



# Agenda

## Community, Health and Housing Committee

Monday, 18 September 2017 at 7.00 pm

---

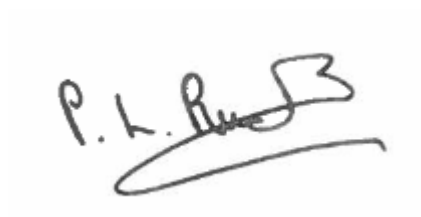
### Membership (Quorum – 3)

Cllrs Hossack (Chair), Poppy (Vice-Chair), Clarke, Cloke, Mrs Davies, Mrs Hubbard, Ms Rowlands, Ms Sanders and Wiles

---

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 16
3.	Verbal update		
4.	Health & Wellbeing Update	All Wards	17 - 36
5.	Empty Homes Strategy	All Wards	37 - 54
6.	Service Charge Policy	All Wards	55 - 90
7.	Funding Strategy - Commissioning Prospectus	All Wards	91 - 122
8.	Courage Playing Fields	Shenfield	123 - 170

**9. Urgent Business**

A handwritten signature in black ink, appearing to read 'P. L. R. B. J. 3', with a large, sweeping underline.

Chief Executive

Town Hall  
Brentwood, Essex  
08.09.2017

## 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](http://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 Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

### **Evacuation Procedures**

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



## Minutes

---

### Community, Health and Housing Committee Monday, 19th June, 2017

#### Attendance

Cllr Hossack (Chair)	Cllr Mrs Hubbard
Cllr Poppy (Vice-Chair)	Cllr Ms Rowlands
Cllr Clarke	Cllr Ms Sanders
Cllr Cloke	Cllr Wiles
Cllr Mrs Davies	

#### Apologies

#### Substitute Present

#### Also Present

Cllr Barrell	
Cllr Chilvers	
Chris Price	Tenants Talkback Representative
Linda Skinner	Tenants Talkback Representative

#### Officers Present

Kim Anderson	-	Partnership, Leisure and Funding Manager
David Carter	-	Environmental Health Manager
Claire Mayhew	-	Governance and Member Support Officer
Stuart Morris	-	Housing Options Team Leader
Angela Williams	-	Interim Head of Housing
Nicola Marsh	-	Housing Manager
Stuart Anderson	-	Deputy Operations Manager
Tracey Lilley	-	Community Safety Manager

#### 22. Apologies for Absence

No apologise were received.

**23. Minutes of the Community, Health and Leisure Committee held on 6th March 2017**

The minutes from the Community, Health & Leisure Committee meeting held on 6th March 2017 were approved as a true record, subject to some clarification from Cllr Mrs Davies on Min 299 (Leisure Strategy). The Chair informed the committee that a cross party working group will still be established, but under the Corporate Project Scrutiny Committee and requested that Cllr Mrs Davies membership to the working group continues.

Cllr Hubbard asked that her requested in Min 298 (Parish Council Liaison) for Warley Conservative Society to be included in the Parish Council Liaison Meetings, as a representative for the Warley area, be added. Kim Anderson, will review this request.

**24. Minutes of the Environment and Housing Management Committee held on 9th March 2017**

The minutes of the Environment and Housing Management Committee meeting held on 9<sup>th</sup> March 2017 were approved as a true meeting.

**25. Verbal update**

Updates were received from Officers on:

**Empty Homes**

At the meeting of the Environment and Housing Management Committee on 9th March 2017 Members recommended to identify and prioritise the current properties which have been empty for over two years in the Borough and to approve initial contact with owners to seek resolution. The initial contact had been approved by the Chairman following draft copies of the letter being circulated.

Copies of the letter and an Empty Homes Questionnaire have been produced and have now been sent to 75 owners identified as paying 150% Council Tax as the properties have been empty for over two years. Copies of the documents and any feedback from this initial contact will be provided as part of the subsequent report which is intended to be produced for the September meeting to outline the proposals for an Empty Homes Strategy.

A copy of the letter and questionnaire will be appendixes to a forthcoming report.

**Landlord's Forum**

As part of our ongoing work with landlords in the Borough, we are planning to hold a Landlords Forum meeting this year to liaise and consult with our Private Sector Landlords. These meetings were held annually, but due to reduced attendance at the last meeting had not been rearranged; it is hoped

that we will be able to encourage more to attend and we are intending to arrange a meeting in September.

### **Draft revised Essex HMO Standards**

The Government has been consulting on proposals to expand the licensing scheme for Houses in Multiple Occupation (HMOs) to incorporate two-storey HMOs into licensing. In preparation for this possible increase in licensed HMOs the Essex authorities are revising the HMO Standards document which is currently used as a reference and guidance across the County on suitable standards for multiple occupation.

When the draft has been completed it is intended to consult across Essex largely through websites and engagement with relevant groups such as the Landlord's Forum.

It is likely that the draft will be produced before the next Committee in which case we will carry out the consultation exercise and report any feedback with a report proposing adoption of the revised standard in the Borough to co-ordinate with the other Essex Councils.

### **Public Open Space Protection Order**

The Community Safety team are working with Essex Police to secure a Public Spaces Protection Order (PSPO) to deal with a number of key community safety issues being experienced in the Town Centre. The Anti-Social Behaviour (ASB), Crime & Policing Act 2015 introduced a new power for Local Authorities to obtain a PSPO to deal with a particular nuisance in a particular area that is having a detrimental effect on the quality of life for those in the local community. It can prohibit certain things or require specific things to be done.

The Order will seek to tackle issues relating to nuisance vehicles in William Hunter Way car park, aggressive begging in the High Street and anti-social behaviour within the multi storey car park in Coptfold Road, Brentwood.

### **Repairs Contracts**

#### **Three Arch Bridge – Balcony Contract**

All balconies are now completed. Some outstanding remedial works to tidy up. Contractors have until February 2018 to complete the remedial works. Modification to the flooring on some balconies needs to be completed due to water going over the balconies. The modifications will be authorized this week with works starting soon after.

#### **Drake House Boiler Replacement**

Practical works complete. Site almost clear with minor debris clearance left to complete. 5 properties still require access to fit meters, Brentwood Borough Council enquiring about court action to gain access.

### **Stock Condition Survey**

All surveys completed. Data and photos to be sent in full to Brentwood Borough Council week commencing 19th June 2017. Pennington's were asked to complete 600 verification surveys, of these 600, 100 Properties could not be re-surveyed due to non access.

### **Planned Maintenance**

The planned works program plan is nearing completion, we aim to be in a position to issue works in stages with the first stage starting in August 2017.

### **Arrears Campaigns**

#### **April's campaign was in Warley.**

Reports generated 61 accounts in arrears:

25 - Direct debit payments.

6 - Last action clear account

30 - Visited

- The accounts on a Direct debit payment method were checked prior to leaving the office and payments were paid in accordance with the direct debit frequencies. These accounts amount to approximately £3,321.67 worth of arrears recorded for Warley.
- Face to face contact at the door from 5 tenants. This resulted in a promise of £500.00 lump sum payment from one tenant, and another stating they will clear their balance of £177.94 and set up a monthly direct debit online. The 25 properties we had a no response from were hand delivered a letter advising them of the focus on rent (attached) this will hopefully alert them to the arrears and prompt payment or at least contact.

#### **May's campaign was Three Arch & Hutton South**

Three Arch Bridge: 60 tenants were visited

- We managed to speak to 16 tenants, arrangements were made with some, a few confirmed they had already paid, some promised to pay and the others were waiting on HB.
- We held a surgery from 11am – 12noon and 2 tenants attended the surgery to discuss their rent account.
- The last fortnight's arrears figure was £34,522.24. This FN arrears figure has reduced to £30,175.02, I think part of that has been due to the success of the arrears campaign and some backdated HB into accounts.

Hutton South: 47 tenants were visited



- We managed to speak to 14 tenants, arrangements were made with some; others promised to pay (several lump sum payments now showing) a few were waiting on HB.
- We held a surgery from 2pm to 3pm and 4 tenants attended to discuss their rent account.
- The previous fortnight's arrears figure for the patch was £31,029.16. This fortnights arrears figure for the patch has reduced to £27,601.40 following the campaign.
- Overall the arrears campaign for Three Arch Bridge and Hutton South was a success, officers feel the campaign for these patches have been the most successful to date.

### **June's campaign was Brentwood Town Centre & Brentwood Station Area.**

41 Properties visited

Brentwood Town Centre– arrears figure £23,425.72

13 Tenants spoken to and advice given

2 Tenants attended Chichester House surgery (Although one was a transfer query). Both were residents at Chichester House)

29 Properties visited

Brentwood Station Area –Arrears figure £22,013.09

12 Tenants spoken to and advice given

No one attended Masefield Court surgery

- All 'No response' addresses were lettered with rent statements provided in sealed envelopes and all notes have been updated on Orchard.
- This was the most successful campaign at the door, and one of the lesser successful surgeries.

### **Performance Presentations**

A presentation on Key Performance Indicators within the Housing department was given by Mrs Marsh. This covered rent collection, re-let times of properties, temporary accommodation, gas servicing and repairs performance.

Members asked for a review of the contractors Service Level Agreement be undertaken. Mrs Williams advise the committee that she is considering appointing a Project Officer will monitor the performance of contractors.

These presentations were noted by the Committee.

### **Fire Audit of High Rise Flats – Grenfell Tower Fire**

An inspection has been carried out on the three main high rise blocks within the borough; Masefield Court, Gibraltar House and Drake House. No cladding has been used on any of the Council's flats.

Full Fire Inspection to be carried out by the end of the week. Letters have been sent to all residents in flat's owned by Brentwood Borough Council.

A few issues have been brought to our attention; Sprinkler systems, replacement fire doors, reviewing the Stay Put Policy, CCTV, Storage Areas, Fire Assembly Points and Fly-tipping.

Cllr Hubbard, requested to possibility of the rubbish area in Gibraltar House being cleaned out and made in to a storage area for prams, bikes etc. to remove this items from the corridors. Mrs Williams confirmed that it will not be advised.

Cllr Chilvers, congratulated the officer on the work already undertaken.

Fly-tipping is a big issue at Sir Francis Way and has requested CCTV to be installed. General clutter from residents extending their living space into the corridors.

Members requested Fire Evacuation Training to be implemented for all residents living in Council's owned flats.

Mrs Williams to circulated Fire and Police Report to all Members. No requested from Kensington Council to accommodate any family evacuated from Grenfell Tower has been received.

## **26. Co-option of Tenants Representatives**

The report set out proposals to co-opt representatives of Tenants Talkback into the Community, Health and Housing Committee for housing related items, in accordance with the Council constitution.

Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** the recommendation in the report and a vote was taken by a show of hands and it was:

### **RESOLVED UNANIMOUSLY**

- 1 Tenant Talkback be invited to send two representatives to each meeting of the Community, Health and Housing Committee where housing items are to be discussed.**
- 2. The representatives of Tenants Talkback be co-opted onto the committee for the duration of the consideration of these items, and have the right to speak, but not vote.**
- 3. The Housing Manager be requested to arrange appropriate training of the representatives.**

## **REASON FOR RECOMMENDATION**

This is an annual item and is to recognise two member of Tenant Talkback to be able to attend committee meetings where they can comment but not vote. This item must be annual as the members of Tenant Talkback are subject to change.

### **27. Service Charge Policy**

The report sets out the background and recommendation to adopt a formal written Service Charge Strategy. The strategy will allow for the implementation of a pricing mechanism relating to the servicing of Council owned HRA blocks/schemes (circa 48 blocks).

Service charging has not been reviewed since circa 1998 and there is currently no strategic document to underpin policy.

Service charges should apply to all residents of communal blocks and sheltered schemes (community housing). Service charges are currently contained within the global rent figure rather than being specifically listed and apportioned. In simple terms HRA income is not matching expenditure.

Rent charges (general stock) are currently subject to the Government's mandatory 1% annual decrease. Having a combined rent/service charge figure means that income for service provision is also subject to an effective 1% decrease which is unnecessary. The Service Charge Strategy 2017 (Appendix A) seeks to address this income loss.

The Service Charge Strategy 2017 outlines the reasoning and direction relating to service charging. If adopted a Service Charge Policy containing a full pricing mechanism will be submitted at the next Committee.

Cllr Mrs Davies, requested a minor amended to standards within the draft policy from reasonable to good, this was noted by the Officer.

Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** the recommendations in the report and a vote was taken by a show of hands and it was:

## **RESOLVED UNANIMOUSLY**

1. **That the Committee formally approve Option 2 (to implement the 'Service Charge Strategy 2017' (Appendix A)).**
2. **That the Committee approve the development of a 'Service Charge Policy' (with pricing mechanism) for submission at the next committee.**

## **REASON FOR RECOMMENDATION**

Option 2 is recommended as the most financially viable option for the Council and supports the '*Getting our House in Order*' transformation programme for

Housing Services. It also ensures that Financial Services can code charges accurately against the Estates where services have been provided.

Taking no further action will fail to advance corporate priorities and would de-stabilise financial resources.

‘At cost’ service charging of Tenants/Leaseholders in blocks/schemes introduces a fair and balanced approach across the entire housing stock. It also reflects in real terms the advantages those households currently benefit from and protects against service reduction elsewhere.

*A Service Charge Strategy* will allow the Council to:

- **Make an efficiency saving of approximately £13,000.00 per annum (£65,000.00 over 5 years)**
- Meet its legal requirements.
- Viably fund block/scheme service provision within the HRA housing stock.
- Underpin and maintain service provision for residents.
  - Support the corporate commitment to reducing expenditure and providing financially coherent and viable policies.
  - Structure the Council’s approach to service charging for Tenants and Leaseholders, allowing for greater transparency and scrutiny of service provision.

The financial mechanism for ‘at cost’ service charging would be submitted for scrutiny and approval by Committee as part of the formal annual rent-setting process.

## **28. Funding Strategy**

The Funding Strategy (Appendix A) sets out the Council's strategic priorities and future funding plans for supporting the local voluntary and community sector through a variety of funding schemes. With reductions to funding across the public sector, Brentwood Borough Council needs to ensure that any funding it gives to organisations is targeted, supports the Council's priorities and provides effective support for the local community.

The Strategy also sets out a statement of principles in relation to future funding, includes the proposed governance arrangements that will be implemented to review and report funding and the timescales within which these will occur.

Cllr Hossack **MOVED** and Cllr Ms Sanders **SECONDED** the recommendations in the report and a vote was taken by a show of hands and it was:

**RESOLVED UNANIMOUSLY**

The Funding Strategy will ensure that the funding the Council allocates is targeted in the appropriate areas to support those most in need. The Council also needs to ensure that resources are allocated appropriately when looking to maximise external funding opportunities.

*(Cllr Mrs Davies declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being a volunteer for Brentwood Community Print, Cllr Ms Rowlands declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being the Council's representative for the Citizens Advice Bureau (Brentwood) and Cllr Poppy declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being a volunteer driver for Brentwood Community Transport).*

**29. Safeguarding Strategy 2017-2020**

Safeguarding includes all forms of activity that aims to protect or promote the welfare of individuals and/or groups of people. This includes activity which ensures prevention of harm, safe recruitment, staff training, awareness raising, provision of activities designed to promote inclusion, personalised risk management and risk assessments, confidential data storage, information sharing and making referrals. Brentwood Borough Council's Safeguarding Policy and Procedures provides guidance and procedures that can support staff and elected Members on their legal obligations to safeguard children, young people and adults with care and support needs.

The existing Safeguarding Policy and Procedures has been reviewed and updated to ensure that it complies with the latest legislation to provide guidance to staff and elected Members. The revised Safeguarding Policy and Procedures (Appendix A) is before Members to approve.

Cllr Mrs Hubbard, enquired about the DBS check for outside organisation undertaken events within the Borough. Kim Anderson, informed Cllr Hubbard of the regulatory and non-regulatory contact criteria is within the appendix. That no DBS check is required for one off events and where parents are present.

Cllr Ms Davies, requested Safeguarding Training and DBS Register to be implemented for all Members.

Cllr Barrell, thanked officers for a very comprehensive report and asked if Safeguarding includes all forms of activity that aims to protect or promote the welfare of individuals and/or groups of people. This includes activity which ensures prevention of harm, safe recruitment, staff training, awareness raising, provision of activities designed to promote inclusion, personalised risk

management and risk assessments, confidential data storage, information sharing and making referrals. Brentwood Borough Council's Safeguarding Policy and Procedures provides guidance and procedures that can support staff and elected Members on their legal obligations to safeguard children, young people and adults with care and support needs.

The existing Safeguarding Policy and Procedures has been reviewed and updated to ensure that it complies with the latest legislation to provide guidance to staff and elected Members. The revised Safeguarding Policy and Procedures (Appendix A) is before Members to approve.

Cllr Mrs Hubbard, enquired about the DBS check for outside organisation undertaken events within the Borough. Kim Anderson, informed Cllr Hubbard of the regular and non-regular contact criteria within the appendix, which confirms that no DBS check are required for one off events and where parents are present.

Cllr Ms Davies, requested Safeguarding Training and DBS Register to be implemented for all Members.

Cllr Barrell, thanked officers for a very comprehensive report and asked if Witchcraft Crime could be included in the policy. This is noted by the Officer.

Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** the recommendation in the report and a vote was taken by a show of hands and it was:

#### **RESOLVED UNANIMOUSLY**

- 1. That Members agree to the revised Safeguarding Policy and Procedures as set out in Appendix A.**

#### **REASON FOR RECOMMENDATION**

The Safeguarding Policy and Procedures (Appendix A) has been reviewed and revised to take into account any new legislation and emerging issues, so that the Council can meet its safeguarding obligations and ensures that staff, Members and the public are aware of safeguarding, and that they can access appropriate support services if and when required.

### **30. Better Care and Disabled Facilities Grant Funding**

The report seeks authority to consider appropriate ways to best utilise the capital funding received from the Better Care Fund to support disabled facilities and enable residents to continue to live independently.

Cllr Ms Sanders, this grant funding bonds nicely with the Health and Wellbeing and I strongly support option 4 (Home from Hospital Scheme). Draw in links between Social Service, local hospital and Occupational Health to return elderly patients back to their homes with the necessary requirements for their rehabilitation.

Cllr Mrs Hubbard, expressed concerns about patients requiring rehabilitation beds before return home. Liaise with Brentwood Community Hospital maybe required.

Cllr Cloke, recommended Brentwood Access Group as a worthy benefactor to the funding and requested more communication between Planning and Housing Officer relating to access requirements.

Cllr Chilvers, more marketing of the funding is required. Some residents still do not have internet access and are aware of the service. Fully support the Handy Person Service and would benefit many with day to day maintenance in their homes.

With helping with Tracy Lilley and Community Safety, door chains can be fixed with advice and support from the Police and Fire Service on making their homes safe and secure.

David Carter, informed the committee that Disabled Facilities grant funding is means tested. Cllr Chilvers felt that residents would pay for the service, if they didn't meet the criteria.

The Chair confirmed that Officers and Members working together on the favoured option, Home from Hospital Scheme and Handy Person Services going forward.

Promotion of this service to be undertaken by the Communications Dept, with the suggestion of using Community Safety Roadshow.

After a full discussion, Cllr Ms Sanders **MOVED** and Cllr Mrs Davies **SECONDED** the recommendations in the report and a vote was taken by a show of hands and it was:

#### **RESOLVED UNANIMOUSLY**

- 1 That officers investigate potential solutions to fully utilise Better Care funding provided for the benefit of vulnerable residents in the Borough**
- 2 Assessment of the options available will be made and determined following consultation and agreement from the Community, Health and Housing Committee**

#### **REASON FOR RECOMMENDATION**

To make effective use of Better Care Fund allocations to the Council to provide assistance to those most in need with the aim of integrating with medical care facilities to reduce strain on these resources.

### **31. Urgent Business**

There were no items of Urgent Business.

The meeting concluded at 20.43



**18 September 2017**

## **Community, Health and Housing Committee**

### **Health and Wellbeing Update**

**Report of:** *Elaine Hanlon, Principal Environmental Health Officer*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The report is to update members on the work regarding health and wellbeing within Brentwood. It is timely to do this as there has been progress in key areas, the priorities for action have been amended and a significant level of funding has been allocated to key projects. The previous lead officer has left the Authority and a new commitment is required in terms of officer resource for this area of work.

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

- 2.1 **That the progress of the Health and Wellbeing Board be noted.**
- 2.2 **To agree that the Committee appoint Elaine Hanlon, Principal Environmental Health Officer as Lead Officer for Health and Wellbeing**
- 2.3 **That an update to the Health and Wellbeing workplan be brought to Committee every six months**

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

- 3.1 Following the introduction of the Health and Social Care Act in April 2013, Brentwood Borough Council implemented its own health and wellbeing board. The Board promotes public health in the Borough, working in partnership with the Basildon and Brentwood Clinical Commissioning Group and other local partners. There were three agreed priorities for the Board to consider which were:

- Improving older people's health,
  - Increasing the uptake of vaccinations and
  - Reducing cardiovascular disease through reductions in obesity
- 3.2 The Mental Health Challenge was included as a fourth priority in September 2015.
- 3.3 In 2016 Essex County Council funded a dedicated shared public health practitioner post to be split between Brentwood Borough Council and Basildon Borough Council to support improvement in public health across the two Borough boundaries.
- 3.4 In addition to funding of a post a project related budget of £26,500 has been allocated by Essex County Council for project spending per year over two years until 31 March 2018.
- 3.5 The former Lead Officer for Health and Wellbeing, Mark Stanbury, has left the Authority and therefore a commitment for this area of work by the Council is sought in terms of a new lead officer to ensure that the workplan is progressed and budgets accounted for.
- 3.6 One previous meeting of the health and wellbeing board was postponed due to the departure of Mark Stanbury. These meetings should be programmed and ensure that they take place to maintain progress with the workplan and retain a commitment from board members.

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

- 4.1 Intensive work is underway to consider the potential actions proposed in the Basildon & Brentwood Public Health Partnership Strategic Plan. The below points provide an update of the progress of projects to date.
- 4.2 Basildon and Brentwood Borough Council's have now formed a joint Dementia Action Alliance (DAA) to help drive forward the agenda for supporting those living with Dementia. Brentwood Borough Council have also agreed to begin working towards becoming a dementia friendly workplace, offering dementia friend's sessions to frontline staff.
- 4.3 The Brentwood cycling furtherance group has now completed it's cycle grid across Brentwood, identifying gaps in the current cycling network. Work has also begun to understand opportunities of working with local primary schools to encourage active travel to school.

- 4.4 To demonstrate our commitment to working with local partners to improve mental health and wellbeing, we have established a Brentwood Mental Health and Wellbeing Small Grant Scheme has been set up to give Brentwood Communities the opportunity to promote local initiatives to support the mental health and wellbeing of people living within the Borough.
- 4.5 As part of our promise to explore opportunities to encourage ageing well and physical activity, Brentwood Borough Council has worked jointly with partners to deliver a pilot programme of parkour for the over 55's in the community with the aim of improving strength and mobility as well as improving levels social interaction amongst participants.
- 4.6 The Council has now committed to the adoption of Braintree district council's Livewell Branding along with the adoption of 10 other districts in Essex.
- 4.7 Proposal's for future actions and projects are currently being discussed with the intention of the Health and Wellbeing Board agreeing next steps at its next meeting.

#### **4 Reasons for Recommendation**

- 4.1 The health and wellbeing board has made significant progress in a number of the priority areas.
- 4.2 In the absence of a lead officer, the workplan needs to be maintained and projects managed to completion.

#### **5 Consultation**

- 5.1 The Health and Wellbeing Board is regularly updated on the workplan.

#### **6 References to Corporate Plan**

- 6.1 This work supports the Council's corporate plan to agree the Health and Wellbeing Board Strategy and Annual Plan.

#### **7 Implications**

##### **Financial Implications**

**Name & Title: Jacqueline Vanmellaerts**

**Tel & Email: 01277 312829/ [jacqueline.vanmellaerts@brentwood.gov.uk](mailto:jacqueline.vanmellaerts@brentwood.gov.uk)**

- 7.1 None directly arising from this report.

## **Legal Implications**

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

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

- 7.1 As the Board itself is not a decision-making body, and is not a separate legal entity in itself, it is important that any decisions which need to be made are fed back to the appropriate decision-making bodies/persons of the various organisations to ensure proper governance arrangements.
- 7.2 Section 12 of the Health and Social Care Act 2012 conferred new duties on local authorities to improve public health. It is for local authorities to take such steps as they consider appropriate for improving the health of the people in their areas. A periodic reporting mechanism is therefore necessary on reporting the progress made in discharging this duty.

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

- 7.2 The Brentwood Health and Wellbeing Strategy and Work plan is inclusive for the whole community and aims to protect vulnerable residents.

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

- 8.1 Housing and Health Panel 26 June 2012  
8.2 Housing and Health Panel 20 November 2012  
8.3 Community Committee 11 April 2014  
8.4 Community Committee 21 July 2014  
8.5 Community Committee 25 March 2015  
8.6 Community Committee 14 September 2015  
8.7 Community, Health and Leisure Committee 5 September 2016

## **9 Appendices to this report**

Appendix A - Basildon & Bentwood Public Health Partnership Strategic Plan September-December 2017

Appendix B - Terms of Reference 22 July 2015

## **Report Author Contact Details:**

**Name:** Rhiannon Vigor, Public Health Improvement Practitioner  
**E-mail:** [rhiannon.vigor@brentwood.gov.uk](mailto:rhiannon.vigor@brentwood.gov.uk)

## BASILDON & BRENTWOOD PUBLIC HEALTH PARTNERSHIP STRATEGIC PLAN



**Basildon Council**  
BASILDON • BILLERICAY • WICKFORD



## Introduction

The B&BPHP Group has the responsibility for the delivery of this strategic plan on behalf of the Brentwood Health and Wellbeing Board and the Basildon Health and Wellbeing Partnership. The partnership will ensure that all partner organisations support the delivery of pertinent services in line with this strategic plan. This group acknowledges the wider challenges around the improvement of health and wellbeing amongst the residents of Basildon and Brentwood, but have chosen to prioritise its focus on the following areas with very specific actions as detailed in the tables below:

1. **Ageing Well** – Ageing is more widely viewed as a positive concept and it's about ensuring that when we are older we have lives that have value, meaning and purpose, lives through which we can continue to contribute to our families, our communities and the wider economy. It comes with a wide range of challenges for which we continue to spend much time to prepare society. Although we cannot aspire to resolve all these challenges, we will aim to focus our attention on some core areas for improvement and to help the local residents to age well.
2. **Tackling Obesity and Improve Physical Health** – Obesity continues to pose a serious threat to health and wellbeing and is seen as an increasing burden on public services. Regular, physical activity is associated with increased life expectancy and reduced risk of coronary heart disease, stroke, diabetes, hypertension, obesity, and osteoporosis. As part of its commitment to improve health and wellbeing and to assist local residents in becoming more healthy and active, local partners will focus their efforts on a work programme that will promote more physical and recreational activities amongst local residents. We will make best use of local community assets and help to develop other low-cost/no-cost opportunities working collectively.
3. **Mental Health and Wellbeing** - The concept of mental health and wellbeing is not yet sufficiently reflected in the planning, development and everyday delivery of public services. Feelings of contentment, enjoyment, self-confidence, positive self-esteem and engagement with daily living are all a part of mental health and wellbeing. With the growing of number with dementia and mental health conditions, we must continue to work to support those in need and help build self-resilience to cope.

