


**BRENTWOOD  
BOROUGH COUNCIL**

# Agenda

## Policy, Projects and Resources Committee

Tuesday, 20 November 2018 at 7.00 pm

Becket Keys C of E School, Sawyers Hall Lane, Brentwood CM15 9DA

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### Membership (Quorum – 3)

Cllrs Mrs McKinlay (Chair), Kerslake (Vice-Chair), Barrett, Hirst, Hossack, Kendall, Mynott, Parker and Ms Rowlands

### Substitute Members

Cllrs Aspinell, Bridge, Morrissey, Nolan, Poppy and Ms Sanders

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### Agenda

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1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 18
3.	Chair's Update	All Wards	19 - 22
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Hutton  
Central;  
Hutton  
East;  
Hutton  
South;  
Warley

7.	<b>Allotments</b>	All Wards	111 - 160
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13.	<b>2018/19 Medium Term Financial Plan - Mid Year Review</b>	All Wards	205 - 226
14.	<b>Urgent Business</b>		



Chief Executive

Town Hall  
Brentwood, Essex  
12.11.2018

## Information for Members

### Substitutes

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

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

### Rights to Attend and Speak

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

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

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

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

#### Point of Order

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

#### Personal Explanation

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

#### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

## Information for Members of the Public

### Access to Information and Meetings

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

Dates of the meetings are available at [www.brentwood.gov.uk](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

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these activities, in their opinion, are disrupting proceedings at the meeting.

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#### **Private Session**

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

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#### **Access**

There is wheelchair access to the meeting venue from the Main Entrance. 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

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### Policy, Projects and Resources Committee Tuesday, 18th September, 2018

#### Attendance

Cllr Mrs McKinlay (Chair)  
Cllr Kerslake (Vice-Chair)  
Cllr Barrett  
Cllr Hirst

Cllr Hossack  
Cllr Kendall  
Cllr Mynott  
Cllr Parker

#### Apologies

Cllr Ms Rowlands

#### Substitute Present

Cllr Bridge

#### Also Present

#### Officers Present

Philip Ruck	-	Chief Executive
Daniel Toohey	-	Head of Legal Services and Monitoring Officer
Jacqueline Mellaerts	Van -	Chief Financial Officer
Phoebe Barnes	-	Principal Accountant
Kim Anderson	-	Partnership, Leisure and Funding Manager
Chris Leslie	-	Executive Director of Commercial Services
Claire Mayhew	-	Corporate and Democratic Services Manager
Zoe Borman	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
David Wellings	-	Corporate Health & Safety Advisor

#### 128. Apologies for Absence

Apologies were received from Cllr Rowlands and Cllr Bridge substituted.

## **129. Minutes of the Previous Meeting**

The Minutes of the Policy, Projects and Resources Committee held on 19<sup>th</sup> June 2018 were approved as a true record.

## **130. Chair's Update**

### Columbarium and Sanctums (formerly memorial wall)

The work on the preparation for the granite “columbarium” and “sanctums” has been sympathetically undertaken and is almost complete and the Chair encouraged members to visit the Woodman Road Cemetery for themselves. Set under the branches of a large established tree the setting is entirely sympathetic to the purpose.

Behind the scenes amendments to the website and forms are under way to ensure residents can find all the information they need to secure a place for their relatives.

Further plans will include a pet memorial area which will consist of Pet Memorial plaques. However, some remedial work to the boundary fence at the far end of the cemetery is needed before this can be established.

### Community Halls Management

The Council's six community halls were included in a Value for Money Review as part of the Council's Leisure Strategy two years ago. It has been agreed that the best route for progress was to negotiate new Halls Management Agreements and Leases with the Brentwood Leisure Trust and the Chair can now report that a new loan of £180,000 has been approved for BLT to enable measures to be undertaken to be able to produce more of its own revenue income. As a result of this careful negotiation and agreement, the Management Contract payment to BLT has been reduced significantly – increasing efficiency and saving considerable funds forecast as a £100,000 saving for 2018/19.

### Advertising & Sponsorship

Developing our commercial offering continues with a number of sites coming forward for consideration as potential hoarding billboard space that can be commercially rented out.

It has become clear that there is an appetite for local businesses to be able to promote their products and events. Due to a volume of vehicles passing the Town Hall daily it is easy to see why businesses identify such key areas as ideal for promotion. To this end we have consulted with several specialist companies to assess the potential value and revenue generation that can be produced.

It has been decided to continue to explore this opportunity in house in order to maintain control on the suitability of the advertising and to allow revenue to come to the council direct.

This follows on from the success with the Town Hall hoardings which are to be rented to a single business that is working closely with Brentwood Leisure Trust for the foreseeable future. A section of the hoardings will remain for Council and Community use.

### **Brentwood Business Showcase/Economic Development**

The Brentwood Business Showcase takes place on November 1 at Brentwood School and has established itself as the must-go-to business event not just in Brentwood but in the county as a whole. I am delighted to announce that Wortley Byers Law will again be the main headline sponsor – and in fact it has opted for a higher cost sponsorship this year, with Mass & Co already signed up as Gold Sponsor. Google is bringing new workshops and its latest cutting-edge trends to the event which is a great. Registration for stands is underway and once again this event is set to reinforce Brentwood's standing in the community, county and countrywide.

### **Town Hall Update**

The council operations across the board continue to develop unaffected by the new locations from which staff are working – including remote working, agile working and working from home. Indeed, this was particularly helpful given the heatwave enabling staff to maintain productivity effectively in the soaring temperatures.

The appointment of the marketing agents for the commercial and residential space is expected to be announced shortly - but remains commercially sensitive at present. The new hoardings will enable potential purchasers and residents to better understand and visualize the plans.

### **The Multi Storey Car park refurbishment**

This huge project was expected to cost around £2m in total - but is now set to come in at approximately £1,850k in total across 2017/18 & 2018/19. The improvement is extraordinary with CCTV, bay markings, lights and spaces all now fit for purpose in this day and age. It makes a huge difference to the offering for parking and shopping within Brentwood and whilst it might not be the most glamorous of developments it has proved one of the most vital.

## **Essex Business Excellence Awards**

The Chair noted that Brentwood Borough Council has been shortlisted in three different categories for the Essex Business Excellence Awards - Leadership Team of the Year, Customer Service Team and Not for Profit Organisation.

In addition, the Council has also been shortlisted for the Company of the Year award.

Any business from across the Essex county could enter, subject to completing the correct entry forms and providing the required paper work evidence. A shortlist of six companies per award category was initially established with the judges then interviewing council staff and representatives. The Council is now down to the last three in each of the four categories which is a well-deserved achievement.

## **Hutton Community Centre**

At the 5 June 2013, Community Services Committee it was agreed by Members that there be a phased approach to the re-opening of Hutton Community Centre. After the refurbishment works for the building were completed, it was initially run by Brentwood Borough Council staff with a view to hand it over to a community organisation in the long term. At the Policy, Finance and Resources Committee on 22 March, Members agreed to a 15-year lease for Hutton Community Centre with Hutton Community Centre CIO.

HCC CIO were formed for the sole purpose of running Hutton Community Centre and consisted of 6 partners organisations: Lighthouse Furniture Project, Brentwood Grace Centre, Hutton Football Club, Hutton All Saint's School, Hutton Community Partnership and Hope Community Church, who took over the running of the centre from 1 July 2016. The Council had worked hard to establish a wide range of activities for all ages at the centre to support local need and the presentation by HCC CIO shows the development of the centre and activities provided under their management.

## **Allotments**

Assets have now inspected the following 10 Allotment sites and discussed the various issues that are applicable to each one with representatives with Brentwood and Hutton Horticultural Societies:

1. Birkbeck Road, Hutton
2. Bishops Hall, Pilgrims Hatch

3. Crescent Rd, Warley
4. Honeypot Lane, Brentwood
5. Hartswood, Brentwood
6. Middle Rd, Brentwood (formerly referred to as Common Road)
7. Ongar Road, Brentwood
8. Park Road, Brentwood (The main entrance now on Cleves Way)
9. River Rd, Brentwood
10. Whittington Road, Hutton

Eight of these sites are controlled by Brentwood Horticultural Society and two by Hutton Horticultural Society.

At the request of the Horticultural Societies we are currently considering which of the sites qualify for 'Statutory Allotment' status and if there are any exceptions to this. Giving a site Statutory status will mean that approval from the Secretary of State will need to be obtained to dispose of the land or in the event that a site is proposed for redevelopment.

The Chair answered questions posed by Members and advised that:

- Information regarding the Town Hall will be distributed shortly and thereafter when appropriate. To date, much of the work undertaken has been preparatory work.
- Agreements with third parties are commercially sensitive and legally bound but will be shared when able.
- With regard to MSCP, officers are aware of the issues around anti-social behaviour and these are being followed up.
- A thorough survey has been completed regarding the allotments and officers are communicating with the allotment group. Ward Members will be involved at the appropriate time. This item will come back to Committee in the New Year.
- The Chief Executive will follow up Cllr Bridge's query regarding the allotment not listed in his Ward.
- A condition survey of the Community Halls has already commenced and a preliminary market engagement exercise on the management of the halls will commence on 20<sup>th</sup> September. A report will come back to Committee.

### **131. A presentation by HCC CIO**

A presentation was provided by Jasper Clark, Treasurer, of Hutton Community Centre (CIO) updating Members on progress over the last 2 years.

Members praised the trustees and their partners for their hard work and achievements over that time and in particular the difference the centre has made to the local community.

**132. 2018/19 General Fund Revenue, Housing Revenue Account, Capital Budget Monitoring and Treasury Activity Update**

This report provided the Policy, Projects & Resources Committee with an update to the 2018/19 General Fund Revenue Budget, Housing Revenue Account and Capital Program which had been agreed at committee on 6th March 2018. Reporting the current projected outturn.

The report also gave an update regarding Treasury Management & Investment activity for 2018/19.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report.

Following a full discussion a vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

- 1. To agree the projected outturn position for 2018/19 of the Council's General Fund Revenue budget as at 31 August 2018, as detailed in Table A of the report.**
- 2. To agree the projected outturn position for 2018/19 of the Council's Housing Revenue Account at 31 August 2018, as detailed in Table B of the report.**
- 3. To agree the projected outturn position for 2018/19 of the Council's Capital Program as at 31 August 2018, as detailed in Table C of the report**
- 4. To Note the Treasury Management Activity for the period 1 April 2018 to 31 August 2018 as detailed in section 6 of the report.**

**Reasons for Recommendation**

Effective financial management underpins all of the priorities for the Council and will enable the Council to operate within a sustainable budget environment.

**133. Department for Communities and Local Government (MHCLG) Pilot Programme for 75% Business Rates Retention - 2019/20**

The Council currently participates in an Essex wide pool for Business Rate Retention (BRR). MHCLG have invited Local Authorities in England to pilot 75% Business Rate Retention in 2019/20.

The Council is invited to participate, in conjunction with other Essex authorities, in a bid for pilot area status. The purpose is to assist MHCLG in testing future scheme for retention of 75% business rates in economic area with mix tier authorities

The benefits to the Council would include significant increase to the share of the growth in its rates income.

Discussions are taking place with other Essex authorities; financial Review is still ongoing for the bid proposal. Due to the tight timescale set upon by MHCLG to submit interest by 25<sup>th</sup> September 2018, and to allow for the appropriate governance arrangements, delegated authority is therefore required to make sure the bid if upheld is successful.

In conjunction with a bid, authorities are asked to declare fall-back arrangements in the event of an unsuccessful bid. Currently Brentwood participates in the Greater-Essex pool and a revised pooling arrangement may be proposed.

Cllr McKinlay gave a summary of the report.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report. Cllr Barrett moved an amendment:

- 2.2 That delegated authority be granted to the Chief Executive, in consultation with the Chair of Policy, Projects & Resources Committee, to give notice formally of the Council's intention to accept or decline to opt into the 75% Business Rate Retention (BRR) Pilot Programme with the other constituent Essex local authorities *on condition Brentwood Borough Council is not in a worse position.*

This was accepted by the Chair.

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

- 1. Members note the content of the report and its potential implications for the forthcoming budget setting for 2019/20.**

2. That delegated authority be granted to the Chief Executive, in consultation with the Chair of Policy, Projects & Resources Committee, to give notice formally of the Council's intention to accept or decline to opt into the 75% Business Rate Retention (BRR) Pilot Programme with the other constituent Essex local authorities on condition Brentwood Borough Council is not in a worse position.
3. That delegated authority be granted to the Chief Executive, in consultation with the Chair of Policy, Projects & Resources Committee, to agree on behalf of the Council in principle to join with other authorities if a new Essex pool is required in the event of either no pilot bid being agreed with other authorities or the pilot bid being unsuccessful.

#### **Reasons for Recommendation**

To enable an informed decision by delegated authority, subsequent to the outcomes of an independent financial review and formulation of agreed terms, to be made in determining whether Brentwood Council should participate with Essex billing precepting authorities in the MHCLG's Pilot Programme for 75% Business Rates Retention (BRR) in 2019/20.

*(Cllr Hirst declared a non-pecuniary interest as he is the Police, Fire & Crime Commissioner for Essex.)*

#### **134. Asset Development Programme Update**

The aim of the Council's Asset Development Programme ("ADP") is to realise the potential of the Council's property asset base so as to deliver improved revenue streams from the portfolio but at the same time securing the regeneration, economic development and housing objectives of the Council. The report provided an update on the work of the Asset Development Programme Project Board ("Project Board") to date.

The report outlined the progress made by the Project Board on a) the Joint Venture Partner Procurement, b) the wholly owned Company (Seven Arches Investments Ltd), c) the Early Successes Programme and other in-house items including the Memorial Wall project.

Members raised concerns over the level of training being provided to the Project Board, and whether Members' remuneration would be reviewed in light of the extra work. The Chair advised training was being provided through the LGA and Montagu Evans and remuneration could be reviewed at the next Remuneration Panel meeting.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report.



Following a full discussion a vote was taken on a show of hands and it was **RESOLVED:**

- 1. To approve the direction of the Asset Development Programme.**

**Reason for the Recommendation**

To update the Committee on the progress of the Asset Development Programme.

**135. Feasibility Study for Parking on Housing Greens**

At the Ordinary Council on the 6<sup>th</sup> March 2018 as part of the Medium Term Financial Plan 2018/19 to 2020/21 it was agreed that £25,000 would be allocated to the Council's Capital Programme for a Feasibility Study for parking on Housing Greens.

Possible areas of Housing Greens within the Council's ownership will need to be identified and subsequent feasibility studies undertaken to ascertain whether Housing Greens could be used for additional parking.

There are known sites within Hutton and Pilgrims Hatch where parking is an issue but there are also large green areas on former council housing estates that could benefit from such action.

Officers will identify possible sites that could be used for parking and report back to a further Policy, Projects and Resources Committee.

Cllr Mrs McKinlay **MOVED** and Cllr Parker **SECONDED** the recommendations in the report and following a full discussion a vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

- 1. To instruct officers to identify possible sites for parking on Housing Greens and undertake a feasibility study.**
- 2. That a report be made to a further Policy, Projects and Resources Committee identifying possible sites for members' consideration.**

**Reason for Recommendation**

To enable Officers to undertake a feasibility study.

### 136. Leisure Strategy

The Leisure Strategy is one of the key strategies as set out in the Vision for Brentwood 2016-19 document. The Council has ageing facilities and needs to ensure that its leisure facilities are not only fit for purpose now but for the future. The Strategy and action plan sets out the vision, what the Council needs to achieve, the challenges it faces and how the priorities and outcomes have been identified. The Leisure Strategy is a large piece of work, so it has been split into workstreams to enable its delivery. The Strategy will cover a period of 10 years, but the supporting action plan will be a live document which will be reviewed and updated regularly to note the progress on the delivery of the Strategy. The Leisure Strategy has been approved by the Community, Health and Housing Committee on 3 July 2018 (Min Ref. 64) with a recommendation that it also be referred to Policy, Projects and Resources Committee for their consideration which is now before Members.

Cllr Hossack **MOVED** and Cllr Parker **SECONDED** the recommendations in the report and following a full discussion a vote was taken by a show of hands and it was **RESOLVED**:

1. That Members agree the Leisure Strategy and action plan at Appendix A.

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

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

### 137. Data Protection Officer

At the Regulatory and Governance Meeting, 11th July 2018, the committee agreed that ***“An individual be identified as a DPO\* from within our authority and that this recommendation be brought to the next Policy, Projects and Resources Committee”***

*\* Data Protection Officer*

Put forth by the European Parliament, the European Council, and the European Commission to strengthen and streamline data protection for European Union citizens, the GDPR\*\* calls for the mandatory appointment of a DPO for any organization that processes or stores large amounts of personal data, whether for employees, individuals outside the organization, or both. DPOs must be “appointed for all public authorities, and where the core activities of the controller or the processor involve ‘regular and systematic monitoring of data subjects on a large scale’ or where the entity conducts large-scale processing of ‘special categories of personal data,’” .,

*\*\* General Data Protection Regulation*

The DPO appointment is currently fulfilled on a shared management arrangement with Thurrock Council. The current Brentwood nominee for the DPO is Mr Lee Henley.

Cllr Bridge **MOVED** and Cllr Parker **SECONDED** the recommendations in the report and following a full discussion a vote was taken by a show of hands and it was **RESOLVED:**

- 1. Shared arrangements that are currently in place with Thurrock Council to continue and are to be reviewed in September 2019.**
- 2. That performance continues to be monitored to ensure that the obligations of the Council, under the control and management of the DPO, are being met by the shared management agreement in place.**

#### **Reasons for Recommendation**

To ensure the Council has in place a resource that is flexible, accountable, knowledgeable and effective, it is recommended that the current arrangement with Thurrock Council remains in place.

### 138. Revised Health and Safety Policy

The Health and Safety Policy (Appendix A) has been revised as required under the Health and Safety at Work etc. Act 1974 and, is reflective of current organisational and management structures within the Authority.

The health and safety policy has been passed to Corporate Leadership Board and the Health and Safety Committee members for comment and review in accordance with its conditions.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and it was **RESOLVED UNANIMOUSLY**:

- 1. That the revised Health and Safety Policy (2018) be approved.**

**Reasons for the Recommendation**

A review and revision of the Council's health and safety policy is required to ensure that it reflects the organisation arrangements, structure and health and safety management system. This timely revision and endorsement enables the Council to continue its commitment to develop the health and safety culture and management system of the organisation and fulfil its legal duty.

**139. Corporate Health and Safety Performance Report 2017- 2018**

Brentwood Borough Council having responsibilities under the Health and Safety at Work etc. Act 1974 and all subordinate legislation has a duty to ensure that it not only protects employee health and safety but anyone else who might be affected by its undertaking. In that respect, it must have demonstrable systems and processes in place which reflect that compliance. This report identifies the standards now in place and the work progressing to improve health and safety systems and culture.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and it was **RESOLVED UNANIMOUSLY**:

- 1. That the Corporate Health and Safety Performance Report 2017-18 be approved by Members.**

**Reasons for Recommendation**

Members are required to approve this report as it directly affects the Council, its employees and all others who may be affected by its undertaking.

**140. Tommy Soldier Silhouette, "There But Not There" Campaign**

This year marks 100 years since the end of The Great War. To mark this occasion there is a campaign for the 2018 Armistice project for the charity Remembered called 'There But Not There'.

Remembered aims to

- Inspire communities to purchase and install silhouettes of their local fallen wherever they are listed for the Armistice Period, 2018, and/or buy 6' Tommy figure for use in public space at any time through 2018.
- Educate all generations about why they made the ultimate sacrifice
- Raise very substantial funds to help those suffering from the hidden wounds of war, through the sale of the commemorative 'Tommies'.

In order to honour those who fought and made the ultimate sacrifice for our freedom, this Council pledges support for the Tommy Soldier Silhouette, "There But Not There" campaign.

To support the campaign it is suggested that the Council commit to purchasing 2 silhouettes which, subject to any necessary approvals, will be placed at Brentwood's war memorial and in the Town Centre, as fitting tributes to the fallen.

Cllr Mrs McKinlay **MOVED** and Cllr Parker **SECONDED** the recommendation in the report and it was **RESOLVED UNANIMOUSLY:**

1. **To agree the purchase of two silhouettes which, subject to any necessary approvals, will be placed at Brentwood's war memorial and in the Town Centre.**

#### **Reasons for Recommendation**

To enable Officers to purchase the silhouettes.

#### **141. Housing Benefit Overpayments Write Offs.**

As outlined within the Council's constitution, all outstanding debts over £5,000 cannot be written off without Member approval.

This report requested the authorisation of the Committee to write off the Housing Benefit Overpayments listed with Appendix A to this report.

Cllr Hirst **MOVED** and Cllr Parker **SECONDED** the recommendation in the report and after a full discussion a vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. To approve the write offs of all the debts listed within Appendix A (exempt) to this report.

**Reason for Recommendation**

To write off debts that are deemed non-recoverable as per the Council's debt recovery policy.

**142. Urgent Business - Allen Ford, The Drive Warley - Lease Renewal**

This report was tabled at the meeting. A copy is attached in the Minutes. The appendices are exempt.

This report considered the lease renewal of the Allen Ford garage in The Drive, Brentwood following the service of a break Notice by the Council.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and after a full discussion a vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. That a new lease be granted in accordance with the terms set out in Heads of Terms attached at Appendix A (exempt).

**Reasons for Recommendation**

The Council wishes to ensure the property continues to generate income.

The meeting concluded at 21:30

**20<sup>th</sup> November 2018**

## **Policy, Projects and Resources Committee**

### **Chair's Update Report**

**Report of:** *Phil Ruck, Chief Executive*

**Wards Affected:** *All Wards*

**This report is:** *Public*

Members to note updates as set out below:

### **Early Successes Workstream**

#### Columbarium and Sanctums (formerly memorial wall)

The work on the preparation for the granite “columbarium” and “sanctums” has been sympathetically undertaken and I would encourage members to visit the Woodman Road Cemetery for themselves. Set under the branches of a large established tree the setting is entirely sympathetic to the purpose.

- Ground works for 60 vaults has now been completed and the areas around these reinstated.
- The first 48 vaults have now been installed on site
- The first of the two columbaria have been installed
- The online forms for residents to order through are being tested
- Pricing is being sought for the remedial work to fencing to accommodate the Pet Memorial which should be ready in the first quarter of next year

#### Advertising & Sponsorship

Developing our commercial offering continues with a number of sites coming forward for consideration as potential hoarding billboard space that can be commercially rented out.

It has become clear that there is an appetite for local businesses to be able to promote their products and events.

With an average 15-16,000 vehicles passing the Town Hall on a daily basis it is easy to see why businesses identify such key areas as ideal for promotion. To this end we have consulted with a number of specialist companies to assess the potential value and revenue generation that can be produced.

It has been decided to continue to explore this opportunity in-house in order to maintain control on the suitability of the advertising and to allow revenue to come to the council direct.

This follows on from the success with the Town Hall hoardings which are to be rented to a single business that is working closely with Brentwood Leisure Trust for the foreseeable future. A section of the hoardings will remain for Council and Community use. For the year, the Town Hall hoardings have already realized payment of just under £10,000.

Elsewhere, sponsorship and stalls for the Christmas Lighting Up events sold out quickly ensuring further success as we build commercial relationships and income.

### **Brentwood Business Showcase**

The Brentwood Business Showcase took place on November 1 and to quote our key speaker, Cllr Gagan Mohindra who as many of you know is also portfolio holder for Economic Development at Essex “The Brentwood Business showcase is the envy of us all”.

\*\*\* Wortley Byers Law was the headline sponsor and I’m delighted to say has signed up to be Gold Sponsor once again for the 2019 Showcase event.

\*\*\* All exhibitor stands sold out and there was in fact a waiting list...

\*\*\* Initial figures show around 460 people attended

\*\*\* Google and the Lower Thames Crossing gave presentations which were very well received

\*\*\* Many exhibitors reported a take up in new business leads and contacts

### **Town Hall Update**

The appointment of the marketing agents for the commercial and residential space is expected to be announced shortly following a tender process - but remains commercially sensitive at present.

Considerable interest was generated by officers from the Town Hall Transformation team attending the Brentwood Business showcase in both the residential and the commercial business “hub” areas.

The contractors, Farrans, facilitated a visit a few weeks ago so I could see for myself the current stage of development.



There can be no doubt that the building is taking on a completely new lease of life. Huge structural girders have been craned in through the roof to enable the open plan layout to be brought to fruition.

The traditional hardwood door frames and character windows can now better be appreciated, and I commend the contractors for their work to date.

The roof will be on before the winter hits – we can all see for ourselves it's progress - so the building will be waterproof, and officers are now planning a visit for members. However, the Town Hall remains a working building site and any attendance will be subject to the latest stage of work.

All is online for the apartments to be ready in March and the building to be handed over in May 2019.

### **South Essex Vision 2050 and Association of South Essex Local Authorities**

A broad ranging piece of work outlining South Essex as a place to be for business, homes, leisure, family, education and health is ongoing. It will form the basis of bringing the Statement of Intent and the Memorandum of Understanding into the mainstream.

It will take time before ASELA can in its own right start to make inroads in Parliament and with infrastructure funding, but we are establishing some solid foundations on which our strengths can be pooled and purposed to ensure our collective voice is heard at every level.

### **Parking on Housing Green Spaces**

Potential sites are being identified and the review work will be underway in the coming weeks.

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

**Name:** Zoe Borman  
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**20 November 2018**

## **Policy, Projects and Resources Committee**

### **Leisure Strategy – Brentwood Community Halls**

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

**Wards Affected:** *All Brentwood Borough Wards*

**This report is:** *Public report*

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

- 1.1.** The Council's six community halls are currently managed by Brentwood Leisure Trust through a management agreement. At the 29 November 2017 Members agreed that delegated authority be given to the Chief Executive in consultation with the Chair of Policy, Projects and Resources Committee to investigate, negotiate and subject to viability, agree a new Service Level Agreement and new leases with Brentwood Leisure Trust. This agreement and the leases will cease in March 2019. In September 2018 the Council launched a preliminary market engagement exercise to ascertain if there was any third-party interest in managing the community halls. The report before members tonight sets out the outcomes of that exercise and the recommendations for the next stage.

#### **2. Recommendation**

- 2.1 That Members agree that officers prepare documents and commence a compliant procurement exercise for the management of the Community Halls; and**
- 2.2 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.**

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

- 3.1.** Brentwood Borough Council has an existing Grant and Service Level Agreement in place with Brentwood Leisure Trust and Brentwood Leisure Trading to manage the Council's Six Community Halls on its behalf. The halls include Hutton Poplars Hall, Hutton Poplars Lodge, the Nightingale Centre,

Bishops Hall, Willowbrook Hall and Merrymeade House. The agreement is due to expire in March 2019.

- 3.2.** In order to ascertain the true running costs of its leisure facilities, Brentwood Borough Council commissioned a value for money review and options appraisal of the its facilities which included the six community halls.
- 3.3.** 4Global were appointed in 2016 to undertake this piece of work and this was completed in November 2016. The consultant's report was circulated to all Members after the Policy, Projects and Resources Committee on 20 June 2017.
- 3.4.** Further information was required on the Community Halls, so a feasibility study was undertaken to determine the best option for the Council. At the 29 November 2017 Members (min. ref 174) agreed that delegated authority be given to the Chief Executive in consultation with the Chair of Policy, Projects and Resources Committee to investigate, negotiate and subject to viability agree a new Service Level Agreement and new leases with Brentwood Leisure Trust. This agreement is due to expire in March 2019.
- 3.5.** To ascertain if there were any alternative providers interested in managing the halls the Council launched a Preliminary Market Engagement Exercise in September 2018. Informal dialogue sessions took place in October with a number of interested parties, including Brentwood Leisure Trust.
- 3.6.** Participants were asked about their preferences of halls, their ability to manage the halls, length of lease and plans for improvements. Subject to agreement by Members, it is recommended that officers prepare the relevant documents and commence a compliance procurement exercise for the Management of the Community Halls. It is proposed that this exercise will be launched at the beginning of January 2019.
- 3.7.** Once this exercise is completed the responses will be considered by officers and it is recommended that the Chief Executive in consultation with the Chair of Policy, Projects and Resources negotiate and subject to viability agree new leases for the management of the Community Halls.

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

- 4.1. The Leisure Strategy is one of the key strategies as set out in the Vision for Brentwood 2016-19 document. To deliver a successful Leisure Strategy, Members and officers need to have a complete picture of the cost of the current provision, how it measures in value for money terms, the future options available to them, together with any risk profiles associated with its leisure facilities.
- 4.2. The key decision for Brentwood Borough Council is how to best provide sustainable leisure facilities across the Borough which provides value for money and is accessible for the residents and visitors.
- 4.3. There is a current Grant and SLA Agreement with Brentwood Leisure Trust and Brentwood Leisure Trading Ltd which is due to expire in March 2019.
- 4.4. In order to ascertain if there are any alternative providers to manage the Community Halls on the Council's behalf, a Preliminary Market Engagement Exercise was launched in September. This was launched through press release, dedicated web page with information packs and through social media and direct emails to parties that had expressed an interest in the Community Halls.
- 4.5. Informal dialogue sessions were then set up in October with any interested parties to listen to their proposals and for officers to provide them with some background information on the halls.
- 4.6. Brentwood Leisure Trust alongside six other organisations attended the informal dialogue sessions. Although a couple of the organisations looked at managing all six of the community halls, the majority were only interested in managing one of the halls. The preferred length of lease for the organisations was between 3-5 years and the majority of interest for the individual halls was Merrymeade House and Hutton Poplars Hall. There was very little interest in Hutton Poplars Lodge, but this may change with the Compliance procurement exercise.
- 4.7. The organisations were also asked whether they could take on the full maintenance and repair of the halls. Only one of the organisations said that they could do this, but they had only expressed interest in one of the halls.
- 4.8. The Council has commissioned an external condition survey to identify future associated costs for each of the halls. An internal condition survey was

undertaken in 2016 and these costs should be borne by the current operator (Brentwood Leisure Trust).

- 4.9.** Due to the level of interest for the management of the community halls, officers recommend then a formal compliance procurement exercise is launched which each of the halls as individual lots. If members agree to this recommendation, then Officers will instruct the Council's legal team to draw up the relevant documents and that this exercise is launched at the beginning of January 2019.

## **5. Reasons for Recommendation**

- 5.1** As part of the Council's due diligence in delivering a successful Leisure Strategy, Members and officers need to have a complete picture of the current associated costs, risk profiles of the Borough's leisure facilities and identify any opportunities for improved income generation.
- 5.2** Comments received from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy is required that assesses Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan. Following this feasibility work, the Council will then be able to determine which projects will be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.
- 5.3** The Council's Asset Management Strategy also sets out the need to maximise income where possible from its asset portfolio.

## **6. References to Council Priorities**

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

## **7. Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Van Mellaerts, Interim Chief Finance Officer

**Tel & Email:** 01277 312829/ jacquelinevanmellaerts@brentwood.gov.uk

- 7.1 One of the key drivers for the Leisure Strategy is to reduce the Council's current revenue and capital costs on its leisure facilities and to be able to provide strong and sustainable leisure facilities for the future. The Invitation to Tender exercise could identify a 3<sup>rd</sup> party operator which could improve the Council's revenue income from the halls.
- 7.2 Currently a Halls Management Fee is paid to Brentwood Leisure Trust out of existing budgets, but this will cease in March 2019. As the current operator they are also responsible for any internal dilapidations associated with each of the halls.
- 7.3 There may be some required capital investment from the Council as identified in the external condition survey report. This will need to be identified as part of the budget setting process. If this is undertaken, then the Council may achieve greater revenue income from the start of the lease rather than offering any rent-free period.

### **Legal Implications**

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

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

- 8.1 The Council's tendering exercise will follow the requirements of EU procurement regulations, including the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016, where applicable, in order to ensure fairness and transparency, as well as suitable competition in order to achieve best value for money.
- 8.2 Legal services will advise and assist throughout the process, including on existing or related agreements and employment law requirements if any.

### **8. Appendices to this report**

Appendix A - PME Market engagement briefing documents

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

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**BRENTWOOD  
BOROUGH COUNCIL**

# SCOPE OF COMMUNITY HALLS OPPORTUNITIES

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Appendix A

# Introduction

The Council, as with the Local Government sector at large is facing significant financial pressures and is seeking to both address its financial position and to maximise the value from a variety of surplus, or underutilised assets, that make up its portfolio. This includes its Community Halls.

Page 30  
Historically the halls have been leased to an external organisation to manage them on a day to day basis. This has worked successfully over the years and may still be the best option, however alternatives need to be explored. There is an opportunity to add value and/or seek different ways of running them, with the aim of improving services required by the modern resident and where possible the financial receipts obtainable from these valuable assets. There may be for example appropriate organisations who have a development and funding expertise so that the halls can be more self-financing and secure a more sustainable long-term future. The Council is keen to seek feedback from the market place on the proposal of working together to improve the Community Hall offer across the Borough.

The two main objectives that the Council is seeking to be delivered are services that the public want/need and to optimise the mix of social/leisure and commercial return from the halls. Other aims include the minimum disruption to existing service users, respect and be empathetic to the existing service providers who may have historic arrangement in place with the existing operator and maintain a good working relationship with the Council going forward.

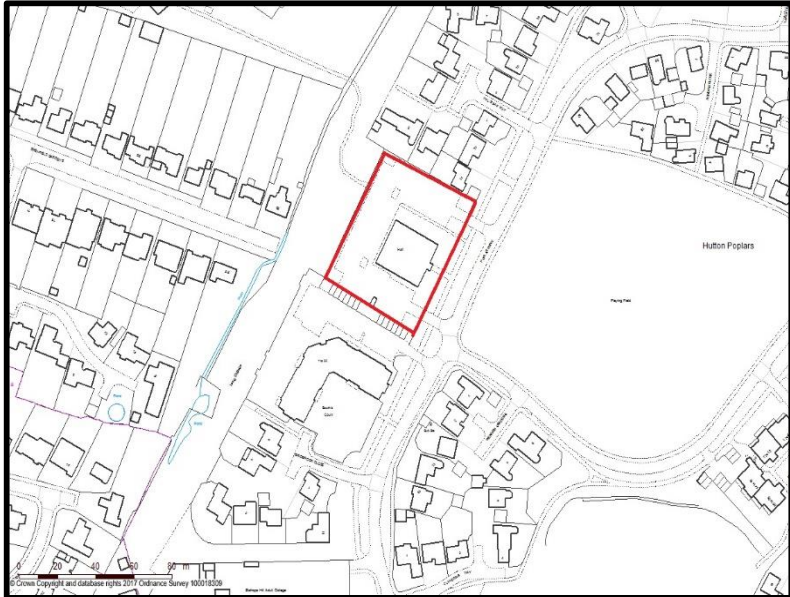
# Introduction continued

The summary sheets give information about the six community halls and broadly details the Council's requirements and considerations.

