of the outcomes of this strategy and will need to work in partnership with other organisations to promote the health and wellbeing objectives to support all of our local communities. Therefore, many priorities and expected outcomes within this strategy will also compliment other partners' objectives.

The Strategy has not been developed in isolation and is closely aligned to the Council's Corporate Plan (2016-19), the Local Development Plan, the Asset Management Strategy and the Health and Wellbeing Board priorities.

The Leisure Strategy's action plan is a live document and an annual update will be presented to the Council's relevant committee to look at the progress of the strategy against the recommendations and expected outcomes. The Leisure Strategy will be reviewed in **XXXX**.

3. What we need to achieve?

The Council needs to ensure that its sport and leisure facilities will be sustainable in the future and broaden their impact on improving community health. The strategy focus is on its leisure facilities being high quality, accessible, affordable and sustainable in the future. It also needs to ensure that the facilities are the right mix to meet the future needs of our residents within the constraints of Councils financial situation. It needs to encourage the community to increase their participation levels especially amongst target groups such as young people and well as the ageing population, which in turn will improve the health and wellbeing of our residents.

The Council needs to reduce its expenditure, and as the provision of sport and leisure is a non-statutory service, it would like to get to the point where any leisure provision is at a minimum a nil cost to the Council. If a surplus income is obtained from its facilities, then this income is used to support those elements of leisure that will still remain a cost to the Council. Due to these budgetary constraints the Council needs to identify and prioritise the areas of investment and its longer-term objectives that will drive the expected outcomes. These are set out in the action plan (Section 10) which will be reviewed and updated on an annual basis to measure progress.

4. Strategy context

The Council has looked at the key priorities from a national, county and local context when developing this Strategy. Alignment to national strategies and being able to deliver their expected outcomes can assist the Council in attracting external funding to support investment in facilities.

a) National Context

Sport England

Sport England's Strategy Towards an Active Nation 2016-21 defines inactivity as doing less than 30 minutes of moderate intensity activity per week. Their main priorities are to:

- **Focusing more money and resources on tackling inactivity** because this is where the gains for the individual and for society are greatest
- **Investing more in children and young people from the age of five** to build positive attitudes to sport and activity as the foundations of an active life
- **Helping those who are active now to carry on, but at lower cost to the public purse over time**
- **Putting customers at the heart of what we do**, responding on how they organise their lives and helping the sector to be more welcoming and inclusive
- **Helping sport to keep pace** with the digital expectations of customers
- **Working nationally where it makes sense to do so** but encouraging local collaboration to deliver a more joined-up experience of sport and activity for all
- **Working with a wide range of partners**, including the private sector, using our expertise as well as our investment to help align their resources

- Working with our sector to encourage innovation and share best practice, particularly through applying the principles and practical learning of behaviour change

They will measure the success of their strategy through the following KPIs:

- Increase the percentage of the population taking part in sport and physical activity at least twice in the last month
- Decrease in the percentage of people physically inactive
- Increase the percentage of adults using outdoor space for exercise/health reasons
- Increase in the percentage of children achieving physical literacy
- Increase the percentage of young people (11-18) with a positive attitude towards sport and being active
- Increase in the number of people volunteering in sport at least twice in the last year
- The demographics of volunteers in sport to become more representative of society as a whole
- Reduce the percentage of publicly owned facilities with under-utilised capacity
- Support employment in the sport sector

National Planning Policy Framework

The National Planning Policy Framework (NPPF) promotes a forward planning approach to the provision of activities and opportunities to participate in sport and add value to the work of others and help to deliver sustainable development goals.

They achieve this through:

- Recognising and taking full advantage of the unique role of sport and physical activity in contributing to a wide array of policy and community aspirations, including leisure, health and education
- Using sport and activity as a fundamental part of the planning and delivery of sustainable communities

- The development of partnership working using sport an active recreation as common interest

Planning objectives

- Protect existing facilities
- Enhance the quality, accessibility and management of existing facilities
- Provide new facilities to meet demand

b) County Context

Active Essex

Active Essex provides the strategy lead for physical activity and sport across Essex and is supported by Essex County Council and Sport England. The Strategy for 2017-21 is focussed on increasing and sustaining 1million people's participation across Essex.

Their key priorities

- Drive and sustain participation – focus on getting more people in Essex being active, taking part and living healthy and active lifestyles
- Improve Health and Wellbeing – focus on changing behaviours to reduce inactivity and make a real impact on physical and mental health and wellbeing
- Develop individuals and organisations – focus on enabling people and organisations to develop skills, achieve goals, ambitions and maximise their potential
- Strengthen localities, communities and networks - focus on leading, developing and driving the Eco-system across Essex, raising the profile and impact of physical activity and sport

c) Local context

Brentwood Borough Council Corporate Plan 2016 -19

The Leisure strategy sits across many strands under the Council's Corporate Plan.

Environment and Housing Management

- Develop a leisure strategy to provide strong and sustainable leisure facilities for residents and visitors
- Develop effective partnership arrangements with key agencies to deliver services

Community and Health

- Encourage thriving and engaged communities
- Make Brentwood a Borough where people feel safe, healthy and supported

Economic Development

- Develop conditions for job creation and help people back into work
- Promote mixed economy, maximising focus on both retail and other commercial opportunities
- Work with other Essex local authorities to promote Essex for shared economic gain
- Consider how Council assets can be utilised to promote sustainable development in the Borough
- Support economic growth and sustainable development

Transformation

- Explore alternative methods of service delivery, including shared services and outsourcing

Brentwood Health and Wellbeing Strategy 2017-22

The Health and Wellbeing Strategy for Brentwood sets out three key priority areas:

- **Ageing Well**
 - Reduce levels of social isolation through increasing activity and strengthening connections within the community
 - Working with partners to promote winter warmth message to prevent ill health during winter months
 - Support the over 50s to increase levels of physical activity through a range of activities

- **Tackling Obesity and Improving physical health**
 - Work with partnership with schools to explore further opportunities to support them in taking actions tackling child obesity
 - To work with partners to establish opportunities for residents to become more physically active
 - To explore further opportunities to increase levels of active travel, working in partnership with schools and businesses to consider new initiatives
 - Support local food business in providing healthier alternatives for customers
- **Mental Health and Wellbeing**
 - To contribute to the Essex Mental Health Prevention Strategy through improving; Access to Services, Supporting Community Assets, Access to voluntary employment/encampment opportunities and promoting physical activity and good mental health
 - To support local schools and businesses to support pupils and employee mental health and wellbeing
 - To support residents living with dementia to live well

Leisure facilities assessments

The Council commissioned some key assessments of its leisure facilities which highlights the challenges and improvements that are required to ensure that Brentwood has sustainable and fit for purpose leisure facilities. The Value for Money Review and Options Appraisal examined the Council's built facilities, Hartswood Golf Course and its play areas, and the Play and Non-Play Pitch Assessment looked at both the outdoor and indoor facilities available in the Borough. The recommendations from these reports are set out in Appendix X and form part of the priorities within the strategy.

The economic value of sport and leisure in Brentwood

There is significant economic value to sport and leisure in Brentwood*

- Total direct economic value of sport £23.6m (1)
- Volunteering value £10.3m (1)
- Health (wider economic value) £31.2m (1)
- 698 total employment (1)
- 74% are 16+ population are economically active - 71.1% of those are in employment, and 3.5% are unemployed (2)

**Figures from Sport England (1) - ONS Annual population survey (2)*

5. What does the local profile of Brentwood tells us?

The Council needs to understand what the future demands of its residents will be that also informs the priorities for the strategy. We know that between 2015 – 2025*:

- Brentwood's population will increase from 75,000 to 81,800 so the Council will need to ensure that its leisure facilities can meet that increased demand

- Life expectancy is 8.7 years lower for men and 7.4 years lower for women in the most deprived areas of Brentwood than the least deprived areas, so the Council needs to provide targeted programming that will improve the health and wellbeing of residents and decrease health inequalities across the Borough
- 61.4% of residents aged between 16 and 64
- There is expected to be a 17% increase of over 65s which will put a greater demand on health, social services and housing needs
- There is expected to be 1,800 more under 19s
- 9,200 new babies will be born over the period

**Public Health England Brentwood Health Profile 2017*

Although Brentwood has no areas of distinct inequality, Brentwood South and Brentwood North wards are areas with higher levels of child poverty and long-term unemployment than others in the Borough, which may indicate health inequalities.

Age

- Brentwood has a higher than average 65+ age group and an increasing elderly population will put pressure on its services.
- Generally, Brentwood has good participation rates, but the Active People's Survey indicated that the activity in some age groups could be increased such as the 26 – 34year olds and the over 55s.

Health

- The health of people in Brentwood is generally better than the England average
- Life expectancy for both men and women in Brentwood is significantly better than the national average
- 12.6% of adults are **smokers**, lower than the national average
- 1,230 people aged over 65 are thought to have **dementia** and this number is expected to rise by 41% to 1,740 by 2030
- 65% of adults and 27.7% of 10-11year old children are **overweight or obese**
- 15.6% of residents have a disability of long-term health issue
- 20.2% of adults are doing enough physical activity to benefit their health
- 5% of Brentwood residents have **diabetes** and the figure has risen over the last 4 years
- 0.79%* (In CCG area) have a **mental health** problem although 4.5% of people completing GP survey report that they have a long term mental or physical health problem. Maybe due to under recording?
- 37.5 per 100,000 **cardiovascular disease**

Activity

Brentwood has relatively good activity levels when compared nationally. The Active Lives* survey for Brentwood identified that:

- 70.2 % active, 13% fairly active, 16.8% inactive
- 81.3% have taken part in sport and physical activity at least twice in the last 28 days
- 43.8% are active once a week

- 47.3% of males are active once a week
- 40.7% of females are active once a week
- 27.5% are active 3 x 30 mins a week
- 28.9% have a sport club membership
- 38% of residents did 30 minutes of moderate physical activity on five days or more

The survey also identified the perceived barriers to sport and physical activity

- 45% of residents are most likely to cite lack of time as the main reason for not taking more exercise
- 21% of resident's state that it is too expensive
- 20% of resident's state lack of motivation
- 20% of resident's state other family commitments

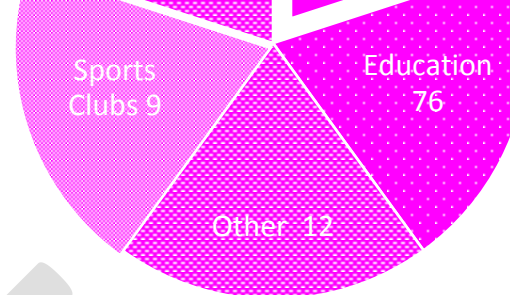
Essex Residents Survey October 2016

- 85% of Brentwood residents are satisfied with a high-quality environment
- 89% of Brentwood residents are satisfied with the local area as a place to live
- 85% of Brentwood are satisfied with their parks and open spaces
- 87% of Brentwood are satisfied with the ease of access to parks and open spaces
- 76% of Brentwood residents have good general health
- 20% of Brentwood say they have given unpaid help to groups, clubs or organisations over the last 12 months (lower than the county average)
- 48% of residents are satisfied with their local bus service

6. Existing provision

Our existing provision, the quantity, quality and accessibility of this, as well as the operational issues and geographic location. A full list of facilities in Brentwood is in Appendix X at the back of the strategy. The table below provides a summary of the facilities in Brentwood. Please note that not all leisure facilities are managed by Brentwood Borough Council. The assessments that have been undertaken consider the entire provision across the Borough and how accessible they are i.e. is it membership only, or are they based within an educational setting?

Type of facilities	Quantity
Artificial pitches	8
Grass pitches	123
Swimming Pools	18
Sports Halls	21
Tennis Courts	26
Parks and open spaces	41



7. Key issues facing the Council

Due to the current financial climate and reduced central government grants the Council needs to reduce its expenditure on its leisure facilities and ensure that they will be sustainable in the future. The leisure offer can deliver across different agendas, but it must evidence the difference it plays in tackling these challenges. This will involve working with partners to effectively coordinate limited resources across the Borough and monitor outcomes from interventions. It also needs to ensure that the facilities are the right mix to achieve the Council’s objectives. This could mean that some facilities are consolidated, while others could be expanded.

Customer’s tastes and preferences are continuing to change. Investment in facilities to match customer expectations based on customer feedback should be planned. Without a focus on keeping facilities attractive and appealing to our community, the service will not be sustainable. Therefore, the Council needs to ensure that there are not only the right facilities mix but the right programming is in place to meet customer needs across all age groups.

With limited resources the Council needs to prioritise its investment programme across the Borough and increase income streams that will support the future sustainability of its facilities. The commercial viability of some facilities will need to be balanced while maintaining the core community offer.

8. How will we deliver a successful strategy?

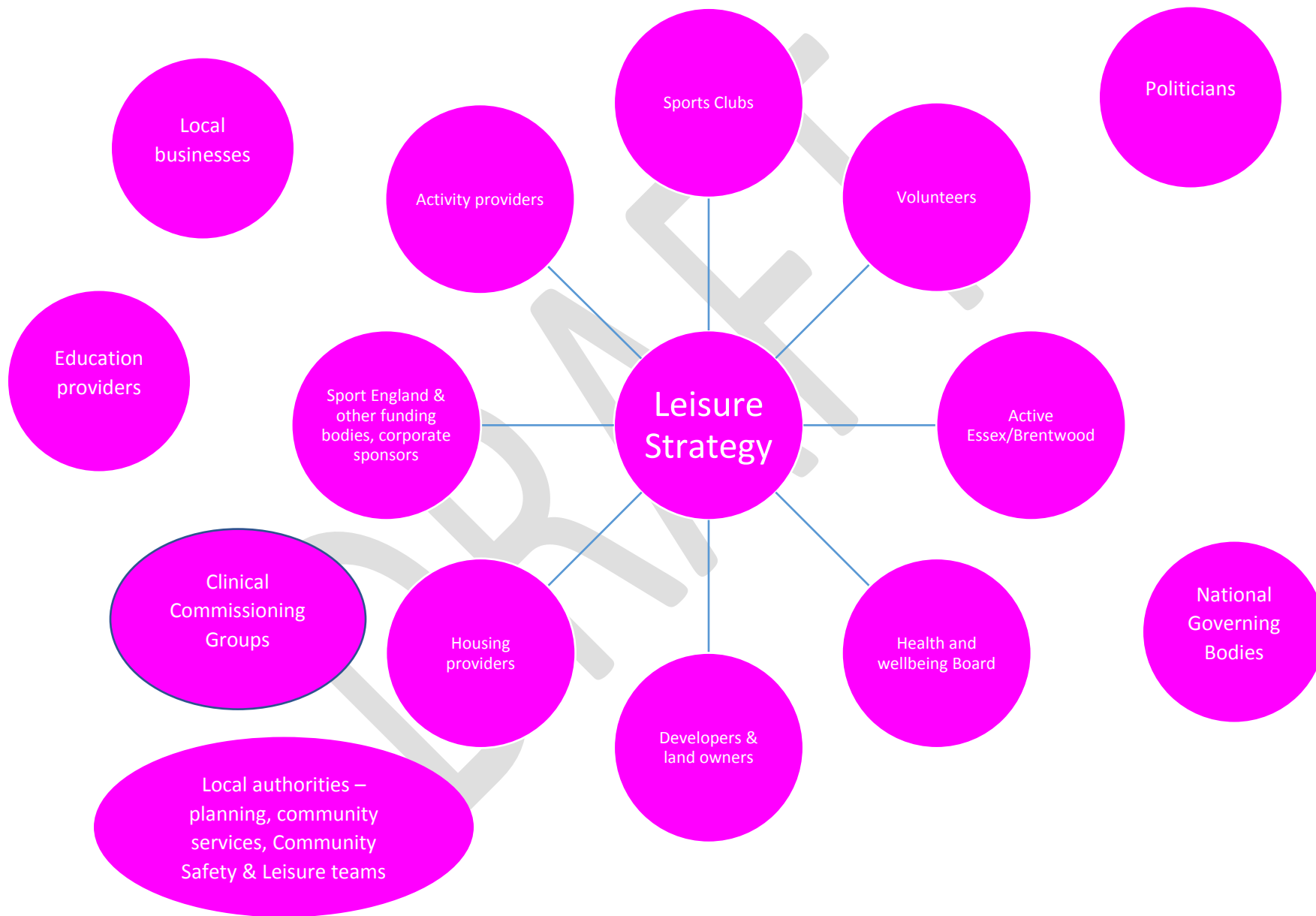


To deliver a strategy of this scale the work has been focused into workstreams to achieve the expected outcomes.

A successful strategy also requires a whole-system approach which will includes:

- Policy – local laws, governance, regulations and codes of practice
- Physical environment – Built facilities, open spaces, transport links
- Organisations and institutions – schools, health care, businesses, faith organisations, charities, clubs
- Social environment – Individual relationships, families, support groups, social networks
- Individuals – Individual attitudes, beliefs, knowledge, needs, behaviours

The Big Picture – key stakeholders and influencers in the Leisure Strategy



Brentwood Borough Council will use KPI's to measure the success across the course of the strategy aligning these to our priorities and outcomes. We will develop an annual delivery plan to define how we intend to work towards the strategic priorities, goals and associated outcomes. We will regularly report our progress to the appropriate Council committee who will take responsibility for overseeing the successful implementation of the strategy. We will publish an annual report to celebrate our collective successes, identify any areas for improvement and highlight any changes we intend to make in the forthcoming year to deliver the strategy more efficiently and effectively.

The focus will be on making better use of our assets, improvement to facilities, providing a core community offer to encourage participation and identify commercial opportunities that can provide sustainable income streams to the Council.

Priority 1 - Built facilities

The Council needs to ensure that its built facilities are fit for purpose and future proof and the Council will need to target it funding appropriately. It needs to ensure that its running costs are kept to a minimum through efficient service provision whilst income levels must grow – reducing net cost further still.

The Council will focus on:

- **Brentwood Centre**
 - Enhance the Brentwood Centre as a venue for events to attract high quality events and acts
 - Capitalise on the location of the Centre and make it a focus for Sport, Health, Football and Mental Health provision
 - Consider alternative management options for Brentwood Centre
 - Focus on increasing leisure centre attendance levels leading to improved public health, as well as a more financially sustainable service
 - Ensure that the Brentwood Leisure Centre follows health and fitness trends to be more attractive to target groups, providing activities that will ensure sustained use and customer growth
 - Use insight led, effective, targeted marketing to develop a larger customer base

- **Pavilion in King George’s Playing Fields**
 - Look at creating a ‘Park Hub’ that includes sports provision, family provision, café/retail provision and conferencing/event provision to maximise community usage
 - Undertake feasibility study to identify viability
- **Community Halls**
 - Renegotiate lease with Brentwood Leisure Trust
 - Undertake external condition survey to ascertain future costs and viability of the halls
 - Align with the Council’s Asset Management Strategy to maximise income to the Council
 - Explore options for Community Asset Transfer
- **New developments**
 - Explore opportunities for joint use and maximising developer contributions
 - Explore opportunity to create indoor play facility i.e. to make King George’s Playing Fields an all-season destination for play

Key Performance Indicators

- Increased income to the Council
- Reduced costs to the Council
- Investment to improve customer offer
- Increased participation by X% per annum
- Increased customer satisfaction

Priority 2 - Open Spaces

The Council will ensure that the Leisure Strategy promotes the policies of the Field in Trust guidance which are set out in Appendix X. It has also noted the recommendations from the Play Pitch assessments and that any investment from the Council is targeted to enhance its facilities. Before any work is undertaken the Council will need to undertake a feasibility study to ensure that any works will be sustainable in the future.

The Council will focus on:

- Improvement's to the Council's Country Parks* which include Hutton Country Park, Warley Country Park and St Faiths.
*Please note that South Weald and Thorndon Country Park are managed by Essex County Council
- Improvements to the Council's formal Open Spaces such King George's Playing Fields
- Improvements to its's play pitches for Football, Rugby, Cricket and Hockey. Working to existing clubs to develop their visions etc., In particular
- Recommendations from the Essex Biodiversity Plan to protect, enhance and provide open space
- Allotments – population standard approach and/or the creation of new sites
- Woodlands explore any income opportunities
- Promote informal sport and physical activity opportunities in Brentwood's open spaces
- Use social media and effective marketing in open spaces locations to promote opportunities that Brentwood's open spaces offer for sport and physical activity

Key Performance Indicators

- Increase sport and physical activity in the Council's open spaces
- Improve awareness of the offer in the Council's open spaces
- Increase volunteering

The Council has looked at its current provision and how it can be maintained in the future. Currently the Borough has **28** play areas. **11** of those are owned and managed on Council housing estates, **7** of those are managed by Brentwood Borough Council in the parks and **10** of those are owned and managed directly by the Parish Councils.

The Council will ensure that all residents will have good and free access to high-quality play areas, possible as a hub and spoke with significant play areas maintained in key locations across the Borough, i.e. Pilgrims Hatch, Hutton, Shenfield and Warley. The Council needs to reduce its revenue and capital costs and ensure that it's play areas meet the needs of any British and European health and safety standards. Costs for some recent improvements have been met by developer contribution (S106), but the Council will still incur on-going maintenance costs associated with its play areas. To make the play areas more sustainable moving forward it is proposed that some rationalisation of the play areas is required. The Council would not rationalise without investing in key strategically located parks across the Borough. The Council will also explore income generating activities and ensure investment is strategically targeted in the creation of destination play areas across the Borough. A phased rationalisation of play facilities would help to produce a sustainable play service which would provide a portfolio of traditional robust equipment that is safe and simple to maintain, well-designed, well-planned that will provide high-quality play facilities fit for current and future needs and demands. The Council will also look at opportunities for Community Asset Transfer if local volunteer groups can demonstrate with a business case that they can take on the direct management of a play area.



