



# Agenda

## Policy, Resources & Economic Development Committee

Wednesday, 10 July 2019 at 7.00 pm

Army Reserve Centre, Clive Road, Warley, Brentwood CM13 3UJ

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### Membership (Quorum – 3)

Cllrs Tumbridge (Chair), Mrs Hones (Vice-Chair), Barrett, J Cloke, Hossack, Kendall, Lewis, Mynott and Poppy

### Substitute Members

Cllrs Aspinell, Morrissey, Bridge, S Cloke, Hirst and Reed

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### Agenda

Item	Item	Wards(s) Affected	Page No
1.	<b>Apologies for absence</b>		
2.	<b>Minutes of the previous meeting</b> Minutes of the Policy, Projects and Resource Committee held on 19 <sup>th</sup> March 2019 and the Regulatory & Governance Meeting held on 6 <sup>th</sup> March 2019.		7 - 24
3.	<b>Terms of Reference</b>	All Wards	25 - 38
4.	<b>Constitution Working Group</b>	All Wards	39 - 42
5.	<b>Data Protection Officer</b>	All Wards	43 - 46
6.	<b>Members Enquiry System</b>	All Wards	47 - 56

<b>7.</b>	<b>Member's Training Programme</b>	All Wards	57 - 68
<b>8.</b>	<b>Whole Council Election</b>	All Wards	69 - 74
<b>9.</b>	<b>Service Arrangements</b>	All Wards	75 - 80
<b>10.</b>	<b>Draft Corporate Plan Development</b>	All Wards	81 - 88
<b>11.</b>	<b>Parking Order Report</b>	All Wards	89 - 102
<b>12.</b>	<b>Development of a Local Green Agenda</b>	All Wards	103 - 116
<b>13.</b>	<b>King Georges Playing Field - Business Plan and Operating Model</b>	Brentwood South; Warley	117 - 200
<b>14.</b>	<b>Right to Buy Capital Receipts</b>	All Wards	201 - 216
<b>15.</b>	<b>Housing Development Programme</b>	All Wards	217 - 226
<b>16.</b>	<b>2018/19 Provisional Outturn and Annual Treasury Management Report</b>	All Wards	227 - 252
<b>17.</b>	<b>Economic Development Update</b>	All Wards	253 - 276
<b>18.</b>	<b>Local Development Plan Update</b>	All Wards	277 - 334
<b>19.</b>	<b>Town Hall Lease arrangements for Residential Units</b>	Brentwood South	335 - 338
<b>20.</b>	<b>Less than best consideration - Citizens Advice South Essex Limited</b>	All Wards	339 - 440
<b>21.</b>	<b>SAIL Business Plan</b>	All Wards	441 - 446
<b>22.</b>	<b>Asset Update</b>	All Wards	447 - 462

**23. Urgent Business**

A handwritten signature in black ink, appearing to read 'Steve Summers', with a long horizontal flourish extending to the right.

Steve Summers  
Interim Chief Executive

Town Hall  
Brentwood, Essex  
02.07.2019

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### 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.

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#### 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.

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#### 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.

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### Information for Members of the Public

#### Access to Information and Meetings

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Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

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#### Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

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

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

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



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

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 **Private Session**

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 **Access**

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 **Evacuation Procedures**

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

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## Minutes

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### Policy, Projects and Resources Committee Tuesday, 19th March, 2019

#### Attendance

Cllr Mrs McKinlay (Chair)  
Cllr Kerlake (Vice-Chair)  
Cllr Barrett  
Cllr Kendall

Cllr Mynott  
Cllr Parker  
Cllr Ms Rowlands

#### Apologies

Cllr Hirst

#### Substitute Present

Cllr Bridge

#### Also Present

Cllr Aspinell  
Cllr Nolan

#### Officers Present

Philip Ruck	-	Chief Executive
Zoe Borman	-	Governance and Member Support Officer
Daniel Toohey	-	Head of Legal Services and Monitoring Officer
Steve Summers	-	Chief Operating Officer
Stuart Anderson	-	Facilities Manager
Steven Butcher	-	Projects & Programme Manager
Greg Campbell	-	Director of Operations
Philip Drane	-	Director of Strategic Planning
Chris Leslie	-	Executive Director of Commercial Services
Jacqueline Van Mellaerts	-	Chief Financial Officer
Lorne Spicer	-	Business Development and PR Manager

### 379. Apologies for Absence

Apologies were received from Cllr Hirst and Cllr Bridge attended as Substitute.

### 380. Minutes of the Previous Meeting

The Minutes of the Policy, Projects and Resources Committee held on 5<sup>th</sup> February 2019 were approved as a true record.

### 381. Chair's Update

The Chair's update was noted by Members.

### 382. Dunton Hills Garden Village Project Governance

In January 2017, Dunton Hills Garden Village became one of 14 Garden Village proposals across the UK to receive a garden settlement designation and funding to bring forward its delivery. Dunton Hills Garden Village is one of four strategic allocations in the Council's Pre-Submission Local Development Plan (February 2019).

Local leadership is needed to ensure delivery of the garden village in line with emerging policy. The Council should play a significant role in shaping a locally-led masterplan so that it meets local needs and the garden city principles.

To this end, a Governance Framework (Appendix A) has been prepared to ensure the masterplan and development process delivers the best possible outcome for the planned, locally-led Garden Village in accordance with the Council's emerging Local Plan policies. The Governance Framework details the organisational structure, roles and responsibilities, reporting lines and project controls put in place to ensure effective and timely decision-making, to enable project success. The framework is a living document, to be updated as the project progresses.

Approval of the Governance Framework is important to ensure:

- a) Land ownership integration;
- b) Consistent quality;
- c) That development is locally-led; and
- d) Deliverable

Following a full discussion Cllr McKinlay **MOVED** and Cllr Kerlake **SECONDED** the motion subject to the following amendment:

1. **To approve the approach defined by the Governance Framework**

(Appendix A), recognising that this will need to evolve as the project progresses through different stages of development and delivery.

2. To approve the membership of the governance arrangements outlined in the Governance Framework *subject to Ward Councillors being included within the Community Engagement meeting.*
3. To add “Ward Councillors” under the membership column for community engagement in Table 2 of the Governance Framework (Appendix A).

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

1. To approve the approach defined by the Governance Framework (Appendix A), recognising that this will need to evolve as the project progresses through different stages of development and delivery.
2. To approve the membership of the governance arrangements outlined in the Governance Framework subject to Ward Councillors being included within the Community Engagement meeting.
3. To add “Ward Councillors” under the membership column for community engagement in Table 2 of the Governance Framework (Appendix A).

### **Reasons for Recommendations**

**Land Ownership Integration:** While there is one dominant site owner who owns most of the land (promoted by Commercial Estates Group (CEG)), there are up to eight different land parcels/ownerships within the site allocation. This will require careful coordination and site-wide planning to ensure masterplan integration, so that the Garden Village feels coherent and cohesive, as well as the appropriate apportionment of infrastructure delivery costs.

**Consistent Quality:** The masterplan and design guidance across the whole site allocation should be underpinned by Garden Community principles and additionally incorporate the locally-led spatial vision. A masterplan framework and design guidance should ensure that proposals clearly set out a coherent development across all land interests, irrespective of which developer brings forward the respective sites.

**Locally-Led:** Strong local leadership is one of the garden community principles and is crucial to developing and delivering the long-term vision and eventual stewardship arrangements for this new garden village community. Proposals should have the backing of the local authority in which they are situated, including Essex County Council. While the planning application process is being led by a master developer and potentially other developers, it is important that the right governance is in place to ensure that proposals align with local aspirations and requirements of the local area in order to achieve this aim.

**Deliverability:** Planning a garden village requires a substantial amount and the timely delivery of new infrastructure to address the impact of development and aid the early establishment of a cohesive community. This involves complex liaison with a number of statutory bodies, utility suppliers and the local community to ensure sustainable investment in infrastructure. The governance arrangements ensure that the right stakeholders will be brought into the process at the right time.

### **383. 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 provided 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.

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

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

**That the Council submits an expression of interest for the Future High Streets Fund by 22<sup>nd</sup> March 2019.**

#### **Reasons for Recommendation**

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

**384. Seven Arches Investment Limited Business Plan**

This item was deferred and will come to a later Committee.

**385. Changes to the Constitution of the Police, Fire and Crime Panel for Essex**

The Police and Crime Panel was established in 2012 to hold the Police and Crime Commissioner to account.

In October 2017 the Police and Crime Commissioner assumed responsibility for the fire service and the name of the role changed to the Police, Fire and Crime Commissioner. At the same time, the Police and Crime Panel became the Police, Fire and Crime Panel.

As a result, the functions of the panel have also changed. It is necessary to update the 'panel arrangements'. These need to be agreed by all 15 local authorities in the Essex police area, which are ECC, the two unitary councils and the 12 borough, city or district councils. The panel arrangements have also been updated to reflect the experience of operating the panel over the first 6 years of its existence.

This report asks the committee to agree the revised panel arrangements on behalf of Brentwood Borough Council. A similar report is being considered by the other 14 authorities.

Cllr Bridge **MOVED** and Cllr McLaren **SECONDED** the recommendations in the report

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

- 1. That the Panel Arrangements at Appendix A with effect from 1 February 2019 be agreed.**
- 2. Note that the rules of procedure at Appendix A will be adopted by the Panel and do not form part of the Panel Arrangements.**

**Reasons for Recommendation**

To enable the Police, Fire and Crime Commissioner to function.

**386. Draft Parental Leave Policy for Elected Members**

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors. Therefore,

councils may only take action on a voluntary basis.

The Council currently does not have a Parental Leave Policy for Elected Members.

This report aims to provide a mechanism to enable draft proposals be put into place for elected members including

- 6 months paid in full of all allowances as relevant to the individual
- Group leaders to decide 'cover' arrangements during period of leave

Any policy would need to be reviewed to ensure it meets with the Council's existing Human Resources policies and legal requirements.

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

Members welcomed this report and following a full discussion a vote was taken by a show of hands and it was **AGREED UNANIMOUSLY**:

- 1. That a cross party meeting of group leaders takes place to confirm the proposals, which will be put forward to the Independent Remuneration Panel for consideration with adoption at Annual Council in May 2019.**
- 2. That the draft policy is reviewed to ensure it meets with the Council's existing Human Resources policies and legal requirements, with details to be discussed and agreed at the Cross-Party meeting.**

#### **Reason for Recommendation**

To enable a formal Parental Leave Policy to be place for elected members.

#### **387. Request for Licence to Occupy by Brentwood Youth AFC - Larkin's Playing Field**

Brentwood Council were approached in 2018 by Brentwood Youth Athletic Football Club (BYAFC) with a view to securing a licence to occupy Larkin's Playing Field in order to fulfil their aim of establishing a permanent base that the club could invest in and attract external funding for improvements.

Larkin's Playing field is one of the Council's larger and principle open spaces in the Borough and is located in the Pilgrims Hatch ward along the Ongar Road (Appendix A).

The club currently reside at the site on an unofficial basis with no secure tenure, their residency is secured each season via the hiring of pitches from the council for the winter sports season. This allocation is not guaranteed each year.



Following investigations it was confirmed that the site is designated as public open space with a number of restrictive covenants placed on it as part of the deed of gift when the site was given to the Council by the Larkin family. This was one of the main reasons that the Council were unable to grant the club a Licence to Occupy.

Officers therefore sought, through discussion, a solution with the co-operation of the Chair of the Community, Health and Housing Committee, Ward Members and representatives of BYAFC. Following these discussions a suggested way forward was agreed which is before the Committee for agreement.

Cllr McLaren **MOVED** and Cllr Rowlands **SECONDED** the recommendations in the report.

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

1. **That Officers enter into discussions with Brentwood Youth Athletic Football Club to establish a constituted working partnership for the management and improvement of Larkin's Playing Fields.**
2. **That Officers in consultation with the Chair of Community, Health and Housing Committee, Ward Members and Brentwood Youth Athletic Football Club agree heads of terms of the working partnership and draw up a draft partnership agreement for the management of Larkin's Playing Field.**
3. **That delegated authority be given to the Director of Operations in consultation with the Chair of the Community, Health and Housing Committee to agree the draft partnership agreement on behalf of the Council.**

#### **Reason for Recommendation**

To allow Officers to continue discussions with Brentwood Youth Athletic Football Club and establish a constituted partnership for the management and improvement of Larkin Playing Fields.

#### **388. Brentwood Town Hall Update**

The attached report provides an update on the Town Hall redevelopment programme, including the community hub and partners, Council Chamber and back office space, commercial space and residential units.

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

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

**For Members to note the progress of the Town Hall Transformation Programme.**

**Reason for Recommendation**

To provide an update to Members on the progress of the Town Hall Transformation programme.

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

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

Housing Greens within the Council's ownership have now been identified as potentially suitable for the provision of additional parking in Coram Green (Appendix A), Birkbeck Road (Appendix B), the former Housing depot at Fielding Way in Hutton (Appendix C) and Whittington Road (Appendix D).

A feasibility study has been undertaken out on the sites including discussions with ECC Highways, BBC Planning Services and a review of the utility services provisions. The next stage of the process is to develop detailed designs identifying exact location and number of parking spaces for each site.

Subject to detailed design, resident's consultation and planning permission it is intended that the parking bays will be installed within the 2019/20 financial year.

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

Members were advised to speak with Mr Summers with any proposals for their wards.

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

- 1. To instruct Officers to develop detailed designs for each location identifying exact location and number of spaces.**
- 2. To instruct Officers to undertake a consultation exercise with residents on the detailed designs.**
- 3. That funding has been set aside from the 2019/20 HRA budget for**

**implementation of the work, with approval given subject to the detailed work being finalised and planning permission granted.**

**Reasons for Recommendation**

To enable Officers to develop detailed designs and submit a formal planning application for approval.

**390. Urgent Business**

There was no urgent business. However, Cllr McKinlay took this opportunity to thank all Members of this Committee, past and present for their support.

The meeting concluded at 8.10

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# Minutes

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## Regulatory and Governance Committee Wednesday, 6<sup>th</sup> March 2019

### Attendance

Cllr Ms Rowlands (Chair)	Cllr Mrs Hones
Cllr Mrs Tierney (Vice Chair)	Cllr McCheyne
Cllr Barrett	Cllr Mynott
Cllr Cloke	

### Apologies

Cllr Kendall

### Substitute Present

Cllr Naylor

### Also Present

Cllr Ms Fulcher  
Cllr Hirst  
Cllr Nolan

### Officers Present

Steve Summers	-Chief Operating Officer
Claire Mayhew	-Corporate and Democratic Services Manager
Jacqueline Van Mellaerts	-Chief Financial Officer
Sue White	-Risk and Insurance Officer
Paula Harvey	-Deputy Monitoring Officer
Lee Henley	-Data Protection Officer

### 357. Apologies for absence

Apologies were received from Cllr Kendall with Cllr Naylor substituting.

### 358. Minutes of the previous meeting

The Minutes of the meeting held on 28<sup>th</sup> November 2018 were agreed as a true record, subject to the inclusion of Cllr Kendall in the attendance list.

## **359. Chair's Update Report**

### **GDPR Update**

A GDPR update was made to the November Regulatory & Governance meeting setting out in detail the works undertaken to date and the future work planned to embed compliance throughout the council. The Committee agreed to the actions identified in the report.

Mr Lee Henley, the Council's Data protection Officer, attended the meeting and answered members questions.

Advice has been sought regarding indemnity insurance for members following previous requests from the Chair and other members that they would be covered during the course of undertaking council business. The Council's Insurers have advised that they would be covered as the Council are the data controllers but would need to be considered on a 'case by case' basis. The cover is for legal expenses but not for any possible fine in the case of a breach.

### **General Data Bodies – Website Accessibility Regulations 2018**

Members received a report which updates them on the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 which came into effect on the 23 September 2018. The report provided detail on the key dates of the new regulations and the list proposed actions at this stage to assist with ensuring compliance.

### **Business Continuity Policy/Strategy**

Members were advised that as the Council was a Category 1 Responder under the Civil Contingencies Act 2004 it had responsibility to put business continuity management arrangements into place.

Work had been undertaken to review and develop a new Business Continuity Policy and Strategy which was intended to ensure that the Council's services can continue to operate and deliver essential services to the community as required.

The Business Continuity Strategy outlines a 3-year programme of key actions for the continual development of business continuity plans, through the ongoing review and exercising of all plans.

## **Strategic and Operational Risk**

The governance arrangements set out in the 'Insurance & Risk Management Strategy' and terms of reference of committees from the Council's constitution require the Regulatory & Governance Committee to review the strategic risks every quarter and confirm they are confident that the risks associated within the register are those which are strategic and relevant to the organisation at this point in time and the considered future.

As previously agreed by the committee as part of the revised Insurance & Risk Management Strategy 2018 a new risk ranking table had been developed. Due to this change only the Strategic Risks would be presented to this committee, as further work was required on the Operational risks.

The report updated the committee on the status of the Council's 2018/19 Strategic Risk Register. As previously requested by the committee risks were added to the Strategic register for Brexit and Treasury Management.

## **Monitoring of Council – Freedom of Information and Members requests**

### **Members requests**

Members will be aware that a new members request system was introduced in October last year. Following the introduction a review has begun with a report made to the Audit & Scrutiny Committee in January identifying initial comments from members regarding the new system.

An update report will be made to the Audit & Scrutiny Committee in March 2019. It is considered that it would be appropriate that following any further changes that are made to the system that a report is made to the Regulatory Committee regarding the process for Members requests.

### **Freedom of Information requests**

The Council is due to change to a new software system for Freedom of Information requests which will provide a more efficient and effective process for both users and the council. As above it is considered that it would be more appropriate that a report is made to the Regulatory & Governance Committee regarding the process under the proposed new system.

The Chair informed the committee that she has queried the fines relating to GDPR and Mr Summers will review this.

Cllr Mynott, made reference to the Member's Request System and the degree of overlap between Audit & Scrutiny Committee and Regulatory & Governance Committee.

**360. Review issues referred to the committee by a statutory officer of the Council or any Council Body.**

The Terms of Reference for the Regulatory & Governance Committee requires it to review issues referred to the committee by a statutory officer of the Council or any Council Body.

This will now be a standing item for the Committee with Officers providing any matters for the committee to consider including a nil response.

There are no current matters to be referred to the committee.

Cllr Mynott, ask if this item could go via another channel. Maybe a group of Members bringing issues to this committee. Cllr Mynott would like some clarity on the issues that can be raised.

After a full discussion, an amendment to the recommendation to state, was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Mrs Hones.

**2.1. That the Committee agrees that no issues have be referred by the Councils Statutory Officers at this stage.**

This was accepted by the Chair. The amended motion was then **MOVED** by Cllr Rowlands and **SECONDED** by Cllr Cloke.

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

**1. That the Committee agrees that no issues have be referred by the Councils Statutory Officers at this stage.**

**REASON FOR RECOMMEDATION**

The Constitution requires that the Regulatory & Governance Committee to review issues referred to the committee by a statutory officer of the Council or any Council Body.

**361. Data Protection Act 2018 Progress Report**

The Council are making good progress in improving and embedding its processes in relation to the Data Protection Act 2018. This report sets out work undertaken and details further work to embed compliance going forward.

Cllr Mynott raised a point relating to Members been covered by GDPR Law. Mr Henley explained that guidance has be supplied to Members and training has been undertaken. More clarification on this is required.

Cllr Mynott also brought to the officer's attention the recent problems with members emails. The chair asked if personal emails addressed can be used.



Guidance to be circulate to members on the use of their personal emails addresses.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendations in the report.

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

1. **That the Committee note the actions being taken by the Council in relation to the Data Protection Act 2018.**

#### **REASON FOR RECOMMENDATION**

To ensure compliance with the Data Protection Act.

#### **361. Review of the Council's Whistleblowing Policy**

This report provides a review of the effectiveness of the Council's current whistleblowing arrangements and sets out proposals arising from a review for ensuring that the Council's whistle blowing arrangements remains effective.

Cllr Mynott, asked for clarification on the minor charges that are mentioned on 2.1 (iii).

Ms Harvey, confirmed that the Monitoring Office can make minor charges required by law.

He also made reference to when the whistleblowing in-box will be established and who is entitled to be a whistle-blower.

Officer to reply to Cllr Mynott off-line to these questions.

After a full discussion, Cllr Mrs Hones **MOVED** an amendment to 2.1. (iii) and this was **SECONDED** by Cllr Ms Middlehurst.

#### **2.1**

**(iii) Authority for the Monitoring Officer to make any minor changes required by law in consultation with the Chair of the Regulatory and Governance Committee.**

This was accepted by the Chair.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendations subject to the amendment of 2.1 (iii).

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

- 2.1 **That the Committee consider the draft revised whistleblowing policy attached to this report (Appendix A) and to recommend to Policy, Projects and Resources Committee to approve:**

- (i) the revised Whistleblowing Policy
- (ii) the details and on-going plans for raising awareness of the Council's whistleblowing arrangements
- (iii) authority for the Monitoring Officer to make any minor changes required by law in consultation with the Chair of the Regulatory and Governance Committee.

#### **REASON FOR RECOMMENDATION**

Under the Council Constitution one the functions of the Regulatory Committee is to monitor the Council's policies and strategies on Whistleblowing.

The whistleblowing policy is intended to assist Council employees, and others who work for the Council to raise concerns about the wrongdoing or malpractice within the council without fear of reprisal.

#### **362. Strategic and Operational Risk**

The report updates members of the Regulatory & Governance Committee on the status of the Council's 2019 Strategic Risk Register and the progress being made across Services in delivering Operational Risk Registers.

The Insurance and Risk Management Strategy 2018 was approved at Committee on 10th October 2018. Both Strategic and Operational Risk Registers have been revised to reflect changes of the Strategy.

Cllr Mynott, brought to the committee his concerns about the level of the Operational Risk relating to the Housing Department, especially those relating to Housing Maintenance. What like to see a breakdown of the 8 housing risks and a justification of the risks we are giving them brought to the next committee.

Cllr Barrett, made reference to Risk 13, Brexit and Risk 6, Commercial Activates. Would like more explanation and narrative on why the risk score has been evaluated for the next committee.

After a full discussion, Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendations in the report.

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

- 2.1 To agree the amendments to the Strategic Risk Register, as shown in Appendix B, and that the risk scores recorded for each risk accurately represents the current status of each risk.**
- 2.2 To agree the risk scores recorded for the high level Operational Risks, as shown in Appendix B.**

### **REASON FOR RECOMMENDATION**

Risk Management continues to be embedded quarterly within the Senior Management Team reports, where Service Heads discuss the top-level risks for their service areas to ensure that the risks are updated to reflect the ongoing changes.

In addition, the Risk & Insurance Officer will continue to work with risk managers to maintain the good progress to date and further develop a consistent application of risk management considerations across all operations of the Council.

### **363. Urgent Business**

There were no items of urgent business and the meeting concluded at 19:41.

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10 July 2019

## Policy, Resources and Economic Development Committee

### Policy, Resources and Economic Development Committee Terms of Reference

**Report of:** Claire Mayhew, Corporate and Democratic Services Manager

**Wards Affected:** All Wards

**This report is:** Public

#### 1. Executive Summary

1.1 At Annual Council on 15<sup>th</sup> May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

1.2 At Ordinary Council on 26<sup>th</sup> June 2019 (Appendix B) it was RESOLVED UNANIMOUSLY to:-

*‘To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Committee for approval as set out in the Audit and Scrutiny rules.’*

#### 2. Recommendation(s)

**This report is for information only:-**

2.1 **That the Committee notes the Terms of Reference (Appendix A) of the Policy, Resources and Economic Development Committee.**

2.2 **The committee approves that the necessary amendments are made to Policy, Resources and Economic Development Terms of Reference (Appendix A) to reflect the decision made at Full Council as stated in 1.2.**

#### 2 Introduction and Background

2.2 The Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.

- 2.3 The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
- 2.4 Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.
- 2.5 Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.
- 2.6 Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).
- 2.7 Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.
- 2.8 Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.
- 2.9 Although the Licensing Sub-Committee is set up by the Planning and Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

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

- 3.2 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2019/2020, this is subject to an amendment made by the individual committees throughout the year with Council's approval.
- 3.3 The proposed Terms of Reference for Policy, Resources and Economic Development Committee are appended to this report.

### **4 Reasons for Recommendation**

- 4.1 The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

## **5 Consultation**

- 5.2 None.

## **6 References to Corporate Plan**

- 6.2 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge those functions in a timely, open and transparent way to deliver the Corporate Plan.

## **7 Implications**

### **Financial Implications**

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

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

- 7.2 The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2019/2020.

### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 7.3 The recommendations set out within this report are lawful and within the Council's powers and duties. The Council operates a committee system form of governance within an existing legal framework. The Council's Constitution provides that the Annual Meeting will establish a committee for the purposes of the Licensing Act 2003 and such other committees as may be necessary for the proper discharge of the Council's functions, including their size and terms of reference.

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

- 7.4 None.

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

- 8.2 None.

## **9 Appendices to this report**

Appendix A: Terms of Reference – Policy, Resources and Economic Development Committee

Appendix B: Report Ordinary Council (26<sup>th</sup> June 2019) – changes to the Terms of Reference to Audit & Scrutiny Committee

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

**Name:** Claire Mayhew, Corporate and Democratic Services Manager  
**Telephone:** 01277 312741  
**E-mail:** [claire.mayhew@brentwood.gov.uk](mailto:claire.mayhew@brentwood.gov.uk)



# Appendix A

## **Policy, Resources and Economic Development Committee**

The committee shall consider all matters of policy and strategic importance to the Council including matters referred to it by other Committees and/or Chief Officers.

1. The function within the remit of the Policy, Resources and Economic Development 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

Generally to review and oversee the co-ordination and governance of all functions of the Council. 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) Human resources
  - 8) Information Communication Technology
  - 9) Revenues and Benefits
  - 10) Customer Services
  - 11) 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 and allocation of resources.
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 council function.
  - (j) Appropriation of land surplus for the requirements of another Council function.
  - (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 receive updates reports on the Asset Development Programme and the work of the Asset Development Programme and Project Board.
  - (n) 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.
  - (o) To agree and monitor the governance arrangements for any commercial and/or partnership arrangement with the Council.
  - (p) Promoting a culture of entrepreneurialism and building the required skills and capacity.
  - (q) 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) Any matters relating to 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 those Corporate Projects that have been agreed by the committee to be major.

#### Scrutiny

- (a) To advise the Audit & Scrutiny Committee of any matters that require scrutiny in accordance with the Audit and Scrutiny Procedure Rules.
- (b) To receive requests and determine on matters that require scrutiny from the Audit and Scrutiny Committee in accordance with the Audit and Scrutiny Procedure Rules.

(c) To receive requests and determine on matters that require scrutiny from any Committee in accordance with the Audit and Scrutiny Procedure Rules.

17. To consider any requests for sponsorship and use of the Council's Coats of Arms and logos.

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**26<sup>th</sup> June 2019**

**Ordinary Council**

**Audit and Scrutiny Committee Terms of Reference**

*Report of*                *Claire Mayhew, Corporate and Democratic Services Manager*

*Wards Affected:* *All Wards*

*This report is:*    *Public*

## **1. Executive Summary**

1.1 At Annual Council on 15<sup>th</sup> May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

1.2 At the Audit and Scrutiny meeting on the 18<sup>th</sup> June 2019 members considered the Terms of Reference and following discussion resolved the following:

‘That any amendments made by the Committee are delegated to the Chief Operating Officer in consultation with the Chair and Vice Chair of the committee with a report to be made to Ordinary Council Meeting for approval.’

1.3 Following discussion with the Chair and Vice Chair of the Audit and Scrutiny Committee it is considered that to meet the matters raised by the committee that the following is deleted from the Audit and Scrutiny Committee Terms of Reference for 2019/20.

‘To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Committee for approval as set out in the Audit and Scrutiny rules.’

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

**2.1 That the Council agrees the amendments as set out in 1.3 above.**

**2.2 That the Monitoring Officer be authorised to make the necessary changes to the Council’s Constitution.**

## **2 Introduction and Background**

- 2.1 The Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.
- 2.2 The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
- 2.3 Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.
- 2.4 Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.
- 2.5 Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).
- 2.6 Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.
- 2.7 Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.
- 2.8 Although the Licensing Sub-Committee is set up by the Planning and Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

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

- 3.1 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2019/2020, this is subject to an amendment made by the individual committees throughout the year with Council's approval.



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

- 4.1 The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

#### **5 Consultation**

- 5.1 None.

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

- 6.1 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge those functions in a timely, open and transparent way to deliver the Corporate Plan.

#### **7 Implications**

##### **Financial Implications**

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

- 7.1 The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium-Term Financial Plan 2019/2020.

##### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**  
**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 7.2 The recommendations set out within this report are lawful and within the Council's powers and duties. The Council operates a committee system form of governance within an existing legal framework. The Council's Constitution provides that the Annual Meeting will establish a committee for the purposes of the Licensing Act 2003 and such other committees as may be necessary for the proper discharge of the Council's functions, including their size and terms of reference.

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

7.3 None.

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

None.

**8 Appendices to this report**

None

**Report Author Contact Details:**

**Name:** Claire Mayhew, Corporate and Democratic Services Manager  
**Telephone:** 01277 312741  
**E-mail:** [claire.mayhew@brentwood.gov.uk](mailto:claire.mayhew@brentwood.gov.uk)

**10 July 2019**

**Policy, Resources and Economic Development**

**Constitution Working Group**

**Report of:** *Paula Harvey, Deputy Monitoring Officer*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 This report asks the Committee to agree the membership of the Constitution Working Group for the current municipal year 2019/20 set out in para 4.1.

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

- 2.1 Members agree the membership of the Constitution Working Group for the current municipal year as set out in para 4.1.**
- 2.2 Members agree that any necessary changes to the membership of the Constitution Working Group are made in accordance with para 4.2.**

## **3. Introduction and Background**

- 3.1 The Council has a statutory duty to prepare and keep up to date a Constitution which must include its Standing Orders, Code of Conduct for Members, prescribed information and any other information they consider appropriate.
- 3.2 The Council is responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 3.3 The Council has agreed that there should be a Constitution Working Group to facilitate a review of the Constitution and develop recommendations for changes to full Council.
- 3.4 The Council's Constitution requires the Committee to consider a report from the Monitoring Officer at the beginning of the Civic year, for the Committee to appoint the membership of the Constitution Working Group.

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

- 4.1 Group Leaders have been consulted regarding nominations for appointment to the Constitution Working Group and have nominated the following members for appointment:

Cllr James Tumbridge  
Cllr Charles Nolan  
Cllr Phil Mynott  
Cllr Tim Barrett

- 4.2 Should there be a need to change the membership of the Constitution Working Group during the municipal year, this should be approved by the Committee following nominations from Group Leaders.

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

- 5.1 The Council has a statutory duty to have a written Constitution which sets out how the Council operates and how decisions are taken. The Constitution must be published and kept up to date.
- 5.2 The Council has agreed that there should be a Constitution Working Group which reports to the Council, to undertake a fundamental review of the Constitution and recommend changes to the Council.

#### **6. Consultation**

- 6.1 None

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

- 7.1 The recommendation will continue to promote strong governance and more effective decision-making.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Jacqueline Van Mallaerts, Director of Corporate Resources**  
**Tel & Email 01277 312829/jacqueline.vanmallaerts@brentwood.gov.uk**

- 8.1 There are no direct financial implications arising from this report.

##### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**  
**Tel & Email 01277 312705 / paula.harvey@brentwood.gov.uk**

- 8.2 The legal implications are included in the body of this report.

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

8.2 None at this stage.

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

None

**10 Appendices to this report**

None

**Report Author Contact Details:**

**Name:** Paula Harvey, Deputy Monitoring Officer

**Telephone:** 01277 312705

**E-mail:** paula.harvey@brentwood.gov.uk

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**10 July 2019**

## **Policy, Resources and Economic Development**

### **Data Protection Officer**

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

**Wards Affected:** *None directly*

**This report is:** *Public*

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

- 1.1 This report recommends the appointment of the Council's Deputy Monitoring Officer as the Data Protection Officer.
- 1.2 The report also provides further information on the provision of data protection services by Thurrock Council.

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

- 2.1 That the Council's Deputy Monitoring Officer (Paula Harvey) be appointed the Data Protection Officer.**

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

- 3.1 The Data Protection Act 2018 to come into force on 23<sup>rd</sup> May 2018. It is a requirement that every company that collects or processes EU citizens' personal data must appoint a Data Protection Officer (DPO).
- 3.2 The DPO's responsibilities include, but are not limited to, the following:
  - Educating the company and employees on important compliance requirements;
  - Training staff involved in data processing;
  - Conducting audits to ensure compliance and address potential issues proactively;
  - Serving as the point of contact between the company and Information Commissioner's Office (ICO);

- Monitoring performance and providing advice on the impact of data protection efforts;
- Maintaining comprehensive records of all data processing activities conducted by the company, including the purpose of all processing activities, which must be made public on request;
- Interfacing with data subjects to inform them about how their data is being used, their rights to have their personal data erased, and what measures the company has put in place to protect their personal information.

3.3 To date Thurrock Council have provided information governance services and a DPO (Mr Lee Henley) to Brentwood Borough Council under a Memorandum of Understanding (MoU).

3.4 When appointing a DPO the following must be considered:

- The DPO must be independent, an expert in data protection, adequately resourced, and report to the highest management level;
- A DPO can be an existing employee or externally appointed;
- Other tasks can be assigned to the DPO, so long as they don't result in a conflict of interests with the DPO's primary tasks and/or resulting in data protection taking a secondary role in the organisation;
- It is important that other specialist officers are not referred to as a DPO, which is a specific role with particular requirements under legislation.
- To support the DPO, the Council must ensure that the DPO:
  - Is involved closely and in a timely manner, in all data protection matters;
  - Reports to the highest management level. This doesn't mean the DPO has to be line managed at this level but they must have direct access to give advice to senior managers who are making decisions about personal data processing;
  - Operates independently and is not dismissed or penalised for performing their tasks;
  - Is provided with adequate resources (sufficient time, financial, infrastructure, and, where appropriate, staff) to enable the DPO to meet their GDPR obligations, and to maintain their expert level of knowledge.

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

4.1 An internal Data Protection Officer (DPO) is now being recommended and the Deputy Monitoring Officer role has been identified as a suitable designation. So the DPO is provided with adequate resources Thurrock Council will continue to provide support.

4.2 To ensure the Council has the necessary expertise and resources available the services of Thurrock's information governance team were engaged. There is a



pool of 8 experienced information governance officers the Council can draw on when required.

4.3 The Council pays £39k a year for these services, which includes all staffing costs and overheads. Thurrock also provides training resources at no additional charge. The MoU can be terminated by either party with 3 months' notice and is flexible to accommodate changes that maybe required. There is no specified end date.

4.4 Duties carried out by Thurrock include:

- To ensure the council has a robust Records of Processing Activity (ROPA) framework in place;
- To manage data protection incidents and make recommendations for change based on lessons learnt;
- To undertake data protection audits and make recommendations for change based on outcome;
- Prepare Committee reports;
- Maintain incident logs;
- To chair and manage the workload of the corporate wide Information Governance Group;
- To manage sharing requests both internally and with third parties;
- To implement a robust data protection and data security policy framework;
- To produce, lead and provide Information Governance training content for staff and Members;
- To link in with the ICO on all data protection related matters;
- To process subject access requests under the data protection act;
- To undertake Data Protection Impact Assessments (DPIA);
- To provide expert knowledge and experience of all data protection issues;
- Give advice on FOI exemptions.

## **5. Reasons for Recommendation**

5.1 This report was prepared at the Chair's request.

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

6.1 This matches the Council's Transformation vision to "Explore alternative methods of service delivery, including shared services and outsourcing".

## **7. Implications**

**Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**

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

- 7.1 Additional time required by an internal DPO, may cause resource constraints within existing budgets and departments. The current contract with Thurrock is £39k per year and will continue to provide support.

**Legal Implications**

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

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

- 7.2 The legal implications are outlined in the report.

**Report Author Contact Details:**

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

**Telephone:** 01277 312500

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

**10 July 2019**

## **Policy, Resources and Economic Development**

### **Members Enquiry System**

**Report of:** *Steve Summers, Interim Chief Executive*

**Wards Affected:** *All wards*

**This report is:** *Public*

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

- 1.1 As requested by the Chair of the Policy, Resources and Economic Development Committee this report sets out the continuing review work with regard to the new Members Enquiry system.
- 1.2 A report was made to the Audit & Scrutiny Committee on the 13<sup>th</sup> March 2019, Min 375 refers, which set out comments as advised by 6 members cross party and is attached as Appendix A detailing the progress made and responses to where action could be taken.
- 1.3 In addition, following further member training a request was made for the following amendments to be made to the system; the facility for Members to follow up requests midway through the process and improvements to the My Requests screen to enable Members to easily identify the subject of each request.
- 1.4 The Audit & Scrutiny Committee also agreed that a further report would be made to a future committee. That committee will be updated following the consideration of this matter by Policy, Resources and Economic Development Committee.

#### **2. Recommendations**

- 2.1 Members note the report and their views are requested on how they wish to proceed.**

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

- 3.1 A new Members Enquiry System went live in August 2018. The new system enables Members to track their requests and provides the facility to view historic requests.
- 3.2 The system can be accessed via a range of devices and the online form has the added benefit of auto-filling therefore removing the need for Members to enter their personal details. A feature of the request form is the facility to upload a photograph and the use of map locations which helps to give further information to officers.
- 3.3 Since the launch, the facility to copy in other Members to the initial request and subsequent dialogue with officers was implemented as requested by some Members.
- 3.4 Training for members with regard to the new system was held on 17<sup>th</sup>, 23<sup>rd</sup> and 24<sup>th</sup> July 2018 as well as two drop in sessions held on 7<sup>th</sup> August and 7<sup>th</sup> September 2018. A further session was recently held on 29<sup>th</sup> May 2019.
- 3.5 As set out in 1.2 and 1.3 above further amendments have been made to the system.
- 3.6 The system generates performance reports which officers monitor with services regarding response time and quality of responses on a regular basis.

### **4 Reasons for Recommendation**

- 4.1 To ensure the Member Enquiry System is efficient and effective.

### **5 Consultation**

- 5.1 6 members cross party were approached for their feedback on the new Members Enquiry System.

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

- 6.1 A modern Council transforming its services to improve efficiencies and economies through new ways of working.

## **7 Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**

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

7.1 There are no direct financial implications arising from this report.

### **Legal Implications**

**Name & Title: Paula Harvey, Corporate Governance Solicitor & Deputy Monitoring Officer**

**Tel & Email: 01277 312500/paula.harvey@brentwood.gov.uk**

7.2 There are no direct legal implications arising from this report.

## **8 Appendices to this report**

Appendix A – Report to Audit & Scrutiny Committee 13.3.2019

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

**Name:** Steve Summers – Interim Chief Executive

**Telephone:** 01277 312500

**E-mail:** steve.summers@brentwood.gov.uk

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**13 March 2019**

## **Audit & Scrutiny Committee**

### **Members Enquiry System**

**Report of:** *Steve Summers, Chief Operating Officer*

**Wards Affected:** *All wards*

**This report is:** *Public*

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

- 1.1 This report sets out the continuing review work with regard to the new Members Enquiry system.
- 1.2 At the previous committee Members were advised that 6 members cross party were invited to give feedback on the new Member Enquiry System in order for officers to note the comments and explore any modifications that could be made.
- 1.3 Officers have reviewed the comments made by Members and attached at Appendix A is a table detailing the progress made to date on matters which could be progressed and responses to where action cannot be taken.
- 1.4 In addition to the comments/updates attached in Appendix A, Officers have suggested that a reminder email is sent to Members to remind them to confirm that a case can be closed. This could be sent every 5 days.
- 1.5 Officers will report back to the next Audit and Scrutiny Committee meeting any further feedback and updates from the comments received, including actions to be taken.

#### **2. Recommendations**

- 2.1 The Committee note and agree the progress made to date as set out in Appendix A.**
- 2.2 That the Committee agree the suggestion as set out in 1.4 of the report.**
- 2.3 That Officers report back any actions at the next Committee meeting.**

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

- 3.1 A new Members Enquiry System went live in August 2018. The new system enables Members to track their requests and provides the facility to view historic requests.
- 3.2 The system can be accessed via a range of devices and the online form has the added benefit of auto-filling therefore removing the need for Members to enter their personal details. A feature of the request form is the facility to upload a photograph and the use of map locations which helps to give further information to officers.
- 3.3 Since the launch, the facility to copy in other Members to the initial request and subsequent dialogue with officers was implemented as requested by some Members.
- 3.4 Training for members with regard to the new system was held on 17<sup>th</sup>, 23<sup>rd</sup> and 24<sup>th</sup> July 2018 as well as two drop in sessions held on 7<sup>th</sup> August and 7<sup>th</sup> September 2018.
- 3.5 6 members cross party were approached, who had previously raised some matters, to give their feedback and comments on the system in order for officers to consider this and explore if any improvements could be made.

### **4 Reasons for Recommendation**

- 4.1 To ensure the Member Enquiry System is efficient and effective.

### **5 Consultation**

- 5.1 6 members cross party were approached for their feedback on the new Members Enquiry System.

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

- 6.1 A modern Council transforming its services to improve efficiencies and economies through new ways of working.

### **7 Implications**

#### **Financial Implications**

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



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

7.1 There are no direct financial implications arising from this report.

**Legal Implications**

**Name & Title: Paula Harvey, Corporate Governance Solicitor & Deputy Monitoring Officer**

**Tel & Email: 01277 312 500 paula.harvey@brentwood.gov.uk**

7.2 There are no direct legal implications arising directly from this report.

**8 Appendices to this report**

Appendix A - Member Enquiry System – Feedback received from Members

**Report Author Contact Details:**

**Name:** Steve Summers – Chief Operating Officer

**Telephone:** 01277 312500

**E-mail:** steve.summers@brentwood.gov.uk

<b>Members Enquiry System</b>		<b>Appendix A</b>
<b>No</b>	<b>Member comment</b>	<b>Officer comment/update</b>
1.	The need for a subject title rather than just a reference number for ease when looking in the system/emails.	Completed.
2.	Officer "closing cases" prior to the action being completed.	Officer training required which is being undertaken as an ongoing programme. Monitoring has been introduced with regards to quality and timeliness of officer responses.
3.	A drop-down list of email addresses when "CC" others in.	Completed
4.	Allow a Member to close a case that they know is closed but the officer hasn't closed it.	Unfortunately, the system cannot enable this to happen. However as in No.2 above Officer training will be undertaken on a regular basis and monitoring of responses has been put in place to enable any issues to be addressed.
5.	A thread of previous responses between user and responder with the ability to expand and collapse the thread.	Completed.
6.	Slow system when loading.	This is probably dependant on Members internet connection, however Firmstep have advised of platform improvements are planned this year, which may address some of the issues.  Officers will monitor.

No	Member comment	Officer comment/update
7.	System does not remember to stop warning notifications.	Officers will contact the Member direct to understand this particular issue.
8.	Minimise the number of click throughs and typing for the user	Unfortunately this cannot be reduced, if we want to ensure the enquiries go to the correct service.
9.	Reference to political party should not be required.	Completed.
10.	No need to type in the email address twice – too much typing for the user.	The introduction of the drop down list of Members' email addresses will remove the need to double key in their addresses. With regards to sending emails to external parties, such as a resident, this is to ensure the email address is entered correctly. However we can remove this additional field if members would prefer.
11.	When copying in others to the enquiry, "add this email address" should simply read "add email address".	Completed.
12.	Other progress options other than "open" and "closed" such as "actioned", "unable to progress" and "part actioned" for clarity.	Officers would need to give this some further thought as any changes to this will have quite an impact on the process, reports etc and quite an extensive piece of work to do.
13.	Ability to see who the officer is that the enquiry is assigned to.	The enquiry is sent to a team within the appropriate service area, however Member's will be able to see the officer's name in the correspondence thread (as per item 5) Completed - Officer training also required which is being undertaken as an ongoing programme. Monitoring has been introduced with regards to quality and timeliness of officer responses.

No	Member comment	Officer comment/update
14.	Ability to make an enquiry urgent/emergency.	Officers consider that if an enquiry is urgent then the Member Enquiry system is not the correct process. We would suggest a phone call or email to the appropriate Manager.

10<sup>th</sup> July 2019

## Policy, Resources and Economic Development

### Member's Training Programme 2019/2020

**Report of:** Claire Mayhew – Corporate & Democratic Services Manager

**Wards Affected:** All

**This report is:** Public

#### 1. Executive Summary

- 1.1 This report is before Member's to agree a new Training Programme for 2019/2020.

#### 2. Recommendation(s)

- 2.1 **That the Committee agree that Member's training programme will take place over a 6 months period starting in November 2019 to May 2020.**
- 2.2 **To agree the draft Programme of Training for 2019/2020 (Appendix A).**

#### 3. Introduction and Background

- 3.1 Feedback from Members indicates that the current training programme leaves member with not much prior notice to attend with a number of training sessions being held at the start of the municipal year. Therefore, an alternative programme running from November to May will benefit members when planning the appropriate training required to fulfil their roles as a Member.
- 3.4 Some sessions are mandatory and will need to be undertaking in the first couple weeks of a new municipal year (May).
- New Members Induction Session - compulsory for newly and re-elected councillors took place on the first working day after they become elected member in readiness for Annual Council.
  - Planning and Licensing Training as required under Chapter 5.5 paragraph 2, 2.1 & Chapter 5.5 paragraph 4, 4.1 of the Constitution – this is compulsory for all Members of the Planning & Licensing Committee attend.
- 3.5 Committee members are advised to undertake training available to gain and enhance their knowledge of the Committee's responsibilities.

- 3.6 Training sessions are held mainly in the evening to ensure as many councillors as possible can attend. Most of the training sessions are desirable to Members i.e GDPR, Member's Portal and Safeguarding. These will be covered in two/three separate sessions.
- 3.7 Some training/briefing sessions required out of this six months training period. These are items that relating to urgent matter i.e. Traveller Incursion, Emergency Planning, Operation London Bridge or major projects.
- 3.8 Attendance at these sessions is monitored and entered on the Council's website and publicly available.

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

- 4.1 Members will be given the opportunity to give feedback and comment on any further training that might be find of help.

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

- 5.1 To provide a Member's Training Programme in line with best practice.

#### **6. Consultation**

- 6.1 None

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

- 7.1 Continue to improve our governance arrangements leading to faster more effective decision-making.

#### **8. Implications**

##### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts – Director of Corporate Resources  
Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1 Costs implementing the Member Training Programme will be monitored through budget meetings, and any variances escalated to seniors managers. Democratic service costs will be met from existing Budgets within the Medium Term Financial Plan for 2019/2020.

**Legal Implications**

**Name/Title: Paula Harvey – Deputy Monitoring Officer**

**Tel/Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 8.2 The recommendation is lawful and within the Council's powers and duties. An effective training programme for Members will contribute to lawful decision-making and promote strong governance.

**Other Implications.**

- 8.1 None

**9. Background Papers**

- 9.1 None

**10. Appendices to this report**

Appendix A – Draft programme of training for 2019/2020.

**Report Author Contact Details:**

**Name:** Claire Mayhew –Corporate & Democratic Services Manager

**Telephone:** 01277 312741

**E-mail:** claire.mayhew@brentwood.gov.uk

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# Draft Training Programme 2019/2020

<p><b>NEWLY AND RE-ELECTED COUNCILLORS – WELCOME AND INDUCTION</b> (Mandatory for all new and re-elected Members )</p>	<p>Essential housekeeping for new and re-elected Councillors.</p> <ul style="list-style-type: none"> <li>• Pigeon hole key</li> <li>• ID badge</li> <li>• Register of interests</li> <li>• Joining a political party</li> <li>• Personal contact info</li> <li>• Payroll info</li> <li>• Signing of declaration of Office</li> </ul> <p>Welcome from Leader and Chief Executive.</p> <ul style="list-style-type: none"> <li>• Senior Members of the Council</li> <li>• Committees</li> <li>• Senior Officers and Departments of the Council</li> <li>• What do we do</li> <li>• Where are the services situated?</li> <li>• Budget &amp; Commercial Activities</li> <li>• What we don't do</li> <li>• Member's Casework</li> <li>• Paperless Agendas</li> <li>• Contact Details</li> </ul>
<p><b>HOW THE COUNCIL WORKS</b></p>	<p>Overview of the committee structure.</p> <p><b>WHY YOU SHOULD ATTEND THIS COURSE:</b> It is easy to be confused by the workings of the Council's committees. This course seeks to explain how Full Council works in conjunction with the other committees on the Council and how you can make the best use of the constitutional rules.</p> <p><b>SUMMARY OF THE COURSE CONTENT:</b> To describe the respective roles of the Council and Committee(s) in decision making.</p>

# Draft Training Programme 2019/2020

	<ul style="list-style-type: none"> <li>• Council Function</li> <li>• Committee(s) Function</li> <li>• Role of the Leader</li> <li>• Call In</li> <li>• Budgetary Framework</li> <li>• Duties of Chairman/Vice Chairman</li> </ul> <p>To outline the conventions and protocols regarding meeting of Full Council</p> <ul style="list-style-type: none"> <li>• Speaking</li> <li>• Raising motion</li> <li>• Asking question</li> <li>• Moving amendments</li> <li>• Role of Mayor and Deputy Mayor</li> </ul>
<p><b>DATA PROTECTION (GDPR)/ FREEDOM OF INFORMATION</b></p>	<p>The General Data Protection Regulation (GDPR) is by far the biggest regulatory development in information law in 20 years.</p> <p>As a councillor you are a data controller and the duties and responsibilities of the new law will apply to you.</p> <p><b>Data Protection</b></p> <ul style="list-style-type: none"> <li>• A brief view of how the new data protection law affects you as a councillor.</li> <li>• The rights of individuals regarding their personal data</li> <li>• The obligations of the council and individual councillors to manage and protect personal data.</li> </ul> <p><b>Freedom of Information</b></p> <ul style="list-style-type: none"> <li>• A brief overview of the FOI system</li> <li>• How the Council handles requests</li> <li>• How it interacts with data protection rules</li> </ul>
<p><b>WHAT IS THE PLANNING SYSTEM?</b> (Mandatory for Members of the Planning &amp; Licensing Committee)</p>	<p>This Course is a must to understand the important role that members play in the planning application process, what decisions are made by members, what a planning meeting looks like and guidelines for making those decision. A great refresher for</p>

# Draft Training Programme 2019/2020

	<p>existing members.</p> <p><b>Induction</b></p> <ul style="list-style-type: none"> <li>• What is Planning</li> <li>• Understanding the Planning System – “plan-making” and decision-taking” processes</li> </ul> <p><b>What happens before a decision is made?</b></p> <ul style="list-style-type: none"> <li>• Application types and validation procedures</li> <li>• Officer delegation – how these decisions are taken and when they are taken</li> <li>• How member can call applications into Committee</li> <li>• Avoiding the pitfalls of public canvassing</li> <li>• Important role of Councillors</li> <li>• So, what is it like being a member on Planning Committee</li> <li>• Who makes the Decisions</li> <li>• Application of Planning Policy</li> <li>• What are Material Considerations?</li> <li>• Non- Planning Matters</li> <li>• Site Visits</li> <li>• Making a Decision</li> <li>• Types of Planning Permissions</li> </ul> <p><b>After a decision is made</b></p> <ul style="list-style-type: none"> <li>• Planning Appeals</li> <li>• Top Tips</li> <li>•</li> </ul>
<p><b>PLANNING PROTOCOL</b> (Mandatory for Members of the Planning &amp; Licensing Committee)</p>	<p>To be able to understand the implication for you as a Councillor, of the Council’s planning protocol. To avoid the pitfalls in the planning in terms of conflicts of interest which can arise. To understand the new protocol and your obligations under of the Code of Conduct.</p>

# Draft Training Programme 2019/2020

	<p><b>SUMMARY OF THE COURSE CONTENT:</b></p> <ul style="list-style-type: none"> <li>• The position of “dual hatted” councillors</li> <li>• Fettering a Councillor’s Discretion</li> <li>• Conduct a Planning meeting</li> <li>• Pre and post application discussions</li> <li>• Handing Site Visits</li> <li>• Lobbying and Public inquiries</li> <li>• The position of Officers and Members who are applicants and objectors</li> <li>• Addressing Planning and Licensing Committee where Councillors have a prejudicial interest</li> </ul>
<p><b>CHAIRMANSHIP SKILLS</b></p>	<p>To familiarise elected member with the techniques required to chair meeting effectively.</p> <p><b>SUMMARY OF THE COURSE CONTENT:</b></p> <ul style="list-style-type: none"> <li>• Identify what makes meeting effective</li> <li>• Understanding the importance of preparation, structuring and management for the effective chairing of meetings.</li> <li>• Explore ways of dealing with the problems that can affect meetings, such as conflict, negativity and lack of participation</li> </ul>
<p><b>CODE OF CONDUCT</b></p>	<p>Understand the Government ethical framework and the duties and responsibilities of Councillors. Particular reference will be made how to avoid the pitfalls of the new Code of Conduct.</p> <p><b>SUMMARY OF THE COURSE CONTENT:</b></p> <ul style="list-style-type: none"> <li>• Responsibilities of Councillors &amp; Attendance requirements</li> <li>• Standards Committees</li> <li>• Registration of Interests</li> <li>• Acceptance of Office</li> <li>• Gifts and Hospitality</li> <li>• Complaints Process</li> </ul>

# Draft Training Programme 2019/2020

	<p>Advice on the declaration of interest at relevant meetings including:</p> <ul style="list-style-type: none"> <li>• Disclosable Pecuniary Interests</li> <li>• Non-Pecuniary interest &amp; bias</li> <li>• Membership of other bodies</li> </ul> <p>General obligations under the Code of Conduct and Protocol of Members/Staff relations.</p>
<p><b>SAFEGUARDING (Child Protection)</b></p>	<p>All elected Members have a role to play by adhering to best practice, participating in relevant training and reporting any concerns, incidents or allegations to a designated person in accordance with the Council's own procedures. Safeguarding reports cannot be anonymous and should be made in the knowledge that during the course of enquiries, they may be required as a prosecution witness. A briefing document will give more guidance about Members' responsibilities for reporting safeguarding issues. Further information on 'safe working practices' guidelines can be found in the Council's Safeguarding Policy and Procedures.</p> <p><b>SUMMARY OF THE COURSE CONTENT:</b> Safeguarding is everyone's responsibility so by the end of the training Members will be able to:</p> <ul style="list-style-type: none"> <li>• Understand what is meant by safeguarding</li> <li>• Know where safeguarding sits nationally and local contexts</li> <li>• Understand Brentwood Borough Council's role and responsibilities and what this means in practice</li> <li>• Know how Brentwood Borough Council responds to safeguarding concerns</li> </ul>
<p><b>COMMUNICATIONS</b></p>	<p>All members, definitely committee Chairs/Vice Chairs and those with wards in which residents are particularly active.</p> <p><b>SUMMARY OF THE COURSE CONTENT:</b></p> <ul style="list-style-type: none"> <li>• Social media – the pros and cons</li> <li>• Social media – privacy issues for the public and councillors</li> </ul>

# Draft Training Programme 2019/2020

	<ul style="list-style-type: none"> <li>• The media agenda and how councils and councillors can make the most of it</li> <li>• Handling community social media – everyone today is a journalist and cameraman</li> <li>• Forewarned is forearmed! How to deal with media enquiries</li> <li>• What makes a positive story and how to create positive news</li> </ul>
<p><b>LICENSING TRAINING</b> (Mandatory for Members of the Planning &amp; Licensing Committee)</p>	<p>To ensure members of the Planning &amp; Licensing Committee are kept up to date with licensing law and procedures of the committee/sub-committee.</p> <p>Councillor as interested parties: making representations, applying for reviews, appearing at hearings, Councillor Call for Action.</p> <p>Councillors as decision-makers: running effective committee hearings, making appeal-proof decisions.</p> <p>Councillors as policy-makers: developing policies which further your Town Centre vision impose appropriate standards, and incorporate effective restraints such as cumulative impact, hours and zoning.</p> <p><b>SESSION 1: Introduction</b></p> <ul style="list-style-type: none"> <li>• Role of the Planning and Licensing Committee</li> <li>• Areas of Responsibility</li> <li>• Licensing Sub-Committee</li> <li>• Conduct of proceeding before the Licensing sub-committee</li> <li>• Decision making</li> <li>• Licensing Act 2003</li> <li>• Brief overview of the act and current position</li> <li>• Licensing objectives</li> <li>• Licensing Activities</li> <li>• Representations and Hearing</li> <li>• Are you fully compliant?</li> <li>• Offences penalties and enforcement power</li> <li>• Closure powers</li> </ul>

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	<ul style="list-style-type: none"> <li>• Alterations to licenses</li> <li>• Review and summary reviews</li> <li>• Late night levy and early morning alcohol restriction orders</li> <li>• Appeals</li> </ul> <p><b>SESSION 2: Taxi Licensing</b></p> <ul style="list-style-type: none"> <li>• A brief overview of the current structure of taxi licensing</li> <li>• The purpose of taxi licensing</li> <li>• Licensing criteria</li> <li>• Adoption of the 1976 Act</li> <li>• Suspension and revocation of driver's licenses</li> <li>• Renewal of licenses</li> <li>• Hackney Carriage and Private Hire Drivers</li> <li>• Hackney Carriage Vehicles</li> <li>• Private hire Vehicles</li> <li>• Private Hire Operators</li> <li>• Child Sexual Exploitation</li> </ul>
<p><b>IT SKILLS</b></p>	<p>With the emphasis on using the computer in an informal and relaxed atmosphere, delegates are coaxed into discovering and exploring the functions of the IT world. This will help them gain the necessary experience and confidence when using existing and new application as part of their role as a Brentwood Borough Councillor.</p> <p><b>SUMMARY OF THE COURSE CONTENT:</b></p> <ul style="list-style-type: none"> <li>• The Equipment</li> <li>• The 'Window' environment</li> <li>• Using the tools</li> <li>• Internet theory</li> <li>• The difference between an internet and an intranet</li> <li>• The search engine</li> <li>• The browser – Internet Explorer basics</li> <li>• Toolbars</li> <li>• Favourites</li> </ul>

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	<ul style="list-style-type: none"> <li>• Where to start</li> <li>• Hints and Tips</li> </ul>
<b>NEW MEMBER'S PORTAL</b>	<p>Demonstration of new Members Portal</p> <ol style="list-style-type: none"> <li>1. Learn how to log in to the new Members Portal and create an account</li> <li>2. Learn the features of the portal</li> <li>3. Learn how to track an enquiry</li> </ol>
<b>OTHER SUGGESTED TRAINING</b>	
<b>INTERNAL AUDIT - RISK MANAGEMENT</b>	Understanding the importance of risk management and the risk management process
<b>EMERGENCY PLANNING</b>	Understanding the statutory duties placed on the Council as a category 1 responder under the Civil Contingencies Act 2004.
<b>PLANNING – POLICIES AND REGULATIONS</b>	Understanding changes to the Planning Policies and Regulations.
<b>TRAVELLER INCURSION</b>	Understanding the progress on dealing with traveller incursion in your ward.
<b>LOCAL AUTHORITY FINANCE/BUDGET PROCESS AND TREASURY MANAGEMENT</b>	Understanding the service area.
<b>HOUSING</b>	Understanding the service area.
<b>STREET SCENE</b>	Understanding the service area.
<b>CORPORATE ENFORCEMENT</b>	Understanding the service area.
<b>ENVIRONMENTAL HEALTH</b>	Understanding the service area.
<b>ASSETS</b>	Understanding the service area.
<b>LOCAL DEVELOPMENT PLAN</b>	Regularly updates
<b>CIVIC LIFE</b>	Understanding Civic Life – The Mayor, Protocols and Civic Events.
<b>OPERATION LONDON BRIDGE</b>	Briefing on the death of the senior monarch.



**10 July 2019**

**Policy, Resources and Economic Development**

**Whole Council Elections**

**Report of:** Steve Summers, Interim Chief Executive

**Wards Affected:** All

**This report is:** Public

## **1. Executive Summary**

1.1 This report advises the Committee of the Council's power to change its electoral scheme to whole council elections. Brentwood Borough Council operates an election scheme by thirds<sup>1</sup>, holding a Borough election three years out of four. The typical cost to the Council of a combined election is £60,000; the cost of a single Borough Council election is £90,000. Whole council elections offer a potential saving of between £138,000 and £180,000 over a four year cycle, however the Local Authority may not realise all of this. A whole council election scheme would provide a four year mandate, allowing the Council to adopt a strategic approach to policy and decision making in line with its medium term financial plan. The Council can change its electoral cycle should it resolve to do so.

1.2 In order to resolve to change its electoral cycle, the Council must:

- a) Have taken reasonable steps to consult such persons as it thinks appropriate on the proposed change;
- b) If an Ordinary Council is not available then convene an extraordinary meeting of Council to consider the proposed change;
- c) Have at least two-thirds of those voting at the extraordinary meeting of Council vote in favour of the proposed change; and
- d) Ensure that the year for the first ordinary whole council election is specified in the resolution. This cannot be the same year(s) as whole council elections for the County Council. The Localism Act 2011 states:  
' a district (Borough) election for which there is a county council may not hold an election in a county-council elections year'

1.3 This report seeks Members views.

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

**2.1 The Committee considers the content of this report (and any next steps).**

### 3. Introduction and Background

- 3.1 Part 1, sections 7, 8 and 9 of the Local Government Act 1972 provide the electoral scheme for Local Authorities in England.
- 3.2 Chapter 1 of the Local Government and Public Involvement in Health Act 2007, as amended by Chapter 5 of the Localism Act 2011, enables non-metropolitan districts to change their electoral cycle.
- 3.3 The election scheme for the Borough is a matter reserved for Council to decide. A two thirds majority of those voting<sup>2</sup> would be required to change the Borough election cycle to whole council elections. Two thirds of 37 is 25.<sup>3</sup>

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

- 4.1 The Electoral Commission in its report *The cycle of local government elections in England, 2004*, recommended that **all** local authorities should hold whole council elections once every four years. The report emphasised that the current pattern of local election cycles was unnecessarily complicated and confusing and that many electors did not know when or why local elections were being held in their area. Furthermore, the report noted that a political administration with a term of four years, rather than one year, should ensure greater efficiency and effectiveness in local authorities.

However, due to Local Authorities individuality and lack of commitment from central Government, these recommendations are still to be discussed or implemented.

#### 4.2 Comparison of whole council elections and election by thirds

Election by thirds	Whole council elections
	A council has a 4 year mandate, allowing it to adopt a strategic approach to policy and decision making in line with a medium term financial plan
The risk of electing a complete change of Councillors with no experience is mitigated	Allows for a complete change in Councillors
Allows the electorate to judge the Council three years out of four	The Council has a longer term to deliver its mandate before being judged by the electorate
More likely to be influenced by local rather than national policies	
Residents are accustomed to electing Borough councillors 3 years out of 4	The County Council has whole council elections every four years

<sup>2</sup> An abstention is not a vote

<sup>3</sup> 24.66

The majority of District Councils in Essex elect by thirds (7 of 12)	
	Parliamentary -elections held every 5 years
	The Police and Crime Commissioner is elected for a 4 year term
More opportunities for people to stand for election	
More opportunities to vote for electors	
	Over a 4 year cycle whole council elections could save £138,000 - £180,000 than election by thirds. The Borough Council may not realise all of this saving.
More opportunity for electors to pass judgement on achievements through the democratic process	Reduces the pressure on the Electoral Services Team with the increase of combined and snap Parliamentary elections and referendums
	Efficiencies within departments

- 4.3 Should the Council, having taken reasonable steps to consult, resolve to change its electoral cycle to whole council elections, it must specify the year in which whole council elections would take place.
- 4.4 Further work would be required to understand the implications of determining which year whole council elections would take place in terms of practicalities, turnout and current arrangements.
- 4.5 All sitting councillors will retire and have a reduced elected term of office when implementing a resolution for whole council elections and change to the electoral cycle.
- 4.6 If the Council resolves to change to whole council elections, it will be unable to pass another resolution to change the scheme before the end of five years beginning with the day on which the earlier resolution was passed.

### **Impact on Parish Councils**

- 4.7 Section 53 of the Local Government and Public Involvement in Health Act 2007 provides for Brentwood Borough Council to make an Order to change the year of parish elections to coincide with the date of whole council elections for the Borough Council. The Order would make transitional provision for the retirement of parish councillors.
- 4.8 The cost of parish council elections are met by parish councils.

- 4.9 There are nine parish councils in the Borough of Brentwood. Parish Council elections coincide with the Borough election for the ward in which the parish council is located. Elections to parish councils are scheduled every four years but will only take place if the number of candidates nominated in each parish is not greater than the number of vacant seats.

## **5 Reasons for Recommendation**

- 5.1 That the Council considers whole council elections for Brentwood Borough Council.

## **6 Consultation**

- 6.1 The Local Government and Public Involvement in Health Act 2007 does not stipulate how the Council must consult on changes to its electoral cycle. The Act states that the Council need to have 'taken reasonable steps to consult on the change' and that 'it is for the council to decide which persons it is appropriate to consult'. No minimum or maximum timescale for consultation is described.
- 6.2 A simple majority of Councillors at Ordinary Council would be required to resolve to consult on whole council elections. There is no requirement to seek a two thirds majority for the purposes of resolving whether to consult.

## **7 Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

- 7.1 The cost of consultation would be met within existing Council resources.
- 7.2 The typical cost of a combined election is £60,000; the cost of a single Borough Council election is £90,000. Whole council elections offer a potential saving of between £138,000 and £180,000 over a four year cycle depending on the number of other elections during that period, but this saving may not be fully realised by the Council.
- 7.3 At this point in time, Officer's can not place assurance on the total savings that could be made to the Borough Council alone by moving to Whole Elections. Further investigation and risk analysis will need to be undertaken to fully understand the financial impact to the Borough Council as well as to Government.
- 7.4 Depending on the type of election, the Election department receives funding from Government to cover the costs of the election. Currently the Council makes Election Advances to cover these Elections to help with their cash flow as they are managed by separate bank accounts.

- 7.5 Efficiencies could be made across the Council, such as administration, resources and stability for agenda delivery across departments.

**Legal Implications**

**Name & Title: Paula Harvey, Corporate Governance Solicitor & Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 7.6 The Council has powers within existing legislation to move to whole Council elections. If the Council wishes to move from 'elections by thirds' to whole Council elections, the Local Government and Public Involvement in Health Act 2007 (as amended) provides that it must take the following steps:
- 7.7 Consult such persons as it thinks appropriate on the proposed change;  
Convene a special meeting of Council to consider the proposed change;  
Pass a resolution to change by a two thirds majority of those voting;  
Ensure that the year for the first ordinary whole Council election is specified in the resolution. This cannot be the same year as whole Council elections for the County Council.
- 7.8 Publish an explanatory document on the decision and make this available for public inspection, and give notice to the Electoral Commission.

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

- 7.9 None at this stage.

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

- 8.1 The Electoral Commission *The cycle of local government elections in England*, January 2004.

**9 Appendices to this report**

None

**Report Author Contact Details:**

**Name:** Steve Summers, Interim Chief Executive  
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**10<sup>th</sup> July 2019**

## **Policy, Resources and Economic Development**

### **Service Arrangements**

**Report of:** *Steve Summers – Interim Chief Executive*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 Many local authorities share services in order to improve efficiency, service delivery and enhance the resilience and capacity of individual councils.
- 1.2 The Council has a number of different arrangements to assist in delivering its services to the public. This report sets out for the committee what arrangements are currently in place.

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

- 2.1 That members note the report and consider what further information and/or action is required regarding service arrangements.**

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

- 3.1 Local authorities have always had the legal power to make use of different forms of service delivery. Following the introduction of compulsory competitive tendering in the Local Government Act 1988, authorities were legally required to open many of their services to competitive tender. This requirement was replaced by the “Best Value” regime under the Local Government Act 1999, since when many forms of alternative service provision have been in use.
- 3.2 The 2011 White Paper, Open Public Services, promoted greater use of different forms of service delivery.

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

- 4.1 Most local authorities no longer rely on “in house” operations to deliver services. There are a number of the alternative approaches being used by local authorities which include the use of “shared services”, between multiple local authorities and also between local authorities and other public bodies.
- 4.2 In addition there can be outsourcing to private or voluntary providers, and the opposite, “insourcing” using Local Authority Trading Companies to trade for profit, providing a revenue stream for the local authority.
- 4.3 The benefits of such arrangements, financial and otherwise, are clear but it takes commitment from all stakeholders to make such arrangements a success.
- 4.4 Set out in the table below are Brentwood Borough Council’s current arrangements:

Service	Provider	Arrangement	Start Date /Termination Notice	Reported
Planning – Development Management (Managed Service)	Thurrock Council	Memorandum of Understanding – Managed Service – Officers providing service are Brentwood Borough Council employees.	01/04/2017/ 6 Months Notice	Operational Contract Meetings; KPI’s reported to Audit and Scrutiny via working group
Environmental Health (Managed Service)	Thurrock Council	Memorandum of Understanding – Managed Service - Officers providing service are Brentwood Borough Council employees.	01/10/2017/ 6 Months Notice	Operational Contract Meetings; KPI’s reported to Audit and Scrutiny via working group
Licensing (Managed Service)	Thurrock Council	Memorandum of Understanding – Managed Service – Licensing Manager is a Thurrock employee, all other Officers are	01/10/2017/ 6 Months Notice	Operational Contract Meetings; KPI’s reported to Audit and Scrutiny via



		Brentwood Borough Council employees.		working group
Revenue & Benefits	Basildon Borough Council	Section 101 Agreement	01/04/2017/ 18 Months Notice	Operational Contract Meetings; KPI's reported to Audit and Scrutiny via working group
Internal Audit	BDO LLP	Contract Direct Award 2 years, option to extend for 1 year.	01/04/2018/ 3 Months Notice	KPI's reported to Audit and Scrutiny in progress reports.
HR/Payroll	Thurrock Council	Contract 3 years, option to extend for 2 years.	01/04/2018/ 12 Months Notice	Operational Contract Meetings
Data Protection Officer	Thurrock Council	Memorandum of Understanding	16/02/2018/ 3 Months Notice	Operational Contract Meetings; Progress reported to PRED
Legal	London Borough of Barking & Dagenham	Memorandum of Understanding	28/01/2016/ 3 Months Notice	Operational Contract Meetings
Housing – Repairs & Maintenance	Axis Europe plc	Contract	04/06/2019/ 12 Months Notice	Operational Contract Meetings; KPI's reported to Audit and Scrutiny via working group
Commercial	Seven Arches Investment Limited	Local Authority Trading Company	01/04/2018	Director/Client Meetings

4.5 An explanation of each arrangement is highlighted below.

- **A memorandum of understanding (MOU)** is a type of agreement between two or more parties. It is generally not a legally binding document.

- **Section 101 agreement** refers to an arrangement made under the Local Government Act 1972, where a Local Authority may arrange for the discharge of any of its functions by another Local Authority.
- **A contract** is a written or spoken agreement that is intended to be enforceable by law.
- **Local Authority Trading Company** – free to operate as a commercial company but remains wholly owned by the parent Local Authority.

4.6 Each arrangement has its own performance measures and are reviewed subsequently by contract managers depending on the individual terms. In most cases, the performance measures are reported to committee through various channels.