**BASILDON & BRENTWOOD COMMUNITIES – HEALTH AND WELLBEING PRIORITIES and ACTIONS (2016-2018)**

PRIORITIES	LOCAL OUTCOMES				
Ageing Well	1.People are enabled to live well, safely and independently, for as long as possible in their own homes	2.Older People and Carers are supported to care for themselves and others and have easy access to advice and support	3.Local residents enjoy positive activities and are physically and emotionally healthy	4.People positively support each other within their own communities	5.Local residents have more targeted Mental Health support (locality focus)
Physical Health & tackling obesity					
Mental Health & Wellbeing					
STRATEGIC APPROACH AND COLLECTIVE ACTIONS					
Achieve better from the use of collective resources		Maximise the use of community assets		Promote resilience and positive choices	
Health, local government and community and voluntary sector services working in partnership with local residents to allow every individual to enjoy the best possible health and well-being that they can, to stay independent for as long as possible and to create strong resilient communities. We will map partnership resource against each of the priorities and		We will work with local communities to identify and develop locality based assets that will enable them to help themselves and each other; ensuring they have the skills, support and resources to manage these assets on an on-going basis. Residents will be happy and proud to live in their communities and will be valued. They will be enabled to develop and access their own physical and recreational activities		We will provide a shared platform for information, advice and guidance (IAG) that enables residents to become more resilient and self-reliant; encouraging them to stop and think before they access public services. We will help residents to understand what they can do to help themselves, how they can help others and what options they have for accessing support when they need it. We will	

<p>explore how that resource might be used more efficiently and effectively. We will encourage, new partners to support the delivery of our objectives, for example we will encourage businesses to boost their contribution through greater commitment to volunteering and mentoring. We will collaborate to better integrate and jointly commission services and support such as for emotional health and wellbeing.</p> <p><b><i>We will use a range of indicators to measure success, including outcomes delivered as a result of engagement with services and the experience of service users.</i></b></p>	<p>that promote healthy living.</p> <p><b><i>Optimised utilisation of local provision and use of community assets such as parks, community centres/schools and libraries will be an indication of success.</i></b></p>	<p>work alongside local communities to develop solutions which meet their needs. We will encourage individuals and families to make well informed choices which will lead to them becoming and staying emotionally and physically more healthy.</p> <p><b><i>Success will be measured by people reporting a change in behaviour and choices as well indicators like number of attendances at accident and emergency, referrals to social care and increased use of local pharmacies.</i></b></p>
<b>Creating opportunities to promote physical and related recreational activities</b>	<b>Mental Health and Wellbeing</b>	<b>Other actions to tackle obesity</b>
<p>We have a shared commitment to assist local residents in becoming more healthy and active. Most people are not regularly active and we are aiming to take on the challenge to encourage more residents to be more active, more often.</p> <p>We will work to align local schemes under the local Active Essex programme.</p> <p>We will agree a Cycling Strategy for Essex</p>	<p>We will work with local communities, the voluntary sector and local government to provide hands-on opportunities to people with mental health issues to engage in meaningful activities within a community – centred approach including drop in services such as Brentwood’s Colour Me In drop in service.</p> <p>Initiatives will not only aim to improve the mental health and wellbeing of individuals living within the community but will continue to contribute positively to other aspects of</p>	<p>We will continue to engage with local food businesses to encourage them to provide healthier food choices, helping to reduce salt, fats and sugar through the reduction of portion sizes, alterations to menus and promoting healthier choices. Promotion of this project will continue to be carried out through both councils webpage’s.</p> <p>Find new and improved methods with the use of technology and media streams to engage with local food businesses and with members of the public to encourage healthier eating schemes.</p>



<p>and work on developing a real-time detailed mapping process with the intention of establishing a wide network of identifiable on and off-road cycle pathways right across the two boroughs.</p> <p>We will also explore further opportunities to promote more children to walk/cycle to school safely and increase their physical activity during school time and after school.</p> <p>We will build on existing schemes and seek further opportunities to help people age more healthily through improved physical fitness and building muscle strength.</p> <p><b><i>We will use a range of indicators to measure success, including the establishment of designated safe walking and cycling route; the number of schools reporting new schemes in place; the number of new schemes to promote physical health in people aged 50yrs and over.</i></b></p>	<p>individual's health, which may include increased physical activity and increased rates of employment.</p> <p>We will build on existing local initiatives and will explore further opportunities to promote support networks available within the local areas and to support people living within the community to gain better mental health and wellbeing.</p> <p><b><i>Success will be measured using a range of indicators including established activities, support groups and drop in sessions aimed at improving mental health and wellbeing; feedback from these sessions; levels of attendance.</i></b></p>	<p>We will work in partnership with schools to explore further opportunities to support them in projects focused on supporting actions to tackle obesity including Live Well Child.</p> <p><b><i>Success will be measured using a range of indicators including the number of food businesses who have pledged to providing healthier food choices within the local area and these food businesses reporting a change in the way they prepare their foods; online data from Essex Weighs IN; Number of schools signing up to healthier schools initiative and (tbc.)</i></b></p>
---	---	--

PROJECTS/ACTIONS	Priorities:	Local Outcomes	LEAD	PROGRESS	RESOURCE
<b>Brentwood's Cycling Furtherance Group</b> <ul style="list-style-type: none"> <li>Mapping of a cycling/walking network across the Borough whilst identifying gaps (e.g. connectivity, signage)</li> </ul>	<ul style="list-style-type: none"> <li><b>Physical Health &amp; tackling obesity</b></li> </ul>	3	Rhiannon Vigor (Basildon BC & Brentwood BC)  Elaine Hanlon (Brentwood BC)	The Brentwood cycling furtherance group has now completed its cycle grid across Brentwood, identifying gaps in the current cycling network and working with Essex county council for opportunities of improvement.	TBC
<b>Create safe walking and cycling routes, starting with 3 schools across each district</b> <ul style="list-style-type: none"> <li>Mapping of schools and cycling routes</li> <li>Find areas where children are most likely to be inactive</li> <li>Engagement with schools</li> </ul>	<ul style="list-style-type: none"> <li><b>Physical Health &amp; tackling obesity</b></li> </ul>	3	Rhiannon Vigor (Basildon BC & Brentwood BC)  Elaine Hanlon (Brentwood BC)  Mark Bramley (Basildon BC)	Work has also begun to understand opportunities of working with local primary schools to encourage active travel to school.	TBC
<b>Explore the opportunity to extend Outdoor Gyms</b> <ul style="list-style-type: none"> <li>Explore current use of Outdoor Gyms in both areas</li> <li>Explore feasibility</li> </ul>	<ul style="list-style-type: none"> <li><b>Physical Health &amp; tackling obesity</b></li> </ul>	3	Paul Brace (Basildon BC) Kim Anderson (Brentwood BC)	To be considered further.	TBC
<b>JOINT BASILDON BRENTWOOD DEMENTIA ACTION ALLIANCE (DAA)</b> <ul style="list-style-type: none"> <li>The Dementia Action Alliance is a movement aiming to bring about a society-wide response to dementia. It encourages and</li> </ul>	<ul style="list-style-type: none"> <li><b>Ageing Well</b></li> <li><b>Mental Health &amp; Wellbeing</b></li> </ul>	1,2,4,5	Rhiannon Vigor (Basildon BC & Brentwood BC)	Basildon and Brentwood Council are working in partnership with local partners with an interest in Dementia to help form a joint Dementia Action Alliance (DAA) to help drive forward the agenda for supporting those living with Dementia. Brentwood Borough	£500

supports communities and organisations to take practical actions to enable people to live well with dementia and reduce the risk of costly crisis intervention.				Council have also agreed to begin working towards becoming a dementia friendly workplace, offering dementia friend's sessions to frontline staff.	
<p><b>Facilitate access to health and wellbeing information and advice through a branding process – Live Well</b></p> <ul style="list-style-type: none"> <li>Liaise with Braintree District Council to discuss possibilities of branching Live Well out to Brentwood and Basildon</li> </ul>	<ul style="list-style-type: none"> <li><b>Ageing Well</b></li> <li><b>Physical Health &amp; tackling obesity</b></li> <li><b>Mental Health &amp; Wellbeing</b></li> </ul>	1,2,3,5	Rhiannon Vigor (Basildon BC & Brentwood BC)	Brentwood Borough Council has now committed to the adoption of Braintree district council's Livewell Branding along with the adoption of 10 other districts in Essex.	£2,472 (top sliced from year 2 Public Health grant)
<p><b>MENTAL HEALTH &amp; WELLBEING</b></p> <p><b>Brentwood Mental Health and Wellbeing small grant scheme</b> Supporting the wider Mental Health prevention strategy</p> <p>To contribute to the Essex Mental Health Prevention Strategy through improving;</p> <ul style="list-style-type: none"> <li>Access to Services</li> <li>Supporting Community Assets</li> <li>Access to voluntary employment/encampment opportunities</li> <li>Promoting physical activity and good mental health.</li> <li></li> </ul>	<ul style="list-style-type: none"> <li><b>Mental Health &amp; Wellbeing</b></li> </ul>	3,5	<p>Rhiannon Vigor (Basildon BC &amp; Brentwood BC)</p> <p>Lucy Marmion (Brentwood BC)</p>	The health and wellbeing board has supported the work of the Brentwood Community Tree by increasing promotion to encourage local knowledge of the Tree as well as developing a Brentwood Mental Health and Wellbeing Small Grant Scheme offering support to local initiatives to support Mental Health and Wellbeing for people living within the Borough.	£10,500

<b>Brentwood Community Tree</b> Raising community awareness					
<b>The Great Outdoors Project</b>  A potential initiative for Brentwood to improve health outcomes from using outdoors open spaces.	<ul style="list-style-type: none"> <li><b>Physical Health &amp; tackling obesity</b></li> </ul>	3	Mark Bramley (Basildon BC) Sue Bayles (HLS)	Brentwood is currently in discussion with Healthy Living Solutions regarding replicating the Great Outdoors Project currently running in Basildon to encourage residents to make better use of outdoors spaces to improve health and wellbeing.	TBC
<b>Expand the Tuck IN scheme</b> <ul style="list-style-type: none"> <li>Reach target of 50 food premises on board (14 in Brentwood; 33 in Basildon)</li> </ul>	<ul style="list-style-type: none"> <li><b>Physical Health &amp; tackling obesity</b></li> </ul>	4	Elaine Hanlon (Brentwood BC) Rachel Glover (Basildon BC)		No resource needed
<b>Development of the Social Prescribing programme across Basildon and Brentwood</b>	<ul style="list-style-type: none"> <li><b>Ageing Well</b></li> <li><b>Physical Health &amp; tackling obesity</b></li> <li><b>Mental Health &amp; Wellbeing</b></li> </ul>	2,3	Dave Fazey (BBCCG) Chris Evans (CVS) Jean Broadbent (CVS)	Social Prescribing is now in Brentwood and navigators are working out of Tile House Surgery. Social Prescribing in Brentwood has seen the highest number of referrals across the CCG area.	Essex County Council  Basildon and Brentwood Clinical Commissioning Group (CCG)
<b>VARIOUS PHYSICAL ACTIVITY</b> opportunities and planning to be explored in collaboration with Active Essex and partners (TBA)  Potential Projects to be discussed <ul style="list-style-type: none"> <li>Forever Young</li> <li>Football Memories</li> <li>Pop up events in the park</li> <li>Free Tennis taster sessions</li> <li>Using empty high street shops for table tennis during the school holidays</li> </ul>	<ul style="list-style-type: none"> <li><b>Physical Health &amp; tackling obesity</b></li> </ul>	3	Active Basildon: Steve Mitchell Everyone active  Active Brentwood: Bob McIntock Jo Grant (Brentwood Council)  Rhiannon Vigor (Basildon BC & Brentwood BC)	Forever Young – Parkour for the over 55's – As part of our promise to explore opportunities to encourage ageing well and physical activity, Brentwood Borough Council has worked jointly with Active Essex, Active Basildon and The Parkour Dance Company to deliver a pilot programme of parkour for the over 55's in Hutton with the aim of improving physical activity levels, improving strength and mobility as well as improving mental health and wellbeing and levels social	£1,500

				interaction amongst participants. Although currently in evaluation stage, early signs would suggest the programme was a success and the potential to extend the programme is currently being considered.	
--	--	--	--	--	--

This page is intentionally left blank



# HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

Version Number	Date	Summary of changes from previous version
002	22/07/2015	Updated to reflect clarity on the Boards' priorities, changes in membership and inclusion of mental health

## **TERMS OF REFERENCE**

### **Vision for the Board's Activities**

The vision for the board comprises the following:-

The Brentwood Health and Wellbeing Board (Brentwood HWB) will work to promote the health and wellbeing of Brentwood's communities. Its focus will be addressing health inequalities, including mental health, and securing the best possible health outcomes for all residents and those visiting the Borough for work and leisure.

### **Purpose of the Board**

The Board's purpose will be to ensure that the needs of the Brentwood Community are communicated to the Essex Health and Wellbeing Board so that local needs can be considered within the overarching Essex Joint Health & Wellbeing Strategy (JHWBS). The Board will actively promote health and wellbeing and mental health within the Borough, work in partnership with the Clinical Commissioning Group, other local partnership organisations, to encourage the joining up of resources and support integrated health and social care service delivery to the people of Brentwood.

### **Priorities of the Board**

The priorities for Brentwood Health and Wellbeing Board are:-

- Improving Older People's Health,
- Increasing Uptake of Vaccinations'
- Reducing Cardiovascular Disease through reduction in Obesity,
- The Mental Health Challenge

### **Background**

Essex County Council (ECC) has the statutory responsibility to establish a health and wellbeing board as a local authority committee, to serve Essex. From April 2013, Public Health England allocated ring-fenced budgets, weighted for inequalities, to upper-tier and unitary authorities to fund reducing health inequalities. These Authorities will also receive an incentive payment, or 'health premium', aligned to the progress made in improving the health of the local population, based on elements of the Public Health Outcomes Framework. Although specific funding will not be allocated to lower District and Boroughs to accommodate the new changes, it is envisaged that close links will be formed with local Clinical Commissioning Groups and funding will be available to implement projects locally to meet local needs.

Members of Brentwood Borough Council set up a local Health and Wellbeing Board to ensure that the needs of the Brentwood population were represented at the Essex Health and Wellbeing Board and that health inequalities that exist within Brentwood



were addressed. The Board has formally existed since April 2013. It is driven by local needs and the day to day admin costs are met by existing funds.

It is important that the Brentwood Health and Wellbeing Board draws on the JSNA the JHWBS and other relevant datasets, including feedback from consultation exercises and historical information held on BBC databases to feed into the process for the development and implementation of the strategy at a local level. These sources of information would provide tools to address local health needs via the Clinical Commissioning Groups (CCGs) and other interested parties to address health needs via commissioning plans.

### **Organisation and operating principles**

1. The principles for the organisation and operation of the Brentwood HWB are proposed as follows:
  - a. The initial key role of the Board will be to assist in supporting the ongoing development of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy ;
  - b. The Board will give local knowledge and input to the JSNA to assist the Essex Board to ensure that the overall strategy reflects the countywide issues and local diversity of Essex.
  - c. The Board will be effective by establishing strong political and public leadership for health and wellbeing locally;
  - d. It will focus on delivering improved outcomes and reducing health inequalities in key areas;
  - e. The board will identify key priorities for health and local government commissioning and develop clear plans for using combined resources, by working with the CCG, whilst influencing commissioners.
  - f. The Board will undertake its work in public and will act to ensure transparency and fairness in its decision making;
  - g. The Board will report directly to the Community & Health Committee regarding key decisions such as nominations, projects and funding issues.
  - h. The Board will secure as wide a possible membership as is compatible with effective and efficient working and will facilitate the setting-up of a local Stakeholder Network for Brentwood to make delivery links on a wider basis ;
  - i. The Board believes that good health and public health is created through resilient communities, families and individuals who are able to control and influence their environment and have a strong voice in community matters. Social cohesion should be an outcome of commissioning;

- j. The Board believes that integrated health and wellbeing services are important in providing seamless care, improved outcomes and cost effective services for the people of Essex;
  - k. The Board believes that the route to integrated services is best served by joint commissioning between health, and wellbeing and the use of lead commissioning, aligned and pooled budgets, where all parties agree these makes sense;
  - l. The Board will be supported by an appointed Public Health lead from the County Council ;
  - m. The Board will draw on and amplify the agreements on commissioning and joint commissioning created by any District or Borough based arrangements or joint commissioning arrangements;
  - n. The Board will look to promote a two-way flow of information with the Essex Health & Wellbeing Board;
2. The membership of the Brentwood Health and Wellbeing Board will be represented by the following organisations:-
- i. Brentwood Borough Council (two members, providing the Chair and Vice Chair Positions)
  - ii. Brentwood Borough Council Head of Borough, Health, Safety and Localism, Environmental Health Manager and the Lead Officer for Health and Wellbeing);
  - iii. Brentwood Borough Council Partnership and Funding Manager
  - iv. Essex County Council People Directorate representative covering adult, children and public health
  - v. Health Watch
  - vi. Clinical Commissioning Group (two Members)
  - vii. The appointed Essex County Council Public Health Directorate Link for Brentwood
  - viii. CVS - Community Voluntary Sector - (with specific groups being invited in when specific needs have been identified)
  - ix. The Elected Member from the Essex County Council Health and Wellbeing Board
  - x. An Officer and Member representative from the Mental Health Challenge
  - xi. A member of Active Brentwood
  - xii. The Chair or Deputy Chair of the Patient Engagement Group for the Brentwood Clinical Commissioning Group

(Other groups would be invited to meetings when specific needs have been identified for example, Basildon Borough Council - to reflect shared

working projects and any other body who may have an interest in matters on the agenda).

Meetings are to be held on a quarterly basis, with flexibility to meet more frequently if required.

This page is intentionally left blank

**18th September 2017**

## **Community, Health and Housing Committee**

### **Empty Homes**

**Report of:** *David Carter, Environmental Health Manager*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 At the meeting of the Environment and Housing Management Committee on 8<sup>th</sup> March 2017, Members resolved to request a strategy document (Appendix A) outlining the proposed measures to effectively reduce the number of empty homes in the Borough.
- 1.2 The previous report set out the powers available and initial proposals to contact the owners of long-term empty property in the Borough.
- 1.3 The proposed Empty Homes Strategy outlines the measures and action that can be taken to encourage and enforce owners to bring empty homes back into use.

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

- 2.1 **That Members adopt the proposed Empty Homes Strategy (Appendix A) following public consultation.**
- 2.2 **Officers are instructed to identify and prioritise current long-term empty property in the Borough and work to reduce the number of empty homes within existing resources where possible.**
- 2.3 **To seek to recover the costs of enforcement action where possible.**
- 2.4 **To approve Key Performance Indicators to monitor progress of the Strategy**
- 2.5 **To regularly update Members at meetings of the Community, Health and Housing Committee.**

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

- 3.1 Empty homes in the Borough lead to issues relating to anti-social behaviour, are unattractive and a waste of potential housing which could be better utilised.
- 3.2 As a result of these issues the Council has identified a number of empty properties in the Borough. Data is provided to the Government on properties which are 'unoccupied and substantially unfurnished' for a period of longer than 6 months.
- 3.3 The Council can levy an 'empty homes premium' where properties have been unoccupied and substantially unfurnished for over two years, which is 150% of the Council Tax normally applicable to the property.
- 3.4 These properties are being focussed on at the start of this project as they are the longest empty homes in the Borough but we will be looking at any empty over 6 months in the future to try to engage with owners at an earlier stage.
- 3.5 An initial list of the properties paying the empty homes premium was provided by our Council Tax team and the owners have been contacted to try to assist in bringing the properties back into use.
- 3.6 This initial contact has resulted in the total list of 75 properties now being reduced to 47.
- 3.7 Of the properties that have now being removed from the list 17 are not empty and are occupied and a further 9 are empty but being renovated or are on the market for sale.
- 3.8 The strategy document (Appendix A) has been written to identify a procedure to follow when we are aware of empty property.
- 3.9 Because of the relatively low numbers of properties in the Borough it is considered that action can be taken using existing resources within Environmental Health and Housing to identify and take action.
- 3.10 The next steps will be to focus on the remaining 47 properties on the initial list and to also check for additional properties which officers and members are aware of.

- 3.11 As homes can be temporarily empty for a period for various reasons, it is proposed that these long-term empty homes are addressed first. Further data will be requested from Council Tax records so that owners of empty homes can be contacted at an earlier stage to offer assistance.
- 3.12 Sites where anti-social behaviour or other concerns have been raised by complaints or other contact with the Council will be prioritised for action to deal with the issues identified through the most appropriate means in each circumstance.

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

- 4.1 The options available will depend on the individual properties and the owners' willingness and/or ability to work with the Council.
- 4.2 The aims of dealing with empty homes in the Borough will be to
- Reduce the overall number of long term empty properties
  - Minimise the anti-social behaviour associated with empty homes
  - Recover the costs of enforcement action where possible

#### **5. Reasons for Recommendation**

- 5.1 To ensure that effective action is taken to reduce the number of empty homes in the Borough within existing resources where possible.
- 5.2 To seek to ensure that the costs of enforcement action is recovered where possible.

#### **6. Consultation**

- 6.1 The draft Empty Homes Strategy (Appendix A) will be circulated for comment from interested parties and made available for public consultation through the Council website for a period of 12 weeks if the recommendation is approved.

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

- 7.1 Environment and Housing Management
- Manage our housing stock to recognise the limited resources available and the importance of supporting those in greatest need.
  - Develop effective partnership arrangements with key agencies to deliver services.

## 7.2 Community and Health

- Provide advice, support, guidance and enforcement.
- Encourage thriving and engaged communities
- Support community engagement with residents and businesses

## 8. **Implications**

### **Financial Implications**

**Name & Title: Francesca Scagliosi, Senior Accountant**

**Tel & Email 01277 312729/francesca.scagliosi@brentwood.gov.uk**

- 8.1 Any costs will be met from existing Environmental Health and Housing budgets as mentioned in the report.

### **Legal Implications**

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

**Tel & Email: 01277 312500/surinder.atkar@brentwood.gov.uk**

- 8.2 The Government has allocated £130 million to its Empty Homes Programme encouraging Councils to adopt and implement a strategy to bring empty homes back into use. The number of enforcement powers available to do this are described in detail in the report at Appendix A to this report.

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

- 8.3 None

## 9. **Appendices**

Appendix A - Empty Homes Strategy 2017-2020

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

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





# **Empty Homes Strategy**

## **2017-2020**

## Introduction

Brentwood Borough Council is committed to ensuring that Brentwood remains a pleasant and healthy place in which to live, work and relax for the benefit of current and future generations.

Part of this commitment is in supporting those in greatest need and to manage the housing stock within the available resources. This includes housing provision in the private sector. Within the Borough there are several currently empty properties, many of which are privately owned.

The aim of this Strategy is to effectively reduce the number of empty properties and to bring them back into use to provide homes for residents and reduce the adverse effect that long-term empty property can have on an area.

The Strategic Housing Market Assessment (SHMA) for Brentwood has identified a shortfall in affordable housing units in the Borough which could be assisted by returning empty property into this market.

Housing prices in Brentwood are on average £100,000 higher than in the rest of England making affordability a key issue for the Borough, identified as an objective in the Borough Housing Strategy. Whilst the number of long-term empty properties in Brentwood is well below the national percentage and is lower than most of the other Essex authorities it is important to ensure that as many homes as possible are available for occupation.

The Government, working with the Empty Homes Agency is encouraging local authorities to adopt measures to bring privately owned empty homes back into use as part of their strategic housing approach. The Council is seeking to engage with owners to find solutions, which could take the form of offering incentives such as loans or advice on selling, leasing and tax issues. This approach is dependent on good will and co-operation from owners and where this has been achieved it can be highly effective. Local authorities may also need to resort to enforcement action where it has not proved possible to achieve re-occupation of empty homes through voluntary means.

The Council's new Housing Strategy 2017-2020 identifies Empty Homes as an area for development to assist in the provision of accommodation for local people in the Borough.



## Aims

The aims of the strategy are as follows:

1. Reduce the number of long-term empty properties in the Borough
2. Encourage owners to participate in bringing empty homes back into use
3. Assist with schemes to make empty homes decent and available for affordable housing to prevent properties becoming long-term empty
4. Raise awareness to identify empty property
5. Using enforcement powers where necessary, appropriate and cost-effective

## Prioritising actions

Some of the factors affecting the actions to be taken are:

### **1. Length of time property has been empty**

Long-term empty homes are those homes which have been empty for six months or more. We will concentrate resources on bringing long-term empty homes back into use; it is proposed to initially work with those properties which have been identified as empty for over two years.

These properties will be subject to increased Council Tax at a rate of 150% because of the length of time they have been empty – at present in the Borough there are 75 properties identified as empty for over two years. As more data becomes available we will work with the owners of empty homes to provide assistance at an earlier stage.

### **2. Condition and type of property**

Some types of property may not be suitable for housing due to their original purpose or state of repair which means that they cannot reasonably be brought back into residential use. In these cases, we will consider appropriate alternative measures and work with the owners to look at available opportunities which may include demolition or sale of the site for redevelopment.

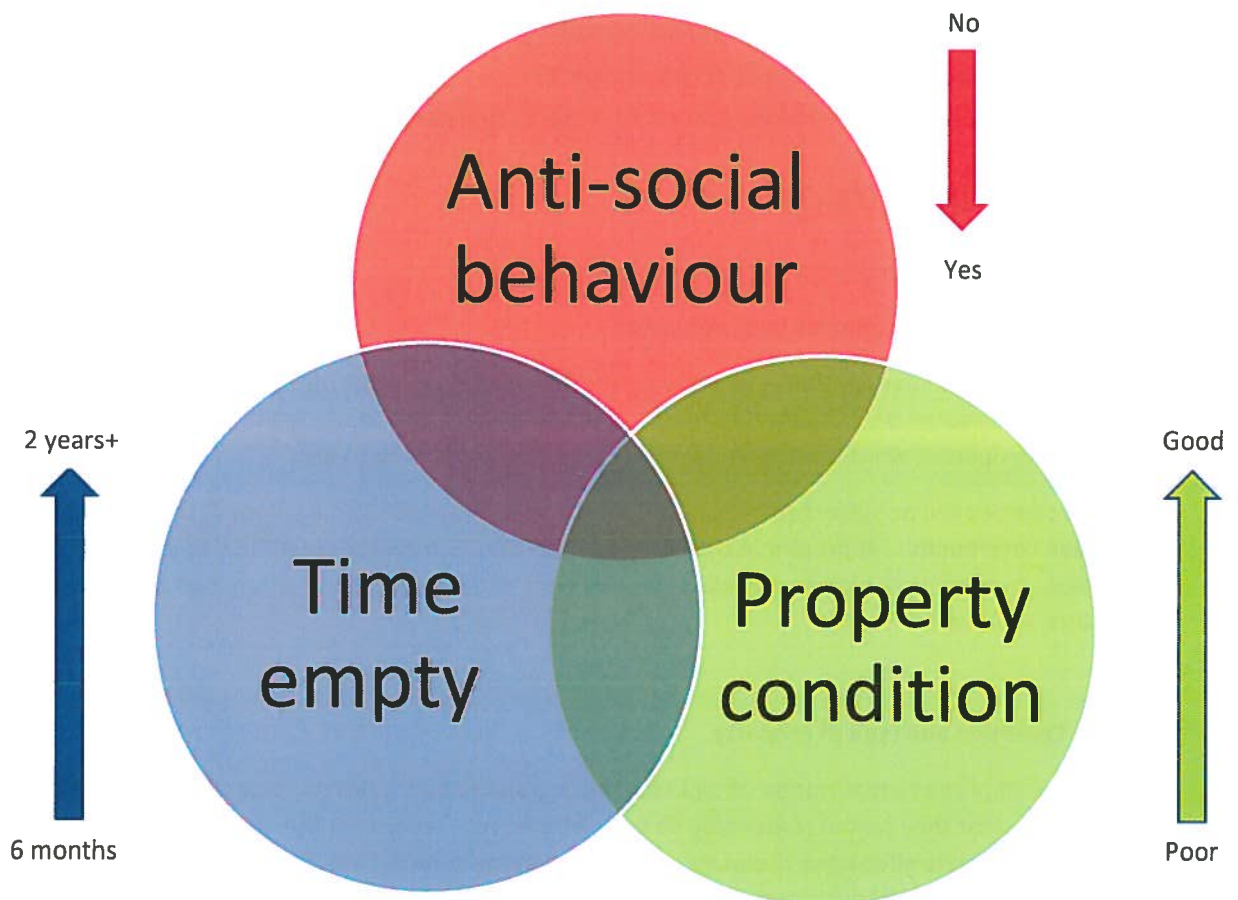
We will look to assist in identifying repair works and will determine whether financial assistance from the Council would result in a successful outcome and re-use of the property

### **3. Complaints**

Where empty properties have become the target for anti-social behaviour or other sources of complaints we will identify appropriate action if the owner is not prepared to take steps to secure or re-use the property.

We will use data from Council Tax records to identify properties empty for over two years in the first instance; contact will be made with the owners identified to determine whether the property is still empty and if so what the owner's intentions are. Based on this information we will then determine the next course of action, ranging from informal advice and assistance through to enforcement action which could include planning enforcement, securing the property, repairs etc.

The prioritisation of empty homes in the Borough will commence with the properties that have been empty for over two years and those which are attracting anti-social behaviour – our priorities are illustrated in the diagram below:



## Options for owners

Where we have contacted the owners of properties we will encourage them to bring property back into use. Depending on repairs needed the options could include selling the property or renting either directly, through a letting agent or through an arrangement with the Council.

Once a property has been identified as empty contact with the owner is intended to commence as soon as possible to establish reasons and likelihood of remaining empty.

The aim will be to engage with owners of property to deal with issues caused to the community and ensure that action is effective in minimising the length of time that a property remains empty.

The Council may also be able to assist with the Rent Deposit Scheme for tenants and financial arrangements to help landlords rent their property.

There are many reasons why properties remain empty for lengthy periods of time – we will try to assist in determining and removing any obstacles to them being occupied.

It should be clear from the outset that the Council will consider use of its powers to assist in returning property to use where this is practicable. Early contact with owners will enable us to establish their intentions and should identify where further action will be needed to achieve the property returning to use.