DRAFT

Current provision provision

Proposed

The Council will focus on:

- Investment into the creation of destination play areas

Key Performance Indicators

- Increased satisfaction levels of the Council's Play areas
- Reduced capital and revenue costs

- Strategically maximising developer contributions (S106)
- Opportunities for Public Private Partnerships that could provide capital funding, income, expertise and management of new facilities
- The phased rationalisation of some play areas
- Parish Council play areas will still remain the responsibility of the Parish Council's to maintain and inspect
- Consideration of Community Asset Transfer for smaller parks run by volunteer groups

Priority 4 - Sport

The Council will continue to work to make leisure and sport accessible to the whole population. While the leisure centre acts as sports hub other activities are provided in the community settings such as village halls and local playing fields, reducing the need to travel, increasing accessibility, and subsequently increasing participation levels.

Community sport is thriving in Brentwood but in many cases, it is at capacity, and the Council recognises the importance of working with the community to maintain current and develop new sporting opportunities. There are many clubs supported by community volunteers with a wide variety of activities taking place, all of which benefit from support over the period of this strategy.

The Council will focus on:

- Consulting with NGB's and national associations to access opportunities for a regional centre of excellence
- The creation of a football hub at the Brentwood Centre with 3G pitches.
- The creation of a rugby hub at King George's Playing Fields including the enhancement of the current pavilion building
- The creation of an indoor nets facility for year-round cricket development
- Enhancement of the golf course at Hartswood in King George's Playing Fields, including enhancement of the current pavilion building
- Ensure that Active Brentwood works as an enabler to improve participation, local facilities and coach education
- Continue to work with local clubs and partners to identify funding to improve facilities and encourage increased sport and physical activity in Brentwood
- Work with National Governing Bodies (NGBs), Active Brentwood and Sport England to develop, monitor and evaluate programmes in the Borough
- Work with partners to develop active leisure programmes that develop respect and strengthen cohesion, including cross-generational and cross-cultural activities
- Consider creating a centre of excellence in the Borough
- Look at the consolidation of some facilities and improvement to others

- Identify other sports that the Council might want to attract to the Borough

Key Performance Indicators

- Increase in club growth i.e. increase in the number of teams and promotion of clubs through their respective league system
- Improved standard of facilities that can support talented individuals to national levels of competition
- Active Brentwood hits annual attendance targets?
- Value of funding brought to the Borough supported by Brentwood Borough Council increases year on year with a baseline established in 2018/19
- Number of active leisure schemes set up and supported by partners with Brentwood Borough Council increases year on year
- Increased recognition and awards for the Brentwood Centre as a centre of excellence for its Mental Health and disability programming

Priority 5 - Health and Wellbeing

The Leisure Strategy will be a key document to deliver the outcomes for the Health and Wellbeing Board priorities of tackling obesity, ageing well and improving Physical and Mental Health and Wellbeing. Health and employment are intimately linked, and long-term unemployment can have a negative effect on health and wellbeing. The Council will

support programmes that target a reduction in health inequalities and that will positively impact sections of the population requiring extra support.

The Council will focus on:

- Increasing participation through the enhancement of facilities
- Continue to work with businesses to reduce sugar and salt consumption through the TUCK IN project
- Providing a core community offer to residents with a focus on activity programmes for older people, Mental Health activity programmes and diversionary activity programmes for younger people
- Improving partnership working through Active Brentwood/Essex and Voluntary and Community Sector organisations to provide activities and volunteering opportunities in the community
- Promote and support the living well campaign

Key Performance Indicators

- Increased participation especially with over 55s
- Increased participation of those with Mental Ill Health supported through physical activity programmes
- Increased awareness in schemes that are available

The Council needs to ensure that there is the right management and governance in place to ensure that the Leisure Strategy can be successfully delivered. Whatever governance model is decided upon it will need to include Local Authority members and officers and also public/independent members.

The Council will focus on:

- Identifying the right operating model that will best deliver the Leisure Strategy. This could mean one main operator or a hybrid approach
- Ensuring that the Council delivers Value for Money for its residents through its procurement process and relevant feasibility studies
- Identify external funding opportunities that can assist the Council in financing improvements to facilities
- Ensuring that robust contract management and monitoring is in place to deliver on the Council's expected outcomes through the establishment of Key Performance Indicators
- Identify the risks and the potential rewards
- Ensure that the true costs for the lifecycle of the facilities are identified to ensure planned budgets are in place to identify ongoing future costs for facilities
- Ensuring that the right workforce structure is in place to support the delivery of the outcomes for the Leisure Strategy
- Ensure staff are properly trained so that they can provide a high-quality customer service and identify opportunities for improved revenue generation and growth
- Provide a communication plan so that the public are informed of the progress of the Leisure Strategy

9. Who can deliver the Strategy?

The Council needs to ensure that the right operating model is in place to deliver the desired outcomes of the Leisure Strategy in the most effective, efficient way and delivers best Value for Money to our residents. Whatever the operator, the Council needs to ensure that it is a key stakeholder on the 'board' and in a position of influence with regard to the operations and strategy, and there is an agreed core community offer available to the residents.

Currently the Council has a hybrid operating model, where some is delivered directly by Brentwood Borough Council, some through Brentwood Leisure Trust and some through private operators. The future options available to the Council are set out as follows:

- Use the Brentwood Leisure Trust as the main operator and identify other activities/facilities that could be included as part of the core community offer
- Establish a new trust model to deliver the Leisure Strategy
- Adopt a new hybrid approach
- Establish a joint venture company
- Establish one principle operator
- Liaise with local sports clubs and put them on long leases

10. How can the Leisure Strategy be delivered?

Due to the current financial constraints the Council needs to ensure that it maximises the amount of external funding that it can attract. This will mean that a model is developed for all the options so that both the risks and the rewards are identified. The Council will focus on the following areas:

- Ensure that objectives and expected outcomes are aligned where possible to the National Governing Bodies (NGBs), Sport England and Public Health England.
- Explore opportunities to work with Leisure Development Partner who can provide expertise
- Prioritise the investment programme
- Explore opportunities to work with private partners to invest in some facilities
- Brentwood Borough Council borrowing, how the loan is serviced
- Sports Clubs contributions
- Capital receipts from asset disposal
- Maximise developer contributions (S106) from new developments to strategically support the Council's leisure facilities
- New initiatives such as soil relocation to enhance facilities
- Utilising a trust model to access additional funding streams

11. Leisure Strategy Action Plan

Page 119

DRAFT

Priority 1 – Built Facilities

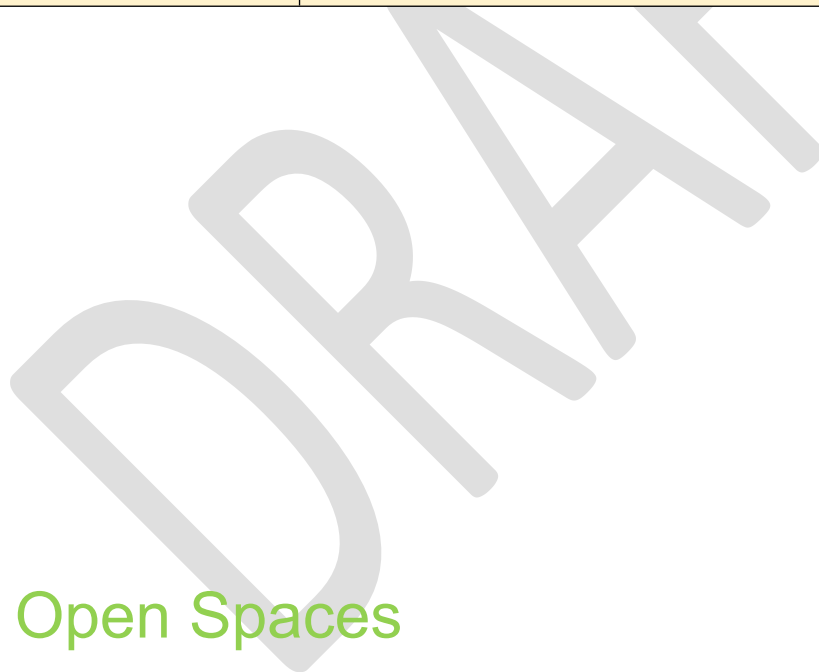
Recommendation	Action	Outcomes
General		

Recommendations from the Indoor Facilities Assessment	Review the recommendations from the Indoor facility assessment	Increased facilities Improved facilities
Address the issues raised within the assessment of the Council’s ageing leisure facilities and assets	Undertake an external condition survey of the Council’s built facilities. Review and address any items contained within the external condition surveys and full lifecycle Planned Programme Maintenance (PPM) of the Council’s leisure assets.	Identify future costs to Brentwood Borough Council
Work with leisure partners to utilise and publicise the facilities available across the borough enabling more physical activity opportunities in rural communities	Agree communications plan to publicise activities on offer	Increased participation
Encourage relationships with leisure operational partners in neighbouring districts to encourage the development of cross boundary offers for local communities.	Work with planning and neighbouring authorities.	Increased participation
Where possible increase accessibility, usability and affordability of sites and facilities	Work with Brentwood Borough Council’s Leisure Development and Operational partners and disability groups to ensure appropriate consideration is given to access to and from leisure sites and disabled equipment and facilities is applied during the design and delivery of the agreed facilities upgrade plan	Increased participation
	Identify and support schools that want to open up their facilities to the community	Increased participation
	Support the development of the Most Active County’s Sport England Partnership Programme action plan which encourages schools to increase access of their facilities to local communities	Increased participation
Develop mechanisms to ensure new planning developments consider active travel routes and easy access for all leisure facilities and open spaces.	Planning team adoption of Brentwood Borough Council’s Pitch, Non-pitch, Open Spaces and Built Facilities assessments when considering future planning applications/developments	Increased participation

	Support the development of Neighbourhood and Parish Plans to consider the wider leisure and recreation opportunities	Improved facilities
Improve internal and external communications, raising public awareness of the wide number and range of physical activity opportunities that already exist.	Develop partner communications plans and publicise opportunities delivered by partner organisations	Increased participation
	Use the data obtained from the underpinning assessments to develop a facilities map highlighting key community use facilities and promote this externally to the residents of Brentwood Borough Council	Increased participation
Ensure that customer facing employees have the appropriate skills and awareness to work with a range of customers with varying needs.	Work with users and community groups to develop insight in aspects of facilities that need improvement	Increased customer satisfaction
	Continue to work with staff and leisure partners to ensure employees are appropriately trained	Increased customer satisfaction
Brentwood Centre		
Capitalise on the location of the Brentwood Centre and make it a focus for Sport, Health, Football and Mental Health provision	Identify Leisure Development Partner that can undertake a feasibility study for investment programme for Brentwood Centre and possible funding streams to support it.	Improvement to facilities Increase participation Increase footfall
Focus on increasing leisure centre attendance levels and ensure Brentwood Centre follows health and fitness trends to be more attractive to target groups, providing activities that will ensure sustained use and customer growth	Use the built facilities assessment to agree specification for an agreed facilities upgrade plan that will also be commercially viable	Improvement to facilities Increased participation
Brentwood Centre as an events venue of the right quality	Identify areas for improvement such as dressing rooms which will support and attract a strong event plan	Improvement to facilities Increased footfall

Consider alternative management options for the Brentwood Centre	Work with Brentwood Leisure Trust to look at future requirements and needs from the Brentwood Centre.	Delivers Value for Money for residents Increase income to Brentwood Borough Council
Pavilion Building in King George’s Playing Fields		
Creation of a family hub at King George’s Playing Fields	Identify opportunities with partner organisations to develop the pavilion building as a family hub in KGPF to support existing sports provision of golf, football and rugby plus creation of new indoor play facility. Work with Brentwood Rugby Club to develop joint use facility and possible centre of excellence	Improvement to facilities Increased use of open spaces Increased activity levels
Undertake a business plan for improvements to King George’s Playing Fields including the pavilion building	Appoint a Leisure Development Partner to undertake a business plan to identify a commercial viable option for the site and identify any shortfall that Brentwood Borough Council will need to fund.	Improvement to facilities
Community Halls		
Renegotiate Halls Management Agreement with Brentwood Leisure Trust	Meetings with BLT to renegotiate the Halls Management Agreement	Reduce expenditure to Council
Identify future costs for the halls	Undertake an external condition survey to identify future costs for the halls	Reduce expenditure to the Council
Identify opportunities for a Community Asset Transfer	Look at halls case by case to identify opportunities	Reduce expenditure to the Council
New Developments		

Identify future facility need within any new developments	Ensure any developer contribution is maximised to support community and leisure facilities	New facilities to meet demand Increase participation
	Work with partner organisation such as Health and Sport England to identify opportunities create community hub to support new community such as GP, Health, Education and Leisure services sharing a site	New facilities to meet demand
Promote active travel routes	Identify links to existing sites to promote walking, cycling routes	Increase participation and activity levels



Priority 2 – Open Spaces

Recommendation	Action	Outcomes
Improvement's to the Council's Country Parks* which include Hutton Country Park,	Identify improvements in the Country Parks and establish improvement plans for each.	Improvement to facilities Increased use of open spaces

Warley Country Park and St Faiths.		
Improvements to the Council’s formal Open Spaces such King George’s Playing Fields	Undertake feasibility study with Leisure Development Partner to develop viable business plan	Improvement to facilities Increased participation and activity
Improvements to the Council’s play pitches for Football, Rugby, Cricket and Hockey.	Working to existing clubs to develop their visions etc., in particular ancillary facilities such as improved parking capacity and changing/toilet facilities i.e. Larkins	Improvement to facilities Increased participation
Recommendations from the Essex Biodiversity Plan to protect, enhance and provide open space	Review recommendations and feed into any improvement plans	Improvement and protection of facilities
Continue to sustainably manage Brentwood countryside, woodlands and SSSI sites to agreed standards, enabling integrated access and supporting resident recreation whilst protecting the areas wildlife habitat and natural tranquillity.	Support the recommendations and actions of Natural England’s National Character Area Profile NE466 NCA profile: 111 North Thames Basin 2013	Protection of facilities
Continue to provide a work programme for the Countryside Volunteers	Agree areas for works and improvement using the existing Countryside volunteers	Increased volunteering Improvement to facilities
Promote informal sport and physical activity opportunities in Brentwood’s open spaces	Use social media and effective marketing in open spaces locations to promote opportunities that Brentwood’s open spaces offer for sport and physical activity	Increase use of public open spaces Increased participation and activity
	Utilise Brentwood open spaces to provide community events such as Family Fun Days and similar activities	Increase use of public open spaces Increased participation and activity
	Explore the options of installing outdoor gyms in strategic locations	Increase use of public open spaces Increased participation and activity

Priority 3 – Play Areas

Recommendation	Action	Outcomes
Investment into the creation of destination play areas	Identify and prioritise play areas for investment	Improvement to facilities Reduce Council expenditure Increase in activity Reduce risk to the Council
Strategically maximising developer contributions (S106)	Identify develop contribution opportunities that will support strategic investment in facilities	Improvement to facilities Reduce Council expenditure Increase in activity
Opportunities for Public Private Partnerships that could provide capital funding, income, expertise and management of new facilities	Identify commercial income streams that can support inward investment of facilities	Improvement to facilities Reduce Council expenditure
Meeting the needs of residents in new housing developments	Identify community requirements within new housing developments	Increase in activity New facilities
The phased rationalisation of some play areas	Identify timescales for the phased rationalisation of play areas which will be subject to strategic investment in destination play areas	Reduce risk to the Council Reduce Council expenditure
Consideration of community asset transfer	Identify any groups who would be interested and submit viable bids	Reduce risk to the Council Reduce Council expenditure

Priority 4 – Sports

Recommendation	Action	outcomes
Support and implement the recommendations and actions of the Brentwood Play Pitch and Non-Play pitch and Built facilities assessments	Awaiting the recommendations? Review and implement recommendations from the assessments	Improvement to facilities
Encourage sports clubs and community groups to be more involved in the operation of facilities and sites	Mavericks development at Warley	Improvement to facilities at Warley Playing Fields
	Brentwood Youth AFC	Improvement to Larkin Playing Fields
	Hutton Football Club	Improvement of facilities
	Identify locations across the borough that would benefit from application of Sports Hub principles unifying sporting clubs or disciplines allowing clubs to grow and release financial benefit in the process	
Introduce further sporting and physical activity opportunities for disabled and older residents	Utilise and support new initiatives	Increase participation and activity
	Continue to support the Walking for Health programme	Increase participation and activity
Enable people and organisations to develop skills, achieve goals and maximise their potential	Ensure pathways exist which identify talent, nurture and retain athlete, coaches and officials at all levels	Achieve more people engaged in volunteering
	Inspire people from more diverse backgrounds to get and stay involved in volunteering	Increase the economic value of the physical activity and sport sector
	Support organisations in achieving accreditation and compliance with 'A code for Sports Governance'	Increase the numbers of organisations meeting accreditation standards
	Promote opportunities for new careers in the sector and help attract new investment by the industry in Essex	Enable more people to be trained in the sector

	Identify and address the training needs of the workforce including those around employability	Increase the skills of the sector’s workforce
Support club development and engagement across the Borough, signposting clubs to relevant funding opportunities when available	Support sports clubs to develop sporting opportunities within schools	Increase participation and activity
	Engage NGB’s, school, local clubs and other key partners in delivery of Active Brentwood, the community sports network for Brentwood and use this as a forum to support club development across the district.	Active Brentwood Networking events
Increase physical and sporting activity across the borough by X% year on year using Sport England’s Active People Survey as a measure	<ul style="list-style-type: none"> • Provide a sustainable network of safe and accessible facilities, open spaces and active travel routes • Ensure workplaces adopt an active culture that encourages participation • Improve and enhance the customer experience of physical activity and sport, with a focus on the core market • Use technology and innovation to promote activities on offer • Facilitate and promote spectator sport and mass participation events 	<ul style="list-style-type: none"> • Reduce inactivity levels • Increase the number of people being active • Improve young people’s attitudes towards physical activity and sport • Provide a sustainable network of the right, high quality and accessible facilities in the right places • Get more people using open spaces for exercise and health reasons • Increase the numbers of mass participation and elite sports events hosted. • Maintain and increase the economic value of physical activity and sport
Support the network of volunteers that underpin the Borough’s sport /community clubs.	Communicate the training opportunities available to new volunteers enabling clubs to grow	Increase volunteering associated with sport and physical activity
	Provide networking opportunities for existing volunteers/clubs to enable sharing of best practice	Supported and well-developed community clubs

Enhancement of existing facilities	<ul style="list-style-type: none"> • Explore viability and location for indoor cricket net provision • Indoor/covered tennis • Seek opportunities with NGB's for regional centre of excellence 	Improved facilities Increased participation
Promote new sports in the Borough	<ul style="list-style-type: none"> • Work with new clubs or existing clubs that require more support in setting up i.e. baseball, table tennis, boxing 	Increased participation

Priority 5 – Health and Wellbeing

Recommendations	Action	Outcomes
Support the priorities and desire outcomes for the Brentwood Health and Wellbeing Board	<p>Tackling Obesity Continue to work with businesses to reduce sugar and salt consumption through the TUCK IN project.</p> <p>Increase participation with improvement to facilities and affordable and accessible</p>	Local residents enjoy positive activities and are physically and emotionally healthy

	<p>programming</p> <p>Work with schools to promote new initiatives</p> <p>Work with businesses to promote new initiatives such as workout from work</p> <p>Utilise Active Brentwood as an enabler</p>	
	<p>Ageing Well Supporting the over 50s to increase levels of physical activity through a range of activities</p> <p>Improve programming opportunities for over 55 activities</p> <p>Promote available offer for senior activities Utilise Active Brentwood as an enabler</p>	Local residents enjoy positive activities and are physically and emotionally healthy
	<p>Improvement to Physical and Mental Health Wellbeing Increase participation levels through the right programme of activities especially the target groups who need to increase their activity levels Such as those with Mental Ill Health and with a physical disability</p>	Local residents enjoy positive activities and are physically and emotionally healthy
Support the growth of active travel methods	<p>Support the recommendations and actions of Essex County Council’s Cycling Strategy 2016 http://www.essexhighways.org/uploads/docs/ecc-cycling-strategy-novemeber-2016.pdf</p>	Increase activity levels

	<p>Create safe walking and cycling routes with three schools across Brentwood (H&WB action plan)</p>	<p>Increased activity levels</p>
	<p>Encouraging and promoting use of the cycle footpath networks available across the district especially in new developments (Dunton Garden Village)</p>	<p>Increased activity levels</p>
	<p>Ensure that key facilities such as frequently used countryside sites and leisure facilities have the facilities required for ease of active travel i.e. footpaths and cycle racks</p> <p>Support the renewal of Essex County Council’s Right of Way Improvement Plan 2009 http://www.essexhighways.org/uploads/files/final-rowip.pdf</p> <p>Actively support groups, organisations or projects that increase walking activities</p> <p>Walking for Health initiative</p> <p>Local businesses promote /incentives?</p>	<p>Greater use of open spaces Reducing obesity Increased participation</p>
<p>Establishment of outdoor gyms</p>	<p>Identify potential sites aligned to the creation of destination play areas for strategic investment</p>	<p>Increase accessibility to facilities Increase activity levels</p>