## **5. Reasons for Recommendation**

5.1 For members to be informed of the different arrangements in place for Council services.

## **6. Consultation**

6.1 No consultation was required for the report.

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

7.1 Service arrangements and contracts should align themselves with the Council's Corporate Plan.

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**

**Tel & Email: 01277 312829/**

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

8.1 Alternative approaches to service arrangements are used by Local Authorities for financial and non-financial benefits as was the case for the arrangements above when they were first introduced.

8.2 There would be a considerable financial burden and investment in bringing these service arrangements back in house. For instance, staff resources to carry out the work as well as potential major investment into system software to provide the security, data and information the services will need.

- 8.3 In order to make sure these services are providing value for money, they are regularly monitored through individual performance measures and in most cases reported to committee through various channels.

**Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 8.4 The recommendation is lawful and within the Council's powers and duties. Section 111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The review and implementation of appropriate service arrangements can help to secure best value for the Council in the delivery of services and minimise risk.
- 8.5 Members should note that effective consultation may need to be carried out as part of any formal decision-making process for changing the way in which some services are delivered. The outcome of any consultation must be conscientiously taken into account as part of any lawful decision-making process.
- 8.6 Any formal agreements to change service arrangements must be in a form approved by Legal Services.

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

- 8.7 None at this stage.

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

- 9.1 None

**10. Appendices to this report**

- 10.1 None

**Report Author Contact Details:**

**Name:** Steve Summers – Interim Chief Executive  
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10<sup>th</sup> July 2019

## Policy, Resources & Economic Development Committee

### Draft Corporate Plan Development

**Report of** Steve Summers – Interim Chief Executive

**Wards Affected:** All

**This report is:** Public

#### 1. Executive Summary

- 1.1 The purpose of this report is to commence the process of updating the Council's Corporate Plan for 2019-2024 and give approval for a four-week period of consultation. It is important for the Council to have in place a Corporate Plan so it is clear in its strategic direction and planned approach to delivering progress
- 1.2 The draft Corporate Plan 2019-2024 will cover a 5-year period. The aim of the consultation is to ensure resident target groups, statutory partners, voluntary partners and interested parties, have an opportunity to consider the Council's work already undertaken and put forward their priorities for the Council so as the revised Corporate Plan can reflect the needs of the Borough.

#### 2. Recommendation(s)

- 2.1 **That members approve the consultation approach to the Corporate Plan 2019-2024.**
- 2.2 **That delegated authority be given to the Interim Chief Executive in consultation with the Leader, Deputy Leader, Chair and Vice Chair of Policy, Resources & Economic Development Committee, and the Leaders of the opposition groups to agree the consultation details and the final format of the questionnaire and to proceed to consultation.**

#### 3. Introduction and Background

- 3.1 Since the current Corporate Plan (2016-2019) was agreed there have been a number of changes both socially and economically. Financially the period has been challenging and that appears to continue into the next corporate plan. The emergence of the Joint Venture and SAIL will clearly have an influence

moving forward which together with increasing demand for Council services have proved challenging. This report proposes refreshing the Plan and associated delivery programme in order to ensure that it remains fit for purpose.

3.2 With the 2016-2019 Corporate Plan due to expire at the end of the year a revised version for the Borough is now required. The new Administration is keen to ensure there is input from residents and partners in delivering the Council's vision and priorities for the coming years

3.3 A corporate strategy will support the Council in complying with its statutory obligations.

### **The Consultation**

3.4 To inform the outcome of the new Corporate Plan, a four-week consultation period is proposed. This period should allow officers sufficient time to engage partners and residents, collate feedback and prepare a draft Plan and programme for Council to consider in October 2019. The consultation will focus on the following:

- What our Vision for the Borough should be.
- What the Core Aims for the Council should be.
- What actions we should take to meet the aims and contribute to our vision for the Borough.

3.5 External consultation will be through the promotion of an on-line survey. This survey will be publicised to ensure maximum coverage and all sections of the Community are able to access it to have their say

3.6 The Council will positively contact groups to notify them that the consultation is taking place as well publicising it to residents and the general public. Hard copies of the consultation will also be available on request as will assistance for those who have difficulty to complete the form over the phone.

3.7 Further details regarding the consultation exercise are set out in Appendix A. The consultation will be fronted by guidance with an explanation as to what the Council is trying to achieve with the plan and the consultation.

## **The Corporate Plan**

3.8 The corporate plan itself will seek a longer-term period than the previous 3 year term and will be set for a five-year period with a light touch review of performance each year. The progression to a five-year plan demonstrates the changes to the Council's longer-term plans and accepts the need to acknowledge longer term projects within SAIL and the Joint Venture for example.

3.9 The suggested main themes the plan will focus on:

1. Growing the economy
2. Improving our housing
3. Improving our environment

3.10 When Council agree the final key themes then below are the main areas that will need to sit above the projects in order to keep a golden thread from the top through to the projects already identified.

3.11 It is intended that these themes above develop into programmes of work which then develop into projects. Below is an initial list of programmes that will be included within the initial strategy document draft.

### **Programmes of Work**

- Development of the LDP
- Regeneration of Town Centre
- Support Commercial Activity
- Success of the JV
- Success of Sail
- Leisure Strategy including the Delivery of Playground Strategy
- Housing generation and development including the development of new sites and affordable Homes
- Digital Infrastructure Initiatives
- Income generation
- Customer Focus
- Developing a Green Strategy for the Borough

3.12 These programmes will be worked up to develop projects which will begin to deliver against the overall programme. The overall success of the Corporate Plan will be monitored via the success of the projects which will feed into the overall outcome of the programme(s).

## **Research**

- 3.13 In developing our revised Corporate Plan we will review other Councils documents to determine where improvements or changes to our document can be made.

## **High Level Time-Line**

- 3.14 The aim is to have in place a new plan prior to the previous plan expiring providing continuity from one plan to the next and give clear direction to the way the Council is heading. Therefore, to assist members, set out below is a high-level timeline which starts from this committee decision to when the document is published.

<b>Date</b>	<b>Heading</b>
July 2019	Approval of Committee Report
July 2019	Draft Consultation Form ready for circulation
July 2019	Press Release and Launch of revised corporate strategy
July 2019	Consultation Starts
August 2019	Consultation Completes
August/ September 2019	Review the information gathered from the consultation and make suggested amendments to the plan
Sept 2019	Draft plan with suggested amendments following consultation to PR&ED Committee
October 2019	Take final Draft to Ordinary Council
November	Agree and Publish Corporate Strategy 2019 - 2024

## **4. Reasons for Recommendation**

- 4.1 The Corporate Plan will set the strategic direction and planned approach to measure progress for the Borough. The consultation begins the process of delivering this new plan.

## **5. References to Corporate Plan**

- 5.1 To represent the views of the Communities
- 5.2 To provide clear and strong direction based on clarity and trust



## 6. Implications

### Financial Implications

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel & Email 01277 312829 /jacqueline.vanmellaerts@brentwood.gov.uk**

- 6.1 No additional budgets have been allocated for delivering the Corporate Plan. Officers will be required to work within existing budgets which will include officers time as well as any additional expenditure that may be required. Any overspends will be reported if necessary to Policy, Resources and Economic Development.

### Legal Implications

**Name & Title: Paula Harvey, Deputy Monitoring Officer**  
**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 6.2 The recommendations set out within this report are within the Council's powers and duties. The Council has power under s1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to public law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, s111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The approval of a Corporate Plan will also support the Council in securing compliance with its statutory obligations.
- 6.3 Effective consultation on the Corporate Plan must be carried out. There is no express duty to consult and the form and content of the consultation is therefore not prescribed. The length of the consultation must be proportionate, taking into account the nature and impact of the proposals. The outcome of the consultation must be conscientiously taken into account as part of any lawful decision-making process.
- 6.4 Members should have due regard to the Council's ongoing statutory duty under the Equality Act 2010 to eliminate unlawful discrimination and advance equality of opportunity between applicants.

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

- 6.5 At this stage there are no other implications however during the consultation phase an Equality Impact Assessment will need to be undertaken as well as a

Health Impact Assessment to ascertain what impact this document will have on these specific groups within society

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

7.5 None

**8 Appendices to this report**

Appendix A - Consultation Proposal

**Report Author Contact Details:**

**Name:** Steve Summers – Interim Chief Executive  
**Telephone:** 01277 312500  
**E-mail:** [steve.summers@brentwood.gov.uk](mailto:steve.summers@brentwood.gov.uk)

## Proposed Consultation

### Method to consult:

- Online digital form potentially provided through outsourced company (SurveyMonkey)
- Available in paper format on request
- Assisted completion over the phone via contact centre or at Summer Roadshows

### Who will be consulted:

- Residents
- Parish Councils – Bringing forward local Parish need
- Chamber of Commerce – Providing insight from the business community
- Residents through advertising document at Summer Roadshows, Library, Press and on the Council web, Facebook and Twitter

### Timeframe

- 4 weeks beginning in July 2019

### Information Gathering

- Following consultation information will be gathered and collated into groups of information that will assist in determining the areas of greatest concern, suggested change or new ideas (this is not an exhaustive list).
- The Council's Corporate Services Team will feed the results into the process and make revised suggestions to the plan
- The revised draft plan will be presented to the Policy, Resources and Economic Development Committee in September 2019

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10<sup>th</sup> July 2019

## Policy, Resources & Economic Development Committee

### Parking Order Report

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

**Wards Affected:** *All Wards*

**This report is:** *Public*

#### 1. Executive Summary

- 1.1 To add the car parks listed in Appendix A to the Councils Off Street Parking Order for the purpose of formalising the parking arrangements and to give the Council the ability to administer and enforce parking across the listed site.
- 1.2 To continue the phased inclusion of Council car parks into the Parking Order.
- 1.1 To amend the Councils Off Street Parking Order to address the new and changed parking needs at the Town Hall site car park at Ingrave Road Brentwood to ensure parking can be effectively managed. In so doing meet the various needs of the stakeholders and users.
- 1.2 It is estimated that a budget of £25K will be required to deliver the proposals.

#### 2 Recommendation(s) In respect of the Housing car parks

- 2.1 To agree that the Housing car park sites listed in Appendix A are added to the Councils off Street parking Order.
- 2.1 To agree to delegate authority to the Director of Operations to take all necessary steps to implement enforcement of those priority sites identified and referred to as 'immediate effect' in Column 2 of Appendix A.
- 2.2 Agree to implement appropriate fees and charges in line with the rest of the borough.

#### In respect of the Town Hall

- 2.3 To amend the Parking Order relating to the area of the Town Hall site as outlined in para 3.12 of the report.

- |   |
|---|
| <p>2.5 Agree to delegate Authority to the Director of Operations in consultation with the Director of Corporate Resource (Section 151 Officer) and Chair and Vice Chair of Policy, Resources and Economic Development Committee to agree the final schemes following appropriate consultations.</p> |
|---|

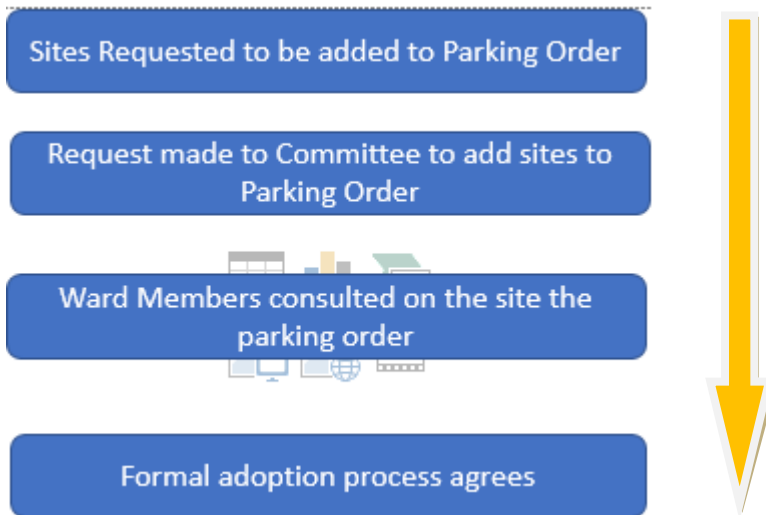
### **3 Introduction and Background**

#### **Housing Site Car Parks**

- 3.1 Members are referred to the report to the Community, Safety and Housing Committee held on the 11th September 2018 Min 125 (Appendix B).
- 3.2 This report recommended a number of sites to be added to the parking order, see Appendix A.
- 3.3 This request was originally taken to the Policy, Projects and Resources Committee held on 20th November 2018 Min 208. The committee deferred the decision for clarification and because there were legal 'rights' questions remaining over one of the sites.
- 3.4 Since this report two sites are now in progress to be added to the order, Merrymeade and London Road Cemetery Site.
- 3.5 The Committee is asked to agree the inclusion of the sites listed in Appendix A which were identified by the Community, Safety and Housing Committee Min 125 September 11<sup>th</sup> 2018.
- 3.6 Following the agreement to amend the Parking Order to include these sites, work can begin to formally introduce parking management measures. An Initial priority list from the overall Housing list provided has been identified and referred to as 'immediate effect' in Column 2 of Appendix A.
- 3.7 These sites have been prioritised by Housing based on the parking issues that have been identified as a result of discussions with residents and the amount of inappropriate parking that takes place on each site
- 3.8 This process will include consultation with Ward Members prior to the formal consultation on the site which must take place with stakeholders as part of the process. The formal part of the process leading to the restrictions being enforceable will not start until feedback from consultation with Members is received
- 3.9 If there are any issues with implementing the order at any of these sites, they will be referred back to Ward Members and if not able to resolve will be referred back to committee.

- 3.10 The remaining sites are either not seen as priority or have been identified as being with issue. In particular the Junction Road/Crescent Road parking area around Masefield Court was identified as having parking issues and for the time being has been omitted from the parking orders list until such a time as the issues are resolved.

The Parking Order Process (simple Format)



- 3.11 A more detailed flow diagram setting out the specific tasks of the Parking Order amendment delivery process are included at Appendix C

### **Amendment to the Town Hall Parking Order**

- 3.12 Members will be aware the Town Hall has undergone redevelopments and when it re-opens it will open for different groups and users. As such the Parking Order will need to be amended to meet the changed requirements for parking
- 3.13 The Town Hall car park has been redefined to closely follow the boundary of the whole site and has been divided into 3 distinct Zones see Appendix D. This will give the Council a greater ability to control inappropriate parking across the site. The Council can only enforce the parking regulations within the boundary of the car parks. Parking will continue to be allowed only within marked bays. The areas are divided on the plan as follows:

- **Zone A (The North car park)** will be predominantly the staff car park including bays for staff with either health or mobility issues

- **Zone B (the visitors car park)** will continue to be a public car park and to address the issue of vehicles parking all day it is proposed to limit parking to 2 hours with no return for 4 hours. Charges will remain unchanged. Further, there will be a total of 4 disabled bays for visitors two in the original position outside the Town Hall-
- **Zone C (the South Car park)** will predominantly be a permit holders car park reserved for businesses, residents and partners.

3.14 This amendment will come into force again once consultation has been completed.

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

- 4.1 To address the growing abuse of inappropriate parking on Council land identified by the report to the Community Safety and Housing Committee (11<sup>th</sup> Sept 2018 min 125).
- 4.2 To enable officers to progress sites when appropriate and following consultation with Ward Members the introduction of enforcement measures.
- 4.3 To ensure the Town Hall redevelopment and the new occupiers have appropriate car parking provision that can be managed.

#### **5 References to Corporate Plan**

- To represent the views of the Community
- To provide clear and strong direction based on clarity and trust

#### **6 Implications**

##### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**  
**Tel & Email: 01277 312839/ Phoebe.barnes@brentwood.gov.uk**

- 6.1 The cost of implementation is likely to be in the region of £25k, currently there is no budget provision for this within the Medium-Term Financial Plan (MTFP) 2019-20. Existing budgets will be utilised first, any budget pressures from this implementation, will be reported through the Council's budget monitoring process.



- 6.2 It is envisaged that the Housing Revenue Account will contribute towards the cost of implementation of the proposed housing sites. This will reduce the pressure on the General Fund.
- 6.3 Income generated from the sale of permits will offset by the cost of administering the permits.
- 6.4 Currently residents for housing sites are currently charged £37 per annum for a residential permit.
- 6.5 It is envisaged permits charged at the Town Hall site, will be charged in line with Councils Fees & Charges agreed as part of the Budget at Ordinary Council on 27<sup>th</sup> February 2019. Any change in year to the current Fees & Charges will need to be reported back to Policy, Resources & Economic Development for approval.

### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 6.4 The recommendations set out within this report are lawful and within the Council's powers and duties. The Council has powers within an existing legal framework to control parking and formally designate sites within a parking order. The provisions for varying Off Street Parking Orders are set out in the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. The Council is obliged to formally consult with the County Council and the Police when seeking to vary an existing Parking Order.
- 6.5 The Council must have regard to relevant statutory guidance in the exercise of its functions in connection with the control of parking.

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

- 6.6 None

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

- 7.1 None

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

Appendix A – List of all sites to be added to Parking Order schedule

Appendix B – Community, Safety and Housing Committee Minute 125 11<sup>th</sup> Sept 2018

Appendix C – Detailed Parking Order Amendment Delivery Process

Appendix D - Town Hall Car Park Boundary Site and Split

**Report Author Contact Details:**

**Name:** Greg Campbell, Director of Operations  
**Telephone:** 01277 312500  
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## Appendix B

### **Minute 125: 11<sup>th</sup> September 2018 Community, Housing and Health Committee**

Members were advised that the inclusion of Housing owned car parks in the parking order would enable the Council to enforce parking measures to prevent non-residents parking in the limited number of bays available to residents of specific blocks.

Mrs Nicola Marsh gave Members a summary of the report. She advised that the pilot scheme undertaken at Gibraltar House had been very successful and had resolved parking issues therefore it was proposed to expand the scheme to 32 additional sites.

Members welcomed this report but raised concerns regarding enforcement of the parking restrictions and enabling commercial vehicles working at the properties to park. Officers advised that a Council employee was currently being trained to be able enforce the new restrictions and if additional resources were needed these would be provided. The owners of commercial vehicles working in relevant properties would be able to buy special permits and visitor permits would be available. Following a consultation with residents, parking restrictions would only be in force between 9.00am and 5.00pm.

A report needed to be made to Policy, Performance and Resources Committee then a formal consultation would follow and it was anticipated that the enforcement of the extended parking restrictions area would begin in April 2019. A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Poppy to approve the recommendations in the report with a proposed addition:

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

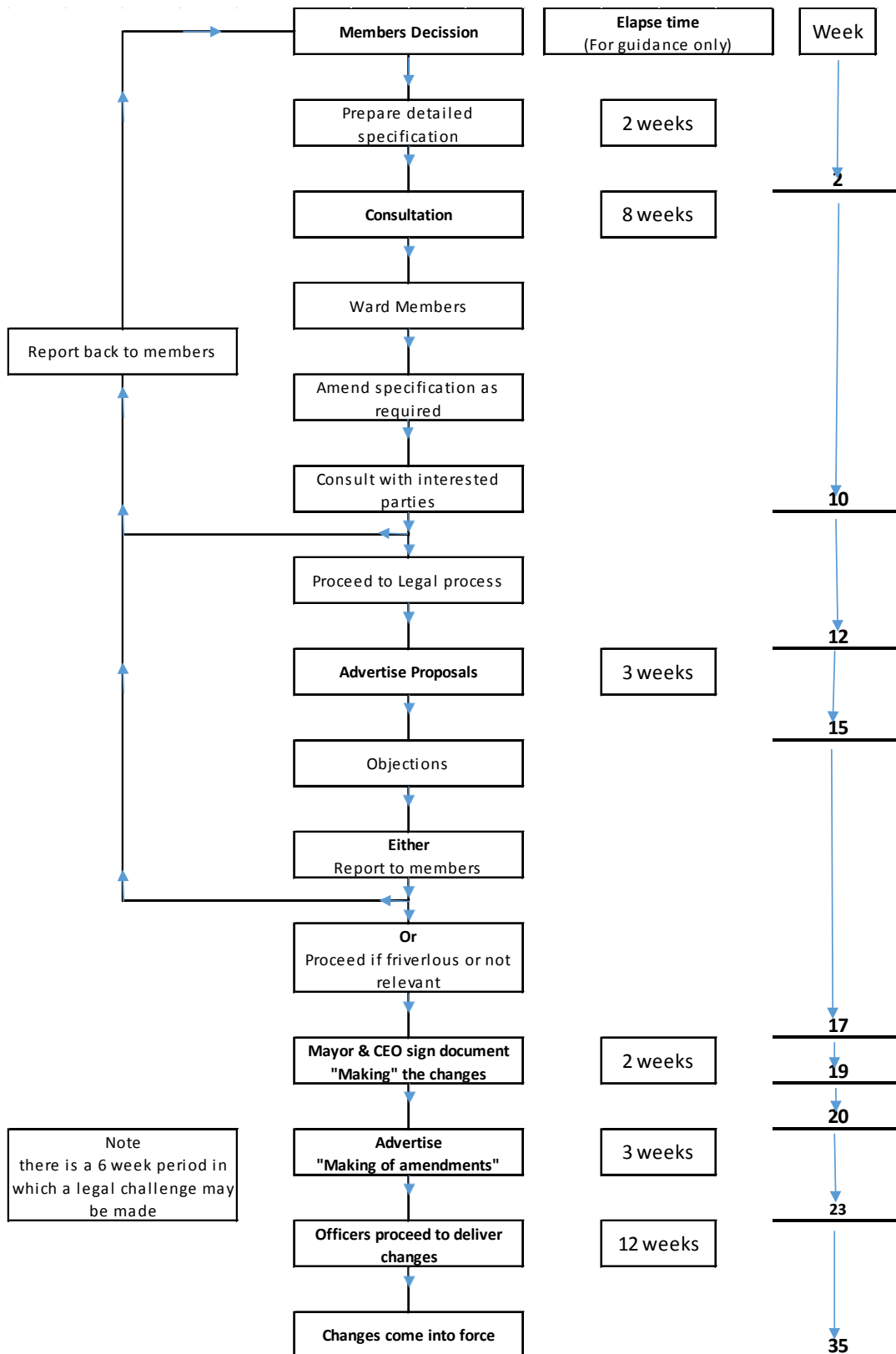
- 1. That the Committee approved the inclusion of the listed car parks to be included in a parking order (Appendix A), to enable enforcement and relieve pressure on parking for Council Tenants and Leaseholders.**
- 2. That the Committee passes on the request for the additional sites to be included in the parking order to be considered at the next available Policy, Performance and Resources Committee meeting.**
- 3. That a consultation takes place with residents to outline the options with regards to enforcement and take into account any preferences or requirements for specific sites.**

**Reasons for Recommendation**

The Committee was asked to consider the success of those parking restrictions already in place on housing sites and the reduction of resident complaints in relation to this.

The Committee was asked to consider the length of time that these parking issues have been ongoing, and the lack of control that Housing has at present to address the problems without formal enforcement.

## Parking Order amendment delivery process

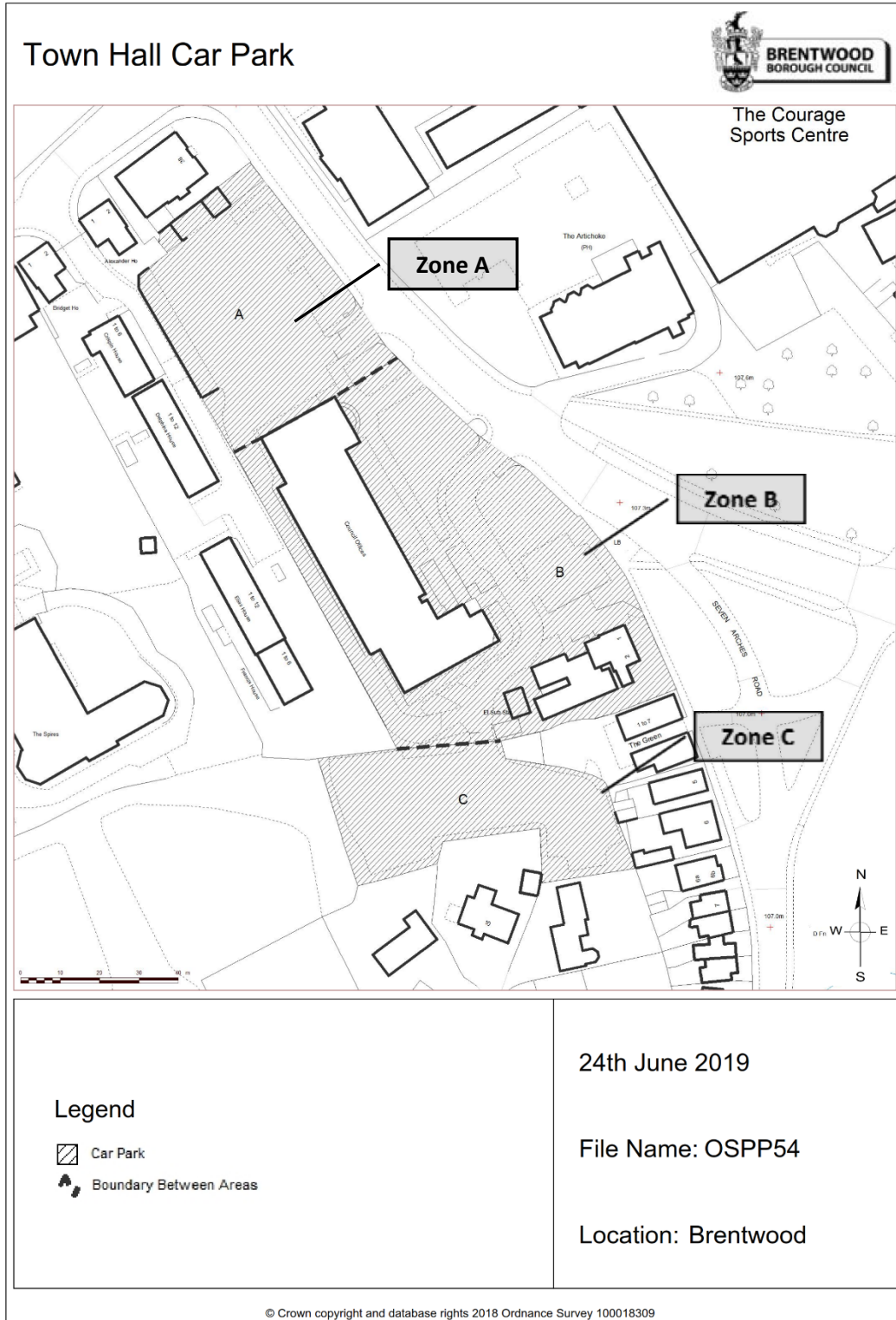


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Town Hall Car Park

Showing Amended boundary and Zones



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10<sup>th</sup> July 2019

## Policy, Resources and Economic Development Committee

### Development of a Local Green Agenda

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

**Wards Affected:** *All*

**This report is:** *Public*

#### 1. Executive Summary

- 1.1 The following report provides information on the green initiatives the Council are presently undertaking and in doing so advises that a joined up green agenda for the borough would be far more beneficial.
- 1.2 The report also begins to explore the legislation, government targets and other work that is being considered to improve the worlds environmental climate. This includes work currently being undertaken by the Council and also highways work other organisations are putting into place.
- 1.3 The report also suggests opportunities to begin work to deliver some immediate environmental benefits. These could start with immediate effect if resources are identified. This work would include the recent approved motion relating to developing and implementation car charging points in the borough.

#### 2. Recommendation(s)

- 2.1 **To agree to develop a Green Agenda that is both specific to the way the Council undertake its duties and will positively affect the Borough and a further report be made to Policy Resources and Economic Development Committee later this year.**
- 2.2 **To agree to investigate the potential projects listed within this report to work towards a better environment which will work with the development of a green agenda.**

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

- 3.1 The following report enables members to determine whether to progress some immediate projects to improve the Councils work towards delivering improved environmental options within the borough and work towards developing a borough wide Green Agenda.
- 3.2 The report considers the work the Council presently undertake that encourages environmental improvements which include reducing the carbon footprint, improve the use of reusables and promote good practice.
- 3.3 This report brings information together to enable consideration as to how this Council can approach the 'green issue' in order for it to:
- be more proactive,
  - better consolidated,
  - be in a position to embrace new technologies or advancements,
  - have a direction that the council considers appropriate for a local authority
  - demonstrate leadership in this area for the local community and other businesses
  - produce a clear direction which other policies and decisions have to consider
  - to agree to some immediate beneficial projects and
  - develop and embed a long-term green agenda that supports national and global ideas.
- 3.4 The green agenda can include many 'things' including the push to reduce the carbon footprint or the need to be more sustainable which are phrases used to promote a more environmentally considerate society and often underpin green agendas
- 3.5 There have been a number of documents and statements made around this industry including the Paris Agreement 2015, the recent Government 25 Year Environment Plan and the commitment by Government through

the Climate Change Act to deliver the target of Net Zero Carbon Emissions by 2050.

3.6 In order to understand what a green agenda could cover the latest 25-year environmental plan by government includes the following headings :

- Clean air
- Clean and plentiful water
- Thriving plants and wildlife
- Reducing the risks of harm from environmental hazards
- Using resources from nature more sustainably and efficiently
- Enhancing beauty, heritage and engagement with the natural environment
- Mitigating and adapting to climate change
- Minimising waste
- Managing exposure to chemicals
- Enhancing biosecurity

3.7 It is clear there is much work going on in the environmental improvement area and plans by other organisations are in place to speed up the trajectory to become a better user of natural resources, improve the air quality, reduce use of plastics and those we use we can recycle.

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

4.4 From initial investigations I have been able to list some of the work the Council has undertaken that supports the green agenda. For example:

4.2 The revamped Town hall will have a better energy performance (EPC) due to the following measures:

- New windows
- Increased insulation
- Air cooling circulation system
- New efficient gas boilers
- In addition 3 electric charging points for vehicles will be installed in the car park

ICT have made improvements including:

- moving the Councils data centre to the cloud removing the need for power, cooling etc at Town Hall.
- Using thin clients that take less power for the desktop

- provided infrastructure for agile working that:
  - enabling improved and reduced travel,
  - reduced the need for office space reducing use of electricity and power therefore reducing the carbon footprint.

### **Parking**

- use Ego Power Plus range of maintenance tools, strimmer, leaf blower etc for car park maintenance replacing petrol fuelled tools

### **The Depot**

- Carry out green waste collections
- Amended rounds to reduce trips and reduce carbon emissions
- Have procured two battery powered vehicles

4.5 The Council have and will introduce policies and strategies that support the environmental agenda. These documents include but are not exclusive to:

### **Local Development Plan**

Through the local plan, new policies will be introduced which will ensure the green agenda is at the forefront of any future development. Please see Appendix A for a list of the policies drawn from the LDP and Planning

### **Building Control**

- Building Regulations will seek the introduction of a framework for Net Zero Carbon Buildings' published by the UK **Green** Building Council (GBC) who stated that:
  - "More than 1/2 of a dwelling's carbon footprint is created before the first occupants move in

4.6 As we know there are also other green initiatives, agendas and regulations that the government and others have introduced. This information should be considered if we are to develop a consolidated approach to how we tackle our own carbon footprint. These include documents such as:

- Strategy for Waste and disposal December 2018.
  - Green Infrastructure strategy – Essex County Council
  - Essex Highways Information and implementation of electrical charging points for vehicles across Essex
  - Government Agenda to go Carbon Neutral by 2040
- 4.7 Following consideration of the information we have been able to gather, it is clear that there is a lot of good work going on and there is far more potentially the Council could do. Especially if we do ‘tap’ into what is already available and identify grants or schemes we can also work with.
- 4.8 However, the Council’s approach at present is disjointed whilst still achieving some good outcomes. It is therefore considered that a deep review of the work we undertake is completed, the outside influences be brought together, and a formal green agenda be drafted for Brentwood Borough Council.
- 4.9 In order to develop a green agenda, research is required which will include:
- The development of a clear understanding of the objectives,
  - Identify the targets of a local green agenda for Brentwood Borough Council
  - Review what we are already aware of and doing to compliment the proposed green agenda
- 4.10 What are the baseline figures including the health indicators for Brentwood residents:-
- Consider the important areas to the borough
  - Consider where improvements are most necessary and
  - Develop an action plan to identify the various pieces of work that will need to be completed to deliver a green agenda
- 4.12 This will need to be costed and communicated. Figure 1 Demonstrates high level path to developing a green agenda.



Fig 1. Development To Green Agenda

- 4.13 The Council also need to appreciate that it does not have the expertise in-house to develop a comprehensive 'Green Agenda', this is something that needs to be considered professionally by experts who can guide us. The Council would therefore need to engage with a group(s) or individual(s) to assess what is required and how much this would cost to develop.
- 4.14 Opportunities are available, Southend Unitary Council have a designated Green Agenda Unit who have been delivering against their green agenda for many years and potentially an authority we can discuss our needs with. Further there is the Woodland Trust and the EELGA who have also offered assistance to develop our schemes. Before we necessarily engage with these groups it will be important to determine what we want to achieve?
- 4.15 Once the Council has a clear strategy and Policy in place the organisation will be able to start to bid for grants to assist us to deliver. Something we understand Southend have been very successful at in the past.

### **What can we do right now?**

- 4.16 Recently on the 26<sup>th</sup> June Ordinary Council agreed a motion to investigate the installation of electric charging stations.

*"This Council resolves to investigate the possibility of installing electric charging stations for electric powered vehicles at various strategic positions within the Borough. As technology advances towards 2030, where the Government had decided only electric vehicles will be permitted on our roads, it may not be just charging points required, but a facility to exchange fully charged units".*



4.17 Therefore, the direction of travel has been set and it would potentially be incorrect at this stage to wait for a full green agenda to be developed which could take some time before any work is undertaken. Therefore, below is a list of potential projects the Council could undertake whilst the development of a green agenda takes place:

- To seek to improve the level of EPC in Council General Fund Properties to 'B' through a programme of pre-planned maintenance
- That any procurement of any Council vehicles should consider an ECO alternative
- Seek to enable the introduction of paid charging points into 5% of Council owned and operated car parks. In doing so engage with companies that will be able to make their provision cost neutral to the Council
- Encourage both home owners and businesses to take up the government funding which assist with the installation of electrical charging points
- Investigate and seek the possibility to introduce on-street residential charge point schemes

## **5 Reasons for Recommendation**

- 5.1 The Council has some good pieces of environmental work that are undertaken but it is felt this work is unco-ordinated and could achieve much more with a joined-up approach.
- 5.2 To stop any future maverick decisions which may not deliver against a green agenda that the Council could introduce.
- 5.3 Set out long term ambitions and targets with the wider work that is being undertaken, for example the 25 Year Government Plan.
- 5.4 Having a green agenda will assist the Council to develop and apply for funding for green initiatives.
- 5.5 Be able to start initiatives now that will support any long-term green agenda.

## **6 Consultation**

- 6.1 All departments within the council.
- 6.2 Future consultation will be key, and this will form part of the workplan that will need to be developed in line with a delivery plan.

## **7 References to Corporate Plan**

- 7.1 Support economic growth and sustainable development.
- 7.2 Consider how Council assets can be utilised to promote sustainable development in the Borough.
- 7.3 Implement a planning framework to guide and enable infrastructure delivery.

## **8 Implications**

### **Financial Implications**

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

**Tel & Email: 01277 312839/phoebe.barnes@brentwood.gov.uk**

- 8.1 There is no direct budget associated to the Green Agenda. Therefore, any costs associated with the proposed implementations as outlined within this report, would need to be met from existing budgets.
- 8.2 The expectation of the Green Agenda needs to be balanced and aligned with the Councils financial pressures. Any costs associated in developing a Green Agenda, that cannot be met from within existing budgets will need to be put forward as an in year Growth bid and/or a growth bid for 2020/21 Budget Setting. In turn, this process will determine whether the budget can be granted and will be reported accordingly.
- 8.3 All external funding opportunities should be utilised in order to reduce the cost to the Council of implementing proposed schemes and projects. Identification of potential funding opportunities available will aid any growth bid proposals.

## **Legal Implications**

**Name & Title:** Paula Harvey/Deputy Monitoring Officer

**Tel & Email:** 01277 312705/paula.harvey@brentwood.gov.uk

- 8.4 The recommendations outlined in this report are lawful and will help to secure compliance with the Council's statutory obligations and Government policy.

**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)

<https://www.essexhighways.org/Getting-Around/Driving/Electric-car.aspx>

Green Infrastructure Strategy -

<https://www.essex.gov.uk/Environment%20Planning/Strategic-Environment/Pages/Our-natural-environment.aspx>

- 10 Appendices to this report**

Appendix A – Planning Policies

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

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# Appendix A

All future national legislation regarding carbon reduction is likely to impact on new development and the local plan policies are already proposing to address this as far as we are able.

Chronological legislation list – planning or specific to planning

National Planning Policy Framework 2019 is the core policy document.

Town and Country Planning (Environmental Impact Assessment) Regulations (2017)

Town and Country Planning Act (Local Planning) (England) Regulations 2012

Noise Policy Statement for England (DEFRA, 2010)

Climate Change Act 2008

Circular 06/2 2005 (biodiversity obligations)

Planning and Compulsory Purchase Act (2004)

Environmental Assessment of Plans and Programmes Regulations (2004)

Town and Country Planning Act 1990 (as amended)

Wildlife and Countryside Act 1981

## **BRENTWOOD LOCAL PLAN INFORMATION**

Direct quote from the local plan (2019):

The borough has significant built and natural heritage. It has over 500 listed buildings, 13 Conservation Areas, 12 scheduled ancient monuments, 100s of sites of archaeological interest, accessible countryside and parks, varied landscapes and numerous Local Wildlife Sites.

Development, whether existing or new, invariably places demands on the environment. Among these are unsustainable use of resources (materials, water, energy), waste disposal issues, pollution (of air, water or soil) and loss of or harm to wildlife habitats, historic buildings and landscapes.

The borough, in common with other places, depends on fossil fuel energy for homes, business and transport, and other finite resources, such as water and land. Fossil fuel energy gives rise to greenhouse gas emissions and climate change and in future may not be readily available in the way it has been in the past. We therefore need alternatives, including renewable energy and local supplies.

The Plan places a high priority on the prudent use and good management of resources and effective protection for the environment. Both the form and location of future development and how buildings and land are used are fundamental to

safeguarding those qualities which make Brentwood special and ensure these continue to be available for future generations to enjoy.

## **Pre-Submission Draft Brentwood Draft Local Plan (2019)**

### Policy List

#### Chapter 4:

STRATEGIC POLICY SP01: Sustainable Development

STRATEGIC POLICY SP02: Managing Growth

STRATEGIC POLICY SP03: Health Impact Assessments (HIAs)

STRATEGIC POLICY SP04: Developer Contributions

STRATEGIC POLICY SP05: Construction Management

STRATEGIC POLICY SP06: Effective Delivery of Development

#### Chapter 5:

POLICY BE01: Future Proofing

POLICY BE02: Sustainable Construction and Resource Efficiency

POLICY BE03: Carbon Reduction, Renewable Energy and Water Efficiency

POLICY BE04: Establishing Low Carbon and Renewable Energy Infrastructure Network

POLICY BE05: Assessing Energy Infrastructure

POLICY BE06: Improving Energy Efficiency in Existing Dwellings

POLICY BE07: Managing Heat Risk

POLICY BE08: Sustainable Drainage

POLICY BE11: Strategic Transport Infrastructure

POLICY BE12: Car-Limited Development

POLICY BE13: Sustainable Means of Travel and Walkable Streets

POLICY BE14: Sustainable Passenger Transport

POLICY BE15: Electric and Low Emission Vehicle

POLICY BE16: Mitigating the Transport Impacts of Development

POLICY BE17: Parking Standards

POLICY BE18: Green and Blue Infrastructure

POLICY BE19: Access to Nature

POLICY BE20: Allotments and Community Food Growing Space

POLICY BE21: Protecting Land for Gardens

POLICY BE22: Open Space in New Development

POLICY BE23: Open Space, Sport and Recreational Facilities

Chapter 6:

POLICY HP16: Buildings Design

POLICY HP17: Paving over Front Garden

POLICY HP18: Designing Landscape and the Public Realm

Chapter 8:

POLICY NE01: Protecting and Enhancing the Natural Environment

POLICY NE02: Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

POLICY NE03: Trees, Woodlands, Hedgerows

POLICY NE04: Thames Chase Community Forest

POLICY NE05: Air Quality

POLICY NE06: Flood Risk

POLICY NE07: Contaminated Land and Hazardous Substances

POLICY NE08: Floodlighting and Illumination

POLICY NE09: Green Belt

Evidence Base for Local Plan – Environmental Relevance

Brentwood Infrastructure Delivery Plan (IDP, 2018)

Green Belt Study (2018)

Green Infrastructure Strategy (2015)

Habitats Regulation Assessment of the Brentwood Local Plan (2019)

Health Impact Assessment (2019)

Landscape Sensitivity and Capacity Study (2018)  
Local Wildlife Review (2012)  
Mid Essex Landscape Character Assessment (2006)  
Protected Lane Assessment (2016)  
Recreational disturbance Avoidance Management Strategy (RAMS) (2019)  
Renewable Energy Study (2014)  
Strategic Flood Risk Assessment (2018)  
Surface Water Management Plan for Brentwood (ECC, 2015)  
Sustainability Appraisal (2019)  
Sustainability Appraisal Non-Technical Summary of the Brentwood Local Plan (2019)  
Sustainability Appraisal of the Brentwood Local Plan (2019)  
Water Cycle Study (2018)



**10 July 2019**

## **Policy, Resources & Economic Development Committee**

### **King George's Playing Fields & Football Hub Development**

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

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 At the 27 February 2019 Ordinary Council (min. ref. 339) Members agreed to the inclusion of £7m for the development of King George's Playing Fields within the Capital Program as part of the budget setting process. It was agreed at 23 January 2019 Policy Projects and Resources Committee (min. ref. 302) that expenditure would only occur, subject to the full business plan and operating model details being approved by a future Policy, Projects and Resources Committee (or relevant committee). The business plan for King George's Playing Fields improvements is before members tonight. The plan has looked at a number of options for the pavilion and the outdoor adventure play to ensure that the business model for the improvements is both financially viable and supports the needs of the community both now and in the future. The Football Hub Development is also included within the business plan as it is intrinsically linked to the King George's Playing Fields improvements.

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

- 2.1 That Members agree to the recommendations in the business plan (Appendix A) including
  - a) Option 4 for the location of the pavilion building**
  - b) Option 2 for the Splash Pad**
  - c) Option 2 for the outdoor adventure play**
  - d) Option 3 for the operating model****
- 2.2 Installation of a new changing places facility that will support the outdoor play activities**
- 2.3 Agree the drawdown of the £7m allocation of funding to support the King George's Playing Fields improvements**
- 2.4 Delegated authority to Director of Corporate Resources, in consultation with the Partnership, Leisure and Funding Manager to take all necessary steps towards implementing recommendations 2.1 and 2.2.**
- 2.5 Agree for the Partnership, Leisure and Funding Manager to commence a procurement exercise to appoint a contractor to undertake the football feasibility works to commence for the football hub development at the Brentwood Centre site.**

## **3. Background**

- 3.1 At the 5 March 2018 Community Health and Housing Committee, Members agreed to the draft Leisure Strategy and Action Plan which was subsequently referred to Policy Projects and Resources Committee on 12 March 2018 for their consideration. The Strategy was sent for consultation and the final strategy and action plan was agreed by Community Health and Housing Committee on 3 July 2018 and the Policy, Projects and Resources Committee on 18 September 2018.**
- 3.2 At the 12 March 2018 Policy, Projects and Resources Committee the budget was agreed, and delegated authority was given to the Chief Executive in consultation with the Chair of Community Health and Housing Committee and the Leader of the Council to appoint a Leisure Development Partner to develop a sustainable business plan for the improvements to King George's Playing Fields.**
- 3.3 Alliance Leisure Services (ALS) were appointed to develop the sustainable business plan with a facility mix of community and commercial activity that will be financially viable for the Council and which supports the needs of the community both now and in the future.**

- 3.4 As part of the project brief ALS were asked to examine the current use of the park, current income and expenditure, current lease arrangements and to undertake consultation with the relevant key stakeholders.
- 3.5 The brief identified some key desirables for the site which included improvements to the pavilion building, provision of some indoor soft play, outdoor adventure play and a wet play offer.
- 3.6 Alliance has completed the relevant surveys of the park, assessed the current and future demographics, identified potential income streams and have drawn up concept plans for the site. A competition analysis has also been undertaken which identified drivetime to existing leisure facilities and their relevant pricing structures. This informed the recommended the preferred facilities mix to maximise visitors to the park.
- 3.7 Officers and the Leisure Development Partner's architect have had three pre-application meeting with Planning Development department to identify relevant planning policies and any conditions and restrictions that need to be considered. The design and the location of the pavilion building has been amended as a result to make it more in keeping with its park surroundings.
- 3.8 Consultation has also taken place with key stakeholders for the pavilion and the wider public around the improved offer in KGPF to determine the type of facility mix both inside the pavilion and outside that could provide additional viable income streams, that in turn would support the 'free' community offer in the park.
- 3.9 Formal planning consultation will also be undertaken as part of any planning submission.
- 3.10 Officers and ALS have also reviewed the assumptions that have been made to the financial modelling of the initial business plan.
- 3.11 There are four key options that will need to be agreed going forward; The operating model, the location of the pavilion building, the type of outdoor adventure play and the wet play offer.
- 3.12 The first is to identify the type of operating model that would manage the new facility as set out below:
  - a) directly managed by Brentwood Borough Council;

- b) through the establishment of a trust/CIC;
- c) or offered to an existing third-party provider to manage on the Council's behalf;
- d) or through a Wholly Owned Company

With each of the operating models' officers needed to identify the benefits and/or disadvantages on the financial return to the Council, such as VAT, National Non-Domestic Rates (NNDR), staff pension costs and the optimal rental return. The options appraisal is set out in Appendix I.

3.13 The second are the options for the location of the pavilion building. There were four options that were explored looked at:

- a) Do nothing;
- b) Refurbishment of the existing pavilion building;
- c) New building on existing footprint;
- d) New building on new footprint.

3.14 The third were the options for the new outdoor adventure play. ALS looked at the current types of provision both in Brentwood and the immediate vicinity to determine what activities could be included and whether they could provide a viable income stream. Two providers were shortlisted HAGS and Kompan.

3.15 The fourth were the options for a new wet play offer as the old paddling pools had been removed.

3.16 The current pavilion has 16 changing rooms which are used by Brentwood Rugby Club and adult football clubs. The Council is looking to move the adult football to the Brentwood Centre site as part of a proposed football hub development. The Council has been advised that Brentwood Rugby Club will be developing their own changing facilities attached to their pavilion building adjacent to the Ingrave Road entrance into KGPF. If the football hub development is progressed at the Brentwood Centre site, then the requirement for the changing room facilities can be reduced within the new pavilion to 4.

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

4.1 One of the key workstreams under the Leisure Strategy is the Council's built leisure facilities and it was agreed by Members at the 12 March 2018 Policy, Projects and Resources Committee to focus on King George's Playing Fields and work with a Leisure Development Partner to develop a sustainable business plan for the park.

4.2 ALS were appointed to develop a sustainable business plan which examined commercial opportunities that could continue to support the free community offer in the park. This would include new indoor soft play, TAG Active, the development of new outdoor adventure play as well as a splash pad to replace the paddling pools.

4.3 Options for the pavilion building were:

**Option 1 - Do Nothing** – Whilst this would save money, the pavilion was built in 1970s so it not as efficient and effective as it should be. The building as it would no deliver the outcomes that the Council would want to see from the site. The existing building is not fully accessible and there are no fully accessible changing facilities. The pavilion building will still cost the Council money as part of the general repairs and maintenance. It is estimated that the annual costs (including grounds maintenance) would be in the region of £531,472.

**Option 2 – Refurbish the existing pavilion building** – The associated costs and disruption during the build would not achieve all the outcomes that the Council would want to see. There would also be a requirement for transitional arrangement for the current tenants/ businesses/organisations would need to be in place while the works were being carried out. Transition arrangements need to be in place to ensure business as usual when improvement works are being undertaken which is estimated to incur monthly revenue pressure of around £15,000.

Refurbishment of existing pavilion may not be a big enough footprint to generate the required income to finance the capital costs and ensure sustainability

**Option 3 – New build on part of the existing footprint** – As in Option 2 there would additional costs for any transitional arrangements during the build phase which would impact on the current businesses/organisations. Whilst the build would provide a more efficient and effective building and the desired outcomes the estimated costs for this option would exceed the current budget allocation of £7m by approximately £15,000 per month (decant costs) and would also lengthen the build time and in the impact on the park.

**Option 4 – New build on new footprint** – This is the preferred option as it will not require transitional arrangements. The move of the pavilion building adjacent to the existing building will still provide a central hub to service the areas of the park and will not impact on the existing tarmacked car park was felt to be the best location in the park. It will be close to the current and the planned amenities such as the play area, golf course, outdoor adventure play and splash pad. It will also mean that build works can start on the new pavilion and allow access to the old pavilion building. A more efficient and effective building could deliver all the options that the Council is looking for and should

reduce the impact on the existing business and operations. There would be a requirement before any build works commence that the current overflow car park is improved and lined to provide improved parking for the whole site. Once the pavilion build is completed then demolition works would start on the old building and footprint areas would be landscaped to provide a better access to the golf course.

- 4.4 The table in Appendix **G** of the business plan sets out the pavilion building site option appraisal.
- 4.5 **Pavilion facility mix options** – A brief for KGPF was developed from the workshop sessions with cross party representatives, when Members identified that KGPF should provide a family hub with activities that could be used all year regardless of the weather.
- 4.6 This facility mix has been developed as part of the business plan as it has considered market competition in the immediate and neighbouring vicinity, future demographics, optimal drive time for visitors and the estimated income as a result. It is also expected that the improvement to the ancillary facilities could further support the community benefit of the golf and rugby club, and also for the general user of the park as the food and drink, toilet and changing facilities will all be improved.
- 4.7 Officers have also spoken to organisations, parents and carers in respect of the new built facilities in respect of the disabled facilities requirements. Therefore, to support both physical and sensory disabilities the building will include a ‘Changing Places’ toilet and an allocated sensory area as part of the indoor soft play facility.
- 4.8 This proposed new facility mix for the pavilion building and the park provides both commercial and community use. It is proposed that the pavilion building will house a new indoor soft play facility, TAG Active, an improved food and beverage offer. This combination will be the commercial element of the building. This will be complemented by new outdoor adventure play including Sky Trail/Tree Nets and new splash pad facility.
- 4.9 The community use will include changing rooms facilities, classroom/training room, Hartswood Golf Club together with a flexible multi-purpose room which can be booked by any organisation but could also be used as a meeting room or for fitness classes. The refurbishment of the toddler, junior and senior play areas will compliment the ‘free’ offer.
- 4.10 The catchment area for KGPF will be different for the various facilities. The use of the play areas, skatepark, formal gardens and general green open space will

attract from a similar catchment and possibly those that choose to walk to the playing fields. The rugby club, lawn bowls and golf facilities will have a wider catchment and will bring visitors from outside of the borough.

- 4.11 The new indoor soft play and TAG Active is likely to attract from a 15-20 catchment and the new outdoor attractions from 30minute catchment and beyond. The TAG active provision will be the first of its kind in the South East of England. Other centres include Batley in Yorkshire and in Scotland.
- 4.12 One of the key elements that have also been included is to ensure that both the building and activities are as fully inclusive as possible. It is proposed that there will be a dedicated sensory room in the pavilion building, together with a new changing places facility and that mobile hoists can also be used within the indoor play facility. A lift will be installed which will enable access to the first floor of the building. Officers have set up a specific consultation group to look at the inclusive element in the new facilities.
- 4.13 In order to make the development sustainable the Council needs to ensure that there is a balance between the commercial element which can be used to subsidise the community offer available to the public.
- 4.14 The Council recognises the impact that the KGPF improvements can have in providing a positive impact on community health and wellbeing. The improved offer for residents provides opportunities for formal and informal exercise to be delivered for all the family.
- 4.15 Part of the commercial offer is the introduction of new outdoor adventure play. Two leading contractors in the field were asked to present some concept ideas to the Chair and Vice Chair of the Community Health and Housing Committee along with Council officers and representatives from ALS. As these were paid for facilities the concept designs needed to have a 'wow' factor. The initial budget allocated to this was £600,000. The designated area for outdoor adventure play is indicated on the site plan in Appendix K which will be available on the night.
- 4.16 **Outdoor adventure play Option 1 HAGS** – The concept designs presented by HAGs were felt by the evaluating board to be too urban in their design, which did not fit into the surroundings of the park. They also did not provide the 'wow' factor that would attract paying customers as compared to the existing 'free' community offer available in the play areas.
- 4.17 **Outdoor adventure play Option 2 Kompan** - The second contractor provided a more open design using nets which would complement the park's surroundings and create opportunities for a wide range of age groups to

participate. Kompan also addressed how they would include the more inclusive aspects within the design.

- 4.18 **Changing Places facility** - Officers have also met with Short Breaks who provide funding for inclusive play to ensure that the offer in KGPF with the planned improvements is as fully inclusive as possible. The proposal is that a new changing places facility will be installed within the new pavilion building and another changing places facility will be installed to support the outdoor play offer. It is proposed that this changing place facility will be located next to the Splash Pad plant room to utilise the existing water and waste.
- 4.19 **Splash Pad options** - One of key requirements that the public stated as part of the public consultation over the summer of 2018 was that the paddling pools be replaced with a new wet play provision. Two leading contractors were asked to present their initial concept designs with budgets of between £300-£400k to an evaluation board of officers and representatives of ALS. (Members were invited but were unable to attend). It is proposed that the new wet play provision is located within the footprint of the old paddling pools which is already separately fenced.
- 4.20 The evaluation board felt that Ustigate provided the better concept design and inclusive play value. There were two options (as set out in Appendix H) on the type of water system to be used, single use or a recirculation system. The board felt that the recirculation system could provide greater variety of equipment for users and in turn would provide a better financial return on investment.
- 4.21 **Opening Hours** - Officers looked at the assumptions around the opening hours which were adjusted from the initial business plan to cater for golfers and park users being able to access breakfast facilities before 10am. While this may potentially require additional staffing costs, these costs could be offset from the predicted demand.
- 4.22 **Costs of sales** – The cost of food and drink was also adjusted from the initial business plan from 48% to 40% of the total income.
- 4.23 **Central Costs** - The operating model in Appendix I sets out the central costs, risks and contingency assumptions indicate that preferred option 3 would need to allocated central costs for operating the pavilion, and that if the risk and contingency pot is not used this would go back to the organisation as profit.
- 4.24 **Other costs and assumptions** - All other costs seemed to be reasonable in the business plan apart from the fact that no inflation had been applied to



costs in future years, so an assumption was made to apply 1% to salary costs, 2% NNDR, 2% insurance and 1% to cleaning costs.

- 4.25 The other assumption in the operating business plan is that all costs would have VAT added to ensure that the Council does not exceed its partial exemption of 5%.
- 4.26 Any income from the pavilion would not commence until the building was fully operational. Therefore, the Council would incur some interest costs on the loan (when it was taken out) through the build costs which will impact the Revenue on the General Fund. This could be potentially reduced with the phasing of the building development.
- 4.27 Any existing leases and expenditure are already accounted for in the Council's base budget and the assumption is that the grounds maintenance for the site will continue to be provided by Brentwood Borough Council directly, so these costs are removed from the business plan.
- 4.28 The Council also needs to consider this project as one of a number of projects being delivered / or will be delivered across service areas in the next few years so that the appropriate funding and resource are available to successfully deliver this project. With any funding all the associated risks and benefits will also need to be identified.
- 4.29 **Football Hub Development** – As set out in 3.16 the KGPF project is linked with the development of the football hub at the Brentwood Centre site. It is estimated that the football feasibility works will cost approximately £60,000 which will include relevant surveys and architect fees to identify the preferred site, orientation of the football pitches, 3G pitch and any ancillary facility such as changing rooms. These costs incurred by Brentwood Borough Council can be considered as part of any match funding requirement to the Football Foundation, who are the body that will award grants to support grass roots football and strategic improvement programmes. It is recommended that officers commence the procurement exercise for these works as soon as possible, so that this will not impact on the timings for the delivery of the KGPF improvements.
- 4.30 If the works are not progressed at the Brentwood Centre site then the requirement for 16 changing rooms remains on the KGPF site which will increase the footprint of the building.
- 4.31 Assumptions have also been made on the car parking revenue and it is recommended that further financial modelling is undertaken to ensure that it

aligns with the Council's Borough wide Car Parking Strategy and also identifies any concessions required.

## **5 Reasons for Recommendation**

- 5.1 As part of the Council's due diligence in delivery 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 from Sport England as part of the Local development Plan consultation, stated that a Leisure Strategy is required that assesses Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan. Following this feasibility work, the Council will then be able to determine which projects will be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.
- 5.3 The Council's Asset Management Strategy 2014/15 also sets out the need to obtain and maximise income where possible from its asset portfolio.
- 5.4 The KGPF improvements support all six workstreams of the Leisure Strategy Built Facilities, Play Areas, Sport. Open Spaces, Health and Wellbeing and Governance Arrangements.
- 5.5 The Football Hub Development supports the strategic improvement and development of grassroots football across the Borough which will support a number of football clubs.
- 5.6 Both sites will provide a much improved fully inclusive offer of activities and facilities for residents and families.
- 5.7 The new pavilion will provide a more energy efficient and effective building.

## **6 References to Corporate Plan**

- 6.1 The Leisure Strategy sits under two main strands of the Vision for Brentwood 2016-19: Environment and Housing Management to develop a Leisure

Strategy to provide strong and sustainable leisure facilities for residents and businesses; and Community and Health - to work with community and voluntary organisations to develop the priorities for community development. There are also strong links for the priorities of the Council's Health and Wellbeing Strategy 2014-2017, the Local Development Plan, Active Brentwood/Essex and the Council's Asset Management Strategy 2014/15.

## **7 Implications**

### **Financial Implications**

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

**Tel & Email: 01277 312839/phoebe.barnes@brentwood.gov.uk**

- 7.1 The initial Business Case from Alliance has been reviewed, along with the proposed financial model. Based on the revised assumptions, the current projected expenditure for the project could be up to a maximum of £7.173 million. The Council has allocated £7m within the Council's Capital Programme. Therefore, an additional £173k may need to be requested. Once the project has achieved planning approval and Alliance have got the project to cost certainty, the revised financials will be reported to the Community Health & Housing as well as PRED for any approval required over £7million.
- 7.2 The majority of the £7million will be for the build costs for the pavilion which could be in the region of £5million. The rest of the costs will be required for the outdoor adventure play provision and the splash pad.
- 7.3 The financial modelling for the business plan is set out in Appendix E and I with the recommendations to achieve the best possible financial return for the Council on the proposed facility mix and final footprint of the pavilion building (subject to planning approval).
- 7.4 The preferred operating model is set out in Appendix I.
- 7.5 It is assumed that the Council will need to fund all the project from external borrowing. This is captured within the Medium-Term Financial Plan 2019/20-21/22.
- 7.6 The table below, details the current capital requirement, as well as the potential revenue impact on the General Fund for the external borrowing of this project. However, the actual borrowing costs, would be subject to the future timings of Cash Flows.

	<b>£'000</b>
Pavilion Build Costs	5,000
Soft Play & Tag Active	600
Café	75
Outdoor Sky Trail & Nets	545
Outdoor Splashpad	400
Professional Fees	553
<b>Total Build Costs</b>	<b>7,173</b>
Interest Costs on Borrowing @ 2.5%	179
Minimum Revenue Provision (Principal)	215
<b>Annual Financing Costs</b>	<b>394</b>

- 7.7 The next table below details the net saving to the General Fund existing base budget, if Option 3 of the operating model was implemented. This excludes the capital financing costs and the lease income from the wholly owned company or third party, as it is assumed the rental income will fund the capital financing costs.

	<b>£'000</b>
Existing Net Deficit	230
Increase in Income	(80)
Decrease in Expenditure	(72)
Revised Net Deficit	78
<b>Total Saving</b>	<b>(152)</b>

- 7.8 The Council will seek to maximise any external contributions, which would reduce the amount of total borrowing required. Confirmed contributions will be factored into the financial model and reported accordingly.
- 7.9 All other financial implications are within the main body of the report or the business plan.

## **Legal Implications**

**Name & Title: Paula Harvey, Corporate Governance Solicitor and Deputy Monitoring Officer**

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- 7.8 The recommendations set out within this report are within the Council's powers and duties. The Council has power under s1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to public law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, s111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The recommendations must be implemented in accordance with the Council's governance arrangements for SAIL, including any scheme of delegation.

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

Any agreements relating to the development of the King George's Playing Fields should be in a form approved by Legal Services.

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.

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 in relation to each of the options.

## **7 Background Papers**

- Feasibility study – King George's Playing Fields
- Face to face and online consultation with park users
- Leisure Strategy
- Play Pitch Strategy
- Local Football Feasibility Plan

## **8 Appendices to this report**

Appendix A – Business Plan King Georges Playing Fields

Appendix B - Background summary

Appendix C - Decision Making Process

Appendix D - King George's Playing Fields current income and expenditure  
Appendix E - King George's Playing Fields future projections income and expenditure  
Appendix F - King George's Play Area improvement plan  
Appendix G - Pavilion Site Option Appraisal  
Appendix H - Splash Pad options  
Appendix I - Operating model options

1. BBC direct management
2. 3rd party provider
3. Trust/CIC

Appendix J - Football Feasibility background  
Appendix K - Site plans for King George's Improvements – visuals on the night of committee  
Appendix L - ISG background  
Appendix M - Opportunities and Risks

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## Appendix A

### Business Plan King George's Playing Fields

#### 1. Forward – Vision Statement

The proposed development in King George's Playing Fields is a key project under the Council's Leisure Strategy 2018-28. The Strategy sets out the strategic priority areas that the Council will focus on to improve its leisure facilities. These improvements in turn support the health and wellbeing of the local community.

Never has there been a more important time to use sport and physical activity to create a fitter and healthier population when nationally we are tackling growing levels of obesity, diabetes, mental health problems and other conditions associated with a growing culture of inactivity.

The challenge facing Brentwood is clear – the Council needs to reduce its expenditure, it has several aging facilities, the borough age profile is changing and providing opportunities to increase participation levels in sport and physical activity are key to supporting the Council's health and wellbeing priorities.

The proposed development looks at the creation of a park hub within King George's Playing Fields with a new fully accessible building offering additional inclusive play opportunities and an improved outside play offer.

The planned improvements which include a new pavilion and outdoor play will provide a wider variety and more accessible activities for all the family to enjoy.

#### 2. Executive Summary

King George's Playing Fields is a key park in the borough. The current pavilion was built in 1970s and in 2017 the paddling pools were removed for health and safety reasons. The current pavilion building and the toilet and changing facilities are not fully accessible, there is a small café within the pavilion and there is no indoor play provision in the park if the weather is poor.

The park hub development supports all six priorities of the Leisure Strategy – improved built facilities with the new pavilion building; improvements to open spaces with the new splash pad facility and adventure play; improvements to the play areas; improvement to sports facility with new accessible changing facilities and a new Tag Active facility and Golf Club lounge; supports the Borough's Health and Wellbeing priorities by promoting new health initiatives within the park; and will provide new operational management of the facilities to ensure its financial viability and long term sustainability.

It is proposed that the improvements will include a new fully accessible pavilion. The paddling pools will be replaced by a more inclusive and accessible splash pad and there would be provision for more outdoor adventure play together with a three-year planned improvement of the existing play areas in the park.

These improvements ensure that facilities will be fully inclusive and accessible for users. The pavilion building will provide high quality/flexible space and fully inclusive changing and toilet facilities. The new outdoor adventure play and play area improvements will provide new existing and high quality and accessible facilities which will contribute to the health and wellbeing of all residents.

### **3. Introduction**

The purpose of this business plan is to set out how the new exciting development proposals for King George's Playing Fields (KGPF) will be implemented.

Significant work has already been carried out by the Council in consultation with residents, elected members and partners to ensure that what is proposed will meet the current and future needs of the local community.

Alliance Leisure Services (ALS) were appointed by the Council in March 2018 to develop a sustainable business plan with the Council for the improvements to KGPF. The plan considered the Council's strategic priorities, current and future leisure needs, the design and facility mix, identify income generation opportunities and preferred operational management arrangements. The initial plan identified a number of delivery options that would need further consideration.

Subsequently, these delivery options set out in Appendix **F**, **H** and **I** has been examined and the preferred options are presented in the business plan which best support the desired outcomes and objectives of the Council's overarching Leisure Strategy.

### **4. Background**

The Council's Leisure Strategy sets out the strategic priorities which will ensure the improvement of the Borough's leisure facilities and future viability of leisure services and facilities which will support the health and wellbeing of the borough's residents. Members agreed that improvement to the existing facilities in KGPF were a priority and as such was identified as the first key project as part of the delivery of the Leisure Strategy. Appendix **B** sets out the full background to this project.

### **5. Why are we doing this?**

The project set out to deliver a number of outcomes as set out in Leisure Strategy. It recognises that improvement to facilities can be the catalyst to improve public health, enhance inclusion and accessibility and provide future financial viability that will enable the continuation of high-quality leisure facilities.

The Council identified the preferred facility mix, considering the future demand for outdoor sports provision, commercial leisure opportunities, the current catering offer and the wider open spaces of KGPF. The current and potential future management arrangements have also been considered.



There are a number of expected outcomes that the new facilities will provide. The Council will be able to measure participation levels of individuals through the TAG Active facility which will target older children and adults and provides an activity that families can undertake together.

The indoor play will also provide another activity for younger children to participate in especially when the weather is poor, and they are unable to use the outside play facilities.

The new pavilion facilities will provide a new 'changing places' toilet facility with specialist equipment and a sensory room that will provide a range of fully inclusive facilities for those with either additional sensory or physical needs. The Council is also looking at providing another Changing Places facility close to the refurbished play area to support the 'outdoor' play offer.

There will be improved changing and toilet facilities for public and sports club use, together with an improved food and drink offer and party room hire.

There will be an improved, fully accessible multi-use space for the golf club and the public to utilize within the building.

The proposed new outdoor adventure play will include sky nets and a new splash pad facility to replace the old paddling pools.

Initial consultation took place with the key stakeholders of the site to inform the council of their own priorities and requirements. Public consultation took place in the Summer of 2018 at the Council's Strawberry Fair and Family Fun Days. Two further public consultation events took place on 14 and 23 March 2019 which provided feedback on the initial designs and concepts. These have been fed back to the ALS. Consultation has also taken place with specialist organisations in respect of the fully inclusive and accessible play offer within the park.

## **6. How will vision be delivered through the recommended options.**

The Council looked at various options in regard to the location of the pavilion building and how it supports the various activities within the park. Four options were considered looking at identifying the advantages and disadvantages of each of those options, which are set out in Appendix F. It is proposed that Option 4 is taken forward as the preferred option as it will deliver all the outcomes and objectives that the Council desires and is within the budget allocation. The development will require planning permission and a planning application will need to be submitted for the preferred option (likely to be July/August for consideration by the October/November Planning Committee).

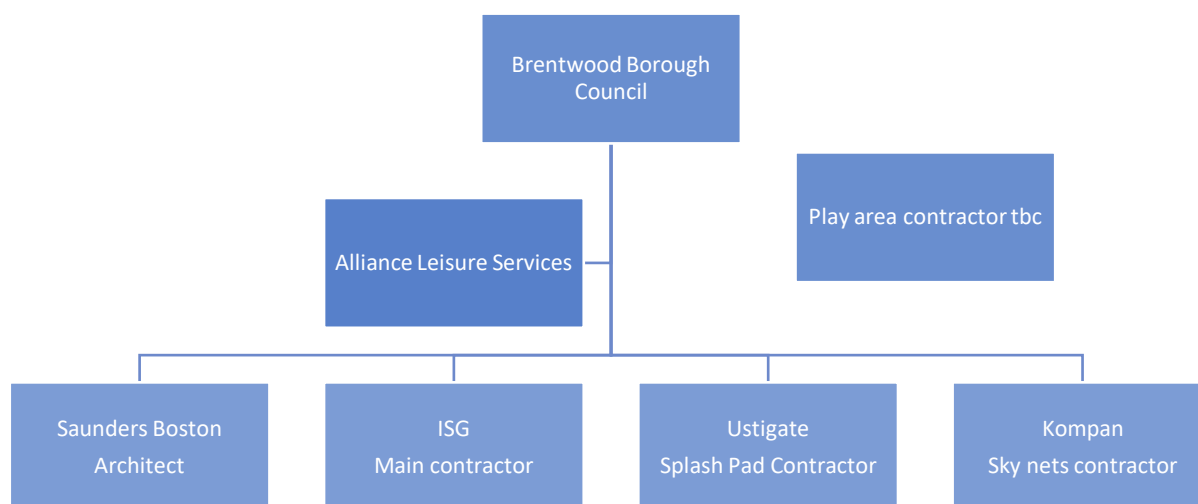
The planning application has been informed through consultation with key stakeholders, public consultation and input from Officers, elected Members and the Leisure Development Partner to achieve the desired outcomes that the Council would like to achieve and ensure the future sustainability of the building.

The Council’s Leisure Development Partner ALS works nationally with local authorities and specialist contractors to deliver improved leisure facilities. As part of a procurement framework they have a number of specialist contractors that they work with to deliver the desired outcomes for the local authority.

To get the Council to cost certainty an Access Agreement has been agreed through the Denbighshire Leisure Framework with Alliance Leisure Services, the Council’s Leisure Development Partner. This will identify all the relevant contractor fees, survey requirements for both the construction, ecology and planning processes together with the fit-out costs for TAG Active, soft play, catering facilities and any professional fees and charges.

Officers, elected Members and representatives from ALS provided an evaluation panel and various specialist contractors presented their concepts to the panel for the main pavilion building, the splash pad and the outdoor adventure play. After the panel evaluated the various concepts the preferred contractors were selected through ALS.

Subject to planning approval officers will sign the Delivery Agreement and Building Contract to formally appoint the contractors for the delivery of the project. The main contractor for the project is proposed to be ISG (Appendix L) who have set out the methodology to the evaluation panel of how they would deliver the construction and site management during the build phase of the pavilion, but also how they will oversee the other specialist contractors for the splash pad, outdoor play and the play area. This will ensure that the programming of the build works and the project management take into account the continued access for park users while the build phase is in progress. This will require a phasing the build and improvements to the park.



There is a separate procurement exercise for the planned improvements to the park’s play areas delivered over the next 3 years (2019/20 – 2022/23) as part of the delivery of the Council’s Play Area Strategy. This will be done as a single procurement exercise which will identify a preferred supplier to deliver the infant,

junior and senior play area. The Council is working closely with inclusive play providers to ensure that the new play areas provide fully inclusive and challenging play.

### Football Hub development

The KGPF project is closely aligned to the strategic improvement plans at the Brentwood Centre site. In particular, the proposed development of a football hub that will provide 5 grass pitches, a full sized Third Generation (3G) Artificial Grass Pitch (AGP) together with new changing facilities. This hub development is supported by the Essex Football Association. The Brentwood Centre site is also identified as a key site as part of the Council's Play Pitch Strategy and Local Football Facilities Plan for Brentwood.

The current changing room provision in the KGPF supports adult and junior football, and Brentwood Rugby Club. Brentwood Rugby Club have indicated that they will be developing their own plans for improvement to the Rugby Club pavilion adjacent to the Ingrave Road entrance to KGPF. If the football hub at the Brentwood Centre site is developed, then adult football can be moved to that site leaving just junior football in KGPF. This will reduce the requirement for changing facilities from 16 to 4. These new changing facilities will be fully accessible.