## Enforcement Options

Where our attempts to work with owners have not been successful we will consider the appropriate use of enforcement action. This may be achieved by use of the powers outlined below, in isolation or in combination and possibly involving various departments within the Council taking an active role:

### **Housing Act 2004**

Improvement Notices to remove Category 1 or 2 hazards.

### **Building Act 1984** sections 77/78

Notice to require owner to make a ruinous or dilapidated property safe or enable Local Authority to take emergency action to make the property safe.

### **Building Act 1984** section 79

Notice to require the renovation or demolition of a ruinous or dilapidated building.

### **Housing Act 1985**

Demolition Orders

### **Local Government (Miscellaneous Provisions) Act 1982** section 29

Power of local authority to prevent unauthorised entry or prevent the building from becoming a danger to public health.

**Environmental Protection Act 1990** section 80; **Building Act 1984** sections 78 allow the Local Authority to serve a notice requiring the owner to take steps to secure the property or allow the Local Authority to board it up in an emergency.

**Prevention of Damage by Pests Act 1949** s. 2-7 notice to require an owner to take steps to clear the land of vermin, to remove waste likely to attract vermin; local authority has power to carry out works in default.

### **Environmental Protection Act 1990** sections 79-81

### **Public Health Act 1961** section 34

### **Building Act 1984** section 79

Local Authority powers to serve notice on an owner to remove nuisance.

### **Town and Country Planning Act 1990** section 215

Power to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. Action can be taken against land and buildings.

**Law of Property Act 1925****Enforced Sale Procedure**

If there is a charge registered against a property in favour of the Council e.g. for work carried out in default can be recoverable through enforced sale of the property.

**Housing Act 1985 Compulsory Purchase Order (CPO)**

The Council can apply to the Secretary of State as a last resort when other powers have been exhausted where long term empty properties are causing a serious nuisance or blight to an area.

**Housing Act 2004 Empty Dwelling Management Order (EDMO)**

Prerequisites for EDMOs include the production of an Empty Property Strategy and selection of managing agents and contractors.

Voluntary solutions must be considered and all requirements must be met for a Residential Property Tribunal (RPT) to authorise an Interim EDMO.

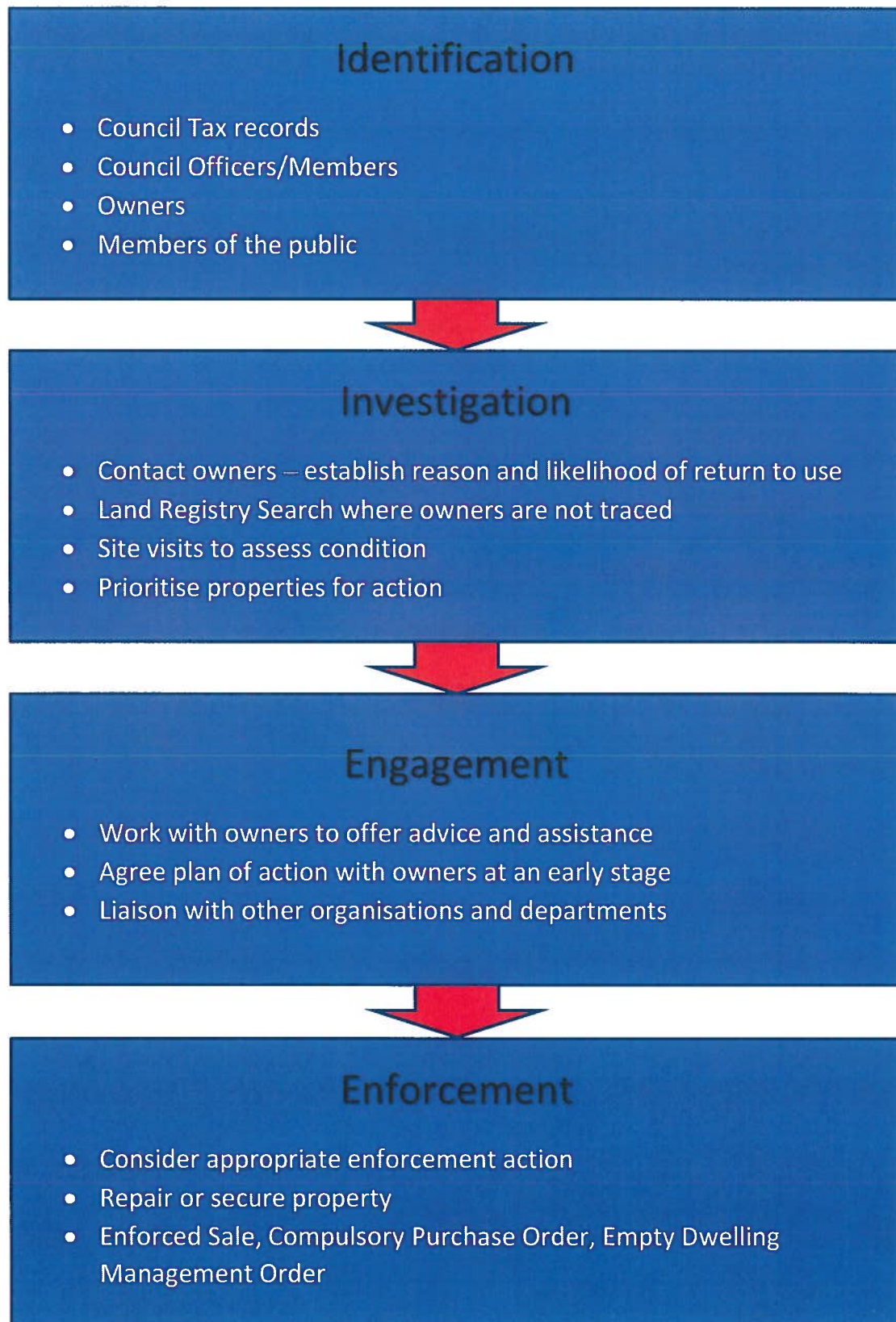
The RPT must be satisfied that

- the property has been empty for more than six months, with little prospect of occupation without an EDMO
- the authority has notified the owner of its intention to apply for an EDMO and tried to find out what plans the owner has to return the property to use
- the authority has considered the rights of the owner and the interests of the wider community

If an Interim EDMO is granted by the RPT the Council must insure the property, carry out a detailed survey and prepare a costed schedule of works. Contractors must be appointed to carry out the works necessary to enable the property to be occupied at the Council's expense – the costs are recovered from rental income.



## Appendix A Empty Homes Procedure





## Appendix B - Empty Homes Action Plan

Monitor Empty Homes – Develop a system to keep updated records of empty homes in the Borough						
Action	Outcomes	Priority	Officer	Start date	Finish date	Resource implications
Develop and maintain an empty property database containing information provided by Council Tax and collected through investigations and surveys	Council Tax data on empty homes provided twice per year  Spreadsheet of all empty homes activities recorded	High	DC/EH team	Sept 2017	Dec 2017	Existing resources – officer time
Risk assess empty properties and identify properties for proactive enforcement	Empty property risk assessment devised and survey of identified empty homes completed	High	DC	Sept 2017	Dec 2017	Existing resources – officer time
Improve advice, assistance and guidance						
Action	Outcomes	Priority	Officer			
Develop specific web pages for owners of empty properties	Information for owners/landlords on options for dealing with empty homes on the Council's website	High	DC	Sept 2017	Dec 2017	Existing resources – officer time
Survey owners of identified empty properties in the Borough	Owners contacted and results analysed to establish reason or barriers to re-occupation	High	DC	Sept 2017	Dec 2017 (ongoing)	Existing resources – officer time
Provide assistance with housing advice/tenant management	Housing team advice and help with tenancy information	Medium	AW/SM	Nov 2017	Ongoing	Existing resources – officer time

Reduce the impact of empty homes in the Borough						
Provide web page report for residents to input information	Web page report form and information for residents produced	High	DC/SK	Sept 2017	Dec 2017	Existing resources – officer time
Develop a process for identifying problem empty homes and prioritising action	Empty Homes Strategy – priority given to empty homes causing community issues	High	DC	Sept 2017	Dec 2017	Existing resources – officer time
Develop enforcement process to address problems	Enforcement actions identified and recorded	Medium	DC	Sept 2017	Dec 2017	Existing resources – officer time
Reduce the number of empty homes						
Investigate the use of and agreed procedure for Enforced Sale for empty homes	Enforced sales action taken in relation to problem empty home	High	DC/Legal	Sept 2017	Apr 2018	Budget required for legal costs
Investigate the use of and agreed procedure for Compulsory Purchase Orders and Empty Dwelling Management Orders	Use or threat of use of CPO/EDMO powers returns empty property to occupation	Medium	DC/Legal	Nov 2017	Apr 2018	Budget required for legal costs



Dear Sir/Madam,

## **Empty Dwellings - Housing Act 2004**

### Re: Address

I write regarding the above property which I believe is currently unoccupied and has been empty for over 24 months. I understand that you are the owner or that you have an interest in the property.

Under the above legislation, the Council has a duty to consider housing conditions within the Borough with a view to determining what action to take. This includes the identification of empty dwellings and subsequent actions to bring them back into use. Part of this involves contacting owners of such properties to find out why the property is empty and what the owner's intentions are.

**I would therefore be grateful if you could complete and return the enclosed questionnaire as soon as possible.**

I am sure that you will be aware there are a range of potential problems associated with a property being unoccupied that include vandalism, problems with squatters and other anti-social behaviour. These can cause the property to deteriorate, lose value and cause an annoyance to neighbours. There is also a desperate need for homes in the Borough which we are keen to help fulfill.

As such the Council are committed to bringing empty dwellings back into use to reduce such problems and to help ease pressure on the high demand for housing within the Borough. To help you bring your property back into use the council can provide advice and assistance including:

- Advice and assistance with repairs to bring the property to a decent condition.
- Advice on renting out a property yourself or using a letting agent.
- Details of potential tenants and ways in which you can work with the Council.

If you require any further information or have any other queries, please contact the Environmental Health Pollution and Private Sector Housing Team on 01277 312500. If we have not received a reply within the next 6 weeks we will contact you again.

Yours sincerely

**David Carter**

Environmental Health Manager

email: david.carter@brentwood.gov.uk



## Appendix D - Brentwood Borough Council

### Empty Homes Questionnaire

Please give the property address

Is this property currently empty?

- ☐ Yes  
☐ No

Are you the owner of the property or the person responsible for it?

- ☐ Owner/Joint owner  
☐ Responsible person  
☐ Neither (please give details)

#### Contact details of owner or responsible person

Name

Address

Phone

Email

Type of property

- ☐ House  
☐ Flat  
☐ Bungalow  
☐ Maisonette  
☐ Other

**Size of property**

- |                                 |                                 |
|---------------------------------|---------------------------------|
| <input type="checkbox"/> Bedsit | <input type="checkbox"/> 4 bed  |
| <input type="checkbox"/> 1 bed  | <input type="checkbox"/> 5 bed  |
| <input type="checkbox"/> 2 bed  | <input type="checkbox"/> 5+ bed |
| <input type="checkbox"/> 3 bed  |                                 |

**If the property is occupied you do not need to complete the following sections**

**How did you become the owner or person responsible for the property?**

- ☐ I purchased it to live in myself
- ☐ I purchased it for family/friends to live in
- ☐ I purchased it as a long-term investment
- ☐ I purchased it to provide an income from renting
- ☐ I inherited the property or received as a gift
- ☐ I manage it for someone else
- ☐ Other

Other, please state

**Why is the property currently empty?**

- ☐ I am trying to sell the property
- ☐ I am trying to rent the property
- ☐ The property is being renovated
- ☐ The property is subject to probate
- ☐ The owner is in hospital/care
- ☐ The property is a second home
- ☐ I can't afford to undertake works required to property
- ☐ Other

**What are the barriers preventing the property being brought back into use?**

Please select all that apply

- ☐ Finance - cannot afford to complete necessary works
- ☐ Waiting for the right time to sell
- ☐ Difficulty sourcing tenants
- ☐ Time needed to carry out renovation works
- ☐ Probate/ legal issues
- ☐ Owner is living away from the property
- ☐ Trying to sell/ rent the property
- ☐ Ill-health
- ☐ Other (please specify)

**Is there anything else that the Council could help you with?**

**Please return to Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY or email to [envhealth@brentwood.gov.uk](mailto:envhealth@brentwood.gov.uk) Thank you for your help to provide this information to us**

**18<sup>th</sup> September 2017**

## **Community, Health & Housing Committee**

### **Service Charge Policy 2017**

**Report of:** *Angela Williams, Interim Head of Housing*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 This report sets out the background and recommendation to adopt a formal written *Service Charge Policy*, following the approval of the *Service Charge Strategy 2017* ('the Strategy') by the Committee (June 2017).
- 1.2 The Strategy concerned the introduction of stand-alone service charging, relating to the servicing of Council owned HRA blocks/schemes (circa 48 blocks).
- 1.3 The *Service Charge Policy 2017-2020* ('the Policy') provides the framework for achieving the key aims contained within the adopted Strategy.

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

- 2.1 That the Committee formally approve the introduction of the '*Service Charge Policy 2017*' (Appendix A).**

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

- 3.1 The loss of income to the Housing Revenue Account ('HRA') through decreasing social rent by 1% per annum since 2016/17 is projected at £875,000 within the next 5 years.
- 3.2 Housing Services needs to ensure that it is delivering a well-costed, effective and financially sustainable service programme for now and the future.

- 3.3 Tenants have not previously been charged service charges at a rate that reflects the true financial and operational impact to the Council. Whilst service charge income has been collected it has not been clearly defined and separately apportioned.
- 3.4 Currently Leaseholders pay an apportionment of service charges as reflected in their annual 'actual' statement.
- 3.5 The Policy sets out the relevant legal and regulatory framework for service charging. It will allow for distinct service charges to be presented to the Rent Setting Committee annually for approval/variation.

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

- 4.1 To allow for the effective implementation of service charging and formation of annual 'Schedules of Service' [detailing specific amounts of service charges] an operative policy is required.

##### **Option 1: Non-Approval of Policy - Continue to apply minimal Service Charges:**

- 4.2 Currently service charges which are applied do not represent a reflection of the true cost of services the Tenant/Leaseholder receives. A consequent economic burden is therefore applied to the Council, depleting public financial resources.
- 4.3 Currently service charge income suffers the 1% rent reduction unnecessarily. By not separating the Service Charge from the Rent Charge, and charging 'at cost', the HRA will suffer continued financial loss which is unsustainable.
- 4.4 The Strategy cannot be effected without a transparent and cohesive policy which details the legal and regulatory framework for service charging processes.

##### **Option 2: Policy approval:**

- 4.5 Adoption will allow Financial Services to create annual 'Schedules of Service' detailing the specific economic cost to affected customers. Annual service charge increases/decreases and/or variations will be subject to final Committee approval.



## **5. Reasons for Recommendation:**

- 5.1 Option 2 is recommended as the most financially viable option for the Council and supports the already adopted *Service Charge Strategy*. It also ensures that Financial Services can code charges accurately against the Estates where services have been provided.
- 5.2 Through adopting a policy to ensure that a tailored service charge is billed and accounted for separately to rent charges it will allow for a lessening of the economic impact of the 1% Government rent reductions and loss of related grants.
- 5.3 Taking no further action will fail to advance corporate priorities and would de-stabilise financial resources.
- 5.4 Adopting the Policy will provide ongoing direction for both customers and the Council when implementing Service Charge setting each year. It is also consistent with legal and regulatory requirements.

## **6. Consultation**

- 6.1 Consultation with 'Tenant Talkback' was conducted on the 6<sup>th</sup> September 2017. 'Tenant Talkback' supported the introduction of the Service Charge Policy to achieve the aims of the Service Charge Strategy.

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

- 7.1 The Council's Corporate Plan aims to:
- To deliver safe and comfortable homes which are efficient and sustainable.
  - Manage our stock to recognise the limited resources available and supporting those in greatest need.
  - Review the future delivery of housing services to provide the best outcomes for Brentwood residents.

- 7.2 Through implementing cost-efficient service charging and by adopting the separate Service Charge Policy each of the aims listed above can be achieved.

## **8. Implications**

### **Financial Implications**

**Name & Title: John Chance, Finance Director & S151 Officer**

**Tel & Email: 01277 312542 / john.chance@brentwood.gov.uk**

- 8.1 A documented policy around services charges is the best option for the way forward and represents an improvement on the current procedure. Service charges, which represent real costs to the council, are then apportioned to lease holders in a transparent and robust way which benefits both the lease holder and the council. This mechanism allows the council to recoup costs appropriately from lease holders in respect of charges incurred.

### **Legal Implications**

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

**Tel & Email: 01277 312500/surinder.atkar@brentwood.gov.uk**

- 8.2 The Policy and any of its provisions relating to the calculation of any service charges must comply with section 19 Landlord and Tenant Act 1985 which requires any service charges to be reasonably incurred and any services provided and any works carried out to be of a reasonable standard.

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

- 8.3 None.

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

- 9.1 None.

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

Appendix A – Draft Service Charge Policy 2017-2020

**Report Author Contact Details:**

**Name:** Stuart Morris, Interim Housing Policy Manager  
**Telephone:** 01277 312564  
**E-mail:** [stuart.morris@brentwood.gov.uk](mailto:stuart.morris@brentwood.gov.uk)

This page is intentionally left blank



# **Service Charge Policy (DRAFT) 2017-2020**

**Housing Services**

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

# Contents

<b>Introduction</b>	<b>03</b>
<b>Scope and Purpose</b>	<b>04</b>
<b>CHARGES</b>	
Service Charging: Explained	05
Variable Charges	06
Variable Charges (Consultation)	07
Fixed Charges	08
Other Charges	09
<b>CHARGES &amp; HOUSING BENEFIT</b>	<b>10</b>
<b>IMPLEMENTATION</b>	<b>11</b>
Service Charges (Leaseholders)	11
Service Charges (Tenants)	12
Tenancy Agreements	13
Broad Categories of Charge	
Annual Variations	13
<b>APPENDICES:</b>	
Appendix 1: Items that <u>are</u> chargeable services	14
Appendix 2: Items that are <u>not</u> chargeable	15
Appendix 3: Tenant Service Charges and Housing Benefit	19
Universal Credit & Service Charges	23
<b>ANCILLARY MATTERS</b>	<b>25</b>
Equality, Diversity & Well-Being	
Publicising the policy	
<b>GLOSSARY</b>	<b>26</b>
<b>VERSION CONTROL</b>	<b>28</b>

# Introduction

Our *Service Charge Policy 2017-2020* ('the Policy') is intended to underpin the *Service Charge Strategy 2017-2020* ('the Strategy') which was adopted in June 2017 following Committee approval.

The Strategy outlined how Brentwood Borough Council is committed to ensuring both the quality of service provision to tenants and leaseholders and to providing a financially sustainable model for this. Both rationales have been included in the development of the Policy and will continue to shape its implementation.

The Policy seeks to set out the relevant legal position and to provide guidance for both the Council and our customers. The Policy creates the procedural framework for service charging and will allow for the recovery of costs at a fair and reasonable rate. Prior to any Service Charge being finalised detailed financial schedules will be scrutinised and approved annually by the Rent Setting Committee.

We believe that adopting this process will allow for the introduction of more transparent, fair and sustainable service charges for the 2017/18 financial period onwards.

**Mrs Angela Abbott**  
Interim Head of Housing

# Scope and Purpose

## Why have a Service Charge Policy?



This policy creates the framework for annual recurring service charges.

All residents should have information about their service charges including costs that their charges cover, how charges are budgeted and increases/decreases calculated. Detailed financial Schedules of Service will be calculated for further consultation and member approval.

Service charges apply only to leaseholders and tenants who live in blocks (whether general needs or sheltered housing). Currently the service charge for tenants is included in a single global figure and is not clearly separated out from the rental sum.



All Councils must operate viable businesses with adequate recourse to financial resources to meet current and future business and financial commitments.



The Council seeks to continue to provide good-quality housing services for residents and prospective residents. We must aim to deliver continuous improvements and value for money in our services. Service provision is subject to challenge and change. The wishes of residents and others must be balanced against available resources within a clear framework.



# Service Charging: Explained

## What does the term ‘Service Charge’ mean?

- **Service charges** are financial charges made to residents to recover the costs of services provided to a property, block or estate.

Service charges are set based on the Council’s estimate of the costs of providing the services, and will be detailed in the relevant tenancy agreement or lease, for the relevant period (usually a year).

Leaseholders will have a variable service charge (based on the existing process of ‘Estimates’ and ‘Actuals’). The legal definition is contained in section 18 of the Landlord and Tenant Act 1985 (‘the Act’) in relation to costs. Section 19 of the Act states that they can only be levied so long as they are *reasonable* and that works are carried out to a *reasonable standard*.

Tenants of blocks (and any further identified accommodations) will have a fixed service charge, which is payable alongside the basic rent charge. (Previously the fixed service charges were contained within a global rent figure).

## Service Charging: Variable Charges

- **Variable service charges:** Residents are sent a further bill or credit, depending on whether the actual costs of services was more or less than originally estimated.

The Council will make all demands for payment in writing, setting out how the costs being claimed for, whether estimated or actual, have been arrived at. In line with the law, the calculations for actual service charge costs will be signed off by independent examiners where required and are subject to Committee approval.

- **Variable Service Charges Processes:**

Leaseholders paying a variable service charges are entitled to request and receive a written summary of the service charge account, there is a requirement for the accounts to be certified. The written summary will relate to all “relevant costs in relating to the service charges payable” for the last accounting period, or if there is none, the 12 months preceding the request.

The summary must be supplied within one month of the request or within six months of the end of the accounting period. This is known as “the 18-month rule”.

The summary must show:

- ✓ How the costs relate to the service charge demand (or if they will be included in a later demand).
- ✓ Any items for which the landlord did not receive a demand for payment during the accounting period.
- ✓ Any items for which a demand was received and for which no payment was made during the accounting period.
- ✓ Any items for which a demand was received and for which payment was made during the accounting period.
- ✓ Whether any of the costs relate to works for which an improvement grant has been or is to be paid.

The lease will determine how actual costs will be recovered. Under section 20B of the Landlord and Tenant Act 1985 any relevant costs included in a service charge must have been incurred within the 18 months before the service charge is made. If more than 18 months have passed the tenant has no obligation to pay the costs involved.

A landlord can protect their right to recoup costs if there is a need to invoice outside this time period, but only if they serve a notice on the tenant within the 18 months which formally advises the tenant that the costs have been incurred and that the tenant will be required to contribute to them at a future date.

▪ Variable service charges: Consultation for major repairs, improvements and contracts:

Where the Council proposes to carry out repair or improvement works that would cost each payer or variable service charge more than £250.00 we will either:

- ✓ Consult with all leaseholders liable to be charged, or
- ✓ In the event of urgent works, carry out the repairs and then seek permission from the First-tier Tribunal (Property Chamber) to charge for the works retrospectively.

Where the Council proposes to enter into a contract for longer than twelve months that would cost any payer of service charge more than £100.00 a year the Council will consult with those liable to be charged. The above is in accordance with existing policy and relevant legislation, including section 19 of the Landlord and Tenant Act 1985.

## Service Charging: Fixed Charges

- ❖ Certain items of expenditure are not classed as services because legislation defines that they should be included in the rent. In broad terms these include costs of core housing management activities, maintaining properties, building insurance and loan repayments (see Appendix 2 for further details).
- ❖ Service charges re-coop from individual tenants the costs incurred by the landlord in providing shared services, such as maintaining common areas, caretaking services, ground maintenance, communal lifts and door entry etc (see Appendix 1 for further details).
- ❖ All services that have been allocated as chargeable will be recharged to tenants although the Council may stagger any large increases over a number of years, but aims to reach full recovery within a period of four years.

# Service Charging: Other Charges

Service charge payers may also be liable to pay the Council:

- ❖ Management fees;
- ❖ Administrative fees;
- ❖ Ground rent.

## Management fees

- ❖ Are charged in line with the provisions made for such charges in the relevant tenancy agreement or lease.
- ❖ To cover the Council's cost associated with managing properties, administering service charge and rent accounts, income collection and providing customer services where these are not covered by rent.
- ❖ Variable service charge payers are charged an actual management fee.

## Administrative fees

- ❖ Are charged in line with the provisions made for such charges in the relevant tenancy agreement or lease for costs arising in connection with an alleged breach of a lease by the resident.

## Ground Rents

- ❖ Are charged where provided for in the lease.
- ❖ At a 'low rent' level.

## What is Housing Benefit eligible?

Council tenants can claim Housing Benefit (HB) to cover “eligible rent”, which is rent *plus* any eligible services charges that they must pay as a condition of occupying their home. Personal services are not eligible and are excluded from “eligible rent”.

To be eligible, charges must be connected to the provision of adequate accommodation and the local authority must consider them to be reasonable to meet the cost of the service. The Housing Benefit Regulations 2006 provide further information. Most service charges are eligible for HB because tenants cannot opt out of receiving the service, whether or not they want it. (Further guidance is provided at Appendix 3).

Services that are personal to the tenant and provided inside the property or are determined by an individual tenant’s usage are not eligible for HB. Thus HB will not pay for meals, laundry, special equipment, nursing care or counselling for example.

When setting service charges it is important for staff to have regard to whether the service they intend to introduce will be HB eligible and that the level of charge is reasonable. The Regulations specifically mention fuel costs and HB will not cover the use of fuel by the tenant but it does cover the supply of fuel into a central heating system.

It is also important to have regard for the eligibility of service charges for HB when including elements that will generate maintenance costs in the common areas of a building and when procuring additional shared services. For HB claimants (which include an increasing number of working but low income tenants) the introduction of service charges will be at a reasonable rate.

The regulations for Universal Credit will reduce the number of charges which will be eligible for benefit to only three (further guidance is provided at Appendix 4). Essentially Universal Credit will cover payments for services to maintain the fabric of the accommodation, cleaning of communal areas and cleaning windows that the tenants cannot clean. The Council will use the most recent version of the Government’s “*Universal Credit Service Charges Guidance to Landlords*” when calculating relevant service charges for tenants subject to Universal Credit payments.

# Implementation

## Service Charges (Leaseholders)

In September each year, every Leaseholder will receive a statement of the actual cost of service charges for the previous year, and estimates for the forthcoming year are issued in March each following year. Invoices for service charges are issued annually.

Any Leaseholder who is experiencing difficulty paying service charges will be recommended to contact the Housing team to discuss payment arrangements.

If a Leaseholder is of a pensionable age they may contact the Pensions Service for advice. If they qualify for help the Pensions Service may be able to pay part or all of the service charge.

If a Leaseholder is under pensionable age and on income support they may contact the Department for Work and Pensions (DWP). If they qualify for help the DWP may be able to pay part or all of the service charge.

## Service Charges (Tenants)

The introduction of stand-alone service charging for tenants is a new approach to rent setting for Brentwood Borough Council. Previously any 'service charge' has been included in the global rent amount. Moving forwards the two charges, rent and service, will be separated, with adjustments made where relevant to ensure affordability.

The Council will ensure that each tenant affected receives a 'Schedule of Services'. For new tenants this will be included as an annex to the Tenancy Agreement.

For existing tenants the 'Schedule of Services' will be issued using the procedure set out in sections 102 & 103 of the Housing Act 1985. Whilst there is no statutory requirement requiring the majority of secure tenants agree Brentwood Borough Council consulted tenants prior to the adoption of the *Service Charge Strategy 2017-2020*. Approval for the Strategy was obtained accordingly. Ongoing consultation and Committee approval will be required for any implementation and/or future alteration of service charges. It is the intention of Brentwood Borough Council to maintain a 3 year cycle of review for the Service Charge Policy, subject to any changes being required by law in the interim period.

Demands for service charges will be made in writing and will contain the landlord's name and address and a summary of rights and obligations as per Section 47 & 48 of the Landlord & Tenant Act 1987.

## Tenancy Agreements

A 'Schedule of Services' will in effect be annexed to existing Tenancy Agreements from the commencement date of service charging. The commencement date will be set by Committee. Future Tenancy Agreements will be subject to review, and will then provide the following:

- ✓ A covenant by the landlord to provide the services and the agreement of the tenant to receive the services.
- ✓ A list of all the services provided.
- ✓ The identified cost of the services provided at the commencement of the tenancy.

If any variable charges are introduced the Agreement will also include:

- ✓ The frequency of the variation.
- ✓ The basis on which the service charge has been calculated.
- ✓ The method of apportioning any variation.
- ✓ How the tenant can appeal.
- ✓ The method of dealing with surpluses and deficits.

