



Agenda

Policy, Projects and Resources Committee

Wednesday, 23 January 2019 at 7.00 pm

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

Membership (Quorum – 3)

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

Substitute Members

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

Agenda

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1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 14
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5.	Response to Highways England M25 Junction 28 Improvement Scheme Statutory Consultation, December 2018	All Wards	25 - 32

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| 6. | Safeguarding Report | All Wards | 33 - 102 |
| 7. | King George's Playing Fields
Report to follow. | All Wards | |
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| 10. | Parking Order London Road Cemetery | Brentwood West | 147 - 152 |
| 11. | Fees and Charges 2019/20 | All Wards | 153 - 168 |
| 12. | Urgent Business | | |



Chief Executive

Town Hall
Brentwood, Essex
15.01.2019

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

Information for Members of the Public

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

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

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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

 **Private Session**

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 **Evacuation Procedures**

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



Minutes

Policy, Projects and Resources Committee Tuesday, 20th November, 2018

Attendance

Cllr Mrs McKinlay (Chair)	Cllr Kendall
Cllr Kerlake (Vice-Chair)	Cllr Mynott
Cllr Barrett	Cllr Parker
Cllr Hirst	Cllr Ms Rowlands
Cllr Hossack	

Also Present

Cllr Bridge
Cllr Chilvers
Cllr Mrs Pound

Officers Present

Philip Ruck	-	Chief Executive
Zoe Borman	-	Governance and Member Support Officer
Steve Summers	-	Chief Operating Officer
Greg Campbell	-	Director of Operations
Phoebe Barnes	-	Principal Accountant
Jacqueline Van Mellaerts	-	Chief Financial Officer
Kim Anderson	-	Partnership, Leisure and Funding Manager
Chris Leslie	-	Executive Director of Commercial Services

204. Apologies for Absence

No apologies had been received.

205. Minutes of the Previous Meeting

The Minutes of the Policy, Projects and Resources Committee held on Tuesday 18th September 2018 were approved as a true record.

206. Chair's Update

The Chair answered questions posed by Members and advised that:

Advertising and images of the new Town Hall are currently being displayed on the Town Hall hoarding. Arrangements will be made for Members to look around the Town Hall once it is safe for them to do so, and Members will be updated on the organisations occupying Town Hall space.

Regarding parking on housing green spaces, Members had been invited to come forward with proposals in their ward. Any proposals should be directed to Mr Summers. Further detail would be worked up once the viability of proposed spaces have been considered.

207. Leisure Strategy - Brentwood Community Halls

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 set out the outcomes of that exercise and the recommendations for the next stage.

Cllr McKinlay **MOVED** and Cllr Hossack **SECONDED** the recommendations in the report.

Following a full discussion Cllr McKinlay accepted an amendment to recommendation 2.1 to read:

- 2.1 That Members agree that officers prepare documents and commence a compliant procurement exercise for the management of the Community Halls **and Ward Members be consulted on those halls within their ward.**

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

1. **That Members agree that officers prepare documents and commence a compliant procurement exercise for the management of the Community Halls and Ward Members be consulted on those halls within their ward; and**

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.**

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 any opportunities for improved 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 also sets out the need to maximise income where possible from its asset portfolio.

(Cllrs Rowlands and Kerlake declared a non-pecuniary interest as trustees of Brentwood Leisure Trust.)

208. Parking Order Report

This report seeks 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.

Cllr McKinlay **MOVED** and Cllr Hossack **SECONDED** the recommendations in the report.

Members raised concerns regarding clarity of the report.

Cllr McKinlay **AMENDED** the motion to move the recommendations in the report and **MOVED** a motion to **DEFER** the item. Cllr Kerlake **SECONDED** the motion.

A vote was taken by a show of hands and it was **RESOLVED** to **DEFER** the item.

(Cllr Barrett declared a pecuniary interest, and left the room, as he owns a property mentioned in the report.)

209. Woodland Management Grant

Members were reminded of the paper agreed by the Policy, Finance and Resources Committee (PFR) on 21st June 2016 Min where it was resolved:

That the Committee agreed 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.

That the Committee agreed that further opportunities to generate business and income are developed by a detailed business plan.

Following the agreement at PF& R Cttee on the 21st 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.

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.

This report asked members to confirm acceptance of the £46,000 grant and note the areas/woodland to be worked on over a 5-year period.

Cllr McKinlay **MOVED** and Cllr Parker **SECONDED** the recommendations in the report.

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

That the committee agreed 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.

Reasons for Recommendation

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

(Cllr Mynott declared a non-pecuniary interest as a Member of the Woodland Trust.)

210. Allotments

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.

Cllr McKinlay **MOVED** the recommendation in the report and added a further recommendation:

2.2 Delegated authority to agree the details be given to the Chief Executive in consultation with the Chair of the Committee and representatives of opposition parties should they wish to attend meeting with the Horticultural Societies.

Cllr Kerlake **SECONDED** the amendment

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

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'.

2. Delegated authority to agree the details be given to the Chief Executive in consultation with the Chair of the Committee and representatives of opposition parties should they wish to attend meeting with the Horticultural Societies.

Reasons for Recommendation

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.

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.

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.

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.

211. Brentwood Centre Plant Room Repairs

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

Cllr Hirst **MOVED** and Cllr Parker **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. 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. 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.**

Reasons for Recommendation

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

(Cllrs Rowlands and Kerlake declared a non-pecuniary interest as trustees of Brentwood Leisure Trust.)

212. Delegated Authority for Leases and Rents

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.

This restriction could affect the Council's ability to compete with other commercial letting agents in the market

Therefore, this report requested an increase and change to the delegated authority for leases to improve the effectiveness and competitiveness of the Council.

Cllr McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report with an amendment to add "and other group leaders"

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

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 and other group leaders to grant leases of up to £200,000 (excluding VAT) per year on properties leased at market value.

Reasons for Recommendation

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

213. 14 Ongar Road, Brentwood - New Letting

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

Cllr McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report.

Members asked if Mr Campbell could clarify the rent term following the meeting.

Following 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

To ensure that Brentwood Council continue to benefit from the rental income on this property.

To ensure that the property is maintained and kept in repair.

214. 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. This report provides an update on the work of the Asset Development Programme Project Board ("Project Board") to date.

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.

Approval for a property ownership transfer between Housing and General Fund is being sought, detailed in section 7.

Cllr McKinlay **MOVED** and Cllr Kerlake **SECONDED** the recommendations in the report.

Members expressed concern over the loss of this house from the Council's housing stock.

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

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

Reasons for Recommendation

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

215. Former Tenant Debt Recovery Policy

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

The Policy provided 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.

Cllr McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report.

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

1. Committee approved the Former Tenant Debt Recovery Policy as outlined in Appendix A.

Reasons for Recommendation

To ensure the Council is equipped in recovering Former Tenant Debts, reducing the pressure on the budget restraints.

To provide a robust procedure that meets government guidelines on the recovery of debt.

216. 2018/19 Medium Term Financial Plan - Mid Year Review

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.

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

A schedule omitted from the report was tabled at the meeting.

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

- 1. Agree the Revised General Fund Position as shown in Table 7.**
- 2. Agree the current Capital Programme position as shown in Table 8.**
- 3. Agree the current HRA position as shown in Table 10.**
- 4. To Note the Treasury Management Activity and agree the Revised Minimum Revenue Provision (MRP) Policy.**

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.

217. Urgent Business

There were no items of urgent business.

The meeting concluded at 20.15.

23rd January 2019

Policy, Projects and Resources Committee

Chair's Update Report

Report of: *Phil Ruck, Chief Executive*

Wards Affected: *All Wards*

This report is: *Public*

Welcome to a New Year and as we move forward in 2019, we continue with our ambitious projects, working within tight budgetary control and are well prepared for the challenges ahead.

This year, we have some major projects coming through including our Leisure Strategy, a new Repairs & Maintenance contract for housing, progressing the Local Development Plan, appointing a Joint Venture Partner for our Town Centre plans - and our move back into a newly refurbished, repurposed Town Hall.

Next Christmas might seem a long way off but I am pleased to report retailers and traders are already expressing interest in booking for the Lighting Up Brentwood and Shenfield events 2019. Lighting Up Brentwood had its best turn out to date with almost 15,000 celebrating the countdown to Christmas on Saturday 25th November. These events are much enjoyed by our residents and clearly boost trade in Brentwood and Shenfield. Officers are working on a broader sponsorship offering which will support business and generate revenue. Together with the Family Day events, Strawberry Fayre, and Brentwood Business Showcase 2019 we continue to create opportunities for our local economy to flourish and build their businesses.

Living in Brentwood is a highly desirable proposition and there can be no doubt that our green spaces and woodland are a major factor in this. We have a duty to protect and enhance our environment and I'm delighted that work is now underway to implement the 5-year management plan to maintain and protect our parks. This follows the receipt of a £46,000 Woodland Management Grant. Financed by the Forestry Commission, Natural England and the Rural Payments Agency our woodlands are partly Ancient Semi Natural Woodland – which makes up just 3% of the land coverage in the UK. We are privileged to have such an asset in our borough. This ongoing work will ensure that our residents can safely enjoy their local habitat knowing it is also protected for generations to come.

Maintenance is a necessary investment to protect our assets and I am delighted to say that the Repairs & Maintenance contract for our Housing is about to be signed

following a full and robust procurement process. This contract, worth just over £79m over 15 years, is a major step forward in getting the best deal for our taxpayers and the residents who live in our accommodation. Our Housing team has also identified some properties in Brookfield Close, Hutton which have subsidence. While there is no risk to residents long term, these properties will be replaced with new affordable housing. Tenants have been fully informed of the plans and are now being moved gradually to more suitable properties with officers overseeing the process with individual residents as needed. Long term this will offer the opportunity to provide much better, more efficient homes for residents which are much needed.

Maximising assets and efficiency is the key and this year and the return of our staff to the Town Hall is arguably our flagship example of how successful this can be. I am delighted that negotiations with a significant new tenant wishing to move into the building are now complete and I hope to be in a position to announce the full details very soon. In the coming months, the first residential apartments will be ready to let, community space will be prepared, council officers workspace areas will be set up and of course the civic areas and council chambers will be finalized. I have seen the work first hand and I know that members will be offered the chance to see for themselves the significant and exciting changes. The Town Hall project is ambitious but has been brought to fruition on schedule and is a significant example of what can be achieved by maximizing the assets we have.

We are nearing the end of the procurement process for a Joint Venture Partner to work on the Town Centre plans – another huge project that will be underway this year. Seven Arches Investments Limited continues to review, with expert advisers, the commercial property market for opportunities to invest and maximise our revenue streams.

2019 will be a significant year in so many ways. Particular regard must be made to our Local Development Plan and Brentwood Town Centre.

The Pre-Submission Local Plan was approved in November, and the accompanying Sustainability Appraisal has been updated with certain evidence to reflect amendments made by Members at the Extraordinary Council. The LDP public consultation will run for six weeks and launch in the coming weeks with the Duty to Cooperate discussion continuing with our neighbouring authorities, including Essex County Council, and other stakeholders. During this consultation process the Draft Brentwood Town Centre Design Guide which goes into detail on the design considerations for the Town Centre development, will also be open for public comment. This will enable residents to explore the proposals and express their views.

The LDP is a live workstream that constantly adapts to the broader picture, particularly in relation to wider infrastructure. The Council is involved in two major road infrastructure projects - the Lower Thames Crossing and M25 Junction 28 - (Brook Street roundabout). Last month we approved and submitted a response to

the Lower Thames Crossing proposals and highlighted our concerns around the M25 Junction 29 improvements, which potentially impact on the access to the proposed Brentwood Enterprise Park. Discussions with Highways England continue of course and will feed into both the Highways England proposal and the Brentwood Local Plan.

It's a busy year ahead, with complex challenges nationally. However, I am confident Brentwood Borough Council is in an excellent position to forge ahead with our plans, see them through to fruition and make Brentwood a Better Place to Be.

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23rd January 2019

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.

2. Recommendation(s)

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

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 12th 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.

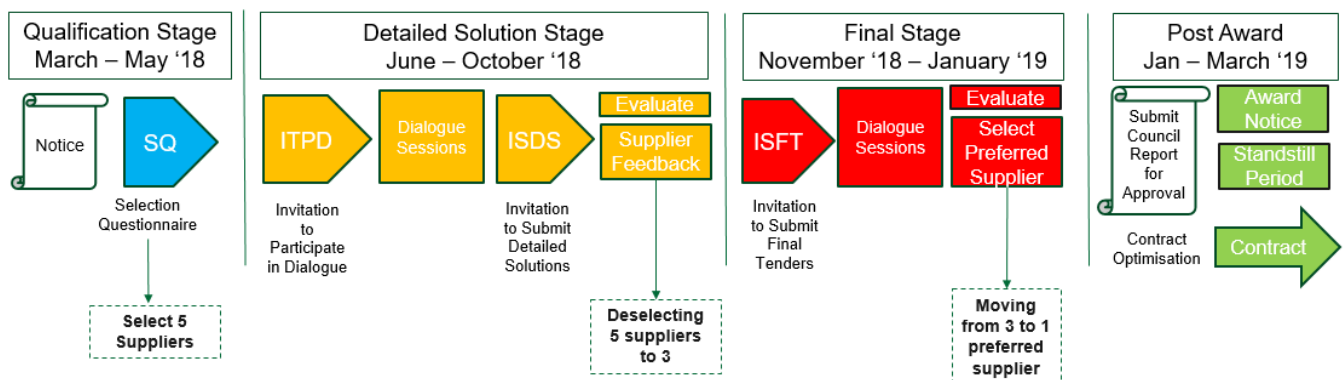
4. Loan Drawdown Facility

- 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 Further investment opportunities continue to be presented to the Project Board following due diligence work. At the time of writing this report no additional funding has been requested by SAIL.

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 23rd March 2018 there were 15 organisations who submitted applications by the deadline of 4th May 2018.
- 5.2 The 15 bids were evaluated based on who best met the Selection Questionnaire (SQ) criteria and the successful five were put forward to Competitive Dialogue and to submit detailed solutions.

- 5.3 Competitive dialogue commenced on Monday 11th June 2018, with dialogue sessions taking place during June and July 2018. Bidders' Detailed Solutions were then submitted, and subsequently evaluated by the procurement team. Following evaluation, three bidders were selected to progress to the final stage.
- 5.4 Final submissions were received from the bidders on 12th December 2018 and evaluation was undertaken on these. The appointment of the successful bidder will be subject to Council approval.
- 5.5 There will be a period of contract optimisation before contracts between the parties are signed.
- 5.6 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 2nd 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 Investment opportunities are constantly being put forward for consideration and reviewed with all necessary due diligence.

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. Two of the Top 10 have now been completed. Further priority properties have been identified, resulting in a slightly larger priority list of properties currently being “triaged” with a view to improving the return from them to the Council.

4 Coptfold Road

7.4 At the November meeting of this Committee, authority was given to transfer 4 Coptfold Road to the General Fund and use available funds to renovate it so that it can generate revenue income for the General Fund.

7.5 It is expected that by the time of this Committee, renovations will be practically-complete and the property can then be let by early February.

The Memorial Wall

7.6 The Memorial Wall project is now complete. There were some delays experienced in the summer with the manufacture and delivery of the granite Sanctums (Vaults) and Columbaria causing an unfortunate delay.

7.7 Wording for the terms and conditions has been revised. All documents and leaflets have now been updated and published online and in the document library. Artwork for new signage is complete. Marketing has commenced. Some promising initial interest has been shown by the public.

7.8 Work has now commenced on the Pet Memorial area including procuring the required fencing panels and improving the approach roadway.

- 7.9 Officers will later be turning their attention to developing the next 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.

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 Memorial Wall project even though slightly delayed remains within budget.
- 10.4 The financial position on SAIL remains unchanged. However, opportunities and investments are being proposed and reviewed to develop the commercial aspect for the Council.
- 10.5 Investments carry a degree of risk and the company will need to be sustainable in the long term.

Legal Implications**Name & Title: Daniel Toohey, Monitoring Officer****Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk**

- 10.6 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.

Report Author Contact Details:**Name:** Ray Inns – Project Accountant**Telephone:** 01277 312500**E-mail:** ray.inns@brentwood.gov.uk

23 January 2019

Policy, Projects and Resources Committee

Response to Highways England M25 Junction 28 Improvement Scheme Statutory Consultation, December 2018

Report of: *Phil Drane, Director of Strategic Planning*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Highways England is consulting on an improvement scheme to Junction 28 of the M25 (Brook Street roundabout, Brentwood). Proposals relate to anti-clockwise traffic connecting with the A12 eastbound towards Chelmsford. This follows consultation that concluded in January 2017 when three route options were presented. Now that the preferred route has been selected, this consultation presents further detail for comment.
- 1.2 In response to the consultation, a proposed response is set out with this report (see Appendix A). As a major national infrastructure project with implications for the Borough, it is important that the Council respond and further consider issues through the Local Development Plan and Duty to Cooperate processes.

2. Recommendation(s)

- 2.1 To approve the response to the M25 Junction 28 improvement Scheme Statutory Consultation as set out in Appendix A.**

3. Introduction and Background

- 3.1 Highways England is consulting on proposals for improvements to Junction 28 of the M25 that connects with the A12. The improvements are needed to increase capacity and reduce congestion and delays.
- 3.2 Junction 28 plays a vital role connecting the M25 with the A12, as well as providing local access to Brentwood via the A1023 (Brook Street). It's a

heavily used junction which features a roundabout mainly controlled by traffic lights. Up to 7,500 vehicles per hour currently travel through the roundabout at peak times. It is already operating at capacity; motorists regularly experience congestion and delays.

- 3.3 This follows previous Highways England consultation in January 2017, and the Preferred Route Announcement in August 2017. Since then the scheme has been developed and Highways England are now publishing proposals for feedback.

4. Issue, Options and Analysis of Options

- 4.1 In January 2017 Highways England consulted on three route options as part of the Junction 28 improvement scheme. In August 2017 a preferred route was announced, confirming “Option 5F”, which received the most support from those responding to the consultation and presented the best value for money. This comprised a two-lane loop road for M25 anti-clockwise traffic exiting on to the A12 eastbound towards Chelmsford, requiring the need to widen of short section of M25 and reconfigure the A12. A summary of the scheme is set out in the Consultation Brochure (Appendix B).
- 4.2 Since the previous consultation and preferred route announcement certain aspects of the proposal have developed or changed, such as:
- a) Slight layout reconfiguration of the merge for the new loop road with the A12 eastbound, which avoids the need to realign the A12 carriageway resulting in less disruption during construction;
 - b) Consideration of the latest traffic forecasts for the M25 which includes new developments such as the Lower Thames Crossing to ensure future traffic levels can be accommodated; and
 - c) Early consideration of potential environmental mitigations for example, flooding, ecology and landscape to obtain initial views during the consultation.
- 4.3 Next steps, once the consultation has closed, include a review of all the comments received. Highways England will then refine the proposed design and develop planned mitigation measures. A summary of the responses will be published, and Highways England will describe how proposals have been informed by and influenced by these. This will form part of the Development Consent Order (DCO), which is expected for submission by autumn 2019. Provided that the DCO is granted, works will start in June 2021.

4.4 Once Highways England submit the DCO, the Planning Inspectorate (acting on behalf of the Secretary of State) may examine it. There is likely to be public hearings during examination. Following this, the examining authority will make a recommendation to the Secretary of State for Transport, who will decide on whether the scheme will go ahead. This process is explained in more detail in the Consultation Brochure (Appendix B).

5. Reasons for Recommendation

5.1 It is recommended that the issues set out in Appendix A be issued in response to the consultation from the Council. The current consultation provides more detail to the preferred route.

5.2 The changes detailed in this consultation are technical in nature, and so it is proposed that no specific comment be made on this detail. The proposed development is to the west of the M25, wholly within the London Borough of Havering. Whilst the Council should respond to broader strategic issues, it is not considered necessary to offer a view about the specific proposals.

5.3 It is proposed that the strategic points raised in the Council's response to the previous consultation be repeated, where relevant. This includes:

- a) Support for a scheme given congestion issues at the junction and the implications of these;
- b) Concern that the scheme does not address wider congestion issues across the junction and on surrounding roads, such as the A1023 Brook Street (junction issues at Nags Head Lane and Mascalls Lane that can cause queuing back onto the junction in peak periods).
- c) Concern that the scheme does not address wider congestion issues all at once, meaning it is likely that future improvement projects cause longer term and multiple disruptions in the area.
- d) Support for the proposals presented that require less realignment on the A12, reducing construction activity and disruption.
- e) Comments about the need to consider existing byways and cycle routes as part of comprehensive consideration of the junction;
- f) Importance of the Green Belt in this location, and that development should be sensitive to this; and
- g) Comment about joint working on transport evidence.

6. Consultation

- 6.1 Highways England is undertaking public consultation between 03 December 2018 and 28 January 2019. Responses will be analysed and incorporated into a consultation report. This follows consultation that took place November 2016 to January 2017. The proposed response (Appendix A) continues to raise the same issues that the Council responded with in January 2017.
- 6.2 Copies of the consultation brochure (Appendix B) have been made available to view at several deposit locations during the consultation period, including Brentwood Library. In addition, a series of consultation exhibitions have been held across the local area, including one event at South Weald Parish Hall (12 January 2019) and two at the Holiday Inn on Brook Street (5 & 6 December 2018).

7. References to Corporate Plan

- 7.1 The M25 Junction 28 Improvement Scheme is relevant to the Council's Local Development Plan, which is a key priority in the Council's 'Vision for Brentwood' Corporate Plan 2016-2019. The Plan is an important delivery vehicle for several cross-cutting priorities, informed by individual Council strategies.

8. Implications

Financial Implications

Jacqueline Van Mellaerts, Interim Chief Finance Officer

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- 8.1 There are no direct costs relating to the Council apart from officer time and this will be contained within existing budgets. The potential economic benefits of the improvements to M25 Junction 28 will benefit Brentwood businesses and contribute to unlocking growth opportunities in the Brentwood area, as proposed in the Brentwood Local Development Plan.

Legal Implications

Surinder Atkar, Planning Solicitor

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- 8.2 This is a major national infrastructure project with implications for the Borough, it is important that the Council respond. There will be a further consultation on the details of the selected option. Further issues will also have to be considered through the Local Development Plan process.

Engagement in this way is consistent with the Duty to Cooperate and the Council's adopted Statement of Community Involvement.

Other Implications

- 8.3 As the M25 Junction 28 project progresses, in future a Development Consent Order (DCO) will be submitted by Highways England to the Council as local planning authority. A DCO is the means of obtaining permission for development categorised as Nationally Significant Infrastructure Projects (NSIP). This includes energy, transport, water and waste projects. This is a statutory process and has implications for the resources of the Council's Planning Development Management Team.
- 8.4 When Highways England submit the DCO application, this will include an Environmental Statement outlining how it is proposed to minimise the impacts of the project. This may identify implications on the local environment and wellbeing of local residents and businesses.

9. Background Papers

- 9.1 Consultation material, including background documents and maps, can be found on the Highways England website at:
<https://highwaysengland.citizenspace.com/he/m25-junction-28-statutory-consultation/>
- 9.2 Item number 237, Brentwood Borough Council Planning & Licensing Committee, 13 December 2016, "Response to Highways England M25 Junction 28 Improvement Scheme Consultation".

