



# Agenda

## Community, Health and Housing Committee

Tuesday, 5 March 2019 at 7.00 pm

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

---

### Membership (Quorum – 3 )

Cllrs McLaren (Chair), Bridge, Clarke, Mrs Davies, Mrs Fulcher, Hossack, Poppy, Ms Sanders and Tierney

### Substitute Members

Cllrs Haigh, McCheyne, Naylor, Mrs Pound, Trump and Wiles

---

### Agenda

Item	Item	Wards(s) Affected	Page No
	<b>Content</b>		
1.	<b>Minutes of the Previous Meeting</b>		5 - 16
2.	<b>Apologies for Absence</b>		
3.	<b>Chairs Update</b>	All Wards	17 - 20
4.	<b>Asset of Community Value - Shenfield Library</b>	Shenfield	21 - 70
5.	<b>Housing Audit Update</b>	All Wards	71 - 80
6.	<b>Progress Update on Housing Asset Management, Investment Programme and Compliance</b>	All Wards	81 - 134

<b>7.</b>	<b>Housing Garage Sites</b>	All Wards	135 - 144
<b>8.</b>	<b>Decant Policy (SDM)</b>	All Wards	145 - 172
<b>9.</b>	<b>Housing Civil Penalties</b>	All Wards	173 - 182
<b>10.</b>	<b>Allocations Policy Amendment (SDM)</b>	All Wards	183 - 194
<b>11.</b>	<b>Mental Health Small Grant Scheme</b>	All Wards	195 - 208
<b>12.</b>	<b>Essex Faith Covenant</b>	All Wards	209 - 220
<b>13.</b>	<b>Urgent Business</b>		



Chief Executive

Town Hall  
Brentwood, Essex  
25.02.2019

## 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 meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

#### **Evacuation Procedures**

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



## Minutes

---

### Community, Health and Housing Committee Tuesday, 4th December, 2018

#### Attendance

Cllr Hossack (Chair)	Cllr Mrs Fulcher
Cllr Poppy (Vice-Chair)	Cllr McLaren
Cllr Bridge	Cllr Ms Sanders
Cllr Clarke	Cllr Tierney
Cllr Mrs Davies	

#### Also Present

Cllr Naylor  
Cllr Russell

#### Officers Present

Angela Abbott	-	Interim Head of Housing
Kim Anderson	-	Partnership, Leisure and Funding Manager
Stuart Anderson	-	Deputy Operations Manager
Phoebe Barnes	-	Interim Financial Controller
David Carter	-	Environmental Health Manager
Zoey Foakes	-	Governance & Member Support Officer
Stuart Morris	-	Interim Housing Policy Manager
Nicola Marsh	-	Housing Manager
Andrea Pearson	-	Senior Policy Planner
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Chief Operating Officer

#### 128. Apologies for Absence

No apologies were received with all Members present.

#### 129. Minutes of the Previous Meeting

The Chair corrected the previous minutes relating to Empty Homes in the Chairs report. This was regarding to "The Chair expressed frustration that no progress had been made on the suggestion to employ two people to progress bringing empty properties back into use". The Chair corrected this by stating that he was not frustrated not to employ two officers but what he wanted was

to join up with other Essex Councils and have 2 people to address the matter of Empty Homes.

### **130. Chairs Update**

Members noted the updates from Officers set out in the Agenda.

The chair updated Members on the Parking consultation. This agenda item was deferred at Policy, Projects and Resources (PPR) Committee on 20<sup>th</sup> November 2018 which would alter the timeline as it would need come back to the next PPR Committee in March 2019 before it could advance.

Mrs Abbot updated Members on the Member engagement taking place within Housing Services:

Housing Services had recognised that Members received a high number of housing related enquiries and improvements to communication in specific enquiries were needed in order to proactively notify ward members of issues that have arisen in their wards.

Following discussions with the Chair and Vice-Chair together with some other members that had raised this as an issue, options were being considered for improving the service provided.

One of the options was to better utilise the member casework system so that Officers could raise casework to relevant ward members to notify them of any issues that may affect residents within their ward. The benefit of utilising this system, was that the information could be held centrally, and both members and caseworks could monitor updates more effectively and would comply with data protection regulations.

Other considerations included introducing morning/afternoon member surgeries, which could be held on a fortnightly basis where members could either 'drop in' or have pre-scheduled appointments to meet with relevant housing managers and discuss housing issues that affect their wards. This could initially be on a trial basis and then reviewed again at the end of a trial period.

It was hoped that once the proposal was finalised with approval from the Chair and Vice Chair of Housing and this proposal would be communicated to all members.

The Chair thanked Mrs Anderson and the Community Services team for the work undertaken for the recent Lighting Up Brentwood event.

### 131. Housing Civil Penalties

*(Cllr Poppy declared a non-pecuniary interest under Council's Code of Conduct on the virtue that he is a Landlord within Brentwood and left the room for this item).*

The Housing and Planning Act 2016 introduced a number of amendments to the Housing Act 2004. Local housing authorities have the power to impose civil penalties of up to £30,000, as an alternative to prosecution for offences under the Housing Act 2004.

The report sought to introduce civil penalties for Housing Act offences

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

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

1. **Members approve the introduction of fixed penalties as an alternative to prosecution where appropriate for offences under the Housing Act 2004.**
2. **Officers are instructed to prepare a schedule of fixed penalties to be considered at the next meeting for adoption.**

#### **Reasons for Recommendation**

In order to keep enforcement practices up to date with current legislation and to provide appropriate resolution to offences committed with less reliance on lengthy and expensive Court action to deal with offences

### 132. Housing Audit Update Report

The report was intended to update the Community, Health & Housing Committee of the outcome of the 2016/17 and 2017/18 Audit reviews for Housing Services. Those Audits were included in the Council's approved Audit plans for 2016/17.

The outcome of the 2016/17 internal audit review was reported to the Audit Committee on the 27<sup>th</sup> September 2017 ("Audit Report 1 – May 2017").

The outcome of the 2017/18 internal audit review was reported to the Audit Committee on the 14<sup>th</sup> December 2017 ("Audit Report 2 – June 2017").

Both Audit reports would enable the Housing Service to concentrate on specific areas highlighted by the Audit recommendations to implement the essential service improvements as part of the ongoing transformation programme.

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

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

1. That the Committee receives and notes the progress made from the 11<sup>th</sup> September 2018 committee report as outlined in both Audit Reports (as summarised in Appendix A of the report).
2. That the Committee agree that a further report on progress made on implementing the recommendations is presented to the next Committee.
3. That the Committee agrees to authorise Officers to include Housing Audits within the 2019/20 Draft Internal Audit Plan.

#### **Reasons for Recommendation**

To monitor the progress of work against the highlighted actions recommended arising from the Audit Report and management actions in response to those recommendations.

#### **133. Rent Setting 2019/2020**

The report sought the recommendations of the Community, Health and Housing Committee on the proposed rent levels for 2019/20.

The recommendations would be considered by the Policy, Projects and Resources Committee when the final recommendation would be made as part of the budget setting process. The final decision would be made by Ordinary Council on the 28<sup>th</sup> February 2019.

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

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

1. To decrease Rent by 1% from April 2019.
2. That Shared Ownership rent be increased by CPI + 1%.
3. To increase General Fund Property Rents by CPI + 1%.
4. To apply a 1% increase to Garage Rents.
5. To note that Service charges have been reconciled and charges have been increased or decreased so they are brought in line with actual costs and that no increase will exceed CPI + 1%.
6. To apply the formula rent to all new tenancies from April 2019/20.
7. To note that all rents, excluding garage rents, will be charged at CPI



**+ 1% from 2020/21 for the next 5 years.**

#### **Reasons for Recommendation**

The recommendation was to follow the guideline 1% decrease 2019/20 and to note that rents from 20/21 would be increased by CPI plus 1%.

The following assumptions had been taken into account when considering the Rent Setting for 2019:

- The financial viability of the HRA business plan
- Provision for a repair's capital programme
- Development funding for new homes
- No allowance has been made for growth bids
- Affordability for tenants

#### **134. Fees and Charges**

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

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

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

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

**That Members agree to the proposed fees & charges for 2019/20 as attached in Appendix A-H subject to the budget setting process.**

#### **Reasons for Recommendation**

Officers review the fees and charges annually and this would be used to inform the 2019/20 budget setting process.

#### **135. Requests By Shenfield Cricket Club for Additional Fixtures of Courage Playing Fields Park Field**

Shenfield Cricket Club use two areas at Courage Playing Fields [see appendix A of the report], the first is the clubs original field on the land and was the field named in the 1950 deed of gift as the "Cricket ground situate upon the property".

The 27th February 1950 deed of gift makes one reference to the Shenfield Cricket Club "*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*".

The second field was the main park field and permission was granted by the Council via the Leisure, Recreation and Arts Committee on the 27<sup>th</sup> September 1993 for the club to establish a second cricket square on site due to the increase in playing members at the club.

The permission was granted with conditions, two of which were that the facility should be used for cricket on one day of the weekend and the other that the permission be reviewed at a later date [min. 304].

Each year, prior to the season starting, the club submitted to the Council a list of fixtures for that season that are due to be played on the [second] main park field.

In recent years the list of fixtures had increased in number and two seasons ago the club requested use of the field on both days of the weekend so that it could take part in an initiative to introduce young children to the sport of cricket, this had meant that the Council's permission had been needed before fixtures could go ahead.

Due to the timing of when fixtures were released by the respective leagues against the calendar of Committee meetings it had not always been possible to grant the club permission for all the requested fixtures in time before the season commences.

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

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

**That members delegate authority to the Chief Operating Officer in conjunction with the Chair of Committee to approve the fixtures list submitted by Shenfield Cricket Club for the use of the main park field at Courage Playing Fields prior to the commencement of each season.**

#### **Reasons for Recommendation**

To introduce an expedient process by which the fixtures list of Shenfield Cricket Club [fixtures on park field only] could be approved outside of the Committee cycle calendar.

### **136. King Georges Playing Fields**

A Leisure Development Partner, Alliance Leisure Services was appointed to develop a sustainable business plan for King George's Playing Fields, one of the key projects that sat under the Council's Leisure Strategy. The business plan had been completed and officers had reviewed it around the assumptions of the capital investment required, the projected income generation and the proposed management arrangements, all which would be integral to the success of the project. The report before Members tonight sets

out the recommended approach to the successful delivery of the project. The report would also need to be referred to Policy, Projects and Resources Committee to agree the budget requirement for the project and subject to that agreement would also need to be referred to the relevant planning committee for consideration.

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

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

**1. That Members agree that officers obtain external legal advice on the preferred operational model for the pavilion building and outdoor adventure play as part of the development of King George's Playing Fields.**

**2. That the report is referred to Policy, Projects and Resources Committee on 5 February 2019 to consider the budget requirement and the operating model for the pavilion and adventure play on King George's Playing Fields.**

**3. That subject to the budget requirement being approved by Policy, Projects and Resources Committee, that delegated authority is given to the Chief Executive Officer in consultation with the Leader of the Council and the Chair of Community Health and Housing Committee to submit a planning application to the relevant Planning Committee for consideration**

#### **Reasons for Recommendation**

As part of the Council's due diligence in delivering a successful Leisure Strategy, Members and offices need a complete picture of the current associated costs, risk profiles of the Borough's Leisure facilities and identify opportunities for income generation.

Comments from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy was required that assesses Council owned sports and leisure facilities in order that the Council could continue to work with partners to ensure that appropriate provision was made for the residents of Brentwood. The strategy should not only consider how the Council could provide services, but also how other partners could. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what would be included in the Council's Infrastructure Delivery Plan. Following the feasibility work, the Council would then be able to determine which projects would be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.

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

### **137. Play Pitch Strategy, Built Facilities Strategy and Local Football Facilities Plan**

Sport England required Local Authorities to have an up to date Play Pitch Strategy (PPS) to ensure “there is a good supply of high-quality playing pitches and playing fields to meet sporting needs of local communities.” The Play Pitch Strategy and the Built Facilities Strategy (BFS) were evidenced based documents which informed the Council’s Local Development Plan and Leisure Strategy to plan and develop modern, efficient and sustainable community-based sports facilities. The Strategies had been undertaken in consultation with the National Governing Bodies (NGBs) of Sport, Sport England and the local clubs that own/use leisure facilities develop the recommendations and a priority action plan of improvement. It would also identify future strategic development requirements to meet anticipated demand. There was also a wider piece of work which had been undertaken as part of the Association of South Essex Local Authorities (ASELA) in the development of the Joint Strategic Plan to identify cross-cutting themes that could be addressed across local authority boundaries across South Essex area.

The Local Football Facilities Plan for Brentwood had been developed with the Football Association to focus on the specific requirements for football. The Football Association were developing plans for each district authority.

The Play Pitch Strategy, Built Facilities Strategy and the Local Football Facilities Plan have been agreed and signed off by the NGBs and Sport England, and they are before Members tonight for their consideration.

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

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

**1. That Members note the Play Pitch Strategy, the Built Facilities Strategy and the Local Football Facilities Plan for Brentwood.**

**2. That Members agree that these recommendations will be incorporated into the overall Leisure Strategy 2018-28 Action Plan.**

#### **Reasons for Recommendation**

Sport England required local authorities to have an up to date Play Pitch Strategy (PPS) to ensure “there is a good supply of high-quality playing pitches and playing fields to meet sporting needs of local communities.” That together with the Built Facilities Assessment the Play Pitch Strategy would inform the Council’s Local Development Plan and its Leisure Strategy to ensure facilities were high quality and meet the current and future need of the residents. Working with the other South Essex authorities means that strategic investment was planned across the whole area ignoring local authority boundaries.

### **138. Feasibility Study - Brentwood Centre Site**

Members would be aware of the recommendations of the Play Pitch Strategy, the Built Facilities Strategy and the Local Football Facilities Plan for Brentwood, which was a separate report within the agenda. The recommendations in respect of football looked at the need for additional 3G pitches ideally as part of a football hub, and the Brentwood Centre site was identified as a priority. The site was also home to Brentwood Town Football Club and there is an urgent need for the club to upgrade its changing room facilities to meet the requirements of the Bostick League. It was proposed that the Council work with the club, the Football Foundation and the Bostick League to look at a viable solution for the club. It was also proposed that a feasibility study was undertaken to explore the potential development of a football hub at the Brentwood Centre site which would support a number of clubs including Brentwood Town Football Club. This would identify preferred location, configuration, surveys required and external funding sources to reduce any budgetary considerations required by the Council.

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

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

**1. That Members agree for the football feasibility study to be undertaken for the Brentwood Centre site including options for Brentwood Town Football Club and this report is referred to Policy, Projects and Resources Committee for their consideration and approval.**

**2. Subject to the approval of Policy, Projects and Resources Committee, officers commence a compliant procurement process for a feasibility study to be undertaken and that a report is brought back to the relevant committee(s) for the preferred option for the site.**

#### **Reasons for Recommendation**

The Leisure Strategy was one of the key strategies of the Corporate Plan 2016-2019. The development of a football hub would not only support club development but the wider community development for football in the Borough and provide high-quality facilities to meet the current and future demand.

### **139. Play Area Strategy**

The Council's Leisure Strategy was agreed by Members at the Community Health and Housing Committee and Policy Projects and Resources Committee. One of the workstreams that sits under the Leisure Strategy was the play areas. The report before Members tonight was the Council's five-year Play Area Strategy which set out the clear strategic vision for the future of the Council's play areas.

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

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

- 1. That Members agree to the Play Area Strategy and associated guidelines within as attached in Appendix A of this report.**
- 2. That the Play Strategy is referred to Policy, Projects and Resources Committee as part of the phased budget requirements.**
- 3. That subject to budget approval officers look at a compliant procurement exercise and that this process is brought back to the Community Health and Housing Committee.**

#### **Reasons for Recommendation**

As part of the Council's due diligence in delivering a successful Leisure Strategy, Members and officers need to have a complete picture of the current associated costs, risk profiles of the Borough's Leisure facilities and identify opportunities for income generation.

Comments received from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy was required that assesses Council owned sports and leisure facilities in order that the Council could continue to work with partners to ensure that appropriate provision was made for the residents of Brentwood. The strategy should not only consider how the Council could provide services, but also how other partners could. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what would be included in the Council's Infrastructure Delivery Plan. Following the feasibility work, the Council would then be able to determine which projects would be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.

#### **(Appendix D – Site Map appended to Minutes)**

#### **140. Event Plan 2019-2020**

Currently the Council's organises Family Fun Days, Strawberry Fair, Lighting Up Brentwood and Shenfield Christmas Fayre. The planned events programme for 2019/20 was before Members in Appendix A (of the report), which would be subject to Members agreement and also subject to the annual budget setting process.

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

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

**That Members agree to the Event Plan for 2019/20 as set out in**

## **Appendix A of the report, subject to the annual budget setting process.**

### **Reasons for Recommendation**

The Community events programme provides a platform for all service areas across the Council to promote new initiatives, projects or as a means of consultation with the public. The Council would work with the local business clusters, community groups and voluntary sector organisations to develop the community events so that would enhance and support the local community.

### **141. Brentwood Community Fund**

The Brentwood Community Fund was set up to give Brentwood's communities the opportunity to provide local initiatives to improve the quality of life for local people living in the borough. The Community Fund of £16,300 was currently allocated within an existing 2018/19 budget, and grants of up to £2,000 were available for applicants. The funding was open from 2 April until 28 September 2018. A summary of the applications and the officers scoring sheet was attached in Appendix B of the report.

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

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

**That Members agree to fund those projects highlighted in green as outlined in Appendix B out of the Community Fund.**

### **Reasons for Recommendation**

Each application had been subject to a robust, independent and transparent scoring process to ensure fairness in the allocation of funding (**Appendix C of the report**).

Once received the applications were scored by a panel of officers looking at the following key priorities:

- Evidence that the bid meets the criteria, the Council's priorities and expected outcomes
- Evidence that the community has been involved in the development and implementation of the project
- Evidence that the bid supports the promotion of volunteering and community participation
- Evidence that the applicant has sought additional external funding or in-kind value (such as the use of volunteers) for the project
- Evidence that the project is sustainable once the Council's contribution has ceased.

Once the applications were individually scored they were ranked by their score. The recommendations by officers of the projects that met the key

priorities and the amount of funding that is recommended is attached in **Appendix B** of the report.

Those applications marked green are recommended to receive funding.

Notifications would be made to all those applicants that applied. Successful applicants would also have to agree to any terms stipulated within the conditions of the grant being awarded. Successful applicants would also need to complete a self-monitoring report once their project has been completed.

Any unsuccessful applicants to the Community Fund would be offered the following support: Face to face meeting with the Partnership, Leisure and Funding Manager to review their prospective application; offered a funding training session via Brentwood Council for Voluntary Services which included tips on submitting a good funding application. Members would also be encouraged to assist in this process; Organisations would also be signposted to the Open 4 Community on the Council's website to look at other sources of external funding to support their project if applicable.

#### **142. Urgent Business**

The Chair brought a matter to the Committee which was discussed confidentially and asked members of the public to leave.

The meeting concluded at 9:07pm.



**5<sup>th</sup> March 2019**

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

### **Chair's update report**

**Report of:** *Zoey Foakes – Governance and Member Support Officer*

**Wards Affected:** *All Wards*

**This report is:** *Public*

Members to note updates from Officers set out below.

### **King George's Playing Fields**

At the 4 December Community Health and Housing Committee it was recommended that the King George's Playing Fields report was referred to the Policy, Projects and Resources Committee to agree the budget allocation and the operating model. The budget would be considered as part of the budget setting process which was ratified at Ordinary Council on 27 February. Whilst the budget allocation has been approved, no monies will be drawn down until Members agree the full business case which will come to Policy, Projects and Resources Committee in June 2019 (committee dates are yet to be set).

Two pre-app planning meetings have taken place and a public consultation event will take place on 14 March in King George's. It is expected that a planning application will be submitted for consideration by the July Planning Committee.

Meetings have also taken place with contractors around the design of the outdoor adventure play and the new splash pad facility.

Officers have also met with Short Breaks to look at the inclusive provision within King George's Playing Fields as part of the improvement works.

### **Play Area Strategy**

At the 4 December Community Health and Housing Committee it was recommended that the King George's Playing Fields report was referred to the Policy, Projects and Resources Committee to agree the budget allocation. The budget would be considered as part of the budget setting process which was ratified at Ordinary Council on 27 February. The budget allocation has been approved and officers are looking at a procurement exercise that will include one procurement exercise for the three phases of King George's Playing Fields (Toddler [2019-20], Junior [2020-21], and Senior [2021-22]). The outdoor gym in Warley Playing Fields Ward is currently being installed and it is likely to be opened just before Easter this year. Other works planned for 2018/9 include

the Toddler Play Area in Courage's Playing Fields, New Slide in Bishops Hall Park and refurbishment of the whole play area in River Road.

### **Football feasibility**

A report is going to the 19 March Policy Projects and Resources Committee to agree to the funding of a football feasibility study for the Brentwood Centre site. This will inform the location, footprint and facility mix for the development of a football hub on the Brentwood Centre site and form part of the overall business plan which will come back to committee for their consideration.

### **Community Halls**

It was agreed at the 20 November 2018 Policy, Projects and Resources Committee that Members agreed for officers to prepare documents and commence a compliant procurement exercise for the management of the Community Halls and Ward Members be consulted on those halls within their ward; and that at the conclusion of that exercise that delegated authority is given to the Chief Executive in consultation with the Chair of Policy, Projects and Resources Committee to negotiate and subject to viability agree new leases for the management of the Community Halls. It should be noted that a change of operator will have a financial impact on the Brentwood Leisure Trust. Officers will circulate the documents to the relevant ward members in respect of the halls in their wards as set out below.

Bishops Hall – Pilgrims Hatch ward members Barry Aspinall, Vicky Davies and David Kendall

Merrymeade House – Brentwood North, ward members Alison Fulcher, Phil Mynott and Melissa Slade

Hutton Poplars Hall, Hutton Poplars Lodge – Hutton North, ward members Louise McKinlay and William Trump

Nightingale Centre - Warley, ward members Paul Barrell, Nigel Clarke, Mark Haigh

Willowbrook Hall – Hutton Central, ward members John Kerslake and Charles Nolan

### **Health and Wellbeing Board**

The Brentwood Health and Wellbeing Board had relaunch event on 25 January at Brentwood Community Hospital. The Friendship Café has been set up at Merrymeade House, meeting on the first Monday of the month between 10-12noon. 39 businesses have been signed up to the TuckIN project which aims to reduce salt, fat and sugar and calories through portion sizes. The project is up for an award in the Public Health Category of the LGC Awards.

### **Mental Health Small Grants Scheme**

The Mental Health Small Grants scheme is currently open with an allocated pot of £8,000 available for projects and initiatives that support Mental Health initiatives in the

borough. Applicants can apply for up to £1,200 and the fund is due to close on 21 March 2019.

### **Active Brentwood**

A joint annual networking meeting took place at Orsett Hall on 1 March which will involve Active Brentwood, Active Basildon and Active Thurrock which had a focus on Mental Health. It was attended by over 60 people.

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

<b>Name:</b>	Zoey Foakes
<b>Telephone:</b>	01277 312733
<b>E-mail:</b>	zoey.foakes@brentwood.gov.uk

This page is intentionally left blank

**5 March 2019**

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

### **Asset of Community Value – Shenfield Library**

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

**Wards Affected:** *All wards*

**This report is:** *Public*

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

**1.1.** The Localism Act 2011 introduced the Community Right to Bid, a new right for local people to nominate buildings or pieces of land that they believe contribute to the social interests or wellbeing of their local communities to be listed on a register of Assets of Community Value (ACVs), managed by the local authority. The Right applied to public and private property, although there are a number of exceptions under the legislation, including private residences. Where land is listed as an ACV, if an owner of a listed asset subsequently wishes to dispose of it, there will be a period of time during which the asset cannot be sold, or a qualifying lease granted or assigned (a qualifying lease is a lease originally granted for a 25year term). This period is known as a moratorium and would ultimately be for a period of six months. The moratorium is intended to allow community groups the time to develop a proposal and raise the required capital to bid for the asset when it comes onto the open market at the end of that period. The owner is under no obligation to accept a bid from the community group and can sell the property to whomever they wish once the six-month moratorium is over

**1.2.** A nomination has been received to list Shenfield Library as an Asset of Community Value and this report asks the Committee to make a decision on this nomination.

#### **2. Recommendations**

**That Members agree to:**

**2.1 List the land as indicated on Appendix 2 of the report as an Asset of Community Value;**

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

- 3.1 A report was presented to Policy, Performance and Resources Board on 7 December 2011 (min ref. 386) so that members were aware of the implications for the Council of the Localism Act 2011 which was given Royal Assent on 15 November 2011. Part of the Localism Act 2011 includes the ability for communities to be able to ask for community assets to be put on a register of 'Assets of Community Value'. These assets can include local pubs, shops, village halls, libraries and community centres.
- 3.2 A subsequent report was presented to Strategy and Policy Board on 20 November 2013 (min ref. 264) recommending that delegated authority to determine whether nominations should be included within the list of assets of community value, be given to the Head of Borough Health, Safety and Localism in consultation with the Chair of Strategy and Policy Board and relevant ward Councilors; and that the officer grade for carrying out and determining reviews be at Head of Service level or above.
- 3.3 The consultation part of the delegation was changed at Ordinary Council on 22 October 2014 (min. ref. 213) that the Communities Committee be granted delegated authority to determine applications/nominations for designation of Assets of Community Value.
- 3.4 The Localism Act provides an opportunity for communities to raise finance to competitively bid when a community asset comes on the open market. This is achieved through a legal framework governed by the Local Authority. The Act allows communities to nominate assets of community value (ACV's). The council is given eight weeks to determine whether it meets the criteria for listing from the date of submission, and then places its decision on the list. When the owner of a listed asset wishes to dispose of it, the Act introduces a delay or 'moratorium' before he or she can do so, to give any interested and eligible community groups the time to prepare a bid. However, at the end of the moratorium period the owner can sell to whomever they choose at a price agreed by the buyer.
- 3.5 The Council received a valid nomination (**Appendix A**) on 15 January 2019 from Shenfield and Hutton (morning) WI (Charity no. 291804) in relation to the land as indicated on the attached site plan in **Appendix B**. The regulations made under the Localism Act 2011 require the Council to determine within 8 weeks whether to list the nominated asset. Therefore, the deadline for a decision is 12 March 2019 which is why this report is before Members tonight.

- 3.6 In broad outline the new provision under the Localism Act 2011 for listing an Asset of Community Value and subsequent disposal are set out in **Appendix C**. In particular Members are reminded of what is meant by a relevant disposal of a listed asset (see. 1.15 of **Appendix C**).

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

- 4.1 The essential statutory test for an ACV is set out in Section 88 of the Localism Act 2011. It is for the local authority to judge whether the criteria are met (subject to any challenge by way of judicial review). The criteria are set out as follows:
- 4.2 **Is the nominating organisation an eligible body to nominate?** Officers have checked and confirmed that Shenfield and Hutton (morning) WI are a registered charity as such are an eligible body to nominate the land as an Asset of Community Value.
- 4.3 **Does the nominating body have a local connection to the asset?** Yes. Shenfield and Hutton (morning) WI operates in the Shenfield and Hutton area and has 113 members living locally.
- 4.4 **Does the nomination include the required information about the asset?** (This includes the proposed boundaries, names of the current occupants of the land and names and current or last known address of those holding a freehold or leasehold estate on the land). All of the necessary information was supplied to the Council (see Nomination form) **Appendix A** and (site plan) **Appendix B**.
- 4.5 **Is the nominated asset outside one of the categories that cannot be assets of community value (a residence together with land associated with that residence; land in respect of which site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960; and operating land as defined in section 263 of the Town and Country Planning Act 1990).** The land indicated is not one of the exempt categories that **cannot** be listed as an ACV, so this nomination cannot be ruled out on that principle.
- 4.6 **Is the current (or recent) usage which is subject of the nomination and actual and non-ancillary usage?** The current usage as submitted in the nomination form is a community library.
- 4.7 The Council also needs to consider if in their opinion **(a) an actual current use furthers the social wellbeing or social interests of the local community, and (b) it is realistic to think that there can**

**continue to be non ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.** They may take into account the following:

**What is the 'local community' of the asset as defined by geographical area?** Officers consider that this would include the Borough of Brentwood and the immediate surrounding areas especially Shenfield and Hutton.

**What is the current/recent use of the asset?** The nominated asset's current usage is as a community library.

**How well is the asset used?** The nominee states that the library has a footfall of about 300 people per week (75,000 visits per annum). It currently provides a reading and book lending service. The nominee states that the usage is one of the highest in Essex. The library has 4,000 active users, supports 30 book clubs, had a summer reading challenge in which 35 staff and volunteers taught 900 children to read. It also provides books on prescription (mental health) and magazine and newspapers.

**What will be the impact if the usage ceases?** The nominee states that "there will be a decrease in cultural activity in the area due to the loss of display area for local art group. There will be lower book lending and reading (as Brentwood Library is more distant) and lower likelihood of local primary school children walking to or visiting a library. Increase social isolation and loneliness of elderly people, carers (including young mothers) and people with social, mental or physical disabilities. Decrease in local recreational activities as it is a meeting place for several book clubs, has display stands for local societies/clubs to display their membership activities, less walking to library (and more driving) and loss of venue for social groups (e.g. knit and natter, meditation group). Loss of a safe haven for breast feeding mothers (only place in locality) and secondary school children doing homework whilst awaiting return of their parents from work. More difficulties for those without a computer to access the internet and many government departments. Decrease in amount of public accessing public consultation documents."

**How does it meet the social interests of the community as a whole and not users/customers of a specific service?** *For information in the Act 'Social interests' includes each of the following – cultural interests, recreational interests and sporting interests.* Provides a resource for information especially those that are not able to access via on line. It also acts as a community centre which promotes family and community



wellbeing and supports a safe and cohesive community. Examples include baby massage; baby and toddler rhyme time twice a week; meditation group 9 three times a month); knit and natter (fortnightly); monthly art displays from local groups; coffee and crime (monthly); online/computer access; information about local clubs/societies; it provides a safe space for children to do homework; home tutoring and exam venue for excluded pupils; provides a venue for public consultation documents such as highways; Council recycling bags; hearing aid batteries. See also 4.10.

**How is the asset regarded by the local community (community consultation, evidence of support)?** There is an on-line petition to 'Save Shenfield Library' which has been signed by over 1,000 people.

- 4.8 Members also need to consider whether it is realistic to think that there can continue to be non-ancillary use of the asset which will further the social wellbeing or social interests of the local community.
- 4.9 The recent usage of Shenfield Library would suggest that it would seem reasonable that there can continue to be non-ancillary use of the asset which will further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 4.10 The Library Service is the responsibility of Essex County Council (ECC) and they recently undertook a public consultation 'Essex Future Library Services Strategy 2019-24' which closed on 20 February 2019. Whilst no final decision has been made after the consultation as yet, ECC are considering a tiered service for library services going forward. This means that there will be one main 'hub' library (Tier 1) per district; Tier 2 library services in areas where there is a need for them, managed by ECC as part of their statutory provision of a comprehensive network and delivered in partnership with the community or other partner; (Tier 1 and 2 will provide the core offer); Tier 3 in locations where no library service is needed in order to have a comprehensive and efficient network, but where ECC wishes to support the provision of library services run by the community or partner organisation with ECC support. Shenfield Library was identified as a Tier 3 Library. Tier 3 community-run libraries will supplement the core offer. ECC envisage that the premises would be owned or paid for by the community or partner organisation. If the building is no longer required, then it will be incorporated into the Essex County Council property strategy.
- 4.11 Whilst no decision has been made and the final strategy has not been published, the draft Library Services Strategy states that ECC are still

looking to support some kind of library provision in Shenfield in partnership with a community or partner organisation going forward.

## **5. Reasons for Recommendation**

- 5.1 The nomination has passed the Council's due diligence tests including the submission of evidence that the group is eligible to nominate. The nomination passes the first statutory test as it clearly furthers the social interests and wellbeing of the local community.
- 5.2 Shenfield Library is within the scope of ECC Libraries Strategy. No decision has therefore been taken about the future of Shenfield Library and the options for the site include an option in which the building is offered to the local community to run as a community library. Both this option and others are currently possible and so there is a realistic chance that the asset will continue to provide the activities for which it has been nominated. The nomination therefore passes the second statutory test.
- 5.3 The Council could decide not to list Shenfield Library as an Asset of Community Value, but this would mean that it was not fulfilling its statutory duty under the Localism Act 2011.

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

- 6.1 Assets of Community Value sit under the Community and Health strand enabling communities to do more for themselves.

## **7. Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 [phoebe.barnes@brentwood.gov.uk](mailto:phoebe.barnes@brentwood.gov.uk)**

- 7.1 Under the Assets of Community Value regulations, the local authority is responsible for paying compensation in respect of listed assets within its area. There is no statutory cap on the amount of compensation that may be payable in respect of any one claim, and a local authority may face multiply claims in any one year. The Department for Communities and Local Government has issued guidance in relation to the Community Right to Bid. With regard to compensation claims, any individual or total payments of over £20k in a financial year will be funded by the government. In addition, a New Burdens grant has been allocated to all administering councils to cover the costs associated with implementing the new scheme.