<p>Increase and encourage residents of the wider community including young people, older people, people with disabilities and the economically disadvantaged, to increase their physical activity levels by utilising the Council’s open spaces and leisure facilities</p>	<ul style="list-style-type: none"> • Deliver a targeted approach to groups which are most likely to be inactive and under-represented in both physical activity and sport. • Ensure physical activity and sport are utilised as effective tools in prevention, early intervention and management of long term conditions/reablement • Develop resilience, tackle social isolation and promote independence • Ensure there is an inclusive offer which meets the needs of disabled people and those with limiting illnesses/conditions • Promote the benefits of being active to enable people to take responsibility for their health and wellbeing and make better lifestyle choices 	<ul style="list-style-type: none"> • Reduce inactivity levels amongst target groups • Support NHS targets of reducing numbers of serious health conditions associated with inactivity • Increase the number of people being active • Improve young people’s attitudes towards physical activity and sport • Provide a sustainable network of the right, high quality and accessible facilities in the right places • Get more people using open spaces for exercise and health reasons • Support NHS targets for more adults and children achieving and maintaining a healthy weight
	<p>Continue to build relationships with schools to develop educational countryside programmes currently available</p>	<p>Link with Forest School programme to increase usage of Council’s open spaces</p>
	<p>Support the recommendations and actions of Natural England’s National Character Area Profile – NE466 NCA profile: 111 North Thames Basin 2013 http://publications.naturalengland.org.uk/publication/4721112340496384?category=587130</p>	<p>Increase bio-diversity within the Council’s Country Parks</p>
	<p>Support volunteer working parties within the Borough that promote health and wellbeing benefits and increase the volunteer’s physical activity levels</p>	<p>Volunteer Tree Warden Scheme Country side Volunteers work programme</p>

Continue to develop summer holiday activity programme across the borough to incorporate a wide range of activities for young people	Work with partner organisations to support programmes or enable communities to deliver their own programmes, eliminating duplication and offering a more comprehensive approach to delivery.	Family Fun day programme Brentwood Sports Festival Increase activity and participation
Promote healthy living and healthy lifestyle choices such as diet, drinking and smoking cessation.	<ul style="list-style-type: none"> • Work with partners to develop and promote Health Week • Promote LiveWell programme of available activities 	

Priority 6 – Management and Oversight

Recommendations	Actions	Outcomes
Identifying the right operating model that will best deliver the Leisure Strategy.	This could mean one main operator or a hybrid approach	Reduced expenditure to the Council
Ensuring that the Council delivers Value for Money for its residents	Through its procurement process and relevant feasibility studies	Reduced expenditure to the Council
Identify external funding opportunities to support investment programme	Once specifications are agreed work with partners and funders to complete funding	Reduce expenditure to the Council

	applications	
Ensuring that robust contract management and monitoring is in place to deliver on the Council’s expected outcomes	Establish Key Performance Indicators to measure success Ensure Brentwood Borough Council is key stakeholder and influencer at ‘Board’ level	Deliver the desired outcomes
Identify the risks and the potential rewards	Through the specification and contract management process	Reduce expenditure to the Council
All costs are identified in facilities	Ensure that the true costs for the lifecycle of the facilities are identified to ensure planned budgets are in place to identify ongoing future costs for facilities	Reduce expenditure to the Council
Training and Development of workforce	Ensuring that the right workforce structure is in place to support the delivery of the outcomes for the Leisure Strategy	Increased customer satisfaction
	Ensure staff are properly trained	Increased customer satisfaction
Increase Public Awareness	Provide a communication plan so that the public are informed of the progress of the Leisure Strategy	Public awareness of the progress of the strategy
Ensure that customer satisfaction and opportunity is available for public involvement	Feedback and satisfaction and trends are reviewed regularly by the ‘Board’	Increased customer satisfaction

12. Appendices and background documents and links

- a. Sport England
 - i. Towards an Active Nation 2016-21 <https://www.sportengland.org/media/10629/sport-england-towards-an-active-nation.pdf>
- b. Public Health England
 - i. 2014 Everybody Active, Every Day <https://www.gov.uk/government/publications/everybody-active-every-day-a-framework-to-embed-physical-activity-into-daily-life>
- c. Department of Health and Social Care

- i. Childhood Obesity Plan <https://www.gov.uk/government/publications/childhood-obesity-a-plan-for-action/childhood-obesity-a-plan-for-action>
- d. Department of Transport
 - i. Cycling and Walking Strategy 2017 <https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>
- e. Public Health England
 - i. Brentwood Borough Health Profile https://fingertips.phe.org.uk/profile/health-profiles/area-search-results/E10000012?place_name=Brentwood&search_type=place-name
- f. Fields in Trust
 - i. Guidance <http://www.fieldsintrust.org/>
- g. Essex Health and Wellbeing Board
 - i. Joint Health and Wellbeing Strategy https://www.essex.gov.uk/Business-Partners/Partners/Health-wellbeing-Essex/Documents/Essex_Health_Wellbeing_Strategy.pdf
- h. Active Essex
 - i. Active Essex Strategy 2017-2021– 1million People Active <https://www.activeessex.org/wp-content/uploads/2017/06/Active-Essex-Changing-1-Million-Lives-Strategy.pdf>
- i. Brentwood Borough Council
 - i. Local Development Plan <http://www.brentwood.gov.uk/index.php?cid=694>
 - ii. Pitch and Non-Pitch Assessment
 - iii. Open Space Assessment
 - iv. Built facilities Assessment
 - v. Asset Management Strategy
- j. Brentwood Health and Wellbeing Board
 - i. Joint Health and Wellbeing Strategy <https://brentwood.moderngov.co.uk/documents/s12535/Appendix%20A.pdf>

12th March 2018

Policy, Projects and Resources Committee

Removal of RedGra area at Warley Playing Fields from existing Joint User Agreement

Report of: *Stuart Anderson – Deputy operations Manager*

Wards Affected: *Warley*

This report is: *Public*

1. Executive Summary

- 1.1 Warley Playing Fields is one of the Council's key open spaces and the main site serving the Warley ward and surrounding community.
- 1.2 The playing field is unique in that it is owned by three different bodies, one area is owned by Brentwood Borough Council, one by Essex County Council and one by Brentwood County High School, please see plan Appendix A.
- 1.3 The site is managed and maintained by the Council under the terms of a Joint User Agreement which was signed in 1998, in it the document laid out the responsibilities of each partner and also the financial responsibilities of each, please see Appendix B.
- 1.4 This document replaced several earlier versions between Brentwood Borough Council, Brentwood County High School and Essex County Council with original agreements going back as far as 1977.
- 1.5 A number of changes have occurred since the document was agreed with one of these being the establishment of Mavericks Rugby Football Club at the site as their home ground.
- 1.6 The Council has been approached by representatives of Brentwood County High School and Mavericks Rugby Football Club with regard to removing the now defunct RedGra area from the agreement so that Mavericks Rugby Football Club may develop the area into an all-weather pitch
- 1.7 It is intended to also have associated fencing and floodlights for use by the school, club and also local community groups.

2. Recommendations

- 2.1 That members approval the withdrawal of the RedGra area from the current Joint Use Agreement for Warley Playing Fields in order for the site to be developed by Mavericks RFC as a community facility
- 2.2 That the above recommendation be agreed under the proviso that Officers from Brentwood County High School enter into active dialogue with Officers of Brentwood Borough Council to draft a new Joint User Agreement for Warley Playing Fields
- 2.3 That members delegate authority to the Chief Operating Officer and relevant Officers to commence re-negotiation of the Joint User Agreement to be brought back to a future Policy, Projects and Resources Committee for consideration.

3. Introduction and Background

- 3.1 Warley Playing Field's is a key open space not just for the Ward and community of Warley but also as part of the council's open space estate.
- 3.2 The site currently has 3 adult football pitches, 1 junior football pitch, 2 adult rugby pitches, play area, changing pavilion, sports pavilion [Home of Mavericks RFC] a MUGA [Multi Use Games Area] and a now defunct and degraded artificial sports surfacing covering an area the size of an adult rugby pitch which is referred to as the RedGra area.
- 3.3 The site is somewhat unique in that it is managed and maintained by Brentwood Borough Council but has three land owners associated with it. These are Brentwood Borough Council, Brentwood County High School and Essex County Council all of whom own an individual but adjoining piece of the site.
- 3.4 In 1998 an agreement was signed between Brentwood Borough Council and Brentwood County High School outlining responsibilities both operationally and financially for the site and this agreement has been the basis of working practices since that time.

- 3.5 In addition to the agreement covering Warley Playing Fields certain concessions were also granted to Brentwood County High School for the establishment to use sports pitches at King George's Playing Fields.
- 3.6 The thoughts behind this decision was that it was safer and more practical for the students to use King George's Playing Fields, which is much closer to the school base, then to try and transport students to and from Warley Playing Fields.
- 3.7 As stated the site is maintained by Brentwood Borough Council who bear the cost of these works, however the Council also retain any income generated by the site from sports lettings and any events that may be held on the site.
- 3.8 Overall the income generated from sports lettings sadly does not cover the cost of maintaining the site when taking into account machinery and labour costs, so the site therefore generates a loss overall. This, however is not uncommon in open space provision where there isn't a commercial concession on site to offset the cost of maintenance.
- 3.9 The site, in the main, is maintained as public open space grassland and sports pitches except for an area adjacent to Warley Primary school and to the rear of Woodman Road Cemetery. This is an old style all weather playing surface known as RedGra.
- 3.10 This area is located on land owned by Brentwood County High School although under the terms of the Joint User Agreement it is maintained at the expense of Brentwood Borough Council.
- 3.11 This area is fenced and floodlit and was used for all year-round football both training and match games. However, the site fell into disrepair some 25 years ago, at the time refurbishment cost were estimated to be in the region of £340,000.
- 3.12 The refurbishment never progressed to inception and so the facility has laid dormant and falling into disrepair over the intervening years.
- 3.13 Despite a number of approaches by other sporting bodies a viable scheme to redeveloped the area has, to date never been progressed due to a lack of resources or the size of scheme being unachievable by either Council or sports club as an individual operation.

4. Issue, Options and Analysis of Options

- 4.1 The Council has been approached by representatives of Brentwood County High School who, in conjunction with Mavericks Rugby Football Club wish to renovate the RedGra and create an all-weather sports facility.
- 4.2 An initial fact finding meeting has been held with school and club representatives to establish the details of the project and these are highlighted below:
- 4.2.1 The main thrust of the request from Brentwood County Highschool would be to remove the RedGra area from the existing Joint User Agreement.
- 4.2.2 The club, in association with the school are keen to bring the RedGra area back into use for both rugby [and possible other sports] and for the use of both Brentwood County Highschool and also Warley Primary School.
- 4.2.3 The schools intention is to lease the current RedGra area to Mavericks rugby club who are currently applying to register as a charity for the purposes of this exercise.
- 4.2.4 The refurbishing of the facility will be covered entirely by the rugby club via private funding and grant funding, the school will not be putting any finance into this.
- 4.2.5 In terms of monies it is intended this will be a not for profit facility with any proceeds 'earned' by Mavericks from letting of the pitch being held for current and future maintenance, again the school will not be taking any income from the facility.
- 4.2.6 The club are looking to invest £370,000 into refurbishing the playing surface and floodlights and then anticipate spending approximately £25,000 p.a. to maintain.
- 4.2.7 Part of the ongoing income will be to put aside sufficient monies for a sinking fund to allow for a replacement surface to be applied every 10 – 12 years.
- 4.2.8 The business case, although not presented yet, would involve commercially letting the facility during the evenings to cover the cost of managing and on going maintenance that will be incurred in running the site. The bookings side of the process will be managed by the Schools Trust.
- 4.2.9 The day time use of the site will be reserved for Mavericks, Brentwood County Highschool and other members of the St Clere Co-op [School Trust].

4.2.10 The full timetable as to use and when [i.e. community allowance is] is yet to be finalised and so the extent of community use is not yet known, however Mavericks have indicated they would need use at least two nights a week.

4.2.11 With Warley Primary School and BCHS both due to expand over the coming years both the trust and Mavericks see this as being a key facility to supporting these establishments.

- 4.3 At this stage Brentwood County High School are requesting that the Council adjust the existing Joint User Agreement so as to remove the RedGra area from within it to allow the redevelopment of the site by Mavericks Rugby Football Club.
- 4.4 In terms of financials, due to the RedGra currently being in an unusable condition the Council has not been able to extract any income from the facility for a number of years.
- 4.5 Although the Council will not receive any income for the area as part of this arrangement it will also not be liable for any of the costs of providing or maintaining it even though there will be some community use available.
- 4.6 The financial position of the rest of the site will remain as is with the Council undertaking works to maintain at its own cost but then retaining any income generated from the letting of sports pitches or events on the site.
- 4.7 Officers have also highlighted to representatives of Brentwood County High School that as part of the agreement to remove the RedGra from the Joint User Agreement that the authority would wish to renegotiate the terms of the current agreement. This would be to ensure that the agreement reflects the changes that have occurred both in terms of the financial positions of both organisation but also the usage and manner in which Warley Playing Fields and King George's Playing Fields are used.
- 4.8 The representatives of Brentwood County High School have indicated that they would be willing to enter into new discussions around the agreement as part of the approval of this report and its recommendations.

5. Reasons for Recommendation

- 5.1 To allow for the refurbishment of a degraded sporting facility at Warley Playing Fields for both educational and community use.

- 5.2 To ensure that facilities continue to be provided that cater for the immediate and future needs of both the school, local sports clubs and community groups.
- 5.3 To allow for discussions and negotiations to commence for the development of a new Joint User Agreement for Warley Playing Fields and King George's Playing Fields.

6. References to Corporate Plan

- 6.1 To ensure the provision of efficient and effective services to our residents and businesses.
- 6.2 Providing increased customer satisfaction in the quality of Council services.
- 6.3 To Increase access to the Borough's leisure opportunities.
- 6.4 Making Brentwood a Borough where people feel safe, healthy and supported.

7. Implications

Financial implications

**Name & Title: Jacqueline Van Mellaerts, Financial Service Manager
[Deputy Section 151 Officer]**

Tel & Email: 01277 312 829 jacqueline.vanmellaerts@brentwood.gov.uk

- 7.1 As explained in the report, there appears to be no direct financial loss from the removal of the RedGrA Area, considering the site has not been in a useable condition for a number of years. Financial Services can advise and assist when parties wish to renegotiate terms of the current Joint User Agreement which will be brought back at a future Policy, Projects and Resources Committee.

Legal Implications

Name & Title: Daniel Toohey, Legal Services Manager

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

The proposed amendment relates to land owned by the school and in relation to which appears to be a sensible opportunity to update the agreement which is a longstanding arrangement. Legal Services is available to advise and assist with the appropriate drafting as the parties conclude the renegotiation.

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

- 7.2 **Health & Safety implications**

Name & Title: David Wellings, Health & Safety Officers

Tel & email: 01277 312 518 david.wellings@brentwood.gov.uk

The proposed amendment would reduce the Council's liability and risk under the maintenance of the RedGra facility, as part of the Agreement for this site.

8. Appendices

Appendix A – Warley Playing Fields Joint Use Agreement Plan

Appendix B – Warley Joint Use Agreement

Report Author Contact Details:

Name: Stuart Anderson

Telephone: 01277 312500

E-mail: stuart.anderson@brentwood.gov.uk

This page is intentionally left blank

This page is intentionally left blank

Appendix B

WARLEY PLAYING FIELDS - JOINT USE AGREEMENT

AN AGREEMENT made on the day of one Thousand Nine Hundred and Ninety-eight BETWEEN BRENTWOOD BOROUGH COUNCIL of Council Offices Ingrave Road Brentwood in the County of Essex (hereinafter called "the Council") of the one part and MICHAEL RICHARD JAMES TRETT of Brentwood County High School Shenfield Common Brentwood Essex CM14 4JF (Head Teacher of Brentwood County High School) and COLIN GODFREY ANTHONY of 28 Shenfield Place Brentwood Essex CM14 4JF (Chairman of The Board of Governors of Brentwood County High School) as duly authorised representatives of the BRENTWOOD COUNTY HIGH SCHOOL (hereinafter called "the School") of the other part.

WHEREBY IT IS AGREED as follows:-

Ownership

1. (a) The School's Land Land shown edged and hatched green on the attached plan ("the plan")
 - (b) The Council's Land Land shown edged and hatched red on the attached plan
 - (c) Essex County Council's Land Land shown edged and hatched orange on the plan and the access and parking area shown edged and hatched blue on the plan
2. Collectively the whole area as edged in brown is known as Warley Playing Fields (hereinafter known as "the Site").
 3. The pavilion is shown for identification purposes only edged purple on the plan.

Maintenance of the Facilities

4. The Council shall undertake any maintenance necessary to maintain all of the football pitches and cricket squares on the site in a playable condition, including grass cutting, seeding, fertilizing, marking and the supply, maintenance and erection of goal posts, nets, corner flags and protective barriers around cricket squares.

5. The Council shall undertake all maintenance works to the hard porous surface to maintain it in a playable condition, including the surround fencing and gates, to include

brushing, top dressing, marking and supply and erection of hockey goals and 5 a side football goals and nets.

Should it become necessary to undertake work which is more than legitimate maintenance works to keep the hard porous surface in a playable condition, these shall be considered to be capital works.

6. The Council shall undertake all maintenance works to the floodlights necessary to keep the same in working condition, including all maintenance checks, bulb and fuse replacements.

7. The Council shall undertake at its own expense all maintenance works on the playground, including all inspections, repairs, spares, cleaning\painting and replacement of equipment as necessary.

8. The Council shall undertake at its own expense all maintenance works to the trim trail, including all inspections, repairs and replacement of equipment as necessary.

9. All maintenance works to the car park and other joint use access areas shall be undertaken by the Council. The cost for any works required to be apportioned as set out in Table 1 hereof

10. All maintenance works to the pavilion shall be undertaken by the Council. The costs for any works required to be apportioned as set out in Table 2 hereof

Alteration to the Facilities

11. None of the facilities shall be changed or replaced without the prior agreement of both parties

Maintenance of Other Areas

12. The Council shall undertake all maintenance works to all other areas on the site not specifically referred to above, including grass areas (including those areas designated for sports during their respective close season), shrubs, beds, hedges, woodland, trees and ditches, as often as deemed necessary by and to the satisfaction of the Council

13. The Council shall also undertake maintenance works to all underground pipes, conduits, installations or plant within the boundaries of the Site which are not the responsibility of the Statutory Authorities, the costs for any works required to be apportioned as set out in Clauses 33 to 39 hereof

Wardens

14. The Council shall be responsible for providing Wardens during periods when the hard porous area is open to the public, and at other times when the football and cricket areas are in use. Duties shall include locking and unlocking of the pavilion, allocation of changing rooms, control of floodlights, cleaning of pavilion and other duties as specified by the Council. Security arrangements and requirements for the building shall be as set by the insurance company that insures the building.

15. The School shall be at liberty to request warden attendance during periods of non-public use when their own activities may be in progress at its own expense

Letting Arrangements

16. The Council shall be responsible for lettings of the Site including football pitches, cricket wickets, cricket nets and the hard porous area. This shall include all administrative functions and provision of appropriate stationery.

17. The policy on lettings shall be as determined by the Council regarding maximum number of games per season, allocation of pitches, squares to teams, opening times for use of the various facilities, and the policy on concessions

19. Allocation of pitches or squares for School use shall be via the Council as set out in paragraphs 21 to 25 below. The School shall be notified which pitches or wickets have been allocated to them on any particular date, via Council office staff or a warden on site.

20. The Council shall be responsible for the promotion of the Site and its facilities as it sees fit.

Use of Facilities by the School

21. Facilities:- The hard porous area, the football pitches, the cricket square on the area edged green, together with the cricket nets at the site, (provided that for the playing of football, cricket and rugby, the School shall use, if available, the Council pitches and square at King George's Playing Fields). These facilities can be provided with changing and showering if required.

22. The School shall have exclusive use of the facilities during term time from 9.00am to 5.45pm on Mondays to Fridays and from 9.00am to 12.45pm on Saturdays for the purposes of education within the teaching curriculum and associated extra curricular activities, subject to any agreement between the parties allowing the Council use of the facilities if not required by the School

23. At the beginning of each school term the School shall notify the Council of the times when pitches or wickets are required for regular teaching sessions. For matches where marking out or specific grounds preparation is required, the School shall give as much advance notice as possible, and in any case, no less than 7 days prior to the match taking place. In the case of less notice being given than required, the Council cannot guarantee to mark out or prepare the requested sports facilities.

24. The Council reserves the right to switch teaching sessions or matches to the site in the event that pitches or wickets at King George's are unplayable or unavailable for whatever reason. In such an instance, the Council will give as much advance notice as possible.

25. The Council will have absolute discretion to determine whether or not any of the various sports facilities are suitable for play at any given time, and should it be considered necessary to cancel usage, as much notice will be given as possible.

Public Accessibility / Usage of the Site

26. The whole Site, with the exception of the hard porous area which shall remain locked except during periods of use, shall be publicly accessible at all times.

27. Neither the School nor the Council shall erect any barrier to permanently enclose or deny public access to any part of the Site (with aforementioned exception). This does not preclude the use of temporary barriers which may from time to time be required for whatever reason by the Council or the School

Bye-laws

28. It shall be the responsibility of the Council to obtain any bye-laws pertaining specifically to the Site, in accordance with existing bye-laws relating to other areas of public open space under the control of the Council.

29. Both the School and the Council shall agree on the content of the bye-laws before formal application for the granting of these is made.

Income from the Hire of the Sports Facilities or Grounds

30. The Council shall retain all income received through the hiring out of the football pitches, cricket wickets, cricket nets and the hard porous area. It shall also retain income received from the hire of any of the pavilion facilities and use of the grounds for any sports related purpose whatsoever.

31. In the case of non-sports related usage on the area of land edged green, the Council shall notify the School supplying details of the proposed usage giving as much

notice as possible. The School shall consider the proposal and give their agreement or otherwise within fifteen working days of receipt of the proposal. Should no reply be received within the stipulated period, the Council shall be entitled to use its discretion regarding the proposed usage. In the event of the proposal being implemented any income received shall be retained by the Council.