Page 31 **Disclaimer:** The information contained in these documents is of an illustrative nature for the purpose of informal market testing only and does not in any way form part of any contract. Further more whilst every endeavour has been made to provide accurate information this is not guaranteed and should not be relied upon the purposes of the informal market testing exercise.



SCOPE OF  
COMMUNITY HALLS  
OPPORTUNITIES



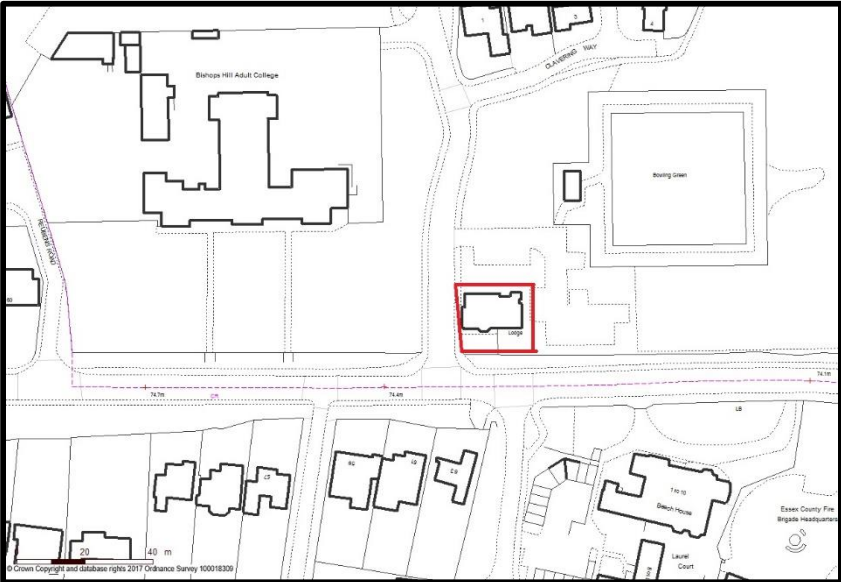
Hutton Poplars Hall is set in the heart of Hutton and is just a 10-minute walk away from Shenfield Station. Hutton Poplars Hall, Hutton Poplars Drive, Hutton CM13 1YU. Opened in 1906, Hutton Poplars Hall was the dining hall of the Hutton Poplars Recreational School that occupied this site and housed poor children from the East End of London. The School eventually closed and the site was redeveloped as a housing estate. The Hall was restored by Brentwood Borough Council in 1991. A Grade II listed venue, providing an impressive setting for special occasions. The building comprises of two event spaces – Main Hall which can cater for up to 250 standing and the Lansbury Suite which is ideal for up to 40 seated.

Postcode : CM13 1YU		Hutton Poplars Hall		Net internal area 582m2 (footprint only)
Current Context	Policy Context	Desired Outcomes	Potential opportunities	
Community Use - currently provides accommodation for a nursery and is used as a wedding venue and conference facility with existing car park	Site designated as Community Use. Strategic Asset Strategy aims to maximise rental income. Leisure Strategy aims to maximise community & leisure use and increase sport participation	Achieve market rental income, Increase sport and leisure participation and use. Maintain the condition of the halls and keep in good repair throughout the lease period.	The Hall is attractive for a range of uses, including broad range of community uses and/or some commercial use. Close to Shenfield Station.	

SCOPE OF

COMMUNITY HALLS

OPPORTUNITIES



Hutton Poplars Lodge is set in the heart of Hutton and is just a 10-minute walk away from Shenfield Station. Opened in 1906, Hutton Poplars Lodge was the porter’s lodge for Hutton Poplar’s Recreational School that previously occupied the site. The lodge was converted for community use by Brentwood Borough Council in 1987.

The building comprises 2 floors. The ground floor has a large room ideal for children’s parties, 2 smaller rooms to accommodate office space or small meetings. The upper floor has an additional 2 smaller rooms

Postcode : CM13 1BA	Hutton Poplars Lodge			Net internal area 165m2 (footprint only)
Current Context	Policy Context	Desired Outcomes	Potential opportunities	
Community Use - used as some office space and offers community space for smaller group meetings/parties	Site designated as Community Use. Strategic Asset Strategy aims to maximise rental income. Leisure Strategy aims to maximise community & leisure use and participation	Achieve market rental income, Increase sport and leisure participation. Maintain the condition of the halls and keep in good repair throughout the lease period.	The Hall could be used for a broad range of community uses and/or some commercial use	



SCOPE OF

COMMUNITY HALLS

OPPORTUNITIES



Set within a 10 minute walk of the centre of Brentwood, close to all amenities, Merrymeade House is an exceptional Grade II listed building. Soaked in history and offers a fantastic multi-functional space. Built in 1912 by Robert Horne-Payne, a rich railway tycoon. The house offers various rooms which overlook the grounds and a large catering area to suit your needs. The unique and grand venue provides a choice of rooms. The property was converted in 2008 to part community use and part residential.

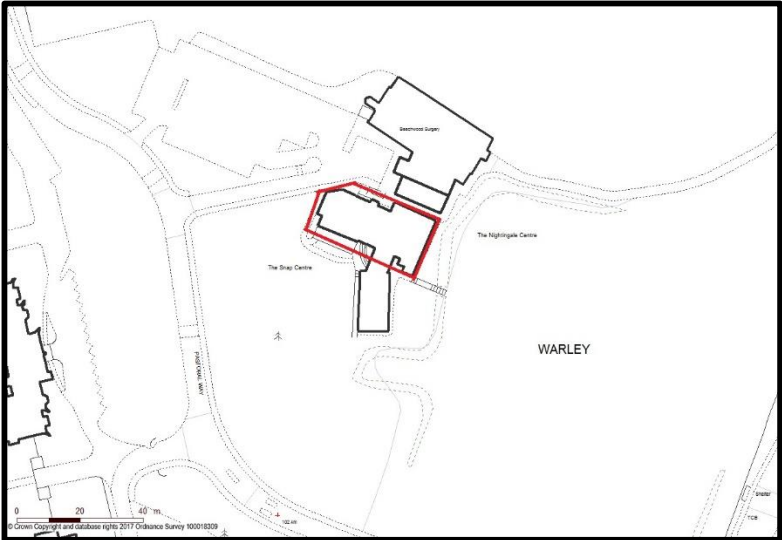
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Postcode : CM15 9FE		Merrymeade House		Net internal area 275m2 downstairs 197m2 upstairs
Current Context	Policy Context	Desired Outcomes	Potential opportunities	
Community Use - Currently provides a café/tea room and is used as a venue for meetings and office space and some car parking.	The part of the house in question is designated as Community Use. Strategic Asset Strategy aims to maximise rental income. Leisure Strategy aims to maximise community & leisure use.	Achieve market rental income, Increase sport and leisure participation. Maintain the condition of the halls and keep in good repair throughout the lease period.	The property is attractive for a broad range of community uses and/or some commercial use	

SCOPE OF

COMMUNITY HALLS

OPPORTUNITIES



The Nightingale Centre is a 15 minute walk from Brentwood Station. Next to green open space, the Centre offers three separate rooms, each with its own different function. Suitable for meetings, conferences, party or weddings. Formally the Duchess of Kent Social Centre and now fully refurbished, providing fantastic multifunctional space with full disabled access. It is sited next to a Doctor’s surgery and adjoins a local children’s charity premises. The main hall can accommodate 130 people seated for meetings or 100 seated for formal dinner and dances.

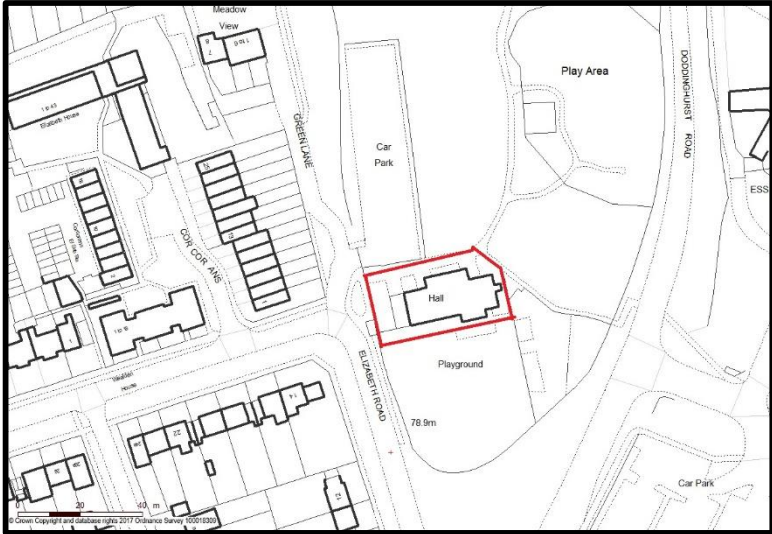
Postcode : CM14 5GB	Nightingale Centre			Net internal area 493m2 (footprint only)
Current Context	Policy Context	Desired Outcomes	Potential opportunities	
Community Use - provides a venue for leisure and/or conference facilities with some car parking	Site designated as Community Use. Strategic Asset Strategy aims to maximise rental income. Leisure Strategy aims to maximise community & leisure use and participation	Achieve market rental income, Increase sport and leisure participation. Maintain the condition of the halls and keep in good repair throughout the lease period.	The Hall is attractive for a range of uses, including broad community uses and/or some commercial use.	



SCOPE OF

COMMUNITY HALLS

OPPORTUNITIES



Bishops Hall is located opposite the Brentwood Leisure Centre. It has good bus access, a car park, and sits adjacent to 2 popular and recently refurbished play areas and a green space. The spacious main hall is connected to the large catering area by a serving hatch which is perfect for larger parties. Behind Bishops Hall is a private landscaped garden. The large hall can accommodate 130 seated for a buffet and disco, or 100 for a formal dinner and dance.

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Postcode : CM15 9NP	<div>Bishops Hall</div>			Net internal area 425m2 (footprint only)
Current Context	Policy Context	Desired Outcomes	Potential opportunities	
Community Use - currently provides a nursery and is used as a community venue for hire.	Site designated as Community Use. Strategic Asset Strategy aims to maximise rental income. Leisure Strategy aims to maximise community & leisure use and participation	Achieve market rental income, Increase sport and leisure participation. Maintain the condition of the halls and keep in good repair throughout the lease period.	The Hall can be used for a broad range of community uses and/or some commercial use	



SCOPE OF

COMMUNITY HALLS

OPPORTUNITIES



In 2010 Willowbrook School, went under a complete refurbishment and a brand new community hall was built. The spacious main hall has a fitted catering area with brand new appliances and a spacious outdoor area. The main hall is a perfect space for small meeting s and parties and can accommodate 60 seated for meetings and conferences and 50 seated for a buffet or disco.

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Postcode : CM13 2TU	Willowbrook Hall			Net internal area 384m2 (including external area)
Current Context	Policy Context	Desired Outcomes	Potential opportunities	
Community Use - currently provides a nursery and is used as a community venue for hire.	Site designated as Community Use. Strategic Asset Strategy aims to maximise rental income. Leisure Strategy aims to maximise community & leisure use and participation	Achieve market rental income, Increase sport and leisure participation. Maintain the condition of the halls and keep in good repair throughout the lease period.	The Hall can be used for a broad range of community uses and/or some commercial use	

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**20 November 2018**

## **Policy, Projects & Resources Committee**

### **Parking Order Report**

**Report of:** Greg Campbell, Director of Operations

**Wards Affected:** All Wards

**This report is:** Public

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

- 1.1 To add the car parks listed in Appendix B to the Council's Off Street Parking Order and to introduce parking restrictions where required in these car parks to control parking.

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

- 2.1 **Amend the Council's Off-Street Parking Order by adding the car parks and parking restrictions listed in the attached Appendix B.**
- 2.2 **Delegate authority to the Director of Operations, Section 151 Officer in consultation with the Chair of Policy, Projects and Resources and relevant Ward Councillors to finalise the detail in the schedules.**

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

- 3.1 The following report identifies the car parks it is proposed to add to the Council's Off-Street Parking Order.

##### **Resident Housing Sites**

- 3.2 The Housing Manager reported to the Community, Health and Housing Committee on 11 September 2018 (Min 125), Appendix A, it was resolved to UNANIMOUSLY:

*That the Committee approved the inclusion of the listed car parks to be included in a parking order (Appendix A and B), to enable enforcement and relieve pressure on parking for Council Tenants and Leaseholders.*

*That the Committee passes on the request for the additional sites to be included in the parking order to be considered at the next available Policy, Performance and Resources Committee meeting.*

*That a consultation takes place with residents to outline the options with regards to enforcement and take into account any preferences or requirements for specific sites”.*

### **Summary of the Housing Report**

- 3.3 Housing continue to tackle numerous parking issues across the borough in parking areas within the Housing portfolio of properties, but their powers are currently limited.
- 3.4 In 201,7 after consultation with residents a pilot scheme was launched in Warley at Gibraltar House, Mayflower House and The Keys. The car parks were added to the parking order and residents were offered permits to park. After a year minor changes were made to the restrictions as a result of the experience gained and representations from residents.
- 3.5 Very few complaints have been received.
- 3.6 As a result of this successful pilot it is proposed to add a further 25 resident car parks to the parking order.
- 3.7 Each car park has been assessed and in consultation with residents appropriate restrictions will be introduced. Either
  - Resident only parking during specified periods or at all times or
  - Free parking at all times

### **Consultation**

- 3.8 Housing Officers have consulted generally with residents at resident meeting and through their councillors and specifically on the detailed recommendations since Community, Health and Housing Committee held on 11 September 2018.
- 3.9 It is anticipated that responses will be worked through and concerns and issues will be addressed prior to implementation. Initial feedback from residents is attached at Appendix C.

### **London Road Cemetery**

- 3.10 The area within the cemetery is being used as a long stay free car park resulting in a number of incidents when hearses and funeral cars have had difficulty reaching the Chapel. Although some of the problems are caused by mourners and those tending graves a significant number of these vehicles remain on the site all day and it is therefore believed they belong to local workers and commuters. The situation has worsened since the introduction of additional on street restrictions close to the cemetery.
- 3.11 The formal car park in the grounds of the cemetery is being expanded and resurfaced which will allow mourners to park more easily but it is also likely that it will attract all day parkers and accordingly there is a need to introduce restrictions.

- 3.12 Parking enforcement on this site will be undertaken sensitively with the parking team working closely with the management of the cemetery to ensure that funerals are not disrupted by inappropriate enforcement patrols.
- 3.13 It is proposed to:-
- limit parking to 2 hours with no return for 4 hours
  - Permit parking for the residents of the two properties on the site
- 3.14 Consultation will be limited to the residents of the two properties, but it is not believed that they will be adversely affected.

### **Merrymeade House Site**

- 3.15 This is a complicated site with a mixture of users. Uncontrolled all day free parking is a growing issue that has now reached a level where users of the facilities at the site are being adversely affected.
- 3.16 The recommendations address the diverse need of the users by protecting the parking facilities whilst at the same time maintaining the ability of residents to park. By reducing the maximum time, a casual parker may park, it is likely that a significant amount of parking space will be freed up for legitimate users of the Hall and grounds.
- 3.17 It is envisaged that the introduction of parking restrictions will assist and encourage use of the site for its intended purpose
- 3.18 It is proposed to: -
- limit parking to 2 hours with no return for 4 hours for casual parkers
  - To introduce 2 permit schemes:
    - (a) for staff, customers and visitors who need to stay for longer than 2 hours and
    - (b) for residents and their guests
  - Create two 30 minute drop-off /pick- up areas for parents using the nursery.
- 3.19 It is proposed to consult on these proposals with all the interested parties who currently park legitimately on the site or have customers or staff who do so.

## **4 Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer**  
**Tel & Email 01277 312829/ jacqueline.vanmellaerts@brentwood.gov.uk**

- 4.1 The cost of implementation is likely to be in the region of £25,000 and will include upgrading the car parks to include relining and resigning. However some of these

costs could be recoverable from the Housing Revenue Account due to the sites being housing specific.

- 4.2 Potentially additional Civil Enforcement Officers may be required, because of the number of parking orders that have been increased. Any changes to the Council's establishment will be approved by the Council's normal recruitment process and relevant justification of the new role.

**Legal Implications**

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

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

- 4.3 Under Section 32 Road Traffic Regulation Act 1984 where it appears necessary to a local authority to provide suitable parking places for vehicles it may provide off-street parking places. The same section empowers maintenance of such parking places by the authority.

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

- 4.4 None

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

- 5.1 None

**6. Appendices to this report**

Appendix A – Report to Community, Safety and Housing Committee

Appendix B – Proposed Car Parks restrictions

Appendix C – Resident Feedback

**Report Author Contact Details:**

**Name:** Greg Campbell, Director of Operations

**Telephone:** 01277 312738

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

**11<sup>th</sup> September 2018**

**Community, Health and Housing Committee**

**Parking Order Report**

**Report of:** *Nicola Marsh, Housing Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

## **1. Executive Summary**

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

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

- 2.1** That the Committee approves the inclusion of the listed car parks to be included in a parking order (Appendix A), to enable enforcement and relieve pressure on parking for Council Tenants and Leaseholders.
- 2.2** That a consultation takes place with residents to outline the options with regards to enforcement and take into account any preferences or requirements for specific sites.

## **3. Introduction and Background**

- 3.1** Housing Services are tackling numerous parking issues across various sites around the Borough, including non-residents taking up already limited parking spaces, inconsiderate parking by residents, blocked access to rented garages and access issues for refuse collections due to unauthorised parking.
- 3.2** Interim measures have been attempted to help mitigate these issues, by writing letters to residents asking them to park in authorised areas only and erecting locking posts to help with bin issues which have been physically removed from the ground on certain sites.

- 3.3 A parking order was introduced at three housing sites in early 2017 as a trial, which has proved very successful and resolved parking issues in this area which has encouraged us to roll this out in other problem sites.
- 3.4 Prior to the pilot scheme Housing were in receipt of circa 10 complaints per month from various residents in Gibraltar House regarding parking during working hours from local businesses.
- 3.5 Since the implementation there have been no complaints received in regards to the Business employees parking in the car parks.
- 3.6 The scheme has also allowed the Parking Enforcement Team, alongside Housing, to reduce the hours to which permit parking only is available. This was due to residents stating it was difficult to have visitors after 5pm.
- 3.7 As office hours are 9am to 5pm, the decision was taken to allow permit parking only during this period. This provided flexibility for residents and still allowed the Council to effectively manage the parking.
- 3.8 Since April 2016 the Council have issued 321 Parking Charge Notice's and there are currently 130 permit holders across the three sites.
- 3.9 Decisions for the proposals for the new car parks have been made based on the lessons learnt during the pilot scheme.

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

- 4.1 Many of the proposed sites have experienced parking issues over many years, which has been exacerbated by the increase in the number of cars per household.
- 4.2 After taking into account the success of our first parking order on housing sites, it is obvious that implementing a similar scheme on other sites will help to alleviate parking pressures and reduce the amount of complaints from Residents.
- 4.3 Some sites experience more severe issues than others, however we have decided to include all housing parking sites within the order so that if issues developed at a later date, enforcement could be implemented straight away rather than having to complete the whole process of consultation, legal notifications etc.from the start.
- 4.4 Plans have been drawn up to outline the areas of each site that will be included in the parking order (Appendix B).



- 4.5 It is proposed that the sites will have resident only parking permits at a cost in line with the annual charges, with visitors permits available for residents to purchase also. As with the previous sites there will be a limit of two permits per household.
- 4.6 Due to the location of some of the car parks, residents may attempt to sell their permits for a substantial amount of money. Therefore, every resident would be required to provide documentation to demonstrate that their vehicle is registered to the Council property address.
- 4.7 Whilst a number of car parks have been highlighted to be included in the order, not all have immediate parking issues. Appendix A shows which car parks will be immediately included in the order.
- 4.8 The car parks highlighted for non-immediate implementation have been included in this report to allow future parking enforcement to be initiated without delay should an issue occur.

## **5. Reasons for Recommendation**

- 5.1 The Committee is asked to consider the success of those parking restrictions already in place on housing sites and the reduction of resident complaints in relation to this.
- 5.2 The Committee is asked to consider the length of time that these parking issues have been ongoing, and the lack of control that Housing has at present to address the problems without formal enforcement.

## **6. Consultation**

- 6.1 Where necessary, Essex County Council have been consulted in relation to any queries around land ownership.
- 6.2 Consultations will be carried out with all affected residents to ensure any site specific measures can be reviewed. Residents will also be kept up to date throughout the process after initial consultation.
- 6.3 Tenant Talkback have been consulted on the proposed sites and suggested measures for these sites. No amendments were noted.

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

- 7.1 Community, Health and Housing Committee: Providing the best outcomes for Brentwood Residents.

## **8. Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Van Mellaerts, Interim Chief Finance Officer

**Tel & Email:** 01277 312829 /

**jacquelinevanmellaerts@brentwood.gov.uk**

- 8.1 The Council will receive a small increase in Income from issuing the Resident/Visitor Permits and Penalty Charge Notices if required, but it is not yet possible to quantify at the present time, what this increase maybe. However, the main priority of the recommendations is to help alleviate parking pressures and reduce the amount of complaints from residents which are received and not financially driven.

### **Legal Implications**

**Name & Title:** Assaf Chaudry, Governance Solicitor – Deputy Monitoring Officer

**Tel & Email:** 01277 3125703/ **assaf.chaudry@brentwood.gov.uk**

- 8.2 The purpose of this report is to include Housing owned car parks in the parking order to enable the Council to enforce parking measures and prevent non-residents parking in the number of bays available to tenants and leaseholders.

- 8.3 The Council requires a statutory publication and consultation process before it implements the parking order. Failure to adhere to the statutory processes could result in potential delays and costs.

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

- 8.4 None

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

- 9.1 None

## **10 Appendices to this report**

Appendix A: List of sites to be included in the parking order.

Appendix B: Plans showing the areas within each site to be included in the parking order.

**Report Author Contact Details:**

**Name:** Nicola Marsh

**Telephone:** 01277 312 500

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

❖ Only plans for those car parks to be immediately included in the parking order have been drawn up.

Site	Immediate Enforcement	Timing or Parking bay enforcement?	Suggested enforcement	Permits Required
Elizabeth House/Cocorans	Yes	Bays only, restrict garage sites	Penalty for not parking in bay or outside a garage	No
Tendring Court	Yes	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
Thaxted Bold	Yes	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
Theydon Bold	Yes	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
Thorpe Bold	Yes	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
Thorrington Bold	Yes	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
Tillingham Bold	Yes	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
Tollesbury Court	Yes	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors

<b>Colet Road/Hawksmoor Green</b>	<b>Yes</b>	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
	<b>Yes</b>			
<b>Masefield Court/Oldfields/Victoria Court</b>	<b>Yes</b>	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Greenshaw</b>	<b>No</b>	Bays only	Penalty for not parking in a bay	No
<b>Orchard Avenue</b>	<b>Yes</b>	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Railway Square</b>	<b>Yes</b>	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Britannia Road</b>	<b>No</b>	Bays only, restrict garage area	Penalty for parking in front of garage	No
<b>Heseltine House</b>	<b>No</b>	Rented spaces?		
<b>Pompadour Close</b>	<b>Yes</b>	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Tyrell Rise</b>	<b>No</b>	Query over ownership?		
<b>Wilmot Green</b>	<b>Yes</b>	Bays only, restrict garage area	Penalty for not parking in a bay	No
<b>Dounsell Court</b>	<b>No</b>	Timings and bay enforcement	Resident permits only Monday-Friday 9-5	Yes + Visitors

			Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Lavenham Court</b>	<b>No</b>	Timings and bay enforcement		
			Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Farrow House</b>	<b>No</b>	Timings and bay enforcement		
			Resident permits only Monday-Friday 9-5	Yes - no visitors, not enough space
<b>Canterbury Court</b>	<b>No</b>	Timings and bay enforcement		
<b>Courage Court</b>	<b>Yes</b>	Bays only- area in front of block	Penalty for not parking in a bay	No
<b>Tower House</b>	<b>Yes</b>	Restrict garage area	Penalty for parking in front of garages	No
			Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Drake House</b>	<b>Yes</b>	Timings and bay enforcement		
			Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Sir Francis Way</b>	<b>Yes</b>	Timings and bay enforcement		
			Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Tower Court</b>	<b>Yes</b>	Timings and bay enforcement		
			Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Mountney Close</b>	<b>Yes</b>	Timings and bay enforcement		
			Resident permits only Monday-Friday 9-5	Yes + Visitors
<b>Greenfields</b>	<b>Yes</b>	Bay enforcement only	Penalty for parking in front of a garage	No

142-148 High Street	Yes	Bay enforcement- residents only	Resident permits only Monday-Friday 9-5	Yes + Visitors
---------------------	-----	---------------------------------	---	----------------

# 142-148 High Street



## Legend

Car Park

7th August 2018

File Name:

Location: Brentwood



# Canterbury Court



## Legend

Car Park

7th August 2018

File Name:


Location: Pilgrims Hatch

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# Cocorans and Elizabeth House



## Legend

 Car Park

7th August 2018


File Name:

Location: Pilgrims Hatch

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Courage Court and Tower House




<p>Legend</p> <p> Car Park</p>	<p>7th August 2018</p> <p>File Name:</p> <p>Location: Hutton</p>
---	--



# Dounsell Court



## Legend

 Car Park

7th August 2018

File Name:

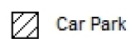
Location: Hutton

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# Farrow House



## Legend



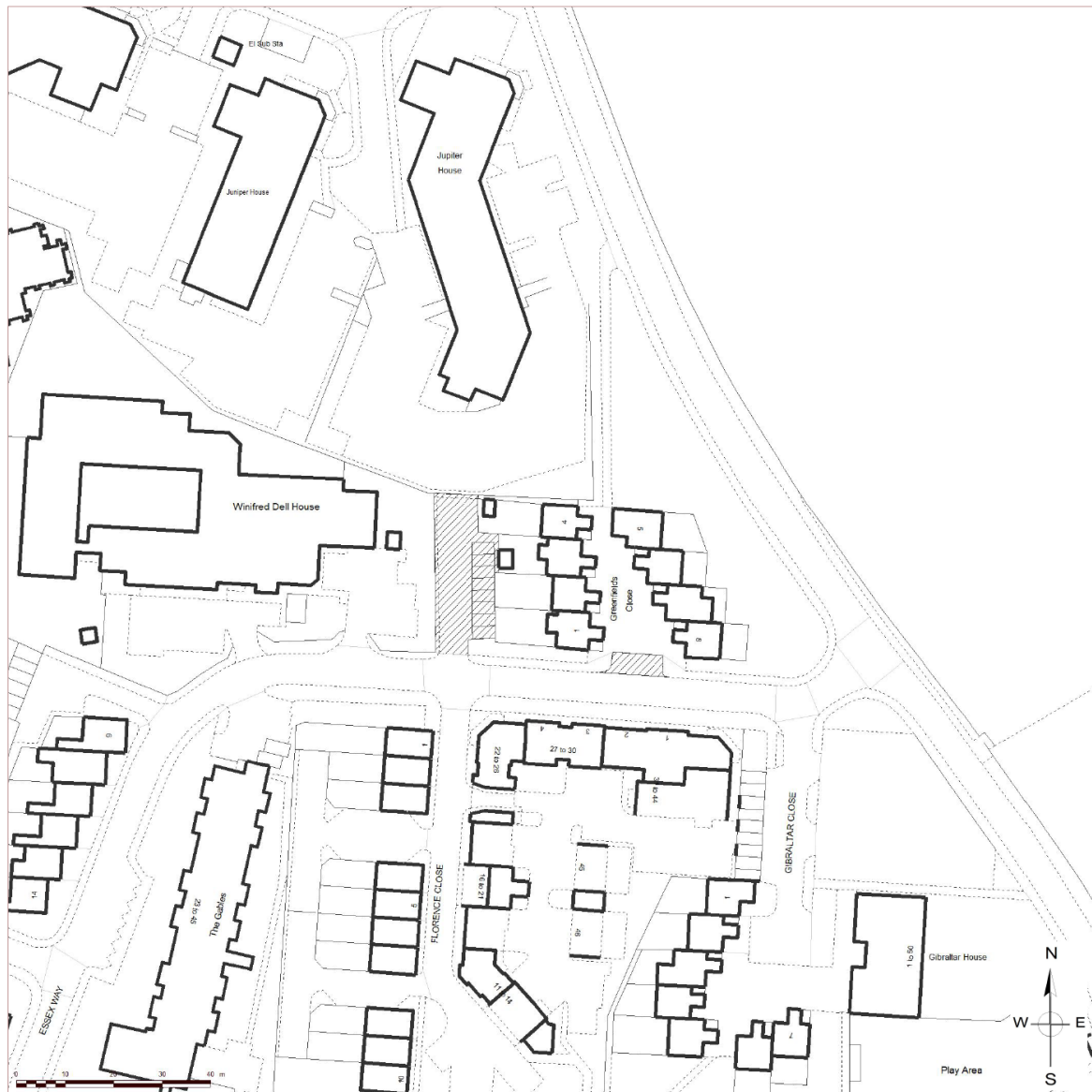
7th August 2018

File Name:

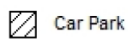
Location: Brentwood

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# Greenfields Close



## Legend



Car Park

7th August 2018

File Name:

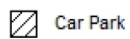
Location: Warley

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# Greenshaw



## Legend



Car Park

7th August 2018

File Name:

Location: Brentwood

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# Hawksmoor Green/Colet Road



## Legend

Car Park

7th August 2018

File Name:


Location: Hutton



# Heseltine House



## Legend

 Car Park

7th August 2018


File Name:

Location: Warley

# Lavenham Court



## Legend

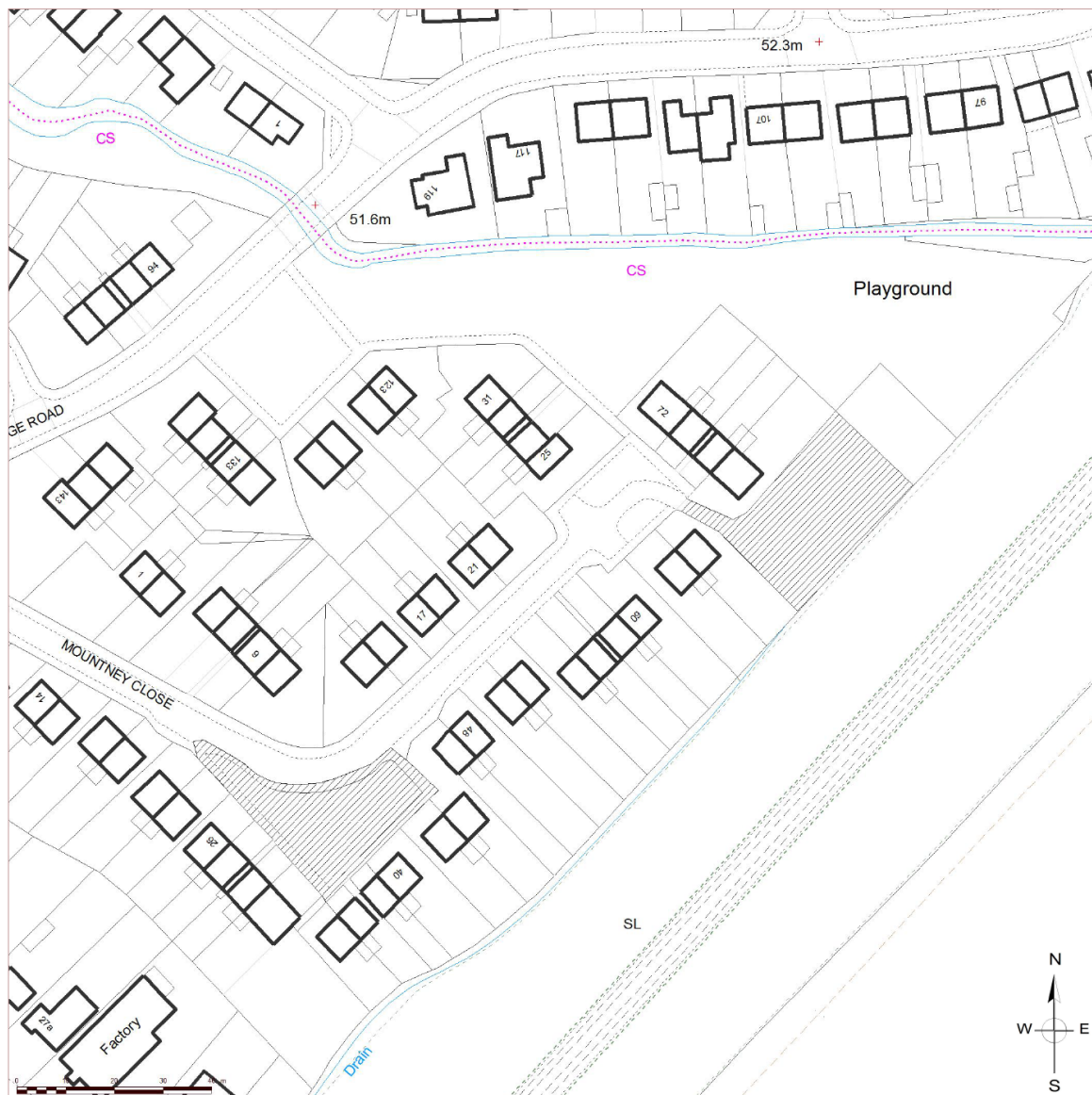
 Car Park

7th August 2018


File Name:

Location: Brentwood

# Mountney Close



## Legend

 Car Park

7th August 2018

File Name:


