



Agenda

Ordinary Council

Wednesday, 13 December 2023 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15
8AY

Membership (Quorum – 10)

Cllrs Barrett (Mayor), Haigh (Deputy Mayor), Aspinell, Barber, Dr Barrett, Bridge, M Cuthbert, Mrs N Cuthbert, Mrs Davies, Mrs Francois, Mrs Fulcher, Gelderbloem, Gorton, Heard, Hirst, Kendall, Laplain, Lewis, Marsh, Mayo, McCheyne, Munden, Mrs Murphy, Mynott, Naylor, Parker, Poppy, Mrs Pound, Reed, Rigby, Russell, Sankey, Slade, Wagland, White, Wiles and Worsfold

Agenda

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Live broadcast

[Live broadcast to start at 7pm and available for repeat viewing.](#)

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17. **Urgent Business**
An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.
18. **EXEMPT - Joint Venture**
The public will be excluded from the meeting for this item of business on the grounds that the disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972 is involved.

A handwritten signature in black ink, reading "Jonathan Stephenson", is centered at the top of the page. The signature is written in a cursive style with a horizontal line crossing through the middle of the letters.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
28.11.2023

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

Information for Members of the Public

Access to Information and Meetings

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

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

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

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

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

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

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

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

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

 **Private Session**

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

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  **Access**

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

 **Evacuation Procedures**

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

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Minutes

Ordinary Council
Wednesday, 27th September, 2023

Attendance

Cllr Barrett (Mayor)	Cllr Marsh
Cllr Haigh (Deputy Mayor)	Cllr Mayo
Cllr Aspinell	Cllr McCheyne
Cllr Barber	Cllr Munden
Cllr Dr Barrett	Cllr Mrs Murphy
Cllr Bridge	Cllr Naylor
Cllr M Cuthbert	Cllr Parker
Cllr Mrs N Cuthbert	Cllr Poppy
Cllr Mrs Davies	Cllr Mrs Pound
Cllr Mrs Fulcher	Cllr Reed
Cllr Gorton	Cllr Rigby
Cllr Heard	Cllr Russell
Cllr Hirst	Cllr Sankey
Cllr Kendall	Cllr Slade
Cllr Laplain	Cllr Wagland
Cllr Lewis	Cllr White

Apologies

Cllr Mrs Francois	Cllr Mynott
Cllr Gelderbloem	Cllr Wiles

Officers Present

Phoebe Barnes	- Director - Assets & Investments
Phil Drane	- Director - Place
Zoey Foakes	- Governance & Member Support Officer
Claire Mayhew	- Acting Joint Director of People & Governance & Monitoring Officer
Marcus Hotten	- Director - Environment
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Jonathan Stephenson	- Chief Executive
Sam Wood	- Corporate Manager - Finance
Sonia Worthington	- Acting Service Manager, Democratic Services

LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

190. Apologies for Absence

Apologies were received from Cllr Francois, Gelderbloem, Mynott and Cllr Wiles.

191. Declarations of Interest

Declarations of Interests were received from:
Cllr White in relation to Motion 2 as it concerns to his employer.
Cllr Hirst in relation to appointment of the PFCC panel.

192. Mayors Announcements

"In the three months since we last met in this chamber, there have been some sad losses to this Borough, and I start my announcements this evening by paying tribute to two memorable people within our Borough.

We learnt of the passing of former Councillor John Newberry. John was a Brentwood Borough Councillor for Brentwood West, elected with myself and Cllr Francois, back in 2014 and served until 2018. A former police officer, he had a kind and caring approach to his work as a councillor and was well-liked and respected by all who served with him.

Then we have the loss of John Wyndham. He was not only the Founder of the Brentwood Imperial Youth Band, but also a Freeman of this Borough a role that he was appointed to by this Council in 2015 as a testament to his dedication to this community.

He was an inspiration to so many in Brentwood, a dedicated servant of our borough and always great company. He will be missed not just by everyone involved in Brentwood Imperial Youth Band, but anyone who has ever experienced their amazing contributions to us all.

As a testament to the contribution of these two great servants of Brentwood, instead of a minutes silence this evening, I would like to ask all present to pay tribute to these men with a minutes applause.

It is now four months since I was formally elected as Mayor and I have been delighted to meet so many of the Community and beyond. With many engagements and experiences since our last Ordinary Council meeting in June,

it has been an exciting time. I would like to thank the Deputy Mayor for also attending a number of engagements on my behalf also during this time.

Of note, I had an amazing experience spending time with both of our Town Twinning Organisations when during the Summer. I visited Roth in Germany and Montbazon in France. I was honoured to represent the Borough as first citizen during these visits and participate in some insightful, interesting and occasionally challenging activities. I would like to thank my respective hosts Thomas and Gertraud, and Eric, Sophie, Max and Pauline, for the kindness and all of the citizens of our twinned communities for the warm welcome I received. A special thanks as well to the officials at Roth and Sylvie, the Mayor of Montbazon.

It was a pleasure to attend Brentwood Town FC, see their fantastic FA Cup Preliminary Round victory and understand their community impact. It was also a notable experience to meet members of Brentwood Rugby Club for the opening match of their season (again a victory for Brentwood), and see first-hand their ethos and impact – I am also pleased to be wearing their club tie today.

I was honoured to join Deputy Lord Lieutenant Professor Michael Almond, Major Bold of the USAF, West Horndon Parish Council, and the wider Brentwood community to remember the loss of two American aircrews whose planes crashed near West Horndon. We remembered their bravery, service and sacrifice, remaining indebted to them for all that they gave to our country. It was also pleasing to join the community, fellow Councillors and our Ukrainian guests at Vespers for Ukraine at Brentwood Cathedral in late August.

I also enjoyed attending the Family Fun Days, which was so well attended and was enjoyed by so many families in the Borough, with tributes to be paid to our own leisure team and the sponsors who helped make it possible.

I am looking forward to the next few months ahead, especially where I will take on a very important Civic role at the Remembrance Sunday Parade where we will pay tribute to all those who fought for our Country and future.”

193. Minutes of the previous meeting

The minutes of the Ordinary Council held on the 21st June 2023 were approved as a true record. The minutes contain a summary of the meeting, to view the full meeting, please visit [Ordinary Council - YouTube](#)

194. Public Questions

In accordance with the Council's Constitution, a member of the public resident within the Borough may ask a maximum of two questions relating to the business of the Council providing notice has been received by 10.00am two working days before the relevant meeting.

As Mrs Gearon-Simm and Mrs Smith were not present, the Mayor asked the questions on their behalf.

Mrs Jan Gearon-Simm has submitted two questions:

1. As responsible landlords, Brentwood Borough Council (BBC) will know how many and how habitable the properties they rent to Brentwood residents are. When I was a private landlord from 2004 to 2016, it was my responsibility to ensure that my property was in good condition and habitable. However, the only privately owned properties, which are legally required to be registered with BBC are Housing of Multiple Occupancy (HMOs) and they are, of course, liable to a list of regulations. Does BBC know how many privately owned rental properties there are in Brentwood?

Cllr Dr Barrett responded as followed:

Brentwood's Private Sector Housing Policy was last reviewed in 2011, in line with our responsibilities as a strategic housing authority. This policy does not establish a framework to register private rental properties beyond HMOs, nor mandate any data collection on their number.

However, in July of this year, I requested that the officers commence a review of this policy as soon as possible that would address this, and a new policy approach presented to the Housing, Health and Community Committee for adoption at the earliest possible opportunity. This will also consider the possibility of introducing selective licensing for private landlords, as allowed under the Housing Act 2004.

We are developing a dedicated online report form for private rented sector housing complaints, which can be established ahead of this policy review.

For final clarity on your question, according to 2021 Census data there are approximately 16% of households are part of the private rented sector in the Borough, and there had been a greater percentage increase in this type of household since the last census compared to the rest of England.

2. Housing is a human need and "market forces" do not necessarily prevail in all areas of life. In order to encourage home ownership, there is a part rent/buy scheme. When tenants of council properties leave their home those properties remain in Council ownership. If those tenants, who have engaged in a part rent/buy contract, choose to leave their homes,

they are given back the amount of money they have saved during their tenancy. Such council-owned properties can then be rented to other tenants. Will Brentwood Borough Council instigate the part rent/buy scheme for council properties?

Cllr Dr Barrett responded as followed:

The Council is currently considering all form of tenure in relation to its new build schemes including Shared Ownership, however each scheme and property tenure will be considered and decided based on the financial viability of the site.

However, any scheme is not legally able to operate in the way you described. The occupier can sell their shared ownership home at any time. If the occupier owns 100% of their home then they will be able to sell it on the open market. In usual circumstances if they do not own 100% of their home, they must tell the non-occupying co-owner that they want to sell their home, and this gives that body the opportunity to find a buyer for the residents share of the property. The co-owner has a nomination period (usually up to 12 weeks) to find a buyer.

The co-owner may offer to buy back the occupiers share but only in exceptional circumstances, if they wish to and have the funds and are under no obligations to do so. If the co-owner does not find a buyer within the nomination period the occupier owner can sell their share, and their share alone, on the open market. This would make a social rent element in any shared ownership scheme very difficult, if not impossible, to maintain given this open market sale.

Mrs Smith had submitted two questions:

1. If I understood him correctly Cllr Hossack denied that Brentwood Council Housing Department use fixed term tenancies when he responded to a previous public question of mine. Was that information correct please?

Cllr Dr Barrett responded as followed:

Noting that former Cllr Hossack does not have the opportunity to respond himself, I can state that he was mistaken to indicate that the Council Housing Department does not use fixed term tenancies, when in fact it does. This is made clear in the housing policies that have been in place and available online for several years.

This approach is taken as it is required by Government via the Housing and Planning Act 2016, but I can confirm that we, in Brentwood, are committed to providing tenants with secure and well maintained homes that are suitable for their needs.

In the current social housing environment where homes are in high demand, I recognise the combined importance of bringing down our council housing waiting list and offering security to existing tenants. Inherited policy is that flexible tenancies are issued only to new tenants and not those within sheltered accommodation, after the fixed term, which is made up of a 12 month introductory tenancy followed by a five year fixed term tenancy, the Council will expect that the majority of tenancies will be renewed unless there has been a significant change in circumstances.

Looking ahead, the Housing, Health and Community committee will be looking at the practical necessities to add the option of a periodic secure tenancy - often referred to as a lifetime tenancy - at the end of this five year period as well, in line with the legislative limits we have at the current time.

2. Is there a forum for people with HIDDEN disabilities (such as autism) & their parents /carers in Brentwood where the Council (as represented by officers and councillors) can meet local people & properly productively discuss services & local issues affecting this group of people? Who is the contact please, (and will they just ignore me & parent / carers like me?)

Cllr Davies responded as followed:

Whilst officers from Brentwood attend the Health and Wellbeing Board (partnership board) and the Brentwood and Basildon Alliance, the Council does not have the statutory responsibility for the provision of these services or establishing these forums. This would be Essex County Council (Social Services) or Health with the Integrated Care Board through the Brentwood and Basildon Alliance.

There are a number forums and support services but I'm not aware of any in Brentwood specifically, these appear to be national forums:
Austismforums.com; autism.org.uk; wrongplanet.net.

The Brentwood centre has a gym session which is supported by with a trainer for those with Autism. SNAP and the Walter Boyce Centre also offer a lot of support locally.

195. Memorials or Petitions

No memorials or petitions were received.

196. Committee Chairs Reports and Members Questions

Cllr Bridge requested that the full minutes for this item were recorded.

Members can ask up to two questions to two different Chairs.

Any Member may ask a Chair a written or oral question on any matter in relation to which the Council has powers or duties or which affects the Council's area and which falls within the area of responsibility of the Chair's committee.

The period allowed for written and oral questions and answers will not exceed 60 minutes without leave of the Mayor.

Two written questions were received from Cllr White. His first question was as follows:

To the Chair of Finance, Assets, Investments and Recovery Committee:

In the last complete financial period for which figures are available, what was the average weekly income collected from parking charges collected at Coptfold Road Car Park?