32. In the event that income in any one year generated from the letting of sports facilities on the area edged green exceeds the figure the School would pay to the Council for maintenance costs for the sports areas, grounds, wardening and pavilion as apportioned under this agreement for that same year, the School shall be entitled to fifty percent of the difference between the income and the maintenance cost figures. This shall be paid either directly or by reduction of the maintenance charge the School would pay to the Council.

Maintenance Costs and Payments

33. The grounds maintenance costs shall be apportioned in accordance with the attached Table 1.

34. The costs of providing the wardening/cleaning shall be apportioned as per Table 2.

35. The costs involved in maintaining the pavilion and floodlights shall be apportioned as per Table 2.

36. Payment of the service bills (with the exception of gas which shall be paid by the School) shall be made by the Council and shall be re-charged to the School (or vice-versa) as apportioned in Table 3.

If necessary, transfers of the bills to the Council from the School shall be effected.

37. Payment of buildings insurance and rates bills shall be made by the School and recharged to the Council as apportioned in Table 3.

38. No charge will be made by the Council to the School for football, rugby, cricket or use of the hard porous area, when these facilities are used with out changing facilities. Should changing/showering facilities be required, these will not be charged for if they are used only on an occasional basis. Frequent or regular use will be charged for at the rates as set by the Council in its annual charges.

39. Should the School require provision of additional facilities e.g. running track, rounders pitches, these will be charged for at the rates as set by the Council.

Accounts

40. On an annual basis, and within two months of the close of the Council's end of financial year, both the School and the Council shall produce accounts indicating income and expenditure appertaining to the Site.

41. Subsequent to the agreement to these accounts by both parties, charges from the Council to the School, and vice-versa if appropriate, shall be levied and paid.

Value Added Tax

42. If VAT is payable on any element appertaining to the Site, then either or both parties shall charge and/or pay such at the appropriate rates.

Capital Improvements/Works

43. Should at any time in the future it be proposed to develop or alter the Site, or replace existing facilities, such that substantial capital investment in excess of £5,000.00 would be required, all parties shall be notified in writing of the proposals. Such proposals may be discussed, if deemed appropriate, by a meeting or meetings of representatives of the various parties to determine if there is a wish to proceed.

44. In the event that capital improvements are agreed upon, this Agreement may be subject to re-negotiation as appropriate.

Competitive Tendering

45. Insofar as the Council is currently required under law to subject grounds maintenance works to competitive tender, the maintenance on the Site will be included in any future Grounds Maintenance Contracts let by the Council.

46. Should the School, at any time, consider the costs it would have to pay under this Agreement as a result of the Tender accepted by the Council, to be unacceptable, the School may then elect to subject the areas under its ownership to a separate quotation. The obtaining of such quotation shall be entirely at the expense of the School and should the School decide to accept this alternative quotation, then the cost apportionment element of this Agreement shall be declared invalid and be subject to re-negotiation.

Access

47. Vehicular access to the Site shall be over the area hatched and bordered blue on the plan. The School, the Council and Essex County Council, as well as members of the public, shall have the right to pass and repass over this area.

48. The School shall have right of access to the pavilion for whatever purposes, provided that the access requirement is notified to the Council in advance and a mutually acceptable time for access is arranged.

External Influences

49. In the event that the terms of this agreement in whole or in significant part are amended by statute the agreement may be subject to re-negotiation.

Security

50. Whilst the School is not in possession of keys to any buildings, or part of buildings, locks or any other securing devices on the Site, the Council shall remain responsible for security. In the event that the School is supplied with keys to any part of the Site, security arrangements must be reviewed to ensure that security is not compromised.

Miscellaneous Items

51. Betting and gaming shall not be permitted on any of the premises.

Termination

52. This agreement shall not be terminable by either party except under the following circumstances:

- (i) Either party giving notice to terminate to the other party of not less than one year
- (ii) External influences as described in Clause 49.
- (iii) Capital improvements as described in Clause 44.
- (iv) Default in payment of the maintenance sums by either party.

Arbitration

53. In order to ensure that there is just cause for any termination by either party, there shall be a right of appeal to an independent arbiter who will determine if any termination is just. The arbiter shall be agreed upon in the first instance by both parties, but in event of agreement not being reached, the arbiter shall be the Director of the Institute of Leisure & Amenity Management (ILAM). His decision shall be final and binding on both parties.

THE COMMON SEAL OF
BRENTWOOD BOROUGH COUNCIL
was hereunto affixed in the presence
of:-

MAYOR

ASSISTANT TOWN CLERK

SIGNED by the said
MICHAEL RICHARD JAMES TRETT
on behalf of
BRENTWOOD COUNTY HIGH SCHOOL
in the presence of:-

SIGNED by the said
COLIN GODFREY ANTHONY
on behalf of
BRENTWOOD COUNTY HIGH SCHOOL
in the presence of:-

M. J. Trett
J. J. Fair
The Old Post House
School Road
Kelvedon Hatch, Brentwood, CM15 0L
Burrar.

[Signature]

MAINTENANCE COSTS ALLOCATION - WARLEY JOINT USE AGREEMENT

Table 1 Sports Facilities / Grounds Maintenance Costs

Cost Element	Quantity	Percentage of Total Annual Sum due to		
		B.C.H.S.	E.C.C.	B.B.C.
		Sports area maintenance on area edged green		50
- football (4no. pitches)	21,975m2			
- cricket square	660m2			
- hard porous area	6,700m2			
Sports area maintenance on area edged red		0	0	100
- football (2no. pitches)	12,225m2			
- cricket square	825m2			
General grounds maintenance on area edged green		50	0	50
- grass cutting general open space	38,885m2			
- tree base maintenance	16no.			
General grounds maintenance on area edged red		0	0	100
- grass cutting general open space	26,515m2			
- tree base maintenance	15no.			
- hedges	477m			
General grounds maintenance on area edged orange		0	50	50
- grass cutting general open space	6,470m2			
- naturalised/wooded area	6100m2			
- tree base maintenance	43no.			
- hedges	90m			
Occasional works to all areas eg fence repairs, ground reinstatement		50	10	40
Joint Access areas (areas edged blue)		33.3	33.3	33.4
- grass cutting general open space	970m2			
- shrub beds	40m2			
- tree base maintenance	10no.			
- car park maintenance	2,330m2			
- footpath maintenance	150m2			
NOTE:	Total area for land edged green (general open space, cricket, hard porous and wooded section)		48,745m2	
	TOTAL AREA FOR 'THE SITE'		92,200m2	

Table 2 Building & Wardening / Cleaning Costs								
						Percentage of Total Annual		
Cost Element						Sum due to		
						B.C.H.S.	E.C.C.	B.B.C.
Building maintenance						10	0	90
Fixed plant maintenance (inc. floodlights, boilers)						10	0	90
Supplies, equipment						10	0	90
Wardening / cleaning costs						10	0	90

Table 3 Service Bills								
						Percentage of Total Annual		
Cost Element						Sum due to		
						B.C.H.S.	E.C.C.	B.B.C.
Electricity						10	0	90
Gas						10	0	90
Water						10	0	90
Telephone						10	0	90
Insurance						10	0	90
Rates						10	0	90
Refuse collection						10	0	90

12th March 2018

Policy, Projects and Resources Committee

Town Hall Update and Automated Suppression System

Report of: *Greg Campbell – Policy and Programme Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

The Town Hall project is progressing in line with identified timescales.

This report provides a general update, progress on the Hub Groups and back office regarding the remodelled Town Hall.

The report provides information on the fire safety compliance of the scheme and the provision of an automated suppression system for members to consider following a motion at Ordinary Council (18.10.2017).

An automated suppression system is a general term given to systems which are activated automatically when a certain temperature is reached which in turn releases a liquid, substance or gas that reduces the impact or spread of a fire and/or smoke.

The report by Lawrence Webster Forrest (Fire Safety Compliance experts- see Appendix A attached) confirms that the current scheme (without any automated suppression system) meets the current standard. However, discussion with experts (including the Fire Brigade) state that risk is further mitigated if an Automated Suppression System is installed on the top two floors of the Town Hall.

2. Recommendations

2.1 Note the Town Hall update within this paper.

2.2 To agree that the PPR Committee receives a further update report on progress of the Town Hall at the next PP & R Committee.

2.3 Progress the detailed work necessary to install a water misting system via an Automated Suppression System on the top two floors of the Town Hall.

2.4 That an increased capital budget of £200,000 with an ongoing revenue cost for maintenance of £5,000 per annum be identified for the provision of an automated suppression system. That should the overall projected costs look to be exceeding this amount the decision be referred back to Policy, Projects and Resources Committee.

3. Introduction and Background

This report updates Members on the progress of the Town Hall Remodelling project, including information received following the request for a review of the fire safety compliance of the proposal, which includes consideration of an automated suppression system.

Overall Progress Update

The Town Hall Remodelling project is on schedule and continues to work towards a deadline of residential properties being habitable from the 1st April 2019. The completion of the remainder of the project is set for June 2019 when it is also envisaged that the Community Hub will be open for business. The Council's back office services will begin to relocate back to the Town Hall during July 2019. A schedule of homecoming will be developed in early 2019 as the project develops.

The enablement work will be finished by the 5th March 2018, which will see the complete 'strip out' of the entire building leaving a shell in which the remodelling can begin. Contractors are presently being appointed following a procurement exercise that began back in June 2017. The remodelling work will begin during March 2018 at the conclusion of some valued engineering and signing of appropriate contracts. All appropriate due diligence has been undertaken, including financial and a site visit, satisfying us of the ability,

approach and finished work of the company likely to undertake the remodelling.

The Hub

The Hub is the focal point of all services being delivered for the community and will include Mind, Council for Voluntary Services, Citizens Advice, the Council and Job Centre Plus who are all committed to the hub. Heads of Terms have all been agreed with these groups and 'Agreements to Lease' are now in the process of being signed. The design is now in its final draft and work will continue with these groups throughout the life cycle of the project to not only ensure their space is ready but to also discuss how the groups will work together once in the hub.

Back Office Space

Since the relocation of the back office to other buildings within the Borough, the Council has realised significant cultural changes to the way it works. This has seen a significant increase in working differently including remote working.

Therefore, a review of present space occupied by Brentwood Borough Council at Regus and the other sites like the Depot and Merrymeade has led to a conclusion that the space the Council required for a functioning back office when it returns to the Town Hall is far less than previously required. This will be recognised in revised plans to the first floor. The revised space will be utilised far more effectively making the most of the space, modern furniture, information, technology and equipment enabling a better office experience. There will be no impact on services nor the Council Chamber, committee room, meetings or other functions held at the Town Hall.

By reducing the space occupied by Council back office services it will free up space allowing for a greater proportion of commercial space to be let. The drawings and the effect on the financial model are presently being confirmed.

General Financial Update

The estimated final outturn of the project budget continues to be monitored. Following the completion of the valued engineering work with the company undertaking the final phase of the remodelling work, a review of the space allocation and the impact this will have on the expenditure and likely revenue, the Council will be in a position to report on the likely estimated expenditure of the project as a whole and the likely expected revenue as a whole.

Obviously additional inclusions to the scheme like the potential inclusion of an automated suppression system, which is being considered later in this report, will impact upon the final budgetary outturn.

Therefore, a further progress report including an estimated final outturn and revenue figure is recommended to be brought before the next PP & R Committee in 2018.

Committee request for Fire Safety review

A motion at the 18th October Ordinary Council meeting which was amended and carried as follows:

'This Council resolves to investigate as part of an overall review of safety measures the installation of a sprinkler system to be installed in the Town Hall building during alterations to the offices and during the conversion of the upper floors to 19 apartments.'

The commissioned report has now been received and reviewed by Building Surveying Services, ourselves and Millbridge our project management advisors for this project. Further advice, information and discussions have taken place with Essex County Fire and Rescue Services. The findings are set out in the sections below

4. Issue, Options and Analysis of Options

The remodelled Town Hall in its present design meets the appropriate fire regulations that it must adhere to. Any recommendations within the report received from the specialist advisors Lawrence Webster Forrest – Fire Engineering & Fire Risk Management Consultants contained at Appendix One have already been incorporated into the design. The report confirms:

- All residential dwellings meet the requirements set out in 'Approved Document B' which sets out the means of warning and escape
- Each flat is provided with 30 minutes of protected stairway
- Travel distances within the office areas are acceptable
- The current proposals show that the number of exits per storey and room(s) are acceptable
- All floors provide a minimum of 60 minutes fire resisting compartmentalisation and each residential unit will form its own 60-minute fire resistant compartment

The report by Lawrence Webster Forrest confirms that the current scheme (without any automated suppression system) meets the current standards (subject to the items outlined in the report), which have now been

incorporated within the scheme. That said the report also supports the installation of an automatic suppression system for the following reasons:

- Increases the life safety within the building
- Increases property protection
- Will limit the extent of damage that fire could cause
- Likely to reduce the number of fire related injuries
- A suppression system will keep the fire to a much smaller size for a period which also reduces Co2 emissions
- Less water overall is required to fight a fire
- Reduces the risk to fire fighters

The installation of an automated suppression system was also endorsed by Essex Fire and Rescue.

However, the report also identifies the difficulty of installation of some systems because of the need for space for water tanks and pumps and the cost of ongoing maintenance associated to such systems.

Following the report, options available to the Council to provide an automatic suppression system were considered by Millbridge. Their report is attached at Appendix Two which provides the following background information.

The Millbridge report considered two options;

- i. A full sprinkler system for the whole building
- ii. A sprinkler system to the residential accommodation only which could be delivered through the following options:
 - a) Pump and tank system
 - b) Water misting system

5. Option 1, Whole Building - Full Tank Sprinkler System:

Whilst the installation of a full sprinkler system has its advantages it has some disadvantages including:

- Increased damage if activated (although isolated to the areas the sprinklers are activated)
- Installation and design costs
- Location issues
- Extension of the project timeline

Notwithstanding this, a full tank system which could cover the whole building, is likely to cost in excess of £400,000 with further knock on effects from the location and impact of the tank and pumps which have so far not been identified.

Any pump and tank system is also likely to delay the delivery timeframe of the Town Hall remodelling project, which in real terms would cost the Council in excess of £300,000 due to in increased tax

6. Option 2a Residential Only – Pump and Tank System

Again, this system has its advantages but also like the full building pump and tank system it has its disadvantages which have been identified in the previous chapters of this report.

Likely cost of is in excess of £146,000

7. Option 2c i, Residential Only - Water misting system (independent)

Misting systems when activated release a very fine water vapour to the area within the vicinity of the activation, reducing smoke and fire giving the occupant an extra 30 minutes to evacuate the building. This would be an independent system to each residential unit. This would require space for each tank within each residential unit and far less redesign work. It is therefore less likely to affect timelines.

Likely cost in excess of £110,000.

8. Option 2cii, Residential Only - Water misting system (central plant)

This would be an independent system fed by two tanks on the residential floors which would then supply a misting system to each flat and / or potentially common walkway areas, again providing a further 30 safe minutes to evacuate or be led to safety.

Likely cost in excess of £50,000.

9. Whole Building or Residential

As stated the building will meet the requirements for fire safety as set out by regulations. However, the installation of any automated suppression system would provide overall benefits.

It can also be argued that it is the residential area that is of most concern as its occupants are less predictable than commercial space which by the nature of its occupation is generally controlled to some degree by its use.

This argument can be supported as commercial occupants will have scheduled fire evacuations/procedures with manuals and training for staff which are controlled through standard practices. It is far more difficult when considering the residential areas where public live and sleep and not always necessarily when you expect them to carry out these activities. They are in a less controlled environment and therefore require more time and resources to maintain and keep safe. We must also bear in mind that office areas are less likely to be occupied 24x7 unlike residential areas.

It must also be noted that any system does and will not include the Police demise as they are already in situ and the risk of fire in this area is far less as it is in 24-hour occupation

10. Summary

The automated suppression systems identified within this report all provide opportunities to reduce overall fire damage and safe time to evacuate the building. The risk too tenants and visitors is considered far greater to those in the residential areas than the commercial areas and the mist system to these areas is the most economical

11. Recommendation

It is therefore recommended to:

- Note the Town Hall update within this paper.
- To agree that the PPR Committee receives a further update report on progress of the Town Hall at the next PP & R Committee.
- Progress the detailed work necessary to install a water misting system via an Automated Suppression System on the top two floors of the Town Hall.
- That an increased capital budget of £200,000 with an ongoing revenue cost for maintenance of £5,000 per annum be identified for the provision of an automated suppression system. That should the overall projected costs look to be exceeding this amount the decision be referred back to Policy, Performance and Finance Committee.

12. Reasons for Recommendation

It is recommended to report back to Members at the next PP & R Committee so they are aware of progress generally and the latest financial position in terms of any changes relating to both expenditure and revenue.

13. Consultation

Consultation was undertaken with professional fire engineering & fire risk management consultants as well as building surveying services, Essex Fire and Rescue Service and Millbridge our building project managers and quantity surveyors,

14. References to Corporate Plan

The Town Hall remodelling project fits with a number of corporate objectives set out in Vision for Brentwood 2016–19:

- Review the Town Hall project to deliver a community hub, shared by others
- Consider how Council assets can be utilised to promote sustainable development in the Borough
- Maximise Council assets to deliver corporate objectives and ensure community benefit
- Review our asset management governance strategy
- Develop new ways of working for the Council, improving service delivery and reducing costs and unnecessary bureaucracy
- Explore alternative methods of service delivery, including shared services and outsourcing

15. Implications

Financial Implications

Name & Title: Jacqueline Vanmellaerts, Financial Services Manager (Deputy Section 151)

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

The costs of the individual systems have been identified in the report for members to decide the appropriate option for an automated suppression system. The specific Recommendation to include a £200k Capital budget provision will have to be funded from the Council's Capital Receipts, along with the existing monitoring of the Town Hall Project Costs. The Council's Capital Receipts at the moment are sustainable to fund this provision, but they are being reviewed as part of a wider concept through the Asset Development Program. The £5k p.a ongoing maintenance will be an

additional pressure within the current Town Hall Revenue model, however this is regularly under review and not yet finalised as the Council continues through the process.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312500 daniel.toohey@brentwood.gov.uk

The report attaches a review with recommendations from fire safety experts having regard to compliance with fire safety building regulations and relevant British and European standards where appropriate.

In selecting a contractor to install and maintain the chosen solution, the Council must comply with procurement regulations including the Public Contracts Regulations 2015, and its Contract Standing Orders as set out in the constitution. Legal Services are available to provide advice and assistance going forward.

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

There appears to be no other implications at this point

16. Background Papers

None

17. Appendices to this report

Appendix A - Lawrence Webster Forrest Fire Safety Compliance Review
Appendix B – Millbridge Supporting Document

Report Author Contact Details:

Name: Greg Campbell

Telephone: 01277 312738

E-mail: greg.campbell@brentwood.gov.uk

This page is intentionally left blank




Updated Sprinkler Installation Report 2-3-18

Brentwood Town Hall - Main Project

Contents

1.0 Introduction..... |
2.0 LWR Report |
3.0 Automated Fire Suppression Options (including conclusions and recommendations)

Issued by:	D Longstaff	
------------	-------------	--------------------------------------------------------------------------------------

1.0 Introduction

Millbridge Project Management have been requested by Brentwood Borough Council to undertake a review of whether there is a statutory requirement for the provision of an Automated Fire Prevention Sprinkler or Water Misting Systems to be installed as part of the Town Hall redevelopment project.

In turn on behalf of Brentwood Borough Council, Millbridge commissioned Lawrence Webster Forrest Ltd (LWF) a specialist Fire Consultant to review the current fire strategy design proposals for the Brentwood Town Hall redevelopment project to ensure compliance with current fire safety standards and then to provide further information regarding the possible installation of a sprinkler system and its impact.

1.1 General Description of Development

The Brentwood Town Hall Redevelopment is an existing 5 storey building, comprising basement, ground and three upper floors.

The building will be multi occupied and will comprise of police and council offices, a community hub and lettable offices on the basement, ground and first floors. 19 residential units will be provided on the second and third floors and these will be let on short term tenancy agreements by the council.

1.2 Purpose & Scope of Report

The purpose of this report is to review the proposed fire strategy for the redevelopment of Brentwood Town Hall to current fire safety standards and highlight any areas which may require further review due to non-compliance. For the purpose of this report and in line with the principle design guidance, the report makes recommendations for life safety only.

Additionally, this report will look at the potential for implementation of further automated fire suppression systems over and above that required by Building Regulations. These fall into two basic categories either the introduction of a sprinkler system or a water misting system to the residential apartment areas or possibly throughout the whole building.

2.0 LWF Report

2.1 Does the current Design Scheme as proposed legally require an Automated Fire Sprinkler System ?

The Report concludes that providing that the few non-compliant items noted are reviewed, the current proposals for Brentwood Town Hall demonstrate a level of fire safety equal to the general standard implied by compliance with the current recommendations in Building Regulations 2010 Part B "Fire Safety" Approved Document B (2006 Edition) incorporating 2007, 2010 and further 2013 amendments. The advice from the fire engineering and risk expert is that it is not deemed necessary to install either a sprinkler or a water misting system to comply with current Building Regulations. However, the added benefits and drawbacks of installing additional fire suppression measures are now examined and summarised both in terms of providing sensible and proportionate additional protection to the occupants of the building and the resultant additional capital costs.