Location: Mountnessing



# Orchard Avenue



## Legend

 Car Park

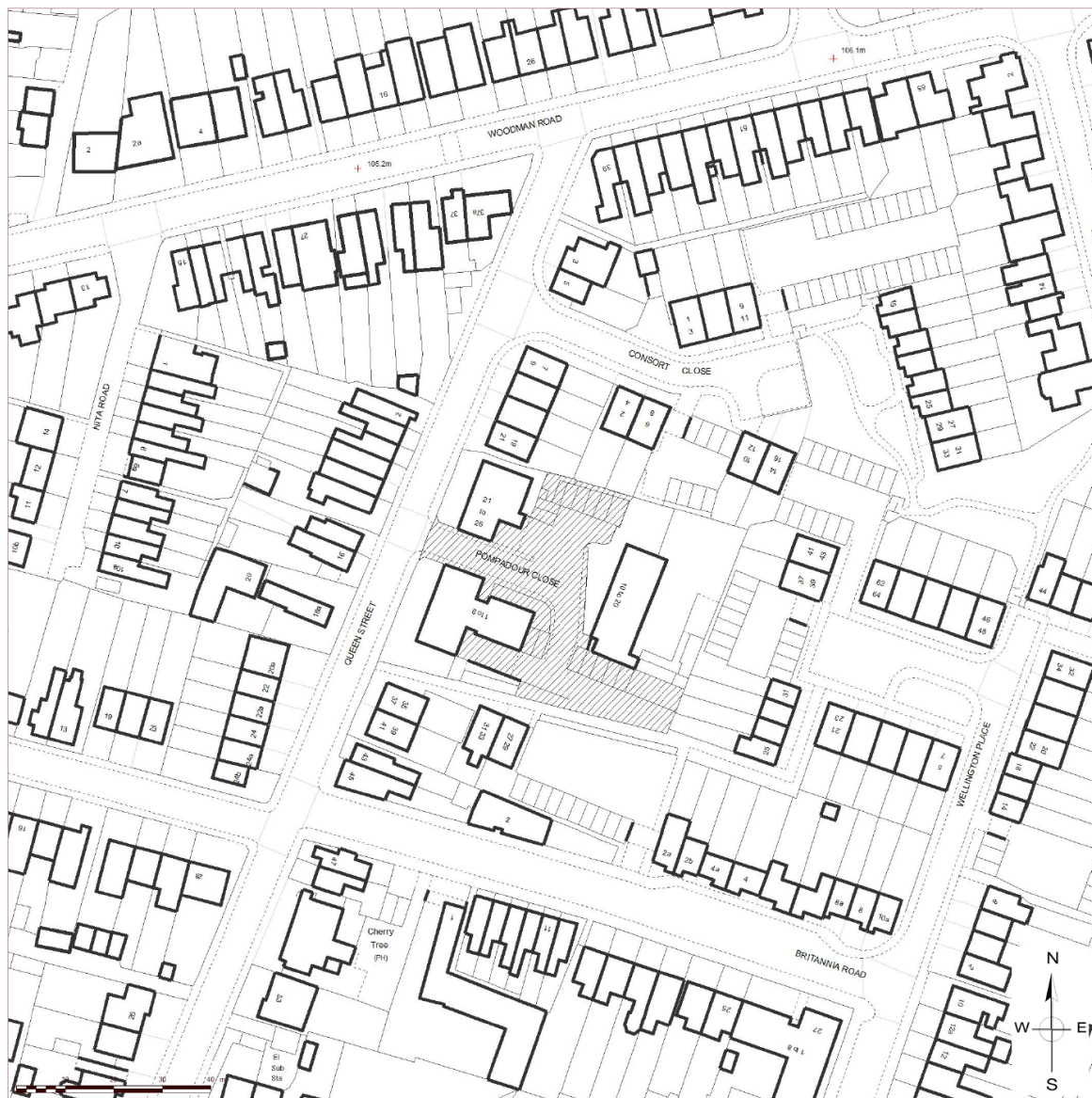
7th August 2018

File Name:


Location: Brentwood

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# Pompadour Close



## Legend

 Car Park

7th August 2018

File Name:


Location: Warley

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# Railway Square



## Legend

 Car Park

7th August 2018

File Name:

Location: Brentwood



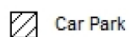
# Sir Francis Way



# Victoria Court/Masefield Court/Oldfields



## Legend



Car Park

7th August 2018

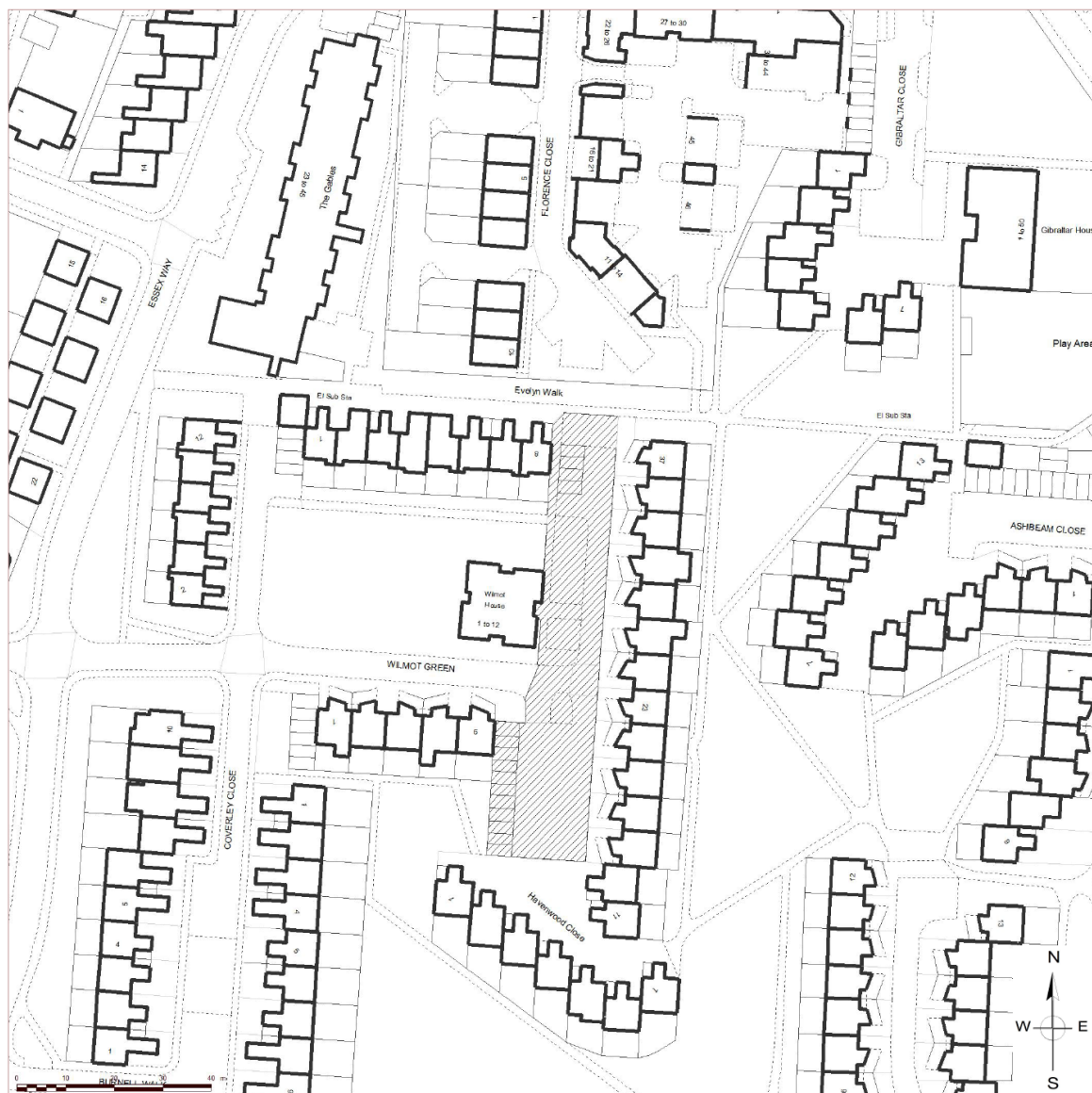
File Name:

Location: Warley

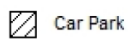
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# Wilmot Green



## Legend



7th August 2018

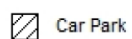
File Name:

Location: Great Warley

# Woodland Avenue



## Legend



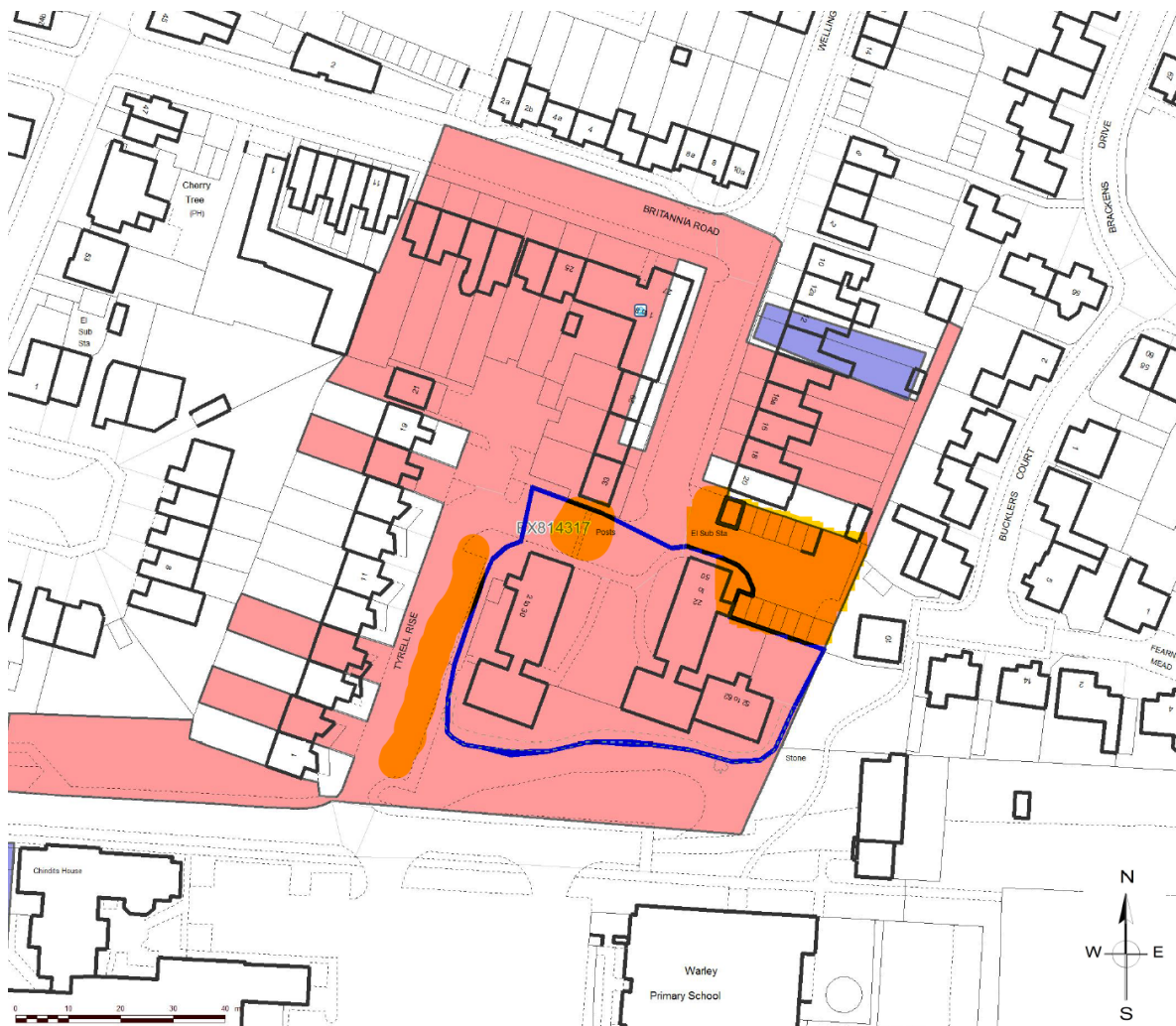
Car Park

7th August 2018

File Name:

Location: Hutton

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## Britannia Road



Drawing No. :

Scale at A4 : 1:1250

Drawn by :

Service :

Date : 4th June 2018

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

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## Appendix B

### Proposed car parks, Restrictions and Plans

Car Park	Location	Plan No	Page
Britannia Road		OSPP23	
Canterbury Court		OSPP24	
Corcorans Court		OSPP25	
Courage and Tower Court		OSPP26	
Dounsell Court		OSPP27	
Farrow House		OSPP28	
Greenfields Close		OSPP29	
Greenshaw		OSPP30	
Colet Road		OSPP31	
Heseltine House		OSPP32	
High Street		OSPP33	
Lavenham Court		OSPP34	
Mountney Close		OSPP35	
Orchard Avenue		OSPP36	
Pompadour Close		OSPP37	
Railway Square		OSPP38	
Sir Francis Way		OSPP39	
Victoria & Mansfield Court & Oldfield		OSPP40	
Wilmot Green		OSPP41	
Woodland Avenue		OSPP42	
London Road Cemetery		OSPP43	
Merrymeade Chase		OSPP44	

## Parking restrictions

<b>Britania Road</b>	OSPP23	Free parking	At all times	No limit
<b>Canterbury Court</b>	OSPP24	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	
<b>Cororans Court</b>	OSPP25	Free parking	At all times	No limit
<b>Courage Court</b>	OSPP26	Free parking	At all times	No limit
<b>Tower Court</b>		Free parking	At all times	No limit

## Parking restrictions

<b>Dounsell House</b>	OSPP27	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Farrow House</b>	OSPP28	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Greenfields Close</b>	OSPP29	Free parking	At all times	No limit
<b>Greenshaw</b>	OSPP30	Free parking	At all times	No limit
<b>Highwood Close</b>				

## Parking restrictions

<b>Colet Road</b>	OSPP31			
<b>Heseltine House</b>	OSPP32	Free parking	At all times	No limit
<b>High Street</b>	OSPP33	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Lavenham Court</b>	OSPP34			
<b>Mountney Close</b>	OSPP35	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit



### Parking restrictions

<b>Mountney Close Playing Field</b>	OSPP??	Free parking	At all times	No limit
<b>Orchard Avenue</b>	OSPP36			
<b>Pompadour Close</b>	OSPP37	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Railway Square</b>	OSPP38	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Sir Francis Way ( NEW NAME)</b>	OSPP39	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit

### Parking restrictions

<b>Sir Francis Way - 2</b>	OSPP??	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Sir Francis Way – 3</b>	OSPP??	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Victoria Court - 1</b>	OSPP40	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Mansfield court - 2</b>	OSPP??	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Oldfield - 3</b>	OSPP??	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit

### Parking restrictions

<b>Wilmot Green</b>	OSPP41	Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Woodland Avenue</b>	OSPP42			
<b>London Road Cemetery</b>	OSPP43	Limited stay & Permit holders	Maximum stay 2 hours no return for 4 hours	At all times
<b>Merrymeade Chase</b>	OSPP44	Limited stay	Zone A Maximum stay 2 hours no return for 4 hours Permit holders – No time restriction Zone B 30 minutes drop off and pick up bays Permit holders only bays	At all times

## Parking restrictions

<b>Tolesbury Court</b>		Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Thorrignton Court</b>		Permit Holders	Monday to Friday 9:00 am - 5:00 pm	No limit
<b>Canterbury Court 2</b>				
<b>Canterbury Court 3</b>				
<b>Drake House</b>				

### Parking restrictions

Elizabeth House				
Tendring Close				
Thaxted Bold				
Theydon Bold				
Tillingham Bold				

### Parking restrictions

Tower House				
Tyrell Rise				

## Car park Plans

25 pages of plans

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## Colet Road

No comments made
Welcomes the scheme. Will visitors be allowed to park during restricted times?
I am blind in right eye and disabled. Some days cannot get into the car park so why should I have to pay a permit fee
Brilliant idea but why is it limited to weekdays. Parking is just as problematic at the weekend.
Agrees that parking scheme good idea. But not a problem during times specified. This should be for evenings as well. Will extra spaces be provided?
Are there going to be visitors permits. Where do they get the permits from? When will this scheme start. Is the fee going to raise every year?
No concerns think it will work better with permits.
No really solving the parking issues, there are too many cars and not enough spaces. The problems are worse after 5pm. Not happy with paying £37 and won't be able to find space.

## Corcorans

No problems with parking since they brought their property in December 2015. The only problem is sometimes vehicles block the road so difficult to get in and out.
I don't think this applies to me as I have a garage. Hopefully the new scheme will not force desperate car owners to block my garage, as this has already happened on several occasions.
Totally against this scheme as the Council will not police the scheme. Against paying £37 for this and then others can park out of hours and we won't be able to park.

## Consultation Responses

This has been a long time coming and can only improve the parking and congestion. I have a driveway so don't believe I will have to purchase a permit; however, I believe I will need to purchase a permit for family and friends who are visiting. Will you be issuing more permits than parking spaces? The majority of the double parking in the area is in the evening or at weekends, will the Council Civil Enforcement Officers be operating in the evenings/weekends?

We have two cars, we park one out the front in Corcorans and one at the back of the house. Do we need to apply for a permit at the back of the house?

We live in the corner next to the access gates to Elizabeth House and would like to know if this will become a marked hatched area again as it was when we 1st moved in. When it was re-tarmaced a number of years ago these markings were never replaced. People now park here and block us in so we can't get out of the drive. Also, it is difficult for refuse collection and the emergency services when there are cars parked there.

Your drawing also shows the grass outside the even numbers houses opposite will this also be parking spaces. If so will the owners of these houses be given a space.

The main time we get parking problems is in the evenings.

## Courage Court

suggest reinstating low timber bollards on the green area at the intersection of Hanging Hill Lane & Hutton Drive, originals have rotted away. Green area marked in black hatching has been destroyed due to vehicular ingress. Cars park on the pathway making access/egress difficult for disabled & pram/pushchair users.

## Consultation Responses

PRO's - designated marked parking bay. CON's - lose green outlook from window. Noise- cars pulling on day/night, slamming doors, loud talking. Will add to constant traffic noise already getting 24/7 from Hanging Hill Lane. If allocated a bay in front of Courage Court, it will be a long walk with shopping from parking bay. As there is no front entrance to nos. 10 to 16 and no access to the front entrance at nos 1 to 9 it will mean walking up Hanging Hill Lane, along Hutton Drive, down back of Courage Court, up 5 flights of stairs. As I am in my 60's it could be a problem.

### Drake House

Concerned that may now be charged for parking. Additional public car park with access through car park at Drake House which is almost permanently empty. Assign each flat/resident their free resident parking space. Relocate bins to the front of the property thus freeing up 2 very valuable parking spaces at the rear of the building. Reassign the two current parking spaces at the top end of the car park as the new bin dump area (these are two very awkward spaces, difficult to get in or out of). The relocation of the bins would in addition facilitate rubbish collection and also more effectively expose those who continue to dump their household rubbish on our grounds. Reinstate the use of the valuable undercover dump/skip/tip rooms or offer as under cover parking for any resident of Drake House willing to pay a yearly fee for the extra protection of sheltered parking. Many residents are on benefits and wouldn't be able to afford the extra fee for parking. Secure the income due to the Council through the established but seldom used public car park at Drake House, as well as tackle the problems of illicit dumping and illegal parking.

could the permits be Monday to Saturday 9am to 6pm

Will there be a visitor's permit available - yes, visitors permits charged at £5.00 for a sheet of 10 permits and each permit lasts for 4 hours. A visitor's permit will only need to be displayed during the restriction period.

no comments made

no comments made

## Consultation Responses

no comments made
Willing to pay for parking. Would like to speak to a Housing Officer and talk through his concerns, unable to use the phone.
Car park next to Drake House is invariably empty, should be incorporated into the scheme. Dismayed at the thought of having to pay out more money. What hours will be covered by this, a lot of problems with parking occur in the evening when it can be difficult to re-park after going out for the evening. If it doesn't cover 24 hours, it will not solve the problem. Will there be designated places, without which this is merely a revenue stream. Could be paying an extra £37 with no guarantee of being able to park.
Pleased to hear council are doing something about the parking.
Pleased with proposal. Who will be responsible for enforcing this.
How will parking permits help solve parking issues when there are twice as many cars as spaces.
I believe that some of the garages should be knocked down to make more parking areas. Problems with garages being broken into by youths.
Need to make more parking spaces knock down the garages.
Existing parking bays are hard to locate as marking not visible. Are more spaces being provided. Are permits being offered on first come first basis as there is not enough space at present. Could you do away with the garages.
Parking enforcement needed. What time will it be patrolled as cars appear late in the evening and are still there at 7am. Will we be able to contact somebody out of hours should any vehicles be parked in front of garages thus not allowing access. If a vehicle is blocking our garage will we be able to take a photo of the offending vehicle and send it in so a fine can be issued.

## Consultation Responses

Garages do not seem to be in use, weeds growing in front of them, boarded up or damaged. Makes more sense to knock them down and make into parking spaces. The number of residents with cars to the number of spaces is very low and the proposals will only make matters worse. The garages are unsightly and run down after having my car damaged because of the lack of space I would object to your plans. What extra costs will be incurred, can we be consulted before anything is finalised.

I would only be happy to pay for a permit if I am allocated my own parking space.

Stickers should be supplied for residential parking. Broken down cars need to be removed if they stay longer than one month. Please make lines for parking.

Good idea. Bays need to be marked out. Only problem I can see is that I work shifts so when working till late there will still not be a parking space.

Excellent news. We are a one car family and often have to park a fair distance away whereas some houses own multiple vehicles thus monopolising spaces.

Agree with penalty parking in front of garages but not at the end where there are 3 spaces. There are 8 houses but only 4 spaces, so how will this work? Number 1 parks 2 cars there which never move, and the other 2 spaces are taken by number 7. Will permit holders of Gibraltar House be able to park here? More spaces need to be created. The new flats have there only parking at the rear but often park on the road in front of Greenfields Close. Tenants need to be invited to discuss.

Should have been done years ago.

Main problem is parking at weekends and the evenings (9am to 5pm) Restrictions won't help when people come home from work, 5.30pm. It will be a free for all. Resident bays should be restricted at all times. Urgently needed is additional parking spaces. Have previously been told that resident permits would be impossible to finance.

Total waste of time. Only agree if you provide a parking space designated for each property, I want to be able to park every day and night not just Monday to Friday 9am to 5pm

## Consultation Responses

Would like parking permits.

### High Street

Very interested in this scheme.as many people park here that don't live here.

### Masefield Court

Wonderful idea. Would be very interested in a visitor's permit. Would I be allowed a permit even though I have a garage, as can not always get into it.

Resident permits is a great idea. However, car spaces are first come first served should be limited to one car per household, those with more than one car should park elsewhere. Previously residents didn't need to pay so why £37 per year now, who came up with that figure? We are happy to pay £10 per year. The fundamental issue is non-residents occupying spaces.

no comment

if it is a case of parking permits for everyone, I am all for it. Too many cars park and then go off to the station.

Not enough parking for all residents. Both my husband and I have cars so we would each need a permit.

Waste of time limiting it to 9am to 5pm most people are out during the day and spaces are empty. The main problem is in the evening and weekends when everybody parks here, to go shopping, to London etc. Currently £37 but how long before that goes up. Permits should be issued to residents for the whole week, all day every day, weekends included.

Real issue is after 5pm needs to be enforced then. The bins that have been moved are also taking up 2 valuable spaces, they need to be moved back.

## Consultation Responses

A lot of non-residents park here. I rent a garage am I going to be charged for parking too.
no comment.
Brilliant. Problem is evenings and weekends.
Just seems to be a revenue generating scheme for the Council. We don't have proper parking bays or security.
No logic to permits for 9am to 5pm During the day the car park is mainly empty. Permits need to run from 5pm to 7am and include permits to park in the street at these times too.
I do NOT agree with this scheme, just another way to make money from residents.
NOT a good idea. Will visitor permits be provided, can they still park in the road?
Maybe the whole street should be permit parking. This would stop people with multiple vehicles taking up all the parking. Visitors permits?
Parking enforcement is NOT needed. Most residents are opposed to this scheme.
If a permit restriction is implemented, it should include the entire street not just the parking bays. Maybe a gated or barrier approach would be a fairer solution.
Ridiculous idea. Some residents have 3/4/5 vehicles. What happens about visitors, workmen etc. will they have to pay.
NO reason for parking permits. Not a problem between 9am and 5pm. Where ill visitors park?

## Consultation Responses

TOTALLY AGAINST. Single person on low income, will struggle to pay. No issues with parking. Most houses have driveways. Will the Council maintain the car park?
No problem between 9am and 5pm Monday to Friday. Dropped kerbs would increase parking availability.
Will NOT solve the parking issues as problems arise before or after 9am to 5pm, outside of this time car park is virtually empty.
Will NOT solve the problem. Weekends and evenings are the real problem, during the day car park mainly empty. We do not have road space to park or driveways. If permits allowed for all Mountney residents these space will be taken further adding to the problem. There are not enough car park spaces to accommodate all vehicles in Mountney Close. Will be paying £37 for a space you cannot guarantee.
This household does not have a car.
Do not have a car but have visitors regularly.
Cannot see how it will work. Everyone manages to park without a problem. What about visitors.
Never found a problem with parking. Permits will penalise residents that don't have driveways. Not an issue with commuters.
OPPOSED to scheme. It will cause more people to park in the road causing congestion. Top car park is not big enough to cope with amount of cars. How many cars will be covered on each permit.
Abandoned cars have always been an issue at the end car park. Agree in principle but don't think a charge is appropriate if improvements are not made to the car park in general.



## Consultation Responses

Called on behalf of his mum. How many car registrations can be linked to his mum's address. He has a number of vehicles and his mum has regular cleaners.
Will those on pension credit be exempt?
Seems a GOOD idea but some residents have 3 cars, park on the pavement and on the green.

## Oldfields

Would like parking bays to be enforced. Would also like the ability to park in the road when all spaces are occupied. Not happy about paying to park as already pay ground rent and service charges.
As not a car driver does not apply to me.
AGAINST this proposal. Parking is not a problem during the day but can be in the evenings.
GOOD idea. Several residents of the flats have more than one van or car and take up residential spaces
Disabled badge owner. Will I be provided with a permit that reflects this as I need more space to get into my car and access the boot.
GOOD idea. Will it prevent people from parking outside my garage?
Currently rents garage 2 Pompadour Close can you confirm if she is still able to park outside garage, would she need a permit to park there?
No comment

## Consultation Responses

Not a car driver/owner
APPLAUDS scheme. Will the bays be numbered in accordance with house/flat number? Will the bays be on a first come basis, parking areas in Pompadour Close are not on a large scale?
Various visitors, will they be able to park?
SUPPORT scheme as non - resident parking is on the increase in Pompadour Close. Too few spaces for numbers of flats, three possible empty garages at the moment.
Residents are being penalised. It will leave residents in a worse position as the paid permit is only valid in the car parking area. Most households have 2 cars and therefore there will be a double charge without the benefit of being able to park in parking restriction bays.
I live opposite a grass verge and cars use this as a parking space, mostly in the evenings. Will the enforcement officer be able to stop this?
Would specify that specific parking bays be marked. I do not own a car but rely on my brother, can I have a permit for his car? Visitors permits?

## Railway Square

Visitors permits? How much? A few garages not in use, if these were rented out it may ease parking situation.
Most residents need parking after 5pm. A penalty for parking in front of a garage
means that most of the parking spaces will be eliminated. Adding a barrier at the entrance and CCTV will ensure only people who live here are entitled to park. Add a code on a lock to the barrier will eliminate unwanted vehicles and commuters. Automatic number plate recognition will ensure that only vehicles entering are registered to park there. Unregistered cars

## Consultation Responses

will face a warning or fine.

FABULOUS idea. Strongly recommend knocking down garages as a lot not in use and this would provide more parking. Implement parking bays, new development opposite Railway Square means they will be parking here rather than in their underground car park. Concerns about paying for a permit that does not guarantee a parking space. Consideration should be given to the number of spaces versus the number of permits issued.

Main concern is that residents of Gibraltar House & Mayflower House will park at Railway Square to go to the station in the morning, for residents at Railway Square the ability to park at the other site in Warley is no use whatsoever.

Do not agree with yellow lines in front of garages. Not enough parking for residents. Residents of no. 46 have 4 cars! Agree to pay for annual permit as long as it guarantees parking. People who do not live here are able to rent garages.

Will there be lined parking bays? Will the permits just cover the car park or the zoned road areas. Will there more than one permit per household. Will there be visitors permits for trades people, health visitors etc. Will residents of Chase Road be allowed to park here.

### Sir Francis Way

Never had any parking issues no need to change.

As I have a blue badge could the 1st parking below the steps, near the entrance to the forecourt for the flats be designated as a disabled bay.

NOT HAPPY with scheme. Yet another tax. Leave a sit is as no problems with parking. If it must go ahead issue permits to residents free of charge.

NOT HAPPY. Never had to pay for parking before. Permits should be free to residents. What about visitors.

## Consultation Responses

While this is a GOOD idea and long overdue the time limitations are far from satisfactory. It would be more helpful to run this from 7am to 7pm and include Saturdays at least and possibly part of Sunday. Will there be the option to phone the Council to have cars removed immediately when they are parked in 'no parking' areas/in front of garages. Will the 'no parking' areas in front of the garages remain and be enforced under this new scheme.

Can I still give visitors a visitors parking permit as I normally do?

## Tendring Court

DISGUSTING idea, not enough spaces at the moment, this will just cause more problems

Bad idea for during the day as car parks are empty then. I work from 6m to 10pm and can never get a space in my own car park so why should I pay for a permit when I am unable to park anyway. If I have to pay for a permit, I would like an allocated bay. Can you not give each household one bay and charge for the second?

All questions have been answered and emailed back to resident on 25th October 2018

RIDICULOUS idea, just a money-making scheme. To have a permit between 9am to 5pm Monday to Friday is a bad idea, most people are at work then. When I get home at 6.30pm there is nowhere to park. Why should I pay for a permit if I am not guaranteed a space? Just allocated parking bays to residents.

POINTLESS at the suggested times as car park is empty then. Evenings and weekends are the problem times.

## Thaxted Bold

APPEALING AGAINST. I am severely disabled and do not own a car and rely on others to take me out. At present there is no provision for blue badge holders. Introduction of permits will severely affect my lifestyle & make me more housebound. Current spaces are too narrow for disabled users and for

## Consultation Responses

families with children. Not a problem during the day problem arises when all residents are at home. No mention of visitors permits which you provide to residents in Rayleigh Road both private and Council free of charge. The paid parking will prevent visitors from parking without incurring a penalty. The idea of using the main road for parking will cause great problems as both side of the road will become full thus restricting the width of the road. Free parking should be given to actual residents of the flats - 1 per flat. The small parking area in front of Thaxted Bold has to cater for the adjacent block and itself but there is insufficient parking now.

### Theydon Bold

Permit Holder scheme would be a GREAT IDEA.

### Thorpe Bold

Not enough parking spaces available for number of flats. As a single mum I couldn't afford this. Take away all the wasted grass areas and replace with parking spaces.

Issue is not during the day but the evening. There should be one space per household which should have your number on. Why should we have to pay to park on the road.

Expense of a permit will add an additional worry for families. Times are of no use as car parks are empty during the day. After v5pm causes the problems. Reducing the grass verge to create more spaces would be a better idea.

Just another money-making scheme, please scrap this scheme.

Car park is mostly empty between proposed times so completely unnecessary. Only residents park here as no businesses nearby or transport links. OBJECT in the strongest terms

### Tillingham Bold

Cars park on green outside our window. Visitors permits? Work vans park here taking up two spaces, should they be using the

## Consultation Responses

car park?

### Tollesbury Bold

I have one car and have never had a problem with parking.

Waste of money, too expensive. Unnecessary as parking not a problem during the day. Money would be better spent elsewhere on the estate. Vans, trucks etc cause a problem as they take up more than one space. Abandoned cars should be removed quickly.

Parking is not a problem during the day, only the evenings and weekends. If this scheme comes in roads will become congested because they are not parking controlled.

### Tower Court

EXCELLENT idea. Good to allow residents to use Tower Court, Sir Francis Way and Drake House as this will help with parking. Tower Court has three visitor spaces, will these be changed?

Abandoned cars are a problem. People parking in front of garages that are in use.

Tenant now in a home, unlikely to return. Family getting it ready to hand back to Council. Will I have to pay for a yearly permit on my mother's behalf.

Currently there are not enough spaces, at least 7 bays short not including visitors. Problem is largely in the evening. Some families have more than one car and some cars never move. I currently pay for a space as I don't get home until at least 8.30 which means there would never be a space available, so I would always be at risk of a fine. I am AGAINST the new system, cannot see any positives only negatives.

The sooner the better.

## Consultation Responses

Visitors permits? Why should residents have to pay to park outside their own home. What will happen to existing spaces and garages that people have that don't live here. Spaces need to be clearly marked.

I am disabled and have carers visiting every day and my daughters too. It would be helpful if I could purchase one permit that could be used by any of my visitors.

Times need to be adjusted to 8am to 6pm Monday through to Saturday as main parking problems are in the evenings which hinders access for residents with a garage/allocated parking space..

## Victoria Court

Elderly resident doesn't drive but visitors permit needed for daughter and her partner - two in total.

No comment

Seems unnecessary as there are already bays available for residents and for visitors. I have permits for visitors if they need to park in the road.

No comment regarding parking scheme.

No letter received

No letter received.

How many permits will be issued? Are all the garages going? Will the one-hour restriction in the first bit continue the same as not mentioned.

## Consultation Responses

Very welcome news. Parking has been a problem for sometime.
We do not have a car. Will we need a permit for Saturdays and Sundays? Visitors permits?
We think that priority for parking permits should be given to households who have no car port or garage, such as ourselves and Havenwood Close residents.
Also residents with car ports should be allowed to park outside their car ports as it in no way blocks the road.
How many permits per household? How do we get visitors permits? Will parking our own cars still be allowed on area outside our car port? How will an enforcement officer monitor out of hours - weekends etc. Where will permits be issued from?
Would you always require a permit in the Wilmot Green car park ? The evenings and weekends are when parking becomes difficult. Can you confirm that the enforcement officer will be around to enforce parking restrictions at these times. Will there be a sufficient number of bays for the number of residents, if not what parking would be provided locally for those who cannot find a bay? Majority of garages are used for storage not cars and many are rented by non-residents.
Will there be designated bays for house/flat numbers/ What will the timings be - it needs to have residential parking for residents only, anything else will not work. Are they going to be white lined or will bays be marked out? Will the parking enforcement offices have our registration numbers, or will we have a ticket in the window?
VERY GOOD idea to have permit parking for residents as at present people park here that don't live here.
Need to be designated spaces and residents parking only.



## Consultation Responses

I am in in favour of the parking plan.

Will OAP's have to pay?