10. Appendices to this report

- a) Appendix A: Brentwood Borough Council response to the Highways England M25 Junction 28 Improvement Scheme Statutory Consultation (January 2019)
- b) Appendix B: Highways England M25 Junction 28 Improvement Scheme Statutory Consultation Brochure (December 2018)

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Brentwood Borough Council response to the Highways England M25 Junction 28 Improvement Scheme Statutory Consultation

December 2018 – January 2019

1. The Council submitted representations to the previous M25 Junction 28 consultation in 2017. We note that since then the preferred route has been announced and that this consultation is regarding technical aspects of that preferred route. This response continues to raise the strategic issues that the Council raised in 2017, where relevant. No specific comment is made regarding the detail of the preferred route other than where this relates to key strategic issues.
2. The Council support the need for improvements to M25 Junction 28 (Brook Street roundabout). Evidence and local experience indicate that this junction is heavily congested. This not only delays journeys but also has a negative impact on Brentwood Borough, and both the local and national economies.
3. The Council support the preferred route that provides a loop road to increase capacity of the junction by removing traffic travelling from the M25 anti-clockwise onto the eastbound A12 carriageway. However, this does not address wider congestion issues at the junction/roundabout, such as queuing traffic originating from the A1023, Brook Street. The traffic modelling for the area identifies that when the signalised junctions at Mascalls Lane and Nags Head Lane operate over capacity during peak times this causes queues onto Junction 28 and then the A12 and M25. This problem is likely to continue considering the proposals do not address the issue, adding to the existing air pollution at the junction. It is acknowledged that the A1023 is not within the control of Highways England and further work with Essex County Council (local highway authority) is required to consider an appropriate solution.
4. The Council responded to the previous consultation regarding the need for more wholesale improvements across the junction, dealing with all issues together and consolidating the inevitable disruption caused by construction activity. This view is repeated, although it is understood why this scheme has come forward first in terms of secured funding. Nevertheless, the Council is concerned by the likelihood of multiple and long-term disruption in the area as a result of numerous improvement projects.
5. The Council support revised proposals for the point at which the new loop road meets the A12 eastbound, requiring less realignment on the A12 and thereby reducing construction activity and disruption. The efforts to minimise disruption are welcomed and encouraged across the scheme wherever possible.

6. While it is acknowledged that a solution is required to address vehicle congestion, the junction is also the location for a Byway which crosses the southern end of the A1023, runs south of The Poplars and then crosses the M25 slip-road onwards to Putwell Bridge Farm and Oak Farm, to the south of the M25. The Council is working with Essex County Council on improving the Borough's cycling networks and looking at solutions to overcome major road and infrastructure barriers to connect to wider cycling / walking networks across Essex. These types of considerations will also need to be considered when looking at improvements to the junction, as part of a more comprehensive scheme.
7. The importance of the Green Belt in this area should be considered, given the separation provided between the edge of the Brentwood urban area and Greater London, specifically Harold Park (London Borough of Havering). Whilst there is already an existing road structure the addition of a large loop road presents a new incursion into the Green Belt which will impact on openness.
8. The Council notes joint working that has taken place with Highways England as part of preparing the Brentwood Local Development Plan, including transport modelling that has informed the Brentwood transport evidence base as well as assessments that informed Highways England proposals. Continued joint working is required to understand the implications of growth in the wider area on the strategic highway network.
9. We thank Highways England for involving the Council in this key public consultation and note the effort that has gone into preparing consultation material and holding public information events. The Council looks forward to continued dialogue on the project.

23 January 2019

Policy, Projects and Resources Committee

Safeguarding Report

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

Wards Affected: *All Brentwood Borough Wards*

This report is: *Public report*

1. Executive Summary

At Ordinary Council on 14 November 2018 (Min 202 refers) a motion was raised that all Members should have a Disclosure and Barring Service (DBS) check as part of their role as an elected member. It was recommended that Officers investigate the requirement including budget implications and that a report be brought back to Policy, Projects and Resources Committee for their consideration. The report is before members tonight.

2. Recommendations

- 2.1 That if Members feel it appropriate, they can request a Basic Disclosure and Barring Service Check.**
- 2.2 That all Members attend a Safeguarding training session in 2019.**

3. Introduction and Background

- 3.1.** At Ordinary Council on 14 November 2018 (Min 202 refers) a motion was raised that all Members should have a Disclosure and Barring Service (DBS) check as part of their role as an elected member. It was recommended that Officers investigate the requirements, including budget requirements) from the Disclosure and Barring Service, the Council's Constitution and any other legislation to determine whether it is a requirement or not.
- 3.2.** There are three types of DBS check, Basic Standard and Enhanced.
- 3.3.** Brentwood Borough Council is a second-tier authority and as such does not have direct responsibility for Children, Adults with Care and Support Needs or for Education, this is the responsibility of Essex County Council.

- 3.4. Members were offered safeguarding training at two sessions in September and October 2018.
- 3.5. In November 2018 officers contacted the Disclosure and Barring Service (DBS) to get clarification on whether the role of a (2nd tier) local councillor requires a DBS check and if so at what level. Their response is attached in Appendix E of this report.
- 3.6. Officers have also contacted other district authorities to determine if it is a requirement for their elected Members to have a DBS check.
- 3.7. It is proposed that further safeguarding training is offered to members in 2019.

4. Issues, Options and Analysis of Options

- 4.1. The main issue is to determine whether there is legal requirement for Members to have a DBS check and if so what is the level of that check. Officers have sought guidance from the DBS and from the Council's Constitution.
- 4.2. The Council's Constitution sets out the seven 'Nolan principles' of public life which members should adhere to as part of their role.
 - a) Selflessness – Holders of Public office should act solely in terms of the public interest
 - b) Integrity – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - c) Objectivity – Holders of public office must act and take decision impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - d) Accountability – Holders of public office are accountable to the public for the decisions and actions and must submit themselves to the scrutiny necessary to ensure this
 - e) Openness – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing
 - f) Honesty – Holders of public office should be truthful
 - g) Leadership – Holders of public office should exhibition their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior wherever it occurs.

- 4.3** A **basic disclosure** will show details of any unspent convictions. This means that an applicant would not need to disclose a 'spent' conviction if asked for a self-disclosure by an employer or other interested party (e.g. insurance provider) about unspent criminal convictions. Basic Disclosures are processed by the DBS for applicants living and working in England and Wales and Disclosure Scotland for applicants in Scotland.
- 4.4** A basic disclosure can be requested by an individual on themselves for any purpose, and by the employer for any role, with the **consent** of the applicant. It is particularly useful where employers have some roles that are not eligible for a Standard (e.g. Financial Services positions) or Enhanced (e.g. working with children) check but wish to set a policy that all staff and contractors should be pre-employment checked at some level.
- 4.5** After completing the required steps, the DBS will issue a Basic Disclosure certificate. A Basic Disclosure will show convictions considered unspent under the Rehabilitation of Offenders Act (1974) as amended by the Legal Aid, Sentencing and Punishment Act 2012. This differs from a Standard or Enhanced criminal records check, which will contain information on spent convictions as well as any Vetting and Barring information requested, subject to the DBS Filtering Rules.
- 4.6** Basic Disclosures are available in addition to Subject Access Reports issued by the police, which individuals can obtain from their Local Police Force under the Data Protection Act, and Police Certificates for foreign visas etc., which are issued by the Association of Chief Police Officers.
- 4.7** The Basic Disclosure can be done directly through DBS.
- 4.8** **Standard Disclosures** will show details of any convictions or cautions received by the subject, unspent or spent*. Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 the Government outlined certain roles/professions where an employer (or other interested party) can ask an individual to disclose any spent and unspent criminal convictions.
- 4.9** **Enhanced Disclosures** will show the details of any convictions or cautions received by the subject, spent or unspent*, plus any 'Approved Information' held by the Police. Where an applicant is working in 'Regulated Activity' as defined by the Protection of Freedoms Act 2012, the employer (or interested party) can also request a check of the Vetting and Barring Lists for working with children and/or adults.
- 4.10** Standard and Enhanced Disclosures can only be requested by an individual or organisation that is eligible to ask an 'exempted' question about an individual's spent convictions. Organisations are allowed to ask

this question when they are placing the applicant in a restricted role or where the organisation is endorsing the subject to work in a restricted role. It is essential that the organisation has the power to deny the role or endorsement to the subject if the Disclosure is not satisfactory. For employers this means they do not place the individual in the role. Endorsers must have a means of withholding their endorsement, which generally means they have to issue a document to those they do endorse (identity card or certificate), or publish (online) a list of currently endorsed individuals. Withholding endorsement is affected by not issuing the document or not listing the individual.

- 4.11** Disclosures can contain information regarding an individual’s criminal record, including spent and unspent convictions, whether a person is listed on a children’s or adult’s barring list. The Disclosure may also contain any other information that a local police force or government body feel is relevant. Disclosures that are requested on individuals that have no criminal record will confirm that fact.
- 4.12** The DBS will only issue a single Disclosure Certificate direct to the applicant as their personal information. The employer will then need to request that the applicant presents this Certificate, to confirm if and what the content is.
- 4.13** The following table provides a summary of the information included in a disclosure:

Information included	Basic	Standard	Enhanced
Unspent convictions	Y	Y	Y
Spent convictions	N	Y	Y
Cautions	N	Y	Y
Inclusion on children’s lists (where relevant to the role)	N	N	Y
Inclusion on adult’s lists (where relevant to the role)	N	N	Y

- 4.14** Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the Act. Before asking an individual to apply for a DBS Disclosure, you are legally obliged to ensure you are entitled to ask for a DBS Check. If the role being offered or currently undertaken is not eligible, the final option would be to request a Basic Check.

- 4.15** Standard level DBS checks can be obtained for positions included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. Enhanced level DBS checks can be obtained for positions included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and in Police Act 1997 Regulations. The Protection of Freedoms Act 2012 created a new definition for 'Regulated Activity'. Where Regulated Activity is being undertaken by the employee a check of the DBS Barred Lists for working with children and/or Vulnerable Adults can be requested.
- 4.16** DBS Regulated activity is a term used to describe certain jobs functions carried out by an employee as defined by the Disclosure and Barring Service (DBS). These requirements are important as they determine eligibility for an Enhanced Level DBS check and a check of the DBS Barred lists. Regulated Activity is broken down into two separate groups 'Activity with Children' and Activity with Adults' (formerly termed Vulnerable Adults). The Home Office, Department of Education and Department of Health provide guidance that describes the types of activity and certain frequency tests which determine the if the role can be classed as Regulated Activity. Assistance in relation to children comprises, in summary:
- a) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
 - b) Work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers.
- 4.17** The response from other district local authorities is that their Members are not required to have a DBS check in respect of their role as an elected Member, however a number of authorities do provide specific safeguarding training for their Members.
- 4.18** The response from the Disclosure and Barring Service (Appendix E) also states that Members not be eligible for an Enhanced Level Disclosure.
- 4.19** Disclosures cannot be thought of as licenses, and they do not expire after a certain period. Disclosures are a more like a snapshot of a person's criminal record. If the government updates the individual's criminal record the day after a Disclosure is generated, then the Disclosure will be almost immediately inaccurate. This scenario is unlikely to occur for most applicants, but it does highlight the true significance of a Disclosure document.
- 4.20** Therefore, it is recommended that periodic rechecks are undertaken at a frequency appropriate for the role. The DBS recommend 3 years as the

maximum recheck period before carrying out another criminal record check, although some organisations, such as hospitals, suggest a 1 year recheck period. It remains the final responsibility of the organisation to specify how long it is before a re-check is requested.

- 4.21** It is also recommended that if any elected Members have concerns about an individual that they refer it to the relevant officer (Operational Safeguarding Lead – Kim Anderson) or take an officer or another ward member with them if they are visiting an individual in their homes and that that where possible meet their constituents in a public place to safeguard themselves as much as possible.

5.0 Reasons for Recommendation

- 5.1 Ultimately this is the decision of the ‘employer’ to ensure they request the correct level of Disclosure for the work their employees are undertaking. Basic Disclosures can be requested by an individual or by the employer for any role, including those adhering to the Cabinet Office Baseline Personnel Security Standard (BPSS). Both Standard and Enhanced DBS checks could not be justified as a requirement from the Disclosure and Barring Service in respect of the role of an elected Member with the guidance that has been provided by them. However, it may be requirement for an elected member in their professional lives or in a role outside of that of being an elected member to have a DBS check.

6.0 References to Council Priorities

Safeguarding sits under the Community and Health Strand of the Council’s Corporate Plan 2016-19 in supporting our most vulnerable residents to feel safe. It also sits under the Transformation strand in that we continue to improve our governance arrangements leading to faster and more effective decision making.

7.0 Implications

Financial Implications

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

- 7.1 The costs for a basic check is £25 plus any administrative fee. If the decision is for all members to obtain a basic DBS check then it would cost £925 (plus any administrative fees). Currently there is no allocated budget for members to have a basic DBS check. If Members wish to, then they can take this from their allocated Member’s Allowance.

Legal Implications

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

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The recommendations within this report are lawful. The role of elected member does not by itself fall within the statutory definition of 'regulated activity' set out in the Protection of Freedoms Act 2012, which is the requirement for undertaking an enhanced DBS check.

As the Council also does not discharge education or social services functions, there are no specific roles which may warrant assessment of whether an enhanced or standard DBS check is necessary to reflect contact with groups of service users or establishments used for young and/or vulnerable people.

Members are eligible for a basic disclosure check which would reveal unspent convictions only and which can be requested by any individual for any purpose.

8.0 Appendices

Appendix A	Standards eligibility guide – DBS
Appendix B	Child workforce guide - DBS
Appendix C	Adults workforce guide - DBS
Appendix D	Other workforce guide - DBS
Appendix E	Response from Disclosure and Barring Service
Appendix F	Regulated Activity, DBS Filtering Rules, Documentation for Basic Check.

Background documents:

Councils Constitution - Pages 151-2

Brentwood Borough Council's Safeguarding Policy and Procedures

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Disclosure & Barring Service

A GUIDE TO ELIGIBILITY FOR STANDARD CERTIFICATES FOR REGISTERED BODIES AND EMPLOYERS

This will help you work out whether you can legally request a standard DBS check for potential or existing staff.

It is important to make sure that the law allows a DBS application to be submitted. As an employer or regulator, and as a registered body, you have a legal responsibility to make sure you can submit applications. You also have a duty to know what parts of legislation support each application in case we need you to explain why eligibility exists. An individual cannot request a standard or enhanced DBS check for themselves and so as a registered body you must not submit applications from individuals where there is no employer to make the suitability decision.

Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.

Decisions on when and if to request a DBS check are for the employer or regulator to make based on what the law allows. This means considering the activities being carried out by the post-holder and if they are eligible for DBS checks. DBS provides an electronic [eligibility tool](#) which can help you with this.

It's important that you understand your legal responsibilities before you ask anyone to apply for or provide you with a standard or an enhanced DBS certificate.

The tables below list positions, professions, employments, activities and licences that are eligible to be submitted for standard DBS checks. These have been taken from the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, as amended.

You can use the tables to find the entry that relates to the position or role you are recruiting or carrying out a recheck for. The hyperlinks under each entry will take you to the legislative wording.

If your position or role is not included here you can use the [DBS workforce guides](#) to find out if eligibility exists for an enhanced DBS certificate, including whether barred list checks are available. Some roles and types of work that are included in these tables may also be eligible for a higher check. We have indicated in the relevant sections if this is the case.

If your position or role is not covered by this guidance or the DBS workforce guides, you can still ask that a [basic DBS check](#) is provided by anyone wanting to be considered to work in the role.

Remember: Paper applications for standard DBS checks must also contain the relevant workforce on the application form.

STANDARD DBS certificate

Paper applications for standard DBS certificates **must** contain a workforce

Positions in the financial sector that are regulated by the Financial Conduct Authority, the Prudential Regulatory Authority or the Bank of England, or organisations acting on their behalf. These are commonly referred to as being an approved person, a senior manager or carrying out a controlled function.

- [Legislative Wording 1](#)

Director-level individuals of organisations bidding for public contracts, when requested by the contracting organisation

- [Legislative Wording 2](#)

Football stewards

- [Legislative Wording 3](#)

Applying for membership of the Master Locksmiths Association

- [Legislative Wording 4](#)

Holding a restricted interest in a licensed body under Schedule 13 of the Legal Services Act 2007

- [Legislative Wording 5](#)

On entry to the profession of barrister in England and Wales only, or solicitor

- [Legislative Wording 6](#)

On entry to the profession of chartered accountant or certified accountant

- [Legislative Wording 7](#)

On entry to the profession of veterinary surgeon

- [Legislative Wording 8](#)

On entry to the profession of actuary

- [Legislative Wording 9](#)

On entry to the profession of registered foreign lawyer

- [Legislative Wording 10](#)

On entry to the profession of Chartered Institute of Legal Executive (CILEx) legal executive or other CILEx authorised person

- [Legislative Wording 11](#)

Justices' clerks, assistants to justices' clerks and certain specific officers for magistrates' courts, justices of the peace and local justice areas

- [Legislative Wording 12](#)

Individuals in any role to do with the running of, or working on the premises of a prison, a remand centre, a removal centre, a short term holding facility, a detention centre, a Borstal institution or a young offenders institution and members of boards of visitors

Some roles in these places can be eligible for an enhanced DBS check. Please check our [online eligibility tool](#) and [workforce guides](#) for more information.

- [Legislative Wording 13](#)

Any work that relates to providing health services where that work means there is also contact with the patients

Some roles in this category can be eligible for an enhanced DBS check. Please check our online eligibility tool and workforce guides for more information.

- [Legislative Wording 14](#)

National Health Service (NHS) Counter Fraud Authority roles involving the investigation of fraud, corruption or any other illegal activity and security management

- [Legislative Wording 15](#)

Any work for an adoption service, an adoption support agency, a voluntary adoption agency, a fostering service or a fostering agency where that work means that there is also contact with the children or access to sensitive or personal information about them

This doesn't include prospective foster or adoptive parents or their household members. Please check our online eligibility tool and children's workforce guide for more information.

- [Legislative Wording 16](#)

Independent Police Complaints Commission (IPCC) chair and staff who have contact with vulnerable adults or access to personal or sensitive information about children or vulnerable adults

- [Legislative Wording 17](#)

Royal Society for the Prevention of Cruelty to Animals (RSPCA) staff who carry out humane killing of animals

- [Legislative Wording 18](#)

Traffic officers appointed under section 2 of the Traffic Management Act 2004

- [Legislative Wording 19](#)

Judges' clerks, secretaries and legal secretaries

- [Legislative Wording 20](#)

Court officers and court contractors who have face to face contact with judges of the Supreme Court, or access to Supreme Court judges' lodgings as part of their work

- [Legislative Wording 21](#)

Individuals who have regular access to personal information about an identified or identifiable member of the judiciary as part of their work

- [Legislative Wording 22](#)

Court officers and court contractors who go to either the Royal Courts of Justice or the Central Criminal Court as part of their work

- [Legislative Wording 23](#)

Court security officers and tribunal security officers

- [Legislative Wording 24](#)

Court contractors who have unsupervised access to court-houses, offices and other buildings used in relation to the courts as part of their work

- [Legislative Wording 25](#)

Contractors, sub-contractors, and anyone working with them, who have unsupervised access to tribunal buildings, offices and other buildings used in relation to tribunals as part of their work

- [Legislative Wording 26](#)

Individuals who are:

- court officers who carry out county court warrants
- High Court enforcement officers
- Sheriffs, under-sheriffs and tipstiffs
- under the authority of court officers who carry out county court warrants, High Court enforcement officers, sheriffs and under-sheriffs or tipstiffs to carry out High Court writs or warrants
- authorised to carry out writs of sequestration
- civilian enforcement officers as defined in section 125A of the Magistrates' Courts Act 1980

- authorised to carry out warrants under section 125B(1) of the Magistrates' Courts Act 1980 and section 125(2) of the 1980 Act
- authorised to carry out clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d)
- [Legislative Wording 27](#)

Court officers and court contractors who carry out the administration and management of funds in court or receive payment following a conviction or order of a magistrates' court

- [Legislative Wording 28](#)

Office of the Public Guardian staff who have access to data relating to children and vulnerable adults

- [Legislative Wording 29](#)

Authorised search officers appointed by the Home Secretary

- [Legislative Wording 30](#)

Approved legal services body manager

- [Legislative Wording 31](#)

Head of legal practice of a licensed body

- [Legislative Wording 32](#)

Chartered Institute of Legal Executive (CILEx) approved manager

- [Legislative Wording 33](#)

Applying for a Security Industry Authority (SIA) licence

- [Legislative Wording 34](#)

Appendix

See below wording from legislation as per guidance above

ARTICLE 3 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Legislative Wording 1

Positions for which the Financial Conduct Authority, the Prudential Regulatory Authority or the Bank of England, or organisations nominated to act on their behalf, are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000

Legislative Wording 2

Any question asked by or on behalf of a contracting authority or utility in relation to a conviction for an offence listed in regulation 57(1) of the Public Contracts Regulations 2015 or regulation 38(8) of the Concession Contracts Regulations 2016 which is a spent conviction (or any circumstances ancillary to such a conviction) for the purpose of determining whether or not a person is excluded:

- i. for the purposes of regulation 57 of the Public Contracts Regulations 2015,
- ii. from participation in a design contest for the purposes of regulation 80 of the Public Contracts Regulations 2015,
- iii. for the purposes of regulation 80 of the Utilities Contracts Regulations 2016,
- iv. from participation in a design contest for the purposes of regulation 96 of the Utilities Contracts Regulations 2016, or
- v. for the purposes of regulation 38 of the Concession Contracts Regulations 2016

Legislative Wording 3

Any question asked, by or on behalf of the Football Association, Football League or Football Association Premier League in order to assess the suitability of the person to whom the question relates or of any other person to be approved as able to undertake, in the course of acting as a steward at a sports ground at which football matches are played or as a supervisor or manager of such a person, licensable conduct within the meaning of the Private Security Industry Act 2001 without a licence issued under that Act, in accordance with section 4 of that Act

Legislative Wording 4

Any question asked by or on behalf of the Master Locksmiths Association for the purposes of assessing the suitability of any person who has applied to be granted membership of that Association

Legislative Wording 5

Any question asked by or on behalf of any body which is a licensing authority within the meaning of section 73(1) of the Legal Services Act 2007 (licensing authorities and relevant licensing authorities) where:

- i. it is asked in order to assess whether, for the purposes of Schedule 13 to that Act (ownership of licensed bodies), the approval requirements are met in relation to a person's holding of a restricted interest in a licensed body; and

- ii. the person to whom the question relates is informed at the time that the question is asked that, by virtue of this Order, spent convictions are to be disclosed.

PROFESSIONS – SCHEDULE 1 PART 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Applications for these roles can ONLY be submitted by or on behalf of the appropriate professional regulator and can ONLY be submitted at the point of applying to join the profession.