There is therefore a dependency on the football hub to be developed in tandem with the KGPF project, so that that there is no loss of changing provision in Brentwood. It is recommended that a feasibility study be undertaken for the Brentwood Centre site so that the preferred location for the football hub is identified. This will also need to consider any future planned improvements on the site such as the Brentwood Centre building.

### Capital Funding

Capital funding for the project is allocated within the Council's Medium-Term Financial Plan and any monies spent on the feasibility study will be considered as part of the Council's match funding when the Council applies to the Football Foundation for match funding to support the development of the project.

Subject to planning approval the following action plan sets out the key milestones for the delivery of the KGPF project.

<b>Key Milestone/Deliverable</b>	<b>Planned date</b>	<b>Latest date</b>	<b>Comment</b>
<b>Planning Submission</b>	July 2019	August 2019	Subject to the outcome of the 3 <sup>rd</sup> Pre-App meeting with Planning Development
<b>Planning application determination</b>	October 2019	November 2019	Dependent on submission date (12-week statutory consultation)
<b>Cost Certainty Design and Costing through RIBA Stage 4*</b>	July 2019	August 2019	Run in tandem with planning to achieve estimated timescales above
<b>Planning Committee</b>	16 October 2019	13 November 2019	Dependent on submission date (12-week statutory consultation)
<b>Delivery Agreement and Building Contract</b>	November 2019	December 2019	
<b>Build mobilisation (from point of order estimate 6-8 weeks)</b>	December 2019	January 2020	
<b>Commence on site</b>	January 2020	February 2020	

## 7. Financials

### Capital Investment opportunities table

Capital Investment opportunities	Option 1 – Do Nothing	Option 2 – Refurbish existing building	Option 3 – new build on existing footprint	Option 4 - new build on new footprint
<b>Invest to save</b>	No further opportunities	Limited opportunities to invest to save	Maximise potential revenue income through indoor activities, sensory room & multi use space bookings, improved food and drink offer	Maximise potential revenue income through indoor activities, sensory room & multi use space bookings, improved food and drink offer
<b>Reduce maintenance costs</b>	Currently annual maintenance (including grounds maintenance) costs are £531,472	Limited opportunities to reduce all maintenance costs on existing building	Optimised energy efficiency throughout new building	Optimised energy efficiency throughout new building
<b>Increase revenue</b>	Current revenue costs is £301,350	£?	Projected net income £86,000	Projected net income £86,000
<b>Threats to loss of income</b>	While any planned maintenance works are carried out	Transition arrangements need to be in place to ensure business as usual when improvement works are being undertaken. Refurbishment of existing pavilion may not be a big enough footprint to generate the required income to finance the capital costs and ensure sustainability	Transition arrangements need to be in place to ensure business as usual when improvement works are being undertaken	Business as usual can continue while improvement works are undertaken
<b>Timescale of works</b>	N/A	TBC	Longer than 8 months	8 months build plus any demolition of existing pavilion

<b>Capital costs</b>	Unknown, however the pavilion needs required investment. Stock condition survey would be required to determine costs of dilapidations	Refurbishment would involve decant costs, hired portacabin costs for the businesses in the current pavilion and for the 16 changing rooms would incur monthly revenue pressures of around £15,000	Refurbishment would involve decant costs, hired portacabin costs for the businesses in the current pavilion and for the 16 changing rooms would incur monthly revenue pressures of around £15,000	£7.123m
<b>Return on investment</b>	£0	Limited		
<b>Finance Source</b>	General Fund and Public Works Loan Board for Capital Costs		Public Works Loan Board	Public Works Loan Board

Operating Model & VAT options set out in Appendix I

**Summary of projected income and expenditure – Brentwood Borough Council**

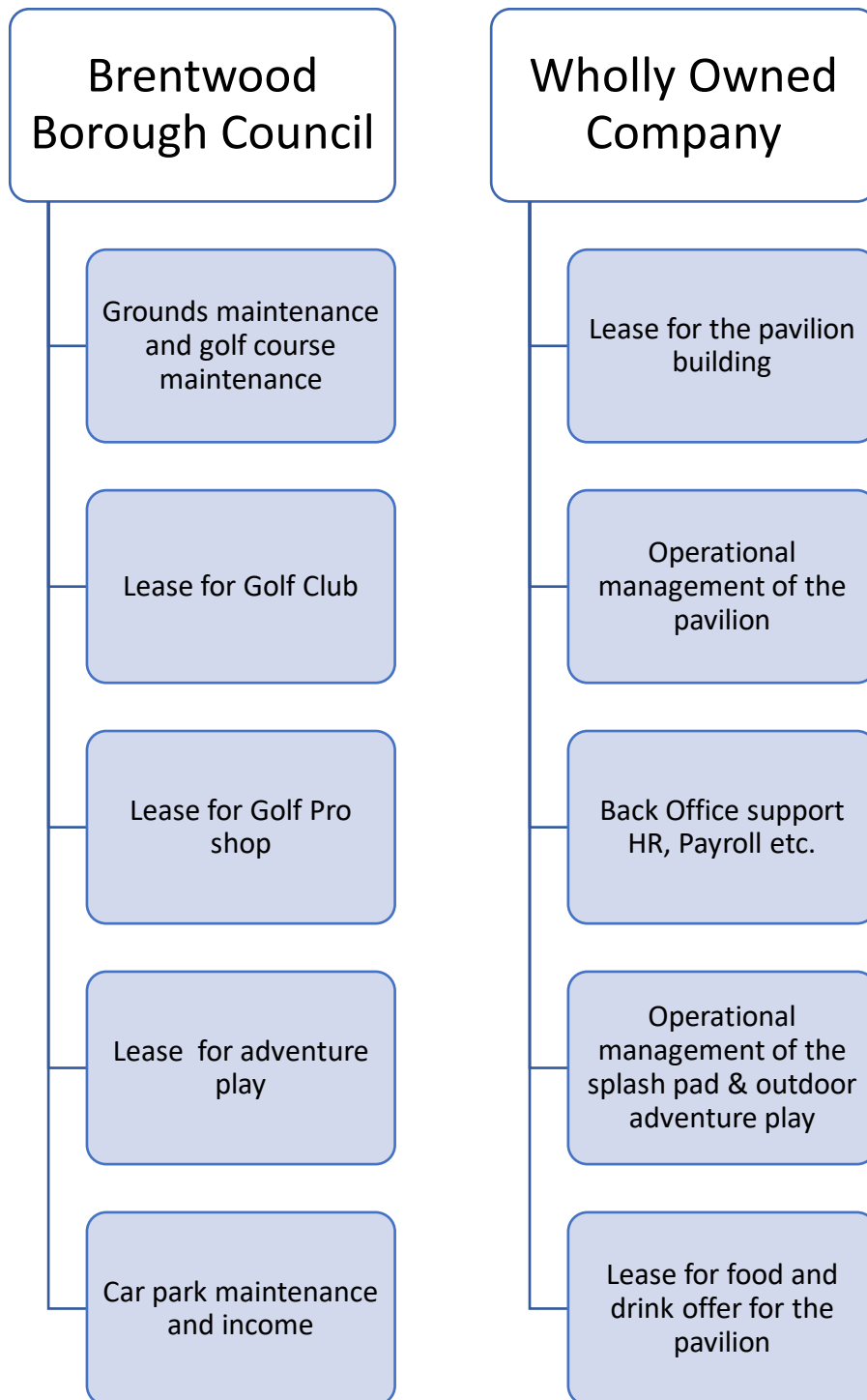
<b>BBC</b>	<b>Income £'000</b>	<b>Expenditure £'000</b>	<b>Comment</b>
Pavilion Build Costs		5,000	Subject to Option 4 being agreed
Soft Play and Tag Active		600	
Café		75	
Outdoor Sky Trail and Nets		545	
Outdoor splash pad		400	Subject to Option 2 being agreed
Professional fees		553	
<b>Total Build costs</b>		<b>7,173</b>	Subject to Option 2 on splashpad being agreed
Interest Costs on borrowing @2.5%		179	
Minimum Revenue Provision (Principal)		215	
<b>Annual Financing costs</b>		<b>394</b>	
Car Park Income	116		
Lease income from WOC	364		Subject to Option 2 being agreed
<b>Total income</b>	<b>480</b>		
<b>Annual net income to BBC</b>	<b>86</b>		

### Summary of projected income and expenditure to Wholly Owned Company (WOC)

WOC	Income £'000	Expenditure £'000	Comment
Salaries		377	
Utilities		20	
NNDR		10	
Insurance		10	
Repairs and Maintenance		31	
Cleaning		6	
Equipment		9	
Other supplies		7	
Advertising and Marketing		22	
Communication		7	
Other Administration		4	
Cost of Sales		201	
Lease income to BBC		364	If using Option 3 operating model
Central Costs		59	
Profit			
Risk / Contingency		46	
<b>Total Expenditure</b>		<b>1,173</b>	
Soft Play	206		
TAG Active	292		
Multipurpose Room	35		
Splash Pad	84		
SkyTrail/Nets	267		
Catering	419		
<b>Total income</b>	<b>1,303</b>		
<b>Operator Surplus / Deficit</b>	<b>130</b>		



**Proposed structure and responsibilities Brentwood Borough Council and Wholly Owned Company or 3<sup>RD</sup> Party operator**



It is proposed that a Service Level Agreement is drafted between Brentwood Borough Council and the Wholly Owned Company to set out the various roles and responsibilities for both parties.

Other costs to be determined are the car parking fees and charges, which will need to be agreed by Members as part of the annual fees and charges. This will determine

what the projected income to the Council will be. The car park fees and charges will also need to be aligned with the Council's Car Parking Strategy across the whole Borough.

All existing lease income remains unchanged until the expiration of those leases.

It is proposed that any fees and charges are agreed between Brentwood Borough Council and the Wholly Owned Company before being submitted as part of the annual budget setting process.

The Council can obtain funding from the Public Works Loan Board (PWLB). This option of funding offers favourable rates to the Council. The Board's interest rates are determined by HM Treasury in accordance with section 5 of the National Loans Act 1968. The Government has reduced by 20 basis points (0.20%) the interest rates on loans to principal local authorities who provide information as required on their plans for long-term borrowing and associated capital spending (the Certainty Rate). This allows the authority to borrow long-term at a reduced rate compared to the market. Currently rates are averaging at 2.5%.

Another option to the Council is that Alliance Leisure can provide 25-year funding at approximately 5%. This option is a fixed term of 15 years plus 10 years. Alliance Leisure Fund net and build the asset, in turn the Council leases the asset, at the end of term the asset is transferred back to the Council.

The location of the pavilion will also impact on the costs for the project. A site option appraisal was carried out as set out in Appendix F and it is recommended that Option 4 is selected as it will achieve all of the desired outcomes and is within the current budget allocation.

## **8. How will we know if we have been successful – what will be different, how this will be measured, monitoring and review and reporting progress.**

The improvements to King George's Playing Fields will support all six priority areas of the Leisure Strategy.

- Priority 1 Built facilities – the new pavilion will provide fit for purpose, fully accessible and an efficient building.
- Priority 2 Open Spaces – the improvements provide improved fully inclusive ancillary facilities such as changing rooms and toilets which support the existing play pitches and the park in general
- Priority 3 Play Areas – The play areas in King George's Playing Fields will be refurbished as part of the improvement plan
- Priority 4 – The Golf Club, Golf Course and football clubs will have improved ancillary facilities as a result of the build.
- Priority 5 – Health and Wellbeing – The new indoor play, TAG Active, improved fully accessible changing facilities will also provide opportunities to promote Health and Wellbeing initiatives such as reducing obesity,

improving physical and Mental Health and wellbeing and increasing participation and activity level.

- **Priority 6 – Management and Oversight** – The preferred operating model will have a Service Level agreement in place with agreed KPIs which will be reported to the relevant Committee, together with feedback from residents and visitors on the new facility. The new building will be more efficient and effective to reduce utility costs and enable accurate usage for tenants, create more income streams that will support the free 'community' offer in the park.

## **9. Conclusion and Recommendations**

That Members agree the recommendations in the business plan and for the drawdown of the £7m allocation of funding to support the delivery of the King George's Playing Fields improvements and that Members agree to the following options of:

- a) Option 4 for the location of the pavilion building
- b) Option 2 for the splash pad
- c) Option 2 for the outdoor adventure play
- d) Option 3 for the operating model

That Members also support the inclusion of a changing places facility that will support the outdoor play activities; and for officers to commence a procurement exercise to appoint a contractor to undertake the football feasibility works to commence the football hub development at the Brentwood Centre site.

## **Appendices**

- A. Background summary
- B. Decision Making Process
- C. King George's Playing Fields current income and expenditure
- D. King George's Playing Fields – income and expenditure future projections
- E. Pavilion site options
- F. King George's – Play area improvement plan
- G. Splash pad options
- H. Operating model options
  - i. BBC Direct management
  - ii. Trust/CIC
  - iii. WOC or 3<sup>rd</sup> party operator
- I. Football feasibility background
- J. Site plans for king George's Playing Fields improvements – Visuals will be shared on the night.
- K. ISG background
- L. Risk and Opportunity

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**Appendix B – Background Summary**

The Council's Leisure Strategy was agreed at 18 September 2017 Committee. There are six priority areas set out as follows:

<b>Priority 1 – Built Facilities</b>	The Council needs to ensure that its built facilities are fit for purpose and future proof and the Council will need to target funding appropriately. It needs to ensure that its running costs are kept to a minimum through efficient service provision whilst income levels must grow – reducing net cost further still.
<b>Priority 2 – Open Spaces</b>	The Council will ensure that the Leisure Strategy promotes the policies of the Field in Trust guidance. It has also noted the recommendations from the Play Pitch assessments and that any investment from the Council is targeted to enhance its facilities. Before any work is undertaken the Council will need to undertake a feasibility study to ensure that any works will be sustainable in the future.
<b>Priority 3 – Play Areas</b>	The Council has looked at its current provision and how it can be maintained in the future. Currently the Borough has 28 play areas. 11 of those are owned and managed on Council housing estates, 7 of those are managed by Brentwood Borough Council in the parks and 10 of those are owned and managed directly by the Parish Councils
<b>Priority 4 – Sport</b>	The Council will continue to work to make leisure and sport accessible to the whole population. While the Brentwood Leisure Centre acts as sports hub other activities are provided in the community settings such as village halls and local playing fields, reducing the need to travel, increasing accessibility, and subsequently increasing participation levels.
<b>Priority 5 – Health and Wellbeing</b>	The Leisure Strategy will be a key document to deliver the outcomes for the Health and Wellbeing Board priorities of tackling obesity, ageing well and improving Physical and Mental Health and Wellbeing. Health and employment are intimately linked, and long-term unemployment can have a negative effect on health and wellbeing. The Council will support programmes that target a reduction in health inequalities and that will positively impact sections of the population
<b>Priority 6 – Management and Oversight</b>	The Council needs to ensure that there is the right management and governance in place to ensure that the Leisure Strategy can be successfully delivered. Whatever governance model is decided it will need to include Local Authority members and officers and also public/independent members

Alliance Leisure Services Ltd (ALS) was appointed by Brentwood Borough Council (the Council) through the UK Leisure Framework to develop a sustainable business plan for the on-going leisure and community use of KGPF.

The project objective includes options for capital investment at KGPF to meet the future needs of Brentwood residents in terms of sport, leisure, physical activity and open space whilst ensuring the revenues generated from some of the activities enable the council to fund the improvements. Identification of suitable management arrangements will be integral to the delivery of future income streams.

ALS has partnered with Max Associates to undertake consultation, review sports provision and develop the business approach, Saunders Boston Architects - to provide outline plans and costs, and ISG for the design and construction.

This report considers future demand for the outdoor sports provision, commercial leisure opportunities, catering offer and the wider open spaces of KGPF. The current and potential future management arrangements have also been considered.

The initial proposals looked at the development of a new pavilion building which would provide a 'park hub' for the activities for the whole park. The new pavilion would include fully accessible changing and toilet facilities, new sensory room, provision for Hartswood Golf Club, a Golf Pro Shop, new improved food and drink offer, new indoor play and TAG Active, together with improvements to the current play area and a new wet play offer and new outdoor adventure play.

**Appendix C - Decision making process**

<b>Committee and date</b>	<b>Date</b>	<b>Detail</b>	<b>Recommendation</b>
<b>Community Health and Housing Committee</b>	3 July 2017	Leisure Strategy	To Agree to the Council's Leisure Strategy 2018-28 and Action Plan
<b>Policy Projects and Resources Committee</b>	18 September 2017	Leisure Strategy	To agree to the Council's Leisure Strategy 2018-28 and action plan
<b>Policy Projects and Resources Committee</b>	12 March 2018	King George's Playing Fields	Budget and delegated authority was given to the Chief Executive in consultation with Chair of Community Health and Housing and the Leader of the Council to appoint a Leisure Development partner to develop a sustainable business plan for the improvements to King George's Playing Fields
<b>Community Health and Housing Committee</b>	4 December 2018	King George's Playing Fields	To agree the budget requirement and refer to Policy Projects and Resources Committee as part of the Council's budget setting process
<b>Policy Projects and Resources Committee</b>	23 January 2019	King George's Playing Fields	Support the inclusion of £7m for the development of KGPF within the Council's Capital Programme for 2019/20. Expenditure would only occur, subject to the full business plan and operating model details being approved by Policy Projects and Resources Committee.
<b>Policy Projects and Resources Committee</b>	5 February 2019	Budget	Agree the budget for 2019/20
<b>Ordinary Council</b>	27 February 2019	Budget	Ratification on the budget for 2019/20
<b>Leisure Strategy Working Group</b>	12 March 2019	King George's Playing Fields Options	To look at the proposed options for the pavilion building, the wet play offer and the new outdoor adventure play
<b>Public consultation events</b>	14 March 2019 and	King George's	To gather feedback from the proposed designs and concepts of the pavilion building, wet play offer

	23 March 2019	Playing Fields	and the new outdoor adventure play
<b>Policy, Resources and Economic Development</b>	10 July 2019	King George's Playing Fields	To agree the business plan, operating model and the drawdown of monies from the allocated budget
<b>Planning Committee</b>	TBC – September/October	King George's Playing Fields	To agree the planning submission for the improvements to King George's Playing Fields



**Appendix D - King George's Playing Fields Income and Expenditure (2018/19)**

<b>Income</b>	<b>Amount</b>
Football pitch hire	£7,727
Bowls – season tickets and annual lease	£14,229
Rugby Club – pavilion and pitch lease	£400
3 <sup>rd</sup> Brentwood Scouts- hut lease	£100
Café – annual rent	£25,000
Adventure Golf – annual rent	£25,000
Paddling pools – fees (now removed)	£0
Hartwood Golf Course – green fees	£227,202
Hartwood Golf Club	£685
Car park income – see table below	£1,007
<b>Total income</b>	<b>£301,350</b>
<b>Expenditure</b>	<b>Amount</b>
KGPF Pavilion	£77,075
Grounds maintenance	£61,800
Bowls - lawn maintenance	£15,000
Football – pitch maintenance	£4,000
Park warden	£26,000
General maintenance	£10,000
Golf course expenditure	£347,597
<b>Total Expenditure</b>	<b>£531,472</b>
<b>Current net deficit to BBC</b>	<b>£230,122</b>

**Current car parking charges**

<b>KGPF Car parking fees</b>	<b>Charging Period Monday – Friday 9am – 6pm</b>	
<b>A- Rugby Club – Ingrave Road</b>	Up to 4 hrs in A, B, C, D	Free
<b>B- Main car park</b>	Over 4hrs in A & D	£5.00
<b>C- Overflow car park</b>	Coaches – all day	£15.00
<b>D- Hartwood Road</b>	4 hours free no return for 2 hours	

There are variations to this for sports events during the week. Lawn Bowls players are advised that parking is available free of charge in the unsurfaced overflow car park. Golfers are not charged any parking fees providing a round of golf is being played during the visit.

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**Appendix E – King George's Playing Fields income and expenditure future projections (to BBC)**

<b>Existing Income</b>	<b>Amount</b>
Football pitch hire	£7,727
Bowls – season tickets and annual lease	£14,229
Rugby Club – pavilion and pitch lease	£400
3 <sup>rd</sup> Brentwood Scouts - hut lease	£100
Adventure Golf – annual rent	£25,000
Hartwood Golf Course – green fees	£227,000
Hartwood Golf Club lease	£685
Car park income	£115,000*
<b>Total income</b>	<b>£390,141</b>
<b>New income</b>	<b>Amount Year 1</b>
Lease income from WOC	£364,000
<b>Total combined income</b>	<b>£754,141</b>
<b>Existing Expenditure</b>	<b>Amount</b>
Bowls - lawn maintenance	£25,000
Grounds maintenance	£61,800
Park warden	£26,000
Golf course maintenance	£347,000
<b>Total existing expenditure</b>	<b>£459,800</b>
<b>New Expenditure</b>	
Pavilion Build Costs	£5,000,000
Soft Play and Tag Active	£600,000
Café	£75,000
Outdoor Sky Trail and Nets	£545,000
Outdoor Splashpad	£400,000* reuse system costs
Professional Fees	£553,000
<b>Total Build Costs</b>	<b>£7,173,000</b>
Interest on borrowing @2.5%	£179,325
Minimum Revenue Provision (principal)	£219,626
<b>Annual Financing Costs</b>	<b>£398,951</b>
<b>Total Combined expenditure</b>	<b>£858,751</b>
<b>Net income to BBC</b>	<b>£104,610</b>

\*car park income is subject to the Car Parking Strategy being agreed and the agreement of the relevant fees and charges

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**Appendix F – KGPF Play area improvement plan**

These are monies that are already allocated as part of the Council's capital programme and will be part of a single procurement exercise for the Council's play areas for the next 5 years. The procurement exercise will be undertaken through the sport and leisure ESPO framework and it is due to go live in July. It is expected that a contractor will be appointed in September/October 2019. The Council is looking for each tender to come up with their inclusive play area concept for the three phases in KGPF.

<b>Year</b>	<b>Area of Improvement</b>	<b>Budget</b>
<b>2019-20</b>	Phase 1 – Toddler Play area	£150,000
<b>2020-21</b>	Phase 2 Junior Play area and outdoor gym	£200,000
<b>2021-22</b>	Phase 3 – Senior Play area	£500-£600
<b>Total</b>		£950,000

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<b>APPENDIX G – Pavilion site appraisal</b>				
Option No.	Option 1	Option 2	Option 3	Option 4
Description	Do nothing	Refurbish existing pavilion	Partial build on existing building	New build on car park
Delivery on time	NA	Unknown as transitional arrangements need to be considered for existing services	No – Longer build time due to set up of transitional arrangements	Yes
Increased income generation	No	No	Yes	Yes
Cost	£- current annual R & M costs	££ - Not fully identified	££££ - will exceed agreed allocated budget	£££ - will be within agreed allocated budget
Delivers the strategic expected outcomes	No	No	Yes	Yes
Indoor Play Option	No	No	Yes	Yes
Multi Use room	No	No	Yes	Yes
Toilet Provision	Same	Refurbished and upgraded	Added Provision	Added Provision
Lift	No	No	Yes	Yes
Changing facilities	Yes, limited accessible change. Poor condition.	Yes, limited accessible change. Upgraded to modern fixtures & fixings.	New build will have up to date changing facilities that meet the regulations and accessible change.	New build will have up to date changing facilities that meet the regulations and accessible.
Changing Places	No	No	Yes	Yes
Access	Individual entry too many areas leading to poor security. Level access to parts of the building. With no level thresholds.	Without extensive changes this is similar to Option 1. Level access to parts of the building. Level thresholds will be included in the refurbishment.	The new facility will have level thresholds, a lift and ambulant disabled access. The Scheme still has to deal with a 0.6 – 0.7 meter drop right at its entrance.	The new facility will have level thresholds, a lift and ambulant disabled access, being fully DDA compliant
Visibility	Poor visibility of entrance	Poor visibility of entrance	Good visibility of the entrance.	Excellent visibility of the entrance and excellent relationship with parking
Customer Focus	Poor	Limited	Excellent	Excellent
Alteration to access road	No	No	No	Yes
Vandalism	Likelihood high, with low roof and rails around the building. As Current building shows.	Likelihood high, with low roof and rails around the building. Additional Measures to be included to prevent this.	Height of new roof restricts access generally. The sloping site creates areas likely to attract greater vandalism. Anti-Vandalism Measures will be put into place. A new lighting strategy will also act as a deterrent.	Height of new roof restricts access. Anti-Vandalism Measures will be put into place. A new lighting strategy will also act as a deterrent.

Potential Revenue	£	££	££££	££££
Disruption during construction	None	A phased approach will minimize disruption however there will be loss of services.	During construction there will be significant disruption.	Modified access from car parks however otherwise none.
Continuity of use of existing facilities	Yes	Limited and transitional arrangement will need to be in place during any refurbishment	Limited and transitional arrangements will need to be in place during any refurbishment during construction	Yes
Relationship to all park facilities	As Existing	As existing but better condition	As existing location but in a modern building	Most central
Level Access without ramp	No	No	No	Yes



## Appendix H - Splash Pad Options

The splash pad was identified from the public consultation as one of the top activities that would encourage more visits to the park. It is proposed that the splash pad will be located within the fenced area on the old footprint of the paddling pools which was removed in 2018. Ustigate has been appointed as contractor. They are based in Dartford, Kent and will provide a full turnkey solution for the design, build, service and maintenance. Staff training will be included, and spare parts are readily available. There is an office and field-based team to provide on-going care and support. There are two options regarding the type of system for water usage that could be used for the splash pad.

**Option 1 - A flow through system with a grey water facility** which would enable Brentwood Borough Council to feed aquatic play and to irrigate the golf course with the same water. It will require a holding tank of 10m<sup>3</sup> to feed the features and two 60,000L above ground (for easy access) grey water tanks and a plant room. This would also require a 230m trench to the golf course holding tank which is at the rear of the bowls greens. This system will run directly of the mains then there is a limit to the number of features that could be installed. This would include 22 features and 9 interactive products linked to pod sprays. This could accommodate up to 60 people based on the number of play items. Build costs are estimated at £300k.

**Option 2 - A recirculation system** which will enable BBC to treat and recycle the water for the aquatic play. Water will still be needed for sanitising the tank at commissioning, backwashes and some will be lost to evaporation (1L per participant). It will require less direct resource from the mains water which means that more features can be added to the splash pad. The splash pad will require a PWTAG compliant two tank system (clean and dirty tank) and plant room. This system can provide 38 features including 12 interactive products linked to pod sprays and could accommodate up to 130 people at each session. It is more staff intensive due to the requirement for several water quality checks per day but is better for large high flow schemes. Build costs are estimated at £400k.

The table below sets out the estimated costs and income for the splash pad activity

<b>Splash Pad calculations</b>			
<b>Assumptions</b>			
Daily Operation Hours	6		
No of weeks of operation (season)	26		
Total Days Operation Use	182		
Price based per hour	£2.50		
<b>Option 1</b>		<b>Option 2</b>	
Users (based on play features)	60	Users (based on play features)	130
Total users per day	360	Total users per day	780
Total users per season	65,520	Total users per season	141,960
<b>Income</b>		<b>Income</b>	
Maximum seasonal income	£163,800	Maximum seasonal income	£354,900
<b>Expenditure</b>		<b>Expenditure</b>	
Estimated build costs	£300,000	Estimated build costs	£400,000
Approximate annual running costs	£31,264	Approximate annual running cost	£15,797
Annual staff costs (6 hours per day) @£10ph	£10,920	Annual staff costs (6 hours per day) @£10ph	£10,920
<b>Total running costs</b>	<b>£42,183</b>	<b>Total running costs</b>	<b>£26,717</b>
Annual capital and interest payments	£22,500	Annual capital and interest payments	£30,000
<b>Total annual costs</b>	<b>£64,684</b>	<b>Total annual costs</b>	<b>£56,717</b>
Net annual income	£99,116	Net annual income	£298,183
Seasons required to make back investment	3	Seasons required to make back investment	1.3

There is also an opportunity for associated secondary spend with the splash pad with the selling of swim nappies, water play toys, swimming costumes and towels from the main pavilion.

## **Appendix I – Operating Model Options**

### **Background**

There is a £7million budget in the Council's Capital programme for the development of a new Pavilion at KGPF. The MTFP assumes the £7million will be externally borrowed, therefore the MTFP has the interest of this borrowing and MRP (principal repayments) built into the base budget for 19/20 onwards. The Council will therefore build the new pavilion.

In 2018/19 the Council opted to apply the sports exemption, this generated approx. £400k of income to the Council as a VAT refund. The option to tax, has resulted in sporting and leisure services provided by the Council to be exempt from VAT, rather than standard rated.

The Council makes exempt supplies and therefore must carry out an annual partial exemption calculation. Within this period the exempt input tax, should not exceed 5% of the total input VAT incurred by a local authority. If the partial exemption limit is exceeded, the local authority must repay all the VAT it has recovered in relation to its exempt supplies during the financial year.

Currently the Council's partial exemption averages around 4%. As the development of KGPF pavilion is to provide sporting and leisure services, the build costs will form part of the partial exemption calculation and the Council is likely to exceed its partial exemption limit by approximately 30%. The result of this is that the Council would be expected to repay £1.6 million to HMRC, a cost the Council cannot afford.

### **VAT advice**

The Council has sought Professional advice from KPMG regarding the following:

- What are the effects of the development of the new pavilion on Brentwood's partial exemption?
- What is the best suitable option for the management of the facility and the impact of the option to tax?

Brentwood applied the sports exemption to sporting activities last year, as such the supplies in connection with sporting activities from the new playing field development will be exempt from VAT. Supplies that are not connected with sport such as sale of food and drink from the club members bar and lounge will be subject to VAT at the standard rate (or zero rated if there are any cold take away food sales). The letting of any specific areas within the new pavilion will be a right over land and this will be an exempt supply unless Brentwood opts to tax the property, in which case it will be subject to VAT at the standard rate. KPMG summarised the VAT treatment of the primary supplies identified below:

<b>Nature of Service</b>	<b>VAT Liability</b>	<b>Application to the Council</b>
Charges to play or take part in a sporting activity	Exempt	This will be exempt as BC has applied the exemption for sporting services following the Ealing VAT case.
Use of changing rooms, showers and hire of sports equipment	Exempt	On the basis that the use is ancillary to taking part in sports activities. As BC has applied the exemption for sporting services following the Ealing VAT case.
Catering, food and drink sales.	Taxable - Standard-rated or zero-rated	Sales of food and drink are taxable at the standard rate. Cold take away food sales are zero-rated.
Hire of sports pitches/facilities	Exempt or standard-rated if opted to tax	Where facilities are booked for a period of 24 hours or more or meet the 'block booking' conditions, the VAT liability of this supply will change to standard-rated if BC opts to tax. Otherwise it will be exempt.
Letting of a room or a specific area for exclusive use.	Exempt or standard-rated if opted to tax	This is a VAT exempt let on the basis of Schedule 9 Group 1 (i.e. right over land), the VAT liability of this supply will change to standard-rated if BC opts to tax.

The VAT incurred by Brentwood on the development of the KGPF and its operation and management will depend on its future use:

- BC operates the KGPF making exempt supplies of sporting services and taxable supplies from the bars;
- BC operates KGPF making exempt supplies of sporting services and lets the bars and shop to a third party;
- BC contracts the operation of KGPF to an unconnected party (i.e. a separate Leisure Trust) to operate, or
- BC contracts the operation of KGPF to a connected party (i.e. a subsidiary company owned by BC) to operate.

Each of these will have a different impact on BC's partial exemption de minimis limit. Under each option:

- Any VAT incurred on expenditure that is exclusively used to make exempt supplies of sporting services will count towards BC's de minimis limit.

- Any VAT incurred on expenditure that is exclusively used to make taxable supplies (e.g. from the bars and golf shops) will not count towards the de minimis limit.
- VAT incurred on overhead costs relating to both taxable and exempt supplies will need to be apportioned. This can be done by using any fair and reasonable method, with income or expected income (taken from a business plan) being a good starting point. The VAT that, under this apportionment, is treated as relating to exempt supplies will count towards BC's de minimis limit.

Making an option to tax may help to reduce the level of exempt input VAT that will count towards the partial exemption de minimis limit. However, as the recipient of BC's services will most likely be unable to recover VAT, the addition of 20% VAT to the price of the services will increase the cost to the recipient.

Based on the advice sought, options have been investigated and financially modelled to ensure the best financial model for the Council.

### **Options**

All options are under the consideration that the Council will opt to tax the land that KGPF Pavilion and surrounded services will be built upon. By opting to tax the land, this will reduce the level of VAT that will count towards BC's partial exemption de minimis limit. Each option reduces this amount differently.

#### **1. Do nothing** – Council builds the pavilion and manages the running of the building

Pros:

- Council keeps control of the building.
- Surplus from the Pavilion goes straight into the General Fund

Cons:

- High Staff Costs, staff employed by the Council to run the Pavilion would have the right to enter into the Local Government Pension Fund, current employer contributions are 17.1%.
- Future partial exemption costs, as exempt supplies and costs would count towards the Council's future partial exemption.
- Partial exemption breached costing the council in cash terms as well as accounting an extra 1.6 million

Build Costs	Amount £
Total Build	7,000,000
Partial Exemption Cost	1,600,000
Total Cost to BBC	<b>8,600,000</b>
Total Income of Operations	699,615
Total MRP and Interest	(472,000)
<b>Net Income to BBC (averaged over 5 years)</b>	<b>227,615</b>

2. **Invite bids for operation** – Council builds the pavilion and contracts the operation to an unconnected party.

Pros:

- Would receive Commercial rent (if the unconnected party was not a trust)
- Supply would be subject to VAT at the standard rate. In this case, none of the VAT incurred by BC on the development would count towards its de minimis limit

Cons:

- No current trusts that would be able to manage the KGPF pavilion.
- Other large unconnected parties that are not a trust, may not be interested in running the vicinity due to the return on the pavilion.
- With the BLT site still to be determined there could be more than one Leisure provider in the Borough. Ideally the Council would want one operator running all it's leisure facilities.
- Any surplus after commercial rent would go to the unconnected party.
- May not be able to cover VAT or pass VAT causing a negative impact on bottom line.

Build Costs	Amount £
Total Build	7,000,000
Partial Exemption Cost	0
<b>Total</b>	<b>7,000,000</b>
Lease Income	400,000
Total MRP and Interest	(394,000)
<b>Net Income to BBC (after MRP and interest)</b>	<b>6,000</b>
<b>Net Income to Unconnected party</b>	<b>144,975</b>

**3. Contract operation to Wholly Owned Company or 3<sup>rd</sup> party operator**

## Pros:

- Would receive a commercial rent from WOC – this would cover the interest and MRP costs as a minimum rent. WOC would lease pavilion from BBC
- Other charges to WOC would include back office support provider by the council at market rate, if a service level agreement was required for Council resources
- Keep control of the building for the interim period pending the development of Brentwood Centre site.
- Any surplus would go to WOC, surpluses made in WOC can be paid to BBC as a dividend.
- Supply would be subject to VAT at the standard rate. In this case, none of the VAT incurred by BC on the development would count towards its de minimis limit
- Staff would be employed by WOC, or WOC would sub lease. Staffing costs would reduce as WOC pension costs would not be as high as the Council's 17.1%
- Council would reduce the lease payment by the amount of car parking income as the Council will retain and manage the car park

## Cons:

- Net return to WOC may not meet the minimum requirement it requires for investment currently.
- SAIL would have to look to invest in HR policies and Payroll provider/system – supplying staff would be a new venture for WOC
- Income subject to VAT therefore less income received under WOC model

Build Costs	Amount £
Total Build	7,000,000
Partial Exemption Cost	0
<b>Total</b>	<b>7,000,000</b>
Lease Income	364,000
Car parking income	116,000
<b>Total Income to BBC</b>	<b>480,000</b>
Total MRP and Interest	(394,000)
<b>Net Income to BBC (after MRP and interest)</b>	<b>86,000</b>
<b>Average Net Income to WOC</b>	<b>130,000</b>

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## Appendix J – Football Feasibility Background

Members will be aware of the recommendations of the Play Pitch Strategy, the Built Facilities Strategy and the Local Football Facilities Plan for Brentwood, which was agreed at 4 December Community Health and Housing Committee. The recommendations in respect of football looked at the need for additional 3G pitches ideally as part of a football hub, and the Brentwood Centre site was identified as a priority location for the development. It is proposed that a feasibility study is undertaken to explore the potential development of a football hub at the Brentwood Centre site which will support a number of clubs across the Borough including Brentwood Town Football Club who are also located on the site. This will identify preferred location, configuration, surveys required and external funding sources to reduce any budgetary considerations required by the Council.

The Play Pitch Strategy and the Local Football Facilities Plan set out the recommendations that directly relate to football improvements cross the Borough.

The Play Pitch Strategy for Brentwood set out six key recommendations for football:

- a. Protect the current level of football across the Borough, especially The Arena (Brentwood Town Football Club) at the Brentwood Centre site
- b. Seek to increase the number of full sized 3G AGP's (third generation, artificial grass pitches) that are available for community use, through the development of new facilities or improving the access to existing facilities.
- c. Explore potential options for the creation of football hub sites, in order to provide high quality multi-pitch facilities in strategic locations across the borough.
- d. Continue to invest in the grass pitches across the borough, to improve the quality and reduce the amount of cancelled games during periods of poor weather. Prioritise sites that are key for future community use using site-specific actions and prioritization.
- e. Address the football pitch capacity at periods of peak demand by moving mini and youth football to the proposed new 3G AGP provision while working with the leagues and clubs to establish a more flexible kick-off policy and allow teams to play throughout the day on Saturday's and Sunday's.

The feasibility study would include the preferred location of the hub, the configuration and requirement of the 5 grass pitches and the 3G AGP(s) and changing facility requirements. Surveys would need to be undertaken to identify and mitigate the possible environmental, traffic and planning constraints and to identify the budgetary requirements needed to deliver the project.

The requirements of Brentwood Town Football Club also need to be addressed as part of the feasibility study, such as their current location and their security of tenure.

Their lease is due to expire at the end of December 2020. Due to the short time left of their lease they are unlikely to be successful in attracting funding from the Football Foundation as the Foundation require a minimum lease of 10 years.

As part of the feasibility study external funding sources will need to be identified to understand the budgetary requirement that the Council will need to contribute if they were to develop the football hub. Currently there is an allocation of £750k in the 2019/20 and £750k in the 2020/21 capital programme budget. As this is seen as a strategic development for the Essex Football Association and the Football Foundation it is expected that the Council would be successful in receiving external funding to support the development of the project. The Football Foundation has also indicated that any feasibility costs borne by the Council will be considered as any match funding for the project.

Subject to the feasibility work being agreed then a full business case would need to be developed and submitted to the relevant Council committee for Members consideration.

Subject to Members agreeing to the business case then a planning application will need to be submitted to be considered by the relevant planning committee.

Appendix K

Visuals for Pavilion Building will be presented on the night

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# King George's Playing Fields – Brentwood



# Who we are

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## / At a glance

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**1** global brand

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**2** approaches

Major projects

Agility/agile response

**4** global hubs

Europe

Middle East

Asia

United States

**4** services

Fit out

Technology

Construction

Development

**5** sectors

Offices

Technology, science and health

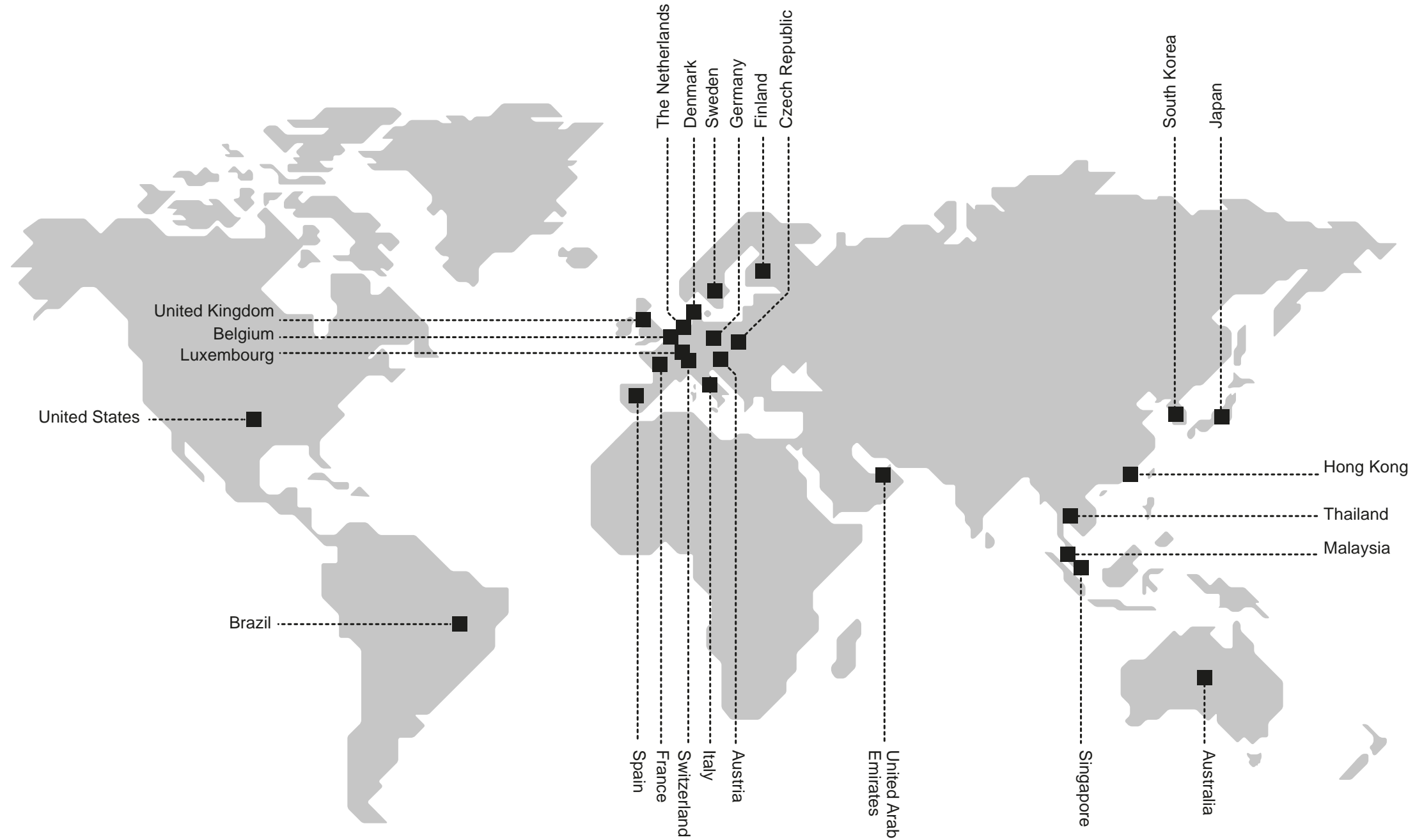
Retail

Hospitality, leisure and living

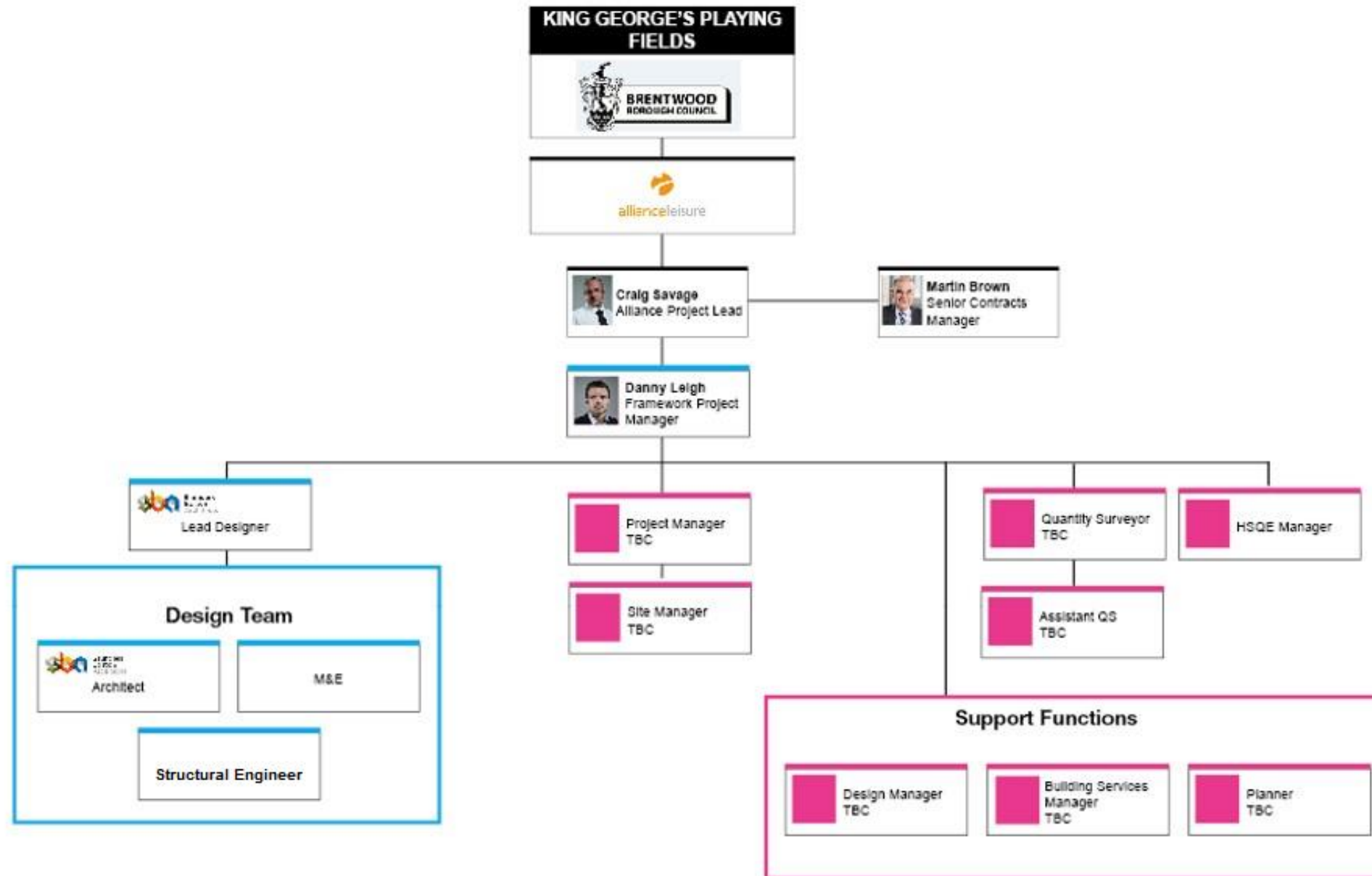
Education and public sector

# Where we work

Businesses in over 20 countries worldwide



# Introduction to the team





# CVs

## Senior Contracts Manager

Martin Brown



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Martin has over 20 years' experience working within the construction industry. Martin understands the importance of the smooth delivery of leisure developments having delivered over £100m of retail and leisure schemes including four cinemas. With a successful career forming winning teams, coupled with Martin's enviable experience and his passion to deliver, he will provide Brentwood Borough Council and the centre management team with the confidence that he will guarantee success.

### Responsibilities

Martin will add value through his collaborative approach with the project team, utilising his expertise to fully understand the brief and produce a solution that meets the budget and programme. He has an excellent track record of delivering a number of leisure complexes.

- ✓ Deliver client and professional team objectives, ensuring they are fully understood
- ✓ Understand the scope of work requirements are clear and the ISG tender reflects this
- ✓ Monitor quality of the King George's playing fields project
- ✓ Development that is in accordance with client expectations
- ✓ Deploy robust risk management, providing leadership and support, making timely and effective interventions, and implementing mitigation strategies

Qualifications	Memberships/ Training
BSc Civil Engineering Construction Manager of the Year, Gold Award 2009	CSCS ICIOB SSMTS

### Testimonial

“ Martin Brown brought drive, vision and commitment to this project. He took immediate control of all the major stakeholder interfaces, working closely with the client to develop the design in a sequence that would allow construction to progress simultaneously. He demanded high standards of external site presentation and maintenance, personally dealing with issues raised by local residents.

**Construction Manager of the Year,  
2009, Gold award**”

### Benefits Andrew will bring to King George's Playing Fields project

- ✓ Strong leisure development experience - having delivered over £100m including a number of cinema complexes
- ✓ Transferable knowledge – support the delivery team, drawing on best practice and lessons learned

# CVs

## Framework Project Manager

Danny Leigh



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Qualifications	Memberships/ Training
BA (Hons)	CSCS
MSc	IOSHH
Construction Management	SSMTS

Danny has managed numerous projects from the early pre-construction feasibility stages through to completion on negotiated two-stage frameworks throughout his 10 years with ISG.. Having project managed a number of developments, including leisure projects and now overseeing a number of different projects, Danny leads the pre-construction phases and delivery teams to ensure that the scheme meets the client and stakeholder expectations whilst remaining within budget and programme constraints.

As the Framework Project Manager during the pre-construction phase of the King George's Playing Fields project, Danny will be responsible for co-ordinating the project / design team to develop the scheme from the earliest feasibility stages through to contract. Danny will handover to the deliver team prior to our start on site but will continue to support the team throughout our operations, remaining as a key point of contact for the client team until handover and beyond.

Danny has a proven record of working collaboratively with the client and key stakeholders to assist them in achieving their project aims and objectives, through a proactive and co-operative approach to design and project management.

### Responsibilities

During the construction phase, Danny will be responsible for ensuring that the site is managed safely and efficiently, keeping the project on programme and within budget constraints. The design process will continue to be managed throughout the build and the information disseminated and coordinated with the delivery team.

- ✓ Management of the project delivery team throughout the construction phase including the ISG team, design team and supply chain
- ✓ Ensuring the site meets the highest health, safety, quality and environmental standards
- ✓ Single point of contact throughout the construction phase
- ✓ Programme and cost management

### Projects Managed

- Project Manager - 2012 Olympic "overlay" works £10M project at Wembley Arena, seconded to LOCOG as a Project Manager during the Games. Remained in central London for another year.
- Senior Site Manager at £20M Tesco project including extensive demolition works.
- Project Manager at Selby Leisure Village for Alliance Leisure – included extensive play structures and innovative offerings, changing facilities and bar and café.
- Contracts Manager at Hambleton Leisure centre, Rhyl SC2, Monmouth Leisure Centre, Batley Leisure Centre, Pembrey Country Park and overseeing a number of projects in pre-construction.

### Benefits Danny will bring to the King George's Playing Fields project

- ✓ Deliver absolute completion – creating a culture of excellence that delivers a quality product with everything working correctly and delivered on time
- ✓ Experience of working within a live environment on a logistically challenging sites
- ✓ Knowledge transfer of lessons learned - delivering efficiencies and continuous improvement



# CVs

## Managing Surveyor Craig Savage



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<b>Qualifications</b>	<b>Memberships/</b>
ONC / HNC	<b>Training</b>
Building	CSCS
Studies	

Craig has managed the Alliance partnership for 5 years with overall responsibility for the commercial management of the projects. Craig has significant experience in the co-ordination of 360 degree collaboration and the management of multiple stakeholders to develop proposals that will deliver the design expectations of the Client and end users, within the budgetary constraints on the scheme.

Throughout his career Craig has led numerous two stage projects from award through to post occupancy in line with current GSL initiatives on a number of diverse and challenging Strategic frameworks. For example the Ministry of Justice Strategic Alliance framework (where over the last seven years he has overseen the successful completion of over 20 projects ranging in value from £300,000 to £25,000,000, all of which have been completed within the Client budget expectations), the Cleveland Fire Authority Capital Works framework (a combination of seven major projects including new HQ and training facilities) and the Tees Esk and Wear framework.

### Responsibilities

Initially during the pre-construction stage Craig will be responsible for the management of all disciplines to ensure that the developed design proposals fully meet the Client and stakeholder expectations while remaining within the constraints of the budgets to allow the contractor proposals and contract sum to be agreed in line with the Client timescales.

During the construction stage he will be responsible for the overall commercial management of the project to ensure that the costs are controlled and the Client is kept fully informed of the projected final outcome costs. This role also covers the management of any change and regular reviews and updates of the risk register along with any necessary value engineering to ensure the final costs are within the Client budgets.

- ✓ Management of the design, planning and commercial disciplines to deliver proposals that meet the Client expectations and are within defined budgets
- ✓ Client and stakeholder management
- ✓ Involvement from pre-construction to completion to ensure the seamless integration of the delivery team through the pre-construction, construction and completion stages
- ✓ Delivery of best value to meet the objectives of the project

### Testimonial

“ They [ISG] have demonstrated enthusiasm and commitment from the outset to help us meet our strategic objectives within a challenging economic landscape, providing a proactive team with significant fire authority experience, who contribute lessons learnt and innovations from previous projects. They have consistently worked collaboratively and creatively with us to provide value for money solutions.

**Ray Khaliq**  
Director of Technical Services,  
Cleveland Fire Brigade



### Benefits Craig will bring to the King George's Playing Fields project

- ✓ Experienced in managing commercial aspects on a number of leisure projects
- ✓ Experienced in change and risk management
- ✓ Knowledge and expertise to manage the design process commercially to ensure all design proposals meet Client expectations and are within defined budgets

## ISG – Alliance Partnership

## ISG – Saunders Boston Partnership



- Longstanding, trusting and successful partnership
- The client relationship is managed from the North but projects are delivered locally utilising our regional offices
- 20+ projects delivered successfully in this way
- Currently on site at Rhyl Sun Centre 2 and Pembrey Country Park
- Involved with a number of other projects at various stages of the pre-construction process

ISG has an established relationship of working with Saunders Boston on a number of projects across the UK.

This is evidenced by the projects listed below:

- Ramsgate Swimming Pool extension (£3.5m)
- Colchester Institute South Wing (£7m)
- Huntingdonshire Regional College (£2.5m)
- Godalming Leisure Centre



# Commitment to added social value



Our UK wide typical Considerate Constructors Scheme score across projects delivered in the UK is 38.9/50 (against the new scoring system). In the past two years, ISG has secured 31 CCS awards.



CCS awards including 5 Golds, 11 Silver and 15 Bronze

- We work closely with our regional offices to identify a local key supply chain.
- We employ local labour and develop their skills through training and support.
- We deliver graduate and apprentice schemes and ensure that our supply chain also deliver these opportunities through our projects.
- We engage with local education (schools, colleges, universities) facilitating site visits and work experience to encourage young people into the industry and showing the diverse range of career opportunities.





## Case Study – Rhyl Sun Centre 2

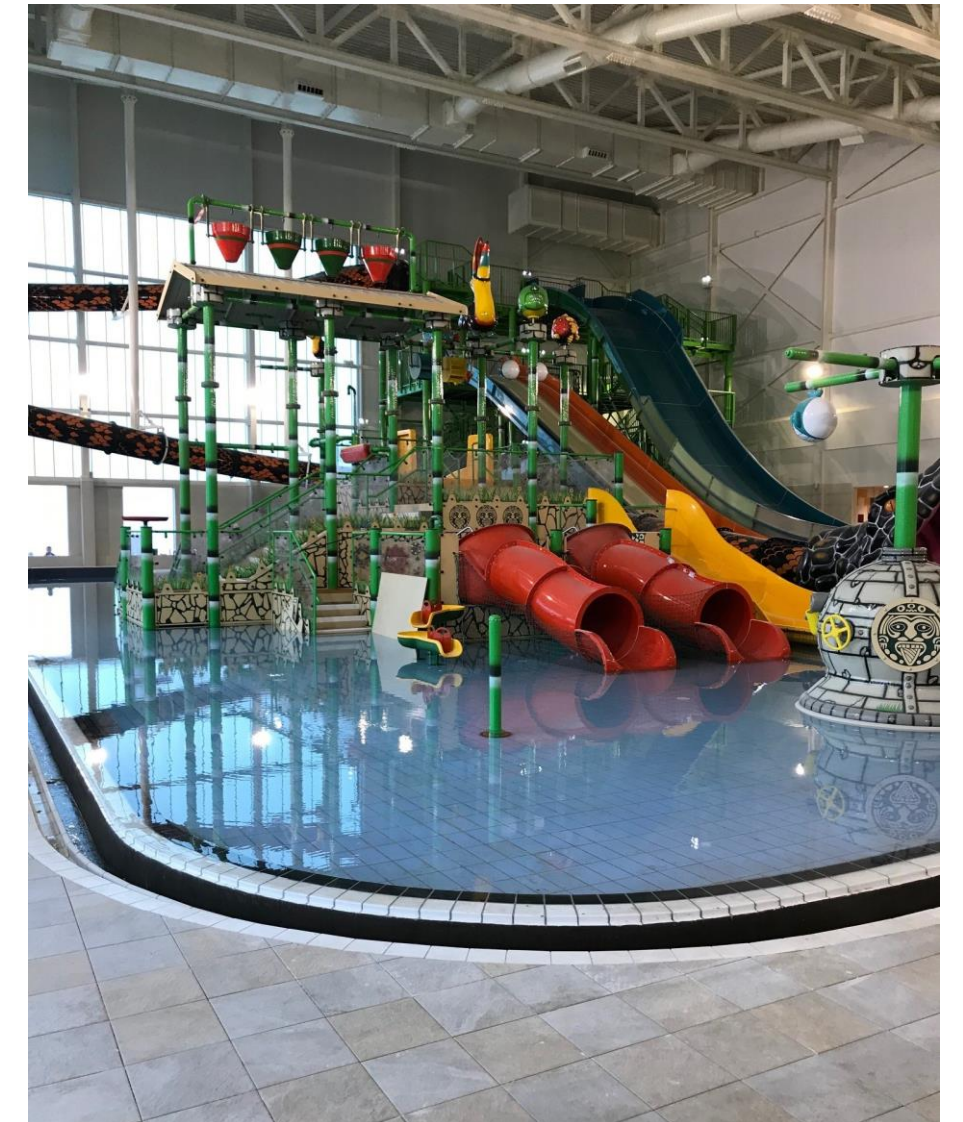
## Client: Alliance Leisure

- Delivered by our North West Office for Alliance Leisure and Denbighshire Council
- Construction of new-build, major visitor attraction in Rhyl, located on the sea front (sensitive environment) and in a heavily used public area.
- External Splash Pad – same considerations as a pool.
- Tag Active play structure (similar construction to soft play)
- Five separate food and beverage zones, including large servery and café areas that deliver maximum visual impact whilst remaining within budget.
- Improvements to public realm.

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Successful delivery has resulted in Denbighshire Council awarding further contracts to redevelop an adjacent existing underground car park and associated public realm space





# Case Study – Rhyl Leisure Centre

Client: Alliance Leisure



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## Case Study – Lymm Fire Station

Client: Cheshire Fire and Rescue Service

- In addition to a 5-bay working station, the building consists of a specialist visitor attraction which brings safety and life skills topics to life through sensory tours, helping people from all walks of life, young and old, to stay safe.
- The building incorporates similar construction methodologies and materials as those proposed for the King George's Playing Fields project:
  - Timber cladding
  - Vertical timber fins
  - Composite cladding systems
  - Architectural blockwork

“Early engagement with the supply chain enabled ISG to explore value engineering options to help reduce costs. The client was impressed with all options that had been presented to them and were able to proceed without compromising on the design quality. This extremely complex and unusual building has been delivered on time and to budget very well by ISG.”

*Iain Gammack, Project Manager, IKG Consulting*





## Case Study – Lymm Fire Station

Client: Cheshire Fire and Rescue Service

- The project supported the Prince's Trust Team programme with a site visit for local young people interested in construction careers. They spent time with the site manager discussing the programme, site roles and responsibilities, and how they could strengthen their CVs for future job applications. An employability skills workshop was also delivered at the client's Warrington station.
- The 12 apprentices working on the project were tasked with creating one of the scenarios in the immersive, streetscape. They delivered a simulated, but realistic, building site scenario to teach visitors about site safety. This was provided free of charge to the client.

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### KEY KPIs





# Case Study – Monmouth Leisure Centre

## Client: Alliance Leisure

- **Phase 1** - Full refurbishment of Monmouth Leisure centre to create a new state of the art 50-station gym, studios, spin studios, an extension housing soft play, café and ancillary areas.
- **Phase 2** – The construction of a swimming pool within an existing sports hall, described by Construction News as like building “a ship in a bottle”.
- **Extremely challenging project logistically:**
  - Project has been completed adjacent to a live 1700 student secondary school and the construction of a new school – this required daily coordination meetings with all stakeholders. Numerous commendations from the School Headmaster and Principal Designer on how safely the project has been managed in challenging circumstances.
- **Sensitive location** – The building sits next to the River Wye which was a major environmental consideration when planning the logistics of the build.

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11/30/2018 Construction News

**Project Report**  
constructionnews.co.uk/project-reports

**“A swimming pool environment can be quite harsh for materials, so we need the spray-on insulation to protect the steel”**  
MARK GIBSON, ISG

**“The specialist lightweight concrete mix only took us about a week to install”**  
MARK GIBSON, ISG

**SPRAYED CONCRETE POOL PAYS DIVIDENDS**

Rather than cast the slab and walls of the pool using traditional concrete and formwork techniques, Mr Gibson and his project team looked at the potential of using sprayed concrete.

They felt it offered significant time savings compared with traditional methods and negated the movement of awkward formwork and falsework into the pool hall.

The pool's floor is cast in three 450 mm sections – two flatter ends and the sloping section in the centre – on top of 75 mm blinding concrete, a DPM/Radon barrier and 160 mm insulation. The slab is reinforced using 16 mm diameter steel bars turning into the walls, which were sprayed with concrete to a final thickness of 250 mm. Once cast, there is a four-week ‘normalisation’ period before the pool can be filled and checked for leaks.

“It was difficult, but so much quicker than using traditional methods,” Mr Gibson recalls. “We used a specialist lightweight concrete mix to BS5007 specification. It only took us about a week to install.”

Lightweight foamed concrete has been used around the sides of the pool to backfill around the complicated array of service ducts, cables and drainage pipes that occupy the pool-side walkways.

“We used foamed concrete rather than pea gravel as bulk fill around the pool and service ducts,” Mr Gibson explains. “It is much more expensive but the time savings have been phenomenal.”

“We talked with our subcontractor Green Piling and developed the driven piles and I-beam solution. In the end it worked really well.”

The pool slab and walls (see box, left) were installed using sprayed concrete techniques – rather than the traditional shuttering approach – and have already been tested for leakage.

Fortunately no leaks were found and the team is now focused on the finishing work, such as tiling the pool and completing the poolside spa, steam room and sauna.

By February next year ISG will be able to show the people of Monmouth what construction's idea of a ship in a bottle looks like.

**Get more online**  
View all the images from this project and others online at [www.constructionnews.co.uk](http://www.constructionnews.co.uk)

30 | 30 November 2018 constructionnews.co.uk/project-reports

### Localism / Community Benefits / Social Value were important project key performance indicators:

- ✓ Jobs Created – Weeks (NEET / LT Unemployed): 336 weeks (Target 312)
- ✓ Training – Weeks: 29 (Target 25)
- ✓ Apprenticeships – Weeks: 28 (Target 6)
- ✓ School Engagement (STEM) – Pupil interactions: 200 (Target 150)
- ✓ Supply chain initiatives – Percent spend in Wales: 66% (Target 60%)
- ✓ Supply chain initiatives – Locally produced materials: 5 (Target 2)
- ✓ Environmental - % of waste diverted from landfill: 97% (Target more than 85%)
- ✓ Community initiatives: 2 (Target 2)
- ✓ Community newsletter: 5 (Target 2)



# Case Study – Selby Leisure Centre

## Client: Alliance Leisure

- New build leisure village offering a dynamic mix of leisure activities including soft play, climbing walls, indoor skiing, skateboarding, aerial assault courses and ten pin bowling.
- Incorporating soft play, climbing walls, high level assault course, ten pin bowling, indoor ski machines, café and bar.
- The two-storey, steel-frame building was constructed on a large section of the existing leisure centre car park and was connected to that centre via a new glazed walkway.
- We worked collaboratively with a range of stakeholders and specialist providers to complete the scheme on time and to budget, to a highly satisfied client and end-user.

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### Key features / benefits:

- ✓ Collaborative, integrated team
- ✓ Open lines of communication
- ✓ Close and effective working relationships with all client stakeholders – including Alliance Leisure, WLCT (now Inspiring Healthy Lifestyles) and Selby District Council
- ✓ Early, proactive and ongoing engagement with client appointed specialist contractors
- ✓ Continuity of team from preconstruction through to construction, handover and aftercare

*“The ISG team co-ordinated the design and construction programme with such a diverse range of client and subcontractor stakeholders by taking a pragmatic approach and applying a can-do attitude. Nurturing relationships with local residents was also critical to the long-term success of the development and ISG did an excellent job of managing the programme in a way that minimised disruption for the local community while maximising opportunities for proactive communication.” Sarah Watt, MD, Alliance Leisure Services*





# Case Study – Selby Leisure Centre

Client: Alliance Leisure

## Sustainability and Social Value

- Assessed as “**excellent**” in the ‘respect for the community’ category of the **Considerate Constructors Scheme (CCS)**.
- **Selby Community Primary School** spent a day on the site, learning about the health and safety dangers of entering building sites unattended, and finding out about the interesting and varied careers offered by construction.
- **Students from Selby College** were also provided with a tour of the site, learning about health and safety. The students were also given an insight into the differences between the various professional roles on a day-to-day basis, helping them to decide on the next step in their careers. We also participated in a **careers evening** at the college.
- We sponsored hoarding at the **local football club (Selby Town FC)** and provided help with improving the club’s car park. In return, the project team used the car park to reduce the impact of site traffic on local residents.
- Employed a **number of local apprentices**, one of which was sponsored to complete his PASMA mobile access towers training.
- **97%** of all site waste diverted from landfill.

*“The fantastic new leisure village will give a real boost to the local economy. It’s not only providing jobs but is set to attract visitors into town from across the wider region. It also gives residents more opportunities to get active and healthy on their doorstep.”* **Cllr Dave Peart, Selby District Council’s executive member for responsibility for housing, leisure, health and culture**

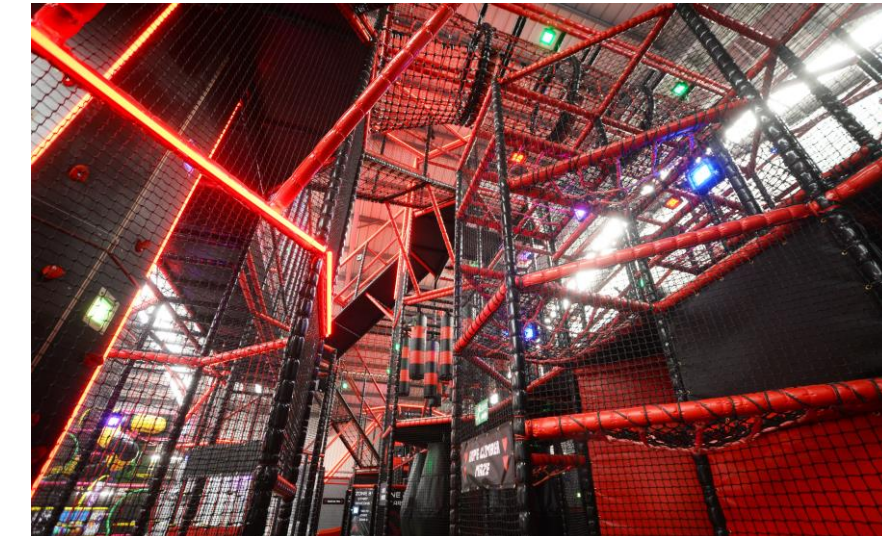




# Case Study – Batley Leisure Centre

## Client: Alliance Leisure

- Re-development of Batley Tennis Centre to house a new soft play / TAG Active installation, Café / Servery and party rooms.





# Working Environment and Ecology

- We have proven track record of successfully delivering projects in similar locations, for example Pembrey Country Park:
  - Refurbishment of an existing building to a new visitor attraction / café.
  - Bats roosting within the building. Emergence surveys undertaken, EPSL obtained, mitigation measures implemented.
  - Major tourist attraction with over 200 caravan pitches adjacent to our site, care taken not to disrupt the park operations or create any health and safety risks.
- King George's Playing Fields, Brentwood are located in an area of Green Belt near the Thorndon Park SSSI and as such special care must be taken in the design of the building, the construction methodologies employed and the sequencing of works.

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## Working Environment and Ecology

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- A comprehensive Ecological Appraisal has been completed by Ecologic, including field surveys.
- The appraisal identifies the site as supporting various habitats and make recommendations for the avoidance / mitigation of ecological impacts.
- The appraisal describes the relevant Acts pertaining to each habitat / species. Considering these, the report makes recommendations for mitigation.
- The mitigation recommendations appear to be as per similar schemes. Whilst these appear fairly minor, the timing of any further surveys that may be required, and then any mitigation, can impact on programme.
- Careful planning / programming of the works, particularly early enabling and site clearance works is required to ensure that these are completed when they will not disturb potential habitats. We will work with the Ecologist (Ecologic) to incorporate the requirements of the mitigation works into the scope of works / building design.
- Ecologic would be employed to undertake Compliance Monitoring which would include pre-commencement meetings and subsequent compliance monitoring visits.
- The report concludes that through implementation of ecology mitigation, compensation and enhancement measures, the proposal could represent a minor positive biodiversity gain.