Response from Cllr Kendall, Chair of Finance, Assets, Investments and Recovery Committee:

The average weekly income received in years 2022/23 for the Multi Story Car Park is as followed:

Season tickets - £1,654.67

Parking Income - £2,399.34

Total = £4,054.01

Councillor White had a supplementary question:

There have been a number of complaints from residents or observations from residents that the charging machines haven't been working at Coptfold Road Car Park certainly since the 14th of September, I know one of my colleagues has got photographic evidence that there was a sign up saying we couldn't collect the money. Does the Chair know on how many days in the last three months we've not been collecting that money and how much that has cost the Council and what are we doing about it.

Response from Cllr Kendall, Chair of Finance, Assets, Investments and Recovery Committee:

We aware of it um we had some problems from about the beginning of September which I highlighted and we were hoping these were going to be short-term issues. There are some operational issues there with the ticket machines which are

being resolved. Unfortunately it's not quite as simple as we'd have hoped. When the contract was signed, it was signed a few years ago there are various contracts maintenance agreements service agreements that were signed up to and we've had to obviously work through what we can get done. I would say in terms of cost, I'm happy to be corrected but I'd have thought somewhere between £10-14K could be the potential loss at this moment in time, that's the situation we're in but action is being taken has been taken over this last few weeks. It's not been quite as simple as hopeful.

Miss branes added, we have been aware that there are issues with the system at the Multi Storey Car Park. We are working with the engineers to get the system back up and running and get it online. The car park is a pay on foot car park therefore we cannot take payment at the moment because of tickets not being produced. What we are doing is working with the engineers, following that if the system is still not able to get up and running we could close the car park to those that pay on foot - season ticket holders could still have access as well as the residence of Beckett's House, but what that does mean is we would have to have an officer man the system.

For the season tickets that are paid, we would give them an additional time on their permits rather than refund them. We will extend their permits with the amount of

time that the payment system has been down - that then reduces the financial impact onto the council because it's only the pay on foot that we're currently losing now. We are looking to what we can and at the same time on how to enhance our system there so we are looking at getting the AMPR system for a better payment system that will make the car park secure so there are resolutions.

Councillor white presented his second question:

To the Chair of Clean & Green Committee:

What is the target collection rate for emptying the most heavily used litter bins in the borough and what do the council's records monitoring the delivery of this service show in terms of how frequently this has been achieved, and how often it has not, across the past three months?

Response from Cllr Aspinell, Chair of Clean & Green Committee:

There is no chair of "Environment Committee" – I am the Chair of Clean and Green Committee – Cllr Rigby will read my response:

Thank you Councillor White for the question; The bins are on a set schedule, those target areas that are considered to have heaviest footfall and therefore legitimate use, such as the Highstreets and shop fronts are emptied once a day for 6 days of the week, with the exception of Brentwood and Shenfield highstreets that are also emptied on a Sunday.

The collections have been emptied on schedule as per the plan in the last 3 months.

Councillor White had a supplementary question:

Given the state of overflowing litter bins in a number of places around the borough, would you please share those records?

Councillor Aspinell agreed to this.

Cllr Slade put a question to the Chair of Housing, Health & Community:

Brentwood Borough Council awarded Axis a Strategic Asset Management contract made up of 10 initial years I understand. The scope of work comprises of reactive repairs and maintenance avoids planned and technical work and heating systems with specialist works to include asbestos removal Roofing and damp works. Again, I understand the services covered the entirety of Brentwood Borough council's Housing stock. At the time, Axis Director of Maintenance Tim Hayes commented on the contract wins, we are more than confident that we can enhance their existing service and bring added benefits to the wider community with a former Chair of the Community, Health and Housing Committee commenting it was important that we were able to find a partner that offers value for money and excellent customer service. In my first year as a Councillor from 2022 -2023 I was a member of both Community Health and Housing and Audit and Scrutiny Committees, from the reports presented to both committees it became evident we were not enhancing the existing service nor providing excellent service with a number of formal complaints raised. As reflected on Facebook with residents posts, anyone having issues with Axis repairs, the lack of communication and delays and repair along with communication is terrible an attitude of some is awful. Sadly it's also been my experience as a pavement repair on Brentwood Borough Council housing land I requested in June via the members portal as of 5pm this evening has not been actioned nor have there been communication as to the reasons of the delay. As the current member of the Housing, Health and Community Committee and a former member of the Audit & Scrutiny Committee, I have grave concerns how the contract of Axis negatively impacts residents and therefore both committees, as has recently demonstrated with the recent KPIs presented at Audit & Scrutiny Committee meeting yesterday evening. Members of the Audit & Scrutiny Committee also raise their concerns with my fellow ward member asking the Chair to consider the contract and performance of Axis be held to account by the Audit & Scrutiny Committee. I understand with Housing, Health and Community Committee requesting Axis' attendance, the Chair made a decision that Audit & Scrutiny did not need to include the Axis contract on the Audit and Scrutiny work program for the year, however as a Councillor and a member and former member of the affected committees, it is clear that Axis need to be answerable responsible and fully held to account. Therefore, I ask that the Leader considered the creation of an Axis Working Group to work with Audit & Scrutiny members to address and resolve the issues which impact both committees, and moreover to ensure our residents are provided at the level of service they deserve.

Response from Cllr Dr Barrett, Chair of Housing, Health & Community:
Obviously the Axis contract predates this Administration and my time as Chair. We are in this for until it expires but we are looking at ways to improve it because we all do know and it was discussed at the Housing Committee that we are unhappy with the performance. I will consider a working group but I will take that away with officers and come back to you. As a point of principle though, I do think that there is an important scrutiny function of the Audit& Scrutiny Committee, that is separate from a policy committee and therefore those functions should not be merged together but absolutely. I

think also it's important that we continue to hold Axis to account in a public forum where obviously we've already seen some results in them actually coming back to us with an Improvement plan.

Cllr Hirst put a question to the chair of Finance, Assets, Investments and Recovery Committee:

It became clear at the meeting of Audit & Scrutiny yesterday that we have a problem with our Auditors actually providing the capacity to complete or needing to start our audit of the 22/23 accounts. The question is, will the council extricate itself from the existing five-year agreement with the public sector audit appointers so that we can complete our 22/23 audit on a timely basis.

Response from Cllr Kendall, Chair of Finance, Assets, Investments and Recovery Committee:

The issues we're facing are the issues faced by councils across the country as you know, we are not alone in this situation. I spoke to Mr Willis this afternoon about this issue, we're currently reviewing the situation so we will give you a written response in terms of where we're at, but we're reviewing all the options that we've got because this issue has dragged on for far too long and you know we're far from happy with the situation. If we were unique, if it was just us, it'd be one thing but it's councils across the country with basically exactly the same issue. So we're looking at what options are open to us and we'll give you a response.

Councillor Hirst had a point of information, he said that he represented three of the local authorities which are outside of the PSA arrangements and all three of those are up to date with their accounts.

Councillor Reed put a question to the chair of Finance, Assets, Investments and Recovery Committee:

It became clear in the Audit & Scrutiny Committee meeting yesterday that our treasury management strategy does not currently have a focus on social and government issues in the way that we are governing our investments. Could I please ask the Chair of Finance, Assets, Investments and Recovery Committee to clarify which body of the council reviews our treasury management strategy before it is put to Full Council for approval; and could I ask if he could arrange for there to be a joint working group between that body and the Council.

Response from Cllr Kendall, Chair of Finance, Assets, Investments and Recovery Committee:

The honest answer is I don't know but I will find out for you and we'll come back and give you a response but it would be helpful with that type of question if we had a little bit more warning.

Councillor Russell put a question to the Chair of Clean & Green Committee:

Residents and businesses have noticed the deterioration of the street scene over the last few months with general litter and overgrown vegetation and weeds. Will the Leader of the Council and the Chair of Clean and Green Committee call once more on our partners at Rochford to fill the gaps on the depot resources or recruit agency staff to bolster the under-resourced depot.

Response from Cllr Aspinell, Chair of Clean & Green Committee:

The situation is well known, it is something that we've inherited from the previous administration and it's something that we're taking very seriously. I've looked at various options of getting further support in these sectors and our director is working strenuously to come to some sort of resolution. I will let all members know when that has been resolved.

Councillor Parker put a question to the Chair of Finance, Assets, Investments and Recovery Committee:

At the last FAIR Committee, Councillor Kendall referred to a report from Moody's investor service which stated that Brentwood Council was 11th in the most indebted authorities in relation to its size an income ratio of 9.7% income debts £226. We should note that it's not seen as a problem for the past administration who had factored the debts and income into their past budgets. Councillor Kendall was stated this week that Brentwood Council was already as already stated have been highlighted to those borrowings he went on to state "there is to reassure our residents, staff, councillors the council's medium-term financial strategy is robust and our governance process is robust. The value of our assets far outweigh our overall debt and the returns we get from these assets provides the additional income that we invest back into Services we provide. We also have mitigations in place to reduce the negative impact and unforeseen economic events". Taking into account the statements made by Councillor Kendall made on behalf of the coalition administration, would you agree that continuous comments made by him and others at the time they were in opposition concerning the council's financial position over at least the last four or five years was either due to the fact that they did not understand the safe hands the financial situation was in or was it just political posturing? If so, does he not think that the word recovery or the title of the FAIR Committee should be removed. I know it might be a bitter pill to swallow, would you not agree that the robustness he so fondly refers to was due to a Conservative administration and not the Coalition.

Response from Cllr Kendall, Chair of Finance, Assets, Investments and Recovery Committee:

It's very easy to just answer "no". The situation we have is this - we are still finding out a number of issues regarding the finances of this Council. I think one of the things that has become more likely evident is that under the previous administration a lot of things were channelled through one person; we have a more devolved operation here where chairs take on their responsibilities and it's taken very seriously and undertake them to the best levels they can. We were asked about the Moody's report which basically highlighted 20 Councils I think, we're at number nine. What was concerning about the Moody report, it didn't look at the council's finances in the round. If you actually look where we are based on our published accounts, we've got assets worth £549 million against debts of £192 million. So from a simple perspective we've got obviously more assets that we have on debt. If you also

look at our total long-term debt as an average life of 30 years which provides us with a great deal of certainty because we have interest rates around about 2.3%, which in today's current environment is very low and we're happy with the overall the accounts and finances. Our debt is high in relation to other Councils, our Capital program needs to be drilled down in great detail and there's a lot of capital spend there which is rolled over year after year after year and this is always to be looked at. We are in the process at the moment of investigating other areas of finances to make sure that all members are aware of what the situation is because mostly, when you take over something, the previous government found this, you only find out information when you actually take over, we're finding out more and more through the various meetings that we're having. I make no apologies for the last five years, our job was to hold you to account and to try and be constructive, your job is to do exactly the same with us - we'd expect nothing less - but is the overall financial picture rosie? - it's not how I would like it but it's what we've inherited and we'll deal with it, so as I say I made no apologies for where we are, I certainly wouldn't change the title of FAIR Committee and I think it makes it very clear Finance, Assets, Investment and Recovery from your period of office and that's what we're going to try and do.

Councillor White put a question to the Chair of Clean & Green Committee:

There was a report on an internal audit on Tree Management which was reported that Audit & Scrutiny last night - one of the observations of the internal audit team was that the Clean and Green Committee, previously Community, Environment and Enforcement Committee provides some oversight of the number of trees planted by the service - however our review of the three most recent meetings identified no scrutiny has been implemented during regarding the absence of pre-inspections. Can I ask the chair what he's doing about it please?

Councillor Marsh left the Chamber due to a pecuniary interest that her husband is a relevant Council officer on this matter.

Response from Cllr Aspinell, Chair of Clean & Green Committee:

Yes, this is something else that we've discovered we've inherited - there hasn't been a decent tree survey done in Brentwood for the last 20 years. We have a sorry state of affairs where we've only been a reactive Council rather a proactive Council. We as opposition at the time nominated many trees in our wards that we felt needed urgent attention some of those were never looked at some of those were ignored or through lack of manpower was never got round to. County Council had a lot to do with that as well because they have responsibility for Highway trees maintenance and they allowed us to do their work for them as they've done in many other areas and there was just too much work not enough people and not enough attention to detail at the time from the relevant committees that was dealing with the trees. Now we have a problem and the clues in our name, there's a lot of them about and there's a lot that could be in dangerous situations. That's why it was on the risk register I believe at the Audit & Scrutiny Committee. We will welcome the report and now we will take action and I warned all the Councillors and the watching Millions on the web at the Clean and Green Committee that there was something coming down the road

that was going to cost us dearly - there will be a price to be paid for this and the FAIR Committee will be putting that into their budgets for next year. There will be an immediate reaction to any that we find that are in a dangerous state but we will have to have a budget put aside for this work. It's going to be long, it's going to be detailed, and it will be done properly this time.