Legislative Wording 6

Barrister (in England and Wales), solicitor

Legislative Wording 7

Chartered accountant, certified accountant

Legislative Wording 8

Veterinary surgeon

Legislative Wording 9

Actuary

Legislative Wording 10

Registered foreign lawyer

Legislative Wording 11

Chartered Legal Executive or other Chartered Institute of Legal Executive (CILEx) authorised person

OFFICES, EMPLOYMENTS AND WORKS – SCHEDULE 1 PART 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Legislative Wording 12

Designated officers for magistrates' courts, for justices of the peace or for local justice areas, justices' clerks and assistants to justices' clerks

Legislative Wording 13

Any employment which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of a prison, a remand centre, a removal centre, a short term holding facility, a detention centre, a Borstal institution or a young offenders institution and members of boards of visitors (England & Wales)

Legislative Wording 14

Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties

Legislative Wording 15

Any employment or other work in England or Wales concerned with:

- a) the investigation of fraud, corruption or other unlawful activity affecting the national health service, or
- b) security management in the national health service,

where “the national health service” means, in respect of England, the health service continued under section 1(1) of the National Health Service Act 2006 and, in respect of Wales, that continued under section 1(1) of the National Health Service (Wales) Act 2006:

Legislative Wording 16

Any employment or other work which is carried out for the purposes of an adoption service, an adoption support agency, a voluntary adoption agency, a fostering service or a fostering agency and which is of such a kind as to enable a person, in the course of his normal duties, to have contact with children or access to sensitive or personal information about children

Legislative Wording 17

Any chairman, member or member of staff of the Independent Police Complaints Commission who, in the course of his normal duties:

- a) has contact with vulnerable adults; or
- b) has access to sensitive or personal information about children or vulnerable adults

Legislative Wording 18

Any employment in the Royal Society for the Prevention of Cruelty to Animals where the person employed or working, as part of his duties, may carry out humane killing of animals

Legislative Wording 19

An individual designated under section 2 of the Traffic Management Act 2004

Legislative Wording 20

Judges’ clerks, secretaries and legal secretaries within the meaning of section 98 of the Supreme Court Act 1981(c)

Legislative Wording 21

Court officers and court contractors who, in the course of their work, have face to face contact with judges of the Supreme Court, or access to such judges' lodgings

Legislative Wording 22

Persons who in the course of their work have regular access to personal information relating to an identified or identifiable member of the judiciary

Legislative Wording 23

Court officers and court contractors who, in the course of their work, attend either the Royal Courts of Justice or the Central Criminal Court

Legislative Wording 24

Court security officers and tribunal security officers

Legislative Wording 25

Court contractors who, in the course of their work, have unsupervised access to court-houses, offices and other accommodation used in relation to the courts

Legislative Wording 26

Contractors, sub-contractors, and any person acting under the authority of such a contractor or sub-contractor, who, in the course of their work, have unsupervised access to tribunal buildings, offices and other accommodation used in relation to tribunals

Legislative Wording 27

The following persons:

- a) Court officers who execute county court warrants
- b) High Court enforcement officers
- c) Sheriffs and under-sheriffs
- d) Tipstaffs
- e) Any other persons who execute High Court writs or warrants who act under the authority of court officers who execute county court warrants, High Court enforcement officers, sheriffs and under-sheriffs or tipstaffs
- f) Persons who execute writs of sequestration
- g) Civilian enforcement officers as defined in section 125A of the Magistrates' Courts Act 1980

h) Persons who are authorised to execute warrants under section 125B (1) of the Magistrates' Courts Act 1980, and any other person (other than a constable) who is authorised to execute a warrant under section 125 (2) of the 1980 Act

i) Persons who execute clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d)

Legislative Wording 28

Court officers and court contractors who exercise functions in connection with the administration and management of funds in court, including the deposit, payment, delivery and transfer in, into and out of any court of funds in court, and regulating the evidence of such deposit, payment, delivery or transfer, and court officers and court contractors who receive payment in pursuance of a conviction or order of a magistrates' court

Legislative Wording 29

Staff working within the Public Guardianship Office, (to be known as the Office of the Public Guardian from October 2007), with access to data relating to children and vulnerable adults

Legislative Wording 30

Individuals seeking authorisation from the Secretary of State for the Home Department to become authorised search officers

REGULATED OCCUPATIONS – SCHEDULE 1 PART 3 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Legislative Wording 31

Approved legal services body manager

Legislative Wording 32

Head of legal practice of a licensed body

Legislative Wording 33

Chartered Institute of Legal Executive (CILEx) approved manager

LICENCES, CERTIFICATES AND PERMITS – SCHEDULE 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Legislative Wording 34

Licences granted under section 8 of the Private Security Industry Act 2001



Disclosure & Barring Service

A GUIDE TO CHILD WORKFORCE ROLES FOR REGISTERED BODIES AND EMPLOYERS

This will help you identify whether the position you are recruiting for falls into the child workforce and where you can legally request access to a check of the children's barred list. These are roles which relate specifically to working with children.

It is important to make sure that the law allows a DBS application to be submitted. As an employer or regulator, but also as a registered body, you have a legal responsibility for making sure you can submit applications and must know the legislation that supports each application in case we need further clarification. An individual cannot request a standard or enhanced level DBS check for themselves and so as a registered body you must not submit applications from individuals where there is no employer to make the suitability decision.

Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.

Standard and enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make them a requirement.

Decisions on when and whether to undertake a DBS check are for the relevant employer or regulator to make based on what the law allows. It is not discretionary as such, but a matter of considering the nature of the activities undertaken and if they are eligible for DBS checks. DBS provides an electronic [eligibility tool](#) which can help you with this. The [Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2013/1194](#) (the legislative definition of work with children) and the [Department for Education \(DfE\) factual note](#) on regulated activity with children will also help.

When you request a DBS certificate to assess someone to carry out regulated activity with children this means that you are a regulated activity provider (RAP). This brings obligations under the Safeguarding Vulnerable Groups Act 2006.

As a RAP, you have a legal duty to refer an individual to DBS when you believe a person has caused harm or poses a future risk of harm to vulnerable groups, including children. You must also provide information to DBS when we ask you to and may be fined unless you have a reasonable excuse for not providing the information. The conditions you must consider before making a referral or providing information to us can be found on the [DBS website](#).

An employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.

STANDARD level DBS certificate

Paper applications for standard DBS certificates **must** contain a workforce.

Individuals whose role involves work relating to children which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Please see the Standards Eligibility Guide for more information on this.

ENHANCED level DBS certificate ONLY

Paper applications for enhanced DBS certificates **must** contain a workforce.

Individuals who carry out work which would have been regulated activity with children before changes were made to the definition in September 2012

- [Legislative Wording 1](#)

Individuals who carry out regulated activity with children where the work is done infrequently (but more than once). This also applies to roles that involve work which would have been regulated activity with children before changes were made to the definition in September 2012

- [Legislative Wording 2](#)

Individuals applying as part of registration as a childminder agency, managing a childminder agency or working for a childminder agency in a quality assurance role visiting day care or childminding premises.

- [Legislative Wording 3](#)

Individuals applying to register as a social care worker – this is a registration requirement only and does not relate to activities covered by the definition of regulated activity with children

- [Legislative Wording 4](#)

Individuals applying to work in a Further Education college or 16-19 Academy where the work they do brings them into regular* contact with students aged under 18

* regular should be applied by each organisation in line with the dictionary definition

- [Legislative Wording 5](#)

Individuals who are aged over 16 and living in a household where another person in the household has been or is being assessed to:

- carry out work which would have been regulated activity with children before changes were made to the definition in September 2012; or
- work in a Further Education college or 16-19 Academy

and they both live on the premises where that work will take place

- [Legislative Wording 6](#)

Individuals applying as part of registration to manage any type of agency or accommodation relating to the welfare of children

- [Legislative Wording 7](#)

ENHANCED level DBS certificate with access to the DBS CHILDREN'S BARRED LIST – REGULATED ACTIVITY

Applications for enhanced DBS certificates in the child workforce **including a check of the children's barred list** can be in regulated activity with children. The [Department for Education \(DfE\) factual note](#) will provide help in identifying whether a role falls into the definition of regulated activity with children.

Paper applications for enhanced DBS certificates with a children's barred list check **must** contain a workforce.

Individuals who carry out regulated activity with children as defined below

- [Legislative Wording 8](#)

1. Individuals who provide teaching, training or instruction to children on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face-to-face contact with the children, except where:

- the recruiting organisation decides the individual is sufficiently supervised in line with DfE statutory guidance and they are not a paid member of staff in a specified establishment; or
- this is provided and designed for adults so the presence of a child is unexpected, i.e. an adult attends a night class and brings their child with them; or
- these activities are being provided to 16 and 17 year olds in work (including voluntary work)

- [Legislative Wording 9](#)

2. Individuals who provide care for or supervision of children on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face-to-face contact with the children, except where:

- the recruiting organisation decides the individual is sufficiently supervised in line with DfE statutory guidance and they are not a paid member of staff in a specified establishment; or
- this is provided and designed for adults so the presence of a child is unexpected; or
- these activities are being provided to 16 and 17 year olds in work (including voluntary work)

- [Legislative Wording 10](#)
3. Individuals who provide advice or guidance wholly or mainly to children and this specifically relates to their emotional, educational or physical well-being on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face-to-face contact with the children, except where:
- these activities are being provided to 16 and 17 year olds in work (including voluntary work)
- [Legislative Wording 11](#)
4. Individuals who monitor the content of internet-based services aimed wholly or mainly for use by children on more than 3 days in a 30 day period. They must also:
- be able to access and remove content or prevent it from being published
 - control who uses the service
 - have contact with the children using the service
- [Legislative Wording 12](#)
5. Individuals who are provided by a third party to drive children and any adult supervising or caring for them on more than 3 days in a 30 day period.
- [Legislative Wording 13](#)
6. Individuals who provide health care to children, either as a health care professional or under the direction or supervision of a health care professional. This includes providing psychotherapy and counselling and also covers first aiders where they provide this through an organisation set up specifically for the purposes of providing first aid, e.g. St John's Ambulance and community first responders. This only has to be done once.
- [Legislative Wording 14](#)
7. Individuals who provide personal care to children which involves:
- physically assisting a child, prompting and then supervising a child or training, instructing or providing advice or guidance to a child on eating or drinking and this is done because of their illness or disability
 - physically assisting a child, prompting and then supervising a child or training, instructing or providing advice or guidance to a child with going to the toilet, washing, bathing or dressing and this is done because of their age, illness or disability
- This only needs to be done once
- [Legislative Wording 15](#)
8. Individuals working in any of the places listed in the Safeguarding Vulnerable Groups Act 2006 as specified establishments who:
- work there on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face-to-face contact with the children; and
 - have the opportunity, because of their job, to have contact with the children in the establishment; and

- work there for the purpose of the establishment; and
- are not temporary or occasional workers; and
- are not a supervised volunteer

These are individuals who are not providing teaching, training, instruction, care, supervision or advice and will mainly be carrying out ancillary functions, e.g. cleaners, catering, admin staff etc.

- [Legislative Wording 16](#)

9. Individuals listed in the Safeguarding Vulnerable Groups Act 2006 as specified positions in Wales carrying out the functions of:

- the Children’s Commissioner for Wales
- the Deputy Children’s Commissioner for Wales

- [Legislative Wording 17](#)

10. Individuals listed in the Safeguarding Vulnerable Groups Act 2006 as specified positions in Wales where they also have the opportunity for contact with the children because of what they’re doing and are carrying out:

- functions of the Welsh Ministers to inspect registered establishments or agencies, an NHS body or anyone providing healthcare for the body
- functions relating to the inspection of childminding, or fostering agency, residential family centre, voluntary adoption agency, adoption support agency
- functions relating to the welfare of children in boarding schools
- functions relating to inspections of teacher training, local education authorities, registered independent school, boarding schools and colleges
- functions relating to a review or investigation of the functions of children’s services authorities
- functions relating to the inspection of careers services
- functions relating to the inspection of religious education
- functions relating to the inspection of the discharge of social services functions by local authorities

- [Legislative Wording 18](#)

Individuals applying to register as prospective childminders or childcare providers

- [Legislative Wording 19](#)

Individuals who undertake the regular day to day management or supervision of individuals carrying out regulated activity with children or who would have been carrying out regulated activity with children except that they are supervised in line with the Dept for Education (DfE) statutory supervision guidance.

- [Legislative Wording 20](#)

Individuals applying to be:

- a foster carer
- a private foster carer
- [Legislative Wording 21](#)

ENHANCED level DBS certificate with access to the DBS CHILDREN'S BARRED LIST – NOT REGULATED ACTIVITY

Applications for enhanced DBS certificates in the child workforce **including a check of the children's barred list** which are not in regulated activity with children.

Paper applications for enhanced DBS certificates with a children's barred list check **must** contain a workforce.

Individuals who are aged over 16 and living in a household where another person in the household has been or is being assessed to carry out regulated activity with children and they both live on the premises where that work will take place

- [Legislative Wording 22](#)

Individuals aged 16 and over who live or work in the premises where the childminding or childcare takes place and has the opportunity for regular contact with the children

- [Legislative Wording 23](#)

Individuals aged 18 and over (according to Dept for Education regulations) who live in a fostering household or anyone aged 16 and over who lives in a private fostering household

- [Legislative Wording 24](#)

Individuals applying to be adoptive parents or special guardians and anyone aged 18 and over who lives in the adoptive or special guardian household

- [Legislative Wording 25](#)

Appendix

See below wording from legislation as per guidance above

Legislative Wording 1:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012

Legislative Wording 2:

Wording below taken from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Work done infrequently which, if done frequently, would be regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012

Legislative Wording 3:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2014/2122

- Registration as a childminder agency under Chapter 2A or 3A of Part 3 of the Childcare Act 2006
- Considering the applicant's suitability to manage a childminder agency
- Considering the applicant's suitability to work for a childminder agency in any capacity which requires the applicant to enter childcare premises and enables that person, in the normal course of duties, to have contact with children for whom childcare is provided or access to sensitive or personal information about children for whom childcare is provided.

Legislative Wording 4:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Registration under Part IV of the Care Standards Act 2000 (social care workers)

Legislative Wording 5:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Considering the applicant's suitability for work in a further education institution (within the meaning of section 140 of the Education Act 2002) or a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with persons aged under 18

Legislative Wording 6:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is having or who has had their suitability assessed for the purposes of –
 - (i) engaging in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012
 - (ii) working in a further education institution (within the meaning of section 140 of the Education Act 2002) where the normal duties of that work involve regular contact with children
 - (iii) working in a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with children

where that individual, and the person who lives in the same household, live on the premises where that activity or work would normally take place

Legislative Wording 7:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Registration under Part II of the Care Standards Act 2000 (establishments and agencies)

Legislative Wording 8:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Considering the applicant's suitability to engage in any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as amended by section 64 of the Protection of Freedoms Act 2012.

Regulated activity is work that a barred person must not do.

Regulated activity with children does not include any activity carried out in the course of family relationships, or personal, non-commercial relationships.

Legislative Wording 9:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (2)(1)(a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children
- (2)(2) sub-paragraph (1)(a) does not include teaching, training or instruction provided to a child in the course of his employment
- (2)(3) subparagraph (2) does not apply if –
 - a) the child has not attained the age of 16, and
 - b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- (2)(3A) sub-paragraph (1) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children
- (2)(3C) the reference in sub-section (3A) to day to day supervision references such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned
- (2)(6) in sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so

Legislative Wording 10:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (2)(1)(b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children
- (2)(2) sub-paragraph (1)(b) does not include care for or supervision of a child in the course of his employment
- (2)(3) subparagraph (2) does not apply if –
 - a) the child has not attained the age of 16, and
 - b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose
- (2)(3B) sub-paragraph (1)(b) –
 - a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional
 - b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity
- (2)(3C) the reference in sub-section (3B)(b) to day to day supervision references such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned

- (2)(6) in sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so

Legislative Wording 11:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (2)(1)(c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to the physical, emotional or educational well-being
- (2)(2) sub-paragraph (1)(c) does not include advice or guidance provided for a child in the course of his employment
- (2)(3) sub-paragraph (2) does not apply if–
 - c) the child has not attained the age of 16, and
 - d) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.
- (2)(3D) sub-paragraph (1)(c) does not include any legal advice

(2)(6) in sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so

Legislative Wording 12:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 2

- (1)(e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
- (4) for the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to –
 - a) monitoring the content of matter which forms any part of the service,
 - b) removing matter from, or preventing the addition of matter to, the service, or
 - c) controlling access to, or use of, the service.
- (5) but a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has –
 - a) access to the content of the matter
 - b) contact with users of the service

Legislative Wording 13:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 2

- (1)(f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.

Legislative Wording 14:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 1

- (1A)(b) health care provided by, or under the direction or supervision of, a health care professional.
- (1C) “health care” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (1D) any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.

Legislative Wording 15:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1 paragraph 1

- (1)(a) relevant personal care
- 1B) “relevant personal care” means –
 - a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parental nutrition)
 - b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with –
 - (i) toileting (including in relation to menstruation), or
 - (ii) washing or bathing, or
 - (iii) dressing
 - c) the prompting (together with the supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
 - d) the prompting (together with the supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the

performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,

- e) any form of training, instruction, advice or guidance which –
 - (i) relates to the performance of the activity of eating or drinking,
 - (ii) is given to a child who is in need of it by reason of illness or disability, and
 - (iii) does not fall within paragraph (c), or
- f) any form of training, instruction, advice or guidance which –
 - (i) of any of the activities listed in paragraph (b)(i) to (iii),
 - (ii) is given to a child, who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (d)

Legislative Wording 16:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

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- (3)(1) the establishments referred to are –
 - a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
 - aa) a school falling within section 19(2) or (2B) of the Education Act 1996 (pupil referral units etc) which does not fall within sub-paragraph (1)(a);
 - ab) an alternative provision Academy which does not fall within paragraph (a);
 - b) an establishment which is exclusively or mainly for the provision of nursery education (within the meaning of section 117 of the School Standards and Framework Act 1998
 - c) A hospital which is exclusively or mainly for the reception and treatment of children **in Wales only**
 - d) an institution which is exclusively or mainly for the detention of children;
 - e) a children's home (within the meaning of section 1 of the Care Standards Act 2000 (c.14));
 - f) a home provided in pursuance of arrangements under section 82(5) of the Children Act 1989 (c. 41);
 - fa) a children's centre (within the meaning of section 5A(4) of the Childcare Act 2006);
 - g) relevant childcare premises.
- (3)(2) relevant childcare premises are any part of premises on which a person carries on–
 - a) any form of childcare (within the meaning of section 18 of the Childcare Act 2006 (c. 21) in respect of which he must be registered under that Act;

- b) any form of such childcare in respect of which he may be registered under that Act whether or not he is so registered;
 - c) any form of child minding or day care (within the meaning of section 79A of the Children Act 1989 (c. 41) or section 19 of the Children and Families (Wales) Measure 2010) in respect of which he must be registered under that Act.
- (3)(3) but premises on which a person carries on childcare or child minding are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the childcare or child minding is provided.
 - (3)(4) for the purpose of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.
 - (3)(5) “parental responsibility” has the same meaning as in the Children Act 1989.

Legislative Wording 17:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (1)(9) the exercise of a function of the Children's Commissioner for Wales or the deputy Children's Commissioner for Wales is a regulated activity relating to children.

Legislative Wording 18:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

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- (1)(9A) the exercise of a function so far as the function –
 - a) relates to any of the matters mentioned in sub-paragraph (9B),
 - b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children, and
 - c) is not a function which falls within sub-paragraph (9C)
 is a regulated activity relating to children
- (1)(9B) the matters in this sub-paragraph are –
 - b) the exercise of a power under section 41 or 42 of the Children and Families (Wales) Measure 2010 (powers of inspection etc on entry onto childminding or day care premises in Wales or premises on which childminding or day care is suspected to be taking place);
 - c) any step taken in relation to Wales for the purposes of section 87(3) of the Children Act 1989 (welfare of children in boarding schools and colleges);
 - d) an inspection in Wales under section 87(6) of that Act (inspection of boarding school or college);
 - e) any step taken in relation to Wales by a person appointed under section 87A(1) of that Act (appointment as an inspector of boarding schools and colleges) –
 - (i) for the purposes of an agreement made in accordance with section 87A(2) of that Act, or
 - (ii) in order to comply with any requirement imposed on the person under section 87B of that Act ;

- f) an inspection under section 18C of the Education Act 1994 (inspection of teacher training);
 - g) an inspection under section 38 of the Education Act 1997 (inspection of local education authorities in Wales);
 - h) an inspection in Wales under section 31 of the Care Standards Act 2000 (inspections of establishments and agencies or the inspection of premises suspected as being used as an establishment or agency) of a residential family centre, a fostering agency, a voluntary adoption agency or an adoption support agency (each of which has the meaning given in section 4 of that Act);
 - i) an inspection under Part 4 of the Learning and Skills Act 2000 (inspection of education and training within the remit of Her Majesty's Chief Inspector of Education and Training in Wales);
 - j) a review or investigation under section 94 of the Health and Social Care (Community Health and Standards) Act 2003 (review or investigation of the discharge of social services functions by local authorities in Wales);
 - k) a review or investigation under section 94 of that Act as applied by section 30 of the Children Act 2004 (review or investigation of the functions of children's services authorities in Wales);
 - l) an inspection under section 28 of the Education Act 2005 (duty of Her Majesty's Chief Inspector of Education and Training in Wales to arrange regular inspections of certain schools);
 - m) an inspection under section 50 of that Act (inspection of religious education);
 - n) an inspection in Wales under section 51 of that Act (power of local education authorities to inspect maintained school for specific purpose);
 - o) an inspection under section 55 of that Act (inspection of careers services in Wales)
- (1)(9C) the exercise of a function to which sub-paragraph (10) applies so far as the function –
 - a) relates to the inspection of an establishment mentioned in paragraph 3(1) , and
 - b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,
 is a regulated activity relating to children.
 - (1)(10) this sub-paragraph applies to a function of –
 - b) HM Chief Inspector of Education and Training in Wales;
 - c) (a body approved in pursuance of section 163(1)(b) of the Education Act 2002 (c.32) to inspect a registered independent school in Wales
 - g) the Welsh Ministers.
 - (1)(11) the exercise of a function of the Welsh Ministers so far as the function -
 - a) relates to the inspection of an establishment, agency or body falling within sub-paragraph (12), and
 - b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the

exercise of that function, to have contact with children,
is a regulated activity relating to children.

- (1)(12) an establishment, agency or body falls within this sub-paragraph if it is –
 - a) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14),
 - b) an agency in relation to which such a requirement arises, or
 - c) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), and it provides any form of treatment or therapy for children.
- (1)(13) in sub-paragraph (12)(c) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

Legislative Wording 19:

- Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669 Registration for child minding or providing day care under Part 2 of the Children and Families (Wales) Measure 2010
- Registration under Chapters 2, 3 or 4 of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England)
- Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1
- (1)(3) each of the following, if carried out in England, is a regulated activity relating to children –
 - a) providing early years childminding in respect of which a requirement to register arises by section 33(1) of the Childcare Act 2006 (c. 21) (requirement to register);
 - b) providing later years childminding in respect of which a requirement to register arises by section 52(1) of that Act (requirement to register);
 - c) providing early years childminding or later years childminding, if it is provided by a person who is registered by virtue of section 62(1) of that Act (voluntary registration of childminders);
 - d) providing later years childminding for a child who has attained the age of eight, if a requirement to register would arise in respect of that provision by section 52(1) of that Act if the child had not attained that age.
- (1)(4) any expression used both in sub-paragraph (3) and in Part 3 of the Childcare Act 2006 has the meaning given by that Act.
- (1)(6) each of the following, if carried out in Wales, is a regulated activity relating to children – (a) acting as a child minder so as to give rise to a requirement to register under section 21 of the Children and Families (Wales) Measure 2010; (b) an activity which would give rise to such a requirement if the child in relation to whom the activity is carried out were under the age of eight (or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010).
- (1)(7) for the purposes of sub-paragraph (6), “*acting as a child minder*” must be construed in accordance with section 19 of the Children

Legislative Wording 20:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 1

- (1)(14) any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), (9A), (9C) or (11) is a regulated activity relating to children
- (1)(15) any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph(2B)(b) above is a regulated activity relating to children

Legislation Wording 21:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the exercise of any duty under or by virtue of section 67 of that Act (welfare of privately fostered children)

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4

- (1)(5) It is a regulated activity relating to children to foster a child (as mentioned in section 53)

Legislative Wording 22:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is having or who has had their suitability assessed for the purposes of engaging in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 where that individual, and the person who lives in the same household, live on the premises where that activity or work would normally take place

Legislative Wording 23:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- assessing the suitability of any person to have regular contact with a child who is –
 - (i) aged 16 or over and living on the premises at which the child minding or day care is being or is to be provided;
 - (ii) aged 16 or over and working, or who will be working, on the premises at which the child minding or day care is being or is to be provided at times when such child minding or day care is being or is to be provided

Legislative Wording 24:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- obtaining information in respect of any person who is –
 - (i) aged 18 or over and living in the same household as a person who is, or who wishes to be approved as, a foster parent within the meaning of section 53(7)(a) or (b) of the Safeguarding Vulnerable Groups Act 2006;
 - (ii) aged 16 or over and living in the same household as a person who fosters, or intends to foster, a child privately within the meaning of section 66(1) of the Children Act 1989 or who is otherwise a private foster parent within the meaning of section 53(7) (c) and (8) of the Safeguarding Vulnerable Groups Act 2006

Legislative Wording 25:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- A decision made by an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 or the compiling of a report for the authority making a decision in respect of an application to be a special guardian within the meaning of section 14A of the Children Act 1989, as to a person's suitability to adopt a child or be a special guardian, including obtaining information in respect of any person aged 18 years or over living in the same household as the prospective adopter or special guardian

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Disclosure & Barring Service

A GUIDE TO ADULT WORKFORCE ROLES FOR REGISTERED BODIES AND EMPLOYERS

This will help you identify whether the position you are recruiting for falls into the adult workforce and where you can legally request access to a check of the adults' barred list. These are roles which relate specifically to working with adults.