- 7.2 Whilst the funding from government will help to meet some of the costs of the new arrangements, local authorities will still be expected to fund the first £20k of any compensation payments.
- 7.3 The current balance in the Community Rights to Bid reserve has a balance of £37,644.
- 7.4 The land owner of Shenfield Library is Essex County Council. Brentwood Borough Council has the right to list the land as the land sits within Brentwood Councils jurisdiction. The monies sitting in the Earmarked Reserve can be used to fund any future compensation regarding this asset if it is registered as an Asset of Community Value.
- 7.5 Where the valuation of the asset changes in value, then compensation could be payable.

#### **8.0 Legal Implications**

**Name & Title: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer**

**Tel & Email: 01277 312 874 gina.clarke@brentwood.gov.uk**

- 8.1 The Council has a statutory responsibility to comply with the provisions as set out in the Localism Act and Regulations made under the Act, to list assets nominated by community groups as assets of community value the statutory tests set out in the Act. The legal requirements for listing assets as assets of community of community value are incorporated into the main body of the report.

Where the Committee considers that the nominated asset has been properly nominated, is in the Council's area, meets the definition, and is not excluded, the Council must list it and inform all specified parties. The Council must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register.

If the owner objects to their property being placed on the List, they will have a right to an internal review by the council of the decision to list. If the owner remains in disagreement with the listing after the internal review, they have a right of appeal to an independent Tribunal.

The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. However the fact that the site is listed may affect planning decisions if an application for change of use is submitted, considering all the circumstances of the case.

As mentioned in the financial implications of this report, the Council is responsible for administering the compensation for private property owners. However, this will not be available to public bodies.

**9.0 Equality and Diversity implications** - The process will be fair and consistent for all members of the community and therefore it is not anticipated that there will be any direct impact on individual community groups or members.

**10.0 Risk Management implications** – As stated in the report, there is a risk that the potential moratorium which could relate from the listing on any substantial change of use of Shenfield Library could have a financial impact if it resulted in a delay in implementing plans for the ECC Library Service.

**11.0 Appendices to this report**

Appendix A – Nomination of land Shenfield Library

Appendix B – Site Map

Appendix C – Provisions under the Localism Act 2011 relating to Assets of Community Value.

**12.0 Background documents**

Localism Act 2011

**Report Author Contact Details:**

**Name:** Kim Anderson

**Telephone:** 01277 312634

**E-mail:** [kim.anderson@brentwood.gov.uk](mailto:kim.anderson@brentwood.gov.uk)

## **Brentwood Borough Council**

### **Assets of community value**

#### **Nomination form**

#### **For including land on the List of Assets of Community Value**

Community Right to Bid - Assets of Community Value Regulations 2012

Please ensure that you provide adequate and accurate information to enable Brentwood Borough Council to make a decision on your nomination. You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination. For information and guidance about how Brent Council considers nominations for assets of community value, please visit WEB PAGE link

Completed forms should be sent either via email to [localism@brentwood.gov.uk](mailto:localism@brentwood.gov.uk) or by post to:

Community Assets Register  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY

## 1. About your Organisation

### a) Contact Details

Name of your organisation:	<input type="text" value="Shenfield &amp; Hutton (morning) WI"/>
Address:	<input type="text"/>
Name of Contact Person:	<input type="text"/>
Phone:	<input type="text"/>
Email:	<input type="text"/>

### b) Eligibility for applying

To be eligible to nominate a community asset for listing, you must be a voluntary or community body:

- A neighbourhood forum
- An unincorporated body whose members include at least 21 members and does not distribute any surplus it makes to its members
- A charity
- A company limited by guarantee which does not distribute surplus to members
- An industrial and provident society which does not distribute surplus to members
- A community interest company.

Also please demonstrate how a 'local connection' exists namely how your organisation's activities are wholly or partly concerned with the local authority's area or with a neighbouring borough's area.

In the case of an unincorporated body, company limited by guarantee and an industrial and provident society, these have a 'local connection' if any surplus generated is applied for the benefit of the borough, or a neighbouring borough.

In the case of an unincorporated body it has a local connection if the body has 21 local members, namely persons who are on the register of local government elections for Brent, or a neighbouring borough.

1. If you are an incorporated organisation please describe the legal form of your organisation including registration number(s) where applicable (e.g. company limited by guarantee, charitable organisation, community interest company etc.)

Organisation Type:	Charity
--------------------	---------

Registration Number(s):	291804
-------------------------	--------

2. If your organisation carries out activities for profit please describe below how you use the surplus that is generated.

Shenfield & Hutton (morning) WI is a charity – everything it does must be compatible with that special legal status.

As a charity, it is active in the Shenfield & Hutton community and raises money for other charities.

It does not carry out activities for profit.

3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

Shenfield & Hutton (morning) WI is a charity – it is not an unincorporated organisation.

4. Please describe how your organisation has a local connection to the area where the asset has been identified:

Shenfield & Hutton (morning) WI is a branch of the national Women's Institute (WI). The national WI is the largest voluntary women's organisation in the UK.

The branch operates in the Shenfield & Hutton area and has 113 members living locally.



## 2. About the Asset

- a) Please give your reasons why Brentwood Borough Council should include the land on its List of Assets of Community Value

In order to list land or buildings the Council must be of the opinion that:

1. An actual current use of the building or other land ( which is not ancillary use) furthers the social wellbeing or social interests of the local community and
2. It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

**Or**

3. There is a time in the recent past when an actual use of the building or other land (that was not an ancillary use of the building or other land) furthered the social wellbeing or social interests of the local community and
4. It is realistic to think there is a time in the next five years (where there could be non-ancillary use of the building or other land) that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community

Please provide information below which supports your nomination having regard to the test set out above.

Shenfield library is currently used as a community library. It has a footfall of about 300 people per week (75,000 visits pa) who use the premises as:

- Reading and book lending service. Usage is one of the highest in Essex. The library has 4,000 active users, supports 30 book clubs, had a summer reading challenge in which 35 staff and volunteers taught 900 children to read, provides books on prescription (mental health) and magazines/newspapers.
- Community centre which promotes family & community wellbeing and supports a safe & cohesive community. Examples include weekly baby massage; baby & toddler rhyme time twice a week; meditation group (three times a month); knit & natter (fortnightly); monthly art displays from local groups; coffee and crime (monthly); online/computer access; information about local clubs/societies; safe space for children to do homework; home tutoring and exam venue for excluded pupils; public consultation documents such as highways; Council recycling bags; hearing aid batteries.

b) Description of the nominated land including its proposed boundaries

Shenfield library, Hutton Road, Brentwood CM15 8NJ.

Its boundaries are the public pavement on three sides and fencing with concrete posts and timber panels to the rear.

The building has steps and ramp access to a lobby area (currently with 7 desks, 6 computers and 6 chairs) with access to a meeting room with cupboard and to the main library room. The main library room is a large area on two levels with multiple bookshelves and tables, ramp access between the levels and access to a large work/staff room. The work/staff room has access to two toilets, kitchen with sink, appliances and cupboards and ramp access to a car park. The car park has spaces for eight cars and a disabled person space. To the rear of the main library room there is a boiler room, store room and alleyway. To the front and one side of the library, there are lawned areas.

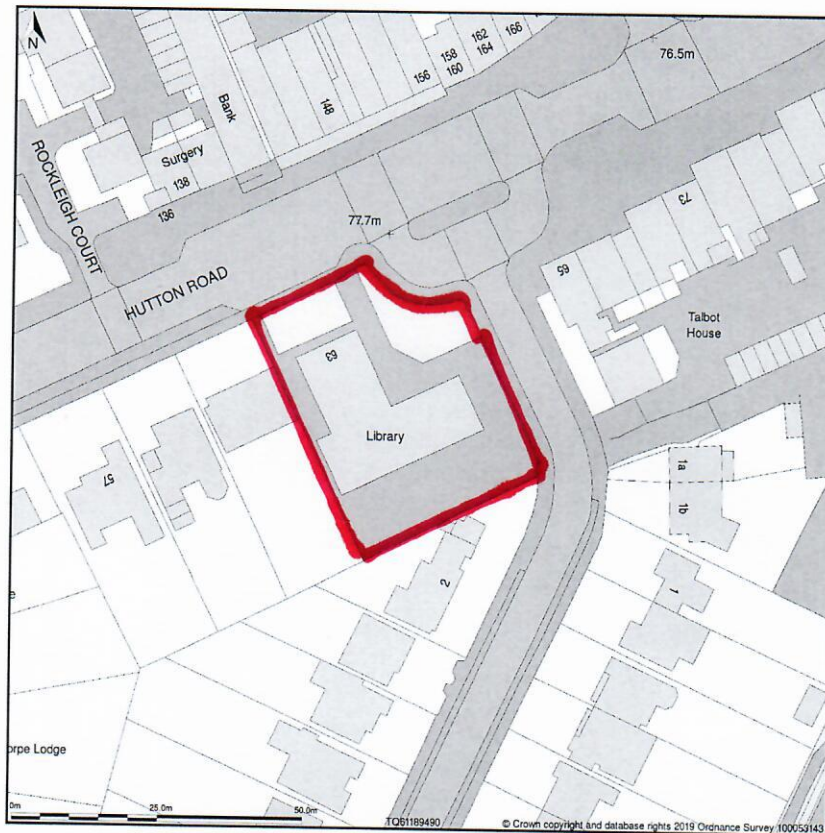
c) Names of current occupants of land

Essex County Council library services.

d) Names and addresses (or last known address) of all those holding a freehold or leasehold interest in the land

Essex County Council, County Hall, Market Road, Chelmsford CM1 1QH

Shenfield Branch Library, 63, Hutton Road, Shenfield, Essex, CM15 8NJ



Site Plan shows area bounded by: 561114.99, 194832.84 561256.41, 194974.26 (at a scale of 1:1250), OSGridRef: TQ61189490. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 23rd Jan 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00386477-DF1D02

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are Copyright © Pass Inc Ltd 2019

This page is intentionally left blank



Department for  
Communities and  
Local Government

Appendix C

## Community Right to Bid: Non-statutory advice note for local authorities

Part 5 Chapter 3 of the Localism Act 2011 and the Assets of  
Community Regulations 2012

© Crown copyright, 2012

*Copyright in the typographical arrangement rests with the Crown.*

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This document/publication is also available on our website at [www.communities.gov.uk](http://www.communities.gov.uk)

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Telephone: 030 3444 0000

October 2012

ISBN: 978-1-4098-3662-9

# Ministerial foreword



From local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them. As a result they find themselves bereft of the assets that can help to contribute to the development of vibrant and active communities. However on a more positive note, the past decade has also seen a significant rise in communities becoming more active and joining together to save and take over assets which are significant for them.

Part 5 Chapter 3 of the Localism Act, and the Assets of Community Value (England) Regulations, which together deliver the Community Right to Bid, aim to encourage more of this type of community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme will give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, more time to raise finance and prepare to bid for them.

This scheme requires an excellent understanding of the needs of the local community. As such local authorities will have a pivotal role in implementing the Community Right to Bid, working with local communities to decide on asset listing, ensuring asset owners understand the consequences of listing, enforcing the Moratorium period and in taking decisions as part of any appeals process

This advice note, which has non-statutory status, is aimed at helping local authorities to implement the scheme so that they can work with their communities to protect the buildings and amenities which are of great local significance to the places where people live and work.

A handwritten signature in black ink, appearing to read 'Don Foster', with a horizontal line underneath.

**The Rt Hon Don Foster MP**

# Contents

Section 1	Introduction and scope of the advice	1
Section 2	Outline of how the scheme works	2
Section 3	List of assets of community value	7
Section 4	Who may nominate	10
Section 5	Contents of nominations	12
Section 6	Procedures when considering listing	13
Section 7	Procedure to be followed for listing review	14
Section 8	Appeal against a listing review	15
Section 9	Moratorium	16
Section 10	Compensation	18
Section 11	Internal review of compensation	20
Section 12	Enforcement	21
Annex A	Exemptions	22
Annex B	Glossary	26



# Section1

## Introduction and scope of advice

- 1.1 The Localism Act (“the Act”) was enacted on 15 November 2011<sup>1</sup>, and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Regulations made under those provisions came into force, both on 21 September 2012.
- 1.2 The status of this advice note is non-statutory and applies only to England.
- 1.3 A glossary of terms is at Annex A at the end of this guidance.

---

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted>

# Section 2

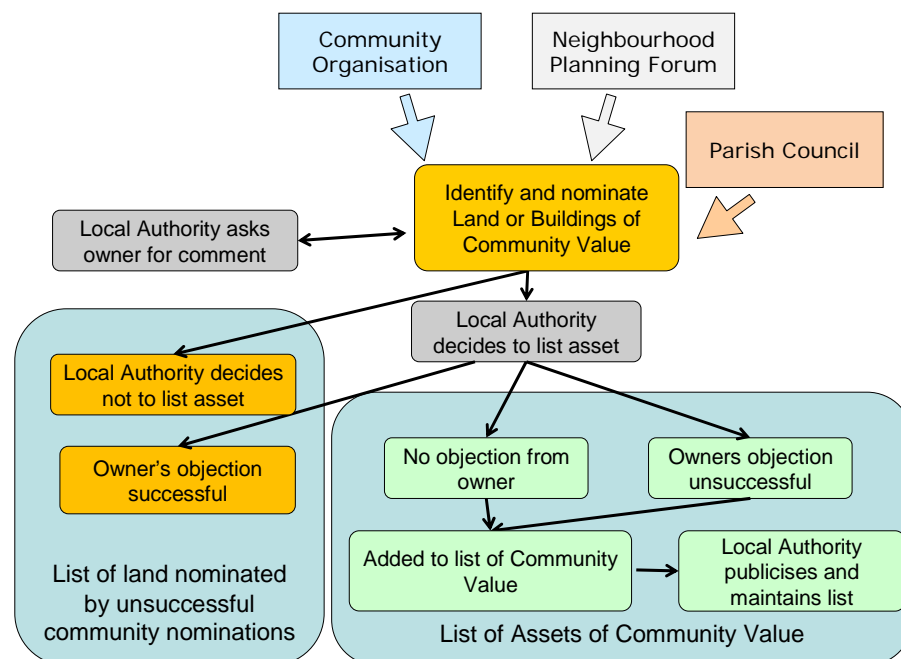
## Outline of how the scheme works

- 2.1 The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. It can be listed if a principal (“non-ancillary”) use of the asset furthers (or has recently furthered) their community’s social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.
- 2.2 The Assets of Community Value legislation places requirements on the following local authorities in England:
- (a) a district council,
  - (b) a county council for an area for which there are no district councils,
  - (c) a London borough council,
  - (d) the Common Council of the City of London, or
  - (e) the Council of the Isles of Scilly.
- 2.3 The scheme has two main parts: nominating and listing assets and the moratorium.

## Nominating an asset

- 2.4 It is open to parishes and community organisations, including neighbourhood forums (as constituted under section 61F of the Town and Country Planning Act 1990, added to that Act by the Localism Act) to nominate local assets to their local authority, to be included on the list of assets of community value. Nominated assets may be owned by anybody, including the local authority and the Crown.
- 2.5 A neighbouring parish council can nominate an asset. Where the land is in a parish area, this means a parish which shares a border with it; or if an asset is in an unparished local authority area, so that there is no immediately adjoining parish council within the same local authority area, a parish council that borders the local authority could nominate an asset.

- 2.6 The local authority will then have 8 weeks to make a judgement about whether the asset meets the definition set out in section 88 of the Act or whether it falls into one of the excluded categories, including residential property, set out in Schedule 1 to the Regulations.
- 2.7 If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and inform all specified parties (including the parish council). They must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register in Form QQ (for details see below under Enforcement).
- 2.8 If the owner objects to their property being placed on the List, they will have a right to an internal review by the council of the decision to list. The details of this process are set out below. If the owner remains in disagreement with the listing after the internal review they have a right of appeal to an independent Tribunal.
- 2.9 If the local authority do not agree that the asset nominated meets the section 88 definition, or it is in one of the excluded categories, they must place it on a list of assets nominated but not listed. If an owner is successful in their appeal against listing at internal review or Tribunal stage then the asset must also be moved to the list of unsuccessful nominations. It is for the local authority to decide how long they hold unsuccessful nominations on this list. The intention of this is to ensure transparency and to avoid multiple nomination of an asset that does not meet the definition.

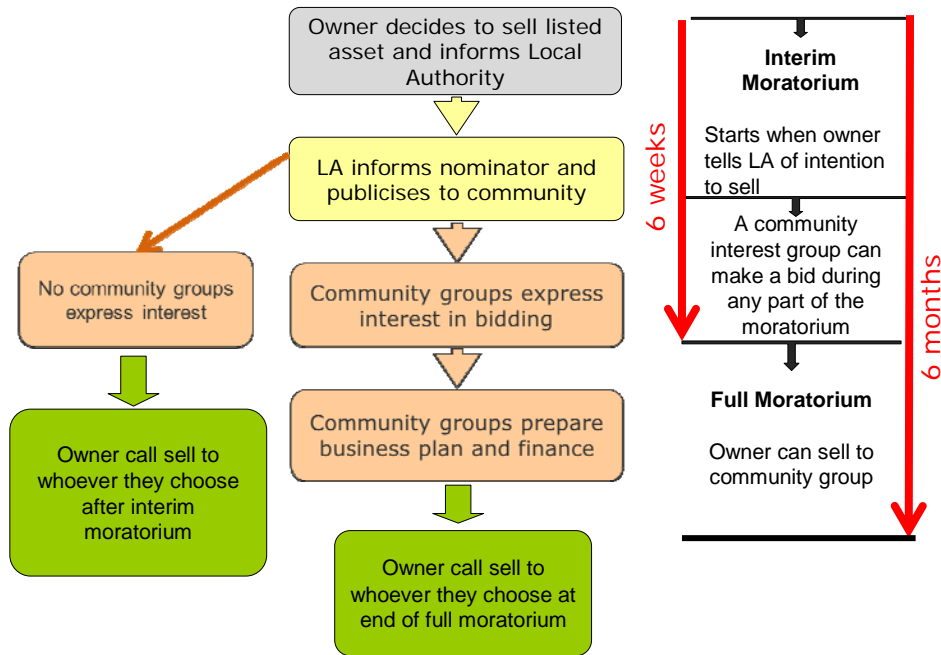


## Moratorium

- 2.10 Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).
- 2.11 Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
- 2.12 The first part of this window is a 6 week interim period, which will apply in all cases, from the point the owner notifies the local authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks.
- 2.13 If a community interest group as defined in regulation 12 of the Regulations (referring to the bodies in paragraph (1) (d) to (g) of regulation 5) does make a request during this interim period, then the full 6 month moratorium (again from the point the owner notifies the local authority) will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.
- 2.14 After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to **whomever they choose and at whatever price**, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell). The process and lengths of the moratorium periods are contained in section 95 of the Act<sup>2</sup>.

---

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2011/20/section/95/enacted>



- 2.15 Not all proposed sales have to be notified to the local authority however. A range of disposals will be exempted from the provisions. A number are set out in section 95(5) of the Act, and others are in the Regulations. The full list of exemptions is given in Annex A.

## Compensation

- 2.16 The scheme recognises that these provisions may have some financial impact on owners and provides a compensation scheme for private property owners. This will not be available to public bodies. The local authority will be responsible for administering the compensation scheme, including assessing and determining compensation awards. Owners and former owners will have rights of review and appeal regarding the authority's compensation decisions (see Section 10).

## Enforcement

- 2.17 The scheme provides for various mechanisms to encourage compliance by requiring local authorities to:
- Inform owners and other interested parties that an asset has been listed
  - enter on the local land charges register the fact that an asset has been listed; and

- in the case of registered land, apply for a restriction on the Land register.

2.18 Additionally, to give a strong incentive to owners to comply with the scheme, non-compliant sales will be void (ineffective), meaning that the change of ownership has not taken place (regardless of whether it has erroneously been registered on the Land Register - which would have to be rectified once the fact that the sale was void was discovered). However this penalty will not apply if the owner was unaware through no fault of their own that the land was listed when it was sold.

## What the provisions do not do

2.19 These provisions do **not** restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do **not** confer a right of first refusal to community interest groups (unlike the Scottish scheme).<sup>3</sup>

2.20 The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

---

<sup>3</sup> <http://www.scotland.gov.uk/Topics/farmingrural/Rural/rural-land/right-to-buy/Community>

# Section 3

## List of assets of community value

- 3.1 In addition to the list of assets, local authorities are required to maintain a list of assets nominated unsuccessfully by community nomination. The local authority may remove land from this second list whenever it considers would be appropriate. Local authorities must publish both lists; it is up to them to decide how they publish them, but they must make them available for free inspection by any person and must provide a free copy of either to anyone who asks for it (but are not required to provide more than one free copy of each). The two lists may be combined into one document if the local authority wishes. The list of unsuccessful nominations must include reasons for the land not being listed.
- 3.2 It is up to local authorities to decide on the detailed contents and layout of the lists and when to modify them, except for the following requirements.
- 3.3 Local authorities are required to add to the list of assets, as soon as practicable:
- a) that a notification by the owner of intention to dispose of the land has been received by the local authority and the date this was received
  - b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period
  - c) where relevant, that the full moratorium has been triggered
  - d) where (c) applies, the identity of the community interest group that triggered the full moratorium
- 3.4 Local authorities are required to remove an asset from the List, as soon as practicable:
- a) after a relevant disposal (other than an exempt disposal)
  - b) when an appeal against a listing has been successful
  - c) when they form the opinion that the land or building is no longer of community value
  - d) or no later than 5 years from the date of entry on the list.

## Land which may, and may not, be listed as an asset of community value

3.5 If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Act. A building or other land in a local authority's area is land of community value if in the opinion of the authority —

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

3.6 There are some categories of assets that are excluded from listing. The principal one is residential property. This includes gardens, outbuildings and other associated land, including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal where they are in the same ownership as the associated residence. Details of this are set out in paragraphs 1 and 2 of Schedule 1 to the Regulations. "The same ownership" includes ownership by different trusts of land settled by the same settlor, as well as literally the same individual owner.

3.7 There is an exception to this general exclusion of residential property from listing. This is where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

3.8 There are two further categories of assets excluded from listing:

- (a) Land licensed for use as a residential caravan site (and some types of residential caravan site which do not need a licence), in paragraph 3 of Schedule 1 to the Regulations.



(b) Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990, in paragraph 4 of Schedule 1 to the Regulations.

# Section 4

## Who may nominate

4.1 Local authorities cannot list land on their own initiative - it must be nominated. For a local group to be able to nominate land it will have to demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority (an authority which shares a boundary with the authority in which the asset is located).

4.2 The voluntary or community bodies which may make community nominations are set out below:

**Parish Councils.** This may be for an asset in its own area, or in the neighbouring parish council.

**Neighbouring Parish Councils.** If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.

**Unincorporated groups.** Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

**Neighbourhood forums.** The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

**Community interest groups with a local connection.** These must have one or more of the following structures:

- a) A charity
- b) A community interest company
- c) A company limited by guarantee that is non profit distributing

d) An industrial and provident society that is non- profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

- 4.3 In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

# Section 5

## Contents of a nomination

- 5.1 A nomination must include the following information for the local authority to consider:
- I. A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.
  - II. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
  - III. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
  - IV. The nominator's eligibility to make the nomination.
- 5.2 Local authorities may wish to consider having a named point of contact for community groups to send their nominations to.
- 5.3 Community nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination - it is only listing which brings the statutory provisions into play.

# Section 6

## Procedure when considering listing

- 6.1 The local authority is required to make a decision in response to a nomination within 8 weeks of receiving the nomination.
- 6.2 The local authority must take all practicable steps to inform the following if an asset has been nominated:
- a parish council (if any) in which the land lies (or partly lies),
  - the owner as defined in section 107 of the Localism Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act. In summary this is the freeholder or, if the asset is leased, the leaseholder with the lease most distant from the freehold which when granted had at least 25 years to run. So if there are a number of leases the leaseholder with a qualifying lease or sub-lease most distant from the freeholder is the owner for the purposes of these provisions.
  - all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, and any other leaseholder apart from the owner; and
  - any lawful occupant (which could include a licensee).
- 6.3 When an asset is added to or removed from the list, the local authority must inform the owner, the occupier of the land if not the owner, and the successful community nominator of the asset. This is set out in section 91(2) of the Localism Act.<sup>4</sup>
- 6.4 Local authorities must also inform any freeholders and leaseholders of the asset who are not the owners, together with the parish council the land lies in (or partly lies in), that an asset has been added to, or removed from, the list. (See regulation 9 of the Regulations)
- 6.5 A local authority which is not able to give notice to any of these people in the usual way – for instance due to lack of names or addresses – can take reasonable alternative steps to bring the notice to a person's attention. This could include, for instance, a notice attached to the property. (See section 91(2) of the Act)

---

<sup>4</sup> <http://www.legislation.gov.uk/ukpga/2011/20/section/91/enacted>

# Section 7

## Procedure to be followed for listing review

- 7.1 If an asset has been included on the List, an owner has the right to request the local authority to review its decision, under section 92 of the Act. The deadline for the owner to request this review is set out in paragraph 1 of Schedule 2 to the Regulations: it is 8 weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring listing to the owner's attention) or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.
- 7.2 Basic procedural rules for the review are set out in Schedule 2 to the Regulations. It must be conducted by an officer of appropriate seniority, who did not take part in the decision to list. The owner may appoint a representative and the local authority will be required to provide all relevant documents to the representative.
- 7.3 The owner and/or their representative may make representations to the reviewer orally and/or in writing. The authority must complete their review within 8 weeks, unless a longer period has been agreed in writing.
- 7.4 The owner and authority will bear their own costs of the review.
- 7.5 If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the local authority's review decision. The written response following the internal review should inform the owner of their right to an independent appeal. The owner making the appeal can be either the same owner who requested the review, or - if the property has been sold in the meantime - the new owner.

# Section 8

## Appeal against a listing review

- 8.1 An owner's appeal against a local authority listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.
- 8.2 Owners should send the appeal in writing to the First-Tier Tribunal at:
- Tribunal Clerk,  
Community Right to Bid Appeals  
HM Courts & Tribunals  
First-tier Tribunal (General Regulatory Chamber)  
P.O. Box 9300  
Leicester, LE1 8DJ
- 8.3 Owners may also send an appeal to the First-Tier Tribunal by email at: [GRC.CommunityRights@hmcts.gsi.gov.uk](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)

# Section 9

## Moratorium

- 9.1 The moratorium requirements, as set out in section 95 of the Act, apply only to relevant disposals. “Relevant disposal” is defined in section 96. It means a transfer of the freehold or grant or assignment of a qualifying lease which gives vacant possession of the buildings and other land in question. However they will not apply to all relevant disposals, as some types of relevant disposal are exempt. These exemptions are partly in the Act and partly in the Regulations; the full combined list is set out in Annex A below. The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be demolished without being sold, the moratorium rules in section 95 do not apply.
- 9.2 An owner of a listed site may not make a relevant disposal of their asset during the 6 week interim moratorium period (unless it falls within one of the exemptions or is to a community interest group). This interim moratorium runs from the date the local authority receives notification from the owner of their intention to dispose of their listed asset
- 9.3 Once the local authority has been notified of the intent to dispose, they are required to update the list to show the owner’s intention to dispose and to give the interim and full moratorium end dates, and the end date of the protected period. The nominating community group must be informed. The local authority must also publicise all of these matters in the neighbourhood of the asset in question. It is for the local authority to determine how they do this.
- 9.4 During the interim moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. A community interest group must have one or more of the following structures:
- (a) A charity
  - (b) A community interest company
  - (c) A company limited by guarantee that is non profit distributing
  - (d) An industrial and provident society that is non profit distributing
- (these groups will be renamed as community benefit societies by the



Co-operative and Community Benefit Societies and Credit Unions Act 2010 when the relevant provisions come into force)

- 9.5 Once a local community interest group makes a written request to the local authority during the interim moratorium period to be treated as a potential bidder, the owner may not dispose of their asset during the full 6 month moratorium (except as permitted). The local authority must as soon as practicable let the owner know that this request has been received (section 98 of the Act).
- 9.6 There is one type of disposal that may be made during a moratorium. An owner may sell during the interim or full moratorium period to a local community interest group – i.e. one which either did, or would have been eligible to, trigger the full moratorium.
- 9.7 There are a number of types of disposals which are exempt from the moratorium requirements, as set out in section 95(5) of the Act and in Schedule 3 to the Regulations. The full list of exemptions is set out in Annex A.

# Section 10

## Compensation

- 10.1 Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 10.2 The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.
- 10.3 Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 10.4 The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however once it has all the facts the authority should reach a decision as quickly as is practicable.
- 10.5 The compensation scheme does not extend to public authorities and bodies. These are defined as:
- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
  - bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
  - local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998

- 10.6 As with other costs incurred by local authorities in meeting the requirements placed on them, we have reflected the estimated costs of compensation within the new burdens funding. The compensation elements of new burdens funding are estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year.
- 10.7 In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.
- 10.8 Local authorities can write into the department with a request for financial support providing evidence of the compensation costs incurred either in writing to:
- Albert Joyce,  
Community Assets Team,  
5/A4 Eland House,  
Bressenden Place  
London  
SW1E 5DU
- or by email at: [righttobid@communities.gsi.gov.uk](mailto:righttobid@communities.gsi.gov.uk)
- 10.9 New Burdens payments will be processed and made available to all administering local authorities in England (as set in section 106 of the Localism Act) on 15 October. We will write to local authority finance officers to inform them about the payment. The department will also notify local authorities in the same way for the periods April 2013 and April 2014.

# Section 11

## Internal review of compensation decision

- 11.1 The Regulations provide that an owner who is not satisfied with the local authority's response to the compensation claim may request a review by the local authority of its compensation decisions. Schedule 2 to the Regulations provides that the owner must make the request within a period of 8 weeks, beginning on the date on which the local authority provides the owner with written notification of the decision. The local authority may allow longer for a review request to be made.
- 11.2 The local authority must review their decision, and notify the owner of the result within 8 weeks of receiving the request, with reasons. The procedure for the review, in Schedule 2 to the Regulations, is the same as for the local authority's review of a listing decision.

## Independent Appeal

- 11.3 An owner may appeal to a Tribunal against the local authority's review decisions on compensation. As with listing appeals, the deadline for the appeal is in the Tribunal Rules – 28 days from receiving the local authority's decision on the compensation review. Only the owner – or former owner – who requested the review may appeal against the review decision (i.e. unlike with listing appeals, a new owner who bought the land following a request for a review may not appeal against the compensation review decision).
- 11.4 As with listing appeals, the current position is that the appeal will be to the General Regulatory Chamber of the First-tier Tribunal.

# Section 12

## Enforcement

- 12.1 The Regulations introduce a clear penalty for non compliance, and measures to minimise the chance of a disposal not being compliant with the scheme. These will be achieved partly by amendment to the Land Registration Rules 2003.
- 12.2 Local authorities are required to add that an asset has been listed to the local land charges register. This will ensure that all prospective new owners will be aware that an asset has been listed, since local land charges apply to both registered and unregistered land.
- 12.3 Local authorities are required to notify the owner that their asset has been listed and inform them of the implications. Owners are required to inform local authorities that the land has been entered on the Land Register as a result of an application for first registration, and also to inform the local authority if they have become the new owner of listed land (together with giving their name and address details) .
- 12.4 Amendments to the Land Registration Rules 2003 have been made to add further safeguards against non-compliance. Local authorities are required to apply to the Land Registry for entry of a restriction on the Land Register when they list a building or other land as an Asset of Community Value, or, if necessary, where the owner of the listed asset has changed. This restriction will be in a form of wording newly added to Schedule 4 to the Rules, as Form QQ. This is “No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011“. An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.
- 12.5 When a listed asset is disposed of, and a new owner applies to the Land Registry to register a change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

# Annex A

## Exemptions

With regard to the following exemptions (with the exception of the first), the local authority will usually not know that the disposal is taking place, because an owner who is confident that the transfer they contemplate will be exempt will not need to notify the authority of intention to sell under section 95(2) of the Act. In some cases an owner may not be sure whether they are going to succeed in making an exempt disposal or not – for instance if they wish to sell the land together with a business sold as a going concern – and may notify the authority as a precaution. In that situation, if they were successful in arranging an exempt disposal, they could enter into a binding contract during the moratorium period. There is no requirement in the legislation that in such circumstances the owner has to explain to the local authority that the disposal is exempt. However it would be helpful for them to do so, and authorities might want to include advice to this effect in any explanation they send to owners about how the moratorium rules work.

The full list of exemptions is as follows. The first is in a different category to the remainder, in that the moratorium rules will have been triggered by notification from the owner, but the sale will be able to take place during the moratorium. Categories (b) to (j) are in section 95(5) of the Act, and (k) to (y) are in Schedule 3 to the Regulations. Item (f) – part-listed land – is partly defined in the Act, and partly in the Regulations.