## Broad Categories of Charge

This Policy envisages potential provision of 6 broad categories of charge subject to Committee approval:

- **Estate** – if the property forms part of an estate, then certain services that are provided across the estate will be captured under this heading.
- **Block** – if the property forms part of a block, then certain services that are provided across the block will be captured under this heading.
- **Unit** – if the property receives services that are unique to the property and not directly connected to any other properties the charges will be captured under this heading.
- **Insurance** – this heading covers charges for buildings insurance.
- **Management Fees** – this heading covers the overhead costs incurred in managing the specific services we provide. The law requires that this charge is reasonable and is typically set at 15% for tenants. For variable service charges a fixed management fee is added but the value of the fee varies depending on the level of service provided and is generally increased by inflation each year.
- **Sinking Funds & Usage** – (Dependent on any specifics in Lease or Tenancy Agreement, this would form charges for longer term replacement of major assets to the property, block or estate. The introduction of a sinking fund is not anticipated at this time, and would be subject to a stand-alone policy and consultation prior to introduction, as per section 20 of the Landlord and Tenant Act 1985).



## Annual Variations

Service Charges will increase or decrease separately from rents each years. All services are excluding Value Added Tax (VAT). Service charges for both tenants and leaseholders will be based on the actual costs from the financial year two years previous, plus an inflationary increase and/or additional economic forecast to bring charges to present year costing, an administration fee % may also be applied.

### For Leaseholders:

Costings and billing will continue as per existing practice. Service charge demands for leasehold properties will be accompanied by the Statutory Notice of Summary of Tenants Rights and Obligation and Ground Rent demands (where applicable) will be accompanied by a Notice of Ground Rent demand.

### For Tenants:

Where new or extended services are introduced that will lead to additional charges the charges will be based on best estimated cost or known contract cost, plus an administration fee %. Once a full years' costs are available the service charge calculation as outlined above will apply.

Service charge expenditure will be closely monitored and charges reviewed at the same time as the rent is reviewed. Where possible charges will be set at a level that will cover the costs of services provided, as per the *Service Charge Strategy 2017*.

However, the Council recognises that implementing Service Charging (rather than previous practice of having a global rent figure) and in future moving from a capped service charge to one based on actual cost could cause financial hardship for some tenants.

Furthermore, in future years factors such as high inflation could result in cost-based service charge increases being unaffordable for some tenants. Through its annual budget and rent setting process, the Council may decide to place a maximum limit on the service charge increase in a particular year, based on an assessment of the affordability of the charge. An affordability assessment will be conducted when the 'Schedules of Service' are created by the Finance department in conjunction with Housing Services. It is anticipated that annual variation increases (if applied) will be capped at CPI + 2%, subject to approval and/or variation by Committee.

## Appendix 1: Chargeable and Non-Chargeable Items

### Items that are chargeable services:

The items below represent a non-exhaustive list of items which *may* be charged, either now or in the future. It does not represent a list of services available to all accommodations. A tenant should always check the individual 'Schedule of Services' applicable to a specific accommodation.

#### Cleaning and refuse disposal:

- Include inside common parts and outside common parts.
- Include common parts window cleaning.
- Include cost of clearing of large items.
- Include hire of equipment (such as paladin hire) and special items such as skips.
- Include pest and vermin control treatments in common areas.
- Include graffiti removal.

#### Gardens and grounds:

- Include communal gardens and landscaped areas and verge maintenance.
- Include litter collection if undertaken as a separate activity.
- Include Landscape Gardeners invoices.
- If a gardener is used who uses the landlords equipment the maintenance is service chargeable.
- Include costs of shrubs, tree surgery weedkiller etc.
- Include rotary driers purchase and maintenance.
- Include servicing of equipment on children's play area where this is available to all tenants.

#### Heating and hot water

- Include heating to the property if this is supplied through a common boiler. The cost of maintaining and expenditure on fuel this is allowable as a service charge cost for secure tenants.
- Include fuel expenditure for heating communal areas and supply of communal hot water (eligible for HB).
- Include consultants' costs of monitoring fuel efficiency.

### Electricity:

- Includes all landlord meters, which may include meters for washing machines and warden's office or for specialist products such as power supply for mobility scooters.
- Include internal common parts lighting including block emergency lighting
- Include external lighting including bollards security lighting, car park and street lamps on private roads.
- Allocate costs according to ability to use the lighting where separate meters are provided to different parts of the building.
- Include light bulbs **but not repairs to the fixings for tenants.**

### Staff costs:

- Includes the full cost of estate based staff (less a percentage attributable to their housing management function) including salary, Employer National Insurance and pension contributions and costs of relief warden for holiday cover. Other benefits such as life assurance and private health care should also be included.
- If a scheme telephone is included the rental of the line and equipment can be included provided the calls are only made on behalf of the tenants and any private calls logged separately.
- Include IT network costs and mobile phone costs so far as they relate to service charge items
- If staff operate across a number of schemes the proportion of time spent on each scheme and other costs (above) will need to be apportioned as will the staff travel costs between schemes. This can include the running costs of a vehicle (petrol, car tax, insurance and maintenance)- but excluding any personal use.
- If a central alarm control is provided to replace a scheme manager the phone rental and call charges and monitoring fees are service chargeable costs.

### Carpets and furnishing:

- Notably relevant in supported and sheltered schemes. Include any costs of maintenance, cleaning, and renewing carpets in communal rooms, guest rooms and staff rooms.
- Include hire of a coin box telephone provided it is available to all tenants (Income from using the telephone should be credited to the cost to reduce the overall cost).

**Laundry equipment white goods and specialist equipment:**

- Include costs of maintaining communal washing machines and dryers If tenants have to pay to use the facilities the income should be deducted from the operating costs before recharging the tenants.
- Specialist equipment may be provided in certain tenants' homes. As these services are not provided to the entire service charge group, it may be necessary to amend the tenants agreement to provide it. It will then be a service charge item but will appear as a personal service charge. but will not be eligible for Housing Benefit.

**Television systems:**

- Include communal system upgrades or replacements (and eligible for housing benefit).
- Include the running costs of providing cable TV provided this service is available to all tenants (tenants will be able to contract to and pay for individual packages).
- Include costs of maintaining a communal amplifier.
- Include the cost of a television licence provided in a communal lounge for the benefit of all residents.
- Include maintenance of a central satellite dish.

**Building plant equipment and installations:**

- Do not include maintenance of a centrally provided heating plant (it is only allowable as a service charge item for secure tenants so for consistently treat all tenures the same and fund it from the net rent).
- Include lift maintenance and insurance as a service charge cost as the lift must be working to provide access to higher floors (however, landlord must decide how they will apportion the cost).
- Include Health and Safety requirements for regular electrical equipment inspections.
- Include inspections of fire detection and smoke dispersal equipment.
- Include servicing and periodic testing of fire- fighting equipment including replacement.
- Include maintenance of common parts ventilation systems. However fans within the units which are maintained and noted in the schedule are funded from the net rent.
- Include maintaining warden call system.
- Include the cost of maintaining a door entry system.
- Include the maintenance of any CCTV system. If the system is monitored by an site staff a proportion of their costs can be charge through the service charge.

### Roads and car parking:

- On unadopted roads include the costs of sweeping, cleaning, snow clearance and gritting/salting. Other associated costs are service chargeable provided they are identified in the tenancy schedule.
- Include reasonable traffic calming measures are service charge items provided the costs are reasonable and included in the tenancy agreement.
- Road barrier maintenance is chargeable to those residents who benefit from the barrier.
- The cost of removal of abandoned vehicles is a service chargeable cost. If dumping is frequent, installing a barrier may be a more cost effective option.

### Water supplies and sewerage charges:

- Include water charges if the tenancy agreement states these are payable by the Landlord. The water use within the property is ineligible for housing benefit but will be eligible so far as it relates to communal areas.
- Include periodic testing for Legionella, including a risk assessment and remedial works.
- Include sewage pump maintenance provided it is included in the schedule.

### Management costs:

- For managing services not general housing management. Usually for tenants' service charges a charge in the region of 15% is applied. For leaseholders the management cost is usually initially derived from the costs of providing the service and thereafter uplifted annually.

### Audit fees:

- Include audit costs in the schedule of services (eligible cost for Housing Benefit).

**Depreciation** of each piece of service equipment concerned. Landlords may include Furniture, Garden equipment, cleaning equipment, entry phones, fire equipment and carpets (Landlords can decide whether they will charge it at a later date).

## Appendix 2: Chargeable and Non-Chargeable Items

### Items that are not services:

- **Maintenance and repair** costs for the structure and exterior of the building. (This will include the roof and foundations, gutters and downpipes, plumbing and drains and sewage systems, windows, walls and boundary walls and fences and access roads and paving. This will include the installation and subsequent maintenance of any features installed to meet the green agenda).
- **Cyclical redecoration** in common parts is also considered as a repair, but redecoration of specialist facilities (such as a sheltered scheme lounge) can be considered a service. (However, these items are service chargeable for leaseholders).
- **Building Insurance (Tenants)**  
(NB. this **is** service chargeable for leaseholders).
- **Management costs (General)**
- **Office loan repayments**
- **‘Personal’ services/installations:** If a service is provided to a tenant in their own home (such as the servicing of a stair lift or hoist or other aids and adaptations) it does not qualify as a block or Estate service charge, as the costs of providing that service is a personal charge which is payable by the tenant receiving that service. The installations are often provided by grant but require ad hoc servicing. These are generally not eligible for housing benefit.

## Appendix 3: Tenant Service Charges & Eligibility for Housing Benefit

Category	Type of service	Chargeable To Tenants?		HB Eligible
Heating / hot water	Common boiler servicing	✗		✗
	Communal area heating (Fuel) and hot water	✓		✓
	Fuel from common boiler	✓		✗
	Consultants cost of monitoring fuel efficiency	✓		✓
Electricity	Offices and products for all to use	✓		✓
	Common parts lighting and emergency lighting	✓		✓
	Common parts lighting and emergency lighting	✓		✓
	External lighting	✓		✓
	Light bulbs	✓		✓
Estate / scheme based staff costs	Staff salaries	✓		✓
	Phone line rental	✓		✓
	IT network costs /mobile phone	✓		✓
	Staff travel providing services	✓		✓
	Costs associated to central alarm control	✓		✓

Category	Type of service	Chargeable To Tenants?		HB Eligible
Carpets and furnishing	Maintenance cleaning carpets in common areas, guest rooms and staff rooms	✓		✓
	Renewing carpets in common areas, guest rooms and staff rooms	✓		✓
	Phone box hire	✓		✓
Laundry equipment	Maintenance	✓		✓
	Specialist equipment to individual units	X Personal service charge		x
Television systems	System upgrade/renewal	✓		✓
	Cable TV costs	✓		✓
	Communal amplifier costs	✓		✓
	TV licence	✓		✓
	Satellite dish maintenance	✓		✓
Building plant equipment / installation	Centrally provided heating plant maintenance and insurance	✓		✓
	Lift maintenance and Insurance	✓		✓
	Electrical testing	✓		✓
	Fire detection equipment	✓		✓



Category	Type of service	Chargeable To Tenants?		HB Eligible
	Maintenance of fire fighting equipment	✓		✓
	Communal ventilation system maintenance	✓		✓
	Warden call system maintenance	✓		✓
	Door entry phone maintenance	✓		✓
	CCTV maintenance	✓		✓
Roads / car parking	Sweeping and cleaning	✓		✓
	Traffic calming measures	✓		✓
	Road barrier maintenance	✓		✓
	Removal of abandoned cars	✓		✓
Water supplies / sewage charges	Water charges to unit (in tenancy agreement)	✓		✗
	Water charges in common parts	✓		✓
	Legionella testing	✓		✓
	Sewage pump maintenance	✓		✓
Repairs	Repairs to common parts	✗		✗

Category	Type of service	Chargeable To Tenants?		HB Eligible
Cyclical re-decoration	Common parts e.g. corridors	x		x
	Common areas e.g. lounges	✓		✓
General management		x		x
Management of services		✓		✓
Audit		✓		✓
Building insurance		x		x
	Traffic calming measures	✓		✓
	Road barrier maintenance	✓		✓
	Removal of abandoned cars	✓		✓

## Appendix 4: Universal Credit & Service Charges

### Exhaustive List of Eligible Service Charges

(as per the *Universal Credit Service Charges Guidance to Landlords, Version 1.0 April 2013*)

#### Category A

- Charges for the external cleaning of the tenant's windows, **only** where the tenant does not live on the ground floor; and, in the case of shared ownership tenancies **only**:
- Internal or external maintenance or repair of the property, but only where those payments are separately identifiable as being for that purpose.

#### Category B

The ongoing maintenance (including repair), cleaning and utility (provision of heating, water, electricity etc.) costs of:

- Communal grounds maintenance (general basic gardening for communal gardens such as lawn mowing, tree management, hedge maintenance, litter removal etc., lighting and maintenance costs for areas of external access (where the tenant is liable to pay for these)).
- Tenant car or bike parking (this does not extend to the manning of car parks for security purposes). Such charges **must** relate to maintaining a parking service for tenants, and **must not** relate to the provision of security for the tenant's vehicle.
- Communal laundry facilities.
- Children's play areas (equipment maintenance, surface maintenance etc); and,
- Internal areas of common use outside of the home (hallways, corridors and rooms), including provision of lighting and emergency lighting.
- The external and internal cleaning of windows of communal areas.
- Health and safety charges for eligible communal areas or eligible communal service (such as legionnaires assessment, chlorination of water tanks, de-chlorination of water tanks, water softness, electrical equipment checks, pest control, fire prevention and detection etc.)

### Category C

Charges relating to the provision, maintenance, cleaning or repair of:

- Communal lifts (including stair lifts in communal areas).
- A communal telephone (but excluding the costs of telephone calls).
- Adaptations in communal areas (where other public funding is not available to provide for this, such as the ongoing maintenance costs).
- Secure building access (key-cards, keypad door locking mechanism etc.).
- Provision of equipment (such as aerials) to access free-to-air television and radio. Where this equipment includes the ability to extend services to include satellite/cable television or internet connection, any extensions to the service will not be eligible for benefit payment.

Charges for the provision, maintenance and repair of:

- Refuse collection (e.g. refuse chutes, communal refuse collection and disposal etc.); and,
- Closed Circuit Television, where this is provided for the purpose of maintenance of areas of internal or external communal use (to help maintain the availability of an eligible communal service or facility).

Charges for the provision of services, **but only the proportion that directly relates to time spent on providing that eligible service:**

- If a person, such as a concierge, groundskeeper or caretaker, is employed to provide any eligible service charge, then the relevant proportion of staffing costs for this person will be eligible.
- The costs for management and administration of eligible services, whether incurred by the landlord or by third parties, that the tenant is liable as calculated and charged for in accordance with the terms of their tenancy agreement or other related agreement.

### Category D

Charges relating to the rental of basic furniture or essential domestic appliances to tenants in the accommodation they occupy, **only** where the items being rented remain the property of the original owner and do not form part of a purchase or part-ownership agreement.

## Equality, Diversity and Well-Being

❖ Brentwood Borough Council actively works to ensure that its tenants and leaseholders receive the services that are appropriate to them. The Council also strives to ensure that additional services can be provided to enable customers to access services which may be beneficial to their wellbeing and quality of life.

## Publicising the Policy

❖ A leaflet explaining service charges and how they are calculated will be available for tenants and is sent out as part of the annual service charge review. Information will also be made available online at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

## Alternate Formats

❖ If you require a copy of this document in an alternate accessible format please contact us on 01277 312500 or email [housing@brentwood.gov.uk](mailto:housing@brentwood.gov.uk).

## Address for Service

❖ As per sections 47 and 48 of the Landlord and Tenant Act 1985 a demand for rent or service charges must contain the name and address of the landlord. For the sake of certainty this is:

**Brentwood Borough Council**  
**Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY**

# Glossary

## Flexible tenancies

A specific type of fixed term tenancy that is granted by the Council as the result of the Localism Act 2011.

## General Fund

The Council's primary account or fund which records all assets and liabilities that are not assigned to a special purpose fund, such as the Housing Revenue Account (HRA).

## Housing Benefit

A government benefit, currently administered by Local Authorities, which pays all or part of the rent and service charge for a property.

## Housing Revenue Account ('HRA')

The account which Council rents and service charges are paid into. It is kept separate from other Council accounts, such as the General Fund. There are rules and restrictions on how money in the account can be spent and on how much the Council can borrow against it.

## Leaseholder

Named person(s) who hold a legal interest in land, mostly flats, for a set period of time. Ownership of the property returns to the freeholder (landlord) when the lease come to the end. The freeholder may be a private owner or the Council.

## Local Authority

A county, county borough, district or London borough council *et al* established by Part IV of the Local Government Act 1985.

## Major Repairs Works

Works, other than improvements or cyclical maintenance, to a dwelling owned by a provider in order to ensure the continued habitability of the dwelling. Part of the Miscellaneous Works category.

# Glossary

## Restructure Rents

From April 2002 rents are calculated according to a formula based on relative property values, local earnings and property size. Restructured rents are calculating using the formula and data set out in the DCLG's *Guide to Social Rent Reforms*.

## Schedule of Services

A financial statement outlining the services provided and relevant costs required from the tenant/leaseholder.

## Service Charges

A financial charge to tenants and leaseholders for specific services to blocks/schemes. These might include cleaning of communal areas, or in the case of leaseholders, repairs to communal areas or equipment

## Social Rent

Social housing available for rent at or close to target rents on the basis of the Rent Influencing Regime Guidance.

## Tenant

Named person(s) who hold a legal tenancy with the Council, which includes requirements to occupy the dwelling and to pay rent and service charges. Tenants do not own the property in which they reside.

## The Council

Brentwood Borough Council

## Universal Credit

Is a social security benefit introduced in the United Kingdom in 2013 to replace six-means tested benefits and tax credits: Income-Based Jobseekers' Allowance, Housing Benefit; Working Tax Credit, Child Tax Credit, Income-Based Employment and Support Allowance and Income Support.

# Version Control

Item	Reason for Change	Version	Author	Date

Last Review Date: XXXX 2017

Next Review Date: January 2020

Scope	All General Needs, Community Housing and Supported Housing Tenants and Leaseholders
Effective date	TBC
Review date	TBC
Signed Off	Interim Head of Housing – Angela Abbott
Author	Interim Housing Policy Manager – Stuart Morris
Strategy Owner	Housing Services
Legislation	Housing Act 1985 Housing Act 2004 Part VI, Rent Act 1977 Localism Act 2011 The Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016 & 2017 Landlord and Tenant Act 1985 (as amended) Landlord and Tenant Act 1987 (as amended) Commonhold and Leasehold Reform Act 2002
Consultation	Annual estimated service charges should be agreed in consultation with Leaseholders in the Autumn prior to issue.



This page is intentionally blank

Published XXXX 2017 by Brentwood Borough Council  
Housing Services, Brentwood Borough Council, Town Hall,  
Ingrave Road, Brentwood, Essex, CM15 8AY

[www.brentwood.gov.uk](http://www.brentwood.gov.uk)  
[housing@brentwood.gov.uk](mailto:housing@brentwood.gov.uk)  
01277 312500

*Please contact us to obtain a copy of this information in an alternate format*

**18 September 2017**

## **Community, Health and Housing Committee**

### **Funding Strategy – Commissioning Prospectus**

**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 Funding Strategy 2017-2020 was agreed by Members at the Community, Health and Housing Committee on the 19 June 2017. Within the Funding Strategy is the Commissioning Prospectus which sets out the services that the Council wishes to commission the Voluntary and Community Sector (VCS) to provide. The current providers are Citizens Advice Brentwood for the provision of independent advice and guidance services; Brentwood Council for Voluntary Services for representing the VCS and promoting the value of volunteering; and Brentwood Community Transport for the provision of an accessible transport service.
- 1.2.** The existing Commissioning Prospectus has been reviewed and the updated draft document is before Members tonight for agreement before it is circulated to the Voluntary and Community Sector to bid for the provision of services.

#### **2. Recommendations**

- 2.1 That Members agree to the revised and updated Commissioning Prospectus as set out in Appendix B, and that the opportunities be advertised through the Council's procurement portal.**

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

- 3.1.** The Council has moved away from direct grant funding organisations to a commissioning model to provide services which support the Council's priorities and provide the expected outcomes that the Council would like to see.

- 3.2.** To make the process open and transparent the Commissioning Prospectus was developed which meant that potentially any organization with the right competency and capacity could bid for services set out in the Prospectus.
- 3.3.** The Council's Funding Strategy 2017-2020 was agreed by members of the Community, Health and Housing Committee on the 19 June 2017. One of the areas for review within the Strategy was the Commissioning prospectus.
- 3.4.** The current Commissioning Prospectus covers three priority areas for the Council: Representing the Voluntary and Community Sector and promoting the value of volunteering; The provision of independent advice and guidance services; and the provision of an accessible transport service. Those VCS organisations that were successful to provide those services were Brentwood Council for Voluntary Services, Citizens Advice Brentwood and Brentwood Community Transport.
- 3.5.** It was recognized as part of the review that these organisations are not just solely funded by Brentwood Borough Council, so where possible the Council has worked with Essex County Council and the Clinical Commissioning Group to align any monitoring and reporting templates so that the relevant organisations will just have the one reporting mechanism.
- 3.6.** The Council also asked the existing providers to provide information on their KPIs, the number of people that they are working with, identify any unmet needs and also identify any emerging trends that could impact their services. A summary of their feedback is attached in Appendix A.

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

- 4.1.** There are differences between the 2015 Commissioning Prospectus and the 2018 Commissioning prospectus. Essex County Council and Essex Council for Voluntary Services (ECVS) have jointly developed a new scope for infrastructure support services in Essex based on a clear ask of the Council for Voluntary Services(CVSS) by Essex County Council (ECC) and partners which is more aligned to refreshed, clearly defined outcomes that support the overall intentions and its partners which include Brentwood Borough Council, which are set out in Appendix C. The scope of the document comprises four parts:

- 4.1.1.** A – the broadly defined outcomes required by the funders
- 4.1.2.** B – The menu of VCS infrastructure support services to be provided by the CVSs to support the wider VCS to support the delivery of the broadly defined outcomes (excluding the provision of Volunteer Centre, which are provided under a separate funding agreement)
- 4.1.3.** C – The basic building blocks of an effective CVS
- 4.1.4.** D – Underlying principles for collaboration between members of ECVS, ECC and District Councils.
- 4.2.** It is proposed that these are included as part of the Commissioning Prospectus under Priority 1: Provision of a Voluntary and Community Sector Infrastructure support service.
- 4.3.** The provision of independent advice services is currently being provided by Citizens Advice Brentwood. There is also work undertaken jointly across Essex. Citizens Advice Brentwood have noted that there has been an increase in the requests for housing and benefits advice and with the full introduction of Universal Credit coming in November 2017 it is expected that there will be more issues around short-term debt problems as a result.
- 4.4.** The provision of an accessible transport service is currently being provided by Brentwood Community Transport (BCT). Brentwood Community Transport have traditionally been in receipt of funding from Essex County Council and the NHS. BCT have received a 14.4% cut in funding from ECC which does mean that they are now unable to fulfil the needs of the service. The demand for health transport has also grown but this can only be met with their registered route serving Brentwood Community Hospital. They have also seen a decline in the number of volunteers coming on board despite marketing and advertising opportunities.
- 4.5.** The draft prospectus has taken into consideration some of those issues and the priority and key outcomes that the council would like to see by the commissioning of those services.

4.6. It is proposed to commission services for two years with a review after year one and the amount of funding within the Commissioning Prospectus is only indicative at this point as it will be agreed as part of the Council's annual budget setting process.

4.7. The Commissioning Prospectus will be part of an annual report to Members on the funding and support that the Council gives to the VCS.

## 5. Reasons for Recommendation

5.1 The Commissioning Prospectus will ensure that the funding that the Council allocates is targeted in the appropriate areas to support those most in need and supports the Council's priorities.

## 6. References to Council Priorities

6.1 The Funding Strategy sits across a number of corporate priorities to ensure that public money is targeted to support the most vulnerable in our community and that we have a strong and resilient Voluntary and Community Sector.

## 7. Implications

### Financial Implications

**Name & Title: Francesca Scagliosi, Senior Accountant**

**Tel & Email 01277 312729/francesca.scagliosi@brentwood.gov.uk**

7.1 The table sets out the indicative funding amounts within the Commissioning Prospectus, and this will be confirmed as part of the Council's annual budget setting process.

<b>Commissioning Prospectus</b>	<b>Amount</b>
Provision of independent advice and guidance services	£59,000*
Provision of accessible transport service	£26,600
VCS infrastructure support service	£10,000
<b>TOTAL</b>	<b>£95,600</b>

7.2 The funding of £95,600 is currently provided for in the Council's 2017/18 base budget. \*£3,000 of the Commissioning Prospectus is funded from

the Housing Revenue Account. The remaining balance of the total is funded from the General Fund.

### **Legal Implications**

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

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

- 7.3 Any existing commitments the Council has entered into with regard to any voluntary or community organisation will need to be examined before any changes could be implemented.

## **8. Background documents**

- 8.1 Funding Strategy 2017-2020

## **9. Appendices to this report**

Appendix A – Summary from the existing VCS organisations providing services through the Commissioning Prospectus

Appendix B – Draft Commissioning Prospectus

Appendix C – VCS Infrastructure Support Services in Essex

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

**Name:** Kim Anderson - Partnership, Leisure and Funding Manager

**Telephone:** 01277 312634

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

This page is intentionally left blank



## **CITIZENS ADVIVCE BRENTWOOD**

### **Enquiries by type**

<b>Type of enquiry</b>	<b>2015-16</b>	<b>%</b>	<b>2016-17</b>	<b>%</b>	<b>2017-18 (Q1 &amp; Q2 only)</b>	<b>%</b>
Benefits and Tax credits	2898	36	2668	36	493	29
Benefits universal credit					13	1
Consumer goods and services	357	4	306	4	87	5
Debt	1128	14	750	10	146	9
Discrimination	20	0	40	1	10	1
Education	42	1	50	1	15	1
Employment	791	10	831	11	188	11
Financial services & capability	140	2	132	2	30	2
Health and Community Care	149	2	126	2	34	2
Housing	915	11	923	12	258	15
Immigration and Asylum	89	1	156	2	29	2
Legal	402	5	336	5	106	6
Other	203	2	128	2	32	2
Relationships and family	736	9	694	9	172	10
Tax	118	1	97	1	11	1
Travel and transport	74	1	87	1	32	2
Utilities and communications	75	1	70		22	1
<b>TOTAL</b>	<b>8137</b>	<b>100</b>	<b>7394</b>	<b>100</b>	<b>1678</b>	<b>100</b>

### **When is support available**

Currently Citizens Advice Brentwood can offer face to face support during the following times: Monday, Tuesday, Thursday and Friday 10am – 4pm and Wednesdays 1-4pm. Telephone advice times are 10am – 12noon Monday, Tuesday, Thursday and Friday and 1.30 – 3.30pm Monday, Tuesday and Wednesdays

There is also an outreach at the Town Hall on Wednesday mornings 9.45am – 12noon.

There have been rise in the requests for Housing related issue from 13% to 16%, and Benefits enquiries are overtaking Debt enquiries over the last 2 years. Universal Credit is being introduced in November with the attendant delays in payments Citizens Advice Brentwood expects more short-term debt problems.

### **BRENTWOOD COUNCIL FOR VOLUNTARY SERVICES**

Essex County Council (ECC) and Essex Council for Voluntary Services (ECVS) have jointly developed a new scope for infrastructure support services in Essex based on a clearer ask of Councils for Voluntary Services(CVS) by ECC (and partners) which is more aligned to refreshed, clearly defined outcomes that support the overall intentions of Essex County Council and its partners (e.g. District/Borough/City Councils and the Clinical Commissioning Groups (CCGs). ECC and the CVSs have previously agreed the need for a more ‘funding for outcomes’ approach.

Initially, this approach will bring together all ECC requirements for its CVS funding (Public Health and Social Care) and, in some areas, this will be extended to include piloting co-funding with District Councils (specifically Brentwood, Rochford and Basildon Councils to date). The approach set out in this document, therefore takes account of discussions with those Councils on a co-funding approach to help ensure District Council and ECC funding are aligned (where appropriate). In time, and if successful, the framework in this document could be extended to include co-funding with other CVS funders (e.g. CCGs, other Districts, Police and Crime Commissioner, other parts of ECC, etc.)

More details are set out in the document in Appendix C.

Therefore, it is recommended that the new Commissioning Prospectus will reflect the four key areas of infrastructure support services as set out in Part A: the defined outcomes, Part B: the VCS Infrastructure support, Part C: CVS effectiveness and Part D: Underlying principles.