It is important to make sure that the law allows a DBS application to be submitted. As an employer or regulator, but also as a registered body, you have a legal responsibility for making sure you can submit applications and must know the legislation that supports each application in case we need further clarification. An individual cannot request a standard or enhanced level DBS check for themselves and so as a registered body you must not submit applications from individuals where there is no employer to make the suitability decision.

Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.

Standard and enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make them a requirement.

Decisions on when and whether to undertake a DBS check are for the relevant employer or regulator to make based on what the law allows. It is not discretionary as such, but a matter of considering the nature of the activities undertaken and if they are eligible for DBS checks. DBS provides an electronic [eligibility tool](#) which can help you with this. The [Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2013/1194](#) (the legislative definition of work with adults) and the [Department of Health \(DH\) factual note](#) on the definition of regulated activity with adults will also help.

When you request a DBS certificate to assess someone to carry out regulated activity with adults this means that you are a regulated activity provider (RAP). This brings obligations under the Safeguarding Vulnerable Groups Act 2006.

As a RAP, you have a legal duty to refer an individual to DBS when you believe a person has caused harm or poses a future risk of harm to vulnerable groups, including children. You must also provide information to DBS when we ask you to and may be fined unless you have a reasonable excuse for not providing the information. The conditions you must consider before making a referral or providing information to us can be found on the [DBS website](#).

An employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.

STANDARD level DBS certificate

Paper applications for standard DBS certificates **must** contain a workforce

Individuals whose role involves work relating to adults which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Please see the Standards Eligibility Guide for more information on this.

ENHANCED level DBS certificate ONLY

Paper applications for enhanced DBS certificates **must** contain a workforce

Individuals who work in a high security psychiatric hospital

- [Legislative Wording 1](#)

Individuals who carry out activities with adults that are specifically defined as work with adults

- [Legislative Wording 2](#)

Individuals who manage, on a day to day basis, anyone who carries out activities with adults that are specifically defined as work with adults

- [Legislative Wording 3](#)

Individuals whose role relates to a Care Quality Commission inspection function where the inspector has the opportunity for contact with adults in circumstances that are specifically defined as work with adults

- [Legislative Wording 4](#)

Applications to assess –

- certain individuals who work for a local authority where their roles relate to carrying out social services functions for adults in circumstances that are specifically defined as work with adults
- chief executives of any local authority that has social services functions
- directors of adult social services in England and Wales
- any charity trustee where the charity workers regularly carry out activities with adults that are specifically defined as work with adults
- any person who needs to be registered under the Health and Social Care Act 2008

- [Legislative Wording 5](#)

ENHANCED level DBS certificate with access to the DBS ADULTS' BARRED LIST

Applications for enhanced DBS certificates in the adult workforce **including a check of the adults' barred list** are always in regulated activity with adults. Use the [DH factual note](#) if you need help identifying whether a role falls into the definition of regulated activity with adults.

Paper applications for enhanced DBS certificates with an adults' barred list check **must** contain a workforce.

Individuals who carry out regulated activity with adults

- [Legislative Wording 6](#)

Regulated activity is work that a barred person must not do.

Regulated activity with adults does not include any activity carried out in the course of family relationships or personal, non-commercial relationships.

The activities below only need to be carried out once to be in regulated activity with adults:

1. **Individuals who provide health care to adults, either as a health care professional or under the direction or supervision of a health care professional. This includes providing psychotherapy and counselling and also covers first aiders where they provide this through an organisation set up specifically for the purposes of providing first aid, e.g. St John's Ambulance and community first responders.**

- 71 [Legislative Wording 7](#)

2. **Individuals who provide personal care to adults. This includes physically assisting adults, prompting and then supervising adults, or training, instructing or providing advice or guidance to adults on eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails and this is done because of the adult's age, illness or disability**

- [Legislative Wording 8](#)

3. **Individuals who are regulated social workers providing social work to adults who are clients or potential clients. This includes assessing or reviewing the need for health or social care services, and providing ongoing support to clients.**

- [Legislative Wording 9](#)

4. **Individuals who provide day to day help to adults with running their homes because their age, illness or disability means they need this help, and where it includes at least one of the following:**

- managing their cash,
- paying their bills, or
- doing their shopping

- [Legislative Wording 10](#)

5. Individuals who provide assistance to adults in conducting their own affairs under any of the following arrangements:

- Lasting power of attorney under the Mental Capacity Act 2005
- Enduring power of attorney within the meaning of the Mental Capacity Act 2005
- Being appointed as the adult's deputy under the Mental Capacity Act 2005
- Being an Independent Mental Health Advocate
- Being an Independent Mental Capacity Advocate
- Providing independent advocacy services under the National Health Service Act 2006 or National Health Service (Wales) Act 2006
- Receiving payments on behalf of that person under the Social Security Administration Act 1992

- [Legislative Wording 11](#)

6. Individuals who convey adults to or from anywhere they would be receiving health care, personal care or social work. This includes drivers and assistants (except taxi drivers and private hire drivers), hospital porters, patient transport service drivers and assistants, ambulance technicians and emergency care assistants

- [Legislative Wording 12](#)

7. Individuals who provide activities prescribed in other pieces of legislation that are connected to providing health care or personal care to adults but not covered by points 1 or 2 on page 3

- [Legislative Wording 13](#)

8. Individuals who manage or supervise anyone on a day to day basis who carries out regulated activity with adults

- [Legislative Wording 14](#)

9. Individuals carrying out inspection functions in Wales. This is where there is the opportunity for contact with adults receiving the services and the inspections relate to social services, care, treatment or therapy provided by the following:

- Welsh agencies required to be registered under section 11 of the Care Standards Act 2000, i.e. independent medical agencies, domiciliary care agencies, fostering agencies, nurses agencies and voluntary adoption agencies
- Individuals in Wales required to register under Part 2 of the Care Standards Act 2000, i.e. running or managing children's homes, independent hospitals, independent clinics, care homes and residential family centres,
- Welsh NHS bodies
- Anyone, other than a local authority, providing Welsh local authority social services

- [Legislative Wording 15](#)

10. The Commissioner for older people in Wales or the deputy Commissioner for older people in Wales

- [Legislative Wording 16](#)

Appendix

See below wording from legislation as per guidance above

Legislative Wording 1:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013/1194

- Any employment or other work which is normally carried out in a hospital used only for the provision of high security psychiatric services within the meaning of section 4(2) of the National Health Service Act 2006

Legislative Wording 2:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013/1194

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The provision of any activity mentioned in paragraph 6 to an adult who receives a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10 provided that the person carrying out the activity does so –

- (i) at any time on more than three days in any period of 30 days; or
- (ii) at any time between 2am and 6am and the activity gives the person the opportunity to have face-to-face contact with the adult; or
- (iii) at least once a week on an ongoing basis

The Annex at the end of this guidance provides the legislative descriptions of paragraphs 6, 9 and 10

Legislative Wording 3:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013/1194

- The regular day-to-day management or supervision of a person providing any activity mentioned in paragraph 6, to an adult who receives a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10

The Annex at the end of this guidance provides the legislative descriptions of paragraphs 6, 9 and 10.

Legislative Wording 4:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013/1194

- The exercise of a function of the Care Quality Commission in so far as the function –
 - (i) relates to the inspection of anything which is listed in section 60(1) of the Health and Social Care Act 2008 and involves the provision of social services, care, treatment or therapy for adults who receive a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10; and
 - (ii) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in exercise of that function, to have contact with an adult who receives a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10

The Annex at the end of this guidance provides the legislative descriptions of paragraphs 9 and 10

Legislative Wording 5:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013/1194

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The exercise of a function of a person who is –

- (i) a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to adults who receive a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10
- (ii) a member of an executive of a local authority which discharges any such functions;
- (iii) a member of a committee of an executive of a local authority which discharges any such functions;
- (iv) a member of an area committee, or any other committee, of a local authority which discharges any such functions;
- (v) a person who is a chief executive of a local authority that has any social services functions;
- (vi) a person who is a director of adult social services of a local authority in England;
- (vii) a person who is a director of social services of a local authority in Wales;
- (viii) a Commissioner for older people in Wales or deputy Commissioner for older people in Wales;
- (ix) a person who is a charity trustee of a charity whose workers normally engage in any activity which is work with adults;
- (x) a person who is required to register to carry out a regulated activity within the meaning of the Health and Social Care Act 2008 where that activity will be carried out in relation to an adult who receives a health or social care service within the meaning of paragraph 9

The Annex at the end of this guidance provides the legislative descriptions of paragraphs 9 and 10

Legislative Wording 6:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/1194

- The provision to an adult of a regulated activity within the meaning of Part 2 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006, as amended by sections 65 and 66 of the Protection of Freedoms Act 2012

Legislative Wording 7:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (1)(a) the provision to an adult of health care by, or under the direction or supervision of, a health care professional
- (2) Health care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.
- (3) A health care professional is a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (3A) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to an adult by any person acting on behalf of an organisation established for the purpose of providing first aid.

Legislative Wording 8:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (1)(b) the provision to an adult of relevant personal care
- (3B) Relevant personal care means –
 - a) physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with—
 - (i) eating or drinking (including the administration of parenteral nutrition),
 - (ii) toileting (including in relation to the process of menstruation),
 - (iii) washing or bathing,
 - (iv) dressing,
 - (v) oral care, or
 - (vi) the care of skin, hair or nails,
 - b) the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the activities listed in paragraph (a) where the person is unable to make a decision in relation to performing such

an activity without such prompting and supervision, or

- c) any form of training, instruction, advice or guidance which –
 - (i) relates to the performance of any of the activities listed in paragraph (a),
 - (ii) is given to a person who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (b).

Legislative Wording 9:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (1)(c) the provision by a social care worker of relevant social work to an adult who is a client or potential client
- (3C) In relation to a vulnerable adult in England, relevant social work has the meaning given by section 55(4) of the Care Standards Act 2000 and social care worker means a person who is a social care worker by virtue of section 55(2)(a) of that Act.
- (3CA) In relation to a vulnerable adult in Wales, relevant social work has the meaning given by section 79(4) of the Regulation and Inspection of Social Care (Wales) Act 2016, and social care worker means a person who is a social care worker by virtue of section 79(1)(a) of that Act.

Legislative Wording 10:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (1)(d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability
- (3D) Assistance in relation to general household matters is day to day assistance in relation to the running of the household of the person concerned where the assistance is the carrying out of one or more of the following activities on behalf of that person –
 - a) managing the person's cash,
 - b) paying the person's bills,
 - c) shopping

Legislative Wording 11:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (1)(e) any relevant assistance in the conduct of an adult's own affairs
- (3E) Relevant assistance in the conduct of a person's own affairs is anything done on behalf of the person by virtue of –
 - a) a lasting power of attorney created in respect of the person in accordance with section 9 of the Mental Capacity Act 2005,
 - b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the person which is –
 - (i) registered in accordance with that Schedule, or

- (ii) the subject of an application to be so registered,
- c) an order made under section 16 of that Act by the Court of Protection in relation to the making of decisions on the person's behalf,
- d) the appointment of an independent mental health advocate or (as the case may be) an independent mental capacity advocate in respect of the person in pursuance of arrangements under section 130A of the Mental Health Act 1983 or section 35 of the Mental Capacity Act 2005,
- e) the provision of independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006) in respect of the person, or
- f) the appointment of a representative to receive payments on behalf of the person in pursuance of regulations made under the Social Security Administration Act 1992

Legislative Wording 12:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (1)(f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability

Legislative Wording 13:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

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- (1)(g) such activities—
 - (i) involving, or connected with, the provision of health care or relevant personal care to adults, and
 - (ii) not falling within any of the above paragraphs,
 as are of a prescribed description.

Legislative Wording 14:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1) is a regulated activity relating to vulnerable adults

Legislative Wording 15:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (6) The exercise of an inspection function of the Welsh Ministers so far as the function gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with vulnerable adults, is a regulated activity relating to vulnerable adults.

- (7) An inspection function is a function relating to the inspection of–
 - c) an agency in relation to which such a requirement arises,
 - d) a person to whom Part 2 of that Act applies in pursuance of regulations under section 42 of that Act,
 - e) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003, or
 - f) any person, other than a local authority, providing Welsh local authority social services within the meaning of that section,in so far as the inspection relates to social services, care, treatment or therapy provided for vulnerable adults by the establishment, agency, person or body.
- (8) In sub-paragraph (7)(e) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

Legislative Wording 16:

Wording from the Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2 paragraph 7

- (9) The exercise of a function of the Commissioner for older people in Wales or the deputy Commissioner for older people in Wales, is a regulated activity relating to vulnerable adults.

ANNEX 1

GUIDANCE

There are three steps to follow to identify whether the position you are recruiting for is carrying out activities which are in the definition of work with adults.

1. Look at paragraphs 9 and 10 to identify whether the job holder will be working with adults who are receiving any of the services listed.
2. Look at paragraph 6 to identify what activity the job holder will be providing to those adults;
3. Establish whether the job holder will be providing the activity to the adults often enough.

Once this is identified, you have the legal justification for your enhanced DBS application.

Paragraph 9 – the adults

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- a) residential accommodation provided for an adult in connection with any care or nursing he requires
 - b) accommodation provided for an adult who is or has been a pupil attending a residential special school, where that school is –
 - (i) a special school within the meaning of section 337 of the Education Act 1996
 - (ii) an independent school within the meaning of section 463 of that Act which is in England and is specially organised to make special educational provision for pupils with special educational needs (within the meaning of section 312 of that Act) or is in Wales and is approved by the Welsh Ministers under section 347 of that Act
 - (iii) an independent school within the meaning of section 463 of that Act not falling within sub-paragraph (b)(ii) which, with the consent of the Welsh Ministers, given under section 347(5)(b) of that Act, provides places for children with special educational needs (within the meaning of section 312 of that Act)
 - (iv) an institution within the further education section (within the meaning of section 91 of the Further and Higher Education Act 1992) which provides accommodation for children
 - (v) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010, which provides accommodation for children
 - c) sheltered housing
 - d) care of any description or assistance provided to an adult by reason of his age, health or any disability he has, which is provided to the adult in the place where he is, for the time being, living, whether provided continuously or not
 - e) any form of health care, including treatment, therapy or palliative care of any description
 - f) support, assistance or advice for the purpose of developing an adult's capacity to live independently in accommodation, or sustaining their capacity to do so
 - g) any service provided specifically for adults because of their age, any disability, physical or mental illness, excluding a service provided specifically for an adult, with one or more of the following disabilities (unless that person has another disability) –
 - (i) dyslexia
 - (ii) dyscalculia

- (iii) dyspraxia
- (iv) Irlen syndrome
- (v) Alexia
- (vi) auditory processing disorder
- (vii) dysgraphia

h) any service provided specifically to an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 20 to the National Health Service Act 2006

Paragraph 10 – the adults

- a) the detention of an adult in lawful custody in a prison (within the meaning of the Prison Act 1952), a remand centre, young offender institution or a secure training centre (as mentioned in section 43 of that Act) or an attendance centre (within the meaning of section 53(1) of that Act)
- b) the detention of a detained person (within the meaning of Part 8 of the Immigration and Asylum Act 1999) who is detained in a removal centre or short-term holding facility (within the meaning of that Part) or in pursuance of escort arrangements made under section 156 of that Act
- c) the supervision of an adult by virtue of an order of a court by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000
- d) the supervision of an adult by a person acting for the purposes mentioned in section 1(1) of the Offender Management Act 2007
- e) the provision to an adult of assistance with the conduct of their affairs in situations where –
 - (i) a lasting power of attorney is created in respect of the adult in accordance with section 9 of the Mental Capacity Act 2005 or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of the adult
 - (ii) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the adult is registered in accordance with that Schedule or an application is made under that Schedule for the registration of an enduring power of attorney in respect of the adult
 - (iii) an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on the adult's behalf, or such an order has been applied for
 - (iv) an independent mental capacity advocate is or is to be appointed in respect of the adult in pursuance of arrangements under section 35 of that Act
 - (v) independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006) are or are to be provided in respect of the adult
 - (vi) a representative is or is to be appointed to receive payments on the adult's behalf in pursuance of regulations made under the Social Security Administration Act 1992
- f) payments are made to the adult or to another person on the adult's behalf under arrangements made under section 57 of the Health and Social Care Act 2001
- g) payments are made to the adult or to another person on the adult's behalf under section 12A(1) or under regulations made under section

Paragraph 6 – the activities provided by the job holder for the adults

For the purposes of this regulation “activity” means –

- a) any form of care or supervision;
- b) any form of treatment or therapy;
- c) any form of training, teaching, instruction, assistance, advice or guidance provided wholly or mainly for adults who receive a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10;
- d) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by adults who receive a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10;

A person moderates a public electronic interactive communication service if, for the purposes of protecting the adults mentioned in that sub-paragraph, he has any function relating to –

- (i) monitoring the content of matter which forms any part of the service;
- (ii) removing matter from, or preventing the addition of matter to, the service; or
- (iii) controlling access to, or use of, the service.

But a person does not moderate a public electronic interactive communication service unless he has –

- (i) access to the content of the matter;
- (ii) contact with users of the service.

- e) any form of work carried out in a care home (for the purposes of the Care Standards Act 2000) which is exclusively or mainly for adults, whether or not for gain, that gives the person carrying out the work the opportunity to have contact with the adults resident at that care home
- f) representation of, or advocacy services for, adults who receive a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10, by a service which has been approved by the Secretary of State or created by any enactment, and which is of such a kind as to enable the person to have access to such adults in the course of his normal duties in providing such services
- g) the conveying of an adult who receives a health or social care service within the meaning of paragraph 9 or a specified activity within the meaning of paragraph 10 whether or not the adult is accompanied by a person caring for them.

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Disclosure & Barring Service

A GUIDE TO OTHER WORKFORCE ROLES FOR REGISTERED BODIES AND EMPLOYERS

This will help you identify whether the position you are recruiting for falls into the other workforce when completing the 'Position Applied For' field on a DBS application form and where access to a children's and adults' barred list check is available. These are roles which don't specifically relate to working with children and/or adults.

It is important to make sure that the law allows a DBS application to be submitted. As an employer or regulator, but also as a registered body, you have a legal responsibility for making sure you can submit applications and must know the legislation that supports each application in case we need further clarification. An individual cannot request a standard or enhanced level DBS check for themselves and so as a registered body you must not submit applications from individuals where there is no employer to make the suitability decision.

Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.

Standard and enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make them a requirement.

Decisions on when and whether to undertake a DBS check are for the relevant employer or regulator to make based on what the law allows. It is not discretionary as such, but a matter of considering the nature of the activities undertaken and if they are eligible for DBS checks. DBS provides an electronic [eligibility tool](#) which can help you with this.

STANDARD DBS certificate

Paper applications for standard DBS certificates **must** contain a workforce or they will be rejected.

Individuals whose role does not relate to working with children or adults which is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Please see the Standards Eligibility Guide for more information on this.

ENHANCED DBS certificate ONLY

Paper applications for enhanced DBS certificates **must** contain a workforce or they will be rejected.

Individuals applying for or renewing an operating licence to run premises where gambling can take place

- [Legislative Wording 1](#)

Individuals applying for or renewing a personal licence to perform the functions of a specified management office, or a specified operational function, in relation to facilities for gambling

- [Legislative Wording 2](#)

Individuals applying to work for the Gambling Commission

- [Legislative Wording 3](#)

Individuals applying for or renewing a licence to run the National Lottery or promote or sell tickets in relation to that lottery

- [Legislative Wording 4](#)

Individuals required to be registered by the Immigration Services Commissioner to provide immigration advice or services, not in connection with criminal proceedings

- [Legislative Wording 5](#)

Individuals applying for or renewing a licence to produce, supply, offer to supply or have in his possession any controlled drug

- [Legislative Wording 6](#)

Individuals applying to be a Maritime armed guard on UK ships where they can carry, acquire or transfer weapons and/or ammunition

- [Legislative Wording 7](#)

Individuals applying to be employed for the purpose of national security for the following:

- in service of the Crown;
 - the United Kingdom Atomic Energy Authority
 - the Financial Conduct Authority (FCA);
 - the Prudential Regulation Authority (PRA)
- [Legislative Wording 8](#)

Individuals applying for judicial appointments, such as Judges, Magistrates, Coroners or Justices of the Peace

- [Legislative Wording 9](#)

Individuals applying to be employed by the Crown.

- [Legislative Wording 10](#)

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ENHANCED DBS certificate with access to the DBS CHILDREN'S AND ADULTS' BARRED LIST

Paper applications for enhanced DBS certificates in the other workforce **including a check of the children's and adults' barred lists** are not in regulated activity with children or adults

Individuals applying for or renewing a taxi or private hire vehicle licence – not taxi drivers who are entering into a contract to drive children or adults

- [Legislative Wording 11](#)

Appendix

See below wording from legislation as per guidance above

Legislative Wording 1:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Obtaining or holding an operating licence under Part 5 of the Gambling Act 2005 for the purposes of that Act.

Legislative Wording 2:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Obtaining or holding a personal licence under Part 6 of the Gambling Act 2005 for the purposes of that Act.

Legislative Wording 3:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Considering an individual's suitability for a position as Commissioner for the Gambling Commission and for any office or employment in the Commissioners' service.

Legislative Wording 4:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2007/1892

- Obtaining or holding a licence under section 5 or 6 of the National Lottery Act 1993 (running or promoting lotteries).

Legislative Wording 5:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (No.2) Regulations 2009/1882

- Considering the applicant's suitability for work as a person who provides immigration advice or services as defined in section 82(1) of the Immigration and Asylum Act 1999 and is –

(i) a registered person under Part 5 of that Act, or

(ii) a person who acts on behalf of and under the supervision of such a registered person, or

a person who is exempt by section 84(4)(a) to (c) of that Act

Legislative Wording 6:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (No.2) Regulations 2009/1882

- Considering the applicant's suitability to obtain or retain a licence under regulation 5 of the Misuse of Drugs Regulations 2001 or under Article 3(2) of Regulation 2004/273/EC or under Article 6(1) of Regulation 2005/111/EC where the question relates to any person who as a result of his role in the body concerned is required to be named in the application for such a licence (or would have been so required if that person had had that role at the time the application was made).

Legislative Wording 7:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.4) Regulations 2012/3016

- Considering an individual's suitability to have in their possession, to acquire or to transfer, prohibited weapons or ammunition to which section 5 of the Firearms Act 1968 applies.

Legislative Wording 8:

Wording from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013/1198

- Any question asked by or on behalf of any person, in the course of his duties as a person employed in the service of the Crown, the United Kingdom Atomic Energy Authority or the FCA or the PRA in order to assess, for the purpose of safeguarding national security, the suitability of the person to whom the question relates or of any other person for any office or employment where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed for the purpose of safeguarding national security.