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**20 November 2018**

## **Policy, Projects and Resources**

### **Woodland Management Grant**

**Report of:** *Alan Marsh, Arboricultural Assistant*

**Wards Affected:** *Warley, Brentwood West, Brentwood South, Hutton South, Hutton North, Hutton East, Hutton Central, Shenfield*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 Members are reminded of the paper agreed by the Policy, Finance and Resources Committee (PFR) on 21<sup>st</sup> June 2016 Min where it was resolved:
  - i. That the Committee agrees to grant delegated authority to the Head of Paid Service in consultation with Group Leaders (or their nominated deputy) to enter into a contract with the Forestry Commission to provide a Woodland Management Plan and maintenance for 10 years, providing adherence to procurement rules of the Council are followed.
  - ii. That the Committee agree that further opportunities to generate business and income are developed by a detailed business plan.
- 1.2 Following the agreement at PF& R Cttee on the 21<sup>st</sup> June 2016 the Council has been successful in the application for a grant to implement a 5-year woodland management plan. The grant is for £46,000.
- 1.3 This work will deliver a number of improvements in the management of the woodland estate including planned maintenance to improve risk management and a method to tackle some of the Ash disease.
- 1.4 This report asks members to confirm acceptance of the £46,000 grant and note the areas/woodland to be worked on over a 5-year period.

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

- 2.1 That the committee agrees to grant authority to accept the financial grant offered which commits to undertaking the 5-year plan. Appendix A contains detail of the woodlands that this proposal supports and the timescale.**

## **3. Introduction and Background**

- 3.1 At the Policy, Finance & Resources Committee on the 21<sup>st</sup> June 2016 it was agreed that:
- i. That the Committee agrees to grant delegated authority to the Head of Paid Service in consultation with Group Leaders (or their nominated deputy) to enter into a contract with the Forestry Commission to provide a Woodland Management Plan and maintenance for 10 years, providing adherence to procurement rules of the Council are followed.
  - ii. That the Committee agree that further opportunities to generate business and income are developed by a detailed business plan.
- 3.2 National authorities, Forestry Commission, Natural England and Rural Payments Agency have offered a five-year financial grant of £46,000 towards the woodland management plan which does not require match funding.
- 3.3 The grant covers 71.95 Ha. of council owned woodland within the Borough.
- 3.4 The woodlands supported by the scheme are Ancient Semi Natural Woodland which is a precious national resource forming only 3% of the land coverage of the UK. Good management will enhance and help to protect this resource against climate change, disease and public pressure. It improves biodiversity, carbon sequestration and sustainability.
- 3.5 Further the Council receive a number of complaints each year relating to subsidence, damage, overhang and shading, which would in a large part be addressed by the proposed Management Plans in the supported woodlands see Appendix A. The Management Plan will also indicate to insurers that the council is aware of and managing its risk in this area.

- 3.6 The woodlands which will be dealt with in the Management Plan is set out in Appendix A as highlighted. This also sets out the proposed timelines to undertake the work.
- 3.7 The proposed work includes two areas of woodland which, have a high incidence of Ash disease, Warley Country Park and Hutton Poplars. It is likely that the felling of trees within these areas will be required to reduce the possibility of spread of Ash disease from these sites. These trees will be replaced with other suitable species. Should these trees not be dealt with under this scheme they will become a safety risk which the Council will be required to deal with on an ad-hoc basis. Potentially as the disease progresses, the Forestry Authority could require the Council to remove them under a Plant Health Notice.
- 3.8 The grant being offered will ensure work will be covered by the existing arboricultural resource negating the need for the council to increase any budget for the duration of the grant.
- 3.9 By accepting the offer of this grant the council will ensure that the status of its woodlands will be improved in the provision of biodiversity, carbon sequestration, future proofing and sustainability. The harvested produce, where possible, could provide a range of products from firewood to oak beams which could be sold to the commercial market.
- 3.10 As identified in 3.5, the management of the woodland will demonstrate its improvement towards the councils management of risk.

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

- 4.1 Works undertaken within the Management Plan will require the felling of tree cover to enable light penetration to the woodland floor. This encourages regeneration and biodiversity. The adoption of established forestry principles is a sustainable way in which to manage the Council's woodlands in line with other local authorities such as Essex C.C. and Rochford.
- 4.2 Tree felling always receives a mixed emotive reaction from the public. The fact that the council's plans have for two years been scrutinised by the Forestry commission, Natural England and DEFRA and approved unaltered, is a strong endorsement of the benefits derived from these forestry operations.
- 4.3 Should the woodlands remain in an unmanaged condition, the risk to the council will increase due to the declining health of the ageing tree population. This could result in the woodlands becoming colonised by non-native invasive species.

- 4.4 The management of the woodlands would follow the timeline as set out in the approved Management Plan with diseased Ash removal a priority.
- 4.5 The Borough consists of 89.1% greenbelt, taking a proactive approach to its management of woodlands the Borough is leading the way for private landowners to likewise ensure the future protection of their woodlands
- 4.6 Public health benefits will also derive from the work of the Management Plan which will increase canopy structure. These benefits have been demonstrated in medical research throughout the world such as decreased risk of heart disease, improved recovery rates and decreased risk of mental illness.
- 4.7 There are two further points to be considered with this proposal. These are:
- The Council under the terms of the grant need to carry out the set works in the Management Plan. If the Council fail to deliver this, the Council will be liable to pay back the grant plus accrued interest.
  - Further, if the Council do not take up the offer of the grant, the Council will need to have to address the management of trees at some point which will be a cost to the Council directly.

## **5. Reasons for Recommendation**

- 5.1 To ensure that council assets are properly maintained, and appropriate risk protection is afforded to the council and its residents.

## **6. Consultation**

Planning Department, Forestry Commission, Natural England.

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

- 7.1 Maximise council assets to deliver corporate objectives and ensure community benefit
- 7.2 Develop new approaches to grant funding, and the use of community assets.
- 7.3 Develop effective partnership arrangements with key agencies to deliver services.
- 7.4 Explore alternative methods of delivering street scene services.

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts – Interim Chief Finance Officer**

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

- 8.1 Entry into the contract is on a performance basis. Non-performance will result in reclamation of grant. Grants have to be accounted for upon receipt of the Grant. This grant will be reported on the Council's Register and monitored through our Budget monitoring processes.

### **Legal Implications**

**Name & Title: Daniel Toohey – Monitoring Officer/Head of Legal Services**

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

- 8.2 Legal implications are set out 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.

- 8.3 Health and Safety will be improved by sustained woodland management.

- 8.4 Risk management is improved by the attainment of well managed woodland adjacent to the urban fringe.

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

- 9.1 Woodland Management Plan.

- 9.2 Countryside stewardship Agreement Document

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

Appendix A - List of Woodlands and timescale

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

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# Appendix A

## APPENDIX A

La Plata Grove	2022
Donkey lane plantation depot	2021
Donkey lane plantation	2020 / 2023
Hampden Wood	2020/2020
Hartswood	2019,2021,2023
Hare Hall Shaw	2020/2023
Hare Hall Shaw	2020/2023
Hutton Poplars	2019
Hutton Poplars	2019
Brentwood Hospital Woodland	2022
Holly woods	2022
Warley Country park	2019
Warley Country park	2021
Warley Country Park/Clements Wood	2021

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**20 November 2018**

## **Policy, Projects & Resources Committee**

### **Allotments**

**Report of:** *Phil Ruck - Chief Executive*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 This report considers changing the agreement of the existing Allotment sites referred to in this report to Statutory sites and provides recommendations for new Agreements between the Horticultural Societies and the Council.

#### **2. Recommendation**

- 2.1 That future Allotment Agreements be granted in accordance with the terms set out in Heads of Terms attached at Appendix A and that the sites mentioned are designated as 'Statutory Allotments'.**

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

- 3.1 The Brentwood and Hutton Horticultural Societies have requested that all allotments are given statutory status. At present none out of the ten allotments have statutory status.
- 3.2 The intention is to provide them with future protection as detailed later in the report and to set standard heads of terms and contracts for all allotment sites in the borough.

3.3 The ten Allotment sites where new Agreements are being considered are as follows:

1. Birkbeck Road, Hutton
2. Bishops Hall, Pilgrims Hatch
3. Crescent Rd, Warley
4. Honeypot Lane, Brentwood
5. Hartwood, Brentwood
6. Middle Rd, Brentwood (formerly referred to as Common Road)
7. Ongar Road, Brentwood
8. Park Road, Brentwood (The main entrance now on Cleves Way)
9. River Rd, Brentwood
10. Whittington Road, Hutton

3.4 Birkbeck Road and Whittington Road sites are run by Hutton Horticultural Society and the remainder are run by Brentwood Horticultural Society.

3.5 The existing agreements that are in place are set out in Appendix I

Brentwood Horticultural Society

3.6 The most recent agreement is between Brentwood District Council (now Brentwood Borough Council) and the Trustees of Brentwood Horticultural Society dated 25 March 1981 for a term of seven years.

This covers the following Allotment sites:

- Bishops Hall, Pilgrims Hatch
- Crescent Rd, Warley
- Honeypot Lane, Brentwood
- Hartwood, Brentwood
- Middle Rd, Brentwood (formerly referred to as Common Road)
- Ongar Road, Brentwood
- Park Road, Brentwood (the main entrance is on Cleves Way)
- River Rd, Brentwood

### Hutton Horticultural Society

- 3.7 There is an overall agreement relating to several Allotment sites dated 1956 although the only two now covered by this Agreement are Whittington Road and Birkbeck Road sites. There is a separate agreement relating to the Trading Shed on the Birkbeck Road Allotment site which is summarised after the Allotment Agreement summary.

This covers the following Allotment sites:

- Birkbeck Road, Hutton
- Whittington Road, Hutton

- 3.8 The Brentwood and Hutton Horticultural Societies have requested that all the allotments are given statutory status.
- 3.9 Most of the Allotment sites are bounded by residents fencing and the maintenance of some of the boundaries is something that requires clarification.
- 3.10 The Council wishes to propose general terms on all the Allotment sites as detailed in the Heads of Terms outlined in Appendix A.

## **4. Statutory Status**

- 4.1 The current status of the Allotment sites is that the Agreements with Brentwood Council can be terminated at one year's Notice subject to the timing criteria (set out in the Agreements) for the service of Notices being met.
- 4.2 The Horticultural Societies are understandably fearful that with such a relatively short Notice period they do not have the security they wish and have asked that the Allotment sites are designated as Statutory Allotments.
- 4.3 There are two categories of Allotments defined in the Allotment Acts:
1. **Statutory sites** are those that a local authority has acquired for the purpose of allotment gardening and is protected under the Allotment Act 1925.
  2. **Temporary sites** have been acquired for other purposes and are being used as allotments in the interim. An example is a site for a school or a cemetery which is used as allotments until the original intention of the site is realised. Sometimes such sites can be used as temporary allotments for several decades before the original plan for the land is implemented.

- 4.4. In summary Statutory sites have legal protection whilst temporary ones do not and this is why the Horticultural Societies are seeking for the sites to be deemed 'Statutory'.
- 4.5 By designating the Allotment sites as Statutory it means that the Council could not dispose of the land without the Secretary of State giving their consent.
- 4.6 Such consent can be given unconditionally or subject to such conditions as the Secretary of State thinks fit but it will not be given unless the Secretary of State is satisfied that adequate provision is made for the Allotment plot holders elsewhere. Adequate provision is defined as a new site being within three quarters of a mile of the existing site and easily accessible.
- 4.7 For a statutory Allotment the conditions which the Council must meet before the Secretary of State can consent to the disposal of the Allotment land fall under Section 8 of the Allotments Act 1925 and there are 3 mandatory criteria:
- The Secretary of State is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or
  - The Secretary of State is satisfied that such provision is unnecessary or
  - The Secretary of State is satisfied that such provision is not reasonably practicable.
- 4.8 To prove that an Allotment site is surplus to requirements, the Council would need to show:
- The site is either not being used or suffers from low occupation
  - That in the case of a large Allotment site, it only has a few occupants left on it.
- 4.9 Thereafter the council would need to meet the adequate alternative provision criteria as detailed above unless this is unnecessary or not reasonably practicable.
- 4.10 The Secretary of State would consider the following in determining whether this criterion has been met:
- The number of plots (if cultivated) and their size
  - The number of existing plot holders
  - The number of people on a waiting list for the site in question (and consideration of the waiting lists for Allotment sites across the Borough.
  - If the waiting list has been closed and at what number

4.11 Summary of the dates in legal documentation (referred to in Appendix H) where sites had a mention of an allotment use and time since this allotment use (up to 2018):

• Birkbeck Road, Hutton	1956 – 62 years
• Bishops Hall, Pilgrims Hatch	1981 – 37 years
• Crescent Rd, Warley	1977 – 41 years
• Honeyplot Lane, Brentwood	1950 – 68 years
• Hartswood, Brentwood	1981 – 37 years
• Middle Rd, Brentwood (formerly referred to as Common Road)	1967 – 51 years
• Ongar Road, Brentwood	1956 – 62 years
• Park Road, Brentwood (The main entrance now on Cleves Way)	1981 – 37 years
• River Rd, Brentwood	1981 – 37 years
• Whittington Road, Hutton	1956 – 62 years

4.12 Bearing in mind the specific allocation of these sites for Allotments over a long period of time it is not possible to designate them as ‘temporary sites’ (sites intended for another use that are being temporarily used as allotments).

## **5. Charges**

5.1 Part of the discussion between Brentwood Council and the Horticultural Societies has been concerned with the levying of reasonable charges to plot holders as the current historic charges are very low and not in line with modern levels. This means that the Horticultural Societies struggle to finance projects such as the recent upgrading of water supplies to some Allotment sites. It is clear just how low the current charges are when one looks at the charges being charged at sites in other boroughs (see details further on in this section).

5.2 From discussions with the Horticultural Societies they are keen to increase the low historic plot holder charges to a more reasonable level so that they have the ability to actively manage the sites and react to items that require expenditure.

5.3 Brentwood Horticultural Society currently charge an annual membership of £5 per person per year and they advertise rent plots at £3.50 per rod per annum. To give this some context 1 rod is equivalent to 5.0292 metres and a 5 rod plot would cost £17.50 per annum to rent. There is a £5 discount in their annual charge for the over 65’s on their first plot.

5.4 Hutton Horticultural Society currently charge between £25 and £45 per plot per annum depending on the plot size and there is an annual membership of £5 per person or £7 for a family membership.

#### Brentwood Horticultural Society rental income

5.5 The treasurer for Brentwood Horticultural Society provided the following rental income for the 2017/ 2018:

• Bishops Hall, Pilgrims Hatch	£189
• Crescent Rd, Warley	£457
• Honeypot Lane, Brentwood	£405
• Hartswood, Brentwood	£2,841
• Middle Rd, Brentwood	£437
• Ongar Road, Brentwood	£739.50
• Park Road, Brentwood	£1,458
• River Rd, Brentwood	£253.50

Total £6,780

(Brentwood Council currently receive 10% of this rental income)

5.6 He commented earlier this year that ....“The plot rental has been increased by 16.67% for the current year but for several reasons I am anticipating an increase in rental income of slightly in excess of 20%”.

#### Hutton Horticultural Society rental income

5.7 Hutton Horticultural Society's 2014 rental income figures show plot rents ranging between £5.50 to £33 per annum per plot at the Whittington Road site (18 plots with 3 vacant) giving an income for this site of £198 for the year. The Birkbeck Road site also achieved rental income of between £5.50 to £33 per plot per annum producing an annual income of £115.50 for this site. This produced an annual total between the two sites of £313.50. Their 2016 accounts shown in Appendix B show a slight increase in the total income to £390 for the year.

5.8 By way of comparison some of the nearby Boroughs to Brentwood i.e. Basildon, Castlepoint, Epping Parish Council, Harlow, Ongar Town, Redbridge, Southend and Thurrock levy the following charges for Allotment plots:

##### Basildon

- Market Road, Wickford - £34.60 per plot per annum (OAP £17.25 per plot per annum) plus additional one off charge of £5.15 for a key to your allotment site (replacement key £5.15).



- St James' Road, Vange - £34.60 per annum per plot (OAP £17.25 per annum per plot) plus additional one off charge of £5.15 for a key to your allotment site (replacement key £5.15).
- Victoria Park, Laindon - This site includes toilet facilities. Small plot £59.55 per annum, medium plot £89.30 per annum, Large plot £119.05 per annum. Key charges: There is a £10.15 charge for a set of keys, of which £5 will be refunded when the keys are handed back. If a key is lost, the charge for a replacement will be £5.15, if the complete set of keys is lost, the charge for replacement will be £15.15.

#### Castlepoint Council

The current fee for an allotment plot is £69.50 per full plot per annum (90' x 30') and £35 per half plot (45' x 30') per annum subject to annual review in January

#### Epping Town Parish Council

From April 2018 the annual rent of an allotment will be £25.25 per annum for a single plot and £50.50 per annum for a double plot. For Seniors (65+) the price is £22.20 per annum for a single plot and £44.45 per annum for a double plot per annum.

#### Harlow

The cost of renting an allotment plot is 18p per square metre (typically £22.50 per annum for a half plot of 125 square metres and £45.0 per annum for a full size plot of 250 square metres), with 50% concessions given for pensioners, full time students or those on Jobseekers Allowance, Income Support or Employment & Support Allowance.

#### Ongar Town Council

The plots in Moreton Road are of 5 Rods (Rod=25sqm) in size. Rent is paid annually and is currently £17.32 per plot.

The plots in Castle Street are of 10 Rods (Rod=25sqm) in size. Rent is paid annually and is currently £40.95 for a full plot and £20.47 for a half plot.

#### London Borough of Redbridge

##### Redbridge Residents

£10.40 per Rod per annum for more than 5.1 Rods

£11.50 per rod per annum for 5 Rods and below

##### Not Redbridge Residents

£15.40 per Rod per annum for more than 5.1 Rods

£16.70 per rod per annum for 5 Rods and below

### Concessions

People 60 years and over and people with registered disabilities:

£5.10 per Rod per annum for more than 5.1 Rods (Redbridge OAPs only)

£5.60 per rod per annum for 5 Rods and below

### Southend Council

Please see Appendix F for their Allotment charges

### Thurrock Council

Full and half-size plots are offered on both sites at the following rates:

- full plots (10 rods) are let at **£103** for the year
- half-size plots (5 rods) are let at **£55** for the year
- senior citizens and people with disabilities are given a **15%** reduction on plot letting.

## **Community Benefits of Allotments**

- 5.9 The National Allotment Association states on their website that their members said their love of allotment gardening comes from the fresh air, home grown produce, healthy lifestyle and like-minded people this activity offers.
- 5.10 Other widely recognised benefits are the encouragement of biodiversity, a reduction in 'food miles' compared with similar produce in local supermarkets, the opportunity for local people to get out in the fresh air, the mental health benefits of being in an area of green space and the encouragement the sites provide for social interaction.
- 5.11 The Council are keen to encourage these health benefits

## **6. Water Supply to the Allotment Sites**

- 6.1 Both the 1956 Agreement with Hutton Horticultural Society and the 1981 Agreement with Brentwood Horticultural put the responsibility for the provision of water to the sites and the maintenance and payment of the water supply within the responsibilities of the Horticultural Societies.
- 6.2 The Hutton Horticultural Society Agreement dated March 1956 states: "The tenants are to carry out all arrangements necessary for the provision and installation of water for the use of the Allotment holders and to bear the cost thereof."
- 6.3 The Brentwood Horticultural Society Agreement dated March 1981 states: "The Horticultural Society is to pay the water supply charges and maintain such supply within the sites".

- 6.4 This is of particular interest as there is no dedicated water supply to the Allotment site at Whittington Road in Hutton (run by Hutton Horticultural Society). A quote was received from Essex and Suffolk Water in 2016 for installing a dedicated supply to the site from the water main in Whittington Road (including a bib tap - a push lever tap in a protective box) in the sum of £ 9,308 + VAT.
- 6.5 We have been advised by Hutton Horticultural Society that their site at Birkbeck Road is watered from rainwater collected in storage tanks although we await confirmation from the Horticultural Society that this arrangement complies with the Water Supply (Water Fittings) Regulations 1999 details of which are set out in Appendix E.
- 6.7 We are also aware of ongoing works to the water supplies and storage facilities on the Brentwood Horticultural Society sites to comply with the Water Supply (Water Fittings) Regulations 1999 (see Appendix E for details of the requirements)

## **7 Issue, Options and Analysis of Options**

- 7.1 At its meeting on 27<sup>th</sup> March 2015 the Councils Asset and Enterprise Committee adopted a 'Disposals at Less than Best Consideration' policy.
- 7.2 This is a disposal at less than best consideration and in order to comply with Council policy and sections 123(1) and (2) of the Local Government Act 1972 it is necessary to undertake an assessment of the extent to which the organisations activities contribute towards achieving the Council's aims and objectives. In undertaking the assessment it is also necessary to:
- Include a copy of the organisation's constitution and three years of accounts.
  - Set out the extent to which the organisation is proactive in seeking to share and make available the assets to other community and voluntary sector uses on a not for profit basis
  - A recommendation as to the length of any discount
  - Confirmation that the organisation will submit its activities and accounts on an annual basis or when required by the Council.
- 7.3 The assessment for each Horticultural Society and their contribution to the community can be found at Appendix B.

## **8 Reasons for Recommendation**

- 8.1 The documentation (see reference to documents in Appendix H) relating to the allotment sites run by the Brentwood and Hutton Horticultural Societies shows that they have been used as allotments for periods of time ranging between 37 and 62 years and as such these cannot be considered temporary in the context of the Allotment Acts.

- 8.2 For this reason it is recommended that these be given Statutory Status to give the Horticultural Societies the security they are seeking so they can manage the sites in a sustainable way going forward.
- 8.3 New standard agreements are proposed based on the standard Heads of Terms set out in Appendix A and it is proposed that these terms (the rent will need to be index-linked from the date of this report) form the basis of future agreements on all allotment sites within the Borough. The rent is an administrative cost per site and will relate to all sites regardless of the number of plots or plot holders. By way of comparison and to put this charge into perspective, plot charges in other boroughs and parishes are outlined in section 5.5.
- 8.4 Based on these Heads of Terms, new modernised Agreements need to be put in place on the sites to ensure that the sites are sustainable in the future.

## **9 Consultation**

- 9.1 No formal external consultation has been undertaken other than with the Horticultural Societies referred to and solicitors.

## **10 References to Corporate Plan**

- 10.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 10.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high-quality environment including heritage and countryside. We will provide responsive, accessible and forward-thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

## **11 Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Van Mellaerts, Interim Chief Finance Officer

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

- 11.1 The rental income is at less than best consideration i.e. below Market Rent.

### **Legal Implications**

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

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

11.2 Relevant in the event of a proposed disposal of a lease interest at less than best consideration or market value, the General Disposal Consent (England) 2003 provides there is no need to seek the specific consent of the Secretary of State provided that the purpose for which the interest in the land is being disposed of by way of the lease is likely to contribute to the “promotion or improvement” of the economic, social, or environmental well-being of the area and the difference in unrestricted value of the lease of the land and the actual price paid for the lease (if any) is not more than £2 million. Government guidance (Circular 06/2003) states that ‘In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue’.

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

11.3 None.

## **12 Appendices to this report**

Appendix A - Standard Heads of Terms

Appendix B - Less than best consideration contribution of Horticultural Societies and other background information.

Appendix C - Allotments location map within the borough of Brentwood

Appendix D - Brentwood Horticultural Society Allotment Plans

Appendix E - Water Supply (Water Fittings) Regulations 1999

Appendix F - Southend Council Allotment Charges

Appendix G - Brentwood Horticultural Society Side Letter Agreement 25 July 1989

Appendix H - Details of documentation showing history of Allotment use on sites referred to.

Appendix I - Summary of Allotment Agreements relating to the Brentwood and Hutton Horticultural Society Allotment sites.

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

**Name:** Phil Ruck (Chief Executive)

**Telephone:** 01277 312500

**E-mail:** phil.ruck@brentwood.gov.uk

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# Appendix A

## **Universal Heads of Terms (Subject to Contract)**

Date	November 2018
Property Address	Particular Allotment site
Demise	As outlined in red on lease plan
Tenant	? Horticultural Society
Agreement Term	25 years outside the Landlord and Tenant Act 1954 with a landlord's break clause in the 15 <sup>th</sup> year.
Rent	£150 per annum (ex VAT) per allotment site. In the case of Birkbeck Road this will be £150 per annum (ex VAT) for the Allotment site and £150 per annum (ex VAT) for the Trading Shed
Rent Review	Rent to increase by the Consumer Price index or similar index at 5 yearly intervals on the anniversary of the term start date.
Alienation	Horticultural Society not to sublet or assign any part of the site
Maintenance and Repair	Horticultural Society to be responsible for maintaining and repairing the site. Where the boundary to a site falls within the responsibility of the land owned by Brentwood Council then the Council will be responsible for maintaining and repairing these boundaries. The Council are to be responsible for maintaining the Trees on the allotment sites where these are on Brentwood Council land and not planted by plot holders.
Utilities	Horticultural Society to pay for utilities supplied to the site(s) including water. The Horticultural Society to provide details of water meter number serving site where applicable.
Insurance	Horticultural Society to pay a due proportion of buildings insurance for space occupied (where applicable) and take out their own Public Liability Insurance to cover claims up to £10,000,000. Details of insurance cover to be provided to Brentwood Council on an annual basis when the insurance is due for renewal.

Refuse	Horticultural Society to be responsible for disposing of their own rubbish and waste.
Business Rates	To be paid by Horticultural Society as separate Business Rates Assessment (where applicable)
Legal Costs	Each party to bear their own legal costs
Brentwood Borough Council Contact Details	Brentwood Borough Council Town Hall Ingrave Road CM15 8AY FAO Russell Clinker
Horticultural Society Contact Details	Further details to be advised
Landlord's Solicitors	Legal Department Brentwood Borough Council Town Hall Brentwood Essex CM15 8AY
Tenant's Solicitors	To be confirmed
Conditions	Subject to Contract



## Appendix B

### Assessment of the extent to which the organisations activities contribute towards achieving the Council's aims and objectives.

#### **Brentwood Horticultural Society**

<b>Council Requirements</b>	<b>Response</b>
<p>Contribution towards achieving the Council's aims and objectives. The Current Corporate Plan 2013-2016 sets out six priority areas the most relevant on this occasion being:</p> <p><b>Localism</b></p> <p>We believe that through bringing communities together and working effectively in collaboration with a range of groups and organisations we can better ensure the future wellbeing of our borough. We will work with local businesses, community groups and the voluntary sector to develop projects that will enhance and support the local community.</p>	<p>Brentwood Horticultural Society calculate an annual contribution to the Community of £44,192 (If paid at first step Locally Qualified NJC rates of £10.20 an hour). Their time spent is a combination of membership administration, finance work, secretarial work, the preparation and distribution of their newsletter, committee meetings, work on their website and Allotment site management. Please see the breakdown of the hours contributed elsewhere in Appendix 2.</p> <p><u>Note</u> - There is very little comparable rental evidence for the subject allotment land and where evidence exists a rental valuation is likely to be extremely limited by the recommendation to designate the sites as being 'Statutory'. We have provided details of the £6,780 per annum rental income achieved by Brentwood Horticultural Society for the 2017/18 year (see details earlier in this report and the 2016 /17 accounts in Appendix 2) and whilst steps are in hand to increase this income there is always likely to be a large difference in the rental income achievable and the deemed contribution by the Society to the Community as outlined above.</p>
<b>Accounts</b>	See attachments in Appendix 2
The extent to which the organisation is proactive in seeking to share and make available the assets to other community and voluntary sector uses on a not for profit basis	See attachments in Appendix 2
Confirmation that the organisation will submit its activities and accounts on an	To be provided

annual basis or when required by the Council.	
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### **Brentwood Horticultural Society Accounts 2016 – 2017**

#### **Brentwood Horticultural Society have provided some details of the work currently going on within the Society:**

Following the appointment of an entirely new Committee in November 2017 Brentwood Horticultural Society over the past 12 months has focused on ensuring that all sites under its management are maintained to the standards and requirements of its Landlord. This follows a period of decline.

The Council has an obligation to provide good allotment facilities for residents of the Borough of Brentwood and as such the Society considered that its priority is to maximise the opportunity for the number of viable allotment plots available for cultivation. To achieve this goal, the Society's Committee has carried out a root and branch review of its Rules & Regulations plus an in-depth review of its Constitution. The result of this significant action is that at both Society and local site level changes have been introduced and enforced. Those plot holders who do not meet the expectations and requirements of our Landlords are encouraged to either improve or downsize to a plot size that meets their capabilities. This has resulted in a significant increase in the number of local residents now able to take up the cultivation of allotment plots.

Brentwood like many areas has seen a steady increase in its residents housed in apartments and maisonettes where individual gardens are not available. As a result of this trend, residents are actively seeking alternative arrangements to produce fresh and wherever possible, organic vegetables and to increase the awareness for their children to learn how food is actually produced.

This has resulted in a significant increase in the waiting list for allotments.

To try and meet this demand consideration has been given to "splitting" a number of plots for residents that are 'time poor' and to also reflect their personal constraints. The outcome of this plot "splitting" has proven to be most successful.

### **Hutton Horticultural Society**

Council Requirements	Response
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<p>Contribution towards achieving the Council's aims and objectives.</p> <p>The Current Corporate Plan 2013-2016 sets out six priority areas the most relevant on this occasion being:</p> <p><b>Localism</b></p> <p>We believe that through bringing communities together and working effectively in collaboration with a range of groups and organisations we can better ensure the future wellbeing of our borough. We will work with local businesses, community groups and the voluntary sector to develop projects that will enhance and support the local community.</p>	<p>Hutton Horticultural Society calculate an annual contribution to the Community of £26,182.80 (If paid at first step Locally Qualified NJC rates of £10.20 an hour). This is through local flower shows, their trading shed, visits to places of horticultural interest and the general management of the Society including the updating of their website. Please see breakdown of the hours contributed elsewhere in Appendix 2.</p> <p><u>Note</u></p> <p>There is very little comparable rental evidence for the subject allotment land and where evidence exists a rental valuation is likely to be extremely limited by the recommendation to designate the sites as being 'Statutory'. We have provided details of the £390 per annum rental income achieved by Hutton Horticultural Society in their 2016 accounts and whilst steps are in hand to increase this income there is always likely to be a large difference in the rental income achievable and the deemed contribution by the Society to the Community as outlined above.</p>
<b>Accounts</b>	See attachments in Appendix 2
The extent to which the organisation is proactive in seeking to share and make available the assets to other community and voluntary sector uses on a not for profit basis	See attachments in Appendix 2
Confirmation that the organisation will submit its activities and accounts on an annual basis or when required by the Council.	To be provided once a new Agreement is drafted

**Hutton Horticultural Society have summarised their background and current activities as follows:**

**The Hutton Horticultural Society** was founded in 1947 to encourage and extend all aspects of horticulture and to organise and stage horticultural shows within the district of Hutton. The society encourage the continuation and growth of home crafts

and floral artistry by including appropriate classes in both annual shows. HHS makes supportive donations to organisations both local and national concerned with horticulture, children and elderly people, [www.huttonhorticulturalsociety.org.uk](http://www.huttonhorticulturalsociety.org.uk)

The current objectives are

- (A) To encourage and extend all aspects of horticulture by collecting and disseminating information by organizing trips to places of Horticultural interest for members and others, by organizing and staging Horticultural shows and by co-operating with the appropriate bodies to promote the availability of allotment sites for members and others.
- (B) To encourage the continuation and growth of home crafts by both children and adults by including appropriate classes in the Society's annual shows.
- (C) To make supportive donations to organizations, both local and national concerned with horticulture, children and elderly people.

The objectives are reviewed annually by the committee & any changes required are agreed or otherwise at our AGM held during November each year.

Over recent years we have met these objectives by:-

Organising at least one trip per annum to a place of horticultural interest.

Annually a series of free monthly talks of horticultural interest.

Organising monthly floral art classes.

Providing expert advice to our members either via our web site or at the trading shed located on the Birkbeck Road allotment site.

We have staged two shows every year since 1950 with classes for flowers, fruit, vegetables, novices, handicraft, cookery, floral art & children.

We have managed allotment sites within the Hutton area since the mid 1950's

We have a web site that promotes allotments & provides a wealth of horticultural information.

We make annual donations to local Charities on a 4 year cycle to: Crossroad:  
Hamlin House: Riding for the Disabled: Brentwood Talking Newspaper:

Hold an Annual Open Weekend at Birkbeck Road Allotment/Trading site

Judged "best kept front garden" competition for Long Ridings Residents Assoc

We supply bulbs/flower pots to local guide/brownie groups

We have supplied discounted spring daffodil bulbs for planting on the greens by  
Haverling Grove Residents Assoc Hutton

Sourced discounted fertilizers for use on the rose gardens at St Mary's Church  
Shenfield

Present and historically exhibited stands of horticultural interest + advice at

Christmas Tree Festival: Hutton and Shenfield Union Church

Brentwood Town Show: Essex County Show: Brentwood Library:

Fully supported "Poplars for Hutton" project in the 1970's

With the exception of exhibiting at our shows or making purchases at our trading  
shed all of our activities are open to members of the local community.