3.0 Automated Fire Suppression System Options considered

3.1 Full Sprinkler installation to the whole building

3.2 Sprinkler system to Residential Accommodation only

- 3.2.1 Pump and Tank system
- 3.2.2 Mains Fed system
- 3.2.3 Water Misting system

3.3 Full Sprinkler installation to the whole building

This is an extreme option and is probably not necessary to the office areas of the building as the existing fire protection and means of escape measures required by Building Regulations will provide the requisite protection to the occupants of the office areas of the building. If it were considered appropriate to introduce a sprinkler system to the whole building the following would need to be designed in to the scheme

- 3.3.1 a stored / tanked water system. This would need a plant room of approx. 6 x 8 m to house a tank and associated standby/duty pump-set.
- 3.3.2 a secondary power supply (life safety) in the form of a diesel generator which would require space of 3 x 5 x 3 m that would need a filling strategy, ventilation for cooling and combustion air in and out for heat rejection
- 3.3.3 a combustion flue to roof (twin walled stainless steel, nom diameter 500mm),
- 3.3.4 Sprinkler pipework through the building and associated coordination issues
- 3.3.5 Alarm interfaces

These design changes would involve significant amounts of extra work to the project which are likely to create delays to the completion dates as well as significant additional capital cost. It is considered that a more proportionate and appropriate change would be to provide additional fire suppression measures to the residential accommodation areas only which are reviewed below.

3.4 Coverage of the Residential Accommodation only

3.4.1 Pump & Tank System

- 3.4.1.1 Introduction of a sprinkler system even though significant less extensive than for item 3.3 this would still require (i) a stored tank water system (ii) diesel generator (iii) associated combustion flue to roof level (iii) sprinkler pipework (iv) alarm interface. This again could potentially delay the completion of the residential units and the favoured option is therefore the water misting system as noted in 3.4.3 below.

3.4.2 Mains Fed System

- 3.4.2.1 It is not considered this is realistically possible – each apartment is likely to require a normal supply and then a dedicated sprinkler supply, requiring double the pipework. The sprinkler supply pipe bore would need to be large to achieve the flow rates / pressures required from the ground floor entry point and would likely require Essex Water to modify the existing mains and install manifolds to support required flow rates. This option is not practically possible so it is not discussed further.

3.4.3 Water Misting System

- 3.4.3.1 This installation would be much simpler – a 13A power supply, 15mm cold water supply, and interfaced fire alarms and wired/plumbed back to each of the mist generators, where each residential unit would have its own dedicated system. It is considered that this is the most sensible option for providing additional fire suppression measures over and above those required by Building Regulations. There are two alternatives for implementing a water misting system and these are to provide these to the residential flats via independent tanks or through a central plant fed by two tanks on the residential floors.

3.5 Option Summary

Option	Advantage	Disadvantage	Install Cost	Annual Maintenance Cost
Whole Building				
Full Pump & Tank sprinkler system	Full Building Coverage	<p>Cost:</p> <p>Space: space for necessary tanks will prove very difficult to provide</p> <p>Planning Consent will be required which inevitably delay the project completion</p> <p>Large amount of water discharge in the event of a sprinkler head activating with significant consequential damage</p> <p>Maintenance</p>	£389,500	TBC
Residential Only				
Pump & Tank System		<p>Cost:</p> <p>Space: as with above option space for necessary tanks will prove very difficult to provide</p> <p>Planning Consent will be required which inevitably delay the project completion</p> <p>Large amount of water discharge in the event of a sprinkler head activating with significant consequential damage</p> <p>Maintenance</p>	£146,500	£5000.00 (budget)

Option	Advantage	Disadvantage	Install Cost	Annual Maintenance Cost
Water Misting System Via Independent Tanks	Independent to each unit Cost Flush discharge heads Less water consequential water damage Relatively easy Installation	Space for Tank within each unit 700wx 450 x 400 Revised design drawings will need to be provided Difficulty in obtaining comparable quotes across different specialist suppliers – hence cost range given above	£75,000 - £125,000	£4750.00 (£250.00 per unit)
Water Misting System Via Central Plant Tanks	Cost Flush Discharge heads Less consequential water damage Relatively easy Installation	Space for central plant and tank - requires separate dedicated water supply 4 bar min Revised design drawings will need to be provided Difficulty in obtaining comparable quotes across different specialist suppliers – hence cost range given above	£40,000 - £50,000	TBC

3.6 Conclusions & Recommendations

The LWF Report concludes that providing the few non-compliant items noted are included, the current proposals for Brentwood Town Hall demonstrate a level of fire safety equal to that required by the Building Regulations Approved Document B. Therefore, it is not necessary to install either a sprinkler or water misting system to ensure compliance with Building Regulations throughout the premises. The provision of either a sprinkler or water misting system will be an added benefit rather than a necessary component to ensure the benchmark fire safety standard is achieved.

In reviewing the options available, the sprinkler ‘Mains Fed’ system is simply not possible so should be discounted from the consideration. The tank-based sprinkler system, if considered the proportionate and appropriate option should be provide to the residential accommodation areas as the existing fire protection and means of escape measures already being provided to the general office areas are considered sufficient and therefore less of a risk. However, installing a sprinkler to the residential accommodation may also prove difficult owing to space necessary for the water

storage tanks. In addition this may significantly impact on the completion date for the residential units which will have significant financial consequences.

Therefore, the water Misting system is the most practical and feasible solution although the annual maintenance cost owing to the 'individual' systems would be higher.

If the Council decide 'Residential' coverage is required, there are a number of 'Mist' systems suppliers in the market and we would recommend that further review is undertaken with alternative suppliers to ensure the right system is selected for the 'short term tenancy' use ie robustness, taper proofing, ongoing maintenance and life cycle costs.

This page is intentionally left blank

Brentwood Borough Council

Brentwood Town Hall

Fire Safety Compliance Review

REPORT REFERENCE: 17159-R-01-C

LAWRENCE WEBSTER FORREST

Fire Engineering & Fire Risk Management Consultants



Lawrence Webster Forrest

Brentwood Borough Council

Brentwood Town Hall

Fire Safety Compliance Review

Prepared By:
Amy Reynolds
Fire Engineer

Approved By:
Gary Neville
Principal Fire Surveyor

Report Status:

Issue	Description	Prepared by	Reviewed by	Date
C	Client details updated	AR		01/02/2018
B	Indicative costs added to the report	AR	GN	30/01/2018
A	Issued to client.	AR	GN	10/01/2018

Lawrence Webster Forrest
Legion House, Lower Road, Kenley, Surrey CR8 5NH
Tel: 020 8668 8663 Fax: 020 8668 8583

TABLE OF CONTENTS

1	INTRODUCTION	4
1.1	General Description of the Development	4
1.2	Purpose and Scope of the Report	5
1.3	Principle Guidance Documents	5
2	INITIAL REVIEW AND COMMENTS	6
2.1	Means of Escape.....	6
2.2	Automatic Fire Detection and Means of Warning.....	10
2.3	Internal Fire Spread	10
2.4	External Fire Spread.....	11
2.5	Fire Service Access and Facilities	11
2.6	Smoke control	11
2.7	Other Items for Consideration	12
3	AUTOMATIC SUPPRESSION SYSTEM.....	13
4	CONCLUSION	15
	REFERENCES	16

1 INTRODUCTION

Lawrence Webster Forrest Ltd (LWF) have been commissioned by Brentwood Borough Council to review the current fire strategy design proposals for the Brentwood Town Hall redevelopment project to ensure compliance with current fire safety standards and then to provide further information regarding the possible installation of a sprinkler system and its impact.

1.1 General Description of the Development

The Brentwood Town Hall Redevelopment is an existing 5 storey building, comprising basement, ground and three upper floors.

The building will be multi occupied and will comprise of police and council offices, a community hub and lettable offices on the basement, ground and first floors. 19 residential units will be provided on the second and third floors and these will be let on short term tenancy agreements by the council.

There will be 3 main staircases, which will run the entire height of the building. It is envisioned that day-to-day access to the residential units will be via Stair Core 2 and both Stair Cores 1 and 3 will only be used as alternative means of escape in the event of an emergency.

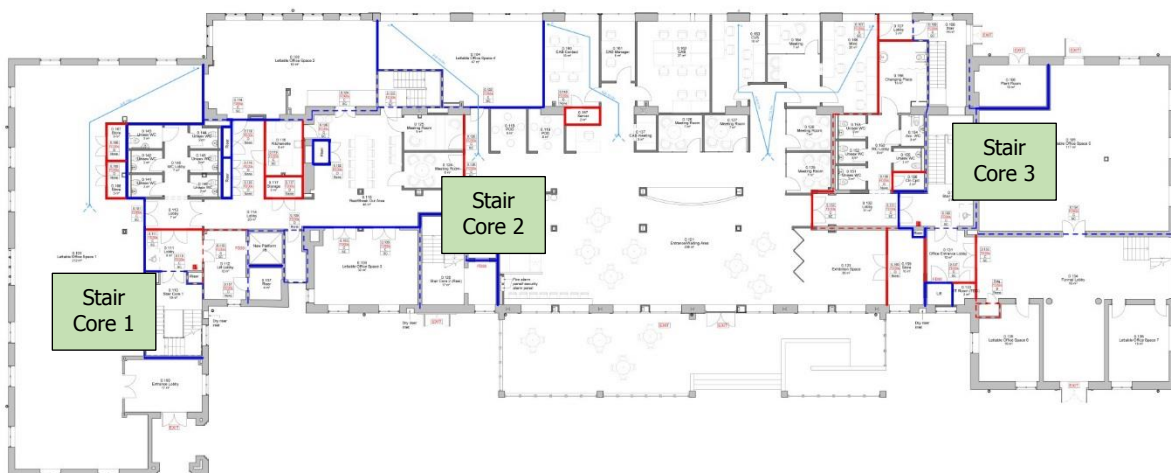


Illustration 1 - Ground floor layout.

1.2 Purpose and Scope of the Report

The purpose of this report is to review the proposed fire strategy for the redevelopment of Brentwood Town Hall to current fire safety standards and highlight any areas which may require further review due to non-compliance. For the purpose of this report and in line with the principle design guidance, the report makes recommendations for life safety only.

Additionally this report will look at the requirement for a sprinkler system throughout the building and some of the associated advantages and disadvantages.

This report relates to the plans below provided by Millbridge Project Management Ltd.

Description	Drawing Number	Revision
Existing Site Plan – Contractors Compound, Main Works	BTH-MAR-XX-00-DR-A-0052	B
Proposed Basement Fire Strategy	BTH-MAR-XX-B1-DR-A-0108	-
Proposed Ground Floor Fire Strategy	BTH-MAR-XX-00-DR-A-0118	-
Proposed First Floor Fire Strategy	BTH-MAR-XX-01-DR-A-0128	-
Proposed Second Floor Fire Strategy	BTH-MAR-XX-02-DR-A-0138	1
Proposed Third Floor Fire Strategy	BTH-MAR-XX-03-DR-A-0148	-

1.3 Principle Guidance Documents

The principle guidance document used for the evaluation of fire safety precautions for the proposed development will be Volume 2 of the Building Regulations Approved Document B: Fire Safety – 2006 Edition (ADB) as amended 2007, 2010 & 2013. Reference will also be made to relevant British and European standards where appropriate.

The Building Regulations are fully functional. This means that the guidance given in ADB is not mandatory. Nevertheless, it is intended that due notice will be taken of the guidance of ADB and, where appropriate, deviations from the guidance will be discussed and justified based on compensatory measures and fire engineering design.

2 INITIAL REVIEW AND COMMENTS

2.1 Means of Escape

Millbridge Project Management Ltd have provided the following occupant capacities for the building:

Basement: 30 people

Ground Floor: 38 people (this does not include the lettable office spaces)

First Floor: 140 people

Second Floor: No capacities provided

As the capacities for the lettable offices are unknown, the occupancy figures for these areas have been calculated based on the maximum capacity the space will hold. This has been calculated by applying the relevant Floor Space Factors as detailed in Table C1 of ADB to the available floor space.

Lettable Office No.	Floor Area (m ²)	Floor Space Factor	Occupant Capacity (persons)
1	212	6.0	35
2	63	6.0	11
3	32	6.0	5
4	47	6.0	8
5	117	6.0	20
6	18	6.0	3
7	19	6.0	3

It is also not known at this time the occupancy figures for the second and third residential floors, however this is likely to continuously change due to the short term nature of the residential lettings. Additionally in the event of a fire, only the occupants of the flat in which the fire is located would need to initially evacuate, therefore only a couple of additional people would need to be considered when considering suitability of escape routes throughout the building.

The travel distances within the building can be split into 2 main categories; offices and residential dwellings.

All of the residential dwellings appear to meet the requirements set out in ADB for the internal planning of flats. This includes a protected entrance hallway with a maximum travel distance of 9 metres to the flat front door. Each multi storey flat is indicated as being provided with a 30 minute protected stairway, however in order to meet the guidance set out in paragraph 2.16 of ADB, smoke detectors should also be provided in all habitable rooms and a heat detector should be fitted within the kitchen.

The travel distances within the common ways of the residential floors should be no more than 7.5 metres in a single direction and no more than 30 metres where there is an alternative means of escape. All residential units appear to meet the required common way travel distances with the exception of the flat labelled on the plans as 2.115, which has a travel distance of 9.75 metres in a single direction.

In addition to the flat described above, the second floor flat labelled as 2.101 also has a dead-end condition, however the travel distance is less than 7.5 metres. The guidance within ADB states that any dead-end portion of a common corridor should be separated from the rest of the corridor by a self-closing fire door. Currently the plans do not show any fire resisting separation between the dead-end sections and the rest of the corridor, therefore this may need to be reviewed.

The travel distances for the office areas on the basement, ground and first floors should be no more than 18 metres in a single direction and no more than 45 metres where there is an alternative means of escape. It would appear that the travel distances within the office areas are generally acceptable.

In accordance with Table 3 of ADB one escape route from a room or storey is acceptable providing there are no more than 60 persons within that area. At least 2 exits must be

provided for rooms or storeys where there is between 60 and 600 persons. The current proposals show that the number of exits per storey and room are acceptable.

There are a number of inner rooms on the basement, ground and first floors, however due to the installation of a Category L1 fire alarm and detection system, all access rooms will be provided with suitable detection and therefore the inner room requirements outlined in ADB are satisfied.

There are 3 core staircases within the building. Stair Core 2 accessed via a new door at ground floor level only accesses the basement and the residential levels. Stair Cores 1 & 3 serve both the offices and the residential units and access is available at all levels. This will be acceptable provided that the stairs are separated from the different occupancies by protected lobbies. Currently the plans show that the stairs are all suitably lobbied with the exception of Stair Core 3 at first and second floor levels, where the Council Chamber and Viewing Gallery both open directly into the staircase. This will need to be reviewed, however if this cannot be achieved, one possibility could be the use of a fire curtain in lieu of the protected lobby. The lettable office spaces located within the formal lobby do not require lobby protection, providing that the occupants of the flats can exit the staircase at the rear of the building rather than passing through the formal lobby.

The current proposals show that the stairs will run through the entire height of the building. This may need to be reviewed as at least one of the Stair Cores serving the upper floors should terminate at ground floor level and should not continue down to the basement. From the plans provided the most viable option to achieve this would be to terminate Stair Core 2 at ground floor level and have this staircase purely for access to the residential floors.

All three Stair Cores will have a minimum width of 1100mm. This is deemed acceptable for the required occupant capacities on the upper floors. Additionally all final exits from the staircase enclosures will at least be as wide as their corresponding staircases therefore the risk of 'bottlenecking' is effectively eliminated.

Refuge points will be provided in the following areas:

Basement: Stair Core 2 & Stair Core 3

Ground Floor: Stair Core 1 Lobby & Stair Core 3

First Floor: Stair Core 1 Lobby & Stair Core 3

Second Floor: None

Third Floor: None

An emergency voice communication (EVC) system, complying with BS 5839-9: 2011 and consisting of a main control panel, remote units with call buttons and two-way voice intercom will be provided. Each disabled refuge alarm system shall be linked into the main control panel, located in either the main entrance or security room so that staff can keep in contact with the refuge areas throughout an emergency. Each activated refuge system shall have an auto listening facility to monitor activity in the refuge area. As each disabled person is moved to safety, the system shall have the capability of being reset by a key operated switch on the refuge area remote unit.

Refuges should normally be provided for each protected stairway affording egress from each storey. Stair Core 2 only contains a refuge point at basement level as anyone using the staircase from the upper floors will be occupants of the flats and it is therefore not deemed necessary to provide refuges at these levels.

Currently there is no refuge point at basement level in Stair Core 1 therefore this may need to be reviewed.

As the project is currently at the design stage, the evacuation strategy including disabled evacuation has not been produced, however the strategy should take into account the evacuation of disabled persons from the refuge points to a place of ultimate safety.

Emergency lighting and signage will be provided throughout the premises in accordance with BS 5266 & BS 5499 respectively.

2.2 Automatic Fire Detection and Means of Warning

A Category L1 system, as described in BS 5839-1: 2017, will be fitted throughout the commercial areas of the premises and will comprise of a mixture of detectors and audio and visual alarms. The fire alarm will not be linked to the residential units situated on the upper floors, however two way communication and alarm will be provided between this system and the current system currently covering areas occupied by the police.

The fire alarm control panel will be located in the ground floor entrance/waiting area and will also be remotely monitored.

The type of fire alarm system normally required for this type of premises will vary from a Category M system all the way to a Category L1 system depending on complexity and size of the premises, therefore as a Category L1 system has been proposed it is deemed acceptable.

For each of the residential units a Grade D LD2 system, as described in BS 5839-6: 2013, will be fitted. This will provide coverage to the escape routes within the flat as well as in areas of high fire risk such as the kitchen and living room. This is the benchmark standard expected, however for the multi storey flats, where there is no alternative exit provided from the upper storey, all habitable rooms should be provided with detection.

A standalone Category L5 system, as described in BS 5839-1: 2017, will be fitted within the common ways of the second and third floors. This system will comprise of smoke detectors and its sole purpose will be to activate the automatic openings vents in the event of smoke escaping into the corridors, lobbies or staircases. This system is the benchmark standard expected within blocks of flats and is therefore deemed acceptable.

2.3 Internal Fire Spread

All floors will provide a minimum of 60 minutes fire resisting compartmentation and each residential unit will form its own 60 minute fire resisting compartment. This meets the required minimum periods of fire resistance as outlined in Table A2 of ADB. As there is no limit to compartment sizes for offices, this does not need to be considered.

There are a number of existing walls on the current drawings where their levels of fire resistance have been assumed. This will need to be checked and confirmed during the building stage. Additionally the plans provided show 30 minute fire resisting ceilings within the flat hallways and landings. It has now been confirmed that each flat will be a 60 minute fire resisting compartment, however an additional 30 minute fire resisting suspended plasterboard ceiling will also be provided as service ducts will be located above these areas.

2.4 External Fire Spread

This report only takes into account the redevelopment of the Town Hall and does not assess the boundary conditions of the building. Since the building is existing, it is assumed that it complies with the functional requirements of the Building Regulations.

2.5 Fire Service Access and Facilities

Dry rising mains will be provided to all 3 stair cores with outlet valves provided at every floor of the building. This ensures that fire-fighting access is no more than 45 metres to the furthest point within each of the residential units.

It would appear that pumping appliance access with a clear line of sight to the dry riser inlet is possible within 18 metres for Stair Cores 1 & 2, however it would appear that this distance is extended to approximately 25 metres for Stair Core 3. This may need to be reviewed and discussed with the local fire & rescue service.

2.6 Smoke control

Automatic opening vents (AOVs) will be provided within the three Stair Cores and also within the common ways of the second and third floors. The smoke control is currently still in the early stages of design, however it shall be enabled to automatically ventilate smoke from the residential corridors, residential staircases and common use stairwells.

The following areas, as described on the drawings, will be served by the AOVs:

Second Floor	
AOV 1	Corridor 2.123
AOV 2	Corridor 2.119 & Lift Lobby 2.121
AOV 3	Corridor 2.122

Third Floor	
AOV 1	Corridor 3.100
AOV 2	Corridor 3.123
AOV 3	Access Lobby 3.132

The plans currently do not show any form of ventilation to the staircase lobbies. Ventilation within these areas is required within ADB, therefore this should be reviewed within the smoke control design strategy.

2.7 Other Items for Consideration

It is noted that there is an area at basement level, which does not form part of the current project, however it should be highlighted that there appear to be a number of inner rooms. The current occupier should review this within their fire risk assessment.

3 AUTOMATIC SUPPRESSION SYSTEM

The current scheme meets current standards (subject to the items outlined in this report), however the installation of a sprinkler system can provide many benefits. Not only does it significantly increase the life safety within a building, but it also increases the property protection. Statistics show that the quick reaction of a suppression system and the rapid dousing of a fire will limit the extent of damage that the fire could have caused and also reduce the number of fire related injuries. There are also some environmental benefits associated with sprinkler systems. This is primarily due to the fact that sprinkler will suppress a fire and keep it to a much smaller fire size. This means that there is a reduction in CO₂ emissions directly from the fire and additionally a smaller quantity of water is required to fight the fire. The addition of a sprinkler system may also considerably reduce the insurance premiums of the building over its lifetime.

Although there are many benefits, there are other factors which need to be taken into account when considering the installation of a sprinkler system. For some systems, a large amount of space is needed to store the water tanks and pumps, which does not seem readily available. Additionally the initial installation outlay may be quite costly and following the installation there will be ongoing maintenance normally consisting of weekly, monthly, quarterly, 6-monthly, annual, 3 yearly and 10 yearly tests/services and therefore associated maintenance costs.

In conclusion, a sprinkler system can be considered a positive benefit to reduce both life and property loss potential due to fire. However, the provision of an active means for fighting fire should not be seen as the only solution to providing a satisfactory level of fire safety.