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013/2669

- Assessing the suitability of a person for any office or employment which relates to national security

Legislative Wording 9:

Wording from section 116 of the Police Act 1997

- An application under this section must be accompanied by a statement by a Minister of the Crown, or a person nominated by a Minister of the Crown, that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant's suitability for a judicial appointment.

Legislative Wording 10:

Wording from section 116 of the Police Act 1997

- An application under this section must be accompanied by a statement by a Minister of the Crown, or a person nominated by a Minister of the Crown, that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant's suitability for an appointment by or under the Crown to a position of such description as may be prescribed.

Legislative Wording 11:

Wording from the Police Act 1997 (Criminal Records) Regulations 2002, as amended by the Police Act 1997 (Criminal Records) (No.2) Regulations 2012/2114

- Considering the applicant's suitability to obtain or hold a licence under section 46 of the Town Police Clauses Act 1847; section 8 of the Metropolitan Public Carriage Act 1869; section 9 of the Plymouth City Council Act 1975; section 51 of the Local Government (Miscellaneous Provisions) Act 1976; or section 13 of the Private Hire Vehicles (London) Act 1998

Response from Disclosure and Barring Service (23.11.18)

The position of 'Local Authority Councillor' is not in itself eligible for the Enhanced Level Disclosure as it is not included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

As you will be aware, from the 10 September 2012, Regulated Activity has been amended. If the councillors/elected members fall within the old definition of Regulated Activity (explained below) they are eligible for an enhanced DBS check without a check of the barred lists.

Pre 10 September 2012 Guidance

With regards to working with children, to be eligible for an enhanced check, a member of the Council would need to be working in Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 Schedule 4, part 1 paragraph 1 (9).

9) The exercise of a function of a person mentioned in paragraph 4 (1) is a regulated activity relating to children.

4. Positions –

For the purposes of sub-paragraph 4 (1)(b), a person is a member of a relevant local government body if—

- a) he is a member of a local authority and discharges any education functions, or social services functions, of a local authority;
- b) he is a member of an executive of a local authority which discharges any such functions;
- c) he is a member of a committee of an executive of a local authority which discharges any such functions;
- d) he is a member of an area committee, or any other committee, of a local authority which discharges any such functions.

With regards to vulnerable adults, to qualify for an enhanced check the council members would need to meet the criteria in schedule 4, part 2 paragraph 7 (9).

9) The exercise of a function of a person mentioned in paragraph 8 (1) is a regulated activity relating to vulnerable adults

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(1) The persons referred to in paragraph 7(9) are –

- a) member of a relevant local government body;

(2) For the purposes of sub-paragraph (1)(a), a person is a member of a relevant local government body if—

- a) he is a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to vulnerable adults;

- b) he is a member of an executive of a local authority which discharges any such functions;
- c) he is a member of a committee of an executive of a local authority which discharges any such functions;
- d) he is a member of an area committee, or any other committee, of a local authority which discharges any such functions.

(3) Any reference in sub-paragraph (2) to a committee includes a reference to any sub-committee which discharges any functions of that committee.

To clarify, on the 10 September 2012 the Protection of Freedom Act 2012 provided a new definition of regulated activity. Part of the amendment was that all “positions” within Office Holders (England) and some for Wales have been removed e.g. member of a relevant governing body etc.

However, everybody within the pre-September 2012 definition of regulated activity, will remain eligible for enhanced level DBS checks, whether or not they fall within the post-10 September 2012 definition of regulated activity. They would no longer be eligible for barred list checks, unless they fall within the post-definition of regulated activity.

Otherwise, you can apply for a Basic level check. We can do Basic checks for roles in England and Wales. You can find out more about this on our website.

Basic checks show ‘unspent’ convictions. If you are unsure what this means, you can check with [NACRO](#) or [UNLOCK](#). These are organisations set up to give advice on criminal records. This type of check would provide some assurance to parents over your integrity.

What is Regulated Activity with Children?

This is a key question to ask when deciding what level of Disclosure to request and whether to check of the Barred Lists should be requested, as part of the Enhanced Disclosure. The main aspects for decision should be centred around the following questions, and each organisation should assess this for themselves. The eligibility for carry out Regulated Activity with Children is broadly broken down into two categories.

1. What work will the role involve?

Included in this assessment should be factors such as:

- Will the work involve teaching, training or supervising children?
- Will the work be supervised?
- Will the employee be carrying out the work frequently? (defined as once a week or more often, or on 4 or more days in a 30day period, or overnight in the same establishment)
- Will the work involve the provision of Health Care or Personal Care to a child (this does not have to be done frequently as defined above)

2. Where will the work be carried out?

1. will the work be carried out in A 'Specified Place'? (including schools, pupil referral units, nursery schools, institutions for the detention of children, children's homes or children's centres in England, childcare premises)

AND:

- Be done frequently (same definition as above)
- Done by the same person engaged in work for or in connection with the purposes of the establishment
- Give the employee an opportunity to have contact with children
- Exceptions to this group are the following:
 - Activity by a person contacted (or volunteering) to provide occasional or temporary services (not teaching, training or supervision of children)
 - Volunteering, undertaken regularly in a number of different establishments, but only infrequently in each: each establishment is only arranging activities infrequently, so each establishment is not regulated activity provider in relation to that activity

Excluded from Regulated Activity with children – the following activities are not classed as Regulated Activity by the DBS:

- Family arrangements and personal, non-commercial arrangements e.g. looking after a friend's child unpaid.
- A person within a group assisting another member of the group (termed peer exemption')
- Incidental contact – the presence of children is unforeseen, and the activity is not being provided to children.

What is the difference between 'Child Workforce' check and the Barred lists for Children?

Child Workforce – this indicates the Local Police Force(s) that the applicant will be working with children to ensure that they release an 'Approved Additional Information' relating to this group. This information will be checked at Stage 4 of the application process and the Local Police Force are given further guidance about the information they should include when responding to a 'child workforce' check.

Under 18s Vetting and Barring List – this includes the above information plus a check of the relevant Vetting and Barring lists controlled and maintained by the DBS, together with a check of Section 142 of the Education Act 2002 (previously called List 99). These lists contain the names of all those people barred from working with people U18. This will be included (if requested) at Stage 3 of the application process with the DBS and will appear on the Disclosure if they are.

What is Regulated Activity with Adults?

This is a key question to ask when deciding what level of Disclosure to request and whether to check of the Barred Lists should be requested, as part of the Enhanced Disclosure. The main aspects for decision should be centred around the activities, and each organisation should assess this for themselves. The eligibility for carry out Regulated Activity with Adults is broadly broken down into six categories.

What work with adults is staff carrying out?

1. Providing health care
 - This includes health care work undertaken by (or under supervision from) a regulated Health Care Professional e.g. regulated by GMC or HPC
 - Health care includes all forms of health care relating to physical or mental health including palliative care.
2. Providing personal care
 - Includes providing an adult with physical assistance with eating, drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin because of the adults age, illness or disability (this includes someone who prompts and then supervises an adult to undertake the above actions as they are unable to make a decision for themselves)
 - Anyone who trains, instructs or provides guidance to an adult on the above actions because of their age, illness or disability is in Regulated Activity
3. Providing Social Work
 - The activities of a regulated Social Worker in relation to adults who are clients or potential clients are a Regulated Activity. This includes assessing the need for health and social care services, and providing ongoing support to clients
4. Assistance with General Household Matters
 - Anyone who provides day-to-day assistance to an adult because of their age, illness or disability, where that assistance includes as least one of the following, is in regulated activity.
 - i. Managing the person's cash
 - ii. Pay the person's bills, or
 - iii. Shopping on their behalf
5. Assistance in the Conduct of a Person's Own Affairs

- Regulated Activity includes anyone who provides assistance in the conduct of an adult's own affairs by virtue of:
 - Lasting power of attorney under the Mental Capacity Act 2005
 - Enduring power of attorney under the Mental Capacity Act 2005
 - Being appointed as the Adult's deputy under the Mental Capacity Act 2005
 - Being an Independent Mental Health Advocated
 - Being an Independent Mental Capacity Advocate
 - Providing independent advocacy services under the National Health Services Act 2006
 - Receiving payments on behalf of that person under the Social Security Administration Act 1992.

6. Conveying

- This includes any drivers or assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will receive health care, relevant personal care or relevant social work (as above) Hospital porters, Patient Transport Service drivers and assistants are also included in this group
- This does not include licensed taxi drivers or licensed private hire drivers unless they are undertaking trips taken for the above listed purposes.

Excluded from this list of roles is any activity carried out in the course of family relationships, and personal, non-commercial relationships, for example a family friend driving a friend to their hospital appointment for petrol money. In the guidance provided an Adult is classed as anyone 18 years old or older.

Management functions – A person whose role includes the day to day management or supervision of any person who is engaging in Regulated Activity with adults, is also in Regulated Activity.

The above activities only need to be done once by an employee, to be classed as Regulated Activity with adults

What is the different between an 'Adult Workforce' check and the Barred Lists for Adults?

Adult Workforce – this indicates to the Local Police Force(s) that the applicant will be working with vulnerable adults to ensure that they release any 'Approved Additional Information' relating to this group. This information will be checked at Stage 4 of the application process and the Local Police Force are given further guidance about the information they should include when responding to an 'adult workforce' check.

Vulnerable Adults Barred List – this includes the above information plus a check of the relevant Vetting and Barring Lists controlled and maintained by the DBS. These lists contain the names of all those people who are **barred** from working with Vulnerable Adults. This will be included (if requested) at Stage 3 of the application process with the DBS and appear on the applicant's Disclosure if they are.

The pre-September 2012 definition of Regulated Activity

It is important to take note of this definition as this will determine if an employer can request an Enhanced Level Disclosure without a check of the DBS Barred Lists for working with Children or Adults.

The pre-September 2012 definition of Regulated Activity included anyone working closely with children or vulnerable adults, either paid or unpaid, not part of a family or personal arrangement, on a frequent, intensive or overnight basis. Frequent meaning once a week or more (except in health or personal care services where frequent means once a month or more); intensive means on four days or more in a single month. You can view the full DBS guidance relating to Pre-September 2012 eligibility.

Why is this definition still important?

Under the changes that were introduced as part of the Protection of Freedoms Act 2012 the definition of Regulated Activity was changed, with a view to reducing the number of Barred List checks that employers would request. Under guidance provided at the time it was anticipated that there would be a reduction in requests for Barred List checks, from 9 million per year to 5 million per year. This guidance also confirmed that any role that was previously eligible for an Enhanced level Disclosure would remain eligible for an Enhanced level check, but only those meeting the new definition of Regulated Activity could have a Barred List check. This created a new level of check which was the ***Enhanced Level check without a check of the Barred Lists***.

What information does an Enhanced level Disclosure without the Barred lists provide?

This level of check will provide the following information:

- A check of the Police National Computer for any non-filtered* convictions, cautions reprimands or warning
- A request for 'Additional Approved Information' from the Local Police Force (LPF)

What are the DBS Filtering Rules for criminal check certificates?

On the 29th May 2013 legislation came into force that removed certain old and minor conviction information, from the Exceptions Order of the Rehabilitation of Offenders Act. In practical terms this means that not all conviction information will be displayed on a Standard or Enhanced DBS Disclosure. These rules are described as the DBS Filtering Rules.

Those 18 years old or over at the time of offence

Convictions will be removed if:

- 11 years have passed since the date of the conviction; AND
- it is the individual's only offence, AND
- it did not result in a custodial sentence

Cautions will be removed after 6 years

Those under the age of 18 at the time of offence

Convictions will be removed if:

- Same rules apply as above however the elapsed time is reduced to 5.5 years

Cautions will be removed

- Same rules apply as above however the elapsed time is reduced to 2 years.

Information never Filtered from a Certificate

The DBS Filtering Rules stipulated that the following information **MUST** be included on the following, and so will never be Filtered from a Certificate:

- Cautions relating to an offence from a list agreed by Parliament
- Convictions relating to an offence from a prescribed list (see DBS website for list)
- Where the individual has more than one conviction, all convictions will be included.
- Convictions that resulted in a custodial sentence

Documentation for a basic Criminal record check

The documents required for a basic level criminal record check are listed below, with at least one confirming the applicants **date of birth** and one confirming the **current address**. As part of the process DBS will ask for three documents to ensure the minimum requirements are met.

If an applicant is unable to provide the correct combination or number of documents meeting the DBS requirements, they will be unable to apply for a basic level criminal record check.

Routes of application – combination requirements

Route 1

- The applicant must provide three documents as a minimum
- One document must be from Group 1
- Two more documents from any group
- Documents must confirm the name, date of birth and current address of the applicant

Route 1a

- This route is for **Non-EEA applicants only**
- The applicant must provide three documents in total
- One document must be from Group 1a, with the corresponding document requirements
- Two more documents from any group
- Documents must confirm the name, date of birth and current address of the applicant

Route 2

- The applicant must provide three documents as a minimum
- At least one document must be from Group 2a
- Two more documents must be from Group 2a or 2b
- Documents must confirm the name, date of birth and current address of the applicant

What documents are accepted?

Below is a list of the documents that the DBS accept in support of a Basic Criminal Record Check application. The notes provide further guidance on the requirements for each document. Please read these carefully as some documents can change group or require supporting documents to validate them. For example, a Birth Certificate issued within 12 months of the date of birth is a Group 1 document, if it issued after this it becomes a Group 2a document.

Group 1: Primary identity documents	
<i>Document</i>	<i>Notes</i>
Passport	Any current and valid passport
Biometric residence permit	UK
Current photocard driving licence	UK/Isle of Man/Channel Islands and EEA (full or provisional). All licences must be valid in line with current DVLA requirements
Birth certificate – issued within 12 months of date of birth	UK and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted government documents		
<i>Document</i>	<i>Notes</i>	
Current driving licence – photo card (non-EEA)	All countries (full or provisional) (Excluding UK/Isle of Man/Channel Islands and EEA). All licences must be valid in line with current DVLA requirements	
Current driving licence – paper version	UK/Isle of Man/Channel Islands and EEA (full or provisional). All licences must be valid in line with current DVLA requirements	
Birth certificate – issued more than 12 months after date of birth	UK, Channel Islands and Isle of Man	
Marriage/civil partnership certificate	UK and Channel Islands	
HM Forces ID card	UK	
Firearms licence	UK, Channel Islands and Isle of Man	
Non EEA Immigration Document/Visa/Work permit	Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA country in which the role is based	
Group 2b: Financial and social history documents		
<i>Document</i>	<i>Notes</i>	<i>Issue date and validity</i>

Mortgage statement		Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Letter of sponsorship from future employment provider	Non-UK or non-EEA only. Valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local	UK and Channel Islands	Issued in last 3 months

council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC		
EEA National ID card		Must still be valid
Irish Passport Card	Cannot be used with an Irish Passport	Must still be valid
Cards carrying the PASS accreditation logo	UK, Channel Islands and Isle of Man	Must still be valid
Letter from head teacher or college principal	UK – for 16 to 19 year olds in full time education. Only used in exceptional circumstances if other documents cannot be provided	
Non EEA Bank or building society statement	Valid only for roles whereby the applicant is living and working outside of the UK. Statement must relate to a bank or building society from the non EEA country in which the role is based.	Issued in last 3 months

Group 1a: Primary identity documents for non-EEA nationals	
A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area or Switzerland.	UK
A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.	UK
A current Passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK , has the right of abode in the UK, or has no time limit on their stay in the UK	Any current and valid Passport
A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer	UK, must be provided with a Passport
A current Passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question	Any current and valid Passport
A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.	UK

<p>A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence</p>	<p>UK, must be provided with a Passport</p>
<p>A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer</p>	<p>UK, must be provided with a Passport</p>
<p>A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service</p>	<p>UK, less than 6 months old, with additional documents</p>
<p>An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service</p>	<p>UK, with additional documents</p>
<p>A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.</p>	<p>UK</p>

23 January 2019

Policy, Projects and Resources Committee

Play Area Strategy

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

Wards Affected: *All Brentwood Borough Wards*

This report is: *Public report*

1. Executive Summary

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

2. Recommendations

- 2.1 That Members agree to the Play Area Strategy and associated guidelines within as attached in Appendix A of this report and;**
- 2.2 That the phased budget requirements are considered as part of the budget setting process for Medium-Term Financial Plan; and**
- 2.3 That subject to budget approval officers look at a compliant procurement exercise and that this process is brought back to the Community Health and Housing Committee.**

3. Introduction and Background

- 3.1.** The Play Area Strategy is one of the six workstreams which sit under the Council's overarching Leisure Strategy 2018-2028 which was agreed by Members at the 11 September 2018 Community Health and Housing Committee, and also at the 18 September 2018 Policy Projects and Resources Committee. The vision for the Council is that strategically the Council needs to ensure that its leisure facilities will be of high quality, be sustainable in the future and that they broaden the impact on improving community health.
- 3.2.** The Borough of Brentwood has a total of 38 Play areas. 12 are managed directly by the Council's Parks and Open Spaces department, 15 are

managed by the Council's Housing Department and 11 are managed directly by the Parish Council's.

- 3.3.** 4Global undertook a Value for Money options analysis of the Council's Leisure facilities in 2016 which included the Council's Play Areas. This examined the current provision, associated budget to maintain and improve and future requirements.
- 3.4.** Sport England recognizes the importance that physical activity has on the health and wellbeing of children and young people, so the Council's play areas are a key component in delivering their objective.
- 3.5.** An on-line and face to face consultation took place over the summer 2018 to help inform the development of play area strategy. This asked a number of questions about type of equipment and how residents/visitors get to the play areas.
- 3.6.** Officers have also undertaken an audit of the play areas that are managed by the Council's Parks and Open Space department and the Council's Housing Department, which has also informed the Play Area Strategy. This also looked at the estimated walking time to access the play areas.
- 3.7.** The Council has recently opened Warley Play Area in July 2018 which is a Plan Inclusive Play Area (PiPA) accredited play area.
- 3.8.** The Play Area Strategy has also been informed by the Fields in Trust Policy Framework which sets out the desired requirement of play areas based on population figures and the PiPA guidance which helps local authorities, landscape architects, planners and families with disabled children to create inclusive outdoor play areas.
- 3.9.** The Neighbourhood Planning Policy Framework identifies sport and activity as a fundamental part of the planning and delivery of sustainable communities. The planning objectives also look at the protecting existing facilities, enhancing the quality, accessibility and management of existing facilities and providing new facilities to meet demand. Therefore, the Council also needs to ensure that the current provision is sufficient, but also that the future requirements are aligned to any new housing growth in the borough. The nature of play is also changing, so the Council also needs to ensure that it can be part of an inter-generational space. Play needs to be challenging and risky physically at a child's own level of development, but also needs to support sensory play.

- 3.10.** Play also needs to be safe, so the Council also need to ensure that it not only conforms to current British and European safety standards, but that they are regularly inspected, and any faults reported quickly and sufficient maintenance and management applied.

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 5year Play Area Strategy focusses on those play areas that are managed directly by the Council's Parks and Open Spaces department. The Housing sites remain the responsibility of Housing and these are not available for the general public to use.
- 4.3.** The on-line and face to face consultation had responses from 146 people of which 110 were residents. They were asked the following questions:
- a) What's your favourite play area in Brentwood?
 - b) Why is it your favourite play area?
 - c) How often do you visit your favourite play area?
 - d) How do you get there?
 - e) What are the age ranges of the children that use the play area?
 - f) What type of equipment do you prefer?
 - g) Which other play areas do you visit in Brentwood?
 - h) If you visit any other play areas in Brentwood, how often do you visit?
 - i) How do you get there?
 - j) Do you have any other comments?
- 4.4.** King George's Playing Fields came out as the favourite play area with Warley Playing Fields and Bishops Hall coming third. In response to the question of why it was a favourite park the highest response was the mix of equipment to suit a variety of ages, followed by play area with green open space and it's the nearest to where I live. Most people travel monthly, followed by weekly. Most travel by car closely followed by walking to get to the play area. The age range of children was 0-5, followed by 6-11 years of age. The type of equipment was evenly split between swings, slides and climbing. The top three of other play areas visited was King George's, Warley and Bishops Hall. Again, the frequency

of visit was the same with the majority being weekly and the people travelling by car.

- 4.5.** Other comments included the general variety of equipment, ancillary facilities, the need to provide more inclusive play for children and young people with special needs. A full summary of the responses to the consultation is attached in Appendix B.
- 4.6.** The Fields in Trust framework guidance sets out the proposed quantity of play that is required based on population figures and how close these need to be to population centres. It should be noted that if applying these benchmarks, that local features and obstacles to pedestrian and cycle movement should be taken into account. Play areas are classified as follows:
- a) Local Areas for Play (LAPs) and informal play; aimed at very young children –
 - b) Local Equipped Areas for Play (LEAPs) and informal recreation; aimed at children who can go out to play independently; and
 - c) Neighbourhood Equipped Areas for Play (NEAPs) and informal recreation, and provision for children and young people.

These can be complemented by other facilities including Multi Use Games Areas (MUGAs) and skateboard parks. As part of an intergenerational space then outdoor gyms can also be included.

- 4.7.** It is recommended that the Council uses this framework to build on the current provision and also to inform the requirements for future provision.
- 4.8.** Plan Inclusive Play Area (PiPA) sets out the guidance for inclusive design to consider more than just access into a space as providing play activities that engage all is vital. The PiPA assessment tool not only helps the Council to design play areas but also to assess existing play areas. Their assessment tool helps the Council to understand a wide range of disabilities without being an expert, so that the public are offered the best inclusive provision. It is therefore recommended that the Council use the PiPA checklist to assess the current provision that will inform future improvements and ensure that all play areas will become community PiPA accredited.
- 4.9.** It is also recommended that the Council work with specialist organisations who support the children and young people with special needs such as SNAP (Special Needs and Parents) and BOSP (Brighter Opportunities through Supported Play) to assist in the design and improvement of the

Council's play areas. Relevant ward members will also be invited to assist in this process for play areas.

- 4.10. Once future growth has been identified then leisure facilities including play areas are factored into the development to support the needs of the local population. It is also recommended that either developer contribution (S106 monies) or Community Infrastructure Levy (CIL) is sought to contribute towards play areas when required.
- 4.11. It is recommended that a robust regime is continued to ensure that equipment is installed, inspected and maintained in accordance with British and European standards; and if any equipment is non-compliant to those standards then it should be audited and approved on a risk assessment basis by a competent third party.
- 4.12. The priority play areas for strategic improvement have been identified as part of the inspection on the current provision, the age of equipment and when the play area was last refurbished. A five-year programme of capital improvement has been developed which is set out in the Play Strategy. It should be noted that this will need to be agreed as part of the annual budget setting process to inform the Council's Capital programme. If the Council has a managed capital improvement programme, then moving forward there should be a reduced demand on the Council's revenue budgets in regard to ongoing repairs and maintenance of the play areas. The Council's play areas do not generate any income as they are free to use, so future costs for any improvements need to come from Council budgets or from identified external funding or developer contribution.

5.0 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 opportunities for 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. References to Council Priorities

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

6. Implications

Financial Implications

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

- 6.1 Whilst the Council's play areas are discretionary, there is still a requirement to provide play from a community point of view. With a planned capital improvement programme, it is estimated that to deliver the Play Strategy it will cost a total of £2.2m phased over the 5 years. This projected cost is not currently funded within our Capital Programme. The budget requirement will be referred to Policy, Projects and Resources Committee and Ordinary Council as part of the budget setting process. The suggested costs (subject to approval) for the phased approach over the 5 years of the strategy are shown below.

2019/20	2020/21	2021/22	2022/23	2023/24
350k	500k	825k	350k	175k

- 6.2 The Council does not have the sufficient Capital Receipts in order to fund the proposed budget requirement. It is envisaged that the Council will need to externally borrow, However the effect of this borrowing will need

to be taken into wider consideration of the Council's Capital Program and its Treasury Management Strategy as part of the budget setting process.