# Identified Site Constraints





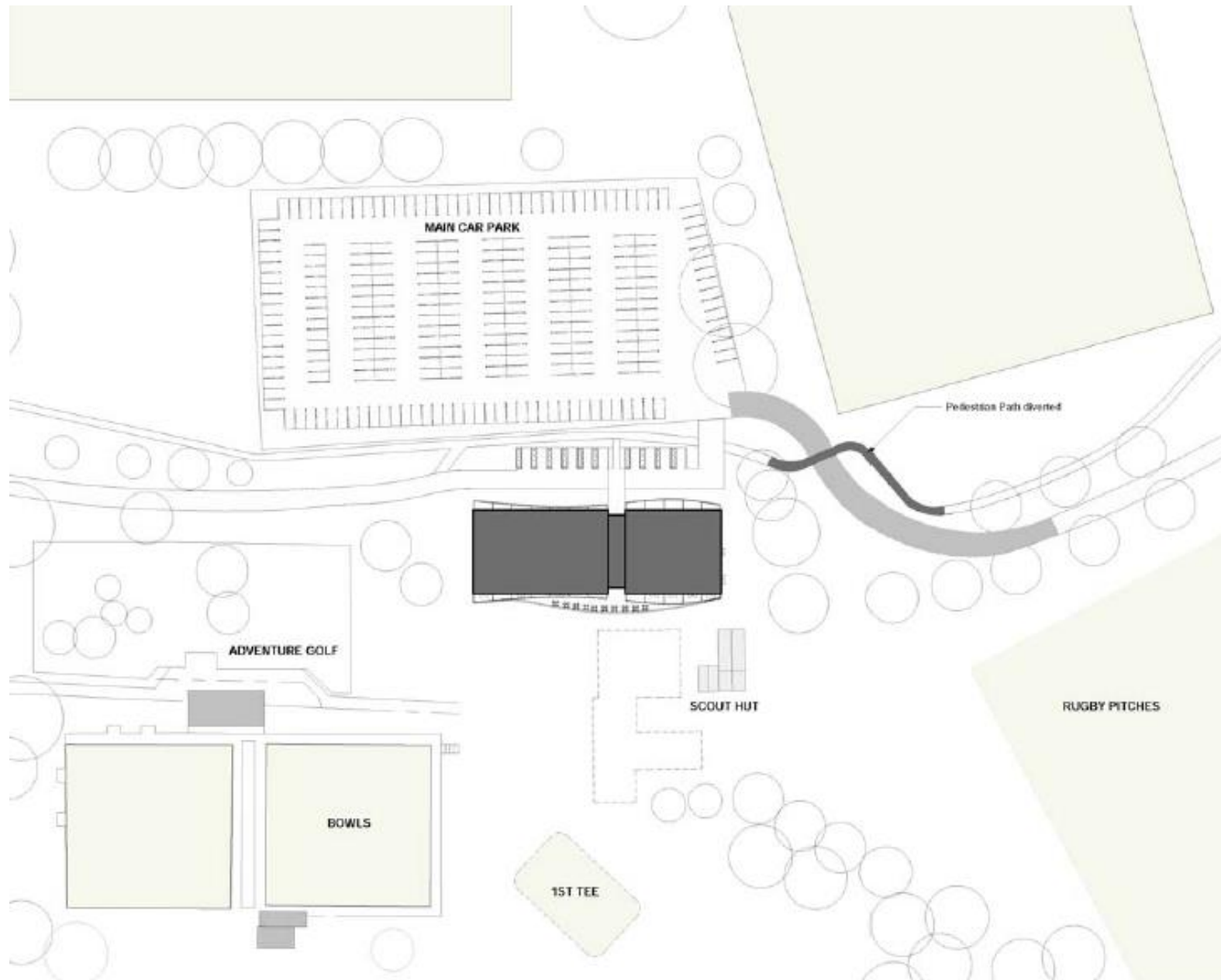
# Site Layout and Logistics





# Site Layout and Logistics

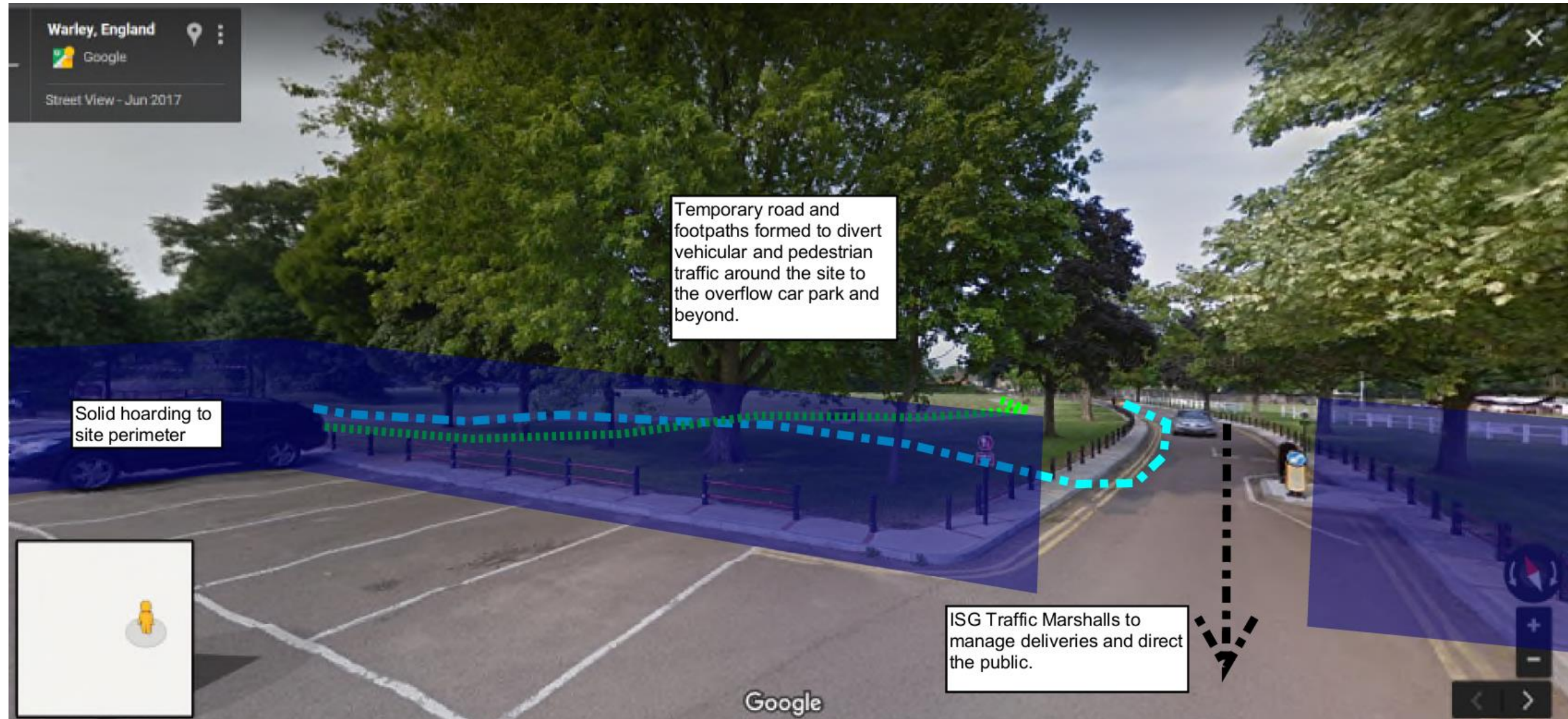
- The ISG Site Logistics Plan aligns with the proposals submitted to Planning during the Pre-App process.





# Site Layout and Logistics

- View from within the site looking out through the site gates





# Site Layout and Logistics



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# Site Layout and Logistics

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# Health, Safety and Environment

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- Health and Safety is always given the highest priority on all ISG projects.
- Special consideration on this project is given to the location and the proximity to the public.
- Careful planning, implementation and management of the temporary vehicular and pedestrian routes is critical.
- Robust measures to prevent unlawful or accidental access to site – this will be through the use of solid hoarding and gatemen / traffic marshalls.
- Carefully planned lifting operations to ensure safe works and eliminate oversailing of materials during the frame and envelope construction.
- Construction methods adopted to reduce and mitigate the potential for dust, noise and light pollution from site.
- Recognition and understanding of published guidelines and standards relating to environment: BS for tree protection, PPG prevention of pollution guidance, species management.
- Construction Phase Plan including supporting documents such as the Traffic Management Plan to be fully developed between the Site Team and HSQE department and cooperating fully with the Principal Designer and any client HSQE bodies.
- All plans to be developed and implemented with the agreement of Brentwood County Council and Park management staff.
- Regular communication between the project team and Park management to keep them informed of all up-coming works, any changes or potential disruption, and to identify any social value opportunities.
- Regular HSQE and Senior Manager Audits
- Extensive experience of managing similar projects utilising similar construction methods and installing the third-party soft play features.

## The Next Stage

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**Should we be successful, the next stage will be the development and agreement of the Contractor's Proposals, which will entail:**

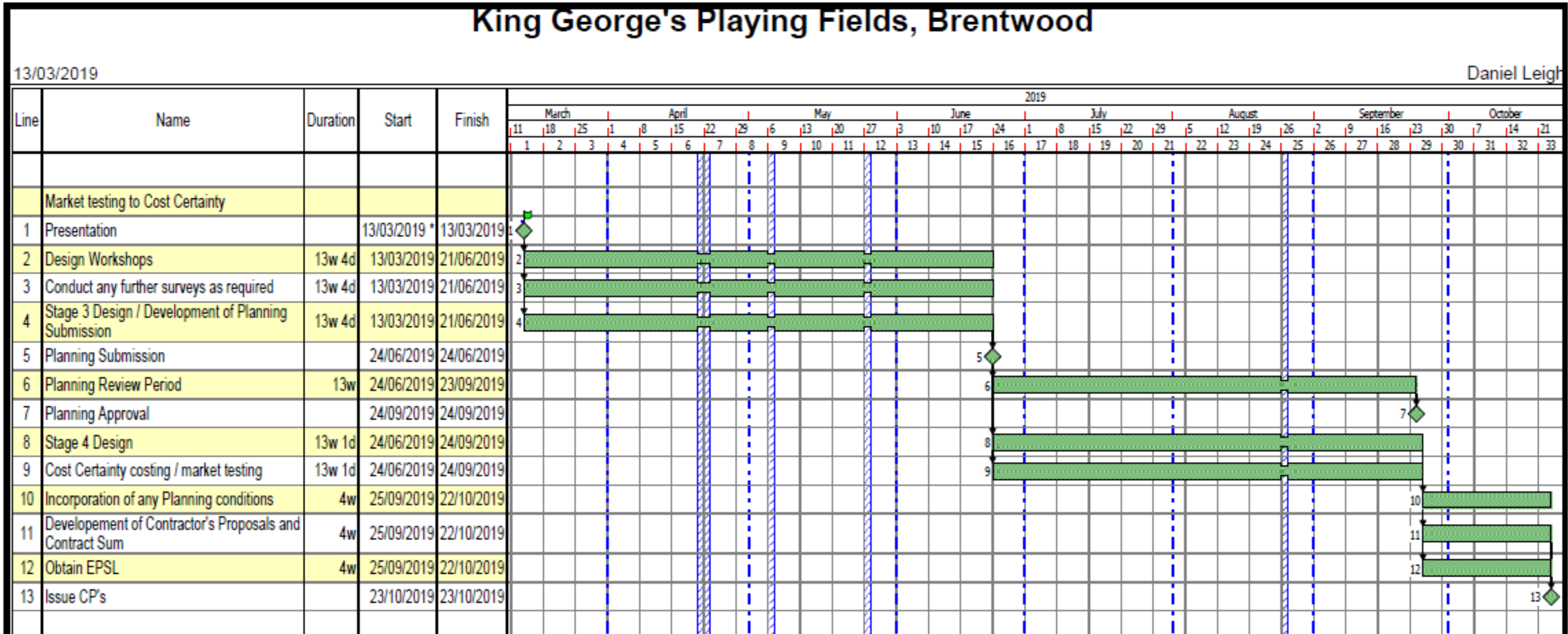
- Workshops with the client and design team to confirm project brief.
- Workshops with full design team and key consultants, e.g. ecologist to review the surveys and develop the design.
- Develop the Planning submission.
- Undertake cost planning and market testing in line with design development.
- Finalise programming and sequencing.
- Finalise proposals for submission.

Note: The client team comprises of both Alliance Leisure, Alliance Leisure consultants and relevant members of Brentwood Borough Council who will be fully engaged in all aspects of the above.



# Programme to Issue of CPs

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## **In Summary:**

- **Global Business with local delivery throughout UK**
- **Proven track record in delivery of leisure facilities nationwide**
- **Existing excellent relationship with Alliance Leisure and Saunders Boston**
- **Customer focussed and collaborative approach to deliver your project**
- **Experienced leisure centre delivery teams**
- **We have identified the core challenges presented by the project and we have experience in resolving all of them**

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**Thank you.**  
**Do you have any  
questions?**

## Appendix M - Risks and Opportunities

	HELPFUL	HARMFUL
INTERNAL	<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• Member support</li> <li>• Allocated provision within capital budget</li> <li>• Strategic development of leisure facilities</li> <li>• Effective use of resources to provide additional income to the Council</li> <li>• Aligned with play area improvement programme</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Lack of improvement to leisure facilities if not agreed</li> <li>• Not delivering key projects of the Leisure Strategy</li> <li>• No planning approval</li> </ul>
EXTERNAL	<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Increased income streams</li> <li>• Efficient use of resources – Water, more energy efficient building</li> <li>• Provision of measurable activity</li> <li>• To provide additional cycle provision on site</li> <li>• Parallel procurement to speed up construction time</li> <li>• Provision of fully inclusive facilities which will support residents now and, in the future</li> <li>• Leisure Development Partner (ALS) and principal contractor have proven track record of delivery of leisure facilities nationwide</li> <li>• Cost certainty for the build costs</li> <li>• Opportunities for added social value such as job creation, training and apprenticeships</li> <li>• External funding to support sensory and changing paces facility</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• No parallel cost certainty could delay construction commencement</li> <li>• Delays in construction and planned opening (adverse weather conditions, or other unforeseen circumstances during the build and demolition phases)</li> </ul>

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10<sup>th</sup> July 2019

## Policy, Resources and Economic Development Committee

### Right to Buy Capital Receipts

**Report Of:** Angela Abbott – Housing Services Manager

**Wards Affected:** All wards

**This report is:** Public

#### 1. Executive Summary

1.1 At the Environment, Enforcement & Housing Committee held on the 25<sup>th</sup> June 2019 approval was given in relation to three recommendations concerning future housing development projects.

- The Environment, Enforcement & Housing Committee approved the following recommendations: *That the Committee formally approve Option 1 (to implement the capital receipts expenditure mechanism).*
- *That the Committee formally approves delegated authority for the Housing Services Manager to designate sites for re-development and submit outline planning permission for those sites.*
- *That if agreed, the proposal is referred to the Council's Policy, Resources and Economic Development Committee for approval.*

1.2 An excerpt of the Minutes of the Environment, Enforcement & Housing Committee are as per Appendix A. The Committee approved the recommendations unanimously.

1.3 This report sets out proposals to adopt a formal capital receipts expenditure mechanism relating to Right to Buy ('RTB') sales. The mechanism will allow for a more focussed and transparent approach to expenditure of monies from the sale of HRA housing stock (known as 'RTB capital receipts')

- 1.4 The mechanism is a high-level approach to ensuring that capital receipts are retained by the Council and allocated to garage site re-developments with outline planning permission. The purpose is to increase efficiency and to provide improved value for money through site-specific building projects.
- 1.5 The mechanism will adopt the procedure of seeking outline planning permissions and then linking earmarked capital receipts. Protection of the receipts in a timely manner will allow for subsequent approval of site-specific projects by Committee and consideration of detailed feasibility reports.

## **2. Recommendations**

- 2.1 **That the PRED Committee formally approve Option 1 (to implement the capital receipts expenditure mechanism).**
- 2.2 **That the PRED Committee formally approves delegated authority for the Housing Services Manager in consultation with the Chair and/or Vice Chair of Environment, Enforcement and Housing Committee to designate sites for re-development and submit outline planning permission for those sites.**

## **3. Introduction and Background**

- 3.1 Under current Right to Buy legislation council tenants have the right to buy their home at a discount, with the amount of discount dependent upon the length of time as a social tenant.
- 3.2 In previous years 75% of proceeds from RTB sales of Council dwellings were paid into a national pool run by the Department of Communities and Local Government ('DCLG'), now known as the Ministry for Housing, Communities and Local Government ('MHCLG').
- 3.3 The receipts were then redistributed to those authorities with the greatest housing needs as identified by regional housing boards. The remaining receipts were used to fund capital works in the authority.
- 3.4 On the 2nd April 2012, the pooling arrangement changed. Ministers confirmed that delivering the new homes would be through Local Authorities retaining receipts to spend in their own area.

3.5 Brentwood Borough Council entered into an agreement with the Secretary of State for Communities and Local Government to retain the additional RTB receipts on the 26<sup>th</sup> June 2012.

The key principles of the agreement are as follows:

- The Secretary of State agrees to allow the authority to retain additional RTB receipts to fund the provision of replacement stock.
- The Secretary of State will allow the authority three years (from commencement of agreement) to invest the receipts before asking for the money to be returned if they have not been invested.
- The agreement does not require a local authority to complete the building of a home within 3 years.
- The agreement requires an authority to have incurred expenditure that is no more than 30% of the total spends on replacement stock.
- Replacement could be one of 3 ways – newly built Council homes, acquiring houses on the open market or provision of grants to Housing Associations to build new homes.
- Brentwood Council agrees to return any unused receipts to the Secretary of State with Interest at 4% above base rate, compounded quarterly.

3.6 Under the terms of current agreements, made under section 11 (6) of the Local Government Act 2003, local authorities are required to spend retained Right to Buy receipts within three years.

3.7 Since the scheme commenced, the Council has retained £5,760,967 of right to buy receipts as at 31<sup>st</sup> March 2019.

3.8 These retained receipts can fund 30% of the cost of replacing housing stock. Therefore, the total spends required on replacement stock is £19,203,224.

3.9 Based on current financial projections it is assumed that the Council will continue to dispose of housing stock through RTBs at an average of 8 properties per year. Therefore, the projected spend required on Affordable Housing is circa £2 million per annum from 2022/23.

3.10 The planned future spend is based on the retained receipts as per Appendix B. If capital receipts are not spent or ear-marked according to

the Government's funding regulations, then monies must be returned with additional compound interest to central Government.

- 3.11 The receipts must be spent by specified deadlines (as per Appendix B). The Council to date has incurred expenditure of £9,962,719 and added 33 dwellings to its housing stock. Of these, 26 have been purchased from the open market and 7 have been developed by the Council. All have been let at an 'Affordable Rent', as per the Rents Policy 2015. The spend tracker is detailed within Appendix C.
- 3.12 Expenditure per unit on Council New Builds has been circa £257k per unit on average. Expenditure per unit on Private Market Acquisitions has been circa £303k per unit on average.
- 3.13 It is held that developing new sites is economically more viable than continuing to purchase ad hoc via the market. Emerging sites are potentially going to return a higher number of units than previous projects, so as to reduce the average unit cost even lower than above.
- 3.14 Expenditure at the above rate using properties sourced from the local housing market is deemed to be financially inefficient and is not supporting wider housing build projects within the HRA nor efficient use of HRA land/assets, which should produce a far higher housing stock yield.

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

- 4.1 The mechanism proposed front-loads the procedure for allocating RTB monies to site-specific construction projects with outline planning proposals, without Committee approval at the initial stage. It will allow for a more streamlined and efficient method of retaining the RTB monies for use within the Borough.
- 4.2 If outline planning permission is granted for affordable housing provision, then detailed evidence will be submitted to Committee to approve/reject the proposed development on each specific site.

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

- 4.3 Implementing the mechanism will allow for:
- Transparency, particularly for residents
  - Tailored service provision
  - Economic focus



- Audit compliance
- Provisioning for a cohesive approach to garage site redevelopment
- Development of an economically sound affordable housing strategy

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

4.4 Non-implementation will potentially:

- Fail to advance Corporate priorities
- Undermine the development of an affordable housing strategy
- Create lack of focus on expenditure
- Undermine best value in terms of development and regeneration with the housing stock.

## **5. Reasons for Recommendation**

5.1 Option 1 is recommended as the most transparent option for the Council and supports the '*Getting our House in Order*' transformation programme for Housing Services. It works towards ensuring financial stability and revenue protection.

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

5.3 Option 1 ensures the Council meets the requirement of the agreement the Council entered into on 26<sup>th</sup> June 2012 with the Secretary of State, to retain additional RTB receipts and commit these within 3 years of disposal.

5.4 By not committing the investment there is a high degree of financial risk imposed on the Council. Any retained funds not committed within 3 years is subject to interest chargeable on the retained amount at 4% above base rate, compounded quarterly.

5.5 Every quarter, officers have to submit a return to MHCLG, detailing the RTB's completed, the amount that has been spent and the projected future spend on affordable housing. This return calculates whether deadlines of spend have been adhered to.

5.6 Therefore Option 1, allows the Council to commit investment of retained right to buy receipts when outline planning permission is granted, due to

the outline planning application, allocating assumed build costs to the project.

- 5.7 Appendix B details the spend that has yet to be incurred by the Council. Option 1 ensures the Council can meet the short-term spending requirements, whilst a mid to long term strategy is developed around the Council's garage site developments and Affordable housing developments aligned with current spending requirements and future projections.

## **6. Consultation**

- 6.1 Consultation on individual site projects will be undertaken prior to formal approval being given by Committee. Public approval of the outline spending mechanism itself is not required. Prior consultation relating to building affordable homes has been fully supported by Tenant Talkback.

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

- 7.1 The Council's Corporate Plan aims to deliver safe and comfortable homes which are efficient and sustainable. To manage our stock to recognise the limited resources available and supporting those in greatest need. To review the future delivery of housing services to provides the best outcomes for Brentwood residents.
- 7.2 Through adopting the above recommendations and implementing a coherent capital receipt expenditure regime then each of the aims listed above can be promoted.

## **8. Implications**

### **Financial Implications**

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

**Tel & Email: 01277 312839/phoebe.barnes@brentwood.gov.uk**

- 8.1 Purchasing properties off the open market is not the most cost-effective way of delivering affordable housing within the Borough. However, due to the strict criteria local authorities nationally have struggled to spend the retained receipts and have opted to purchase properties off the open market. This accounts for around 40% of the replacement stock nationally.
- 8.2 Acquisitions have been highlighted to MHCLG as one of the problem areas affecting replacement, this has an impact on the level of new supply being achieved through Right to Buy receipts. Acquisition in

Brentwood is not cheaper than new build. However, acquisitions can be effective in addressing local need and bringing empty properties back into use.

- 8.3 By not meeting the Government deadline, there is a high degree of financial risk imposed on the Council. An example is that if the December 2019 deadline is not met the Council would be expected to pay £54,407 in interest costs. If all deadlines are not met this becomes a significant sum the Housing Revenue Account cannot afford.
- 8.4 The Council does have the option to return the retained right to buy receipts. This is done through the quarterly Pooling of Housing Capital Receipts return. If the funds are returned in the quarter they were receipted, then no interest is payable. However, if retained receipts are returned after the quarter they were receipted, interest is payable from the day they were receipted to the day they were returned to Central Government.
- 8.5 There is no provision built within the HRA budget for repayment of receipts plus interest. The current 30-year Business Plan assumes the receipts will be retained and spent in accordance with the regulations and deadlines imposed.
- 8.6 The interest rate is deliberately set high to encourage authorities to invest in replacement stock and to ensure authorities surrender the receipts as soon as they realise no spend will occur in the time period.
- 8.7 By allocating funds to site-specific projects with outline planning proposals, this satisfies the requirement with MHCLG. This is due to the sites detailing the amount of Affordable Housing being proposed and the required development costs. Therefore 30% of these costs can be earmarked from the retained right to buy receipts.

#### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 [312705](tel:01277312705)/[paula.harvey@brentwood.gov.uk](mailto:paula.harvey@brentwood.gov.uk)**

- 8.8 The recommendations are within the Council's powers and duties. Under current legislation the Council is required to spend retained Right to Buy receipts within three years or return this to Central Government with interest. Any planning application should comply with the Council's Local Plan.

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

8.8 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: Excerpt of Minutes EEH 25.6.19

Appendix B: HRA Capital Receipt Expenditure Tracker

Appendix C: Affordable Housing Development Spend Tracker

**Report Author Contact Details:**

**Name:** Stuart Morris, Housing Options Manager

**Telephone:** 01277 312500

**E-mail:** [stuart.morris@brentwood.gov.uk](mailto:stuart.morris@brentwood.gov.uk)

# Minutes

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## Environment, Enforcement & Housing Committee Tuesday, 25th June, 2019

### Attendance

Cllr Hossack (Chair)	Cllr Clarke
Cllr Kerlake (Vice-Chair)	Cllr Naylor
Cllr Dr Barrett	Cllr Mrs Pearson
Cllr Bridge	Cllr Mrs Pound

### Apologies

Cllr Laplain  
**Substitute Present**

Cllr Haigh

### Also Present

Cllr Aspinell  
 Cllr S Cloke

### Officers Present

Angela Abbott	-	Housing Services Manager
Phoebe Barnes	-	Interim Financial Controller
Greg Campbell	-	Director of Operations
Gary Carr	-	Project Manager
David Carter	-	Environmental Health Manager
Zoey Foakes	-	Governance & Member Support Officer
Nicola Marsh	-	Housing Manager
Stuart Morris	-	Interim Housing Policy Manager
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Interim Chief Executive
Jacqueline Mellaerts	Van -	Chief Financial Officer

### 10. Right To Buy Capital Receipts

The report set out proposals to adopt a formal capital receipts expenditure mechanism relating to Right to Buy ('RTB') sales. The mechanism would allow for a more focussed and transparent approach to expenditure of monies from the sale of HRA housing stock (known as 'RTB capital receipts')

The mechanism was a high-level approach to ensuring that capital receipts were retained by the Council and allocated to garage site re-developments with outline planning permission. The purpose was to increase efficiency and to provide improved value for money through site-specific building projects.

The mechanism would adopt the procedure of seeking outline planning permissions and then linking earmarked capital receipts. Protection of the receipts in a timely manner would allow for subsequent approval of site specific projects by Committee and consideration of detailed feasibility reports.

Members requested that an updated HRA Capital Receipt Expenditure Tracker (Appendix A of the report) be brought to future committees.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Kerlake to agree the recommendations with a slight amendment (see below).

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

**1. That the Committee formally approve Option 1 (to implement the capital receipts expenditure mechanism.**

**2. That the Committee formally approves delegated authority for the Housing Services Manager in consultation with the Chair and/or Vice Chair of Environment, Enforcement and Housing Committee to designate sites for re-development and submit outline planning permission for those sites.**

**3. That if agreed, the proposal is referred to the Council's Policy, Resources and Economic Development Committee for approval.**

#### **Reasons for Recommendation**

Option 1 was recommended as the most transparent option for the Council and supports the '*Getting our House in Order*' transformation programme for Housing Services. It would work towards ensuring financial stability and revenue protection.

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

## **11. Housing Development Programme**

The Council owns a range of garage sites across the Borough, including those that are disused and hard to let. Members previously agreed that Officers should identify the potential redevelopment of sites that provided an immediate opportunity for new affordable housing.

Officers had identified two potential sites. One site was at Brookfield Close, Hutton and the second at Sir Francis Way, which is located in Brentwood, very close to the Town Centre. Both sites provided excellent potential for redevelopment.

At the Community, Health & Housing Committee on the 5<sup>th</sup> March 2019, delegated authority was approved for the Housing Services Manager to commission an architect to prepare a feasibility report for both sites to establish the viability of each which will outline potential on both sites, and inform in terms of quantum and tenure mix.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Kerlake to agree the recommendations with a slight amendment (see below).

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

- 1. That the Committee formally approves delegated authority for the Housing Services Manager in consultation with the Chair and/or Vice Chair of Environment, Enforcement and Housing Committee to submit outline planning permission for both sites at Brookfield Close, Hutton and Sir Francis Way.**
- 2. That the feasibility report outcomes are reported to the next appropriate Environment, Enforcement & Housing Committee.**
- 3. That if agreed, the proposal is referred to the Council's Policy, Resources and Economic Development Committee for approval.**

**Reasons for Recommendation:**

The mechanism proposed front-loads the procedure for allocating RTB monies to site-specific construction projects with outline planning proposals, without Committee approval at the initial stage. It would allow for a more streamlined and efficient method of retaining the RTB monies for use within the Borough.

Option 1 was recommended as the most transparent option for the Council and supported the '*Getting our House in Order*' transformation programme for Housing Services. It worked towards ensuring financial stability and revenue protection.

**The meeting concluded at 9:00pm.**

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## Appendix B

### Appendix A – HRA Capital Receipt Expenditure Tracker

The planned future spends based on the retained receipts are:

<b>Deadline Date</b>	<b>Amount Retained (30%)</b>	<b>Council's Contribution (70%)</b>	<b>Total Minimum Project Spend</b>
30 <sup>th</sup> September 2019	414,004	1,833,395	2,247,399
31 <sup>st</sup> December 2019	411,376	959,878	1,371,254
31 <sup>st</sup> March 2020	422,915	986,803	1,409,718
<b>Total for 19/20</b>	<b>1,248,295</b>	<b>3,780,076</b>	<b>5,028,371</b>
30 <sup>th</sup> June 2020	193,476	451,448	644,924
30 <sup>th</sup> September 2020	66,024	154,055	220,079
31 <sup>st</sup> December 2020	345,779	806,818	1,152,597
31 <sup>st</sup> March 2021	317,334	740,445	1,057,779
<b>Total for 20/21</b>	<b>922,613</b>	<b>2,152,766</b>	<b>3,075,379</b>
30 <sup>th</sup> June 2021	91,589	213,708	305,297
30 <sup>th</sup> September 2021	0	0	0
31 <sup>st</sup> December 2021	132,127	308,297	440,424
31 <sup>st</sup> March 2022	377,526	880,894	1,258,420
<b>Total for 21/22</b>	<b>601,242</b>	<b>1,402,899</b>	<b>2,004,141</b>
<b>Total 3 Year Spend</b>	<b>2,772,150</b>	<b>7,335,741</b>	<b>10,107,891</b>

The right to buy discount from 1st April 2019 has increased from a maximum of £75,000 to a maximum discount of £82,800. This discount will increase each April in line with consumer price index (CPI).

Based on the increase in the discount available it is assumed that the Council will continue to dispose of housing stock through right to buys at an average of 8 properties per year. Therefore, the projected spend required on Affordable Housing is £2 million per annum from 2022/23.

The Housing Revenue Account (HRA) Business Plan (approved at Ordinary Council 27<sup>th</sup> February 2019) assumes that the Council's 70% share will be funded through a mix of revenue contribution from the HRA and external borrowing. To date the contributions has been a revenue contribution.

Appendix C – Affordable Housing Development Spend Tracker

The table tracks the minimum spend requirement, in order to meet the agreed spend required within 3 years. The expenditure that the Council incurred within the specific period and how this expenditure has been financed.

Expenditure Incurred:				Funded By:		
Period	Minimum Spend Requirement	Actual	Difference	30% Retained Income	Housing Revenue Account	Total
15-16	1,554,886	1,869,989	315,103	560,997	1,308,992	1,869,989
16-17 (1)	240,757	13,756	-227,001	4,127	9,629	13,756
16-17 (2)	0	308,723	308,723	92,617	216,106	308,723
16-17 (3)	1,303,344	1,512,719	209,375	453,816	1,058,903	1,512,719
16-17 (4)	609,603	445,030	-164,573	133,509	311,521	445,030
17-18 (1)	527,622	274,963	-252,659	82,489	192,474	274,963
17-18 (2)	327,159	253,975	-73,184	76,192	177,782	253,975
17-18 (3)	359,139	342,617	-16,522	102,785	239,832	342,617
17-18 (4)	840,734	882,118	41,384	264,635	617,482	882,118
18-19 (1)	116,134	24,319	-91,815	7,296	17,023	24,319
18-19 (2)	101,605	94,120	-7,485	28,236	65,884	94,120
18-19 (3)	270,320	728,260	457,940	218,478	509,782	728,260
18-19 (4)	991,030	1,844,328	853,298	553,298	1,291,029	1,844,328
19-20 (1)	1,853,001	1,367,803	-485,198	410,341	957,462	1,367,803
<b>Total</b>	<b>9,095,333</b>	<b>9,962,720</b>	<b>867,387</b>	<b>2,988,816</b>	<b>6,973,904</b>	<b>9,962,720</b>



10<sup>th</sup> July 2019

## Policy, Resources and Economic Development Committee

### Housing Development Programme

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

**Wards Affected:** All

**This report is:** Public

#### 1. Executive Summary

1.1 At the Environment, Enforcement & Housing Committee held on the 25<sup>th</sup> June 2019 approval was sought in relation to three recommendations concerning anticipated housing development projects at Brookfield Close, Hutton and Sir Francis Way Brentwood.

- *That the Committee formally approves delegated authority for the Housing Services Manager to submit outline planning permission for both sites at Brookfield Close, Hutton and Sir Francis Way.*
- *That the feasibility report outcomes are reported to the next appropriate Environment, Enforcement & Housing Committee.*
- *That if agreed, the proposal is referred to the Council's Policy, Resources and Economic Development Committee for approval.*

1.2 An excerpt of the Minutes of the Environment, Enforcement & Housing Committee are as per Appendix A. The Committee approved the recommendations unanimously.

1.3 The Council owns a range of garage sites across the Borough, including those that are disused and hard to let. Members previously agreed that Officers should identify the potential redevelopment of sites that provided an immediate opportunity for new affordable housing.

1.4 Officers had identified two potential sites. One site is at Brookfield Close, Hutton and the second at Sir Francis Way, which is located in Brentwood, very close to the Town Centre. Both sites provide excellent potential for redevelopment.

1.5 At the Community, Health & Housing Committee on the 5<sup>th</sup> March 2019, delegated authority was approved for the Housing Services Manager to

commission an architect to prepare a feasibility report for both sites to establish the viability of each which will outline potential on both sites, and inform in terms of quantum and tenure mix.

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

- 2.1 That the PRED Committee formally approves delegated authority for the Housing Services Manager in consultation with the Chair and/or Vice Chair of Environment, Enforcement and Housing Committee to submit outline planning permission for both sites at Brookfield Close, Hutton and Sir Francis Way.**
- 2.2 That the PRED Committee formally approves that the feasibility report outcomes are reported to the next appropriate Environment, Enforcement & Housing Committee.**

## **3. Introduction and Background**

- 3.1 Following the approval to commission an architect to undertake a feasibility exercise for the sites, Ashby Design Architects were commissioned to undertake the feasibility exercise which is currently in progress which will end in August 2019.
- 3.2 In order to commit the RTB Capital receipts within the required spend deadline for the projected cost of the development it is necessary to obtain outline planning permission.
- 3.3 The estimated project delivery timetable estimates that we would be able to submit an application for planning permission in July 2019 which is a 13-week application process.
- 3.4 The outline planning application phase will incorporate comments as appropriate and provide further detail as below, through produced drawings and supporting information;
  - Site layout at all levels
  - Dwelling numbers, occupancy and typologies
  - Vehicle and cycle parking
  - Access and Refuse Strategy
  - Indicative scale and massing

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

4.1 The redevelopment proposals will contribute to Housing Services Housing Strategy implementation and will create a model for future affordable housing development within the borough.

4.2 By implementing this approach will allow for:

- Transparency, particularly for residents
- Tailored service provision
- Economic focus
- Audit compliance
- Provisioning for a cohesive approach to garage site redevelopment
- Development of an economically sound affordable housing strategy

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

5.1 The mechanism proposed front-loads the procedure for allocating RTB monies to site-specific construction projects with outline planning proposals, without Committee approval at the initial stage. It will allow for a more streamlined and efficient method of retaining the RTB monies for use within the Borough.

5.2 Option 1 is recommended as the most transparent option for the Council and supports the '*Getting our House in Order*' transformation programme for Housing Services. It works towards ensuring financial stability and revenue protection.

#### **6. Consultation**

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

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

7.1 The Council's Corporate Plan aims to:

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

## 8. Implications

### **Financial Implications**

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

**Tel & Email: 01277 312839/phoebe.barnes@brentwood.gov.uk**

- 8.1 Costs for the outline planning application and feasibility studies will be met from the New Homes Build Capital program. These costs can be capitalised as long as the outline planning permissions become approved Planning Applications. Any outline applications that do not get approved, resulting in no affordable Homes being built, these costs associated with the applications would be a revenue pressure to the Housing Revenue Account.
- 8.2 The Council currently retains income from right to buy (RTB) disposals to fund the provision of replacement stock within 3 years of receiving the funds. This proposal allows the Council to meet the key principles of the agreement with the Secretary of State for Ministry for Housing, Communities and Local Government (MHCLG) for retaining income from RTB disposals and funding replacement stock within the time frame imposed.

### **Legal Implications**

**Name & Title: Paula Harvey, Solicitor and Deputy Monitoring Officer**

**Tel & Email: 01277 312500 / paula.harvey@brentwood.gov.uk**

- 8.3 The recommendations set out in this report are lawful and within the Council's powers and duties. Under current legislation the Council is required to spend retained Right to Buy receipts within three years or return this to Central Government with interest.
- 8.4 Any planning application should comply with the Council's Local Plan.

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

### **Planning Implications**

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

**Tel: & Email: 01277 312500 /phil.drane@brentwood.gov.uk**

- 8.4 Both land at Brookfield Close, Hutton; and land at Sir Francis Way, Brentwood are located within the existing urban area as defined in the Brentwood Replacement Local Plan (2005), unchanged in the emerging Brentwood Pre-Submission Local Development Plan (2019). The principle of residential redevelopment would be acceptable subject to details of any planning applications that would need to satisfy planning policies within the Council's Local Plan, including impact on surrounding areas or properties. The potential for intensification of sites to provide for more residential dwellings is likely to be



acceptable given the borough's housing need and context of national policy, again subject to the proposal satisfying planning policies (both national and local). Land at Sir Francis Way is adjacent to the Green Belt boundary, which may be a consideration as part of any development proposal.

**Parks Department Implications**

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

**Tel & Email: 01277 312500/stuart.anderson@brentwood.gov.uk**

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

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 – An excerpt of the minutes of the Environment, Enforcement and Housing Committee 25.6.19

**Report Author Contact Details:**

**Name:** Stuart Morris, Housing Options Manager

**Telephone:** 01277 312500

**E-mail:** stuart.morris@brentwood.gov.uk

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# Minutes

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## Environment, Enforcement & Housing Committee Tuesday, 25th June, 2019

### Attendance

Cllr Hossack (Chair)	Cllr Clarke
Cllr Kerlake (Vice-Chair)	Cllr Naylor
Cllr Dr Barrett	Cllr Mrs Pearson
Cllr Bridge	Cllr Mrs Pound

### Apologies

Cllr Laplain  
**Substitute Present**

Cllr Haigh

### Also Present

Cllr Aspinell  
 Cllr S Cloke

### Officers Present

Angela Abbott	-	Housing Services Manager
Phoebe Barnes	-	Interim Financial Controller
Greg Campbell	-	Director of Operations
Gary Carr	-	Project Manager
David Carter	-	Environmental Health Manager
Zoey Foakes	-	Governance & Member Support Officer
Nicola Marsh	-	Housing Manager
Stuart Morris	-	Interim Housing Policy Manager
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Interim Chief Executive
Jacqueline Mellaerts	Van -	Chief Financial Officer

### 10. Right To Buy Capital Receipts

The report set out proposals to adopt a formal capital receipts expenditure mechanism relating to Right to Buy ('RTB') sales. The mechanism would allow for a more focussed and transparent approach to expenditure of monies from the sale of HRA housing stock (known as 'RTB capital receipts')

The mechanism was a high-level approach to ensuring that capital receipts were retained by the Council and allocated to garage site re-developments with outline planning permission. The purpose was to increase efficiency and to provide improved value for money through site-specific building projects.

The mechanism would adopt the procedure of seeking outline planning permissions and then linking earmarked capital receipts. Protection of the receipts in a timely manner would allow for subsequent approval of site specific projects by Committee and consideration of detailed feasibility reports.

Members requested that an updated HRA Capital Receipt Expenditure Tracker (Appendix A of the report) be brought to future committees.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Kerlake to agree the recommendations with a slight amendment (see below).

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

**1. That the Committee formally approve Option 1 (to implement the capital receipts expenditure mechanism.**

**2. That the Committee formally approves delegated authority for the Housing Services Manager in consultation with the Chair and/or Vice Chair of Environment, Enforcement and Housing Committee to designate sites for re-development and submit outline planning permission for those sites.**

**3. That if agreed, the proposal is referred to the Council's Policy, Resources and Economic Development Committee for approval.**

#### **Reasons for Recommendation**

Option 1 was recommended as the most transparent option for the Council and supports the '*Getting our House in Order*' transformation programme for Housing Services. It would work towards ensuring financial stability and revenue protection.

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

## **11. Housing Development Programme**

The Council owns a range of garage sites across the Borough, including those that are disused and hard to let. Members previously agreed that Officers should identify the potential redevelopment of sites that provided an immediate opportunity for new affordable housing.

Officers had identified two potential sites. One site was at Brookfield Close, Hutton and the second at Sir Francis Way, which is located in Brentwood, very close to the Town Centre. Both sites provided excellent potential for redevelopment.

At the Community, Health & Housing Committee on the 5<sup>th</sup> March 2019, delegated authority was approved for the Housing Services Manager to commission an architect to prepare a feasibility report for both sites to establish the viability of each which will outline potential on both sites, and inform in terms of quantum and tenure mix.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Kerlake to agree the recommendations with a slight amendment (see below).

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

- 1. That the Committee formally approves delegated authority for the Housing Services Manager in consultation with the Chair and/or Vice Chair of Environment, Enforcement and Housing Committee to submit outline planning permission for both sites at Brookfield Close, Hutton and Sir Francis Way.**
- 2. That the feasibility report outcomes are reported to the next appropriate Environment, Enforcement & Housing Committee.**
- 3. That if agreed, the proposal is referred to the Council's Policy, Resources and Economic Development Committee for approval.**

**Reasons for Recommendation:**

The mechanism proposed front-loads the procedure for allocating RTB monies to site-specific construction projects with outline planning proposals, without Committee approval at the initial stage. It would allow for a more streamlined and efficient method of retaining the RTB monies for use within the Borough.

Option 1 was recommended as the most transparent option for the Council and supported the '*Getting our House in Order*' transformation programme for Housing Services. It worked towards ensuring financial stability and revenue protection.

**The meeting concluded at 9:00pm.**

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10<sup>th</sup> July 2019

## Policy, Resources and Economic Development Committee

### 2018/19 Provisional Outturn and Annual Treasury Management Report

**Report of:** *Jacqueline Van Mellaerts, Director of Corporate Resources*

**Wards Affected:** *All*

**This report is:** *Public*

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

1.1 This report deals with the 2018/19 provisional outturn for:

- The General Fund - paragraph 3.
- Housing Revenue Account - paragraph 4.
- The Capital Programme - paragraph 5.

1.2 The report also considers the reserves and working balance levels.

1.3 The Council is also required by regulations issued under the Local Government Act 2003 to produce an Annual Treasury Management review of activities and the actual prudential and treasury indicators for 2018/19. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) - paragraph 6.

#### **2. Recommendations**

**2.1 That the provisional (subject to audit) outturn 2018/19 for the General Fund and the HRA contained within this report, are approved.**

**2.2 That the capital programme carry forwards requested in Table 7 and Capital Funding in Table 7a are approved.**

**2.3 That the reserve transfers and reserve balances set out in the report are approved.**

**2.4 That the Treasury Management activity and information for 2018/19 be noted.**

### 3. General Fund - Provisional Outturn 2018/19

- 3.1 The General Fund provisional outturn shows a deficit of £188k at year end for 2018/19.
- 3.2 The estimated outturn for the General Fund (as reported to Council in March 2019) was a break-even position as at 31 March 2019. Table 1 provides a summary of the actual spend for the General Fund compared to the estimated outturn.

**Table 1 – 2018/19 General Fund Outturn**

	<b>2018/19 Estimated Outturn £'000</b>	<b>2018/19 Actual £'000</b>	<b>2018/19 Variance £'000</b>
<b>Vision for Brentwood Expenditure:</b>			
Environment & Housing Management	2,892	2,722	(170)
Community & Health	1,214	1,245	31
Economic Development	(1,152)	(1,144)	8
Planning & Licensing	672	644	(28)
Transformation	5,070	4,772	(298)
<b>Total Spend on Vision for Brentwood</b>	<b>8,696</b>	<b>8,239</b>	<b>(457)</b>
Operating and Financing Charges	917	806	(111)
Appropriations	(989)	(172)	817
<b>TOTAL SPENDING REQUIREMENT</b>	<b>8,624</b>	<b>8,873</b>	<b>249</b>
<b>Funding:</b>			
Council Tax	(5,969)	(5,969)	0
Business Rates Income	(2,220)	(2,200)	20
Collection Fund Deficit/(Surplus)	175	175	0
New Homes Bonus Grant	(410)	(410)	0
Business Rates Pooling	(200)	(261)	(61)
<b>TOTAL COUNCIL FUNDING</b>	<b>(8,624)</b>	<b>(8,685)</b>	<b>(41)</b>
<b>Deficit/(Surplus) on General Fund Balances</b>	<b>0</b>	<b>188</b>	<b>188</b>

- 3.3 The £188k deficit reported, is made up of many variances across all services. These variances include costs incurred that are specifically funded from reserves. These costs are detailed in Section 4 of this report.
- 3.4 Table 2 outlines the subjective variances, further analysis of these variances can be found within Appendix C:



**Table 2 – 2018/19 General Fund Key Variances**

<b>Subjective</b>	<b>Over/ (Under spend) £'000</b>	<b>Explanation</b>
Employee Related Expenditure	17	Budget pressure on structure changes
Premises Related Expenditure	(29)	Saving on rate able value on Council Assets
Transport Related Expenditure	47	Pressure on maintaining fleet that needs replacing
Supplies & Services	(143)	Reduction in inventory replacement as well as costs not required for external printing and printing materials.
Fees & Services	99	Increase associated with professional fees required for the LDP and procurement of the joint venture.
Communication & Computing	29	Increase pressure for costs associated with cloud managed service
Third Party Payments	(172)	Reduction in required amount of project management support.
Benefit Payments & Subsidy	(179)	Universal Credit impact. Less subsidy received and less payments made to claimants who are transferring or have transferred onto Universal Credit.
Pension Fund Deficit	35	Cost of pension deficit slightly more than expected.
External Payments	5	Increase on election advances.
Management Initiatives	136	Savings yet to be achieved
Government Grants	(157)	Additional grant income not forecast; funding announced after last estimated outturn update. Majority has been earmarked for specific spend in future years.
Other Grants & reimbursements	(511)	Income from HMRC in relation to Sport Exemption Claim, earmarked into a reserve.
Sales Income	4	Small deficit on charges.
Fees & Charges	(73)	Fees & Charges have been volatile throughout the year. Variance is attributed to Increase in penalty charge notices, season ticket income and planning application income

Rental Income – Land & building	38	Vacancy periods as well as development of assets.
Miscellaneous Receipts	241	Commercial Activity Income, not met. Some of this variance can be offset by the additional interest income from the loans to SAIL.
Interest and Investments	(145)	Interest from the Vat sport exemption claim and from the loans to SAIL. Increase in temporary borrowing interest payments
Recharges	(7)	Small increase to the HRA
Transfers and Appropriations	992	Increase in income, such as VAT income, has resulted in less draw down on reserves to fund services.
Collection Fund Deficit	(41)	NNDR pool performance higher than forecast.
<b>TOTAL Variance</b>	<b>188</b>	

### General Fund Working Balance

- 3.4 The estimated working balance as at 31 March 2019 is £3.117 million which is £188k less than the anticipated level reported in March 2019.
- 3.5 This is due the General Fund funding gap increasing to a provisional deficit of £188k.
- 3.6 The financial position statement presented to members on 1 March 2019 has been revised to show 2018/19 outturn position and the closing working balances, which is shown in Appendix A.
- 3.7 The General Fund balance must continue to be managed so that it provides the flexibility to manage unexpected demands and pressures without destabilising the Council's overall financial position. The level of the working balance should provide a reasonable allowance for unquantifiable risks or one-off exceptional items of expenditure that are not covered within existing budgets.
- 3.8 General guidance and practice amongst other authorities varies. Options include a percentage of Gross Operating Costs and a percentage of Net Spending Requirement to be maintained as a minimum. A minimum reserve level of £2.2 million was agreed at the March 2019 Full Council meeting. This figure was calculated on the risk assessment, which was carried out by the Finance Department, this risk assessment reviews and considers the risks, that sits within the Council's risk register.

## 4 General Fund Reserves

- 4.1 As part of the year end procedures the Council must review its Earmarked Reserves. These Reserves are required in order to comply with proper accounting practice, whilst others have been created to earmark resources for known or predicted liabilities.
- 4.2 The total reserve balance as at 31<sup>st</sup> March 2019 is £4.821 million; the estimated drawdown requirement was a net position of £771k. The complete reserves position is set out in Appendix B.
- 4.3 The reserves are grouped into 5 types of reserves.
- **Service** – Monies requested by the service from existing budgeted to be used on specific plans or projects.
  - **Trading** – Trading Accounts are held so that over a period of three financial years the account should balance to zero. Any surplus is taken into account when setting future years fees and charges.
  - **Specific** – Monies that the Council has received that have restricted conditions on how the money can be used.
  - **Funding** – Earmarked specifically to mitigate financial risks to the Council
  - **Transformation** – Monies specifically earmarked to fund the Councils transformational activities.
- 4.4 The Funding Volatility reserve, this reserve is to mitigate the uncertainty and financial risks the Council Faces, especially in regard to the Fair Funding Review. Therefore, for 2018-19 this reserve has increased by £759k. The contribution to this reserve is predominantly from the VAT refund the Council received in 18-19 for the sports exemption claim. Other contributions include grant income received that are not specific, ring fenced grants, therefore these have been earmarked to the funding reserve.
- 4.5 Organisational Transformation Reserve, this has decreased by £717k. The drawdown from this reserve has been utilized to fund the procurement of the Joint Venture partner for the Asset Development Programme. In addition to this, the reserve has also funded the membership to ASELA and the Council's emergency planning review. £100k of the reserve has been moved into a separate European Union Exit reserve. This reserve is to set aside funds for the necessary preparations required of the Council when the UK exits the EU. Due to the uncertainty around the impact of leaving the EU the reserve has been set up to support any financial pressures the Council may face when leaving.
- ## 5. Housing Revenue Account (HRA) – Provisional Outturn 2018/19
- 5.1 The HRA outturn figure shows a projected deficit of £138k. The estimated forecast for the HRA (as reported to Council in March 2019) was a potential deficit of around £15k as at 31 March 2019. The variance reflects the conscious decision for

investment in the Council's housing stock, through repairs and maintenance as well as contract management.

- 5.2 Table 3 provides a summary of the actual spend on the Housing Revenue Account compared to the estimated outturn.

**Table 3 – 2018/19 HRA Outturn**

	<b>2018/19 Estimated Outturn £'000</b>	<b>2018/19 Actual £'000</b>	<b>2018/19 Variance £'000</b>
<b>Expenditure:</b>			
Repairs and Maintenance	2,710	2,545	(165)
Supervision and Management	3,066	3,244	178
Rents, Rates, Taxes and Other Charges	182	176	(6)
Share of Corporate Costs	433	426	(7)
Depreciation and Impairment	2,905	2,896	(9)
Movement in the Allowance for Bad Debts	60	163	103
<b>TOTAL EXPENDITURE</b>	<b>9,356</b>	<b>9,450</b>	<b>94</b>
<b>Income:</b>			
Dwelling Income	(11,710)	(11,805)	(95)
Non-Dwelling Income	(358)	(346)	12
Charges for Services and Facilities	(862)	(817)	45
Contribution towards Expenditure	(72)	(81)	(9)
<b>TOTAL INCOME</b>	<b>(13,002)</b>	<b>(13,049)</b>	<b>(47)</b>
<b>Net Cost of HRA Services</b>	<b>(3,646)</b>	<b>(3,599)</b>	<b>47</b>
Interest and Debt Management	1,928	1,928	0
Interest & Investment Income	(49)	(101)	(52)
Other Operating and Financing Charges	2,182	2,910	728
<b>Net Cost of HRA Services inc Operating Charges</b>	<b>415</b>	<b>1,138</b>	<b>723</b>
Appropriations	(400)	(1,000)	(600)
<b>Deficit / (Surplus) for HRA Services</b>	<b>15</b>	<b>138</b>	<b>123</b>

- 5.3 Table 4 outlines the key variances for net cost of HRA services including operating charges:

**Table 4 – HRA VARIANCES**

<b>Budget</b>	<b>(Under)/Over Spend £'000</b>	<b>Explanation</b>
Repairs & Maintenance	(165)	Expected repairs costs associated with terminating current contract, less than forecast.
Policy & Management	196	Costs associated with the procurement and mobilization of the new Repairs and Maintenance Contract with Axis.
Rent collection & Recovery	11	Increase in court fees due to tackling rent arrears.
Right to Buy	3	Increase in professional costs required for the right to buy applications.
Tenant participation	(4)	Decreased spend on Tenant Participation activities.
Utilities	72	Increase in utilities for void properties as well as the cost of supply increasing.
Caretaking	(34)	Vacancy savings.
Grounds Maintenance	(37)	Recharge less based on ongoing review of Grounds Maintenance
Waste Collection	8	Increase costs on waste disposal, due to clearing communal areas, for health and safety policies.
Sheltered Accommodation	(37)	Vacancy savings
Rents, Rates, Taxes & other Charges	(6)	Small underspends.
Corporate Costs	(7)	Corporate recharges slightly less than forecast.
Depreciation	(9)	Small saving. Less contributed to the Major Repairs Reserve, which funds the decent home capital program.
Bad Debt	103	As the Rent arrears increase, the bad debt provision against these debts increase.
Dwelling Income	(95)	Increase as more properties are bought/developed and charged at Affordable Rents.

Non-Dwelling Income	12	Long-term periods on void garages.
Charges for Services & facilities & Contribution	36	Less income on leaseholder service charges and impact of void properties.
Interest & Investment Income	(52)	Charge from General Fund, from internally borrowing HRA cash resources. Transfer of shops
Pension Fund Deficit	11	Increase on pension deficit.
Revenue Contribution to Capital	717	Contribution to fund the increased overspend on the Affordable housing capital program.
Appropriations	(600)	Increase on the use of reserve to fund costs associated with the new Repairs and Maintenance Contract.
Total	123	

## 6. HRA Working Balance

- 6.1 The impact of the provisional outturn means that the estimated working balance as at 31 March 2019 is around £1.902 million.
- 6.2 The HRA working balance must continue to be managed so that it provides the flexibility to manage unexpected demands and pressures without destabilising the Council's overall financial position. The level of the working balance should provide a reasonable allowance for unquantifiable risks or one-off exceptional items of expenditure that are not covered within existing budgets. The working balance can also be used to act as a source of pump priming investment and/or to deliver "invest to save" projects.
- 6.3 General guidance and practice amongst other authorities varies. Options include a percentage of total income, and a set value per Council Dwelling. However, individual risk assessments undertaken at a local level are considered best practice.

## 7. HRA Earmarked Reserves

- 7.1 In addition to the Working Balance, the HRA has 2 earmarked reserves. The Repairs & Maintenance Reserve has been fully utilised in 2018/19. The total value of HRA Reserve is around £2.4 million. A schedule of the Earmarked Reserves is attached as Appendix B to this report.

## 8. Capital Programme – Provisional Outturn 2018/19

8.1 The projected forecast spends on the Capital Programme for 2018/19 is £5.939 million, compared to the budgeted capital programme of £13.664 million.

8.2 Table 5 shows details of the actual spend compared to the estimated outturn (as reported to Council in March 2018) and the current budget for the capital programme.

**Table 5 – 2018/19 Capital Outturn**

	<b>2018/19 Current Budget</b>	<b>2018/19 Provisional Outturn</b>	<b>2018/19 Actual</b>	<b>2018/19 Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Details of Expenditure:</b>				
Environment & Housing Management	7,370	5,911	5,593	(1,777)
Community & Health	734	363	420	(314)
Economic Development	1,939	1,839	1,849	(90)
Transformation	39,127	20,624	21,609	(17,518)
<b>TOTAL EXPENDITURE FOR VISION FOR BRENTWOOD</b>	<b>49,170</b>	<b>28,737</b>	<b>29,471</b>	<b>(19,699)</b>
<b>Funded by:</b>				
Capital Receipts	2,965	3,593	3,492	527
Retained HRA capital Receipts	850	850	1,157	307
Government Grants	250	250	224	(26)
Major Repairs Reserve	3,140	2,115	997	(2,143)
Contributions from Revenue	1,982	1,982	2,699	717
Section 106	238	238	255	17
Borrowing	39,745	19,709	20,647	(19,098)
<b>TOTAL FUNDING</b>	<b>49,170</b>	<b>28,737</b>	<b>29,471</b>	<b>(19,699)</b>

8.3 The Capital Programme for 2018/19 has been fully funded through a mixture of financing.

8.4 £13.5million of Borrowing costs are associated with the loans provided to Seven Arches investment Ltd (SAIL)

8.5 Table 6 outlines the variance for each individual capital scheme and an analysis to whether it should be carried forward into 2019/20.

**Table 6 – 2018/19 Capital Scheme Variances**

<b>Capital Scheme</b>	<b>2018/19 Actual</b>	<b>2018/19 Variance</b>	<b>Explanation of variance</b>
	<b>£'000</b>	<b>£'000</b>	
Town Hall Remodelling	7,744	(1,021)	Ongoing Project, due for completion in 19.20
Asset Development Program	194	3	Slight overspend
Multi Storey Car Park	1,710	(90)	Project completing in early 19.20
ICT Strategy	171	0	Fully Utilised
Play Area Refurbishments (incl S106 monies)	294	(113)	Slippage requested for works required outside the 19/20 Play Area Strategy to ensure all play areas are kept safe.
Parks Infrastructure Improvements	89	(35)	Delay to the completion of the ramp and rail at KGPF, slippage requested due to project slipping into 19/20.
Irrigation to Golf Course	23	(7)	Project delayed due to wet weather in 18/19, slippage requested to complete project.
Open Space Incursions	60	0	Fully utilised.
Cemetery Infrastructure Improvements	212	21	Spend includes the new memorial wall.
Cemetery Headstones	19	(16)	
Home Repair Assistance Grant	1	(29)	Requests for grants have declined. Future budgets have been reflected for this decline, therefore slippage not required.
Brentwood Business Partnership	39	0	Capital grant given to the partnership.
Disabled Facilities Grant	223	(27)	
Equipment Purchase S106	0	(41)	Section 106 funds still to be spent.
CCTV System Upgrade	16	11	Higher specification of equipment purchased.
Vehicle & Plant Replacement Programme	226	(565)	Spend delayed pending service review to begin in 19.20. Slippage requested to purchased new vehicles, if the proposed service review of waste is agreed.
Highways Match Funding to ECC	100	0	Fully Utilised
Warley Sports Pavilion	0	(169)	Project no longer going ahead.



Loan to Wholly Owned Company	13,500	(16,500)	Loans to SAIL, reprofiled in budget based on SAIL's business plan
<b>TOTAL GENERAL FUND</b>	<b>24,617</b>	<b>(18,583)</b>	
HRA Decent Homes	991	(2,149)	Planned works on hold, to be utilised on compliancy
New Homes Build	3,862	1,030	Future budgets to be reprofiled to reflect increased spend in 2018/19
<b>TOTAL HRA</b>	<b>4,853</b>	<b>(1,119)</b>	
<b>TOTAL</b>	<b>29,471</b>	<b>(19,699)</b>	

- 8.6 Due to the under spends on some of the variances above, budget holders have requested various schemes to be carried forward into 2019/20. Senior officers have reviewed these requests along with the above variances and have made decisions on which schemes should be carried forward.
- 8.7 Table 7 shows a complete summary of the capital schemes that have been started and are not yet complete and are therefore requested to be carried forward to 2019/20.

**Table 7 – 2018/19 Capital Scheme Carry Forwards into 2019/20**

Scheme	Amount to carry forward £'000
Town Hall Remodeling	1,021
MSCP Refurbishment	90
Parks Infrastructure	35
Play Area Refurbishment	113
Irrigation to Golf Course	7
Vehicle Replacement Programme	565
HRA Decent Home and Compliancy Works	2,149
<b>TOTAL AMOUNT TO CARRY FORWARD</b>	<b>4,080</b>

- 8.8 The amount carried forward in Table 7 must be funded, through capital receipts, capital grants, revenue contributions or borrowing. As at 31<sup>st</sup> March 2019, the provisional capital receipts balance was £3.167million. Of which all is ring fenced for 1-4-1 Dwelling Replacement (Garage Site Development). Therefore, all future and current capital spend within the General Fund is to be funded from borrowing. Table 7a proposes how the Capital Program will be funded including the proposed carry forwards from Table 7.

**Table 7a – 2019/20 Capital Program Funding including Carry Forwards**

	<b>Amount £'000</b>
General Fund Total Program 2019/20	25,995
HRA Decent Homes Program 2019/20	3,601
HRA Garage Site Development Program 2019/20	6,882
<b>Current Approved Capital Program 2019/20</b>	<b>36,478</b>
GF Proposed Carry Forwards	1,832
HRA Decent Home Proposed Carry Forwards	2,149
<b>Total Proposed Capital Program incl Carry Forwards</b>	<b>40,459</b>
<b>Funded By</b>	
General Fund Capital Receipts	(200)
Retained Capital Receipts	(2,064)
Government Grants	(250)
Other Grants	(450)
HRA Major Repairs Reserve	(5,751)
HRA Revenue Contribution	(4,000)
General Fund Borrowing	(26,927)
HRA Borrowing	(817)
<b>TOTAL Funding</b>	<b>(40,459)</b>

8.9 The General Fund carry forwards are to be funded by borrowing. The increase in borrowing will increase the interest and minimum revenue provision on the General Fund revenue working balance.

8.10 The increase in the HRA Decent Home and Compliancy works will be funded from the HRA Major Repairs Reserve. This has a balance at 31<sup>st</sup> March 2019 of £4.325 million with an in year expected contribution of £3.035 million in 19/20.

## **9. Annual Treasury Management Review 2018/19**

### **Introduction and Background**

9.1 This report describes the treasury activity for 2018/19 compared to the treasury management strategy for the year.

## **10. The Council's Capital Expenditure and Financing 2018/19**

10.1 The actual capital expenditure is one of the prudential indicators that the Council is required to report. Capital expenditure during 2018/19 was £29.471m and is shown in more detail on Table 5. The table also shows how this was financed.

## **11. The Council's Overall Borrowing Need**

11.1 The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR).

11.2 In order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2017/18) plus the estimates of any additional capital financing requirement for the current (2018/19) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2018/19. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

	<b>31-Mar-18 Actual £'000</b>	<b>31-Mar-19 Actual £'000</b>
CFR – General Fund	11,097	18,445
CFR – HRA	61,544	61,544
CFR - Commercial Activity	0	13,500
<b>Total CFR</b>	<b>72,641</b>	<b>93,489</b>
Gross borrowing position	61,166	73,166
<b>Under funding of CFR</b>	<b>11,475</b>	<b>20,323</b>

## 12. The Council's Treasury Position at the Year End

12.1 The treasury position as at 31 March 2019 compared with the previous year is shown in Table 9:

**Table 9: Year End Treasury Position**

	31-Mar-18		31-Mar-19	
	Principal	Average Interest Rate	Principal	Average Interest Rate
	£000	%	£000	%
General Fund	2,000		2,000	
HRA	59,166		59,166	
Commercial Activity	0		12,000	
<b>Total External Debt</b>	<b>61,166</b>	<b>3.42%</b>	<b>73,166</b>	<b>3.02%</b>
Total Capital Financing Requirement	72,641		93,489	
<b>Under Borrowing</b>	<b>(11,475)</b>		<b>(20,323)</b>	
<b>Investments</b>				
Short-term deposits with banks & building societies	14,000	0.55%	2,000	0.80%
<b>Total Investments</b>	<b>14,000</b>		<b>2,000</b>	
<b>Net Borrowing Position</b>	<b>47,166</b>		<b>71,166</b>	

12.2 The Commercial Activity borrowing represents three loans taken out with other local authorities to enable the Council to provide capital finance to Seven Arches Investments Ltd.

12.3 Investments have reduced from £14m to £2m over the year. This was a planned reduction as the Council has utilised internal resources to fund the Town Hall remodelling.

### 13. Prudential and Treasury Indicators

13.1 The Council is required by the Prudential Code to report the following prudential and treasury indicators after the year end. These indicators provide either an overview or a limit on treasury activity.

#### Prudential Indicators

13.2 **The Authorised Limit** – this is the “affordable borrowing limit” required by Section 3 of the Local Government Act 2003. This represents a limit beyond which external debt is prohibited. The limit is set or revised by the Full Council. During 2018/19 the Council has maintained gross borrowing within this limit.

- 13.3 **The Operational Boundary** – this is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.
- 13.4 **Actual financing costs as a proportion of net revenue stream** – this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

**Table 13: Other Prudential Indicators**

	<b>2017/18 £000</b>	<b>2018/19 £000</b>
Authorised limit for external debt	86,533	117,526
Operational boundary for external debt	80,566	114,526
Financing costs as a proportion of net revenue stream:		
General Fund	1.40%	1.50%
Commercial Activity	0.00%	0.20%
HRA	14.10%	14.20%

**Treasury Indicators**

- 13.5 **Maturity Structure of the fixed rate borrowing portfolio** - this indicator assists the Council in avoiding large concentrations of fixed rate debt that has the same maturity structure and would therefore need to be replaced at the same time.

	<b>31 March 2019 £000</b>	<b>Proportion of total borrowing</b>	<b>Estimated upper limit</b>
Less than 1 year	12,000	16%	10%
1 to 2 years	0	0%	10%
2 to 5 years	5,000	7%	20%
5 to 10 years	10,400	14%	20%
Over 10 years	45,766	63%	100%

- 13.6 The proportion of debit due to mature in less than one year is higher than the estimate. This is attributable to the short-term loans taken out to finance the commercial activity. For 2019/20 the upper limits have been revised in the light of the 2017/18 actuals.

- 13.7 **Exposure to Fixed and Variable Rates** - the Council is not exposed to changes in variable interest rates as all its borrowings are at fixed interest rates.
- 13.8 In summary, the Council has complied with all of the above relevant statutory and regulatory requirements which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means that its capital expenditure is prudent, affordable and sustainable, and its treasury practices demonstrate a low risk approach.

#### **14. References to Corporate Plan**

- 14.1 Good financial management underpins all priorities within the Corporate Plan.

#### **15. Implications**

##### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel & Email 01277 312829 /jacquelinevanmellaerts@brentwood.gov.uk**

- 15.1 The financial implications are set out in the report.

##### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer.**  
**Tel & Email 01277 312705/ paula.harvey@brentwood.gov.uk**

- 15.2 The recommendations set out within this report are lawful and within the Council's powers and duties. There is an existing legal framework for the Council to make proper arrangements for the management of its financial affairs, including the production of an Annual Treasury Management review of activities.

#### **16. Background Papers**

- 16.1 2 March 2019 Full Council – Medium Term Financial Plan 2019/20 – 2021/22

#### **17. Appendices to this report**

Appendix A – Financial Position Statement  
Appendix B – Earmarked Reserves  
Appendix C – Detailed Subjective Variance Analysis 2018/19

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## Table 1 – Financial Position Statement

Table 1A – Summary of funding position reported 2 March 2016.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	£'000	£'000	£'000	£'000	£'000	£'000
Funding Gap	1,291	2,323	3,391	-	-	-
Working Balance c/fwd	2,370	(303)	(3,694)	-	-	-

Table 1B – Summary of funding position reported 1 March 2017.

	2016/17 Estimated Outturn £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Funding Gap	285	283	1,537	2,044	-	-
Working Balance c/fwd	3,380	2,629	1,021	(1,023)	-	-

Table 1C – Summary of funding position reported 6 March 2018.

	2016/17 Outturn £'000	2017/18 Estimated Outturn £'000	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Funding Gap	0	274	0	385	298	-
Working Balance c/fwd	3,742	3,118	3,118	2,733	2,435	-

Table 1D – Provisional outturn summary of funding position.

	2016/17 £'000	2017/18 Outturn £'000	2018/19 Provisional Outturn £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Funding Gap	0	437	188	185	326	400
Working Balance c/fwd	3,742	3,305	3,117	2,932	2,606	2,206

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## Appendix B

### Earmarked Reserves

Reserve	Reserve Type	Balance as at April 2018	Amounts in/(out) 2018/19	Amounts in/(out) 2019/20	Amounts in/(out) 2020/21	Amounts in/(out) 2021/22	Balance as at March 2022
<b>General Fund Balance B/F</b>			<b>5,591</b>	<b>4,820</b>	<b>3,820</b>	<b>3,517</b>	
Funding Volatility Reserve	Funding	946	759	(336)	0	0	1,369
Housing Benefit Subsidy Reserve	Funding	150					150
Pension Reserve	Funding	177	(177)				0
European Union Exit Reserve	Funding		117				117
Asset Management Reserve	Service	165					165
Brentwood Community Fund Reserve	Service	9					9
Civic Dinner Reserve	Service	2	(2)				0
Community Alarms Reserve	Service	191	(53)	(10)	(10)	(10)	108
Economic Development Reserve	Service	40	(40)				0
Electoral Registration Reserve	Service	43					43
ICT Investment Reserve	Service	100	0	(50)			50
Public Consultation Reserve	Service	5	(5)				0
Brentwood Community Hospital Reserve	Specific	45					45
Community Rights Grants Reserve	Specific	38					38
Duchess Of Kent/Nightingale Reserve	Specific	319	(13)	(12)	(12)	(12)	270
Dunton Hills Development Reserve	Specific	421	(301)	(221)			0
Health and Wellbeing Reserve	Specific	34	21	(12)			43
Land at Hanover House Reserve	Specific	16					16
Leisure Strategy Reserve	Specific	100	(85)				15
Neighbourhood Plan Reserve	Specific	26					26
Planning Delivery Grant Reserve	Specific	255	(200)				0
Preventing Homelessness Reserve	Specific	174	(21)	(93)	(50)	(10)	0
S106 Monies Reserve	Specific	7	0				7
Waste Management Reserve	Specific	636	(52)	(50)	(50)	(50)	434
Play Area Grant Reserve	Specific	0	12				12
Building Control Reserve	Trading	14	(14)				(0)
Organisational Transformation Reserve	Transformation	1,679	(717)	(216)	(181)	(180)	385
<b>Total General Fund Reserves</b>		<b>5,591</b>	<b>4,820</b>	<b>3,820</b>	<b>3,517</b>	<b>3,255</b>	<b>3,301</b>
<b>HRA Balance B/F</b>			<b>3,400</b>	<b>2,400</b>	<b>0</b>	<b>0</b>	<b>0</b>
Housing Development Fund Reserve	Service	3,000	(600)	(2,400)			0
Repairs & Maintenance Reserve	Service	400	(400)				0
<b>Total HRA Reserves</b>		<b>3,400</b>	<b>2,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Earmark Reserve Balance</b>		<b>8,991</b>	<b>7,220</b>	<b>3,820</b>	<b>3,517</b>	<b>3,255</b>	<b>3,301</b>

### Reserve Type

Funding	Earmarked specifically to mitigate financial risks to the Council.
Service	Monies that have been requested by the service from existing budgets to be used on specific plans or projects.
Specific	Monies the Council has received that have restricted conditions on how the money can be used.
Trading	A trading account should balance to zero over a period of three financial years, any surplus is taken into account when setting future years fees and charges.
Transformation	Monies specifically earmarked to fund the Councils transformational activity.

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## Appendix C

### Appendix C – Detailed Subjective Variances 2018/19

The table below, details further analysis to the 2018/19 General Fund Key Variances, within Table 2 of the main report. The variance column compares the Actual column to Estimated Outturn.