4 CONCLUSION

Providing that the few non-compliant items highlighted within this report are reviewed, the current proposals for Brentwood Town Hall demonstrate a level of fire safety equal to the general standard implied by compliance with the current recommendations in ADB, therefore it is not deemed necessary to install a sprinkler system throughout the premises. Should a sprinkler system be installed, it will be an added benefit rather than an essential component needed to ensure the benchmark fire safety standard is achieved.

REFERENCES

1. Building Regulations 2010 Part B "Fire Safety" Approved Document B (2006 Edition) incorporating 2007, 2010 and further 2013 amendments
2. British Standard BS 5839-6:2013, Fire detection and fire alarm systems for buildings. Code of practice for the design, installation and maintenance of fire detection and fire alarm systems in dwellings
3. British Standard BS 5839-1:2017, Fire detection and fire alarm systems for buildings. Code of practice for system design, installation and maintenance
4. British Standard BS 5839-9: 2011, Fire detection and alarm systems for buildings. Code of practice for the design, installation, commissioning and maintenance of emergency voice communication systems
5. British Standard BS 5266-1: 2016 Emergency lighting. Code of practice for the emergency lighting of premises
6. British Standard BS 5499 Fire safety signs, notices and graphic symbols
7. British Standard BS 12845:2015 Fixed firefighting systems. Automatic sprinkler systems. Design, installation and maintenance.
8. British Standard BS 8458:2015, Fixed fire protection systems. Residential and domestic watermist systems. Code of practice for design and installation
9. British Standard BS 9251:2014, Fire sprinkler systems for domestic and residential occupancies. Code of practice

12th March 2018

Policy, Projects and Resources Committee

Wholly Owned Company

Report of: Chris Leslie – Commercial Manager

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 This report sets out the business case and seeks approval to create a company that will be wholly owned by the Council. As part of the Council's asset development programme a private company is required to engage in commercial activity and also to facilitate future opportunities.

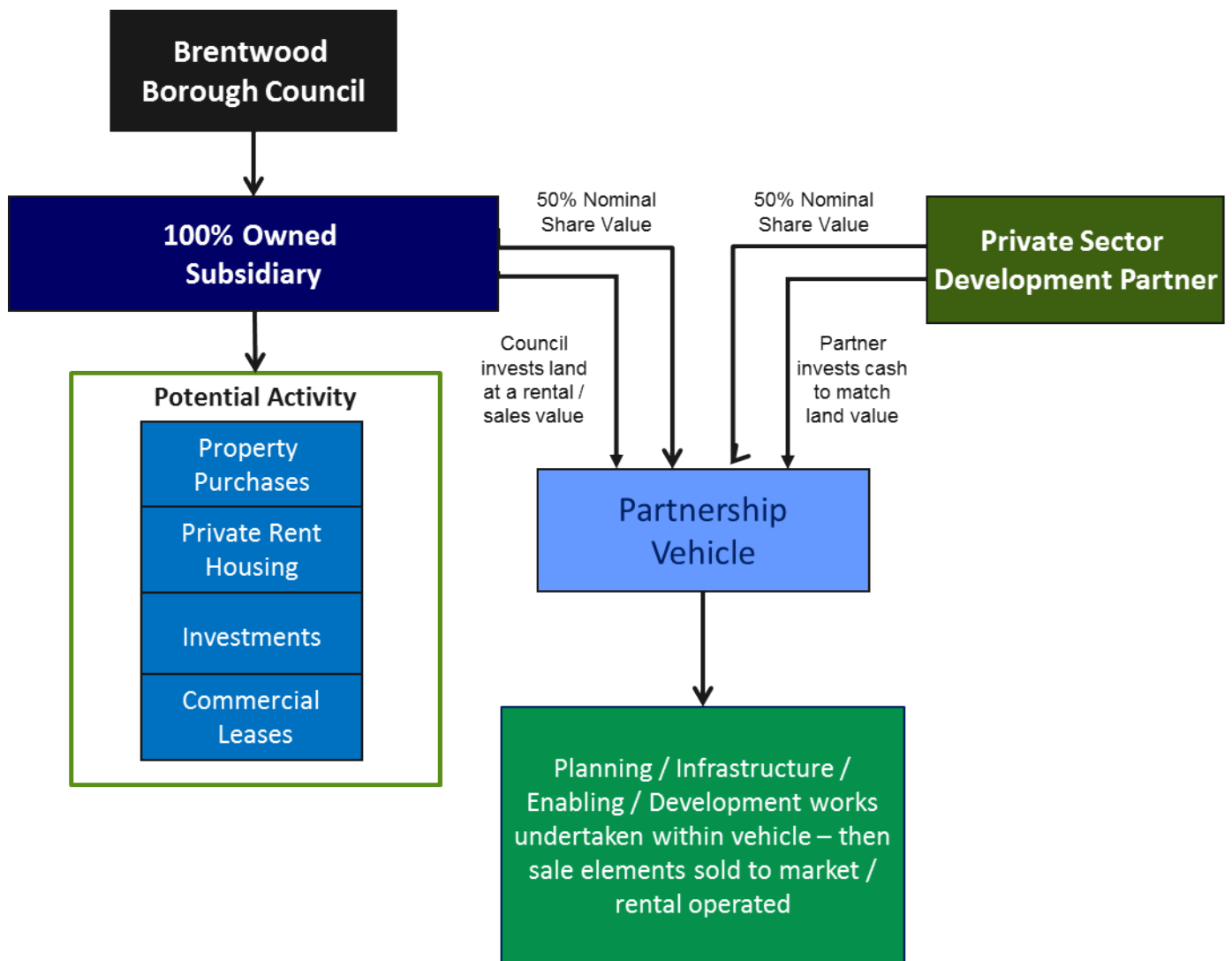
2. Recommendations

- 2.1 **That the Committee recommend to full Council the creation of a wholly owned company.**
- 2.2 **That an initial loan facility of up to £10 million is provided to the company.**
- 2.3 **That the Council borrow £10 million from the Public Works Loan Board.**
- 2.4 **That the Committee recommend to full Council that authority be delegated to the Policy, Projects and Resources Committee to exercise the Council's decision making powers under the shareholder's agreement.**

3. Introduction and Background

- 3.1 The Corporate Plan for the Borough of Brentwood 2016-2019 includes a commitment to explore new income generating ideas and opportunities. At its meeting on 6th February 2018 the Policy, Projects and Resources Committee agreed that a report recommending the establishment of a wholly owned company would be brought to the next meeting.

- 3.2 On 19 September 2017 the Policy, Projects and Resources Committee approved a hybrid approach for delivering the asset development programme. The hybrid approach involves the self-development of simple sites by the Council, while more complex sites would be undertaken jointly between the Council and a procured joint venture partner.
- 3.3 To maintain a revenue stream for the Council the self-developed sites will be leased out on a commercial basis. The Localism Act 2011 allows local authorities to do anything an individual can do. However, section 4 of the act requires that any commercial activity must be undertaken through a company.
- 3.4 Therefore, to comply with the requirements of the Localism Act 2011 the Council needs to establish a company. This will be wholly owned by the Council. It should be noted that certain local authority activities that could be considered commercial, such as leisure and car parks, are covered under separate legislation and do not need to be undertaken through a company.
- 3.5 The wholly owned company will seek to engage in a variety of commercial activities that will be asset based initially, and subject to appropriate business cases and financial sustainability could be extended into other areas such as service provision. Through a combination of equity from the sale of those Council assets, which are approved for sale through the asset challenge process and borrowing the Council would provide the company with a loan to acquire investment properties to generate a sustainable revenue stream.
- 3.6 Sites developed with a partner will also require the establishment of a separate company to comply with legislative requirements and to formalise the partnership. This will likely be in the form of a limited liability partnership (LLP) with ownership split 50:50. The best arrangement will be assessed through the procurement process, but the wholly owned company might have a role in that structure (depending on tax and governance advantages) as shown in the following diagram.



4. Issue, Options and Analysis of Options

- 4.1 There will be two company Directors, the Chief Executive and the Chief Operating Officer. Initially the company would not employ anyone, and Council officers would provide the required services. The cost of officers' time would be charged to the company.
- 4.2 Certain key decisions will be reserved for the PP&R Committee to approve. These are outlined in the reserve matters section of the shareholders agreement at Appendix A. They include the following areas:
- Entering into contracts outside the normal course of business
 - Loans and financing arrangements
 - Altering or ceasing business
 - Guarantees and indemnities
 - Shareholdings

- Appointment and remuneration of executive directors
- Business plan
- Corporate matters

4.3 The Directors of the company will take decisions relating to matters such as:

- Committing expenditure in accordance with the business plan
- Commissioning services
- Acquisitions in accordance with the business plan
- Monitoring and directing the work of the company

4.4 Each year the Policy, Projects and Resources Committee will be required to approve the company's business plan. This provides the scope that the company must operate within. Any variations to the business plan must be approved by the Committee.

4.5 Initially working capital will be provided to the company by the Council in the form of a loan. Subsequent loans will require Committee approval. Due to State Aid requirements the company will have to pay interest on the loan at market rate.

5. Investment Strategy (Wholly Owned Company)

5.1 Before undertaking an investment, advice will be taken from consultants who specialise in the investment class. Their advice will ensure that risk is minimised and returns maximised. Tax advice will also be sought on investments to minimise liability.

5.2 Investment Objectives:

Requirement	Reason for requirement	Investment approach to inform and impact on performance
Minimise risk	Risk needs to be carefully managed to ensure the company is sustainable.	Risk is a key consideration and low risk investments will be targeted. Over time an increased level of risk may be appropriate depending on the existing portfolio.
Focus on revenue returns	To meet revenue funding gap	Consideration for investing in existing property funds

Requirement	Reason for requirement	Investment approach to inform and impact on performance
		Acquire to hold, rather than to dispose Re-invest surpluses
Short term revenue generation	Meet short term funding gaps	Seek to invest initially in current revenue generating assets or funds. In the medium term, identify opportunities for greater return on investment (ROI) by taking a longer term approach e.g. acquisition of vacant properties or development to realise a revenue stream.
Long term revenue generation and capital growth	Balanced fund	Seek to invest initially in current revenue generating assets or funds in the short term. In the medium term, identify opportunities for greater return on investment (ROI) by taking a longer term approach e.g. acquisition of vacant properties or development to realise a revenue stream.
Ability to make quick decisions	Commercial opportunities can require the ability to react quickly to ensure they are not missed.	The Investment Company will need to be able to react quickly to investment opportunities.
Stakeholder buy-in	Stakeholder support is vital for the success of the company.	Regular reports and review of Company Performance.
Governance and Transparency	Meets the Council's audit and scrutiny requirements. Demonstrates basis of investment decisions and value for money.	Investment decisions evidenced based. Regular reporting and review of fund performance.
Commercial and political sensitivity	Set up and operation of the company may create conflicts of interest. As a public body there are	Appropriate governance structure to mitigate conflicts of interest. Consider reputational risks

Requirement	Reason for requirement	Investment approach to inform and impact on performance
	reputational risks that may impact upon the nature and type of investments.	within all investment opportunities and subsequent investment management decisions.

5.3 Investment Criteria:

Requirement	Reason for requirement	Statements
The Council will invest in a balanced portfolio of assets	Manage risk	Specialist investment advice will be obtained
Portfolio development	Development to fit timing of revenue returns	Specialist investment advice will be obtained
Geographic focus	From a governance, legal and reputational perspective	National but initially an emphasis on opportunities in the Borough.
Target yield	Balance Risk and Reward	Investments will aim to achieve a minimum net initial yield of 6%.
Leveraging the Investment Company/Assets	Maximising investment returns	Specialist investment advice will be obtained

5.4 Risks:

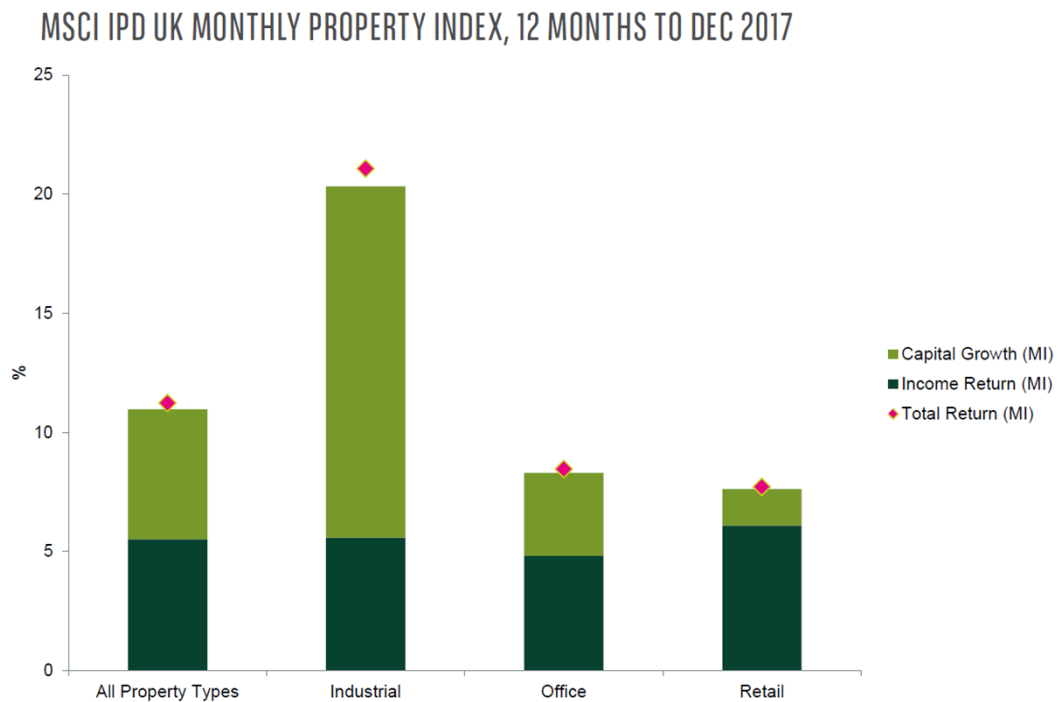
- In the long term, property investment tends to produce a strong return. However, in the short term there is greater risk of prices falling below the original investment.
- Investment in property and the carrying out of development activities carries risks at both macro and micro levels. Property rentals, values and occupancy rates typically fluctuate broadly in line with the regional, national and increasingly, the global economy.
- The timing of acquisitions and sales can thus have a significant impact on the rate of return as can complementary investment in lower risk or countercyclical investments such as Private Rental Residential

property.

- Individual investments will be the subject of pre-acquisition due diligence and risk assessments and regular updates to the Council.

6. Economic and Financial Considerations

- 6.1 Based on the investment criteria the company would acquire property that aims to return an initial yield of at least 6%. This would allow the company to cover its operating costs and produce a surplus that it could reinvest. In addition to the rental income it is anticipated that over time capital appreciation in some of the properties would also occur.
- 6.2 Market data shows that a 6% target is in line with the average income return for 2017.

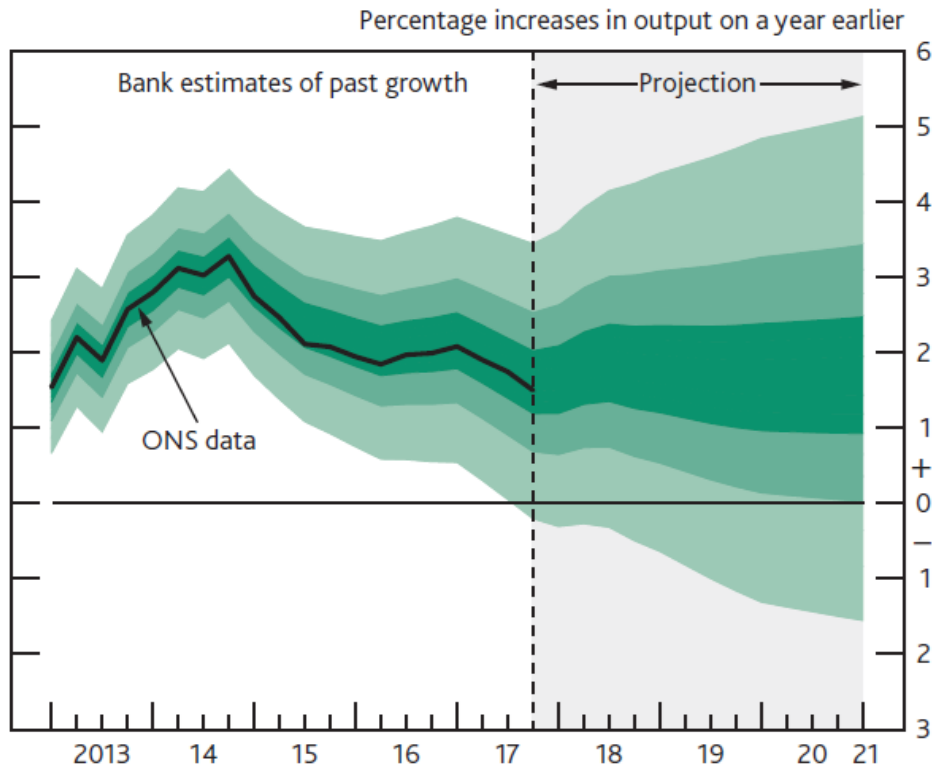


Source: MSCI

- 6.3 The Bank of England reported in their February 2018 Inflation Report that global GDP has been strong over the past year, with global growth estimated to have remained at 0.8% in 2017 Q4. That pace of growth is expected to persist in the near term. Productivity growth is expected to recover across advanced economies over coming years, but to remain below pre-crisis rates.

- 6.4 UK growth is expected to remain stable over the coming years at around 1.7%, with UK growth expected to be supported by the continued strength in global economic activity. However, there remain economic risks, such as Brexit, that may affect these predictions.

Bank of England GDP projection based on market interest rate expectations, other policy measures as announced (Feb 2018)



- 6.5 CBRE's UK Real Estate Market Outlook for 2018 highlighted that the property market had rebounding strongly from the uncertainty in the immediate aftermath of the EU referendum and that the UK property investment market has seen a surprise surge in transaction volumes, particularly from overseas investors. Investment volumes are likely to remain robust at around £60bn for 2018 as a whole.
- 6.6 Their sectoral picks included industrial and logistics property, especially in urban areas and the so-called 'beds sectors' (residential, student accommodation, hotels and healthcare). These sectors either exhibit non-cyclical characteristics, have very significant demand and supply mismatches, or (in the case of hotels) will benefit disproportionately from the weaker pound.
- 6.7 Funding for the investments would be provided to the company in the form of a loan. State Aid requirements mean that interest would have to be

charged at market rate (circa 4%). Therefore, investment returns would need to cover the interest costs and other operating costs, which include the use of specialist investment advisors.

- 6.8 Additionally, charges for Council officer time for work undertaken on behalf of the company will also be charged. Conversely, this will be income to the Council.

7. Reasons for Recommendation

- 7.1 To create a wholly owned company Committee recommendation to Council and subsequent Council approval is required.

8. References to Corporate Plan

- 8.1 This fits with the Council's Transformation Vision, to explore new income generating ideas and opportunities.

9. Implications

Financial Implications

Name & Title: Jacqueline Vanmellaerts, Financial Services Manager

Tel & Email: 01277 312829

jacqueline.vanmellaerts@brentwood.gov.uk

- 9.1 There are considerable financial benefits to the Council's General Fund from the creation of a company, which are set out in the model at Appendix A. This will partly contribute towards the Council's saving target of £423k included in the Council's Medium Term Financial Plan 2018/19. Set up costs will be funded from the Council's Organisational Transformation Reserve.

- 9.2 However, investments carry a degree of risk and the company will need to be sustainable in the long term.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

- 9.3 This report sets out the business case to create a wholly owned company, which it is legally entitled to do using The General Power of Competence under the Localism Act 2011. Legal Services, working with external legal advisers and specialists, will be providing advice and assistance going forward.

10. Appendices to this report

- Appendix A – Shareholders Agreement

Report Author Contact Details:

Name: Chris Leslie – Commercial Manager

Telephone: 01277 312500

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

DATED

2018

BRENTWOOD BOROUGH COUNCIL (1)
AND
SEVEN ARCHES INVESTMENTS LIMITED (2)

SOLE SHAREHOLDER AGREEMENT

SHARPE PRITCHARD

THIS AGREEMENT dated the day of

2018

IS MADE BETWEEN

1. **BRENTWOOD BOROUGH COUNCIL** whose registered office is at [OFFICE ADDRESS] (“the **Council**”); and
2. **Seven Arches Investments** incorporated and registered in England and Wales with company number [•] whose registered office is at [•] (“the **Company**”).

BACKGROUND

- A. The Company was incorporated in England under the Companies Act 2006 on [•] 2018 and, at the date of this agreement, [100] Shares are in issue and are registered in the name of and are beneficially owned by the Council.
- B. The Company has been established with the aim of being commercially focused, to provide Brentwood Borough Council with increased revenue that will be used to benefit the community.
- C. This agreement sets out the terms upon which the Council will participate in the Company as its shareholder.

AGREED TERMS

1. INTERPRETATION

- 1.1. In this agreement:

Articles means the articles of association of the Company;

Business means the business of the Company as set out in clause 2;

Business Day means a day (other than a Saturday or Sunday) on which the banks in the City of London are open for business;

Business Plan means the business plan for the time being adopted by the Company in accordance with clause 2;

CA 2006 means the Companies Act 2006;

Council Consent means consent of the Council in accordance with clause 3.5;

Council Consent Matters means those matters listed in Schedule 1;

Director means a director of the Company;

Environmental Information Regulations means the Environmental Information Regulations 2004;

Finance Documents means a revolving facility agreement and debenture to be entered into by the Company and the Council on or about the date of this agreement and any other

funding and security documentation which is entered into by the Company relating to the provision of funding for the Business from the Council.