- a. disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see regulation 13(1)
- b. disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
- c. disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
- d. disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate
- e. disposals between family members (“family member” is defined in section 95(7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents, but not the grandparents)
- f. part-listed land – i.e. sale of a site only part of which has been listed – where it meets the requirements set out in the Regulations (see concluding paragraph for details)

- g. sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)
- h. disposals occasioned by somebody becoming or ceasing to be a trustee
- i. disposal by trustees in connection with the trust, as specified
- j. a disposal occasioned by a person becoming or ceasing to be a partner in a partnership
- k. transfers made in pursuance of a court order
- l. transfers (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for care of dependent children
- m. a transfer (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with "incapacity" being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters
- n. a disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into *after* the land is listed would count as a relevant disposal under section 96(4) of the Act)
- o. disposals of a description which brings them within the Crichton Down rules (where the land was acquired by compulsory purchase but is no longer needed, and the disposal is by way of return to the original owner or their descendants) – see DCLG Circular 06/04 "Compulsory Purchase and the Crichton Down Rules":  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918885.pdf>
- p. sale by a lender under a power of sale (i.e. where the land was security for a loan)
- q. disposal of land under bankruptcy or other insolvency proceedings – the wording is "insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986", which gives a very wide definition of insolvency proceedings
- r. compulsory purchase disposals (see the wide definition of "statutory compulsory purchase" in regulation 1, which includes disposals by a purchaser deemed to acquire the land compulsorily under a statutory blight notice, and also disposals by agreement where a compulsory power could be used)

- s. the grant of a agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986
- t. transfers between connected companies in a group of companies (using the definition of “group undertaking” in section 1161(5) of the Companies Act 2006, modified to restrict “undertaking” to a body corporate)
- u. disposals of part-listed land – this is the second part of the definition, the other part being in the Act – section 95(5)(e)<sup>5</sup>. See final paragraph below for details.
- v. disposals of closed Church of England churches under Part 6 of the Mission and Pastoral Measure 2011: the lengthy process in Part 6 of the Measure involves public consultation, and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate.
- w. disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1(1) of the National Health Service Act 2006)
- x. a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy
- y. disposal of land subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the Assets moratorium rules were complied with.

## Details regarding part-listed land and land with a residence

Similar rules apply for determining how much land constitutes land with a residence (for exclusion from listing in Schedule 1 to the Regulations) and how much land constitutes a single site for qualifying as a part-listed site (as an exempt disposal in Schedule 3 to the Regulations). In order to ensure that the same rules apply to registered and unregistered land, the approach taken has not been based on title. Instead, it is necessary to look at whether the site in question is one coherent parcel of land all owned by a single owner, so

---

<sup>5</sup> the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –

- (1) part of which is land included in a local authority’s list of assets of community value, and
- (2) part of which is land not included in any local authority’s list of assets of community value.



that it is possible to reach one part from another without crossing land owned by somebody else. However there are two qualifications to be taken into account:

- Firstly, “a single owner” has an expanded meaning covering more than simply the same person or joint owners. It includes also trustees of different trusts of land which was settled by the same settlor – see definition of “single owner” in regulation 1.
- Secondly, where it would otherwise be reasonable to regard the land as one coherent parcel, the fact that it is crossed by a road, railway, canal or river in other ownership is to be ignored.

# Annex B

## Glossary

<i>Asset</i>	A building or other land
<i>The Community Right to Bid</i>	The name by which the Assets of Community Value scheme is commonly known.
<i>Land of community value</i>	Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future. See section 88 of the Act.
<i>List of assets of community value</i>	A list maintained by a local authority of land in its area of community value. See section 87 of the Act.
<i>Voluntary or community body</i>	A group which can nominate land, so long as it has a local connection with the land. See regulation 5.
<i>Local connection</i>	The requirement that a group’s activities and use of any profits (where relevant) must be concerned with the local authority area or a neighbouring authority area. In the case of a parish council, the requirement is that it must share a border with the relevant area in which the asset lies. See regulation 4.
<i>Relevant disposal</i>	The transfer of the freehold, or the grant or assignment of a lease originally granted for at least 25 years, giving vacant possession to the new owner. See section 96 of the Act.

### *Exempt disposal*

A relevant disposal for which the land owner does not have to observe section 95(1) of the Act. There are two sorts of exempt disposal:

- one where the owner does notify the local authority of intention to sell, so that the moratorium applies, but can sell during the moratorium to a community interest group;
- fully exempt disposals where the owner can simply go ahead without notifying the local authority at all. These are set out in section 95(5) of the Act and Schedule 3 to the Regulations.

### *Moratorium period*

A period of time during which the owner of listed land cannot make a non-exempt relevant disposal, other than to a voluntary or community body. There are two moratorium periods (see section 95(6) of the Act), both running from the same start date (when the owner notifies the local authority of an intention to sell):

- the interim moratorium - 6 weeks;
- the full moratorium - 6 months.

### *Protected period*

A period of 18 months (running from the date the owner notified the local authority of an intention to sell). Once any moratorium period has finished, the same owner can sell during the remainder of the protected period without having to comply with the section 95 requirements again.

### *Listing review*

A review by a local authority at the request of the owner of their decision to list a building or other land as an asset of community value. See section 92 of the Act, and for procedure on the review Schedule 2 to the Regulations.

<i>Compensation review</i>	A review by a local authority at the request of the owner of their decision in response to a claim for compensation for loss or expense caused by listing their building or other land as an asset of community value. See section 99 of the Act, regulation 16, and for procedure on the review Schedule 2 to the Regulations.
<i>Conveyancer</i>	The owner of listed, or formerly listed, land will in some circumstances have to provide a certificate by a conveyancer that a disposal has not contravened section 95(1) of the Act. "Conveyancer" in this context has the meaning given in rule 217A of the Land Registration Rules 2003, including a solicitor, a barrister, and a licensed conveyancer.
<i>The Act</i>	The Localism Act 2011
<i>Community interest group</i>	<p>A group which, for land with which it has a local connection, may –</p> <ul style="list-style-type: none"> <li>○ ask to be treated as a potential bidder for listed land which the owner wishes to sell, thus triggering the full moratorium of 6 months</li> <li>○ buy listed land during the moratorium period</li> <li>○ nominate land for listing (since the requirements for a voluntary or community body include the requirements for a community interest group).</li> </ul> <p>It must be a charity or community interest company, or a non-profit distributing industrial and provident society or company limited by guarantee.</p> <p>See sections 89 and 95, and regulations 5 and 12.</p>
<i>Nomination</i>	A request to the relevant local authority that land be entered on its list of assets of community value, containing the information specified in regulation 6. See also section 89 of the Act.

(Note that although the Act allows for a possible distinction between community nominations and other nominations, the regulations provide only for community nominations – therefore all nominations will be community nominations.)

*Local authority*

In England, a district council, county council for an area with no district councils, London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly. See section 106 of the Act.

*Restriction on the Land Register*

An entry on the register preventing dealing with the land until the requisite condition has been complied with – in this case set out in Form QQ to be added to Schedule 4 to the Land Registration Rules 2003:

No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.

*Ineffective transfer of land*

A purported disposal of land which in fact does not have any effect – ownership of the land remains with the original owner.

This page is intentionally left blank

**5<sup>th</sup> March 2019**

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

### **Housing Audit Report**

**Report of:** *Angela Abbott, Housing Services Manager*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 This report is intended to update the Community, Health & Housing Committee of the progress of the 2016/17 and 2017/18 Audit reviews for Housing Services. Those Audits were included in the Council's approved Audit plans for 2016/17.
- 1.2 The outcome of the 2016/17 internal audit review was originally reported to the Audit Committee on the 27<sup>th</sup> September 2017 ("Audit Report 1 – May 2017").
- 1.3 The outcome of the 2017/18 internal audit review was originally reported to the Audit Committee on the 14<sup>th</sup> December 2017 ("Audit Report 2 – November 2017").
- 1.4 The full Audit reports with updates were reported to the Community, Health & Housing Committees in the first part of 2018 with subsequent reports providing updates and details of 'outstanding' recommendations reported to the later committees in 2018.
- 1.5 Both Audit reports will enable the Housing Service to concentrate on specific areas highlighted by the Audit recommendations to implement essential service improvements as part of the ongoing transformation programme.

## 2. Recommendation(s)

**2.1 That the Committee receives and notes the progress made from the 4<sup>th</sup> December 2018 committee report as outlined in both Audit Reports (as summarised in Appendix A).**

**2.2 That the Committee agree that a further report on progress made on implementing the recommendations is presented to the next Committee.**

## 3. Introduction and Background

Both Audit reviews were conducted in accordance with the 2017/18 Audit Plan as approved by the Audit Committee.

As part of the ongoing service improvement programme Housing Services had already identified gaps in service provision, particularly around Repairs & Maintenance. Accordingly, the second audit review was specifically requested by Housing to assist and support in identifying gaps or service failures and to provide recommendations for improvement. These areas primarily centred around contract management, information recording and compliance.

The table below summarises the two Audit Report Management Updates and provides a snapshot of overall progress to date.

	Total	High	Medium	Low	In Progress	Complete	% Complete
<b>May-17</b>	43	22	19	2	12	31	72
Housing (All)	2	1	0	1	0	2	100
Housing Options/Tenancy Services	8	5	3	0	0	8	100
Repairs	18	15	3	0	5	13	72
Tenancy Services	7	1	6	0	1	6	86
Tenancy Services/Leasehold	8	0	7	1	5	3	38
<b>Total</b>	<b>43</b>	<b>22</b>	<b>19</b>	<b>2</b>	<b>11</b>	<b>32</b>	<b>74</b>



<b>Nov-17</b>	<b>31</b>	<b>9</b>	<b>21</b>	<b>1</b>	<b>5</b>	<b>26</b>	<b>84</b>
Housing (All)	4	3	1	0	0	4	100
Tenancy Services	14	6	7	1	2	12	86
Housing Strategy	6	0	6	0	0	6	100
Tenancy Services/Leasehold	1	0	1	0	1	0	0
Repairs	5	0	5	0	2	3	60
Tenancy Services/Housing Options	1	0	1	0	0	1	100
<b>Total</b>	<b>31</b>	<b>9</b>	<b>21</b>	<b>1</b>	<b>5</b>	<b>26</b>	<b>84</b>

### Issues, Options and Analysis of Options:

The headline statistics demonstrate that since the December 2018 Committee report the overall completion percentage has increased 7% for the May 2017 report and 10% for the November 2017 report.

Outstanding tasks of high priority, comprising principally of 'repairs', once effectively completed with the commencement of the new R&M contracts in June 2019 will bring related compliancy to over 95%.

The residual matters will be reported on at the next Committee.

### Reasons for Recommendation:

To monitor the progress of work against the highlighted actions arising from the Audit Reports and the management actions in response to those recommendations.

### Consultation

Not applicable.

### References to Corporate Plan

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.

## **Implications**

### **Financial Implications**

**Name & Title:** Phoebe Barnes, Interim Financial Controller

**Tel & Email:** 01277 312 839 phoebe.barnes@brentwood.gov.uk

There are no direct financial implications arising from this report. Any costs arising will be met from existing resources within the Housing Revenue Account.

### **Legal Implications**

**Name & Title:** Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer

**Tel & Email:** 01277 312 874 gina.clarke@brentwood.gov.uk

There are legal implications arising from this report.

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

None.

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

None

### **Appendices to this report**

Appendix A - Audit Report Tracker MARCH 2019.

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

**Name:** Angela Abbott, Housing Services Manager

**Telephone:** 01277 312500

**E-mail:** angela.abbott@brentwood.gov.uk

Ref	Reco mme ndati on	Section	Finding	Risk Rating	Original completion date	Current status	Revised Date for completion	September 2018 Update	November 2018 Update	March 2019 Update	Responsible Manager
May-17											
1											
	a	All	Training is provided to relevant staff on Housing Fraud identification.	High	Dec-17	Complete		Mandatory fraud identification risk training held on the 26th September 17 for all Housing Staff			NM/SDM
	b	Housing Options/ Tenancy Services	Protocols for tenancy audit checks on tenant are determined, to include secure tenants.	High	Dec-17	Complete		Interim measures are in place (as b), further discussion is required with BDO due to the significant staff resources required for an annual tenancy check.			NM/SDM
	c	Housing Options/ Tenancy Services	Photographs are obtained to idenfity all tenants	High	Dec-17	Complete		Photographs are obtained for any tenancy change request, new applicants, transfer applicants, mutual exchanges.			NM/SDM
	d	Housing Options/ Tenancy Services	Consideration is given to using photographs held for periodic verification of all tenants. This may require consideration of the scope of contracts and data sharing protocols (see also page 19 regarding Fair Processing Notices)	High	Dec-17	Complete	TBC	Under review corporately	Intellectual Governance Group (corporate level) is working towards resolving these items.	Fair Processing Notices/Privacy Notices have been adopted. Photographs held through Housing Register application process.	NM/SDM
	e	Housing Options/ Tenancy Services	The Housing Team and the Fraud officers agree protocols for investigation which ensure potential fraud investigations are overseen by a suitably trained person	High	Dec-17	Complete		All potential fraud cases identified are referred to Fraud for further investigation			NM/SDM
	f	Housing Options/ Tenancy Services	Housing staff are reminded of the requirements of the Regulation of Investigatory Powers Act in relation to surveillance and investigation activity.	High	Dec-17	Complete		Staff advised of activities that fall within RIPA. Staff request authorisation and refer to Fraud			NM/SDM
	g	Housing Options/ Tenancy Services	Protocols for checking and copying identify documents are established.	High	Dec-17	Complete	Oct-18	Identity Protocol drafted and being reviewed for compliance across service teams	ID Protocol adopted		NM/SDM
2	a	Repairs	Written procedures are prepared to define protocols and procedures for Compliance checks	High	Apr-18	In progress	Jun-19	Fire Management Policy approved at C, H & H committee	Policies for Gas, Asbestos, Water and Electric are in the research stage and will be progressed by the housing Department.	Gas, Asbestos and Water Policies are now being drafted to be submitted to September 2019 Committee.	KP/NM
	b	Repairs	Contractual arrangements for provision of gas and electrical checks are reviewed to establish independence between provision of checks and remedial works.	High		In progress		As previous update	Managed Repairs service still being implemented	Included in current mobilisation of the new R&M contract. Once implemented on the 4th June this will be complete.	KP/NM
	c	Repairs	In the absence of direct access to contractor systems by the Council, Contractors are required to provide copies of all current gas and electricalsafety certificates	High		Complete		As March update - hard copies of documents are now received			RB/NM
	d	Repairs	Effective contract management is undertaken to ensure the contractors provide interfaces enabling Council access to systems and certificates as required by the contract.	High		Complete		As March update - Both contracts end in June 19 and a direct interface is no longer a viable option. Procurement of the new contract is underway and proposal is to use the incoming contractor system thereby not requiring an interface. Wates & Oakray provide regular information and on request			RB/NM
	e	Repairs	The housing management system is used for recording information relating to Compliance checks	High		Complete		The keystone system is now live and fully functional			RB/NM
	f	Repairs	Training is provided as required to ensure officers are able to maximise use of the housing management system.	High		Complete		Provided in accordance with the managed service provided by Basildon BC			RB/NM
	g	Repairs	Consideration is given to the inclusion of requirements for contractor provision of exception reporting on pending and overdue Compliance checks in future contracts.	High		Complete		As March update - We are currently undergoing the procurement exercise for the new R&M contract. Requirements for contractor provision of exception reporting on pending an doverdue compliance checks are included in the tender documents.			RB/NM
	h	Tenancy Services	The Council determines arrangements for notifying the contractor of any sold properties for which compliance checks are no longer the Council's responsibility and for charging leaseholders where the Council retains any residual responsibility for these checks.	High		Complete		As March update - An automated housing asset list is issued to both contractors on a monthly basis. In addition the RTB Officer also notifies both contractors when a property is subiect to RTB and then sold.			RB/NM
	i	Repairs	Risk assessments are carried out and recorded to ensure fire safety checks on blocks are scheduled at appropriate intervals.	High		Complete		Risk assessments for all high rise blocks and sheltered stock now complete. A programme of risk assessments for communal areas are now currently in progress. A Safety 1st programme is being prepared for 18/19.	All checks now complete with Management Plan completed for Safety First programme.		RB/NM

	j	Repairs	Asbestos checks are carried out on all properties and records retained of the checks.	High		Complete		A 3 year programme for asbestos checks for all council properties is currently being prepared			RB/NM
	k	Repairs	The Council ensures that water risk assessments are carried out as required and that records are maintained of these checks for all housing types.	High		Complete		Water risk assessments are carried out on sheltered accommodation on a weekly basis. Water tanks have been identified at all flatted accommodation and a programme of inspections are due to begin	Oakray contracted to undertake regular checks.		RB/NM
3	a	Repairs	Methods used to ensure contractor compliance with contract performance requirements, including completion and submission of information, should be strengthened. Such arrangements should also include penalty clauses for non-compliance	High	Apr-18	In progress	Ongoing	Progress being made on the Managed Repairs Service as advised in the Repairs report referred to Sept C, H & H committee	Managed Repairs service still being implemented	Included in current mobilisation of the new R&M contract. Once implemented on the 4th June this will be complete.	KP/NM
	b	Repairs	Effective, robust contract management arrangements are determined for Housing. Retention of documentation of contract management activity. Contractor performance and provision of performance information in accordance with the contract, including records of agreed action to resolve performance issues. Contractor provision of I.T interfaces and other contractual requirements in accordance with the contract. Where changes in contract provision are agreed by the Council, these are formally approved via the issue of Variation orders. Submission to the housing team of evidence in checks where they are required to be made by the Contractor. Requirements for the contractor to provide evidence of compliance with key contract requirements. Contract pricing protocols applied.	High	Apr-18	In progress	Ongoing	Progress being made on the Managed Repairs Service as advised in the Repairs report referred to Sept C, H & H committee	Managed Repairs service still being implemented	Included in current mobilisation of the new R&M contract. Once implemented on the 4th June this will be complete and full details will be submitted to Committee	NM
	c	Repairs	Payments to contractors should reflect the extent of provision of service against the agreed contract terms.	High		Complete		All payments are checked and authorised by the Repairs/Project Managers			
	d	Repairs	Benchmarking of rates and uplifts is undertaken and where appropriate consideration is given to contract options (including negotiation or termination.)	High		In progress		Both contractors notified of Keegans being engaged to undertake an open book review	still underway	Will form part of open-book review at end of current R&M contracts.	NM
4	a	Housing Options/ Tenancy Services	Pre-tenancy and in-tenancy check policies are established which include protocols to address tenancy fraud risks (covering application, subletting, succession, key selling, right to buy and right to acquire fraud), and which ensure compliance with Data Protection Act requirements.	Medium		Complete		NA			AA/NM
Page 76	b	Housing Options/ Tenancy Services	Policies are communicated to staff, tenants and any delivery partners	Medium		Complete		As previous update			AA/NM
5	a	Tenancy Services	Arrears reporting is developed to include the age of debts, the cases at each key stage of recovery and additional management information is provided accordingly.	Medium	Oct 17	Complete	Oct-18	As previous update and 5b (below)	As previous update and 5b (below)	Arrears report function verified and implemented.	NM
	b	Tenancy Services	Management determine recovery protocols (to recover or write off former tenant arrears). This decision should be supported by additional management information on age of debts and action already taken and consideration could also be given to check against Council tax records or credit checks to enable tracing of former tenants.	Medium		Complete	Sep-18	Former Tenant Debt recovery policy drafted. Referred to September C, H & H committee for approval	Approved by PP&R 20/11/2018		NM
	c	Tenancy Services	The impact of delays in processing benefit claims and changes in circumstances is identified and where appropriate raised with the service provider.	Medium		Complete		With the introduction of Full Service Universal credit, as we now have a shared Revs&Bens service we have priority for access to the LA portal			NM
6	a	Tenancy Services	Right to Buy information is input to and managed via the Housing Management System, removing the need for duplication of input to a spreadsheet.	Medium	Oct 17	In progress	Oct-18	Working towards full compliance	As per previous update.	As per previous update.	NM
	b	Tenancy Services	Access permissions to the Housing Management system are reviewed to enable appropriate staff to identify the status of applications.	Medium		Complete		n/a			NM
7	a	Tenancy Services	Consideration is given to performing checks on previous Right to Buy applications to verify the applicant's entitlement to the Right to Buy discount.	Medium	Oct 17	Complete		n/a			AA/NM
8	a	Repairs	Update the contract with the contracted surveyor visiting the property to record improvements made by the tenant, so that they undertake initial identity checks as part of this visit and report back their findings to the housing team.	Medium	Sept 17	Complete		The Council's Fraud Officer carries out home visits for every RTB application and carries out the I.D checks			AA/NM
9	a	Tenancy Services/ Leasehold	Leaseholder agreement storage is reviewed to ensure records including leaseholder agreements are retained for all properties.	Medium	April 18	In progress	Jun-19	Working towards full compliance	As per previous update.	Currently updating Asset database on sharepoint	AA/NM
	b	Tenancy Services/ Leasehold	Errors in data upload of estimated service charges to the Housing Management system are corrected and tenants reimbursed where overpayments have occurred.	Medium		In progress	Oct-18	Working towards full compliance	As per previous update.	Finance are actively working on Service Charge reviews and resulting errors accordingly. Recruitment of a dedicated Service Charge Officer by August 2019.	AA/NM

	c	Tenancy Services/ Leasehold	Where adjustments are made to leaseholder service charges, these are identified clearly in all records to ensure transparency and enable reconciliation.	Medium		Complete	Oct-18	Working towards full compliance	As per previous update.	Recorded on Orchard via service charge statements and owner accounts. Adjustments with invoices and letters appended to account.	AA/NM
	d	Tenancy Services/ Leasehold	The spreadsheet maintained to determine apportionment of service charges to be invoiced to leaseholders is extended to include all properties to enable confirmation that tenants and leaseholders recharges are equivalent and that recharges equate to actual costs, and these reconciliations are performed on a regular basis.	Medium		In progress	Oct-18	Working towards full compliance	As per previous update.	Finance and Housing are continuing to develop service charging processes.	AA/NM
	e	Tenancy Services/ Leasehold	Costs relating to responsive repairs which would not be permitted to be recharged to leaseholders are removed from the calculation determining the total to be apportioned across properties.	Medium		In progress	Oct-18	Working towards full compliance	As per previous update.	Finance and Housing are continuing to develop service charging processes.	AA/NM
	f	Tenancy Services/ Leasehold	A Policy is maintained to enable determination of appropriate management service charges for apportionment	Medium		Complete		Service charge policy approved at September 17 committee			AA/NM
	g	Tenancy Services/ Leasehold	Any adjustments required to service charges should be applied promptly to ensure accuracy of records and transparency of charging.	Medium		In progress	Oct-18	Working towards full compliance	As per previous update.	A Service Charge Officer will be employed to resolve this issue.	AA/NM
10	a	Repairs	The Council reviews the scope of the compliance manager role and essential qualifications required to perform this role.	Medium	Apr-18	Complete		Compliance Management is now provided by Basildon BC and external consultants.			RB/NM
	b	Repairs	Clear records are maintained of all surveys and inspections carried out, and these are retained in an accessible form (Such as on the Housing Management System)	Medium		Complete		All documents are now retained on the Keystone system			RB/NM
	c	Repairs	Where queries are raised for entried made on an EICR a process is developed to ensure they are followed up (and either the work or alternative work is commissioned, or the item is recorded as determined to be not required).	Medium		Complete		Compliance Management is now provided by Basildon BC and external consultants.			RB/NM
11	a	All	Enhance the Fair Processing Notice for matters relevant to the administration of social housing.	Low	Sep-17	Complete	Oct-18	The draft 'Fair Processing' statement has been drafted and is awaiting corporate approval.	Intellectual Governance Group is working with Housing Services to produce.	Corporate Fair Processing/Privacy Notices have been adopted.	AA/SDM
12	a	Tenancy Services/ Leasehold	Right to buy information and application forms are made available for download via the Council's website. Further efficiency could also be gained through integration between submitted applicaions and the Housing Management systems.	Low	Nov-17	Complete		n/a			AA/NM

Nov-17											
1	a	All	Introduce robust information and records management in accordance with ICO guidance, including development of records management, policy covering retention, security, destruction, and data protection.	High	Aug 18	Complete	Dec-18	Currently under wider corporate review	Currently under wider corporate review	Corporate policies in place with Housing Services Record of Processing Activity (ROPA) completed in line with ICO guidance.	AA/SDM
	b	All	Identify the Housing records to be maintained and retention periods, and review arrangements for their storage and retrieval - consider use of the Housing DMS or a Corporate alternative supporting customer relationship management. Refer to Retention guidelines for Local Authorities and policies adopted by other Local Authorities).	High		Complete		Retention periods for documents are currently being reviewed as part of the wider corporate review	Currently under wider corporate review	Retention periods set on Orchard housing management system and Locata (from which the Housing Register operates).	AA/SDM
	c	All	Provide training and generally raise staff awareness of the Data Protection Act and the General Data Proection Regulations. In particular ensure staff do not record opinions, and that records contain appropriate information.	High	Aug 18	Complete		n/a			AA/SDM
2	a	Tenancy Services	Develop an Estate Management Strategy and procedure	High	April 18	Complete		n/a			AA/NM
	b	Tenancy Services	Determine Estate Management inspection protocols and arry out inspections accordingly	High	April 18	Complete		n/a			AA/NM
	c	Tenancy Services	Train Housing Staff to conduct Estate Management inspections	High	April 18	Complete		n/a			AA/NM
	d	Tenancy Services	Prepare checklists to support Housing Staff conducting inspections (including for first day of tenancy (such as ensuring a working fire alarm) and for ongoing checks	High	April 18	Complete		n/a			AA/NM
	e	Tenancy Services	Consider use of technology to improve recording of issues identified, sharing data as appropriate, and monitoring of resolution	High	April 18	Complete		Working towards compliance	Research and funding completed. Programme to be rolled-out.		AA/NM
	f	Tenancy Services	Develop reporting arrangements for other Council staff already working in the borough to report estates issues	High	April 18	Complete		n/a			AA/NM



3	a	Housing Strategy	A working protocol is agreed between the Housing Team and the Asset team to enable an approach reflecting the needs of both teams, and providing clarity on the impact of actions by teams on other areas of the Council's operations	Medium	Sept 18	Complete		Working towards compliance	Under Corporate Assets Management Board		AA/NM/VP
	b	Housing Strategy	Determine the rules of Council land and property assets are to be allocated between the HRA and the General Fund	Medium	Sept 18	Complete		Working towards compliance	Determined by the Corporate Assets Management Board		AA/NM/VP
	c	Housing Strategy	Review all Council land and property assest are to be allocated in accordance with above.	Medium		Complete		Currently under wider corporate review	Determined by the Corporate Assets Management Board		AA/NM/VP
	d	Housing Strategy	Review options for maintenance of Asset related records, to determine feasibility of implementing a combined system, or links between systems to enable efficient update of records	Medium		Complete		Working towards compliance			AA/NM/VP
	e	Housing Strategy	Build resilience by ensuring the Assets system records are capable of being accessed by more than one member of staff. If access issues relate to the system no longer being supported or incompatible with current Council technology, an alternative system should be sought (in line with (d)).	Medium		Complete		Working towards compliance			AA/NM/VP
	f	Housing Strategy	If records continue to be maintained separately, ensure there is a regular check between the Assets team records and the Housing system	Medium		Complete		n/a			AA/NM/VP
	g	Tenancy Services/ Leasehold	Until the Council has assurance over the accuracy of records of Right to Buy properties, additional cross checks are made from the Finance records of Right to Buy income or property purchases to the Housing asset records on the Orchard system	Medium		In progress		Working towards compliance	Working towards compliance	Ongoing compliancy works	AA/NM/VP
4	a	Repairs	Define parameters and protocols for cyclical and responsive repairs and replacement, and implement a programme and inspection regime reflecting these protocols	Medium	Sept 18	In progress		Ongoing cross-departmental work	New R&M contractor will include property MOTs which will include this on a rolling basis	Included in the mobilisation of the new R&M contract. The property MOTs will be carried out to the entire stock within the next 12 months of the start date.	Sue White (Risk and Insurnace officer)
Page 78	b	Repairs	Develop system reports to reflect defined protocols.	Medium	Sept 18	In progress		Ongoing cross-departmental work	New R&M contractor will include property MOTs which will include this on a rolling basis	Included in the mobilisation of the new R&M contract. The property MOTs will be carried out to the entire stock within the next 12 months of the start date.	Kim Anderson (Partnership Leisure and Funding Manager)
	c	Repairs	Ensure remaining Stock Condition Survey information is received and uploaded, and reports produced as finined in (a)	Medium	Sept 18	Complete		N/A			NM/RB/VP
	d	Repairs	Agree timetable with contractors to resolve issues relating to links between the Council and Contractor systems to ensure the Council has current information on works completed	Medium	Sept 18	Complete		N/A			
	e	Repairs	Develop processes for monitoring against protocols for cyclical and responsive repairs.	Medium	Sept 18	Complete		N/A			
5	a	Tenancy Services	Review the corporate ASB strategy to ensure it remains appropriate and up to date, and provides clarity for staff on the protocols for managing ASBs including addressing the source issues such as through Housing Estates Management.	Medium	Sept 18	In progress		Ongoing cross-departmental work	Ongoing cross-departmental work	Working protocol between departments has been developed and implemented. Final written strategy would be completed by the Community Safety Team.	NM/TL
	b	Tenancy Services	Link the ASB strategy on the Council's website to the Community Safety and Housing team pages	Medium	Sept 18	In progress		Ongoing cross-departmental work	Ongoing cross-departmental work	Pending submission of written Strategy by Community Safety Team.	NM/TL
		Tenancy Services	Consider use of a system (such as the Uniform system) for the recording of ASBs, and develop linking of ASB and Housing system data to enable reporting on tenancy issues and ASBs to facilitate improved management of the source of issues.	Medium	Sept 18	Complete		Ongoing cross-departmental work	Uniform operational for ASB, with cross-departmental access		NM/TL
	c										
6	a	All	Add indicators to the Housing Management system to clearly flag vulnerable tenants and those for whom Power of Attorney is inacted.	Medium	Jan 18	Complete		n/a			AA/NM/VP
	b	Tenancy Services/ Housing Options	Where Power of Attorney has been enacted, correspondence name fields on the Housing system are addressed to XX PoA for YY.	Medium	Jan 18	Complete		n/a			AA/NM/VP
7	a	Tenancy Services	Automate the process of uploading All Pay payments to the cash receipting system.	Medium	Sept 18	Complete		n/a			AA/NM/VP
8	a	Tenancy Services	Housing staff are informed that accounts in credit are a potential indicator of fraud.	Medium	April 18	Complete		n/a			AA/NM/VP

	b	Tenancy Services	Periodic checks are made on credit accounts by Housing staff, giving consideration to fraud risks.	Medium	April 18	Complete		n/a			AA/NM/VP
	c	Tenancy Services	The process for transferring credits is reviewed to identify options for efficiency through automation and streamlining.	Medium	April 18	Complete		n/a			AA/NM/VP
9	a	Tenancy Services	The Housing team document the regular reports run from the Housing system, identifying the recipient(s), to ensure checks and provision of management information is continued following the departure of the officer currently running these reports	Low	Jan 18	Complete		n/a			AA/NM/VP

This page is intentionally left blank



**5<sup>th</sup> March 2019**

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

### **Progress Update on Housing Asset Management, Investment Programme and Compliance**

**Report of** *Angela Abbott, Housing Services Manager*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 This report provides the committee with a progress update on Housing Asset Management, Investment and Compliance in Housing.
- 1.2 This update report follows on from the previous progress report on these matters which were provided to the 11<sup>th</sup> September 2018 Community, Health & Housing Committee, Min 121 refers.

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

- 2.1 To note the contents of the report.
- 2.2 That the Committee agree that a report on progress to demonstrate the continuing strengthening of compliance considerations, through the completion of the Housing Compliance Programme, incorporating internal audit recommendations, is a fixed Committee agenda item until March 2020, when this will be reviewed.

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

##### **Section 101 agreement**

- 3.1 On the 21<sup>st</sup> March 2018 at an Extraordinary Council meeting the committee approved that the Council entered into a new sharing agreement for the provision of the Housing Repairs & Maintenance responsibilities and that delegated authority was given to the Section 151 Officer, in consultation

with the Leader of the Council as appropriate, to agree and formally enter the agreement once negotiations have been completed.