	<u>Current Budget</u>	<u>Estimated Outturn</u>	<u>Actual</u>	<u>Variance</u>
<b>Total Expenditure</b>	<b>32,448,590</b>	<b>33,704,615</b>	<b>33,529,583</b>	<b>(175,033)</b>
<b>Employee Related Expenditure</b>	<b>9,350,060</b>	<b>9,334,966</b>	<b>9,351,788</b>	<b>16,822</b>
Direct Salaries	9,003,890	8,416,477	8,490,197	73,720
Agency Staffing Costs	211,000	786,014	741,670	(44,344)
Indirect Employee Costs	135,170	132,475	119,921	(12,554)
<b>Premises Related Expenditure</b>	<b>1,824,940</b>	<b>1,549,592</b>	<b>1,521,081</b>	<b>(28,511)</b>
Repairs & Maintenance	275,000	288,090	262,288	(25,802)
Grounds Maintenance	173,260	172,670	183,910	11,240
Utilities	214,330	182,485	218,454	35,969
Rents	314,080	319,195	318,416	(779)
Rates	733,730	462,900	414,930	(47,970)
Cleaning & Domestic Supplies	12,300	12,652	11,196	(1,456)
Premises Insurance	102,240	111,600	111,832	232
Other Premises Costs	0	0	55	55
<b>Transport Related Expenditure</b>	<b>842,270</b>	<b>938,151</b>	<b>985,048</b>	<b>46,897</b>
Direct Vehicle Costs	617,650	724,350	765,906	41,556
Contract Hire & Operating Leases	39,810	39,740	44,479	4,739
Transport Insurance	127,350	127,850	128,674	824
Car/Travel Allowances	36,830	31,201	32,966	1,765
Plant & Machinery	20,630	15,010	13,023	(1,987)
<b>Supplies &amp; Services</b>	<b>1,596,240</b>	<b>1,617,135</b>	<b>1,474,209</b>	<b>(142,926)</b>
Equipment Furniture & Materials	515,420	544,935	488,213	(56,722)
Catering	6,700	5,467	6,395	928
Clothing	29,650	28,800	28,098	(702)
Printing & Stationery	96,010	94,150	74,583	(19,567)
Member Expenses & Allowances	289,310	288,710	296,356	7,646
Insurance	285,820	232,223	231,717	(506)
Grants & subscriptions	289,410	412,430	414,603	2,173
Other Supplies & Services	83,920	10,420	(65,756)	(76,176)
<b>Fees &amp; services</b>	<b>1,473,530</b>	<b>1,875,911</b>	<b>1,975,283</b>	<b>99,372</b>
Legal Fees	248,500	306,310	346,743	40,433
Bailiff Fees	0	250	247	(3)
Court Fees	2,000	500	847	347
Audit Fee	101,210	113,090	93,610	(19,480)
CRB Checks	9,140	7,100	7,612	512
DVLA Checks	1,900	1,900	1,910	10
Search Fees	31,550	30,550	18,974	(11,576)
Planning Fees	15,000	40,000	23,363	(16,637)
Other Professional Fees	58,130	224,380	372,534	148,154
Consultancy Fees	39,110	155,330	146,097	(9,233)
Kennel & Vet Fees	10,500	10,000	10,317	317
Banking & Treasury Charges	110,000	88,000	113,758	25,758
Advertising & Marketing	41,530	18,090	17,525	(565)
Cash Collection	4,910	4,900	5,266	366

	<b>Current Budget</b>	<b>Estimated Outturn</b>	<b>Actual</b>	<b>Variance</b>
Waste Disposal	466,100	410,200	435,371	25,171
Grave Shoring	2,000	1,000	0	(1,000)
Analytical Services	30,450	19,500	18,526	(974)
Standard investigations	1,000	1,500	1,500	0
Small Debt Collection	0	0	0	0
Medical Reports	3,000	2,766	2,644	(122)
Tracing Agency	0	0	0	0
Fraud Expenses	750	750	0	(750)
B & B Charges	150,000	73,000	79,306	6,306
Removal Costs	7,000	7,000	4,677	(2,323)
Enforcement	2,000	2,000	(3)	(2,003)
Concierge Services	18,000	27,000	23,436	(3,564)
Recycling Credit Charges	7,500	7,500	8,471	971
Public Funeral Expenses	6,000	3,500	3,420	(80)
Others Fees & Services	106,250	319,795	239,133	(80,662)
<b>Communication &amp; Computing</b>	<b>750,050</b>	<b>809,053</b>	<b>838,273</b>	<b>29,221</b>
Postages	101,470	60,820	75,360	14,540
Telephones	129,180	129,300	106,172	(23,128)
Computer Consumables	7,000	4,000	2,925	(1,075)
Computer & Software Purchases	8,000	67,500	6,495	(61,005)
Computer Software Licences	92,880	127,372	109,534	(17,838)
Computer Maintenance	108,470	87,590	63,080	(24,510)
Network Maintenance	25,340	37,000	68,564	31,564
Managed Services	195,310	193,960	284,104	90,144
Internet Services	36,000	37,133	54,286	17,154
Software Support and Maintenance	46,400	64,378	67,753	3,375
<b>Third Party Payments</b>	<b>2,286,540</b>	<b>3,484,228</b>	<b>3,311,963</b>	<b>(172,265)</b>
Contracted Services	1,942,590	2,254,538	2,242,904	(11,634)
Project Management Support	339,950	1,225,690	1,054,750	(170,940)
Subcontractors	4,000	4,000	14,309	10,309
<b>Transfer Payments</b>	<b>14,166,750</b>	<b>13,872,080</b>	<b>13,764,946</b>	<b>(107,134)</b>
Benefits	12,166,770	12,166,770	11,883,162	(283,608)
Precept Payments	516,650	516,650	516,646	(4)
Election Advances	60,000	61,500	66,704	5,204
Pension Fund Payments	1,619,950	1,263,000	1,298,434	35,434
Contingency/Savings	(196,620)	(135,840)	0	135,840
<b>Capital Financing Costs</b>	<b>158,210</b>	<b>223,500</b>	<b>306,992</b>	<b>83,492</b>
Interest - PWLB	161,500	185,620	161,500	(24,120)
Interest - Temporary Borrowing	0	15,000	32,513	17,513
Interest - Transferred Debt	19,580	19,580	28,085	8,505
Interest - Other Payables	3,300	3,300	8,125	4,825
Interest - HRA Item 8	(72,680)	0	76,769	76,769
Minimum Revenue Provision	46,510	0	0	0

<b>Income Variances</b>				
	<b>Current Budget</b>	<b>Estimated Outturn</b>	<b>Actual</b>	<b>Variance</b>
<b>Total Income</b>	<b>(32,448,590)</b>	<b>(33,704,781)</b>	<b>(33,342,879)</b>	<b>361,903</b>
<b>Government Grants</b>	<b>(12,718,510)</b>	<b>(14,168,685)</b>	<b>(14,221,086)</b>	<b>(52,401)</b>
New Homes Bonus	(410,000)	(410,000)	(409,971)	29
NNDR Cost of Collection	(106,000)	(105,000)	(105,452)	(452)
Discretionary Housing Payments	(109,090)	(85,180)	(85,183)	(3)
NNDR Pool Receipt	0	(342,510)	(360,411)	(17,901)
Small Business Retail Relief		(907,350)	(907,350)	0
Business Rate Inflation	0	(30,010)	(30,012)	(2)
Retail Relief	0	3,280	3,276	(4)
Discretionary BRR Scheme	0	(27,580)	(27,582)	(2)
LCTS Admin Subsidy	(63,840)	(59,600)	(59,600)	0
Benefit Subsidy	(11,823,660)	(11,823,660)	(11,719,551)	104,109
Benefit Admin Grant	(152,760)	(138,800)	(138,800)	0
Other MHCLG Grants	0	(142,719)	(244,896)	(102,177)
Other DWP Grants	(47,860)	(87,650)	(107,551)	(19,901)
Government Grant - Other	(5,300)	(11,906)	(28,003)	(16,097)
<b>Other Grants &amp; Reimbursements</b>	<b>(1,761,310)</b>	<b>(2,382,263)</b>	<b>(2,892,939)</b>	<b>(510,676)</b>
Other Grants & Reimbursements	(1,761,310)	(2,382,263)	(2,892,939)	(510,676)
<b>Sales Income</b>	<b>(127,750)</b>	<b>(116,820)</b>	<b>(112,637)</b>	<b>4,183</b>
General Sales	(3,130)	(500)	(12,130)	(11,630)
Vending Sales	(3,000)	(2,000)	(2,032)	(32)
Photocopying Sales	(4,020)	(5,720)	(8,048)	(2,328)
Recycling Contract	(27,000)	(15,000)	(3,615)	11,385
Sale of Sacks	(77,300)	(78,300)	(70,348)	7,952
Sale of Textiles	(1,000)	(3,000)	(3,038)	(38)
Sale of Tickets	(12,300)	(12,300)	(13,427)	(1,127)
<b>Fees &amp; Charges</b>	<b>(5,164,470)</b>	<b>(4,537,758)</b>	<b>(4,610,637)</b>	<b>(72,879)</b>
General Fees & Charges	(434,080)	(351,918)	(382,958)	(31,040)
Land Searches	(149,750)	(113,000)	(117,926)	(4,926)
Planning Applications	(544,000)	(558,000)	(568,670)	(10,670)
Pre App Advice	(65,000)	(60,000)	(57,483)	2,517
Building Reg Inspection	(115,500)	(97,000)	(94,691)	2,309
Building Reg Applications	(231,000)	(227,000)	(235,723)	(8,723)
Special Collections	(41,510)	(41,510)	(43,444)	(1,934)
Waste Collection	(614,460)	(625,810)	(544,885)	80,925
Hire Charges	(380,000)	(386,160)	(433,328)	(47,168)
Service Charges	(33,930)	(36,500)	(36,500)	(0)
Licences General	(101,910)	(106,560)	(106,993)	(433)
Taxi Licencing	(169,070)	(153,800)	(146,144)	7,656
Season Tickets	(440,000)	(362,000)	(381,627)	(19,627)
Penalty Charge notice	(25,000)	(25,000)	(70,856)	(45,856)
Car Parking	(1,552,660)	(1,200,000)	(1,204,834)	(4,834)
Bowling Greens	(19,320)	(17,000)	(18,129)	(1,129)
Sports Pitches	(40,940)	(31,500)	(30,718)	782
Community Alarms	(206,340)	(145,000)	(135,728)	9,272
<b>Rents Land &amp; Buildings</b>	<b>(1,219,210)</b>	<b>(1,134,162)</b>	<b>(1,096,483)</b>	<b>37,679</b>
Rents - Council Dwellings	(83,210)	(82,520)	(82,036)	484

	<b>Current Budget</b>	<b>Estimated Outturn</b>	<b>Actual</b>	<b>Variance</b>
Rents - Shops	(191,000)	(222,700)	(235,089)	(12,389)
Rents - Other Premises	(525,640)	(395,672)	(366,088)	29,584
Rents - Leases of Land	(208,300)	(167,700)	(146,282)	21,418
Rents - Access Licence	(5,000)	(5,000)	(4,009)	991
Rents - Other	(206,060)	(260,570)	(262,978)	(2,408)
<b>Miscellaneous Receipts</b>	<b>(575,470)</b>	<b>(377,720)</b>	<b>(136,420)</b>	<b>241,300</b>
Miscellaneous Income	(295,470)	(287,720)	(9,678)	278,042
Over/Under Banking	0	0	(1,347)	(1,347)
Overpayment Recovery	(280,000)	(90,000)	(125,396)	(35,396)
<b>Interest</b>	<b>8,290</b>	<b>(110,380)</b>	<b>(338,190)</b>	<b>(227,810)</b>
General	0	0	(20,081)	(20,081)
Car Loans	0	(2,000)	(1,473)	527
Investment Income	(48,000)	(48,000)	(123,153)	(75,153)
Interest Loans	(7,000)	(123,670)	(193,483)	(69,813)
Interest - Item 8	63,290	63,290		(63,290)
<b>Recharges - Internal Income</b>	<b>(1,648,490)</b>	<b>(1,686,660)</b>	<b>(1,693,465)</b>	<b>(6,805)</b>
Recharges to HRA	(1,497,020)	(1,534,690)	(1,591,469)	(56,779)
Internal Transfer Income	(151,470)	(151,970)	(101,995)	49,975
<b>Income - Transfers/Appropriations</b>	<b>(711,010)</b>	<b>(1,763,843)</b>	<b>(771,570)</b>	<b>992,274</b>
Transfer from reserves	(711,010)	(1,763,843)	(771,570)	992,274
<b>Collection Fund Income</b>	<b>(8,530,660)</b>	<b>(7,426,490)</b>	<b>(7,469,451)</b>	<b>(42,961)</b>
Council Tax Income	(6,485,660)	(6,485,660)	(6,485,660)	0
Business Rates Retention	(2,220,000)	(1,115,830)	(1,158,832)	(43,002)
Council Tax Surplus/Deficit	175,000	175,000	175,041	41



**10 July 2019**

## **Policy, Resources & Economic Development Committee**

### **Economic Development Update**

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

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The Council will need to consider setting future economic priorities as part of replacing the current Economic Strategy 2017-2020 (March 2016). In order to do so it is important to consider a range of economic data to inform decisions about future aims.
- 1.2 Appendix A provides an overview of various economic data using the most up-to-date information.

#### **2. Recommendation**

- 2.1 To note the local economic data set out in Appendix A.**

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

- 3.1 The Council's current Economic Strategy was approved and published in 2016 (Item 399, Economic Development Committee, 10 March 2016). It is designed to look forward over a three-year period, between 2017-2020.
- 3.2 The strategy sets out four economic aims:
  - a) A1. Promote a mixed economic base and a discerning and sustainable approach to economic growth;
  - b) A2. Encourage high value, diverse, employment uses that will provide a significant number of skilled and high quality jobs;
  - c) A3. Encourage better utilisation, upgrading and redevelopment of existing land and buildings; and

- d) A4. Enable the growth of existing business, the creation of new enterprises and encourage inward investment.

3.3 The strategy sets out six priorities under those economic aims:

- a) P1. Support business development and growth;
- b) P2. Facilitate and deliver skills and employability support;
- c) P3. Facilitate and encourage business workspace, infrastructure and inward investment;
- d) P4. Facilitate and support stronger and more vibrant town & village centres;
- e) P5. Develop and support the Borough's rural economy; and
- f) P6. Promote Brentwood Borough as a place to visit and invest, encouraging the visitor economy.

3.4 Appendix A provides an overview of some of the key economic statistics using the most up-to-date information. This includes statistics on:

- a) Employment and business numbers;
- b) Retail proportions and vacancies in Brentwood Town Centre;
- c) Employment trends in sector employment;
- d) Commuting statistics;
- e) Quality of employment floorspace;
- f) Existing and proposed employment land (Brentwood Local Development Plan); and
- g) Rural business policy.

3.5 Consideration of this data, and the collection of other types of data, should inform the setting of priorities for the three year period ahead as part of work to prepare a new Economic Development Strategy (2020-2023).

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

4.1 The Council produces a number of strategies to deliver specific service area goals in line with the Corporate Plan. The current Economic Strategy 2017-2020 is now nearing the end of its life and at a time when the Corporate Plan is also to be revised, this is an ideal time to begin consideration of economic priorities for the future informed by current data and the Council's wider aspirations.

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

5.1 It is important to share economic data to inform Councillors about current situations and trends. An understanding of this data is needed to inform the revised Economic Development Strategy for the borough.

## **6. Consultation**

- 6.1 Once prepared, it would be good practice to consult with local businesses and residents on a revised Economic Development Strategy. Whilst not a statutory requirement, details of whether to consult and options for how to do so will be presented to Members at a future Policy, Resources and Economic Development Committee.

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

- 7.1 Economic Development is a key priority in the Council's 'Vision for Brentwood' Corporate Plan 2016-2019. Consideration of local economic data will help inform preparation of a new Economic Development Strategy for the Council to replace the current Economic Strategy 2017-2020 (June 2017).

## **8. Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources**

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

- 8.1 There are no financial implications as a result of this report. The Economic Development budget for this financial year has allocated funds for preparation of a new Economic Development Strategy.

### **Legal Implications**

**Name/Title: Paula Harvey, Corporate Governance Solicitor & Deputy Monitoring Officer**

**Tel/Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 8.2 There are no legal implications.

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

- 8.3 No other implications.

## **9. Background Papers**

- 9.1 Brentwood Economic Strategy 2017-2020, Brentwood Borough Council, June 2017

**10. Appendices to this report**

Appendix A: Brentwood Borough Economic Context (July 2019)

**Report Author Contact Details:**

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# Brentwood Borough Economic Context

July 2019

# Key Statistics

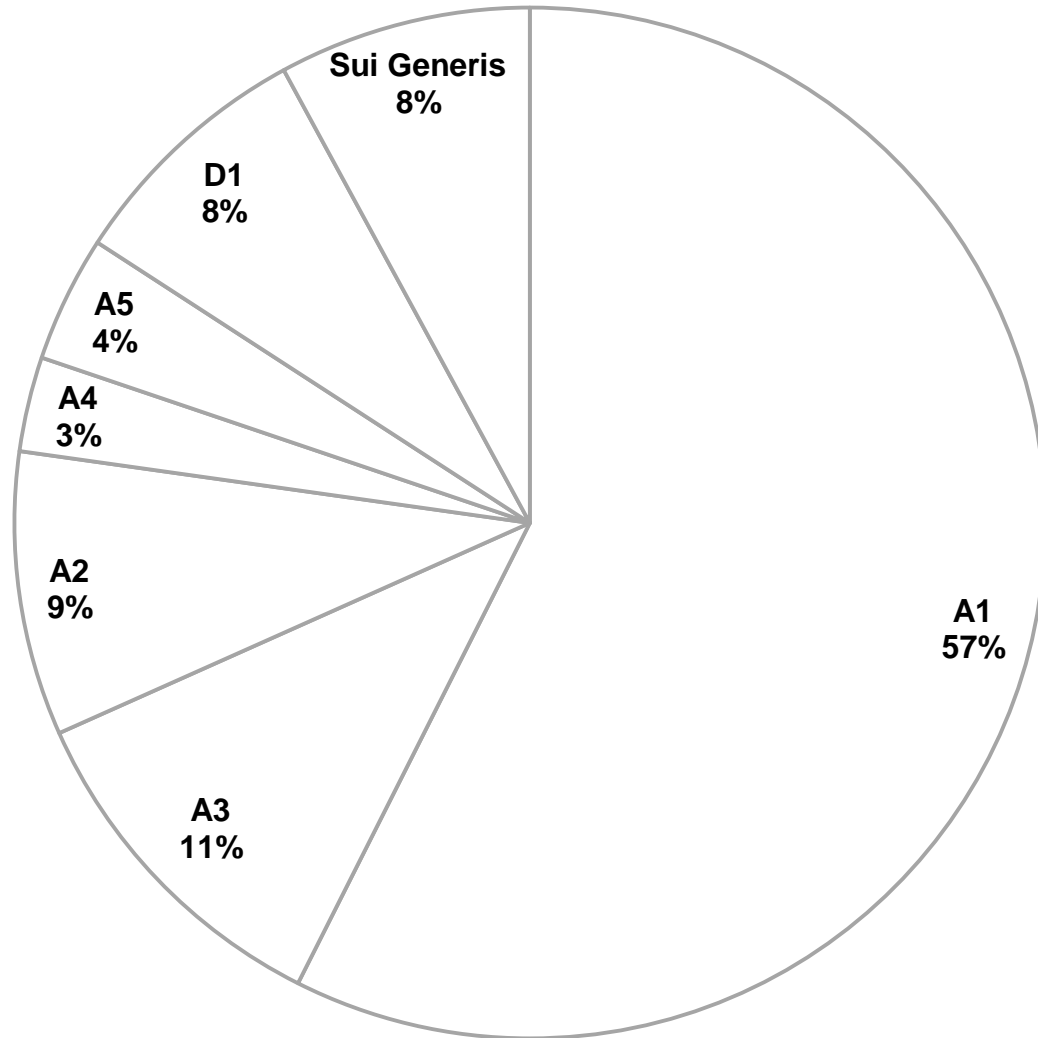
# Key Economic Development Statistics

Employment in the borough	43,200 (2016)
Major national firms	Ford, BT, McColl's, Sky, LV=, DST, Crest Nicholson, Intertek, Taylor Wimpey
Number of businesses	4,000 (2016)
Average rate of additional jobs to be added each year (until 2033)	250
Number of retail units in the Brentwood town centre	330

# Brentwood Town Centre Monitoring Report



# Use Classes of Retail Units in Brentwood Town Centre



## Use Class Guide

**A1** – Shops & hairdressers

**A2** – Financial & professional services

**A3** – Restaurants & cafés

**A4** – Drinking establishments

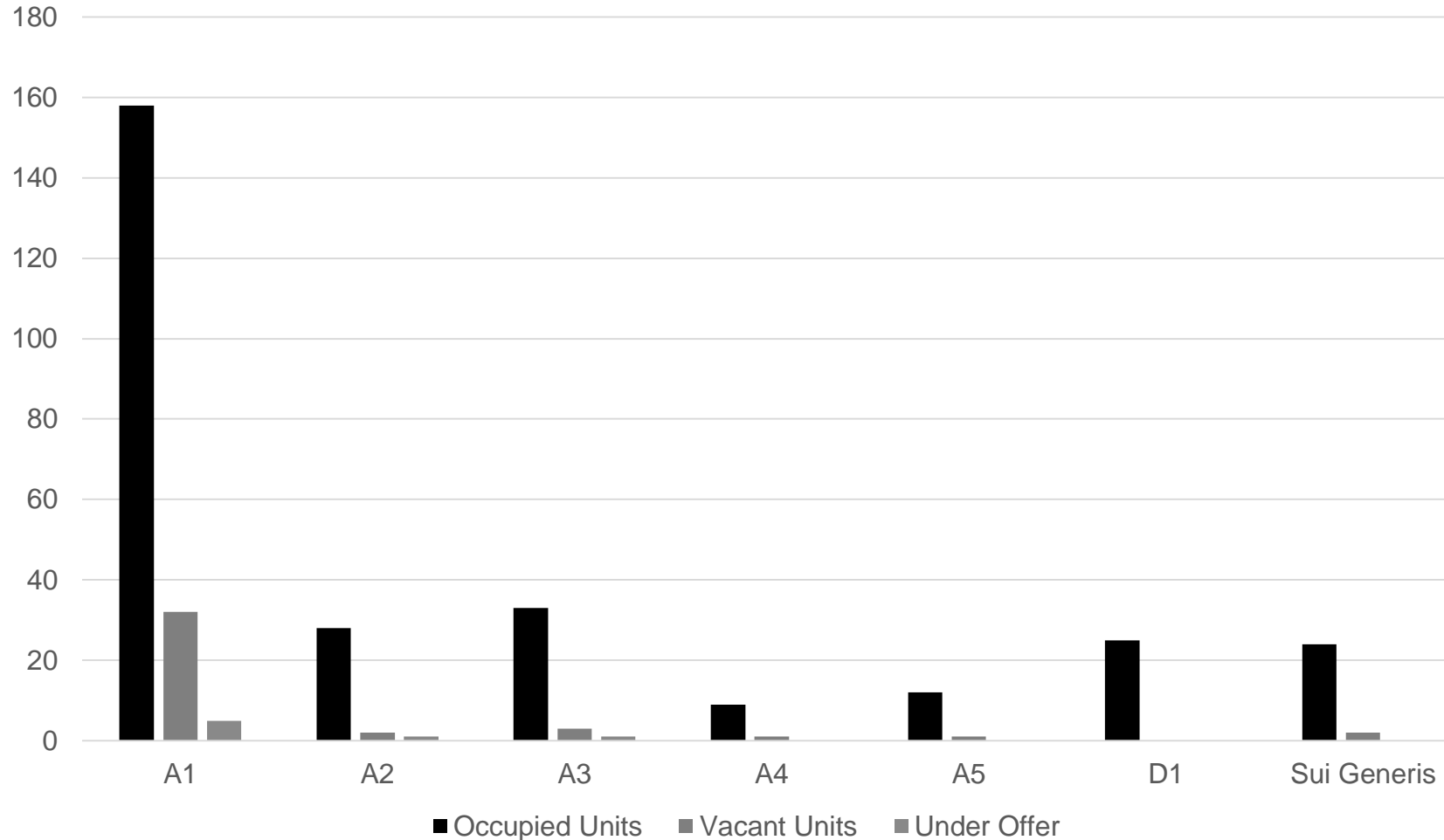
**A5** – Hot food takeaways

**D1** – Non-residential institutions

**Sui Generis** – Betting shops, tattooists, tanning salons, nightclubs

## Use Class of Retail Units in the Brentwood Town Centre Categorised by Occupied, Vacant and Under Offer

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### Use Class Guide

**A1** – Shops & hairdressers

**A2** – Financial & professional services

**A3** – Restaurants & cafés

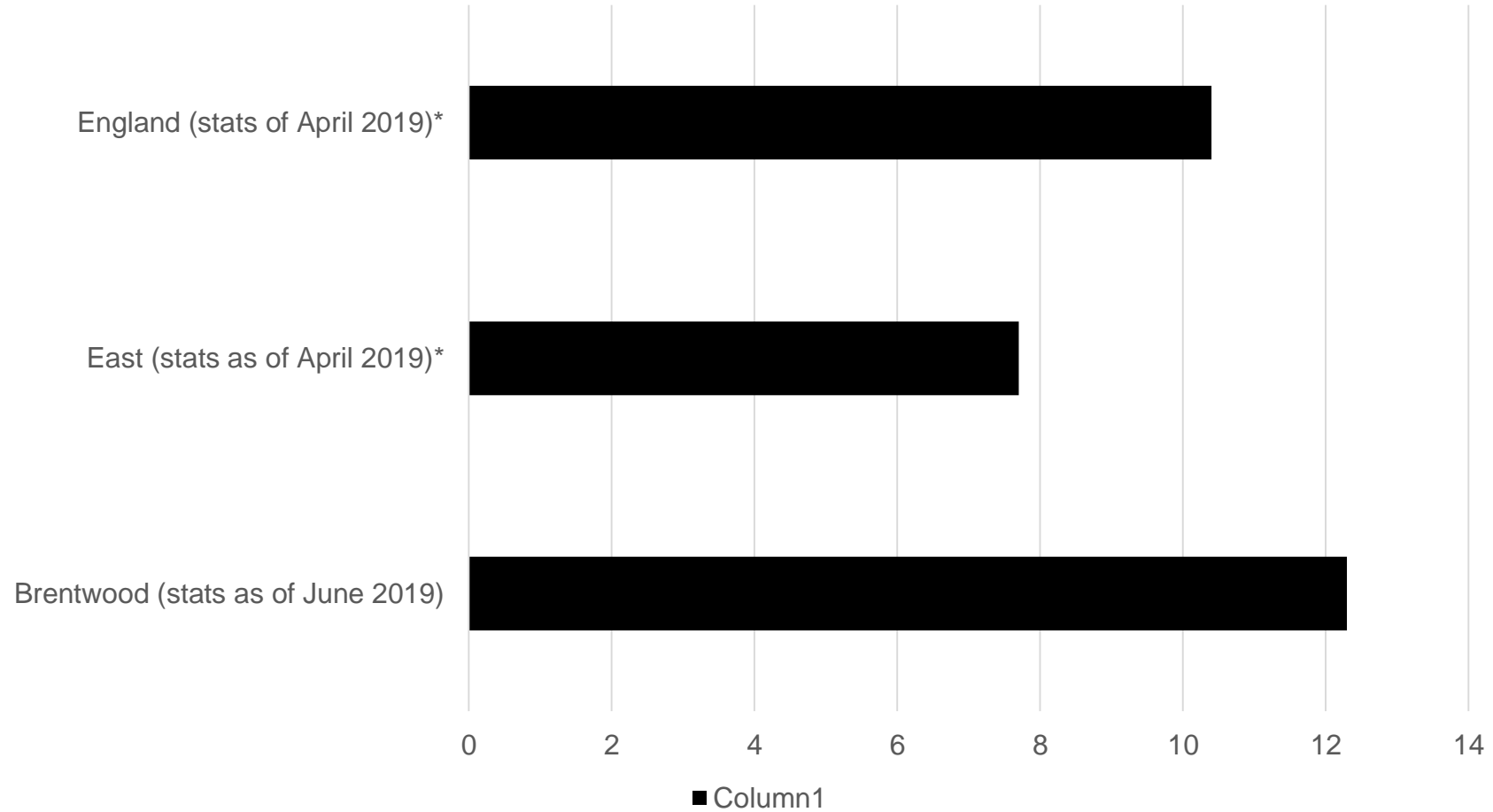
**A4** – Drinking establishments

**A5** – Hot food takeaways

**D1** – Non-residential institutions

**Sui Generis** – Betting shops, tattooists, tanning salons, nightclubs

# Percentage of Brentwood Vacant Units Compared to Regional and National Averages



\*Statistics provided by Springboard vacancy rate report - April 2019

# Employment Trends

# Recent Employment Trends

Figure 3.2 Proportional Change in Sector Employment (1997-2016)



**From 1997-2016 the sectors that doubled in size include:**

Specialised Construction Activities (228.6%)

Professional Services (204.5%)

Administrative & Support Services (178.9%)

Computing & Information Services (100%)

Telecoms (100%)

# Brentwood Commuting Patterns

Data from the 2011 Census includes statistics that show how many people commute to and from Brentwood to other local authorities<sup>7</sup>; the data shows the Borough is a net exporter of labour. In 2011, 20,060 commuted out of Brentwood, while 17,750 commuted in from the surrounding local authorities, as shown in the table below.

Variable	Brentwood
Number of Working Residents	36,620
Number of Workplace Workers	26,260
Live and Work in Brentwood	16,560
Out-Commuting Workers	20,060
Top-Out Commuting Destinations	Westminster/City of London, Havering Basildon, Chelmsford, Tower Hamlets
In-Commuting Workers	17,750
Top In-Commuting Destinations	Basildon, Havering, Chelmsford, Thurrock, Epping Forest
Net Outflow of Workers	2,310

# Employment Land Allocations

# Industrial Space: Key Findings from Brentwood Economic Futures 2013-2033 Final Report (2018)

Consultations indicated that the Borough has **good road and rail connections to the wider region**, which makes it attractive to office and industrial occupiers. However, **the availability of space is currently limited due to the Borough's small industrial stock and the recent trend of conversion of office premises to residential through permitted development rights (PDR)**.

**Brentwood's small stock of industrial space means that the Borough is not part of the wider industrial property market** present in the surrounding local authorities. However, this could change in the future if larger sites along strategic roads such as the A127 and A12 were to be delivered.

In terms of Borough's office market, **firms looking to move to Chelmsford from London are also likely to consider Brentwood**. Office occupiers look for good public transport and road connections, which the Borough has and will only improve with the full Crossrail service. There is little evidence of Crossrail increasing the quantum of office development in the Borough to date, although the reduction of space due to PDR is reported to be preventing office inquiries within the Borough being met.



# Stock of Employment Space

Valuation Office Agency (VOA) business floorspace statistics provide a summary of commercial floorspace stock in English local authorities<sup>9</sup>. Table 2.2 outlines how much office and industrial floorspace was located in Brentwood and the adjoining local authorities in 2015/16. Out of the local authorities, the largest office centre was Chelmsford followed by Basildon and Brentwood.

Local Authority	Office Floor Space 2015/16 (sq.m)	Industrial Floorspace 2015/2016 (sq.m)	% Change Office Floorspace (2000/01 – 2015/16)	% Change Industrial Floorspace (2000/01 – 2015/16)
Brentwood	145,000	205,000	-6%	-2%
Basildon	171,000	1,284,000	-16%	7%
Chelmsford	264,000	645,000	14%	-8%
Epping Forest	105,000	510,000	57%	22%
Havering	136,000	724,000	-8%	7%
Thurrock	79,000	1,321,000	49%	22%

# Existing Employment Land Allocations (Non-Green Belt)

The presumption for existing and proposed employment sites for general employment and office development shall be for existing uses to be retained and that proposals entailing loss of employment premises and sites without replacement will be resisted

Site Name	Hectares
Childerditch Industrial Estate	11.25
Hallsford Bridge Industrial Estate	3.41
Hubert Road Industrial Estate	3.78
Hutton Road Industrial Estate	10.48
Brook Street Employment Area	1.25
Warley Hill Business Park (excluding Regus)	2.5
Ford Offices	2.0
BT Offices	3.5
Sky Offices	0.45
West Horndon Industrial Estate	2.0

# Existing Employment Land Allocations (Green Belt)

The presumption for existing and proposed employment sites for general employment and office development shall be for existing uses to be retained and that proposals entailing loss of employment premises and sites without replacement will be resisted

Site Name	Hectares
The Old Pump Works, Great Warley Street	0.79
Upminster Trading Park	2.6
Peri Site, Warley Street, Great Warley	5.36
McColl's Headquarters, Ongar Road	1.6

# Existing Employment Sites Not Previously Allocated

The presumption for existing and proposed employment sites for general employment and office development shall be for existing uses to be retained and that proposals entailing loss of employment premises and sites without replacement will be resisted

Site Name	Hectares
Land at Codham Hall	9.01
Childerditch Industrial Estate	3.52

# New Employment Land Allocations

Overall a total of circa 45 hectares of new employment land is proposed to be allocated in the Local Plan. It should be noted that suggested employment allocations exceed requirements. At a high level, the amount of employment land allocations is broadly sufficient to ensure that the Council meets its overall forecast employment land needs (forecast new needs and losses from allocations and structural change). It is also recognised that the future restructuring of employment sites and businesses may change floorspace requirements.

Site Name	Hectares
Brentwood Enterprise Park (M25 Junction 29 works)	25.85
Land adjacent to Ingatestone by-pass (part bounded by Roman Road)	2.06
Childerditch Industrial Estate	5.87
Codham Hall (new extension)	0.61
Land at East Horndon Hall	5.5
Dunton Hills Garden Village Strategic Allocation	5.5

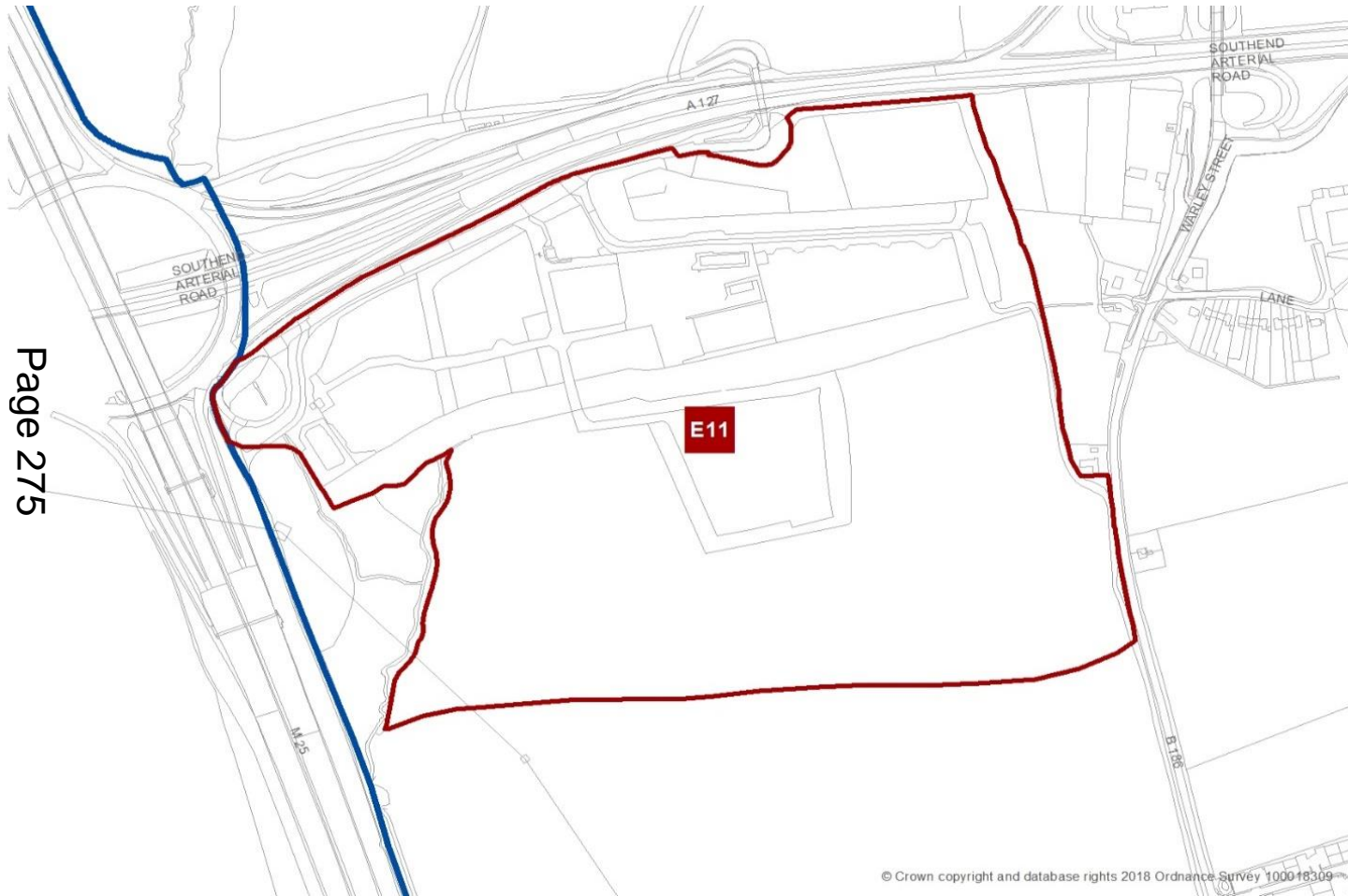
# Brentwood Enterprise Park: Key Findings from Brentwood Economic Futures 2013-2033 Final Report (2018)

The major site in Brentwood that could benefit significantly from the outward movement of industrial businesses from London is **Brentwood Enterprise Park**. The site is proposed to **accommodate a number of different B uses** and covers 25.85ha of land, so has the potential accommodate a number of large businesses. Delivering the site would also potentially extend the A127 industrial property market closer to London, and therefore extend Brentwood's overall commercial property market along the road into Basildon.

The **Lower Thames Crossing** will improve road access for Brentwood's residents and businesses to Gravesend and Medway. The crossing would open up the opportunity for goods and services to flow more easily between Brentwood and the area of Kent across the Thames, strengthening links to a market area that is currently less accessible from the Borough.

For Brentwood to take advantage of the distribution movements, it is likely **Brentwood Enterprise Park will need to be delivered to provide premises that are of the scale required by distributors.**

# Brentwood Enterprise Park



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Located at a key strategic location at the junction of the M25 and A127. Most of the site comprises the former M25 works site and associated uses and comprises previously developed land.

The site will provide for over 25 hectares of land for employment use (principally business, general, storage/distribution, and associated employment generating uses). This employment allocation will make a considerable contribution towards the overall employment needs for the Borough.

The site is being promoted through the plan-making process by St Modwen Properties.

In addition, over 10 hectares of new employment land is being proposed at Dunton Hills Garden Village (including land at East Horndon Hall).

# Supporting Rural Businesses

One of the Council's objectives is to support economic growth in the rural area by encouraging the diversification and expansion of agricultural and other businesses and enterprise in the rural area.

The Council recognises it can be beneficial for farms to diversify use of land and buildings for other suitable activities or development. These might include **converting redundant barns for B1 business use or workshops, storage, farm shops, bed and breakfast, energy crops, or acceptable sport and leisure uses like campsites**. These can be important in supplementing agricultural business income to ensure long-term viability and, alongside suitable small-scale rural enterprise and provide rural job opportunities. Suitable uses will allow more efficient use of buildings and land while fitting in with farming practices, rural surroundings and maintaining openness of the Green Belt.



**10 July 2019**

## **Policy, Resources & Economic Development Committee**

### **Local Development Plan Update**

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

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The National Planning Policy Framework (NPPF) requires local planning authorities to produce a Local Plan for their area and maintain an up-to-date timetable.
- 1.2 As part of the plan-making process a revised Local Development Scheme (LDS) timetable has been prepared (Appendix A). This provides an update to the currently published version, approved in November 2018. Delivery of the Plan against the published timescales is monitored by the Ministry of Housing, Communities and Local Government.
- 1.3 Brentwood Borough Council published its Pre-Submission Local Plan (Regulation 19) in February 2019. Processing and consideration of representations received is nearing completion (Regulation 20). A summary of representations has been prepared (Appendix B). This and other accompanying material will be compiled for submission to the Planning Inspectorate for Examination-in-Public (Regulation 22). Guidelines for Local Plan examinations have been published by the Planning Inspectorate (Appendix C).
- 1.4 A fundamental part of the strategy for growth in the borough is delivery of Dunton Hills Garden Village, one of four strategic allocations in the Council's Local Development Plan. It is important to secure longer-term control over the delivery of quality on site as well as consider land assembly options for the delivery of sustainable transport integration in the wider area. Design guidance for Dunton Hills Garden Village is proposed to be added to the LDS. The need for a process to secure land required for the delivery of development or related transport infrastructure in the event that a landowner does not cooperate is identified, utilising the Council's ability for compulsory acquisition of land.

## **2. Recommendations**

- 2.1 To approve the Revised Brentwood Local Development Scheme (July 2019), as set out in Appendix A;**
- 2.2 To note the summary of representations received in response to the Brentwood Pre-Submission Local Plan (February 2019), as set out in Appendix B; and**
- 2.3 To approve that the Council’s Legal Team set up a programme for the compulsory acquisition of land in the event that this is required to deliver development and/or off-site infrastructure in line with the Local Development Plan.**

## **3. Introduction and Background**

- 3.1 The National Planning Policy Framework (NPPF) requires local planning authorities to produce a Local Plan for their area (Chapter 3 “plan-making”). Brentwood Borough Council is producing a new Local Development Plan (or ‘Local Plan’) and has undertaken various stages of public consultation as part of the plan-making process. The Pre-Submission Local Plan (Regulation 19) was approved by Extraordinary Council on 8 November 2018 (Item No. 181), subject to amendments. The Plan was published in February 2019. Processing and consideration of representations received after public consultation is nearing completion (Regulation 20). This and other accompanying material will be compiled for submission to the Planning Inspectorate for examination on behalf of the Secretary of State (Regulation 22).
- 3.2 Planning Practice Guidance (Paragraph 003, Reference ID 61-003-20190315, Revision date 15/03/2019) sets out that the Council is required to produce a Local Development Scheme (LDS) according to section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). This must specify the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. Local planning authorities are encouraged to include details of other documents which will form part of the development plan for the area, such as Neighbourhood Plans. The LDS must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their LDS on their website.

- 3.3 Delivery of the Plan against the published timescales of the LDS is monitored by the Ministry of Housing, Communities and Local Government (MHCLG). The current LDS was approved by Extraordinary Council on 8 November 2018 (Item No. 181) and subsequently published on the Council's website. It is now necessary to update the LDS to provide clear timescales for documents that will comprise the development plan for the borough.
- 3.4 The Local Plan sets out the long-term vision for how and where the borough will develop over the next 15 years to meet local needs in line with local character; our "Borough of Villages". This informs the spatial strategy set out in the Plan along with the priority to locate the majority of development within the borough's two transport corridors; the Central Brentwood Growth Corridor (A12 and railway to London Liverpool Street station), and the Southern Brentwood Growth Corridor (A127 and railway to London Fenchurch Street station). A fundamental part of the Plan's strategy is to deliver of a new self-sustaining garden village at Dunton Hills.
- 3.5 In January 2017 the Council's expression of interest, in response to the Government's locally-led garden villages and towns scheme, was successfully selected as one of 14 garden villages nationwide. Since then several other settlements have been added to the garden villages and towns scheme. The Council has successfully secured capacity funding from Government (MHCLG and Homes England) in subsequent years, which has helped to fund significant progress on the project.
- 3.6 The Government has been clear about the two priorities for garden settlement development:
- a) 'Delivery' of new homes; and
  - b) 'Quality' design.
- 3.7 These delivery and quality priorities inform the Dunton Hills Garden Village project and wider development in the Brentwood Local Plan. This is shown in the NPPF, Planning Practice Guidance and several recent ministerial statements.
- 3.8 The governance framework for Dunton Hills Garden Village was approved by Policy, Projects and Resources Committee on 19 March 2019 (Item No. 382). This was one aspect of achieving delivery of the early stages of the project by ensuring:

- a) Land ownership integration;
- b) Consistent quality;
- c) Locally-led development; and
- d) Deliverability.

3.9 Since approval of the governance framework, the Project Delivery Board has met once, including attendance from Homes England, Essex County Council and West Horndon Parish Council (in addition to the Council and CEG). The Technical Steering Group has met twice. In addition, several workshops have been held to inform a masterplan framework for the site. Outputs from this work are to be published online this summer. This work displays the significant progress being made. The Council is now progressing beyond the thinking stages into actively delivering the project.

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

##### **Local Development Scheme (Timetable)**

4.1 The LDS provides information on the preparation of key documents that will comprise the Borough's development plan. Most importantly it provides a timetable for anticipated stages of the plan-making process. Since the current LDS was approved in November 2018, changes to the Pre-Submission Local Plan were made in accordance with the approved amendments at Extraordinary Council (08 November 2018). This, in addition to ongoing discussion with Essex County Council regarding infrastructure requirements, required additional time to prepare the Plan for public consultation, which took place in February 2019. At the close of consultation in March 2019, the process began to compile representations received and consider these as part of submission material. Processing of electronic representations (submitted online or by email) is less time consuming. Over 500 hard copy handwritten comment forms were received, the majority regarding housing allocations north of Blackmore. The processing time needed for handwritten representations has been longer than anticipated, and thorough processing of comments as well as consideration of the Council's response is required before the Plan is submitted. In addition, joint working through the Association of South Essex Local Authorities (ASELA) and work to prepare a Joint Strategic Plan (JSP) has resulted in learning about wider development needs and cross-boundary issues. Sequencing of local plan examinations in advance of the first stage of JSP consultation, expected Autumn 2019, is important. The Basildon Local Plan has now been submitted and the hearing sessions as part of Examination in Public is expected to take place in the Autumn. Cross-boundary issues considered as part of the Basildon Local Plan examination process may be relevant to the Brentwood Local Plan and so

should be considered ahead of submission, such as air quality. As a result of these circumstances, it is necessary to amend the LDS as proposed in Appendix A.

- 4.2 In summary, the Local Plan is proposed for submission by the end of July 2019 (Regulation 22). This begins the Examination in Public stage. Once the Plan has been submitted the Planning Inspectorate will advise on the appointed Inspector and timeframes for hearing sessions, among other things. These timeframes are set by the Planning Inspectorate, but an estimate is made that hearing sessions could take place in quarter 4 of 2019 (October-December) and into quarter 1 of 2020 (January-March). Subject to the outcome of the Examination in Public the soonest it is anticipated that the Council could adopt the Plan would be in quarter 2 of 2020 (April-June). Timeframes for other documents that will form part of the wider development plan are set out in the LDS.

### **Examination in Public**

- 4.3 The Planning Inspectorate has published more details on the Examination in Public process and guideline timeframes. This is set out in the Procedure Guide for Local Plan Examinations (June 2019), which is provided at Appendix C of this report. An overview of the stages and some expected timeframes are as follows:

- a) Stage 1: Submission to opening of hearing sessions
- b) Stage 2: Main modifications and reporting
- c) Stage 3: Quality assurance, fact check and delivery of final report

- 4.4 According to the Procedure Guide for Local Plan Examinations, once the plan has been submitted, the Inspector will take control of the examination process from start to finish. The role of the Inspector is to examine whether the submitted plan meets the tests of soundness defined in the NPPF and meets all the relevant legislative requirements, including the duty to cooperate. Therefore, the examination will concentrate on the issues that affect the Plan's soundness and legal compliance, and will not delve into other matters. The Inspector's conclusions will be based on a consideration of all the evidence and on the application of professional expertise and judgment.

## Local Development Plan

- 4.5 In addition to the representations described in paragraph 4.1 above, a range of issues have been submitted in response to the Pre-Submission Local Plan consultation. These include representations from neighbouring authorities and Essex County Council, mainly regarding implications of development in the Southern Brentwood Growth Corridor and Dunton Hills Garden Village. A vital part of the plan-making process as the Council progresses towards submission of the Plan is to ensure satisfactory evidence of that the duty to cooperate has been satisfied. To this end Statements of Common Ground are being prepared for individual authorities and bodies, setting out those issues on which there is agreement and issues not agreed, with details of how these will be resolved wherever possible. The appointed Planning Inspector will expect to see evidence of this, and it is considered that individual Statements of Common Ground provides the clearest way to do this.
- 4.6 A summary of the representations received in response to the Pre-Submission Local Plan, which was published for public consultation in February 2019, has been prepared at Appendix B. A response from the Council is not yet provided, which is required as part of the submission material. This sets out issues raised according to the following groups of stakeholders:
- a) Statutory consultees (neighbouring local planning authorities including Essex County Council, Government bodies and agencies, utilities and transport providers, etc);
  - b) Local residents and resident groups;
  - c) Parish Councils; and
  - d) Those representing development proposals (landowners, developers and/or agents).
- 4.7 The Council approved (Item 181 Extraordinary Council, 8 November 2018, paragraph 2.1c) to “delegate authority to the Director of Strategic Planning, in consultation with the Chief Executive and Leader of the Council, to finalise and approve the Submission documents... [as specified under paragraph 2.1b of the recommendation] ...for submission to the Secretary of State, including to:
- a) Make non-material or minor amendments to the proposed Submission documents;
  - b) Undertake any further consultation required arising as a result of the Regulation 19 consultation;

- c) Enter into Statements of Common Ground with relevant bodies before and during the Examination in Public; and
- d) Make modifications to the Submission documents during, and as a result of, the Examination in Public as advised to be necessary by the appointed Planning Inspector.”

- 4.8 According to the above paragraph, specifically 4.7 a&b, the degree to which amendments are considered to be non-material or minor in nature is important. There is no statutory definition of “non-material”. Each situation will require a legal view, but a broad rule of thumb is to consider the removal of site allocations altogether as a material (major) change to the Plan’s strategy. Word changes within policies to clarify or improve wording, for example, could be considered minor in nature and therefore not require further consultation before submission.
- 4.9 Regarding 4.7c, this is the approach being taken as set out in paragraph 4.5 above. Regarding 4.7d, this is relevant once the Examination in Public begins after submission of the Plan.

### **Dunton Hills Garden Village**

- 4.10 As part of progressing the plan-making process work to deliver Dunton Hills Garden Village has intensified in recent months. Design South East were appointed to be the Council’s design review providers, a service available to any development proposal in the borough, but specifically required of strategic development allocated in the Pre-Submission Local Plan including Dunton Hills Garden Village. Design South East have helped to facilitate a series of workshops to inform the preparation of a masterplan for the site, again required by the Local Plan. These have included sessions on:
- a) Vision;
  - b) Green infrastructure;
  - c) Heritage;
  - d) Socio-economics;
  - e) Sustainable infrastructure; and
  - f) Sustainable transport.
- 4.11 Outputs from these sessions have been important to inform evolution of the masterplan framework, which will inform an outline planning application. Other workstreams are progressing, including integration of land ownership positions within the allocation for the masterplan outputs, and work on education and community elements of the project. Work is now underway to consider what will be needed from the project through the decision-taking process, including the planning application and Section 106 requirements.

- 4.12 Preparation of the masterplan framework for Dunton Hills Garden Village is progressing in partnership with the main land promoter CEG. It is essential that a masterplan for the site and other design guidance is in place to achieve quality in placemaking. The masterplan framework needs to respond positively to the requirements of Dunton Hills Garden Village policies in the Brentwood Pre-Submission Local Plan (2019), as well as broader borough-wide policies. However, this process will not arrive at the level of detail required to inform full and/or reserved matters planning applications in future.
- 4.13 In order to secure design quality further detailed guidance and work on master planning will be required. Potential risk has been identified should developers/housebuilders implementing detailed applications in future not prioritise quality in the absence of clear detailed design requirements. To avoid this, adopted detailed design guidance or coding is likely to provide enough security, setting a clear direction on detail to be followed by those delivering development in future. For this reason, it is recommended that design guidance specific to Dunton Hills Garden Village be added to the work programme of documents in the LDS (Appendix A).

### **Acquisition of Land**

- 4.14 Aspects of ensuring delivery and quality have informed work that is underway to consider the cumulative impacts of growth in the wider Southern Brentwood Growth Corridor (including Dunton Hills Garden Village). Specifically, consideration of sustainable transport integration in the corridor and how development can be planned together is now the focus of a piece of work to supplement both emerging master planning work and the Council's Local Plan Transport Assessment. This work along with the evolving development of a masterplan framework for Dunton Hills Garden Village, has identified the potential need for land assembly to deliver development and integrated transport infrastructure solutions.
- 4.15 It may be necessary to secure land outside of development allocations in order to deliver sustainable transport solutions, such as land outside the highway boundary of existing roads to secure sufficient space for a cycle lane or widening for bus use, for example. The Council will need to be able to satisfactorily evidence the ability to secure such land, if a landowner is not willing to cooperate and where it is necessary to do so to achieve delivery and quality of development schemes. This evidence will be particularly important at the Local Plan Examination in Public and is likely to be a requirement of a Planning Inspector wanting to see proof that development and infrastructure planned in the Local Plan can be delivered.



- 4.16 Recommendation 2.1c is to approve that the Council's Legal Team establish a process for compulsory acquisition of land, meaning the Council will be ready to act if necessary and only as a last resort. Any need to acquire specific land for this purpose through a Compulsory Purchase Order would be brought before Members at a relevant committee.
- 4.17 According to Government guidance on the compulsory purchase process, compulsory purchase powers enable certain public bodies to acquire land compulsorily, which ultimately requires the approval of a confirming minister. Compulsory purchase powers should be used where it is expedient to do so but only where there is a compelling case in the public interest. Demonstration of reasonable steps to acquire land should be evident. Where a decision is made to acquire land by agreement, the Council would pay compensation as if the land had been compulsorily purchased, unless the land was already on offer on the open market.
- 4.18 According to Government guidance on the compulsory purchase process, compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time can be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:
- a) Plan a compulsory purchase timetable as a contingency measure; and
  - b) Initiate formal procedures.
- 4.19 This approach will clarify the seriousness of the authority's intentions from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations. It is also likely to give confidence to a Planning Inspector that development and infrastructure can be delivered in line with the Local Plan.

## **5. Reasons for Recommendation**

- 5.1 It is necessary to have an up-to-date LDS. Delivery of the Plan against the published timescales is monitored by the Ministry of Housing, Communities and Local Government. The revised LDS set out in Appendix A sets out an updated position regarding anticipated timeframes and documents to be produced, such as final stages of the Local Plan and design guidance for Dunton Hills Garden Village.

5.2 The Local Plan Examination in Public will be aided by the confidence that will be shown in a process that can acquire land for the delivery of essential development or off-site infrastructure if a landowner does not cooperate with delivery. Delivery of infrastructure and the detail needed to evidence how this will be delivered has been identified as a key factor in the NPPF and other examinations across the country.

5.3 It will be important to secure future capacity funding from MHCLG and Homes England. To do this the Council will need to show clear evidence of progress on delivery and quality. It is likely that this case will be aided by identification of required documents and timeframes, submission of the Local Plan, a commitment to quality, and positive progress on the project displayed in the past year through use of granted funds. Approval of the recommendations will help the Council's position with regard to securing additional funds.

## **6. Consultation**

6.1 The Local Plan has undergone a series of public consultations. Representations received from a wide range of stakeholders are considered as part of the plan-making process. These will be considered by a Planning Inspector through the Examination in Public.

6.2 Documents set out in the LDS may require consultation. Informing people about consultations will be in line with the Council's Statement of Community Involvement (SCI).

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

7.1 The Local Development Plan 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**

**Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources**

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

8.1 The Dunton Hills Garden Village project has been awarded a total of £628,570 of capacity funding from Homes England since 2017. This has enabled funding of necessary resources to deliver the project to date,

including a dedicated project team, facilitation of several workstreams, and specific technical studies as part of the evidence base. To date the remaining balance available is £220,274. In addition there is £54,383 available for funding received for planning delivery. Currently total reserves available to fund the delivery of the LDP is £274,657.

- 8.2 During financial year 2019/20 the amount of remaining capacity funding will not be enough to fully fund the projected outturn. This is likely to result in a budget pressure of up to £200,000. Any pressure that cannot be funded from the remaining balance available, will be funded from either Organisational Transformation Reserve or working balances. This will be reviewed and determined as part of the budget monitoring process. The future budget requirement in order to deliver the project will be considered as part of Budget Setting for 2020-21 and beyond. It is vital that future rounds of capacity funding are secured in order to maintain the resource in place to progress the project during 2020/21 and beyond.
- 8.3 Compulsory acquisition of land will require compensation to a landowner. At this stage the cost of such compensation is not possible to calculate. However, there is a need for contingency to be added to the Medium-Term Financial Plan (MTFP) and Treasury Management Strategy, which can be reviewed as part of budget setting for 2020/21, and incorporated into the MTFP and Capital Strategy. Any acquisition will need to be funded from borrowing, which will incur revenue costs to the General Fund of interest payable on the borrowing and increase in the Minimum Revenue Provision.
- 8.4 Before any recommendation to Members that land be acquired details of the full financial implications will be provided to inform that decision. Wherever possible, the delivery of infrastructure is to be paid for by development contributions, as set out in the Infrastructure Delivery Plan.
- 8.5 At this stage, it is not known what capacity or costs is required for the legal team to set up a programme for the compulsory acquisition of land as stated in 2.3, however it is assumed this can be utilised within existing resources. This will be monitored and discussed with senior officers appropriately and reported back as necessary.

#### **Legal Implications**

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

**Tel/Email: 01277 312687/surinder.atkar@brentwood.gov.uk**

- 8.6 The Local Plan has been prepared in accordance with the primary planning acts, namely the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended) and other

supporting legislation. It has been informed by the NPPF and other relevant national planning policy. Detailed regulations in relation to plan-making are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It is a requirement of the Acts and the associated Regulations for the Local Plan to be prepared in accordance with the timetable established in the statutory LDS, and subject to an examination into its soundness.

- 8.7 The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their Local Plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.
- 8.8 As the Dunton Hills Garden Village project transitions into delivery, securing Section 106 agreements will be key to the successful implementation and construction of the Garden Village. This will require legal input.
- 8.9 Other relevant agreements may also need to be drawn up, such as agreement between landowners on cooperation. Resource from the Legal Team will be needed as a result of the recommendation to identify a process for the compulsory acquisition of land. Part IX of the 1990 Act is the principal enabling legislation for local authorities to acquire land compulsorily and the Acquisition of Land Act 1981 is the legislation laying out the procedural requirements for compulsory acquisition. Latest Government guidance on CPOs is laid out in the Guidance on Compulsory Purchase and the Crichel Down Rules (2018). The emphasis will be on voluntary acquisition without the need for compulsory acquisition which will remain a last resort.

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

- 8.10 No other implications.

## **9. Background Papers**

- 9.1 Brentwood Pre-Submission Local Plan, Brentwood Borough Council, February 2019  
<http://www.brentwood.gov.uk/pdf/30012019092158000000.pdf>

- 9.2 Dunton Hills Garden Village Governance Framework, Brentwood Borough Council, March 2019  
<https://brentwood.moderngov.co.uk/documents/s15611/Appendix%20A%20DHGV%20Governance%20Framework%20v4.pdf>
- 9.3 Procedure Guide for Local Plan Examinations, The Planning Inspectorate, June 2019 (5<sup>th</sup> Edition) [see Appendix C of this report]  
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>
- 9.4 Guidance on Compulsory Purchase Process and the Crichel Down Rules, Ministry of Housing, Communities and Local Government, 2018  
<https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>

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

Appendix A: Revised Local Development Scheme (July 2019)

Appendix B: Summary of Representations Received in Response to the Brentwood Pre-Submission Local Plan, Feb 2019 (July 2019) – to follow

Appendix C: Procedure Guide for Local Plan Examinations, The Planning Inspectorate (June 2019)

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<b>Brentwood Local Plan (LDP)</b>	
Role and Content	Strategy for the future growth within the Borough over 15 years, setting out the spatial vision, strategic planning policies, development management policies, policies map and site specific land use allocations
Geographical Coverage	Brentwood Borough
Status	Development Plan Document (Independent examination required)
Chain of Conformity	<ul style="list-style-type: none"> <li>• National Planning Policy Framework</li> <li>• Essex Minerals and Waste Development Plans</li> <li>• Brentwood Borough Council Corporate Plan</li> </ul>
Replaces	'Saved policies' in the Brentwood Replacement Local Plan (2005)

<b>LDP Timetable</b>	
<i>Issues and Options (Regulation 18) Completed</i>	<i>November 2009</i>
<i>Preferred Options Consultation (Regulation 18) Completed</i>	<i>July – October 2013</i>
<i>Analysis of Representations and Review of Strategic Issues (Regulation 18) Completed</i>	<i>November 2013 – May 2014</i>
<i>Strategic Growth Options Consultation (Regulation 18) Completed</i>	<i>January – February 2015</i>
<i>Draft Local Plan Consultation (Regulation 18) Completed</i>	<i>February – March 2016</i>
<i>Draft Local Plan Preferred Site Allocations Consultation (Regulation 18) Completed</i>	<i>January – March 2018</i>
<i>Pre-submission Consultation (Regulation 19) Completed</i>	<i>February – March 2019</i>
Regulation 19 representations considered (Regulation 20)	Q3 2019
Submission to Secretary of State (Regulation 22)	Q3 2019
Independent Examination (Regulation 24)	Q4 2019 – Q1 2020
Inspector recommendations (Regulation 25)	Q1 2020
Adopt Plan (Regulation 26)	Q2 2020
Amendment of Policies Map	Q2 2020

Stages set by the Town and Country Planning (Local Planning) (England) Regulations 2012

<b>Community Infrastructure Levy (CIL)</b>	
Role and Content	The document will set out the charges to be levied on new development in Brentwood
Geographical Coverage	Brentwood Borough, consideration of strategic site retention of S106 process
Status	Charging Schedule
Chain of Conformity	<ul style="list-style-type: none"> <li>• National Planning Policy Framework</li> <li>• Essex Minerals and Waste Development Framework</li> <li>• Brentwood Borough Council Corporate Plan</li> </ul>
Replaces	Will largely replace the current system of section 106 'planning obligations'

<b>CIL Timetable</b>	
<i>Evidence gathering, prepare Preliminary Draft Charging Schedule Completed</i>	<i>April 2013 – September 2016</i>
<i>Consultation on Preliminary Draft Charging Schedule (Regulation 15) Completed</i>	<i>October – December 2016</i>
Publish draft schedule and consultation (Regulation 16)	Q4 2019
Submit for examination (Regulation 19)	Q1 2020
Examination (Regulation 20, 21 and 23)	Q2 – Q3 2020
Modify and Adopt Charging Schedule (Regulation 25)	Q4 2020

Regulations set by the Community Infrastructure Levy Regulations 2010



<b>South Essex Joint Strategic Plan (JSP)</b>	
Role and Content	High level planning framework for the South Essex area
Geographical Coverage	Boroughs/Districts of Brentwood, Basildon, Castle Point, Rochford, Southend-on-Sea and Thurrock
Status	Development Plan Document
Chain of Conformity	National policy
Replaces	N/A

<b>JSP Timetable</b>	
Consultation (Regulation 18)	Q4 2019
Publication and consultation (Regulation 19)	Q4 2020
Submission to Secretary of State (Regulation 22)	Q1 2021
Independent Examination (Regulation 24)	Q3 – Q4 2021
Inspector recommendations (Regulation 25)	Q1 2022
Adopt Plan (Regulation 26)	Q1 2022

Stages set by the Town and Country Planning (Local Planning) (England) Regulations 2012

In addition to the above, the following documents are being prepared. Timescales are listed for information purposes.

<b>Supplementary Planning Documents (or similar)</b>	
Dunton Hills Garden Village Design Guidance	Q1 2019 – Q2 2020
Brentwood Town Centre Design Guide	Q4 2017 – Q3 2019
Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)	Q1 2019 (strategy agreed) – Q4 2019 (draft SPD / approved by Council)

<b>Neighbourhood Plans (approved areas, plans in production)</b>
Doddinghurst
Ingatestone & Fryerning
West Horndon

## Timetable of documents to be produced

Document Title	2019				2020				2021			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Development Plan Documents												
Local Development Plan	R19		R20, R22	R24	R25	R26						
Charging Schedules												
Community Infrastructure Levy				R16	R19	R21- 23		R25				
Joint Plans												
South Essex Joint Strategic Plan				R18				R19		R20	R22	
Supplementary Planning Documents (or similar)												
Dunton Hills Garden Village Design Guidance												
Brentwood Town Centre Design Guide												
Essex Coast Recreational disturbance Avoidance Migration Strategy (RAMS)												
Neighbourhood Plans												
Doddinghurst Neighbourhood Plan												
Ingatestone & Fryerning Neighbourhood Plan												
West Horndon Neighbourhood Plan												

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Local Development Plan  
APPENDIX B  
To follow

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**Procedure Guide  
for Local Plan Examinations**

**The Planning Inspectorate  
June 2019 (5<sup>th</sup> Edition)**

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## NOTE

The Planning Inspectorate also produces a model representation form for local plans which is available for use by local planning authorities at publication (Regulation 19) stage. It can be downloaded from:

<https://www.gov.uk/guidance/local-plans>



## Glossary of abbreviations

HRA	Habitats Regulations Assessment
Plan	Local Plan
LPA	Local Planning Authority
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PHM	Pre-Hearing Meeting
PO	Programme Officer
PPG	Planning Practice Guidance
QA	Quality Assurance
The Regulations	The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
SA	Sustainability Appraisal
SLA	Service Level Agreement
SoS	Secretary of State for Housing, Communities and Local Government

## Introduction

1. This document provides practical guidance on the procedural aspects of the examination of local plans<sup>1</sup>. It is aimed at all those involved in the process of examining a plan, including the appointed Inspector. This fifth edition has been updated<sup>2</sup> to take account of the revised National Planning Policy Framework [NPPF] published in February 2019<sup>3</sup> and updated national Planning Practice Guidance [PPG]<sup>4</sup>. It also draws on recent experience of examinations and the advisory visits which Inspectors make to local planning authorities [LPAs].

2. The content of this document is guidance only with no statutory status. However, in the interests of consistency, efficiency and fairness, all parties should follow its general principles, as will Inspectors who may adapt them as necessary for an individual examination while ensuring that no party is prejudiced.

3. The legislative requirements for the examination are contained in the *Planning and Compulsory Purchase Act 2004* (as amended) [PCPA] and the *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended) [the Regulations]. Some guidance on procedure is also provided in the PPG chapter on *Plan-making*. However, many of the detailed procedural aspects of the examination are not prescribed in legislation, allowing the Inspector a degree of flexibility in conducting the examination. This enables the Inspector to adapt the procedures to deal with situations as they arise, so as to achieve positive outcomes in a range of different circumstances.

4. Nonetheless there is a need for reasonable consistency in the way that local plan examinations are conducted. Together with the PPG, therefore, this document provides the main operational framework for examinations. Inspectors will also have regard to the spirit of other procedures adopted in the planning system. For example, timescales for making documents available and giving notice to hearing participants will be based on established good practice. As in all their work, Inspectors will adhere to the Franks principles of openness, fairness and impartiality.

5. The NPPF advises that the planning system should be genuinely planned, with succinct and up-to-date plans providing a positive vision for the future of each area. LPAs invest substantial time and resources in

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<sup>1</sup> It also applies to the examination of joint local plans. References in the document to local plans should be taken to include joint plans, and references to "the LPA" to include a group of LPAs preparing a joint plan.

<sup>2</sup> It replaces the fourth edition, which was entitled *Procedural Practice in the Examination of Local Plans* (June 2016).

<sup>3</sup> Note however that the previous version of the NPPF (March 2012), still applies for the purpose of examining plans submitted on or before 24 January 2019.

<sup>4</sup> PPG is subject to updating from time to time. This document is consistent with the PPG at the date of publication.

preparing their plans, including engaging with the community in their preparation<sup>5</sup>. The examination is the final stage in the plan process and the Planning Inspectorate will seek to ensure that plans are taken through the examination as quickly and efficiently as possible. LPAs must also play their part by ensuring that when they submit their plan it is ready for examination, the evidence base is complete, representations are properly ordered and collated, and a Programme Officer (PO) and an examination website are in place.

6. Once the plan has been submitted, the Inspector will take control of the examination process from start to finish. The Inspector's role is to examine whether the submitted plan meets the tests of soundness defined in the NPPF<sup>6</sup> and meets all the relevant legislative requirements, including the duty to co-operate. The examination will therefore concentrate on the issues that affect the plan's soundness and legal compliance, and will not delve into other matters. The Inspector's conclusions will be based on a consideration of all the evidence and on the application of professional expertise and judgment.

7. The Inspector will always bear in mind that the plan belongs to the LPA, and subject to the duty to ensure the plan's soundness, will not seek to impose his or her own views on its vision or its content. The Inspector will be conscious of the benefits of having a robust and up-to-date plan adopted as quickly as possible. The Inspector will raise any potential problems with the LPA as soon as they become apparent, and will give the LPA the opportunity to overcome them wherever this is possible. If this involves the LPA carrying out further work, the timetable for the examination will be adjusted as necessary.

8. The legislation<sup>7</sup> allows for three possible outcomes to the examination:

- The Inspector finds that the plan is sound and legally-compliant as submitted: in these circumstances the Inspector must recommend that the plan is adopted;
- The Inspector finds that the plan is unsound and/or legally non-compliant as submitted, but that it is possible to make it sound and legally-compliant by making main modifications to it. In these circumstances the Inspector must recommend the necessary main modifications, if requested to do so by the LPA. The main modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant;
- The Inspector finds the plan unsound and/or legally non-compliant as submitted, and that it is not possible to make it sound and legally-compliant by making main modifications to it. In these

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<sup>5</sup> LPAs are also responsible for meeting the costs of the examination. See paragraph 8.7 below.

<sup>6</sup> The tests of soundness are that the plan is positively prepared, justified, effective and consistent with national policy. See paragraph 35 of the NPPF.

<sup>7</sup> PCPA, sections 20(7),(7A),(7B) & (7C)

circumstances the Inspector must recommend non-adoption of the plan. In practice, the LPA would be asked to consider withdrawing the plan before any such recommendation was made.

9. At the end of the examination the Inspector produces a report for the LPA setting out recommendation(s) and the reasons for them. The report is not binding on the LPA, but the LPA may not adopt an unsound plan<sup>8</sup>.

## Overview of the examination

10. The tables below provide an overview of the examination process. Each of the stages and key actions outlined is considered in more detail in the following sections, as indicated in the tables.

11. The duration of each examination depends on the type of plan under examination, and on the nature of any soundness issues or legal compliance issues that arise and the steps that are needed to resolve them. Typically, the examination of a full local plan containing both strategic and non-strategic policies will tend to last around a year, and sometimes longer. However, if the LPA only need to update a small number of specific policies in their plan, it may be possible to complete the examination in a shorter timescale.

<b>Stage 1 – Submission to opening of hearing sessions</b>
<b>Key actions [See Sections 1 to 5 below]</b>
<p><b>Submission</b></p> <ul style="list-style-type: none"> <li>The LPA submits the plan to the Planning Inspectorate together with a complete, proportionate evidence base and the documents required by legislation.</li> </ul> <p><b>IMPORTANT:</b> It is essential that the Programme Officer [PO] is in place by the time of submission and that the examination website has been set up by the time the Inspector is appointed.</p>
<ul style="list-style-type: none"> <li>Provided that adequate notice of submission has been given and a PO is in place, the Planning Inspectorate aims to appoint an Inspector:             <ul style="list-style-type: none"> <li>Within 3 weeks, for plans containing strategic policies</li> <li>or</li> <li>Within 5 weeks, for plans without strategic policies.</li> </ul> </li> </ul>
<p><b>Initial assessment of the plan and organisation of the hearing sessions</b></p> <p>In the initial weeks after the Inspector’s appointment:</p> <ul style="list-style-type: none"> <li>The Inspector makes an initial assessment of the plan and makes contact with the PO.</li> </ul>

<sup>8</sup> PCPA, section 23(4)

- The Inspector looks for any fundamental flaws in respect of soundness or legal compliance and may write to the LPA in the first instance if there are major concerns.
- The Inspector may write to the LPA with questions on other matters.
- The Inspector determines the matters and issues for discussion at the hearings, and prepares the initial hearings timetable and a guidance note for participants.
- If the Inspector considers it necessary, the LPA (and other participants) are asked to submit information or statements on specific issues. These should not be submitted unless requested by the Inspector.
- The Inspector confirms the start date for the hearing sessions. The LPA must ensure that the start date is advertised at least 6 weeks in advance.
- The PO publishes the initial timetable for the hearing sessions, the matters and issues for discussion and the Inspector's Guidance Note. (If the plan is very straightforward and not contentious, and no representors wish to be heard, on rare occasions the Inspector may be able to deal with the examination by means of written representations, avoiding the need for hearing sessions.)