FOIA means the Freedom of Information Act 2000;

Group means the Company and its subsidiary undertakings from time to time, or any of them as the context requires and Group Company shall be construed accordingly;

Information has the meaning given to it under section 84 of the FOIA;

Request for Information has the meaning set out in the FOIA or any apparent request for information made under the FOIA or the Environment Information Regulations;

Shares means the ordinary shares of £1 each in the issued share capital of the Company; and

Subsidiary has the meaning given in the CA 2006.

- 1.2. A reference to a statutory provision includes a reference to:
 - 1.2.1. a statutory amendment, consolidation or re-enactment (whether before or after the date of this agreement);
 - 1.2.2. statutory instruments or subordinate legislation (as defined in section 21(1) of the Interpretation Act 1978) or orders made under the statutory provision (whether made before or after the date of this agreement); and
 - 1.2.3. statutory provisions of which the statutory provision is an amendment, consolidation or re-enactment.
- 1.3. Reference to:
 - 1.3.1. a person includes a legal or natural person, partnership, trust, company, government or local authority department or other body (whether corporate or unincorporate);
 - 1.3.2. a statutory or regulatory body shall include its successors and any substituted body;
 - 1.3.3. an individual includes, where appropriate, his personal representatives;
 - 1.3.4. the singular includes the plural and vice versa, and
 - 1.3.5. one gender includes all genders.
- 1.4. Unless otherwise stated, a reference to a clause or schedule is a reference to a clause or schedule to this agreement and a reference to this agreement includes its schedules;
- 1.5. Clause headings in this agreement are for ease of reference only and do not affect its construction;
- 1.6. In construing this Agreement the so-called *ejusdem generis* rule does not apply and accordingly the interpretation of general words shall not be restricted by words indicating a particular class or particular examples.

- 1.7. For the purposes of this agreement **party** means a party to this Agreement and reference to **parties** shall be to all or more than one of them as applicable.
- 1.8. Where a provision of this agreement imposes an obligation, cost or liability on two or more parties, that obligation, costs or liability shall be construed as being against those parties jointly and severally, and where a provision of this agreement gives a claim, benefit or right to two or more parties, that claim, benefit or right attaches to those parties jointly.
- 1.9. Where a consent and/or permission is required under this agreement from one party to the other that consent and/or permission should not be unreasonably withheld or delayed.

2. BUSINESS

- 2.1. The Business of the Company shall be:

- 2.1.1. to operate as a commercial company;
- 2.1.2. to develop property for a commercial return, either solely or jointly with a joint venture partner;
- 2.1.3. to acquire and retain investment property;
- 2.1.4. to provide property services

together with any activities reasonable incidental to the above.

- 2.2. The first Business Plan of the Company is set out in Schedule 2 to this agreement. The Company shall circulate a revised version of the then current Business Plan to the Council by the end of February in each year and invite the Council to provide comments on the proposed Business Plan or to provide Council Consent. The Council will use reasonable endeavours to respond by the end of March. Subject to the receipt of Council Consent, before the end of each financial year end the Directors shall (in accordance with this agreement) consider and, if appropriate, adopt an updated and revised Business Plan. No adoption, variation or replacement of any Business Plan shall take effect unless such adoption, variation or replacement has received Council Consent.
- 2.3. Each Business Plan shall provide sufficient detail to allow informed decisions making and shall be for a ten year period, unless the Council consents otherwise.
- 2.4. Notwithstanding any other provision of this clause 2, following the requisite approval by the Directors of a new proposed Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan for the relevant financial year. For any period when a proposed Business Plan presented under clause 2.2 has not been approved and adopted by the Directors in accordance with this agreement the relevant existing Business Plan shall continue to be the Business Plan of the Company.

3. CONDUCT OF THE COMPANY'S AFFAIRS

- 3.1. Meetings of the Directors shall be held no less than four times in every year and at not more than three monthly intervals.

- 3.2. With the exception of those matters requiring Council Consent pursuant to clause 3.5, the management of the Company shall be vested in the Directors.
- 3.3. The Directors will determine the general policies of the Company and the manner in which the Business is to be carried out, subject to the Business Plan, to those matters requiring Council Consent pursuant to clause 3.5 and to any other express provisions of this agreement. In particular, the Directors shall exercise all voting rights and other powers of control available to them in relation to the Company so as to procure (in so far as they are able in the exercise of such rights and power) that, at all times during the term of this agreement, the Company shall:
 - 3.3.1. carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit and in accordance with the Business Plan and with good business practices; and
 - 3.3.2. transact all its business on arm's length terms.
- 3.4. The Company shall not carry out any activity which would render the holding of Shares by the Council unlawful provided that where a proposed change of law would render such shareholding unlawful the Council will use its reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.
- 3.5. The Company shall ensure that none of the Council Consent Matters shall be carried out without the prior consent in writing of the Council.
- 3.6. The Company shall permit any Director to discuss the affairs, finances and accounts of the Company and its subsidiaries with any of the Council's designated officers and executives at any time. All books, records, accounts and documents relating to the business and the affairs of the Company and its subsidiaries shall be open to the inspection of any such person, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the Council properly informed about the business and affairs of the Company or to protect its interests as a shareholder. Any information secured as a consequence of such discussions and examinations shall be kept confidential by the Council and its designated officers and executives in accordance with the terms of clause 5.
- 3.7. The Company agrees with the Council that it will maintain effective and appropriate control systems in relation to the financial, accounting and record-keeping functions of the Group and will generally keep the Council informed of the progress of each Group Company's business and affairs and in particular will procure that the Council is given such information and such access to the officers, employees and premises of the Group as it may reasonably require for the purposes of enabling it to monitor its investment in the Group.
- 3.8. The Company shall not breach nor cause the Council to be in breach of the Local Authorities (Companies) Order 1995.

4. TERMINATION

- 4.1. This agreement shall terminate upon:
 - 4.1.1. the written agreement of the parties in accordance with the terms agreed; or

- 4.1.2. when a resolution is passed by the Council or creditors of the Company, or any order made by a court or other competent body or person instituting a process that shall lead to the Company being wound up and its assets being distributed among the creditors, the Council or other contributors.

5. CONFIDENTIALITY

- 5.1. Each party undertakes that it shall not at any time disclose to any person any confidential information concerning the business, affairs, customers, clients or suppliers of the other party or of any member of the group of companies to which the other party belongs, except as permitted by clause 5.2.
- 5.2. Each party may disclose the other party's confidential information:
 - 5.2.1. to its employees, officers, representatives or advisers who need to know such information for the purposes of carrying out the party's obligations under this agreement. Each party shall ensure that its employees, officers, representatives or advisers to whom it discloses the other party's confidential information comply with this clause 5; or
 - 5.2.2. as may be required by law, court order or any governmental or regulatory authority.
- 5.3. Each party acknowledges that the other party is subject to the requirements of the FOIA and the Environmental Information Regulations, and shall each facilitate the other party's compliance with its Information disclosure requirements in clauses 5.4 and 5.7.
- 5.4. If either party (the **Recipient**) receives a Request for Information in relation to Information that the other party is holding and which the Recipient does not hold itself, the Recipient shall refer to the other Party such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the other party shall:
 - 5.4.1. provide the Recipient with a copy of all such Information in the form that the Recipient requires as soon as practicable and in any event within 10 Business Days (or such other period as the Recipient acting reasonably may specify) of the Recipient's request; and
 - 5.4.2. provide all necessary assistance as reasonably requested by the Recipient to enable the Recipient to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.
- 5.5. Following notification under clause 5.4, and up until such time as the other party has provided the Recipient with all the Information specified in clause 5.4, the other party may make representations to the Recipient as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Recipient shall be responsible for determining, at its absolute discretion:
 - 5.5.1. whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and

- 5.5.2. whether Information is to be disclosed in response to a Request for Information, and in no event shall the other party respond directly to a Request for Information unless the Request for Information is addressed to it.
- 5.6. The parties acknowledge that (notwithstanding the provisions of clause 5.1) the Recipient may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under part I of the Freedom of Information Act 2000, be obliged under the FOIA or the Environmental Information Regulations to disclose Information concerning the other party:
- 5.6.1. in certain circumstances without consulting with the other party; or
- 5.6.2. following consultation with the other party and having taken their views into account.
- 5.7. Each Party shall transfer to the other party any Request for Information which it receives but is addressed to the other party as soon as practicable and in any event within 3 Business Days of receiving it.
- 5.8. The parties acknowledge that any lists provided which list or outline Confidential Information are of indicative value only and that a Recipient may nevertheless be obliged to disclose Confidential Information in accordance with clause 5.6.

6. NO PARTNERSHIP

Nothing in this agreement gives rise to a partnership between the parties or constitutes one party the agent of another.

7. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

Unless the right of enforcement is expressly granted, it is not intended that a third party, other than a lawful successor in title or a lawful assignee, should have the right to enforce a provision of this agreement pursuant to the Contracts (Rights of Third Parties) Act 1999.

8. WAIVER

- 8.1. The rights of each of the parties in respect of a breach of this agreement shall not be affected by completion, by its rescinding, or failing to rescind, this agreement, or failing to exercise, or delaying in exercising, a right or remedy, or by anything else, except a specific authorised written waiver or release. A single or partial exercise of a right or remedy provided by this agreement or by law does not prevent its further exercise or the exercise of another right or remedy.
- 8.2. The rights and remedies provided in this Agreement are cumulative and not exclusive of any other rights or remedies.

9. VARIATION

A purported variation of this agreement is not effective unless in writing and signed by or on behalf of both parties.

10. INVALIDITY

If a provision of this agreement is held to be illegal or unenforceable, in whole or in part, under an enactment or rule of law, it shall to that extent be deemed not to form part of this agreement and the enforceability of the remainder of this agreement shall not be affected. The parties agree to negotiate in good faith to agree the terms of a mutually satisfactory provision to be substituted for the provision found to be illegal or unenforceable.

11. STATUS OF THIS AGREEMENT

If there is any ambiguity or discrepancy between the provisions of this agreement and the Articles, then the provisions of this agreement shall prevail.

12. CONSENTS

- 12.1. Consents, notices, approvals or agreements to be given by the Council under this agreement shall be given in writing.
- 12.2. Where this agreement provides that a matter is subject to the consent, approval or agreement of any party then (except as expressly provided otherwise), it shall be in the absolute discretion of the party concerned as to whether (and if so, on what terms and conditions) the consent, approval or agreement is made.

13. COMMUNICATIONS

- 13.1. Any notice or other communication under or in connection with this agreement shall be in writing and shall be delivered personally or sent by first-class post or by email as follows:

13.1.1. If to the Council, to:

Address: Town Hall, Ingrave Road, Brentwood, Essex, England, CM15 8AY

Email address: enquiries@brentwood.gov.uk

marked for the attention of the Chief Executive

13.1.2. if to the Company, to:

Address: Town Hall, Ingrave Road, Brentwood, Essex, England, CM15 8AY

Email address: enquiries@brentwood.gov.uk

marked for the attention of the Commercial Manager

or to such other person, address or email address as any party may specify by notice in writing to the other.

- 13.2. In the absence of evidence of earlier receipt, any notice or other communication shall be deemed to have been duly given:

13.2.1. if delivered personally, when left at the address referred to in clause 13.1;

13.2.2. if sent by mail, two Business Days after posting it;

13.2.3. if sent by email, at the time of transmission,

provided always that a notice given in accordance with the above but received on a day which is not a Business Day or after business hours on a Business Day will only be deemed to be given on the next Business Day.

14. GOVERNING LAW AND JURISDICTION

14.1. This agreement and the rights and obligations of the parties shall be governed by and construed in accordance with the laws of England and Wales.

14.2. The Parties irrevocably submit to the exclusive jurisdiction of the courts of England and Wales in respect of any dispute or claim arising out of or in connection with this Agreement or any of the documents to be executed pursuant to this Agreement or their subject matter or formation (including non-contractual disputes or claims).

This Deed has been executed as a deed and delivered on the date stated at the beginning of this Deed

SIGNATURE PAGE

SCHEDULE 1
COUNCIL CONSENT MATTERS

The Company and any Group Company shall not, unless it has Council Consent:

1. Entering into contracts

- a. Enter into any arrangement outside of the normal course of the Company's business;
- b. Enter into any formal joint venture or partnership or profit sharing agreement;
- c. Enter into a contract or transaction except in the ordinary and proper course of business on arm's length terms;

2. Loans and financing arrangements

- a. Create and fixed or floating charge or other encumbrance of the whole or part of the Company, its property or assets other than envisaged by the Finance Documents;
- b. Borrow any sum whatsoever on the Company's behalf other than envisaged by the Finance Documents;
- c. Make a loan or advance of any amount or give credit (other than normal trade credit) to any person;

3. Altering or ceasing business

- a. Cease to carry on the business of the Company.

4. Guarantees and indemnities

- a. Give any guarantee or indemnity whatsoever where the Council is named as the parent company or guarantor.

5. Shareholdings

- a. Acquire, dispose or permit the disposal or dilution of:
 - i. Any direct or indirect interest in any subsidiary (if applicable);
 - ii. Any share or loan capital of any body corporate;
- b. Make changes relating to the Company's capital structure including reduction of capital, share issues and share buy backs.

6. Appointment and remuneration of executive directors

- a. Appoint a person to be a full time executive director of the Company;
- b. Determine the remuneration package and terms and conditions of employment for any full time executive director.

7. Business plan

- a. Vary the Business Plan.

8. Corporate matters

- a. Change the accounting reference date;
- b. Change the business name;
- c. Allot or issue any shares.

SCHEDULE 2

**Seven Arches Investments - Business Plan
2018/19**

1. Introduction and Background

- 1.1 Seven Arches Investments was established with the aim of being commercially focused, to provide Brentwood Borough Council (the Shareholder) with increased revenue that will be used to benefit the community.
- 1.2 This will be achieved through a range of activities that will expand over time. To provide the company with working capital and an initial focus the 2018/19 business plan concentrates on property investment to generate a return.
- 1.3 As new opportunities present themselves the business plan will be revised and presented to the Shareholder for approval. Possible opportunities include:
 - Management of the Council's commercial properties
 - Contract management for appropriate Council contracts
 - Property development
 - Property services

2. Planned Activity

- 2.1 Initially investment property will be acquired, financed by a loan from the Council. The loan will be serviced at market rate. A return of 6% for acquisitions is required as set out in the investment criteria contained in the business case.
- 2.2 Investments will be in accordance with the investment strategy that was included in the business case. Specialist advisors will be engaged to ensure the best returns are secured.
- 2.3 Appendix 1 sets out the proposed financial plan and corresponding contribution to the Shareholder. In 2018/19 investment of £5.5m is targeted as a realistic figure. However, if suitable opportunities present themselves the company will aim to secure a high level of acquisitions up to the loan limit agreed by the Shareholder.
- 2.4 Where appropriate the Council's existing resources will be used to assist the Company in carrying out its activities. For example, project management, asset services and legal services. The cost of these services will be payable to the Council.
- 2.5 As the company does not currently have the expertise to manage the properties it acquires, this will be carried out by a third party on the

company's behalf. Certain organisations can provide a full service in terms of acquisitions and management and the best option will be assessed through the procurement process.

3. Risks

- 3.1 Initially investment property will be acquired, financed by a loan from the Council. The loan will be serviced at market rate. A return of 6% for acquisitions is required as set out in the investment criteria contained in the business case.

Risk	Mitigation
Reduction in property values	Properties are held for return rather than capital appreciation, so the short term risk is reduced. Specialist advice will also assist in reducing this risk.
Fall in rental returns	Selection of appropriate property with input from specialist advisors will reduce risk. This includes the considering the disability of the area and any arrangements with existing tenants.
Increase in interest rates	Where possible fixed rate loans agreed in advance will be taken out. Where rates increase in excess of the financial model the possibility of increasing return will be investigated.
Lack of properties that meet the investment criteria	The company's investment strategy is broad, allowing the best possible chance of securing high returns with low risk. If a lack of investment opportunities does occur the strategy will be reviewed and would include investigation into other types of investments.

Appendix 1 - Financial Model

Company	18/19	19/20	20/21	21/22	22/23	23/24*	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Rental Income	143	428	713	998	1,140	1,163	1,186	1,210	1,291	1,317	1,343	1,370	1,397	1,482	1,512	1,542	1,630	1,663	1,753	1,788
Service Charge from Council	225	150	75	75	75	77	78	80	81	83	84	86	88	90	91	93	95	97	99	101
Property Management (10% of rental)	14	43	71	100	114	116	119	121	129	132	134	137	140	148	151	154	163	166	175	179
Repair Fund (5% of rental)	7	21	36	50	57	58	59	60	65	66	67	68	70	74	76	77	82	83	88	89
Interest Payments (4%)	110	330	540	740	840	840	840	840	840	840	840	840	840	840	840	840	840	840	840	840
Total Costs	356	544	722	965	1,086	1,091	1,096	1,101	1,115	1,120	1,126	1,132	1,137	1,152	1,158	1,165	1,180	1,186	1,202	1,209
Suprlus / (Deficit)	-214	-117	-9	33	54	72	90	109	176	196	217	238	260	330	354	378	450	476	551	579
Opening Cash	0	286	670	660	693	747	819	909	1,018	194	390	608	846	1,106	436	790	1,168	618	1,094	645
Loan	5,500	5,500	5,000	5,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Acquisitions	-4,750	-4,750	-4,750	-4,750	0	0	0	0	-950	0	0	0	0	-950	0	0	-950	0	-950	0
Stamp Duty & Purchase Costs	-250	-250	-250	-250	0	0	0	0	-50	0	0	0	0	-50	0	0	-50	0	-50	0
Suprlus / (Deficit)	-214	-117	-9	33	54	72	90	109	176	196	217	238	260	330	354	378	450	476	551	579
Closing Cash	286	670	660	693	747	819	909	1,018	194	390	608	846	1,106	436	790	1,168	618	1,094	645	1,224
Loan	5,500	11,000	16,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000
General Fund	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Service Charge to Company	225	150	75	75	75	77	78	80	81	83	84	86	88	90	91	93	95	97	99	101
Interest Receivable	110	330	540	740	840	840	840	840	840	840	840	840	840	840	840	840	840	840	840	840
Total Income	335	480	615	815	915	917	918	920	921	923	924	926	928	930	931	933	935	937	939	941
Interest Payable (3%)	83	248	405	555	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630
Net Contribution	253	233	210	260	285	287	288	290	291	293	294	296	298	300	301	303	305	307	309	311
* 2% Inflation & Rental uplift assumed from 2023/24																				

12th March 2018

Policy, Projects and Resources Committee

Procurement of a Joint Venture Partner

Report of: *Chris Leslie – Commercial Manager*

Wards Affected: *All*

This report is: *Public but contains exempt appendices*

1. Executive Summary

- 1.1 This report seeks approval to commence a procurement process under the Public Contracts Regulations 2015 using the Competitive Dialogue procedure to procure a joint venture partner.
- 1.2 A joint venture partner is required to enable the Council to further its asset development programme.

2. Recommendations

That the Committee recommends to Council:

- 2.1 **That a Competitive Dialogue Procedure under the Public Contracts Regulations 2015, to procure a joint venture partner commences.**
- 2.2 **That the procurement documentation set out in the appendices be approved.**
- 2.3 **That Delegated Authority is given to the Chief Executive, after consultation with the Leader of the Council, to finalise all documentation required to support the procurement process.**

3. Introduction and Background

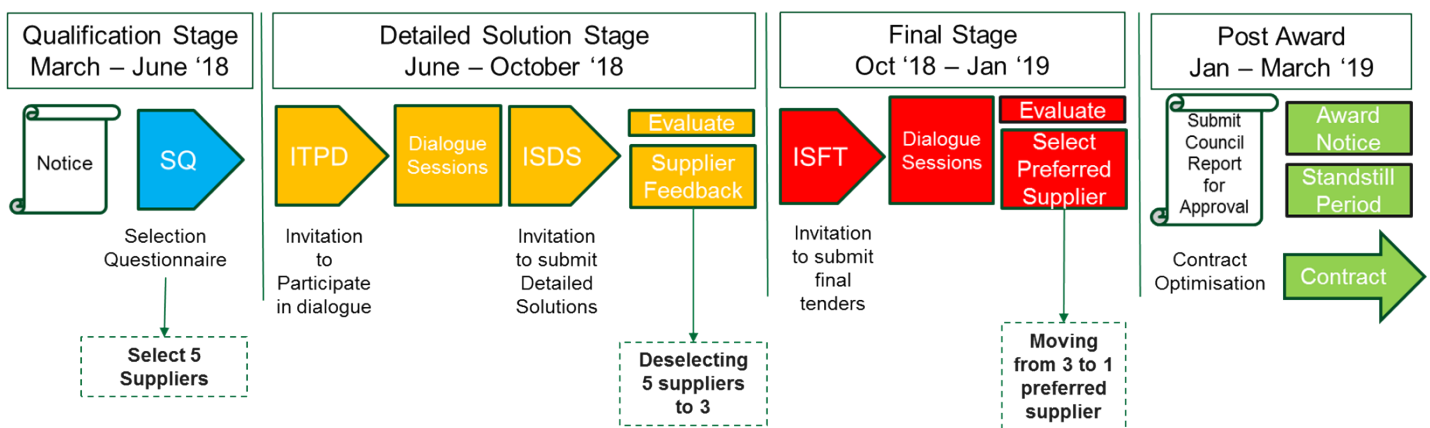
- 3.1 The Council's Asset Development Programme has now progressed to a point where it is necessary to seek a development partner to enable it to achieve its objectives.
- 3.2 Through utilising specialised consultants, use of soft market testing and reporting to Policy, Projects and Resources Committee it became apparent that a joint venture partner would be the best delivery option.