Councillor White put a question to the Chair of Housing, Health and Community Committee:

It was particularly important since it was just suggested that chairs last year didn't take the brief seriously, within Housing I did and I was proud of the fact that we managed after covid to finally get things like electrical inspections and gas inspections up above to the target. At Audit & Scrutiny Committee last night, it was said that in terms of Housing having reached the target of 100% last quarter under the previous administration, I would add the gas servicing dipped below target and can I ask the Chair of Housing why that is and our measures in place to ensure it doesn't happen again.

Councillor Dr Barrett, the Chair of Housing, Health and Community Committee responded:

I wasn't at the Audit & Scrutiny Committee and I haven't had a chance to read the minutes yet so thank you for making me aware. I'm looking into the reasons.

Councillor White put a question to the Chair of Audit & Scrutiny Committee:

Can I first of all thank him for yesterday's meeting, I think it was a productive one in which all members got to do their jobs. One of the points which came up during discussion of Treasury Management, although it was said that the two particular things I looked at when we're considering who to borrow from was financial risk and reputation it became clear during the discussion that there apparently are no checks in terms of the reputation ethical investment register checks and such like done from the organisations that we borrow from. So I know that he seemed to indicate from the chair that he would be looking into it but can I ask him to confirm that is the case and that he'll be bringing forward a report to committee?

Councillor Sankey, the chair of Audit & Scrutiny Committee responded:

Yes it was a very interesting meeting and I thought everybody contributed very well in that particular point. Mr Willis hasn't actually responded I don't see any of the email

but he did make the point where he confirmed that there are actually checks on counterparties. He has suggested a way forward which I would like to explore with him and I actually agree with what he was proposing.

Councillor Wagland put a question to the Chair of Clean & Green Committee:

In Ingatestone, we have as I think many people know the listed Church St Edmund and St Mary and on the path that runs along the front of that from the High Street which forms part of the route that most people take to get to the station. This is very well trafficked and there is a bin or there was in terms of a functioning bin because that has been wrapped in black and yellow tape. It is overflowing and I have received a number of complaints from residents about this particular bin, not least because of its setting and where it is but the fact it is creating a personal problem for me in fact because there is an assumption that this might be a matter for me in my capacity as an Essex County Councillor. But residents have confirmed what I've also ascertained from ECC that this is not an ECC bin, it's not an ECC footpath or owned by them. So my question for the Chair of Clean and Green is when will this be repaired or replaced?

The Mayor clarified that in normal circumstances no question should be put to the chair relates exclusively toward an operational resident matter that could not otherwise be resolved by reasonable use of the casework system. The Mayor confirmed with Councillor Wagland that as she had only just ascertained that it was not an ECC bin, she had not entered it into the casework system. Therefore the Mayor refused the question until it had the chance to be answered as a ward matter in the member casework system.

Councillor Bridge put a question to the Chair of Finance, Assets, Investments and Recovery Committee:

I'm a little bit confused about your answer frankly to Councillor Parker because you were quoted in the media only a few days ago saying our

medium return financial plan is robust and yet you're saying here that we're still investigating, we're still looking into things, we're still recovering and if it's robust, why do we need to recover?

Response from Cllr Kendall, Chair of Finance, Assets, Investments and Recovery Committee:

Based on what we know, and that's key, based on what we know at the moment, it is as robust as the finances can be. As I say we're still investigating, we're looking at various issues if and when we have a situation when we need to highlight anything, rest assured we will bring this to your attention.

Councillor Bridge put a question to the Vice Chair of Planning Committee:

I was just asking would he join me to thank in particular relation for later item on the agenda, would you join me in thanking Essex County Council in particular the great effort they did under the then responsible Cabinet Member Councillor Lesley Wagland for the fantastic work that's been done in producing the CIL report which I believe is going to be worth £28 million to this Council?

Councillor M Cuthbert, Vice Chair of Planning Committee responded:

I'm not entirely sure which part of the report that you're talking about would you be able to clarify that (*this was clarified as the CIL report*) and which parts were Councillor Wagland involved in?

Councillor Bridge clarified he was asking a general to the (Vice) Chair of Planning about the fact that there's still policy that has been jointly led by Essex - we got funding from Essex to do it and I wanted to acknowledge the work. I was asking would you join me in so doing the work done by Essex in particular the responsible Cabinet Member at Essex at the time, Councillor Lesley Wagland, over the wonderful opportunity of the money this is going to bring the Council.

Councillor M Cuthbert continued, I'm happy to thank anyone who's been involved in the CIL assessment because I do think it's going to be an excellent thing for this Council so I'm grateful for absolutely everyone's input who has been involved in this situation.

Councillor Davies put a question to the Chair of Finance, Assets, Investment and Recovery Committee:

Does he agree that all elected members of this Council should feel safe and protected in line with the art officer's safeguarding policies. As local councillors we visit residents to better serve our community and address their needs. If a resident is on the council's danger/high risk register should we not

need to be made aware of this - of course would be confidential and used for a legitimate and lawful purpose on a need to know basis. I'm assuming different teams in the council share safeguarding issues so why could it not be shared with Councillors

Response from Cllr Kendall, Chair of Finance, Assets, Investments and Recovery Committee:

I fully agree with Councillor Davis in terms of the point she's making in her question. I think it's an important issue for all members across the chamber and is something that does need to be addressed. I know other councils have policies on this and I think we need to review those. If I'm able to, I'd like to refer to the Leader if he has anything to add.

Councillor Aspinell, Leader of the Council added that he believed that we've seen some horrible examples of elected members getting murdered, assaulted, having horrible things done to them when they are identified as to where they are at any certain time or in fact where they live so I would plead with everyone, I would ask everyone here when you fill in your form for election, you put in "care of the Town Hall" - that is a perfectly sane thing to do. I'll give you an example, I was elected in 1982 and in 1983 I had my young son pick up the phone got a stream of abuse from this lady nothing to do with me just because I was the first name on the council's phone number list alphabetically. It become evident that you are putting yourself forward as a potential target and we should all look and respect that so at all stages I believe we should protect our anonymity and it's within our law because our addresses and our contact details are known, they don't have to be given out by this Council. If we have as had been explained a risk register held by a certain department in the council that appertained to staff being aware, that there's someone that they have to take special measures of like go in twos to see this person, the ward members where that person is, I believe should be involved and should be told. I think that's the due courtesy to us doing our job. Also a couple of my members, have had people just knock on their doors, residents wanting to talk to them because they're their local councillor - that's okay in the extent if people know you because you've been around a long time, that's fine but when it's a stranger on your doorstep - who knows what could happen. That's what happened to Cllr Davies not too long ago it's happened to me two or three times, so yes I think we should take this safeguarding more seriously than we have in the past. I attended the safeguarding seminar by the Council about four years ago but I don't believe the new Council has a new intake had that same thing, if it has then I apologise but it needs to be upgraded, it needs to be involved with Scrutiny. I think maybe and we take a stronger view about it in the more serious way in these very sad and troubled times.

Mr Stephenson added that there is a policy for officers and members and we treat them both the same. There may be an issue around communication and training which I know we've arranged some sessions with members coming

up very soon because with regard to the list you refer to, there is a confidential list. It's protected on the Data Protection Act so we can't just share that with everybody. If someone is looking to attend a property they refer to the process to find out - it's a need to know basis, there's not a long list of people that the council hold that can be circulated across the organisation. We'd expect the same thing for members as well and also the challenges for anybody to go into a property alone, we would not do that as officers, some members are sometimes put in a situation where possibly you're asked to come in to look into property and there is a risk so we all need to look at how we can reassure you with our training and LGA training. There is a cautionary advisory list for officers which can be referred to and we will look to share with members if there is a requirement for that member. This list is on a need to know basis as you can expect and is reviewed annually and it will be unfair to share that type of information with everybody because people might be aware of those residents for friendships or relationships. There is some training and development around ensuring that members are fully aware of that process moving forward and I also recognise the challenges. You are at risk and the same for officers or member on their own, it's your word against theirs if they're in their property as well so we really would advise not to go alone but we also understand sometimes you are in a difficult position. There will be further development and training and support members and just reassurance and support where we can.

Councillor Barber put a question to the Chair of Clean & Green Committee:

Previously I've asked about the schedule for rolling out the electrical vehicle charges around the borough and I think at the last meeting I was told that there would be substantially more EV charges by the end of September. Given that we're only a few days away from the end of the month could the Chair of Clean and Green please tell us how many additional new charges will be rolled out by the end of this week?

Response from Cllr Aspinell, Chair of Clean & Green Committee:

I haven't got that information, I apologise, I should have done. I know that two of the applications at two of the potential sites had to go to Planning Committee and I don't know what happened to them there. I hope they were approved because we were told that they probably didn't need to go to Planning Committee in the first place but once the process was started we might as well finish. I don't know and I do apologise.

Also, due to circumstances not all the working groups for Clean and Green met this last cycle, and so there will be some coming up and there is a new working group we're introducing under the Constitution for Clean and Green we can look at Highway matters so now that the Parish Councillors and local members are no longer part of the County Council's Local Highway Panel,

we're going to start our own here and refer it on to the Local Highways Panel through myself or through Councillors Wagland or Willes in the future so that's just to put a marker down. We are going to meet and all the Parish Councils who will be invited.

Councillor Barber put a question to the Chair of Community, Health and Housing Committee:

In previous meetings I've asked about the medical arrangements in Ingatestone, Fryerning and Mountnessing and we were assured that there that was centre of the administration's platform. Could I ask please are regular meetings being held currently with the NHS specifically on the topic of medical provision within Ingatestone, Fryerning and Mountnessing about nursing and if so, how frequently are they meeting and how many meetings since the last Ordinary Council meeting?

Councillor Dr Barrett, the Chair of Housing, Health and Community Committee responded:

We are still looking at working with NHS for the future provision across the borough as well as Ingatestone. From myself, there hasn't been any communication meetings with the NHS at the moment, we are attempting to have more meetings with them although I believe the Chief Executive has been regularly meeting with the NHS and maybe he can update you on that issue.

Mr Stephenson added that with regard to the question, that the last meeting and previously I've met a number of times the Alliance Director this week and I'm meeting them again on the 14th ahead of the member All Member Briefing on the 16th October where they are looking to present information data on their approach to infrastructure and provision for the NHS across Brentwood which will pick up Ingatestone, Mountnessing and Fryerning as well. There has been discussion about the need and they wanted to bring it up in the presentation but obviously there is local discussion around need for more GP provision and surgeries. They've also got some data around a different provision of what the NHS are moving forward and it's not just necessarily just GP surgeries and GPs and they'll bring it up in the presentation on the 16th October. I've got a preview of that but probably best to have that presentation and perhaps a follow-up Q&A afterwards or bring back to a relevant Committee following the briefing.

Councillor Barber put a question to the Chair of Planning:

At a recent Planning Committee meeting, we had to re-run a planning decision on an item within my own ward and there have been I believe three significant procedural failures during planning meetings since the change of administration. So my question to the Vice Chair of Planning is what training

and Improvement is planned for the Chair and the Vice Chair of that committee to make sure that that doesn't happen again?

Councillor M Cuthbert, Vice Chair of Planning responded:

At present we have not been asked to take any additional training for that role.

Monitoring Officer Mrs Mayhew added, there's been some talks with Steven Bell from Birketts who is going to do extra training and pick up the points that you've just mentioned.

Councillor Reed put a question to the Mayor:

When we met on Monday night as a group to discuss the agenda, this item hadn't been published. Can I please ask that it is published a little bit earlier because it's given us no time to properly read the reports that were published yesterday.

The Mayor of Brentwood responded:

I can confirm from the Monitoring Officer that reports are compiled from the meetings and agendas of relevant committee meetings. At this period the committee meetings were quite close to the Ordinary Council meeting indeed Audit & Scrutiny being an example that was only yesterday. Going forward this will be updated and improved as appropriate and looking to make sure these narratives appear earlier for Councillors to have the opportunity to have oversight, this circumstance was limited by the narrow period of meetings before the Council and I do apologise for that. There's actually no report here from the chair of Audit and Scrutiny because the meeting took place last night.