**Hutton Horticultural Society Committee voluntary hours**

**Hutton Horticultural Society Accounts 2015 / 2016**

# HUTTON HORTICULTURAL SOCIETY

## Income and Expenditure for Year Ending 30th September 2016

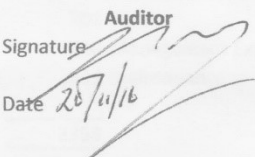
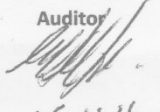
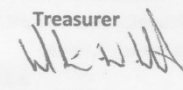
<u>Expenditure</u>		<u>Income</u>	
2015	2016	2016	2015
£	£	£	£
<u>General</u>		<u>General</u>	
438 Comm. & AGM Exp.	321.02 Subscriptions	1496	1634
292 Comm. & AGM Hall	187.5 Bank Interest	9.98	11
100 Gifts and Donations	150 Charity Collection	90.71	117
373 Bulletin	593.75 Annual Dinner	2067.5	1790
40 Website & PA System	39.99 Ann. Dinner Raffle	188	164
143 Affiliation	193.5 AGM Raffle	24.15	80
1949 Annual Dinner	2254.84		
371 Insurance	406		
- Christmas Tree	30		
90 Surplus to net inc & Exp	Deficit to net Inc & Exp	300.26	
3796	4176.6	4176.6	3796
<u>Trading</u>		<u>Trading</u>	
10569 Stock at cost 1/10/15	11044.32 Sales	12181.88	14847
11654 Cost of Goods	9249.69 Stock at Cost 30/9/15	10081.96	11044
75 Lease	75		
3593 Surplus to net Inc & Exp	1894.83		
25891	22263.84	22263.84	25891
<u>Shows</u>		<u>Shows</u>	
266 Medals, Trophies, Engraving	528.43 Entries, Raffles Etc	186.6	303
72 Printing	50 Deficit to net Inc & Exp	1615.64	1213
429 Hire of Hall	517		
749 Fees & Expenses	706.81		
1516	1802.24	1802.24	1516
<u>Social &amp; Education</u>		<u>Social &amp; Education</u>	
960 Outings	386 Outings	212	694
427 Lectures	240		
363 Floral Art	363 Deficit to net Inc.&Exp	1011	1251
195 Hire of Hall	234		
1945	1223	1223	1945
<u>Allotments</u>		<u>Allotments</u>	
- Brentwood B. Council	306 Rents & Water	390	2054
701 Water	438.96 Forfeited Deposit	50	200
118 Management Expenses	- Maint. Repayment	50	
1539 Maintenance	173.6		
2358	Deficit to net Inc.&Exp	428.56	104
	918.56	918.56	2358

BALANCE SHEET AS AT 30TH SEPTEMBER 2016

<u>2015</u>	<u>2016</u>	<u>2016</u>	<u>2015</u>
£	£	£	£
35656.19 Balance	36769.89 Trophies	727.97	727.97
1113.7 Surplus(defecit)	-1460.63		
<u>36769.89</u>	<u>35309.26</u>	<u>727.97</u>	<u>727.97</u>
<u>Current Liabilities</u>	<u>Current Assets</u>		
850 Allotment Deposits	850 Stock of Goods at cost	10081.96	11044.32
	Stock of Stationery	30	30
	Cash Adjustments	0.5	0.5
	<u>Investments</u>		
	9426 Henderson Alpha		
	Fund Share Class A	5000	5000
	(Acc) - Market Price		
	Offer	<u>£11,641.05</u>	
	Cash at Bank	20268.83	20767.1
	Cash with Trading Sec.	50	50
<u>37619.89</u>	<u>36159.26</u>	<u>36159.26</u>	<u>37619.89</u>

<u>2015</u>	<u>2016</u>
<u>Net Income and Expenditure</u>	
89.75 General Surplus/Defecit	-300.26
3592.55 Trading Surplus	1894.83
-1251 Social Defecit	-1011
-1212.97 Show Defecit	-1615.64
-104.63 Allotment Defecit	-428.56
<u>1113.7 Overall Surplus/Defecit</u>	<u>-1460.63</u>

In our opinion, after examination of the books, receipts and vouchers produced by Hutton Horticultural Society, we have found the above accounts to be correct according to the information supplied for our inspection.

<b>Mr B Mann</b> Auditor	<b>Mr G Selfe</b> Auditor	<b>Mr M W Hunt</b> Treasurer
Signature 		
Date 28/11/16	15.11.16	22/11/2016

## HHS committee voluntary hours

Section	Sub section	Estimated hours	Rate/hour	Total	Benefits to members & the local community
Flower shows	General Admin	15	£10.20	£153.00	We hold two flower shows every year that demonstrate our member's skills in horticulture, handicrafts, cookery, and floral art. We advertise these shows on our web site & with local signage on Show days to advertise the event to local residents who are all welcome to attend free of charge. . We encourage children's interests In the above subjects by having classes specifically for children
	Staging	21	£10.20	£214.20	
	Managing	200	£10.20	£2040.00	
	Section total	<b>236</b>	£10.20	<b>£2407.20</b>	
Trading shed	Administration	25	£10.20	£255.00	The trading shed is the centre of our activities. It provides the income that enables us to meet our objectives. The shed supplies a huge range of fertilisers, composts, & horticultural products for our members & associated societies at a discounted rate. Sales at the shed are restricted to members but we will always give horticultural advice to members of the public. Advice is also available via our web site Supplied or provided at a discounted rate bulbs, pots fertilisers to local brownie groups, resident associations & churches.
	Purchasing	72	£10.20	£734.40	
	Sales	945	£10.20	£9639.00	
	Plant sale	40	£10.20	£408.00	
	Stock take	18	£10.20	£183.60	
	Section total	<b>1100</b>	£10.20	<b>£11219.60</b>	
Bulletin distribution		<b>150</b>	£10.20	<b>£1530.00</b>	News/e vents/gardening advice forwarded on a monthly edition to members & local community via web.
Bulletin editing		<b>40</b>	£10.20	<b>£408.00</b>	Maintaining a record of the membership.
Membership administration		<b>120</b>	£10.20	<b>£1224.00</b>	Maintaining all financial aspects of the society & providing financial details to other interested parties.
Finance		<b>160</b>	£10.20	<b>£1632.00</b>	Meetings/minutes/bookings & all correspondence.
Secretarial		<b>51</b>	£10.20	<b>£520.00</b>	Management of the society within the community.
Meetings	Committee	135	£10.20	£1377.00	Arranging trips to places of horticultural interest for members & the local community. Arranging talks on horticultural for members & the local community.
	AGM attendance	20	£10.20	£204.00	
	Section total	<b>155</b>	£10.20	<b>£1581</b>	
	Trip attendance	8	£10.20	£81.60	
Social	Talk attendance	10	£10.20	£102.00	
	Trip administration	32	£10.20	£326.40	



	Talk administration	20	£10.20	£204.00	Trips are subsidised by HHS for all. Talks are free for all attendees.
	Section total	<b>70</b>	£10.20	<b>£714.00</b>	
Web site administration		<b>120</b>	£10.20	<b>£1224.00</b>	Keeps our web site up to date providing a wealth of information for members & the local community.
Annual dinner		<b>12</b>	£10.20	<b>£122.40</b>	Arranging the event for members & members of the local community
Allotment management	Birckbeck	120	£10.20	£1224.00	We manage & maintain two allotment sites & the trading shed on behalf of BBC for the benefit of members & the local community.
	Whittington	120	£10.20	£1224.00	
	Section total	<b>240</b>	£10.20	<b>£2448.00</b>	
Floral art	Demonstrating	30	£10.20	£306.00	<i>We provide at a nominal fee traing in floral art for members &amp; members of the local community</i>
	Preparation	80	£10.20	£816.00	
	Section total	<b>110</b>	£10.20	<b>£1122.00</b>	
<b>Totals</b>		<b>2564</b>		<b>£26152.80</b>	

## BRENTWOOD HORTICULTURAL SOCIETY ACCOUNTS 2016-2017

INCOMEEXPENDITURE2015-16 GENERAL ACCOUNT

£ p	£ p
1955.00	
449.45	

1240 Subscriptions	
417 Monthly meetings	

2404.45

TRADING ACCOUNT

2448 Sales

2948.26

SHOW ACCOUNT

46 Entry Fees	52.10
20 Hire of Tables	50.00
31 Refreshments	25.65
256 Sponsors	340.40
98 Raffle	90.00

558.15

ALLOTMENT ACCOUNT

5170 Rents Collected	6780.00
120 Deposits on Keys	190.50

6970.50

9947.7 Total Income

12881.36

2015-16 GENERAL ACCOUNT

£ p	£ p
-----	-----

134 Affiliation/Ins.	155.00
57 Telephone	24.08
1232 Monthly Meetings	1309.70
24 Envelopes	73.92
54 Postage	61.72
Donation Church	25.00
Funeral Donation	31.00

1680.42

TRADING ACCOUNT

2100 Purchases

2426.76

SHOW ACCOUNT

55 Prize Stickers/Cards	42.40
520 Hire of Halls	520.00
101 Prize Money	98.95
40 Judges Fees	27.00
127 Engraving/miniatures	141.44
7 Raffle	9.00
42 Lunches/Refreshments	40.75
10 Caretaker	10.00
60 Transport	200.00

1089.54

ALLOTMENT ACCOUNT

2528 Water Charges	2527.43
1677 Plot Maintenance/Repairs	1405.31
84 Stationery	156.50
315 Postage	222.70
130 Honoraria	130.00
251 Telephone	219.92
248 New Keys & Padlock	345.60
502 Rent to Council 10%	517.04
120 Prize Money Competition	140.00
21.6 Rent Refund	30.00

5694.50

Total 10891.22

Cash at Bank 2016	4795.53
Add Excess Income	1990.14
	£6,785.67

Cash at Bank 2017	7290.67
Less unrepresented cheques	505.00
	6785.67

Audited by W. Stroud

*Audited and found to be correct*  
*(W. Stroud)* 25/10/17



President: Mrs. A. Bloomfield  
Chairman: Mr, R.G. Stuart  
Treasurer: Mrs. S.M. page  
Hon. & Trading Secretary Mr. B.J. Page  
10 Windsor Road, Brentwood, Essex, CM15 9LB  
Telephone 01277 213574  
  
E-Mail B.Page91@btinternet.com

26th. October 2017

Stuart Anderson

Dear Stuart,

Enclosed please find cheque for £678.00

This being 10% of allotment rents collected 2017

Please can you pass it to the appropriate department.

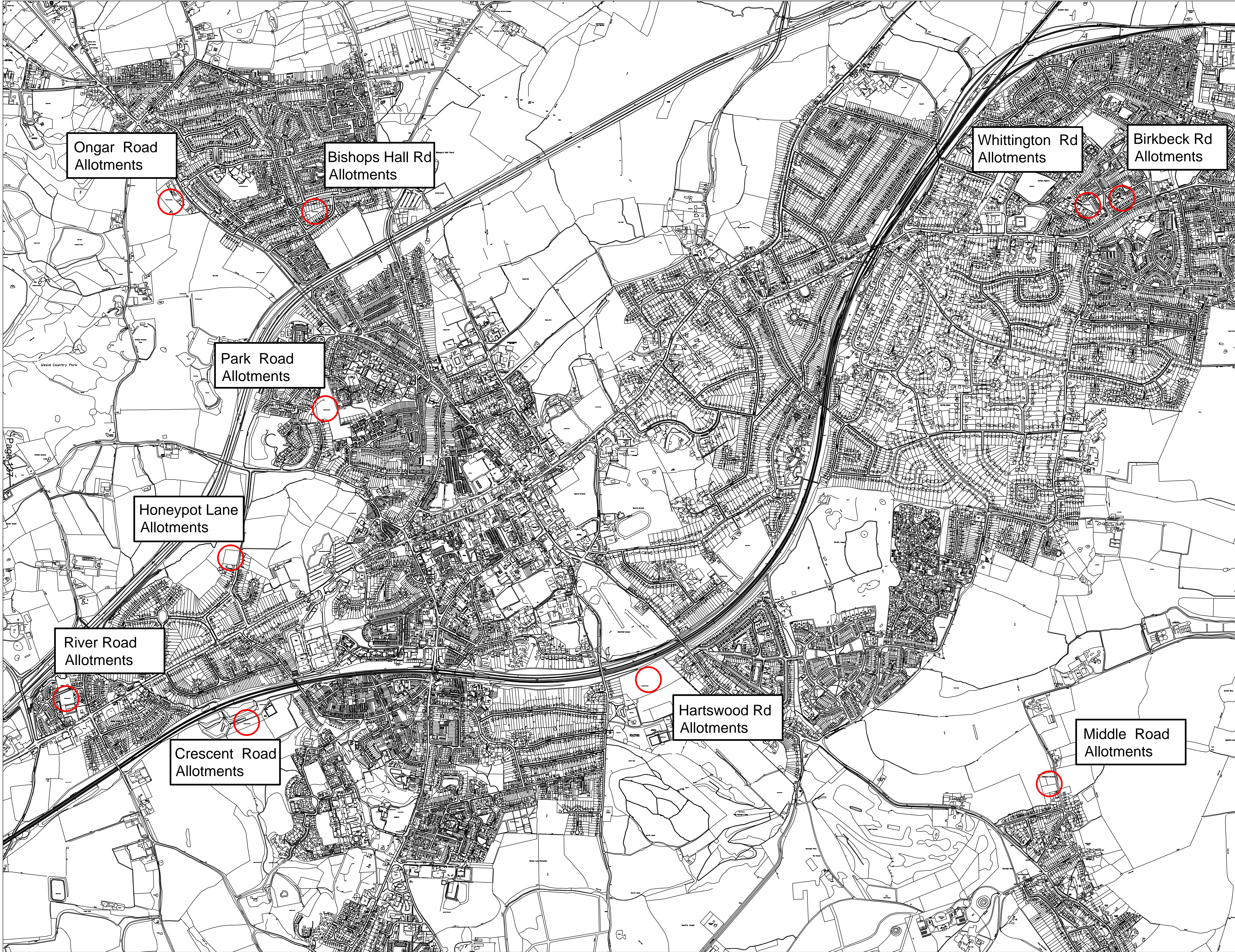
Yours sincerely,

B.J.Page

25-10-17  
c/v 125

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NOTES

Asset Management

Adrian J Tidbury

Estates and Valuation Surveyor

Contract

Brentwood Borough Council

Title

Allotments

Drawn By

AJT

Scale

NTS

Date


July 2018

Checked

Revisions

Drawing No.

T/AJT/4430

Brentwood Borough Council

Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY

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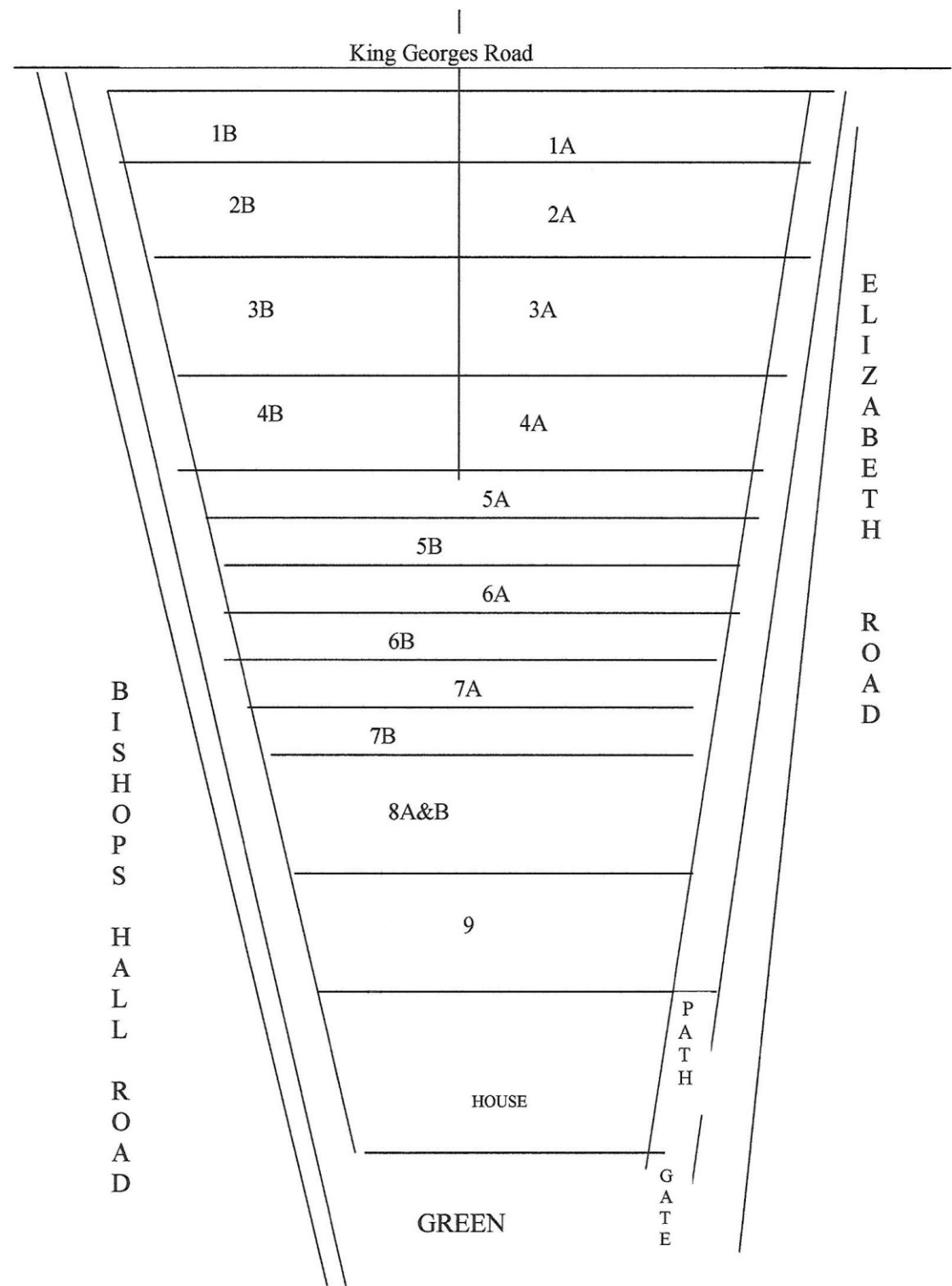
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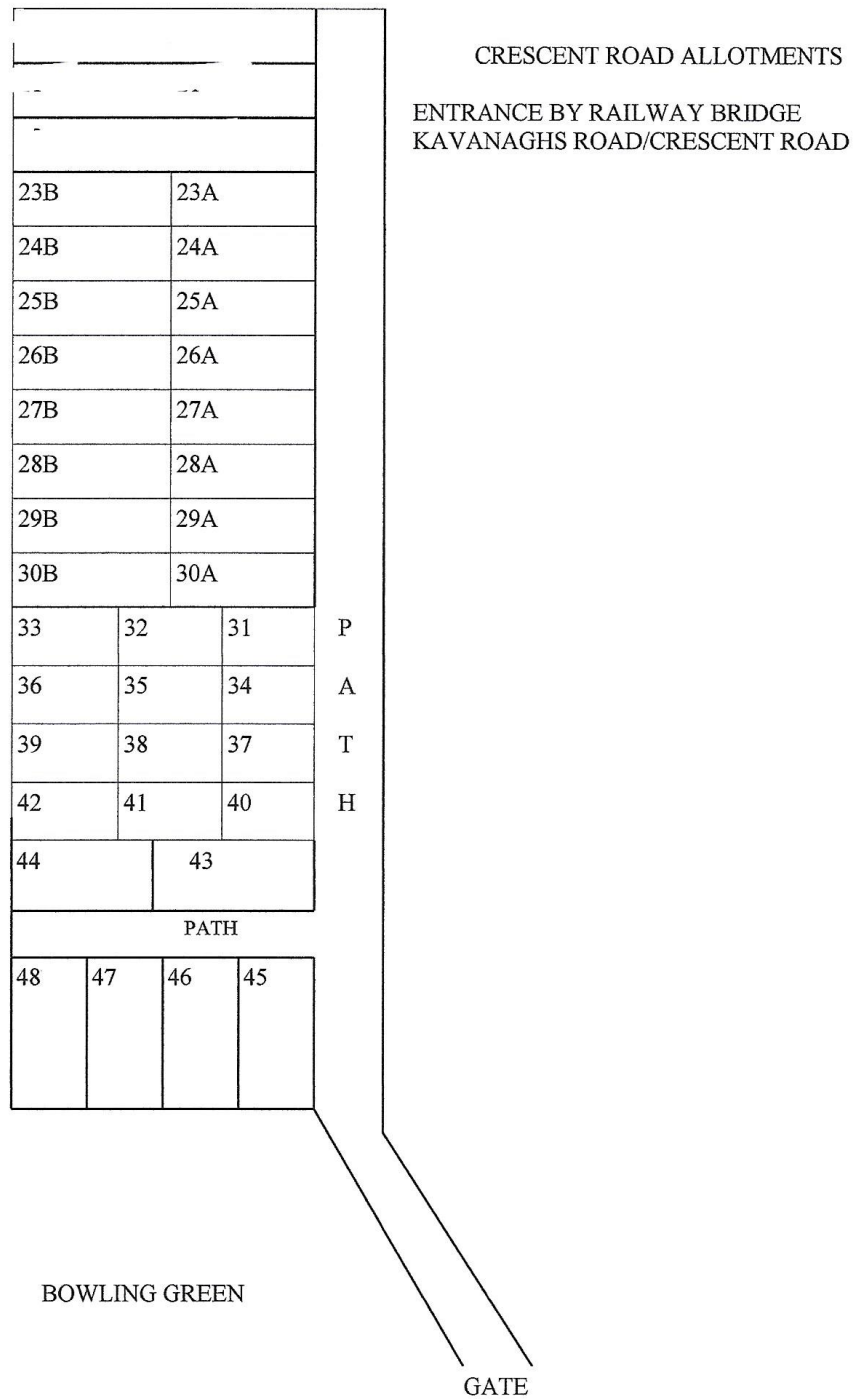
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**Brentwood Horticultural Society Allotment Plans**

Bishops Hall Road Allotments



## Crescent Road Allotments





Hartswood Allotments (adjacent to King Georges Park)

HARTSWOOD ALLOTMENTS

28A			29A		88A	88B	89	
28	28B		29B		87A	87B	90A	90B
27A	27B		30B	30A	86A	86B	91A	91B
26A	26B		31B	31A	85A	85B	92A	92B
25A	25B		32B	32A	84A	84B	93	
24A	24B		33B	33A	83A	83B	94	
23A	23B		34B	34A	82A	82B	95	
22A	22B		35B	35A	81A	81B	96	
21A	21B		36B	36A	80A	80B	97A	97B
20A	20B		37B	37A	79A	79B	98A	98B
19A	19B		38B	38A	78A	78B	99A	
18A	18B		39B	39A	77A	77B	99B	
17A	17B		40B	40A	76A	76B	100A	
16A	16B		41B	41A	75A	75B	100B	
15A	15B		42B	42A	74A	74B	101	
14A	14B		43B	43A	73A	73B	102	
13A	13B		44B	44A	72A	72B	103A	
12A	12B		45B	45A	71A	71B	103B	
11A	11B		46B	46A	70A	70B	104A	
10A	10B		47B	47A	69A	69B	104B	
9A	9B		48B	48A	68A	68B	105	
8A	8B		49B	49A	67A	67B	106A	106B
7A	7B		50B	50A	66A	66B	107A	107B
6A	6B		51B	51A	65A	65B	108	
5A	5B		52B	52A	64A	64B	109	
4A	4B		53B		63A	63B	110	
1	2	3	54	54B 54A		62	111	
			55	55B 55A		61	112A	112B
						59	113	
							114A	114B
							115A	115B
							116A	116
							117A	117B
							118A	118B

ALLOTMENT CAR PARK

GATE

KING GEORGES CAR PARK

HARTSWOOD ROAD

Honeypot Lane Allotments

1B	1A		16A	16B	
2B	2A		15A	15B	
3B	3A		14A	14B	
4B	4A		13A	13B	H O N
5B	5A		12A	12B	E Y P O
6B	6A		11A	11B	T
7B	7A		10A	10B	L A N E
8B	8A		9A	CAR PARK	

GATE

Middle Road Allotments

9B	9A
----	----

11	10
13	12
15	14
17	16
19	18
20B	20

21	
22	
23	
24A	24

2A	2B
3A	3B
4A	4B
5A	5B
6A	6B
7A	7B
8A	8B
MIDDLE ROAD CAR PARK	

# ONGAR ROAD ALLOTMENTS

SOW & GROW NURSERY	15B	15A				
	16A					
	16B				14B	14A
	17A				CARS	13
	17B				12B	
	18A				12A	
	18B				11B	
	19A				11A	
	19B				10B	
	20A				10A	
	20B				9B	
	21A				9A	
	21B				8B	
	22A				8A	
	22B				7B	
	23A				7A	
	23B				6B	
	24A				6A	
	24B				5B	
	25A				5A	
	25B				4B	
	26A				4A	
	26B				3B	
	27A				3A	
	27B				2B	
	28A				2A	
	28B				1B	
	29				1A	
					GATE	

ONGAR ROAD

River Road Allotments

1A	1B	2A	2B
3A	3B	4A	4B
5A	5B	6A	6B
7A	7B	8A	8B
9A	9B	10A	10B
11A	11B	12A	12B

GATE

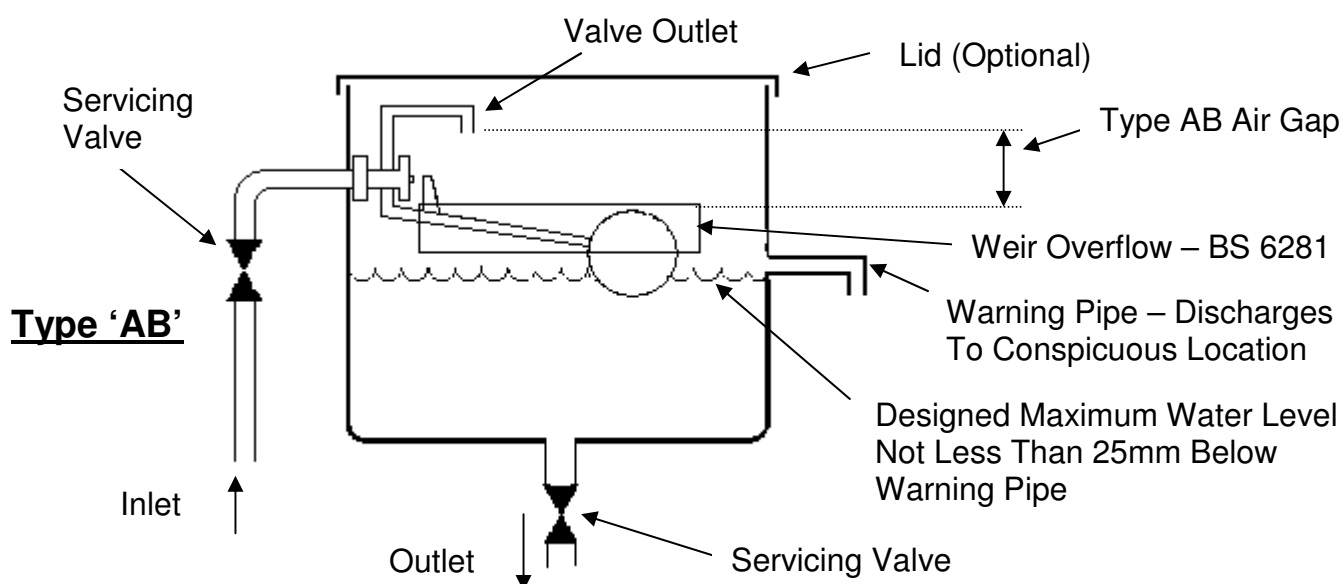
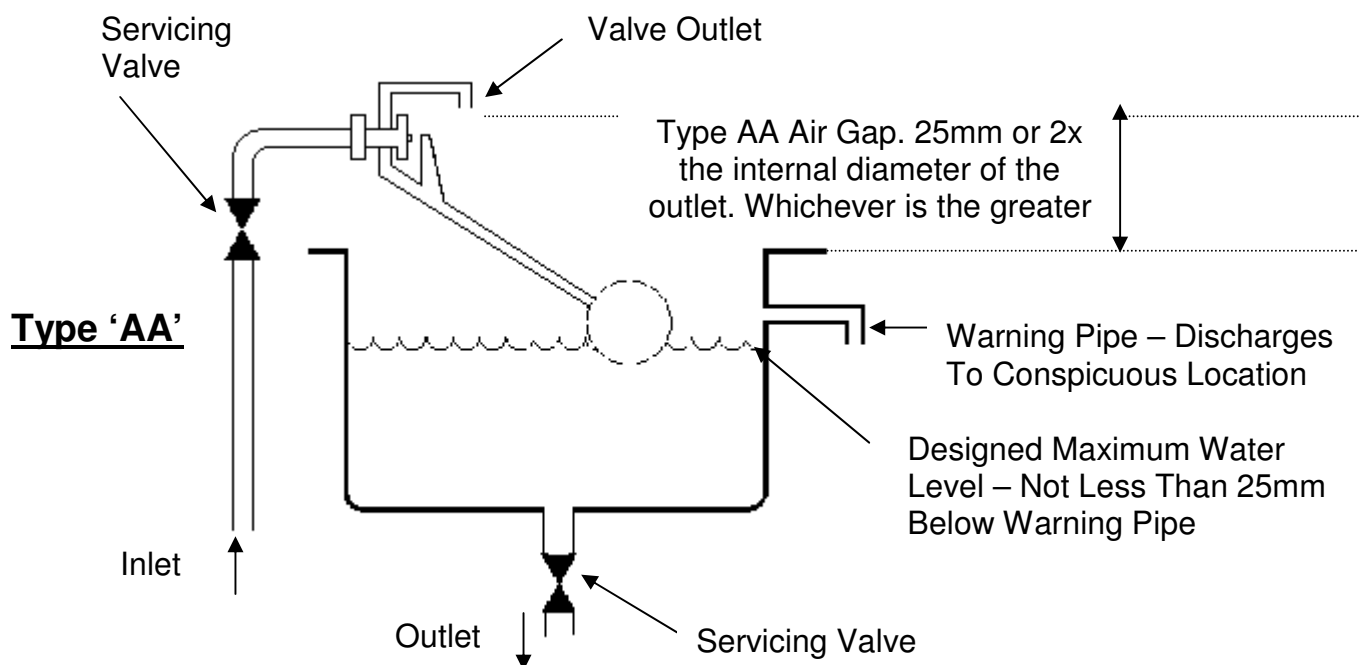
RIVER ROAD

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# WATER REGULATIONS INFORMATION SHEET



## TYPE 'AA' & TYPE 'AB' AIR GAPS



**Fittings may be supplied from these systems by either gravity or a pump / booster set.**

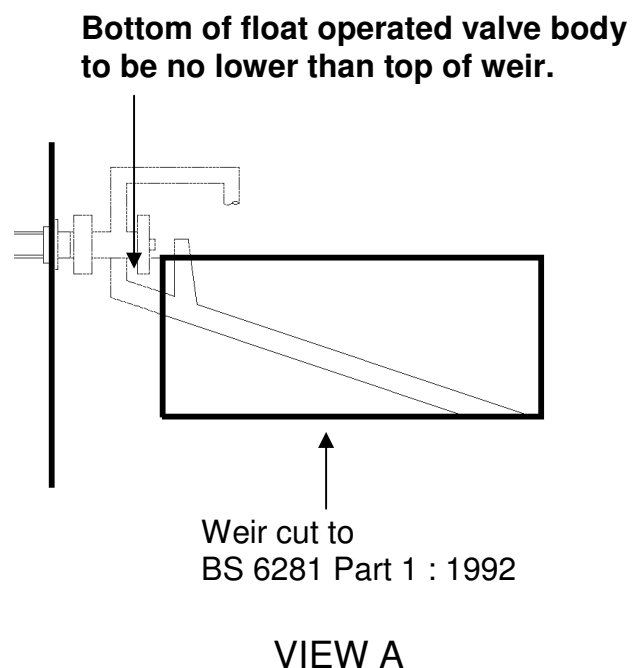
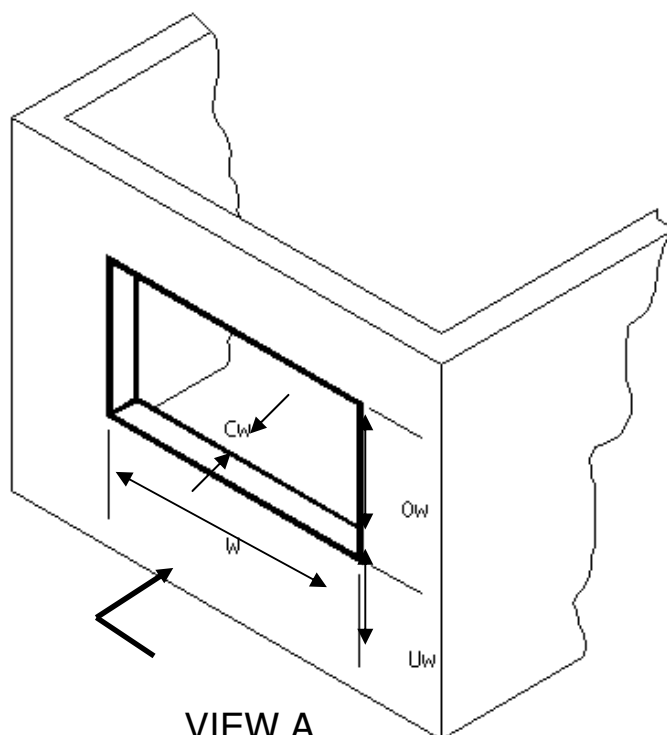
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# WATER REGULATIONS

## INFORMATION SHEET



### TYPE 'AB' AIR GAPS – WEIRS COMPLYING TO FORMER BS6281



Examples Of Acceptable Weir Sizes At 3.6 Bar Supply Pressure :

Internal Diameter Of Inlet Pipe mm (inch)	W Minimum Weir Width (mm)		OW Required Depth Of Weir Cut (mm)	CW Maximum Thickness Of Weir Crest (mm)	UW Minimum Vertical Depth Below Weir (mm)
	Unobstructed	Meshed 0.65mm Max opening			
13 (1/2")	150	360	50	110	45
20 (3/4")	210	505	75	175	70
26 (1")	260	625	104	255	105
39 (1 1/2")	350	840	140	310	125
46 (1 3/4")	400	960	165	355	145
52 (2")	500	1200	190	420	170
72 (3")	600	1440	295	750	300
102 (4")	750	1800	370	814	325

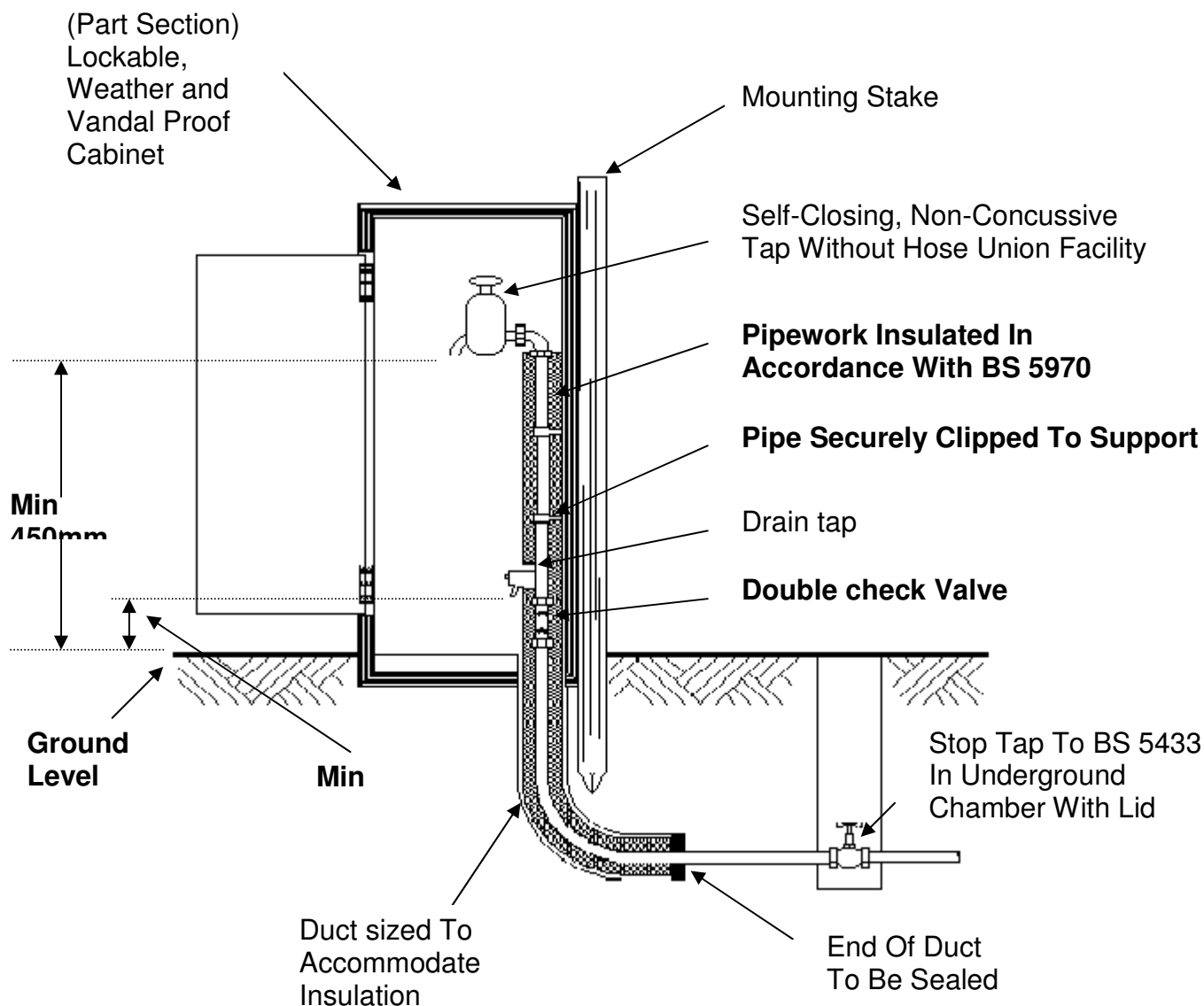
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# WATER REGULATIONS INFORMATION SHEET



## MAINS SUPPLIED COMMERCIAL STANDPIPES



### **Note:-**

If a Hose Union tap is fitted, then the standpipe must not be installed within 20m of a bin store, or on a non-domestic premises, unless supplied via a type 'AA' or type 'AB' air gap.