- 6.3 It is recommended that officers also seek developer and external funding contributions to support the implementation of the strategy which could potentially reduce the projected costs.
- 6.4 Procurement options such as a sole supplier should also be examined to deliver greater Value for Money.

Legal Implications

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

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

- 6.5 The recommendations set out within this report are within the Council's powers and duties. The Council has a discretionary power to provide play areas under s19 of the Local Government Miscellaneous Provisions Act 1976.

Effective consultation on the future of Brentwood's play areas has been carried from July to September 2018 out. There is no express duty to consult and the form and content of the consultation is therefore not prescribed. The outcome of the consultation must be conscientiously taken into account as part of any lawful decision-making process.

The planning, installation and ongoing maintenance of the Council's play areas must comply with relevant health and safety legislation and government guidance, to safeguard users and minimise legal risk for the Council.

Any procurement exercise must be carried out in compliance with EU directives, UK procurement regulations and the Council's Constitution.

An Equality Impact Assessment should be carried out to secure compliance with the Council's statutory duty under the Equality Act 2010 to eliminate unlawful discrimination and advance equality of opportunity between different groups of users.

6.6 Other Implications – Health and Safety

Name & Title: David Wellings, Health & Safety Officer

Tel & email: 01277 312500 david.wellings@brentwood.gov.uk .

The Health and Safety implications are implicit in section 3.10 of this report and the References to Council Priorities. These identify the importance of safety in play, as well as enabling and encouraging children's' health and wellbeing. It includes the Council's strategy to enable legal compliance with statutory responsibilities for using the

Council's play areas. The recommendations of the report also strongly advocate the budget approval to ensure timely investment and improvement in play areas and maintenance of them, to reduce the Council's risk exposure and liability from civil claims and criminal prosecution, from ageing play equipment.

7. Appendices

Appendix A – Play Area Strategy
Appendix B – Play Area Consultation
Appendix C – PiPA checklist

Background documents:

Fields in Trust-Guidance for Outdoor Sport and Play - Beyond the six-acre standard

Plan Inclusive Play Area (PiPA)

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BRENTWOOD BOROUGH COUNCIL Play Area Strategy

2019 - 2024



1. Forward

The Council needs to ensure that it has a clear strategic vision for the future of its play areas, so that resources are applied effectively. This will ensure that children and young people enjoy high quality, safe accessible and sustainable play areas that maintain and improve the quality of their lives. The five-year Play Area Strategy sits under the Council's overarching Leisure Strategy as a separate workstream.

There will be some challenges facing Brentwood in respect of its play areas. It will require significant capital investment to ensure that the play areas are inclusive and exciting for all users; that they are easily accessible for all users; that they comply with more robust health and safety requirements; and that the equipment can be used to increase physical activity in our young people.

The Council also recognises that together with the existing provision of play areas there will be a need for additional play areas that will need to be developed alongside any housing growth in the Borough.

The Council will also work with partner organisations in the design and development of the play areas so that they offer a wide variety of inclusive equipment that supports the needs of all children and young people.



2. The Strategy

The Government and Sport England recognise the importance that physical activity has on the health and wellbeing of children and young people. This Play Area Strategy is one of the six workstreams which sits under the Council's overarching Leisure Strategy 2018-28 which was agreed by members in September 2018. The vision for the Council is that strategically the Council needs to ensure that its leisure facilities will be of high quality, sustainable in the future, and that they broaden their impact on improving community health.

The Borough of Brentwood has 38 play areas, and these are managed and maintained in the following way. **15** of these are on Council housing estates and managed directly by the Council's Housing Department, **12** managed directly by Brentwood Borough Council in the Parks and Open Space department and **11** are managed directly by the Parish Councils.

This Strategy will ensure that all residents will have good access to high-quality play areas, in key locations across the Borough. Some costs for some recent improvements have been met by developer contribution (S106), and it is assumed with any future developments in the Borough that there will be some developer contribution (S106 or CIL). The Council will also identify any other external funding opportunities that can support future play area development. The Council will also need to look at where there will be new housing growth within the Borough to ensure that adequate play facilities are considered as part of the planning.

As the nature of play is changing, the Council will need to ensure that it is inclusive and that it can be part of an inter-generational space. It is also key that children and young people and relevant partners are involved in the development of these facilities to ensure that they provide exciting play opportunities.

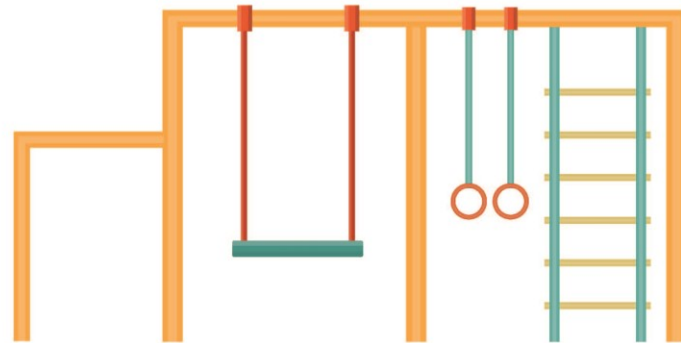
In order to achieve that the Council will need to identify the future improvement and development requirements for play areas and ensure that it has a portfolio of well-designed, well-planned high-quality equipment, and that it is fit for current and future needs and demands.

As part of the Council's capital strategy/programme being developed across the Council, the Strategy will identify the future investment requirements.



3. What we need to achieve

The Council needs to ensure that it provides strategic sites across the Borough which provide a broad range of play opportunities that suit the needs of all children and young people. This means that they are inclusive for those with physical or sensory impairment and it also that these play areas are easily accessible, have good signage in place and that they provide imaginative, individual and social play. Play areas also need to provide areas for rest and re-charging and that residents and visitors know where they are located. To ensure that the equipment supports physical and sensory impairment the Council will work with relevant partner organisations that provide expertise on design and equipment.



4. Local and national context

The Council has looked at the key priorities from a local and national context in relation to play areas.

One of the [Sport England](#) priorities is to tackle inactivity and investing more in children and young people from the age of 5, which the Strategy can support with improved play areas offering a wide range of equipment.

[National Planning Policy Framework](#) identifies sport and activity as a fundamental part of the planning and delivery of sustainable communities. The planning objectives also look at the protecting existing facilities, enhancing the quality, accessibility and management of existing facilities and providing new facilities to meet demand.

The Council agreed the [Leisure Strategy 2018-2028](#) which sets out the Council's vision to provide sustainable leisure facilities for residents and visitors.

To determine the priorities for the Play Strategy, the Council has considered the relevant advice and guidance of the [Fields in Trust Policy Framework](#) and [Plan Inclusive Play Area \(PiPA\)](#), which has been created to help local authorities, landscape architects, planners as well as families with disabled children to create inclusive outdoor play areas as well as assessing installed play areas.

One of the [Brentwood's Health and Wellbeing Board](#) key priority areas is tackling obesity and improving physical health. The play areas in conjunction with the installation of outdoor gyms can encourage residents to be more physically active.

5.The Fields in Trust Framework

The framework sets out the required provision of outdoor sport, play and informal open space to ensure that it is:

- Of sufficient size to enable effective use
- Located in an accessible location and in close proximity to dwellings
- Of a quality to maintain longevity and to encourage its continued use.
- The provision of Equipped or Designated Play Spaces is as follows:
- Local Areas for Play (**LAPs**) and informal play; aimed at very young children
- Locally Equipped Areas of Play (**LEAPs**) and informal recreation; aimed at children who can go out to play independently; and
- Neighbourhood Equipped Areas for Play (**NEAPs**) and informal recreation, and provision for children and young people

These can be complemented by other facilities including Multi Use Games Areas (MUGAs) and skateboard parks etc.

Fields in Trust provides guidance for open space and equipped play areas. These are subject to local circumstances and planning consideration.

Table 1: Quantity requirements per 1,000 population, the indicative walking distances and the quality guideline.

Open Space typology	Quantity Guideline	Walking Guideline	Quality Guideline
Playing Pitches	1.20	1,200m (15 min. walk)	<ul style="list-style-type: none"> • Quality appropriate to the intended level of performance, designed to appropriate technical standards • Located where they are of most value to the community to be served • Sufficiently diverse recreational use for the whole community • Appropriately landscaped • Maintained safely and to the highest possible condition with available finance • Positively managed taking account of the need to repair and replacement over time as necessary • Provision of ancillary facilities and equipment • Provision of footpaths • Designed so as to be free of the fear of harm or crime
All outdoor sports	1.60	1,200m (15min. walk)	
Equipped/ designated play areas	0.25	LAPs - 100m (1-2min. walk) LEAPs- 400m (5 min. walk) NEAPS - 1,000m (10-15 min. walk)	
Other outdoor provision (MUGAs and skateboard parks)	0.30	700m (10 min. walk)	

Table 2 - General design principles for children's play areas

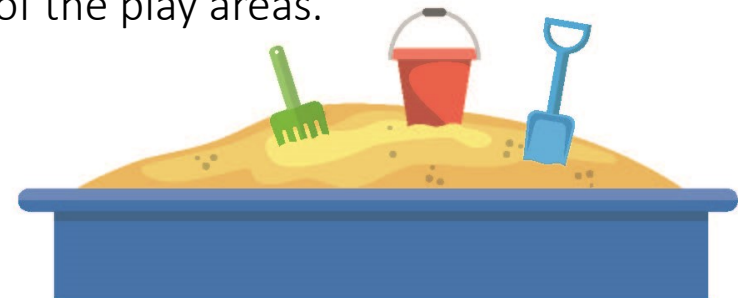
Children's Play Council's Quality Assessment Tool	
Appropriate to the needs of the local community	Visible from nearby dwellings or well used pedestrian routes
Accessible for every child within the appropriate walking time for LAP, LEAP and NEAP	Accessible by footpaths with a firm surface
Sited in open, welcoming locations	Surfaced in a manner fitting the intensity of use
Separated from areas of major vehicle movements and accessible directly from pedestrian routes	Provided with seating for accompanying adults, carers and siblings
Sited on land of natural topography or on land capable of being landscaped for the type of play experiences intended	Designed to provide a stimulating and challenging play experience that may include equipment and other features providing opportunities for balancing, rocking, climbing, overhead activity, sliding swinging, jumping, crawling, rotating, imaginative play, social play, play with natural materials such as sand and water, ball games, wheeled areas of other activities
Designed in accordance with the requirements of the Disability Discrimination Act, 1995 *	Designed, manufactured, installed and maintained in accordance with European Standards EN1176 and EN1177 in respect of any play equipment provided; if any equipment is non-compliant to those standards then it should be audited and approved on a risk assessment basis by a competent third party.
Designed so that any high climbing structures are as far away as possible for nearby dwellings and any potential visual intrusion is minimised	All equipped play areas should be subject to an independent post-installation inspection
Integrated , as far as possible, with other open spaces and areas of amenity planting, to provide separation from nearby dwellings	Accessible without having to cross main roads, railways or waterways

6. Plan Inclusive Play Area (PiPA)

PiPA sets out guidance for inclusive design to consider more than just access into a space as providing play activities that engage all is vital. The PiPA assessment tool not only helps the Council to design play areas but also to assess existing play areas. The assessment tool helps Councils to understand a wide range of disabilities without being an expert, so that the public are offered the best inclusive provision.

Some children find it easier to engage with play areas more than others. Consider a wheelchair user when faced with a traditional play park – or think about how a busy, brightly coloured and noisy space must feel for a child with Autism.

The Council will try to apply the PiPA community standards across all of the play areas.



PiPA provide some tips when designing inclusive play areas such as:

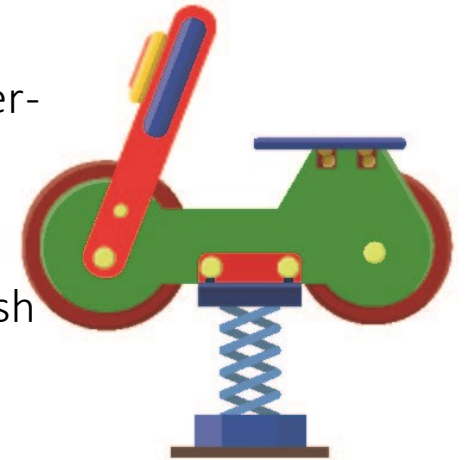
- Clear route through the playground. Ideally there should be 2 or more routes so there is interest in moving around the space.
- A variety of accessible high points, these can be landscaped mounds, decks and climbing units.
- Incorporating sensory play, this is the most accessible type of play for everyone and is often ignored in play space design. Think about offering visual, sound and tactile opportunities.
- Ensure at least one of your moving items is highly accessible, the most accessible and inclusive item available on the market is a ground flush roundabout
- Locating dynamic pieces in easy reach of entrance points and access routes.
- Where children may not be able to access a challenging climbing unit, ensure they can get close, ideally with a route that allows them to be in the heart of the action if they so choose.
- For a site to be truly inclusive it still needs to provide challenge to those children who require it!
- Water and Sand offer the most fantastic play experiences, where possible use! A hardstanding access point to a sand space increases inclusion
- Sensory experiences are vital. Children love sound, touch, smell and visual stimulation.
- Some quiet areas that have gentle sensory experiences benefit young children or children who need time out away from high tempo action

6. How we have identified the priorities

The Council's Play Areas were identified as one of the workstreams of the Council's Leisure Strategy 2018-28. This looked at the current provision across the borough but also looked at the future requirements, aligned to any new housing growth in the Borough.

The Fields in Trust guidance sets out the quantity of equipped/designated play required per 1,000 Population. The Council has also looked at the Plan Inclusive Play Area (PiPA) which provides a useful checklist so that Local Authorities can ensure that their play areas are as inclusive as possible. The checklist is in the appendices at the back of the strategy. The Council has also consulted with the public, organisations that work with children with special needs and carers to ensure that their needs are considered and that any play areas are as inclusive as possible.

The nature of play is also changing, so the Council also needs to ensure that it can be part of an inter-generational space. Play also needs to be challenging and risky physically at a child's own level of development, but also needs to support sensory play. Play also needs to be safe, so the Council needs to ensure that all equipment is regularly inspected to ensure that it conforms to current British and European safety standards.



7. Our priorities

The key priority for the Council's play areas is to ensure that they are accessible to all, provide high quality imaginative, individual and social play for the community. In order to achieve this we will:

- Prioritise strategic capital spending on play area improvement
- Secure developer contribution (S106) or Community Infrastructure Levy (CIL) whenever possible
- Continuation of a robust inspection regime to ensure health and safety of the play areas is paramount
- Collaboration on the design of play with the relevant ward members and local communities
- Promotion of play areas to both residents and visitors
- All play areas are assessed using the PiPA checklist and that these are used when improving play areas facilities to ensure they are as inclusive as possible
- Where possible introduce outdoor gyms to be adjacent to play areas

The priority capital improvement programme has been developed from audits of the play areas, the age of the equipment and when the play area was last refurbished

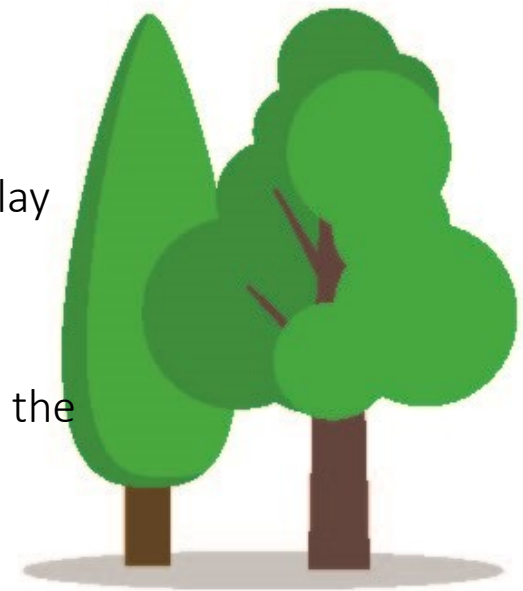


Table 3 – Priority capital investment programme

Year	Site	Area of improvement
2018-19	Warley	Whole Play area (complete)
	Warley	Outdoor gym
	Courage's Playing Fields, Shenfield	Toddler play area
2019-20	River Road	Whole Play area
	Bishops Hall Park	New Slide
	King George's Playing Fields	Phase 1 - Toddler
2020-21	Courage's Playing Fields	Outdoor gym
	Hutton Recreation	Whole Play area
	King George's Playing Fields	Phase 2 - Junior
	King George's Playing Fields	Outdoor gym
2021-22	North Road	Whole Play Area
	North Road	Outdoor gym
	King George's Play Area	Phase 3 - Senior
2022-23	Crescent Road development of new play area site	Whole Play Area
	Ingrave Johnson	Whole Play Area
2023-24	Bishops Hall park	Infant and Junior play areas

8. Resources

Fields in Trust - Guidance for Outdoor Sport and Play – Beyond the six-acre standard <http://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-England-Apr18.pdf>

Plan Inclusive Play (PiPA) - <http://www.inclusiveplay.com/wp-content/uploads/2018/03/Why-Partner-with-Inclusive-Play.pdf>

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Summary of responses from play area consultation

87 People completed the online survey and 59 people completed the paper version at our Family Fun Days.

Q1. Where do you live?

110 people out of 146 people were Brentwood residents, with 36 people from out of the area.

Q2. What's your favourite play area in Brentwood?

King George's Playing Fields	74
Warley Playing Fields	17
Bishop's Hall	11
South Weald	7
Courage Playing fields	5
Mountnessing	4
River Road	4
Doddinghurst	3
Hartswood	3
Weald Park	3
Kelvedon Hatch	2
Shenfield St Marys	1
Wash Road	1
West Horndon	1
Fairfield, Ingatestone	1
Hutton Recreation Ground	1
Margaretting	1
North Road	1
None	9

Q3. Why is it your favourite play area?

Additional facilities such as toilets, parking and refreshments	51
Easy to park	56
Play area together with green open space	86
It is nearest to where I live	79
The mix of play equipment to suit a variety of age ranges	96
Other	11
<ul style="list-style-type: none"> • Safe • Forest walk in • Beautiful and clean • Refreshments, improvement • Skate park • It HAD a splash park 	

<ul style="list-style-type: none"> • Doddinghurst, 1-8 not much for older, Only parking for 3, cars, Yes because of Village Hall. • Golf course • Can also walk the dog (Warley) • Ball court (Warley) • Play area is secure for little children under 5, well fenced in and not too big, so you can see them wherever they are even when busy. (Bishops Hall) • disabled equipment and good normal play equipment (Courage's) • Brand new site and another smaller toddler play area across the road too (Warley) • Near my children's school (Doddinghurst) • I can see both my children even when they go in different directions from most spots in the park (Warley) • Not too busy and so better for our disabled son (Kelvedon Hatch) • seems safest park local to me (Mountnessing) • Safe for small children (i.e. no big drops or huge 'nets' to climb for small children or those children who aren't as aware of safety. It's also well contained do easier than most to keep an eye on two small children. (Bishops Hall) 	
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Q4. How often do you visit your favourite play area?

Daily	7
Weekly	44
Monthly	77
Or less frequently	15
None	6

Q5. How do you get there?

Car	86
Walk	79
Cycle	4
Bus	5
None	4

Q6. What are the age ranges of the children that use the play area(s)?

0-5	117
6-11	70
12-16	22
17+	1

Q7. What type of equipment do you prefer?

Swings	61
Slides	61
Climbing	67
Interactive	5

Q8. Which other play areas do you visit in Brentwood?

Bishops Hall	32
Clements	2
Doddinghurst	24
Blackmore	6
North Road	4
Warley	35
Courage's	17
King George's	81
Coronation	5
Capon	4
Hutton Rec	13
Hutton Polo	5
Maple	1
Kelvedon Hatch	16
North Road	2
West Horndon	8
Clements	4
Railway Square	5
Masefield court	2
Gibraltar House	5
Cromwell	6
Mountney close	1
River Road	4
Elizabeth House	1
Tollesbury Court	1
Ingrave Johnson	5
Navestock	3
Seymour Field	1
Fairfield	2

Q9. If you visit any other play areas in Brentwood, how often do you visit?

Daily	0
Weekly	49
Monthly	47
Or less frequently	15

Q10. How do you get there?

Car	80
Walk	57
Cycle	5
Bus	6

Q11. Any other comments?

- The area opposite Merrymeade House would be perfect for a play area. 6 schools on Sawyers Hall Lane, no nearby play areas. King George's would be prime spot for a splash park.
- More toilets/ changing facilities that are clean
- Picnic areas/benches
- The toilets at King George's could do with some attention
- use the one behind Sainsburys a lot but the facilities aren't good.
- the parks are generally brilliant, our kids love them!
- Kelvedon Hatch and King Georges need refurbishing. The parks are out of date or a lot of stuff is broke.
- I visit Hutton recreation ground only because it is close. It has very limited equipment and being on grass it is too muddy to visit from autumn to spring. I recently visited a park in Hullbridge with ship climbing frame/slide an additional climbing frame / slide, swings, baby swings, witches' hat seesaw, bucket swing, accessible round about and more. It also has toilets and plenty of picnic benches. If my nearest park was like that one, we would be regular visitors.
- A splash park to replace the pools in King George's would be ideal. This may already be happening I'm not sure what the plan is, but fingers crossed.
- Please ensure the grounds are even for little ones running around (my son has tripped on uneven ground in play areas) and equipment is safe for little children and those with less awareness of safety i.e. not too high or too difficult to climb.
- This park is becoming increasingly unsafe. There are very frequent reports on the local group sites about children/young adults threatening and intimidating younger children and or mums! I myself witnessed intimidating behaviour with my little boy who is autistic by 5/6 older boys who were spitting and throwing crisps down the slide and swearing at passers-by. Very sad as our village park which is used by so many school children and preschool age children is becoming unsafe. I never visit the park alone with my child now I prefer to drive all the way to Mountnessing which is very sad as my little boy loves Doddinghurst park especially the zip wire :- (please consider cctv and or patrols. Thank you.
- Didn't know Clements had a play area!
- All the play area should have CCTV as there are lots of teenagers who use the facilities without showing any respect. Often kids must wait for the big one to move from the swings or slides or whatever else. And the big ones break them, make a mess, eat, smoke there. This should not be allowed. I understand that they have their rights, but they are uneducated and use the facility in an improper way.

- The equipment is very old and tired and needs replacing, we don't have any other parks nearby, please can you replace the equipment.
- Brentwood has some lovely play areas but are sadly not maintained. In an age of encouraging children to play outdoors to reduce medical interventions these should be looked after.
- Also visit South Wield and Thorndon Country Parks on a regular basis. Some equipment suitable for disabled children also would be good.
- I'd love to be able to walk to my local park but there are no pavements and it's too dangerous. We need something for children with special needs - there is nothing in Brentwood for these children.
- One or two more pieces of play equipment for toddlers and small children would be welcome. A great job has been done cutting back the trees as this has deterred youths from loitering hidden for whatever reason. One or two more benches would also make the place more family friendly and encourage picnics for families during warmer weather.
- Toilet facilities would be great in Mountnessing. So many people use the park daily, especially with the outdoor gym.
- Warley playing fields desperately needs a new car park or the thousands spent on it will be a waste. I've spoken to visitors who would come more if it weren't for the lack of parking.
- It would be great if there was a more shaded area for babies and toddlers, so they can play in the summer months. When the sun is blazing down the equipment becomes too hot. It is also difficult to feed baby's when there is no shade. It would also be good if there were more swings. It is a lovely park and the grounds are kept lovely. Thank you.
- The recent Warley playing fields are great, but the surrounding dirt is an absolute nightmare. I have a daughter with breathing issue and anytime the wind blows even just a little bit the dust blows all over the place it really does need to be sorted. I did message the council regarding it but heard no reply.
- We are very lucky to have a good choice of parks in the local area. The thing which frustrates me the most is how the parks are not maintained regularly. We moved here over two years ago - an infant roundabout at courage's playground has been out of action since before then and still awaiting repair!?!?!?
- The play park lacks everything and is not very exhilarating for the children that use it and could be updated it is well used in the summer by the pupils of St. Peter's school south weald. There is a lack of seating for parents, one seat. A couple of years ago a new seat was installed only to be vandalised a short time afterwards removed by the council never to be replaced. What happened to it? The other problem we have is rubbish, out of park and in park. Do we need more bins? The gates need child proof catches installed to protect the children from running out into the road, as drivers do not heed the 20mph speed limit which is a problem in river road as the signs for 20mph are not well sited and a speed hump might be a good idea. There was a rumour of a zip wire going in which there would be concerns as to looking in to properties.
- There is a play area not mentioned or maybe it is and I've not noted the name think just off St. Peter's Road /Cromwell Road/Crescent Road cm14. This is a fantastic little space that is run down but used by all local people with kids. Some play bits are damaged and broken and it's in desperate need of investment. It's used by youth to smoke drugs though but with a revamp would be such a positive addition to local kids.
- My children are now teenagers so commenting based on when my children were younger and enjoyed going to the park. It's still something I feel is very important for families.