197. Community Infrastructure Levy Charging Schedule Adoption

The report sets out the outcomes of the examination of the council's Community Infrastructure Levy (CIL) and sought to formally approve and publish the Council's CIL Charging Schedule, in accordance with Regulation 25 of the CIL Regulations 2010 (as amended). The report advised that, subject to council adoption on 27 September 2023, the Brentwood CIL Charging Schedule will take effect on the 15 January 2024. This date is informed by an ongoing programme of work to set up all necessary guidance, administrative and financial systems and processes for CIL implementation.

The report summarised the preparation process that has been required to produce the CIL Charging Schedule and the stages of consultation and formal examination that have been involved. The report sets out how formal adoption by the council is now required in order to commence and implement CIL.

Once CIL is brought into effect, the Council will become a 'CIL Charging Authority' and 'CIL Collecting Authority'. Moving forward it will be important for Members to approve the governance arrangements for the prioritisation and spending of CIL receipts. This report provided Members with an update as to the consideration of governance arrangements and a commitment for this to be the subject of a future committee report within the next 12 months.

Cllr M Cuthbert **MOVED** and Cllr Aspinell **SECONDED** the recommendations in the report. A vote was taken and it was **RESOLVED UNANIMOUSLY**

R1. Adopt the Community Infrastructure Levy Charging Schedule (Appendix A), with an implementation date of 15 January 2024.

R2. Adopt the Instalment Policy (Appendix B), with an implementation date of 15 January 2024.

R3. Delegate authority to the Director of Place, in consultation with the Chief Executive and Leader of the Council, any necessary further minor editorial changes to the Charging Schedule or Instalment Policy and a change to the implementation date if necessary.

R4. Approve that governance options and arrangements for the priorities and spending of CIL receipts be brought to committee in the next 12 months.

198. Report of the Constitution Work Group (CWG)

Following a motion at Ordinary Council on 21 June 2023, which stated:-

"The Council notes:

- 'Chairs Reports and Questions' at Ordinary Council should provide democratic accountability of its leadership.
- Recently, Leaders have chaired PRED committees, allowing a very broad range of questions to be put to them. This may not be the case when a Leader chairs a Policy Committee with a more focused remit, or none at all.
- This motion therefore calls for immediate amendment to Procedural Rule 7.2 that limits the scope of questions to (and omits specific inclusion of) the Council Leader.

This council resolves to:-

1. Require the council's leader to be fully involved in chairs questions sessions across all areas of Council activity to promote public trust, encourage robust discussions, and enable greater scrutiny of actions and policies;

2. Introduce with immediate effect changes to fully include the Council Leader in Ordinary Council's 'Chairs Report and Questions' session (to be renamed Leaders and Chairs' Report and Questions) to cover "all areas of Council responsibility within the council's area";

3. Request the monitoring officer, in liaison with the Constitution Working Group, to bring forward to the next Ordinary Council the necessary changes Procedural Rule 7 (Chair Report and Questions) to give effect to this change."

Under chapter 4, 8.3.7 (a) (i) The motion was referred to an appropriate body (CWG) for consideration with a report being brought back to the next meeting of Council.

Cllr Laplain **MOVED** and Cllr White **SECONDED** the recommendations in the report. A vote was taken and it was **RESOLVED UNANIMOUSLY**

R1 To adopt the Leader's Report under the chapter 4 paragraph 7, 1-3 to form part of the Chair's Reports and Questions within the Constitution.

R2 The Monitoring Officer to make the change required to the Constitution with immediate effect.

199. Honorary Titles – Aldermen and Alderwomen

The Council wished to recognise those who merit the highest awards that the Council can bestow on a person or organisation.

Members spoke in support and endorsed the nominations before them.

Cllr Barrett **MOVED** and Cllr Haigh **SECONDED** the recommendations in the report. A vote was taken and it was **RESOLVED UNANIMOUSLY**

R1. That, in pursuance of section 249(1) of the Local Government Act 1972 and in recognition of the Council being of the opinion that eminent services have been rendered to the Council by former Councillors Tony Sleep, Roger Keeble, Pauline Myers and Jean McGinley, that the Council confers them with the title of Honorary Alderman/Alderwoman.

R2. That the presentation of these honorary titles will take place at the Civic Dinner on 5 April 2024.

200. Substitute appointment of representatives on an Outside Organisations 2023/2024

(Cllr Hirst declared an interest and left the Chamber and did not vote on this item due to his role as Police, Fire and Crime Commissioner.)

Following the appointments to Outside Organisation at Ordinary Council on 21 June 2023.

Essex Police & Fire Panel had asked that the Council nominate a substitute to attend meetings in replace of the nominated representative, when necessary, as a statutory requirement. No other requests for substitutes for any of the other outside organisations have been made.

An annual Outside Organisation review had been undertaken to ensure effective partnership working wherever appropriate to help deliver the Council's objectives and to ensure that the Council's time is spent productively and effectively and forms part of the Scrutiny Work Programme.

Cllr Aspinell **MOVED** and Cllr Laplain **SECONDED** the recommendations in the report. A vote was taken and it was **RESOLVED UNANIMOUSLY**

R1 That the substitute appointment on the Essex Police & Fire Panel in Appendix A be approved.

201. Notice of Motion

Any one or more Members of the Council may, by notice received by the Monitoring Officer no later than 10.00 am eleven working days before the day of the Council meeting, require the Council to consider a motion about a matter relating to which the Council has powers or duties or which affects the Council's area. A notice of motion may be accompanied by a statement of not more than 200 words setting out the reason for the proposed motion.

The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received.

Three Notices of Motion has been submitted in accordance with Rule 3 in Part 4.1 of the Constitution - Council Procedure Rules and are listed in order of the date received.

Motion 1 – Received 16th August 2023 @ 14:54

Mover: Cllr Dr Barrett

Seconder: Cllr Aspinell

(Cllr Aspinell declared an interest as an Essex County Councillor)

Statement:

Brentwood High Street was redeveloped into its current form over a decade ago, at a cost of over fourteen million pounds, and considerable negative impact on local businesses during the implementation of the works.

Currently large areas of paving slabs on the High Street are broken, dislodged sunken or move. The Road condition also suffers from major dips and sunken sections.

Brentwood Access Group has consistently raised concerns over the state of the High Street and its impact on local residents. Residents, businesses and Councillors have also raised numerous issues regarding the state of repair of the High Street both directly and indirectly with appropriate stakeholders.

Motion:

This Council believes:

- Brentwood residents and businesses deserve a High Street environment that is in good order and a beacon for the Borough.
- The current state of Brentwood High Street is unacceptable and is causing a direct negative impact on both resident enjoyment and economic development of our main retail area.

The Council resolves:

- To demand Essex County Council, as the Highway Authority, acts on their responsibility to maintain Brentwood High Street to a good standard.
- That it will request Essex County Council completes a full audit of the high street and within three months produce a schedule of repairs to be made publicly available.
- That Brentwood Borough Council will provide all appropriate assistance necessary to deliver this audit and any repairs programme.
- That we will work with SEPP on any element that requires changes to parking, waiting areas or enforcement activity to assist in this programme of repairs.

An **AMENDMENT** to the motion was **MOVED** by Councillor White and **SECONDED** by Councillor Hirst:

- **To work with all relevant bodies such as Essex County Council, Brentwood Bid, SEPP, bus companies, retailers and our own environment and enforcement teams to improve Brentwood High Street.**
- To **demand** work with Essex County Council, as the Highway Authority, to **ensure it** acts on its ~~their~~ responsibility to maintain Brentwood High Street to a good standard.
- ~~That it will request Essex County Council~~ **To** completes a full audit of the high street **and submit this to Essex CC** within three months **to assist it in** production of a schedule of repairs to be made publicly available.
- That Brentwood Borough Council will provide all appropriate assistance necessary to deliver this audit and any repairs programme.
- That we will work with SEPP on any element that requires changes to parking, waiting areas or enforcement activity to assist in this programme of repairs.

The original mover and seconder did not accept the full amendment but did accept the to include:

- To work with all relevant bodies such as Essex County Council, Brentwood Bid, SEPP, bus companies, retailers, Pubwatch and our own environment and enforcement teams to improve Brentwood High Street.

The mover and seconder of the amendment withdrew all other amendments.

The amended motion was **CARRIED** as follows:

This Council believes:

- Brentwood residents and businesses deserve a High Street environment that is in good order and a beacon for the Borough.

- The current state of Brentwood High Street is unacceptable and is causing a direct negative impact on both resident enjoyment and economic development of our main retail area.

The Council resolves:

- To work with all relevant bodies such as Essex County Council, Brentwood Bid, SEPP, bus companies, retailers, Pubwatch and our own environment and enforcement teams to improve Brentwood High Street.

- To demand Essex County Council, as the Highway Authority, acts on their responsibility to maintain Brentwood High Street to a good standard.

- That it will request Essex County Council completes a full audit of the high street and within three months produce a schedule of repairs to be made publicly available.

- That Brentwood Borough Council will provide all appropriate assistance necessary to deliver this audit and any repairs programme.

- That we will work with SEPP on any element that requires changes to parking, waiting areas or enforcement activity to assist in this programme of repairs.

There was an amendment to the order of Motions as agreed by the Mayor where Motion 3 was heard ahead of Motion 2.

Motion 3 – Received 11th September 2023 @ 08:17

Mover: Cllr White Seconder: Cllr Hirst

This Council recognises the critical importance of a healthy natural environment to the overall wellbeing and quality of life of our residents, and the pressing need to protect nature.

The coronavirus (COVID-19) pandemic lockdowns raised awareness of how human health and wellbeing is intrinsically linked to the health of the natural environment. Use of parks and public green space, such as woodland, increased as people sought solace, exercise and recreation in nature.

Considering the responsibility this Council has for the management of local parks, local planning policies and land it owns, this Council resolves to:

1. Establish a climate and nature advisory committee to guide Members and council officers.
2. Include ecological impact assessments alongside climate and sustainability considerations in all committee and council reports.
3. Work towards making nature recovery a top strategic priority in planning policies and design guidelines for new developments. This includes:
 - a. Identifying suitable areas for habitat restoration, establishing 'green allocated sites' and embedding Local Nature Recovery Strategies (LNRSs) in local plans and policies.
 - b. Promoting Biodiversity Net Gain (BNG), extending the minimum requirement from 10% to 20%.
 - c. Minimising the impact of development on existing habitats.
 - d. Enhancing access to nature-rich green spaces within a 10-minute radius for all residents.
 - e. Requiring new developments to commit to a minimum of 30% tree canopy cover.
 - f. Increasing tree canopy cover in existing housing estates where it is below the 16% urban average for England.
4. Support initiatives, including community run tree nurseries, to increase the supply of local saplings.
5. Prioritise the use of council land holdings, for habitat creation and restoration, by transitioning where appropriate from maintaining grass to planting trees. Finally, Council urges all stakeholders to come together to protect and restore our natural assets, recognising their intrinsic role in securing a sustainable future for our community.

An **AMENDMENT** to the motion was **MOVED** by Councillor Aspinell and **SECONDED** by Councillor Worsfold:

At end of first sentence add: "We also recognise the important contribution protecting nature and promoting biodiversity will make to achieving our ambitious Net Zero objectives."

In third paragraph add between "this Council" and "resolves": "acknowledges the work of the Clean and Green Committee and its Working Groups (established this year by the Joint Administration) to address all the issues detailed below within its Constitution and"

Add at end of clause 3(b): "which should be sustainable for at least 30 years."

Add at end of clause 3 (d): "including promoting the establishment of new footpaths, bridleways and cycle routes."

New clauses:

6. Identify potential sites for new permanent and temporary allotments, especially in the parts of the borough currently poorly served by allotment provision.

7. Ensure all of these issues are prioritised in the review of the Local Development Plan and communicated urgently to all developers looking at building on sites in the borough.

The amendment was accepted by the original mover and seconder subject to change below:

In third paragraph add between “this Council” and “resolves”: “acknowledges the work of the Clean and Green Committee and its Working Groups (established this year by the Joint Administration) and those of the previous administration to address all the issues detailed below within its Constitution and”

The amended motion was **CARRIED** as follows:

This Council recognises the critical importance of a healthy natural environment to the overall wellbeing and quality of life of our residents, and the pressing need to protect nature. We also recognise the important contribution protecting nature and promoting biodiversity will make to achieving our ambitious Net Zero objectives.