- The LPA and other participants are allowed 2-3 weeks to prepare any statements or other information requested by the Inspector, and submit them to the PO.
- The PO checks that they have been received and placed on the examination website, so that all participants have access to them.
- The PO clarifies and confirms participants' attendance at the hearings.

**Preparation for the hearing sessions**

- The Inspector ensures that the programme for the hearing sessions is updated as necessary, and may prepare agendas for the sessions as necessary.
- The PO publishes any updates to the programme and any agendas for the hearing sessions.
- The Inspector, the LPA and participants prepare for the hearing sessions, including reading any statements that have been submitted. 2-3 weeks are normally allowed for this.

**The hearing sessions**

- When the hearing sessions take place will depend on various factors, including the duration of the earlier processes, the availability of suitable venues, and the requirement for 6 weeks' notice to be given.
- The number of hearing days required will vary according to the type of plan, the number of issues which need to be discussed and the number of participants. Typically:
  - Plans containing just non-strategic policies on average require 2 to 6 sitting days, depending on the nature of the plan;
  - Minerals and waste plans on average require around 4 sitting days;
  - Plans containing strategic policies on average require 9 to 12 sitting days;
  - For comprehensive local plans containing both strategic and non-strategic policies, the Inspector may split the hearing sessions into two or more blocks: the first dealing with strategic policies (and any

strategic sites), and subsequent one(s) dealing with non-strategic site allocations, development management policies and other matters.

**Stage 2 – Main modifications and reporting**

**Key Actions [See Sections 6 & 7 below]**

- LPAs may ask the Inspector to recommend main modifications [MMs] to the plan where necessary to make the plan sound and legally-compliant. Most plans are subject to such a request.
- The Inspector agrees the text of the proposed MMs with the LPA, based in most cases on discussion at the hearing sessions.
- The post-hearing timetable is largely in the control of the LPA, as the LPA works with the Inspector to prepare the proposed MMs, and is then required to undertake sustainability appraisal [SA] and Habitats Regulations Assessment [HRA] as necessary and public consultation (minimum 6 weeks) on the proposed MMs.
- During this time the Inspector progresses work on the report, but it cannot be finalised until the Inspector has considered the responses to consultation on the MMs.
- The Inspector considers any representations on the MMs as expeditiously as possible. Further hearing sessions are only held where essential in the interests of fairness or in order to clarify or resolve substantial new issues arising from the representations.

**Stage 3 – Quality assurance, fact check and delivery of final report**

**Key Actions [See Section 8 below]**

- The Inspector’s report is subject to the internal QA (peer review) process. The fact-check report is then sent to the LPA.
- The LPA carries out a fact-check on the report.
- The Inspector deals with any factual matters raised by the LPA. The Inspector’s final report is then sent to the LPA<sup>9</sup>. This marks the end of the examination.

<sup>9</sup> In accordance with the letter of 18 June 2019 from the Secretary of State to the Chief Executive of the Planning Inspectorate, the fact-check report will be sent to the Ministry of Housing, Communities and Local Government on a for-information basis at least 48 hours before it is sent to the LPA - <https://www.gov.uk/guidance/local-plans>. See paragraph 8.2 below.

## Section 1: Before submission

1.1. The LPA should rigorously assess the plan before it is published under Regulation 19 to ensure that, in their view, it is sound and meets all the necessary legal requirements. In particular, they should ensure that it takes full account of all relevant policies in the NPPF and relevant guidance in the PPG. The plan should identify all the matters which need to be planned for, and provide policies to address them, paying careful attention to deliverability and viability. This approach may raise uncomfortable questions but the purpose of preparing a plan is to address all the necessary matters as far as possible, and not defer them to future updates or rely on the Inspector to deal with them at examination.

1.2. Section 20(2) of the PCPA specifically states that the LPA must not submit the plan unless they think it is ready for independent examination. The plan that is published for consultation at Regulation 19 stage should, therefore, be the plan that the LPA intends to submit to the Planning Inspectorate for examination. This is a key premise of delivering an efficient examination timetable.

1.3. Once the plan has been submitted, further changes may only be made in accordance with section 23 of the PCPA. This allows main modifications [MMs] to be made only if they are necessary to make the plan sound and/or legally compliant, provided that the LPA has formally requested that such modifications be recommended by the Inspector. The LPA may also make additional (minor) modifications to the plan on adoption, but only if they do not materially affect the plan's policies. Additional modifications are not subject to the formal examination process.

1.4. There is no provision in the legislation which allows the LPA to replace all or part of the submitted plan with a revised plan during the examination. If the LPA wish to make changes to the plan following the Regulation 19 consultation and before submission, and wish the changes to be considered as part of the submitted plan, they should prepare an addendum to the plan containing the proposed changes. The addendum, together with a sustainability appraisal [SA] of the proposed changes if they are significant, should be published for consultation, on the same basis as the Regulation 19 consultation, before the plan is submitted for examination<sup>10</sup>.

1.5. LPAs sometimes submit to the examination a list of proposed changes to the published plan that have not been the subject of consultation. The Inspector will not treat those proposed changes as part of the plan to be examined. However, the Inspector may consider it appropriate for some or all of the LPA's proposed changes to be discussed at the hearing sessions, and in appropriate circumstances they may form the basis for MMs.

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<sup>10</sup> This is to ensure that the addendum has been subject to an equivalent process of consultation as the original published plan.



## Appointing an Inspector

1.6. In order to ensure that a suitably experienced Inspector is available to examine a plan when it is submitted, it is essential that the LPA keep the Planning Inspectorate up to date on the progress of their plans. The Planning Inspectorate's administrative team [Plans Team] should be given three months' notice of a plan's publication for consultation under Regulation 19. Thereafter, the LPA should maintain regular liaison on plan progress with the Plans Team at [plans.admin@planninginspectorate.gov.uk](mailto:plans.admin@planninginspectorate.gov.uk) right up to the agreed submission date. Failure to provide three months' notice of publication, or a subsequent delay in submitting the plan, is likely to delay the appointment of an Inspector.

1.7. In some circumstances, where it would help to ensure a more efficient process, more than one Inspector may be appointed to carry out the examination of more complex plans. References below to "the Inspector" apply to "the Inspectors" in such cases. Occasionally, if the plan raises unusually complex technical issues, an external specialist advisor may be appointed to assist the Inspector.

## Evidential requirements

1.8. The guiding principle is that only evidence that informs the content of the plan should be submitted. As a minimum, the evidence base should include all documents referenced in the submitted plan. If the LPA submits a plan without an adequate evidence base, delays will inevitably occur. However, the LPA should avoid submitting large amounts of evidence which has not directly informed the content of the plan<sup>11</sup>.

*What is an adequate evidence base?*

1.9. The purpose of the evidence base is to support and justify what is in the plan. Before preparing or commissioning evidence, therefore, the LPA should be very clear about what they need it for, how they are going to use it and how much detail they need to go into. They must explain what conclusions they have come to from the evidence and how the choices they have made are based on it. It is often useful to prepare topic papers for this purpose. The plan should avoid assertions of fact that are not supported by evidence. Nor should evidence be collected retrospectively in an attempt to justify pre-conceived conclusions.

1.10. Local circumstances, and the nature of the plan under consideration, will affect what evidence is needed. For example, a plan for an area vulnerable to flooding will require more extensive evidence about this matter than a plan for an area where there is little flood risk. Plans which allocate sites for development will need to be supported by evidence

<sup>11</sup> The PPG on Plan-making contains guidance on how the LPA can prepare evidence and sets out what evidence may be required for particular topic areas.



demonstrating that the LPA has followed a logical and consistent method to identify and select the allocated sites, and to reject alternatives.

*Is the evidence base sufficiently up-to-date?*

1.11. Evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. As a minimum, any such documents should be updated as necessary to incorporate the most recent available information. But this may not be necessary for evidence documents on topics that are less subject to change over time, such as landscape character assessments.

*Has the evidence been presented in a coordinated and informative way?*

1.12. Before submitting the plan, the LPA should ensure that it is clear what role each of the evidence base documents plays in supporting the content of the plan. In addition to the use of topic papers for this purpose (see paragraph 1.9), the LPA may wish to consider providing footnotes in the plan linking its policies and site allocations to relevant paragraphs in the evidence base which substantiate them.

1.13. On occasion, certain recommendations in an evidence base document are not accepted by the LPA. In such cases an explanation of why the recommendation was rejected should be provided. Similarly, any significant conflicts between documents in the evidence base must be explained. Where a lengthy explanation is needed it is best if a separate supporting document or topic paper is prepared.

*Has evidence to demonstrate compliance with the Duty to Co-operate been prepared?*

1.14. In order to demonstrate compliance with the duty to co-operate (section 33A of the PCPA), the most helpful approach is for the LPA to submit a statement of compliance with the duty. The statement of compliance should identify any relevant strategic matters and how they have been resolved – or if they have not, why not. It should detail who the LPA has co-operated with and on which strategic matter(s), the nature and timing of the co-operation (e.g. by including meeting notes), and the outcomes of the co-operation, including how it has influenced the plan. As part of this process, NPPF paragraph 27 advises that the LPA should prepare one or more statements of common ground with relevant bodies. The PPG on Plan-making contains guidance on preparing such statements.

1.15. The Inspector will need to be satisfied that the LPA has met the duty to co-operate by engaging with neighbouring authorities and other bodies constructively, actively and on an ongoing basis, in order to maximise the effectiveness of the plan preparation process<sup>12</sup>.

<sup>12</sup> See PCPA, section 33A and Regulation 4 which define the duty to co-operate and the bodies with which the LPA is required to co-operate.

## Prescribed documents

1.16. Regulation 22 prescribes that the following documents must be submitted along with the plan for examination:

- The sustainability appraisal report;
- A submission policies map if the adoption of the local plan would result in changes to the adopted policies map;
- A statement setting out:
  - who was invited to make representations on the plan at Regulation 18 consultation stage, how those representations were invited, a summary of the main issues raised, and how the representations were taken into account; and
  - the number of representations made under Regulation 20 (in response to consultation at Regulation 19 stage) and a summary of the main issues raised;
- Copies of all representations made under Regulation 20 (in response to consultation at Regulation 19 stage); and
- Such supporting documents which the LPA consider are relevant to the preparation of the plan (these will include the evidence base)<sup>13</sup>.

1.17. It is well worth the LPA investing time in producing a focussed and comprehensive statement of the main issues raised in the representations made in response to consultation at Regulation 19 stage. This will help the Inspector gain an early understanding of issues that are likely to need addressing in the examination. While not a legal requirement, it will also be very helpful to the Inspector if the LPA provides brief responses to the main issues it has identified and to any substantial concerns about soundness or legal compliance raised in the representations.

1.18. It is vitally important that representations are submitted complete and in good order. They should be provided in an electronic database enabling the full text of each representation to be accessed easily in both policy and paragraph number order and representor order. The database should also clearly identify those who have made a request to be heard by the Inspector under section 20(6) of the PCPA. The Planning Inspectorate may decline to start an examination if the representation database is inadequate, as this can have a significant impact on Inspector preparation time.

1.19. LPAs will be aware of the importance of complying with their data protection responsibilities under the Data Protection Act 2018 when they exercise their planning functions. To ensure an effective and fair examination, it is also important that the Inspector and all other

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<sup>13</sup> The supporting documents must also be published alongside the plan at Regulation 19 consultation stage.

participants in the examination process are able to know who has made representations on the plan. The LPA should therefore ensure that they are able, lawfully, to process personal data held in relation to representations on the plan so that the representations can be made available without redaction of names and addresses and taken into account by the examining Inspector. If names and addresses are not provided it is very unlikely that it will be possible for the plan to be examined. A data sharing agreement is part of the *Agreement for the supply of services* which sets out the steps the LPA and the Planning Inspectorate will take to help deliver an efficient examination. This is available on request by e-mailing [plans.admin@planninginspectorate.gov.uk](mailto:plans.admin@planninginspectorate.gov.uk).

1.20. Other material necessary for the examination includes:

- An Appropriate Assessment under the *Conservation of Habitats and Species Regulations 2017* [HRA], or evidence to demonstrate that an Appropriate Assessment is not required and confirmation from Natural England that they concur;
- The LPA's current Local Development Scheme;
- In London, confirmation that the Mayor has indicated general conformity with the London Plan (note however that the Inspector is entitled to take his/her own view on conformity).

It is also helpful if the LPA provide an Equalities Impact Assessment of the plan and a copy of their latest Authority Monitoring Report.

1.21. All the submission documents should be provided to the Planning Inspectorate electronically and published on the examination website at the same time. Documents should be referenced using a simple and logical numbering system. On an individual basis the Inspector may reasonably request that a limited number of key documents are provided in paper form. However, it is helpful for the LPA to provide a copy of the plan and the submission policies map in paper form.

1.22. Before submission, the LPA may find it helpful to carry out a self-assessment of the soundness and legal compliance of the plan, although this is not compulsory. Comprehensive checklists are provided by the Planning Advisory Service and are available on their website.

## Section 2: Submission

2.1. The examination begins when the plan is submitted to the Planning Inspectorate.

2.2. **It is of paramount importance that the Programme Officer [PO] is in post by the time the plan is submitted.** The PO undertakes the administration of all aspects of the examination under the Inspector's

direction, and all communications outside the hearing sessions between the Inspector, the LPA and other parties involved in the examination are handled by the PO. The PO also ensures that all the documentation for the examination is received, recorded and placed on the examination website<sup>14</sup>.

2.3. All personal information submitted is handled by the Planning Inspectorate in accordance with the requirements of the Data Protection Act 2018, as explained in the Plans Privacy Statement, available at: <https://www.gov.uk/guidance/local-plans>

**2.4. It is also vital that an examination website has been set up by the time of submission.** The examination website is the principal means by which all the documents for the examination are made available to participants and the public. An easily-accessible and well-structured website, on which documents are published promptly, is essential for the smooth running and transparency of the examination.

2.5. Provided that the LPA has met the statutory and procedural requirements on submission, the Planning Inspectorate, on behalf of the Secretary of State [SoS], will appoint the Inspector. The Plans Team will allocate time in the Inspector's programme for examining the plan, allowing for initial desk-based examination time, holding hearing sessions, and reporting.

2.6. The number of Inspector days required for the examination will vary according to a range of factors, including the complexity of the plan's subject matter and the number and significance of the representations. The Plans Team can offer general advice to LPAs on likely time requirements and indicative costs for examinations of individual plans. Please email [plans.admin@planninginspectorate.gov.uk](mailto:plans.admin@planninginspectorate.gov.uk).

2.7. In general, around half the Inspector's time is likely to be spent on initial assessment of the plan and preparation for the hearing sessions. The Stage 1 table (in the *Overview of the examination* section above) gives an indication of how many hearing days are typically required, although this will vary depending on the plan's complexity and the likely number of participants.

## Section 3: Initial assessment and organisation of the hearing sessions

3.1. At the outset the Inspector will make contact with the PO and begin an initial assessment of the plan. One of the first administrative tasks is to set a provisional start date for the hearing sessions. That is often

<sup>14</sup> The Planning Inspectorate may be able to provide PO training sessions for LPA employees and other prospective POs – for further information please email [plans.admin@planninginspectorate.gov.uk](mailto:plans.admin@planninginspectorate.gov.uk).

dependent on the availability of a suitable venue<sup>15</sup>. If possible, therefore, the LPA should establish the availability of venues in advance of submission. The PO will usually send an initial email to representors to make contact and provide some early information about the examination. However, the start date for the hearings will not normally be published until the Inspector's initial assessment of the plan is complete.

3.2. The Inspector will consider whether all the relevant procedural requirements have been met and all the necessary documents have been submitted. Any queries on these and other procedural matters will be raised in correspondence with the LPA. On rare occasions the Inspector may have more substantial concerns about procedural matters which cannot be resolved through correspondence – for example about the scope of the plan, or about the consultation process. In such circumstances the Inspector may hold an early hearing session<sup>16</sup>, or a procedural meeting with the LPA (which will be open to the public to observe), to discuss the concerns.

3.3. During the initial assessment the Inspector will identify the matters and issues affecting the plan's soundness. These will provide the focus for the examination. The Inspector will take a proactive and inquisitorial approach to this task, taking account of the representations but bearing in mind that the absence of representations on a matter is not a guarantee of soundness (and vice versa). The Inspector may also write to the LPA with a series of initial queries to assist in understanding the plan and the evidence base.

3.4. The duty to co-operate must be fulfilled when preparing the plan and any failure in this regard cannot be rectified after the plan has been submitted for examination. If the Inspector's initial assessment raises concerns that the duty may not have been met, or identifies what appear to be fundamental flaws in the plan or the evidence base, the Inspector will raise these with the LPA as soon as possible, in order to avoid abortive further work and unnecessary cost to the LPA. In the first instance this is likely to involve writing to the LPA to ask for further explanation or information. Any such letters will be sent to the Ministry of Housing, Communities and Local Government [MHCLG] on a for-information basis at least 48 hours before they are sent to the LPA<sup>17</sup>.

3.5. In some circumstances it may also be necessary to hold one or more early hearing session(s) focussed on the Inspector's concerns, in order to explore the issues further. Whichever method is adopted, the Inspector will give the LPA every opportunity to respond to the concerns. If the Inspector considers that the examination cannot proceed without additional work being undertaken to resolve the concerns, a pause in the examination may need to be considered (see section 9 below).

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<sup>15</sup> See also paragraphs 4.5-4.7 below.

<sup>16</sup> See paragraph 3.5 below.

<sup>17</sup> See the letter of 18 June 2019 from the Secretary of State to the Chief Executive of the Planning Inspectorate - <https://www.gov.uk/guidance/local-plans>

## Matters, Issues and Questions

3.6. The Inspector will normally produce a list of matters, issues and questions for discussion at the hearing sessions. The Inspector will keep these under review to ensure that any new evidence or information that emerges (for example, in response to the Inspector's initial queries) is taken into account.

- *Matters* are the broad topics to be considered in the examination: for example, housing need and supply, settlement strategy, flood risk;
- *Issues* are the critical issues, identified by the Inspector, on which the soundness (and legal compliance) of the plan will depend; and
- *Questions* are set by the Inspector in order to elicit information relevant to the issues.

## Arranging and allocating participants to hearings

3.7. The hearings stage of the examination is intensive and places considerable demands on the Inspector, the LPA and the other participants. For this reason hearing sessions will usually be limited to three days per week, to allow adequate time between sessions for preparation and follow-up work. For the same reasons, hearings in longer examinations will usually be divided into two- or three-week blocks, with one- or two-week breaks between each block.

3.8. In some cases the Inspector may decide that one or more key matters (for example, the housing requirement or the duty to co-operate) raise substantial issues which are likely to affect the progress and timing of the rest of the examination. It is often most effective for those matters to be dealt with in the first block of hearings, and for the Inspector to consider them before setting out how the examination is to continue. In such cases there will usually be a longer break after the first block of hearings, or the Inspector may delay setting firm dates for the remaining block(s). Individual arrangements will vary depending on the nature of the plan.

3.9. The right to appear and be heard by the Inspector at a hearing session is limited to those persons defined in section 20 (6) of the PCPA i.e. any person who has made a representation seeking a change to the plan within the deadline set by the LPA for Regulation 19 consultation responses. (This includes anyone seeking a change to the addendum of changes to the plan, if the LPA have submitted one in accordance with the procedure described in paragraph 1.4 above.) The Inspector may invite any other person to attend a hearing session if, in the Inspector's view, their participation will assist in assessing the soundness of the plan. But the Inspector has no power to summon a person to a hearing.

3.10. Following the publication of the matters and issues for discussion at the hearings, representors who meet the criteria described in paragraph 3.9 will be asked to indicate which hearing session(s) they wish to participate in. Their requests to participate should be based on the relevance of their representations seeking a change to the plan to the issues and questions for discussion. However, the final decision on who is invited to each hearing session rests with the Inspector.

3.11. The Inspector will seek to finalise the matters, issues and questions and the list of participants for each session as soon as possible. If there are representors who have asked to be heard whose representations fall outside the ambit of the Inspector's matters and issues, they may be allocated to a general matters session at the end of the hearings.

3.12. It may occasionally be appropriate to arrange a hearing session involving only the Inspector and the LPA: for example if the Inspector identifies a soundness or legal compliance issue that is not raised in any of the representations. While there may be no other participants, this session, like all the others, would be open to anyone to observe.

3.13. At the hearings, the role of explaining and justifying the submitted plan is performed by the LPA. Representors who are not seeking any changes to the submitted plan, including landowners or developers who are promoting a site that is allocated in the plan, do not have a right to appear at the hearings and will not usually be invited to participate. However, in some circumstances the LPA may wish to include one or more such representors as part of their team for a hearing session. It is also open to the Inspector to invite them to appear in their own right, if it would assist his or her understanding of a soundness or legal compliance issue.

3.14. Statutory and advisory bodies such as Highways England, Natural England or the Environment Agency may not have sought to attend the hearings, but in some cases the Inspector may consider that it would be helpful to invite them. For example, they may have an unresolved objection to the plan, or their specialist expertise on an important soundness issue may be needed. However, such invitations will be issued sparingly, in view of the resource pressures on these bodies.

## **Managing large numbers of participants**

3.15. The number of participants at any one hearing session should not exceed 20 wherever possible, and around 25 participants should usually be regarded as a maximum. Experience has shown that any larger number makes it difficult for the Inspector to probe the evidence adequately, and for participants to contribute effectively.

3.16. Where a large number of requests have been made to attend a hearing session, the Inspector and the PO will seek to manage the number of participants by taking one or more of the following steps:



- reminding those concerned that written representations carry the same weight as oral evidence and inviting them to reconsider whether they need to appear;
- asking those with similar views to appoint a single spokesperson;
- considering whether it is possible to split the issues and questions for the over-subscribed session between two separate hearing sessions; and
- as a last resort, arranging two hearing sessions to discuss the same issues and questions. Under this arrangement, representors scheduled for the second session would be encouraged to attend and observe the first one, and vice-versa. It would be open to representors to withdraw from the second session if, after observing the first session, they consider it is unnecessary for the Inspector to hear similar contributions again.

## Additional written material

3.17. Once the plan has been submitted for examination, no additional written material should be submitted, by the LPA or any other party, unless it has been requested by the Inspector. For example, if the LPA wishes to submit topic papers, they should form part of the evidence base submitted with the plan. Similarly, representors should ensure that all their evidence is provided with their original representations and should not rely on having an opportunity to submit further material during the examination<sup>18</sup>.

3.18. The LPA and the other participants should await specific instructions from the Inspector about what additional material, if any, is required before the hearings commence. For example, the Inspector may wish to invite hearing statements on some or all of the identified matters, issues and questions. A limit of 3,000 words is normally set for hearing statements, and representors should only address those matters, issues and questions relevant to their original representations, unless advised otherwise. It is also open to the Inspector, if he or she considers it necessary, to invite further written statements from representors who have decided not to attend the hearings, on matters covered in their representations. In some cases the Inspector may issue a discussion note to set the context for statements.

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<sup>18</sup> However, the Inspector has discretion to accept additional documents provided it would not be unfair to other participants. For example, examination statements of common ground, which typically take longer to prepare because of the number of parties involved, may be accepted outside the normal timescales.



3.19. Where appropriate, the Inspector may also ask the LPA and other parties to prepare examination statements of common ground<sup>19</sup>, in order to help define areas of agreement and disagreement. These may be particularly helpful in the examination of technical matters. The LPA and other parties may also prepare examination statements of common ground on their own initiative. However, the fact that parties may agree on certain issues will not prejudice the Inspector’s ability to investigate them further if the Inspector considers it necessary.

3.20. The deadline for submission of hearing statements and other written material will usually be two or three weeks before the hearings open, in order to give the Inspector and participants sufficient time to absorb their contents. If the hearings are split into two or more blocks, staggered deadlines may be set. Since late submission of statements causes difficulties for all parties, the Inspector will not normally accept statements that miss the deadline.

3.21. Because the examination is an inquisitorial rather than an adversarial process, it is inappropriate for parties to make further submissions countering the arguments of others. In order to avoid this situation arising, the date for submission of hearing statements will normally be the same for all parties, including the LPA. However, the Inspector may invite further submissions on particular matters from the LPA or any other participant, if that is helpful to aid understanding of the issues.

## Site visits

3.22. The Inspector will decide which sites and locations they need to visit in order to assess the soundness of the plan, and may also undertake a familiarisation tour of the area. Site visits may take place at any time during the examination. The Inspector will make any necessary site visits unaccompanied, unless arrangements need to be made to enter private land.

## Inspector’s guidance note

3.23. The Inspector will usually produce a Guidance Note outlining the procedures to be followed in the examination, which the PO will circulate to all representors. In most cases this will avoid the need for a Pre-Hearing Meeting<sup>20</sup>.

3.24. The Inspector’s Guidance Note will normally:

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<sup>19</sup> As distinct from the statements of common ground prepared as part of the evidence base, in accordance with NPPF paragraph 27 – see paragraph 1.14 above.

<sup>20</sup> Section 9 below explains the procedure for a pre-hearing meeting and the circumstances in which one may, exceptionally, be necessary.

- explain that the role of the Inspector is to carry out an independent examination of the soundness and legal compliance of the plan and to produce a report and recommendations to the LPA;
- clarify that the submitted plan will form the basis for the examination and that the Inspector will take into account all the representations made on it;
- if an addendum of changes has been submitted with the plan, make clear whether the Inspector accepts the addendum as part of the submitted plan: if so, the Inspector will confirm that he or she will also take into account the representations that have been made on the addendum;
- make it clear that written representations carry as much weight as oral evidence given at the hearing sessions;
- explain the procedures for making main and additional modifications to the plan;
- explain the role of the PO as an impartial person assisting the Inspector with administrative and procedural matters, and acting as a point of contact outside the hearing sessions;
- explain that the examination website is where all the examination documents will be published,
- advise that the PO (liaising with the LPA) will arrange for documents to be made available to anyone without access to the website;
- explain the procedure for deciding who will appear at the hearing sessions;
- outline the procedures to be followed during the examination including the hearing sessions;
- explain the role of the Inspector's list of matters, issues and questions;
- explain that omission sites will not normally be discussed at the hearings<sup>21</sup>;
- explain how site visits will be handled;
- advise whether the Inspector is inviting hearing statements or other written submissions, and set out the arrangements and deadline for their submission;

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<sup>21</sup> See paragraph 5.14 below.

- advise that the hearings programme may change and that participants are responsible for keeping themselves up-to-date by regularly monitoring the examination website.

(This is a summary of the topics normally covered in the Inspector's Guidance Note. The note itself will provide more details on each topic and may cover others if the Inspector considers it necessary.)

## Section 4: Preparation for the hearing sessions

4.1. The LPA and the other participants will prepare any hearing statements or other written material requested by the Inspector. If requested, hearing statements should directly address the Inspector's issues and questions, insofar as they are relevant to the participant's representations at consultation stage<sup>22</sup>. The PO will ensure that statements are published on the examination website as soon as possible after the deadline for their receipt. Hard copies may be requested for the Inspector and the LPA, but other participants should expect to access the statements via the website.

4.2. It is important that participants familiarise themselves with relevant representations, hearing statements and any other submitted written material before the hearings begin. The Inspector will treat all the submitted material as having been read, and will not expect it to be reiterated at the hearing sessions.

4.3. The Inspector will review the list of matters, issues and questions for the hearings in the light of the written material submitted. The Inspector may consider that certain issues have been sufficiently clarified by written statements, or may wish to vary the order of the questions or raise additional ones. The Inspector may prepare an agenda, or a revised list of issues and questions, for each hearing session setting out these changes. Wherever possible the PO will make these available to participants in advance of the sessions.

4.4. The Inspector's agenda, or list of issues and questions, will provide the structure for the discussion at each hearing session. In some cases the Inspector may circulate a discussion note in advance of the relevant hearing session, if this would help to clarify one or more issues. Occasionally, there may be a need to hold a technical seminar or meeting before or during the hearings (see Section 9 below).

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<sup>22</sup> But the LPA's statement, if requested, should address all the Inspector's issues and questions.

## Practical arrangements for the hearing sessions

4.5. The most appropriate room layout for the hearing session(s) will include a large rectangular table, or a set of tables arranged in a rectangle or a horseshoe, around which the participants are seated with the Inspector on his or her own at one end. One or more rows of seats should be provided behind the seats at the table itself, to accommodate members of participants' teams. A desk and chair should be provided for the PO, usually near the door.

4.6. Adequate seating should also be provided for members of the public to attend and observe the hearing sessions. Unless only a very small attendance is expected, a good-quality amplification system should be installed so that the Inspector and participants can hear each other clearly and members of the public can follow the proceedings. Wherever possible the venue should be provided with wi-fi for participants capable of allowing access to examination documents.

4.7. The LPA will be best placed to estimate the likely numbers attending and should liaise with the PO to find a suitable venue. Should it turn out that the venue is not big enough to accommodate all those who come along wishing to observe, the hearing(s) might need to be postponed. If there are very large numbers expected, therefore, it might be appropriate for the LPA to consider live-streaming the event to an overspill room and/or on the internet.

4.8. Representors may appear on their own behalf, or may be represented by an agent, for example a planning consultant or chartered surveyor. Apart from the LPA who will normally have two seats, one seat will usually be allocated to each representor, regardless of the size of their team. Any additional representatives will usually be expected to sit behind the lead speaker and "hot-seat" at an appropriate time if necessary. However, if there is sufficient space, the Inspector may allow additional representatives to sit at the table.

4.9. The Inspector will usually take notes at the hearing sessions. Their purpose is to act as an *aide-memoire* for the Inspector: they will not be published.

## Section 5: Conduct of the hearing sessions

### Purpose of the hearing sessions

5.1. By the time the hearing sessions begin, the Inspector will have completed the initial assessment of the plan. The Inspector will be familiar with the content of the plan, the evidence base and the written material that has been submitted, including the representations and any hearing statements that have been invited. From the initial assessment

the Inspector is likely to have formed a preliminary view on at least some of their identified issues and questions.

5.2. The main purpose of the hearing sessions is for the Inspector to probe the evidence further, by asking questions of the participants and hearing their oral contributions on the issues and questions that are critical to the soundness and legal compliance of the plan. The Inspector will encourage discussion on how any soundness or legal compliance issues with the plan can be resolved. Participants will be invited to contribute on the issues and questions relevant to their original representations. Unless invited to do so, they should not comment on other matters or reiterate at length points already made in their written submissions.

## **Attending the hearing sessions**

5.3. Participation at the hearing session is limited to those who meet the criteria summarised at paragraph 3.9 above and those who have been invited to participate. Anyone may come and observe but non-participants have no right to speak.

5.4. It is participants' responsibility to make themselves available at the time arranged for the hearing sessions to which they are invited. As it is not practically possible to arrange hearings around the availability of individual representors, anyone unable to attend will be expected to send a representative. Where it is genuinely impossible for them to attend, and all reasonable steps have been taken to facilitate their attendance, they will be given the option of submitting further written representations.

5.5. Members of Parliament may make representations and take part in the examination on the same basis as any other person. In addition, the Inspector will allow an MP, as a representative of their constituents, to take part in a hearing session, even if the MP did not make a representation. In view of MPs' parliamentary duties, the Inspector will make reasonable arrangements to enable the MP to take part.

5.6. MPs may wish to make a statement or to take part in the discussion at the hearing session. Either is acceptable, as it is for any participant. It will be helpful if the PO is able to establish the intentions of the MP beforehand. If the MP has not previously made a representation it is reasonable for the PO to ask what they will be speaking about, and for the LPA to be made aware. It will also be helpful for the PO to send the MP the examination guidance notes and provide any other clarification about the examination that might be relevant.

## **Filming or recording hearing sessions**

5.7. Provided that it does not disrupt proceedings, anyone will be allowed to report on and make audio and visual recordings of the hearings,

including on digital and social media. If any media organisations are planning to record or film the event, they should contact the Planning Inspectorate's press office in advance. Anyone who wishes to record or film the event on equipment larger than a smartphone, tablet, compact camera or similar, especially if that is likely to involve moving round the venue to record or film from different angles, they should contact the Programme Officer in advance to discuss arrangements. Responsibility for compliance with data protection legislation lies with the person(s) doing the recording or filming.

5.8 The Inspector will advise people present at the start of each hearing session that the proceedings may be recorded or filmed, and ask that anyone using social media during or after the end of the proceedings should do so responsibly and in accordance with the data protection legislation. The Inspector will also check that everyone is comfortable with this (for example, someone may not wish to have their face shown).

5.9 If concerns are raised, the Inspector will take steps to address them, for example by asking that filming is restricted to certain angles. It is unlikely to be appropriate to film children or vulnerable adults even if no concerns are raised. In such circumstances, and in circumstances where concerns cannot be resolved such that the effective and efficient running of the hearing session is likely to be disrupted, it may be necessary for the Inspector to restrict, or as a last resort to prevent, filming or recording. This would include situations where there is danger to the safety of an individual.

## **Procedure at the hearing sessions**

5.10. On the first day, the Inspector will make a brief opening statement, setting out the purpose and format of the hearing sessions as well as explaining the potential outcomes of the examination and any other relevant procedural and administrative matters. Thereafter each hearing session will follow the agenda, or the list of issues and questions, set by the Inspector.

5.11. In keeping with the inquisitorial nature of the examination, the Inspector will control the proceedings, inviting contributions from individual participants as appropriate. The Inspector will draw participants into the discussion in a logical order, reflecting their likely contributions. The LPA will be invited to respond at appropriate points. During the hearings the Inspector will explore the issues and questions, and wherever possible will seek to identify the potential for MMs to make the plan sound and legally compliant (see Section 6 below). When discussion on an issue has reached the point at which no more is likely to be said to assist the Inspector's conclusions on soundness, the Inspector will move on to explore the next issue.

5.12. To ensure that the time is used effectively, all submitted written material, including hearing statements, will be taken as read. Unsolicited

additional written material will not usually be accepted at the hearing sessions unless it is directly relevant to the soundness and legal compliance of the plan and could not reasonably have been provided sooner.

5.13. During the hearing sessions the Inspector may sometimes decide it is necessary to ask the LPA and/or other participant(s) to prepare further written information or evidence on a particular topic. A deadline will be set for its receipt. Other participants with an interest in that topic may be given the opportunity to comment on it, either at a later hearing session or in writing, where this is necessary to ensure fairness.

5.14. If the plan is allocating sites for development, the hearing sessions will usually involve discussion of the soundness of the allocated sites and of the method by which they were selected and alternative sites were rejected. But the merits of sites not allocated in the submitted plan (known as “omission sites”) will not normally be discussed at the hearing sessions. This is because the focus of the examination is on the soundness of the submitted plan. However, there may be exceptional circumstances where it is necessary to discuss alternative sites. For example, if the provision of housing land in the plan falls below the area’s identified housing need, such a discussion may assist the Inspector in determining whether or not additional housing land is available and suitable for allocation.

5.15. Sometimes participants choose to be represented at the hearings by a legal advocate (barrister or solicitor). Legal advocates take part in the hearings in the same way as any other participant. They will not usually be permitted to present evidence formally and cross-examine as they would at an appeal inquiry, as this would undermine the inquisitorial purpose of the hearing as well as the principle that all participants are equal partners in the discussion<sup>23</sup>.

5.16. It is often particularly helpful for the LPA to be assisted by a legal advocate. Their familiarity with presenting cases can prove useful in reviewing the adequacy and appropriateness of the LPA’s evidence base and marshalling the evidence to assist the Inspector.

5.17. At the end of the hearing sessions the Inspector will usually deal with outstanding procedural matters, for example, the arrangements for drafting and consulting on the MMs, the deadline for any further written submissions that have been requested, or the arrangements for accompanied site visits. This may occur at the end of the last regular hearing session, or as a separate session. Usually only the LPA will participate in this discussion, but like all the hearing sessions it will be open to anyone to observe. Alternatively, the Inspector may deal with any outstanding procedural matters through correspondence with the LPA after the hearings close.

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<sup>23</sup> Circumstances where formal presentation of evidence and cross-examination may be permitted are considered in Section 9 below.



## After the hearing sessions

5.18. After the hearing sessions, the examination remains open until the Inspector has completed his or her report. But the Inspector will only request additional written material if it is essential to inform his or her conclusions on the soundness and legal compliance of the plan. Unsolicited correspondence and other written material will not be accepted.

5.19. It might occasionally be necessary for the Inspector to arrange one or more further hearing sessions during the reporting period, for example to resolve a fundamental soundness issue. Significant representations on the proposed MMs might also give rise to the need for further hearings (see Section 6 below).

5.20. As paragraph 3.4 above makes clear, the Inspector will raise any fundamental flaws in the plan or the evidence base with the LPA as soon as possible. In some cases, however, it may not be possible for the Inspector to determine whether or not fundamental problems exist until the evidence has been thoroughly tested at the hearing sessions. It may therefore be necessary, after the hearing sessions have concluded, for the Inspector to write to the LPA asking them to undertake further work on the evidence base or to identify additional sites for allocation.<sup>24</sup> The Inspector will seek to agree a timetable with the LPA for this further work and any necessary SA and consultation. A pause in the examination (see Section 9 below) will usually be necessary to allow the further work to take place.

5.21. A practical problem can occur if the PO is released from post at the end of the hearing sessions, as there will then be no direct channel of communication between the Inspector, the LPA and the other examination participants. LPAs should therefore keep the PO in post until the Inspector's fact-check report is delivered.

## Section 6: Main modifications to the plan

6.1. Throughout the examination, the Inspector will explore the potential for MMs to resolve the soundness and legal compliance issues he or she has identified. Section 20(7C) of the PCPA requires the Inspector to recommend MMs if asked to do so by the LPA, provided that the MMs are necessary to make the plan sound and legally-compliant. If the LPA wish to make a request under section 20(7C), they must do so before consultation on MMs begins.

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<sup>24</sup> Any such post-hearing letters will be sent to MHCLG on a for-information basis at least 48 hours before it is sent to the LPA. See the letter of 18 June 2019 from the Secretary of State to the Chief Executive of the Planning Inspectorate - <https://www.gov.uk/guidance/local-plans>



6.2. Any change to the submitted plan<sup>25</sup> that would materially affect one or more of the plan's policies can only be made as a MM recommended by the Inspector<sup>26</sup>. MMs may be suggested by the LPA, by representors and hearing participants, or by the Inspector. They can range in scope from redrafting parts of an individual policy or of the reasoned justification, to the deletion of whole policies or site allocations and the insertion of new ones.

6.3. During the hearing sessions the Inspector will aim to identify any MMs that may be needed to achieve a sound and legally-compliant plan. If the Inspector is not able to conclude on the need for any particular MM at the hearing session, they will write to the LPA after the hearings to set out their position. It may sometimes be possible to draw up the detailed text of a MM at a hearing, but it is usually more efficient for this to be done afterwards. The Inspector will normally ask the LPA to maintain a running list of potential MMs discussed during the course of the hearing sessions.

6.4. The Inspector will aim to ensure that the LPA has a reasonable understanding of why all the potential main modifications are likely to be needed. Wherever possible the Inspector will seek to communicate this during the hearing sessions, but if there are issues for which this is not possible the Inspector will do so in writing as soon as possible afterwards. However, the Inspector's final recommendations, and the reasons for them, will be set out in the Inspector's report at the end of the examination.

6.5. Any post-hearing letter issued by the Inspector will be sent to MHCLG on a for-information basis at least 48 hours before it is sent to the LPA<sup>27</sup>.

6.6. The policies map is not defined in legislation as a development plan document. This means that the Inspector has no powers to recommend MMs directly to it. However, the role of the policies map is to illustrate geographically the application of policies in the plan. If the geographical illustration of a policy is flawed, the policy will be unsound. In such circumstances, therefore, the Inspector will ask the LPA to draw up a proposed change to what is shown on the submission policies map. To ensure fairness, any such proposed changes will need to be subject to consultation alongside the MMs. When the plan is adopted, it will be for the LPA to update the adopted policies map to include those changes.

6.7. All proposed MMs must be subject to public consultation and, where necessary, SA and HRA before the Inspector can make recommendations on them. The Inspector will therefore agree a timetable with the LPA for

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<sup>25</sup> If the submitted plan is accompanied by an addendum of changes on which appropriate consultation has taken place, the addendum forms part of the submitted plan. See paragraph 1.4 above.

<sup>26</sup> PCPA, sections 23(2),(2A),(3)&(4)

<sup>27</sup> See the letter of 18 June 2019 from the Secretary of State to the Chief Executive of the Planning Inspectorate - <https://www.gov.uk/guidance/local-plans>

the drafting of the proposed MMs, any necessary SA and HRA, and the public consultation. Any proposed policies map changes should be subject to the same procedure. Where possible the timetable will be agreed before the hearings close, but if this is not feasible, as soon as practicable thereafter. As the first part of the process the LPA will be asked to produce a schedule of proposed MMs for the Inspector's comment.

6.8. The precise arrangements for public consultation will vary from case to case but will follow these general principles:

- it will be made clear that the consultation is only about the proposed MMs and any policies map changes (and no other aspect of the plan), that they are put forward without prejudice to the Inspector's final conclusions, and that all representations made will be taken into account by the Inspector;
- the consultation document will include all the proposed MMs, making no distinction between those originally proposed by the LPA and those proposed by the Inspector or others;
- if the LPA wish to include additional modifications in the consultation document, they should be clearly distinguished from the MMs and it should be made clear that they are not before the Inspector for consideration;
- the scope and duration of the consultation will reflect those of the consultation held at Regulation 19 stage: this means it will last at least six weeks.

6.9. The Inspector will consider all the representations made on the proposed MMs before finalising the examination report and the schedule of recommended MMs. Further hearing sessions will not usually be held, unless the Inspector considers them essential to deal with substantial issues raised in the representations, or to ensure fairness.

6.10. If the MMs are likely to involve the allocation of additional sites that did not appear in the submitted plan, the Inspector may ask the LPA to undertake SA and consultation on the additional sites as a separate process, before the schedule of MMs is agreed. This will enable the Inspector to consider the representations on the additional sites, and if necessary hold further hearing sessions to discuss them, before consultation on the other MMs takes place. No further consultation on the additional sites will usually be necessary unless there are subsequent substantive changes.

6.11. When deciding whether or not to recommend that the LPA should make the MMs, the Inspector will normally consider them in the form in which they were published for consultation. However, in some limited circumstances, the responses to consultation may lead the Inspector to consider that a new MM, or an amendment to one that has already been consulted on, is also necessary to make the plan sound or legally compliant; or that a proposed MM is not in fact necessary for soundness and should not be recommended. The Inspector may only recommend

such changes to the MMs without further consultation if he or she is satisfied that no party would be prejudiced as a result. For example, the consultation already undertaken on the MMs might have adequately addressed the point, or the amendment might be a very minor one.

6.12. In some circumstances, the Inspector may determine that the plan is unsound as submitted, but that it can be made sound provided that the LPA commit to bringing forward a review/update to it within a defined timescale<sup>28</sup>. An example might be where further work is needed to identify additional sites for housing in the later part of the plan period, and the further work would involve a lengthy delay to the examination, whereas dealing with the issue through a future plan review/update would enable the plan to be adopted. In such cases a MM to the plan should set out the commitment to a review/update, the matters that will be dealt with, and the date by which it will be submitted for examination. Consultation on that MM, together with any other necessary MMs to the plan, should take place in the usual way.

## Section 7: The Inspector's report

### Key principles for reporting

7.1. The Inspector will make the report as concise as possible while ensuring it is adequately reasoned. In drafting the report, the Inspector will concentrate on:

- reaching clear conclusions, backed by reasoned judgements, on soundness and legal compliance of the plan; and
- recommending MMs as necessary to rectify any aspect of the plan which he or she considers to be unsound or legally non-compliant<sup>29</sup>, provided it is possible to do so.

7.2. The legislation enables the Inspector to recommend a MM only if the plan would otherwise be unsound or legally non-compliant. The Inspector has no power to recommend other changes, even if they would improve the plan. Representations are sometimes made about points that do not bear on soundness or legal compliance. The Inspector will not make recommendations on those points.

7.3. The focus on soundness and legal compliance means that, as far as possible, the Inspector's report will avoid summarising the cases of individual parties, referring to specific representations and representors, or describing what was said at hearing sessions. The report will not respond to every point or issue raised by those objecting to the plan, or refer to every policy and site allocation. Instead, it will explain concisely

<sup>28</sup> See the PPG chapter on Plan-making - paragraph 050.

<sup>29</sup> If the LPA have requested the Inspector to do so.

why the Inspector has arrived at his or her conclusions and recommendations.

## Structure of the report

7.4. The report will normally contain the following sections:

- *Summary:* summarising the outcome of the examination and, where appropriate, the principal changes to the plan made by the MMs and why these are necessary;
- *Introduction:* setting out the purpose and context of the examination, the status of the submitted plan and the policies map, and any other preliminary procedural matters. It will usually also include a description of the process followed in preparing, consulting upon and recommending MMs. Where an addendum of changes was submitted with the plan, the introduction will make it clear whether or not the Inspector has treated the addendum as part of the submitted plan;
- *Assessment of the duty to co-operate:* considering whether or not the LPA has complied with the duty to co-operate under section 33A of the PCPA. Because any failure in this regard cannot be remedied after the plan has been submitted for examination, the Inspector must recommend non-adoption of the plan if he or she concludes that the duty to co-operate has not been met;
- *Assessment of soundness:* this will normally be the main part of the report, assessing whether the plan meets the tests of soundness contained in the NPPF. It will deal in turn with each of the main issues identified by the Inspector on which the soundness of the plan depends. It will make it clear why any recommended MMs are needed to make the plan soundness and legally-compliant;
- *Assessment of legal compliance:* in most cases this will be dealt with in summary form. But if one or more MMs are necessary to ensure legal compliance, or more detail is necessary on a legal compliance issue, it will be dealt with at greater length;
- *Overall conclusion and recommendation:* setting out clearly, in terms of the relevant parts of section 20 of the PCPA, whether the Inspector recommends that the plan should be adopted with or without MMs, or that it should not be adopted; and
- *Schedule of main modifications:* see paragraphs 7.6-7.8 below.

## Recommendations on main modifications

7.5. In cases where an Inspector is recommending MMs, section 20 of the PCPA requires that he or she must first recommend that the plan as submitted (without the MMs) should not be adopted, before recommending MMs to make the submitted plan sound and legally-compliant. The text of the Inspector's *Overall conclusion and recommendation* will reflect this requirement. Section 20 requires that the LPA must then make the recommended MMs (together with any additional modifications at their discretion) if they wish<sup>30</sup> to adopt the plan.

7.6. Any MMs that are recommended will be set out in full in a schedule provided as an appendix to the report. The schedule will be based on the public consultation document prepared by the LPA. In the main body of the report the Inspector will explain why each MM is needed to resolve a soundness or legal compliance issue. In doing so, he or she will highlight the relevant MM reference number(s) in the report. This will provide a clear link between the reasoning in the report and the schedule of MMs.

7.7. The exact wording of each recommended MM must be set out in the schedule, following the usual convention of ~~striketrough~~ for deletions from the text of the submitted plan and underlining for additions to the text. The schedule must make it unambiguously clear what needs to be deleted from or inserted into the plan. Where a new or amended drawing, diagram or table needs to be inserted into the plan, the Inspector will ask the LPA to prepare it and attach it to the schedule.

7.8. As the Inspector has no power to recommend main modifications to the policies map, any such changes will not appear in the schedule of MMs. However, if any changes to what is shown on the submission policies map are necessary for soundness, the Inspector will make this clear in the report. See paragraph 6.6 above.

## Section 8: Quality assurance, fact-check procedure and delivery of final report to the LPA

### Quality assurance

8.1. The completed Inspector's report will be subject to the Planning Inspectorate's quality assurance [QA] process before it is sent to the LPA for fact-check. QA is a peer-review process, the principal aim of which is to ensure a reasonable consistency of approach between Inspectors, while recognising that the circumstances of each examination are different.

<sup>30</sup> The PCPA does not require the LPA to adopt the plan.

## Fact-check procedure

8.2. Following the QA process, the Inspector's report will be sent to the LPA in electronic format for fact-check. In accordance with the letter of 18 June 2019 from the Secretary of State to the Chief Executive of the Planning Inspectorate, the fact-check report will be sent to MHCLG on a for-information basis at least 48 hours before it is sent to the LPA.<sup>31</sup>

8.3. The primary purpose of the fact-check process is for the LPA to draw attention to any factual errors or inconsistencies in the report. The LPA may not question the conclusions and recommendations in the report, although they may seek clarification on any that they consider to be unclear. The LPA should complete the fact-check within two weeks of receiving the fact-check report. They should not publish the report at this stage because it is not in its final form.

8.4. There is no mechanism for the final report to be amended by the Inspector or anyone else after it has been sent to the LPA. It is therefore important that the LPA check the accuracy of the report very carefully at the fact-check stage. It is particularly important to check that the report and the schedule of MMs are fully consistent.

## Delivery of the final report

8.5. Once the fact check has been completed and the Inspector has dealt with any points raised, the final report will be sent to the LPA. This marks the completion of the examination.

8.6. The Planning Inspectorate will not publish the report. It is produced for the LPA, who are required to publish it as soon as is reasonably practicable after they receive it (Regulation 25(1)). Similarly, the Planning Inspectorate will not make known the outcome of a completed plan examination until the report has been published by the LPA. The Planning Inspectorate maintains lists of the plans that have been submitted for examination and (where they are found sound) their date of adoption<sup>32</sup>. LPAs are therefore requested to advise the Planning Inspectorate when their plan is adopted.

8.7. The LPA will be invoiced in accordance with the service level agreement [SLA]<sup>33</sup> between the LPA and the Planning Inspectorate. The charging regime is set out in the *Town and Country Planning (Costs of Independent Examinations) (Standard Daily Amount) (England) Regulations 2006*. The first invoice is normally sent six months after

<sup>31</sup> <https://www.gov.uk/guidance/local-plans>

<sup>32</sup> These lists are regularly updated and can be viewed at <https://www.gov.uk/guidance/local-plans>

<sup>33</sup> The SLA covers the arrangements between the Inspectorate and the LPA for the examination and the delivery of the Inspector's report.

submission of the plan and subsequent invoices are sent at the end of each six-month period during the examination.

## Section 9: Other Procedures

### Pausing the examination

9.1. If issues of soundness or legal compliance emerge that cannot be resolved within the usual examination timetable, the Inspector will explore the potential for pausing the examination, in whole or part, so they can be addressed. Examples of circumstances in which this might be necessary are given in paragraphs 3.5 and 5.20 above. The Inspector will normally outline, in a letter to the LPA, the scope of the additional work he or she considers is necessary to address the issues. The LPA will be asked to prepare a detailed brief and a realistic timetable for the additional work for the Inspector's agreement.

9.2. As part of this process it may sometimes be helpful for the LPA to hold one or more technical meetings (see paragraph 9.9 below) with stakeholders and other interested parties to discuss the process or the outcome of the additional work, in order to resolve or minimise areas of disagreement.

9.3. Any proposed changes to the plan arising from the additional work carried out during a pause in the examination will usually need to be the subject of consultation, equivalent in scope and duration to that carried out at Regulation 19 stage. SA will also be necessary if the proposed changes are significant. Further hearing sessions are likely to be required to consider the outcome of the further work, any proposed changes to the plan, and the consultation responses.

9.4. In some instances a partial pause in the examination, covering only a certain part of the plan, may be appropriate. This will allow the examination of the rest of the plan to continue, with less disruption to the examination timetable. However, a partial pause will only be appropriate where significant soundness or legal compliance issues affect only a discrete part of the plan, and the further work required will not have implications for the rest of the plan.

### Technical seminars and meetings

9.5. If a plan raises complex technical issues, the Inspector may decide to hold a technical seminar. The technical seminar will not test the evidence: that is the role of the hearing sessions. The purpose of the technical seminar is to provide the Inspector and other participants with a clearer understanding of the methodology and assumptions underpinning the technical evidence, thus saving time during the hearings.



9.6. Before arranging a technical seminar the Inspector will consider whether inviting additional explanatory material, and/or examination statements of common ground, would adequately clarify the methodology and assumptions underpinning the technical evidence.

9.7. If a technical seminar is required, the parties presenting the technical evidence will be asked to prepare the necessary explanatory material. The material will be circulated to the participants who have been invited to attend the relevant hearing session(s). Those participants may participate in the technical seminar and it will be open to anyone to observe. It should be publicised in a similar manner to the hearing sessions.

9.8. It will be appropriate for participants to ask questions of clarification during the technical seminar, but discussion of the implications of the technical evidence for the soundness of the plan should only take place at the relevant hearing session(s).

9.9. Occasionally the Inspector may ask the LPA to hold a technical meeting with stakeholders and interested parties during the course of an examination, aiming to resolve or minimise issues in dispute. These meetings are held outside the formal examination process, without the Inspector being present, but the outcome of any such meetings should be published.

## **Formal presentation of evidence and cross-examination**

9.10. There may be rare occasions – for example if unusually complex technical issues, or disputes over crucial matters of fact, arise – when the Inspector considers that formal presentation of evidence followed by cross-examination and re-examination is necessary to test the evidence adequately. In such exceptional circumstances the Inspector has discretion to allocate all or part of a hearing session to this formal procedure.

9.11. If any participant (including the LPA) wishes the Inspector to consider using this formal procedure, he or she must be prepared to make a convincing case for this well in advance of the session. The final decision will rest with the Inspector. Participants will be informed in advance of the session which subject(s) the formal procedure will apply to and that it will not apply otherwise.

## **Pre-hearing meetings**

9.12. Exceptionally, if the examination is unusually complex, the Inspector may decide to hold a pre-hearing meeting [PHM]. The purpose of the PHM is to inform participants about the proposed arrangements for the examination and to discuss with them any procedural and administrative



matters that need to be resolved before the arrangements are finalised. There is no discussion of the soundness of the plan.

9.13. The PHM can help to ensure the smooth running of unusually complex examinations: for example, examinations dealing with more than one plan, or where the hearings need to be split into several stages, or where there are exceptionally large numbers of potential participants for the hearings. However, in the vast majority of cases the necessary information can be disseminated in the Inspector's initial guidance note (see paragraphs 3.23-3.24 above). In cases where a PHM is held, a guidance note will still be circulated as usual.

9.14. If the Inspector decides that a PHM is necessary, a suitable date will be set as soon as possible after submission. The notice period is not prescribed in legislation but at least four weeks is recommended. Everyone who has made a representation on the plan will be notified. Anyone who intends to be involved in the examination, and particularly in the hearing sessions, should attend the PHM if at all possible.

9.15. By the time the PHM is held, the start date for the hearing sessions should have been published, giving the statutory minimum six weeks' notice.

9.16. At the PHM the Inspector will introduce the PO and will briefly outline the arrangements for the examination and the other main points in the guidance note. The Inspector will then explain the particular procedural or administrative matters that have given rise to the need for the PHM, and will usually set out proposals for dealing with them, while remaining receptive to reasonable alternative suggestions. There will be an opportunity for questions to be put to the Inspector and for the Inspector to put questions to others. The PO will publish the notes of the PHM as soon as practicable afterwards.

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10<sup>th</sup> July 2019

## Policy Resources & Economic Development Committee

### Town Hall Lease arrangements for Residential Units

**Report of:** Steven Butcher, Project and Programme Manager

**Wards Affected:** Brentwood South

**This report is:** public

#### 1. Executive Summary

- 1.1 The purpose of this committee report is to progress original proposals within the 2016 Town hall business case seeking approval to lease the 19 residential units on floors 2 and 3 of the town hall to the councils wholly owned company Seven Arches Investment Limited (SAIL). The council is looking to let the residential apartments via a separate company as it is unable to let property on Assured Shorthold Tenancies (AST's).

#### 2. Recommendation(s)

- 2.1 **The principle of a lease to let the 19 residential units at the Town Hall to Seven Arches Investment Limited is granted with the precise terms to be agreed under delegated authority by the interim chief Executive in consultation with the Director of Corporate Resources (Section 151 Officer), the Chairman of Policy, Resources and Economic Development and the Leader of the Council.**

#### 3. Introduction and Background

- 3.1 As agreed by members at the 19 October 2016 Ordinary Council meeting (minute 191), the Town Hall is undergoing a transformation programme to remodel the building, creating a modern Council back office, community hub, commercial space and 19 residential units.
- 3.2 The business case for the Town Hall transformation was such that the 19 residential units would be for private rental only. To ensure this can happen effectively the council needs to have in place assured shorthold tenancies and these cannot be granted directly from Brentwood Borough Council. By adopting this approach, the council will maintain an ongoing revenue stream to support the Council's self-sufficiency long into the future.

Extract from 2016 Town hall Business Case:

*Page 11 Item 15.2 Letting of space, whether commercial or residential, will be undertaken by those with the expertise to do so. Therefore, the Council would consider external assistance to deliver this or through an arm's length trading company.*

*15.3 The Council will retain ownership of the residential properties and/or commercial space and use them to generate revenue. The residential option will be rented privately to ensure revenue is maximised and to avoid any conflicts of interest. There will be no provision of social housing within this option as it is not required under Council planning guidelines. Likewise, commercial space will be leased at market rate, regardless of activity or status of the tenant.*

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

- 4.1** As a local authority offering privately rented residential accommodation, the apartments within the Town Hall need to be marketed and managed in the most appropriate way. The marketing agent has been appointed via a competitive tender process (Beresfords) and the council now needs to ensure that it is legally able to grant assured shorthold tenancy agreements as soon as the apartments are advertised and subsequently occupied.
- 4.2** After the letting agent has taken their management fee, SAIL, having the agreement with the agency, would retain a percentage of the net rental income. The remainder percentage of the rental income is paid to the Council under the lease agreement.

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

- 5.1** Brentwood Borough Council is unable to facilitate assured short hold tenancies; therefore this must be completed via a separate company to ensure successful delivery of benefits specified in the original business case and to ensure income generation from the town hall residential apartments can commence at the earliest opportunity

#### **6. Consultation**

- 6.1** None.

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

- 7.1** The Town Hall project and specifically residential element fit with a number of corporate objectives as set out in the vision 2016-19:

- Consider how Council assets can be utilised to promote sustainable development in the Borough
- Maximise Council assets to deliver corporate objectives and ensure community benefit

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts; Director of Corporate Resources  
Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1** The revised Town Hall Business model assumes gross rental income from the residential properties of £269,700. The Void allowance for these properties is assumed at 10% reducing the income to £242,730 per annum. Alongside this is the marketing agent fee of £34,000. Realising a net income of £208,730 in the current business model.
- 8.2** The final terms are still to be agreed, but Seven Arches Investment Ltd, will take a management fee in order to let the properties on Assured Shorthold Tenancies (AST). Based on other commercial leases this could be between 2%-5% which equates to £4,714 - £11,785.
- 8.3** Appropriate lease reviews and/or break clauses will also be factored into the final terms, so the Council and SAIL have the best flexibility.
- 8.4** By forgoing rental income to SAIL this enables the Council to continue to receive a revenue income that finances the capital costs of the project.

### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer  
Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 8.5** The recommendation is lawful and within the Council's powers and duties. The Council has powers within an existing legal framework for the disposal of land under a short tenancy.
- 8.6** Decision makers should have due regard to the Council's ongoing statutory duty under the Equality Act 2010 to eliminate unlawful discrimination and advance equality of opportunity between different groups. Assured Shorthold Tenancies granted by SAIL will be outside the scope of the Housing Act 1985.
- 8.7** Any agreements relating to a lease of the residential units will be approved by Legal Services.

### **Other Implications Asset Management & Risk Management**

**8.8** As one of the Council's major assets, the future of the Town Hall is of both financial and civic importance. All appropriate steps should be taken to ensure that the building fulfils the benefits set out in the original business case and that such control does not financially impede the Council nor its subsidiaries.

## **9 Background Papers**

**9.8** 19 October 2016 Ordinary Council meeting (minute 191), town hall Transformation Programme

## **10 Appendices to this report**

None

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

**Name:** Steve Butcher; Project and Programme Manager

**Tel:** 01277 312500

**E-mail:** [steven.butcher@brentwood.gov.uk](mailto:steven.butcher@brentwood.gov.uk)

10 July 2019

## Policy, Resources and Economic Development Committee

### Less than best consideration - Citizens Advice South Essex Limited

*Report of:* Russell Clinker Senior Asset Manager

*Wards Affected:* All

*This report is:* Public

#### 1. Executive Summary

- 1.1 Brentwood Borough Council wish to grant a lease to Citizens Advice South Essex Limited of ground floor offices in the newly redeveloped Town Hall
- 1.2 The rent to be paid by Citizens Advice is below Market Rental levels and the Council therefore requires authorisation under the Less than best consideration criteria to grant a lease within these guidelines.

#### 2. Recommendation(s)

- 2.1 **That the Committee agrees to grant a Lease to Citizens Advice South Essex Limited on the basis of the attached Heads of Terms shown in Appendix B, which is at less than best consideration.**
- 2.2 **Delegated authority to Director Corporate of Resources (Section 151) to take all necessary steps towards implementing recommendation 2.1, including instructing Solicitors to prepare an agreement for Lease.**

#### 3. Introduction and Background

- 3.1 Brentwood Citizens Advice Bureau Limited currently occupy offices at 8-12 Crown Street owned by The Assize House (a Trust) under a 25 year lease outside the Landlord and Tenant Act 1954 from 28 November 2005. The lease is therefore due to expire on 27 November 2030.
- 3.2 The tenant is required to keep the property (including the fences) in good repair and condition.

3.3 The tenant has the ability to break (terminate) the lease each year on the anniversary of the commencement date of the lease by giving 3 months' prior written Notice.

3.4 The rent is £1,000 per annum

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

4.1 Both Brentwood Borough Council and the Citizens Advice Bureau are keen to agree outline terms for a lease of offices in the newly redeveloped Town Hall building. These offices are shown edged red in the attached location plan.

4.2 The lease is proposed to commence on 21 October 2019.

4.3 Brentwood Citizens Advice Bureau who are the tenant at 8-12 Crown Street are closing down the existing company and becoming part of a newly formed organisation called Citizens Advice South Essex Limited (Registered Charity number 1113231) (Charitable Company Number 5596895)

4.4 It is proposed that a new lease is granted to the new organisation to occupy offices in the Town Hall (shown edged red in the plan in Appendix A) at the same time as the existing Citizens Advice interest in 8 – 12 Crown Street is surrendered to the landlord of this building, the Assize House trust.

4.5 The proposed terms of the new lease are set out in the Heads of Terms in Appendix B.

4.6 As the proposed lease is less than Market Rent and in excess of seven years, the Council needs to comply with the Less than best consideration criteria as set out in Appendix C.

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

5.1 Citizens Advice is a valued service within the Borough and it is considered the organisation will compliment other proposed tenants such as Jobcentre plus in the new Town Hall 'hub' area.

5.2 It is considered Citizens Advice South Essex will continue to offer support to the community of Brentwood, whilst retaining offices close to the centre of Brentwood and its transport links.

5.3 The move of Citizens Advice into the Town Hall will mean the existing offices in Crown Street can be redeveloped to create a lasting investment allowing the



Assize House trust to continue to support the Community for many years to come.

- 5.4 It is recommended that an agreement for Lease, which is a vehicle to agree the terms of a lease in advance of the demise being ready for occupation; and a Lease is granted to Citizens Advice on the Heads of Terms shown in Appendix B.

## **6. Consultation**

- 6.1 No formal external consultation has been undertaken regarding the proposal

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

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

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1 The rental income proposed in the Heads of Terms is at less than best consideration, which is explained in the criteria in Appendix C.
- 8.2 The reduction in Market Rent Value proposed to Citizens Advice, has been reflected within our Medium Term Financial Plan for 2019/20, as was prudent to do so.
- 8.3 The Council currently grants Citizens Advice £59k p.a which is a 3 year term from 2018/19 to 2020/21. It is envisaged that this Grant could be reviewed in future years, once Citizens advice have settled into the Town Hall.

- 8.4 With Citizens Advice surrendering their interest in 8-12 crown street, this allows the Trustees of the Assize House trust to review the possible options available for that asset and will be reviewed at Committee later in the year.

### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**  
**Tel & Email: 01277 312705 /paula.harvey@brentwood.gov.uk**

- 8.5 The recommendations are lawful and within the Council's powers and duties. The Council has power to dispose of land as it sees fit, subject to a requirement to obtain the best consideration reasonably obtainable. The General Disposal Consent (England) 2003 provides that there is no obligation to seek the specific consent of the Secretary of State in circumstances where the Council wishes to dispose of land at an undervalue, provided that the purpose for which the interest in the land is being disposed of by way of the lease is likely to contribute to the "promotion or improvement" of the economic, social, or environmental well-being of the area and the difference in unrestricted value of the lease of the land and the actual price paid for the lease (if any) is not more than £2 million.
- 8.6 Government guidance (Circular 06/2003) states that 'In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue'.

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

- 8.7 None

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

- 9.1 See details in this report for any background information

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

Appendix A – Plan showing the proposed offices in the Town Hall  
Appendix B - Proposed Heads of Terms  
Appendix C – Less than best consideration criteria  
Appendix D - Citizens Advice Bureau Accounts

Appendix E - Citizens Advice Bureau South East - Memorandum and  
Articles of Association

Appendix F – Citizens Advice Bureau South East - Introduction and Background

Appendix G – Citizens Advice South East Funding Template

Appendix H – Citizens Advice Bureau - Future of Advice

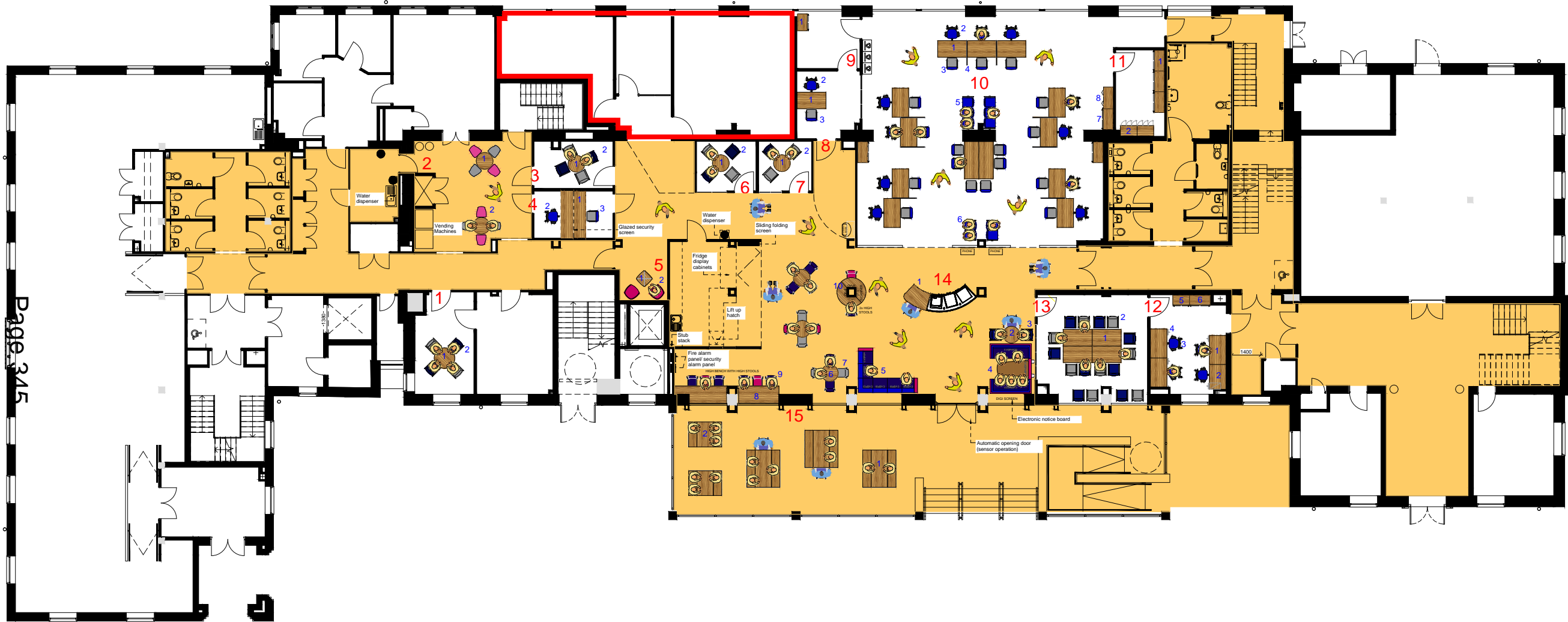
**Report Author Contact Details:**

**Name:** Russell Clinker Senior Asset Manager

**Telephone:** 01277 312931

**E-mail:** russell.clinker@brentwood.gov.uk

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- Common Parts
- Demise

Client Name:	BRENTWOOD BOROUGH COUNCIL	
Project:	BRENTWOOD TOWN HALL	
Drawing Description:	GROUND FLOOR PROPOSED LAYOUT	
Drawing Number:		Revision:
Scale:	NTS	@A1
Date:	January 2019	
Job Number:		
Drawn by:	AJT	CAD Ref:

Appendix A

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**Brentwood Town Hall Appendix B**  
**‘Citizens Advice South Essex’**  
**Agreement for Lease and Lease**  
**Revised Heads of Terms June 2019**

<b>Property Address</b>	Town Hall Ingrave Road Brentwood CM15 8AY
<b>Landlord</b>	Brentwood Borough Council
<b>Tenant</b>	Citizens Advice South Essex Limited
<b>Demised Premises</b>	Shown edged red on attached lease plan (to follow)
<b>Lease</b>	20 year lease outside the Landlord and Tenant Act 1954 from 7 October 2019
<b>Rent</b>	The Headline rent is £16,590 per annum exclusive (£23 per sq. ft / £247.60 per sq. m) based on 721 sq. ft (67 sq. m) although this will be reduced to £1 per annum exclusive for as long as the space is occupied by Citizens Advice South Essex for the provision of advice to the citizens of Brentwood.
<b>Car Spaces</b>	2 Car spaces solely for the use of Citizens Advice South Essex staff (the position of these to be determined once the car parking allocation for the Town Hall has been finalised) will be provided free of charge.
<b>Service Charge</b>	The ‘on account’ service charge for the initial service charge year will be charged quarterly in advance and will be based on £5 per sq ft / £54 per sq. m. For subsequent years the Council will be able to produce a budget ahead of the commencement of the service charge year so that tenants will have a breakdown of the estimated charges for the next service charge year. There will be an annual service charge reconciliation after the end of each service charge year. Based on a floor area of 67 sq.m this produces an annual ‘on account service charge in the region of £3,618 for the first service charge year. The management of the Service Charge will be in accordance with the current Commercial Service Charge Code of Practice (the latest code coming into effect from April 2019).
	<p>Service Charges will be apportioned based on tenants’ floor area</p> <p>The following services (not an exhaustive list) will be included in the Service Charge costs where applicable:</p> <ul style="list-style-type: none"> <li>• Electricity – Supply and procurement</li> <li>• Gas – Supply and procurement</li> <li>• Water - Supply and procurement</li> <li>• Office cleaning (to include demised premises if required)</li> <li>• Window Cleaning</li> <li>• Refuse Collection</li> <li>• Maintenance and repair of the building and infrastructure</li> <li>• Compliance testing and maintenance of water systems</li> <li>• Compliance and maintenance relating to fire safety</li> </ul>

**Brentwood Town Hall**  
**‘Citizens Advice South Essex’**  
**Agreement for Lease and Lease**  
**Revised Heads of Terms June 2019**

	<ul style="list-style-type: none"> <li>• Fire safety appliances</li> <li>• Maintenance of the fire alarm including smoke and heat detectors</li> <li>• Electrical Condition surveys and reports.</li> <li>• Compliance with health and safety requirements to the common areas of the building.</li> <li>• Heating, cooling and ventilation systems</li> <li>• Security and security systems</li> <li>• Disposal of confidential waste (details to be finalised)</li> <li>• Internal post sorting and delivery (details to be finalised)</li> <li>• Maintenance, repair and general upkeep of external areas, landscaping and car parking areas</li> <li>• Caretaking provision and services</li> <li>• CCTV provision and maintenance (including acting as Data Controller)</li> </ul> <p>A Management Charge will be based on the service charge demanded subject to a minimum fee (to be determined following the procurement process) to cover management expenses in dealing with the service charge.</p>
<b>Business Rates</b>	<p>The existing Town Hall Business Rates were set in April 2017 at £155 per sq m which produces a rates payable of £74.25. Per sq m based on the April 2017 – March 2018 multiplier of £0.479. Whilst this rate reflects different space from what is proposed for the 'Hub ', based on a floor area of 67 sq. m this produces a rates payable of approx. £4,975 per annum. The 2019/20 multiplier is 0.491p and assuming a new assessment in line with the Market Rent (£16,590 x 0.491) this produces an estimated rates payable of £8,145 per annum. This will be discounted if charity relief is sought. Should there not be a separate assessment of the subject space there is likely to be a Business Rates management fee charged by the managing agents of the building relating to the apportionment and collection of Business Rates in the Hub area (details being finalised with the procurement of the management of the building)</p>
<b>Hours of Use</b>	<p>8.30 a.m. to 6 p.m. Mondays to Fridays and 8.30 a.m. to 5 p.m. on Saturdays with the option of one late night a week up to 9 p.m. on evenings when the Council has public meetings or Committees requiring staff to be in attendance.</p>
<b>Fit out works</b>	<p>The proposed specification of the fit out of the demised space will be</p>



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**‘Citizens Advice South Essex’**  
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**Revised Heads of Terms June 2019**

	attached to the Agreement for Lease and the Lease
<b>IT</b>	Brentwood Borough Council (BBC) will not be in a position to supply IT support in the short term. Citizens Advice to therefore make contact with BT to organise your own broadband line coming into the comms room and the connection for this. BBC will provide cables from the comms room to individual desks as per agreed layout. It will be reviewed in the future to see if IT can be streamlined across BBC & Citizens Advice but this is not achievable within current timescales
<b>Break Clause</b>	<p>Tenant to have the ability to break the lease each year on the anniversary of the lease start date. There will also be a mutual (both landlord or tenant can break the lease) break every 5 years. These break provisions will be subject to 6 months prior written notice.</p> <p>The landlord will also have the ability to break the lease at anytime should Citizens Advice Bureau South East lose the required funding (to sustain the occupation and running of the Brentwood office) or stop funding for the office at Brentwood Town Hall , Citizens Advice cease trading at Brentwood Town Hall, or Citizens Advice stop offering a material public facing service at the Town Hall. This break provision will be subject to 6 months prior written Notice. If the landlord breaks the lease it will use all reasonable endeavours to provide suitable alternative accommodation for Citizens Advice Bureau South East on the same outline terms.</p>
<b>Tenant’s Rights Granted</b>	<ul style="list-style-type: none"> <li>• Right to shared use of the cycle store.</li> <li>• Right to locate an IT server within the designated server room in the building in a location to be agreed between the parties</li> <li>• Right to use the shared kitchen, WC’s and break out area where applicable</li> <li>• Rights of pedestrian access</li> <li>• Right to services</li> <li>• Right to support</li> </ul>

**Brentwood Town Hall**  
**‘Citizens Advice South Essex’**  
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<b>Landlord’s Right of Access</b>	The Landlord reserves the right to enter the demised area at any time in the event of an emergency. All other access will be pre-arranged with at least 24 hours written notice.
<b>Heating, Cooling and Ventilation</b>	Variable Refrigerant Flow fan coil heating and cooling system providing heated / cooled air from ceiling mounted grilles. Ventilation will also be provided through localised Mechanical Ventilation Heat Recovery (MVHR) systems
<b>Energy Performance Certificate</b>	The proposed Energy Performance estimates of the Commercial element of the re-developed building (prior to completion of the project) are attached. The formal Energy Performance Certificate will be provided as soon as this can be prepared and provided as a condition of Completion of the Lease.
<b>Assignment &amp; Subletting</b>	<p>The assignment of the whole only will be permitted with the Landlords prior written consent.</p> <p>Assignment or Underletting of part only is prohibited.</p>
<b>Repairing Obligations</b>	<p>Tenants to keep the demise clean and tidy.</p> <p>The Landlord is to keep the exterior and interior of building in good and substantial repair and comply with Health &amp; Safety requirements and statutory compliance for the common areas. The cost of the above maintenance and repairs will be recharged to the tenant via the Service Charge the proportion of which will be based on floor area.</p> <ul style="list-style-type: none"> <li>• The landlord reserves right to carry out any essential maintenance required with reasonable notice</li> <li>• The landlord reserves right carry out routine maintenance and improvements to systems such as fire, intruder, heating, electrical in such a way and time to minimise disruption to the Tenant’s business</li> </ul>
<b>Alterations</b>	Tenant’s structural alterations to the demise will not be permitted.