Brentwood CVS have held three networking events in 2016-17

- July 2016 – Networking lunch with 67attendees
- November 2016 – Networking breakfast 46 attendees
- March 2017 – Networking breakfast 40 attendees
- Attendees completed an evaluation form and 99% of these rated the events as either good or excellent
- Brentwood CVS has 112 organisations registered with them

In the twelve months leading up to 31 March 2016 Brentwood Community Transport provided the following (2015 figures are in brackets):

- 299 (317) individual members benefitted from our activities
- 54 (52) group members, giving other charitable organisations access to transportation for their events
- 45,816 (48,618) passenger journeys for the residents of Brentwood
- Hospital shuttle bus now running with a Section 22 permit. This change was necessary due to significant reduction in a way the NHS fund this service. The change has been well received enabling residents to continue to access local health services
- We receive notification of funding towards our Queens Shopper service
- Main funding from ECC and BBC now guaranteed for a further year at the same level as before
- Renewed agreement with Basildon Community Transport services to provide temporary cover for the role of Chief Executive Officer at Basildon. It continues to provide a cost-effective approach and both organisations benefit from resulting synergies
- Driver volunteers allow the organisation to provide many more journeys than would be possible with just paid drivers. Social car drivers use their own vehicles to provide local journeys and assistance to residents who can access a standard vehicle but are able to use public transport; whereas Minibus drivers use our vehicles for the same purposes, except cannot access a standard vehicle, but are also able to cover absences of paid drivers. Office volunteers provide invaluable support in the areas of finance and statistics.
- Overall our volunteers give over 5,000 hours of their time in a year, which is the equivalent of almost 3FTEs.

[illegible]

(Section 19)												
Section 22 routes	2061	1957	2293	1985	2132	1984	2050	2122	2301	2067	1892	2465
<b>Total passenger journey numbers</b>	<b>3958</b>	<b>4124</b>	<b>4268</b>	<b>3954</b>	<b>3814</b>	<b>4634</b>	<b>4434</b>	<b>4508</b>	<b>4793</b>	<b>4603</b>	<b>4220</b>	<b>5206</b>
<b>Journeys unable to fill</b>												
	April	May	June	July	August	September	October	November	December	January	February	March
Potential journey numbers	15	15	17	20	48	60	26	40	30	22	25	16

Annual total passenger journeys 52516

BCT did experience a 14.4% cut from ECC which means they are unable to fulfil the needs of the service and are now holding a waiting list of 40 people and they are constantly reviewing that list.

The demand has also grown for health service transport which can only be met with their registered bus route serving Brentwood Community Hospital

Due to age and illness our volunteer workforce is decreasing with no new people coming on board despite marketing and advertising such as the local paper, our window in the High Street, Facebook, leaflets etc.

Their satisfaction survey for this year has not yet been undertaken as this is scheduled for September.

# Draft Community Commissioning Prospectus for voluntary and community Sector funding

April 2018 – March 2020

## Contents

No.	Detail	Page No.
1	Introduction	3
2	How does the Commissioning Prospectus support the Council's plans and priorities?	4
3	Brentwood Compact	4
4	Desired Outcomes	4
5	Funding amounts and long is the funding for	4
6.	Priority areas: Priority 1 – VCS Infrastructure support service in Brentwood	5
	Priority 2 – Provision of accessible transport service	6
	Priority 3 – Provision of independent advice and guidance services	7
7.	Application process	8
8.	Frequently asked questions	10
9.	Other funding options and information	11

## 1. Introduction

The Commissioning Prospectus is part of the Council's Funding Strategy 2017-2020, which set out the Council's strategic priorities and future funding plans for supporting the local voluntary and community sector through a variety of funding schemes. The Council needs to ensure that with reductions in funding across the public sector, any funding it allocates is targeted and effectively supports the needs of the local community. This Prospectus sets out the services that the Council would like to commission voluntary and community sector (VCS) organisations to provide which in turn will support the residents of Brentwood. Rather than direct grant funding, the bidding process will provide an equal opportunity to all interested parties.

Organisations that are looking to apply will need to fulfil one or more of the stated outcomes listed later in the document. Organisations should be aware that these are planned as 'not for profit' opportunities that can build capacity and achieve community wellbeing. This could be achieved through match funding, maximising volunteering opportunities, demonstrating added value and achieving community re-investment.

Brentwood Borough Council is looking for the following elements to be incorporated alongside agreed objectives. These must be clearly demonstrated in your application if, and when you apply:

- Evidence of opportunities for recruiting, training and supporting volunteers
- Evidence of inclusion regardless of race, religion, ethnicity, sexuality, gender or disability
- Evidence of the mechanisms of engagement with stakeholders/users of the services specified
- Evidence of quality assurance underpinning all service provision
- Ability to understand social impact /investment within the provision
- Ability to understand and measure qualitative and quantitative outcomes achieved through the provision offered
- Evidence of the added value that the organisation can bring to enhance the available funding
- Evidence of re-investment back into the community

Brentwood Borough Council is keen to maximise the effective use of the limited funding available to benefit the most vulnerable and needy members of our community. Therefore, we also welcome partnership bids and applications from consortia of groups who can work together to deliver the desired outcomes, whilst avoiding duplication and sharing resources.

The Prospectus will give equal opportunity to new and existing provider organisations that want to bid for funding. This approach recognises the unique nature of the many possible applicant organisations and it is hoped that the process will encourage innovation in public services, collaboration and capacity building within the VCS sector.

## **2. How does the Commissioning Prospectus support the Council's plans and priorities?**

The Council Corporate Plan 2016-2019 sets out the Council's ambitions, priorities and key pledges to residents and businesses over the next three years. To support the Corporate Plan, the Commissioning Prospectus will focus on **three** key areas of support which sit under the Community and Health strand of the Corporate Plan - Developing innovative approaches to grant funding and the use of community assets and provide effective representation of local people's views and needs for improved and accessible health services.

## **3. Brentwood Compact**

Brentwood Borough Council is signed up to the Brentwood Compact which sets out how public-sector bodies work with the voluntary and community sector to provide effective support for the local community. There are five key outcomes for the Brentwood Compact

- A strong, diverse and independent civil society
- Effective and transparent design and development of policies, programmes and public services
- Responsive and high-quality programmes and services
- Clear arrangements for managing changes to programmes and services
- An equal and fair society

The Commissioning Prospectus sets out the services that the Council wants to commission the Voluntary and Community to provide. It sets out an open and transparent approach to funding. Whilst it is not always possible to commit to funding of three years or more, the Council's timescales for decision on funding arrangements is clearly set out within the document. Any decision on funding amounts is agreed by Members in February as part of the annual budget setting process.

## **4. The desired outcomes**

The following pages set out the three areas of focus with the desired outcomes. The descriptions and outcomes are deliberately at a high level and non-prescriptive to allow for potential innovative solutions in the delivery of the provision.

## **5. Funding amounts and how long the funding is for.**

Brentwood Borough Council can only give indicative funding amounts now as Council budgets will not be set until February 2018. At this point the Council advises that you carefully consider all items of expenditure that you would need to cover to achieve the outcomes listed, and when budgets are confirmed in February 2018 you will receive an update from us. The funding is for two years and it will be reviewed after year one.



## 6. Priority areas

Priority 1: Provide of VCS infrastructure support service in Brentwood			
Description	Desired Outcomes	Objectives	Indicative Funding Amount
Provide the development, support, liaison, representation and strategic partnerships for the Voluntary and Community Sector	A thriving, supported and well represented Voluntary and Community Sector(VCS)	<ul style="list-style-type: none"> <li>• That you have a good understanding of the VCS in their area in particular of: community needs, resources, capacity and opportunities for service development and to actively stimulate/facilitate local VCS -led responses and promote innovation and adoption of good practice, where appropriate to the community assets, unmet needs and gaps in provision identified.</li> <li>• To ensure that local VCS groups/organisations have access to information, training, guidance and other support to help them to be legally, safely, effectively and sustainably run and have access to appropriate funding and other resources.</li> <li>• To facilitate and enable effective communication and collaboration between VCS groups/organisations and between commissioners and the VCS including identifying and sharing good practice.</li> <li>• To provide a coherent voice for the VCS both Essex wide and within each locality through effective engagement with as wide a range of VCS groups/ organisations and other stakeholders as possible.</li> <li>• To participate, and /or enable effective VCS representation, in as wide a range of strategic forums as possible to ensure policy, funding and service development is sensitive to the needs of, and opportunities presented by, the VCS in Essex and the responses to local needs are flexible and timely.</li> <li>• The organisation has effective performance management in place against a clear outcomes framework that demonstrates value for money in delivery of the service</li> <li>• The organisation has trained and capable staff/volunteers</li> </ul>	<b>£10,000 p.a</b>

		<p>with relevant experience in place to deliver the service</p> <ul style="list-style-type: none"> <li>• The organisation has effective governance arrangements underpinned by ethical values</li> <li>• The organisation has a medium-term plan for sustainability</li> <li>• The organisation supports the development of the Council Community Hub at the Town Hall.</li> </ul>	
<b>Priority 2: Provision of accessible transport service</b>			
<b>Description</b>	<b>Desired Outcomes</b>	<b>Objectives</b>	<b>Indicative Funding amount</b>
To provide accessible and safe transport for residents of Brentwood who are unable to access conventional public transport due to limited mobility or who would otherwise be socially excluded or geographically isolated.	Provide access to health services and social and leisure facilities to support all sectors of the community	<p>To ascertain what additional transport requirements are required to meet the needs of the most vulnerable in our community by:</p> <ul style="list-style-type: none"> <li>• Providing a high quality, specialised transport service that is socially inclusive</li> <li>• Providing the following types of transport services</li> <li>• Minimise carbon emission, reduce car reliant travel and provide viable and sustainable long-term travel solutions</li> <li>• Provide appropriate driver training such as MiDAS</li> <li>• Promote volunteers and volunteering opportunities</li> <li>• Work in partnership with Brentwood Borough Council to explore new services dependent on community need</li> <li>• The organisation has effective performance management in place against a clear outcomes framework that demonstrates value for money in delivery of the service</li> <li>• The organisation has trained and capable staff/volunteers with relevant experience in place to deliver the service</li> <li>• The organisation has effective governance arrangements underpinned by ethical values</li> <li>• The organisation has a medium-term plan for sustainability</li> <li>• The organisation supports the development of the Council Community Hub at the Town Hall.</li> </ul>	<b>£27,000 p.a</b>

Priority 3: Provision of independent advice and guidance services			
Description	Desired Outcomes	Objectives	Indicative Funding Amount
Provide a quality, independent, quality assured, easily accessible and legally based advice service	Better informed and empowered individuals through the provision of general and specialist impartial advice	<p>Ensure the needs of Brentwood residents are supported through:</p> <ul style="list-style-type: none"> <li>• Working in partnership with other agencies to ensure a holistic approach to the advice and guidance that is provided to our residents</li> <li>• Working with volunteers to support the delivery of the desired outcomes</li> <li>• Ensuring that information, advice and guidance given on a range of issues, is up to date, legally informed and quality assured</li> <li>• Providing a responsive range of advice services that have been identified from local need, customer exit surveys and client needs analysis</li> <li>• Focussing on emerging trends/needs from the changes in the economic environment such as debt advice, housing and benefits advice</li> <li>• Identifying areas for collaborative or partnership working</li> <li>• The organisation has effective performance management in place against a clear outcomes framework that demonstrates value for money in delivery of the service</li> <li>• The organisation has trained and capable staff/volunteers with relevant experience in place to deliver the service</li> <li>• The organisation has effective governance arrangements underpinned by ethical values</li> <li>• The organisation has a medium-term plan for sustainability</li> <li>• The organisation supports the development of the Council Community Hub at the Town Hall.</li> </ul>	<b>£59,000 p.a</b>

## 7. Application process

All documents relating to the Commissioning Prospectus will be placed on the Council's website on its procurement pages [www.brentwood.gov.uk/business](http://www.brentwood.gov.uk/business). To ensure that you submit the best possible bid, please let us know how you will deliver the outcomes and priorities, how you will use the funds and how you will be able to show us how well your service is working.

If you are delivering a service, providing training opportunities or events to members of the public then this creates many responsibilities for an organisation. This means that successful applicants must be able to show they are or will be able to meet these responsibilities. If you have concerns over this you must discuss them with the Partnership, Leisure and Funding Manager before you make an application. Within your application the Council will also need to see evidence of the following documents or procedures:

- Evidence of Public Liability insurance
- Evidence of Safeguarding Policy and Procedures, if you are working with children, young people or adults with care and support needs
- Equal opportunities policy
- Complaints procedures
- Your organisation's constitution
- Current accounts, approved by management committee or independent auditor
- Reserves Policy (If you have one)
- Copies of previous client questionnaires or survey (if you have any)
- Copies of any quotes for anything you are requesting funding for.

Dependent on the amount of funding applicants will be required to either complete the pre-qualification questionnaire or a full tender pack. The procurement team can also be contacted directly, to ensure opportunities are not missed.

The tender documentation issued for each contract will detail the following:

- Procurement process
- Instructions for tenders
- Submission requirement and deadline
- Checklist for information to provide e.g. financial accounts, references
- Contact requirements
- Evaluation procedure
- Selection and award criteria
- Contract length

All tender submissions, once the deadline has passed, will be opened and an evaluation panel will score them against the published award criteria, a mixture of price and quality criterion.

The highest scoring organisation(s) will be awarded the contract.

<b>Key dates</b>	
Full application period begins	September 2017
Full application period closes	December 2017
Decision on the awarding of funding	February 2018
New contracts commence	1 April 2018

## Contacts

<b>Kim Anderson, Partnership, Leisure and Funding Manager</b>	<b>T:</b> 01277 312634	<b>E:</b> <a href="mailto:kim.anderson@brentwood.gov.uk">kim.anderson@brentwood.gov.uk</a>
<b>Jane Mitchell, Payments and Procurement Officer</b>	<b>T:</b> 01277 312853	<b>E:</b> <a href="mailto:jane.mitchell@brentwood.gov.uk">jane.mitchell@brentwood.gov.uk</a>

## Frequently Asked Questions

The following section may assist with some initial queries that you have.

- 1. Can I bid for more than one priority area or more than one outcome?**
  - a. Yes, if you or your organisation has the relevant expertise in a variety of areas, you can apply for more than one outcome area.
- 2. One outcome area looks as though it can be delivered in two sections. Can budgets be split between groups?**
  - a. Not really. We would rather organisations work in partnership or as part of a consortia to deliver the overall outcome as this ensures that none of our vulnerable community slip through the cracks of different agencies.
- 3. How long are funding arrangements for?**
  - a. With the exception of any pilot projects, all other outcomes are **2**-year arrangements with an annual performance review built in, and scheduled monitoring arrangements within each year.
- 4. Will the funding amount (which is indicative as this stage), be the same for each of the X years?**
  - a. The funding will be for the same amount each of the years specified in the contract.
- 5. Is the amount of funding subject to different processes?**
  - a. For amounts between £10,000 and £50,000 organisations are subject to the Council's Standing Order process. For amounts over £50,000 organisations are subject to a competitive tender process. For more information visit the Council's website [www.brentwood.gov.uk/business](http://www.brentwood.gov.uk/business)
- 6. I'm interested in applying – what do I do next?**
  - a. Complete the application form and submit to **XXX** by **XXX** for consideration. Applications received after this date will not be considered. You will be informed by **XX** whether your application has been successful or not.
- 7. When does the funding start?**
  - a. The funding commences 1 April 2018.

## Other funding options and information

### **Brentwood Community Fund**

Brentwood Borough Council also operates a small discretionary funding pot, Brentwood Community Fund. It is open for applications from 3 April 2017 and closes on the 29 September 2017. Currently the Brentwood Community Fund can fund up to £2,000 for projects and initiatives that support the Council's Corporate Plan 2013-2016. For up to date information on this and other funding opportunities visit the Council's website [www.brentwood.gov.uk/funding](http://www.brentwood.gov.uk/funding)

### **GrantNet and Open4Community**

The Council is signed up to GrantNet and Open4Community which provides a search facility for various funding pots. Just type in your details and the type of funding you require and it will generate a list of potential funders that can support your project or initiative.

## External funding

Essex County Council also has a funding page which lists a number of external funders, which includes trusts and foundations:

<http://www.essex.gov.uk/Business-Partners/Partners/voluntary-sector-funding/Pages/External-Funding.aspx>

This page is intentionally left blank



## Scope of VCS infrastructure support services in Essex: 2017/18

### Brentwood CVS

#### Framework

ECC and ECVS have jointly developed a new scope for infrastructure support services in Essex based on a **clearer ask of CVSs by ECC (and partners) which is more aligned to refreshed, clearly defined outcomes that support the overall intentions of ECC and its partners** (e.g. District/Borough/City Councils and CCGs). ECC and the CVSs have previously agreed the need for a more 'funding for outcomes' approach.

Initially, this approach will bring together all ECC requirements for its CVS funding (Public Health and Social Care) and, in some areas, this will be extended to include piloting co-funding with District Councils (specifically Brentwood, Rochford and Basildon Councils to date). The approach set out in this document, therefore takes account of discussions with those Councils on a co-funding approach to help ensure District Council and ECC funding are aligned (where appropriate). In time, and if successful, the framework in this document could be extended to include co-funding with other CVS funders (e.g. CCGs, other Districts, Police and Crime Commissioner, other parts of ECC, etc.).

The overall framework, which is illustrated in the diagram at appendix A, acknowledges that there are two modes of funding the VCS to deliver broadly defined outcomes:

1. A more traditional, top-down model of direct service funding for projects that are known to be effective at achieving the desired outcomes in parts of Essex or other areas (e.g. Colchester BC funding of Shopmobility through their grant to Colchester CVS).
2. A community asset-based (Asset Based Community Development – ABCD) approach that seeks to build on existing good practice in each locality, spread good practice from other areas (being sensitive to each locality's context and asset base) and build capacity for local groups and organisations to respond and deliver activities that achieve the desired broadly defined outcomes, in line with ECC's overall challenges (i.e. focused and prioritised VCS infrastructure support services).

It is recognised that for population scale challenges, population scale interventions are needed and that, in the current funding climate, ECC would not be able to pursue a strategy based solely on direct service funding, even if that were desirable or appropriate. Instead, a community asset based approach is needed to achieve the extended reach, and coverage of, public health (and other) activities and messages that direct service funding cannot achieve. This approach offers the prospect of ECC (and other funders) getting much greater "bang for their buck" through the "contribution multiplier" that inevitably would result from effective support for communities to self-organise and respond to the challenge in their own ways, building on their own assets (human and physical) and taking on board good practice from elsewhere, when that is appropriate to their context. That is not to say that there will never be instances where it is appropriate for funders to adopt the first mode of funding, what is important is for there to be clarity in the framework and definitions used to ensure that all involved understand the approach being taken and the outcomes that are sought as a result.

The remainder of this document, focuses on the scope VCS infrastructure support services to be funded by ECC (and, in some areas, District Councils), i.e. the second funding mode, including KPIs to evidence links between CVS activities/outputs and the broadly defined outcomes sought by ECC.

The scope comprises four parts:

- A. The broadly defined outcomes required by the funders.

- B. The menu of VCS infrastructure support services to be provided by CVSs to support the wider voluntary and community sector to support delivery of the broadly defined outcomes (excluding provision of volunteer centre/bureau service, which are provided under a separate funding agreement).
- C. The basic building blocks of an effective CVS.
- D. Underlying principles for collaboration between members of ECVS, ECC and District Councils.

Parts A and B operate as a matrix with part B broadly defining the support CVSs are funded to provide to the voluntary and community sector in their area and part A defining the emphasis each CVS should place on their proactive work to reach out to stimulate and support voluntary and community sector activity in their area to address the broadly defined outcomes. It is accepted that a significant proportion of CVS activity will be reactive and that help should be provided to any qualifying VCS group or organisations seeking support regardless of whether that is likely to contribute to the broadly defined outcomes.

Parts C and D set out the actions required for each CVS to build its own capacity, capability and effectiveness and the principles that underpin collaboration.

## Scope

### Part A: Broadly defined outcomes

ECC has identified the following broadly defined outcomes that represent its key priorities for the community asset-based funding of VCS infrastructure support services set out in this document:

Broadly defined outcome	KPIs
1. <b>Weight management</b> – CVSs should support building community resilience for weight management support including working with commissioned weight management providers.	The extent to which the support provided is targeted towards VCS groups/ organisations addressing one or more of the broadly defined outcomes in accordance with KPIs/targets b, c, d, k and r (see also segmentation data).
2. <b>Pre-birth to 19 years' health, well-being and family support (PB19)</b> – CVSs should work to support communities in building family and young people's resilience, including working with commissioned PB19 providers.	
3. <b>Healthy Lifestyles</b> – CVSs should support the voluntary sector including to increase referrals to the Essex Lifestyles Service for healthy lifestyle advice.	
4. <b>Winter preparedness</b> – CVSs should support the voluntary sector in proactive and preventative health and social care efforts to reduce winter pressures in the system, including areas such as awareness raising about cold weather measures and support, and flu vaccinations for priority groups in local communities	
5. <b>Good Lives</b> – CVSs should support the voluntary sector to increase understanding of Good Lives (i.e. the importance of the balance between helping people to help themselves and signposting individuals for timely support that may help them maintain their independence), including supporting the sector to be able to inform, empower and enable people to access tools to improve their physical and mental wellbeing and maintain their independence and to work as partners across the wider health and social care system.	
6. <b>Step-down/sign-posting from CCG commissioned services</b> – CVSs should work with the voluntary sector to identify appropriate local voluntary and community sector sources of support to ensure safe and effective discharge from formal health and social care protocols, and ensure appropriate facilitation and signposting between statutory sector services and voluntary sector organisations.	
7. <b>Emergency Planning</b> – CVSs should continue to support the Essex statutory sector, responding to emergency planning exercises and participating in major incident	

planning to support identification and appropriate care for those most at risk.

While these ECC broadly defined outcomes are important in all areas of Essex, to the reflect the ABCD approach on which this scope is based, the relative priority and approach between them will vary from district to district depending on the extent of need and supply of relevant services (in any sector) in each district. CVSs should determine (and justify through reporting) how these outcomes are prioritised within their area of benefit.

## Part B: VCS infrastructure support

The VCS infrastructure support offer, to be delivered by the members of ECVS, is structured around the 5 VCS infrastructure services defined by NACVA, developed to reflect the priorities and broadly defined outcomes of ECC and other partners. The table below provides the menu of services that will be tailored to reflect each local CVSs circumstances and level of funding and should be read in conjunction with the reporting framework described below. To simplify target setting and reporting, the agreed targets are based on the total infrastructure support activity the CVS expects to deliver in the year in question from all sources of funding. ECC and co-funding district councils recognise that where a CVS receives funding for infrastructure services from multiple sources there will be economies of scale and that should funding be withdrawn from any source the ensuing reduction in targets will most likely be by a proportion greater than that of the reduction in funding.

Activity	Objective	KPIs	Targets
<b>Development</b>			
1. Lead/manage and participate in a range of local networks, events and forums to <ul style="list-style-type: none"> <li>a. gather intelligence, share good practice</li> <li>b. stimulate/facilitate innovation and local responses</li> <li>c. promote effective collaboration between VCS groups/ organisations and across sectors; and</li> <li>d. raise awareness of the broadly defined outcomes.</li> <li>e. ensure that the voice and perspective of the VCS is heard and understood with a wide range of stakeholders; and</li> <li>f. facilitate effective co-production of policy, strategy and delivery of services.</li> </ul> Specific networks, events and forums will include i. 2 Community breakfasts	That each CVS has a good understanding of the VCS in their area in particular of: community needs, resources, capacity and opportunities for service development and to actively stimulate/ facilitate local VCS-led responses and promote innovation and adoption of good practice, where appropriate to the community assets, unmet needs and gaps in provision identified.	<ul style="list-style-type: none"> <li>a) Number of networks and events supported.</li> <li>b) Raised awareness of the broadly defined outcomes amongst VCS organisations and groups.</li> <li>c) Evidence of good practice, community needs and barriers to effective delivery in the VCS in respect of services to address the broadly defined outcomes.</li> <li>d) Evidence of increased voluntary action, particularly in respect of the broadly defined outcomes, in response to unmet community needs, including to enable roll-out of good practice.</li> </ul>	<ul style="list-style-type: none"> <li>a) At least 20 networks and events supported each year.</li> <li>b) Feedback from VCS organisations/ groups shows increased awareness of the broadly defined outcomes.</li> <li>c) 6-monthly reports provided to funders including:               <ul style="list-style-type: none"> <li>a. At least 2 example a year of good practice.</li> <li>b. Evidence (including case studies) of community needs and barriers to effective delivery.</li> </ul> </li> <li>d) Support provided to establish and/or enhance/grow at least 5 VCS activities each year (supported by case studies in each 6-monthly report).</li> </ul>

Activity	Objective	KPIs	Targets
and 1 Networking Lunch 2. Consult widely with the local VCS to gather information on unmet community needs, good practice and barriers to delivery. 3. Support the establishment of increased voluntary action, particularly in respect of the broadly defined outcomes, in response to unmet community needs, including to enable roll-out of good practice <sup>1</sup> .			
<b>Support</b>			
4. Undertake organisational health-checks of VCS groups/organisations to help determine their support needs. 5. Provide information to the local VCS through a range of effective publicity and communication channels including on: a. good practice b. community needs c. funding opportunities d. funders' news/ information including promoting public sector initiatives e. changes in the law/regulatory requirements 6. Provide guidance to the VCS on a range of issues including: governance, resourcing/ sustainability, finance/ accounting, leadership, health and safety and accreditations. 7. Provide support for VCS organisations/ groups to make applications for funding/run fundraising initiatives. 8. Enable VCS	To ensure that local VCS groups/organisations have access to information, training, guidance and other support to help them to be legally, safely, effectively and sustainably run and to access to appropriate funding and other resources.	e) Number of organisational health checks undertaken. f) Evidence of effective information provision to VCS organisations/ groups g) Number of VCS organisations/ groups provided with guidance (supported by case studies or other evidence). h) Number of funding applications/initiatives supported. i) Amount of funding obtained from applications supported. j) Evidence of enabling VCS organisations/groups to access training and/or	e) At least 22 (22% of membership) organisational health checks undertaken each year with action plans agreed. f) At least 5 distinct communications channels in regular and frequent use to communicate information to VCS organisations/groups plus evidence of impact communications. Newsletter bi monthly 265 electronic and 199 paper copies distributed. Funding bulletin bi monthly 201 electronic copies distributed Information emails 142 distributed on as and when basis Website 500 page views per month Facebook 69 Likes g) At least 40 VCS organisations/ groups provided with guidance (plus case studies or other evidence). h) At least 20 applications/initiatives supported. i) N/A – outcome report only.

<sup>1</sup> The County Council and co-funding district councils do not, in general, intend to include in this scope details of the activities they wish to see supported/stimulated by CVSs to allow space for innovation and local variation. Instead there will be informal dialogue at a local level to ensure that there is a shared understanding of priorities for stimulation of new/enhanced VCS-led activities/projects to contribute to the broadly defined outcomes in this document.

Activity	Objective	KPIs	Targets
<p>Groups/organisations to access training and/or specialist support and/or services to aid effective, safe and legal operation.</p> <p>9. Work in collaboration with Volunteer Essex to promote and support growth in volunteering</p>		<p>specialist support</p> <p>k) Evidence of collaboration with Volunteer Essex.</p>	<p>j) 6-monthly report to funders includes case studies and feedback to evidence that VCS organisations/groups have been helped to access training and/or specialist support</p> <p>k) 6-monthly report to funders includes case studies and feedback to evidence effective collaboration with Volunteer Essex.</p>
<b>Liaison</b>			
See activities 1 and 5 above.	To facilitate and enable effective communication and collaboration between VCS groups/organisations and between commissioners and the VCS including identifying and sharing good practice.	See KPIs a) and f) above.	See targets a) and f) above.
<b>Representation</b>			
<p>10. Maintain and develop membership/affiliation to CVSs across Essex.</p> <p>11. Maintaining an Essex-wide VCS database.</p> <p>See also activity 1 above.</p>	To provide a coherent, voice for the VCS both Essex-wide and within each locality through effective engagement with as wide a range of VSC groups/organisations and other stakeholders as possible.	<p>l) Number of CVS members/affiliates.</p> <p>m) Evidence of maintenance of Essex Connects (or an equivalent system).</p>	<p>l) At least 100 members/affiliates.</p> <p>m) 6-monthly reports provided to commissioners include evidence of effective use of Essex Connects (or an equivalent system).</p>
<b>Strategic partnerships</b>			
<p>12. Active engagement and regular dialogue with commissioners, in particular on progress with broadly defined outcomes and to challenge assumptions and approaches based on local evidence and experience.</p> <p>See also activity 1 above.</p>	To participate, and/or enable effective VCS representation, in as wide a range of strategic forums as possible to help ensure policy, funding and service development is sensitive to the needs of, and opportunities presented by, the VCS in Essex and the responses to local needs are flexible and timely.	<p>n) Evidence engagement with commissioners.</p> <p>o) Evidence of local VCS response to emerging local issues.</p> <p>See also KPI a) above.</p>	<p>n) 6-monthly reports to include case studies to illustrate effective engagement with commissioners, including providing guidance on the feasibility of roll-out of good practice from other areas.</p> <p>o) 6-monthly reports to include case studies to illustrate local VCS responses in particular to evidence VCS contributions to addressing the broadly defined outcomes.</p> <p>A report every 3 years on the profile of local VCS (and community assets) from each district and locality (using an agreed county-wide data collection framework).</p> <p>See also KPI a) above.</p>

## Part C: CVS effectiveness (building blocks)

ECC (and District Council commissioners) want to support and encourage CVSs in Essex are well governed, well run and as effective as possible in delivering the VCS infrastructure support services funded under this scope; they must lead by example. To that end and to underpin the VCS infrastructure support services set out in the next section, the commissioners expect CVSs to have in place a number of basic building blocks of effectiveness and to strive for continuous improvement in these. The table below sets out these building blocks and the KPIs and targets that apply to each.