The information contained within this document is for information only and is correct at the time of issue. All installations must conform to the requirements of the Water Supply (Water Fittings) Regulations 1999. Essex & Suffolk Water can accept no liability for any loss or injury resulting from the use of this information.

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Description of Service		Net Charge 2017/18	VAT (20%)	Gross 2017/18 Charge		Proposed Net Charge 2018/19	VAT (20%)	Proposed Gross 2018/19 Charge	Proposed Increase Gross Charge	
		£	£	£		£	£	£	£	%
<b>ALLOTMENTS</b>										
The rents for allotment plots within Southend-on-Sea have not had an increase since 1st April 2012. As set out in the current fees and charges the rent for non-concessions is £4.00 per rod. The Allotments Act and our tenancy agreement, require a years notice to be served outside the growing season on all allotment tenants advising of the changes to rents. All allotment tenants were informed before the 25th March 2017 that Allotment rents are to be change as set out in the table below from 1st April 2018. These changes to the rents will be the first in five years										
1	Per 5.5m <sup>2</sup> (rod) (plus water recharged at current rates)	4.00		4.00		4.50		4.50	0.50	12.50%
2	Per 5.5m <sup>2</sup> (rod) (plus water recharged at current rates) – Senior (State Pensionable Age)	2.00		2.00		2.25		2.25	0.25	12.50%
3	Per 5.5m <sup>2</sup> (rod) (plus water recharged at current rates) – Advantage Card C	2.00		2.00		2.25		2.25	0.25	12.50%
4	Per 5.5m <sup>2</sup> (rod) (plus water recharged at current rates) – Under 18	2.00		2.00		2.25		2.25	0.25	12.50%
5	Edwards Hall Leisure Garden (plus water recharged at current rates)– Allotments	32.00		32.00		36.00		36.00	4.00	12.50%
6	Edwards Hall Leisure Garden – Allotments (plus water recharged at current rates) - Senior (State Pensionable Age)	16.00		16.00		18.00		18.00	2.00	12.50%
7	Edwards Hall Leisure Garden - Allotments (plus water recharged at current rates) - Advantage Card C	16.00		16.00		18.00		18.00	2.00	12.50%
8	Edwards Hall Leisure Garden - Allotments (plus water recharged at current rates ) - under 18	16.00		16.00		18.00		18.00	2.00	12.50%

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## Brentwood Horticultural Society Side Letter Agreement 25 July 1989

05/02/2010

Brentwood council 1989.jpg



### DISTRICT COUNCIL OF BRENTWOOD COUNCIL OFFICES BRENTWOOD ESSEX CM15 8AY

R. I. McLINTOCK  
Dip.Ed., D.M.S., M.I.L.A.M.

DIRECTOR OF LEISURE & RECREATION

Telephone: Brentwood(0277) 261111  
Telefax: Brentwood(0277) 260836  
DX No. 5001

YOUR REF:

MY REF:

EXT.

AJM(L&R)/905/2/3

449

When telephoning or calling in reply to this letter,

please ask for:

A J Mitchell

July 25, 1989

Dear Mr Viard

Re: Allotment Management Agreement.

Following the meeting held earlier this year at which representatives of the two Societies and the Recreation Committee discussed the renewal of the Management agreement. Several reports have been forwarded to the Recreation Committee which have resulted in the following resolutions.

1. As from the date of the new agreement. The Societies will retain 90% of income generated from plot rentals. The other 10% will be payed to the Council.

It is intended that the new agreement will be dated October 1988. Therefore the new percentage split will apply to the Allotment year 1988/89.

2. The Societies are authorised to increase the plot rents by 50% from October 1989.

3. The Societies are given discretionary authority to raise a water levy of up to 20% of a plot annual rental on sites where the revenue gained by plot rentals fails to achieve an income equivalent to 120% of the water charges.

4. The Societies should implement a ban on the burning of waste materials on allotment sites.

[The Committee considered that a voluntary ban could be encouraged but stated that if all else fails a condition enforcing the ban should be included in plot letting agreements].

5. The Societies should seriously consider organising the election of site representatives who could relate specific site problems to the Societies Committee or the Council.

6. The Societies should; subject to their ability to purchase, store and provide adequate insurance, provide certain basic maintenance equipment to enable plot holders to maintain the sites.

7. The boundaries of the Crescent Road and Common Road sites will be amended to exclude uncultivated areas from the agreement.

Cont.

Assistant Director of Recreation - A. J. Mitchell

- 2 -

July 25, 1989

Mr Viard

Plans of the amended site plans are enclosed. If during the period of the new agreement the demand for plots increases. The Society should apply to the Council for the re-allocation of the excluded areas back to allotment ~~one use~~. [Currently there are two tenanted plots on the areas to be excluded from these sites. The Societies should collect rent from there tenants until such times as the plots are surrendered.]

Under no circumstances should any plot be let or relet in the excluded areas.

8. The Council at its expense should in conjunction with the Societies launch an advertising campaign.
9. The Council will, by cutting three times per year, maintain the 'excluded areas' of Crescent Road and Common Road Allotments.
10. It is proposed that the new agreement will be effective between October 1988 and October 1991.

I would like the opportunity of discussing the above resolutions with you at your earliest convenience and would be obliged if you could contact this office to make an appointment.

It is anticipated that the new agreement will be ready for signatures within the next few weeks.

Yours sincerely



Director of Leisure and Recreation

Enc

Mr K Viard  
12 Lonsdale Avenue  
Hutton  
Brentwood  
Essex

B0554

### **Legal Documentation relating to the Brentwood and Hutton Horticultural Society Allotment sites.**

**Birkbeck Road, Hutton** – The original lease dated March 1956 between the London County Council (now vested in Brentwood Council) and the Hutton Horticultural Society states that the land is to be let and divided into **allotment plots** and that these are to be properly cultivated and kept free from weeds.

**Bishops Hall, Pilgrims Hatch** – We cannot locate any specific legal documentation relating to this site but this is included in the Brentwood Horticultural Society Agreement which commenced in March 1981. The use specified in the Agreement is “not to use or permit to be used the sites for any purpose other than for the **cultivation of allotments**”.

**Crescent Rd, Warley** – There was a transfer of the land dated 7 February 1975 from the Secretary of State for Social services to Brentwood Council (originally part of the Warley Hospital site). Part of this conveyance stated that the Council was to erect fencing between points around the site. The Land Registry Title of the land is subject to a restriction dated 17 February 1977 that no disposition by the proprietor of the land is to be registered unless made in accordance with the **Allotment Acts 1908 – 1950** or some other Act or authority.

**Honeypot Lane, Brentwood** – By way of a Conveyance dated 29 December 1950 Brentwood Council purchased 1.6 acres of land from Christopher Tower for purposes mentioned in the **Allotments Acts 1908 and 1950**. The document specified that the Council would enter into a covenant as to fencing and covenant to maintain a sufficient dividing fence along the northern and western boundaries.

**Hartswood, Brentwood** - We cannot locate any specific legal documentation relating to this site but this is included in the Brentwood Horticultural Society Agreement which commenced in 1981. The use specified in the Agreement is “not to use or permit to be used the sites for any purpose other than for the **cultivation of allotments**”.

**Middle Rd, Brentwood (formerly referred to as Common Road)** – By way of an Agreement dated 2 May 1948 the land was sold by Thorndon Development Co Ltd to the Council for the Urban District of Brentwood (now Brentwood Borough Council) subject part of the site being subject to a lease to a Mr J C Handley and to covenants imposed by a Transfer dated 22 October 1937 from Thorndon Estates Ltd to Thorndon Development Co Ltd. This included a requirement to fence off the land and also a requirement for any development of the land to have the approval of Thorndon Estates Ltd the original owner before it was transferred to Thorndon Development Co Ltd in 1937. In the 1948 sale document the Council (the purchaser) were required to maintain the fence fronting Rectory Road and to erect and maintain fences on the northern and western boundaries.

Part of the site was let to Reginald Elphick in various leases, the first being for a 1.4 acre site (part of the whole site) from April 1967 for a term of 7 years at a rent of £20 per annum and this was granted pursuant to the powers under the **small holdings and**

**Allotments Act 1908.** A second lease was granted to Reginald Elphick from July 1975 for a reduced plot size of 0.98 acres for a rent of £40 per annum. A third lease was granted to the same tenant from 1978 to March 1980 for a further reduced site (0.35 acres) for a sum of £12 per annum. The use during these leases was for agriculture, horticulture, keeping and breeding of pigs, poultry or bees or the growing of fruit and vegetables. This site subsequently became part of the Brentwood Horticultural Society Agreement dated March 1981 for use as **allotments**.

**Ongar Road, Brentwood** – By way of a Conveyance dated 9 June 1957 and by an Agreement dated 19 March 1956 made between the vendor and the Council. The vendor agreed to sell to the Council pursuant to the powers contained in Section 25 of the **Small Holdings and Allotments Act 1908**.

**Park Road, Brentwood** (the main entrance is on Cleves Way) - We cannot locate any specific legal documentation but this is included in the Brentwood Horticultural Society Agreement which commenced in March 1981. The use specified in the Agreement is “not to use or permit to be used the sites for any purpose other than for the **cultivation of allotments**”.

**River Rd, Brentwood** – This was subject to a Conveyance dated 11 Nov 1935 in which a site of 2.22 acres was sold by Mann Crossman and Paulin Ltd (a Brewery Company based in the East End of London) to Brentwood Urban District Council (now Brentwood Borough Council). This is included in the Brentwood Horticultural Society Agreement which commenced in March 1981. The use specified in the Agreement is “not to use or permit to be used the sites for any purpose other than for the **cultivation of allotments**”.

**Whittington Road, Hutton** – As with the Birkbeck Road site, the original lease dated 1956 between Brentwood Council and the Hutton Horticultural Society states that the land is to be let and divided into **allotment plots** and that these are to be properly cultivated and kept free from weeds.



# Appendix I

## **Summary of Allotment Agreements relating to the Brentwood and Hutton Horticultural Society Allotment sites.**

### Brentwood Horticultural Society Allotments Agreement

Term	7 years from 1 March 1981
Rent	<p>The Horticultural Society is to collect the rents and is not to charge more than £8 per 10 Rods and males over 65 and females over 60 shall not be charged more than half of this amount.</p> <p>Whilst the initial lease provided for the Horticultural Society to retain half of the rents collected (the other half being payable to Brentwood Council) but this was subsequently changed in July 1989 (see letter in Appendix 6) by agreement to the retention of 90% of the rents collected. This means that the Council are paid 10% of the rental income from plot holders.</p>
Water Charges	The Horticultural Society is to pay the water supply charges and maintain such supply within the sites
Maintenance	<p>The Horticultural Society is to maintain the footpaths within the sites.</p> <p>The Council required to maintain all fencing and gates separating the sites from adjoining land and also to maintain in good condition all access roads.</p>
Assignment	The Horticultural Society is not to assign or underlet the sites.
Use	Not to use or permit the sites to be used for any purpose other than for the cultivation of allotments.
Residents	The Allotment plots are to be only let to Brentwood residents
Accounts	The Horticultural Society is to maintain separate accounts in respect of the sites and to provide the Council with a financial statement at the expiry of each year of the Agreement
Trees	The Horticultural Society is not to plant any trees on the sites other than bush fruits without the previous consent of the Council. The Horticultural Society is not to prune or cut any trees on the site at the date of the Agreement without the prior consent of the Council.

Hutton Horticultural Society Allotments Agreement (brief summary)

Landlord	London County Council (Original Landlord now vested in Brentwood Borough Council)
Tenant	Hutton Horticultural Society
Term	Yearly tenancy from 24 March 1956. The tenancy must be determined by 12 month's Notice to expire on or before 6 April or on or after 29 September.
Rent	<p>Initial rent £13 4 shillings. The initial provision was for the plot holders not to be charged more than 1 shilling per rod per annum.</p> <p>The rent for the Birkbeck Road allotment site was increased to £75 per annum exclusive with effect from November 2003.</p> <p>As with the Brentwood Horticultural Society Agreement, Hutton Horticultural Society retain 90% of the plot holder rental income.</p>
Rent Reviews	These are every 5 years
Repair	<p>Tenant to keep the land buildings and ditches on or surrounding the land in good condition and tenantable repair</p> <p>The Council will erect and maintain any fencing and gates to separate the land from adjoining land.</p>
Use	The land is to be let and divided into allotment plots to be properly cultivated and kept free from weeds. It is also only to be let to the Council's tenants of the Hutton Estate.
Assignment	The Tenant is not to assign or underlet or part with possession of the site.
Water	The tenants are to carry out all arrangements necessary for the provision and installation of water for the use of the Allotment holders and to bear the cost thereof.

Hutton Horticultural Society - Trading Shed Agreement (brief summary)

Term	25 years from November 1992. (Expired 23 November 2017)
Rent	£50 for the first 5 years and subject to review
Rent Reviews	Every 5 years
Repair	Tenant to keep the exterior and interior of the buildings, walls fences etc in good and tenantable repair.
Use	As a trading shed.

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**20<sup>th</sup> November 2018**

## **Policy Projects and Resources Committee**

### **Brentwood Centre Plant Room Repairs**

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

**Wards Affected:** *Pilgrims Hatch*

**This report is:** *This report is public*

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

- 1.1 This report considers the proposed repair and refurbishment works required to the Brentwood Centre Pool Plant room.

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

- 2.1 **That delegated authority is given to the Head of Paid Service and, Section 151 officer acting in consultation with the Chair of Policy, Projects & Resources Committee to seek tenders for works to the Brentwood Centre Pool Plant Room as set out in this report.**
- 2.2 **That delegated authority is given to the Head of Paid Service and, Section 151 officer acting in consultation with the Chair of Policy, Projects & Resources Committee to select and award the contract to the successful bidder.**

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

- 3.1 Members will be aware of the continual need for maintenance and improvements to the Brentwood Centre particularly regarding the pool and the pool plant room. Officers have on a regular basis instructed consultants to provide a review of the condition of the pool and plant used to service the water and operation of the Brentwood Centre itself.
- 3.2 Consultants provided a report in 2014 from which the Council invested significant sums in refurbishing the pool filtration chambers along with replacement valves and pipework.

- 3.3 The Consultants report was updated in 2016 providing comment on the condition of the structure of the plant room and any health and safety implications.
- 3.4 The areas covered by the report were limited to the Plantroom, Large swimming pool area and undercroft and the small swimming pool and undercroft. It also provides estimates of life expectancy for the different elements considered.
- 3.5 This report sets out the issues and urgent work that is required to the plant room.

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

- 4.1 The exterior of the plant room shows visible signs of considerable erosion to the external brickworks which has raised some concerns as the same erosion does not appear internally to the plant room.
- 4.2 Officers commissioned a further report from specialist consultants in this field to investigate the cause of the damage and any health and safety issues that may arise.
- 4.3 The cause of the damage has been contributed to spillage from or by a damaged Sodium Hypochlorite storage container which is situated adjacent to the corner of the two corroded external walls.
- 4.4 Members are informed that Sodium Hypochlorite in conjunction with acids used for PH correction for the pool chlorination process are required to be housed separately. However, whilst the internal brickwork is not compromised, the external brickwork through seepage through the wall is evident, with crystals in the form of efflorescence clearly visible internally. Cross contamination of these chemicals will lead to a toxic atmosphere resulting in health and safety implications.
- 4.5 Its is the opinion of the consultant that the spillage of the Sodium Hypochlorite is seeping into the wall cavity which eventually corrodes the external wall skin and not the internal wall skin. The seepage into the cavity is due to the lack of cavity closers at the external doorway to the Sodium Hypochlorite store.
- 4.6 In addition, consultants have also raised concerns over ventilation to both the pool plant room and the Sodium Hypochlorite store. There is evidence of a corrosive atmosphere within the plant room related to the presence of the

concentrated acid storage. This corrosive atmosphere is evident on adjacent duct work and the air handling unit and the upper natural ventilation louvres.

4.7 The 2016 consultants report also included refurbishment works required to the following areas:

- The Water Treatment Plant
- Heating system
- Mechanical Ventilation
- General Electrical works
- Control System
- Fire Alarm
- Large pool tiling
- Small Pool Tiling
- Pool floor replacement

4.8 A number of these elements are the responsibility of the Brentwood Leisure Trust who have been advised.

4.9 The cost to undertake these works is estimated to be in the region of £150,000. This is based on the Blue Planet report which was commissioned and work that has been done to date. It will not be known exactly what the cost of this work will be until the specifications have been drawn up for the tender process. It is expected for this urgent work to be funded from the existing capital program and no additional expenditure is required.

4.10 It is recommended that the Council undertake a procurement exercise for our works in liaison with BLT who will be asked to undertake the works that are required of them.

## **5. Reasons for Recommendation**

5.1 To enable the continued safe operation of the Brentwood Centre Pool Plant room and swimming pools.

## **6. Consultation**

6.1 No formal consultation has been undertaken.

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

- 7.1 The Council is committed to make Brentwood a Borough where people feel safe, healthy and supported.

## **8. Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Vanmellaerts, Financial Services Manager

**Tel & Email:** 01277 312829

**Jacqueline.Vanmellaerts@brentwood.gov.uk**

- 8.1 It is expected that the specification of the work required will be in the region of £150,000 and these urgent works can be funded from the existing capital program.

### **Legal Implications**

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

**Tel & Email:** 01277 312860 / [daniel.toohey@brentwood.gov.uk](mailto:daniel.toohey@brentwood.gov.uk)

- 8.2 The Council is required to conduct procurement exercises in compliance with its Constitution and the EU procurement regulations as set out in the Public Contracts Regulations 2015, and related legislation. Alongside Council procurement officer advice, Legal Services will advise and assist on the process to ensure compliance.

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

- 8.3 None.

## **9. Background Papers**

1. Brentwood Centre Plant Room and Chemical Store, Condition Report - Aqualia
2. Mechanical and Electrical Report - Blue Planet Consulting

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

- 10.1 None

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

**Name:** Adrian J Tidbury

**Telephone:** 312678

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**20<sup>th</sup> November 2018**

## **Policy, Projects and Resources**

### **Delegated Authority for Leases and rents**

**Report of:** *Greg Campbell, Director of Operations*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The Council is developing its commercial leasing activities and as such the size of this offering has increased partly due to the space which will be offered at the Town Hall. Therefore, leases and the amounts officers have the authority to enter have and will make the process difficult to deliver.
- 1.2 This restriction could affect the Council's ability to compete with other commercial letting agents in the market
- 1.3 Therefore, this report requests an increase and change to the delegated authority for leases to improve the effectiveness and competitiveness of the Council.

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

- 2.1 **That delegated authority be granted to the Director of Operations in conjunction with the Section 151 Officer and Chair and Vice Chair of Policy, Projects and Resources Committee to grant leases of up to £200,000 (excluding VAT) per year on properties leased at market value.**

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

3.1 The current delegated authority approved by Policy, Finance and Resources Committee on the 15<sup>th</sup> December 2015 (Min. 294) gave authority to the Section 151 Officer in consultation with the Chief

Executive and Vice and Vice Chair of Policy, Finance and Resources Committee to approve leases up to £25,000.

- 3.2 This was introduced to ensure income was maximised by agreeing leases in a timely fashion to avoid an excessive number of operational reports going to Committee
- 3.3. It would also stream line the process and make the scheme of delegation fit for purpose.
- 3.4 The same principles apply now as they did in December 2015, however, the Council has moved on considerably and so have rental prices in relation to leases.
- 3.5 The Council are becoming more commercially active and within the next year will become landlords of commercial space that is far bigger than it has managed or leased before. To effectively manage these properties, as was identified in 2015, the delegated authority needs to be in line to reflect present commercial leases and the Council's ability to move quickly on commercial activities.
- 3.6 It is likely that the Council could be entering commercial 10-year leases with a 5-year break clause for some larger spaces at the Town Hall and potentially other sites as it moves forward with its commercial direction. This type of lease could see the Council enter into agreements that rise over £200,000 (Exc VAT) per annum.
- 3.7 For the Council to compete with other commercial agents who will be selling alternative space, the Council must be seen to have an effective process in place that is not seen as bureaucratic nor held up unnecessarily.
- 3.8 It is proposed that suitable delegated authority therefore be granted.
- 3.9 Having suitable delegated authority allows the Council to continue to operate efficiently with present leases and will assist in generating new lease income in the future. The original limit set at Committee on the 15<sup>th</sup> December 2015 for £25,000 is now considered inadequate in today's market. Therefore, £200,000 is proposed as a reasonable amount, given the current market conditions and size of space we as a council are able to offer. This delegation would also support the Council's continued work to review and update our present lease positions which has generated additional income.
- 3.10 Members should note that any lease at less than best consideration would still require Committee approval regardless of value.
- 3.11 Originally when this item went to committee in 2015 there was no overall manager of Assets, hence it was delegated to the 151 Officer. As there is

now a Director of Operations who oversees the Asset service, it would be appropriate for the delegation to go to their authority in conjunction with the 151 officer and Chair and Vice Chair of the P, P & R Committee.

- 3.12 It is therefore recommended that delegated authority be granted to the Director of Operations in conjunction with the Section 151 Officer and Chair and Vice Chair of Policy Projects and Resources to grant leases of up to £200,000 (excluding VAT) per year on properties leased at market value.

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

- 4.1 To ensure the Council operates effectively it is important to have suitable delegated powers.

#### **5 Consultation**

- 5.1 Consultation was undertaken with the Assets Team and with Mass and Co an external property expert.

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

- 6.1 Value for Money.
- 6.2 This reflects the Council's priority of a Prosperous Borough.

#### **7 Implications**

##### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer**

**Tel & Email: 01277 312829**

**[jacqueline.vanmellaerts@brentwood.gov.uk](mailto:jacqueline.vanmellaerts@brentwood.gov.uk)**

- 7.1 There are no direct financial implications with this report. By increasing the Delegated Authority allows officers to agree leases in a timely fashion and increase efficiency. All leases must come through the Section 151 Officer to secure appropriate financial planning.

##### **Legal Implications**

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

**Tel & Email: 01277 [312860/daniel.toohey@brentwood.gov.uk](mailto:312860/daniel.toohey@brentwood.gov.uk)**

- 7.2 This Committee has powers to grant leases on behalf of the Council under Chapter 3, Part 3.1, paragraph 2.1.13 (b) of the Constitution.

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

- 7.3 This will enable Asset Management to work far more effectively in its ability to deliver high level leases with a small team

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

- 8.1 None

**9 Appendices to this report**

None

**Report Author Contact Details:**

**Name:** Greg Campbell

**Telephone:** 01277 312500

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

**20 November 2018**

## **Policy Projects and Resources Committee**

### **14 Ongar Road Brentwood – New Letting**

*Report of:* Russell Clinker (Senior Asset Manager)

*Wards Affected:* Brentwood North

*This report is:* Public

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

- 1.1 This report considers the letting of 14 Ongar Road Brentwood following an offer received by The Council.

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

- 2.1 That a new lease be granted in accordance with the terms set out in Heads of Terms attached at Appendix A (Exempt).**

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

- 3.1 14 Ongar Road has been vacant since the previous tenant Brentwood Mind (a mental health charity) moved into Brentwood Town Hall in July 2016.
- 3.2 We have received various interest in the property since that time but the offer from the Solicitors fits the Council's requirements in that they have a good quality covenant for this location with the funds to meet the proposed leasehold commitment. They will also put and keep the property in good repair.
- From their perspective, they will be able to continue to provide their services to their customers in a similar location to their existing offices.
- 3.3 The agreed heads of terms (subject to Contract) are commercially sensitive however represent a good deal for the Council. See Heads of Terms attached in Appendix A (Exempt).

- 3.4 The agreed rent and associated terms in the Heads of Terms are in line with market rental levels.

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

- 4.1 The recommendation is to let the subject property on the terms outlined in the attached Heads of Terms (Appendix A – Exempt)

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

- 5.1 To ensure that Brentwood Council continue to benefit from the rental income on this property.
- 5.2 To ensure that the property is maintained and kept in repair

#### **6. Consultation**

- 6.1 Mass & Co Surveyors in Brentwood have been representing the Council in the letting of this property.

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

- 7.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high-quality environment including heritage and countryside. We will provide responsive, accessible and forward-thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

## **8. Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Vanmellaerts, Financial Services Manager

**Tel & Email:** 01277 312829

**Jacqueline.Vanmellaerts@brentwood.gov.uk**

- 8.1 The rental income achieved, has been negotiated within the best interest of the Council. This will be included in the base budget of the Medium Term Financial Plan 2019/20.

### **Legal Implications**

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

**Tel & Email:** 01277 312860 / [daniel.toohey@brentwood.gov.uk](mailto:daniel.toohey@brentwood.gov.uk)

- 8.2 The Council has broad powers to grant leases and other interests in land. Under section 123 of the Local Government Act 1972 the Council is required to obtain the best consideration reasonably obtainable where a lease is over 7 years unless, in the case of a lease given at an undervalue, the disposal is covered by the Secretary of State's consent, or where the Local Government Act 1972: General Disposal Consent (England) 2003 applies. The terms set out in the heads of terms attached comply with these requirements.

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

- 8.2 None

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

- 9.1 None

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

Appendix A – Heads of Terms (Exempt)

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

**Name:** Russell Clinker (Senior Asset Manager)

**Telephone:** 01277 312931

**E-mail:** [russell.clinker@brentwood.gov.uk](mailto:russell.clinker@brentwood.gov.uk)

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## **APPENDIX A**

### **EXEMPT PAPER**

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**20<sup>th</sup> November 2018**

## **Policy, Projects and Resources Committee**

### **Asset Development Programme Update**

**Report of:** *Chris Leslie – Executive Director of Commercial Services*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The aim of the Council's Asset Development Programme ("ADP") is to realise the potential of the Council's property asset base so as to deliver improved revenue streams from the portfolio but at the same time securing the regeneration, economic development and housing objectives of the Council. This report provides an update on the work of the Asset Development Programme Project Board ("Project Board") to date.
- 1.2 This report outlines the progress made by the Project Board on a) the Joint Venture Partner Procurement, b) the wholly owned Company (Seven Arches Investments Ltd), c) the Early Successes Programme and other in-house items including the Memorial Wall project.
- 1.3 Approval for a property ownership transfer between Housing and General Fund is being sought, detailed in section 7.

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

- 2.1 **To approve the direction of the Asset Development Programme**
- 2.2 **To approve the transfer of 4 Coptfold Road from Housing ownership to General Fund ownership at the independently sourced valuation.**

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

- 3.1 The Project Board advises on all projects relating to the ADP, which includes projects relating to Corporate Asset Management, Property Joint Venture Partnerships and Seven Arches Investments Ltd. It will in turn be informed by the work of the Corporate Asset Management Group.

- 3.2 On 19 September 2017 this Committee approved a hybrid approach for delivering the asset development programme. The hybrid approach involves the self-development of simple sites by the Council, while more complex sites would be undertaken jointly between the Council and a procured joint venture partner.
- 3.3 To maintain a revenue stream for the Council, the self-developed sites will be leased out on a commercial basis. The Localism Act 2011 allows local authorities to do anything an individual can do. However, section 4 of the act requires that any commercial activity must be undertaken through a company.
- 3.4 Therefore, to comply with the requirements of the Localism Act 2011 the Council established a wholly owned company, Seven Arches Investments Ltd (“SAIL”) on 12<sup>th</sup> April 2018.
- 3.5 The wholly owned company is seeking to engage in a variety of commercial activities that will be asset based initially, and subject to appropriate business cases and financial sustainability could be extended into other areas such as service provision.
- 3.6 Sites developed with a partner may also require the establishment of a separate company to comply with legislative requirements and to formalise the partnership. This will likely be in the form of a limited liability partnership (LLP) with ownership split 50:50. The best arrangement will be assessed through the procurement process, currently underway.
- 3.7 A Governance & Decision-Making Process schematic has been developed to clarify roles, responsibilities and reporting between the Council and both the Joint Venture and the Wholly Owned Company. This is attached at Appendix A for information.

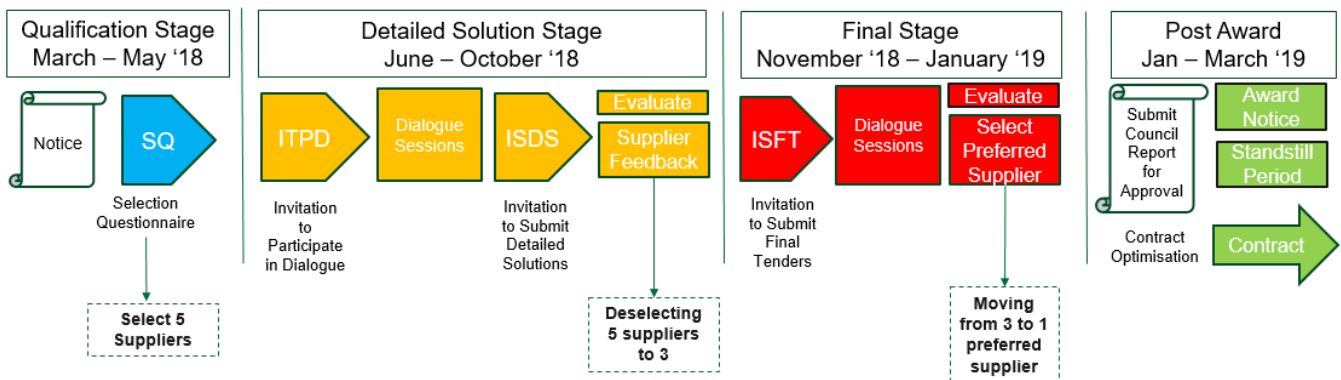
#### **4. Loan Drawdown Facility**

- 4.1 As reported in September, a Loan Drawdown Facility was set up following due approval in June 2018. The first drawdown of £6m was made in August in respect of the purchase of SAIL’s first investment property and for working capital going forward.
- 4.2 The Facility has not been called upon since, but further opportunities have been presented by the appointed Property Investment Advisors which are currently undergoing initial due diligence. It is usual for more potential purchases to be turned away, due to lack of suitability, than taken up.

- 4.3 The Property Investment Advisors have, following meetings held with officers and the Project Board, produced an Investment Strategy for SAIL which will make it easier for them to put forward the most appropriate opportunities going forward to match the Council's objectives.

## 5. Progress to date – Joint Venture Partner Procurement

- 5.1 Following the publication of an Official Journal of the European Union (OJEU) Notice and a dedicated website on 23<sup>rd</sup> March 2018 there were 15 organisations who submitted applications by the deadline of 4<sup>th</sup> May.
- 5.2 The 15 bids were evaluated based on who best met the Selection Questionnaire (SQ) criteria and the successful 5 were put forward to Competitive Dialogue and to submit detailed solutions.
- 5.3 Competitive dialogue commenced on Monday 11<sup>th</sup> June, with dialogue sessions taking place during June and July. Bidders' Detailed Solutions were then submitted, and subsequently evaluated by the procurement team. Comments were then fed back in time for the following round of dialogue sessions.
- 5.4 Timescales and the procurement stages are shown in the following diagram:



## 6. Progress to date – Seven Arches Investments Ltd

- 6.1 Seven Arches Investments Limited ("SAIL") was officially registered with Companies House on 12th April 2018. It has subsequently had its own bank account set up and been registered for VAT.
- 6.2 The procurement of Property Investment Advisors during April resulted in two City firms being appointed: Montagu Evans LLP and Carter Jonas LLP. These

firms will advise when the best property investments become available, either “on market” or “off market”.

- 6.3 On the 2<sup>nd</sup> August, Montagu Evans held a session with the Project Board to provide insight into Property Investment which would then allow the Project Board to gain a greater understanding of the investment process and to assist the Board in undertaking its function in relation to SAIL. The Board were also able to provide direction to the advisors in terms of the types of investment properties that would be suitable.
- 6.4 Following the purchase of its first property, Investment opportunities continue to be put forward for consideration.

## **7. Progress to date – Early Success Programme / in-house schemes**

- 7.1 As previously reported a Master Assets List has been developed.
- 7.2 From this master list, a number of sites were approved in September to be treated as “Dormant” or “Closed” as applicable. These lists have now been put to one side to enable a more focussed approach to the remaining “live” assets which may have a greater potential than their current use allows. A “Top 10” priority list of these was produced and subsequently worked through.
- 7.3 Progress is being reviewed at Corporate Asset Management Group fortnightly and then reported to the Project Board. One of the Top 10 has now been completed (sold) and one has been practically concluded (with solicitors), therefore 5 more “replacement” properties have been identified, resulting in a slightly larger priority list of properties currently being “triaged” with a view to improving the return to the Council.