- 3.2 Negotiations began immediately and the Service Provider started to manage the Repairs & Maintenance service as of the 1<sup>st</sup> April 2018 under a Memorandum of Understanding until formal contracts were signed.
- 3.3 The knowledge and expertise that the Service Provider brought to Brentwood were invaluable as the Housing Department did not have the required level of knowledge to be able to deliver an effective service at that time.
- 3.4 During the past nine months, Brentwood Officers have been upskilled and vital gap analysis of all compliance related matters have been completed.
- 3.5 However, negotiations between the two parties to formalise the contract were not achieved and, on the 14th January 2019, the recommendation to cease the agreement was agreed with the service provider. This recommendation was duly communicated to the Leader and is subject to this report.
- 3.6 This decision was critical as had the delay in satisfactorily concluding the negotiations continued, then this would have jeopardised the imminent Mobilisation of the new Strategic Asset Management Contract.
- 3.7 The failure of an effective mobilisation would have placed the Council at significant financial risk, reputational damage and subsequent service failure for our residents which was unacceptable.
- 3.8 As such, formal notification was issued to the Service Provider on the 18<sup>th</sup> January 2019.
- 3.9 From the 21<sup>st</sup> January 2019, the control of all aspects of the Repairs & Maintenance functions reverted to Housing Services.
- 3.10 In order to mitigate against potential delays in service provision, in the week leading up to the handover, Housing Services ensured that recruitment of a new Repairs Manager and a Compliance Manager was in place with effect from the 16<sup>th</sup> January 2019.
- 3.11 Following the agreement to end the managed service, all asset data previously held by the Service Provider was transferred back to the Housing Service. At present the Council's I.T department and the Housing System

Administrators are working to ensure the required configuration to the Keystone Asset Management system is configured satisfactorily as part of the ongoing mobilisation of the new Strategic Asset Contract. This is intended to be completed by 31<sup>st</sup> March 2019.

### **Compliance**

- 3.12 Following the Gap Analysis in May 2018, a 'Compliance Project' was set up. This has allowed the provision of appropriate budget allocation of £603k to be put in place to improve the overall compliance of our assets and service.
- 3.13 The Compliance project team was tasked with looking at seven different areas to ensure the Housing Department is delivering safe, secure and enjoyable properties for our Tenants.
- 3.14 The compliance review is vital not only for the continued safety of our stock but also to support the new Repairs & Maintenance Contractor who will be taking over responsibility for our responsive repairs and planned maintenance programmes from Wates Living Space and Oakray as of the 4<sup>th</sup> June 2019 following a successful procurement process.
- 3.15 Compliance covers areas such as policies, monitoring arrangements, data recording and operational processes.
- 3.16 These seven areas are;
- Asbestos
  - Gas
  - Electrical
  - Legionella
  - Fire Safety
  - Construction and Design Regulations (CDM)
  - Lifts
- 3.17 In addition to this in order to ensure ongoing good practice and whilst not a statutory requirement, we also carried out a gap analysis on all Council owned retaining walls.

- 3.18 The gap analysis and resulting action plans have been 'Rag rated' in accordance to the level of risk identified. The table below provides an overview of the progress to date.

Section	No of recommendations	Risk type			Status			
		High	Medium	Low	In progress	Complete	Planned	Included as part of mobilisation
Gas	15	7	8	0	2	0	5	8
Electrical	10	2	5	3	3	2	3	2
Asbestos	12	5	2	5	2	5	5	0
Legionella	4	4	0	0	1	0	3	0
Fire	25	10	2	13	2	13	9	1
Retaining walls	3	2	0	1	0	1	2	0
CDM	2	1	0	1	0	1	1	0
Lifts	4	4	0	0	0	0	0	4

- 3.19 Members will note that progress is being made in each of the key compliancy areas where the council is not currently compliant.
- 3.20 Appendix A and B provides the dates by which tasks have or will be completed. Further detailed information can be provided on request.
- 3.21 Appendix F provides the gap analysis reports provided by the external consultants.

### **Fire**

- 3.22 As a result of the Compliance Project, the Fire Safety Policy was approved on the 3rd July 2018, through the Community, Health and Housing Committee and this provides staff a framework with which to operate and have a consistent approach to apply procedures to high risk areas.
- 3.23 To support the delivery of this Policy a Communal Area Management Procedure (CAMP) has also been developed to facilitate the removal of dumped items in all communal areas within our blocks and to create sterile environments.
- 3.24 Training was held for all front-line Housing staff by the Council's Fire Management Consultant in November 2018.

- 3.25 A program of disposal events was created to ensure effective delivery of the CAMP within a reasonable timescale.
- 3.26 Initial letters to residents in the first 3 blocks were issued on the 14<sup>th</sup> December 2018 to inform them of the Councils intention to remove all items from the Communal Areas.
- 3.27 As required by our legal department, this letter also included a Section 41 notice under the Provision of Miscellaneous Good Act which states that any items left in the communal area will become the possession of Brentwood Borough Council unless removed within 1 calendar month.
- 3.28 Appendices 2 and 3 shows the timeline for the CAMP procedure, including the progress so far with before, during and after photographs showing the extensive work of the Housing Estates Management department.
- 3.29 The feedback from residents thus far has been positive and only a limited number of items have re-appeared. Immediate action was taken on these items to maintain the sterile areas.

#### **Legionella Control Risk assessments**

- 3.30 Housing Services have commissioned Northumbrian Water Group Environmental (NWG) solutions to undertake risk assessments to 65 blocks of the communal hot and cold-water systems and produce a tailored logbook in accordance with L8 ACOP and provide a schematic drawing for each site in December 2018.
- 3.31 These include;
- Whittington Road
  - Colet Road
  - Orchard Avenue
  - Hawksmoor Green
  - Copperfield Gardens
  - Mayfield Gardens
  - The keys
  - Tower Court
  - Wilmot House
  - Mayflower House
  - Gibraltar House
  - The Gables
  - Juniper Court

- St Georges Court
- Broad Meadow
- Four Oaks

3.32 Risk assessments are to assist the Council to comply with the requirements of the Health & Safety Executive (HSE) Approved Code of Practice. The control of legionella bacteria in water systems (L8) and obligations under Health & Safety at Work etc. Act 1974 and the Control of Substances Hazardous to Health Regulations 2002. Legislative requirements for the control of legionella put the responsibility for compliance with the owner/operator of the water systems.

3.33 Under the above Acts owners and operators of water systems have the responsibility to ensure that the risk of legionellosis is minimised and kept to an acceptable level. From the site assessment we will be provided with a comprehensive report that includes the following components;

*a) Evaluation of risk of legionellosis.*

*b) Prioritised recommendations for remedial work to reduce the risk of legionellosis.*

*c) Proposals for the written scheme of control measures tailored specifically to the water fittings on the site.*

*d) Observations with respect to the findings of the risk assessment.*

*e) Asset & Outlet Registers.*

#### **Legionella – Victoria Court**

3.34 Following routine laboratory water testing samples taken by Oakray and placed into test conditions until the 22<sup>nd</sup> January 2019, the laboratory identified that the bacteria levels were seen to be increasing. On the 16<sup>th</sup> January Oakray were notified of this.

3.35 Housing Officers and the Council's Health & Safety Advisor together with Oakray met on site on the 16<sup>th</sup> January to carry out a full risk assessment to determine what immediate action was required to prevent a potential outbreak of Legionella

3.36 Whilst a Legionella risk had been highlighted during the standard annual chemical analysis, no legionella were found however, some other small amounts of water borne bacteria were highlighted, which suggested a poor system quality/conditions.

3.37 It was determined that immediate preventative measures were required to drain the tanks and chlorinate the tanks to fully remove the immediate risk and decommission the existing tanks and replace with two smaller tanks to increase the frequency of turnover of water.

3.38 Daily flushing of the systems was carried out by Oakray to prevent any further occurrence of the legionella bacteria until the tanks could be replaced. Both tanks were replaced on the 30<sup>th</sup> January 2019 and the Council's Health & Safety Advisor attended site on the 5<sup>th</sup> February to ensure all works had been carried out satisfactorily.

Other premises would be checked in accordance with the statutory requirements on a cyclical basis.

3.39 Until all works were satisfactorily a member of staff was at Victoria Court on a full-time basis to ensure that no residents developed flu-like symptoms of which none were reported.

3.40 Following this incident, the Council's Compliance Manager and Health & Safety Advisor conducted an internal review to ensure that all measures implemented were appropriate and robust to prevent an outbreak of legionella.

3.41 A monthly report is produced and distributed to senior housing managers outlining key activities and areas of concern. A co-ordination meeting is also held to monitor progress on the compliance action plan monthly.

3.42 As part of this project the Repairs & Maintenance department will ensure relevant policies and procedures are in place as well as robust servicing regimes for all compliance areas.

### **Asbestos**

3.43 The Council has recently changed asbestos surveying consultants. It is a requirement to hold an asbestos register of all communal areas if you are a social landlord, however, you only must provide a dwelling survey where intensive or major works are being conducted.

- 3.44 As such, the Council has commissioned Cube to conduct a new survey of all communal areas and as a matter of best practice are in discussions to create a 6-12-month programme of dwelling surveys to support our incoming repairs and maintenance contractors.
- 3.45 At present, any void or major works property, is subject to an asbestos management survey alongside a refurbishment and demolition survey. Aire testing is also conducted where large amount of asbestos is removed or highlighted.

### **Procurement**

- 3.46 The re-procurement process began in April 2018 and the Leasehold consultation process was entered into in April 2018 notifying residents of our intention to begin the re-procurement of a new repairs & maintenance contract. Several questions were raised as a result of the consultation process and formal responses were provided to these on the 9<sup>th</sup> May 2018.
- 3.47 Following completion of the Leasehold consultation process the Council published the OJEU notice in May 2018 notifying contractors of our intention to re-procure a new repairs & maintenance contract.
- 3.48 Following conclusion of the Invitation to Submit Detailed Solutions (ISDS) evaluation, four Tenderers were invited to participate in Competitive Dialogue, and subsequently invited to submit final tenders (ISFT) for the new contract. These were Axis, Mears, Morgan Sindall and Wates.
- 3.49 During the tender period, the bidders were able to raise queries, questions and clarifications.
- 3.50 The basis of the evaluation of the tenders was an evaluation of Quality/Price on a 60/40 ratio. This method of evaluation is standard approach to ensure a high standard of works and value for money.
- 3.51 The tenders were assessed by the Procurement Project Group which consisted of Housing Managers, Corporate Services and Health & Safety Advisors from Brentwood and Asset Management Officers from Basildon Borough Council particularly due to their experience in procuring repairs & maintenance contracts, by scoring individual questions relevant to their respective expertise of the method statement using a 0-5 scoring criteria.



- 3.52 The contract procured sets out to deliver works on a Price Per Property basis. Works passed onto the new contractor will be classified as an inclusion or exclusion to the Price per Property (PPP) or Price per Void (PPV).
- 3.53 Bidders were asked to complete costings based on current data supplied on the repairs & maintenance works currently carried out by existing contractors.
- 3.54 The submitted Pricing schedules proposed an annual value for works based on the data supplied by the Council.
- 3.55 For works outside of the Price per Property model any works required outside of the PPP scope will be valued in accordance with the submitted SOR's (Schedule of Rates) in the Pricing Schedule.
- 3.56 The award Decision Notice letters, pursuant to the Regulation 86 of the Public Contracts Regulations 2015 (the "Regulations") notifying the bidders of the outcome were issued on the 21<sup>st</sup> November 2018.
- 3.57 Following approval at Ordinary Council the stage two leaseholder notification letters (Notice of Landlords Proposals) to all leaseholders notifying them of the award of contract to Axis, were issued in January 2019 with the observation period closing on the 22<sup>nd</sup> February 2019.
- 3.58 Once all responses have been reviewed the formal contract can be signed by both parties in preparation for a contract start date of 4<sup>th</sup> June 2019.
- 3.59 Mobilisation of the new contract is proceeding very well. On the 24<sup>th</sup> January 2019 an initial workshop was held to identify the key actions required to deliver a successful mobilisation output. Officers from both parties attended this workshop and the formation of the ongoing partnership was started.
- 3.60 A Mobilisation Plan can be found at Appendix D.
- 3.61 As part of the new contract within the first 3 years, the incoming contractor will carry out complete property surveys to the entire housing stock. This was a key requirement drafted into the tender documents in order to address the discrepancies within the previous stock condition data that had been reported. Discussions are ongoing to see if the new contractor can escalate this process into the first 12 months.

- 3.62 There will be 2 concurrent programmes undertaken, firstly in relation to compliancy matters and secondly in relation to smaller planned maintenance programmes where appropriate.
- 3.63 This is a critical requirement which will be beneficial for both the Council and the incoming contractor as it will allow for the Council to have an accurate record of the condition of the Housing stock and allow the contractor to mitigate against financial burden. It is in the Contractors interest to carry out most repairs or enhancements on one visit to a property rather than receiving a number of separate requests for repairs.
- 3.64 In addition to this ongoing work, this is a key requirement of the mobilisation of the new Strategic Asset Management Contract and additional resources have been sourced to ensure that all I.T requirements are in place for the 4<sup>th</sup> June 2019.
- 3.65 Once all the I.T configuration works are completed, Brentwood Officers will be trained to use Keystone effectively in order to maintain records and devise future planned maintenance programs.
- 3.66 2019/20 Capital Programme - Following analysis of survey and compliance data, as well as the pending complete property surveys by the incoming Repairs & Maintenance contractor to validate and build on the current stock condition data, a 'Safety First' approach to planned works has been adopted.
- 3.67 Works are being driven by the recent Fire Risk Assessments and we are currently working with our Fire Safety Advisor to prepare a planned programme of works which will be undertaken over the current and next financial years with an anticipated completion date of 31<sup>st</sup> March 2020.
- 3.68 10 Blocks have been identified as requiring improvement works and these blocks are;
- Drake House
  - Juniper Court
  - Gibraltar House
  - Masfield Court
  - Mayflower House
  - Chichester House
  - St Georges Court
  - Elizabeth House
  - Tower Court

- Victoria Court

3.69 Other ad-hoc works is also planned with works to improve the drainage and sewerage systems in Snakes Hill, and smaller Kitchen and Bathroom programs.

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

4.1 The report highlights progress on Asset Management, Capital Programme and Compliance in Housing. Members are invited to comment on the report contents.

#### **5. Consultation**

5.1 Consultation will be undertaken with residents and appropriate partners as required.

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

6.1 To ensure provision of efficient and effective services – much of the work being undertaken will ensure that the Council works to best practice and enhance the service offered with optimum resources.

#### **7. Implications**

##### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 phoebe.barnes@brentwood.gov.uk**

- 7.1 Costs associated with the in house Repairs & Maintenance function have been built into the Housing Revenue Account budget for 2019/20. Current costs for 2018/19 are to be met from within existing budgets any pressures will be funded from the Repairs and Maintenance Earmark Reserve. This reserve has a balance of £400k.
- 7.2 For 2019/20 the Housing Revenue Account has a capital budget allocation of £3.576m to fund the 'Safety First' approach to the housing stock for planned works. The HRA also has a £2.681m budget for responsive repairs in 2019/20.
- 7.3 There is currently a £603k budget for capital works based on the 'Compliance Project'. Due to tendering of this works, this budget will be required to be requested as slippage as part of the 2018/19 outturn reported to Policy, Projects and Resources in June 2019. Any other budgeted projects from 2018/19 programme, that will span two financial years, will also need to request slippage as part of the Outturn report.

- 7.4 When slippage is requested, the affordability to the HRA will be assessed when funding the total capital programme including slippage.
- 7.5 Any works arising from the Legionella Control Risk Assessments will be met within existing budgets
- 7.6 Cost associated with the mobilisation of the new Strategic Assets Management contract are to be captured within existing budgets in the Housing Revenue Account.
- 7.7 The escalation to carry out all property surveys within the first 12 months of the contract, rather than over a three year period, will aid in accurately budgeting for an informed planned programme. However, the contractor may wish to charge additional costs for completing the surveys in an earlier time frame than originally planned. If such cost arise it may not be able to be met within any existing budgets and will be monitored as part of the budget monitoring process and reported according as part of the ongoing budget updates.

#### **Legal Implications**

**Name & Title:** Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer  
**Tel & Email:** 01277 312 874 gina.clarke@brentwood.gov.uk

- 7.8 The report provides an update to the Committee on the service arrangement for the Asset Management, Capital Programme and the re-procurement of the new Repairs and Maintenance contract which has been carried out in accordance with the Council's standing orders and Public Contract Regulations 2015.
- 7.9 Information in relation to the procurement process of the new Repairs and Maintenance contract can be found in the body of the report.

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

None

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

8.1 N/A

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

- Appendix A- Compliance Programme overview
- Appendix B - Compliance detailed overview
- Appendix C - Communal Area Management Procedure schedule (CAMP)
- Appendix D - Communal Area Management Procedure - before/after photographs
- Appendix E – Mobilisation Plan
- Appendix F – Gap Analysis Consultant reports

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

**Name:** Nicola Marsh

**Telephone:** 01277 312500

**E-mail:** Nicola.marsh@brentwood.gov.uk

This page is intentionally left blank

Consideration	No.	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021
Key Compliance Activities	KA1-6	Dec-17																	Jan-22
Asbestos	A1-11		Jan-18							Oct-19									
Gas	G1-15		Jan-18									Apr-20							
Lifts	L1-4					Oct-18				Dec-19									
CDM Regs	CR1-2		Jan-18							Dec-19									
Fire	F1-25		Feb-18													Apr-21			
Legionella	LE1-4						Jan-19				Mar-20								
Electrical	E1-10		Jan-18									Apr-20							
Retaining Walls	RW1-3			Jun-18															Jan-22

This page is intentionally left blank



Housing Compliance Programme - High Level Milestones v3\_22.02.2019

			Oct to Dec 2017	Jan to Mar 2018	Apr to Jun 2018	Jul to Sept 2018	Oct to Dec 2018	Jan to Mar 2019	Apr to Jun 2019	Jul to Sept 2019	Oct to Dec 2019	Jan to Mar 2020	Apr to Jun 2020	Jul to Sept 2020	Oct to Dec 2020	Jan to Mar 2021	Apr to Jun 2021	Jul to Sept 2021	Oct to Dec 2021	Jan to Mar 2022		
Consideration	No.	Action	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021	Annually thereafter	
Key Compliance Activities	KA1	Gap analysis to identify key areas for improvement	Dec-17	Jan-18																		
	KA2	R&M Contract award						Feb-19														
	KA3	Preparations for Go Live including review of procedures & planning, finance, KPIs, demobilisation of outgoing contractors, meetings, risk assessments, comms, workshops, health and safety, training, testing, office set up, resourcing including sub contractors, analysis etc - please see separate Mobilisation Programme for full detail						Feb-19	Jun-19													
	KA4	R&M Contract Go Live (4th June 2019)							Jun-19													
	KA5	R&M Contract implementation							Jun-19											Jan-22		
	KA6	Audit undertaken by BDO with relevant recommendations fed into Housing Compliance programme						Mar-19	Apr-19													
Asbestos	A1	Review a sample of existing asbestos surveys to determine suitability/fitness for purpose		Jan-Mar 18																		
	A2	Compile interim Asbestos Register		Jan-18	Apr-18																	
	A3	Prepare and deliver a programme for undertaking 100% Management surveys		Jan-18							Oct-19											
	A4	Arrange Asbestos Awareness & other training for all relevant Brentwood Borough Council stakeholders (Dutyholder, Responsible Person, Surveyors, Housing Managers, operatives etc)						Jan-19	Apr-19													New starters and refresher training annually
	A5	Prepare/update asbestos compliance documentation including policy, management plan, procedures & process maps		Jan-18						Sep-19												Bi annually from September 2020 or regulation change
	A6	Formalise dutyholder/responsible person positions		Jan-18						Sep-19												
	A7	Set up asbestos email group and responsibilities		Jan-18	Apr-18																	
	A8	Cube to set up portal for asbestos survey information		Mar-18	Apr-18																	
	A9	Training on RAMS / other notifications / paperwork		Jan-18						Sep-19												
	A10	Establish asbestos steering group with new contractor and convene first meeting						Jan-19	Jun-19													
	A11	Implement Keystone Asbestos Register, incorporating data from Cube						Jan-19	Jun-19													
Gas	G1	Re-establish a replacement domestic boiler programme		Jan-18					Jun-19													
	G2	Establish staff responsibility for the total management of heating servicing		Jan-18					Jun-19													
	G3	Establish the Responsible Person for heating appliance safety & ensure they have the requisite level of training & resource required to fulfil the role. EG access to HSE		Jan-18					Jun-19													
	G4	Undertake training for those staff involved in heating servicing		Jan-18						Sep-19												Refresher training as required
	G5	Produce and deliver a Heating Servicing Policy/Procedure		Jan-18						Sep-19												Reviewed annually from September 2020
	G6	Process map servicing procedure to include those where access cannot be gained before the anniversary date, including no access procedure and get approval at the appropriate level					Oct-18	Jan-19	Jun-19													
	G7	Establish a contract with a specialist company to undertake 10% checks on appliances serviced					Oct-18	Jan-19	Jun-19													
	G8	Establish a procedure for dealing with gas leaks								Sep-19												
	G9	Compile an asset register by fuel types for domestic and commercial installations						Jan-19					Apr-20									
	G10	Ensure all LSGR sheets are stored electronically and can be easily searched to obtain the last 2 years certificates						Jan-19					Apr-20									
	G11	Review KPI's that are currently collected (Fuel Type, Cost of servicing, Number of services carried out)						Jan-19	Jun-19													
	G12	Review the job priorities and consider if any need enhancing during the winter months						Jan-19	Jun-19													
	G13	Establish a resource to review LGSR's						Jan-19	Jun-19													
	G14	Consider if additional safety checks (more than annual) on commercial boilers are required due to their age						Jan-19					Apr-20									
	G15	Establish a Policy procedure for dealing with carbon monoxide escapes and installing detectors						Jan-19	Jun-19													
Lifts	L1	Review servicing regime for passenger lifts so that inspection intervals are formalised on a risk assessment basis						Jan-19	Jun-19													
	L2	Establish formal contract with a competent stair lift service contractor						Jan-19	Jun-19													
	L3	Verify the list of stairlifts installed and ensure all receive an annual inspection					Oct-18	Jan-19	Jun-19													
	L4	Ensure certificates for all stairlifts are stored electronically						Jan-19	Jun-19		Dec-19											
CDM Regs	CR1	All staff receive training & support to ensure Brentwood complies with Construction Design and Management (CDM) Regulations						Jan-19			Dec-19											New starter and refresher training annually
	CR2	Consider appointing a consultant to immediately provide advice for each project/contract		Jan-18	Apr-18																	
Fire	F1	Ensure R&M contract allows for annual testing of smoke/fire detectors and ensure certification is provided						Jan-19	Jun-19													Annual testing of smoke/fire detectors from June 2019
	F2	Formulate an asset register of sites that have fire fighting equipment and ensure inspection regimes are in place						Jan-19	Jun-19													Annual inspection from June 2019
	F3	Formulate an asset register of fire doors and implement a regime of regular inspection of condition and correct operation						Jan-19	Jun-19				Apr-20									Annual inspections from April 2021
	F4	Identify a responsible Person for Fire Safety Management		Feb-18		Sep-18																
	F5	Create Fire Safety Policy		Feb-18		Sep-18																Bi annually from September 2020 or regulation change
	F6	Categorise all premises for FRA purposes		Feb-18		Sep-18																
	F7	Ensure there is an accurate list of all premises with communal areas that require FRAs		Feb-18		Sep-18																
	F8	Update FRA schedule if required		Feb-18		Sep-18																Review and update annually from September 2019
	F9	Ensure all low rise FRAs are carried out at the appropriate schedule		Feb-18		Sep-18																
	F10	Ensure all other FRAs are carried out at the appropriate schedule		Feb-18		Sep-18																
	F11	Write a list of all the actions identified in the FRAs		Feb-18		Sep-18																
	F12	Write a CAMP for both GN and Sheltered if there isn't one - review if there is		Feb-18		Sep-18																
	F13	Write Evacuation procedures for all communal areas (Generic as a start is fine) - or review if there are current procedures		Feb-18		Sep-18																
	F14	Train users to test the automatic fire alarms - if required						Jan-19			Dec-19											
	F15	Create a monthly checklist of actions to be carried out internally in blocks						Jan-19			Dec-19											
	F16	Establish a procedure for dealing with a fire in a communal area						Mar-19			Dec-19											
	F17	Write a mobility scooter policy if there isn't one already - review if there is					Dec-18		Jun-19													
	F18	Prioritise the actions identified in the FRAs		Feb-18		Sep-18																
	F19	Review all maintenance contracts relating to fire safety				Sep-18			Jun-19													
	F20	Deliver training on the fire policy to make sure all relevant staff are aware of it - asset, TEMT, sheltered etc				Sep-18	Nov-18															New starter and refresher training as required
	F21	Create a fire extinguisher distribution policy for GN and sheltered							Jun-19		Dec-19											
	F22	Carry out compartmentation surveys on all premises							Jun-19								Apr-21					
	F23	All fire hose reels removed from site - liaison with Fire and Rescue Service					Dec-18	Jan-19	Apr-19													
	F24	Install Premises Information Boxes on all high-rise and sheltered blocks				Sep-18		Jan-19														
	F25	Create Floor Plans for all sites				Sep-18				Sep-19												
Legionella	LE1	Undertake new risk assessments for all sites and establish requirements of these sites						Jan-19	Jun-19													
	LE2	Check asset data on keystone against original list of sites to produce definite asset registers, commission further risk assessments as required						Jan-19	Jun-19	Sep-19												
	LE3	Produce and deliver a policy and procedure for water treatment/Legionella, including a procedure for dealing with an outbreak or Legionellosis						Jan-19	Jun-19													Bi annually from June 2021 or regulation change
	LE4	Ensure adequate budgetary provision is made for procurement of risk assessments, high risk recommendations from risk assessments and ongoing maintenance of additional sites							Apr-19		Mar-20											Annually by March
Electrical	E1	Produce and deliver Electrical Safety Management policy and procedures						Jan-19		Sep-19												Bi annually from September 2021 or regulation change
	E2	Undertake an immediate electrical inspection for the communal areas in the HMO's (Dounsell,Tyrell, Cadogan)		Jan-18		Jul-18																
	E3	Undertake an immediate electrical inspection at the two sewerage treatment works sites		Jan-18		Sep-18																
	E4	Implement a testing programme every 5 years for communal areas, HMO's, Sewerage Plants and dwellings		Jan-18					Jun-19													
	E5	Implement a testing program for emergency lighting to undertake, 6 monthly and annual checks		Jan-18					Jun-19													
	E6	Establish a list of electrical items in communal areas for PAT/FAT testing		Jan-18					Jun-19													
	E7	Upload Electrical certificates for servicing and installs to document management system		Jan-18									Apr-20									
	E8	Implement a programme of annual testing of lightening conductors		Jan-18					Jun-19													
	E9	Review emergency lighting provision in communal areas to determine legal requirement - refer to the FRA for requirements						Jan-19	Jun-19													
	E10	Temporary measure - Implement an electrical test on the whole property when major electrical work is carried out		Jan-Feb 18																		
Retaining Walls	RW1	Produce an asset register of walls and retaining walls							Jun-19												Jan-22	
	RW2	Instigate a regime of regular inspection and record condition of all walls and retaining walls							Jun-19												Jan-22	
	RW3	Where walls are in poor condition and there is a risk of collapse, fence off and organise appropriate repairs/replacement			Jun-18	Sep-18																

This page is intentionally left blank

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Drake House	14th December 2018		13th December 2018	11th January 2019	14th January 2019	17th + 18th January
Sir Francis Way						
Tower Court						

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Gibraltar House	15 + 16th January 2019	15 + 16th January 2019	15 + 16th January 2019	15th February	18th February 2019	21st + 22nd February

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Mayflower House	29th & 30th January 2019	29th & 30th January 2019	29th & 30th January 2019	22nd February 2019	25th February 2019	28th February + 1st March 2019
The Keys						

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Copperfield Gardens	12th & 13th February	12th & 13th February	12th & 13th February	8th March 2019	11th March	14th & 15th March 2019
Mayfield Gardens						

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Tendring Court	26th + 27th February	26th + 27th February	26th + 27th February	22nd March 2019	25th March 2019	28th + 29th March 2019
Thaxted Bold						





Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Elizabeth House	9th + 10th July 2019	9th + 10th July 2019	9th + 10th July 2019	2nd August 2019	6th August 2019	8th + 9th August 2019
Sandringham Road						
Wealden House						

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Courage Court	23rd + 24th July 2019	23rd + 24th July 2019	23rd + 24th July 2019	16th August 2019	19th August 2019	22nd + 23rd August 2019
Tower House						

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Dounsell Court	13th + 14th August 2019	13th + 14th August 2019	13th + 14th August 2019	6th September 2019	9th September 2019	12th + 13th September 2019
Lavenham Court						

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Farrow House	27th + 28th August 2019	27th + 28th August 2019	27th + 28th August 2019	20th September 2019	23rd September 2019	26th + 27th September 2019
Canterbury Court						
Greenshaw						

Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Cherry Trees	10th + 11th September 2019	10th + 11th September 2019	10th + 11th September 2019	4th October 2019	7th October 2019	10th + 11th October 2019
Mellor Close						

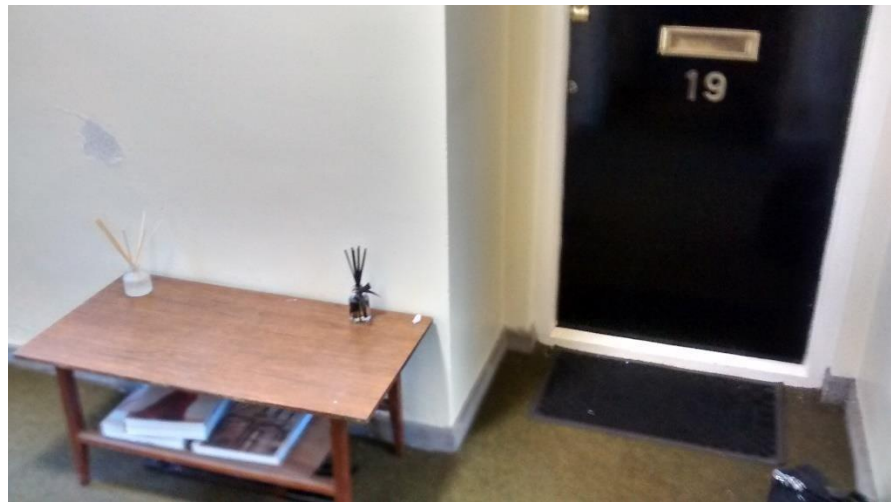
Site(s)	Hand delivered letters + Section 41 Notice (Tuesday + Wednesday)	Posters	Photos and inventory visits (Tuesday + Wednesday)	Stickers (Friday)	Confiscation day (Monday)	Reinspection (Thursday + Friday)
Railway Square	24th + 25th September 2019	24th + 25th September 2019	24th + 25th September 2019	18th October 2019	21st October 2019	24th + 25th October 2019





Communal Area Management Before and After Photos 2019

Tower Court – 14<sup>th</sup> January 2019 - Before





Tower Court – 14<sup>th</sup> January 2019 - After


















































This page is intentionally left blank








































# Brentwood - Mobilisation Plan



Flag	Task Description	Start	Finish	Assigned	Status	Duration	Resource	Comments
1	<b>Brentwood BC Mobilisation Programme</b>							
2								
3	<b>Management</b>	<b>12/02/19</b>	<b>15/02/19</b>			<b>4d</b>		
4	Contract Award	12/02/19	12/02/19	Nicola Marsh	In Progress	1d	Brentwood Borough Council	
5	Kick Off Workshop	13/02/19	15/02/19	Eric Owen	Completed	3d	Axis Mobilisation Team (To include: IT, HR, Finance, Operations, Marketing & PMT) & Brentwood Borough Council Mobilisation team	
6	Mobilisation Teams Identified by Both Partners	13/02/19	13/02/19	Eric Owen	In Progress	1d		
7	Tasks & Responsibilities Identified	13/02/19	13/02/19	Eric Owen	In Progress	1d		
8								
9	<b>Joint Weekly Mobilisation Meeting</b>	<b>04/02/19</b>	<b>04/06/19</b>			<b>87d</b>		
10	Joint Weekly Mobilisation Meeting 1 - 19 (Every Monday)	04/02/19	03/06/19	Eric Owen	In Progress	86d	Axis Mobilisation Team (To include: IT, HR, Finance, Operations, Marketing & PMT) & Brentwood Borough Council Mobilisation team	
11	Identify Members and Dates for Governance Meetings	20/02/19	20/02/19	Eric Owen	Not Started	1d		
12	Develop Risk Register	20/02/19	04/06/19	Eric Owen	In Progress	75d		
13	Develop Continuous Improvement Plan	04/03/19	30/04/19	Eric Owen	Not Started	42d		
14	Agree Business Continuity Plan	25/03/19	29/03/19	Eric Owen	Not Started	5d		
15								
16	<b>Customer Care</b>	<b>28/02/19</b>	<b>17/05/19</b>			<b>59d</b>		
17	Agree and issue joint contract launch information	06/03/19	08/03/19	Sarah Bennett	In Progress	3d	Axis Marketing Team & Brentwood BC Marketing Team	
18	Agree and Issue contract award letter info to residents	27/02/19	28/02/19	Sarah Bennett	Not Started	2d	Axis Operations Team & Brentwood BC Operations Team	
19	E-Mail to members advising of contract award	26/02/19	12/03/19	Sarah Bennett	Not Started	11d		
20	Internal Comms advising staff of contract award	26/02/19	26/02/19	Sarah Bennett	Not Started	1d		
21	Agree and Issue further info letter to residents with rent stmt	01/05/19	08/05/19	Sarah Bennett	Not Started	6d		
22	Agree and create resident noticeboard posters	01/05/19	08/05/19	Sarah Bennett	Not Started	6d		
23	Meeting with resident groups	20/03/19	22/03/19	Sarah Bennett	Not Started	3d		
24	Meet the contractor' event	29/03/19	29/03/19	Sarah Bennett	Not Started	1d	Axis Operations Team	
25	Meet local housing managers	01/04/19	05/04/19	Sarah Bennett	Not Started	5d		
26	Leaseholder Consultations	13/05/19	17/05/19	Sarah Bennett	Not Started	5d		
27	Employment Opportunities Fayre	09/05/19	10/05/19	Sarah Bennett	Not Started	2d		
28								
29	<b>Partnering Workshops</b>	<b>14/02/19</b>	<b>06/09/19</b>			<b>147d</b>		
30	Partnering Workshops 1 - 9 (Fortnightly on Thursday)	14/02/19	06/09/19	Eric Owen	Not Started	147d	Axis Operations Team & Brentwood BC Operations Team	
31	Social value co-ordination Meeting	22/05/19	22/05/19		Not Started	1d	Axis Community Investment Team & Brentwood BC Community Investment team	
32	Review complaint handling processes & procedures	13/05/19	17/05/19		Not Started	5d	Axis Quality & Service Team	
33	Review Resident Satisfaction Survey Processes & Procedures	20/05/19	24/05/19		Not Started	5d		
34	Identify potential risk indicators - vulnerable residents	28/05/19	03/06/19		Not Started	5d		
35								
36	<b>TUPE</b>	<b>12/02/19</b>	<b>09/05/19</b>			<b>63d</b>		
37	Collation of details	12/02/19	25/03/19	Chris Houlihan	In Progress	30d	Axis HR Team	
38	Issue of measures to transferring staff	11/03/19	15/03/19	Chris Houlihan	Not Started	5d		
39	Meeting with transferring staff/ unions	01/04/19	05/04/19	Chris Houlihan	Not Started	5d		
40	One to One meetings with transferring staff	08/04/19	12/04/19	Chris Houlihan	Not Started	5d		
41	Identify core competencies & check accreditation	22/04/19	03/05/19	Chris Houlihan	Not Started	10d		
42	Identify Training Needs	08/05/19	09/05/19	Chris Houlihan	Not Started	2d		
43								
44	<b>Health and Safety</b>	<b>11/03/19</b>	<b>22/03/19</b>			<b>10d</b>		
45	Review H&S information/ process and procedures	11/03/19	22/03/19	Chris Houlihan	Not Started	10d	Axis H&S Team	
46								