Where a particular CVS is not performing well against these requirements they are expected to put in place an improvement plan to ensure improvement within a reasonable timeframe, agreed with the commissioner(s), which is likely to include elements of third party support (including peer support from within the ECVS network). The scope and form of support should be discussed and agreed at quarterly ECVS meetings with the commissioners.

Building block	KPIs	Targets
I. Each CVS has in place effective <b>performance management</b> against a clear outcomes framework that demonstrates <b>value for money</b> in delivery of VCS infrastructure support services	i. Achievement of performance management/quality assurance accreditation or adoption of an appropriate quality assurance/impact assessment tool.  ii. Proportion of KPI targets being achieved across all parts of this document.	i. To be making progress towards accreditation/adoption of an appropriate tool by 31 March 2018 and achieved by 31 March 2019. <sup>2</sup>  ii. At least 80% of targets being achieved or exceeded.
II. Each CVS has <b>trained and capable staff/volunteers</b> with relevant experience in place to deliver VCS infrastructure support services	iii. Proportion of staff/volunteers with appropriate qualifications and/or training records	iii. 100% of staff/volunteers to have received an annual review of training needs and to have an up to date training record (including achieving or be working towards a relevant qualification, where appropriate).
III. Each CVS has in place <b>effective governance</b> arrangements underpinned by ethical values.	iv. Assessment (including peer review) against a nationally recognised governance framework/organisational health check (e.g. Good Governance: A Code for the Voluntary and Community Sector).  v. Proportion of Trustees and senior staff receiving training on governance.	iv. Assessment undertaken at least every 2 years, resulting in an improvement plan that is agreed and implemented (including peer support where appropriate). <sup>3</sup>  v. 100% of Trustees and senior staff attend at least one governance training event each year.
IV. Each CVS has a medium-term plan for <b>sustainability</b> .	vi. Adoption of a 3+ year business plan/strategy to diversify funding and increase income including earned income.	vi. To be making progress towards accreditation/ adoption of the plan/strategy 30 September 2017, plan/ strategy adopted by 31 March 2018 and reviewed/ refreshed annually.
V. Effective <b>collaboration</b> between	vii. Evidence of collaborative frontline	vii. At least 2 examples per CVS a

<sup>2</sup> This could be achieved individually or through groups of CVSs working together depending on the tools/accreditations on offer and each CVS's specific circumstances.

<sup>3</sup> **First assessment must be undertaken and improvement plan in place by end March 2018**



Building block	KPIs	Targets
CVSs, including <b>efficient use of resources</b> .	activity between CVSs.  viii. Evidence of effective and efficient use of resources between CVSs	year of successful frontline collaborative activities.  viii. At least 1 example per year CVS of successful sharing of resources/ economies of scale realised through collaborative activity (whether within the ECVS network or with third parties, including public sector).
VI. CVS services are, and are perceived to be, <b>accessible</b> and well used.	ix. Customer satisfaction. =  x. Number of VCS organisations/ groups supported by CVS services.  xi. Estimated number of beneficiaries of VCS organisations/ groups accessing CVS services.	ix. At least 75% of VCS organisations/groups report that CVS services are easy to access and are satisfied with the support they received.  x. At least 50 different organisations/groups access CVS services in a year.  xi. N/A – output report only.
VII. Each CVS has in place a prioritised <b>annual work-plan</b> for VCS infrastructure support services.	xii. Performance against annual work-plan agreed with funders. <sup>4</sup>	xii. Annual work plan agreed with funders and targets being achieved

## Part D: Underlying principles

To help ensure the successful and locally sensitive delivery of the VCS infrastructure support offer set out above, these services will be delivered in line with the following key principles of collaboration:

1. A firm commitment by ECVS, ECC and District Councils to values of **equality of opportunity, participation, co-operation** and **involvement** for all the citizens of Essex.
2. **Collaboration** between ECVS members, ECC and District Councils wherever possible, avoiding competition and minimising duplication.
3. Applying **subsidiarity** as much as possible; the role of ECVS and the commissioners is to enable VCS infrastructure service provision through ECVS members and other stakeholders
4. When appropriate, and with the agreement of ECVS members and relevant commissioners, individual CVSs may host projects for the benefit of the wider VCS in Essex.
5. **Equitable sharing of responsibility** for ECVS activities across ECVS members, including strategic representation roles.
6. Promoting, implementing, and upholding the principles of the local and Essex Compacts and supporting Codes.
7. **Open and honest communication** between commissioners and ECVS members and between ECVS members to ensure timely feedback and identification of community assets, good practice and emerging challenges.

<sup>4</sup> For 2017/18 the agreement with funders of the scope and targets shall be sufficient to satisfy this requirement but a more comprehensive plan shall be required in future financial years

## Reporting framework

ECC recognise that, while it is relatively easy to define and measure outcomes when people in crisis need help, it is much more difficult for preventative services and that this challenge is compounded for infrastructure support services. Therefore, while the above provides the reporting framework of KPIs and targets for CVSs both on their own effectiveness and the VCS infrastructure support services they deliver, the emphasis in reporting will be on dialogue, engagement and shared learning rather than slavish achievement of numerical targets. Progress will be reported in writing at 6-monthly intervals to commissioners and, as well as reporting against the specific KPIs and targets, the report should include:

- A strategic overview from ECVS collectively plus individual reports from each CVS, including evidence of compliance with the underlying principles set out at Part D.
- Segmentation of data (where appropriate), e.g. according to the type and size of VCS organisations/groups supported, the broadly defined outcomes their work contributes to (if any) their geographical distribution and the type of support provided to them.

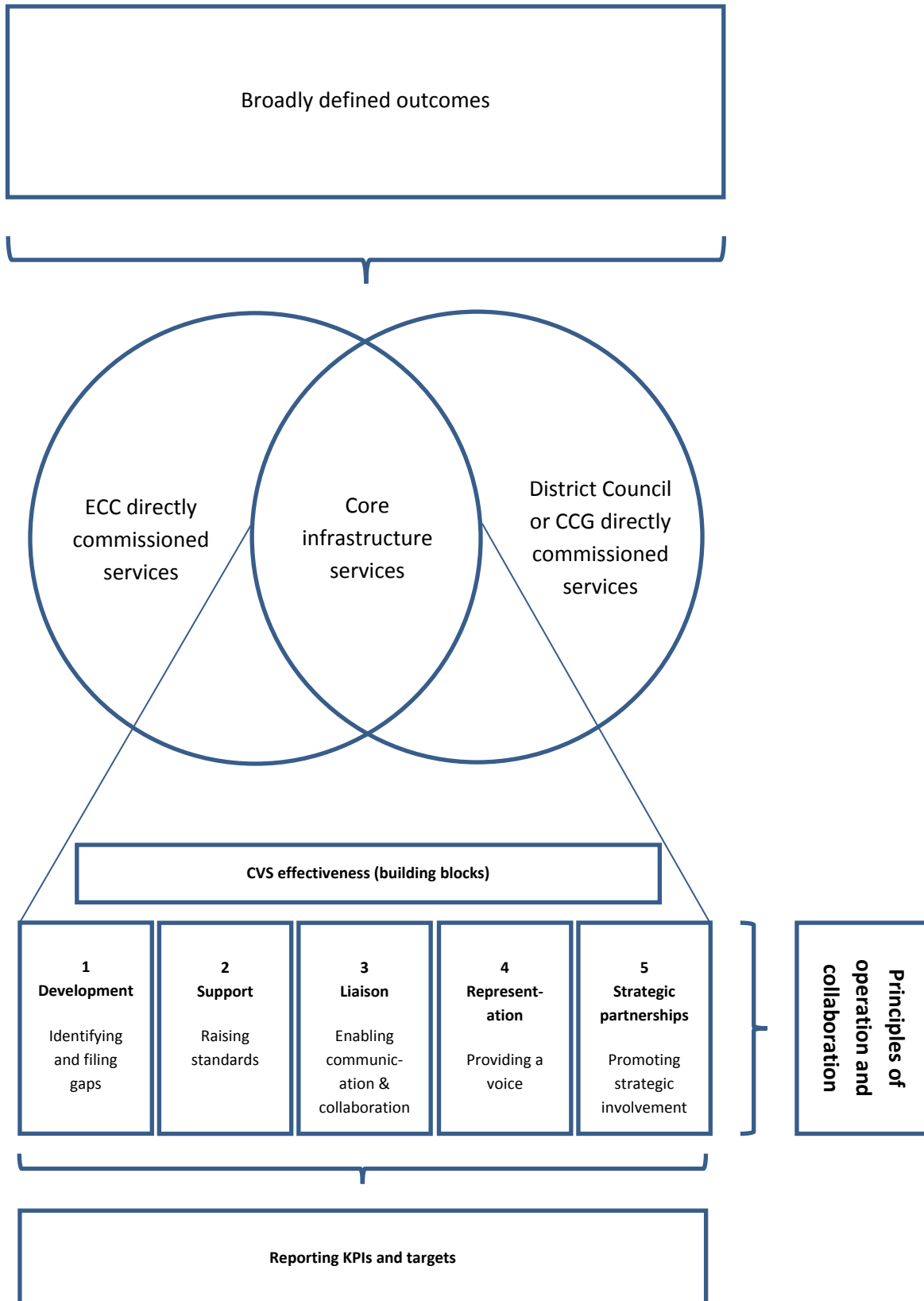
A 6-monthly report format/template will be developed for use in reporting against this scope.

It is intended that ECC (and District Council co-commissioners, where applicable) will attend quarterly meetings of ECVS to discuss progress and feedback, including to review the development of the scope and priorities for future years (in particular there will be a formal review of this document at the third quarterly meeting to ensure that a revised scope is agreed in good time for the following financial year). Between quarterly meetings there should be regular and open dialogue and exchange of information between CVSs and with commissioners.

Given the developmental nature of this approach it is acknowledged that there will be a degree of imprecision (in particular in the KPIs and targets) and mutual learning. Therefore, it will be important to ensure that appropriate narrative reporting by CVSs is included to explain where there is variance from the expected progress towards any particular target to facilitate dialogue on the further development of the scope to reflect the realities of experience and practice. In addition, ECC and Brentwood District Council co-commissioners will agree a rolling programme of visits to individual CVS to enable sharing of learning and feedback as well as to review progress in delivery.



**Appendix A: funding framework for VCS infrastructure services.**



This page is intentionally left blank

**18th September 2017**

**Community, Health & Housing Committee**

**Courage Playing Fields**

**Report of:** *Adrian J Tidbury - Estates and Valuation Surveyor Portfolio Development*

**Wards Affected:** *Shenfield*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 This report considers the future arrangements for the Shenfield Cricket Club in its occupation of the Courage Playing Fields in conjunction with the past and recent negotiations.
- 1.2 This report also sets out an approach for the use of the Courage Playing Fields by the Shenfield Cricket Club consistent with other sports clubs use of the Councils public open spaces with particular respect to income generation from the Councils land holding.

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

- 2.1 That Members note that the decisions below will supercede and amend the earlier decisions of the 27<sup>th</sup> March 2015 Asset and Enterprise Committee (Appendix A) and the 14<sup>th</sup> March 2016 Community and Health Committee (Appendix B).
- 2.2 That the recommendations contained in the Health & Safety Report, as set out in Appendix D, be implemented without delay and prior to the 2018 cricket season.
- 2.3 That a report be made to the January 2018 Policy, Projects and Resources Committee recommending that the Courage Playing fields car park be included in the Brentwood Borough Council Off Street Parking Places Order under reasonable restrictions that accommodates the use of the Cricket Ground by the Club and any existing agreements made between the Club and any existing users.

- 2.4 That a consultation exercise is undertaken with the adjacent affected residents on the proposal that the Club transfer its use of the adjacent cricket ground in response to the Health and Safety Report, to the land 'part 776' as set out on Appendix E enabling the Club to have greater use of the field for its new initiatives.
- 2.5 The new signage by erected at the car park indicating the Courage Playing Fields are a public open space in the ownership of the Council, consistent with similar open spaces within the Borough.
- 2.6 That a report be made to January 2018 Policy, Projects and Resources Committee asking Members to consider the provision of a management agreement with the Shenfield Cricket Club for the use of the Cricket field as summarised in this report.
- 2.7 That a report be made to the January 2018 Policy, Projects and Resources Committee asking Members to consider the provision of a license with the Shenfield Cricket Club in respect of the land used, for the provision of the pavilion, Score Box and the practise nets as approved under 14/00836/FUL.
- 2.8 That Officers review the condition of the car park and make a report to the January 2018 Policy, Projects and Resources Committee.

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

- 3.1 Members will be aware that this matter has been considered in the past by the 27<sup>th</sup> March 2015 Asset and Enterprise Committee (Appendix A) and the 14<sup>th</sup> March 2016 Community and Health Committee (Appendix B). Significant background information is contained within these reports.
- 3.2 The land was conveyed to the Council by the Courage family by two deeds of Gift (Appendix E) dated 27<sup>th</sup> February 1950 pursuant to section 268 of the Local Government Act 1933, to hold and administer the property for the purposes of Public Open Space, recreation grounds and playing fields.
- 3.3 A second deed of gift dated 5<sup>th</sup> October 1951 dealt with a smaller piece of land adjacent to the St Mary's School.

- 3.4 The 27<sup>th</sup> February 1950 makes one reference to the Shenfield Cricket Club (Appendix E– page 2, item 2).

*“Allow the Shenfield Cricket Club to have use of the cricket ground situate upon the property for so long as the Shenfield Cricket Club remains in existence and upon such reasonable terms as have been and as may from time to time be agreed between the Council and the Shenfield Cricket Club”*

- 3.5 The Council has title to this land under registration No EX762070 and are therefore the freeholders and custodian of this public open space inclusive of the cricket ground.
- 3.6 On 31st March 1993, the Leisure Recreation and Arts Committee considered a request from SCC to develop an additional cricket facility on the fields. At the 7th July 1996 meeting of the Committee it resolved to approve the request provided it did not interfere with the use of the field by the St Mary's School and subject to consultation with local residents. At the 26th September meeting of the Committee it stipulated that the additional pitch could only be used once per weekend.
- 3.7 Since the 1950 Deeds of Gift (Appendix E) the Club have developed the site with the pavilion and car park in approx. 1967, There is no evidence available indicating the Council's consent to these developments. The latest development was for the practise nets in 2016.
- 3.8 The 27<sup>th</sup> March 2015 Assets and Enterprise Committee (Appendix A) resolved to instruct officers to enter into a management agreement with the Club for the management of the cricket ground, to enter into a lease for the use of the pavilion, score box and practise nets and to include the car park into the Council's Off-Street Parking Places Order to be managed in future by the Council.
- 3.9 The Club were reticent to agree to these proposals as they were in 1996 when asked to enter into a similar lease arrangement.
- 3.10 In 2015 officers sought legal opinion on the occupation of the Club on the Courage Playing Fields. This independent legal opinion was shared with the Leader, Deputy Leader and Ward Members on 27th July 2015 and is attached as Appendix C to this report.

- 3.11 Counsel confirmed that it is plain from the terms of the two deeds of Gift that the Cricket Club as such secured no interest in the land or any particular rights over it.
- 3.12 Furthermore, any buildings on the land at the time of the deeds of gift would have transferred with the land (as part of it) to the then Urban District Council and similarly, any buildings constructed on the land subsequent to the transfer of the land to the Council under the deeds of gift, assuming that they are not chattels, would have become part of the realty i.e. part of the land. Therefore, the pavilion which the Club erected outside of the cricket field and upon the Courage Playing Fields is the Council's building.
- 3.13 In addition, Counsel is of the opinion that there is nothing in any document seen suggestive of a tenancy having been created between the Brentwood Borough Council and the Cricket Club.
- 3.14 It can therefore be concluded that the Cricket Club have no other rights over the land than to play the game of cricket on the cricket field.
- 3.15 Within the report to the 14<sup>th</sup> March 2016 Community and Health Committee (Appendix B), members were appraised of the differences between the provision of a lease as a legal agreement between the Club and the Council, registerable with the Land Registry, and a letter of agreement relying on the integrity of both parties to honour the contents of the letter. Members of that committee resolved to pursue an agreement through the provision of a letter.
- 3.16 At the Community Panel of the Council on 20 September 2006, Members resolved that officers conclude an agreement with the Club, to enable the Club to issue licences to non-members of the Club using the car parking area and/or access to properties in the adjacent vicinity, to regulate the car park with regard to access, enforcement, car park charges and related matters. The Club submitted a schedule of suggested charges to that Committee which was then approved. There appears to be no formal legal agreement between the Council and the Club in respect of this arrangement, albeit the Council have entered into licence agreements with the Club and third parties, however, it appears the Club have entered into other licence agreements/arrangements without the Council being party to these further agreements.

- 3.17 A letter was drafted that set out the present known situation, the Council's informal proposals and sought the Clubs approval to those proposals. There were a number of actions required by the Club before a formal letter would be submitted and signed; the list of car park licenses would be updated and appended to the letter, the payment of Mesne profits of £1000 each April, receipt of the Clubs current constitution and audited accounts. Invoices for this amount were submitted to the Club in April 2016 and April 2017, both remain unpaid.
- 3.18 The Club's communication with the minutes of their meeting dated 8<sup>th</sup> March 2016 agreed to the latest terms contained in the letter. However, the current list of licenses for the car park, payment of Mesne Profits, constitution and audited accounts remain outstanding and therefore no formal letter of agreement has been completed to date.
- 3.19 Whilst the 14<sup>th</sup> March 2016 Community and Health Committee (Appendix B) approved the draft letter the above matters remain outstanding.

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

- 4.1 The Club have now requested that the Council permit the Club to use the 'Park pitch' for an initiative promoted by the English Cricket Board. The occupation would be for about 8 1-hour sessions of 'softball cricket'.
- 4.2 Members and officers met with the Club in July 2017 to discuss the issues and options around this new venture and to reconsider how the now historical issues relating to the Clubs occupation of the land and the income generated by the car park and retained by the Club could be resolved.
- 4.3 The local Ward Members have raised concerns over the safety of cricket on the Park Field adjacent to the children's play area. In response, officers have undertaken a Health and Safety review of the playing of cricket on the Courage Playing Fields, that report is in Appendix D.

4.4 In discussions with the club, it was suggested, subject to Members approval, that the Club give up the use of the Park Field adjacent to the Children's Play area and establish a new cricket square on the Flying Field which would enable the Club to make greater use of the facility and considerably reduce the risk of cricket balls colliding with individuals in the play area and walking towards Hall Lane on the public right of way at the same time.

4.5 The Council's legal advisors have raised concern over the provision of a letter of agreement rather than a license to occupy the land. A lease for the occupation of the land is not appropriate for an amenity space as it enables exclusive occupancy which is inconsistent with the deeds of gift where the Council administer the property for the purposes of Public Open Space, recreation grounds and playing fields. A license will enable the Club to use the land, not exclusively, for the purpose set out in the 27<sup>th</sup> February 1950 Deed of Gift (Appendix E– page 2, item 2).

*“Allow the Shenfield Cricket Club to have use of the cricket ground situate upon the property for so long as the Shenfield Cricket Club remains in existence and upon such reasonable terms as have been and as may from time to time be agreed between the Council and the Shenfield Cricket Club”*

4.6 This license to occupy would not include the car park or any income generated from it. As indicated above, the Club have no agreement with the Council to enter into financial arrangements with any individual for any part of the Courage Playing Fields and the Deed of Gift makes no reference to the club's ability to generate income from the use of the land. It is therefore proposed, consistent with the decision of the 27<sup>th</sup> March 2015 Assets and Enterprise Committee (Appendix A) and also Counsels opinion, to include the car park into the Council's Off-Street Parking Places Order and to be managed along with all other town centre car parks in a consistent manner with the other public car parks and open spaces in the Borough.

4.7 In order, not to disadvantage the Club in the use of the car park, restrictions would be placed for day time week day parking only enabling evenings and weekends to be unrestricted thus not affecting the use of the car park by the club for its events and matches. A suitable restriction would be Monday to Friday, 9am to 6pm, no waiting longer than 4 hours and no return within 4 hours.



- 4.8 The car park has a significant number of available parking spaces unused during the working day and these spaces should be allocated to permit holders at a premium consistent with the town centre tariff.
- 4.9 The existing agreements between SCC, the Council and car park users be terminated and replaced by season ticket parking that the Council uses in its current public car parks.
- 4.10 It has been noted that the car park has recently been resurfaced by the Club although no consent or request has been made or received by the Council.
- 4.11 Members will be aware that on entrance to the car park, the signage displayed by the Club is gives no indication of the Council ownership of the property but is suggestive that ownership is with the Shenfield Cricket Club. In addition, signage regarding wheel-clamp enforcement of the car park is also indicated by the Club again suggestive of ownership.

## **5. Reasons for Recommendation**

- 5.1 To ensure that the Council's Assets are managed in accordance with good estate practise through the preparation of a 'License to Occupy' and a 'Management Agreement' consistent with the advice provided through Counsels opinion.
- 5.2 To regularise the operation and management of the Car Park consistent with other car parks operated by the Council.

## **6. Consultation**

- 6.1 No formal consultation has been undertaken

## **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 taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council.

- 7.2 Economic Development - Consider how Council assets can be utilised to promote sustainable development in the Borough.
- 7.3 The Council is committed to make Brentwood a Borough where people feel safe, healthy and supported.

## **8. Implications**

### **Financial Implications**

**Name & Title: John Chance, Finance Director and Section 151 Officer**

**Tel & Email: 01277 312542/john.chance@brentwood.gov.uk**

- 8.1 There are a number of financial considerations subsumed within this report. The finances relating to the car park are of great interest to the council. Whilst a report is due back to the Policy, Projects and Resources Committee in January 2018, it should be noted that the Council currently receives no income in respect of the car park. As the car park is legally owned by the Council, this situation needs rectification.
- 8.2 Regarding the cricket clubs obligation to pay the Council 'Mesne' profits each year, I note that payment is overdue for the past two years and would urge settlement urgently. As this agreement has been in place for many years, the cricket club ought to honour it.
- 8.3 Finally, as the historic agreement also requires transparency on the clubs constitution and annual audited accounts, these documents ought to be shared with the Council.

### **Legal Implications**

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

**Tel & Email: 01277 312500/surinder.atkar@brentwood.gov.uk**

- 8.4 As the relevant land is owned by the Council it may be appropriated by the Council to various uses, to recreation and open space. The Cricket Club has no particular rights over the land and use of it by them depends on the agreement of the Council. The Council is entitled to grant a license subject to a management agreement regulating the use of the land.

- 8.5 The Road Traffic Regulation Act 1984 empowers the Council to provide off-street parking places and to regulate them. Charges may be imposed for such parking.

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

- 8.5 Health and Safety – See Appendix D.

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

- 9.1 Minute 556 27<sup>th</sup> March 2015 Asset and Enterprise Committee  
9.2 Minute 406 14<sup>th</sup> March 2016 Community and Health Committee  
9.3 Counsels opinion dated 20<sup>th</sup> July 2015

**10. Appendices to this report**

- Appendix A - 27<sup>th</sup> March 2015 Asset and Enterprise Committee Report
- Appendix B - 14<sup>th</sup> March 2016 Community and Health Committee Report
- Appendix C - Legal opinion on the occupation of the Club on the Courage Playing Fields
- Appendix D - Health and Safety Report
- Appendix E - Courage Deed of Gift

**Report Author Contact Details:**

**Name:** Adrian J Tidbury - Estates and Valuation Surveyor Portfolio Development  
**Telephone:** 01277 312678  
**E-mail:** [adrian.tidbury@brentwood.gov.uk](mailto:adrian.tidbury@brentwood.gov.uk)

This page is intentionally left blank

**27 March 2015**

**Asset and Enterprise Committee**

**Courage Playing Fields - Shenfield Cricket Club**

**Report of:** *Adrian J Tidbury, Estates and Valuation Surveyor*

**Wards Affected:** *Shenfield*

**This report is:** *Public*

### **1. Executive Summary**

- 1.1 This report considers the Courage Playing Fields and the deed of covenant as it relates to the Shenfield Cricket Club (SCC). The Management Agreement recommended, and summarised at paragraphs 4.3 – 4.5 is not a disposal of land but contains terms considered reasonable for the next 60 years.

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

- 2.1 That delegated authority be granted to the Strategic Asset Manager to negotiate and enter into a management agreement with the Shenfield Cricket Club for the use of the Cricket field as summarised in this report.
- 2.2 That delegated authority be granted to the Strategic Asset Manager to negotiate and enter into a lease with the Shenfield Cricket Club in respect of the land used for the provision of the pavilion, Score Box and the practise nets as approved under 14/00836/FUL and as summarised in paragraph 4.7 of this report.
- 2.3 That the Business and Town Centres Committee be recommended to add the Courage Playing Fields Car Park to the Council's Off Street Parking Places Order and publish a statutory consultation to include provisions which will achieve the recommendations set out in paragraphs 4.10 to 4.12 of this report.
- 2.4 That delegated authority be granted to the Strategic Asset Manager to take legal action to protect the Council's interests in the Courage Playing Fields if the Club do not agree to these terms.

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

- 3.1 The Council received a letter from the agent to Mr E R Courage dated 26th January 1949 detailing the heads of agreement regarding the conveyance of the Courage Playing Fields to the Brentwood Urban District Council.
- 3.2 The Courage Playing Fields passed to the Council by deed of gift dated 27th February 1950 pursuant to section 268 of the Local Government Act 1933, to hold and administer the property for the purposes of Public Open Space, recreation grounds and playing fields.
- 3.3 A second deed of gift dated 5th October 1951 dealt with a smaller piece of land adjacent to the St Mary's School.
- 3.4 The Council has title to this land under registration No EX762070
- 3.5 The Council covenanted to:
- erect and maintain a fence around the well(s), reservoir and windmill pump;
  - allow the SCC to have use of the cricket ground situate upon the property for so long as SCC remains in existence and upon such reasonable terms as have been and as may from time to time be agreed between the Council and the SCC; and
  - will keep the hedges along T boundaries on good order and condition, properly trimmed and the ditches properly cleaned.
- 3.6 On 2nd August 1972, Planning permission was granted for an extension to the cricket pavilion for use as an equipment store by SCC only.
- 3.7 The Council received a letter of complaint from the adjacent Opticians dated 9th April 1996 that SCC had erected a barrier and increased the charges for parking in the car park.
- 3.8 On 31st March 1993 the Leisure Recreation and Arts Committee considered a request from SCC to develop an additional cricket facility on the fields. At the 7th July 1996 meeting of the Committee it resolved to approve the request provided it did not interfere with the use of the field by the St Mary's School and subject to consultation with local residents. At the 26th September meeting of the Committee it stipulated that the additional pitch could only be used once per weekend.

- 3.9 On 24th May 1996 the Council wrote to SCC informing SCC that the land is owned by the Council and that whilst the deed grants the right for the Club to use cricket ground, there were no express rights to develop and therefore they may require the Council's prior consent. The Council wrote seeking clarification to either indicate under what rights they had erected the gates/fences and were charging car parking fees on council land, or to remove all structures, gates, fences from Council land and restore to its previous condition and cease charging for car parking. SCC called to say the fences and gates were only temporary and that SCC does not charge a fee, but seeks a donation.
- 3.10 In 1996 the Council searched its planning records back to 1983 and found no reference to any restrictions on the use of the car park or planning permission for its construction. However, BRE/450/69 set the width of a driveway leading to a car park at 16 feet wide with the permitted development begun on or before 23rd September 1974.
- 3.11 The Council wrote to SCC on 20th June 1996 requesting a meeting with SCC regarding entering into a lease with the Council.
- 3.12 The 18th November Parks and Recreation Committee authorised the drafting of a lease to SCC. In response, SCC's legal advisers advised SCC not to enter into a lease.
- 3.13 In the letter dated 21st December 2005 SCC advised the adjacent vets that it had withdrawn permission for the use of the car park and that wheel clamping was now being used. There are signs currently present attached to the pavilion with the text "**Private car park authorised users only, wheel clamps in use**".
- 3.14 Additional complaints have been received since that time involving legal challenges regarding ownership of the car park and rights of access
- 3.15 Officers of the Council have met with SCC on a number of occasions regarding in particular the siting of the new practise nets which resulted in the recent planning approval.
- 3.16 Whilst planning approval has been granted for the new practise nets the Council as the Landlord has not yet given its approval to SCC to permit the works to take place on its land.