### **4 Coptfold Road**

- 7.4 One of the properties on the priority list is 4 Coptfold Road, a property that was being let by Housing via Brentwood Housing Trust to Council Tenants. It was allowed over time to fall into considerable disrepair and some months ago became unlettable. From quotes obtained, the property will require in the region of £50,000 for renovation works to bring it back to a lettable standard.
- 7.5 As significant investment is required it is not cost effective for Housing to renovate this property given that the property rental value would remain at a social rent level. It has therefore been offered to the General Fund which has a capital budget available for such asset renovations.

- 7.6 An independent professional valuation report has been obtained which indicates that the freehold of the property in its current state of repair is valued at £315,000 but when fully refurbished this would increase to between £350,000 and £375,000. If let on an Assured Shorthold Tenancy, an achievable rent would be £15,000 per annum (£1,250 per month).
- 7.7 A business case for this project is set out in Appendix B.
- 7.8 Authority is now required from this Committee to transfer the asset from Housing ownership to General Fund ownership at the value obtained of £315,000. For clarification this means that an adjustment will be made by reducing the level of outstanding Housing debt and increasing the level of General Fund Debt by this amount.

### **The Memorial Wall**

- 7.9 The Memorial Wall project is now practically complete. There were some delays experienced in the summer with the manufacture and delivery of the granite Sanctums (Vaults) and Columbaria, but at the time of writing these are nearly all installed.
- 7.10 An “Exclusive Rights of Burial” agreement to formalise the terms and conditions of use of the Vaults and Columbaria will have been completed by this time and marketing arrangements put in place. The first point of marketing will be with the various Funeral Directors within the Borough. The Council’s website will also be utilised. A fair amount of interest has already been shown by the public who have seen the works taking place and enquired about advance orders.
- 7.11 Officers will later be turning their attention to developing the second phase of this project which will be to focus on an area designed for the placing of ashes if a family chooses not to renew the rights to their Sanctum or Columbarium. If this situation does occur, then the authority will need to have a location where remains can be either scattered or placed in the ground without using up existing burial plots.
- 7.12 In the meantime, an area of boundary fencing that requires renewal will also be set up to form an area for the public to place memorial plaques for their beloved pets. Animal ashes are not intended to be accepted at this stage due to complex procedures having to be followed. Progress will continue to be reported to this Committee.

## **8. Reasons for Recommendation**

- 8.1 To update the Committee on the progress of the Asset Development Programme.

## **9. References to Corporate Plan**

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

## **10. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Vanmellaerts, Interim Chief Finance Officer**

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

- 10.1 The asset development programme is anticipated to provide substantial income for the Council.
- 10.2 Costs associated with the Joint Venture are to be met from the Organisational Transformation Reserve.
- 10.3 The £50k required to improve 4 Coptfold Road is to come from the capital funds set aside for the Asset Development Program.
- 10.4 Where an asset is held to achieve a rental return and/or capital appreciation as in the case here, regarding Coptfold road, the correct accounting classification is an Investment Property.
- 10.5 The decision to transfer between HRA and General Fund, transfers the risks and rewards from the HRA to the General Fund. The maintenance and managing of the property will be the responsibility of the General Fund.
- 10.6 Asset Transfers between the HRA and General Fund are dealt with by means of Capital Financing Requirement (CFR) adjustments.
- 10.7 The General Fund CFR will be increased by the equivalent amount of the valuation of the property (£315k). The cost of servicing this debt will be met from the income generated by the asset.
- 10.8 This property will not be subject to an annual depreciation charge, but instead will be subject to annual revaluation due to being classified as an Investment Property.



- 10.9 The transfer of the property allows the income to be increased to market rates. The annual income generated means that the payback period of the investment is just under 6 years.
- 10.10 The Memorial Wall project even though slightly delayed remains within budget.
- 10.11 The financial position on SAIL remains unchanged. However, opportunities and investments are being proposed and reviewed to develop the commercial aspect for the Council.
- 10.12 Investments carry a degree of risk and the company will need to be sustainable in the long term.

**Legal Implications**

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

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

- 10.13 Legal implications are referred to in the body of this report. Legal Services, working with external legal advisers and specialists, will be providing advice and assistance going forward.
11. Appendices to this report
- Appendix A – Governance and decision making process – Asset Development Programme
- Appendix B – Business Case for renovating – 4 Coptfold Road

**Report Author Contact Details:**

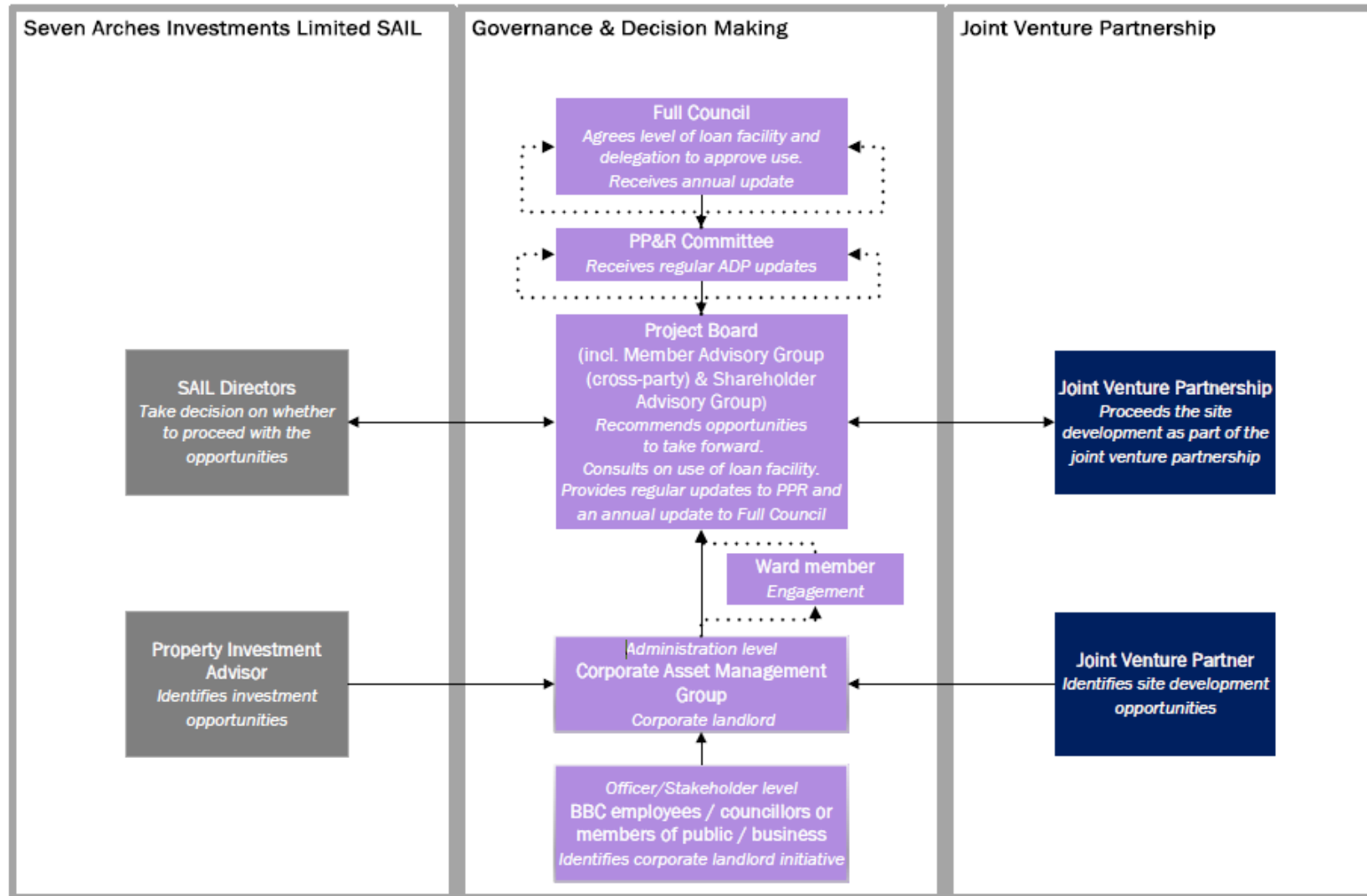
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## APPENDIX A - Governance & Decision-Making Process, Asset Development Programme





## Appendix B

### APPENDIX B – Business Case for redevelopment of 4 Coptfold Road

#### Business Case for renovating 4 Coptfold Road.

This is a property that was being let by Housing via Brentwood Housing Trust to Council Tenants. It was allowed over time to fall into considerable disrepair and some months ago became unlettable.

Given the high cost of renovation required it is not cost effective for Housing to undertake the work given the lower social rent level that would be received.

The Council's General Capital Programme has resources set aside for asset renovation projects such as this where "invest to save" benefits can be demonstrated.

The alternative would be to leave the property vacant to deteriorate further thus reducing the value and appeal of the surrounding area, along with many other social impact consequences.

	£
Property Valuation by Independent Professional Valuer *	315,000
Renovation work required – Existing Capital Programme	50,000
Total "Cost" – Transferred Capital Financing/Use of Capital Programme Resources	<b>365,000</b>
Additional net Revenue Income stream (Full year):	
Annual Rental Income from Private Tenants	15,000
Less Repairs & Maintenance	- 2,000
Less Minimum Revenue Provision (£315,000 over 70 years)	- 4,500
Additional net income to the General Fund pa	<b>8,500</b>
* Accounting/Capital Financing adj between Housing and General Fund	
Property Management can currently be covered by in-house resources	

Effectively, by using £50,000 of capital resources the General Fund will benefit by an ongoing £8,500 per annum.

The General Fund will also benefit by future rental increases and by capital appreciation on the property value.

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**20<sup>th</sup> November 2018**

## **Policy, Finance and Resources Committee**

### **Former Tenant Debt Recovery Policy**

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

**Wards Affected:** *All*

**This report is:** *Public*

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

1.1 This report sets out proposals for a new Former Tenant Debt Recovery Policy to be implemented within the Housing Department.

1.2 The Policy provides the Council with the ability to effectively recover Former Tenant rent arrears as well as any arrears on sub accounts such as court costs or removal costs that are associated with closed accounts.

#### **Recommendation(s)**

**2.1 Committee is asked to approve the Former Tenant Debt Recover Policy as outlined in Appendix A.**

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

3.1 The Council has always recovered Former Tenant debts and sub account debts. This Policy provides a detailed approach to recovering Debt and supersedes any previous Policy's in place.

3.2 Historically the Estates Management Team have recovered the Former Tenant Debts. However, due to the increasing pressures from Universal Credit this is no longer viable.

3.3 Government guidelines state that if a debt has not actively been chased or acknowledge by the debtor or collector within 6 years it can no longer be reclaimed under the Statue Barred law.

- 3.4 Therefore we recently employed a dedicated Debt Recovery Officer who has conducted a review of the service and devised a new Policy and Procedure.
- 3.5 The Former Tenant Debt Recovery Policy is robust and outlines the different methods of recovery specifically in relation to deaths, and evictions where recovery can be difficult.
- 3.6 The new Former Tenant Debt Recovery Policy will allow the Council to collect more monies owed and will assist in the financial difficulties facing the Council in the coming years.
- 3.7 The dedicated Debt Recovery Officer has been working towards chasing the current former tenant debts to ensure no accounts become Statue Barred and to ensure there is no lost revenue to the Council.
- 3.8 Since March 2018 a total of £10,154.52 has been collected in former tenant debts and a further agreement amount of £424 per month has been agreed. This figure will increase through continuous chasing of these debts at first point of termination.
- 3.9 The total Rent Arrears, held in the Housing Revenue Account are published in the Statement of Accounts at the end of each financial year, which is subject to External Audit.

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

- 4.1 If the Policy was not to be in place the Council would be open to scrutiny and questioning when residents are asked to repay former tenant debts. Particularly residents who have left the borough and are now wishing to return seeking Council accommodation.

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

- 5.1 To ensure the Council is equipped in recovering Former Tenant Debts, reducing the pressure on the budget restraints.
- 5.2 To provide a robust procedure that meets government guidelines on the recovery of debt.

#### **6. Consultation**

- 6.1 Tenant Talkback, a panel of both Tenants and Leaseholders, has been consulted on the proposed Policy.
- 6.2 No changes were suggested, and they welcomed the implementation of the policy.



- 6.3 The Policy was approved at Community, Health and Housing Committee on 11th September 2018 and a recommendation made for final approval by Policy, Finance and Resources.

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

- 7.1 Good financial management, risk management and internal control underpin all priorities within the Corporate Plan.

## **8. Implications**

**Financial Implications: Name & Title: Jacqueline Van Mellaerts – Interim Chief Finance Officer Tel & Email: 01277 312500 jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1 Having a Former Tenant Debt Recovery Policy in place underpins good financial management, which in turns improves Rent Arrears that are owed to the Council within its Housing Revenue Account. The Dedicated Debt Recovery Officer has been budgeted using existing resources.

**Legal Implications Name & Title: Surinder Atkar, Solicitor - Legal Services Tel & Email: 01277 312500 surinder.atkar@brentwood.gov.uk**

- 8.2 The legal and regulatory framework that affects the recovery of the rent and arrears are prescribed in the Housing Act 1985, reinforced by the Housing Act, 1996. The Housing and Regeneration Act 2008, Localism Act 2011 and legal case law.

- 8.3 In addition to statutory regulation, housing providers are to comply with Civil Procedure Rules and Rent-Arrears Pre-Action Protocol.

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

- 8.4 None

## **9. Background Papers**

- 9.1 None

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

Appendix A – Former Tenant Debt Recovery Policy 2018

**Report Author Contact Details:**

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# **Housing Debt Recovery Policy/Procedures**

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## **1 Introduction**

Brentwood Borough Council aims to ensure effective, efficient and accountable management of its properties.

This policy aims, through effective but sympathetic guidance and advice, to minimise debt while maximising the income to the Council. This policy covers Former Tenant Rent Arrears and Housing Debt Recovery.

The Council will make every effort to obtain a forwarding address and contact telephone number from all tenants who are terminating tenancies and will make every reasonable effort to trace tenants who leave without giving a forwarding address.

## **2 Equality & Diversity**

The Council is intent on ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; sex; marriage & civil partnership; race; religion or belief; sexual orientation; gender reassignment; pregnancy & maternity.

The Council will regularly review this policy for equal opportunities implications and take the necessary action to address any inequalities that result from the implementation of the policy.

## **3 Aims and Objectives**

Brentwood Borough Council will adopt a firm but fair approach to the recovery of debt. The Council recognises having debt is stressful to tenants and seeks to deal with these matters in a nonthreatening and sensitive manner whilst communicating the seriousness of the situation.

The Council must maximise income, and therefore prevention and pursuit of arrears are given high priority.

To minimise Former Tenant Arrears, robust end of tenancy procedures will be followed. Procedures are in place that reflects the policy guidelines that support staff in delivering the aims of the policy effectively.

The rent accounting and sub account system will be accurate and up to date, and a variety of convenient payment methods will be available.

Rent arrears will be notified to the tenant at the termination of their tenancy to allow a repayment arrangement to be agreed.

Repayment arrangements will be realistic and therefore maintainable.  
The Council will provide advice where possible and will refer tenants to specialist organisations for debt management advice if required.

The Council will develop good working relationships and liaise with relevant organisations such as the Citizens Advice Bureau, Social Work Department, and any other appropriate agencies to try to ensure advice and assistance is available to former tenants in arrears.

Where it is identified that the former tenant may have any special requirements, the Council will take steps to provide the appropriate assistance or support.

Legal Action will be implemented for recovery of the debt, as a last resort, when all other methods have failed.

#### **4. Prevention**

The Council will maintain accurate and efficient monitoring systems to identify arrears early and clear procedures for recovering outstanding debt.

#### **5. Former Tenant Arrears**

Former Tenant Arrears accumulated for the following reasons:

##### **5.1 Death of Tenant**

The Council is usually notified of a death of a tenant from Relatives, Care Home, Legal Representative or through the 'tell us once' system.

On death of a Tenant the Council will only terminate a tenancy when a death certificate is received, and the Property keys are returned by a Relative/Legal Representative.

If a tenant is in receipt of Housing Benefit, this will cease on date of death therefore the property continues to incur rent charges.

Outstanding arrears can be recovered from the Estate (where possible) following the death of a tenant and the Council will endeavour to liaise with relatives/legal representatives of the deceased to enquire if an estate is available to cover any outstanding balance.

## **5.2 Tenant Moved into Residential Care Home**

When the Council is notified by either the tenant, a representative or the Care Home that a tenant is moving into a Residential Care Home, a notice period of 4 weeks is required to end the tenancy. A completed 'Termination of Tenancy' form which can be accessed on-line, and property keys are necessary to be returned to end the tenancy. Rent will remain due on the property during this period and until both the form and keys are returned.

If the tenant is in receipt of Housing Benefit and is receiving Respite care, Housing Benefit will be paid for a maximum period of 52 weeks providing it is intended for the tenant to return to the property.

Once a tenant is confirmed as a 'permanent resident' in a Care Home, notice must be given immediately as Housing Benefit will only be paid for a maximum period of 4 weeks from this date. The tenant or Representative will be responsible for any rent outstanding which is recoverable.

If the tenant is incapable of dealing with their affairs and have no representative, the care home will need to confirm who has Power of Attorney for the Tenant to enable the Council to pursue the debt.

## **5.3 Termination of Tenancy**

To terminate a tenancy, an on-line termination form needs to be completed and submitted to the Council by the tenant giving a notice period of 4 weeks. Keys to the property will need to be handed in by the termination date to avoid further rent charges as termination cannot be completed without termination form and Property keys being in the Council's possession.

When notice of "termination of tenancy" is received, the tenant is advised of the rent arrears balance as at the date of termination and any other costs which may be outstanding. If any outstanding arrears are not cleared by the end of the tenancy, the Council will pursue the debt in accordance with this Policy and the Former Tenancy Arrears Recovery Procedures.

## **5.4. Abandoned properties**

When a tenant quits a property without notice, the property is considered to have been abandoned. The property is deemed to have been abandoned if the Council has reasonable grounds to believe that a property is unoccupied, and the tenant does not intend to return to the property to occupy it as their principle home.

The council will send the tenant a notice to quit giving 4 weeks to end the tenancy. During

this period, the Council may speak to neighbours and contact the tenant's family or employer to try to identify the whereabouts of the tenant.

## 5.5 Evictions

The Council will evict Tenants for the following reasons.

- **Rent Arrears** - A large amount of rent outstanding or regularly letting rent arrears build up on the account.
- **Antisocial Behaviour** - If either a Tenant, a family member or people that visit the property cause a nuisance in the neighbourhood or use the property for illegal activities such as drug dealing
- **Breaking a Tenancy Agreement** –The Tenant is provided with a written Tenancy Agreement setting out the Tenants' rights and responsibilities including paying rent on time, allowing workmen to enter to carry out necessary repairs. The council will take court action if the Tenant breaks any terms of the agreement. Abandoned properties
- **Fraudulent applications** - If a Tenant has lied about their circumstances to get the council to provide them with a Tenancy.
- **Major works** - The council may decide to evict or decant a Tenant if there are plans to demolish or reconstruct a property. The council can also decide to evict a Tenant because it needs to carry out major repairs that can't be done while the Tenant is residing in the property and the Tenant won't agree to be temporarily rehoused.

## 5.6 Transfers

When a Tenant transfers between properties within the Council they are required to have a clear balance on their account before transferring. However, if the Tenant is in receipt of Housing Benefit the Law only allows Housing Benefit to be paid for the property in which the Tenant resides in. If the tenancies overlap this will create an overpayment of Housing Benefit on the old property of which the Tenant will be liable for when Housing Benefit recover the overpayment from the rent account. This will create arrears on the account.

## 6. Garage Former Tenant Arrears

Former Tenant Garage Arrears accumulated for the following reasons:

### 6.1. Termination of Garage Tenancy

To terminate a Tenancy on a garage a notice period of 2 weeks is required. The Tenant will be required to complete a termination form on-line and return the keys for the Garage by the termination date.



## **6.2. Abandoned Garage / Eviction**

When a Tenant abandons a garage or is evicted a forwarding address is generally not known. However, in the first instance a search of the database will be carried out to obtain the latest known address for the former Tenant to enable any arrears collection process to commence.

## **6.3. Death of a Garage Tenant**

When the Council are notified of the death of a Tenant it is the responsibility of the relative/representative of the Tenant to return the keys to the Council to enable the Council to end the garage Tenancy. The Council have the right to charge rent on the garage until the Tenancy is ended.

## **7. Other Debts**

### **7.1 Re-charges**

A Tenant is liable to pay re-charges for bulk waste removals, the upkeeping of communal areas, unauthorised alterations and rechargeable repairs in accordance with the Re-charge Policy.

Any build-up of items which have not been disposed of in the correct manner including but not limited to: fly tipping, contaminated waste, white goods, unwanted furniture and appliances and general waste. The Council will charge the Tenant for removal of.

Re-chargeable repairs are repairs that are the result of deliberate damage or negligence to the property and/or its fixtures and fittings internally or externally by a Tenant or Leaseholder or a member/visitor of the Tenant/ Leaseholder. Re-chargeable repairs can also include where permission has been granted for the Tenant to make alterations, but the workmanship is deemed inadequate upon Council officer inspection.

Unauthorised alterations become rechargeable where permission (retrospective or prior) for works have been rejected. The Council as a responsible Landlord will conduct works to ensure the safety of the property.

### **7.2 Bankruptcy**

A person or a creditor can apply for Bankruptcy if a person is unable to make payments to clear debts and meets the eligibility criteria for Bankruptcy. In order for a person to be made bankrupt, a court will have to issue an order against a person.

When a Tenant is declared Bankrupt, they may have included any rent arrears they have into the bankruptcy petition. Once a Bankruptcy date has been set, the Council cannot contact the Tenant to recover the rent arrears included in the Bankruptcy.

If there are sufficient assets to pay debts in the order, monies will be distributed by the official receiver. This means that the Council could receive all or part of the money due to clear the debt.

If there are insufficient assets to clear the outstanding debts, the debt will be written off by the official receiver.

When the Council receive confirmation, the debt will be 'written-off' in accordance with the 'write off' procedures.

The Council will continue to recover any outstanding debt which is not included in the Bankruptcy Order in accordance with the debt recovery procedure.

### **7.3 Debt Relief Order**

A person can apply for a Debt Relief Order if the debtor is unable to pay his/her debts and meets the eligibility criteria's.

A Debt Relief Order lasts for 12 months during which time the Council will be unable to proceed with any debt recovery action.

At the end of the 12 Month Period the Council will proceed to take recovery action for any outstanding rent arrears or garage rent arrears which were not included in the Debt Relief Order in line with debt recovery procedures.

When the 12-month period has expired, any rent arrears debt which has been included in the Debt Relief Order will be 'written off' in accordance with the write off procedure.

### **7.4 Court Costs**

Court Costs are accumulated when a Tenant is in arrears on a property and all means of agreements for the Tenant to make payments to clear the arrears have failed, the Council will process with legal actions. This will require the Council to apply to the court for an eviction order and incur court costs of which the Tenant will be required to pay.

### **7.5 TV Licence**

A concessionary TV licence is offered to tenants residing in Sheltered accommodation who fit the criteria to receive this concession.

The Council will request that the scheme manager of the property completes the relevant form listing all residents that qualify. The Council will then make full Payment for a property to receive a TV licence. The payment that the Council makes will vary as it will depend on the number of residents as to the full cost of the Licence. The charge is £7.50 per Room, Flat or Bungalow within the Sheltered Residence.

When the Council receive a TV Licence for a property, the Council will then invoice each property £7.50 to cover the cost of the licence.

## **7.6 Removal Costs**

When a Tenant moves from temporary accommodation they do not always have the finances at short notice to cover the cost of the removal of their belongings. Therefore, the Council will make payment for the removal costs and the Tenant will be charged to cover the costs.

## **8. Debt Recovery Procedures**

Brentwood Borough Council expects rent payments to be made and for Former Tenants to clear any outstanding rent or to have a repayment agreement in place, at the end of their Tenancy. A Statement of Account advising of the level of arrears and payments methods will be issued.

In all cases, when the whereabouts of the Former Tenant are known Brentwood Borough Council's Debt Recovery Officer will contact the Former Tenant by letter, telephone, text message or e-mail.

The following actions will be initiated where rent is outstanding and the voluntary repayment arrangement is not being maintained:

### **8.1 Forwarding address known**

1. If the debt remains unpaid 21 days after the Statement of Accounts has been sent, a reminder letter will be sent advising that the debt remains outstanding.
2. If there is no response to the above after 31 days, a further reminder letter will be sent advising that there has been no response received regarding previous correspondence and the outstanding debt is due for immediate payment.
3. Every effort will be made to contact the debtor directly to discuss the outstanding debt in order to retrieve the debt and avoid further costs.
4. If there continues to be no response regarding the outstanding debt either by full payment or an arrangement, a final letter will be sent at 42 days notifying that the debt will be referred to a debt collection agency.
5. If no response is received at 56 days the debt will be referred to a Debt collection agency for recovery of the debt which may incur additional costs.

If during any of the above stages, if the debtor agrees to a satisfactory payment arrangement and makes continuous payments to clear the outstanding debt, no further action will be taken against the debtor.

Whilst a payment arrangement is in place, the debtors account will be closely monitored to ensure the arrangement is being upheld. Any default in the payment arrangement will revert to the Recovery Process.

## **8.2 Forwarding Address Unknown**

Where contact is not confirmed, intelligence to trace the Former Tenant will be undertaken to obtain the latest known address for the Former Tenant using a credit check agency. This process should not be carried out until a minimum of 8 weeks has elapsed in order for the Former Tenant to relocate and the information become available on the database as to their whereabouts. Brentwood Borough Council have opted to use NAFN (National Anti-Fraud Network) as a preferred credit check agency for this purpose.

On receipt of an alternative correspondence address every effort will be made to secure repayment in accordance with this Policy and the Former Tenancy Arrears Recovery Procedures.

When contact details become available the recovery process will commence (6.1).

## **8.3 Recovery Process - Death of Tenant**

Outstanding arrears can be recovered from the Estate (where possible) following the death of a tenant and the Council will endeavour to liaise with relatives/legal representatives of the deceased to enquire if an estate is available to cover any outstanding balance. A letter will be sent to next of kin or legal representative. It will state that the Council have been advised that they are handling the financial affairs of the Former Tenant and asks them to forward payment.

If the Representative of the deceased contact Brentwood Borough Council stating that there are no funds in the Estate, the latest bank statement of the deceased will need to be provided within 4 weeks of the date of death as evidence that there are no funds in the Estates to cover the outstanding debt. If this is proven, Brentwood Borough Council will consider writing off the debt.

If it is proven that there are funds in the estate but not enough to clear the debt, the Council will make a decision to request a proportion of the Estate towards clearing the debt. In these cases, the Council will look at the case individually to determine an acceptable payment towards clearing the debt.

If there is no response from the Representative within 28 days, a reminder notice will be sent.

If no response after a period of 14 days of the reminder letter being sent, a final letter will be sent.

If there is still no response after 7 days of the final letter being sent the representative will be sent notification that the case has been referred to the debt recovery agency for collection of the outstanding debt.

#### **8.4 Recovery Process when tenant moves into Care Home**

Tenants who move to a care home to receive care are still liable for any outstanding arrears on the rent account.

In the first instance a letter will be sent to the Care Home to establish if the resident is capable of dealing with their affairs or if a representative has been appointed. It may be the care home that have taken on responsibility on behalf of the tenant or alternatively the Care Home will need to provide details of Power of Attorney.

If there is no response from either the Tenant, Tenant representative, care home or Power of Attorney within 28 days, a reminder notice will be sent.

If no response after a period of 14 days of the reminder letter being sent, a final letter will be sent.

If there is still no response after 7 days of the final letter being sent, the Care Home will be sent notification that the case has been referred to the debt recovery agency for collection of the outstanding debt.

#### **8.5 Transfers**

Transferring Tenants will be sent written notification advising them of the arrears.

If the outstanding debt is below £200 the tenant will be given written notice that the debt will be transferred to their new account to be collected alongside their current weekly rent charge.

If the debt is over £200 the tenant will be sent written notice advising them of the arrears and requesting payment in full within 14 days. If payment is not received within 14 days, the debt will be transferred to the new rent account without further warning and will be collected alongside their currently weekly rent charge.

If the Debt is below £5 a phone call will be made to the tenant to request payment or to advised that this will be transferred to new account. There will not be any letters of notification as it is uneconomical. Where an email address is provided an electronic notification letter may be sent.

### **9. Debt Recovery Agency**

When all attempts by the Council to recover the outstanding debt have been exhausted, the debt will be referred to the Councils chosen Debt Recovery Agency.

The Council will securely send all known details of the debtor to the Debt Recovery Agency. On behalf of the Council the Debt Recovery Agency will make contact with the debtor and additional attempts to recover the debt in full or make a realistic arrangement with the debtor to cover the debt. The Debt Recovery Agency may add additional costs to the debt of which the Council has no control of the amounts added.

Once the debt has been passed to the debt agency to recover the outstanding debt, the debtor will need to contact the Debt Recovery Agency directly to make a payment, request any form of payment arrangement or to make any enquiries as at this point the Council cannot intervene with the recovery of the debt directly from the debtor.

The Debt Recovery Agency will forward monies collected from the debtor to Brentwood Borough Council.

## **10. Arrears Monitoring**

Efficient monitoring on the Housing Management System will identify arrears outstanding and will allow for repayment arrangements to be recorded.

Follow-up contact will be maintained in timescales, which are proportionate and targeted.

## **11. Payment Methods**

Brentwood Borough Council have made available a range of convenient payment methods for former Tenants via the 'All Pay' system, this includes:

- Payment on Smartphone using the 'All pay' App.
- Payment at the Post Office.
- Payment at any Pay Point terminal.
- Standing Order.
- Direct Debit.
- Automated Telephone Payments
- Internet Payments.
- The Council can also accept credit/debit card payments at our office and by telephone.

## **12. Irrecoverable Debts**

Prompt and appropriate action will be taken in all cases to recover all sums overdue to the Council. However, in cases where payments are not forthcoming, and Officers are unable to trace the whereabouts of a Former Tenant, consideration shall be given to writing off the debt in accordance with financial regulations.

When a debt has been written off, it will no longer be shown as outstanding in the Council's accounts, however, the debt remains due to the Council in law and if the Tenant is subsequently traced, the debt will be re-instated.

### **13. Statute Barred**

Former Tenant Arrears are 'Statute Barred' after 6 years under the Limitation Act 1980. The six-year period will start from the last payment made or the last acknowledgement between the Council and the tenant. If no contact or payments are made within the 6-year period, the outstanding debt should be considered for 'write off' following this period.

### **14. Write-Off's**

Brentwood Borough Council will not write debts off without taking appropriate steps to recover them or without approval of the responsible officer. there are some circumstances where this will be appropriate:

- Where it is not economical to pursue the debt (typically this will be debts under £100).
- Tracing action has failed to find the debtor
- The External Debt Recovery Agents deem the debt irrecoverable
- The account is 'Statute Barred' (Debt over 6 years old)
- Debtor is overseas
- Recommended by management
- Bankruptcy. Individual Voluntary arrangement. Liquidation. Debt Relief Order.
- Where one partner has left the tenancy due to domestic violence (the victim will not be pursued)
- Debtor is serving a Custodial Sentence
- Vulnerable / Hardship
- Local Authority error
- Deceased (No funds in the estate)

Should an account be written off, it is possible to reactivate if the Council subsequently trace the customer, or if the customer approaches the Council e.g. in the case of a future application for rehousing.

The write off process is undertaken on a regular basis and is considered prudent financial management.

#### **14.1 Authorisation for Write-off's**

**Debts not exceeding £100 (including aggregated debts for one debtor)**

Where the debt is not greater than £100 and normal recovery procedures have failed to secure payment and the debt is deemed to be uncollectable or uneconomic to pursue further, the delegated authority to approve write offs lies with the Housing Principal Officer.

**Debts greater than £100 but not exceeding £10,000 (including aggregated debts for one debtor) (and for all credit balances)**

Where the debt is greater than £100 but no greater than £10,000, and normal recovery procedures have failed to secure payment and the debt is deemed to be uncollectable, the delegated authority to approve write offs lies with the Section 151 Officer or their Deputy. The above procedures will also apply to how credit balances are treated; irrespective of the amount involved.

**Debts of £10,000 and over (including aggregated debts for one debtor)**

For the write off of debts £10,000 and over, it will require a full report to be submitted by the relevant council Committee for approval. Once authority has been given by the Committee, the Corporate Debt Manager will be notified that the debt can be written off

**15. Performance Monitoring**

The Debt Recovery Officer will receive variation reports to monitor the overall level and trends in former tenant rent arrears.

**16. Confidentiality**

To maintain confidentiality Former Tenant rent arrears will not be discussed with third parties except:

- With the written permission of the Tenant.
- A Representative of a Deceased
- To the Tenant's solicitor.
- The Council's Solicitor.

**17. Review**

The Debt Recovery Policy and Procedures will be reviewed on an annual basis to ensure it remains relevant in accordance with other service policies.



**20<sup>th</sup> November 2018**

## **Policy, Projects & Resources Committee**

### **2018/19 Medium Term Financial Plan Mid-Year Review**

**Report of:** *Jacqueline Van Mellaerts – Interim Chief Finance Officer*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The Medium-Term Financial Plan (MTFP) sets out the key financial management principles and budget assumptions. It is then used as the framework for the detailed budget setting process to ensure that the Council's resources are managed effectively in order to meet its statutory responsibilities and deliver the priorities of the Council, over the medium term.

#### **2. Recommendations**

- 2.1 **Agree the Revised General Fund Position as shown in Table 7.**
- 2.2 **Agree the current Capital Programme position as shown in Table 8.**
- 2.3 **Agree the current HRA position as shown in Table 10.**
- 2.4 **To Note the Treasury Management Activity and agree the Revised Minimum Revenue Provision (MRP) Policy.**

### 3. Introduction & Background

- 3.1 On 6th March 2018 at Ordinary Council, the Medium-Term Financial Plan was approved and the budgets for General Fund, HRA and Capital Programme were set for 2018/19 – 2020/21.
- 3.2 On the 19th June 2018 at Policy, Project and Resources Committee revised working balance positions were reported following the 2017/18 outturn, and the capital programme was amended for carried forwards/slippage to specific projects.

### 4. General Fund

- 4.1 The General Fund Revenue position as approved on 6th March 2018 and the revised carry forward working balances as at 19th June 2018 are outlined in Table 1.