- 3.3 On 19th September 2017 the Policy, Projects and Resources Committee agreed the joint venture approach, and on the 6th February 2018 the Committee agreed that a decision to formally tender for a partner be brought for decision.
- 3.4 Due to the potential value of the projects that maybe taken forward under a joint venture a full Competitive Dialogue Procedure under the Public Contracts Regulations 2015 is required.
- 4. Procurement Process**
- 4.1 To ensure an effective procurement process the Council has engaged the services of:
- East of England Local Government Association (EELGA)
 - 31ten Consulting (via EELGA)
 - Sharpe Pritchard
 - J C Gill and Co Limited
- 4.2 These consultants are familiar with public sector joint venture partnerships, the Competitive Dialogue Procedure and have been involved in similar procurements before. Their knowledge will be highly beneficial in securing the right partner.
- 4.3 The procurement process is outlined in the following paragraphs:
- 4.4 **Qualification Stage** – This is the first sift of bidders and aims to identify early those who are most likely to be selected as a partner. Bidders will respond to the Selection Questionnaire and be evaluated in accordance with their response (Appendix A). Following this, it is likely that five bidders will be selected to go through to the next stage. Restricting the number to five will provide the Council with a strong selection of partners and keep the assessment resources required at the next stage reasonable. The bidders will also remain engaged knowing the competition has decreased when they progress to the detailed solution stage.
- 4.5 **Detailed Solution Stage** – The successful five bidders will be invited to submit their detailed solutions in accordance with the Council's instructions (Appendix B). Solutions are discussed through dialogue sessions with the Council and then submitted through answering a series of evaluation questions (Appendix C). A shortlist of three bidders will then be drawn up based on how well their solutions meet the Council's

requirements, as determined by the scoring methodology outlined in the instructions.

4.6 **Final Stage** – The final three bidders have an opportunity to refine their solutions in line with the Council’s detailed requirements as articulated in the bid documents. Solutions are further discussed through dialogue sessions and then their final bids are submitted. A Preferred Bidder is then selected based on how well their solutions meet the Council’s requirements, as in the detailed solution stage. Full Council will be required to approve the successful partner and a period of contract refinement will take place before the contracts are signed.

4.7 Timescales and the procurement stages are shown in the following diagram.



5. Potential Development Sites

5.1 On 19th September 2017 Policy, Projects and Resources Committee were informed of the assets considered as part of the asset challenge and triage process. These will continue to be the assets used in the procurement process as an example to the market of what sites may come forward to the partnership. The list of properties is shown in Appendix D.

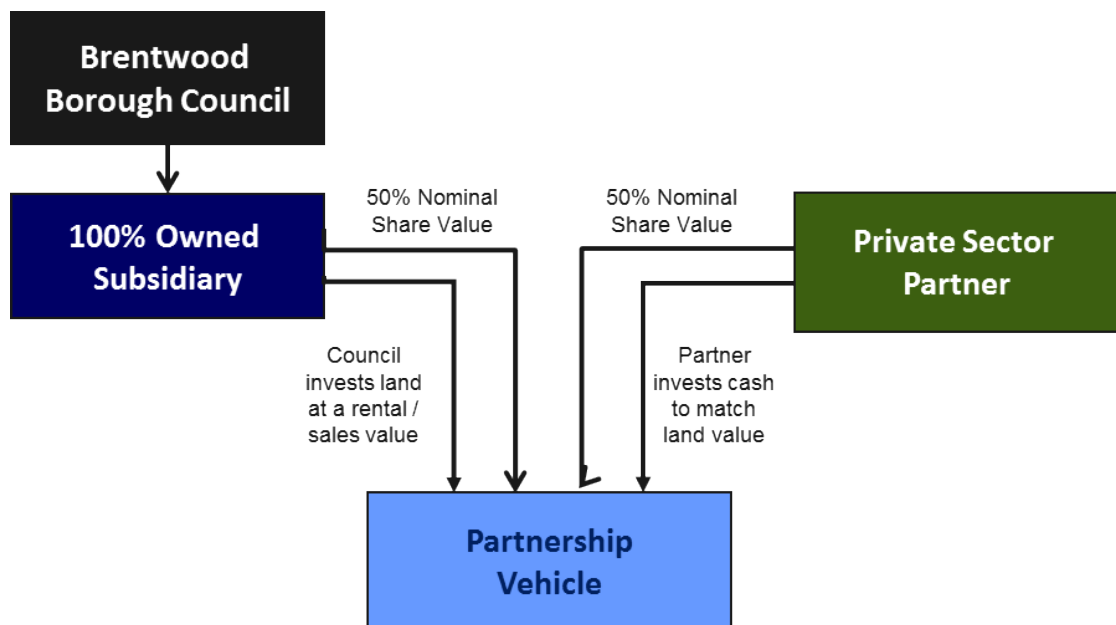
5.2 Of these assets, eight principal properties were selected and used in the market soundings. Since then King Edwards Road has been dropped from the list so the Council can self-develop the site. Due to the positive feedback, prospective partners will be asked to undertake financial modelling based on these seven sites. Additionally, detailed development plans for three of these sites will be required. Restricting the number of assets in this way allows a more focused procurement and prevents an unreasonable amount of time and costs being incurred at risk by bidders, who otherwise might not be inclined to bid.

- 5.3 The four sites that will not be developed in detail will be costed by the bidders based on a development specification provided by the Council. This will match probable development potential, but if any were to be developed by the partnership a detailed development plan would need to be prepared and signed off through the partnership arrangements.
- 5.4 Although all seven sites form part of the procurement, only the three sites that are to be planned and designed in detail will be guaranteed to be developed by the partnership. Even after a partner is appointed, the decision to allow the partnership to develop further sites will still rest with the Council. Additionally, the Council is not restricted to developing only these sites as part of the partnership and may choose to add others over time.

6. Joint Venture Governance

- 6.1 Once a partner has been appointed a “development vehicle” will be required to allow the partnership to operate. Details of this will emerge as the competitive dialogue progresses. This could be through a new, separate private entity set up as a joint venture owned 50% by the Council and 50% by the partner with a deadlock arrangement so that neither party has control. This model is already used by a number of local authorities and public agencies in the UK to bring forward major development on their land, where those authorities do not have the investment capacity and skills to achieve the best possible outcomes without a partnership approach of this kind. A joint venture development vehicle can combine Council land with private investment and expertise while maintaining an appropriate degree of Council control over the pace and quality of development. It can also potentially give the Council a long term income stream as well as capital returns, which will be reinvested in accordance with the Council’s statutory functions, on social and economic benefits or on other Corporate Plan objectives.
- 6.2 It would be established as a company, or as a Limited Liability Partnership. The Council will likely have two or three Council Officers nominated to the Board (the same number as the private partner). The vehicle will have an executive team which could be procured in a number of ways, dependent on the nature of the partnership and the successful bidder.
- 6.3 The Council would not wish to have a share of less than 50%, as this would relinquish too much control and create an uneven partnership. Additionally, a share greater than 50%, would make the vehicle unattractive to the market.

- 6.4 As it is envisaged that a programme of sites will be developed over a number of years, the partnership must be long term. Once the sites are developed, property will be held by the partnership to generate a revenue stream. Considering the payback period for developments and the need to maximise the income from the partnership, an agreement of 30 years has been deemed optimal.
- 6.5 The final governance arrangements will be the subject of refinement and discussion with potential partners during the procurement process. This ensures the Council gets the best possible arrangement by not restricting options at an early stage. One possibility is that a company, wholly owned by the Council may act as an intermediately between the joint venture and the Council. This will depend upon the governance and tax advantages of such a structure.



- 6.6 Certain key decisions will be reserved for the Council and its partner to take as shareholders, requiring unanimous approval of the shareholders. These are set out in more detail in section 6 of the key legal principals at Appendix E, but some of the key decisions include:

- Approval, adoption and variation of business plans
- Alteration of the nature or scope of the vehicle's business
- Action outside the parameters of the business plans
- Making a petition to wind up the joint venture
- Approving the development of any Further Sites

6.7 The Board of Directors of the joint venture will take decisions relating to matters such as:

- Committing expenditure to an agreed threshold
- Approving material contracts
- Appointment of employees
- Monitoring and directing the work of the joint venture

7. Reasons for Recommendation

7.1 To commence a Competitive Dialogue Procedure under the Public Contracts Regulations 2015, approval by Council is required.

8. References to Corporate Plan

8.1 This fits with the Council's Transformation Vision, to explore new income generating ideas and opportunities.

9. Implications

Financial Implications

Name & Title: Jacqueline Vanmellaerts, Financial Services Manager

Tel & Email: 01277 312829

jacqueline.vanmellaerts@brentwood.gov.uk

9.1 The costs of the procurement exercise have been included in the Medium Term Financial Plan 2018/19. It is intended to be funded from the organisational transformation reserve and monitored throughout the process.

9.2 As part of the procurement a detailed business plan will be developed for the joint venture.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

9.3 The legal implications are set out in the report.

10. Appendices to this report

Appendices A-E contain exempt information and are therefore not publicly available.

- Appendix A - Selection Questionnaire
- Appendix B - Invitation to Submit Detailed Solution Instructions

- Appendix C - Evaluation Questions
- Appendix D - Potential Development Sites
- Appendix E - Key Legal Principals
- Appendix F - Equalities Impact Assessment

Report Author Contact Details:

Name: Chris Leslie – Commercial Manager

Telephone: 01277 312500

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

This page is intentionally left blank

Appendix A

Appendix contains exempt information and is therefore not publicly available.

This page is intentionally left blank

Appendix B

Appendix contains exempt information and is therefore not publicly available.

This page is intentionally left blank

Appendix C

Appendix contains exempt information and is therefore not publicly available.

This page is intentionally left blank

Appendix D

Appendix contains exempt information and is therefore not publicly available.

This page is intentionally left blank

Appendix E

Appendix contains exempt information and is therefore not publicly available.

This page is intentionally left blank

Appendix F

Equality Impact Assessment

Context

1. under s.149 of the Equality Act 2010, when making decisions, Brentwood Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sex/gender
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.

Section 1: Identifying details

Your function, service area and team: Chris Leslie, Commercial Manager

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: Asset Development Programme

Officer completing the EqIA: Ray Inns Email: ray.inns@brentwood.gov.uk

Date of completing the assessment: 22 February 2018

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? YES
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>Vision “A development, investment and optimisation programme that quickly delivers/optimises a portfolio of income generating assets and capital receipts to support the Council’s growth agenda. Whilst generating financial returns for the Council and acting commercially this programme will respect the residents, businesses and taxpayers of Brentwood and the ethics and values of the Council.”</p> <p>Objectives</p> <ul style="list-style-type: none"> • Procure a joint venture partner to assist the Council in achieving its vision; • Generate capital and revenue returns from the Council’s asset programme; • Develop / Invest in / Optimise a portfolio of income generating assets that delivers a target overall return. • Develop a portfolio approach that balances risk and reward across a portfolio of assets; • In developing / making investment decisions / optimising assets be cognisant of the potential to reduce long term costs and risks to the Council Tax payers; • In making development / investment decisions / optimising assets take into account the Council’s growth agenda; • To develop and utilise a series of approaches that are in line with the Council’s corporate strategy whilst maximising income return • The Council will use its borrowing powers to invest in asset based transactions targeting financial return • Undertake activities with a view to establishing and maintaining pace • The Council is open to appraising out of borough investments for better financial returns and will also consider co-investment opportunities with public not for profit and private sector partners. <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Generate financial returns (Revenue and Capital) from the Council’s asset portfolio.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> • service users – Generate financial returns (revenue and capital) to fund overall service delivery by the Council, to improve existing services and to provide the opportunity for additional services. Service users may be temporarily affected by the development of operational assets but the impacts will be assessed and mitigation measures put in place on a case by case basis. • employees – Establish a more commercial and pro active approach to managing the Council’s portfolio of property assets and centralising property asset management under a corporate landlord structure. Impacts on Employees will be communicated in good time and mitigation measures put in place on a case by case basis. • the wider community or groups of people, particularly where there are areas of known inequalities? - Generate financial returns (revenue and capital) that will be used to support the Council’s objectives, which include services that benefit the community.

	<p>Will the policy or decision influence how organisations operate?</p> <ul style="list-style-type: none"> • The Council will need to establish separate companies and operate effectively with these new entities.
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <ul style="list-style-type: none"> • Set up costs will be incurred, including the need for external consultants. • During the partner procurement period a substantial amount of officer time will be required. • Council owned land will be developed as part of the Joint Venture arrangements. • Generate financial returns (revenue and capital) to fund and inform service delivery.
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The asset management programme supports the Council's Transformation Vision, to explore new income generating ideas and opportunities.</p> <p>The programme will also support the work of the Council's asset management strategy.</p>

Section 3: Evidence/data about the user population and consultation

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>The Asset Development Programme has the potential to affect the residents of Brentwood and stakeholders across the board at some stage, depending upon what assets are ultimately developed. Consultation with all Members and in particular Ward Members has taken place which will help them to understand the process and help resolve any issues raised by their constituents. Also, the Council's Policy, Projects and Resources Committee and Full Council have been updated on a regular basis.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Exercises have been undertaken in the past few years where development proposals have been put forward for public consultation. These include:</p> <ul style="list-style-type: none"> • Town Centre • William Hunter Way • The Local Development Plan <p>The outcomes from all of these have been reflected in the briefings drawn up to be included in the documentation utilised in procuring a joint venture partner.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary. Please include any reasonable adjustments, e.g. accessible formats, you will provide as part of the consultation process for disabled people:</p> <p>N/A, though any future developments are likely to require planning permission and the usual consultations with those parties likely to be affected will then take place.</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral – The development of assets will not impact on this group.	L
Disability – learning disability	Neutral – The development of assets will not impact on this group.	L
Disability – mental health issues	Neutral – The development of assets will not impact on this group.	L
Disability – physical impairment	Neutral – There will be loss of disabled parking during development, however alternative disabled parking sites are available.	L
Disability – sensory impairment (visual, hearing and deafblind)	Neutral – The development of assets will not impact on this group.	L
Gender/Sex	Neutral – The development of assets will not impact on this group.	L
Gender reassignment	Neutral – The development of assets will not impact on this group.	L
Marriage/civil partnership	Neutral – The development of assets will not impact on this group.	L
Pregnancy/maternity	Neutral – The development of assets will not impact on this group.	L
Race	Neutral – The development of assets will not impact on this group.	L
Religion/belief	Neutral – The development of assets will not impact on this group.	L
Sexual orientation	Neutral – The development of assets will not impact on this group.	L

Cross-cutting themes

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Socio-economic	Positive – Improvement of facilities and	M

	employment opportunities.	
Environmental, eg housing, transport links/rural isolation	Positive – Increased housing supply and facilities.	M

Section 5: Conclusion

		Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No	

This page is intentionally left blank

12th March 2018

Policy, Projects and Resources

Brentwood Leisure Trust - Operational Loans, Leases and Service Level Agreement

Report of: Philip Ruck – Chief Executive

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Brentwood Leisure Trust (BLT) receives a fee of £141k per year from the Council to manage the community halls.
- 1.2 This report seeks approval to phase out the management fee paid to BLT over 2 years and to provide loan financing to ensure the trust has sufficient cash to invest in improving facilities that benefit the community, increase usage and promote community health.

2. Recommendations

- 2.1 To approve an Improvements Loan of £180,000 to the Brentwood Leisure Trust for a term of 5 years, following a 2-year payment and interest holiday. Interest rate to be charged at 1.5% based on the Council's cost of PWLB borrowing over 7 years.
- 2.2 To approve a 2-year payment and interest holiday on the existing loan to BLT (approximately £163k outstanding by 31st March 2018) and repay the balance over a term of 5 years, following the 2-year payment holiday. Interest to then be charged at 1.5% as above.
- 2.3 To reduce the payment of a Community Halls Management Fee to BLT by £100,000 (to £40,800) from 1st April 2018 and withdraw it completely from 1st April 2019.
- 2.4 To extend the lease and service level agreement for the Halls for a further year and delegate authority to the Chief Executive in consultation with the Chair of P, P & R to finalise the lease.

3. Introduction and Background

- 3.1 As part of the Council's budget savings exercise, meetings were held with Brentwood Leisure Trust (BLT) to discuss how, by mutual cooperation of both parties, a reduction or removal of the payment of the Halls Management Fee to the Trust could be achieved.
- 3.2 BBC have, since 2004, paid a "Halls payroll fee" to BLT to cover the cost of the Halls staff. This has gone from a peak of £175k pa to £140,800.
- 3.3 The payment has been negotiated downwards in the past, but it was recognised that it would not be in either party's interest to now remove the payment if it meant that the Trust could no longer operate as a going concern.
- 3.4 The Trust is currently committed to spending £180,000 on improvement works but is yet to secure a bank loan. It does have some expected savings over the coming 2 years, eg through lease payments dropping out.
- 3.5 The planned improvement works include new flooring for the Sports Hall, Squash Courts and Fitness Studio and new hi-tech curtains that will improve turnaround times between bookings, enabling more bookings to be catered for. This will subsequently improve the quality of the facilities available to the community, improve community health and increase income via greater foot-fall with longer periods of let-ability.
- 3.6 Following the meetings with BLT it was established that an "invest to save" type strategy on the part of the Council could secure the required reduction in the Management Fee, along with the plans by BLT to improve the facilities available to the community.

4. Proposed way forward

- 4.1 Offer a £180,000 loan to BLT for improvement works which will enable them to invest in better facilities for the community and generate higher income.
- 4.2 Consolidate this new loan with the existing loan already in place and charge 1.5% interest based on Council's cost of PWLB borrowing over 7 years.

- 4.3 Offer a 2-year payment, and interest, holiday on the consolidated loan so the Trust can manage its expenditure down and increase its income following the improvement works and Halls initiatives.
- 4.4 Require repayments to re-commence on the consolidated loan over a 5-year term with effect from April 2020 and applying an interest rate of 1.5%.
- 4.5 Reduce the payment of the Management Fee by £100,000 in respect of 2018/19 and a further £40,800 in respect of 2019/20.
- 4.6 Extend the Leases and Service Level Agreement on the Halls by a further year from 1st April 2018.
- 4.7 BLT to programme and carry out the necessary dilapidation works on the Halls.
- 4.8 BLT is currently seeking the approval of its own Trustees to this approach.

5. Reasons for Recommendation

- 5.1 This is an “invest to save” opportunity for the Council and sets out a way forward for the Council to save money and for the Trust to be able to invest in improvement works that will in turn increase facilities available to the community, community health and also its own income levels.

6. Consultation

- 6.1 Discussions have been undertaken with BLT to secure an arrangement that is mutually beneficial

7. References to Corporate Plan

- 7.1 Value for money: Policies that invest in key services to create opportunity for all, provide better value for Brentwood’s taxpayers and enhance the Borough’s infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Financial Services Manager

Tel & Email: 01277 312 829

jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 As set out in this report. Revenue savings of £140,800 will be achieved: £100,000 in 2018/19 and £140,800 each year thereafter. The loan will not be a cost to revenue, unless BLT fail to repay. Loan repayment holidays do not impact on revenue.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

- 8.2 Legal Services are available to provide ongoing advice and assistance in relation to the redrafting of leases, service level agreements and loan agreements under this proposal.

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

- 8.3 The Community Halls will continue to be managed efficiently and effectively by Brentwood Leisure Trust on behalf of Brentwood Borough Council and kept in a good state of repair

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

- 9.1 None

10. Appendices to this report

- 10.1 None

Report Author Contact Details:

Name: Ray Inns – Interim Project Accountant

Telephone: 01277 312837

E-mail: ray.inns@brentwood.gov.uk

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.

Policy

To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

Finance

- 1) Financial Services
- 2) Contracts, commissioning, procurement
- 3) Legal services
- 4) Health and safety at work (in so far as it relates to the Council as an employer)
- 5) Corporate communications and media protocols
- 6) Corporate and Democratic services
- 7) Member Development
- 8) Data quality
- 9) Human resources
- 10) Information Communication Technology
- 11) Revenues and Benefits
- 12) Customer Services
- 13) Assets (strategically)

2. Overall responsibility for monitoring Council performance
3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.
4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.
7. To approve the making of a virement or payment from the Council's reserves with a maximum value of £200,000.
8. To approve the write off of any outstanding debt owed to the Council above the delegated limit of £5,000.
9. To determine capital grant applications.
10. To make recommendations on the allocation and use of resources to achieve the council's priorities.
11. To manage and monitor the Council approved budgets.
12. To provide the lead on partnership working including the joint delivery of services.
13. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
14. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following.

The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.

- (c) Promoting the use of Council owned assets by the local community and other interested parties.
 - (d) To manage any lands or property of the Council;
 - (e) To include properties within the council's Asset Management Portfolio including Halls etc.
 - (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
 - (g) To review the corporate Asset Management Plan annually.
 - (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
 - (i) Disposal of land surplus to the requirements of a committee.
 - (j) Appropriation of land surplus to the requirements of a committee.
 - (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.
 - (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
 - (m) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
 - (n) Promoting a culture of entrepreneurialism and building the required skills and capacity.
 - (o) To consider and approve business cases and commercial business plans for commercial activity.
15. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

- (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
- (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
- (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
- (e) To develop and deliver a Borough wide initiative on apprenticeships.
- (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
- (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
- (h) To maintain a special interest in promoting employment in the Borough.
- (i) To promote and encourage tourism and heritage.
- (j) Parking (off street parking provision in Council owned/leased off-street parking places).
- (k) Crossrail
- 16. To review and facilitate the transformation of delivery of services.

Transformation

- (a) To approve and facilitate the transformation of delivery of services.

Projects

- (a) To identify, monitor and oversee the implementation of major Corporate projects.
- (b) To advise the Corporate Projects Scrutiny Committee of the major Corporate projects that require scrutiny in 2017/18.