- Weald Park
- It's a shame that people let their dogs go to the toilet and don't clear it up, and unfortunately you see people (mostly young adults) in their cars smoking drugs.
- North Road Park often has teenagers in the afternoon, and smaller children are unable to play in it. If there was a separate sitting area for teenagers, they would be less likely to sit on the play equipment and stop the smaller children from using it. The teenagers aren't being unpleasant (most of the time) they just need somewhere free that they can go.
- The toilets are awful and need to be redone and looked after better including better changing facilities.
- Equipment is always being vandalised and elder kids using areas late at night to drink/take drugs - cctv would be a good thing to deter this and any child safety concerns.
- a splash park would be ideal.
- Toilet facilities are a long way from the playgrounds in both Warley and King George's particularly if you have a recent toilet trained toddler. Both playgrounds could benefit from more shaded areas.
- It's great to see that the council are looking to improve park facilities. It's a lovely thing to do with children and gets them out in the fresh air every day. Please do think about incorporating some shady areas or planting some large trees in the surrounding areas to the parks - during this very hot summer the parks have been very hot and there is little to no shade to shelter under mostly and have a drink or cool off/apply lotion! Also places to leave buggies and dogs would be great, outside the parks. Clear signs to show who to contact if the park needs cleaning/something is broken and needs reporting, would also be helpful. Thank you.
- Zip Wire should have been included in Q7 "what type of play equipment do you prefer". And by the way it is not what I prefer, it is my grandchildren!
- South Weald is a regular.
- It would nice to have more special needs equipment. Our disabled daughter wants to do what her friends are doing and doesn't want to be excluded. We saw a zip wire with a disabled swing chair on it which was amazing. Hyland Park has the best disabled play stuff which able bodied and disabled children can use side by side which is what most disabled children want. Teaches them so much about taking turns, sharing etc.
- Play areas like King George's are too vast and too spread out when you have more than one child, it is almost impossible to keep track of them when the park is busy. IT would be better if it were split into smaller, fenced off areas, especially the under 5s area.
- The park closest to my home (Rayleigh road) is disgusting. My oldest (7) fell playing football and landed in broken glass, upon further inspection it was littered with glass, broken vodka bottle necks and silver canisters of some sort! The play area is the same, glass down the slide, broken swings and an electrical game that has not worked for years.
- I visit the Bishops Hall Park more frequent than my local park as the area for younger children is far more suitable than my local park King George's. It is very helpful that the younger age group park at Bishops Hall Park is gated/fenced.
- Wash road play area needs updating. Such a shame the splash pools have gone from King George's.
- River road play area is a disgrace. Old, broken equipment, uneven surface (impossible to teach a child to ride a bike) one bench and most items need an adult to push, pull so little independent activities,
- North Road playground needs improvement.

- The cost of parking seems very expensive. I often go to Thorndon or South weald for a run or park run and only stay for half an hour and it is over £2. It doesn't encourage you to take your kids. We often go to parks in other boroughs that have better facilities and are free to park such as Hainault forest.
- Please retain the parks for public use. Public tennis courts/basketball courts/5 a side football pitches would be welcome to encourage kids to participate in sports.
- Need more facilities for young cyclists. Get them off roads doing wheelies and give them bike parks and pump tracks. Cheap to install and low maintenance whilst being great for health and fitness.
- The play area in Hutton Wash Road is lacking equipment, the electronic items don't work, it's dirty and needs investment. There aren't many play area in Hutton for that reason we tend to drive to Billericay for a more inclusive park. I think this is an utter shame. Hutton used to have a fabulous play area, what we are left with now is damaged, old and tatty. The surrounding shrubbery is over grown and full of weeds... and rodents.. I feel this is the forgotten park! Shenfield has a beautiful well-resourced park.
- My favourite play area is King George's but this lacks facilities such as a cafe and toilets that are close to the play area and up to date play facilities.
- Doddinghurst is a joke, frequent drug use by the local lads, constantly dropping litter and smashing glass bottles. A bigger police presence is needed.
- Play facilities in Brentwood are pitiful compared to other councils. Brentwood needs to seriously review their leisure facilities. A lot of council tax but what do we get?
- Also Weald Park and Thorndon.
- Parking is a big thing to new mothers and should not be lessened anymore!
- Outside gyms would also be a great addition to some of these.
- King George's needs age appropriate football goals 6-11 11-16 and pitches.
- The play area in north road is pretty dirty, unkempt (up turned Sainsburys trolleys), often older kids hanging around in there.
- I would like to see the River Road area have a place where you can allow dogs to run as there is no green space for dogs locally.
- A lot of the parks in Brentwood are very run down. King George's is our closest but isn't practical any more with my toddler.
- St peters park is in a sorry state. Dogs are regularly walked thru park. Sad its allowed. Dog poo is regularly discovered on the grass area. Equipment is in sorry state. Horse has been caged off for over a year. Sad there is no equipment for older children like a climbing frame and slide. As this is the nearest park to where I live. Park equipment is dated and looks in need of some tlc. Could be a nice park.
- Should be more money invested in open spaces and sports pitches for kids.
- My children have special needs and are unable to use most parks as there isn't anything for disabled children.

Facebook comments from Council's Facebook page.

“Give the kids as much play area as you possibly can”

“Hutton Recreational park – We use this one quite a bit but needs a clean (the climbing frame bit) and the red button thing need fixing.

“Something water based is required that children can play in”

“I quite like them being play areas if I'm honest?!”

“Wash Road in Hutton needs extra funding”

“Inclusive play areas”

“Wash road needs a huge overhaul. Run down & so much space that it could have an amazing play area”

“cycling and play areas with grandchildren”

Plan Inclusive Play Area (PiPA) Checklist

If all criteria are met within the assessment, the play area will be eligible for PiPA status, and added to the online PiPA Map complete with address, photos and visitor comments

1. Plan to Go

- a. Are there accessible routes by:
 1. Foot
 2. Car
 3. Public transport
- b. Is there information about the play space, including information about the play opportunities, the postcode and directions, available?
 1. Is information available on line?
 2. Are photos and comments available?
 3. Information available by phone?
 4. Other
- c. Are there parking spaces next to or close by (less than 250m)?
- d. Are there allocated accessible parking spaces available? If yes how many?
- e. Are walking routes to play space accessible with
 1. Smooth surfaces
 2. Wide paths (min 1.2m wide)
 3. Gentle slopes (1:12 slope max)
 4. Safe crossing points with dropped kerbs
- f. Is there a café/restaurant with accessible toilets located less than 500m from the play space? Or is it within a community which is practical for families to get back home? Please detail which and where the nearest refreshments can be found. (this can be a local supermarket or high street area)

Destination Parks Only

- g. Are there accessible toilets on site and less than 500m away from the play space:
 1. Are there on-site changing facilities? If not how close are the nearest
 2. For babies and small children
 3. MENCAP Changing Places for children and adults

2. Plan to Access

Playground signage

- a. Is text kept to a minimum and easy to read with Braille, symbols/pictorial images as well as text?

- b. Is signage located at wheelchair or child friendly height – i.e. 1m from ground
- c. For larger sites is there a map that shows users how to move around the space and where all items are located? Is it multisensory?
- d. Does it give contact information for maintenance of the play area?
- e. Is there a firm surface within the play space to ensure ease of movement around the entire space and equipment? Or at a minimum a 1.2m wide access pathway.

Use a variety of pathway textures – add to the sensory experience for all visitors

- f. Can all wheelchair accessible items, or items easily accessed by children who are physically disabled, designed into the area with a clear, solid accessible pathway to them?
- g. Safety considerations to include:
 1. Changes in slopes are clearly identified (e.g. via colour or textural variations)
 2. Is there full 360 degrees surveillance at all points in play space?
 3. Is there any fencing or other type of barrier to restrict children from running off?
 4. Are plants child safe – no thorny plants nontoxic, nothing sharp

3. Plan to Play

Sensory Play

- a. Can at least 3 of the senses be engaged and are fully accessible from the seated and standing position? Indicate which of the following and how this is provided:
 1. Sight/visual: Textures and shapes, reflected light, strong colour/contrast, pattern
 2. Sound: Movement and/or switch activated – by using large and small motor movements. This could be individual or cooperative activities like playing with water, sound makers/instruments or electronically activated sound.
 3. Scent: Planting
 4. Tactile: Carvings, range of materials, sand, water, loose parts, range of surface textures and materials
 5. Movement and balance: Exploring balance, coordination, strength, spatial awareness and dynamic movement

Imaginative, Individual and Social Play

This will take place anywhere children play, but opportunities should also be encouraged/stimulated in other ways too.

- b. Are there opportunities for children to play with natural materials? This can be in the form of planted areas, availability of natural materials like leaves and twigs, logs and boulders and accessible places to play around naturally planted areas e.g. trees and bushes
- c. Is there open space for children to play imaginative games together (i.e. space without equipment for playground games or music and drama?)
- d. Does the play space offer play opportunities for the whole family of all ages? Does this include individual and cooperative activities?
- e. Are there private spaces to play and hide, for quiet play within the play space and near entrance points? (This is to allow child to build confidence to enter the play space in their own time, and/or remove themselves if needed). E.g. Hidey Holes, tunnels, small nooks or cosy spaces, other built structures, “rooms” defined by living walls
- f. Is there quiet/down time space for peaceful play opportunities, alone or in groups?

Physical Play

- g. **Groups/co-operative play opportunities:** Is there space for all group games, sports activities that can be accessed by all?
- h. **Fine motor play opportunities at a variety of heights:** small scale play opportunities for individual play and turn taking, cause of effect, dexterity and co-ordination? E.g. using water and sand, twisting/turning games
- i. **Gross motor play opportunities:** landscaping and equipment for children to use in their own way using their upper body, lower body, developing their agility, co-ordination, and, dexterity by sliding, swinging, climbing, running, spinning etc.
- j. **Opportunity for challenge and risk:** Where a child can experience challenge and risk at their own level of development – e.g. through large accessible play equipment or landscaping with opportunity to experience dynamic movement and height with elevated points (minimum 500mm off the ground) for **ALL children to access**?
- k. **IS there challenging equipment for children who require physical and active play** e.g. large climbing structures, space nets etc.

4. Plan for Rest and Recharging

Seating

- a. Is it adjacent to play equipment?

- b. Do some seats have arm and back rests?
- c. Can visitors using mobility devices, including wheelchairs sit between other people without blocking a path or feeling like an after-thought
- d. Is there seating located about every 20 metres (for destination park) along a pathway or are there universal seating areas?

Tables

- e. Can children and adults using mobility devices, including wheelchairs use tables provided – i.e. are the tables high enough for people’s legs to go under the table?

Shade/Sun balance

- f. Are there any shaded areas e.g. provided by canopies, sails, trees or other type of shade structures?
- g. Are there items of play equipment in shaded areas?

5. Plan for engagement!

- a. Is there a dedicated website or webpage for the play space?
- b. Is the website accessible with audio access?
- c. Is the webpage easy to navigate?
- d. What are the means for visitors to feedback on any concerns about the play areas? (Maintenance, litter broken items) How do you allow feedback and is it clear on signage and other literature?
- e. Can visitors let other know about the play space, how they accessed it, what they thought of it and their rating?
 - i. Via social media or
 - ii. Website
 - iii. Can local businesses like restaurants advertise their facilities (if accessible) on the website so families know that nearby refreshments are available?

23rd January 2019

Policy Projects and Resources Committee

Merrymeade Site Parking Order

Report of: *Greg Campbell – Director of Operations*

Wards Affected: *Brentwood North*

This report is: *Public*

1. Executive Summary

- 1.1 This report considers the introduction of parking restrictions at the site of Merrymeade House, to be known as Merrymeade Chase Car Park. The site is in two parts, 9 flats leased to a Housing Trust and a community facility managed by Brentwood Leisure Trust (BLT) for Brentwood Borough Council. The site also contains a Coach House and two semi-detached houses which accommodate the day nursery.
- 1.2 The Site has become increasingly dangerous for pedestrians walking to, from and around the location due to increased levels of vehicle use and poor parking.
- 1.3 There is clearly a need to regulate the parking on the site and to stop the abuse from vehicles seeking free all-day parking facilities.
- 1.4 It is proposed to add Merrymeade Chase to the Brentwood Off Street Parking Order with the objective of formalising the parking arrangements, discourage inappropriate parking and to address the parking abuse that is increasing.
- 1.5 By carrying out these changes, site safety will improve and the residents, businesses, their customers and staff will all benefit. It will further reduce the likelihood of an accident occurring.

2. Recommendation(s)

- 2.1 To agree to delegate authority following consultation with Ward Members to the Director of Operations and Section 151 Officer in consultation with the Chair of PP&R Committee to add the Merrymeade Chase site to the Brentwood Off Street Parking Places Order.

3. Introduction and Background

- 3.1 Merrymeade House is one of a number of Halls which is managed by BLT through an agreement with Brentwood Council. However, Brentwood Council have responsibility to maintain the overall site and are therefore required to maintain the site safety.
- 3.2 Merrymeade Chase was due to be added to the parking order in November at the PP&R Committee 2018 and although there was not an issue with the Merrymeade site the application was deferred as it formed part of the overall report which required further work.
- 3.3 The report on Parking Orders specific to housing sites will be returning to a future PP&R Committee, however, in the meantime due to ongoing parking and safety situations at the Merrymeade site it is felt that this should be dealt with and progressed without delay.
- 3.4 Parking at the site is provided through marked parking bays, some specific for the residential flat occupiers and others are for those visiting the House or grounds. Further there are four disabled parking bays provided either side of the House.
- 3.5 It was brought to the Council's attention that parking at the Merrymeade site has become an issue with cars parking on either side of the road and using the pedestrian walkway to park their cars. In addition vehicles also park around the main entrance creating access difficulties for pedestrians and service vehicles.
- 3.6 Further it is understood that many of those people parking their cars on the site are not necessarily using the hall for its intended purpose. Many are local employees, staff or young adults from local schools and some are believed to be commuters. The problem is exasperated by the manner in which the cars park. These cars are often left on site from early morning to late afternoon.
- 3.7 The unmanaged parking means that pedestrians have to walk in the road to get to the house or the nursery they may be visiting. It is not uncommon to see adults pushing or walking young children up and down the middle of Merrymeade Chase. Further the unrestricted parking on each side of the road creates reduced visibility raising the level of the safety risk.
- 3.8 In order to regularise the situation, it is proposed to add this site to the parking order, make improvements to the pedestrian walkways and encourage those who should not be parking at this site to park elsewhere.

- 3.9 At this point in time it is not proposed to charge for parking but introduce a scheme which regularises the situation to reduce the abuse, encourage good parking and improve safety and have the power to enforce through the issue of parking tickets if necessary.
- 3.10 The proposed scheme will be consulted with Ward Members and the Chair of PP&R Committee and will be along the proposals set out below. Once consultation with Members is complete, the formal consultation with stakeholders including residents at the site will be undertaken. The proposal is based around:
- The introduction of limited free parking – Maximum stay 2 hours with no return for 4 hours.
 - The introduction of an effective scheme to allow residents, businesses, their customers and staff to park for longer as and when required.
- 3.11 The introduction of the Parking Order will require funding for signage, line marking and making general improvements including the relocation of the disabled parking bays to the front of the house nearer to the entrance ramp. It is envisaged that the cost will be in the region of £3,000 and funds will need to be taken from existing revenue budgets of the Parking service area.
- 3.12 The introduction of a parking order can take up to six months and it is felt that the risk to pedestrians is too great not to put some temporary measures in place. It is therefore proposed to purchase some temporary barriers to fence off the pedestrian pavement to enable safer passage for those walking to and from the site.
- 3.13 The cost of the above scheme will be in the region of £3,000 however these barriers can be used for future events and will be stored at the Depot in Warley.
- 3.14 Therefore, the total cost required for temporary safety arrangements and the introduction of a parking order to the Merrymeade site is £6,000.

4. Reasons for Recommendation

- 4.1 To secure the safety of pedestrians visiting and using the site and ensure the parking is available for legitimate users of the site.
- 4.2 To formalising the parking arrangements, discourage inappropriate parking and to address the parking abuse that is increasing which, in turn, will improve the pedestrian safety at the site

5. References to Corporate Plan

- 5.1 To ensure the provision of efficient and effective services to our residents and businesses.

6. Implications

Financial implications

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

- 6.1 The introduction of the parking order will require funding for signage, line marking and some general improvements. This is envisaged that the cost will be in the region of £3,000 and funds can be utilised within existing revenue budgets of the Parking Service Area.
- 6.2 The temporary barriers of £3,000 can be funded from the Asset Development budget of the Capital Program.

Legal Implications

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

- 6.3 Under Section 32 Road Traffic Regulation 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.

Health & Safety implications

Name & Title: David Wellings, Health & Safety Officer
Tel & email: 01277 312518/ david.wellings@brentwood.gov.uk.

- 7.3 The Health and Safety implications include the Council's arrangements to enable legal compliance with statutory responsibilities for using the Council's public open spaces.

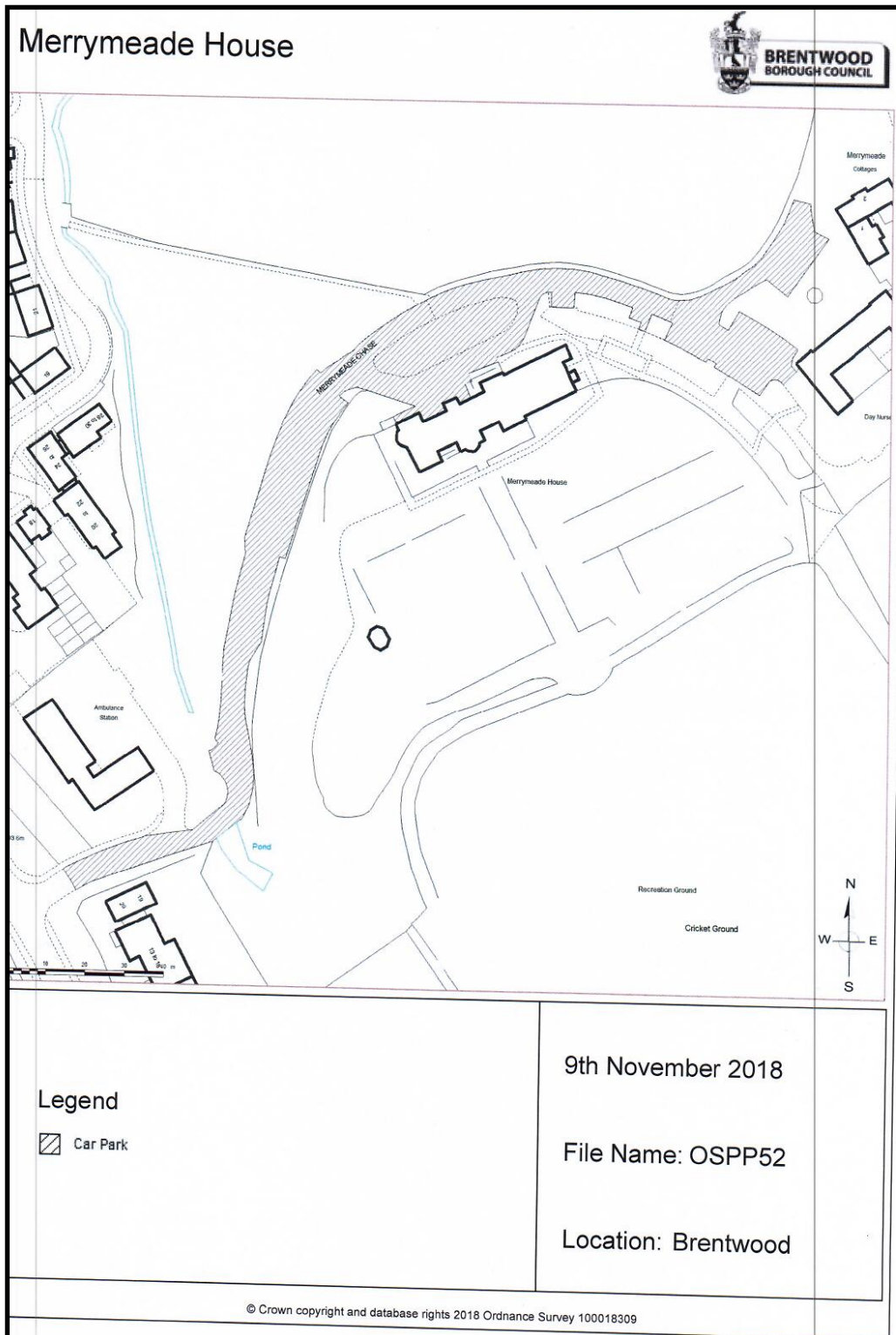
7. Appendices to this report

Appendix A – Map

Report Author Contact Details:

Name: Greg Campbell – Director of Operations
Telephone: 01277 312500
E-mail: greg.campbell@brentwood.gov.uk

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Proposed Restrictions

- Limit parking to 2 hours with no return for 4 hours for casual parkers.
- To introduce 2 permit schemes for
 - A- staff, customers and visitors who need to stay for longer than 2 hours and
 - B – for residents and their guests.

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23rd January 2019

Policy, Projects & Resources Committee

Parking Order London Road Cemetery

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

Wards Affected: *Brentwood West*

This report is: *Public*

1. Executive Summary

- 1.1 To add the area within London Road Cemetery to the Parking Order.
- 1.2 The Cemetery has recently become more congested with parked cars who are not necessarily at the location for cemetery purposes.
- 1.3 To regularise the situation and ensure the cemetery is and remains a place for funerals and cemetery visitors.

2. Recommendation(s)

- 2.1 To delegate authority following consultation with Ward Members to the Director of Operations, Section 151 Officer in consultation with the Chair of PP&R Committee to add London Road Cemetery to the Parking Order.**

3. Introduction and Background

- 3.1 London Road Cemetery was part of the parking order report taken to PP&R Committee on 20th November 2018 which was deferred for further consideration. London Road Cemetery was included within the original report for ease and did not initially form part of the original recommendation from Community Health and Housing Committee.

- 3.2 The Parking Orders tied with housing sites will be returning to a future PP&R Committee, however, in the meantime due to ongoing parking situations within the London Road Cemetery site it is felt that this report being ready should be dealt with and progressed as soon as possible.
- 3.3 The issue is that the roads and car park within the cemetery are being used as a long stay free car park, resulting in a number of incidents where hearses and funeral related vehicles 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.
- 3.4 Many of those parking on this site are doing so because the parking is free and local to where they work. With so many cars parked in these spaces it is making it difficult for legitimate users of the site to get parked and often difficult for funeral cars to get through.
- 3.5 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 likely that it will attract all day parkers and accordingly there is a need to introduce restrictions.
- 3.6 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.
- 3.7 In order to regularise the situation and reduce the issues continuing it is intended that the site be added to the parking order following consultation with the ward members, the Chair of PP&R Committee and the occupier of the residential property on site. It is considered that this will not adversely affect this occupier as they will be offered parking permits which is likely to assist their situation.