Flag	Task Description	Start	Finish	Assigned	Status	Duration	Resource	Comments
47	  <b>Risk Assessment Working Group</b>	<b>21/02/19</b>	<b>30/05/19</b>			<b>71d</b>		
48	 Risk Assessment Working Group 1 - 4 (Monthly on Thursday)	21/02/19	16/05/19	Chris Houlihan	Not Started	61d	Axis H&S Team & Brentwood BC H&S Team	
49	 Insurances	29/04/19	03/05/19	Chris Houlihan	Not Started	5d	Axis H&S Team	
50	 Asbestos Register	01/04/19	12/04/19	Chris Houlihan	Not Started	10d		
51	 Statutory authorities	15/04/19	23/04/19	Chris Houlihan	Not Started	7d		
52	 Appoint contract safety representatives	08/05/19	09/05/19	Chris Houlihan	Not Started	2d		
53	 CRB/DBS checks	04/03/19	30/05/19	Chris Houlihan	Not Started	64d		
54								
55	  <b>Uniforms and Branding</b>	<b>20/03/19</b>	<b>04/06/19</b>			<b>55d</b>		
56	 Agree branding guidelines & Document templates	20/03/19	20/03/19	Sarah Bennett	In Progress	1d	Axis Marketing Team & Brentwood BC Marketing Team	
57	 Order Uniforms / PPE	20/03/19	17/05/19	Chris Houlihan	Not Started	43d	Axis Marketing Team	
58	 Issue uniforms	03/06/19	04/06/19	Chris Houlihan	Not Started	2d	Axis Operations Team	
59								
60	  <b>Sustainability</b>	<b>23/04/19</b>	<b>13/05/19</b>			<b>15d</b>		
61	 Agree waste Management plan	23/04/19	29/04/19	Nicola Marsh	Not Started	5d	Axis Sustainability Team	
62	 Agree site waste practices	29/04/19	03/05/19	Chris Houlihan	Not Started	5d		
63	 Agree waste reporting structure	07/05/19	13/05/19	Chris Houlihan	Not Started	5d		
64								
65	  <b>Fleet and Van Stocks</b>	<b>11/02/19</b>	<b>04/06/19</b>			<b>82d</b>		
66	 Order Fleet	25/02/19	03/06/19	Chris Houlihan	Not Started	71d	Axis Fleet Team	
67	 Place Van Stock orders with suppliers	20/05/19	03/06/19	Chris Houlihan	Not Started	11d	Axis Operations Team	
68	 Branding	11/02/19	22/02/19	Chris Houlihan	In Progress	10d	Axis Fleet Team	
69	 Issue van stock	03/06/19	04/06/19	Chris Houlihan	Not Started	2d		
70	 Issue of vans	03/06/19	04/06/19	Chris Houlihan	Not Started	2d		
71								
72	 <b>Financial Management</b>	<b>08/04/19</b>	<b>03/06/19</b>			<b>41d</b>		
73	  <b>Finance</b>	<b>08/04/19</b>	<b>03/05/19</b>			<b>20d</b>		
74	 Agree and allocate cost codes & budgets	08/04/19	12/04/19	Phoebe Barnes	Not Started	5d	Axis Finance Team	
75	 Invoicing - Agree Process Map & Procedure	15/04/19	23/04/19	Nicola Marsh	In Progress	7d		
76	 Agree Report Structure & Review	23/04/19	29/04/19	Nicola Marsh	Not Started	5d		
77	 Agree Budget Review Mechanisms & Dates	29/04/19	03/05/19	Nicola Marsh	Not Started	5d		
78								
79	  <b>KPIs</b>	<b>13/05/19</b>	<b>03/06/19</b>			<b>16d</b>		
80	 Agree Data Collection	13/05/19	17/05/19	Vijay Parmar	Not Started	5d	Axis PMT & Brentwood Borough Council PMT	
81	 Agree KPI Processes & Procedures	20/05/19	03/06/19	Nicola Marsh	Not Started	11d		
82								
83	 <b>Delivery</b>	<b>14/02/19</b>	<b>21/06/19</b>			<b>92d</b>		
84	  <b>Demobilisation of Outgoing Contractors</b>	<b>01/02/19</b>	<b>03/06/19</b>			<b>87d</b>		
85	 Demobilisation Meetings	01/02/19	24/05/19	Nicola Marsh	In Progress	81d		
86	 Demobilisation Meetings 1 - 9 (Fortnightly on Thursday)	14/02/19	03/06/19	Nicola Marsh	Not Started	78d	Axis Operations Team & Incumbent Contractor	
87	 Current Overdue Jobs Data Review	08/04/19	12/04/19	Nicola Marsh	Not Started	5d	Axis Operations Team & Axis PMT	
88	 Current Jobs by Priority Data Review	15/04/19	23/04/19	Nicola Marsh	Not Started	7d		
89	 Current Void Data Review	23/04/19	29/04/19	Nicola Marsh	Not Started	5d		
90	 Agree Dates for Phased Start of Repairs Service	29/04/19	03/05/19	Nicola Marsh	Not Started	5d	Axis Operations Team	
91	 Agree Dates for Start of Voids	07/05/19	13/05/19	Nicola Marsh	Not Started	5d		
92	 Identify Current Supply Chain Utilisation	13/05/19	17/05/19	Nicola Marsh	Not Started	5d		
93								

Flag	Task Description	Start	Finish	Assigned	Status	Duration	Resource	Comments
94	  <b>General Repairs</b>	23/04/19	03/06/19			30d		
95	 Analysis of Existing Data for Scheduling System Trade Slots	23/04/19	29/04/19	Chris Houlihan	Not Started	5d	Axis PMT	
96	 Agree End to End Process	29/04/19	13/05/19	Eric Owen	Not Started	11d	Axis Operations Team	
97	 Agree Reporting Structure	13/05/19	17/05/19	Nicola Marsh	Not Started	5d		
98	 Identify Required Operatives	20/05/19	24/05/19	Chris Houlihan	Not Started	5d		
99	 Identify Specialist Sub-Contractors	28/05/19	03/06/19	Nicola Marsh	Not Started	5d		
100	 OOH Resource Plan	22/05/19	23/05/19	Chris Houlihan	Not Started	2d		
101								
102	  <b>Communal repairs</b>	23/04/19	16/05/19			18d		
103	 Analysis of Existing Data for Scheduling System Trade Slots	23/04/19	29/04/19	Chris Houlihan	Not Started	5d	Axis PMT	
104	 Agree Processes and Current Issues	07/05/19	09/05/19	Eric Owen	Not Started	3d	Axis Operations Team	
105	 Identify Estate Inspection Programme	30/04/19	02/05/19	Nicola Marsh	Not Started	3d		
106	 Identify trade slots and geographical set up	14/05/19	16/05/19	Chris Houlihan	Not Started	3d	Axis PMT	
107								
108	  <b>Aids &amp; Adaptations</b>	29/04/19	03/06/19			26d		
109	 Agree End to End Process	29/04/19	13/05/19	Eric Owen	Not Started	11d	Axis Operations Team	
110	 Agree Reporting Structure	13/05/19	17/05/19	Nicola Marsh	Not Started	5d		
111	 Identify Specialist Sub-Contractors	28/05/19	03/06/19	Chris Houlihan	Not Started	5d		
112								
113	  <b>Voids</b>	01/05/19	07/06/19			28d		
114	 Identify Void Types	01/05/19	01/05/19	Nicola Marsh	Not Started	1d	Axis Operations Team	
115	 Agree End to End Process	07/05/19	13/05/19	Eric Owen	Not Started	5d		
116	 Agree Reporting Structure	13/05/19	17/05/19	Nicola Marsh	Not Started	5d		
117	 Identify Void Manager	03/06/19	07/06/19	Nicola Marsh	Not Started	5d		
118	 Identify Void Teams	28/05/19	03/06/19	Nicola Marsh	Not Started	5d		
119								
120	  <b>Gas</b>	23/04/19	03/06/19			30d		
121	 Analysis of Existing Data for DRS Trade Slots	23/04/19	29/04/19	Chris Houlihan	Not Started	5d	Axis PMT	
122	 Analysis of Servicing Profile	29/04/19	03/05/19	Chris Houlihan	Not Started	5d		
123	 Agree End to End Process	07/05/19	13/05/19	Eric Owen	Not Started	5d	Axis Operations Team	
124	 Agree Reporting Structure	13/05/19	17/05/19	Nicola Marsh	Not Started	5d		
125	 Identify Required Operatives	20/05/19	24/05/19	Chris Houlihan	Not Started	5d		
126	 Identify Specialist Sub-Contractors	28/05/19	03/06/19	Chris Houlihan	Not Started	5d		
127								
128	  <b>Complete Property Survey</b>	29/04/19	13/05/19			11d		
129	 Agree Project Programme	29/04/19	01/05/19	Nicola Marsh	Not Started	3d	Axis Operations Team	
130	 Agree End to End Process	02/05/19	03/05/19	Nicola Marsh	Not Started	2d		
131	 Agree Documentation	07/05/19	13/05/19	Nicola Marsh	Not Started	5d		
132								
133	  <b>Planned Works</b>	01/05/19	08/05/19			6d		
134	 Agree Project Programme	01/05/19	03/05/19	Nicola Marsh	Not Started	3d	Axis Operations Team	
135	 Agree Resident Engagement Process	07/05/19	08/05/19	Nicola Marsh	Not Started	2d		
136								
137	  <b>Supply Chain Management</b>	08/04/19	03/06/19			41d		
138	 Identify contract specific materials	29/04/19	03/05/19	Chris Houlihan	Not Started	5d	Axis Operations Team	
139	 Identify warranty information held	07/05/19	13/05/19	Nicola Marsh	Not Started	5d		
140	 Identify specialist contractors	20/05/19	03/06/19	Nicola Marsh	Not Started	11d		

Flag	Task Description	Start	Finish	Assigned	Status	Duration	Resource	Comments
141	Review Subcontractor PQQ Data	08/04/19	30/05/19	Chris Houlihan	Not Started	39d		
142								
143	<b>Training</b>	<b>31/05/19</b>	<b>04/06/19</b>			<b>3d</b>		
144	Induction for Transferring TUPE Staff	31/05/19	04/06/19	Chris Houlihan	Not Started	3d	Axis HR , Fleet & Sustainability Teams	
145	Induction for Subcontractors	31/05/19	03/06/19	Chris Houlihan	Not Started	2d	Axis Operations Team	
146	PDA training for Operatives	31/05/19	04/06/19	Chris Houlihan	Not Started	3d	Axis Training Team	
147	Customer Care training for all staff	31/05/19	04/06/19	Nicola Marsh	Not Started	3d	Axis Quality & Service Team	
148	Safeguarding for all staff	31/05/19	04/06/19	Nicola Marsh	Not Started	3d		
149	E & D for all staff	31/05/19	04/06/19	Nicola Marsh	Not Started	3d		
150	H & S awareness for operatives	31/05/19	03/06/19	Chris Houlihan	Not Started	2d	Axis H&S Team	
151								
152	<b>Information Technology</b>	<b>13/02/19</b>	<b>04/06/19</b>			<b>80d</b>		
153	<b>IT Mobilisation Meeting</b>	<b>11/02/19</b>	<b>11/02/19</b>			<b>1d</b>		
154	IT Mobilisation Kick Off Meeting	11/02/19	11/02/19	Vijay Parmar	In Progress	1d	Axis IT Team & Brentwood Borough Council IT Team	
155								
156	<b>Weekly Mobilisation Meeting</b>	<b>28/01/19</b>	<b>04/06/19</b>			<b>92d</b>		
157	Weekly Mobilisation Meeting 1 - 22 (Every Monday)	28/01/19	04/06/19	Vijay Parmar	In Progress	92d	Axis IT Team & Brentwood Borough Council IT Team	
158								
159	<b>Setup of Co-Located Office</b>	<b>13/02/19</b>	<b>21/05/19</b>			<b>70d</b>		
160	Order Data Lines	13/02/19	13/02/19	Vijay Parmar	Not Started	1d	Axis IT Team	
161	Agree IT Setup for new site	18/02/19	15/03/19	Vijay Parmar	Not Started	20d	Axis IT Team & Axis Operations Team	
162	Order Required Hardware	18/03/19	29/03/19	Vijay Parmar	Not Started	10d	Axis IT Team	
163	Data Line Delivery	14/02/19	13/05/19	Vijay Parmar	Not Started	63d		
164	Install & Configure Hardware	01/04/19	30/04/19	Vijay Parmar	Not Started	22d		
165	Configure LAN	14/05/19	20/05/19	Vijay Parmar	Not Started	5d		
166	Test & Sign Off Site	21/05/19	21/05/19	Vijay Parmar	Not Started	1d		
167								
168	<b>Interfaces</b>	<b>18/02/19</b>	<b>30/07/19</b>			<b>117d</b>		
169	Agree Interface Requirements	18/02/19	18/02/19	Vijay Parmar	Not Started	1d	Axis IT Team & Brentwood Borough Council IT Team	
170	Build Interface Functional Specification	19/02/19	04/03/19	Vijay Parmar	Not Started	10d	Axis IT Team	
171	Agree Interface Technical Specification	05/03/19	18/03/19	Vijay Parmar	Not Started	10d	Axis IT Team & Brentwood Borough Council IT Team	
172	Interface Development	19/03/19	15/04/19	Vijay Parmar	Not Started	20d	Axis IT Team	
173	Internal Technical Testing	16/04/19	24/04/19	Vijay Parmar	Not Started	7d		
174	Client Technical Testing	25/04/19	09/05/19	Vijay Parmar	Not Started	11d	Axis IT Team & Brentwood Borough Council IT Team	
175	Handover to UAT	10/05/19	10/05/19	Vijay Parmar	Not Started	1d	Axis IT Team & Axis PMT	
176	UAT	13/05/19	24/05/19	Vijay Parmar	Not Started	10d	Axis PMT & Axis Operations Team	
177	Contingency	28/05/19	17/06/19	Vijay Parmar	Not Started	15d	Axis IT Team	
178	Go Live	19/06/19	19/06/19	Vijay Parmar	Not Started	1d	Axis IT Team & Brentwood Borough Council IT Team	
179	Support	19/06/19	30/07/19	Vijay Parmar	Not Started	30d	Axis IT Team & Axis PMT	
180								
181	<b>System Setup</b>	<b>11/02/19</b>	<b>04/06/19</b>			<b>82d</b>		
182	High Level Discussion on System Setup	11/02/19	11/02/19	Vijay Parmar	Not Started	1d	Axis IT Team, Axis PMT & Axis Operations Team	
183	Detailed System Setup Discussion	26/02/19	28/02/19	Vijay Parmar	Not Started	3d		
184	System Setup Document Completed	01/03/19	14/03/19	Vijay Parmar	Not Started	10d	Axis IT Team & Axis PMT	
185	Dev & Test System Setup	15/03/19	28/03/19	Vijay Parmar	Not Started	10d		
186	Dev System Testing	29/03/19	11/04/19	Vijay Parmar	Not Started	10d	Axis IT Team	
187	Amendments to Dev & Test System Setup	12/04/19	18/04/19	Vijay Parmar	Not Started	5d	Axis IT Team & Axis PMT	











	Flag	Task Description	Start	Finish	Assigned	Status	Duration	Resource	Comments
188	🚩	System Setup Amendments due to Interfaces	23/04/19	29/05/19	Vijay Parmar	Not Started	27d		
189	🚩	Dev& Test System Setup Signed Off	30/05/19	30/05/19	Vijay Parmar	Not Started	1d		
190	🚩	Live System Setup	31/05/19	04/06/19	Vijay Parmar	Not Started	3d		
191									
192	🚩	<b>☐ Telephony</b>	<b>28/02/19</b>	<b>04/06/19</b>			<b>69d</b>		
193	🚩	Requirements Agreed	28/02/19	27/03/19	Sarah Bennett	Not Started	20d	Axis IT Team & Axis Operations Team	
194	🚩	ID IVR Set-Up			Sarah Bennett	Not Started			
195	🚩	Implement Changes to IVR			Sarah Bennett	Not Started			
196	🚩	Test IVR			Sarah Bennett	Not Started			
197	🚩	Agree process for non-repair calls			Sarah Bennett	Not Started			
198	🚩	Phone Number Set-Up			Sarah Bennett	Not Started			
199	🚩	Staff training			Sarah Bennett	Not Started			
200	🚩	Agree Escalation/Emergency Process			Sarah Bennett	Not Started			
201	🚩	Call Centre Setup	28/03/19	23/04/19	Sarah Bennett	Not Started	19d	Axis IT Team	
202	🚩	Call Centre go Live	18/04/19	04/06/19	Sarah Bennett	Not Started	34d		
203									
204	🚩	<b>☐ Go Live</b>	<b>04/06/19</b>	<b>01/07/19</b>			<b>20d</b>		
205	🚩	Go Live	04/06/19	04/06/19	Nicola Marsh	Not Started	1d	Axis Operations Team & Brentwood BC Operations Team	
206	🚩	Training & Head Office Support	04/06/19	01/07/19	Chris Houlihan	Not Started	20d	Axis IT Team & Axis PMT	

This page is intentionally left blank

**Date of Issue** - 27th April 2018

**Scope** - Review service arrangements, process maps, gap analysis and action plan only. Ridge review excludes Fire Safety.

### PROGRESS/PROGRAMME

Compliance Area	% Complete	RAG Status	Issued date	Action Plan Comments
Asbestos	100%		-	5 high priority (Red) actions.
Gas Safety	100%		-	12 high priority (Red) actions.
Water/Legionella	100%		10/04/2018	5 high priority (Red) actions.
Electrical safety	100%		27/04/2018	4 high priority (Red) & 6 medium priority (Amber) actions.
Passenger Lifts & Stairlifts	100%		27/04/2018	4 high priority (Red) actions.
Fire Prevention	100%		27/04/2018	4 high priority (Red) & 1 medium priority (Amber) actions.
CDM Regulations	100%		27/04/2018	2 high priority (Red) actions.
Walls and Retaining Walls	100%		27/04/2018	3 high priority (Red) actions.
Play areas and equipment	Not included in this review - managed by Stuart Anderson			

NO.	ACTION	RESPONSIBILITY	TARGET DATE/RAG	COMMENTS/UPDATE
1	Ensure that all staff receive training and support to ensure Bretnwood complies with the Construction (Design and Management) Regulations.			
2	Consider appointing a consultant immediately to provide advice for each project/contract.			

The following issues were identified at a meeting on 18<sup>th</sup> April 2018 to discuss arrangements for the Construction (Design & Management) Regulations - CDM Regulations.

NO.	ISSUE
1	There is no record of any recent jobs/contracts complying with CDM regulations.
2	CDM regulations were not considered in the contract with Wates and Oakray.
3	There is a high risk of non-compliance in small jobs ordered where Brentwood and the contractor are unaware of their responsibilities.

NO.	ACTION	RESPONSIBILITY	TARGET DATE/RAG	COMMENTS/UPDATE
1	Draft an Electrical Safety Management Plan and Procedures			
2	Undertake an immediate Electrical Inspection for the communal areas in the HiMO's (Dounsell, Tyrell Rise & Cadogan Avenue).			Instructed Oakray at the meeting on 18/04/18
3	Undertake an immediate Electrical Inspection at the two sewerage treatment works sites.			Instructed Oakray at the meeting on 18/04/18
4	Implement a testing programme every 5 years for communal areas, HiMO's, sewerage treatment plants and dwellings.			
5	Implement a testing programme for emergency lighting to undertake monthly, 6 monthly and annual checks.			
6	Undertake an audit of current EICR's to check validity and identify works required.			
7	Obtain from Oakray a list of equipment at all sheltered sites.			
8	Collate existing EICR certificates in one place ready for upload to Keystone			
9	Download as much information/certificates as possible from Oakcloud before the end of the contract			
10	Implement a programme of annual testing of lightning conductors			

11	Oakray to send all certificates for periodic checks or new installations to the Brentwood repairs inbox – save certificates for upload to Keystone.			
12	Oakray to ensure all certificates have been delivered that relate to monthly applications for payment.			
13	Review emergency lighting provision in communal areas to determine legal requirement – refer to the FRA for requirements.			
14	Ensure all xmas lights are PAT tested.			
15	Produce a schedule of electrical items at each site that should be PAT tested.			
16	Implement an electrical test on the whole property when major electrical work is carried out.			

The following issues were identified at a meeting on 18<sup>th</sup> April 2018 to discuss arrangements for electrical safety.

NO.	ISSUE
1	There is no Electrical Safety Management Plan or procedures
2	The list of assets needs to be reviewed and verified.
3	Electrical tests have only been carried out on voids, sheltered schemes communal areas, no proactive testing of dwellings is undertaken (except on re-lets and mutual exchanges).
4	There is no assigned Dutyholder or responsible person.
5	Annual PAT testing is undertaken and a list of sites is available but there is no list of equipment that should be tested at each site.
6	Brentwood are uncertain that they have all required electrical certificates, all stored on Oakcloud. Sheltered scheme certificates are stored on a local drive.
7	Electrical test certificates for the whole property are not requested when major electrical works are carried out.
8	EICR's are not checked for validity or for works which need to be carried out (Oakray complete all Category 1 recommendations)
9	Emergency lighting in communal areas is only tested every 12 months.
10	Brentwood do not proactively manage any electrical testing, this is largely left to the contractors.
11	Electrical tests have not been carried out on HiMO's communal areas (Oakray only instructed to do bedrooms at change of tenancy)



## 1.1 Background

The objective of this procedure is to ensure that any potential or actual asbestos fibre release arising from an unexpected disturbance of asbestos containing materials is minimised swiftly and any containment work is undertaken in accordance with all regulations and Health and Safety Executive guidance.

## 1.2 Purpose

In the event of a release of asbestos fibres to ensure appropriate actions are followed to reduce risks to health of staff, occupants, contractors, and 3rd parties and to ensure any actions are instigated as swiftly as possible.

To ensure all contractors carrying out emergency works to asbestos containing materials, do so in a manner which mitigates the risk of further exposure to asbestos fibres.

Provide relevant information to staff, including the emergency arrangements in place, to respond correctly in an emergency involving asbestos containing materials and appropriately instruct contractors (specialist or otherwise).

If any contractor has inadvertently damaged a product suspected of containing asbestos, or discovered damaged asbestos when working in a property, these procedures are to be followed.

To maintain an appropriate document trail for compliance audit and updating of the asbestos register.

## 1.3 Procedure

In general, as long as the Asbestos Policy, Asbestos Management Plan and Asbestos Procedures are followed, competent contractors are engaged, and the asbestos register is consulted before commencing work asbestos containing materials should not be disturbed. However, should an incident occur as a result of damage to actual or suspected asbestos containing materials this procedure is to be followed.

## 1.4 Emergency Procedures

Where there is (actual or suspected) exposure, to asbestos fibres then the relevant Dutyholder or Responsible Person (RP) for that property shall be notified immediately. They shall coordinate with all relevant stakeholders and provide suitable advice relative to the incident.

For all incidents, the following actions should be taken:

- Evacuate the room or location, close doors/windows, close off mechanical ventilation and inform the person in charge and relevant Dutyholder, Responsible Person, and the Asbestos Surveying Consultant;
- If persons or clothing have been contaminated, then follow the procedure in HSE Asbestos Essentials em1 (replicated in 1.8 below);
- Prevent further access to all persons, this may include residents, contractors, occupiers, members of the public and staff;
- Contact the Asbestos Surveying Consultant who will provide immediate advice and will attend (within 2 hours) to carry out testing. The Asbestos Surveying Consultant will determine if any emergency work needs to be completed and whether licenced contractors need to be employed to undertake the 'clean up' process prior to re-occupation and the work continuing;

- The relevant Responsible Person or dutyholder, the Asbestos Surveying Consultant and person responsible for the works, must consult the asbestos register to check if an asbestos survey has been undertaken. If there are no survey results for the area concerned, then prevent further access until the Asbestos Surveying Consultant arrives;
- In cases where it has been determined that asbestos fibres have been released, the Asbestos Surveying Consultant will provide advice to those persons exposed, determine what remedial action is required and the working method to be employed. This could include a full 'environmental clean' and notification to the HSE under RIDDOR;
- If household/personal items have been exposed to asbestos fibres, the Asbestos Surveying Consultant will provide assistance to determine whether specific items are capable of being adequately de-contaminated. It may not be possible to safely/comprehensively clean some household/personal items, like clothing, fabrics, carpets etc. and these will have to be disposed of as asbestos waste. In these cases, Brentwood Borough Council (BBC) will need to consider and implement an appropriate compensation process to ensure all items are documented (with photographs), replacement costs agreed and associated records compiled. Disposal of all contaminated items must to be undertaken by an HSE Licenced Removal Contractor.
- Any remedial works will be undertaken by a Licenced Removal Contractor and will be supervised by the Asbestos Surveying Consultant and air-reassurance testing undertaken prior to re-occupation or opening up of the area. All documentation and related certificates must be retained, filed, and logged on the Asbestos Register; and
- Anyone who is concerned that they may have inhaled asbestos fibres should consult their Doctor/GP.

### 1.5 Contacts

Relevant contact details for BBC will be provided to all contractors undertaking work on site, so that any unexpected asbestos containing materials discovered during any works can be reported to the appropriate Responsible Persons or Dutyholder.

The Asbestos Surveying Consultant and Asbestos Removals Contractor can be accessed via dedicated telephone numbers provided below:

**Asbestos Surveying Consultant:** Cube Environmental Limited, Alpi House, Miles Gray road Basildon Essex. Telephone 01268 535345 (for out of hours a manned mobile number will be provided).

**Asbestos Removal Contractor:** European Asbestos Services Limited, Unit 1 Josselin Court, Josselin road, Wollaston Industrial Centre, Basildon Essex, SS13 1QF. Telephone 01268 921981 (for out of hours a manned mobile number will be provided).

**Client Contacts:** Nicola Marsh Telephone 07900 409817  
Rob Burton Telephone 07956 047107

### 1.6 Asbestos Register

Asbestos register information is held on the Asbestos Surveying Consultants portal (and Keystone). Access to this web portal is available on a 24-hour basis via individual's secured password.

The asbestos register will be maintained and available on a 24-hour basis accessible for BBC staff, consultants and all contractors.

Contractors carrying out works shall also have direct contact with the relevant Responsible Person or dutyholder whilst the works are in progress. The Asbestos Surveying Consultant is contracted to provide a

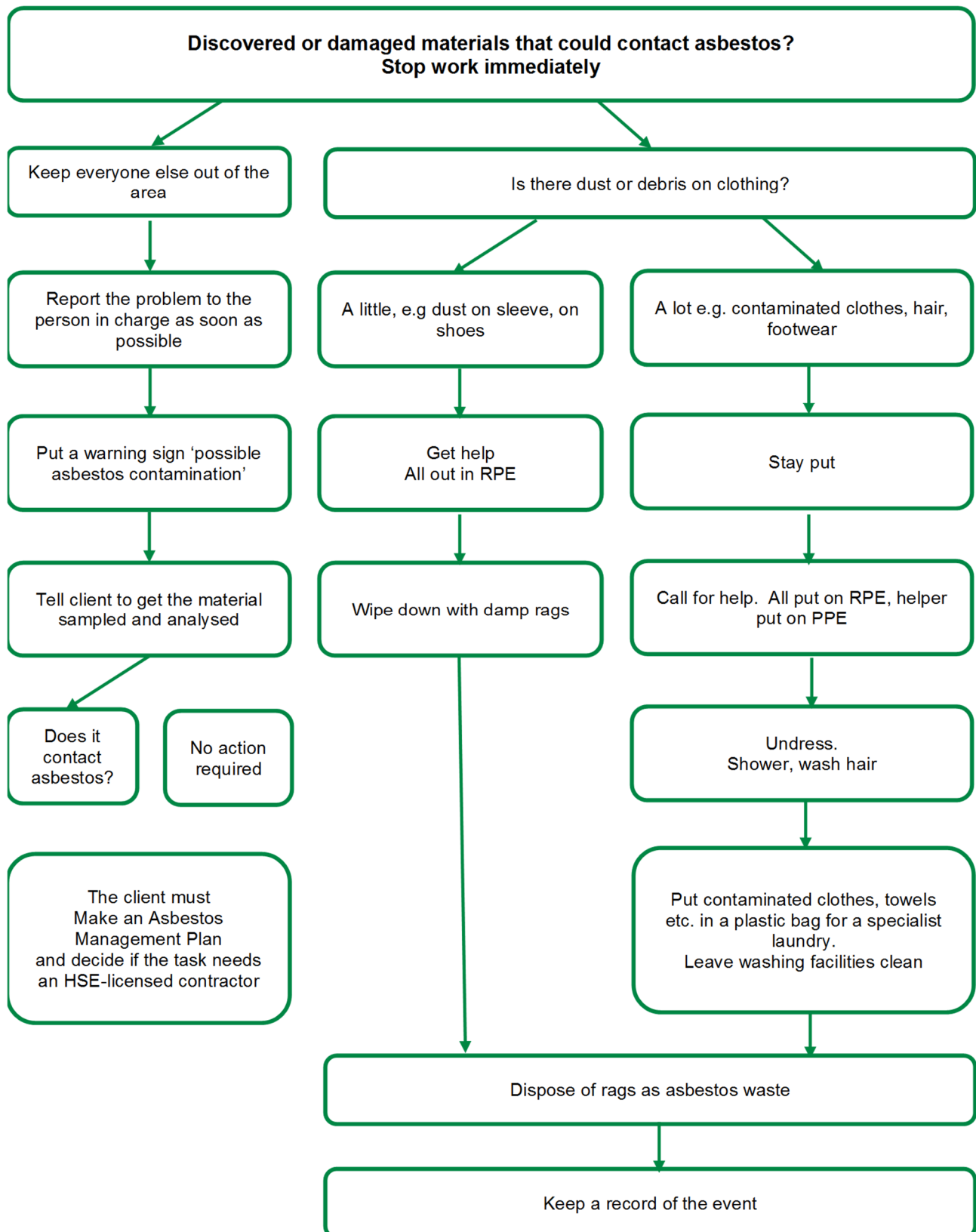
24 hours advice and attendance service, together with the Asbestos Removals Contractor to undertake emergency works. This includes out of hours, weekends and public holidays.

### 1.7 Lessons Learned

Once the emergency procedure has concluded a full investigation, is to be undertaken by the Dutyholder, to establish its cause, effect and aid in preventing any further similar occurrences in the future. Any such occurrences and their outcomes shall be documented and reported to the Asbestos Steering Group for periodic review.