**Table 1 – General Fund Revenue Revised Position as at 6 March 2018 with revised carry forward working balances.**

	<b>2017/18 Actual £'000</b>	<b>2018/19 Budget £'000</b>	<b>2019/20 Budget £'000</b>	<b>2020/21 Budget £'000</b>
<b>Total General Fund Net Expenditure</b>	9,747	8,940	8,864	8,638
<b>Total Funding</b>	(9,660)	(8,940)	(8,479)	(8,339)
<b>Funding Gap</b>	<b>87</b>	<b>0</b>	<b>385</b>	<b>299</b>
<b>Working Balance b/fwd</b>	<b>3,742</b>	<b>3,305</b>	<b>3,305</b>	<b>2,920</b>
<b>Less: - Funding Gap</b>	87	0	385	299
<b>Earmarked for WHW</b>	350	0	0	0
<b>Working Balance c/fwd</b>	<b>3,305</b>	<b>3,305</b>	<b>2,920</b>	<b>2,621</b>

- 4.2 This position is an indication of what the Council has achieved since March 2016, when original 2018/19 closing working balances were predicated to be negative balances of £303k, compared to the above table that is now showing just over £3m, and within minimum reserve levels.
- 4.3 This position also highlights, the challenges in which the Council still faces, if no further action is taken to reduce the funding gap.

### **Finance Settlement**

- 4.4 As detailed information on funding will not be available till early December 2018, the funding assumptions are as per those reported at the budget setting meeting on 6th March 2018. These are detailed in the paragraphs below.

### **Revenue Support Grant**

- 4.5 As announced in December 2015, Revenue Support Grant (RSG) will be phased out entirely by 2019/20.
- 4.6 The RSG allocations previously announced at 2016/17 are unchanged. Brentwood from 2018/19 no longer receives the Revenue Support Grant, however in making the reductions to RSG, the top up/tariff adjustments hit high tax base/high rate authorities. For 2018/19 the settlement announcement removed the negative RSG from 2018/19 allocation but left the 2019/20 allocation ongoing, following a consultation.
- 4.7 A technical consultation took place in the Summer this year. Its scope included 'negative RSG' and the results will inform the 2019/20 Government Finance Settlement in December 2018, ensuring there is a fair and affordable option for dealing with negative RSG.
- 4.8 Pending the outcome of the consultation, currently it is assumed that for 2019/20 onwards there is negative RSG of £370k.

### **Business Rate Retention**

- 4.9 The Council is currently part of the Essex Wide Pool for Business Rates, the pool will consist of fifteen Essex local authorities including Essex County Council, Essex Fire Authority, one unitary and twelve Borough and District Councils. By pooling, any levy payments that would have been made to Central Government in relation to business rate growth can be saved and distributed to the members of the Pool. No additional income was budgeted into the base for 2018/19 due to the uncertainty of the surplus that could be received. Currently projections, estimate £140k. Table 2 highlights the performance of being in the pool.

**Table 2 – Business Rate Pool Performance**

<b>2015/16 Actual £'000</b>	<b>2016/17 Actual £'000</b>	<b>2017/18 Actual £'000</b>	<b>2018/19 Forecast £'000</b>
<b>0</b>	<b>163</b>	<b>310</b>	<b>140</b>

- 4.10 On 18<sup>th</sup> September 2018, The Council agreed to be part of a pilot “pool” submitted to DCLG by Essex County Council, for 75% Business Rates Retention in 2019/20, The outcome of the pilot bid is yet unknown, so no adjustments have been made to the medium-term financial plan. The Council is expected to find out whether the Essex wide bid is successful before the Finance settlement is announced.
- 4.11 Within the business rates retention system, the NNDR baseline and top up/tariff amounts have been amended to reflect Revaluation 2017. The adjusted amounts are intended to make changes in Rateable Value revenue neutral for individual authorities; with changes to authorities’ NNDR Baseline (and therefore tariff/top up) being equal and opposite to the forecast change in the ability to raise business rates locally, i.e. with effect from 2019/20 the Council will have a negative RSG allocation. The Government will claw back this negative allocation from us by increasing the tariff that the Council pays on its retained Business Rates.
- 4.12 The Business Rates retention figure in the MTFP represents the Council’s share (40%) of the total amount collected from local businesses, less a tariff payment to central government. The estimated amount for 2018/19 is outlined in Table 4. It is assumed that we will retain a similar amount in future years. These amounts include a provision for losses resulting from any successful appeals by rate payers against the rateable value of their properties. Appeals are dealt with by the Valuation Office Agency and their success or failure is beyond the Council’s control.

#### **2020/21 75% Business Rates Retention**

- 4.13 The Business Rate Retention Scheme (BRR) commenced in 2013/14 and has increasingly been regarded as the core source of direct Government funding within its Settlement Funding Assessment (SFA). The BRR system is intended to see a simplification of council funding arrangements and to incentivise councils to encourage economic growth in their areas. In return, this would improve the business rates collectable and therefore the funding retained locally through the funding arrangements
- 4.14 The current BRR scheme (Business Rate Retention), allows only 50% of business rate income to be retained by local government. In the 2018/19 Finance Settlement, it was announced to change this retention to 75% from April 2020.
- 4.15 Currently it is too early to estimate the impact on the 2020/21 budget regarding the move to 75% Business Rates Retention. The move to 75% Business Rates Retention is one of three strands of funding reforms, the other two strands being the Fair Funding Review and the resetting of the

Business Rates Baseline. These strands of works are ongoing, and much is still unknown about the new system that will operate from April 2020, including the transitional arrangements from the current system to the new system. The other unknown factor is next year's Spending Review, which will determine the overall funding to be allocated to local government.

### **New Homes Bonus Grant**

- 4.16 The New Homes Bonus was introduced from 2011/12 as a financial incentive and reward for housing growth. The grant is based on a national average Council Tax value of additional homes including any properties brought back into use. There is also an additional premium for affordable homes. The Bonus Grant was intended to be payable for 6 years.
- 4.17 However, changes were announced in the 2017/18 Provisional Local Government settlement, which are that the number of years that the scheme will be based upon reduced from 6 years in 2016/17 to 5 years in 2017/18 and 4 years from 2018/19 onwards. The scheme will now also only reward growth in homes above 0.4% per annum.

**Table 3 – New Homes Bonus Grant Profile**

	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	Est £'000	Est £'000
Yr 1	255	255	255	255	255	255				
Yr 2		214	214	214	214	214				
Yr 3			330	330	330	330	330			
Yr 4				416	416	416	416			
Yr 5					241	241	241	241		
Yr 6						167	167	167	167	
Yr 7							1	1	1	1
Yr 8								1	1	1
Yr 9									1	1
<b>TOTAL</b>	<b>255</b>	<b>469</b>	<b>799</b>	<b>1,215</b>	<b>1,456</b>	<b>1,623</b>	<b>1,155</b>	<b>410</b>	<b>170</b>	<b>3</b>

### **Government Funding**

- 4.18 A table summarising the Medium-Term Financial Plan's Expected Government funding is shown in Table 4.
- 4.19 Figures for 2021/22 are still indicative and will become clearer, once the Finance Settlement is announced in December. They have been forecasted based on the Information that is currently known.

**Table 4 – Government Funding Expected**

	<b>2018/19 Estimate £'000</b>	<b>2019/20 Estimate £'000</b>	<b>2020/21 Estimate £'000</b>	<b>2021/22 Indicative £'000</b>
Revenue Support Grant	Nil	Nil	Nil	Nil
Tariff/Top-Up Adjustment	Nil	(370)	(370)	(370)
Business Rates Retention	2,200	2,200	2,200	2,200
New Homes Bonus	410	170	3	0
<b>TOTAL</b>	<b>2,610</b>	<b>2,000</b>	<b>1,833</b>	<b>1,830</b>

- 4.20 Since 2015/16 Government Funding including Business Rates Retention has reduced by £2.586m which is a clear indication of why the Council continues to face the present Funding Gap. Funding in 2015/16 totalled £4.586m.

**Planning Assumptions for 2019/20 to 2021/22 Pay Awards (Inflation)**

- 4.21 For financial planning purposes a 1% increase has been included for 2018/19 onwards.

**Current in Year Pressures**

- 4.22 The current pressures for the Medium-Term Financial Plan are outlined in Table 5.
- 4.23 These in year pressures are taken from the forecasted position as at 31<sup>st</sup> October 2018 of budgeted monitoring.

**Table 5 – Current Pressures**

<b>Description</b>	<b>2018/19 Estimated Outturn £'000</b>	<b>2019/20 Forecast £'000</b>	<b>2020/21 Forecast £'000</b>	<b>2021/22 Forecast £'000</b>
Operational Service Review	118	0	0	0
Additional Lease Income	95	95	0	0
Premises Related Expenditure	22	22	22	22
Transport Related Expenditure	56	0	0	0
Interest Payable	112	112	112	112
Grants & Reimbursement	83	83	83	83
Parking Income	175	150	125	100
Fees & Charges	108	80	60	40
Council Tax Sharing Agreement	0	20	40	40
<b>TOTAL</b>	<b>769</b>	<b>562</b>	<b>442</b>	<b>397</b>

- 4.24 Operational Service Review: saving £350k, work has progressed in making savings, however as the review was implemented half way through this financial year, not all the savings will be achieved.
- 4.25 Additional Lease Income: the delay to the legalities of this has resulted in no additional income expected for 2018/19 or the following financial year.
- 4.26 Premises Related Expenditure: Increase in utility costs for Council Assets.
- 4.27 Transport Related Expenditure: due to the service review being implemented halfway through the year, new vehicles have not been procured. Therefore, maintenance to existing fleet has increased for this year.
- 4.28 Grants & Reimbursement: Amount received per tonne on most recycling has dramatically reduced.
- 4.29 Income Fees & Charges: This takes account of Golf Course not expecting to achieve its target due to an exceptionally dry summer, cemeteries and Community Alarm Income decreasing due to the loss of funds from ECC. Officers are looking into ideas to generate more income in these areas in order to achieve future targets.

- 4.30 Parking Income: Work on improving the MSCP has resulted in the closure of floors, in addition Hunters & Friars car park was not returned to the Council at the beginning of the financial year from Crossrail as assumed, so charging on these car parks have been delayed.
- 4.31 Council Tax Sharing Agreement: Essex County Council to decrease the share in the Council Tax arrangement by 2% and then a following 2%. This reduction applies to all authorities.

**Current in Year Funding/anticipated savings**

- 4.32 The current increase in funding and anticipated savings are outlined in Table 6

**Table 6 – Increase in Funding/Anticipated Savings**

	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Increase in Council Tax Base (assumes no increase in Council Tax)	0	(20)	(20)	(20)
Pension Deficit Funding	(182)	(182)	(182)	(182)
New Ways of Working	(72)	(72)	(72)	(72)
Interest Receivable	(119)	(119)	(119)	(119)
Minimum Revenue Provision (MRP)	(47)	(141)	(230)	(184)
Commercial Income	(62)	-	-	-
NNDR Pooling Income	(140)	-	-	-
<b>TOTAL</b>	<b>(622)</b>	<b>(534)</b>	<b>(623)</b>	<b>(577)</b>

- 4.33 Council Tax Base: It is estimated that the Council Tax base will increase by around 108 Band D equivalent properties above what was forecast for 2018/19. The impact of this will be an increase in income of around £20k to that already budgeted for in the MTFP report agreed on 6 March 2018., Future years Tax Base are then forecasted from this position.
- 4.34 Pension Deficit Funding: The organisation has naturally decreased in size, with the successful shared service and managed services, and the council's pension strain has decreased to reflect this.
- 4.35 New Ways of Working Initiatives: moving out the Town Hall has encouraged officers to think alternatively to how they work, this has resulted in cost savings, on postage, printing & stationary and computing.
- 4.36 Interest Receivable: Return on Investments and Loans to SAIL.



- 4.37 MRP: Revision of the Minimum Revenue Provision calculation has resulted in a saving against the General fund. More details can be found in Section 7 of this report.  
To note: MRP for future years will change depending on the future capital program, once growth bids are reviewed. Therefore, MRP and its impact on the General Fund budget will be revisited as part of budget setting and reported to Policy, Projects and Resources.
- 4.38 Commercial Income: Success of setting up Seven Arches Investment Limited as resulted in the Council being able to provide services for SAIL and charge competitive market rates for this work.
- 4.39 NNDR Pooling Income: The Council is currently part of the Essex Wide Pool for Business Rates. No additional income was budgeted for into the base of 2018/19 due to the uncertainty of the surplus that could be received. This is reflected by the low growth within business rates. One reason behind the decline in growth is due to offices being converted into residential properties. Therefore, it is not proposed to budget for future NNDR pooling income. However current projections of the pool are estimated for 2018/19.
- 4.40 VAT: Currently the Council has submitted a Sports claim to HMRC of £541,657. This is expected to be settled and after costs the Council could potentially receive £430k. Timings however are unknown, when the claim is settled the receipt will be earmarked to the Council's Funding Volatility reserve due the Council facing ongoing funding pressures.

### Summary on General Fund

- 4.41 Table 7 shows the impact on the original funding position together with the updated information identified through the mid-year budget review process.

**Table 7 – Revised General Fund Medium Term Financial Position**

	<b>2018/19 Estimated Outturn £'000</b>	<b>2019/20 Budget £'000</b>	<b>2020/21 Budget £'000</b>	<b>2021/22 Budget £'000</b>
<b>Total Net Forecast Spend</b>	8,940	8,864	8,638	8,638
<b>Total Funding</b>	(8,940)	(8,479)	(8,339)	(8,339)
<b>Original Baseline Funding Gap</b>	<b>0</b>	<b>385</b>	<b>299</b>	<b>299</b>
Current Pressures	769	562	442	397
Funding/Anticipated Savings	(622)	(534)	(623)	(577)
<b>Total Funding Gap</b>	<b>147</b>	<b>413</b>	<b>118</b>	<b>119</b>
<b>Working Balance b/fwd</b>	<b>3,305</b>	<b>3,158</b>	<b>2,745</b>	<b>2,627</b>
<b>Less: Total Funding Gap</b>	147	413	118	119
<b>Working Balance c/fwd</b>	<b>3,158</b>	<b>2,745</b>	<b>2,627</b>	<b>2,508</b>

- 4.42 Table 7 identifies a potential funding gap of around £650k over the next 3 years. Based on current funding and operational costs the Council continues to develop both medium- and longer-term strategy to reduce costs and generate significant income to the Council in order to bridge the funding gap. Additional details will be brought to future Policy, Projects and Resources Committee.
- 4.43 The Council will have to use working balances in order to bridge this funding gap. Based on the current projections the Council will remain within the minimum reserve level of £2.2m by 2021/22.

### Working Balances and Reserves

- 4.44 A minimum General Fund Working Balance of £2.2m has been agreed. In accordance with best practice, an annual risk assessment will be undertaken to check the level required for 2019/20. Due to the size of the gap it is likely savings will continue to be developed throughout 2019/20 to reduce the draw down from working balances.

4.45 In addition to General Fund Working Balance, the Council keeps a number of earmarked Reserves on the Balance Sheet. These Reserves are required in order to comply with accounting practice, whilst others have been created to earmark resources for known predicted liabilities. The Balance of these Reserves as at 1 April 2018 was £4.9m and a full list can be found in the Statement of Accounts 2017/18. The estimated position for these reserves as at 31<sup>st</sup> March 2018 are:

- Organisational Transformation - £817k
- Earmarked Specific Grants - £1.551m
- Funding Reserves - £801k
- Service Area Reserves - £627k
- Trading Account Reserves - £14k

## **5. Capital Programme**

5.1 The capital programme was agreed on 6th March 2018. This was subsequently updated with carry forwards from 2017/18 outturn, which were agreed on 19th June 2018.

5.2 The revised capital programme including the changes above is shown in Table 8

**Table 8 – Revised Capital Programme**

<b>Description</b>	<b>2018/19 Budget £'000</b>	<b>2018/19 Estimated Outturn £'000</b>	<b>2019/20 Budget £'000</b>	<b>2020/21 Budget £'000</b>
Town Hall Remodelling	5,205	5,205	3,919	-
Asset Development program	919	100	6,042	5,000
Memorial Wall	100	100	-	-
Vehicle & Plant Replacement Programme	791	300	175	-
King Edward Road Development	500	0	-	-
Disabled Facilities Grant	250	250	250	250
Warley Playing Fields – Sports Pavilion	170	0	-	-
Play Area Refurbishments	151	155	-	-
Warley Park – S106	125	125		
Multi Storey Car Park	1,900	1,750	-	-
ICT Services	250	250	125	100
Car Park Improvements	10	10	-	-
Borrowing to SAIL	30,000	6,000	-	-
Parks Infrastructure Improvements	125	125	-	-
Cemetery Infrastructure Improvements	191	120	-	-
Environment – incl incursion defences	49	49	-	-
Equipment Purchases	41	25	-	-
Renaissance Group	39	39	-	-
Cemetery Headstones	35	17	-	-
Home Repair Assistance Grant	30	5	30	30
Irrigation to Golf Course	29	29	-	-
Highways Match Funding	0	100	-	-
CCTV System Upgrade	16	16	-	-
<b>TOTAL GENERAL FUND</b>	<b>40,926</b>	<b>14,770</b>	<b>10,541</b>	<b>5,380</b>
HRA Decent Homes	3,115	2,306	1,021	1,520
HRA Affordable Housing	2,832	2,832	7,310	1,730
HRA Parking Spaces	25	0	-	-
<b>TOTAL HRA</b>	<b>5,972</b>	<b>5,138</b>	<b>8,331</b>	<b>3,250</b>
<b>TOTAL CAPITAL PROGRAMME</b>	<b>46,898</b>	<b>19,908</b>	<b>18,872</b>	<b>8,630</b>

5.3 Any final Slippage to the projects that is required, will be reviewed and funded from Capital Receipts as originally budgeted.

- 5.4 As the Town Hall development is well underway, it is possible that the budget for 2019/20 may need to be brought forward into 2018/19. Cashflows and forecasts are currently being worked on by officers and external project managers to determine whether the budgeted funds need to be released early, as the project remains on time and the majority of work should be completed by March 2018.
- 5.5 The ADP (Asset Development Program) is regularly reported to PP&R. Based on the current program, the ADP budget now needs re-profiling to meet the needs of the program.
- 5.6 New capital bids received from service managers are currently being reviewed and will be included in the MTFP in the final Budget report in March, which will in turn populate forecasts for 2019/20-2021/22.

#### **Capital Sources of Funding**

- 5.7 General Fund and HRA Capital Expenditure shown above is financed by the table below.

**Table 9 – Capital Sources of Funding**

	<b>2018/19 Estimate Outturn £'000</b>	<b>2019/20 Budget £'000</b>	<b>2020/21 Budget £'000</b>
General Fund	14,770	10,541	5,555
HRA	5,138	8,331	3,250
<b>Total capital expenditure</b>	<b>19,908</b>	<b>18,872</b>	<b>8,630</b>
Financed by:			
Capital Receipts (GF)	(3,392)	(330)	(130)
Capital Receipts (HRA)	(850)	(2,193)	(519)
Revenue contributions (HRA)	(1,982)	(5,117)	(1,211)
Government grants	(250)	(250)	(250)
S106 agreements (GF)	(260)	0	0
HRA business plan	(2,306)	(1,021)	(1,520)
Borrowing (Internal & External)	(10,868)	(9,961)	(5,000)
<b>Total Financing</b>	<b>(19,908)</b>	<b>(18,872)</b>	<b>(8,630)</b>

- 5.8 Capital receipts Reserve as at 31<sup>st</sup> March 2018 was £3.392m for General Fund and £3.320m for HRA. With the current capital programme, the council will see a reduction in capital receipts, which would lead to borrowing for any future schemes.

## 6. Housing Revenue Account

- 6.1 On 6th March 2018 at Ordinary Council, The Housing Revenue Account was set with a 2018/19 surplus of £116k.
- 6.2 On the 19<sup>th</sup> June 2018, Policy, Finance and Resources Committee reported the 2017/18 Housing Revenue Account outturn as a surplus of £494k. This has led to carried forward working balance of £2.041m.
- 6.3 The Revised position for the Housing Revenue Account is shown in Table 10.

**Table 10 – Housing Revenue Account Position**

	<b>2018/19 Revised</b>	<b>2019/20 Estimated</b>	<b>2020/21 Estimated</b>	<b>2021/22 Estimated</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Total Housing Service Expenditure</b>	<b>8,568</b>	<b>8,543</b>	<b>8,710</b>	<b>8,903</b>
<b>Total Housing Service Income</b>	<b>(13,031)</b>	<b>(12,966)</b>	<b>(13,504)</b>	<b>(13,773)</b>
<b>Non-Service Costs</b>	<b>4,454</b>	<b>7,594</b>	<b>3,707</b>	<b>3,917</b>
<b>Appropriations</b>	<b>0</b>	<b>(2,877)</b>	<b>1,000</b>	<b>500</b>
<b>(Surplus)/Deficit for HRA</b>	<b>(9)</b>	<b>294</b>	<b>(87)</b>	<b>(453)</b>
<b>Working Balance b/fwd</b>	<b>2,041</b>	<b>2,050</b>	<b>1,756</b>	<b>1,843</b>
<b>(Surplus)/Deficit for HRA</b>	<b>(9)</b>	<b>294</b>	<b>(87)</b>	<b>(453)</b>
<b>Working Balance c/fwd</b>	<b>2,050</b>	<b>1,756</b>	<b>1,843</b>	<b>2,296</b>

- 6.4 Overall the Housing Revenue Account expected to change from the Original budgeted surplus position for 2018/19 to small surplus position.
- 6.5 Current Pressures include:
- Rise in premises costs, including electricity, gas, insurance and Council Tax totalling £83k.
  - Increase to Software licences this includes the purchases of additional software. In addition, inflation on current costs are higher than the budgeted 2%.
  - Increase costs to sheltered security to ensure compliance £27k.

- Additional Costs of procuring a new Repairs & Maintenance contract of £35k to begin in June 2019. The cost of this contract will be fed into the budget, once the procurement concludes in December 2018.
  - Increase to Bad debt of £20k as arrears increase.
  - HRA income £65k, loss of Supporting People Grant and long-term voids and right to buy factor decrease income collectable.
- 6.6 Current Savings include:
- Vacancy Factor £79k, vacancies within Caretaking and Sheltered Schemes are being trialled to determine the structure required to deliver services to tenants
  - Interest and Debt management charges £73k, transfer of shops to the General Fund also transfers the PWLB debt that finances these shops. Therefore, interest payable is due by the General Fund.
  - Payments to the Pension Fund £100k, with current vacancies and in line with 2017/18 actual, pension strain on the HRA has decreased.
- 6.7 It is also assumed, that from 2020/21 Rents could increase by CPI plus 1%, after the 4-year agreement has ceased to reduce by 1%.
- 6.8 For 2019/20 the main reason for the deficit is due to the increase in revenue contribution to the development of affordable housing in the capital program. Currently the HRA Business plan assumes that the HRA does not need to borrow to fund capital schemes.
- 6.9 On 29<sup>th</sup> October, the Budget announcement confirmed that the Housing Revenue Account borrowing cap has been abolished completely with immediate effect. As a result, local authorities are now able to borrow for housebuilding in accordance with the Prudential Code.
- 6.10 As the HRA Business Plan is developed, the removal of the borrowing cap will be considered when reviewing the capital program needs for the HRA and for the development of Affordable Housing in the Borough. This will be reported back to the next Policy, Projects and Resources Committee.

## **7. Treasury Management Update 2018/19 and Minimum Revenue Provision Policy Update**

7.1 This section of the report provides an update on treasury management and is a follow-up to two previous reports: -

- a) Ordinary Council 27 June. This report proposed the total £30m loan draw down facility to Seven Arches Investments Ltd (SAIL) and set out the changes required to the capital and treasury prudential indicators
- b) Policy, Projects & Resources Committee 18 September. This report gave an update on investment and borrowing activity.

### **Capital Programme and Capital Financing**

7.2 This is covered in section 5 of this report.

### **Borrowing**

7.3 The Council currently has external debt of approximately £61.0m represented by £59m HRA borrowings and £2m historic general fund borrowing. There are no plans to undertake any rescheduling of this debt during 2018/19.

7.4 The capital programme over the three years to 31 March 2022 assumes an external borrowing requirement of approximately £39.0m, which would increase total external borrowing to £100m. Most of this new borrowing is to fund the Council's lending to SAIL.

7.5 Ordinary Council on 27 June approved the changes resulting from this additional borrowing to the following prudential indicators:

- a) the Capital Financing Requirement (the Council's underlying need to borrow for capital purposes)
- b) the Operational Boundary (the amount which borrowing would not normally be expected to exceed)
- c) the Authorised Limit (the maximum amount that the Council is permitted to borrow).

The revised amounts for 2018/19 are: -

• Capital Financing Requirement	£109.526m
• Operational Boundary	£114,526m
• Authorised Limit	£117.526m



7.6 The options for sourcing this new borrowing are: -

- Public Works Loans Board
- Other local authorities
- Other market lenders (such as the UK Municipal Bonds Agency)

7.7 The Interim Chief Finance Officer is developing a borrowing strategy with input from Link Asset Services, the Council's treasury advisors. This strategy will cover borrowing sources, the timing of the borrowing and the mix of loans.

### **Minimum Revenue Provision Policy**

#### **Background**

7.8 The Council is required by the Capital Finance and Accounting Regulations 2008 to determine for each financial year a level a provision for the repayment of debt liability that it considers to be prudent. This is known as the Minimum Revenue Provision (MRP).

7.9 The Council's MRP policy for 2018/19 was approved at Council on 6 March 2018 and is as follows:

#### **Current Minimum Revenue Provision Policy 2018/19**

1. For capital expenditure incurred before 1 April 2008, minimum revenue provision will be provided for in accordance with existing practice outlined in the 2003 Capital Financing Regulations, which provides for an approximate 4% reduction in the borrowing need each year.
2. For all unsupported borrowing from 1 April 2008, MRP will be based on the estimated life of the assets, which provides for a reduction in the borrowing need over the assets' lives.

7.10 The Council has commissioned its treasury advisors, Link Asset Services, to carry out a review of the Council's MRP policy. The purpose was to identify any scope to vary the MRP in order to ease the current pressure on the revenue budget, whilst ensuring that the provision remains prudent and compliant with statutory guidance.

7.11 As a result of the review, Link Asset Services have recommended that the Council approves the following revised MRP policy to be applied from 2018/19.

## **Reasons for the change**

### **7.12 Debt Liability pre-1 April 2008**

The Council's historic, pre-1 April 2008 debt liability for MRP purposes is £3.157m. The Council currently charges 4% on this liability on a reducing balance basis. The draw back to this method is that it will take in excess of 100 years to fully provide for the debt liability, thereby creating a burden for future generations of Council Tax payers.

- 7.13 Applying a 2% charge on a straight-line basis would have the effect of reducing the debt liability to a fixed life of 50 years. The new method is a fairer and more prudent approach than the current method, as it reduces the burden on future generation and introduces a more certain period for spreading the cost of this debt liability.

### **7.14 Debt Liability 1 April 2008 onwards**

The Council's debt liability from 1 April 2008 stood at £4.389m at the start of the current financial year. This includes £3.256m debt liability in respect of the shops transferred from the HRA to the General Fund in 2017. Unlike the pre-1 April 2008 debt liability, this amount is subject to increase in the future if new borrowing is taken out.

- 7.15 The MHCLG guidance states that the asset life method, can be applied over the lives of the assets either on a straight- line basis or by using the annuity method. The annuity method produces a lower charge in the earlier years and a higher charge in later years. This method has the advantage of linking MRP to the flow of benefits from an asset where the benefits are expected to increase in later years. It also provides a fairer charge than equal instalments as it takes account of the time value of money.

## **Financial Impact**

### **7.16 Debt Liability 1 April 2008**

Adopting the straight-line method would produce an annual MRP charge over 50 years of £0.063m. The following table compares the charges resulting from the revised method against the charges using the current method over the next five years:

<b>Year</b>	<b>Current method</b>	<b>Revised method</b>	<b>Difference</b>
	£000	£000	£000
2018/19	126	63	-63
2019/20	116	63	-53
2020/21	112	63	-49
2021/22	107	63	-44
2022/23	103	63	-40

7.17 The new approach would produce a lower MRP charge up to 2035/36 and a higher MRP charge up to 2067/68.

7.18 Over the 50-year period the overall cost to the General Fund would be £0.410m higher in cash terms, but £0.167m lower in real terms i.e. when the time value of money is taken into account.

7.19 Debt Liability 1 April 2008 onwards

Adopting the annuity method over an asset life of 70 years would produce an MRP charge for 2018/19 of £0.033m, gradually rising over the 70-year period. The following table compares the charges resulting from the annuity method against the charges using the current method over the next five years:

Year	Current method	Revised method	Difference
	£000	£000	£000
2018/19	73	33	-40
2019/20	73	34	-39
2020/21	73	35	-38
2021/22	73	35	-38
2022/23	73	35	-38

7.20 The new approach would produce a lower MRP charge up to 2035/36 and a higher MRP charge up to 2067/68. The charge to the General Fund is the same over the 70-year period in cash terms, but £0.332m lower in real terms.

7.21 Combined impact and use of MRP overprovision

The following table shows the combined impact of the above changes. There would be an annual MRP charge of £0.096m, rising to £0.098m in 2022/23.

Year	Current methods	Revised methods	Difference
	£000	£000	£000
2018/19	199	96	-103
2019/20	189	96	-93
2020/21	185	96	-89
2021/22	180	96	-84
2022/23	176	98	-78

7.22 The Council's external auditors in 2010/11 determined that the Council overprovided MRP between 2003/04 and 2010/11. At the request of the auditors, the Council agreed to treat the overprovision as voluntary set-aside, i.e. an additional provision over and above what was deemed prudent at the time. The amount of the overprovision was £1.269m, and since 2010/11 the Council has used £0.94m of this amount to offset MRP.

This leaves a residual overprovision of £0.345m that the Council can use to offset future MRP.

- 7.23 The MRP charges between 2018/19 and 2020-21, totalling £0.288m, can be offset against the £0.345m overprovision, meaning that there will be no actual charge to the General Fund in those years. There would be a £0.039m charge to the General Fund in 2021/22, and a full charge of £0.98m in 2022/23.

#### **Debt liability pre-1 April 2008 - residual liability**

- 7.20 A feature of the method for calculating the MRP on the debt liability pre-1 April 2008 was the introduction of an adjustment known as Adjustment A. This was introduced as part of the revised system of capital controls that came into effect from 1 April 2004. It represents the difference between the Capital Financing Requirement balance under the new system and the pre-April 2004 credit ceiling. Its purpose was to ensure that Authorities were no worse off under the new system than under the previous credit ceiling.
- 7.21 The Council's Adjustment A is £4.619m. Its significance is that the Council is only required to repay the credit ceiling amount and there is no requirement to provide for the difference, i.e. the Adjustment A amount. The outcome is that means that the Council will have a residual debt liability of £4.619m at the end of 100+ years if it keeps to the current method, or at the end of 50 years if it switches to the new method.
- 7.21 The Council could choose to make additional provision for this debt if it wanted to fully clear its debt liability. To provide for this debt over 50 years on a straight-line basis would cost an additional £0.092m per year. It is not considered necessary to make this additional provision at this point in time, but this will be kept under review for future years.

### **8. Reasons for Recommendation**

- 8.1 Effective financial management underpins all of the priorities for the Council and will enable the Council to operate within a sustainable budget environment.

### **9. Consultation**

- 9.1 None

## **10. References to Corporate Plan**

- 10.1 The Medium-Term Financial Plan is linked to achieving the vision in the corporate plan.

## **11. Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Van Mellaerts, Interim Chief Finance Officer

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- 11.1 The financial implications are set out in the report.

### **Legal Implications**

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

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

- 11.2 There are no direct legal implications arising from this report.

### **Other Implications - Risk Management**

- 11.3 Finance Pressures is an existing Risk on the Council Strategic Risk register. The outcome of this Mid-year Review has not altered the current risk rating of this specific risk, which is currently set at the highest level.

## **12. Background Papers**

- 12.1 Budget Report approved 6 March 2018

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

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.



## **Policy, Projects & Resources Committee**

1. The function within the remit of the Policy, Projects and Resources Committee include all financial matters relating to the budget, (and for avoidance of doubt, being the superior Committee on all such matters including capital, revenue and the Housing Revenue Account (HRA) except where the law otherwise requires), and without prejudice to the generality of this, include the specific functions which are set out below.

### Policy

To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

### Finance

- 1) Financial Services
  - 2) Contracts, commissioning, procurement
  - 3) Legal services
  - 4) Health and safety at work (in so far as it relates to the Council as an employer)
  - 5) Corporate communications and media protocols
  - 6) Corporate and Democratic services
  - 7) Member Development
  - 8) Human resources
  - 9) Information Communication Technology
  - 10) Revenues and Benefits
  - 11) Customer Services
  - 12) Assets (strategically)
2. Overall responsibility for monitoring Council performance.
  3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.
  4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
  5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
  6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.
  7. To approve the write off of any outstanding debt owed to the Council above the delegated limit of £5,000.

8. To determine capital grant applications.
9. To make recommendations on the allocation and use of resources to achieve the council's priorities.
10. To manage and monitor the Council approved budgets.
11. To provide the lead on partnership working including the joint delivery of services.
12. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
13. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following-

The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.
- (c) Promoting the use of Council owned assets by the local community and other interested parties.
- (d) To manage any lands or property of the Council;
- (e) To include properties within the council's Asset Management Portfolio including Halls etc.
- (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
- (g) To review the corporate Asset Management Plan annually.
- (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
- (i) Disposal of land surplus to the requirements of a committee.
- (j) Appropriation of land surplus to the requirements of a committee.
- (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.

- (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
  - (m) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
  - (n) Promoting a culture of entrepreneurialism and building the required skills and capacity.
  - (o) To consider and approve business cases and commercial business plans for commercial activity.
14. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

#### Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.
- (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
- (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
- (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
- (e) To develop and deliver a Borough wide initiative on apprenticeships.
- (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
- (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
- (h) To maintain a special interest in promoting employment in the Borough.
- (i) To promote and encourage tourism and heritage.

(j) Parking (off street parking provision in Council owned/leased off-street parking places).

(k) Crossrail

15. To consider a report from the Monitoring Officer at the beginning of the Municipal Year, for the Committee to appoint the membership of the Constitution Working Group, in order for the Monitoring Officer to consult with such Members on the regular review of the Constitution documentation in accordance with Article 12 of the Constitution during the year.

16. To review and facilitate the transformation of delivery of services.

#### Transformation

(a) To approve and facilitate the transformation of delivery of services.

#### Projects

(a) To identify, monitor and oversee the implementation of major Corporate projects.

(b) To advise the Audit & Scrutiny Committee of the major Corporate projects.