**Brentwood Town Hall**  
**‘Citizens Advice South Essex’**  
**Agreement for Lease and Lease**  
**Revised Heads of Terms June 2019**

	Tenant’s non-structural alterations to require Landlord’s consent. Tenant to pay the landlord’s costs of preparing any Licence for Alterations in connection with tenant’s alterations if applicable.																					
<b>Use of Meeting Rooms</b>	<p>The tenant will have access to the other hub (shared) meeting rooms, including the secure meeting room, which will also house the Pace equipment. This will be at no cost but bookable by various occupiers in the Town Hall. The booking system is yet to be finalised but details will be forwarded as soon as they are to hand.</p> <p>If the tenant requires the use of any other meeting room on the 1<sup>st</sup> floor, there will be a charge. Brentwood Council are currently reviewing the existing 2015 charging schedule and further details will be provided once this review has taken place. The rates prior to the Town Hall redevelopment commencing (for information) were:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Room</th> <th>Current Commercial rate</th> <th>Proposed Community Rate</th> </tr> </thead> <tbody> <tr> <td>Council Chamber</td> <td>£200 half day</td> <td>£100 half day</td> </tr> <tr> <td>Council Chamber</td> <td>£400 full day</td> <td>£200 full day</td> </tr> <tr> <td>Committee Rooms 1 &amp; 2</td> <td>£100 half day</td> <td>£50 half day</td> </tr> <tr> <td>Committee Rooms 1 &amp; 2</td> <td>£200 full day</td> <td>£100 full day</td> </tr> <tr> <td>Meeting Room 1</td> <td>£50 half day</td> <td>£25 half day</td> </tr> <tr> <td>Meeting Room 1</td> <td>£100 full day</td> <td>£50 full day</td> </tr> </tbody> </table>	Room	Current Commercial rate	Proposed Community Rate	Council Chamber	£200 half day	£100 half day	Council Chamber	£400 full day	£200 full day	Committee Rooms 1 & 2	£100 half day	£50 half day	Committee Rooms 1 & 2	£200 full day	£100 full day	Meeting Room 1	£50 half day	£25 half day	Meeting Room 1	£100 full day	£50 full day
Room	Current Commercial rate	Proposed Community Rate																				
Council Chamber	£200 half day	£100 half day																				
Council Chamber	£400 full day	£200 full day																				
Committee Rooms 1 & 2	£100 half day	£50 half day																				
Committee Rooms 1 & 2	£200 full day	£100 full day																				
Meeting Room 1	£50 half day	£25 half day																				
Meeting Room 1	£100 full day	£50 full day																				
<b>Compliance with Statutes and current Regulations</b>	<p>The Landlord is to comply with all statutes and relevant Codes of Practice including:</p> <ul style="list-style-type: none"> <li>• The Regulatory Reform (Fire Safety) Order 2005</li> <li>• The Safety Health and Welfare at Work Act 2005,</li> <li>• Provision and use of Work Equipment Regulations 1998 as amended by the Health and Safety (Miscellaneous Amendment) Regulations 2002.</li> <li>• The Equality Act 2010,</li> <li>• Construction (Design and Management) Regulations 2015,</li> </ul>																					
<b>Permitted use</b>	A2 Offices																					
<b>Tenants Contact details</b>	To be confirmed																					
<b>General</b>	The Landlord will provide or make available current documentation																					

**Brentwood Town Hall  
 'Citizens Advice South Essex'  
 Agreement for Lease and Lease  
 Revised Heads of Terms June 2019**

	<p>relating to the following items as appropriate :-</p> <ol style="list-style-type: none"> <li>1. Asbestos Register for the Town Hall building</li> <li>2. Fire Risk Assessments of the Town Hall building</li> <li>3. Health &amp; Safety File</li> <li>4. Water Risk Assessments and details of ongoing water management in the Town Hall building</li> <li>5. Electrical Condition Reports of the Town Hall building</li> <li>6. Control of Substances Hazardous to Health Assessments at the Town Hall building</li> </ol>
<b>Landlord Solicitors</b>	<p>Brentwood Borough Council Legal Team          C/O Town Hall          Ingrave Road          Brentwood          CM15 8AY</p>
<b>Tenants Solicitors</b>	<p>To be confirmed</p>
<b>Timing</b>	<p>Agreement for Lease and proposed Lease to be finalised as soon as possible</p>
<b>Brentwood Borough Council contact details</b>	<p>Brentwood Borough Council          Ingrave Road          Brentwood          CM15 8AY</p> <p>FAO Russell Clinker          Tel: 01277 312931</p>
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• Subject to Contract</li> <li>• Each party to pay their own legal costs in connection with the Agreement for Lease and Lease</li> <li>• Surrender of the existing lease dated 28 November 2005 in the name of Brentwood Citizens Advice Bureau to the Landlord (The Assize House trust) at 8-12 Crown Street dated 28 November 2005</li> <li>• Committee Approval of letting terms under the 'Less than best consideration' criteria.</li> </ul>

### Less than best consideration criteria

At its meeting on 27<sup>th</sup> March 2015 the Councils Asset and Enterprise Committee adopted a 'Disposals at Less than Best Consideration' policy.

This is a disposal at less than best consideration and in order to comply with Council policy and sections 123(1) and (2) of the Local Government Act 1972 it is necessary to undertake an assessment of the extent to which the organisations activities contribute towards achieving the Council's aims and objectives. In undertaking the assessment it is also necessary to:

- Include a copy of the organisation's constitution and three years of accounts.
- Set out the extent to which the organisation is proactive in seeking to share and make available the assets to other community and voluntary sector uses on a not for profit basis
- A recommendation as to the length of any discount
- Confirmation that the organisation will submit its activities and accounts on an annual basis or when required by the Council.

**Citizens Advice Bureau South East** calculate a total contribution of £16,116 combined voluntary hours worked per month which translates to £193,392 per annum (If paid at first step Locally Qualified NJC rates of £10.20 an hour). The breakdown of this is shown in the table attached to Appendix 7.

This compares with the estimated Market Rental Value £16,590 per annum exclusive (£23 per sq. ft / £247.60 per sq. m) based on 721 sq. ft (67 sq. m).

As detailed in the proposed Heads of Terms Citizens Advice Bureau South Essex Limited will have the benefit 2 car spaces at no charge as part of the lease. These are valued at £1,100 per annum inclusive of VAT each.

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# Appendix D

Charity Registration No. 1098171

Company Registration No. 04670256 (England and Wales)

**BRENTWOOD CITIZENS ADVICE BUREAU**  
**ANNUAL REPORT AND UNAUDITED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 31 MARCH 2016**

THURSDAY



\*A5LEZ6TE\*

A22

08/12/2016

#65

COMPANIES HOUSE

**!RickardLuckin**

# BRENTWOOD CITIZENS ADVICE BUREAU

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Statement of financial activities	6
Balance sheet	7
Notes to the accounts	8 - 15



# **BRENTWOOD CITIZENS ADVICE BUREAU**

## **TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT)**

**FOR THE YEAR ENDED 31 MARCH 2016**

---

The Trustees present their report and accounts for the year ended 31 March 2016. This report is also a directors' report required by s417 of the Companies Act 2006 and all Trustees are directors.

The accounts have been prepared in accordance with the accounting policies set out in note 1 to the accounts and comply with the Memorandum and Articles of Association, the Companies Act 2006 and the Statement of Recommended Practice, "Accounting and Reporting by Charities", applying FRS 102.

### **Objectives and activities**

The charity's objectives are to benefit the public by ensuring that individuals do not suffer through a lack of knowledge of their rights and responsibilities or of the services available to them through an inability to express their needs effectively and to exercise a responsible influence on the development of social policies and services both locally and nationally.

There has been no change in these objectives during the year.

This service is independent and provides free, confidential, impartial advice to everybody regardless of race, gender, sexuality or disability.

The main activities to achieve these objectives are grants, donations, legacies, fund raising and contracts to meet the costs and charges and expenses of the charity.

The trustees confirm that they have referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing the charity's aims and objectives and in planning future activities and they have complied with their duty in section 17 of the Charities Act 2011.

The trustees have paid due regard to guidance issued by the Charity Commission in deciding what activities the charity should undertake.

### **Achievements and performance**

The year proved another testing but successful one and it served a high number of clients. It has concentrated on the quality of advice since the last audit. Despite winning a commissioning bid to Brentwood Borough Council for the first time, funding continues to be a major priority.

Brentwood participated in two pilot projects as part of the Citizens Advice introduction of the "One Service Strategy" aimed at meeting the demands of clients in the future and providing consistent high standards.

The Board has adopted the Citizens Advice Information Assurance policy concerning the management of information risks within the centre. A trustee/director has been appointed with responsibility for the oversight of information assurance and all front-line staff and volunteers now undertake annual training.

# BRENTWOOD CITIZENS ADVICE BUREAU

## TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT)

**FOR THE YEAR ENDED 31 MARCH 2016**

---

### **Financial review**

Citizens Advice Brentwood, which was budgeted to make a surplus of £844 in 2015/16, actually had a deficit of £215 (in 2014/15 deficit was £8,096).

It is the policy of the charity that unrestricted funds which have not been designated for a specific use should include two elements. First, that the Trustees will not allow the reserves to fall below £15,000 to ensure we can cover our legal obligations in the event of closure. In addition we will maintain sufficient reserves to ensure that, in the event of a significant drop in funding, we are able to continue the charity's current activities whilst consideration is given to ways in which additional funds may be raised. We consider the current level of unrestricted reserves to be appropriate to meet these requirements. This level of reserves has been maintained throughout the year.

The Statement of Financial Activities for the charity is set out on page 6.

The trustees has assessed the major risks to which the charity is exposed, and are satisfied that systems are in place to mitigate exposure to the major risks.

### **Plans for the future**

Citizens Advice have started a "One Service Strategy" to be achieved over the next 5 years. It is aimed at meeting the increased demands and requirements of clients. It will be achieved by working together to improve the quality of advice provided, making our services more widely available, becoming more influential locally and nationally, being a stronger champion of equality and becoming more sustainable.

Consequently, our 3 year business plan includes improving the range, depth and quality of services provided and providing greater access, especially to young and older clients. To this end there is a need to attract, train and retain more volunteers and to introduce a fast track high quality training process.

The use of technology is key to our development to handle an increasing number of telephone and email enquiries and instigating the use of other digital communications.

In order to get adequate funding and economies of scale, collaborations with other bureaux and other voluntary organisations will be essential. We are already part of schemes and contracts with other Citizens Advice centres in Essex and share telephone enquiries.

Discussions have taken place with Brentwood Borough Council to move some or all of Citizens Advice Brentwood to the Town Hall. There are many pros and cons, not least the terms and costs involved, and the board awaits a firm proposal to consider.

# BRENTWOOD CITIZENS ADVICE BUREAU

## TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT) FOR THE YEAR ENDED 31 MARCH 2016

---

### Structure, governance and management

Now titled Citizens Advice Brentwood, the centre first opened at the Hermitage in 1959 and is a long standing member of the National Association of Citizens Advice, Membership Number 65/0015

The charity is a company limited by guarantee and the members' liability is limited to £1 per member.

Citizens Advice Brentwood is managed by its board of trustees who are also directors of the company.

The governing document for the charity is the Memorandum and Articles of Association. All decisions affecting the company are made by the board in accordance with those Articles. The trustees of the charity endeavour to comply with its obligations under the Charities Act 2011 and the requirements of the Statement of Recommended Practice, "Accounting and Reporting of Charities" 2005.

The trustees who served during the year were as follows:

The trustees, who are also the directors for the purpose of company law, and who served during the year were:

Geoff Morgan (Chairman)

Ivan Armstrong (Vice Chairman)

Peter Mamelok

Councillor Madeline Henwood

(Resigned 20 April 2016)

Maria Thompson

Tina Davis

(Appointed 17 December 2015)

Stuart Freel

Greg Nottage

Philip Cunliffe-Jones

(Appointed 17 December 2015)

Councillor Graeme Clark

(Resigned 20 April 2016)

The methods of recruitment and appointment of new trustees is defined in accordance with the Articles of Association of the charity. Trustees may be elected by the board of trustees at any general meeting subject to appropriate notice as defined in the charity's Articles.

None of the trustees has any beneficial interest in the company. Trustees are also members of the company and guarantee to contribute £1 in the event of a winding up.

The trustees have assessed the major risks to which the charity is exposed and are satisfied that systems are in place to mitigate exposure to them.

# BRENTWOOD CITIZENS ADVICE BUREAU

## TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT) FOR THE YEAR ENDED 31 MARCH 2016

---

### Statement of trustees' responsibilities

The trustees, who are also the directors of Brentwood Citizens Advice Bureau for the purpose of company law, are responsible for preparing the Trustees' Report and the accounts in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

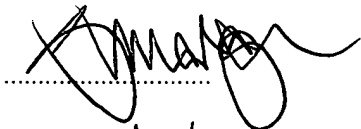
Company Law requires the trustees to prepare accounts for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for that year.

In preparing these accounts, the trustees are required to:

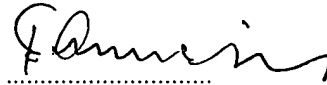
- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the accounts; and
- prepare the accounts on the going concern basis unless it is inappropriate to presume that the charity will continue in operation.

The trustees are responsible for keeping adequate accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the accounts comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The trustees' report was approved by the Board of Trustees.



Trustee  
Dated: 6/10/2016



Trustee

# BRENTWOOD CITIZENS ADVICE BUREAU

## INDEPENDENT EXAMINER'S REPORT

### TO THE TRUSTEES OF BRENTWOOD CITIZENS ADVICE BUREAU

---

I report on the accounts of charity for the year ended 31 March 2016, which are set out on pages 6 to 15 .

This report is made solely to the charity's trustees, as a body, in accordance with section 145 of the Charities Act 2011. My work has been undertaken so that I might state to the charity's trustees those matters I am required to state to them in this report and for no other purpose. To the fullest extent permitted by law, I do not accept or assume responsibility to anyone other than the charity's trustees as a body, for my work, for this report, or for the opinions I have formed.

#### Respective responsibilities of trustees and examiner

The charity's trustees, who are also the directors of Brentwood Citizens Advice Bureau for the purposes of company law, are responsible for the preparation of the financial statements. The trustees consider that an audit is not required for this year under section 144 (2) of the Charities Act 2011, (the '2011 Act') and that an independent examination is needed. I am qualified to undertake the examination by being a qualified member of the Institute of Chartered Accountants in England & Wales.

Having satisfied myself that the charity is not subject to audit under company law and is eligible for independent examination, it is my responsibility to:

- (i) examine the accounts under section 145 of the 2011 Act;
- (ii) to follow the procedures laid down in the general Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act; and
- (iii) to state whether particular matters have come to my attention.

#### Basis of independent examiner's report

My examination was carried out in accordance with the general Directions given by the Charity Commission. An examination includes a review of the accounting records kept by the charity and a comparison of the financial statements presented with those records. It also includes consideration of any unusual items or disclosures in the financial statements, and seeking explanations from you as trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit and consequently no opinion is given as to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the statement below.

#### Independent examiner's statement

In connection with my examination, no matter has come to my attention:

- (a) which gives me reasonable cause to believe that in any material respect the requirements:
  - (i) to keep accounting records in accordance with section 386 of the Companies Act 2006; and
  - (ii) to prepare financial statements which accord with the accounting records and to comply with the accounting requirements of the section 396 of the Companies Act 2006 and with the methods and principles of the Statement of Recommended Practice: Accounting and Reporting by Charitieshave not been met; or
- (b) to which, in my opinion, attention should be drawn in order to enable a proper understanding of the financial statements to be reached.



Caroline Peters FCA  
Rickard Luckin Limited

Aquila House  
Waterloo Lane  
Chelmsford  
Essex  
CM1 1BN

Dated: 15 November 2016

# BRENTWOOD CITIZENS ADVICE BUREAU

## STATEMENT OF FINANCIAL ACTIVITIES INCLUDING INCOME AND EXPENDITURE ACCOUNT

FOR THE YEAR ENDED 31 MARCH 2016

	Notes	Unrestricted funds £	Restricted funds £	Total 2016 £	Total 2015 £
<b>Income from:</b>					
Donations and legacies	3	125,069	50,513	175,582	161,770
Other trading activities	4	-	-	-	(797)
Investments	5	3	-	3	4
<b>Total income</b>		<u>125,072</u>	<u>50,513</u>	<u>175,585</u>	<u>160,977</u>
<b>Expenditure on:</b>					
<u>Charitable activities</u>					
Advice Services	6	123,601	-	123,601	128,027
Reaching Communities	6	-	46,289	46,289	41,046
Essential Living Fund	6	-	1,108	1,108	-
Web Chat	6	-	4,802	4,802	-
<b>Total charitable expenditure</b>		<u>123,601</u>	<u>52,199</u>	<u>175,800</u>	<u>169,073</u>
<b>Total resources expended</b>		<u>123,601</u>	<u>52,199</u>	<u>175,800</u>	<u>169,073</u>
<b>Net incoming/(outgoing) resources before transfers</b>		1,471	(1,686)	(215)	(8,096)
Gross transfers between funds		(2,866)	2,866	-	-
<b>Net (expenditure)/income for the year/ Net movement in funds</b>		<u>(1,395)</u>	<u>1,180</u>	<u>(215)</u>	<u>(8,096)</u>
Fund balances at 1 April 2015		<u>50,423</u>	<u>1,276</u>	<u>51,699</u>	<u>59,795</u>
<b>Fund balances at 31 March 2016</b>		<u><u>49,028</u></u>	<u><u>2,456</u></u>	<u><u>51,484</u></u>	<u><u>51,699</u></u>

The statement of financial activities also complies with the requirements for an income and expenditure account under the Companies Act 2006.

# BRENTWOOD CITIZENS ADVICE BUREAU

## BALANCE SHEET

AS AT 31 MARCH 2016

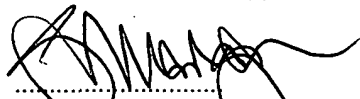
	Notes	2016		2015	
		£	£	£	£
<b>Current assets</b>					
Debtors	10	29,312		18,768	
Cash at bank and in hand		43,422		34,531	
		<u>72,734</u>		<u>53,299</u>	
<b>Creditors: amounts falling due within one year</b>	11	(21,250)		(1,600)	
Net current assets			<u>51,484</u>		<u>51,699</u>
<b>Income funds</b>					
Restricted funds	12		2,456		1,276
Unrestricted funds			49,028		50,423
			<u>51,484</u>		<u>51,699</u>

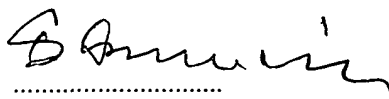
The company is entitled to the exemption from the audit requirement contained in section 477 of the Companies Act 2006, for the year ended 31 March 2016. No member of the company has deposited a notice, pursuant to section 476, requiring an audit of these accounts.

The trustees' responsibilities for ensuring that the charity keeps accounting records which comply with section 386 of the Act and for preparing accounts which give a true and fair view of the state of affairs of the company as at the end of the financial year and of its incoming resources and application of resources, including its income and expenditure, for the financial year in accordance with the requirements of sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to accounts, so far as applicable to the company.

These accounts have been prepared in accordance with the provisions applicable to companies subject to the small companies' regime.

The accounts were approved by the Trustees on 6 October 2016

  
 Geoff Morgan (Chairman)  
 Trustee

  
 Ivan Armstrong (Vice Chairman)  
 Trustee

Company Registration No. 04670256

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2016

---

### 1 Accounting policies

#### Company information

Brentwood Citizens Advice Bureau is a private company limited by guarantee incorporated in England and Wales. The registered office is 8-12 Crown Street, Brentwood, Essex, CM14 4BA.

#### 1.1 Accounting convention

These accounts have been prepared in accordance with FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" ("FRS 102"), "Accounting and Reporting by Charities" the Statement of Recommended Practice for charities applying FRS 102, the Companies Act 2006 and UK Generally Accepted Accounting Practice as it applies from 1 January 2015. The charity is a Public Benefit Entity as defined by FRS 102.

The accounts have departed from the Charities (Accounts and Reports) Regulations 2008 only to the extent required to provide a true and fair view. This departure has involved following the Statement of Recommended Practice for charities applying FRS 102 rather than the version of the Statement of Recommended Practice which is referred to in the Regulations but which has since been withdrawn.

The accounts have been prepared on the historical cost convention, The principal accounting policies adopted are set out below.

#### 1.2 Going concern

At the time of approving the accounts, the trustees have a reasonable expectation that the charity has adequate resources to continue in operational existence for the foreseeable future. Thus the trustees' continue to adopt the going concern basis of accounting in preparing the accounts.

#### 1.3 Charitable funds

Unrestricted funds are available for use at the discretion of the trustees in furtherance of their charitable objectives unless the funds have been designated for other purposes.

Restricted funds are subject to specific conditions by donors as to how they may be used. The purposes and uses of the restricted funds are set out in the notes to the accounts.

#### 1.4 Incoming resources

Income is recognised when the charity is legally entitled to it after any performance conditions have been met, the amounts can be measured reliably, and it is probable that income will be received.

Cash donations are recognised on receipt. Other donations are recognised once the charity has been notified of the donation, unless performance conditions require deferral of the amount. Income tax recoverable in relation to donations received under Gift Aid or deeds of covenant is recognised at the time of the donation.

Grants, donations, chargeable advice sessions and other forms of voluntary income are recognised as incoming resources when the amounts receivable have been ascertained, except insofar as they are incapable of financial measurement.

#### 1.5 Resources expended

Liabilities and all expenses are included in the Statement of Financial Activities on an accruals basis.

Expenditure on the projects is treated as direct charitable expenditure.



# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2016

---

### 1 Accounting policies

(Continued)

#### 1.6 Cash and cash equivalents

Cash and cash equivalents include cash in hand, deposits held at call with banks, other short-term liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities.

#### 1.7 Financial instruments

The charity has elected to apply the provisions of Section 11 'Basic Financial Instruments' and Section 12 'Other Financial Instruments Issues' of FRS 102 to all of its financial instruments.

Financial instruments are recognised in the charity's balance sheet when the charity becomes party to the contractual provisions of the instrument.

Financial assets and liabilities are offset, with the net amounts presented in the financial statements, when there is a legally enforceable right to set off the recognised amounts and there is an intention to settle on a net basis or to realise the asset and settle the liability simultaneously.

##### **Basic financial assets**

Basic financial assets, which include debtors and cash and bank balances, are initially measured at transaction price including transaction costs and are subsequently carried at amortised cost using the effective interest method unless the arrangement constitutes a financing transaction, where the transaction is measured at the present value of the future receipts discounted at a market rate of interest. Financial assets classified as receivable within one year are not amortised.

##### **Basic financial liabilities**

Basic financial liabilities, including creditors and bank loans are initially recognised at transaction price unless the arrangement constitutes a financing transaction, where the debt instrument is measured at the present value of the future receipts discounted at a market rate of interest. Financial liabilities classified as payable within one year are not amortised.

Debt instruments are subsequently carried at amortised cost, using the effective interest rate method.

Trade creditors are obligations to pay for goods or services that have been acquired in the ordinary course of operations from suppliers. Amounts payable are classified as current liabilities if payment is due within one year or less. If not, they are presented as non-current liabilities. Trade creditors are recognised initially at transaction price and subsequently measured at amortised cost using the effective interest method.

##### **Derecognition of financial liabilities**

Financial liabilities are derecognised when the charity's contractual obligations expire or are discharged or cancelled.

#### 1.8 Employee benefits

The cost of any unused holiday entitlement is recognised in the period in which the employee's services are received.

Termination benefits are recognised immediately as an expense when the charity is demonstrably committed to terminate the employment of an employee or to provide termination benefits.

#### 1.9 Leases

Rentals payable under operating leases, including any lease incentives received, are charged to income on a straight line basis over the term of the relevant lease.

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2016

### 1 Accounting policies

(Continued)

#### 1.10 Fund accounting

Funds held by the charity are either:

Unrestricted general funds - these are funds which can be used in accordance with the charitable objects at the discretion of the trustees.

Restricted funds - these are funds that can only be used for particular restricted purposes within the objects of the charity.

### 2 Critical accounting estimates and judgements

In the application of the charity's accounting policies, the trustees are required to make judgements, estimates and assumptions about the carrying amount of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised where the revision affects only that period, or in the period of the revision and future periods where the revision affects both current and future periods.

### 3 Donations and legacies

	Unrestricted funds	Restricted funds	Total 2016	Total 2015
	£	£	£	£
Donations and gifts	22,322	-	22,322	32,141
Grants	78,997	50,513	129,510	109,499
Chargeable advice sessions	23,750	-	23,750	20,130
	<u>125,069</u>	<u>50,513</u>	<u>175,582</u>	<u>161,770</u>
<b>For the year ended 31 March 2015</b>	<u>119,847</u>	<u>41,923</u>		<u>161,770</u>
<b>Grants receivable for core activities</b>				
Reaching Communities	-	42,147	42,147	41,923
Essential Living Fund	-	1,616	1,616	-
Web Chat	-	6,750	6,750	-
Other	78,997	-	78,997	67,576
	<u>78,997</u>	<u>50,513</u>	<u>129,510</u>	<u>109,499</u>

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2016

---

**4 Other trading activities**

	<b>2016</b>	<b>2015</b>
	<b>£</b>	<b>£</b>
Fundraising events	-	(797)
	<u>          </u>	<u>          </u>

**5 Investments**

	<b>2016</b>	<b>2015</b>
	<b>£</b>	<b>£</b>
Interest receivable	3	4
	<u>          </u>	<u>          </u>

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2016

### 6 Charitable activities

	Advice Services £	Reaching Communitie £	Essential Living Fund £	Web Chat £	Total £	Total 2015 £
Staff costs	68,483	42,867	986	4,273	116,609	114,249
Travelling	6,901	-	-	-	6,901	6,279
Telephone costs	5,491	-	-	-	5,491	4,387
Stationery and Postage	3,496	-	-	-	3,496	4,251
Light and Heat	3,469	-	-	-	3,469	4,171
Sundry	1,511	-	-	-	1,511	925
Rent and Council Tax	16,233	-	-	-	16,233	16,300
Insurance	1,866	-	-	-	1,866	1,611
Conference and Nacab expenses	5,525	-	-	-	5,525	4,326
Repairs and Maintenance	1,561	-	-	-	1,561	9,889
Computer costs	9,728	-	-	-	9,728	-
	<u>124,264</u>	<u>42,867</u>	<u>986</u>	<u>4,273</u>	<u>172,390</u>	<u>166,388</u>
Share of support costs	(4,073)	3,422	122	529	-	-
Share of governance costs	3,410	-	-	-	3,410	2,685
	<u>123,601</u>	<u>46,289</u>	<u>1,108</u>	<u>4,802</u>	<u>175,800</u>	<u>169,073</u>
<b>Analysis by fund</b>						
Unrestricted funds	123,601	-	-	-	123,601	
Restricted funds	-	46,289	1,108	4,802	52,199	
	<u>123,601</u>	<u>46,289</u>	<u>1,108</u>	<u>4,802</u>	<u>175,800</u>	
<b>For the year ended 31 March 2015</b>						
Unrestricted funds	126,527	-	-	-		126,527
Restricted funds	1,500	41,046	-	-		42,546
	<u>128,027</u>	<u>41,046</u>	<u>-</u>	<u>-</u>		<u>169,073</u>

Governance costs comprise of the cost of services provided by the Independent Examiner of which £1,650 were donated (2015: £1,685).

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2016

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### 7 Trustees

None of the trustees (or any persons connected with them) received any remuneration or benefits from the charity during the year.

No trustees' expenses occurred during the year.

### 8 Employees

#### Number of employees

The average monthly number employees during the year was:

	2016 Number	2015 Number
Management and administration	11	11
	<u>11</u>	<u>11</u>
<b>Employment costs</b>	<b>2016</b>	<b>2015</b>
	£	£
Wages and salaries	111,327	108,886
Social security costs	5,282	5,363
	<u>116,609</u>	<u>114,249</u>

There were no employees whose annual remuneration was £60,000 or more.

### 9 Financial instruments

	2016 £	2015 £
<b>Carrying amount of financial assets</b>		
Debt instruments measured at amortised cost	72,734	53,299
	<u>72,734</u>	<u>53,299</u>
<b>Carrying amount of financial liabilities</b>		
Measured at amortised cost	21,250	1,600
	<u>21,250</u>	<u>1,600</u>

### 10 Debtors

	2016 £	2015 £
<b>Amounts falling due within one year:</b>		
Other debtors	29,312	18,768
	<u>29,312</u>	<u>18,768</u>

### 11 Creditors: amounts falling due within one year

	2016 £	2015 £
Accruals and deferred income	21,250	1,600
	<u>21,250</u>	<u>1,600</u>

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# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

### FOR THE YEAR ENDED 31 MARCH 2016

#### 12 Restricted funds

The income funds of the charity include restricted funds comprising the following unexpended balances of donations and grants held on trust for specific purposes:

	Movement in funds				
	Balance at 1 April 2015	Incoming resources	Resources expended	Transfers	Balance at 31 March 2016
	£	£	£	£	£
Reaching Communities	1,276	42,147	(46,289)	2,866	-
Essential Living Fund	-	1,616	(1,108)	-	508
Webchat	-	6,750	(4,802)	-	1,948
	<u>1,276</u>	<u>50,513</u>	<u>(52,199)</u>	<u>2,866</u>	<u>2,456</u>

In 2014, The Big Lottery Fund awarded Brentwood Citizens Advice Bureau £196,174 over 5 years for the delivery of specialist advice services relating to debt and benefits.

£42,147 of the award was received during the year. The sum received over the first 3 years now totals £103,092.

#### 13 Analysis of net assets between funds

	Unrestricted funds	Restricted funds	Total
	£	£	£
Fund balances at 31 March 2016 are represented by:			
Current assets/(liabilities)	<u>49,028</u>	<u>2,456</u>	<u>51,484</u>
	<u>49,028</u>	<u>2,456</u>	<u>51,484</u>

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2016

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### 14 Operating lease commitments

#### Lessee

At the reporting end date the charity had outstanding commitments for future minimum lease payments under non-cancellable operating leases, which fall due as follows:

	2016 £	2015 as restated £
In over five years	9,667	10,667
	<u>9,667</u>	<u>10,667</u>
<b>15 Cash generated from operations</b>	<b>2016 £</b>	<b>2015 £</b>
Deficit for the year	(215)	(8,096)
Adjustments for:		
Investment income recognised in profit or loss	(3)	(4)
Movements in working capital:		
(Increase)/decrease in debtors	(10,544)	395
Increase/(decrease) in creditors	19,650	(2,650)
<b>Cash generated from/(absorbed by) operations</b>	<b>8,888</b>	<b>(10,355)</b>
	<u>8,888</u>	<u>(10,355)</u>

Charity Registration No. 1098171

Company Registration No. 04670256 (England and Wales)

**BRENTWOOD CITIZENS ADVICE BUREAU  
ANNUAL REPORT AND UNAUDITED FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 31 MARCH 2017**



# BRENTWOOD CITIZENS ADVICE BUREAU

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# BRENTWOOD CITIZENS ADVICE BUREAU

## LEGAL AND ADMINISTRATIVE INFORMATION

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<b>Trustees</b>	Geoff Morgan (Chairman) Ivan Armstrong (Vice Chairman) Maria Thompson Tina Davis Stuart Freel Philip Cunliffe-Jones Councillor Louise Rowlands	(Appointed 16 December 2016)
<b>Charity number</b>	1098171	
<b>Company number</b>	04670256	
<b>Registered office</b>	8-12 Crown Street Brentwood Essex CM14 4BA	
<b>Independent examiner</b>	Rickard Luckin Limited Aquila House Waterloo Lane Chelmsford Essex CM1 1BN	
<b>Bankers</b>	Lloyds TSB Bank Plc Brentwood Business Centre 47 High Street Brentwood Essex CM14 4RN  Unity Trust Bank 9 Brindley Place Birmingham B1 2HB	
<b>Solicitors</b>	Wortley Byers LLP Cathedral Place Brentwood Essex CM14 4ES	

# **BRENTWOOD CITIZENS ADVICE BUREAU**

## **TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT)**

### **FOR THE YEAR ENDED 31 MARCH 2017**

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The Trustees present their report and accounts for the year ended 31 March 2017. This report is also a directors' report required by s417 of the Companies Act 2006 and all Trustees are directors.

The accounts have been prepared in accordance with the accounting policies set out in note 1 to the accounts and comply with the Memorandum and Articles of Association, the Companies Act 2006 and the Statement of Recommended Practice, "Accounting and Reporting by Charities", applying FRS 102.

#### **Objectives and activities**

The charity's objectives are to benefit the public by ensuring that individuals do not suffer through a lack of knowledge of their rights and responsibilities or of the services available to them through an inability to express their needs effectively and to exercise a responsible influence on the development of social policies and services both locally and nationally.

There has been no change in these objectives during the year.

This service is independent and provides free, confidential, impartial advice to everybody regardless of race, gender, sexuality or disability.

The main activities to achieve these objectives are grants, donations, legacies, fund raising and contracts to meet the costs and charges and expenses of the charity.

The trustees confirm that they have referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing the charity's aims and objectives and in planning future activities and they have complied with their duty in section 17 of the Charities Act 2011.

The trustees have paid due regard to guidance issued by the Charity Commission in deciding what activities the charity should undertake.

#### **Achievements and performance**

The year proved another testing but successful one and it served a high number of clients. It has concentrated on the quality of advice since the last Independent Examination. Funding continues to be a major priority.

The Board has adopted the Citizens Advice Information Assurance policy concerning the management of information risks within the centre. A trustee/director has been appointed with responsibility for the oversight of information assurance and all front-line staff and volunteers now undertake annual training.

#### **Financial review**

Citizens Advice Brentwood had a surplus of £20,426 (in 2015/16 the deficit was £215).

The board has reviewed our reserves policy and updated it to take account of three risks. First to ensure that, in the event of a significant drop in funding, we are able to continue our current service whilst replacement funding is sourced, and secondly to provide for unforeseen cost increases. We consider that these risks require unrestricted reserves of at least three months operating costs of £28,484 based on costs in 2016/17. We also need to ensure that our legal obligations can be met in the event of closure which we estimate at £20,000. The total unrestricted reserves requirement is therefore £48,484. Actual unrestricted reserves at 31st March 2017 were £48,549.

The Statement of Financial Activities for the charity is set out on page 6.

The trustees have assessed the major risks to which the charity is exposed, and are satisfied that systems are in place to mitigate exposure to these risks.

# BRENTWOOD CITIZENS ADVICE BUREAU

## TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT) FOR THE YEAR ENDED 31 MARCH 2017

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Citizens Advice has adopted a "One Service Strategy" to be achieved over the next 5 years. It is aimed at meeting the increased demands and requirements of clients. It will be achieved by working together to improve the quality of advice provided, making our services more widely available, becoming more influential locally and nationally, being a stronger champion of equality and becoming more sustainable.

Consequently, our 3 year business plan includes improving the range, depth and quality of services provided and providing greater access, especially to young and older clients. To this end there is a need to attract, train and retain more volunteers and to introduce a fast track high quality training process.

The use of technology is key to our development to handle an increasing number of telephone and email enquiries and instigating the use of other digital communications.

The board has identified that the sustainability of the centre is a priority. In order to get adequate funding and economies of scale, collaborations with other Citizens Advice centres and other voluntary organisations will be essential. We are already part of schemes and contracts with other Citizens Advice centres in Essex and share telephone enquiries. Our objective is to ensure that we have a soundly based, high performing and well financed structure with a secure future to meet the advice needs of Brentwood and the surrounding areas.

Discussions have taken place with Brentwood Borough Council to move some or all of Citizens Advice Brentwood to the Town Hall. There are many pros and cons, not least the terms and costs involved, and the board awaits a firm proposal to consider.

### **Structure, governance and management**

Now titled Citizens Advice Brentwood, the centre first opened at the Hermitage in 1959 and is a long standing member of the National Association of Citizens Advice, Membership Number 65/0015

The charity is a company limited by guarantee and the members' liability is limited to £1 per member.

Citizens Advice Brentwood is managed by its board of trustees who are also directors of the company.

The governing document for the charity is the Memorandum and Articles of Association. All decisions affecting the company are made by the board in accordance with those Articles. The trustees of the charity endeavour to comply with its obligations under the Charities Act 2011 and the requirements of the Statement of Recommended Practice, "Accounting and Reporting of Charities" 2005.

The trustees, who are also the directors for the purpose of company law, and who served during the year were:

Geoff Morgan (Chairman)	
Ivan Armstrong (Vice Chairman)	
Peter Mamelok	(Resigned 6 October 2016)
Maria Thompson	
Tina Davis	
Stuart Freel	
Greg Nottage	(Resigned 12 April 2017)
Philip Cunliffe-Jones	
Councillor Graeme Clark	(Resigned 22 June 2016)
Councillor Madeline Henwood	(Resigned 22 June 2016)
Councillor Cliff Poppy	(Appointed 24 August 2016 and resigned 12 April 2017)
Councillor Louise Rowlands	(Appointed 16 December 2016)
Councillor Paul Barrell	(Appointed 22 June 2016 and resigned 27 October 2016)

# **BRENTWOOD CITIZENS ADVICE BUREAU**

## **TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT) FOR THE YEAR ENDED 31 MARCH 2017**

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The methods of recruitment and appointment of new trustees is defined in accordance with the Articles of Association of the charity. Trustees may be elected by the board of trustees at any general meeting subject to appropriate notice as defined in the charity's Articles.

None of the trustees has any beneficial interest in the company. Trustees are also members of the company and guarantee to contribute £1 in the event of a winding up.

The trustees' report was approved by the Board of Trustees.

.....

Trustee

Dated: .....

# BRENTWOOD CITIZENS ADVICE BUREAU

## INDEPENDENT EXAMINER'S REPORT

### TO THE TRUSTEES OF BRENTWOOD CITIZENS ADVICE BUREAU

---

I report on the accounts of charity for the year ended 31 March 2017, which are set out on pages 6 to 14 .

This report is made solely to the charity's trustees, as a body, in accordance with section 145 of the Charities Act 2011. My work has been undertaken so that I might state to the charity's trustees those matters I am required to state to them in this report and for no other purpose. To the fullest extent permitted by law, I do not accept or assume responsibility to anyone other than the charity's trustees as a body, for my work, for this report, or for the opinions I have formed.

#### **Respective responsibilities of trustees and examiner**

The charity's trustees, who are also the directors of Brentwood Citizens Advice Bureau for the purposes of company law, are responsible for the preparation of the financial statements. The trustees consider that an audit is not required for this year under section 144 (2) of the Charities Act 2011, (the '2011 Act') and that an independent examination is needed. I am qualified to undertake the examination by being a qualified member of the Institute of Chartered Accountants in England & Wales.

Having satisfied myself that the charity is not subject to audit under company law and is eligible for independent examination, it is my responsibility to:

- (i) examine the accounts under section 145 of the 2011 Act;
- (ii) to follow the procedures laid down in the general Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act; and
- (iii) to state whether particular matters have come to my attention.

#### **Basis of independent examiner's report**

My examination was carried out in accordance with the general Directions given by the Charity Commission. An examination includes a review of the accounting records kept by the charity and a comparison of the financial statements presented with those records. It also includes consideration of any unusual items or disclosures in the financial statements, and seeking explanations from you as trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit and consequently no opinion is given as to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the statement below.

#### **Independent examiner's statement**

In connection with my examination, no matter has come to my attention:

- (a) which gives me reasonable cause to believe that in any material respect the requirements:
  - (i) to keep accounting records in accordance with section 386 of the Companies Act 2006; and
  - (ii) to prepare financial statements which accord with the accounting records and to comply with the accounting requirements of the section 396 of the Companies Act 2006 and with the methods and principles of the Statement of Recommended Practice: Accounting and Reporting by Charities have not been met; or
- (b) to which, in my opinion, attention should be drawn in order to enable a proper understanding of the financial statements to be reached.

Rickard Luckin Limited

Aquila House  
Waterloo Lane  
Chelmsford  
Essex  
CM1 1BN

**BRENTWOOD CITIZENS ADVICE BUREAU**

**INDEPENDENT EXAMINER'S REPORT (CONTINUED)**

**TO THE TRUSTEES OF BRENTWOOD CITIZENS ADVICE BUREAU**

---

Dated: .....

# BRENTWOOD CITIZENS ADVICE BUREAU

## STATEMENT OF FINANCIAL ACTIVITIES INCLUDING INCOME AND EXPENDITURE ACCOUNT

FOR THE YEAR ENDED 31 MARCH 2017

	Notes	Unrestricted funds £	Restricted funds £	Total 2017 £	Total 2016 £
<b><u>Income from:</u></b>					
Donations and legacies	3	113,455	65,026	178,481	175,582
Investments	4	1	-	1	3
<b>Total income</b>		<b>113,456</b>	<b>65,026</b>	<b>178,482</b>	<b>175,585</b>
<b><u>Expenditure on:</u></b>					
<b><u>Charitable activities</u></b>					
Advice Services	5	113,935	-	113,935	123,601
Reaching Communities	5	-	35,390	35,390	46,289
Essential Living Fund	5	-	-	-	1,108
Web Chat	5	-	4,430	4,430	4,802
Fast track	5	-	4,301	4,301	-
<b>Total charitable expenditure</b>		<b>113,935</b>	<b>44,121</b>	<b>158,056</b>	<b>175,800</b>
<b>Net (expenditure)/income for the year/ Net movement in funds</b>		<b>(479)</b>	<b>20,905</b>	<b>20,426</b>	<b>(215)</b>
Fund balances at 1 April 2016		49,028	2,456	51,484	51,699
<b>Fund balances at 31 March 2017</b>		<b>48,549</b>	<b>23,361</b>	<b>71,910</b>	<b>51,484</b>

The statement of financial activities includes all gains and losses recognised in the year.

All income and expenditure derive from continuing activities.

The statement of financial activities also complies with the requirements for an income and expenditure account under the Companies Act 2006.



# BRENTWOOD CITIZENS ADVICE BUREAU

## BALANCE SHEET

AS AT 31 MARCH 2017

---

	Notes	2017 £	£	2016 £	£
<b>Current assets</b>					
Debtors	10	11,896		29,312	
Cash at bank and in hand		68,636		43,422	
		<u>80,532</u>		<u>72,734</u>	
<b>Creditors: amounts falling due within one year</b>	11	<u>(8,622)</u>		<u>(21,250)</u>	
Net current assets			71,910		51,484
			<u>71,910</u>		<u>51,484</u>
<b>Income funds</b>					
Restricted funds	12		23,361		2,456
Unrestricted funds			48,549		49,028
			<u>71,910</u>		<u>51,484</u>

The company is entitled to the exemption from the audit requirement contained in section 477 of the Companies Act 2006, for the year ended 31 March 2017. No member of the company has deposited a notice, pursuant to section 476, requiring an audit of these accounts.

The trustees' responsibilities for ensuring that the charity keeps accounting records which comply with section 386 of the Act and for preparing accounts which give a true and fair view of the state of affairs of the company as at the end of the financial year and of its incoming resources and application of resources, including its income and expenditure, for the financial year in accordance with the requirements of sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to accounts, so far as applicable to the company.

These accounts have been prepared in accordance with the provisions applicable to companies subject to the small companies' regime.

The accounts were approved by the Trustees on .....

.....  
Geoff Morgan (Chairman)  
**Trustee**

.....  
Ivan Armstrong (Vice Chairman)  
**Trustee**

**Company Registration No. 04670256**

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2017

---

### 1 Accounting policies

#### Company information

Brentwood Citizens Advice Bureau is a private company limited by guarantee incorporated in England and Wales. The registered office is 8-12 Crown Street, Brentwood, Essex, CM14 4BA.

#### 1.1 Accounting convention

These accounts have been prepared in accordance with FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" ("FRS 102"), "Accounting and Reporting by Charities" the Statement of Recommended Practice for charities applying FRS 102, the Companies Act 2006, update bulletin 1 and UK Generally Accepted Accounting Practice as it applies from 1 January 2015. The charity is a Public Benefit Entity as defined by FRS 102.

The accounts have been prepared on the historical cost convention, The principal accounting policies adopted are set out below.

#### 1.2 Going concern

At the time of approving the accounts, the trustees have a reasonable expectation that the charity has adequate resources to continue in operational existence for the foreseeable future. Thus the trustees continue to adopt the going concern basis of accounting in preparing the accounts.

#### 1.3 Charitable funds

Unrestricted funds are available for use at the discretion of the trustees in furtherance of their charitable objectives unless the funds have been designated for other purposes.

Restricted funds are subject to specific conditions by donors as to how they may be used. The purposes and uses of the restricted funds are set out in the notes to the accounts.

#### 1.4 Incoming resources

Income is recognised when the charity is legally entitled to it after any performance conditions have been met, the amounts can be measured reliably, and it is probable that income will be received.

Cash donations are recognised on receipt. Other donations are recognised once the charity has been notified of the donation, unless performance conditions require deferral of the amount. Income tax recoverable in relation to donations received under Gift Aid or deeds of covenant is recognised at the time of the donation.

Grants, donations, chargeable advice sessions and other forms of voluntary income are recognised as incoming resources when the amounts receivable have been ascertained, except insofar as they are incapable of financial measurement.

#### 1.5 Resources expended

Liabilities and all expenses are included in the Statement of Financial Activities on an accruals basis.

Expenditure on the projects is treated as direct charitable expenditure.

#### 1.6 Cash and cash equivalents

Cash and cash equivalents include cash in hand, deposits held at call with banks, other short-term liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities.

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2017

---

### 1 Accounting policies

(Continued)

#### 1.7 Financial instruments

The charity has elected to apply the provisions of Section 11 'Basic Financial Instruments' and Section 12 'Other Financial Instruments Issues' of FRS 102 to all of its financial instruments.

Financial instruments are recognised in the charity's balance sheet when the charity becomes party to the contractual provisions of the instrument.

Financial assets and liabilities are offset, with the net amounts presented in the financial statements, when there is a legally enforceable right to set off the recognised amounts and there is an intention to settle on a net basis or to realise the asset and settle the liability simultaneously.

##### **Basic financial assets**

Basic financial assets, which include debtors and cash and bank balances, are initially measured at transaction price including transaction costs and are subsequently carried at amortised cost using the effective interest method unless the arrangement constitutes a financing transaction, where the transaction is measured at the present value of the future receipts discounted at a market rate of interest. Financial assets classified as receivable within one year are not amortised.

##### **Basic financial liabilities**

Basic financial liabilities, including creditors and bank loans are initially recognised at transaction price unless the arrangement constitutes a financing transaction, where the debt instrument is measured at the present value of the future receipts discounted at a market rate of interest. Financial liabilities classified as payable within one year are not amortised.

Debt instruments are subsequently carried at amortised cost, using the effective interest rate method.

Trade creditors are obligations to pay for goods or services that have been acquired in the ordinary course of operations from suppliers. Amounts payable are classified as current liabilities if payment is due within one year or less. If not, they are presented as non-current liabilities. Trade creditors are recognised initially at transaction price and subsequently measured at amortised cost using the effective interest method.

##### **Derecognition of financial liabilities**

Financial liabilities are derecognised when the charity's contractual obligations expire or are discharged or cancelled.

#### 1.8 Leases

Rentals payable under operating leases, including any lease incentives received, are charged to income on a straight line basis over the term of the relevant lease.

### 2 Critical accounting estimates and judgements

In the application of the charity's accounting policies, the trustees are required to make judgements, estimates and assumptions about the carrying amount of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised where the revision affects only that period, or in the period of the revision and future periods where the revision affects both current and future periods.

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2017

### 3 Donations and legacies

	Unrestricted funds	Restricted funds	Total 2017	Total 2016
	£	£	£	£
Donations and gifts	31,226	-	31,226	22,322
Grants	69,004	65,026	134,030	129,510
Other	13,225	-	13,225	23,750
	<u>113,455</u>	<u>65,026</u>	<u>178,481</u>	<u>175,582</u>
<b>For the year ended 31 March 2016</b>	<u>125,069</u>	<u>50,513</u>		<u>175,582</u>
<b>Grants receivable for core activities</b>				
Reaching Communities	-	40,870	40,870	42,147
Essential Living Fund	-	-	-	1,616
Web Chat	-	9,156	9,156	6,750
Fasttrack Training	-	10,000	10,000	-
Healthy Homes	-	5,000	5,000	-
Other	69,004	-	69,004	78,997
	<u>69,004</u>	<u>65,026</u>	<u>134,030</u>	<u>129,510</u>

### 4 Investments

	2017	2016
	£	£
Interest receivable	<u>1</u>	<u>3</u>

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2017

### 5 Charitable activities

	Advice Services £	Reaching Communities £	Essential Living Fund £	Web Chat £	Fast track £	Total £	Total 2016 £
Staff costs	61,170	35,140	-	4,430	1,178	101,918	116,609
Travelling	5,451	66	-	-	43	5,560	6,901
Telephone costs	4,144	-	-	-	-	4,144	5,491
Stationery and Postage	1,943	-	-	-	-	1,943	3,496
Light and Heat	3,121	-	-	-	-	3,121	3,469
Sundry	1,502	-	-	-	-	1,502	1,511
Rent and Council Tax	16,435	-	-	-	-	16,435	16,233
Insurance	1,114	-	-	-	-	1,114	1,866
Subscriptions	5,189	-	-	-	-	5,189	-
Conference and Nacab expenses	-	-	-	-	-	-	5,525
Repairs and Maintenance	2,131	-	-	-	-	2,131	1,561
Computer costs	8,949	-	-	-	-	8,949	9,728
Training	56	184	-	-	3,080	3,320	-
	<u>111,205</u>	<u>35,390</u>	<u>-</u>	<u>4,430</u>	<u>4,301</u>	<u>155,326</u>	<u>172,390</u>
Share of governance costs	2,730	-	-	-	-	2,730	3,410
	<u>113,935</u>	<u>35,390</u>	<u>-</u>	<u>4,430</u>	<u>4,301</u>	<u>158,056</u>	<u>175,800</u>
<b>Analysis by fund</b>							
Unrestricted funds	113,935	-	-	-	-	113,935	
Restricted funds	-	35,390	-	4,430	4,301	44,121	
	<u>113,935</u>	<u>35,390</u>	<u>-</u>	<u>4,430</u>	<u>4,301</u>	<u>158,056</u>	
<b>For the year ended 31 March 2016</b>							
Unrestricted funds	123,601	-	-	-	-		123,601
Restricted funds	-	46,289	1,108	4,802	-		52,199
	<u>123,601</u>	<u>46,289</u>	<u>1,108</u>	<u>4,802</u>	<u>-</u>		<u>175,800</u>

Governance costs comprise of the cost of services provided by the Independent Examiner of which £1,650 were donated (2016: £1,650).

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2017

### 6 Support costs

	Support costs £	Governance costs £	2017 £	2016 £	Basis of allocation
Audit fees	-	2,730	2,730	3,410	Governance
	-	2,730	2,730	3,410	
Analysed between Charitable activities	-	2,730	2,730	3,410	

### 7 Trustees

None of the trustees (or any persons connected with them) received any remuneration or benefits from the charity during the year.

No trustees' expenses occurred during the year.

### 8 Employees

#### Number of employees

The average monthly number employees during the year was:

	2017 Number	2016 Number
Management and administration	12	11

#### Employment costs

	2017 £	2016 £
Wages and salaries	100,233	111,327
Social security costs	1,685	5,282
	101,918	116,609

There were no employees whose annual remuneration was £60,000 or more.

### 9 Financial instruments

	2017 £	2016 £
<b>Carrying amount of financial assets</b>		
Debt instruments measured at amortised cost	11,896	72,734
<b>Carrying amount of financial liabilities</b>		
Measured at amortised cost	8,622	21,250

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED) FOR THE YEAR ENDED 31 MARCH 2017

		(Continued)	
9	Financial instruments	2017	2016
10	Debtors		
	Amounts falling due within one year:	2017	2016
		£	£
	Other debtors	11,896	29,312
		<u>          </u>	<u>          </u>
11	Creditors: amounts falling due within one year		
		2017	2016
		£	£
	Other creditors	47	-
	Accruals and deferred income	8,575	21,250
		<u>          </u>	<u>          </u>
		8,622	21,250
		<u>          </u>	<u>          </u>
12	Restricted funds		

The income funds of the charity include restricted funds comprising the following unexpended balances of donations and grants held on trust for specific purposes:

	Movement in funds			
	Balance at 1 April 2016	Incoming resources	Resources expended	Balance at 31 March 2017
	£	£	£	£
Reaching Communities	-	40,870	(35,390)	5,480
Essential Living Fund	508	-	-	508
Webchat	1,948	9,156	(4,430)	6,674
Fast Track	-	10,000	(4,301)	5,699
Healthy Homes	-	5,000	-	5,000
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
	2,456	65,026	(44,121)	23,361
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

In 2014, The Big Lottery Fund awarded Brentwood Citizens Advice Bureau £196,174 over 5 years for the delivery of specialist advice services relating to debt and benefits.

£40,870 of the award was received during the year. The sum received over the first 4 years now totals £143,962.

The Fast Track fund of £10,000 was granted by The Big Lottery Fund during the year to provide training for digital channels.

The Healthy Homes Grant of £5,000 was received in order to contact residents in the Brentwood area to provide information to improve living conditions.

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2017

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### 13 Analysis of net assets between funds

	Unrestricted funds £	Restricted funds £	Total £
Fund balances at 31 March 2017 are represented by:			
Current assets/(liabilities)	48,549	23,361	71,910
	<u>48,549</u>	<u>23,361</u>	<u>71,910</u>
	<u><u>48,549</u></u>	<u><u>23,361</u></u>	<u><u>71,910</u></u>

### 14 Operating lease commitments

At the reporting end date the charity had outstanding commitments for future minimum lease payments under non-cancellable operating leases, which fall due as follows:

	2017 £	2016 £
Within one year	8,667	9,667
	<u>8,667</u>	<u>9,667</u>



Charity Registration No. 1098171

Company Registration No. 04670256 (England and Wales)

**BRENTWOOD CITIZENS ADVICE BUREAU**  
**ANNUAL REPORT AND UNAUDITED FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 31 MARCH 2018**



# BRENTWOOD CITIZENS ADVICE BUREAU

## LEGAL AND ADMINISTRATIVE INFORMATION

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<b>Trustees</b>	Geoff Morgan (Chairman) Ivan Armstrong (Vice Chairman) Philip Cunliffe-Jones Tina Davis Stuart Freel Councillor Mark Haigh Michael Lazell (Treasurer) Councillor Sheila Murphy Maria Thompson	(Appointed 25 July 2018) (Appointed 21 December 2017) (Appointed 4 October 2017)
<b>Secretary</b>	Richard McLeod	
<b>Charity number</b>	1098171	
<b>Company number</b>	04670256	
<b>Registered office</b>	8-12 Crown Street Brentwood Essex CM14 4BA	
<b>Independent examiner</b>	Rickard Luckin Limited Aquila House Waterloo Lane Chelmsford Essex CM1 1BN	
<b>Bankers</b>	Unity Trust Bank 9 Brindley Place Birmingham B1 2HB	
<b>Solicitors</b>	Wortley Byers LLP Cathedral Place Brentwood Essex CM14 4ES	

# BRENTWOOD CITIZENS ADVICE BUREAU

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Independent examiner's report	5
Statement of financial activities	6
Balance sheet	7
Notes to the financial statements	8 - 14

# BRENTWOOD CITIZENS ADVICE BUREAU

## TRUSTEES' REPORT (INCLUDING DIRECTORS' REPORT)

**FOR THE YEAR ENDED 31 MARCH 2018**

---

The Trustees present their report and accounts for the year ended 31 March 2018. This report is also a directors' report required by s417 of the Companies Act 2006 and all Trustees are directors.

The accounts have been prepared in accordance with the accounting policies set out in note 1 to the accounts and comply with the Memorandum and Articles of Association, the Companies Act 2006 and the Statement of Recommended Practice, "Accounting and Reporting by Charities", applying FRS 102.

### **Objectives and activities**

The charity's objectives are to benefit the public by ensuring that individuals do not suffer through a lack of knowledge of their rights and responsibilities or of the services available to them through an inability to express their needs effectively and to exercise a responsible influence on the development of social policies and services both locally and nationally.

There has been no change in these objectives during the year.

This service is independent and provides free, confidential, impartial advice to everybody regardless of race, gender, sexuality or disability.

The main activities to achieve these objectives are grants, donations, legacies, fund raising and contracts to meet the costs and charges and expenses of the charity.

The trustees confirm that they have referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing the charity's aims and objectives and in planning future activities and they have complied with their duty in section 17 of the Charities Act 2011.

The trustees have paid due regard to guidance issued by the Charity Commission in deciding what activities the charity should undertake.

### **Achievements and performance**

Client demand remains high and there were more than 10,000 client events during the year. Benefits (30%) continues to be the biggest issue, followed by housing (13%), debt (11%), relationships (11%), and employment (10%). A new referral project started with Job Centre Plus Brentwood for Universal Credit digital and budgeting support, and Hutton Community Centre invited us to provide on-site advice surgeries. Digital services continue to expand with on-line webchat and telephone services. Outreach services continue at the Brentwood Town Hall and at two offices of Ford Motor Company, as well as home visits through a contract with Essex County Council.

The Board has adopted the Citizens Advice Information Assurance policy concerning the management of information risks within the centre. A trustee/director has been appointed with responsibility for the oversight of information assurance and all front-line staff and volunteers now undertake annual training.

# **BRENTWOOD CITIZENS ADVICE BUREAU**

## **TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT) FOR THE YEAR ENDED 31 MARCH 2018**

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### **Financial review**

Citizens Advice Brentwood had a surplus of £7,282 (2016/17: £20,426).

The reserves policy approved by the Board takes account of three risks. First to ensure that, in the event of a significant drop in funding, we are able to continue our current service whilst replacement funding is sourced, and secondly to provide for unforeseen cost increases. We consider that these risks require unrestricted reserves of at least three months operating costs (excluding notional costs) of £20,237 based on costs in 2017/18. We also need to ensure that our legal obligations can be met in the event of closure which we estimate at £20,000. The total unrestricted reserves requirement is therefore £40,237. Actual unrestricted reserves at 31st March 2018 were £77,775.

The Statement of Financial Activities for the charity is set out on page 6.

The trustees have assessed the major risks to which the charity is exposed, and are satisfied that systems are in place to mitigate exposure to these risks.

### **Plans for the future**

The board identified that, in view of the impact of prospective political, economic and financial conditions leading to severe difficulties to secure sufficient reliable funding and necessary resources, sustainability was a priority and has been considering possible alternatives. It has been concluded that the collaboration, leading to merger with one or more local citizen's advice centres, is the best way forward. Work has started to achieve this with a target of the start of the next financial year.

Discussions have taken place with Brentwood Borough Council to relocate Citizens Advice Brentwood to the Town Hall which is being refurbished. Lease terms and conditions and other arrangements, including perceived independence, are awaited for the board to consider.

# BRENTWOOD CITIZENS ADVICE BUREAU

## TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT) FOR THE YEAR ENDED 31 MARCH 2018

---

### Structure, governance and management

Now titled Citizens Advice Brentwood, the centre first opened at the Hermitage in 1959 and is a long standing member of the National Association of Citizens Advice, Membership Number 65/0015

The charity is a company limited by guarantee and the members' liability is limited to £1 per member.

Citizens Advice Brentwood is managed by its board of trustees who are also directors of the company.

The governing document for the charity is the Memorandum and Articles of Association. All decisions affecting the company are made by the board in accordance with those Articles. The trustees of the charity endeavour to comply with its obligations under the Charities Act 2011 and the requirements of the Statement of Recommended Practice, "Accounting and Reporting of Charities" 2005.

The trustees, who are also the directors for the purpose of company law, and who served during the year and up to the date of signature of the financial statements were:

Geoff Morgan (Chairman)

Ivan Armstrong (Vice Chairman)

Philip Cunliffe-Jones

Tina Davis

Stuart Freel

Councillor Mark Haigh

(Appointed 25 July 2018)

Michael Lazell (Treasurer)

(Appointed 21 December 2017)

Councillor Juliette Morrissey

(Appointed 4 October 2017 and resigned 25 July 2018)

Councillor Sheila Murphy

(Appointed 4 October 2017)

Greg Nottage

(Resigned 12 April 2017)

Councillor Cliff Poppy

(Resigned 12 April 2017)

Maria Thompson

The methods of recruitment and appointment of new trustees is defined in accordance with the Articles of Association of the charity. Trustees may be elected by the board of trustees at any general meeting subject to appropriate notice as defined in the charity's Articles.

None of the trustees has any beneficial interest in the company. Trustees are also members of the company and guarantee to contribute £1 in the event of a winding up.

# BRENTWOOD CITIZENS ADVICE BUREAU

## TRUSTEES' REPORT (CONTINUED)(INCLUDING DIRECTORS' REPORT) FOR THE YEAR ENDED 31 MARCH 2018

---

### Statement of trustees' responsibilities

The trustees, who are also the directors of Brentwood Citizens Advice Bureau for the purpose of company law, are responsible for preparing the Trustees' Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

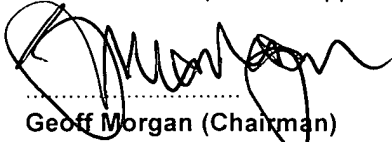
Company Law requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for that year.

In preparing these financial statements, the trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in operation.

The trustees are responsible for keeping adequate accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

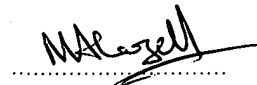
The trustees' report was approved by the Board of Trustees.



Geoff Morgan (Chairman)

Trustee

Dated: 26 September 2018



Trustee

# BRENTWOOD CITIZENS ADVICE BUREAU

## INDEPENDENT EXAMINER'S REPORT

### TO THE TRUSTEES OF BRENTWOOD CITIZENS ADVICE BUREAU

---

I report to the trustees on my examination of the financial statements of Brentwood Citizens Advice Bureau (the charity) for the year ended 31 March 2018.

#### Responsibilities and basis of report

As the trustees of the charity (and also its directors for the purposes of company law) you are responsible for the preparation of the financial statements in accordance with the requirements of the Companies Act 2006 (the 2006 Act).

Having satisfied myself that the financial statements of the charity are not required to be audited under Part 16 of the 2006 Act and are eligible for independent examination, I report in respect of my examination of the charity's financial statements carried out under section 145 of the Charities Act 2011 (the 2011 Act). In carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the 2011 Act.

#### Independent examiner's statement

I have completed my examination. I confirm that no matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

- 1 accounting records were not kept in respect of the charity as required by section 386 of the 2006 Act; or
- 2 the financial statements do not accord with those records; or
- 3 the financial statements do not comply with the accounting requirements of section 396 of the 2006 Act other than any requirement that the accounts give a true and fair view which is not a matter considered as part of an independent examination; or
- 4 the financial statements have not been prepared in accordance with the methods and principles of the Statement of Recommended Practice for accounting and reporting by charities applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102).

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the financial statements to be reached.

This report is made solely to the charity's trustees, as a body, in accordance with section 145 of the Charities Act 2011. My work has been undertaken so that I might state to the charity's trustees those matters I am required to state to them in this report and for no other purpose. To the fullest extent permitted by law, I do not accept or assume responsibility to anyone other than the charity and the charity's trustees as a body, for my work, for this report, or for the opinions I have formed.



Caroline Peters FCA  
Rickard Luckin Limited

Aquila House  
Waterloo Lane  
Chelmsford  
Essex  
CM1 1BN

Dated: 4 October 2018



# BRENTWOOD CITIZENS ADVICE BUREAU

## STATEMENT OF FINANCIAL ACTIVITIES INCLUDING INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2018

	Notes	Unrestricted funds £	Restricted funds £	Total 2018 £	Total 2017 £
<b><u>Income from:</u></b>					
Donations and legacies	3	112,865	40,419	153,284	178,481
Investments	4	-	-	-	1
<b>Total income</b>		<b>112,865</b>	<b>40,419</b>	<b>153,284</b>	<b>178,482</b>
<b><u>Expenditure on:</u></b>					
<b><u>Charitable activities</u></b>					
Advice Services	5	96,596	-	96,596	113,935
Reaching Communities	5	-	39,482	39,482	35,390
Web Chat	5	-	-	-	4,430
Fast track	5	-	4,924	4,924	4,301
Healthy Homes	5	-	5,000	5,000	-
<b>Total charitable expenditure</b>		<b>96,596</b>	<b>49,406</b>	<b>146,002</b>	<b>158,056</b>
<b>Net incoming/(outgoing) resources before transfers</b>		<b>16,269</b>	<b>(8,987)</b>	<b>7,282</b>	<b>20,426</b>
Gross transfers between funds		12,957	(12,957)	-	-
<b>Net income/(expenditure) for the year/ Net movement in funds</b>		<b>29,226</b>	<b>(21,944)</b>	<b>7,282</b>	<b>20,426</b>
Fund balances at 1 April 2017		48,549	23,361	71,910	51,484
<b>Fund balances at 31 March 2018</b>		<b>77,775</b>	<b>1,417</b>	<b>79,192</b>	<b>71,910</b>

The statement of financial activities includes all gains and losses recognised in the year.

All income and expenditure derive from continuing activities.

The statement of financial activities also complies with the requirements for an income and expenditure account under the Companies Act 2006.