### 1.8 Decontamination Procedure

The following has been replicated from the HSE Asbestos Essentials document 'em1' called 'What to do if you uncover or damage materials that may contain asbestos' and if followed should ensure compliance with the law:



NO.	ACTION	RESPONSIBILITY	TARGET DATE/RAG	COMMENTS/UPDATE
1	Ensure Oakrays contract includes for annual testing of smoke/fire detectors and ensure certification is provided.			
2	Formulate an asset register of sites that have fire fighting equipment			
3	Produce a programme of regular inspections required on fire fighting equipment based on last service date.			
4	Formulate an asset register of fire doors and implement a regime of regular inspection of condition and correct operation.			
5	Update Chubb when fire officer deems fire fighting equipment is not required on a particular site			

NO.	ACTION	RESPONSIBILITY	TARGET DATE/RAG	COMMENTS/UPDATE
1	Ensure Oakrays contract includes for annual testing of smoke/fire detectors and ensure certification is provided.			
2	Formulate an asset register of sites that have fire fighting equipment			
3	Produce a programme of regular inspections required on fire fighting equipment based on last service date.			
4	Formulate an asset register of fire doors and implement a regime of regular inspection of condition and correct operation.			
5	Update Chubb when fire officer deems fire fighting equipment is not required on a particular site			

The following issues were identified at a meeting on 18<sup>th</sup> April 2018 to discuss arrangements for fire prevention and fire equipment.

NO.	ISSUE
1	The contract for firefighting equipment is with Chubb, which means equipment is owned by Chubb. Chubb often replace missing fire extinguishers (and charge Brentwood) when the fire officer says they are not needed.
2	Brentwood do not have records of firefighting equipment or when it was last serviced.
3	The condition and operation of fire doors in communal areas are not checked annually.
4	Brentwood are unclear if the testing of domestic smoke/heat detectors is included in the Oakray boiler servicing contract.
5	There is no register of assets for smoke/heat detectors, therefore, Brentwood are uncertain that all assets are regularly checked.

NO.	ACTION	RESPONSIBILITY	TARGET DATE/RAG	COMMENTS/UPDATE
1	Undertake new risk assessments for all known sites.			
2	Check asset data on Keystone against original list of sites to produce a definite asset register, commission further risk assessments as required.			
3	Undertake surveys to establish requirements of sites which are not on the asset register which have potential for risk and commission further risk assessments as required.			
4	Draft a policy and procedure for Water Treatment/Legionella, including a procedure for dealing with an outbreak of Legionellosis.			
5	Ensure adequate budgetary provision is made for procurement of risk assessments, high risk recommendations from risk assessments and an ongoing maintenance of additional sites.			
6	Establish a monthly application for payment process for Oakray including evidence of works carried.			Agreed with Oakray 09/04/18



The following issues were identified at a meeting on 9<sup>th</sup> April 2018 to discuss arrangements for water treatment and legionella.

NO.	ISSUE
1	There are no current risk assessments for any sites.
2	The list of assets needs to be verified.
3	There is no Water Treatment Policy or procedures.
4	There is no assigned Dutyholder or responsible person.
5	There are no central records of any inspections/work carried out held by Brentwood, each site has a log book of visits.
6	All Oakrays records are paper based.
7	There is no exist strategy for transfer of records from Oakray to Brentwood at the end of the contract.
8	There are sites which have not been Risk Assessed and should have been.
9	There are sites that are not subject to regular inspection and testing by Oakray but should be.
10	Tenants in general needs properties have not been advised of the risk of legionella.

NO.	ACTION	RESPONSIBILITY	TARGET DATE/RAG	COMMENTS/UPDATE
1	Review servicing regime for passenger lifts so that inspection intervals are formalised on a risk assessment basis.			
2	Re-tender or formalise the contract with Mountfield for stailifts maaintenance.			
3	Verify the list of stairlifts installed and ensure all receive an annual inspection.			
4	Ensure Mountfield provide certificates for all recent stairlift services and that the contract going forward ensures that certificates are provided before payment is made.			

The following issues were identified at a meeting on 18<sup>th</sup> April 2018 to discuss arrangements for passenger lifts and stairlifts safety.

NO.	ISSUE
<b>Passenger Lifts</b>	
1	Brentwood are unclear as to how often lifts should be inspected.
<b>Stairlifts</b>	
1	There is no formal contract for the maintenance of stairlifts, only a verbal agreement with Mountfield for annual servicing.
2	There is a list of addresses of stairlifts that Mountfield service, Stannah have installed stairlifts but currently may not be serviced by Mountfield.
3	No certificates are provided to Brentwood to state that the stairlifts are safe.

NO.	ACTION	RESPONSIBILITY	TARGET DATE/RAG	COMMENTS/UPDATE
1	Produce an asset register of walls and retaining walls.			
2	Instigate a regime of regular inspection and record condition of all walls and retaining walls.			
3	Where walls are in poor condition and there is a risk of collapse, fence off and organise appropriate repairs/replacement.			
4				
5				

The following issues were identified at a meeting on 18<sup>th</sup> April 2018 to discuss arrangements for the inspection and safety of walls and retaining walls.

NO.	ISSUE
1	There is no inspection regime to asses the safety or condition of walls and retaining walls.

This page is intentionally left blank

**5<sup>th</sup> March 2019**

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

### **Garage Site Redevelopment Proposals**

**Report of:** *Angela Abbott, Housing Services Manager*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The Council owns a range of garage sites across the Borough, including those that are disused and hard to let. Members previously agreed that Officers should identify the potential redevelopment of sites that provided an immediate opportunity for new affordable housing.
- 1.2 Officers have identified two potential sites. One site is at Brookfield Close, Hutton and the second at Sir Francis Way, which is located in Brentwood, very close to the Town Centre. Both sites provide excellent potential for redevelopment.
- 1.3 The Brookfield Close redevelopment site would replace properties that do not meet the current decent home standard.
- 1.4 To formally establish the viability of each site a technical report is required, in the form of an initial feasibility study, which will outline potential on both sites, and inform in terms of quantum and tenure mix.

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

- 2.1 That the Committee formally approves delegated authority for the Housing Services Manager to commission an architect to prepare an initial feasibility report relating to both sites, up to a limit of £20,000.**
- 2.2 That the feasibility report outcomes are reported to the next Community, Health & Housing Committee.**

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

- 3.1 Housing Services has been monitoring structural movement on 13 bedsit bungalows, 1 two-bedroom bungalow and an associated hall at Brookfield Close, Hutton. The area of land incorporates both the line of properties and the garage site.
- 3.2 Due to significant subsidence and disrepair issues these properties are now unable to be re-let and will require demolition as long-term occupation is no longer tenable.
- 3.3 The Brookfield site properties were post-world war two builds and would not meet the current 'Decent Homes standard'. Re-building or adaptation of the properties would not be cost-effective. Current site layout does not reflect maximisation of potential.
- 3.4 Increasingly the properties have been used as 'temporary accommodation' for homeless households, to meet statutory duties. The principal reason for this has been difficulties in re-letting the properties as permanent accommodations. Applicants have refused the properties, not wishing to accept due to them being small bedsits with limited internal space and being of outdated design and build.
- 3.5 The Brookfield site offers an opportunity to develop new affordable housing at a key location within the Borough. Re-development would allow for a higher build standard and better land usage.
- 3.6 The Brookfield garage site consists of 47 garages which are also falling into structural disrepair. The garage site is to the immediate rear of the property line, but is enclosed, effectively creating a void space which attracts fly-tipping and anti-social behaviour.
- 3.7 The site at Sir Francis Way is a small area located within an existing HRA-owned development, which has been identified as having capacity for additional properties on a currently unused area of land.
- 3.8 The build of properties at both sites will focus on sustainability and 'future proofing', geared towards easier adaptations where required. The brief will also include greater use of design to produce economically and ecologically improved accommodations within the blue and green environment.
- 3.9 The potential re-development sites would create a mixture of housing tenures, with new and improved existing parking for residents.



- 3.10 Any current residents who will have to leave their current accommodation will be dealt with as per adopted Decant procedures in line with the Decant Policy.

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

- 4.1 The redevelopment proposals will contribute to Housing Services' Housing Strategy implementation and will create a model for future affordable housing development within the Borough.
- 4.2 A feasibility report will allow Officers to create tailored site-specific proposals for later submission to the committee.
- 4.3 Without a feasibility report to inform the development plan the evidence base for advancing new affordable housing site proposals would be potentially ill-founded.

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

- 5.1 Identified issues of housing need; parking provision; anti-social behaviour and fly-tipping would be captured in an enhanced strategic approach, rather than having to be dealt with in a reactive and un-coordinated manner.

#### **6. Consultation**

- 6.1 Consultation with 'Tenant Talkback' will be conducted once there are specific site-led proposals for consideration following review of the feasibility reports.

#### **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.

## **8. Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 [phoebe.barnes@brentwood.gov.uk](mailto:phoebe.barnes@brentwood.gov.uk)**

- 8.1 Feasibility costs arising on the sites stated within this report, will be met from within existing budgets in the Housing Revenue Account.
- 8.2 The redevelopment proposals from the feasibility report can be funded from the Affordable Housing Development Capital Programme. This programme allows 30% of the total development costs to be funded from the retained right to buy capital receipts. The remaining 70% will be funded from the Council either through a revenue contribution from the Housing Revenue Account (HRA) or through the HRA borrowing the required funds.
- 8.3 The redevelopment proposals will require a financial business model to be recommended to Policy, Projects and Resources Committee to allow drawdown from the Affordable Housing Development Capital Programme.

### **Legal Implications**

**Name & Title: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer**

**Tel & Email: 01277 312 874 [gina.clarke@brentwood.gov.uk](mailto:gina.clarke@brentwood.gov.uk)**

Both sites are held in the Council's Housing Revenue Account. Legal advice will be required in relation to the subject matter of this report if following the receipt of the feasibility report, it is proposed that the Council proceed to redevelop the sites. The Council would also need to consider whether any rights of access have been established on the sites or there are any existing leases or licences, and how it would affect any proposed redevelopment.

Once there are specific site-led proposals for consideration following review of the feasibility reports, consultation of those who would have a potential interest in the subject matter would need to be at a time when proposals are still at a formative stage. Sufficient reasons need to be given for any proposal to enable them to have an intelligent consideration and response. Also, adequate time must be given for consideration and response. The responses of the consultation must be conscientiously taken into account by the Council in finalising any proposals.

### **8.3 Planning Implications**

**Name & Title: Phil Drane, Director of Strategic Planning**

**Tel: & Email: 01277 312500 / [phil.drane@brentwood.gov.uk](mailto:phil.drane@brentwood.gov.uk)**

Both land at Brookfield Close, Hutton; and land at Sir Francis Way, Brentwood are located within the existing urban area as defined in the Brentwood

Replacement Local Plan (2005), unchanged in the emerging Brentwood Pre-Submission Local Development Plan (2019). The principle of residential redevelopment would be acceptable subject to details of any planning applications that would need to satisfy planning policies within the Council's Local Plan, including impact on surrounding areas or properties. The potential for intensification of sites to provide for more residential dwellings is likely to be acceptable given the borough's housing need and context of national policy, again subject to the proposal satisfying planning policies (both national and local). Land at Sir Francis Way is adjacent to the Green Belt boundary, which may be a consideration as part of any development proposal.

#### **8.4 Parks Department Implications**

**Name & Title:** Stuart Anderson, Facilities Manager

**Tel & Email:** 01277 312500, [stuart.anderson@brentwood.gov.uk](mailto:stuart.anderson@brentwood.gov.uk)

This is a relatively small development when compared to others in the Borough and so there is little concern about the impact it will have on the surrounding open spaces, there is also no effect on open space either adjacent to or on the development site itself and so there are no objections from a parks and open spaces perspective to the principle of this proposal.

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

None.

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

None.

#### **Appendices to this report**

Appendix A and B.

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

<b>Name:</b>	Angela Abbott, Housing Services Manager
<b>Telephone:</b>	01277 312500
<b>E-mail:</b>	<a href="mailto:angela.abbott@brentwood.gov.uk">angela.abbott@brentwood.gov.uk</a>

This page is intentionally left blank

## Facilities Management

**Adrian J Tidbury**  
Project Manager  
Contract

Page 141

**Brookfield Close**

Title

Drawn By AJT

Scale 1:500 @ A3

Checked

### Revisions

Drawing No.

T/AJT/4501



**Loan Hall  
Ingrave Road  
Brentwood**

LS97X

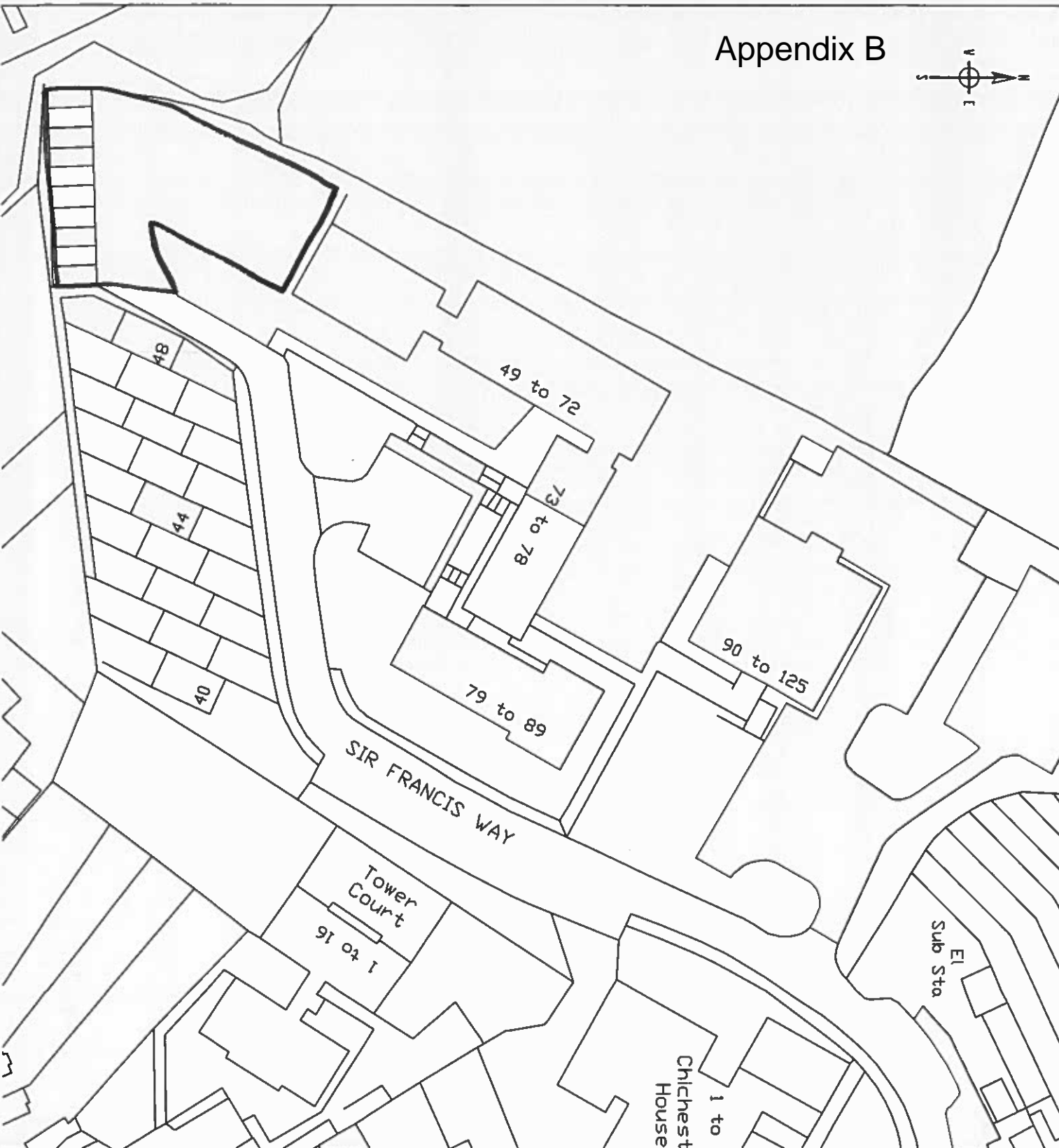
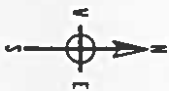
CDS 847

## Brexitwatch

14 04277 312500

Deposited into the Federal Reserve as part of the October 1st of the Supply Chain Credit Facility. The Federal Reserve has agreed to supply and extend to the credit of the Federal Reserve the Supply Chain Credit Facility.

This page is intentionally left blank



NOTES

Appendix B  
Sir Francis Way

Facilities Management  
Adrian J Tidbury  
Project Manager

Contract

Sir Francis Way

Title

Drawn By

AJT

Scale

1:500 @ A3

Date

February 2019

Checked

Revisions

Drawing No.

T/AJT/5503



Tom Hill  
Ingrove Road  
Brentwood  
Essex  
CM8 6AY  
Tel: 01277 312500

Important: This drawing is the property of the Designer and is not to be reproduced or used in any form without the written permission of the Designer. The Designer accepts no liability for any errors or omissions in this drawing.

This page is intentionally left blank



**5<sup>th</sup> March 2019**

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

### **Decant Policy 2019**

**Report of:** *Angela Abbott, Housing Services Manager*

**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 *Decant Policy* ('the Policy'). The Policy will allow for a more focussed and transparent approach to service provision as a social landlord and to private sector home owners.
- 1.2 The Council does not currently have a written and published Policy and given current building projects, and future housing strategy it is as an area for improvement to move towards substantial assurance.
- 1.3 The introduction and implementation of the Policy will ensure efficiency, economy and excellence of service provision as a social landlord.

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

- 2.1 That the Committee formally approve Option 1 the adoption of the '*Decant Policy 2019*' at set out at Appendix A.**

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

There is no statutory requirement for a stock-holding Local Authority to produce an Decant Policy. A 'decant' is where a household is required to move from their existing home to an alternate accommodation, either temporarily or permanently.

The introduction of a written published Decant Policy will allow for a greater customer focus and will provide an over-arching mechanism through which to ensure that any future decants are undertaken in a transparent and consistent manner with the focus being on service provision for the tenant.

The Policy provides a framework for understanding both the statutory duties the Council as landlord has and the approach Officers will take regarding individual decants.

### **Issues, Options and Analysis of Options:**

The Policy has been deliberately drafted to work in synthesis with Housing Services' core Strategies and Policies, and recognises the need for creating a stable, efficient and tenant-focussed service.

#### **Option 1: Implementation of the Policy:**

Implementing the policy will allow for:

- Transparency, particularly for tenants
- Tailored-service provision
- Economic focus
- Future audit compliancy
- Creation of written procedures to underpin the Policy

#### **Option 2: Non-implementation of the Policy:**

Non-implementation will potentially:

- Fail to advance Corporate priorities
- Cause confusion for tenants
- Create lack of focus on service provision

### **Reasons for Recommendation:**

Option 1 is recommended as the most transparent option for the Council and supports the '*Getting our House in Order*' transformation programme for Housing Services. It will provide a clear document for tenants to hold the Council to account.

Taking no further action will fail to advance corporate priorities and would be counter to our modernisation approach.

### **Consultation**

Consultation with 'Tenant Talkback' was conducted on the 22nd January 2019. 'Tenant Talkback' welcomed the introduction of the Policy to clarify policy direction and provide clear guidance on the process.

### **References to Corporate Plan**

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.

## **Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 phoebe.barnes@brentwood.gov.uk**

There is a budget of £10k per annum to fund any under occupation allowance payments to tenants.

For other costs associated with the Decant Policy, it is envisaged these will be one off costs as and when they arise, therefore they will be captured through the Council's budget monitoring processes and reported accordingly, as part of Budget updates. If these costs cannot be met from existing budgets, they will be funded from the HRA working balance.

### **Legal Implications**

**Name & Title: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer**

**Tel & Email: 01277 312 874 gina.clarke@brentwood.gov.uk**

The Decant Policy provides clarity as to the circumstances as to when households are required to be either temporarily or permanently displaced from their homes

Section 29 Land Compensation Act 1973, as amended states that a person is entitled to home loss payment (subject to certain limitations ) where s/he is displaced from a dwelling. The Decant Policy is in line with this requirement..

The Council is required to ensure that the policy comply with the 2011 public sector equality duty under s 149 of Equality Act 2010.

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

None.

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

None.

## **Appendices to this report**

Appendix A – Draft ‘Decant Policy 2019’

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

**Name:** Stuart Morris, Interim Housing Policy Manager  
**Telephone:** 01277 312500  
**E-mail:** [stuart.morris@brentwood.gov.uk](mailto:stuart.morris@brentwood.gov.uk)



# Annex A

## **Decant Policy**

**2019**

**[Draft]**

**Housing Services**

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

# Contents

<b>INTRODUCTION</b>	<b>03</b>
Why have a Decant Policy?	04
What is a decant? What does this policy cover?	05
Consultation	06
Owners, Leaseholders and Private Tenants	06
Provision of Information	07
<b>TENANTS – TEMPORARY DECANTS</b>	<b>08</b>
Emergency Decants	08
Temporary Decants	09
<b>TENANTS – PERMANENT DECANTS</b>	<b>10</b>
Your Needs	11
Where will I be moved?	12
Tenants returning to a new Development	13
Home Loss Compensation	13
Disturbance Payments	15
Right to Buy	16
Practical Help to Move	16
<b>PRIVATE OWNERSHIP:</b>	<b>17</b>
Negotiated Purchases	17
Compulsory Purchase Order	18
Disturbance Payments	19
Home Loss Compensation	19
Re-Housing of Tenants of Residential Owners	20
<b>ANCILLARY MATTERS</b>	<b>20</b>
<b>GLOSSARY</b>	<b>21</b>
<b>VERSION CONTROL</b>	<b>23</b>

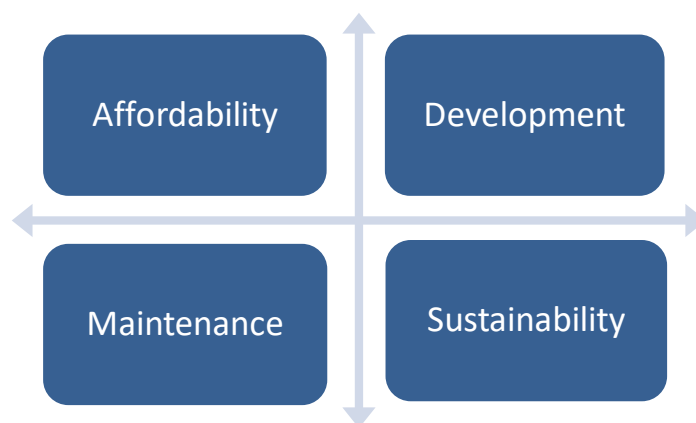
# INTRODUCTION

Brentwood Borough Council ('the Council') is committed, as a stock-holding Local Authority and social landlord, to ensuring the effective maintenance of its housing stock, estates, open spaces and communal areas.

The Council seeks to maintain and extend the life of its stock wherever possible. However, there will be times when existing buildings or schemes will need to be either renovated or renewed. To allow for this existing residents may have to be moved which is why a clear and transparent 'Decant Policy' is required.

Our residents should be reassured by our commitment to ensuring the promotion of residents health and well-being, alongside the provision of current and future social and affordable housing within the Borough.

**Mrs Angela Abbott**  
Housing Services Manager



# Scope and Purpose

## Why have a Decant Policy?



All residents of Council accommodation should have information about how their homes are maintained, including confidence in the process should they need to move to an alternative.

The Decant Policy is relevant to tenants and provides direction as to how any individual, communal or group decants will be undertaken. It also provides direction on how private home owners/tenants will be engaged with concerning development schemes.



All Councils and social landlords 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.



# What is a Decant?

## What does this policy cover?

A 'decant' is where a resident [of Brentwood Borough Council] is required to move temporarily or permanently from their home. This policy concerns properties and lands owned by the Council in its 'Housing Revenue Account' (HRA – see glossary).

A decant may be due to demolition or redevelopment of that dwelling or area, it may also be due to planned work or emergency situations.

This policy primarily deals with situations where residents of Brentwood Borough Council will permanently lose their home. A short section is included in relation to emergency and temporary decants.

The Council will deal with rehousing priorities using, for guidance, the criteria set out in the current Allocations Policy and in this Policy. The Council will try to meet a household's needs and wishes on their rehousing as best it can given available resources.

## Consultation

Tenant and resident consultation and involvement will comply with all legal requirements. In a non-emergency situation, the consultation will be completed before it is necessary for anyone to move. Consultation that forms part of the planning process does not form part of this Policy. For such information please contact the Council's planning officers or review the Council website at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

Major decant projects will involve Local Borough Councillors who will be sent copies of letters consulting residents, and will be invited to any formal consultation meetings with residents. The outcome of the consultation will be reported back to the tenants and residents in an appropriate format, and without identifying comments made by individual respondents. Councillors will be advised through the Council's usual democratic processes.

Tenants will be consulted informally, for a period of not less than 28 days save where exceptional circumstances arise.

Consultation for tenants is as per Part IV, section 105 of the Housing Act 1985 (as amended).

A reasonable amount of time will be given to the consultation and will include non-tenants where relevant. The formal s.105 consultation period will be for a minimum of 28 days.

If Court possession proceedings are being brought under the Housing Act 1985 then consultation will occur as a pre-condition of obtaining approval of the scheme from the Secretary of State. A written notice of the scheme will be served on all affected tenants under Schedule 2, Part 5 of the Act. Tenants have a minimum of 28 days to respond to the consultation.

The Council will seek to obtain voluntary agreement with tenants to relocate wherever possible. If this does not prove possible then the Council may seek to evict the tenant on grounds in the Housing Act 1985 or seek to compulsorily purchase the a legal interest in the property.

## **Owners, Leaseholders and Private Tenants**

In general, consultation with homeowners will happen alongside that carried out with council tenants, even though the Council may have no statutory obligation to consult with these groups outside of planning or the compulsory purchase processes.

For owners of property and private tenants, unless a voluntary agreement has been reached with them, the Council will pursue a compulsory purchase order.

If the Council decides to pursue compulsory purchase then it will comply with current legislation covering the use of Compulsory Purchase Orders under the Town and Country Planning Act 1990 or the Housing Act 1985 (as amended by the Planning and Compulsory Purchase Act 2004). This legislation governs the length of notice to be given. (See the 'Private Ownership' section below for more details).

## Provision of Information

If any multiple decant is necessary (temporary or permanent) then every qualifying person(s) will be allocated a designated Officer and invited to discuss the situation at the start of any project. Individual decants will also be dealt with similarly.

We will seek to discuss:

- What the proposed project is and why it is being undertaken.
- When it will be done, or likely timescales.
- The decant policy and process (tenants and qualifying owner occupiers only).
- What choices there are and how these can be made.
- What we will do to help tenants prepare for any work and support whilst this work is being carried out.
- Named contact officer for the duration of the programme.
- Owner occupiers will be given specific advice on how the Council wishes to involve their properties in any scheme and the process that will be followed



## Emergency Decants (1 to 14 days)

Where an unexpected event has caused a property to become uninhabitable the Council will seek to ensure immediate alternate accommodation is accessible.

The decision on whether a property is inhabitable will be made by the Housing Services Manager who will have regard to professional/expert advice and opinion.

Whilst every endeavour will be made to provide “like for like” accommodation in the short term accommodation which would not be fit for a longer term decant may be offered where no other properties are available.

In emergency situations accommodation offered may include, depending on availability:

- ☐ Council stock
- ☐ Council stock – shared facilities
- ☐ Bed & breakfast accommodation (which may be out of Borough)
- ☐ Sheltered Housing Guest Room

Tenants will also be supported to check to see if their home insurance may cover the cost of the above and/or if it would provide financial provision for alternatives. Tenants also have the option of staying with friends or relatives in the interim. Rent would be frozen in this instance.

## Temporary Decants (14 days +)

Temporary decants may be in any one of the above accommodation types, depending on availability and suitability. The Council will work with the tenant and offer the most suitable accommodation from available resources.

Where appropriate, tenants will have a separate written licence to occupy their decant property. Provision for removal of any items/possessions at risk from works will be made by the Council where reasonable to do so.

Tenants will have the rent on their property put to zero, but will have to pay the rent of the decant property. The amount will be capped so no decant rent is higher than the original rent.

**Discretionary Payments:** The Housing Services Manager has the discretion to authorise payments relating to compensation or financial assistance. Payments will only be made where VAT registered receipts are received for goods/services required due to the decant.

# Permanent Decant – Tenants Your Needs

We recognise changing home may be stressful.

## The Council will:

- ✓ **Work closely** with affected residents to ensure any required move is as stress-free as possible.
- ✓ **Ensure** that residents are kept fully informed as to any changes which affect them.
- ✓ **Appoint** a named point of contact for affected residents
- ✓ **Endeavour** to ensure that residents personal, health and emotional well-being is protected at all times.
- ✓ **Complete** a housing needs assessment with affected residents (including a Sheltered Housing Assessment for older residents and/or those with high-level medical needs where relevant).



# Your Housing - Tenants

## Where will I be moved to and how does it work?

- ❑ For a small-scale decant we would ordinarily make direct-offers of accommodation, having considered the tenants' immediate housing and personal needs.
- ❑ Any direct offer will be made as allowed for by paragraphs 116-117 of the Allocations Policy 2014 (or any subsequent replacement policy).
- ❑ Large-scale decants may be subject to further Local lettings Plans or revised Allocations Policies. In those circumstances use of the Choice-Based Lettings system may be undertaken with a scheme of additional points allocated.
- ❑ Offers of alternate accommodation will be for a similar size property within the Borough, considering where possible any location preference the tenant may have.
- ❑ The new tenancy would ordinarily be 'like for like'. Therefore, if a tenant currently has a Secure Tenancy they would retain this. Any Joint Tenancy would remain; however, the household will not be eligible for more than one new property as a single household. Only current permanent members of the household will form part of the re-housing process.
- ❑ If a tenant is under-occupying their existing accommodation (as per the meaning within the extant Allocations Policy) then the tenant will be offered the opportunity to 'down-size' to a more suitable accommodation. Any down-sizing may attract the additional 'under-occupation allowance' (minus any housing debts owing to the Council). Under this policy the Council will not require a tenant to downsize; however this provision may be superseded by any Committee approved site-specific Local lettings plan in the future.
- ❑ The Council wants to work with any affected household to ensure a mutually agreeable move is achieved. If however a resident refuses to move or does not ultimately agree to a reasonable offer of alternate accommodation, then the Council would be forced to seek an eviction. In such an event there would be no duty to provide further accommodation and legal costs may be sought against the tenant.
- ❑ The Council **does not want to evict** any tenant given the above. We want to work with tenants to achieve a successful outcome for their continued housing. The Council will make every endeavour to rehouse tenants and residents within as short a time-span as possible.

## Tenants returning to a new Housing Development

All tenants who have been decanted from their homes retain the option to return to the new development site, if a suitable property is available.

Where it is not anticipated that similar properties are to be built, or within a reasonable time frame of less than 3 years, then tenants will be notified that the move is permanent with no option to return.

Where possible the right to return will be granted to tenants who were in occupation at the time of the initial home visit and who have made it clear to the appointed Officer that they may want to return to the area that they were supported to decant from. Returning tenants will be able to choose the property they wish to return to (subject to clauses regarding bedroom needs) in accordance with their length of tenancy prior to being decanted.

The tenants with the longest tenancy will be given first choice, and so on until all returning tenants have been rehoused.

Remaining properties will be allocated in accordance with the Council's current allocations policy, giving regard to s106 and local lettings agreements where they exist.

In the case of specialist accommodation this will be assessed and allocated according to need and will not be subject to the tenant choice above.



## Your Finances - Tenants

The Council understands that moving home will likely incur additional financial expenses, as well as inconvenience and potential distress. Accordingly, you may be eligible for the financial compensation.

### Home Loss Compensation (Tenants)

- This is a sum payable to an eligible tenant to reflect and recognise the distress and discomfort of having to move from your home. Such a payment is made once only and only to authorised tenants. Unauthorised occupants and squatters will not be paid home loss compensation. Deduction for housing debts owed to the Council will be made from any home loss payment due.
- To claim a Home Loss payment, the tenant must do so in writing, or, for disabled people, in an equivalent format. The amount payable is laid down in law and will be paid within three months of application, **provided that the household has moved from the original property and returned the keys to it. Further deductions for tenant damage may also be made as per the Recharges Policy.**
- For the purposes of section 30 (2) of the Land Compensation Act 1973 the prescribed amount of home loss payment is £6,300 (or as stipulated in the relevant Regulation in force).
- The payment will be made as a lump sum and only one payment is made to joint tenants, not one each.
- A tenant will qualify for a home loss payment if a) they have occupied that accommodation as their only or main residence for a minimum period of one year AND b) if they have moved out permanently, either because of improvement or development works that we will be carrying out, or because their home is being demolished.



## Disturbance Payments (Tenants)

The Council will pay to a tenant the reasonable financial costs incurred and any losses sustained in connection with having to move home. This is paid in addition to Home Loss Compensation (if you are eligible for that).

Tenants will be eligible for Disturbance Payments regardless of eligibility for Home Loss Compensation.