The coronavirus (COVID-19) pandemic lockdowns raised awareness of how human health and wellbeing is intrinsically linked to the health of the natural environment. Use of parks and public green space, such as woodland, increased as people sought solace, exercise and recreation in nature.

Considering the responsibility this Council has for the management of local parks, local planning policies and land it owns, this Council acknowledges the work of the Clean and Green Committee and its Working Groups (established this year by the Joint Administration and those of the previous administration) to address all the issues detailed below within its Constitution resolves to:

1. Establish a climate and nature advisory committee to guide Members and council officers.

2. Include ecological impact assessments alongside climate and sustainability considerations in all committee and council reports.

3. Work towards making nature recovery a top strategic priority in planning policies and design guidelines for new developments. This includes:

a. Identifying suitable areas for habitat restoration, establishing ‘green allocated sites’ and embedding Local Nature Recovery Strategies (LNRSs) in local plans and policies.

b. Promoting Biodiversity Net Gain (BNG), extending the minimum requirement from 10% to 20% which should be sustainable for at least 30 years.

c. Minimising the impact of development on existing habitats.

d. Enhancing access to nature-rich green spaces within a 10-minute radius for all residents including promoting the establishment of new footpaths, bridleways and cycle routes.

e. Requiring new developments to commit to a minimum of 30% tree canopy cover.

f. Increasing tree canopy cover in existing housing estates where it is below the 16% urban average for England.

4. Support initiatives, including community run tree nurseries, to increase the supply of local saplings.

5. Prioritise the use of council land holdings, for habitat creation and restoration, by transitioning where appropriate from maintaining grass to planting trees. Finally, Council urges all stakeholders to come together to protect and restore our natural assets, recognising their intrinsic role in securing a sustainable future for our community.

6. Identify potential sites for new permanent and temporary allotments, especially in the parts of the borough currently poorly served by allotment provision.

7. Ensure all of these issues are prioritised in the review of the Local Development Plan and communicated urgently to all developers looking at building on sites in the borough.

Finally, Council urges all stakeholders to come together to protect and restore our natural assets, recognising their intrinsic role in securing a sustainable future for our community.

Motion 2 – Received 10th September 2023 @ 21:40

Mover: Cllr Heard Seconder: Cllr Barber

Pigeon droppings under Shenfield Railway Bridge

The situation regarding pigeon droppings under the Shenfield Railway Bridge has deteriorated badly over the summer months and has become totally unacceptable. Such waste material contains harmful fungal spores which can lead to respiratory disease.

Effective measures such as erecting wire and fencing, use of a falcon or deployment of sound devices can all help to provide a solution.

It is the council's view that the health risks to members of the public from the current unhygienic situation cannot be allowed to persist.

This Council resolves to :

- i) Deploy the necessary resources to treat the affected area to effect a deep clean and maintain a regular cleaning regime until adequate measures are taken to deter the pigeons from the area.
- ii) ii) Arrange an urgent meeting with Network Rail and the relevant Borough Council officers to secure delivery of the necessary work to both the Bridge and the Railway Station roof to deter pigeons from nesting.
- iii) iii) Bring back a report to the Clean and Green Committee with the details of steps taken and progress made.

An **AMENDMENT** was **MOVED** by Councillor Worsfold and **SECONDED** by Cllr N Cuthbert:

In 1st line after "Shenfield Railway Bridges" (add an s) insert "and the two railways bridges that cross Alexander Lane"

New third paragraph: "We are very disappointed that Network Rail has still not produced a plan or estimate for replacing the netting under the Hutton Road bridges a year after undertaking to do so. We are also frustrated at the lack of response from Greater Anglia about the need to deal with the pigeons nesting around the station building despite several approaches by ward councillors."

In point 1 i) amend "area" to "areas"

Replace point 2 ii) with: "Arrange an urgent meeting with Network Rail, Greater Anglia, Essex County Council and the relevant Borough Council officers to secure delivery of the necessary work to all four bridges and the railway station roof to deter pigeons from nesting."

This amendment was accepted by the original mover and seconder subject to a change in:

Replace point 2 ii) with: "Arrange an urgent meeting with Network Rail, Greater Anglia, Essex County Council ~~and the relevant Borough Council officers~~ *and any other organisations* to secure delivery of the necessary work to all four bridges and the railway station roof to deter pigeons from nesting."

The amended motion was **CARRIED** as follows:

Pigeon droppings under Shenfield Railway Bridges and the two railways bridges that cross Alexander Lane.

The situation regarding pigeon droppings under the Shenfield Railway Bridge has deteriorated badly over the summer months and has become totally unacceptable. Such waste material contains harmful fungal spores which can lead to respiratory disease.

Effective measures such as erecting wire and fencing, use of a falcon or deployment of sound devices can all help to provide a solution. We are very disappointed that Network Rail has still not produced a plan or estimate for

replacing the netting under the Hutton Road bridges a year after undertaking to do so. We are also frustrated at the lack of response from Greater Anglia about the need to deal with the pigeons nesting around the station building despite several approaches by ward councillors

It is the council's view that the health risks to members of the public from the current unhygienic situation cannot be allowed to persist.

This Council resolves to :

- i) Deploy the necessary resources to treat the affected areas to effect a deep clean and maintain a regular cleaning regime until adequate measures are taken to deter the pigeons from the area.
- ii) ii) Arrange an urgent meeting with Network Rail, Greater Anglia, Essex County Council and any other organisations to secure delivery of the necessary work to all four bridges and the railway station roof to deter pigeons from nesting.
- iii) iii) Bring back a report to the Clean and Green Committee with the details of steps taken and progress made.

202. Urgent Business

There were no items of business to discuss.

The meeting concluded at 10.15pm.

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ORDINARY COUNCIL

13TH DECEMBER 2023

REPORT TITLE:	Public Questions
REPORT OF:	Claire Mayhew – Director – People & Governance & Monitoring Officer

In accordance with the Council's Constitution, a member of the public resident within the Borough may ask a maximum of two questions relating to the business of the Council providing notice has been received by 10.00am two clear working days before the relevant meeting.

Every question asked pursuant to rule 11.2 of the Constitution shall be put and answered without discussion but the Member to whom the question has been put may decline to answer. An answer may take the form of a direct oral answer at the Council meeting or where there has been insufficient time to research an answer, a written answer will be sent to the questioner. Time for all questions from members of the public shall be restricted to 15 minutes in total. At the expiration of that period of time, any questions which have not been asked shall be answered in writing and the answer placed with the minutes.

Mrs Pat Smith has submitted two questions:

- 1. What has happened to the La Plata badgers?*
- 2. How can it happen that when independent organisations such as Citizen's Advice or Peabody (both operating from the Council reception area, and presumably approved of by the Council) try to help support a local vulnerable disabled resident to the Housing Department, to clarify or uphold their rights, or sort out a situation objectively, they are completely ignored / stonewalled?*

Mrs Gearon Simm has submitted two questions:

- 1. In Switzerland, taxes paid to the local cantons (countries) are not taken away by the Swiss federal government. Cantons do not have to rely on the grace and favour of their federal government for grants.*

In England, local authorities central funding was squeezed post 2010 to the degree that spending power fell by 17.5% in a decade.

In 2015, the Audit Commission, which used to oversee local authorities audits, were no longer required and this seems to have been a key moment in the emerging financial disaster of property speculation by local authorities.

Did Brentwood Borough Council (BBC) engage in purchasing property for speculation in the “free market” without voters referenced in this matter? If BBC still owns property for fund-raising purposes, is this thoroughly audited?

- 2. The Joseph Rountree Foundation, has been monitoring the scale of destitution in our country since 2015.*

Destitution is the state of living without sufficient means to have the basics for sustaining life.

Margaret Thatcher said “Bring back Victorian values”. Slums, workhouses, poor laws, child prostitution were part of the Victorian era.

Does Brentwood Borough Council know of any destitute people who are living in Brentwood?



COMMITTEE TITLE: Ordinary Council

DATE: 13th December 2023

REPORT TITLE:	Partnership Peer Review
REPORT OF:	Greg Campbell – Director Policy & Transformation
REPORT IS FOR:	To Note

REPORT SUMMARY

The following report informs Members that a Partnership Peer challenge will take place between the 4th and 8th March 2024. This Peer Challenge will be undertaken by the Local Government Association (LGA) and will be a Corporate Peer Challenge with a specific focus on Brentwood Borough Council's One Team Partnership with Rochford District Council.

SUPPORTING INFORMATION

1.0 BACKGROUND INFORMATION

Brentwood Borough Council had a Peer review in November 2021. This was undertaken just as the Partnership with Rochford was beginning to be formed. The last Peer review enabled Brentwood Borough Council to create a path towards strong financial foundations and governance. Since this time much has occurred including changes at the senior level of the organisation and the development of the strategic partnership with Rochford District Council.

This strategic partnership with Rochford District Council looks to create significant improvement by bringing the teams of the two councils together whilst maintaining independent decision making and therefore each Council's sovereignty. This partnership would have been in 'being' for just over two years when this Corporate Peer Challenge commences.

It is good practice to review how well the organisation is performing on a regular basis and to have an external view of the Councils services, its performance and functions. On this occasion the PEER Challenge will concentrate on the partnership, its governance, its progress and direction.

It has been decided that after two years of the strategic partnership being in place that it is right to carry out a Peer Challenge of this partnership. The Peer Challenge will gather and review information, undertake interviews with stakeholders, officers and members to corroborate and triangulate information gathered in order to determine where the Council has progressed to along on its partnership journey,

where improvements can be made and identify where issues need to be addressed. This will enable a roadmap to be developed that will identify where the Council can improve, develop the effectiveness of the Council and its partnership with Rochford.

Peer Challenges are a tried and tested method to deliver improvement and it is reported that 98% of Councils who had a Corporate Peer Challenge said that it had a positive impact on delivery of the Council's priorities.

The detailed scope of the Corporate Peer Challenge (CPC) is set out in Appendix 1. However, the five key themes of this Partnership Peer Challenge are set out below:

- Local priorities & Outcomes
- Organisational and Place Leadership
- Governance & Culture
- Financial Planning & Management
- Capacity for Improvement

The Corporate Peer Challenge will take place between the 4th and 8th March 2024 with a final report expected in April / May 2024. Further it is expected that the key findings and subsequent action plan are published and made available to the public.

2.0 OTHER OPTIONS CONSIDERED

No other options outside of the LGA have been considered to undertake a Partnership Peer Challenge. The LGA as an organisation undertake Corporate Peer Reviews for local government organisations at no cost. It would therefore be appropriate for this body to undertake our Peer challenge which in turn gives the findings credibility.

3.0 RELEVANT RISKS

That the findings of the review are not actioned or given the credit that they deserve

The Council, its officers and stakeholders do not engage in the process and the Council lose the opportunity for positive feedback from an independent body.

4.0 ENGAGEMENT/CONSULTATION

This will form part of the Corporate Peer Challenge

5.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer

Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

5.1 None arising from the recommendations

6.0 LEGAL/GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer

Tel & Email 01277 312500 / Claire.mayhew@brentwood.rochford.gov.uk

6.1 There are no legal implications arising from this report.

7.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The proposals in this report will not have a disproportionate adverse impact on anybody with a protected characteristic and the themes are cross cutting across the Council's services.

8.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

10.0 ENVIRONMENTAL IMPACT

Name & Title: Henry Muss, Sustainability & Climate Officer

Tel & Email 01277 312500 henry.muss@brentwood.gov.uk

10.1 There are no environmental implication arising from this report

REPORT AUTHOR:

Name: Greg Campbell

Title: Director Policy & Transformation

Phone: 01277 312500

Email: greg.campbell@brentwood.rochford.gov.uk

APPENDICES

Appendix A – Corporate Peer Challenge Detailed Scope

BACKGROUND PAPERS

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



Corporate Peer Challenge

Brentwood Borough Council's Strategic Partnership

8th September 2023

Agreement of scope of peer challenge



Scope and focus

The Peer Challenge will use the five high-level themes we have adopted for all LGA Corporate Peer Challenges with a partnership focus for the initial framework. Underpinning the LGA's CPC framework the peer team will use the aims and ambitions from the [strategic partnerships memorandum of understanding](#), as prompts to enable an independent evaluation of the partnership's success.