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

- 4.1 Members will be aware that the relationship between SCC and its neighbours has not been ideal for many years, with little understanding the adjacent residents are not generally aware of the basis on which SCC have the use of the cricket field, the buildings on the land or even the adjacent car park and upon what basis SCC is able to use these facilities.
- 4.2 The Council proposes to deal with SCC's use of the site in three ways:
- The provision of a Management Agreement fulfilling the aspirations of both the letter dated 26th January 1949 from the agents acting for Mr E R Courage and the deeds of Covenant pertaining to the cricket field.
  - A medium term lease of 7 years dealing with the pavilion, score box and practise nets.
  - the car park is added to the Council's Off Street Parking Order with restrictions on parking for no longer than 4 hours and no return within four hours, with parking between 9 am to 6pm Monday to Friday.
- 4.3 **Management Agreement** - The Management Agreement covers the terms of the deed of gift dated 27th February 1950 and of 5th October 1951 and the use of the fields regulated in accordance with the Open Spaces Byelaws of 1983 to which byelaws 13, 14 and 18 apply. It deals with the cricket field only and not the provision of the pavilion, score box, practise nets or car park.
- 4.4 The agreement sets out the obligations of SCC with respect to the management of the land under the agreement. The salient points are:
- For 60 years or until SCC is dissolved whichever shall occur first.
  - To allow access to the cricket ground at all times
  - Maintain insurance of the cricket ground
  - Maintain, repair, light and clean the cricket ground
  - Not assign, underlet or charge any part of the cricket ground
- 4.5 The Agreement requires insurance to the ground and also covering personal injury or death arising out of or in the course of the use of the ground.



- 4.6 **Lease** - The proposed lease covers SCC's use of the Pavilion, Score box and the practise nets and reflects the fact that they have been provided by SCC. However, they are situated on land in the ownership of the Council and outside the benefits provided by the deeds of covenants.
- 4.7 Officers consider that a medium term lease would be an appropriate Agreement between SCC and the Council and the salient points are:
- Nil rental reflecting the clubs provision of the buildings
  - Tenant responsible for buildings and public liability
  - Permitted use as a cricket club with occasional events consistent with the aims and objectives of SCC
  - SCC to be responsible for the maintenance and repair of the building
  - No service charges to be required
  - SCC to be permitted use of the car park during evening matches after 6 pm and at weeks ends.
- 4.8 **Car Park** - The Council is aware that the use of the car park has been a contentious matter for some time. There are a number of agreements in place to which the Council have been party to concerning charges for parking although the Council receives no income from these agreements. There are notices on site attached to the pavilion suggesting that parking is enforced by SCC with the use of wheel clamping.
- 4.9 Officers propose that the car park be administered in the future through the Council's existing Off Street Parking Places Order and enforced in the same way as the Council's existing mainstream car parks.
- 4.10 The car park would be restricted to 4 hours limited waiting and no return within four hours and on a Monday to Friday 8am to 6pm basis thereby permitting SCC to use the car park, parking space permitting.
- 4.11 The existing agreements between SCC, the Council and car park users be terminated and replaced by the standard contract parking that the Council uses in its current public car parks.
- 4.12 The Ward member has requested that two disabled parking bays be marked within the car park and these could be provided following resurfacing of the car park surface the cost of this work is estimate to be £25,000 and need to be the subject of a future Capital project request.

- 4.13 Officers have now written to SCC providing the basis upon which their use of the Courage Fields will be based and that the Councils approval for the works to the practise nets will be provided on the successful completion of the lease and management agreement.
- 4.14 The provision of the management Agreement and of the proposed lease with the use of the car park will enable all users of this public open space to be clear on the defined use and responsibilities for SCC and of those responsibilities remaining with the Council, consistent with the aspirations set out by the Courage family when the deed of gift was put in place.

## **5. Consultation**

- 5.1 No formal consultation has been undertaken although officers and Ward Members have had meetings with both representatives of SCC and also representatives of the adjacent residents to find an acceptable resolution to all parties concerned.

## **6. References to Corporate Plan**

- 6.1 To work with the local community and voluntary organisations to develop the priorities for community development, raise awareness of activities and promote opportunities for residents,
- 6.2 To increase Community and Voluntary sector activity, initiatives and projects.

## **7. Implications**

### **Financial Implications**

**Name & Title:** Chris Leslie, Financial Services Manager

**Tel & Email:** 01277 31254 /christopher.leslie@brentwood.gov.uk

- 7.1 The Council would be responsible for the repairs and maintenance costs of the parking area and the enforcement of parking restrictions. It is anticipated that this will be offset by the additional income generated by the car park.

**Legal Implications**

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

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

7.2 The Council has wide powers of land management subject to the relevant statutory provisions and any covenants affecting the land. In this instance the playing fields are public open space and the car park is an ancillary use. While the Shenfield Cricket Club has obtained planning permission it has declined the offer of a lease. The Council may authorise these works under Section 2 Local Authorities (Land) Act 1963 in the proper course of management.

7.3 Under the Road Traffic Regulation Act 1984 the Council may provide off-street parking places and may regulate how such off-street parking places are regulated. It may also impose charges for the use of such off-street parking places. The Council is fully entitled to require an off street car park in its ownership to be so regulated. The 1984 Act has a statutory consultation procedure.

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

9. **Appendices to this report**

Appendix A - Plan

**Report Author Contact Details:**

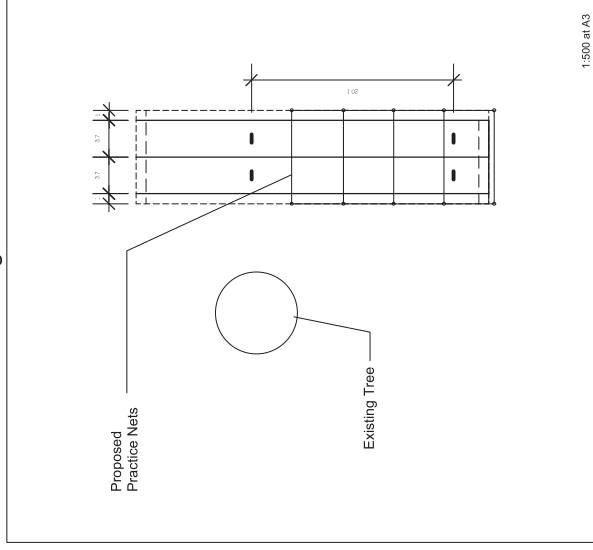
**Name:** Adrian J Tidbury, Estates and Valuation Surveyor

**Telephone:** 01277 312678

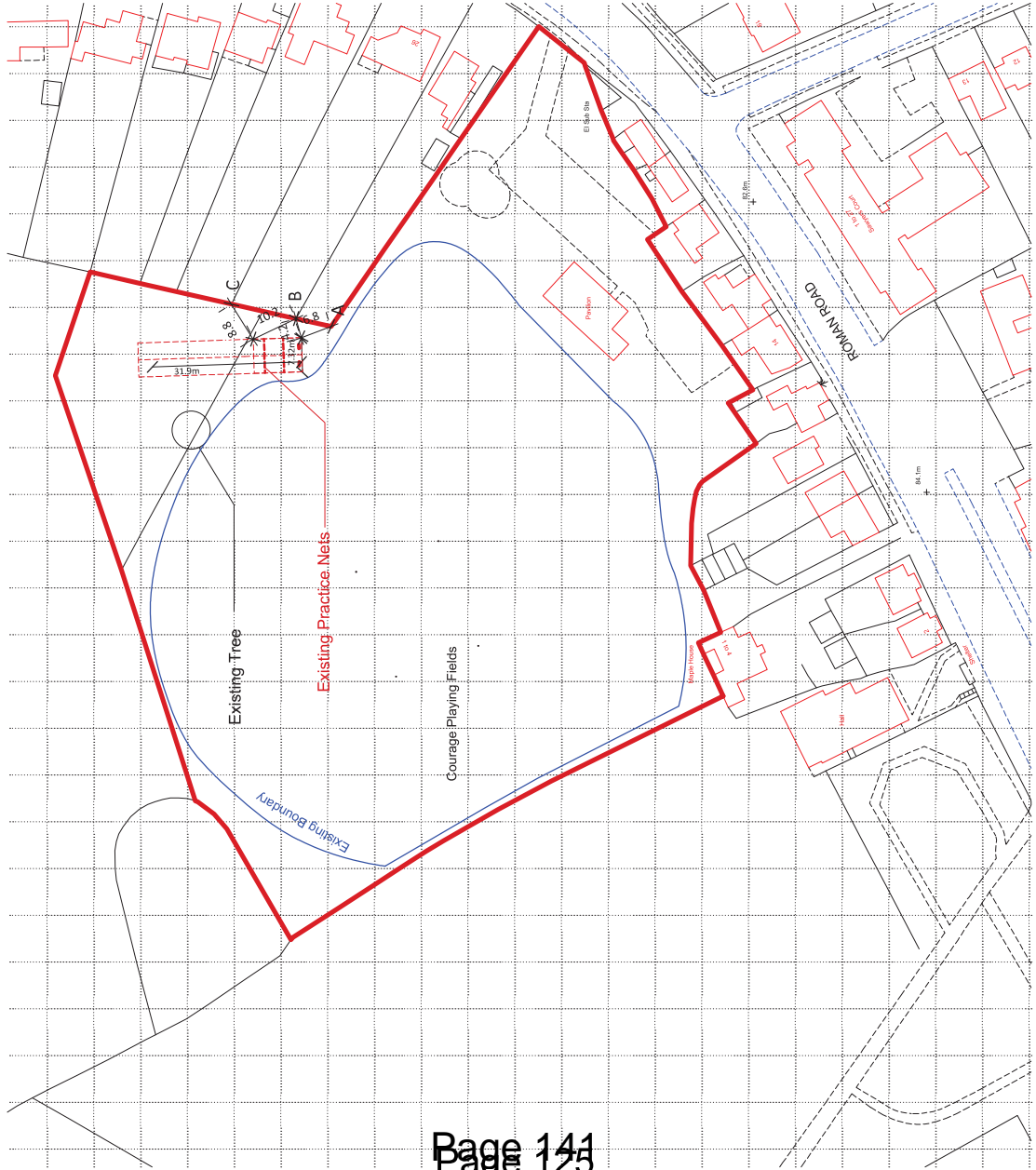
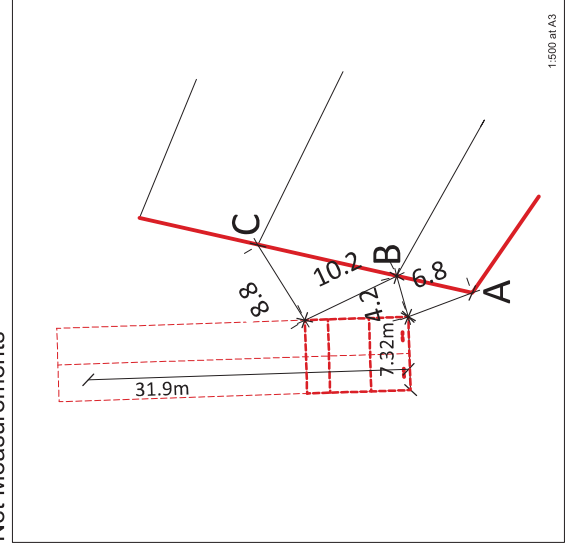
**E-mail:** adrian.tidbury@brentwood.gov.uk

This page is intentionally left blank

## Practice Nets Positioning



## Net Measurements



Ordnance Survey (c) Crown Copyright 2011. All rights reserved. Licence number 100020449

**Note:**  
this is a preliminary design study based on the level of information available.  
Subject to measured survey, legal, structural, soil investigation, utilities survey and M&E consultation together with local authority negotiation.

This page is intentionally left blank

**14 March 2016**

## **Community and Health Committee**

### **Courage Playing Fields - Shenfield Cricket Club**

**Report of:** *Chris Leslie, Finance Director*

**Wards Affected:** *Shenfield*

**This report is:** *Public – Appendix C is confidential*

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

- 1.1 This report considers the recent negotiations between the Council and the Club since the report to the Asset and Enterprise Committee held on 27th March 2015

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

- 2.1 To note the negotiations undertaken to date

- 2.2 For Members to decide whether to concur with the provision of the letter which confirms the present known situation and sets out and seeks the Club's approval of the informal proposals between the Council and the Club in lieu of the provision of a lease for the buildings and a Management Agreement for the cricket field.

- 2.3 Subject to the letter being agreed between the parties, for Members to grant consent for the conversion of the existing grass run up area to a permeable playing surface and to refurbish the two existing cricket nets in their existing position, to the specification approved as part of the Planning Permission 14/00836/FUL(attached as Appendix A), provided that the Club are responsible for all costs associated therewith and to be financially responsible for any damage caused to the Courage Playing Fields in respect thereof.

- 2.4 For Members to decide whether to agree that the informal proposal that the Club continue with existing arrangements for the Club to control and manage the car park (subject to any further Council Committee decisions in relation to the reasonable charges the Club may charge in relation to the use of the car park for parking purposes), retain the income therefrom and be responsible to keep

the car park in a clean and tidy condition and be responsible for the repairs and maintenance thereof, provided that the car park is available to all users of the Courage Playing Fields on reasonable terms proposed by the Club and approved by the Council from time to time.

- 2.5 For Members to agree to delegate authority to Finance Director S151 Officer to take action against the Club if they fail to undertake remedial works to storage containers, including making good and maintaining the structure and condition of the containers, including decorating the containers to the reasonable satisfaction of the Council within the next 8 weeks.
- 2.6 For Members to agree that the Club will continue to have use of the pavilion and be able to use it for its proper purposes, including social events, upon such reasonable terms as the Council may from time to time agree with the Club.
- 2.7 For Members to agree that the Club pay the Council an annual sum of one thousand pounds each year as Mesne Profits, such sum subject to review by the Finance Director S151 Officer, every 5 years.

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

- 3.1 Members will be aware that this matter was last considered by the Council's Asset and Enterprise Committee held on 27th March 2015
- 3.2 Members will be aware of the unanimously agreed recommendations at that meeting:

*That delegated authority be granted to the Strategic Asset Manager to negotiate and enter into a Management Agreement with the Shenfield Cricket Club for the use of the cricket field as summarised in this report*

*That delegated authority be granted to the Strategic Asset Manager to negotiate and enter into a lease with the Shenfield Cricket Club in respect of the land used for the provision of the pavilion, Score box and the practise nets as approved under planning permission 14/00836/FUL and as summarised in para 4.7 of this report*

*That the Business and Town Centres Committee be recommended to add the Courage Playing Fields Car Park to the Council's Off*



*Street Parking Places Order and publish a statutory consultation to include provisions which will achieve the recommendations set out in paragraphs 4.10 to 4.12 of this report.*

*That delegated authority be granted the Strategic Asset Manager to take legal action to protect the Council's interests in the Courage Playing Fields if the Club do not agree to these terms.*

- 3.3 Details of the background to the Council's ownership of the Courage Playing Fields and the covenant between the Courage Family and the Council to *:"allow the Shenfield Cricket Club to have use of the cricket ground situate upon the property for so long as the Shenfield Cricket Club remains in existence and upon such reasonable terms as have been and as may from time to time be agreed between the Council and the Shenfield Cricket Club"* are contained in that report. The Council are the freeholders and custodians of this public open space.
- 3.4 Since that report was made to the Committee, officers have also sought Counsel's opinion and allowed the Club to submit their evidence to Counsel and that independent legal opinion was shared with the Leader, Deputy Leader and Ward Members on 27th July 2015 and is attached as Appendix B to this report.
- 3.5 Within that opinion it was noted that the deeds of gift which conveyed the land from the Courage family (Donors) to the Council that the Council covenanted with the Donors, amongst other things, to allow the Shenfield Cricket Club to have the use of the cricket ground situate upon the Courage Playing Fields as long as the Club remain in existence and upon such reasonable terms as might from time to time be agreed between the Council and the Club
- 3.6 Counsel further confirmed that it is plain from the terms of the two deeds of Gift that the Cricket Club as such secured no interest in the land or any particular rights over it.
- 3.7 Furthermore any buildings on the land at the time of the deeds of gift would have transferred with the land (as part of it) to the then Urban District Council and similarly, any buildings constructed on the land subsequent to the transfer of the land to the Council under the deeds of gift, assuming that they are not chattels, would have become part of the realty i.e. part of the land. Therefore the pavilion which the Club erected outside of the cricket field and upon the Courage Playing Fields is the Council's building.

- 3.8 In addition, Counsel is of the opinion that there is nothing in any document seen suggestive of a tenancy having been created between the Brentwood Borough Council and the Cricket Club.
- 3.9 It can therefore be concluded that the Cricket Club have no other rights over the land than to play the game of cricket on the cricket field.
- 3.10 In addition to the first deed of gift dated 27th February 1950, a second deed of gift made on 5th October 1951 the Brentwood Urban District Council covenanted with the Donors that they would not permit any sale of alcoholic refreshment on the Courage Playing Fields. Whilst the Club have been made aware of this covenant they have been asked by the Council to seek a letter of waiver from the Courage family which has now been provided.
- 3.11 Counsel concludes that it is plainly sensible for the arrangements signalled in the report for the meeting of 27th March 2015 to be made and that the Borough Council are in a position to vindicate their rights if such or similar arrangements are not made.

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

- 4.1 Since the opinion of Counsel was sought, officers and Members have discussed the way forward at a meeting held on 29th July 2015 following receipt of Counsels opinion. As a result of that meeting, it was decided that a letter setting out the current position be produced and that the parties agree a way forward to regularise the current issues on the Courage Playing Fields as the Club refused to enter into negotiations to conclude a lease and management agreement.
- 4.2 Members will be aware that there are differences regarding the granting of a lease for the occupation of land and the Council proposed a letter setting out the current position between the parties in relation to the Council land and the use of part of it by the Club.. A lease would have set out the rights, obligations and liabilities of each party and would have been registrable with the land registry, whereas a letter reflects the current position between the parties and shows the intention of the parties to regularise the current issues on the Council's land and use of the land by the Club.
- 4.3 A lease is a binding agreement between the parties and the use of the property with the owner receiving rent and being able to regulate the permitted use of the property and the granting of rights, obligations/covenants and liabilities of each party to such an agreement. A

letter of agreement does not have the same gravitas as a formal legal document. Of course, in future years there may not be the will to honour the contents of the letter and the Council could potentially face similar issues in the future. However, the Club are not obligated to enter into a lease and/or management agreement, but the Council are able to regulate the use of its land and are able to agree reasonable terms with the Club going forward.

- 4.4 With the provision of a lease agreement, it would create certainty between the parties and any departures from such an agreement would be formally documented if agreed between the parties and action taken on the basis of more detailed terms of use. This would have been beneficial to both parties and other users of the Courage Playing Fields which were gifted to the Council for use by the public as public open space, playing fields and recreation ground.
- 4.5 Members therefore will be aware that the provision of a letter does not have the safeguards of a formal legal document and relies on the integrity of both parties to honour the contents of the letter and enforcement of the terms of the letter will be more difficult through the judicial system, however the Council is the freeholder of the land and it can take action in respect of its land, should the need arise.
- 4.6 Members therefore need to decide on the most beneficial method of managing the Courage Playing Fields, as there is a current impasse between the Council and the Club refusing to entering into any lease/management agreement and the Council wishing to regularise the current and future use of Council land by the Club. Members are asked to either follow the decision of the Asset and Enterprise Committee as detailed above and underpinned by Counsel's opinion or to follow the course of the letter of agreement shown in appendix 2 to move forward from the current impasse.
- 4.7 The Club are seeking the permission of the Council as Landowner to convert the existing grass run up area to hard surface and to refurbish the two existing cricket nets in their current position. The Club have been granted planning permission, application number 14/008366/FUL to do so, subject to the planning conditions contained therein shown in appendix 3.
- 4.8 At the Community Panel of the Council on 20 September 2006, members resolved that officers conclude an agreement with the Club, to enable the Club to issue licences to non-members of the Club using the car parking area and/or access to properties in the adjacent vicinity, to regulate the car park with regard to access, enforcement, car park charges and related

matters. The Club submitted a schedule of suggested charges to that Committee which was then approved. There appears to be no formal legal agreement between the Council and the Club in respect of this arrangement, albeit the Council have entered into licence agreements with the Club and third parties, however, it appears the Club have entered into other licence agreements without the Council being party to these further agreements. The proposed letter seeks up-to-date information from the Club in this regard with an appendix to be added to the letter detailing the current arrangements.

- 4.9 The storage containers have been erected on the Courage Playing Fields to store items required by the Club. The containers are in a poor condition and in need of putting into repair and good decorative order. The Council require the Club, at its own expense to repair and decorate these containers. The Club, in the longer term, intend to replace these storage containers with a more permanent storage structure, which will be subject to planning permission/building control consent and the consent from the Council as landowner, as well as the Club funding such a future project.
- 4.10 Prior to the gift of the Courage Playing Fields to the Council, there was a pavilion erected within the cricket field. The current pavilion is located on the Courage Playing Fields, outside of the cricket field and was constructed by the Club in the 1960s. The pavilion has become part of the land owned by the Council. The use of the pavilion by the Club is attendant on the use of the cricket ground. The Council require the Club to comply with all obligations on the Council affecting the Courage Playing fields and to keep the Council properly indemnified. It is envisaged, subject to members agreement sought in this report, to agree to the Club continuing to have use of the pavilion upon such reasonable terms as the Council may from time to time agree with the Club, including social events.
- 4.11 Mesne Profits signify that while an occupier is not a tenant, the landlord remains entitled to compensation. An indicative amount of one thousand pounds per year and reflects a share of the profits made by the Club over parking income for the car park for example. Such profits would need to be reviewed on a regular basis and a five year review period is considered to be appropriate. Such a review would be subject to an independent valuation to determine changes in the market and income received by the Club.

## **5. Reasons for Recommendation**

- 5.1 To satisfactorily regularise the use of the Courage Playing Fields by the Club.

## **6. Consultation**

- 6.1 No public consultation has been carried out concerning this process

## **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 taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council
- 7.2 Economic Development - Consider how Council assets can be utilised to promote sustainable development in the Borough

## **8. Implications**

### **Financial Implications**

**Name & Title: Chris Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 8.1 The Council is likely to receive £1,000 per year, Mesne Profits if the recommendations in the report are agreed. This will be reviewed every 5 years.

### **Legal Implications**

**Name & Title: Daniel Toohey, Monitoring Officer**

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

- 8.2 The Courage Playing Fields is owned by the Council. The land is appropriated, in the sense that Local Authorities appropriate their land for various uses, to recreation and open space. The Club have no particular rights over the land and their use of it depends on the agreement of the Council.
- 8.3 The Council has wide powers of land management, subject to the relevant statutory provisions and any covenants and byelaws affecting the land, The Courage Playing Fields are held by the Council as landowner and custodian of the public open space, recreation grounds and playing fields. The car park is an ancillary use to the site

8.4 The Club has declined the offer of a lease and management agreement relating to their use of part of the Courage Playing Fields and has obtained planning permission from the Local Planning Authority to refurbish their existing nets and convert the grass run up area to a (permeable) hard surface. The Club also require the consent of the Council as landowner to these proposals. The Council, in considering this request, has considered the current issues in relation to the use of part of its land by the Club, which remain unresolved. In an attempt to regularise the position, the Council has decided to set out, in a letter, the known history of the site and to address the current issues on Council land. The Council has set out its informal proposals to the Club and has sought the Club's approval of these proposals. The Club will need to formally resolve to endorse the matters set out in the letter and the Council's officer is reporting back to this Committee, seeking further instructions and formal authority on behalf of the Council in this regard.

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

8.5 None.

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

9.1 None.

**10. Appendices to this report**

- Appendix A - Planning Permission
- Appendix B – Counsel's Opinion
- Appendix C (Exempt) Draft Letter to Shenfield Cricket Club

**Report Author Contact Details:**

**Name:** Adrian J Tidbury, Estates & Valuation Surveyor - Portfolio Development

**Telephone:** 01277 312678

**E-mail:** [adrian.tidbury@brentwood.gov.uk](mailto:adrian.tidbury@brentwood.gov.uk)

### RE: SHENFIELD CRICKET CLUB

---

#### OPINION

---

1. The Asset and Enterprise Committee of the Brentwood Borough Council considered, on the 27 March 2015, a report relating to the Courage Playing Fields in Shenfield and the use made of them by the Shenfield Cricket Club. At the heart of the report lies the intention that the use of the Playing Fields should be, as it may be called, regularised.
2. In order that such regularisation may be better effected, by agreement, as would be sensible, it is as well to see the legal position as it bears on the Playing Fields.
3. By deed of gift made on 27 February 1950 Donors (who were members of the Courage brewing family) wishing to make a free gift in order that land could be held as public open space recreation grounds and playing fields, conveyed a little more than 13 acres of land in Shenfield to the Urban District Council of Brentwood. That Council was the predecessor to the (current) Brentwood Borough Council, who owe their existence to the Local Government Act 1972.
4. The Urban District Council covenanted with the Donors, amongst other things, to allow Shenfield Cricket Club to have the use of the cricket ground situate upon the property as long as the Club remained in existence upon such reasonable terms as might from time to time be agreed.
5. It is plain from the terms of the deed that the Cricket Club as such secured no interest in the land or any particular rights over it. The preceding covenant was not with the Cricket Club and the deed did not seek to give any interest to the Cricket Club. Further, the deed makes it plain that such use as might be made by the Cricket Club of the Playing Fields would be, absent any other agreement, as a licensee of the Urban District Council and not otherwise.

6. The Cricket Club have, in fact, consistently played at the Playing Fields and have a distinguished place in cricket in Essex. The Cricket Club continues to play at Shenfield. It is, as recorded in its club rules (9th December 2013) a members' club. Accordingly, it does not appear to be a legal person but rather is an unincorporated association. This means that any land, if any were held, would have to be held by (for example) members of the committee.
7. However, the Playing Fields are owned by the Brentford Borough Council being the successor to the Urban District Council. The Urban District Council were perfectly entitled to own the land just as the Brentwood Borough Council are empowered, under the Local Government Act 1972, to hold land.
8. A further deed of gift was made on 5 October 1951. The effect was to add to the land given to the Urban District Council.
9. Any buildings on the land at the time of the deeds would have transferred with the land (as part of it) to the Urban District Council. Similarly, any buildings constructed on the land subsequent to the deeds of gift, assuming they are not chattels, would have become part of the realty i.e. part of the land.
10. It should be noted that the 1950 deed refers to use of the cricket ground situated on the property. It is plain that the property given to the Urban District Council was far more than just the ground where cricket was played. There is no suggestion in the deed that the Donors had anything else in mind than the ability to play cricket on that part where cricket had been played.
11. It is worth having in mind the legal position that arose in 1950. The land was conveyed to the Urban District Council. The land was (see clause 1) to be held by the Council in fee simple free from any trust in favour of the Donors for the purpose (see recital C) that the land could be held and administered by the Council for the purpose of a public open space, recreation grounds and playing fields subject (amongst other things to) the covenant with the Donors that has already been mentioned.
12. It is not known whether the Donors are still alive. If they are not the question of enforceability of the covenant must arise. We do not propose to explore this matter at



length as we do not understand the Brentwood Borough Council to have any present intention of not permitting cricket.

13. However, the following can be observed. It is difficult to see how the covenantees, whatever the Donors owned by way of surrounding land, had a legal estate in the land to be benefited as there was no surrounding land to be benefited. It is also difficult to see how the covenant protects other land. These considerations may pose obstacles in the way of enforcement of the covenant but for the reasons given we express no concluded view.
14. We have seen a detailed history of matters touching upon activity on the land. It can here be observed that the Cricket Club have, in seeking planning permission, asserted that a tenancy existed. None the less there is nothing in any document we have seen suggestive of a tenancy having been created between the Brentford Borough Council and the Cricket Club, which appears to be an unincorporated association. A unilateral assertion of tenancy does not create a tenancy. Further, a record ascribing a payment of £10 for a calendar year cannot create, in the circumstances, a tenancy.
15. There is nothing to suggest there ever was a grant, which needs to be subject to a definite temporal limit or a limit capable of being defined. Further, there is nothing to suggest exclusive possession was ever granted of an identifiable parcel of land. Furthermore, no formalities were ever fulfilled. In most cases a leasehold interest requires formalities see chapter 17 of Megarry and Wade on Real Property.
16. It can also be observed that in 1996 the Brentwood Borough Council wrote to the Cricket Club suggesting there should be a lease but the Club, apparently on advice, declined to enter into a lease. It follows that such occupation as has taken place can only have been in pursuance of a licence from the Council. It is clear that the Council have never given up their rights and that no adverse rights have been acquired in respect of the land.
17. In those circumstances the general position can be stated in brief terms. First, the land in question is owned by the Council. Second, the land is appropriated, in the sense that local authorities appropriate their land to various uses, to recreation and open space. Third, the Cricket Club has no particular rights over the land; their use of it depends on the agreement of the Council.