Disturbance Payments will be paid in accordance with current legislation. Currently this is under the Land Compensation Act 1973. Unauthorised occupants and squatters will not be paid any Disturbance Payments.

A Disturbance Payment should be equal to expenses *‘needed to be removed from the land’*.

Disturbance Payments are individual payments made for each eligible item, rather than a global figure. In effect paying for the reasonable costs relating to household items that must be moved out of, or disconnected from, the old property and moved into, or refitted or reconnected in, the next one. These items must belong to the household concerned. Any Council owned fittings/items are not included.

Below are the items that the Council will usually cover. In exceptional circumstances where a household has exceptional needs arising then consideration will be given to paying for other exceptional items on an individual basis.

- ✓ Removal costs
- ✓ Removal and re-fitting of fixtures and fittings, for example grab rails (where independently purchased)
- ✓ Disconnection and reconnection of tenant’s own cooker, washing machine and dishwasher (where essential and possible)
- ✓ Decorating rooms which need it
- ✓ Assistance for vulnerable tenants with notifying utilities/council tax/service providers of change of address.
- ✓ Assistance for vulnerable tenants with packing and unpacking of personal effects
- ✓ Redirection of mail
- ✓ Reconnection of landline telephone and internet connection

The above list is not exhaustive, and households may claim other reasonable costs associated with the move. Disturbance Payments will only be made after a valid receipt, showing VAT where applicable, is received for each item claimed for.

Disturbance Payments will be paid only once. Any housing debts owed to the Council will **not** be deducted from disturbance payments.

The Council is entitled to refuse to pay all costs where it is felt that some of the claim is unreasonable. If there is a dispute, then either the person concerned, or the Council can apply to the Lands Tribunal (see Glossary) for a decision.

National housing benefit regulations state that disturbance payments are not counted as capital or income for housing and Council tax benefit purposes.

## The 'Right to Buy' (RTB)- Existing Tenants

- The Council has the right to halt the right to buy of any affected council housing stock. If a tenant has an existing 'Right to Buy' application, we will discuss it further with them. Current legislation allows for the following:

### Initial Demolition Notice

- RTB of any affected Council housing stock will be suspended from the date an initial demolition notice is served on the Council tenant(s) concerned. It will stay suspended for as long as this notice remains in force. The suspension of any right to buy claim means, in law, that the Council cannot be required to complete the transaction.
- Before this notice is served the Council will have decided exactly what properties are to be included in the scheme concerned. This notice is served where it is intended to demolish the property concerned within 5 years. It will include the reasons, and the timescales, for the demolition.

### Final demolition notice

- The serving of a final demolition notice currently ends the RTB for these properties completely. Any prospective RTB purchases which are underway, but have not completed, will not proceed. No new right to buy application on these properties will be accepted.

### Right to buy expenses

- The tenant may have a right to compensation for certain expenses already incurred in the right to buy process. The Council will pay these expenses where required to by current legislation (currently the Housing Act 2004). This compensation includes relevant legal fees, surveyors fees, and other disbursements which have already been paid. These will be paid back to the tenant within a reasonable time period.

## Practical Help to Move - Tenants

**We recognise that tenants will require different levels of practical support and we are here to help.**

- ✓ Tenants will be supported through the decant process by a dedicated member of staff who will be the main point of contact.
- ✓ The dedicated Officer will work closely with the Estates Management and Housing Options Teams to ensure the re-housing process goes as smoothly as possible.
- ✓ The dedicated Officer will play a key role in supporting households who have been identified as vulnerable and needing more support, working with support professionals where necessary.
- ✓ Additional practical support including organising removals, packing and un-packing, arranging the disconnection and reconnection of white goods and utility connections, will be made available to some of the most vulnerable tenants where applicable.
- ✓ Care Packages: The dedicated Officer will work with relevant providers with the aim of ensuring all elements of any care package remain operative during and after the move.
- ✓ Affected households will be given the opportunity of an accompanied viewing of any property that they are offered.
- ✓ Under the Housing Benefit rules, a resident can usually only receive Housing Benefit for the home they are living in. In certain circumstances they may be able to receive housing benefit on two properties for a period.

# Home Owners

The Council may need to buy privately owned properties where they form an intrinsic part of a demolition scheme and/or wider development site.

The Council will always seek to purchase private properties through mutually agreed negotiation, however it may consider the use of compulsory purchase powers where appropriate.

## Negotiated Purchases

The purchase price will be based on market values having been subject to relevant surveys and verification by an independent surveyor. The final purchase price and terms will be agreed by the Housing Services Manager and Head of Asset Management.

The Council will make its best endeavours to ensure that a fair and equitable financial arrangement is made. In addition the Council will provide practical support and assistance in obtaining alternate accommodation.

## Compulsory Purchase Order ('CPO')

The Council will seek to identify everyone who has a legal interest in, or right to occupy, any privately owned land (i.e. freeholders, leaseholders, tenants and occupiers).

The Council would only seek a CPO as the last option and would serve relevant notices on every qualifying person. In case it is not possible to identify all such people before the CPO is made then the Council will also put up site notices.

If a relevant individual seeks to object to the making of the CPO the process is to object to the relevant Government Minister. In such an instance the objector is strongly advised to seek legal advice and/or assistance.

The formal legal process of applying for a CPO will be adhered to as per legal requirements and will require the authorisation of the relevant Committee, or as per delegated powers.

Where the Council acquires a property then it may terminate the lease under the terms of the tenancy by acquiring the freehold or any superior interest (such as a head lease) and serving notice to quit under the terms of the lease.

## Compensation:

Compensation rules can be complex and this policy does not replace, supersede or enhance any statutory compensations payable.

**CPO Purchase Price:** The value of the land will be on the basis of its open market value without any increase or decrease attributable to the scheme of development.

The legal “principle of equivalence” applies, meaning that an affected party should be no worse off in financial terms after the acquisition but not better off either.

**Fees:** The reasonable surveyors fees incurred in preparing and negotiating a compensation settlement together with solicitors fees for any conveyancing will ordinarily be paid by the Council.

## Disturbance Payments: (Only available to Owner-Occupiers)

Right to disturbance compensation is legally restricted to occupiers. There is a limited right for investment owners to recover their costs of reinvestment in a replacement property in certain circumstances.

Owner-occupiers are potentially entitled to financial compensation because of being ‘disturbed’ from the land.

Examples of items which can be claimed are:

- ✓ Removal expenses
- ✓ Legal fees arising from the acquisition of a replacement property
- ✓ Stamp duty arising from the acquisition of a replacement property
- ✓ Surveyor fees arising from the acquisition of a replacement property
- ✓ Survey fee and costs in connection with mortgage transference
- ✓ Special adaptations of replacement premises
- ✓ Disconnection and reconnection of utilities/.services (e.g. telephone, electricity)

The above is not an exhaustive list and every loss will be considered in its merits if it is a natural, direct and reasonable consequence of being disturbed.

## Home Loss Compensation:

If the owner is actually living in the property they may be entitled to home loss compensation in addition to any other compensation due.

### To qualify:

The individual has to be resident as the only or main dwelling for a period of not less than one year ending with the date they have to move out  
The interest or right to occupy is a qualifying one.

### Amount of Payment:

The freeholder/leaseholder (with at least 3 years unexpired term) is entitled to 10 per cent of the market value of their interest\*, subject to a maximum payment of £63,000. Any other claimant is entitled to a flat rate of £6,300 (or as stipulated in the relevant Regulation in force).

\*If there is more than one legal or beneficial owner of the property then the amount is divided between each party.

## Re-Housing Tenants of Residential Owners

Where a private renting tenant loses their accommodation due to a voluntary sale or CPO then the Council may agree to re-house them in Council stock. Those individuals would need to be eligible as per the existing Allocations Policy, otherwise they will be assisted into privately rented accommodation.

The above does not restrict any rights that a household may have for prevention/relief of homelessness under the Homelessness Reduction Act 2017 or duties to assist under the Housing Act 1996.

If a tenant household is to be effected then the Council will signpost them to engage with the Housing Options team for support and advice.

## Equality, Diversity and Well-Being

❖ Brentwood Borough Council actively works to ensure that its tenants, leaseholders and 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.

## Confidentiality

❖ Under the Data Protection Act 2018 and the EU General Data Protection Regulation 2016 the Council complies with the six data protection principles. Further information is available online at [www.brentwood.gov.uk](http://www.brentwood.gov.uk) (*Information About You*)

## Publicising the Policy

❖ The policy will be available at the Town Hall in hard copy. The policy will also be made available online at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

## Address for Service:

❖ For the sake of certainty this is:

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



# Glossary

<b>[the] Council</b>	Brentwood Borough Council.
<b>Housing Benefit</b>	A government benefit, currently administered by Local Authorities, which pays all or part of the rent and service charge for a property.
<b>Housing Revenue Account ('HRA')</b>	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.
<b>Land</b>	Land includes buildings and structures. Existing interests and rights in land, such as freehold or leasehold together with any existing right can be compulsorily acquired either as a whole or in part.
<b>Land Tribunal</b>	The Government tribunal with jurisdiction which includes adjudication on disputed compensation for the compulsory acquisition of land.
<b>Leaseholder</b>	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.
<b>Local Authority</b>	A county, county borough, district or London borough council <i>et al</i> established by Part IV of the Local Government Act 1985.
<b>Major Repairs Works</b>	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.

**Page Left Intentionally Blank**

# Version Control

Item	Reason for Change	Version	Author	Date

Last Review Date: XXX XXXXX 2019

Next Review Date: XXX XXXX XXX 2022

Scope	All General Needs, Community Housing and Supported Housing Tenants and Leaseholders
Effective date	XX/XX/2019
Review date	XXXXXX
Signed Off	Housing Services Manager – Angela Abbott
Author	Interim Housing Policy Manager – Stuart Morris
Strategy Owner	Housing Services
Legislation	Housing Act 1985 Housing Act 1996 Housing Act 2004 Town and Country Planning Act 1990 Planning and Compulsory Purchase Act 2004 Land Compensation Act 1973 Homelessness Reduction Act 2017 Data Protection Act 2018 EU General Data Protection Regulation 2016 Local Government Act 1985
Consultation	General - Tenant Talkback.

# Contact

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



Published XXth of XXXX 2019 by Brentwood Borough Council  
Housing Services, Brentwood Borough Council, Town Hall,  
Ingrave Road, Brentwood, Essex, CM15 8AY

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

**5 March 2019**

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

### **Housing Civil Penalties**

**Report of:** David Carter

**Wards Affected:** All

**This report is:** Public

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

- 1.1 At the meeting of the Community, Health and Housing Committee on 4<sup>th</sup> December 2018 Members received a report introducing the provisions for civil penalties to be implemented for certain offences under the Housing Act 2004.
- 1.2 Members resolved to approve the introduction of civil penalties as an alternative to prosecution where appropriate and officers were instructed to prepare a schedule of fixed penalties to be considered at this meeting for adoption.
- 1.1 The Housing and Planning Act 2016 introduced a number of amendments to the Housing Act 2004. Local housing authorities have the power to impose civil penalties of up to £30,000 as an alternative to prosecution for offences under the Housing Act 2004.

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

- 2.1 **Members approve the scheme for civil penalties to be considered, where appropriate and as set out in 3.5 of this report, as an alternative to prosecution for offences under the Housing Act 2004.**
- 2.2 **Any severe civil penalties considered to be imposed will be in consultation with the chair of Community, Health and Housing committee.**
- 2.3 **Any civil penalties imposed will be reported in future chairs update.**

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

- 3.1 The Council has statutory responsibility for the enforcement of acceptable conditions in borough housing stock, with the main focus being on the private rented sector.
- 3.2 Most landlords in the Borough are law abiding and keen to act on advice given. Enforcement against landlords is generally only required in a very small number of cases.
- 3.3 The use of civil penalties can provide the Council with a more cost-effective and proportionate alternative to prosecution for specified housing offences, whilst retaining the option to prosecute for the most serious housing offences.
- 3.4 A landlord, or letting agent, or both, may face a civil penalty if they:
- Fail to comply with improvement notice served under section 11 and/or 12 of the Housing Act 2004. These notices are served when there are significant hazards in premises that can be resolved in a reasonable and practicable way.
  - Commit licensing failures in relation to Houses in Multiple Occupation (HMOs). Councils currently license all HMOs that are 3 storeys or higher and house 5 or more people, forming 2 or more households. Other HMOs are currently exempt from licensing.
  - Offences committed in relation to selective licensing under Part 3 of the Housing Act 2004
  - Contravene an overcrowding notice served on an (HMO) under section 139 of the Housing Act 2004.
  - Breach the Management of Houses in Multiple Occupation (England) Regulations 2006. These cover matters such as maintenance of gas and electrical supplies, disrepair and safety
  - Breach of a banning order under section 21 of the Housing and Planning Act 2016
- 3.5 Any civil penalties considered to be imposed will be reported in future chairs update reports and communicated publicly.

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

- 4.1 Authorities who have adopted fixed penalties as an alternative to prosecution are encouraged to establish a scoring matrix to link the offences to a proportionate response depending on the severity of the offence and previous record of the landlord.

4.2 In line with the Council's operational activities in collaboration with Thurrock Council, we have recommended that the principles and penalties implemented by Thurrock are adopted to provide greater consistency in enforcement across both Council areas.

4.3 The scoring matrix and principles are contained in the document attached at Appendix A.

## **5. Reasons for Recommendation**

5.1 In order to keep enforcement practices up to date with current legislation and to provide appropriate resolution to offences committed with less reliance on lengthy and expensive Court action to deal with offences

## **6. Consultation**

6.1 Options for the use of civil penalties have been consulted on by Government.

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

### **7.1 Community and Health**

Provide advice, support, guidance and enforcement

Reward compliant businesses by a light touch approach to public protection

## **8. Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 phoebe.barnes@brentwood.gov.uk**

8.1 The financial implications will be determined by the level of fixed penalties set. It is not envisaged this will generate a revenue stream but as an alternative to prosecution for specified housing offences.

8.2 Any penalties issued will be captured through the Council's budget monitoring processes and reported accordingly, as part of Budget updates.

## **Legal Implications**

**Name & Title:** Gina Clarke, Corporate Governance Lawyer and Deputy Monitoring Officer

**Tel & Email:** 01277 312 874 / gina.clarke@brentwood.gov.uk

The legal position and implications are set out in the body of this report. Statutory guidance has been issued under Section 23 (10 and Schedules 1 and 9 of the Housing and Planning Act 2017 to which local housing authorities must have regard in the exercise for their functions in respect of civil penalties

Income received from a civil penalty can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector, as specified in Regulations. (The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017).

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

None identified

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

- 9.1 Civil penalties under the Housing and Planning Act 2016 – guidance for Local Housing Authorities – Ministry of Housing, Communities and Local Government April 2018

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

Appendix A - Brentwood Borough Council Statement of principles: determining the amount of penalty charge – Housing and Planning Act 2016

## **Report Author Contact Details:**

**Name:** David Carter

**Telephone:** 01277 312509

**E-mail:** david.carter@brentwood.gov.uk



### **Brentwood Borough Council**

### **Statement of principles: determining the amount of penalty charge – Housing and Planning Act 2016**

#### **Purpose of this statement of principles**

This statement sets out the principles that Brentwood Borough Council will apply in exercising its powers under the Housing and Planning Act 2016 to impose a civil penalty on a landlord/owner/company for certain specified offences under the Housing Act 2004 set out in this scheme as an alternative to prosecution

#### **Prosecution**

Generally, the council will prosecute for more serious offences, which would otherwise attract the higher levels of Civil Penalty or gravity of the offence(s) associated with criminal courts. The suffering of actual harm by the tenant or another victim will indicate that a prosecution should be the preferred option. Also, the council will prosecute where there is a history of prosecutions against the same person or company or where civil penalties have had no or little effect of compliance in relations to a landlord's other properties.

#### **Legal powers**

Section 126 and Schedule 9 of the Housing and Planning Act introduced civil penalties under the Housing and Planning Act 2016 for certain housing offences under the Housing Act 2004.

The housing offences for which a civil penalty can be served for breaching regulation are:

- failure to comply with an improvement notice (section 30)
- offences in relation to licensing of Houses in Multiple Occupation (section 72)
- offences in relation to licensing of houses under Part 3 of the Act (Section 95)
- offences of contravention of an overcrowding notice (section 139)
- failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)
- offences subject to banning orders under s21 Housing Act 2004

Authorised officers will issue a civil penalty where there has been a failure to comply with a notice or management regulation in respect of HMO.

The council will give the person a notice of its proposal (notice of intent) to impose a financial penalty

The notice of intent will set out:

- the amount of the proposed financial penalty
- the reasons for proposing to impose the penalty and
- information about the right of the landlord to make representations within 28 days from when the notice was given

At the end of the period of representation, the council will decide whether to impose a penalty and the penalty amount.

If the council decides to impose the penalty, the person will receive a final notice requiring that the penalty is paid within 28 days.

## **Main principles for issuing a penalty charge**

Main principles for issuing a penalty charge are to:

- lower the risk to the tenant's health and safety and well being
- promote compliance of landlords in the private rented sector
- eliminate any financial gain or benefit from non-compliance with regulation
- education of landlords on the associated risks of non-compliance
- be proportionate to the nature of the breach of legislation and the risk posed
- aim to prevent future non-compliance
- penalising rogue or criminal landlords

## **Main principles to be considered when setting penalty charge levels**

The council is satisfied it has evidence of non-compliance and the breach allows for the council to require the owner/ landlord to pay a penalty charge.

This will be determined using the following principles:

- severity of the offence – the more serious the offence, the higher the penalty should be – please refer to the civil penalties' matrix
- culpability and record of the offender – a higher penalty will be appropriate where the offender has history of failing to comply with their obligations and or their actions were deliberate and or they knew or ought to have known that they were in breach of their legal responsibilities – landlords are running a business and should be expected to be aware
- the harm caused to the tenant – this is a very important factor when deterring the level of penalty – the greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty
- punishment of the offender – a civil penalty should not be regarded as an easy or lesser option compared to prosecution – while the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous

offending, it is important that it is set a high enough level to help ensure that it has real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities

- deter the offender from repeating the offence – the ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future, so the level of the penalty should therefore be set at a high enough level such that is likely to deter the offender from repeating the offence
- deterring others from committing similar offences – while the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty it will be set a high enough level to both punish the offender and deter repeat offending
- remove any financial benefit the offender may have obtained as a result of committing the offence - to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed

## Civil penalty matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below which is to be read in conjunction with the main principles and level of penalty charge. The matrix is intended to provide an indicative minimum tariff under the various offences categories aforementioned with the final offence of the civil penalty adjusted in each case to consider other relevant or aggravating factors.

Severity of offence	Civil penalty band width
Moderate	£1,000 to £2,500
	£2,501 to £5,000
Serious	£5,001 to £10,000
	£10,001 to £15,000
Severe	£15,001 to £20,000
	£20,001 to £30,000

## Level of penalty charge

The council has the power to impose a civil penalty of up to £30,000.

The maximum amount will be reserved for the very worst offenders.

The council will impose a financial penalty under (a), (b), (c), (d), (e) and (f) in the penalty charge table on page 4, depending on the severity of the offence in any particular case, as well as considering the portfolio size of the landlord and experience in letting and management of property and previous record of offending.

Also, the council will impose multiple fines for each contravention of points (b) and (e). Where penalties are imposed under more than one of these points, the total amount of the financial penalty will not exceed £30,000.

The council has the right at any time to withdraw a notice of intent or final notice and reduce the amount specified in a notice of intent or final notice.

## **Role of the First Tier Tribunal**

A landlord who is served with a notice may appeal to the tribunal who will rehear the council's authority decision to impose the civil penalty.

They have the power to confirm, vary (increase or reduce) the size of the civil penalty or cancel the civil penalty.

## **Recovery of penalty charge**

The council can apply to a County Court for a court order to enforce the civil penalty and recover the debt where the landlord has not paid within 28 days of service of the charge notice and either:

- the landlord has not made an appeal to the First Tier Tribunal
- has made an appeal which has since been determined in the council's favour

Income received from a civil penalty can be retained by the local housing authority provided it is used to further the local housing authorities statutory function in relation to their enforcements activities covering the private rented sector.

## **Review of statement of principles and penalty charges**

This statement will be reviewed annually and published with the fees and charges for private sector housing.

## **Penalty charges 2019/20**

<b>Key</b>	<b>Offence</b>	<b>Penalty</b>
(a)	Failure to comply with an improvement notice (section 30)	£1,500*
(b)	Offences in relation to licensing of Houses in Multiple Occupation (section 72)	£2,500*
(c)	Offences in relation to licensing of houses under Part 3 of the Act (section 95)	£2,500*
(d)	Offences of contravention of an overcrowding notice (section 139)	£1,000*

(e)	Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)	£1,500*
(f)	Offences subject to banning orders under s21 Housing Act 2004	£1,500

\* Extra penalty charge will be applicable if deemed appropriate when setting the penalty level charge if the council are satisfied it has evidence of non-compliance and the harm/risk posed to the public

Any mitigating factors will be considered in the council's rights to make representation to withdraw or vary the civil penalty.

This page is intentionally left blank

**5<sup>th</sup> March 2019**

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

### **Amendment to Allocations Policy 2014: Bypassing**

**Report of:** *Angela Abbott, Housing Services Manager*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 This report sets out the background and recommendation to amend the existing Allocations Policy 2014 ('the Policy'). The amendment concerns a revised approach to the 'bypassing' of applicants for offers on the Choice-Based Lettings ('CBL') allocations system.
- 1.2 The amendment is intended to clarify existing policy and to achieve the core objectives as listed below.
- 1.3 Appendix A is the suggested Annex to the existing Allocations Policy 2014, with the amended policy wording as per Appendix B.

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

**2.1 That the Committee formally approve the changes to the Council's Allocations Policy 2014, set out in Appendices A and B of the report, to clarify the requirements which applicants need to meet to be eligible for the allocation of a social housing property for which a bid has been placed.**

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

The Allocations Policy 2014 is the principal operational policy document which details how both HRA-owned housing stock and Registered Provider housing nominations are completed.

The suggested amendment to the existing policy is to provide for a clearer and fairer approach to 'bypassing' which, particularly with the introduction of Universal Credit and delays in benefit assessments, needs reviewing.

## **Issues, Options and Analysis of Options:**

The policy amendment has been deliberately drafted to work in synthesis with Housing Services' core Strategies and Policies and relates to a need for a refreshed approach.

The proposed amendment outlines how Transfer List applicants; Housing Register (Home Seeker) applicants; Homeless Applicants (in Temporary Accommodation) and Homeless Applicants (not in Temporary accommodation) will have their bids considered in relation to potential bypassing.

Changes in the new policy amendment are based on the following reasons:

- The existing policy may be unfair to those tenants who may have fallen into minor arrears for any one period in the previous six months.
- Tenants who require a transfer who have fallen into arrears but require an urgent transfer are currently considered on discretionary grounds, which is not clear and transparent and could potentially allow for disproportionate decisions to be made.
- Obtaining information about Council Tax and Sundry debts can cause delays in the allocations, with the potential for rent loss. The existing procedure does not allow for Housing Services to monitor arrangements have been adhered to.
- Agreements made are not clear and transparent. The new process will be simpler and more efficient.
- The existing policy restricts homeless households being moved into more appropriate accommodation.
- The existing policy creates an artificial and unnecessary use of temporary accommodation as applicants are unable to be moved, sometimes for over 12 months.
- Homeless households are unable to be moved which creates a burden on the numbers in temporary accommodation and increases the requirement to use bed & breakfast/hostel accommodation, particularly out of Borough.

## **Reasons for Recommendation:**

The changes will allow for a greater transparency of approach, whilst creating a fairer 'move on' process for all.

The changes should reduce the waiting time of homeless households in temporary accommodation and allow for a reduction in expenditure accordingly.

It will allow tenants who have only fallen into arrears for 'technical' reasons not to be disregarded for future property allocations.

It will retain the principle that those households who fail to meet their obligations, either through wilful refusal or culpable neglect, are not given the same access to housing



as those households who do. It will however ensure that a suitable system is put into place however to allow them to mitigate their difficulties and to ensure rent and revenue protection for the Council.

Taking no further action will fail to advance corporate priorities and would be counter to our modernisation approach.

## **Consultation**

Consultation with 'Tenant Talkback' was conducted on the 22nd January 2019. 'Tenant Talkback' agreed as a first principle that individuals owing the Council monies should potentially be bypassed, disregarding any 'technical' reasons for rent arrears. Greater transparency and fairness were welcomed.

## **References to Corporate Plan**

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.

## **Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 phoebe.barnes@brentwood.gov.uk**

There are no direct financial implications arising from this report. Any costs arising from these changes will be captured within existing budgets.

### **Legal Implications**

**Name & Title: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer**

**Tel & Email: 01277 312 874 gina.clarke@brentwood.gov.uk**

The Council must have an allocation scheme for determining priorities, and as to the procedure to be followed in allocating housing accommodation (S166A Housing Act 1996).

Section 166A(13) requires the Council, before altering a scheme to reflect a major change of policy, to send a copy of the draft scheme, or proposed alteration, to

every Private Registered Provider with which they have nomination arrangements, and ensure they have a reasonable opportunity to comment on the proposal.

A major policy change would include, for example, any amendment affecting the relative priority of a large number of applicants or a significant alteration to procedures. The proposed changes to the Allocation Policy which the Committee is being asked to approve are considered to be a minor change to clarify the requirements which applicants need to meet to be eligible for the allocation of a social housing property for which a bid has been placed, therefore the requirements set out in S16A would not apply.

The Council must publish a summary of their allocation scheme (s.168(1)). They must also make the full scheme available to the public for inspection at their principal office and, if requested, provide a copy of it on payment of a reasonable fee (s.168(2

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

None.

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

None.

### **Appendices to this report**

Appendix A – Annex A to the Allocations Policy 2014

Appendix B – Draft replacement wording for the Allocations Policy 2014

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

**Name:** Stuart Morris, Interim Housing Policy Manager  
**Telephone:** 01277 312500  
**E-mail:** stuart.morris@brentwood.gov.uk



# Annex A

Effective Date: XX March 2019

## **Housing Services**

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

## Allocations: Bypassing

Any bid for a property on the Choice-Based Letting ('CBL') Home Option system will be 'bypassed'. This means that the applicant will not be eligible for an allocation of a social housing property unless the requirements below are met. This Annex to the Allocations Policy 2014 will act as an operational protocol for 'bypassing' as outlined in the Policy and will be adhered to in all but the most exceptional of cases, which may only be deemed so by the Housing Services Manager.

The rules below are dependant on the individual application status and only 1 category will apply to each applicant. Please note that joint applications are dealt with in the same manner as sole applications. The 'current policy' rules below are the ones which will be applied from adoption by Committee on XX of March 2019.

### Transfer Applicants

#### Former Policy

- A Transfer List applicant must have maintained a six-month clear rent account to be offered an alternative property.
- All Former Tenant Arrears (FTAs) owing to the Council must be cleared in full at the point of offer.
- All Council Tax and Sundry Debts owing to the Council must be cleared in full at point of offer or a proportion of arrears must be made (by agreement) and a repayment arrangement made.

#### Current Policy

- A Transfer List applicant must not have fallen into arrears of more than one months net rent liability in the previous six months.
- All Former Tenant Arrears owing to the Council must be cleared in full at point of offer.
- The applicant must state in writing an affordable repayment arrangement they will adhere to for all Council Tax and Sundry Debts. (Housing Services will pass this written agreement to the relevant department).

## **Housing Register Applicants**

### **Former Policy**

- Any former tenant arrears must be cleared in full at point of offer.
- All Council Tax and Sundry Debts must be cleared in full at point of offer or a proportion of arrears must be paid (by agreement) and a repayment arrangement made.

### **Current Policy**

- Any former tenant arrears must be cleared in full at point of offer.
- The applicant must state in writing an affordable repayment arrangement they will adhere to for all Council Tax and Sundry Debts. (Housing Services will pass this written agreement to the relevant department).

## **Housing Register Applicants**

- **Homeless Applicants**
- **Currently residing in Council Temporary Accommodation**

### **Former Policy**

- Applicants must clear any current and former tenant arrears at point of offer.
- Applicants must clear current and former court costs.
- All Council Tax and Sundry Debts must be cleared in full at point of offer or a proportion of arrears must be paid (by agreement) and a repayment arrangement made.

### **Current Policy**

- Applicants must clear any current and former tenant arrears at point of offer OR agree for any debt to be transferred to the new rent account.
- Where a debt has been transferred the applicant must state in writing an agreed affordable repayment arrangement.
- The applicant must state in writing an affordable repayment arrangement they will adhere to for all Council Tax and Sundry Debts. (Housing Services will pass this written agreement to the relevant department).

**Housing Register Applicants**

- **Homeless Applicants**
- **NOT residing in Council Temporary Accommodation**

**Former Policy**

- Applicants must clear any current and former tenant arrears at point of offer.
- Applicants must clear current and former court costs.
- All Council Tax and Sundry Debts must be cleared in full at point of offer or a proportion of arrears must be paid (by agreement) and a repayment arrangement made.

**Current Policy**

- Applicants must clear any former tenant arrears at point of offer OR agree for any debt to be transferred to the new rent account.
- Where a debt has been transferred the applicant must state in writing an agreed affordable repayment arrangement.
- The applicant must state in writing an affordable repayment arrangement they will adhere to for all Council Tax and Sundry Debts. (Housing Services will pass this written agreement to the relevant department).

## Other Reasons for By-Passing

The other reasons why a bid on the CBL allocations system may be bypassed are as follows:

### Property-Based Reasons

- A property is purpose built or significantly adapted for a person with a disability.
- A property or properties are subject to a Local Lettings Plan and certain groups of applicants may not be eligible for a nomination. (The Local Lettings Policy will be agreed between Brentwood Borough Council and the Registered Provider whose property is being advertised).
- The property is ground floor, to ensure it is occupied by an applicant with a recognised medical need for ground floor accommodation.
- Other reasons why a sensitive allocation is necessary.
- An offer of a particular property, if in conjunction with the Police / Probation it is deemed necessary for such a restriction to safeguard public interest, having regard to community safety and cohesion.

### Applicant-Based Reasons

- Existing tenants, whose existing property has been specifically adapted for their needs or a member of their household, may only express an interest in suitable properties that may accommodate their medical need at no further cost to the Council.
- The property is not in accordance with the applicant's assessed medical needs .
- An applicant has pets and the property is not suitable or not permitted for pets.
- A nomination is refused by an RSL as would not meet their rules concerning household size, pet ownership etc.

## **Applicant-Based Reasons (continued)**

- Outstanding council tax or housing benefit in relation to any property.
- Non-payment of re-chargeable repairs.
- Non-payment of Bed & Breakfast or temporary accommodation arrears.
- Non-payment of any former rent arrears, service charges or any legal costs as a result of previous actions relating to any former tenancy or leasehold.
- Non-Payment of Removal costs.
- Money owed from the Rent Deposit Scheme.
- Non-payment of any loan paid by the Council in regard to any previous private tenancy.
- Council Tenants actively seeking to buy their existing home under 'Right to buy'.
- A former tenant of any other local authority or RSL who has any type of outstanding debt owed.
- The Council is satisfied that an applicant or member of the household is guilty of unacceptable behaviour, which is serious enough to make them an unsuitable tenant.



## Appendix B

Proposed re-wording of sub-section with paragraph 120 of the Allocations Policy 2014.

### **Current Policy Wording:**

*120. The Council reserve the right to bypass an offer of accommodation while short listing in the following circumstances:*

- *A property is purpose built or significantly adapted for a person with a disability*
- *Some properties may be subject to a Local Lettings Policy and certain groups of applicants may not be eligible for a nomination. The Local Lettings Policy will be agreed between Brentwood Borough Council and the Registered Provider whose property is being advertised.*
- *Other reasons why a sensitive allocation is necessary*
- *The property is ground floor, to ensure it is occupied by an applicant with a recognised medical need for ground floor accommodation.*
- *Existing tenants, whose existing property has been specifically adapted for their needs or a member of their household, may only express an interest in suitable properties that may accommodate their medical need at no further cost to the Council.*

*The property is not in accordance with the applicant's assessed medical needs*

- *An applicant has pets and the property is not suitable or not permitted for pets.*
- *A nomination is refused by an RSL as would not meet their rules concerning household size, pet ownership etc.*
- *An existing tenant of Brentwood Borough Council, any other Local Authority or RSL and have breached their tenancy and therefore not eligible for an offer. This includes rent arrears of more than six months or an agreed arrears repayment arrangement has been breached, anti-social behaviour or the property is in a poor state of repair due to neglect or damage that is the tenant's responsibility.*
- *Outstanding council tax or housing benefit in relation to any property*
- *Non-payment of re-chargeable repairs*
- *Non-payment of Bed & Breakfast or temporary accommodation arrears*
- *Non-payment of any former rent arrears, service charges or any legal costs as a result of previous actions relating to any former tenancy or leasehold.*
- *Non-Payment of Removal costs*
- *Money owed from the Rent Deposit Scheme*
- *Non-payment of any loan paid by the Council in regard to any previous private tenancy*
- *Council Tenants actively seeking to buy their existing home under 'Right to buy'.*
- *A former tenant of any other local authority or RSL who has any type of outstanding debt owed*

- *The Council is satisfied that an applicant or member of the household is guilty of unacceptable behaviour, which is serious enough to make them an unsuitable tenant.*
- *An offer of a particular property, if in conjunction with the Police / Probation it is deemed necessary for such a restriction to safeguard public interest, having regard to community safety and cohesion.*

### **Proposed Replacement Wording**

*120. Any bid placed for a property on the Choice-Based Letting ('CBL') Home Option system will be 'bypassed' unless the requirements of Annex A 'Allocations: Bypassing' are met. 'Bypassing' means that the applicant will not be eligible for the allocation of a social housing property for which a bid has been placed.*

**5 March 2019**

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

### **Mental Health Small Grants Scheme**

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

**Wards Affected:** *All wards*

**This report is:** *Public*

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

- 1.1.** The Mental Health Small Grants Scheme was launched in 2017/18 and was funded through the Brentwood Health and Wellbeing Board grant. For 2018/19 the Brentwood Health and Wellbeing Board and Brentwood Borough Council decided to joint fund the scheme resulting in a pot of £8,00 that applicants could apply for. The fund was launched in 7 February 2019 on Time to Talk Day and will close on 21 March 2019.
- 1.2.** Due to the timing of the launch of the fund, Community Health and Housing Committee scheduled dates and the start of Purdah, and so as to not delay the allocation of funding, it is recommended that the allocation of funding be delegated to the Partnership, Leisure and Funding Manager in consultation with the Chair of Community Health and Housing Committee and the Chair of Brentwood Health and Wellbeing Board.