The peer team will work positively and constructively to challenge individuals and groups in an effort to help the councils and partnership improve. They will follow the evidence and triangulate what they read and hear to come to a set of conclusions which they will shape into recommendations to support ongoing improvement.

1. Local priorities and outcomes: Are the council's priorities clear and informed by the local context? Are the councils delivering effectively on their priorities and achieving improved outcomes for all their communities? How clear is the Partnership's ambition and how widely is this understood and shared? How well is this working so far? Are the Councils...

- Working collectively to overcome challenges and maximise opportunities.
- A partnership that retains 'local identity' for residents and has the scale to make tangible investments and improvements for the wellbeing of communities.
- Overseeing a well-resourced and fully integrated, council officer team delivering for both councils with built-in resilience, focussed on improving front-line services and effective back-office functions.
- Recognised as a partnership that applies sector best practice and delivers best value for money services that positively impact on their respective geographies.
- Delivering on their top five strategic objectives for the Partnership:
 - Delivering financially sustainable, high-quality services that are valued by our community.
 - Leading the way to improve our environment by acting locally, contributing globally.
 - Providing high quality, sustainable housing to meet the needs of our community.
 - Improving the quality of life, health and wellbeing of our residents.
 - Creating opportunities for economic growth and improved connectivity in which businesses can flourish.

2. Organisational and place leadership: Do the councils provide effective local leadership? Are there good relationships with partner organisations and local communities? Does the Partnership supplement or confuse effective local leadership? Are the Councils...

- Acting with a stronger voice to exert more influence on a regional and national level in order to ensure that the councils thrive in a changing local government sector.
- Creating a reputation that gives other councils and organisations the confidence to do business with the partnership and generate income.
- Progressing beyond shared management and shared services and being strategic in intent.
- Seeking to harmonise the partnership approach wherever possible (but ultimately each council will be able to set its own policy for which services are to be delivered and how e.g. tourism and economy at Rochford).
- Continuing to set their own corporate plans, using a common template and simple language, seeking wherever possible to harmonise ambition, portfolios, and functions whilst avoiding duplication of resource.

3. Governance and culture: Are there clear and robust governance arrangements? Is there a culture of respect, challenge and scrutiny? Are the Councils...

- An enduring partnership between two sovereign councils, with a unified officer team that delivers high quality outcomes for our communities, operating a one culture ethos.
- Using their collective skills to promote investment in their communities through developing a culture which is proactive, innovative and which focusses on growth and opportunity.
- Supporting the creation of new unified organisational teams with one culture through a single senior management team, driving efficiency through organisational development and seeking to align internal operational structures and services wherever possible.

4. Financial planning and management: Do the councils have a clear understanding of their current financial position? Do the councils have a strategy and a clear plan to address financial challenges? Are the Councils...

- Securing greater financial sustainability for both councils, individually and together.
- Working together to be more entrepreneurial and ambitious.
- Achieving efficiencies, improved purchasing power and economies of scale.
- An equitable partnership that brings financial sustainability and organisational

resilience to both councils while balancing risk.

- Wherever possible, harmonising or jointly commissioning grant aid and other funding bids (not inhibiting the ability of either council to independently commission grant aid such they wish to).
- Subjecting new initiatives, including those involving significant investment, commercial risk and arm's length delivery vehicles, to a robust business case and identification and management of risks.

5. Capacity for improvement: Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve? Are the Councils...

- Building more resilience into both councils.
- Retaining and developing the talented staff across the councils.
- Demonstrating a greater combined capacity to manage change and strive for continuous improvement.
- Delivering a people first partnership recognising that its strength comes from the talents people bring through a depth of skills & experience developed further through collaboration and creativity.

Timing and duration

A peer challenge takes around 6 months lead-in time, including time required to secure time in peers' diaries. We discussed a duration of 4-5 days onsite commencing on 4th March and finishing on 8th March 2024.

Corporate Peer Challenge team

The LGA will source and agree a team of officer and member peers informed by the skills and experience required. There is also the opportunity to include peers from outside of local government, such as team member(s) with a community sector, central government or private sector experience. The LGA is committed to diversity and inclusion and it is important that peer teams reflect the diversity of local councils and the communities they serve.

We would suggest a peer team of:

- An Independent Leader peer, ideally a Leader with experience of working in a

strategic partnership arrangement. We will work with you and the Political Group Office to identify a potential councillor peer.

- A Liberal Democrat Leader peer and a Labour peer, ideally these would be Leaders with experience of working in a strategic partnership arrangement.
- A Chief Executive Officer peer, probably from a council of the same tier and ideally reflecting an area with similar contexts and experience of leading two or more councils.
- A senior officer peer, with a strong track record on financial, risk, governance and audit management of strategic partnerships.
- A senior officer peer possibly with a strong track record on corporate transformation and culture change.
- LGA Peer Challenge Manager – Kirsty Human
- LGA Project Support Officer – Onyekachi Abajingin

Process

The peer team will meet with a range of officers and members over the course of the peer challenge, as well as a range of external stakeholders. There will be informal feedback to the Leader and CEO at the end of each day.

On the final day the peer team will deliver headline feedback and recommendations to a selected audience which should include as a minimum: the corporate leadership team, senior members and, as appropriate, opposition members. During this feedback there is opportunity for clarification and questions.

This will be followed by a report detailing the strengths and weaknesses of the partnership, the issues considered, areas for further improvement and key recommendations. The council will receive the draft report within 3 weeks of the CPC. We will then agree the final report with you for publication. The council should then develop a detailed action plan that responds to the report's findings.

In addition, to get the most out of the onsite CPC activity some preparatory and post-

CPC engagement will be beneficial.

Peer preparation and engagement

To help the peer team gain an in-depth understanding of the local issues before their onsite activity, we will work with you to develop an Information & Data Pack. The most important aspect of the pack is the 'Position Statement' prepared by the council. This provides a clear brief and steer to the peer team on the local context and what the peer team should focus on. It is an opportunity to set out the key issues, challenges and current thinking in relation to the CPC.

The peer team will also undertake some pre-onsite conversations with key officers and members. We will confirm the dates and times for this earlier engagement, which will typically take place remotely.

Progress Review

At least 12 months after the CPC, Brentwood Borough Council are required to have a Progress Review and to have published the findings from this review. This will be a facilitated session which creates space for the council's senior leadership to update peers on progress against the action plan and discuss next steps.

Following the Progress Review, the LGA will produce a short report which reflects the council's progress and provides examples of any good or innovative practice.

The date for the Progress Review will be no later than December 2024.

Publication of corporate peer challenge report

To promote openness and transparency and share learning across the sector, the corporate peer challenge offer is made on the expectation that the council will publish both the CPC report and its subsequent action plan in response to the peer challenge's findings.

We expect the council to publish their CPC report within three months of the CPC taking place, with the subsequent action plan published within five months of the

CPC taking place. We do ask that the council commit to this principle at the outset. The LGA will require a copy of the action plan and will publish the CPC report on its website.

Practical arrangements and next steps

The council will need to identify a peer challenge co-ordinator who will act as a day-to-day contact and oversee the practical arrangements. I understand **NAME IF KNOWN** will undertake this.

The council will need to prepare a timetable of meetings and focus groups for the team. The attached Preparation Guidance Note provides further details on preparing for the process, including the timetable. Kirsty Human would be happy to meet with **NAME** to discuss the practical arrangements.

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COMMITTEE: ORDINARY COUNCIL

DATE: 13 December 2023

REPORT TITLE:	Appointment of an Independent Person for the Audit function of the Audit & Scrutiny Committee
REPORT OF:	Tim Willis, Interim Resources Director

REPORT SUMMARY

Audit & Scrutiny Committee on 26 September 2023 approved the recommendation to Council for an Independent Person (IP) to be appointed to the Council's Audit & Scrutiny Committee (for audit business).

RECOMMENDATIONS

- R1. That an Independent Person is appointed for the Council's audit functions, which form part of the business of Audit & Scrutiny Committee.
- R2. The recruitment of the Independent Person is delegated to the Interim Director of Resources in consultation with the Chair of Audit & Scrutiny Committee.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The Government response in June 2022 to the Local Audit Framework: Technical Consultation set out plans to strengthen local audit framework in light of the Redmond Review. It confirmed that when parliamentary time allows, audit committees will be made compulsory for all local councils, with at least one independent member required on each committee. This follows the CIPFA detailed guidance on the function and operation of audit Committees in Local Authorities which endorsed the approach of mandatory inclusion of a lay or independent member and recommended that, for authorities for whom it is not a requirement at present, they actively explore the appointment of an independent member to the Committee. Ahead of any legislative requirement being implemented, it is recommended that the Council therefore takes steps

to introduce an Independent Person onto the Audit & Scrutiny Committee so that an appropriate person can be recruited as soon as is practicable.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Council could choose not to appoint an IP. However, it is good practice to do so, and it is possible that it will be a requirement of audit committees in future.

3.0 BACKGROUND INFORMATION

- 3.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) has produced detailed guidance on the function and operation of audit committees in Local Authorities. This represents best practice for audit committees in Local Authorities throughout the UK and incorporates CIPFA's Position Statement: Audit Committees in Local Authorities and Police (2018). The Position Statement emphasises the importance of audit committees being in place in all principal local authorities and highlights that audit committees are a key component of an authority's governance framework.
- 3.2 Guidance stipulates that the purpose of an audit committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and governance processes, but that the way in which an audit committee is organised varies depending on the specific political and management arrangements in place.
- 3.3 It is important that Members of the Committee have a mix of skills and experience in relation to financial matters, assurance and governance; in this respect it is recommended that particular consideration is given to introducing an IP, with a specific finance/audit or governance background to bring support to the independent challenge of the Council's arrangements.
- 3.4 The introduction of independent members can be beneficial to the audit committee in many ways, including:
- Ensuring a mix of skills and experience in relation to financial matters, assurance and governance.
 - Bringing additional knowledge and experience to the Committee.
 - An injection of an external view can often bring a new approach to committee discussions.
 - Reinforcing the political neutrality and independence of the Committee.
 - Maintain continuity of committee membership where membership is affected by the electoral cycle.
- 3.5 The Council's Audit (& Scrutiny) Committee has delegated authority to make decisions by the Council, upon which the independent member would not

have voting rights. The Committee does have an advisory role as well, upon which the independent member could vote. It is however, recommended that the IP be appointed without any voting rights initially, in order to avoid any confusion. The position shall be subject to review in due course to ensure that the arrangements are appropriate and effective.

- 3.6 Brentwood operates an Audit & Scrutiny Committee, which whilst not unique, is unusual. The combination of two discrete functions in one committee has been relatively invisible and seamless to date, but going forward, it will be necessary for the IP to be present only for business that relates to the committee's "audit" function. This would mean, for example, two parts to each agenda, whereby the IP sat on the Committee and played an active part for the "audit" component, but not the "scrutiny" component – although the IP could theoretically choose to be present for non-exempt scrutiny business as a member of the public.
- 3.7 A role description is attached, which sets out the responsibilities of the IP, together with the relevant knowledge and experience required. If approved, the vacancy will be publicly advertised and candidates will be required to demonstrate their political independence and suitability for the role. This would be assessed as part of a formal recruitment process. The Council may only appoint someone who makes a formal application. It is recommended that Council delegates the recruitment of the IP to the Interim Director of Resources, in consultation with the Chair of Audit & Scrutiny Committee. The appointment would be for a term of two years, with the option to be extended for a further two years, in line with recommendations from the Committee on Standards in Public Life. While operating as a member of the Committee, the IP would be required to follow the same Code of Conduct as elected Members, with the requirement to complete the Register of Interests. The Local Authority (Members' Allowances) (England) Regulations 2003 provide for the Council to pay an allowance to co-optees. It is proposed that the role attracts an allowance of £1,250 per annum which is commensurate with other similar local authorities.

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

- 4.1 A member allowance of £1,250 p.a. would be incurred if agreed.

5.0 LEGAL IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer

Tel/Email: 01277 312500 / claire.mayhew@brentwood.rochford.gov.uk

5.1 The statutory requirements on the Council are set out in the body of the report and the recommendations sets out the necessary steps to ensure compliance.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 None.

7.0 RELEVANT RISKS

7.1 There is a risk that if the Council does not act now to implement recommended best practice it will have to act quickly once the legislation is enacted. There is a risk that without an IP the Audit & Scrutiny Committee will not have the right mix of skills and experience in relation to financial/audit matters, assurance and governance to fulfil its duties to the highest possible standard.