18. A proposal has been made that certain cricket nets be installed. This, as proposed, amounts to development within the Town and Country Planning Act 1990. We presume this is, at least partly, because an engineering operation is involved. In any event given that the land belongs to the Brentwood Borough Council with the Club merely having permission to use the part of it laid out for cricket, whether or not the land can be utilised in the way sort depends on the consent of the Borough Council as owner. This is nothing to do with the role of the Borough Council as local planning authority but simply a function of their rights as owner.
19. The covenant made to the Donors cannot avail the Cricket Club. First, the Club is not the covenantee. Second, the permission was merely use of the cricket ground; it was not a permission to construct nets. Third, it is perfectly possible for cricket to be played without there being nets. Indeed nets are used by a limited number of people to practise skills which come to be used when playing cricket.
20. Car parking may next be mentioned. This, as a matter of day to day life, is far more significant in 2015 than it was in 1950. The land, as we have seen, belongs to the Council. The Club has been permitted to use some of it for the playing of cricket. There is nothing in any document we have seen to warrant the Club securing a part of the land and using it as a car park; still less is there any warrant for the Club to charge motorists for the parking of cars on the land.
21. By section 4(2) of the Essex Act 1987 in the interests of persons resorting to any park, pleasure ground or open space under their management and control a local authority may set apart an area of the park, pleasure ground or open space not exceeding the prescribed area for the parking of vehicles. The prescribed area in this case would appear to be one half of a hectare: see section 4(1)(b) of the 1987 Act. (This is on the basis the Courage Playing Fields are 5.76 hectares).
22. It must be noted that the use of subsection (2) is based on the interests of persons resorting to the park, pleasure ground or open space. In other words this provision does not enable parking in the interests of the residents of the Borough at large. It would enable car parking for those using the playing fields, including the cricketers. It should be noted that the Brentwood Borough Council have power to make reasonable charges for the use of such parking: section 4(4) of the 1987 Act.

23. A further provision of public general legislation should next be noticed. By section 33(2) of the Road Traffic Regulation Act 1984 a local authority may adapt for use as a temporary off street parking place any land owned by them or under their control not being land appropriated by them for use as an off street parking place.
24. The land in question has not been appropriated for use as an off street parking place but is owned and controlled by the Brentwood Borough Council. Accordingly, it appears that section 33(2) of the 1984 Act enables the Borough Council to use land at the Courage Playing Fields as a temporary parking place. We would not suggest use of more than the prescribed area under the Essex Act 1987.
25. It is now sensible to revert to the report mentioned in the opening paragraph of this opinion. This report had a number of recommendations. The first suggests that delegated authority be granted to the Strategic Asset Manager to negotiate and enter into a management agreement with the Cricket Club as summarised in the report.
26. We leave over for a moment the suggested ingredients of the management agreement to note that it is plainly sensible and desirable for there to be such an agreement. Plainly, the relevant officer can be given the delegated power under section 101 of the Local Government Act 1972. An agreement is plainly envisaged under the Deed and is, in any event, a sensible way to proceed. If no such agreement is made then the terms on which the Cricket Club uses the ground will be simply as stated from time to time by the Borough Council or arising from necessary implication.
27. An obligation to light the cricket ground might be thought unnecessary. Further, the language of assignment, underletting or charging might not be apposite as no interest in the land is to be given. Beyond those observations the other ingredients of the management agreement appear prudent.
28. The second recommendation is that delegated authority be granted to the same officer to negotiate and enter into a lease in respect of the pavilion, score box and practice nets as approved under (planning permission) 14/00836. First, such delegation is plainly lawful. Second, any lease would have to be with named individuals given the status of the Club, as discussed above. Third, although it appears that the pavilion was adjacent to rather than on the cricket ground that is a matter of indifference given that the pavilion is not a chattel and is incorporated in the land. It follows that as the land is owned by the Borough Council

the pavilion is the Council's just as the land is the Council's. Accordingly, a lease can be granted of the pavilion, score box and practice nets. The terms contemplated appear reasonable especially when it is remembered that the Borough Council have the power to exclude the Club from those premises or decline permission as owner for erection of the practice nets.

29. A point can here be noted about the use of the pavilion or any bar contained within it for the sale of alcoholic refreshment. In the second deed of gift made on the 5th October 1951 the Brentwood Urban District Council covenanted with the Donors that that they would not permit any sale of alcoholic refreshment on the Courage Playing Fields. That expression clearly embraces the pavilion. There is a suggestion that the Courage family may have indicated to the Cricket Club that the Club could sell alcoholic refreshment. However, this does not constitute a waiver of the covenant that the Council as covenantor gave to the Donors as covenantee.
30. We are not able definitively to say whether the covenant can still be enforced. However, it is clear that it is open to the Council to provide that any lease should reflect the covenant. In any event the necessary licence would be required and the licensing committee would be likely to want to know whether sale of alcoholic refreshment had the landlord's consent.
31. The third recommendation was that the Business and Town Centres Committee be recommended to add the Courage Playing Fields Car Park to the relevant off street parking order. As stated the land on which the car park sits is the Council's land. Further, legislation, as stated, enables, following proper consultation, off street parking.
32. The fourth recommendation is that there be delegated authority to the same officer to enable legal action to protect the Borough Council's interests if the Club fail to agree. It is apparent that the Local Government Act 1972 empowers the Council to take such action. Further, should action would be soundly based. The Council have to bear in mind not merely their property interests but also the rights of other members of the public. It is clear that the Courage Playing Fields are a borough asset not a private preserve, however important or significant cricket may be.
33. We should add that we have read through a large file of documents provided on behalf of the Cricket Club. It is clear that from time to time somewhat differing arrangements have been made. However, there is nothing that has undermined the legal position, which is

absolutely clear. Further, the proposed new arrangements are being made following extensive consideration and consultation with the Cricket Club.

## **CONCLUSION**

34. The rights of the Shenfield Cricket Club depend entirely on agreement with the Brentwood Borough Council, who own and control the land. It is clearly appropriated, as a matter of local authority law, to use for open space and the users of it are not restricted to the members or visitors of the Shenfield Cricket Club. It is however perfectly lawful for the Council to permit use of part of the land as a cricket ground. Whilst cricket is being played on such a ground others can be excluded from the cricket ground, i.e. the area described by the boundary.
35. It is plainly sensible for the arrangements signalled in the report for the meeting of 27th March 2015 to be made. The Borough Council are in a position to vindicate their rights if such or similar arrangements are not made.

**TIMOTHY STRAKER QC**  
**DILPREET K. DHANOA**  
**4-5 Gray's Inn Square**

20<sup>th</sup> July 2015

clerks@4-5.co.uk  
020 7404 5252

This page is intentionally left blank

## BRENTWOOD BOROUGH COUNCIL

### MEMORANDUM

**TO:** ESTATES & VALUATION SURVEYOR – Adrian Tidbury

**CC**

**FROM:** DEPUTY OPERATIONS MANAGER PARKS & OPEN SPACES – Stuart Anderson  
CORPORATE HEALTH AND SAFETY – David Wellings

**MY REF:** 901 - 13

**DATE:** 5<sup>th</sup> September 2017

**RE:** Health & Safety Review of Use of Second Cricket Square and Outfield – Courage Playing Fields

---

With reference to the above matter, both myself and the Council's Health & Safety Officer [David Wellings] have now had an opportunity to visit site and view for ourselves the situation with regard to the location of the secondary cricket square and outfield at Courage Playing Fields and in particular the potential interaction of the playing of cricket and general amenity users of the site.

#### **Background**

#### **Outline of Current Issues being Reviewed**

Courage Playing Fields is one of two publicly accessibly open spaces in the Ward of Shenfield maintained by Brentwood Borough Council, it is the only site in the Ward that has equipped play facilities for recreational use.

The site is also adjacent to St Marys Primary School and also St Marys Church both of which are off of Hall Lane. There are also residential properties that back on to the playing fields. The site has a substantial tarmac footpath [approximately 3m wide] which runs through the site from the junction of Chelmsford Road and Shenfield Road through to Hall Lane and the entrance to St Marys Church. In addition to this the footpath is also part of the designated Public Rights Of Way network in the Borough and is listed as footpath PROW 272-23. This will mean that the footpath will have certain protection under statute as a Public Right Of Way. This element will be managed by Essex County Council as the Highway Authority for the region. The footpath is used regularly and extensively during the day by the pupils of St Mary's School which utilise the entrance from the playing fields as the main pedestrian access to the school. In addition to this there are also two equipped play areas adjacent to the main footpath [one for toddler aged children and the other for older children of greater ability]; there is also a set of swings located on the opposite side of footpath adjacent to the centenary floral garden. All three

areas with play equipment are fenced off with 1.2m high fencing; the two larger play areas have metal bow top railings with 16mm diameter bar and the single set of swings a wooden and metal mesh fence approximately 1.2m in height.

Running along the edge of the footpath on the playing fields side is a line of semi mature trees which range in height from 10 – 15m, these are predominantly deciduous species.

On the main field adjacent to the footpath is a large green open space which forms part of the Courage Playing Fields. This field makes up approximately 30% of the overall size of the site and is generally accepted by the public as the main field for public recreation. In the centre of this field there is an established cricket square with two wickets located within it. The orientation of the square is such that it runs parallel to the footpath and the play areas. This could result in a ball being hit in either the direction of the play facilities or the entrance way from the adjoining field. Although the adjoining field has another cricket square on it, this is also publicly accessible, and regularly used for recreational use by members of the public.

The cricket pitch on the second field adjacent to the play areas does have an outfield line marked on it which is positioned approximately 52m from the centre of the nearest wicket. The line of the footpath is 60m from the nearest wicket and the play area is 63m from the nearest wicket. Under the International Cricket Council (ICC) law 19.1 the playing area shall be a minimum of 137.16m from boundary to boundary square of the pitch, with the shorter of the two square boundaries being a minimum of 59.43 metres. This means that as it currently stands the outfield line currently marked on site does not allow for sufficient distance to accommodate the 59.43m needed.

### **Findings**

Courage Playing Fields is without doubt a popular and heavily used local amenity. As one of only two publicly accessible open space amenities in the ward of Shenfield the demand on its land is significant from multiple users, often with conflicting interests. It is understandable that there will be conflict in these interests with members of the public wishing to enjoy a public facility that is funded by the tax payer as well as conveniently located near residential properties. Conversely, the cricket club wish to enjoy the use of a cricket square that is has invested significant resources into preparing and maintaining and for which they have permission from the Council to use therefore a proactive and balanced approach and conclusion needs to be sought.

Taking the above into account it is felt that there are currently not sufficient steps being taken to safe guard the public or residents from the risk of being hit by a flying or bouncing cricket ball. Although there are mitigating factors that may prevent a ball reaching the footpath and play area, such as the line of trees and railings, these can not be relied upon to stop a ball in motion due to velocity and solidness of the ball. It is very possible that a well struck 'six' could at least penetrate into the area of the footpath and depending on trajectory and angle of descent could also travel over the height of the play area railings [1.2m high] and into either play area. The effects of this type of incident would be serious if a child or adult was hit.

The Council is advised that temporary netting is placed along the boundary of the footpath on match days, but it is not known if this does actually occur, nor how high this netting is and, even if netting is placed out it may not be sufficient in height to prevent a ball from travelling over it.



Under the Occupiers Liability Act 1957 and 1984, section 3 of the Health and Safety at Work Act the Council has a duty of care to all those using the site both within the club and also the wider general public and so it must be mindful to fulfil its obligations both now and into the future when deciding upon the use of its land. Alerting users of the risks by signage only, would be considered inadequate given the age and demographic nature of the visitors and residents that use the playing fields for their enjoyment.

### **Recommendations**

It is recommended that a two-phased approach be taken in addressing this matter with the phases being set out below:

**Phase One** – As soon as is reasonable practicable and without delay, before the commencement of the 2018 cricket season, that the club purchase, at its own expense, a commercial and professional temporary netting system. That it consists of mobile posts that can be placed along not only the length of the entire boundary of the main footpath running through the site, but that it extends in front of the set of swings to the south east of the site, adjacent to the centenary floral garden. In addition, there will be a need to provide temporary netting at each entrance onto and off of the field along the easterly boundary. These areas of netting should extend three metres into the field from the line of trees to provide safe refuge for any member of the public traversing from the main cricket field which has public access, onto what is considered the main public field of the site, where the secondary cricket square is located. The height of the netting should be, as a minimum, 4 metres from ground level. The netting system should be such that it can be installed before the start of a match and then removed at the end of the match and, stored for use another time. It is also advised that the club take photographic evidence of the existence of the netting and its use each time the square is used either for practice or if a match is taking place.

It is also recommended as part of phase one that clear and obvious signage is placed at each entrance on the site that may be used by a member of the public that clearly states that the game of cricket is being played and, that there may be the risk of flying cricket balls. To ensure these are as clear as possible it is recommended that these signs be professionally made 'A' boards that are placed out at each entrance before the commitment of a match and, then removed again at the closure of the match. By undertaking such a step, the club will ensure that a member of the public has to walk past a sign before entering an area where cricket is being played and, as such the person's may not be able to claim they were unaware of a match in progress, subject to several caveats.

**Phase Two** – In light of the risks outlined in this report and the likelihood of serious injury being sustained to a member of the public if they were struck by a travelling cricket ball the use of the second field for cricket is not sustainable in Health and Safety terms in the long term. Therefore, it is recommended that the use of the second field be revised to provide a long-term solution, with steps taken to support the club in establishing a new square and outfield on the section of field to the far side of the main cricket facility. (This field is 'part 776' as set out in the Deed of Gift 1950). This area of land is located away from the main facilities and amenities of the site, such as play areas and surfaced designated footpaths and, so the control of the public and the areas they access would be a much easier process. This action would also allow the club to focus all its activities on a central field, which may allow for greater flexibility of the games played, and, the manner in which the club can manage the facilities provided on Courage Playing Fields i.e. wickets etc. It would also significantly reduce risk of injury to members of the public and residents.

Should you require any further information then please do not hesitate to contact us.

**DEPUTY OPERATIONS MANAGER PARKS & OPEN SPACES**

**CORPORATE HEALTH AND SAFETY**

Day - Brentwood  
Gent J. R. M.  
Subt. Rev. M.

Appendix E

PRESENTED

28 FEB 1950

No. 5494



THIS DEED OF GIFT is made the twenty seventh day of February One thousand Nine hundred and Fifty BETWEEN

EDWARD RAYMOND COURAGE of "Edgcote", Banbury in the County of Oxford and RICHARD HUBERT COURAGE of the same address Esquires (together hereinafter called "the Donors") of the one part and THE COUNCIL FOR THE URBAN DISTRICT OF BRENTWOOD in the County of Essex (hereinafter called "the Council") of the other part.

WHEREAS :-

(A) By a Conveyance dated the First day of December One thousand Nine hundred and Forty-two and made between Raymond Courage of the first part Edgefield Estates and Michael Moore of the second part and the Donors of the third part the property hereinafter described was with other property conveyed unto the Donors in unincumbered fee simple upon trust to sell the same and to hold the proceeds of sale thereof in trust for themselves as tenants in common.

(B) The whole beneficial interest in the entirety of the said property hereinafter described was by virtue of the hereinbefore recited Conveyance and still remains vested in the Donors free from incumbrances.


(C) The Donors are desirous of making a free gift of the said property to the Council in order that the same may pursuant to Section 268 of the Local Government Act 1933 be held and administered by the Council for the purposes of a public open space recreation grounds and playing fields.

(D) At a duly constituted Meeting of the Council held on the First day of March One thousand Nine hundred and Forty-eight it was resolved to accept the said gift for the purposes aforesaid.

(E) The Donors have agreed to convey the said property to the Council subject (a) to the Tithe Redemption Annuity affecting the same (b) to the exceptions and reservations hereinafter contained (c) to the existing easement hereinafter referred to and (d) to the existing tenancy of Edward Austin Gabriel and it was a term of the said agreement that the Council should enter into the covenants hereinafter contained.

NOW THIS DEED WITNESSETH as follows :-

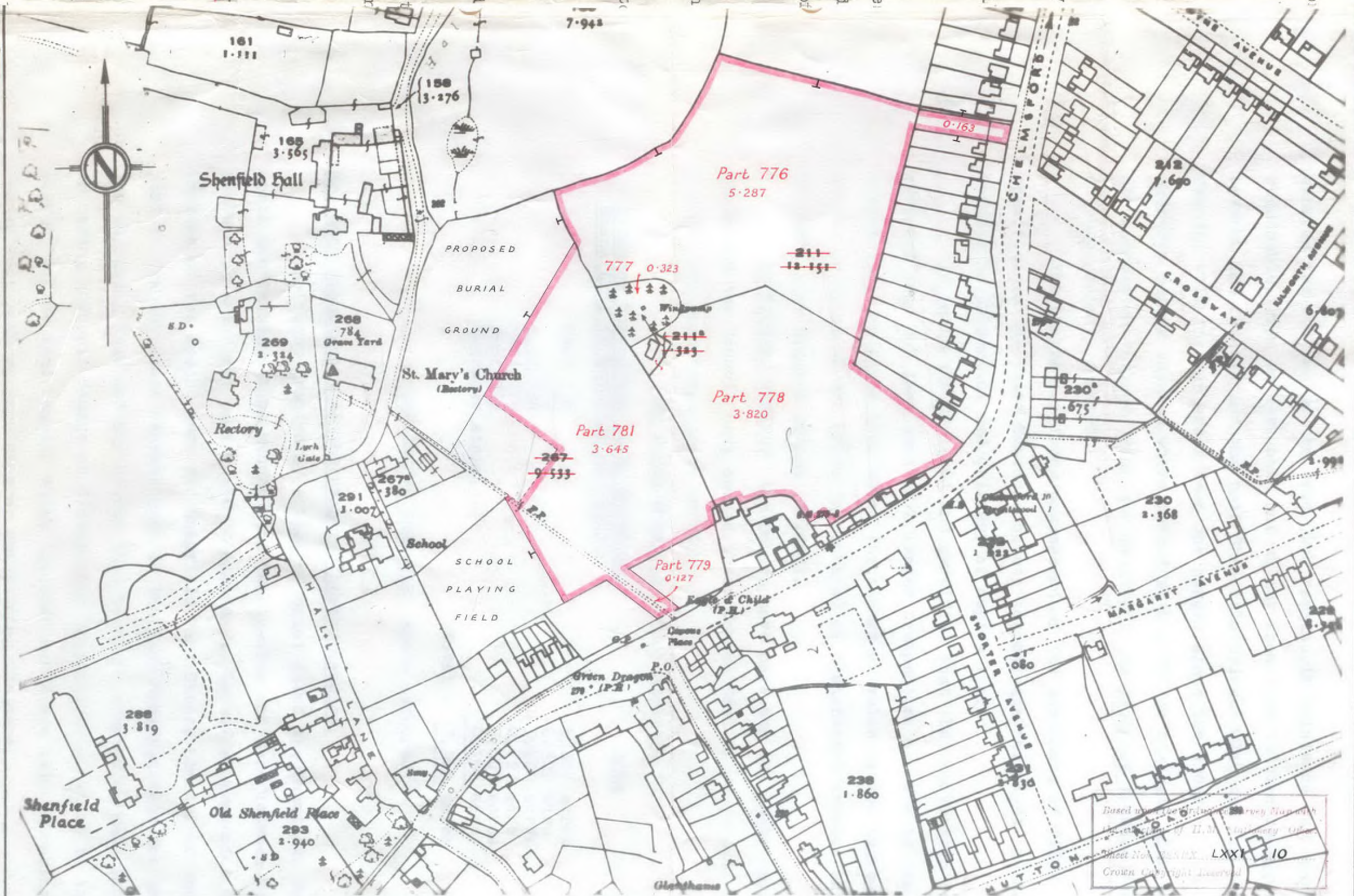
(1) In pursuance of the said agreement and in consideration of the premises the Donors as Trustees HEREBY CONVEY unto the Council ALL THOSE pieces or parcels of freehold land situate in the Parish of Shenfield in the County of Essex and forming part of the Donors' Shenfield Park Estate and containing in area 13.365 acres or thereabouts As the same are more particularly set forth in the First Schedule hereto by reference to the Ordnance Survey and are for the purpose of identification



only more particularly delineated in the plan attached hereto and thereon  
verged with red and are intended to be known hereafter as the "Courage  
Playing Fields" TOGETHER with the easement appurtenant thereto and  
specified in Part I of the Second Schedule hereto But EXCEPT AND  
RESERVING unto the Donors and their successors in title estate owners  
from time to time of the four cottages known as Shenfield Hall Cottages  
a right or easement (1) to have a supply of water to the said cottages  
as at present enjoyed through the existing line of pipes and through any  
line of pipes which may be substituted therefor from the well or wells  
reservoir and windmill pump situate upon the property hereby assured (1)  
for the purpose (if necessary) of repairing the said line of pipes with  
or without contractors workmen servants and others and also with or  
without all necessary vehicles animals machines gear tools and appliance  
to enter upon the part of the land hereby assured through which the said  
line of pipes runs and to dig in or excavate the same or any part thereof  
and to execute and do upon or against the same or any part thereof all  
such works and things as shall be reasonably necessary for repairing  
renewing and generally maintaining the said line of pipes or any portion  
thereof PROVIDED nevertheless that the said rights for water supply  
shall endure only for such period as the present supply of water in or to  
the said well or wells shall continue or until a public supply of water  
shall be available for the said cottages by reason of the laying of a  
water main and on the happening of either of the said events the said  
rights shall absolutely determine TO HOLD the same Except and Reserved  
as aforesaid unto the Council in fee simple free from any resulting or  
other trust in favour of the Donors for the purpose aforesaid but subject  
(a) to Tithe Redemption Annuity as aforesaid (b) to the easement affecting  
the same and specified in Part II of the Second Schedule hereto (c) to  
the existing tenancy of Edward Austin Gabriel and (d) the covenants  
contained in Clause (2) hereof.

- (2) The Council for themselves and their successors in title HEREBY  
COVENANT with the Donors and the persons deriving Title under them (a)  
that the Council will forthwith erect to the satisfaction of the Donors  
and that the Council and their successors in title will thereafter  
maintain for so long as the rights of water supply hereinbefore excepted  
and reserved shall subsist a substantial fence round the well or wells  
reservoir and windmill pump hereinbefore referred to (b) that the Council  
and their successors in title will allow the Shenfield Cricket Club to  
have the use of the cricket ground situate upon the property hereby





A/46/49/

BRENTWOOD U.D. COUNCIL PLAN REFERRED TO

SCALE:  
1/2500<sup>th</sup>

D.A.DALLAS, A.M.Inst.C.E.  
ENGINEER & SURVEYOR  
DATE:

Based upon the original plan of the  
Brentwood U.D. Council  
Sheet No. 1000 LXXI 10  
Crown Copyright Reserved

Easement to which the said property is subject:



assured for so long as the said Club remains in existence and upon such reasonable terms as have been and as may from time to time be agreed between the Council and the said Shenfield Cricket Club and (c) that the Council will forever after keep the hedges along the sides of the property hereby assured where marked with a "T" on the said plan within the boundaries in good order and condition and properly trimmed and the ditches properly cleaned.

(3) The Donors retaining possession of the documents of Title specified in the Third Schedule hereto acknowledge the right of the Council to production and delivery of copies thereof.

(4) It is hereby declared and certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the property conveyed or transferred exceeds One thousand five hundred pounds (£1,500).

IN WITNESS WHEREOF the Donors have hereunto set their hands and seals and the Council have caused their Common Seal to be hereunto affixed the day and year first above written.

THE FIRST SCHEDULE above referred to

<u>Ordnance Survey Nos. (O.S. Sheet No. Essex LXXI 10 Revision of 1937).</u>	<u>Area</u>
Part 776	5.287 acres
777	0.323 acre
Part 778	3.820 acres
Part 779	0.127 acre
Part 781	3.645 acres
Entrance strip	0.163 acre
Total - 13.365 acres	

THE SECOND SCHEDULE above referred to

PART I

Easement appurtenant to the property hereby assured:

The right granted by a Deed of Grant dated the Twentieth day of April One thousand Nine hundred and Twenty-nine and made between Raymond Courage of the first part Hunter Simmonds and Sebastian Frederick Henry Shorter of the second part and Shenfield Park Estate Limited of the third part to use the sewer beneath part of the land hereby assured for draining the adjoining land and any houses that might be erected thereon subject to making good all damage or disturbance that might be caused to the surface of the land beneath which the said sewer was laid in making connections with or repairing or maintaining the same.


PART II

Easement to which the said property is subject:

The right granted by the said Deed of Grant dated the Twentieth day of April One thousand Nine hundred and Twenty-nine to lay and maintain one iron pipe not exceeding Nine inches in diameter beneath part of the land hereby assured.


THE THIRD SCHEDULE above referred to

31st January 1898	Conveyance	Ellen Ann Willmott (1) Joseph Charles Tasker (2) Raymond Courage (3)
15th April 1898	Deed of Acknowledgment	Richard Thornton Thornton to Raymond Courage
20th December 1898	Indenture of Conveyance	The Right Honourable Francis Thomas de Grey Earl Cowper (1) The Most Noble William George Spencer Scott Marquis of Northampton and William Henry Grenfell (2) Raymond Courage (3)
1st February 1938	Agreement for Sale	Raymond Courage (1) Edgefield Estates (2)
1st December 1942	The hereinbefore recited Conveyance of this date.	

 *ER Courage*

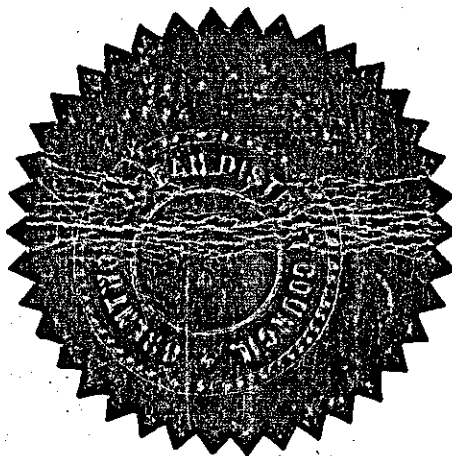
{ SIGNED SEALED AND DELIVERED by the  
said EDWARD RAYMOND COURAGE in the  
presence of :-

*W. J. ...*  
55, Walsall Road,  
Walsall, W.L.O.

 *R. H. Courage*

{ SIGNED SEALED AND DELIVERED by the  
said RICHARD HUBERT COURAGE in the  
presence of :-

*W. J. ...*  
55 Walsall Road  
Walsall W.L.O.



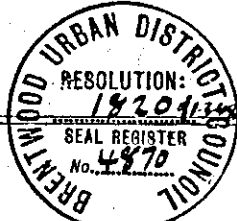
{ THE COMMON SEAL of THE COUNCIL FOR  
THE URBAN DISTRICT OF BRENTWOOD was  
hereunto affixed in the presence of :-

*[Signature]*

Chairman of the Council.

*[Signature]*

Clerk of the Council.



eth

part

(1)

ary

e.

the

the

the

FOR

was

of :-



plaz  
DATED this 27<sup>th</sup> February 1950.

EDWARD RAYMOND COURAGE AND RICHARD  
HUBERT COURAGE

- to -

THE COUNCIL FOR THE URBAN DISTRICT  
OF BRENTWOOD

DEED OF GIFT

relating to the "Courage Playing  
Fields", Shenfield in the County of  
Essex.

END. MDRS.

Enrolled in the books of the Minister of Education pursuant to  
the provisions of Section 6 (2) of the Mortmain and Charitable  
Uses Act, 1888 and Section 1 of the Mortmain and  
Charitable Uses Act, Amendment Act, 1892.

E. Valse.

7 JUL 1950

P19

This page is intentionally left blank

## **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.

## **Community, Health and Housing Committee**

The functions within the remit of the Community, Health and Housing Committee are set out below

- 1) Community and Localism Initiatives including Assets of Community Value
- 2) The Voluntary Sector and community partnerships
- 3) Leisure and cultural initiatives.
- 4) Parish Council liaison
- 5) Health and Wellbeing
- 6) Grants to organisations/voluntary organisations.
- 7) Parks, open spaces, countryside, allotments
- 8) Community Safety and CCTV
- 9) Affordable housing
- 10) Housing strategy and investment programme where the Policy, Projects and Resources Committee does not decide to exercise such functions as the superior Committee
- 11) The Housing Revenue Account Business Plan where the Policy, Projects and Resources Committee does not decide to exercise such functions as the superior Committee
- 12) Housing standards, homelessness, homelessness prevention and advice

- 13) Housing needs assessment
  - 14) Housing benefit - welfare aspects
  - 15) Private sector housing and administration of housing grants
  - 16) Tenancy Management and landlord functions
  - 17) To make recommendations to Policy, Projects and Resources on the setting of rents for Council homes.
2. To take the lead on community leadership and consultation with stakeholders.