#### **2. Recommendations**

**That Members agree that:**

- 2.1** Delegated authority is given to Interim Chief Finance Officer in consultation with the Chair of Community Health and Housing Committee and the Chair of Brentwood Health and Wellbeing Board to agree the allocation of grant funding in respect of the Mental Health Small Grants Scheme.
- 2.2** To advise Members accordingly of the final allocation of grant funding.

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

- 3.1 The Mental Health Small Grants scheme was established 2017/18 to support one of the key priority areas for Brentwood's Health and Wellbeing Board. The fund has £8,000 allocated and grants of up to £1,200 are available to individuals, organisations and groups for wellbeing projects delivered between 1 June 2019 and 31 March 2020. Projects must be delivered in the Borough and involve people with lived experience in design planning and delivery. Applicants will need to demonstrate how their project meets a number of health criteria. The funding was open to applications on 7 February 2019 (Time to Talk Day) and will close on 21 March 2019.
- 3.2 In 2017/18 the funding pot was fully funded by Brentwood Health and Wellbeing Board out of their grant allocation to support the boards key priorities. In 2018/19 as part of the Council's budget setting £10,000 was allocated to projects that support Mental Health initiatives. £5,000 was allocated to a joint project with Youth Services and Community Safety Partnership for a schools Mental Health support initiative and £5,000 was allocated to the Mental Health Small Grants Scheme. The £5,000 together with £3,000 contribution from Brentwood Health and Wellbeing Board is the total funding pot.
- 3.3 Applicants need to evidence that their projects/initiatives support the criteria, the priorities and expected outcomes as set out in the advice and guidance which are appended in **Appendix A** of this report.
- 3.4 The scoring matrix in **Appendix B** also sets out how the officers will score the submitted applications
- 3.5 The criteria that applicants need to meet for applications for the Mental Health Small Grants Scheme are set out in the guidance notes which were available to applicants and are attached in **Appendix A**.
- 3.6 Officers use the scoring matrix set out in **Appendix B** to score each of the applications.

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

- 4.1 The criteria and expected outcomes have been simplified in order to encourage applications and to broaden the accessibility of funding as set out in **Appendix A** of this report.

- 4.2 Due to the timings of the launch of the funding pot and the relevant Committee dates it is recommended that delegated authority is given to the Interim Chief Finance Officer in consultation with the Chair of Community, Health and Housing Committee and the Chair of Brentwood Health and Wellbeing Board to agree the allocation of funding for the Mental Health Small Grants Scheme.

## **5. Reasons for Recommendation**

- 5.1 The Mental Health Small Grants Scheme will be subject to a robust, independent and transparent scoring process to ensure fairness in the allocation of funding. Once received the applications will be scored by a panel of officers looking at the following key priorities:
- Evidence that the application meets the criteria, the Council's priorities and expected outcomes
  - Evidence that the community has been involved in the development and implementation of the project
  - Evidence that the application supports the promotion of volunteering and community participation.
  - Evidence that the project is sustainable once the Mental Health Small Grants Scheme contribution has ceased.
- 5.2 The applications are individually scored by three different officers and a mediated score agreed upon. These are then ranked by their score.
- 5.3 The recommendations by officers would normally be presented to Community Health and Housing Committee (or other relevant Committee), but due to the timings from the launch of the fund, Committee dates and Purdah, it is recommended that delegated authority is given to the Interim Chief Finance Officer in consultation with the Chair of Community Health and Housing Committee and Chair of Brentwood Health and Wellbeing Board to agree to the allocation of funding.
- 5.4 Notifications will be made to all those applicants that applied. Successful applicants will also need to any terms stipulated within the conditions of the grant being awarded. Successful applicants will also need to complete a self-monitoring report once their project has been completed.
- 5.5 Any unsuccessful applicants to the Mental Health Small Grants Scheme will be offered the following support: Face to face meeting with the Partnership, Leisure and Funding Manager to review their prospective application; offered a funding training session via Brentwood Council for Voluntary Services which includes tips on submitting a good funding application. Members will also be encouraged to assist in this process;

Organisations will also be signposted to the Open 4 Community on the Council's website to look at other sources of external funding to support their project if applicable.

## **6. Consultation**

- 6.1 Consultation has been undertaken with previous applicants and as a result we have revised and simplified the application process. It was recognised that some organisations or individuals may have had difficulty understanding some terminology in respect of completing the funding application, and the requirements for information and match funding should be proportionate to the amount being awarded.
- 6.2 Part of the monitoring form that is sent out to all successful candidates, also asks the organisation about the whole process and areas that can be improved.

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

- 7.1 The Mental Health Small Grants Scheme supports a number of priorities and sub priorities within the Corporate Plan. The criteria and expected outcomes from the Mental Health Small Grants Scheme applications are outlined in **Appendix A**.

## **8. Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 [phoebe.barnes@brentwood.gov.uk](mailto:phoebe.barnes@brentwood.gov.uk)**

- 8.1 The Mental Health Small Grants Scheme of £8,000 is currently allocated within existing budgets.
- 8.2 £5,000 is allocated out of the General Fund account and £3,000 is allocated from Brentwood Health and Wellbeing Board grant allocation.
- 8.3 Due to timings, any funds not allocated by 31<sup>st</sup> March 2019 will be contributed to an earmark reserve in order to be allocated in the new financial year, so that 2018/19 allocations do not impact the 2019/20 budget.

## **8.0 Legal Implications**

**Name & Title:** Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer

**Tel & Email:** 01277 312 874 [gina.clarke@brentwood.gov.uk](mailto:gina.clarke@brentwood.gov.uk)

- 8.1 The General Power of Competence under section 1 of the Localism Act 2011 gives the Council a broad power, subject to some limitations to do things an individual may do, provided it is not prohibited by other legislation. This power is wide enough to include the allocation of funding under the Mental Health Small Grants Scheme Council.

Criteria has been formulated against which applications for grant funding will be assessed. This will support decision making on the allocation of funding being made in a fair and transparent way.

- 9.0 Asset Implications** – Where relevant the granting of funding is dependent on permissions being granted by the owner of the asset.

- 10. Equality and Diversity Implications** - The Mental Health Small Grants Scheme will support voluntary and community organisations that best support those with Mental Ill Health regardless of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion and sexual orientation.

## **11.0 Appendices to this report**

Appendix A – Information and guidance notes for the Mental Health Small Grants Scheme

Appendix B – Scoring matrix

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

**Name:** Kim Anderson

**Telephone:** 01277 312634

**E-mail:** [kim.anderson@brentwood.gov.uk](mailto:kim.anderson@brentwood.gov.uk)

This page is intentionally left blank





**BRENTWOOD  
BOROUGH COUNCIL**



### **Information and Guidance Notes for Applications Brentwood Mental Health and Wellbeing Small Grant Scheme 2019**

#### **Background**

Brentwood Borough Council is committed to working with partners to help improve mental health and wellbeing within the local community. Brentwood's Mental Health and Wellbeing Small Grant Scheme has been set up to give Brentwood's communities the opportunity to promote local initiatives to support the mental health and wellbeing of people living within the Borough. The fund has £8,000 available in total in the current financial year and grant of up to £1,200 is available for applicants.

The Brentwood Mental Health and Wellbeing Small Grant Scheme will open for applications on **7<sup>th</sup> February 2019 and will close on 21st March 2019.**

All bids will be assessed by a panel of Members, officers and representatives from the Brentwood Health and Wellbeing Board after the closing date to decide the allocation of funding. Applicants should expect to receive a response to their submitted application in the beginning of May 2019.

#### **Who can apply?**

The Council is inviting bids from individuals, groups and organisations for a share of the funding on offer for local causes and projects that will support and improve mental health and wellbeing for local people. All applications must benefit Brentwood's communities. Projects must be delivered in the Borough and take place **between 1st June 2019 – 31<sup>st</sup> March 2019.**

#### **How much can I apply for?**

The maximum amount that can be applied for is £1,200. There is no minimum amount. We would expect to see some form of match funding or in-kind support for all applications. However, applicants should remember that in-kind support includes volunteers' time in both coordinating and delivering the project. Volunteer time in kind can be estimated at £10 per hour per person (as an average).

### **How to apply**

You can apply for funding using the Brentwood Mental Health and Wellbeing Small Grant Scheme application form, which is linked on the Brentwood Borough Council website [www.brentwood.gov.uk/funding](http://www.brentwood.gov.uk/funding).

Please read the information and guidance notes thoroughly before completing the application form and ensure that you submit the application form online and email any additional attachments and supporting documents (see checklist) to [mhfunding@brentwood.gov.uk](mailto:mhfunding@brentwood.gov.uk) by **21<sup>st</sup> March 2019** at the latest to ensure that your application is considered.

For any advice, support, guidance or any queries relating to the completion of the form please contact [mhfunding@brentwood.gov.uk](mailto:mhfunding@brentwood.gov.uk) or telephone 01277 312500

### **What will be funded?**

The Council would expect to see links to one or more of the following criterion in your application.

#### **Criteria**

- Tackling health inequalities in the community by engaging hard to reach/vulnerable / socially isolated/ at risk groups
- Helping people to recover from long term illness
- Raising awareness of and increasing access to mental health services in our community
- Increasing young people's access to information about mental illness and where to go for support
- Increasing employment and other opportunities for those living with long term mental illness
- Supporting people with mental illness to re-engage with their community and everyday activities.
- People feel positively supported within their community
- Reducing stigma and discrimination around mental health illness
- Improving and developing initiatives that respond to the rising prevalence of dementia

### **What cannot be funded?**

- Retrospective bids, i.e. where work has already commenced (prior to agreement of any funding allocation).
- Future running costs – these are one off grants only.
- Political activities.
- Exclusively religious activities (although faith groups may receive funding for community development or self-help activities. In this case the application must show that the project will bring wider community benefit and that the primary purpose of the activity is not religious).

- Statutory activities/ requirements, i.e. where funding is no longer available or has ceased from another provider.
- Hospitality and catering.
- Funding for projects outside the Borough of Brentwood.
- Funding for lobbying or campaigning.

### **Assessment of your application**

Each application will be scored against the criteria set out in the scoring matrix which is available to download from [www.brentwood.gov.uk/funding](http://www.brentwood.gov.uk/funding). For example, if your application scores 80% against the criteria, your project would receive 80% of the funding requested. Please review your online application form before submitting it to ensure that you fully answered all the questions.

### **Application form – Questions Explained**

#### **Question 1. Brief description of the project**

Please provide details of your project, what it is, what is the aim of the project, why you need the money (for all or part of the project) who it involves etc.

#### **Question 2. Meeting the criteria**

Please look at the criterion as outlined above and tell us how your project will meet one or more of these.

#### **Question 3. Involving those with lived experience**

Please provide details of how you plan to involve those with lived experience in the planning and delivery. How do you know there is a need for your project? Please evidence this.

#### **Question 4. Measurement of success**

Please provide details of how you plan to measure the success of your project and demonstrate identifiable outcomes. We accept the following methods of measurement; case studies, testimonials, surveys, feedback forms, interviews, focus groups, registers and number of participants, conversation rates, increase or decrease in use of services.

Please contact us if you would like any advice on methods of measurement prior to submitting your application.

#### **Question 5. Budget**

- **Expenditure** – Please give us a breakdown of what you expect your project costs to be, for example venue hire, equipment, in kind costs such as volunteer costs (this can be estimated at £10 per hour per person as an average) or marketing materials etc.

- **Income** – Please list any income you may be receiving. This includes additional external funding, in-kind funding such as volunteer contribution (this can be estimated at £10 per hour per person as an average), donated time or materials, and any of your own fundraising.
- **In-kind** – amounts in the expenditure column and the income column should match. Please tell us if these amounts are confirmed or unconfirmed.
- Brentwood Mental Health and Wellbeing Small Grant Scheme amount – Please tell us how much money you are requesting from the Brentwood Mental Health and Wellbeing Small Grant Scheme and ensure this matches with the amount you have written on the front page of the application form. The maximum amount you can apply for is £1,200.
- **VAT** – please include your VAT registration number if relevant.

### **Question 6. Sustainability**

6.1 Please tell us if there will be any future running costs incurred from your project and if so, how you will fund this in the future.

(Please note, the Council and the Brentwood Health and Wellbeing Board will not be responsible for any ongoing costs incurred by your project i.e. maintenance of equipment.)

6.2 Please tell us about any income that may be generated from the project.

### **Question 7. Bank Account details**

Please provide your account name, sort code and account number, so that payments can be made should your application be successful. If you are a new group and no bank account has been set up for your project/organisation please contact [mhfunding@brentwood.gov.uk](mailto:mhfunding@brentwood.gov.uk) or telephone 01277 312645 for advice and guidance.

### **Permissions and Licenses**

For all bids received, it is the applicants' responsibility to ensure that all required permissions, licenses and insurances are in place prior to beginning your project and that adequate health, safety, safeguarding protocols and risk assessments are in place if necessary. Please include a copy of any relevant documents to support your application.

### **Checklist**

When completing the application form please ensure that you include all relevant documents to support your application.

- Relevant permissions/consent
- Confirmation of any additional external secured funding
- Your organisation's governing document (Constitution, Memorandum and Articles of Association, Trust Deed etc).
- Evidence of community/ lived experience involvement in your application

- Safeguarding policy for Children and Vulnerable Adults
- Risk assessments and insurance if required.
- Cost estimates or price quotations.
- Letters of support or other supporting information
- Fully completed application form

**Question 8. Declaration**

Please read through your application form carefully before submitting.

**Monitoring**

Successful applicants will be asked to return a sign terms and condition form and provide a brief update halfway through the delivery of the project as well as completing an evaluation form once the project is completed.

We also ask that successful projects use the Brentwood Borough Council, Livewell Brentwood and Time to Change Brentwood logos on marketing materials relating to their funded project. Please also utilize the Livewell campaign's website to promote your initiative.

[www.livewellcampaign.co.uk](http://www.livewellcampaign.co.uk)

This page is intentionally left blank

## Scoring matrix for Brentwood Mental Health and Wellbeing Small Grant Scheme 2019

Each Brentwood Mental Health and Wellbeing Small Grant Scheme application will be scored against the following key criteria

Criteria/score	0%	Up to 33%	Up to 66%	Up to 100%	Total Weighting
1 The application demonstrates how the project meets the criteria (see page 2 of the information and guidance notes).	The application shows no evidence of how the project meets the criteria.	The application shows there are tenuous links between the project and the set criteria.	The application demonstrates some good links between the project and the set criteria.	The application clearly demonstrates the links between the project and the set criteria and how all of the project activities contribute to them.	40%
2 The application demonstrates how those with lived experience have been involved in the planning and delivery of the project and shows evidence of need.	The application shows no evidence of those with lived experience have been involved in the planning and delivery of the project and no evidence of need.	The application shows a small amount of evidence that those with lived experience have been involved in the planning and delivery of the project and a small amount of evidence of need.	The application shows reasonable evidence that those with lived experience have been involved in the planning and delivery of the project and reasonable evidence of need.	The application clearly demonstrates how those with lived experience have been involved in the planning and delivery of the project and clear evidence of need.	20%
3 The application demonstrates how the applicant will measure the success of the project through identifiable outcomes.	The application shows no evidence on how the applicant plans to measure the success of the project or any identifiable outcomes.	The application shows a small amount of evidence of how the the success of the project will be measured with some identifiable outcomes.	The application shows reasonable evidence of how the success of the project will be measured with good identifiable outcomes.	The application clearly demonstrates how the success of the project will be measured with clear and robust identifiable outcomes.	20%
4 The application demonstrates that the applicant has sought additional external funding or in kind value for the project - such as the use of volunteer time or donated materials/equipment.	The application shows no evidence that the applicant has sought additional external funding or in kind value for the project.	The application shows a small amount of evidence that the applicant has sought additional external funding or in kind value for the project.	The application shows reasonable evidence that the applicant has sought additional external funding or in kind value for the project.	The application clearly evidences how the applicant has sought additional external funding or in kind value for the project.	10%
5 The application demonstrates how the project will be sustainable after the small grant scheme has ended.	The application shows no evidence of how the project will be sustainable once the small grant scheme has ended.	The application shows a small amount of evidence of how the project will be sustainable once the small grant scheme has ended.	The application demonstrates reasonable evidence of the sustainability of the project once the small grant scheme has ended.	The application demonstrates clear and robust evidence of the sustainability of the project once the small grant scheme has ended.	10%
<b>TOTAL</b>					<b>100%</b>

This page is intentionally left blank



**5 March 2019**

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

### **Essex Faith Covenant**

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

**Wards Affected:** *All wards*

**This report is:** *Public*

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

- 1.1.** The Essex Faith Covenant is joint commitment between faith communities and local priorities to a set of principles that guide engagement, aiming to remove some of the mistrust that exists and to promote open, practical working on all levels. It was launched in October 2017 to establish four pilot areas in Basildon, Braintree, Chelmsford and Colchester. The Essex Faith Covenant Steering Group (EFCSG), is broadly representative of all of the organisations and faith groups that are currently signed up to the Essex Faith Covenant and has provided oversight and support in the initial pilot areas in developing and showcasing activity and best practice. Both faith groups and public services signatories are committed to work together to proactively build relationships and trust between faith groups and public services; create opportunities to raise awareness and share learning and knowledge between faith communities, and within the public services; and seek opportunities to bring people together to serve the community, particularly the most disadvantaged.

#### **2. Recommendations**

**That Members agree to:**

- 2.1 Sign up to the Essex Faith Covenant on behalf of Brentwood Borough Council and adhere to the principles as set out in Appendix A and support the priorities of the Essex Faith Covenant Steering Group (EFCSG)**

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

- 3.1** The Essex Faith Covenant (Appendix A) was launched in October 2017 with 120 delegates attending from a broad range of faith, voluntary and

public sector backgrounds. It was initially agreed to establish four pilot areas in Basildon, Chelmsford, Colchester and Braintree. These areas agreed to:

- Adopt the principles set out within the Essex Faith Covenant
- Agree local activity to address the over-arching theme of tackling loneliness, isolation and disadvantage.

3.2 This theme compliments the shared long-term Vision for Essex, particularly the ambition for strengthening communities through participation and tackling disadvantage.

3.3 The Essex Faith Steering Group (EFCSG) is broadly representative of all the organisations and faith groups that are signed up to the Essex Faith Covenant. It provided oversight and support the pilot areas in developing and showcasing activity and best practice. Since the launch the EFSSG has been expanded and the following organisations are now members:

- Essex County Council
- Essex Police, Essex County Fire and rescue
- Office of the Police, Fire and Crime Commissioner in Essex (OPFCC)
- North East Essex Foundation Trust (NELFT)
- Braintree District Council
- Chelmsford City Council
- Basildon Borough Council
- Colchester Borough Council
- Maldon District Council
- Active Essex and representatives from
- Beacon House Ministries, Braintree, Chelmsford and Colchester Mosques, South Essex Islamic Trust, Chelmsford Jewish Community and Chelmsford Cathedral

3.4 The EFCSG Terms of Reference are set out in Appendix B. Both faith groups and public services will use the EFCSG as a tool to develop activity and around uniting communities to better serve Essex residents.

3.5 Appendix C provides an update from the EFCSG of the progress that has been made to date across those organisations who have already signed up to the Covenant.

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

- 4.1 Subject to Members agreement, it is proposed that the Council will also engage partners such as Brentwood's Health and Wellbeing Board, Active Brentwood, Brentwood Community Tree, Council for Voluntary Services and local faith groups to identify areas of joint working that can support the Covenant's priorities.
- 4.2 There will be no formal decision-making process. All activity that takes place will be voluntary on the part of members and agreed by consensus. The EFCSG will be accountable to the Essex Leaders and Chief Executives Group.
- 4.3 There will be no formal mechanism by which to appoint membership, nor is there a cap on the number of members appointed to the group. Adequate representation will be measured informally, and the group will develop naturally to fill any gaps.
- 4.4 The EFCSG will meet three times a year and arranged by the current chair. These meeting will be rotated across Essex. The group will be independent from any single organisation, collectively 'owned' by its members. Chairing responsibilities will rotate on an annual basis, selected from EFCSG membership at the first meeting of each year.

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

The Essex Faith Covenant supports the Council aims of working in partnership with faith groups and community and voluntary organisations to ensure that there is effective community engagement and to identify priorities for local communities.

#### **6. Consultation**

- 6.1 It is proposed that the Council will work alongside local faith groups and community and voluntary organisations to identify activities that are already taking place and also to develop a local action plan for the borough of Brentwood that will support the priorities of the EFCSG around loneliness, isolation and disadvantage.

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

- 7.1 The Essex Faith Covenant supports the Council priorities of supporting community engagement with residents and businesses and working with

community and voluntary organisations to develop the priorities for community development.

## **8. Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email: 01277 312 839 [phoebe.barnes@brentwood.gov.uk](mailto:phoebe.barnes@brentwood.gov.uk)**

- 8.1 There are no direct financial implications arising from this report. Any financial resources required will be funded from within existing budgets.

### **8.0 Legal Implications**

**Name & Title: Gina Clarke, Corporate Governance Lawyer and Deputy Monitoring Officer.**

**Tel & Email: 01277 312 874 / [gina.clarke@brentwood.gov.uk](mailto:gina.clarke@brentwood.gov.uk)**

- 8.1 The Essex Faith Covenant will assist Brentwood Borough Council in demonstrating compliance with section 149 the Public Sector Equality Duty as outlined under the Equality Act 2010.
- 8.2 The governance arrangements for the EFCSG are set out in Appendix B.

## **9.0 Equality and Diversity Implications –**

- 9.1 The Essex Faith Covenant will support voluntary and community organisations regardless of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion and sexual orientation.

## **11.0 Appendices to this report**

Appendix A - Essex Faith Covenant

Appendix B - Essex Faith Covenant Steering Group Terms of Reference

Appendix C - Progress of the EFCSG to date

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

**Name:** Kim Anderson

**Telephone:** 01277 312634

**E-mail:** [kim.anderson@brentwood.gov.uk](mailto:kim.anderson@brentwood.gov.uk)



## Essex Faith Covenant

**The Faith Covenant** is a joint commitment to a shared set of principles that guide engagement between faith communities and public services. .

It aims to promote open, practical working and strengthen community cohesion.

The principles are:

- *Faith communities are free to practice their beliefs and religious observances, and to raise their voice in public debate and to be respected, within the framework of UK law.*
- *Public services and faith-based social action should respect service users from all backgrounds, without discrimination.*
- *The voice, participation and solutions that faith communities bring are important and good engagement with the public services should enable them to be brought to bear for the benefit of the wider community.*

Both faith groups and public services will commit to working together to:

- *Pro-actively **build relationships and trust** between faith groups and public services*
- *Create opportunities to **raise awareness and share learning and knowledge** between different faith communities, and within the public services*
- *Seek opportunities to **bring people together to serve the community**, particularly the most disadvantaged*

Both faith groups and public services will use the Faith Partnership as a tool to develop activity around uniting communities to better serve Essex residents. Therefore to aid pro-active engagement with the principles the first priority the Partnership will work on together will be:

### **Tackling Loneliness, Isolation & disadvantage**

Signatories of the covenant are invited to gather annually to share their achievements with the broader faith community and Public Services.

This page is intentionally left blank

## **Essex Faith Covenant Steering Group**

### **Terms of Reference**

#### **Purpose of the Essex Faith Covenant Steering Group (EFCSG) is:**

- To encourage public and voluntary services work collectively across Essex with faith based organisation to ensure the principles and commitments set out with the Faith Covenant are met
- To encourage the joint priority of tackling loneliness, isolation and disadvantage across the pilot areas is taken forward, improving outcomes for those most in need
- To enable the expansion of new signatories to the Essex Faith Covenant.

#### **Responsibilities**

Key responsibilities will include:

- Overseeing of Faith Covenant activity within the pilot areas, paying particular attention to the current 'theme' around which activity is being developed ('Tackling Loneliness, Isolation & Disadvantage')
- Organising an annual Faith Covenant event, and making suggestions regarding activity theming
- Expanding the reach of the Faith Covenant to new signatories
- Ensuring effective and timely communication and marketing to advance the principles of the Faith Covenant
- Working with key community, voluntary, and statutory partners to build stronger communities

#### **Decision making and accountability**

There will be no formal decision making processes. All activity that takes place will be voluntary on the part of members and agreed by consensus. The FCSG will be accountable to the Essex Leaders and Chief Executives Group

Working groups will be established, where appropriate to take forward specific pieces of work that are time limited and which advance the principles set out within the Faith Covenant.

V1: 08/11/2017

V2: 14/11/2017

V3: 04/07/2018

## **Theme**

The current theme around which activity is being developed is 'Tackling Loneliness Isolation & Disadvantage'. This theme will be the priority for the Partnership to work on for 2 years from June 2018, within which period activity should be planned and progress towards objectives should be measured.

## **Membership**

There will be no formal mechanism by which to appoint membership, nor there a cap on the number of members appointed to the group. Adequate representation will be measured informally, and the group will develop naturally to fill any gaps.

## **Meeting frequency and locations**

The Essex Faith Covenant Steering group will meet three times a year. Meetings will be arranged by the current chair. Meetings will be rotated across Essex.

## **Chairing responsibilities**

The group will be independent from any single organisation, collectively 'owned' by its members. Chairing responsibilities will rotate on an annual basis, selected from the EFCSG membership at the first meeting of each year, with chairing duties to commence at the second meeting of each year.

## **Secretarial role**

This will be undertaken by the Chair and their respective organisation.



## Essex Faith Covenant – overview (as at 15.08.18)

### Context/background

The Essex Faith Covenant was formally launched at an event at FirstSite in Colchester in October 2017. The launch was attended by over 120 delegates from a broad range of faith, voluntary and public sector backgrounds. The Essex Faith Covenant is a joint commitment to a shared set of principles that guide engagement between faith communities and public services. It aims to promote open, practical working and strengthen community cohesion.

The principles are:

- Faith communities are free to practice their beliefs and religious observances, and to raise their voice in public debate and to be respected, within the framework of UK law.
- Public services and faith-based social action should respect service users from all backgrounds, without discrimination.
- The voice, participation and solutions that faith communities bring are important and good engagement with the public services should enable them to be brought to bear for the benefit of the wider community.

Both faith groups and public services signatories committed to work together to:

- Pro-actively build relationships and trust between faith groups and public services
- Create opportunities to raise awareness and share learning and knowledge between different faith communities, and within the public services
- Seek opportunities to bring people together to serve the community, particularly the most disadvantaged

### The Approach

The Essex Faith Covenant Steering Group (EFCSG), which is broadly representative of all the organisations and faith groups that are signed up to the Essex Faith Covenant, has continued to provide oversight and support the pilot areas in developing and showcasing activity and best practice. Both faith groups and public services will use the Essex Faith Covenant Steering Group as a tool to develop activity around uniting communities to better serve Essex residents. It was agreed to initially establish four pilot areas: Basildon, Braintree, Chelmsford and Colchester.

These areas agreed to:

- Adopt the principles set out within the Essex Faith Covenant
- Agree local activity to address the over-arching theme of **tackling loneliness, isolation and disadvantage.**

The theme itself compliments the shared long term **Vision for Essex**, particularly the ambition for strengthening communities through participation and tackling disadvantage.

**Work is being coordinated to capture the activities over the pilot areas which will support the activities.**

### **Progress recorded to date (since launch):**

- The Essex Faith Covenant Steering Group (EFCSG) has been expanded<sup>1</sup>, and the relationship between Essex County Council (ECC) and pilot district representatives has been strengthened significantly.
  - It was agreed to initially establish four pilot areas in the following districts: Basildon, Braintree, Chelmsford and Colchester.
  - Maldon have since signed up to the Covenant and Maldon District Council are working with faith partners to identify and tackle local health and wellbeing needs including obesity, frailty and old age, isolation and mental health. Specifically, a targeted project is being undertaken with Faith groups to reduce loneliness & isolation in rural areas of Maldon.
  - Active Essex (and partners) have recently signed up to the Covenant. More about Active Essex and the signing can be found here: <http://www.essexfuture.org.uk/news-and-events/essex-sports-organisations-support-faith-covenant/>
  - Rochford District Council are also interested in becoming involved and working towards the aims of the Covenant, although do have some reservations around the use of the term 'covenant' in this setting. They are attending the next steering group meeting and it is expected will have involvement going forward (even if they do not become a formal signatory as such), although the communications around their involvement may have to reference a 'Faith Agreement' (or similar) rather than 'Covenant'.
- Basildon Borough Council has reviewed its community funding criteria to make it easier for faith groups to receive funding for local community activities from April 2018.
- Essex County Council has taken a facilitative approach in relation to engagement with Mosques in the pilot areas. Following an initial meeting in early 2018, ECC and mosque representatives are hoping to recommence discussions to explore the development of a Muslim Council for Essex in the coming months.
- The Office of the Police, Fire & Crime Commissioner (OPFCC), have been working increasingly with faith groups and have been heavily involved in coordinating the 'Cinnamon project' which aims to help churches to transform communities by reaching out and building relationships with those in greatest need reduce isolation by working with existing communities to tackle key issues such as hate crime, anti-social behaviour, and safeguarding potentially vulnerable older victims against fraud. The spread of the project currently extends to two of the four Essex Faith Covenant pilot areas, Colchester & Chelmsford, as well as Rayleigh & Frinton.
- Essex County Council led a workshop session at the Police, Fire and Crime Commissioner's Conference on the 15th March 2018. The workshop offered

---

<sup>1</sup> The full list of organisations represented on the EFCSG (as at June 2018) are Essex County Council, Essex Police, Essex County Fire & Rescue Service, Office for the Police, Fire and Crime Commissioner in Essex (OPFCC), North East Essex Foundation Trust (NELFT), Braintree District Council, Chelmsford City Council, Basildon Borough Council, Colchester Borough Council, Maldon District Council, and representatives from Beacon House Ministries, Braintree, Chelmsford and Colchester Mosques, South Essex Islamic Trust, the Chelmsford Jewish community and Chelmsford Cathedral. Active Essex have since signed up to the Faith Covenant in July 2018.

participants the opportunity to learn more about, and contribute to the development of the Essex Faith Covenant, as well as asking delegates to think about what they can practically do to promote trust and understanding between public services and faith communities and what steps they could take to develop joint activities that aim to tackle isolation and disadvantage.

- Vivienne Wiggins, Chief Executive of Beacon House (a Colchester-based Christian charity established to help homeless people), has been chairing the steering group from June this year, and will do so for 12 months with the chair will rotate on an annual basis (<http://www.essexfuture.org.uk/news-and-events/new-chair-for-essex-faith-covenant-group/>). ECC are providing the secretariat.
  - It was agreed at the last steering group meeting in June that the theme of social isolation, loneliness and disadvantage would remain in place for two years, to ensure sufficient time for activity around this theme to develop and show impact.
  - Work is ongoing to map faith activity across the pilot areas that support the principles and themes laid out within the Faith Covenant. A more accurate picture of interfaith/faith based activity in these districts will emerge as this mapping exercise develops. A key area for the EFCSG is to highlight and publicise some of the excellent faith-led and partnership work contributing to tackling loneliness and social isolation; as such, a number of case studies are in development (in Maldon and Basildon initially).
  - Whilst it was agreed at the last steering group that it would be too early to hold a 'celebration event' one year on from the launch, an event will be planned for the first half of 2019.
  - At the next steering group meeting in early October, the group will discuss EFCSG communications and activity related to Inter Faith Week (Sunday 11 – Sunday 18 November 2018).

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**

1. 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.

This page is intentionally left blank