8.0 ENGAGEMENT/CONSULTATION

8.1 None.

9.0 EQUALITY IMPLICATIONS

9.1 None.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 None.

REPORT AUTHOR:

Name: Tim Willis
Title: Interim Resources Director and S151 Officer
Phone: 01277 312500
Email: tim.willis@brentwood.rochford.gov.uk

Appendix A

BRENTWOOD BOROUGH COUNCIL INDEPENDENT PERSON: ROLE DESCRIPTION

The Audit function of the Audit & Scrutiny Committee (“the Committee”) is a crucial mechanism for supporting the Council in ensuring that there are effective processes in place for governance, internal control and risk management. As an Independent Person (or Independent Member) of the Committee you will provide insight and strong constructive challenge.

Role and Responsibilities of the Audit function of the Audit & Scrutiny Committee

The Committee provides advice to the Council and its committees on the effectiveness of the arrangements for the proper administration of the Council’s financial affairs, including all relevant strategies and plans.

Its responsibilities are:

- To approve the Annual Internal Audit risk based plan of work.
- To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give regarding the Council’s corporate governance, risk management and internal control arrangements.
- To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- To consider the External Auditor’s annual letter, relevant reports, and the report to those charged with governance.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To consider the arrangements for the appointment of the Council’s Internal and External Auditors.
- To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- To monitor the effective development and operation of risk management and corporate governance in the Council.
- To monitor Council policies and strategies on an Annual basis, including:
 - Whistleblowing
 - Money Laundering
 - Anti-Fraud and Corruption
 - Insurance and Risk Management
 - Emergency Planning and Business Continuity.
- To monitor the corporate complaints process.
- To consider the Council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- To consider the Council’s compliance with its own and other published standards and controls.
- To monitor the Council’s processes in relation to Freedom of Information and Member Enquires.
- To monitor the Council’s data quality arrangements.
- To monitor the Council’s Member’s training arrangements.
- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To review the Council’s Annual Governance Statement.

- To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Person Specification

1. Uphold the highest ethical standards of integrity and honesty, and be able to demonstrate an understanding of, and commitment to the values and importance of the Seven Principles of Public Life.
2. Ability to be objective, independent and impartial.
3. Ability to make clear and reasoned decisions. Analytical skills including the ability to weigh / sort complex evidence and reach rational conclusions, incorporating appropriate advice.
4. A good communicator with excellent leadership and interpersonal skills, able to both empower and challenge supportively.
5. Ability to appropriately challenge and hold to account Council officers and representatives of internal and external audit.
6. Demonstrable skills, knowledge and experience relevant to the work of the Committee including accounting/audit, risk management, governance, internal/external audit.
7. Experience of working with audit/risk committees in a large or complex delivery organisation in either the public or private sectors.
8. Good grasp of relevant legislation, including the Accounts and Audit Regulations, Freedom of Information, Data Protection.
9. Knowledge of the challenges facing Brentwood Council and wider public services and understanding of its communities.
10. Knowledge of the major functions of Brentwood Council and its vision and priorities.
11. Membership of a recognised UK accounting or auditing institute.



COMMITTEE TITLE: ORDINARY COUNCIL

DATE: 13 DECEMBER 2023

REPORT TITLE:	Council Tax premium
REPORT OF:	Tim Willis, Interim Director of Resources

REPORT SUMMARY

This report is to introduce a Council Tax premium of 100% for second homes (unoccupied and furnished dwellings) within the borough, with effect from 1 April 2025. This 100% premium is in addition to the standard Council Tax charge. The Levelling Up and Regeneration Act 2023 sets out that when determining its decision, each billing authority has to adopt the agreed percentage of any premium by the 31 March prior to the financial year in which it wants to introduce the changes. This decision therefore requires agreement by 31 March 2024, to come into effect from 1 April 2025.

RECOMMENDATION

Members approve the implementation of the Council Tax premium of 100% for second homes (unoccupied and furnished dwellings) within the Borough, with effect from 1 April 2025.

SUPPORT ING INFORMATION

1.0 REASON FOR RECOMMENDATION

1.1 The introduction of the Levelling Up and Regeneration Act 2023 allows the Council to make amendments to the levying of Council Tax premiums within the borough with effect from 1 April 2025.

2.0 BACKGROUND INFORMATION

2.1 The report identifies decisions required by full Council and makes recommendations to change the Council's approach in respect of the Council Tax premium for second homes. The introduction of the Levelling Up and Regeneration Act 2023 allows the Council to make amendments to the levying of Council Tax premiums within the borough with effect from 1 April 2025.

2.2 Where a change is proposed, there is a requirement to determine the level of any discount or premium and a decision is now required to be made by full Council under the new 11C of the Local Government Finance Act 1992.

2.3 The Levelling Up and Regeneration Act 2023 sets out that when determining its decision, each billing authority has to adopt the agreed percentage of any premium by the 31 March prior to the financial year in which it wants to introduce the changes. This decision therefore requires agreement by 31 March 2024, to come into effect from 1 April 2025.

2.4 Once determined, any resolution of the Council will be published in a local newspaper(s) within 21 days of the decision.

2.5 At present, English billing authorities may only impose an empty homes premium on properties that are 'unoccupied and substantially unfurnished'. This term is defined via case law, not in legislation. However, it does not cover dwellings that are no one's sole or main residence but are furnished, second homes. An empty homes premium could, therefore, not be imposed on properties that are maintained as second homes for regular use by their owners.

2.6 Section 80 of the Levelling Up and Regeneration Act 2023 will insert a new section 11C into the Local Government Finance Act 1992. This will permit billing authorities to apply a premium to properties that have no resident and are "substantially furnished", second homes. The maximum Council Tax charge in these cases would be a standard 100% charge plus, if the recommendations are accepted by Council, a premium of 100% making a total Council Tax charge of 200% for second homes.

2.7 There would be no requirement for a property to have been used as a second home for a fixed period of time before the premium can apply.

2.8 As with other changes introduced by the Act, section 11C (3) requires that the first decision to impose this class of premium must be taken at least 12 months before the financial year to which it would apply. In effect this means that premiums for second homes will not take effect until the 2025/26 financial year at the earliest. However, it is essential that a decision is made by Council before 31 March 2024 to give the required one year notice.

2.9 The Act provides that a dwelling cannot be subject to both a second homes premium and an empty homes premium imposed under section 11B of the 1992 Act, and that an existing empty homes premium would cease to apply to a property which became subject to a second homes premium.

2.10 Should the Council at any time, wish to vary or revoke a decision to impose any type of premium, this can be done at any time before the beginning of the financial year to which it would apply.

2.11 The intention of the legislation change is to close the current loophole in relation of empty homes premium and also encourage the use of second homes as a primary residence.

2.12 It should be noted that, should the recommendation be accepted, of the income detailed below, the Council's share of this would be 11%, Essex County Council 74%, Essex Police, Fire and Crime Commissioner 11% and Essex Fire and Rescue Service 4%. The rough estimate of additional Council Tax income that would be generated from the implementation of this 100% second home premium is £227,251. For Brentwood this would be £25k from 2025/26.

	Current	Proposed	Current number of second homes (as at 08/11/2023)	Estimated additional income per annum
<p>Second Homes Premium</p> <p>No one's sole or main residence and which is substantially furnished.</p> <p>Premium of 100% is charged in addition to the second home Council Tax charge of 100%</p>	N/A	100% premium	109	£227,251

3.0 OTHER OPTIONS CONSIDERED

3.1 Should the Council decide not to accept the recommendations, the existing premiums will remain in place.

3.2 The Levelling Up and Regeneration Act 2023 also allows for the charging of a 100% premium on empty, unfurnished properties after one year, rather than two years under current arrangements. This is not proposed at this time, but can be revisited when considering the 2025/26 Council Tax premiums.

4.0 RELEVANT RISKS

4.1 The main risk associated with the implication of the recommendations will be the increase in non-compliance, with some taxpayers actively trying to avoid the new charges by providing incorrect information to the Council.

4.2 The Council already has processes and procedures in place in order to ensure that all charges are applied correctly. Further compliance procedures will be established to ensure that the new second homes premium is applied in accordance with the legislation and the Council's requirements.

5.0 ENGAGEMENT/CONSULTATION

5.1 There is no statutory requirement to consult on any matters contained within this report. However, a resolution made on or before 31 March 2024 will allow the premium to come into force from 1 April 2025 (its earliest commencement date).

6.0 FINANCIAL IMPLICATIONS

6.1 Financial implications have been included within the report. The Council is the billing authority and collects Council Tax on behalf of all the preceptors and parishes within the Borough. All income collected is accounted for within the Collection Fund account and

distributed to preceptors the following year, through a deficit/surplus mechanism. The tax base for the Borough which takes account of valid discounts and exemptions on properties is calculated in October for the following budgeted year. Therefore, the Council will start to see the effect of these changes from the year 2025/26.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer

Tel & Email 01277 312500 / Claire.mayhew@brentwood.rochford.gov.uk

7.1 The legislation that covers this report and the recommendations made is as follows:

- S11B of the Local Government Finance Act 1992
- S11C of the Local Government Finance Act 1992 (as introduced by the Levelling Up and Regeneration Act 2023);
- Levelling Up and Regeneration Act 2023.

7.2 Due to the changes in the legislation, the Council will be required by statute to be mindful of any regulation and guidance issued by the Secretary of State.

8.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

8.1 Properties that are vacant for long periods of time, can lead to problems with squatters, anti-social behaviour and have a direct impact on the amount of housing available in the Borough. The potential of adding the 100% premium may incentivise the owners to bring properties back into full use and occupation.

9.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

9.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

An Equality Impact Assessment has been completed Appendix A.

10.0 ENVIRONMENTAL IMPACT

Name & Title: Henry Muss, Sustainability & Climate Officer
Tel & Email 01277 312500 henry.muss@brentwood.gov.uk

10.1 None.

REPORT AUTHOR:	Name:	Tim Willis
	Title:	Interim Resources Director
	Phone:	01277 312500
	Email:	tim.willis@brentwood.rochford.gov.uk

APPENDICES

Appendix A: Equality Impact Assessment.

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Equality Impact Assessment.

Title of report/ project	Council Tax Discounts and Premiums
Decision sought	Approval of the new Council Tax Premium regime with effect from 1 April 2025
Director	Tim Willis, Interim Resources Director
<ul style="list-style-type: none"> • The purpose of your report or policy? • What your proposals are and why are they needed? • The specific decision you are making / seeking? 	
<p>The report identifies decisions required by full Council and makes recommendations to change the Council's approach in respect of certain discretionary areas within Council Tax legislation. The changes require approval by 31 March 2024 but will take effect from 1 April 2025.</p>	
<ul style="list-style-type: none"> • Will your proposals or policy have an impact on staff or on members of the public e.g., service users, tenants, residents, people who work here, visitors? • Will it significantly affect the way a service or services are organised, planned, or delivered? 	
<p>Yes, there will be additional income generated from certain Council Taxpayers who own second homes (from April 2025). The changes are designed to bring more dwellings into use or into use as primary residences. Staff will be required to implement the changes in line with the billing and collection of Council Tax.</p>	

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COMMITTEE TITLE: Ordinary Council

DATE: 13th December 2023

REPORT TITLE:	Treasury Management April - October Update
REPORT OF:	Tim Willis, Interim Director – Resources

REPORT SUMMARY

This report gives an update on the Council's treasury management activity and performance for the period April to October 2023. It also presents an update to the Council's Minimum Revenue Provision (MRP) policy for 2023/24, following discussions between the S151 Officer and the Council's external auditors. The report was presented to and was approved by Audit & Scrutiny Committee on 14th November 2023. The report is now being presented for consideration and approval to Ordinary Council in accordance with the Council's Treasury Management Practices.

RECOMMENDATIONS

R1. To note the Council's treasury management activity and performance for the period April to October 2023.

R2. To approve the revised prudential indicators set out in paragraph 13.

R3. To approve the updated MRP policy

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

To enable the scrutiny of the Council's Treasury Management activity and performance in 2023/24 in compliance with CIPFA's Treasury Management in the Public Services: Code of Practice (the CIPFA Code 2021 Edition) and generally accepted good practice.

To add clarity to the method for calculating MRP being followed in respect of the debt liability pre-1 April 2008.