4. Issue, Options and Analysis of Options

- 4.1 At this point in time it is not proposed to charge for parking but introduce a scheme which regularises the situation to reduce abuse which also has the powers to enforce through the issue of parking tickets if necessary.

5. Reasons for Recommendation

5.1 To regularise parking arrangements within the borough.

6. Consultation

6.1 The proposed scheme will be consulted with Ward Members and will be along the proposals set out below. Once consultation with Members is complete the formal consultation with stakeholders including residents on the site will be undertaken. The proposal will be based around:

- The introduction of limited free parking – Maximum stay 2 hours with no return for 4 hours
- The introduction of an effective scheme to allow residents and visitors to park for longer as and when required

7. References to Corporate Plan

7.1 To ensure the provision of efficient and effective services to our residents and businesses.

8. Implications

Financial Implications

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

Tel & Email: 01277 312829

jacqueline.vanmellaerts@brentwood.gov.uk

8.1 The introduction of the parking order will require funding for signage, line marking and some general improvements. This is envisaged that the cost will be in the region of £2,000 and funds can be utilised within existing revenue budgets of the Parking Service Area.

Legal Implications

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

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

8.2 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.

8.2 None

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

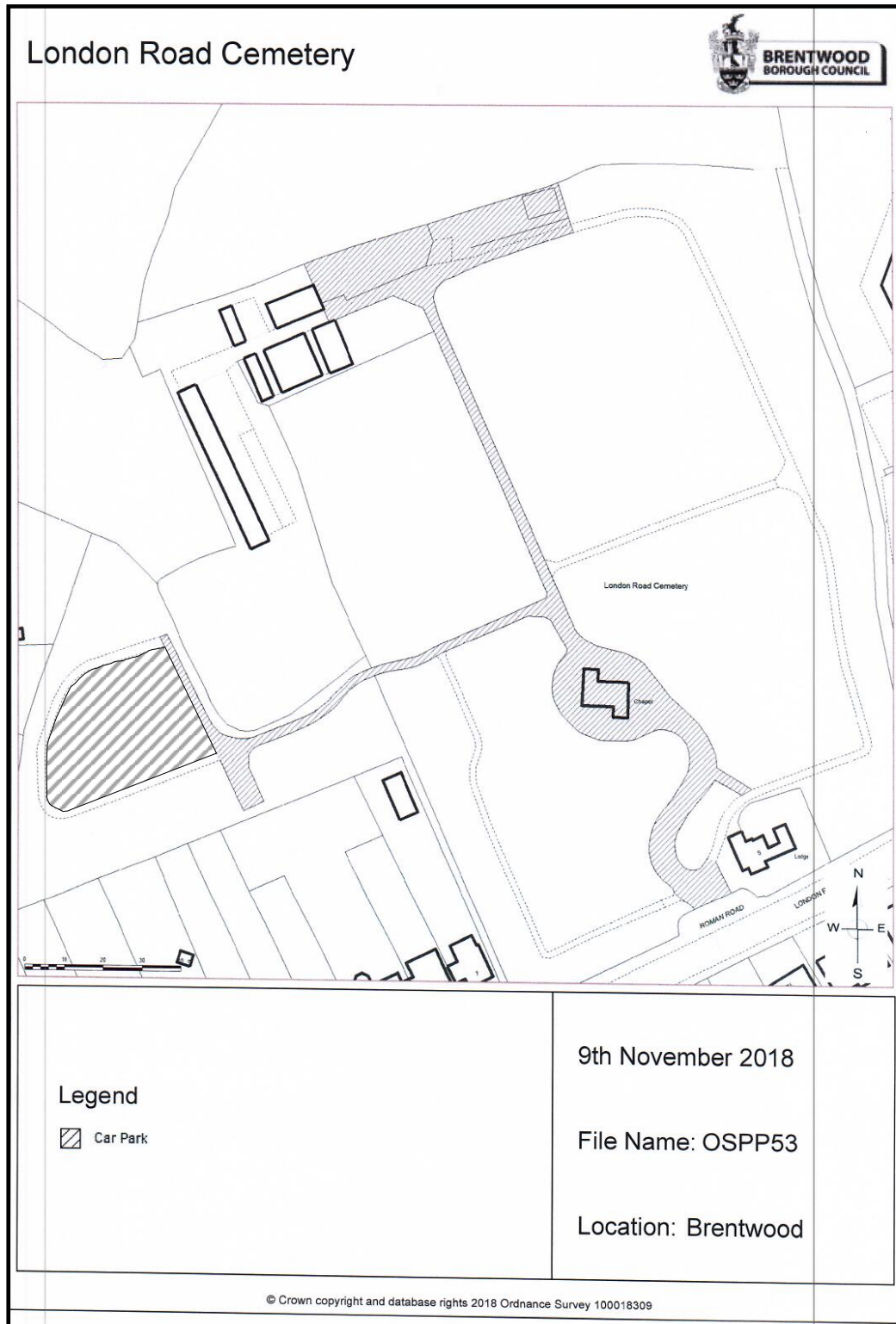
9.1 None

10. Appendices to this report

Appendix A – Site Map

Report Author Contact Details:

Name: Greg Campbell, Director of Operations
Telephone: 01277 312500
E-mail: greg.campbell@brentwood.gov.uk



Proposed restrictions

- Limit parking to 2 hours with no return for 4 hours for casual parkers
- Permit parking for the residents on the site

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23 January 2019

Policy, Performance and Resources

Fees and Charges 2019/20

Report of: *Phoebe Barnes – Interim Financial Controller*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Fees and charges levied by the Council for various services are reviewed on an annual basis by the relevant Committees relating to the Services.
- 1.2 Recommended amendments to fees and charges are incorporated into the budget setting process to take effect from the following financial year.

2. Recommendation(s)

- 2.1 That the proposed fees and charges attached in Appendices A – C are approved and are incorporated as part of the budget setting process to be reported at the next Policy, Projects & Resources Committee and Ordinary Council.**

3. Introduction and Background

- 3.1 The Council has fees and charges relating to specific services provided. As part of the budget setting process, these charges are reviewed on an annual basis. Whilst some of the fees and charges are statutory and therefore determined through legislation, the Council must also review its charges for discretionary services to ensure that they reflect the current cost of service provision.
- 3.2 The individual charges that are being proposed are set out in Appendices A, B, and C of this report.
- 3.3 Fees & Charges go to their individual committee and then all Fees & Charges are referred to Policy, Projects and Resources as part of the Budget.

- 3.4 The proposals in Appendix A-C are for areas that sit within Policy, Projects and Resources Committee remit, or where the fees and charges were not ready to make the deadline for the delegated committee and have been referred to Policy, Projects and Resources for approval.

4. Issue, Options and Analysis of Options

- 4.1 This year, the Council has undertaken a benchmarking exercise of all Fees & Charges. Fees & Charges where possible, have been compared against other Local Authorities within Essex as well as Local Businesses, if similar charges apply.
- 4.2 The proposed increase for 2019/20 are summarised below:

Community Alarms

- 4.3 At the time of Community, Health & Housing Committee on 4th December 2018, the Community Alarm service, was going under an extensive review of the cost of providing the service.
- 4.4 It was therefore recommended that proposed charges would be reported to Policy, Projects and Resources, so that the new Fees & Charges can be included in the proposed budget.
- 4.5 The alarm service is not a statutory service and is required to be self-financing so that no pressure is required from the general fund to provide this service in the Borough.
- 4.6 An extensive exercise was completed in December to look at the costs of providing the current service.
- 4.7 In the past, the Council was able to obtain funding predominantly from Essex County Council for certain aspects of this service. County Council usually funded the equipment costs and installation of this equipment.
- 4.8 The Fees & Charges set out in Appendix A, list the proposed fees required to charge in order to maintain the current service at a cost neutral position.
- 4.9 The proposed Fees & Charges have been benchmarked against other organisations that provide a similar service. Any increase to the Fees & Charges is to recover increase costs the Council has to pay as well as loss of funding.

Car Parking Season Tickets

- 4.10 Season ticket prices have not been amended since October 2017. The Council has seen an increase in the take-up of season tickets across many of its car parks.
- 4.11 Season tickets are offered more on a commercial basis within the Borough. There has been a growth in season tickets, in 2017 there were approximately 714 season tickets sold and in 2018 there have been 864 sold to date.
- 4.12 Space must be managed within the Borough so that the casual users and residents find parking available when they travel to Brentwood.
- 4.13 From investigations other private parking sites within the area are more expensive at approximately £1400 per annum and whilst we seek to increase our season ticket charge, a more reserved increase is suggested from £950 to £1100 for a 12-month ticket. All other fees & charges are in Appendix B.
- 4.14 It is recommended that the car parks continue to be monitored and where appropriate the Council offer further spaces for season tickets as this guarantees income for the Council and utilises the car parking spaces in the Borough.
- 4.15 At this point there will be no other increases to Off-street Parking Fees & Charges.

Town Hall Fees & Charge

- 4.16 The Fees and Charges regarding the new Town Hall have been reviewed in line with the Town Hall Project. The proposed fees and charges are to reflect the improved meeting room space available in the new refurbished Town Hall 2019. These will be made available to outside organisation as well as tenants who lease the commercial space.
- 4.17 All the charges can be found in Appendix C.

5. Reasons for Recommendation

- 5.1 The recommended increases to fees and charges will enable the Council to recover the cost of services provided.

6. Consultation

6.1 Not applicable.

7. References to Corporate Plan

7.1 The application of the fees and charges will help the Council to maximise assets to deliver corporate objectives and ensure community benefit.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts Interim Chief Finance Officer

Tel & Email 01277 312500

jacqueline.vanmellaerts@brentwood.gov.uk

8.1 All costs associated with providing chargeable services have been reviewed in order to ensure, fees & charges are fully cost recoverable.

8.2 The benchmarking exercise ensures fees & charges are competitive and affordable.

8.3 The fees referred to in this report will inform the 2019/20 budget setting process.

Legal Implications

Name & Title:

Tel & Email

8.4 There are no legal implications arising from this report.

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

8.5 None

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

9.1 None

10. Appendices to this report

- A Community Alarms Fees & Charges
- B Town Hall Room Hire Fees & Charges
- C Car Parking Fees & Charges

Report Author Contact Details:

Name: Phoebe Barnes – Interim Financial Controller

Telephone: 01277 312500

E-mail: phoebe.barnes@brentwood.gov.uk

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**ENVIRONMENT AND HOUSING MANAGEMENT
FEES & CHARGES SCHEDULE FROM 1 APRIL 2019**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2018-March 2019 Excl VAT	Inc VAT	April 2019-March 2020 Excl VAT	Inc VAT

SERVICE AREA: COMMUNITY ALARMS

CHARGING AREA: COMMUNITY ALARMS

Note - VAT indicator should be zero if recipient is chronically sick or disabled and provides a certificate confirming this

Community Alarms

Main Unit and Pendant (Purchase)	Per Unit	S	D	0.00	0.00	99.00	118.80
Main Unit and Pendant (Rental)	Per week	S	D	0.00	0.00	1.90	2.28
Monitoring fee for alarm plus up to five sensors per week	Per week	S	D	3.25	3.90	3.50	4.20
Monitoring fee for alarm plus up to five sensors per week (if in receipt of full HB / Pension credit)	Per week	S	D	2.75	3.30	3.00	3.60
Alarm installation Fee	Per Unit	S	D	0.00	0.00	32.87	39.44
Annual Alarm check (Review)	Per Visit	S	D	0.00	0.00	18.55	22.26

Other Charges

Extra 2nd pendant (Purchase)	Per Unit	S	D	0.00	0.00	41.22	49.46
Extra 2nd pendant (Rental)	Per Week	S	D	1.25	1.50	1.50	1.80
Lost Pendant	Per Unit	S	D	0.00	0.00	41.22	49.46
Smoke Detector (Purchase only - rental no longer available)	Per Unit	S	D	1.25	1.50	44.88	53.86
Key Safe (Purchase only - rental no longer available)	Per Unit	S	D	62.50	75.00	49.46	59.35
Bogus Caller Button/Panic Button (Purchase only - rental no longer available)	Per Unit	S	D	1.25	1.50	43.75	52.50
Temperature Extreme Sensor (Purchase only - rental no longer available)	Per Unit	S	D	1.25	1.50	60.78	72.94
CO2 Detectors (Purchase only - rental no longer available)	Per Unit	S	D	1.75	2.10	88.83	106.60
Fall Detector (Purchase only - rental no longer available)	Per Unit	S	D	1.75	2.10	82.50	99.00
Flood Detector (Purchase only - rental no longer available)	Per Unit	S	D	1.75	2.10	74.80	89.76
Bed Sensor (Purchase only - rental no longer available)	Per Unit	S	D	2.75	3.30	44.00	52.80
Chair Sensor	Per Unit	S	D	0.00	0.00	36.30	43.56
Medication Dispenser (Purchase only - rental no longer available)	Per Unit	S	D	2.75	3.30	165.00	198.00
Jewellery Pendant	Per Unit	S	D	0.00	0.00	41.25	49.50
Replacement Cord	Per Unit	S	D	0.00	0.00	0.77	0.92
No Fault call out charge or adhoc Site Visits charge	Per Visit	S	D	0.00	0.00	18.55	22.26
Postage & Packing	Per Item	E	D	0.00	0.00	At Cost	At Cost

Key to VAT

- S - Standard Rate - 20%
- Z - Zero Rate - 0%
- E - Exempt from VAT
- O - Outside the scope of VAT

Key to Fee

- S - Statutory
- D - Discretionary

Key to VAT

S - Standard Rate - 20%

Z - Zero Rate - 0%

E - Exempt from VAT

O - Outside the scope of VAT

Key to Fee

S - Statutory

D - Discretionary

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S - Standard Rate - 20%

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Key to Fee

S - Statutory

D - Discretionary

Key to VAT

S - Standard Rate - 20%

Z - Zero Rate - 0%

E - Exempt from VAT

O - Outside the scope of VAT

Key to Fee

S - Statutory

D - Discretionary

POLICY PROJECTS AND RESOURCES
FEES & CHARGES SCHEDULE FROM 1 APRIL 2019

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2018-March 2019 Excl VAT	Inc VAT	April 2019-March 2020 Excl VAT	Inc VAT
SERVICE AREA: PARKING						
CHARGING AREA: Offstreet Parking						

Chatham Way**Monday to Saturday - 6:00am to 7:00pm**

30 mins	S	D	0.00	0.00	0.00	0.00
1 hours	S	D	0.83	1.00	0.83	1.00
2 hours	S	D	1.67	2.00	1.67	2.00
2 hours with discount card	S	D	1.17	1.40	1.17	1.40
3 hours	S	D	2.50	3.00	2.50	3.00
4 hours	S	D	3.33	4.00	3.33	4.00
5 hours	S	D	4.17	5.00	4.17	5.00
6 hours	S	D	5.00	6.00	5.00	6.00
24 hours	S	D	6.67	8.00	6.67	8.00

Monday to Saturday - 7:00pm to 6:00am

Overnight Charge	S	D	1.67	2.00	1.67	2.00
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Sunday Charge

All day	S	D	0.00	0.00	0.00	0.00
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Coptfold Road**Monday to Saturday - 6:00am to 7:00pm**

30 mins	S	D	0.00	0.00	0.00	0.00
1 hours	S	D	0.83	1.00	0.83	1.00
2 hours	S	D	1.67	2.00	1.67	2.00
2 hours with discount card	S	D	1.17	1.40	1.17	1.40
3 hours	S	D	2.50	3.00	2.50	3.00
4 hours	S	D	3.33	4.00	3.33	4.00
5 hours	S	D	4.17	5.00	4.17	5.00
6 hours	S	D	5.00	6.00	5.00	6.00
6 hours+ to close	S	D	6.67	8.00	6.67	8.00

Monday to Saturday - 7:00pm to 10:00pm

Overnight Charge	S	D	1.67	2.00	1.67	2.00
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Sunday Charge - 6:00am to 10:00pm

Flat Charge	S	D	0.83	1.00	0.83	1.00
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Lost Ticket	S	D	8.33	10.00	8.33	10.00
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Exit charge after 10:00pm	S	D	41.67	50.00	41.67	50.00
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William Hunter Way**Monday to Saturday - 6:00am to 7:00pm**

30 mins	S	D	0.00	0.00	0.00	0.00
1 hours	S	D	0.83	1.00	0.83	1.00
2 hours	S	D	1.67	2.00	1.67	2.00
2 hours with discount card	S	D	1.17	1.40	1.17	1.40
3 hours	S	D	2.50	3.00	2.50	3.00
4 hours	S	D	3.33	4.00	3.33	4.00
5 hours	S	D	4.17	5.00	4.17	5.00
6 hours	S	D	5.00	6.00	5.00	6.00
24 hours	S	D	6.67	8.00	6.67	8.00
Overnight Charge	S	D	1.67	2.00	1.67	2.00

Sunday Charge

All day	S	D	0.83	1.00	0.83	1.00
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**POLICY PROJECTS AND RESOURCES
FEES & CHARGES SCHEDULE FROM 1 APRIL 2019**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2018-March 2019 Excl VAT	Inc VAT	April 2019-March 2020 Excl VAT	Inc VAT

SERVICE AREA: PARKING

CHARGING AREA: Offstreet Parking

Note - New Parking Charges were effective from 2 October 2017

Town Hall

Monday to Saturday - 6:00am to 7:00pm

30 mins	S	D	0.00	0.00	0.00	0.00
1 hours	S	D	0.83	1.00	0.83	1.00
2 hours	S	D	1.67	2.00	1.67	2.00
2 hours with discount card	S	D	1.17	1.40	1.17	1.40
3 hours	S	D	2.50	3.00	2.50	3.00
4 hours	S	D	3.33	4.00	3.33	4.00
5 hours	S	D	4.17	5.00	4.17	5.00
6 hours	S	D	5.00	6.00	5.00	6.00
24 hours	S	D	6.67	8.00	6.67	8.00
Overnight Charge	S	D	1.67	2.00	1.67	2.00

Sunday Charge

All day	S	D	0.00	0.00	0.00	0.00
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Note - Staff car park (north) and south closed to public during redevelopment

Westbury Road

Saturday - all day	S	D	3.33	4.00	3.33	4.00
Sunday - all day	S	D	0.83	1.00	0.83	1.00
Overnight Charge	S	D	1.67	2.00	1.67	2.00

King George's Playing Field

4 Hours	S	D	0.00	0.00	0.00	0.00
Over 4 Hours	S	D	4.17	5.00	4.17	5.00
Coaches	S	D	12.50	15.00	12.50	15.00

Monday to Friday 09:00am - 6:00pm

Ingatestone

Maximum stay 2 hours no return for 4 hours	S	D	0.00	0.00	0.00	0.00
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Note - This is for Bellmead and Market Square Monday to Saturday 8:00am - 6:00pm

Friars Avenue

Maximum stay 2 hours no return for 4 hours	S	D	N/A	N/A	N/A	N/A
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Monday to Saturday - 6:00am to 7:00pm

30 mins	S	D	0.00	0.00	0.00	0.00
1 hours	S	D	0.83	1.00	0.83	1.00
2 hours	S	D	1.67	2.00	1.67	2.00
2 hours with discount card	S	D	1.17	1.40	1.17	1.40
3 hours	S	D	2.50	3.00	2.50	3.00
Overnight Charge	S	D	1.67	2.00	1.67	2.00

Sunday Charge

All day	S	D	0.83	1.00	0.83	1.00
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Hunters Avenue

Maximum stay 2 hours no return for 4 hours	S	D	N/A	N/A	N/A	N/A
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Monday to Saturday - 6:00am to 7:00pm

30 mins	S	D	0.00	0.00	0.00	0.00
1 hours	S	D	0.83	1.00	0.83	1.00
2 hours	S	D	1.67	2.00	1.67	2.00
2 hours with discount card	S	D	1.17	1.40	1.17	1.40
3 hours	S	D	2.50	3.00	2.50	3.00
Overnight Charge	S	D	1.67	2.00	1.67	2.00

Sunday Charge

All day	S	D	0.83	1.00	0.83	1.00
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**POLICY PROJECTS AND RESOURCES
FEES & CHARGES SCHEDULE FROM 1 APRIL 2019**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2018-March 2019		CHARGES April 2019-March 2020	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

SERVICE AREA: PARKING

CHARGING AREA: Offstreet Parking - Season Tickets and Penalty Charge Notices

Season Tickets - Standard Charge

7 days	S	D	25.00	30.00	29.17	35.00
1 month	S	D	85.00	102.00	91.67	110.00
3 months	S	D	250.00	300.00	266.67	320.00
6 months	S	D	458.33	550.00	508.33	610.00
12 months	S	D	791.67	950.00	916.67	1,100.00

Note - For Coptfold Road, Sir Francis Way, Westbury Road and William Hunter Way car parks

Penalty Charge Notice

Higher Level Penalty Charge Notice	O	S	70.00	70.00	70.00	70.00
Higher Level Penalty Charge Notice (if paid within 14 days)	O	S	35.00	35.00	35.00	35.00
Lower Level Penalty Charge Notice	O	S	50.00	50.00	50.00	50.00
Lower Level Penalty Charge Notice (if paid within 14 days)	O	S	25.00	25.00	25.00	25.00

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**ENVIRONMENT AND ENFORCEMENT
FEES & CHARGES SCHEDULE FROM 1 APRIL 2019**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2018-March 2019 Excl VAT	Inc VAT	April 2019-March 2020 Excl VAT	Inc VAT

SERVICE AREA: OFFICE ACCOMMODATION

CHARGING AREA: WEDDINGS & ROOM HIRE

Committee Room Hire (Town Hall)

Council Chamber Half Day	S	D	N/A	N/A	350.00	420.00
Council Chamber Full Day	S	D	N/A	N/A	600.00	720.00
Committee Rooms 1 Half Day	S	D	N/A	N/A	150.00	180.00
Committee Rooms 1 Full Day	S	D	N/A	N/A	250.00	300.00
Committee Rooms 2 Half Day	S	D	N/A	N/A	60.00	72.00
Committee Rooms 2 Full Day	S	D	N/A	N/A	100.00	120.00
Civic Foyer Half Day	S	D	N/A	N/A	100.00	120.00
Civic Foyer Full Day	S	D	N/A	N/A	175.00	210.00
Leader's room Half Day	S	D	N/A	N/A	75.00	90.00
Leader's room Full Day	S	D	N/A	N/A	140.00	168.00

Weddings (Town Hall - From August 2019)

Council Chamber Thursday	S	D	N/A	N/A	350.00	420.00
Council Chamber Friday	S	D	N/A	N/A	350.00	420.00
Council Chamber Saturday	S	D	N/A	N/A	350.00	420.00

* Please note fees for wedding ceremonies in the Council Chamber are administered by BBC and does not include registrar fee

Committee Rooms Thursday	E/S	D	N/A	N/A	180.00	198.00
Committee Rooms Friday	E/S	D	N/A	N/A	245.00	271.00
Committee Rooms Saturday	E/S	D	N/A	N/A	305.00	338.00

Weddings (from November 2017 to August 2019)

Seven Arches Road - Thursday	E/S	D	170.00	187.00	180.00	198.00
Seven Arches Road - Friday	E/S	D	235.00	260.00	245.00	271.00
Seven Arches Road - Saturday	E/S	D	295.00	326.90	305.00	338.00

* Please note fees for wedding ceremonies are administered by County Council and include the registrar fee
VAT only applies to the room hire element, which is the only element received by Brentwood Council

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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.