# BRENTWOOD CITIZENS ADVICE BUREAU

## BALANCE SHEET

AS AT 31 MARCH 2018

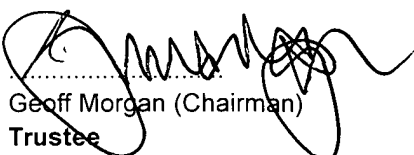
	Notes	2018 £	£	2017 £	£
<b>Current assets</b>					
Debtors	10	8,753		11,896	
Cash at bank and in hand		78,024		68,636	
		<u>86,777</u>		<u>80,532</u>	
<b>Creditors: amounts falling due within one year</b>	11	<u>(7,585)</u>		<u>(8,622)</u>	
Net current assets			<u>79,192</u>		<u>71,910</u>
<b>Income funds</b>					
Restricted funds	12		1,417		23,361
Unrestricted funds			<u>77,775</u>		<u>48,549</u>
			<u>79,192</u>		<u>71,910</u>

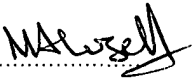
The company is entitled to the exemption from the audit requirement contained in section 477 of the Companies Act 2006, for the year ended 31 March 2018. No member of the company has deposited a notice, pursuant to section 476, requiring an audit of these financial statements.

The trustees acknowledge their responsibilities for ensuring that the charity keeps accounting records which comply with section 386 of the Act and for preparing financial statements which give a true and fair view of the state of affairs of the company as at the end of the financial year and of its incoming resources and application of resources, including its income and expenditure, for the financial year in accordance with the requirements of sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to financial statements, so far as applicable to the company.

These financial statements have been prepared in accordance with the provisions applicable to companies subject to the small companies regime.

The financial statements were approved by the Trustees on 26 September 2018

  
Geoff Morgan (Chairman)  
Trustee

  
Michael Lazell (Treasurer)  
Trustee

Company Registration No. 04670256

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS

**FOR THE YEAR ENDED 31 MARCH 2018**

---

### **1 Accounting policies**

#### **Charity information**

Brentwood Citizens Advice Bureau is a private company limited by guarantee incorporated in England and Wales. The registered office is 8-12 Crown Street, Brentwood, Essex, CM14 4BA.

#### **1.1 Accounting convention**

These accounts have been prepared in accordance with FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" ("FRS 102"), "Accounting and Reporting by Charities" the Statement of Recommended Practice for charities applying FRS 102, the Companies Act 2006, update bulletin 1 and UK Generally Accepted Accounting Practice as it applies from 1 January 2015. The charity is a Public Benefit Entity as defined by FRS 102.

The accounts have been prepared on the historical cost convention, The principal accounting policies adopted are set out below.

#### **1.2 Going concern**

At the time of approving the financial statements, the trustees have a reasonable expectation that the charity has adequate resources to continue in operational existence for the foreseeable future. Thus the trustees continue to adopt the going concern basis of accounting in preparing the financial statements.

#### **1.3 Charitable funds**

Unrestricted funds are available for use at the discretion of the trustees in furtherance of their charitable objectives unless the funds have been designated for other purposes.

Restricted funds are subject to specific conditions by donors as to how they may be used. The purposes and uses of the restricted funds are set out in the notes to the financial statements.

#### **1.4 Incoming resources**

Income is recognised when the charity is legally entitled to it after any performance conditions have been met, the amounts can be measured reliably, and it is probable that income will be received.

Cash donations are recognised on receipt. Other donations are recognised once the charity has been notified of the donation, unless performance conditions require deferral of the amount. Income tax recoverable in relation to donations received under Gift Aid or deeds of covenant is recognised at the time of the donation.

Grants, donations, chargeable advice sessions and other forms of voluntary income are recognised as incoming resources when the amounts receivable have been ascertained, except insofar as they are incapable of financial measurement.

#### **1.5 Resources expended**

Liabilities and all expenses are included in the Statement of Financial Activities on an accruals basis.

Expenditure on the projects is treated as direct charitable expenditure.

#### **1.6 Cash and cash equivalents**

Cash and cash equivalents include cash in hand and deposits held at call with banks.

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2018

---

### 1 Accounting policies (Continued)

#### 1.7 Financial instruments

The charity has elected to apply the provisions of Section 11 'Basic Financial Instruments' and Section 12 'Other Financial Instruments Issues' of FRS 102 to all of its financial instruments.

Financial instruments are recognised in the charity's balance sheet when the charity becomes party to the contractual provisions of the instrument.

Financial assets and liabilities are offset, with the net amounts presented in the financial statements, when there is a legally enforceable right to set off the recognised amounts and there is an intention to settle on a net basis or to realise the asset and settle the liability simultaneously.

##### **Basic financial assets**

Basic financial assets, which include debtors and cash and bank balances, are initially measured at transaction price including transaction costs and are subsequently carried at amortised cost using the effective interest method unless the arrangement constitutes a financing transaction, where the transaction is measured at the present value of the future receipts discounted at a market rate of interest. Financial assets classified as receivable within one year are not amortised.

##### **Basic financial liabilities**

Basic financial liabilities, including creditors are initially recognised at transaction price unless the arrangement constitutes a financing transaction, where the debt instrument is measured at the present value of the future receipts discounted at a market rate of interest. Financial liabilities classified as payable within one year are not amortised.

Debt instruments are subsequently carried at amortised cost, using the effective interest rate method.

Trade creditors are obligations to pay for goods or services that have been acquired in the ordinary course of operations from suppliers. Amounts payable are classified as current liabilities if payment is due within one year or less. If not, they are presented as non-current liabilities. Trade creditors are recognised initially at transaction price and subsequently measured at amortised cost using the effective interest method.

##### **Derecognition of financial liabilities**

Financial liabilities are derecognised when the charity's contractual obligations expire or are discharged or cancelled.

#### 1.8 Leases

Rentals payable under operating leases, including any lease incentives received, are charged to income on a straight line basis over the term of the relevant lease.

### 2 Critical accounting estimates and judgements

In the application of the charity's accounting policies, the trustees are required to make judgements, estimates and assumptions about the carrying amount of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised where the revision affects only that period, or in the period of the revision and future periods where the revision affects both current and future periods.

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2018

### 3 Donations and legacies

	Unrestricted funds	Restricted funds	Total 2018	Total 2017
	£	£	£	£
Donations and gifts	21,050	-	21,050	31,226
Grants	73,780	40,419	114,199	134,030
Other	18,035	-	18,035	13,225
	<u>112,865</u>	<u>40,419</u>	<u>153,284</u>	<u>178,481</u>
<b>For the year ended 31 March 2017</b>	<u>113,455</u>	<u>65,026</u>		<u>178,481</u>
<b>Grants receivable for core activities</b>				
Reaching Communities	-	35,419	35,419	40,870
Web Chat	-	-	-	9,156
Fasttrack Training	-	-	-	10,000
Healthy Homes	-	5,000	5,000	5,000
Other	73,780	-	73,780	69,004
	<u>73,780</u>	<u>40,419</u>	<u>114,199</u>	<u>134,030</u>

### 4 Investments

	2018	2017
	£	£
Interest receivable	-	1
	<u>-</u>	<u>1</u>

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

### FOR THE YEAR ENDED 31 MARCH 2018

#### 5 Charitable activities

	Advice Services £	Reaching Communities £	Web Chat £	Fast track £	Healthy Homes £	Total £	Total 2017 £
Staff costs	48,590	33,695	-	611	-	82,896	101,918
Travelling	5,330	47	-	-	-	5,377	5,560
Telephone costs	2,677	504	-	14	-	3,195	4,144
Stationery and Postage	1,583	298	-	8	-	1,889	1,943
Light and Heat	2,206	415	-	13	-	2,634	3,121
Sundry	(3,185)	195	-	6	5,000	2,016	1,502
Rent and Council Tax	16,032	383	-	12	-	16,427	16,435
Insurance	994	187	-	6	-	1,187	1,114
Subscriptions	4,291	757	-	21	-	5,069	5,189
Repairs and Maintenance	3,031	570	-	17	-	3,618	2,131
Computer costs	7,209	1,293	-	36	-	8,538	8,949
Training	5,016	930	-	4,180	-	10,126	3,320
	<u>93,774</u>	<u>39,274</u>	<u>-</u>	<u>4,924</u>	<u>5,000</u>	<u>142,972</u>	<u>155,326</u>
Share of governance costs	2,822	208	-	-	-	3,030	2,730
	<u>96,596</u>	<u>39,482</u>	<u>-</u>	<u>4,924</u>	<u>5,000</u>	<u>146,002</u>	<u>158,056</u>
<b>Analysis by fund</b>							
Unrestricted funds	96,596	-	-	-	-	96,596	
Restricted funds	-	39,482	-	4,924	5,000	49,406	
	<u>96,596</u>	<u>39,482</u>	<u>-</u>	<u>4,924</u>	<u>5,000</u>	<u>146,002</u>	
<b>For the year ended 31 March 2017</b>							
Unrestricted funds	113,935	-	-	-	-		113,935
Restricted funds	-	35,390	4,430	4,301	-		44,121
	<u>113,935</u>	<u>35,390</u>	<u>4,430</u>	<u>4,301</u>	<u>-</u>		<u>158,056</u>

Governance costs comprise of the cost of services provided by the Independent Examiner of which £1,650 were donated (2017: £1,650).

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2018

### 6 Support costs

	Support costs £	Governance costs £	2018 £	2017 £	Basis of allocation
Audit fees	-	3,030	3,030	2,730	Governance
	-	3,030	3,030	2,730	
Analysed between Charitable activities	-	3,030	3,030	2,730	

### 7 Trustees

None of the trustees (or any persons connected with them) received any remuneration or benefits from the charity during the year.

No trustees' expenses occurred during the year.

### 8 Employees

#### Number of employees

The average monthly number employees during the year was:

	2018 Number	2017 Number
Management and administration	7	12
<b>Employment costs</b>	<b>2018 £</b>	<b>2017 £</b>
Wages and salaries	81,097	100,233
Social security costs	1,799	1,685
	82,896	101,918

There were no employees whose annual remuneration was £60,000 or more.

# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 31 MARCH 2018

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<b>9</b>	<b>Financial instruments</b>	<b>2018</b>	<b>2017</b>
		<b>£</b>	<b>£</b>
	<b>Carrying amount of financial assets</b>		
	Debt instruments measured at amortised cost	8,753	11,896
		<u>          </u>	<u>          </u>
	<b>Carrying amount of financial liabilities</b>		
	Measured at amortised cost	7,585	8,622
		<u>          </u>	<u>          </u>
<b>10</b>	<b>Debtors</b>	<b>2018</b>	<b>2017</b>
		<b>£</b>	<b>£</b>
	<b>Amounts falling due within one year:</b>		
	Other debtors	8,753	11,896
		<u>          </u>	<u>          </u>
<b>11</b>	<b>Creditors: amounts falling due within one year</b>	<b>2018</b>	<b>2017</b>
		<b>£</b>	<b>£</b>
	Other creditors	52	47
	Accruals and deferred income	7,533	8,575
		<u>          </u>	<u>          </u>
		<u>7,585</u>	<u>8,622</u>



# BRENTWOOD CITIZENS ADVICE BUREAU

## NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

### FOR THE YEAR ENDED 31 MARCH 2018

#### 12 Restricted funds

The income funds of the charity include restricted funds comprising the following unexpended balances of donations and grants held on trust for specific purposes:

	Movement in funds				
	Balance at 1 April 2017	Incoming resources	Resources expended	Transfers	Balance at 31 March 2018
	£	£	£	£	£
Reaching Communities	5,480	35,419	(39,482)	-	1,417
Essential Living Fund	508	-	-	(508)	-
Webchat	6,674	-	-	(6,674)	-
Fast Track	5,699	-	(4,924)	(775)	-
Healthy Homes	5,000	5,000	(5,000)	(5,000)	-
	<u>5,480</u>	<u>35,419</u>	<u>(39,482)</u>	<u>(6,674)</u>	<u>1,417</u>

In 2014, The Big Lottery Fund awarded Brentwood Citizens Advice Bureau £196,174 over 5 years for the delivery of specialist advice services relating to debt and benefits.

£35,419 of the award was received during the year. The sum received over the first 4 years now totals £179,381.

The Fast Track fund of £10,000 was granted by The Big Lottery Fund during 2017 to provide training for digital channels.

The Healthy Homes Grant of £5,000 was received in order to contact residents in the Brentwood area to provide information to improve living conditions.

#### 13 Analysis of net assets between funds

	Unrestricted funds	Restricted funds	Total
	£	£	£
Fund balances at 31 March 2018 are represented by:			
Current assets/(liabilities)	77,775	1,417	79,192
	<u>77,775</u>	<u>1,417</u>	<u>79,192</u>

#### 14 Operating lease commitments

At the reporting end date the charity had outstanding commitments for future minimum lease payments under non-cancellable operating leases, which fall due as follows:

	2018 £	2017 £
Within one year	<u>7,667</u>	<u>8,667</u>

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The Companies Act 1985 and 1989

Company Limited by Guarantee

And Not Having a Share Capital

**Brentwood Citizens Advice Bureau**

MEMORANDUM AND ARTICLES

OF ASSOCIATION

Incorporated on 19<sup>th</sup> February 2003

Company Number: 4670256

THE COMPANIES ACTS 1985 AND 1989

COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE CAPITAL

MEMORANDUM OF ASSOCIATION OF BRENTWOOD CITIZENS ADVICE BUREAU

Name

Registered Office

Objects

Powers

Conflict of Interest

Limited Liability

Amendment Dissolution

1 . N a m e

- 1.1. The name of the company is the 'BRENTWOOD CITIZENS ADVICE BUREAU' ('the Charity').

2 . R e g i s t e r e d O f f i c e

- 2.1. The registered office of the Charity will be situated in England and Wales

3 . O b j e c t s

- 3.1. "The Charity's objects are to promote any charitable purpose for the public benefit by the advancement of education, the protection and preservation of health and the relief of poverty, sickness and distress in particular, but without limitation, for the benefit of the community in Brentwood and other areas".

4 . P o w e r s

To promote its objects but not for any other purpose the Charity will have the following powers:

- 4.1 Power to establish and provide Citizens Advice Bureau services and outlets supplying a free, independent, confidential and impartial service of advice, information and counsel for the public.
- 4.2 Power to obtain, collect and receive money and funds by way of contribution, donations, legacies, grants and any other lawful method. It can also accept and receive gifts of property of any

- description (whether subject to any special trusts or not) provided that the Charity does not carry out any substantial and permanent trading activities and shall conform to any relevant requirements of the law.
- 4.3 Power to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use.
  - 4.4 Power to sell, lease or dispose of all or part of the Charity's property but only in accordance with the restrictions
  - 4.5 Power to borrow money and to give security for loans but only in accordance with the restrictions imposed by the Charities Act 1993 (or any statutory re-enactment or modification of that Act).
  - 4.6 Power to employ such staff (who shall not be members of the Trustee Board) as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants.
  - 4.7 Power to recruit such voluntary staff (who shall not be members of the Trustee Board) as are necessary for the proper pursuit of the objects.
  - 4.8 Power to work with other charities, voluntary bodies and statutory authorities that have the same or similar purposes as the Charity and exchange information and advice with them.
  - 4.9 Power to establish or support any charitable trusts, associations or institutions formed for all or any of the objects.
  - 4.10 Power to appoint and constitute such advisory committees as the Trustee Board may think fit.
  - 4.11 Power to procure to be written, and print, publish, issue and circulate gratuitously or otherwise any reports or periodicals, books, pamphlets, leaflets and other documents, audio and video tapes and discs, computer discs, films and any other instructional matter.
  - 4.12 Power to arrange and provide or join in arranging and providing for the holding of exhibitions, meetings, lectures and classes.
  - 4.13 Power to undertake organised research and make available the results of such research.
  - 4.14 Power to join any other charitable institution and to become responsible for the assets, liabilities and contracts of any such institution.
  - 4.15 Power to invest or deposit funds in any lawful manner whilst having regard to the suitability of investments and the need for diversification.
  - 4.16 Power to do all such other lawful things as are necessary for the achievement of the objects.

## 5 Conflict of Interest

5.1. Subject to the provisions of sub-clauses 5.2. & 5.3., the income and property of the Charity shall be applied solely towards the promotion of its objects set out in this Memorandum. No part shall be paid or transferred directly or indirectly to members of the Charity for any services given to the Charity with the exception of reasonable travelling and other out of pocket expenses necessarily incurred in carrying out the duties of any member or officer of the Charity.

5.2. No member of the Trustee Board and no connected person shall acquire any interest in property belonging to the Charity (otherwise than as a Trustee for the Charity) or receive remuneration or *be* interested in any way (otherwise than as a member of the Trustee Board) in any contract entered into by the Charity.

Provided this does not exclude:

- The payment of reasonable out of pocket expenses incurred on behalf of the Charity;
- The payment of fees or the giving of other benefits to *any* company of which a Trustee is also a member holding not more than 1/100<sup>th</sup> part of the capital.

(For the purpose of this clause "connected person" means the spouse, child, parent, grandparent, grand-child, brother, sister or other person in a long-term or significant relationship with a Trustee Board member).

5.3. Any member of the Trustee Board, who is nominated by a member organisation or who is in any way connected to a member organisation or body giving funds to the Charity, is first and foremost a member of the Trustee Board and therefore must represent the interests of the Charity when acting as a Trustee even if this conflicts with the policies of the organisation or body by which s/he is nominated or to which s/he is connected.

## 6 Limited Liability

6.1. The liability of the members is limited.

6.2. Every member of the Charity undertakes to contribute such amount as may be required, not exceeding £1, to the Charity's assets if it should be wound up while they are a member or within one year after they cease to be a member:-

- For the payment of the Charity's debts and liabilities contracted before they ceased to be a member;

- For the costs, charges and expenses of winding up; and
- For the adjustment among themselves of the rights of persons who have contributed to the Charity's assets.

## 7. Amendment

7.1. The Memorandum and Articles of Association of the Charity may be amended in accordance with the Companies Act 1985 and the Charities Act 1993 (or any statutory re-enactment or modification of these Acts) provided that no amendment shall be made which is inconsistent with the policies of the National Association of Citizens Advice Bureaux.

## 8. Dissolution

8.1. If any property remains after the Charity has been wound up or dissolved and all debts and liabilities have been satisfied, it shall not be paid to or distributed among members of the Charity. It shall instead be given or transferred to some other charitable institution or institutions, having similar objects to those of the Charity and which prohibit the distribution of its or their income and property among its or their members to an extent at least as great as Clause 5 of this Memorandum imposes upon the Charity. The institution or institutions which are to benefit shall be chosen by the members of the Charity at or before the time of winding up or dissolution. A copy of the statement of accounts, or account and statement for the final accounting period of the Charity must be sent to the Charity Commission.

We the subscribers to this Memorandum, wish to be formed into a company in accordance with this Memorandum.

THE COMPANIES ACTS 1985 & 1989

COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE CAPITAL

ARTICLES OF ASSOCIATION OF

BRENTWOOD CITIZENS ADVICE BUREAU

Interpretation

Membership

General Meetings

Annual General Meeting

Other General Meetings  
Length of notice  
Contents of notice  
Service of notice  
Public Notice  
Proceedings at General Meetings  
Votes of members  
Trustee Board  
Powers of trustees  
Regulations  
Delegation of trustees' powers  
Appointment and retirement of trustees  
Disqualification and removal of trustees  
Expenses of trustees  
Officers  
Proceedings of trustees  
General  
NACAB Bank  
Accounts  
Secretary  
Representatives  
Minutes  
Accounts and reports  
Annual return  
Annual report  
Accounts  
Notices  
Indemnity  
Winding up



## Interpretation

1. In these Articles and the Memorandum of Association the following terms shall have the following meanings:-

Term	Meaning
"Act"	the Companies Act 1985 including any statutory modification or re-enactment for the time being in force
"Articles"	these Articles of Association of the Charity
"clear days"	in relation to the period of a notice, that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect
"Charity"	Brentwood Citizens Advice Bureau
"Memorandum"	the Memorandum of Association of the Charity
"National Association of Citizens Advice Bureaux & NACAB"	the charitable company of that name being company no 1436945 and registered charity no.279057
"Office"	the registered office of the Charity
"Secretary"	the Secretary of the Charity or any other person appointed to perform the duties of the Secretary of the Charity, including a joint, assistant or deputy Secretary
"Trustee and Trustees"	the director and directors as defined in the Act

2. Unless the context otherwise requires, words or expressions contained in the Articles bear the same meaning as in the Act, but excluding any statutory modification of it not in force when the Articles became binding on the Charity.

## Membership

3. In addition to the subscribers to the Memorandum the Charity may admit into membership:
  - a) Individuals (over the age of 18 years) who are interested in furthering the work of the Charity and who are not paid or volunteer workers at the bureau: and

- b) Any body corporate or unincorporated association which is interested in furthering the Charity's work and is admitted to membership in accordance with article 5 (any such body being called in these articles a "member organisation").
4. Every member shall have one vote
  5. Each member organisation (if applicable) shall appoint an individual to represent it and to vote on its behalf at meetings of the Charity; and may appoint someone else (an alternate) to attend any meeting of the Charity if the appointed representative is unable to attend.
  6. Each member organisation (if applicable) shall notify the Secretary of the name of the representative appointed by it and of any alternate. If the representative or alternate resigns or otherwise leaves the member organisation, he or she shall immediately cease to be the representative of the member organisation.
  7. The Trustee Board can vote, with good reason, to end the membership of any individual or member organisation. The individual or member organisation can appeal against this, by making representations to the Trustee Board (and may be accompanied by one other person for this purpose) before a final decision is made.
  8. The Charity shall maintain a Register of Members in which shall be recorded the name and address of every member, and the dates on which they became a member and on which they cease to be a member.
  9. The rights and privileges of a member cannot be transferred to anyone else and are given up when the member stops being a member.
  10. No person or organisation may be admitted as a member of the Charity unless their application for membership has been approved by the Trustee Board.

## General Meetings

Annual General Meeting

Other General Meetings

Length of notice

Contents of notice

Service of notice

Public notice

Proceedings at General Meetings

Votes of members

## Annual General Meeting

11. The Charity shall hold an annual general meeting within 18 months of incorporation and afterwards once in each calendar year. Not more than 15 months shall pass between the date of one annual general meeting and

the next. It shall be held at such time and place as the Trustees shall think suitable.

#### Other General Meetings

12. The Trustees may call a general meeting at any time. The Trustees shall call a general meeting on receiving a requisition to that effect, signed by at least 10% of the members having the right to attend and vote at general meetings. In default, the requisitionists may call a general meeting in accordance with the Act.

#### Length of Notice 21 days

13. Unless Article 14 applies, an annual general meeting and a general meeting called to pass a special resolution or a resolution appointing a person as a Trustee shall be called by at least 21 clear days' written notice.

14. A general meeting may be called by shorter notice if it is so agreed;-

- a) In the case of an annual general meeting, by all the members entitled to attend and vote at that meeting; and
- b) In the case of any other general meeting, by a majority of the members having a right to attend and vote at that meeting. Any such majority shall together represent at least 75% of the total voting rights at that meeting of all the members.

#### Contents of Notice

15. Every notice calling a general meeting shall specify the place, day and time of the meeting and the general nature of the business to be transacted. In the case of an annual general meeting, the notice shall in addition specify the meeting as such. If a special resolution is to be proposed, the notice shall contain a statement to that effect.

#### Service of Notice

16. Notice of general meetings shall be given to every member and to the Trustees, NACAB and to the auditors of the Charity.

#### Public Notice

17. Public notice of every annual general meeting shall be given at least seven days before by placing a notice in the Bureau that can be clearly seen or in a prominent place in the local area and by announcing it in the local newspaper.

18."Anyone over the age of 18 who is interested in furthering the work of the Charity may attend and (with the consent of the Chair) speak at the Annual General Meeting but only Members of the Charity shall be entitled to vote".

#### Proceedings at General Meetings

19. No business shall be transacted at any meeting unless a quorum is present. Ten persons entitled to vote upon the business to be transacted, each being a member or a duly authorised representative of a corporate member organisation or ten percent of the total membership, whichever is the greater, shall be a quorum.
20. If such a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall stand adjourned to the same day in the next week at the same time and place or to such time and place as the Trustees may determine and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.
21. A representative from the National Association of Citizens Advice Bureaux shall be invited to attend general meetings of the Charity and shall have the right to speak but not to vote at such meetings.
22. The President, or the Chair of the Trustee Board, in that order, shall be the Chair of an annual general meeting. In their absence, the Vice Chair of the Trustee Board (if any) shall take the Chair, and if none is in attendance the persons present, before any other business is transacted, shall appoint a Chair of the meeting.
23. The Chair of the meeting may, with the consent of a meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than business which might properly have been transacted at meeting had the adjournment not taken place. When a meeting is adjourned for fourteen days or more, at least seven clear days' notice shall be given specifying the time and place of the adjourned meeting and the general nature of the business to be transacted. Otherwise it shall not be necessary to give any such notice.
24. A resolution put to the vote of a meeting shall be decided on a show of hands unless before or on the declaration of the result of the show of hands a poll is duly demanded. Subject to the provisions of the Act, a poll may be demanded:-
  - a) By the Chair; or
  - b) By at least two members having the right to vote at the meeting.
25. Unless a poll is duly demanded a declaration by the Chair that a resolution has been carried or carried unanimously, or by a particular majority, or lost, or not carried by a particular majority and an entry to that effect in the minutes of the meeting shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
26. The demand for a poll may, before the poll is taken, be withdrawn but only with the consent of the Chair and a demand so withdrawn shall not be taken to have invalidated the result of a show of hands declared before the demand was made.
27. A poll shall be taken as the Chair directs and he or she may appoint scrutineers (who need not be members) and fix a time and place for

declaring the result of the poll. The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

28. In the case of an equality of votes, whether on a show of hands or on a poll, the Chair shall be entitled to a casting vote in addition to any other vote he or she may have.
29. A poll demanded on the election of the Chair or on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken either forthwith or at such time and place as the Chair directs not being more than thirty days after the poll is demanded. The demand for a poll shall not prevent the continuance of a meeting for the transaction of any business other than the question on which the poll was demanded. If a poll is demanded before the declaration of the result of a show of hands and the demand is duly withdrawn, the meeting shall continue as if the demand had not been made.
30. No notice need be given of a poll not taken forthwith if the time and place at which it is to be taken are announced at the meeting at which it is demanded. In any other case, at least seven clear days' notice shall be given specifying the time and place at which the poll is to be taken.
31. The proceedings at any meeting or on the taking of any poll shall not be invalidated by reason of any accidental informality or irregularity or any want of qualification in any of the persons present or voting.

#### Votes of members

32. Every member in person shall have one vote.
33. No member may vote on any matter in which he or she is personally interested, pecuniarily or otherwise, or debate on such a matter without in either case the permission of the majority of the members present in person at the meeting, such permission to be given or withheld without discussion.
34. No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting shall be valid. An objection made in due time shall be referred to the Chair whose decision shall be final and binding.
35. A vote given or poll demanded by the duly authorised representative of a member organisation shall be valid notwithstanding the previous termination of the authority of the person voting or demanding a poll unless notice of the termination was received by the Charity at the Office before the commencement of the meeting or adjourned meeting at which the vote is given or the poll demanded or (in the case of a poll taken otherwise than on the same day as the meeting or adjourned meeting) the time appointed for taking the poll.

## Trustee Board

### Trustees

36. The first Trustees shall be those persons named in the statement delivered pursuant to section 10(2) OF THE Act, who shall be deemed to have been elected under these Articles. Future Trustees shall be appointed as provided subsequently in these Articles.
37. The maximum number of Trustees shall be 15 and the minimum shall be four, being either:
- a) Elected at the annual general meeting, and who shall hold office from the conclusion of that meeting
  - or-
  - b) Nominated by member organisations
  - or:-
  - c) Co-opted by the Trustee Board

Providing that the total member of co-opted and nominated Trustees does not exceed one third of the total number of Trustees.

38. Each appointment of a co-opted or nominated Trustee shall be made at an ordinary meeting of the Trustee Board and shall take effect immediately unless the appointment is to fill a place which has not yet been vacated in which case the appointment shall run from the date when the post becomes vacant.
39. All elected Trustees shall retire from office at the third annual general meeting following the annual general meeting at which they were elected (except as defined in article 41) but may be re-elected.
40. All nominated or co-opted Trustees shall retire from office at the third annual general meeting following the ordinary meeting of the Trustee Board at which they were appointed but may be re-appointed.
41. At the ordinary meeting of the Trustee Board immediately preceding the annual general meeting, the Trustee Board shall (if applicable):
- Review member organisations; and
  - consider
- a) any application for representation on the Trustee Board from any member organisation;
  - b) any proposal from a Trustee to offer representation on the Trustee Board to any member organisation.

Any proposal from a Trustee to offer representation to a member organisation can be voted on. If this motion is passed by a majority of at least two-thirds of the Trustees present, the Trustee Board will decide how long the organisation can be represented for (providing the period of representation does not exceed that specified in article 40) and invite it to nominate a representative.

Powers of trustees

Regulations

Delegation of trustees' powers

Appointment and retirement of trustees

Disqualification and removal of trustees

Expenses of trustees

Officers

Proceedings of trustees

Powers of trustees

43. Subject to the provisions of the Act, the Memorandum and the Articles, the business of the Charity shall be managed by the Trustees who may exercise all the powers of the Charity. No alteration of the Memorandum or Articles shall invalidate any prior act of the Trustees which would have been valid if that alteration had not been made. The powers given by this Article shall not be limited by any special power given to the Trustees by the Articles and a meeting of Trustees at which a quorum is present may exercise all powers exercisable by the Trustees.
44. The Trustees may, by power of attorney or otherwise, appoint any person to be the agent of the charity for such purposes and on such conditions as they determine.

Regulations

45. The Trustees shall have power from time to time to make, repeal or alter regulations as to the management of the Charity and its affairs, as to the duties of any officers or employees of the Charity, as to the conduct of business by the Trustees or any committee and as to any of the matters or things within the powers or under the control of the Trustees provided that such regulations shall not be inconsistent with the Memorandum or the articles.

Delegation of trustees' powers

46.
  - 1) The Trustee Board may delegate any of its functions to committees consisting of two or more individuals appointed by it (but at least two members of every committee must be Trustees and all proceedings of committees must be reported promptly to the Trustee Board).
  - 2) The Trustee Board shall appoint as one of its committees a Management Committee which will meet from time to time and be responsible for the day to day management of the Bureau.

- 3) **The Chair Person of the Management Committee referred to in 46(2) above need not be a Trustee but a minimum of two Trustees shall be members of the committee.**

#### **Appointment and retirement of trustees**

47. **No person shall be elected or re-elected as a Trustee at any general meeting unless at least fourteen but not more than thirty-five clear days before the date appointed for the meeting, notice executed by a member qualified to vote at the meeting has been given to the Charity of the intention to propose that person for election or re-election stating the particulars which would, if he or she were so elected or re-elected, be required to be included in the Charity's Register of Trustees together with notice executed by that person of his or her willingness to be elected or re-elected.**
48. **At least seven but not more than twenty-eight clear days before the date appointed for holding a general meeting notice shall be given to all who are entitled to receive notice of the meeting of any person in respect of whom notice has been duly given to the Charity of the intention to propose him or her at the meeting for election or re-election as a Trustee. The notice shall give the particulars of that person which would, if he or she were so elected or re-elected, be required to be included in the Charity's Register of Trustees.**
49. **Subject to the above Articles, a Trustee who retires at an annual general meeting may, if willing to act, be re-elected. If he or she is not re-elected, he or she shall retain office until the meeting elects someone in his or her place, or if it does not do so, until the end of the meeting.**
50. **No person may be appointed as a Trustee:**
- a) **Under the age of 18 years; or**
  - b) **If he or she is a paid or voluntary worker at the Bureau; or**
  - c) **In circumstances such that, had he or she already been a Trustee, he or she would have been disqualified from acting under the provisions of Article 53.**
51. **The Trustees may appoint a person who is willing to act as a co-opted Trustee, provided that the appointment does not cause the number of Trustees to exceed any number fixed by or in accordance with the articles as the maximum number of Trustees.**
52. **The remaining members of the Trustee Board may appoint a person willing to act to fill a casual vacancy in the office of an elected member of the Trustee Board until the next annual general meeting. A casual vacancy in the office of a representative member may be filled by the organisation that s/he represented (provided that that person is acceptable to the Trustee Board).**

#### **Disqualification and removal of trustees**



53. The office of a Trustee shall be vacated if he or she:
- a) Is disqualified from acting as a member of the Trustee Board by virtue of Section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision);
  - b) Becomes incapable by reason of mental disorder, illness or injury of managing and carrying out her/his own affairs;
  - c) Is absent without the permission of the Trustee Board from three consecutive meetings and the Trustee Board resolve that her/his office be vacated;
  - d) Notifies to the Trustee Board a wish to resign by giving at least one months notice in writing to the Secretary stating the date on which the resignation is to take effect (but only if at least three members of the Trustee Board will remain in office when the notice of resignation is to take effect);
  - e) Ceases to be a member of the Charity.

#### Expenses of Trustees

54. The Trustees may be paid all reasonable travelling, hotel, and other expenses properly incurred by them in connection with their attendance at meetings of Trustees or committees of Trustees or general meetings of the Charity or otherwise in connection with the discharge of their duties.

#### Officers

55. At the first meeting following the Annual General Meeting, the Trustee Board shall elect from its numbers a Chair and Treasurer and may elect one of its number to be Vice Chair. If the Chair is absent from any meeting, the Vice Chair (if any) shall preside. Otherwise the members present shall, before any other business is done, choose one of their number to preside at the meeting.
56. A person shall not hold office as Chair, Vice Chair or Treasurer for more than nine consecutive years. After the end of this period, two further years must pass before any former Chair, Vice Chair or Treasurer shall be eligible for re-election to any of those offices.
57. The Trustee Board may appoint a President and any such other officers as it may need from time to time. All such positions shall be non-voting and unpaid.
58. The Trustee Board may appoint such other paid officers or staff as it considers necessary. The Trustee Board shall appoint and fix the remuneration of such staff as may be necessary to conduct the business of the bureau. None of the Officers except those specified in articles 73 & 75 shall be paid or voluntary staff who work at the bureau. They will not be Trustees and will have no right to vote at meetings.

#### Proceedings of trustees

59. Subject to the provisions of the Articles, the Trustees may regulate their proceedings as they think fit.
60. A representative from the National Association of Citizens Advice Bureaux shall be invited to attend all meetings of the Trustee Board and its sub-committees. Such NACAB representatives shall have the right to speak but shall not have the right to vote. The Trustee Board may require any such person to withdraw from the meeting.
61. The Bureau's Senior Manager shall be entitled to attend all meetings of the Trustee Board and shall have the right to speak but shall not have the right to vote. The Trustee Board may require any such person to withdraw from the meeting.
62. A representative of the Bureau's paid staff and a representative of the Bureau's volunteer workforce shall be entitled to attend all meetings of the Trustee Board, and shall have the right to speak but shall not have the right to vote. Provided such representatives are members of the Bureau's paid and volunteer workforce respectively. The Trustee Board may require any such person to withdraw from the meeting.
63. The Trustee Board shall hold at least four ordinary meetings in each year and may hold such other ordinary meetings as are required. Seven clear days' notice in writing shall be given to all members of the Trustee Board and to NACAB of all ordinary meetings. A special meeting of the Trustee Board may be called at any time by the Chair or by any three members upon seven days' notice in writing being given to the other members and to NACAB of the matters to be discussed.
64. The quorum shall be at least one third of the members of the Trustee Board, or 4 members of the Trustee Board, whichever number is greater, for decisions to be made at any Trustee Board meeting.
65. Questions arising at a meeting shall be decided by a majority of votes. In the case of an equality of votes, the Chair shall have a second or casting vote.
66. The continuing Trustees or a sole continuing Trustee may act notwithstanding any vacancies in their number but, if and so long as the number of Trustees is less than the number fixed as a quorum, the Trustees may act for the purpose of increasing the number of Trustees to that number or of summoning a general meeting of the Charity but for no other purpose.
67. All acts done by a meeting of Trustees, or of a committee of Trustees, or by a person acting as a Trustee shall, even if afterwards discovered that there was a defect in the appointment of any Trustee or that any of them were disqualified from holding office, or had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a Trustee and had been entitled to vote.

68. A resolution in writing signed by all the Trustees entitled to receive notice of a meeting of Trustees or of a committee of Trustees shall be as valid and effectual as if it had been passed at a meeting of Trustees or (as the case may be) a committee of Trustees duly convened and held and may consist of several documents in the like form each signed by one or more Trustees. The date of a written resolution of the Trustees shall be the date on which the last trustee signs.
69. A meeting of the Trustees may be held either in person or by suitable electronic means agreed between the Trustees in which all participants may communicate simultaneously with all other participants.

#### General

#### NACAB

#### Bank Accounts

#### Secretary

#### Representatives Minutes

#### Accounts and reports

#### Annual return

#### Annual report

#### Accounts Notices

#### Indemnity

#### Winding up

#### National Association of Citizens Advice Bureaux

70. The Charity shall be a member of the National Association of Citizens Advice Bureaux (NACAB) and must conform to its membership requirements and to its aims, principles and policies.
71. The Charity and its Trustees shall operate within an Equal Opportunities framework to achieve its objects and when exercising their powers.

#### Bank Accounts

72. The funds of the Charity, including all donations, contributions and bequests shall be paid into an account operated by the Trustee Board in the name of the Charity at such bank as the Trustee Board shall from time to time decide.

#### Secretary

73. Subject to the provisions of the Act the Secretary shall be appointed by the Trustees for such term at such remuneration and upon such conditions as they may think fit and may be removed by them.

#### Representatives

74. The Trustee Board may also appoint such representatives or nominees to act on its behalf as it shall think fit for such purposes and to exercise on its behalf such functions and rights as it shall prescribe (including its membership of the National Association of Citizens Advice Bureaux).

The Trustee Board may also from time to time remove such representatives or nominees appointed in its place. Different individuals may be appointed for different functions and rights, and the Trustee Board may, in a suitable case, nominate its own members.

#### Minutes

75. The Trustees shall ensure minutes are made in books kept for the purpose or electronically, (and may appoint a Minutes Secretary for this purpose);-
- a) Of all appointments of officers made by the Trustees; and
  - b) Of all proceedings at meetings of the Charity and of the Trustees, and of committees of Trustees, including the names of the Trustees present at each such meeting;

And any such minute, if purported to be signed by the Chair of the meeting at which the proceedings were held, or by the Chair of the next succeeding meeting, shall, as against any member or Trustee of the Charity, be sufficient evidence of the proceedings.

#### Accounts and reports

76. The Charity may in General Meeting impose reasonable restrictions as to the time at which and the manner in which the statutory books and accounting records of the Charity may be inspected by the members but subject thereto the statutory books and accounting records shall be open to inspection by the members during usual business hours.

#### Annual return

77. The Trustee Board shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual return which must be sent to the Charity Commission.

#### Annual report

78. The Trustee Board shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report which must be sent to the Charity Commission.

#### Accounts

79. The Trustee Board shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to:
- a) The keeping of accounting records for the Charity;
  - b) The preparation of annual statements of account for the Charity;

- c) The auditing or independent examination of the statements of account of the Charity;
- d) The transmission of the statements of account to the Charity to the Commission.

#### Notices

- 80. Any notice to be given to or by any person pursuant to the Articles shall be in writing except that a notice calling a meeting of the Trustees need not be in writing.
- 81. The Charity may give any notice to a member either personally, by fax, by e-mail or by sending it by post in a prepaid envelope addressed to the member at his or her registered address or by leaving it at that address
- 82. A member present at any meeting of the Charity shall be deemed to have received notice of the meeting and, where requisite, of the purpose for which it was called.
- 83. Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. A notice shall, unless the contrary is proved, be deemed to have been received 10 days after the envelope containing it was posted.

#### Indemnity

- 84. Subject to the provisions of the Act but without prejudice to any indemnity to which a Trustee may otherwise be entitled, every Trustee or other officer or auditor of the Charity shall be indemnified out of the assets of the Charity against any liability incurred by him or her in defending any proceedings, whether civil or criminal, in which judgement is given in his or her favour or in which he or she is acquitted or in connection with any application in which relief is granted to him or her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Charity, and against all costs, charges, losses, expenses or liabilities incurred by him or her in the execution and discharge of his or her duties or in relation thereto.

#### Winding up

- 85. The provisions of clauses 6 and 8 of the Memorandum of Association relating to the winding-up or dissolution of the Charity shall have effect and be observed as if the same were repeated in the Articles.

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## **Citizens Advice South Essex Limited - Introduction and Background provided by Citizens Advice**

Citizens Advice South Essex Limited (CASE) was constituted with effect from the 1<sup>st</sup> April 2019 following a merger of Citizens Advice Basildon and Thurrock Limited with Rochford and Rayleigh Citizens Advice Bureau Limited and Brentwood Citizens Advice Bureau. Without the merger, Brentwood CAB faced shorter hours of opening following the expiry of lottery funding.

The merger process was assisted by a strategic consultant from National Citizens Advice, which has seen the number of Local Citizens Advice legal entities reduce from 380 in 2011 to around 284 at present. The merger allows the local outlets to serve the public more effectively by sharing some resources, reducing duplication and developing services. CASE wants to deliver more advice while maintaining quality standards; develop delivery channels such as telephone advice and webchat alongside existing face to face services; and have the capacity to bid for, or join bidding partnerships, for collaborative projects to benefit the public we serve .

Local branding continues in all CASE outlets which together serve a current population of 607,500. Funding for commissioned services or conditional grants for defined areas are held in restricted accounts and can only be used for the permitted purposes.

CASE is a member of National Citizens Advice and subject to the terms of the Membership Agreement which requires quality auditing, financial and governance standards and adherence to policies. There are differences between Crown Street and the Town Hall:

- i) The CCTV cameras at the Town Hall. Citizens Advice accept cameras provided notices are displayed alerting members of the public to their presence;
- ii) The Town Hall is a local authority building where the safeguarding duties towards children required under S11 Children Act apply. Citizens Advice has a safeguarding policy where children accompany face to face visits, and the Citizens Advice policy must apply unless otherwise agreed at national level;
- iii) CASE will have its interests protected under a National Citizens Advice block insurance policy (details to follow).

Citizens Advice is the largest national advice charity, celebrating its 70<sup>th</sup> anniversary this year, while Brentwood Citizens Advice has operated for 60 years. The Government relies on Citizens Advice to provide a free, confidential and impartial advice service to the public on Money Advice, debts claimed by Utilities,

Pensionwise, Universal Credit and Consumer advice. Staff and trained, experienced volunteers have a fine record. Following the merger this year, CASE hopes to continue in Brentwood for as long as needed, and envisages a local increased need in the next few years at least.

At the September meeting of the Community and Health Committee we hope to develop ideas for collaborative commissioning, and measuring social impact, which are important objectives of the Government's Civil Society Strategy. One of the cardinal aims of the merger is to provide capacity for such initiatives. Indeed, while the national lottery grant to Brentwood Citizens Advice Bureau ceased in 2018 and was not renewed, it was indicated that a joint bid for a wider area had a greater chance of being awarded.

Confirmation that activities and accounts will be submitted on an annual basis or when required by the Council

CASE seeks to engage proactively with stake holding local authorities and have provisionally agreed a detailed annual report of activities and trends in all Council Wards to be developed by the Community and Health Committee.



Citizens Advice Bureau - Funding Template June 2

Number of hours per month

35	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
17	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
35	Volunteer
28	Volunteer
34	Volunteer
28	Volunteer
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34	Volunteer
34	Volunteer
34	Volunteer
34	Volunteer
34	Volunteer
17	Volunteer
17	Volunteer
34	Volunteer
20	Volunteer
30	Trustee
30	Volunteer

30	Volunteer
30	Volunteer
30	Volunteer
30	Volunteer
30	Volunteer
30	Volunteer

Total

1580

019

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# The future of advice

Appendix H

Our strategic framework 2019-2022



citizens  
advice

# We're Citizens Advice

**We give people the knowledge and the confidence they need to find their way forward – whoever they are, and whatever their problem.**

Our network of charities offers free, independent and confidential advice. No one else sees so many people with so many different kinds of problems, and that gives us a unique insight into the challenges people are facing today. A lot has changed over the 80 years we've been around.

Our foundations are strong, but we've got plenty more to do so that we can help more people. Demand for our services still far outstrips what we can provide. To keep delivering on our ambition, we need to continually transform the way we do things, to meet the changing needs of our clients, keep pace with rapid technological advances, and stay ahead in an increasingly competitive funding environment.

We've developed a strategic framework, as distinct from a fixed strategy, to give us the flexibility to respond quickly to a rapidly changing world. It sets out a clear direction and parameters, within which we can try new ways of doing things and keep adapting to what people need.

## We're here for everyone

When we say we are here for everyone, whoever they are and whatever their problem, we mean it - and we recognise that not everyone is the same. Equality, diversity and inclusion are in our DNA and therefore at the heart of this framework. Our advice is for everyone and we design our services to work for a range of needs, including those with the most complex problems or where the number of people affected is small.

# Our vision for 2022



## **You won't ever struggle to get help from us**

Our services will be available when you need them in a way that works for you



## **Our service will be joined up**

You'll be able to access advice quickly and easily through our different services and channels, without having to repeat yourself



## **We'll help you find a way forward, whatever your problem**

We have the resources, tools and expertise to solve your problem. If we can't help directly, we'll signpost you or make a smooth referral to a trusted partner



## **You'll get the level of support you need**

Whatever your situation, we'll take extra steps to make sure you have the best support for your needs



## **You know that we'll speak up for you**

We'll advocate for change in government policy and industry practices where they make life harder for you

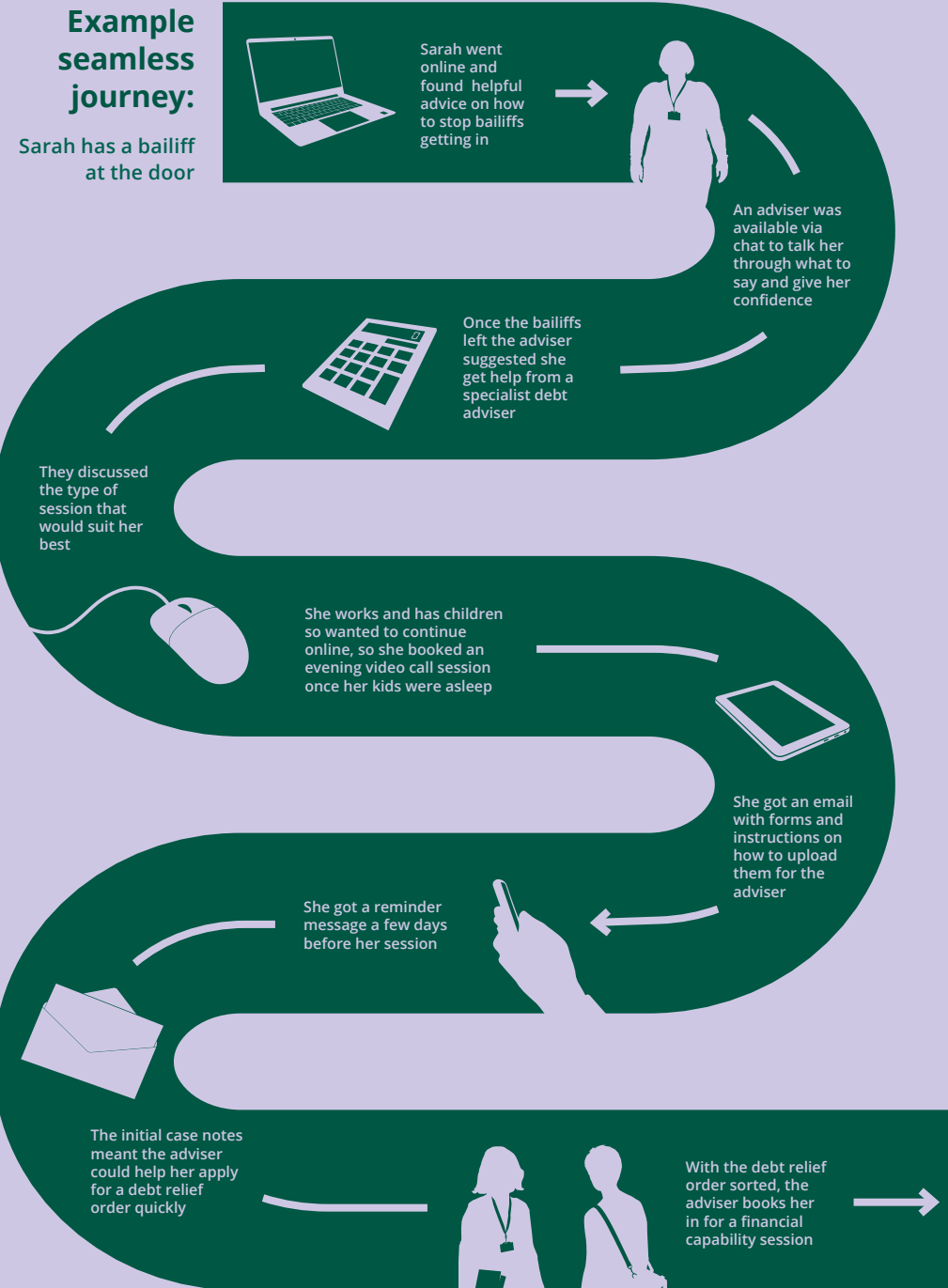
We've identified 5 focus areas to help us make our vision a reality.

# 1. Advice

We'll continue to improve people's experience of our service, so that everyone leaves us with the knowledge and confidence they need to find a way forward.

## Our ambitions for 2022

- We'll provide a seamless customer journey that allows people to move between online, phone and face to face support without repeating themselves
- We'll expand alternative ways to access our services, for example through video-calling and chat
- We'll double the number of calls we're able to answer and quadruple the number of chat queries we're able to respond to
- We'll set ambitious targets for minimum waiting times for face to face appointments
- We'll ensure that our services are accessible and relevant to a diverse range of people, including those at greater risk of disadvantage, detriment or harm



## 2. Advocacy

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We'll be an even stronger voice on issues that matter most to the people who need our help.

---

### Our ambitions for 2022

- We'll continue to tackle the underlying causes of our clients' problems by developing and testing practical solutions alongside advocating for policy change
- We'll use new channels, formats and tactics to influence policy-makers
- We'll continue to harness one of the key strengths of our service: being able to advocate locally and nationally to achieve change
- We'll achieve change for everyone, including groups small in number but experiencing greater disadvantage, detriment or harm

## 3. Technology

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We'll use technology to enable a positive experience for everyone, and free up resources to meet more demand.

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### Our ambitions for 2022

- We'll invest in best-in-class platforms to support a seamless customer journey, make our services more accessible and free up adviser time to help more people
- We'll test new ideas - particularly around machine learning and automation - and scale up innovations at pace if they work for our clients
- We'll continue to design and develop our products and services based on what our users need
- We'll ensure our user research includes groups who could be at risk of digital exclusion



## 4. Sustainability

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We'll underpin our future as a service by ensuring we take a collaborative, proactive and commercial approach to securing and maintaining funding.

---

### Our ambitions for 2022

- We'll stay focused on working with existing funders and supporters of our services, whilst exploring new sources of income
- We'll develop our local and national partnerships to enhance and expand our offer to our clients
- We'll deliver an even more compelling, high value for money offer to funders of our service
- We'll make sure that the way we design and cost services takes into account the needs of disadvantaged groups

Page 437

## 5. Culture

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We'll be a collaborative, innovative and high-performing service that challenges discrimination and promotes equality, diversity and inclusion.

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### Our ambitions for 2022

- We'll continue to build a culture that is collaborative and innovative and that adapts to the changing needs of our clients
- We'll roll out best-in-class digital tools to help us share knowledge and take full advantage of the expertise and creativity of our staff and volunteers
- We'll ensure people's perception of Citizens Advice matches the modern, innovative service we've become and use our brand to attract and retain the best talent
- We'll achieve greater equality of opportunity within our workforce, and set ourselves challenging diversity and inclusion objectives



## How we'll measure progress →

We'll measure ourselves against the ambitions set out in each area of the framework. Our overarching goal is to help more people solve their problems and find a way forward in a way that works for them.

So we'll use our sector-leading data and insights, and measure the same 3 indicators across online, phone and face to face advice:

- Demand met
- Problems solved
- Client satisfaction

We'll analyse this to understand how we're performing across different client groups, to ensure that we truly are here for everyone, whoever they are and whatever their problem.

## Learning and sharing as we go

As we develop ways to meet our ambitions, we'll make sure we're sticking to a few underlying principles that are already reflected in the way we work:

- All our decisions start with the people we help and are rooted in data and evidence
- We work together and learn as we go
- We're open, transparent, and share what's working and what's not

To see the latest on our progress, visit [wearecitizensadvice.org.uk](https://wearecitizensadvice.org.uk).



[citizensadvice.org.uk](https://citizensadvice.org.uk)

Published May 2019

Citizens Advice is an operating name of The National Association of Citizens Advice Bureaux. Registered charity number 279017

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**10th July 2019**

**Policy, Resources and Economic Development**

**Seven Arches Investments Limited Business Plan**

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

**Wards Affected:** *All*

**This report is:** *Public but with an exempt appendix*

## **1. Executive Summary**

- 1.1 This report presents the current 2019/20 business plan for Seven Arches Investments Limited (SAIL) to Committee. A revised investment strategy is currently being prepared that will result in a new business plan being presented to the Committee at a later date for approval.

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

- 2.1 **This report is for information only. A revised business plan will be brought back to the Committee for approval at a later date.**

## **3. Introduction and Background**

- 3.1 At an Extraordinary Council meeting held on 21 March 2018 the creation of SAIL was approved and the shareholder's powers delegated to the Policy, Projects and Resources Committee. Subsequently SAIL was registered with Companies House on 12<sup>th</sup> April 2018.
- 3.2 In accordance with the Shareholder's Agreement, an annual business plan is to be presented for approval.

## **4. Business Plan**

- 4.1 SAIL's current business plan is included at Appendix A (exempt) for information.
- 4.2 SAIL's investment strategy for 2019/20 is currently being reviewed. The review will focus on the location and type of investment. Currently out of Borough commercial properties have been purchased.

- 4.3 The wider investment aims will be explored including the possibility to invest and benefit the Borough. Investments other than property assets will be considered. Thought will be given to the risks of each investment type and how these can be mitigated.
- 4.4 A revised business plan that incorporates the new strategy will be prepared and brought back to this Committee.

## **5. Reasons for Recommendation**

- 5.1 To inform the Committee in its capacity as shareholder of the activities of the wholly owned company.

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

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

## **7. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources**

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

- 7.1 Commercial Income of £800k is built into the Medium Term Financial Plan for 2019/20, £1,130k for 2020/21 and £1,330k for 2021/22. These savings are intended to be met from Seven Arches Investments Limited, which will mirror in its business Plan.
- 7.2 Investments carry a degree of risk and the company will need to be sustainable in the long term.

### **Legal Implications**

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

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

- 7.1 Legal Services, working with external legal advisers and specialists, will be providing advice and assistance going forward.

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

Appendix A – SAIL 2019/20 Business Plan (Exempt)

**Report Author Contact Details:**

**Name:** Chris Leslie, Executive Director of Commercial Services  
**Telephone:** 01277 312500  
**E-mail:** christopher.leslie@brentwood.gov.uk

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# Appendix A

## **EXEMPT / CONFIDENTIAL**

NOT FOR PUBLICATION by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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**10 July 2019**

## **Policy, Resources and Economic Development**

### **Asset Development Programme Update**

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

**Wards Affected:** *All*

**This report is:** *Public but with exempt appendices*

#### **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.
- 1.2 A Joint Venture was approved as the vehicle to deliver developments on a number of Council owned sites. This report also provides an update on the procurement of a joint venture partner.

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

- 2.1 **This report is for information only and intended to update Members on the progress 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 Policy, Projects and Resources Committee approved a hybrid approach for delivering the asset development programme. The hybrid approach involves the self-development of simple sites by the Council, while more complex sites would be undertaken jointly between the Council and a procured joint venture partner.

- 3.3 Sites developed with a partner will require the establishment of a separate company to comply with legislative requirements and to formalise the partnership. This will be in the form of a limited liability partnership (LLP) with ownership split 50:50.

#### **4. Joint Venture Partner Procurement**

- 4.1 Following the selection of a preferred bidder in February 2019 a number of activities took place to brief members on the selection before Annual Council in May. These included:

- All Councillor briefing on 11<sup>th</sup> February;
- All Councillor meeting with the preferred bidder on 18<sup>th</sup> March;
- Two drop-in sessions for Councillors on 10<sup>th</sup> and 25<sup>th</sup> April;
- All Councillor meeting with the preferred bidder aimed at new Councillors on 8<sup>th</sup> May.

- 4.2 Since Annual Council several further actions have taken place to inform Councillors before a full Council decision is made. These included:

- Flowchart showing Councillors' formal decision making process in site designs and transfer (Appendix A);
- Leader and Chair of PRED meeting with Morgan Sindall;
- Contract review by Leader and Chair of PRED;
- Assurance report from East of England Local Government Association produced (Appendix B);
- Councillors' risk review session held on 19<sup>th</sup> June;
- Risk Q&As provided to Councillors (Appendix C – Exempt)
- Detailed risk report produced (Appendix D – Exempt)
- Addition of 2 Non-Executive Directors added to the JV board to be recruited from the residence of Brentwood.

#### **5. Joint Venture Development**

- 5.1 The Council has selected three sites to be the first to be developed in partnership:

1. William Hunter Way Car Park;
2. Maple Close Garage Site;
3. Westbury Road Car Park.

- 5.2 On creation of the partnership a consultation and engagement plan will be prepared to identify key stakeholders of the sites and how they will be engaged.

Their input will help shape the development of the site. This will include Councillors.

- 5.3 Once designs have been prepared and a scheme development plan formulated this will be put forward to Councillors in accordance with the approval process outlined at Appendix A.
- 5.4 It is anticipated that further sites will be developed through the partnership but there is no obligation for the Council to do this.

## **6. Joint Venture Reporting**

- 6.1 This Committee will continue to receive updates on the progress of the Joint Venture at every meeting as part of the Asset Development Programme.
- 6.2 Project Board will be informed of the activities of the Joint Venture and Seven Arches Investment Limited and advise on these matters.

## **7. Seven Arches Investments Limited (SAIL)**

- 7.1 Details of potential investment opportunities for SAIL are provided in Appendix E (Exempt).

## **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 Van Mellaerts, Director of Corporate Resources  
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 financial position on SAIL remains unchanged. However, opportunities and investments are being proposed and reviewed to develop the commercial aspect for the Council.
- 10.4 Investments carry a degree of risk and the company will need to be sustainable in the long term.

**Legal Implications**

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

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

- 10.5 Legal implications are referred to in the body of this report. Legal Services, working with external legal advisers and specialists, will be providing advice and assistance going forward.

**11. Appendices to this report**

Appendix A – Formal Decision Making Flowchart

Appendix B – EELGA Report

Appendix C – Risk Q&As (Exempt)

Appendix D – Detailed Risk Report (Exempt)

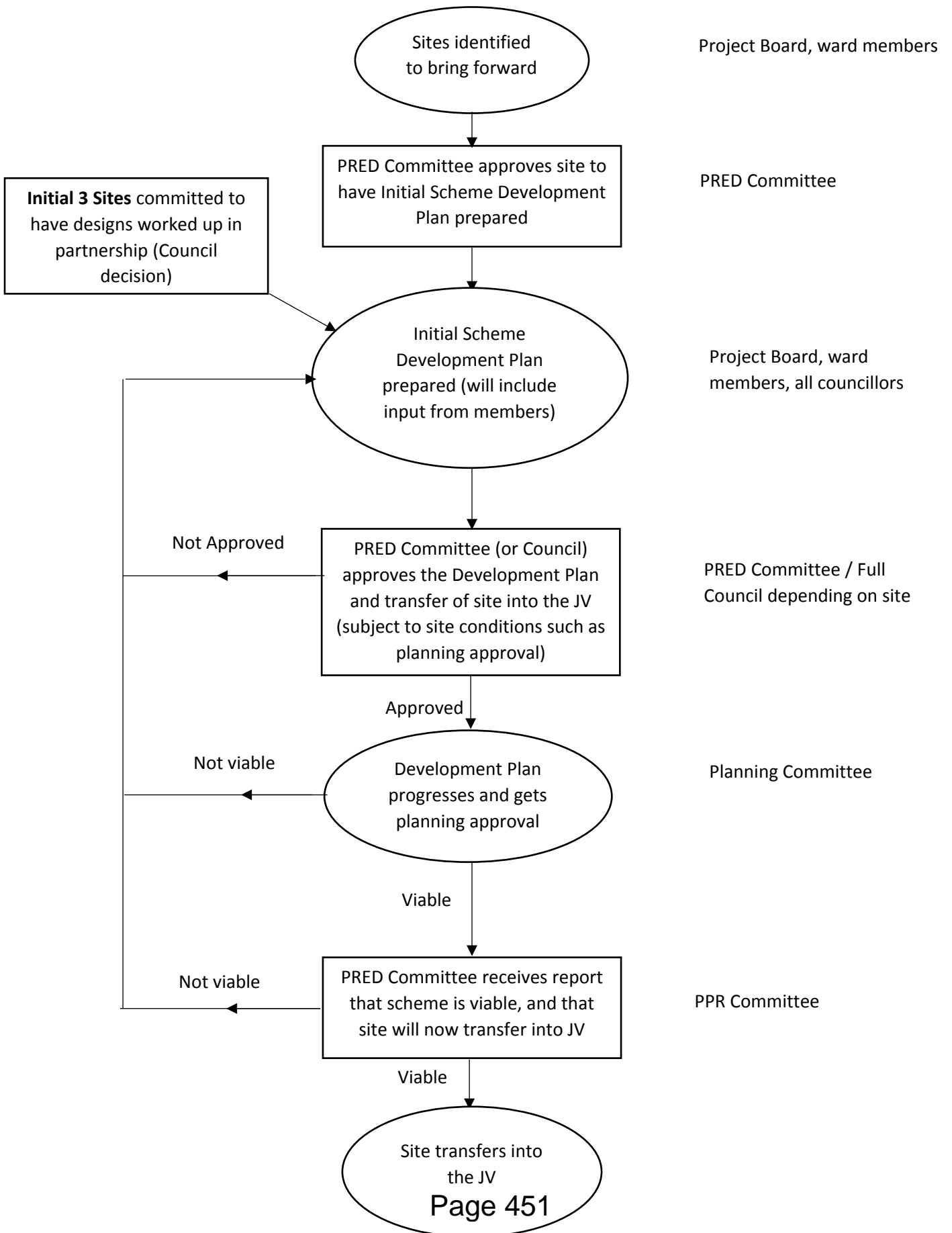
Appendix E – SAIL Investment Opportunities (Exempt)

**Report Author Contact Details:**

**Name:** Chris Leslie – Executive Director of Commercial Services  
**Telephone:** 01277 312500  
**E-mail:** christopher.leslie@brentwood.gov.uk

# Appendix A Site Transfer Formal Decision Making Process

## Member input



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# Appendix B

## **Brentwood Borough Council – Asset Development Programme East of England Local Government Association Review Report June 2019**

### **Background**

The East of England LGA (EELGA) has supported Brentwood Borough Council (BBC) since the inception of its project to redevelop a number of sites across the Borough. This report summarises EELGA's role in the project. It also reviews and reflects on the Council's use of external experts, its overall governance of the project and on the process followed.

### **Role of EELGA**

In early 2017 EELGA was invited by BBC's Chief Executive to advise how the Council might best approach its ambition to make a number of assets work more effectively for the Borough and produce better returns for the Council and its residents .

Following a formal proposal EELGA was procured in March 2017 to work with the Council in a 7-step process to help drive forward this agenda. These steps were detailed as follows:

- Step 1 – Establishing the objectives of the programme.
- Step 2 – Establishing the assets in scope / asset triage process / site data audit
- Step 3 – Understanding site planning position
- Step 4 – Site Option Appraisals / development appraisals
- Step 5 – Review, discuss and stress test this provisional development programme, with the Council,
- Step 6 – Develop options for delivery of the programme.
- Step 7 – Conduct soft market testing / review delivery options to determine the programme delivery route.

These steps were successfully completed by the Council with EELGA's support by the end of 2017.

As a result of this process and after an extensive engagement with the market through soft market testing the Council determined that it favoured securing a long-term development partner on a joint venture basis as the means of best realising its ambitions.

The East of England LGA's proposal had proposed an 8<sup>th</sup> step as follows:

- Step 8 (if required) – Advise on procurement of delivery agent/s, as determined above, and assist with their management depending on the delivery route or routes selected.

Since this stage had now been reached it triggered EELGA to make a further formal proposal to provide advice and support to assist with the actual procurement phase of the project. This resulted in EELGA being appointed to carry out the lead strategic and financial support role.

The financial role was responsible for advising on the financial elements of every decision. For example, these elements included the viability of the project, how financial elements of the procurement would be assessed and the inter-relationship between price and quality. This also

involved generating a bespoke financial model for the project, to assess programme viability, and a separate one for the procurement to assess bidders' price offering. Essentially there were 3 main stages that EELGA now assisted with going forward:

- **Pre-Procurement Support**
  - Interpretation of results of First Stage of work (i.e. steps 1-7 above)
  - Undertaking resource planning for the Preferred Approach
  - Developing scope of procurement of partner
  - Site Options / Preparation
- **Procurement Support**
  - Developing procurement approach / documents:
    - Selection Questionnaire – to assess and pre-qualify bidders for the procurement, including an assessment of historic performance on similar projects and financial assessments.
    - Descriptive Document – setting out the Vision and Objectives of the Council, within a prospectus that the market will see showing what the Council is trying to achieve and laying out the headlines of the procurement.
    - Specification – to articulate the Council's requirements, providing a detailed scope of works / specification that the Council is seeking from its partner.
    - Evaluation Criteria – setting out how potential partners will be evaluated. These criteria explain the balance between price and quality in this assessment and set out the types of quality questions to be asked, ranging from questions about the skills and capabilities of its potential partner, to its approach to planning, and from scheme design through o partnership approaches.
    - Scoring mechanisms – a technical approach to how questions are scored in order to shortlist bidders and eventually select the preferred partner.
  - Undertake Procurement:
    - Conduct "Competitive Dialogue" which typically takes between 6 and 12 months, depending on a number of factors, ranging from the stages utilised within the procedure to the level of Dialogue. It requires Dialogue sessions with bidders and marking and moderation of responses in stages across the timetable:
    - Selection Questionnaire stage – all bidders assessed and 5 are selected to proceed to Detailed Solutions
    - Detailed Solutions stage – 5 bidders are taken through the process. Three rounds of dialogue are held with bidders at this stage. 3 bidders are selected to proceed to Final Tender
    - Final Tender stage – 3 bidders are taken through the process. Three rounds of dialogue are held with bidders at this stage. 1 preferred bidder is selected.
- **Post Procurement Support**
  - Optimise Contract
  - Once the preferred bidder has been selected there is then a period to optimize and finally sign the contract. Typically, this entails a period of 2 to 3 months with support from the team to ensure the finalised contract is in line with the procurement and that the legal documentation effectively captures the arrangements.
  - Handover / Mobilisation Support

### **Use of External Experts**

Throughout the 2-year programme BBC has, in EELGA's opinion, been very careful to engage suitably qualified and experienced experts to guide it and assist with this complex procurement. These personnel supplemented the work of BBC's own internal project team. (N.B. It is noteworthy that the Council put in place and maintained throughout the process a high-level dedicated officer team with the necessary skill sets and behaviours to manage a complex project successfully).

In terms of external support BBC benefited from taking on board a contracted property expert (Chris Gill) who was able to co-ordinate and link all the external inputs with the internal team and Members.

BBC also appointed very experienced specialist external legal support (Sharpe Pritchard) to supplement its own high-calibre internal legal resource to help develop the procurement documentation and manage and oversee the detailed procurement process itself.

In addition BBC appointed EELGA and endorsed its engagement and use of a specialist market leading financial and joint venture consultancy practice, 31ten Consulting, to carry out the extensive business case development and the financial modelling and appraisal work as part of EELGA's strategic and financial adviser role. The role of 31ten Consulting was crucial in helping the Council deliberate and work through the many options it had in how to approach the market. For example its consultants, together with EELGA, helped the Council explore different options ranging from simple development agreements and contracts through to self-development options. This thorough evaluation process enabled the Council to ascertain its risk and reward appetite and eventually to decide that a long-term joint venture approach, sharing risks and rewards equally with a partner, would optimise its position and best secure its objectives.

Other specialists were also usefully brought in as necessary at key stages to assist with appraisal during the procurement – for example Montague Evans for property advice in scoring bids and moderating.

### **Governance**

BBC established very sound governance arrangements for this project.

Its leading Members played an active and very positive role in steering, challenging and overseeing the project from inception. Similarly the Chief Executive and his top management team played an equally engaged, active role. The close working relationship between Members and officers and flow of information together with appropriate "check and challenge" sessions was all very beneficial to the process.

Furthermore, as mentioned above, BBC established a very strong, well-resourced dedicated project management team who exhibited total professionalism and commitment to the project and the Council's aims.

### **Reflections on Process / Due Diligence**

EELGA has been associated with many complex property related procurements and asset programmes and is aware of their challenges and potential problems.

In its view this particular exercise has been pursued with scrupulous care and diligence by all concerned and the Council has pursued a very thorough process.

BBC invested in high quality external advisers and ensured it benefited from their experience and advice. The Council also maintained strong governance arrangements to challenge and steer the project.

The Council spent sufficient time 'up front' to work out its objectives and approach, and importantly its approach to risk and reward, and this laid the foundation for the procurement itself. It also put considerable time and resource into carrying out a detailed soft market testing exercise over several days (with noteworthy participation by the Deputy Leader on behalf of Members and the Chief Executive) and into exploring all the market options (as outlined above) before entering into procurement. This helped to ensure its overall approach was sound and that the market was ready to respond positively.

The procurement process itself was very thorough involving a detailed competitive procurement process over some 10 months and conducted with due care and diligence.

All of these factors combined will have helped ensure that BBC has achieved the best result it could in the market at this time in seeking a suitable long-term asset development partner to deliver its agreed objectives.

End

# Appendix C

## **EXEMPT / CONFIDENTIAL**

NOT FOR PUBLICATION by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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# Appendix D

## EXEMPT / CONFIDENTIAL

NOT FOR PUBLICATION by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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# Appendix E

## **EXEMPT / CONFIDENTIAL**

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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, Resources and Economic Development Committee**

The committee shall consider all matters of policy and strategic importance to the Council including matters referred to it by other Committees and/or Chief Officers.

1. The function within the remit of the Policy, Resources and Economic Development 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

Generally to review and oversee the co-ordination and governance of all functions of the Council. 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) Human resources
  - 8) Information Communication Technology
  - 9) Revenues and Benefits
  - 10) Customer Services
  - 11) 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 and allocation of resources.
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 council function.
  - (j) Appropriation of land surplus for the requirements of another Council function.
  - (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 receive updates reports on the Asset Development Programme and the work of the Asset Development Programme and Project Board.
  - (n) 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.
  - (o) To agree and monitor the governance arrangements for any commercial and/or partnership arrangement with the Council.
  - (p) Promoting a culture of entrepreneurialism and building the required skills and capacity.
  - (q) 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) Any matters relating to 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 those Corporate Projects that have been agreed by the committee to be major.

#### Scrutiny

- (a) To advise the Audit & Scrutiny Committee of any matters that require scrutiny in accordance with the Audit and Scrutiny Procedure Rules.
- (b) To receive requests and determine on matters that require scrutiny from the Audit and Scrutiny Committee in accordance with the Audit and Scrutiny Procedure Rules.



(c) To receive requests and determine on matters that require scrutiny from any Committee in accordance with the Audit and Scrutiny Procedure Rules.

17. To consider any requests for sponsorship and use of the Council's Coats of Arms and logos.

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