2.0 OTHER OPTIONS CONSIDERED

N/A

3.0 BACKGROUND INFORMATION

Main Report

UK Economy and Interest Rate Forecasts

1. The period April to October saw:
 - CPI inflation falling from 8.7% in April to 6.7% in August, its lowest rate since February 2022, but still the highest in the G7
 - Core CPI inflation (excluding energy, food, alcohol and tobacco) declining from the 31-year high of 7.1% in April and May to 6.2% in August
 - A cooling in labour market conditions, but no evidence yet that it has led to an easing in wage growth as the 3mmyy growth of average earnings rose to 7.8% in August
 - Interest rates rise by 100bps, taking Bank Rate from 4.25% to 5.25% and, possibly, the peak in the cycle.
 - Short, medium and long-dated gilts remaining elevated as inflation continually surprised to the upside.
2. The following table shows bank rate and PWLB rate forecasts up to June 2026 (provided by Link Group, the Council's treasury advisors):

	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26
Bank Rate	5.25%	5.25%	5.25%	5.00%	4.50%	4.00%	3.50%	3.00%	2.75%	2.75%
PWLB Rates										
- 5 years	5.10%	5.00%	4.90%	4.70%	4.40%	4.20%	4.00%	3.90%	3.70%	3.70%
- 10 years	5.00%	4.90%	4.80%	4.60%	4.40%	4.20%	4.00%	3.90%	3.70%	3.70%
- 25 years	5.40%	5.20%	5.10%	4.90%	4.70%	4.40%	4.30%	4.10%	4.00%	3.90%
- 50 years	5.20%	5.00%	4.90%	4.70%	4.50%	4.20%	4.10%	3.90%	3.80%	3.70%

3. The above data set out a view that the bank rate has peaked at 5.25% and will gradually start to fall next year. The data also show a gradual decline over the period in PWLB rates from the current peak.

Investment Activity

4. The Council's investments have continued to benefit from the increase in interest rates during the period. The month-end investment balances and interest rates for the period are as follows:

Month end	Balance (£000)	Ave interest rate
April 2023	17,000	4.21%
May 2023	10,000	4.38%
June 2023	15,000	4.69%
July 2023	11,800	5.00%
August 2023	24,300	5.16%
Sept 2023	26,300	5.32%
Oct 2023	23,880	5.36%

5. The approach to investments has been to keep up to £5m on call with the Council's bankers, Lloyds Banking Group, and to invest the remaining funds through short-dated fixed term investments with the Debt Management Account Deposit Facility (DMADF) and with UK domiciled banks (accessible either directly or through the Link Agency Treasury Service). This is a secure, low risk approach, which will generate approximately £0.7m investment income for the year (split across the general fund and the HRA).
6. A table of investments as of 31 October 2023 totalling £23.880m is shown at Appendix A.

Borrowing Activity

7. The following table shows the amount of external borrowing at the beginning and the end of the period.

	Short term	Long term-PWLB	Long term-Market Lender	Transferred debt	Total
	£000	£000	£000	£000	£000
01-Apr-23	34,000	192,019	0	174	226,193
31-Oct-23	27,000	192,019	25,000	174	244,193
Interest rate	4.52%	2.37%	2.06%	8.80%	

8. The short-term borrowing is all from other local authorities. There was some modest activity during the period, with a net reduction of £7m. There has been no PWLB borrowing during the period. A breakdown of the short-term and long-term borrowings is shown in Appendix B.
9. The source of the £25m market lender borrowing is Phoenix Life Ltd. The £25m loan was received in August and is the first tranche of the £45m deferred loan agreement that the Council arranged in December 2021. It will be paid back over 40 years at an interest rate of 2.058%. The remaining £20m will be drawn down in June 2024.
10. The £0.174m transferred debt is a historic loan between Brentwood and Chelmsford councils, originating from the local government reorganisation of 1974. The Council recently agreed to settle this loan and payment was made to Chelmsford in November 2023.
11. It is anticipated that short borrowing of up to £20m will be undertaken during the latter stages of this financial year to finance new capital expenditure. The timing of any borrowing will be influenced by the movement in interest rates (para 2).

Compliance with Treasury and Prudential Limits

12. During the period ended 31st October 2023, the Council has operated within the prudential and treasury indicators set out in the Council's Treasury Management Strategy Statement (TMSS) for 2023/24.
13. The Interim Director - Resources recommends that some revisions are made to the prudential indicators. Members are asked to approve these revised indicators, which are set out in the final column of the following table:

Indicator	2023/24 TMSS (£000)	2023/24 revised (£000)
Capital Expenditure-GF	36,332	24,862
Capital Expenditure-HRA	22,008	14,972
Capital Financing Requirement	303,964	280,759
Gross External Borrowing	267,688	260,019
Operational Boundary	305,000	281,000
Authorised Limit	340,000	316,000

- a) Capital Expenditure (GF and HRA). The revised indicators represent the forecast expenditure for 2023/24. Further explanation, including details of

slippage, will be reported to the next Finance, Assets, Investment & Recovery Committee meeting in December.

- b) Capital Financing Requirement (CFR). This represents the total historic capital expenditure which has not yet been paid for from either revenue or capital resources. The revised CFR has been reduced from the original figure because of:
- the reduction in the forecast capital expenditure
 - the CFR in the TMSS was based on the estimated closing CFR for 2022/23; the revised CFR reflects the closing CFR for 2022/23
- c) Gross External Borrowing. This has also been revised downwards for the same reasons as the CFR.
- d) Operating Boundary. This is the borrowing limit above which borrowing would not normally be expected to rise. This aligns with the CFR level and has been reduced following the reduction in the CFR. The revised level continues to give the Council sufficient headroom for future borrowing this year, whilst remaining at a prudent level.
- e) Authorised Limit. This is the limit placed by the Council on the absolute level of its gross external debt, as required by the Local Government Act 2003. The revised level has also been reduced in line with the reduction in the CFR and the operational boundary. The revised level is considered to be prudent.

Review of capital investment and treasury management

14. The Interim Director- Resources recently commissioned Link Group to carry out a review of the Council's treasury management arrangements. A report on the outcome of this review was presented as a separate item on the agenda for the Audit & Scrutiny meeting on 14th November 2023.

Minimum Revenue Provision

15. The Council is required by the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 to calculate a level a provision for the repayment of debt liability that it considers to be prudent, known as the Minimum Revenue Provision (MRP). The regulations also require the Council to approve an MRP policy in advance of each financial year. The policy may be revised or updated by the Council during the year.

16. Following discussions with the external auditors, the S151 Officer considers that the wording of the MRP policy should be updated to make it clear that the **regulatory Adjustment A** continues to be applied to the pre-1 April 2008 debt liability. This ensures that the same amount of debt liability is written down as previously (i.e. prior to the adoption in 2018 of the method currently being used).
17. This is a prudent approach as it ensures taxpayers are not being charged for a higher level of debt liability than under the previous policy.
18. Ordinary Council is asked to approve the following updated policy for 2023/24. The fresh wording is shown in italics. For completeness, the whole MRP policy is shown.

Updated MRP Policy for 2023/24

Debt Liability pre-1 April 2008

19. For capital expenditure funded by borrowing before 1 April 2008, minimum revenue provision will be provided on a 2% straight-line basis, i.e., provision for the repayment of debt over 50 years, ***and will continue to use the regulatory calculated Adjustment A.***

Debt Liability 1 April 2008 onwards

20. Minimum revenue provision for new capital expenditure incurred wholly or partly by unsupported (Prudential) borrowing will be determined by reference to the expected life of the asset on an annuity basis. The asset life is deemed to begin once the asset becomes operational. Minimum revenue provision will commence from the financial year following the one in which the asset becomes operational.
21. Minimum revenue provision in respect of unsupported (prudential) borrowing taken to meet expenditure, which is treated as capital expenditure by virtue of either a capitalisation direction or regulations, will be determined in accordance with the asset life method as recommended by the statutory guidance.
22. The Council retains the right to make additional voluntary payments to reduce debt if deemed prudent.
23. There is no requirement on the HRA to make a minimum revenue provision but under HRA reform there is a requirement to charge depreciation on its

assets, which will have a revenue effect. The HRA business plan will need to fund this depreciation over the life of the assets.

Debt Liability in respect of loans to third parties

24. Where the principal element of the loan is being repaid in annual instalments, the capital receipts arising from the principal loan repayments will be used to reduce the CFR instead of MRP.

25. Where no principal repayment is made in a given year, MRP will be charged at a rate in line with the life of the assets funded by the loan

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

All financial information is contained within the body of the report.

5.0 LEGAL/GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / Claire.mayhew@brentwood.rochford.gov.uk

All governance information is contained within the body of the report

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

N/a

7.0 RELEVANT RISKS

N/a

8.0 ENGAGEMENT/CONSULTATION

N/a

9.0 EQUALITY IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

There are no implications arising from this report.

10.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place
Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

There are no implications arising from this report.

11.0 ENVIRONMENTAL IMPACT

Name & Title: Henry Muss, Sustainability & Climate Officer
Tel & Email 01277 312500 henry.muss@brentwood.gov.uk

There are no implications arising from this report.

REPORT AUTHOR:

Name:	Alistair Greer
Title:	Principal Accountant (Financial Reporting)
Phone:	01277 312385
Email:	alistair.greer@brentwood.gov.uk

APPENDICES

- Appendix A: investments at 31 October 2023
- Appendix B: short and long-term borrowing at 31 October 2023

BACKGROUND PAPERS

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
• Audit & Scrutiny: Treasury Management 2023/24 Half Yearly Update	14 th November 2023
• Ordinary Council: 2023/24 Treasury Management Strategy	1 st March 2023
• Ordinary Council: 2022/23 Treasury Management Strategy	23 rd February 2022
• Ordinary Council: 2021/21 Treasury Management Strategy	

Appendix A

Investments at 31 October 2023

Counterparty	Amount (£000)	Start date	Maturity date	Interest rate
Lloyds Treasury Call	3,000			5.140%
DMADF	1,000	11/10/2023	01/11/2023	5.170%
East Lindsey District Council	2,000	13/10/2023	01/11/2023	5.300%
DMADF	880	04/10/2023	03/11/2023	5.170%
National Bank of Kuwait International	2,000	05/09/2023	06/11/2023	5.370%
DMADF	1,000	13/10/2023	17/11/2023	5.190%
SMBC	2,000	31/08/2023	01/12/2023	5.610%
Cheshire East Council	2,000	24/10/2023	15/12/2023	5.430%
Standard Chartered Bank	1,000	01/09/2023	02/01/2024	5.530%
Liverpool City Council	3,000	29/09/2023	03/01/2024	5.400%
National Bank of Kuwait International	1,000	23/10/2023	23/01/2024	5.400%
Standard Chartered Bank	2,000	22/09/2023	01/02/2024	5.370%
National Westminster Bank	2,000	25/09/2023	01/03/2024	5.430%
National Westminster Bank	1,000	29/09/2023	28/03/2024	5.490%
Total	23,880			

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Appendix B

Short-term and long-term PWLB borrowing at 31 October 2023

Short-term borrowing

Lender	Amount (£000)	Start date	Maturity date	Interest rate
West Midlands Combined Authority	5,000	27-Feb-23	27-Nov-23	4.17%
West Midlands Combined Authority	5,000	28-Apr-23	26-Apr-24	4.65%
Lichfield District Council	2,000	03-Mar-23	01-Mar-24	4.40%
West Midlands Combined Authority	5,000	28-Apr-23	26-Apr-24	4.65%
West of England Combined Authority	5,000	15-Aug-23	13-Aug-24	4.75%
West Midlands Combined Authority	5,000	26-Oct-23	24-Oct-24	4.28%
Total	27,000			

Long-term PWLB borrowing

	Amount (£000)	Start date	Maturity date	Interest rate
HRA	2,853	14-Mar-22	14-Mar-42	2.31%
HRA	10,000	28-Mar-12	28-Mar-27	3.01%
HRA	15,000	28-Mar-12	28-Mar-32	3.30%
HRA	15,000	28-Mar-12	28-Mar-37	3.44%
HRA	14,166	28-Mar-12	28-Mar-42	3.50%
Total HRA	57,019			
General Fund	400	08-Jan-03	08-Jan-28	4.88%
General Fund	800	24-Apr-95	24-Feb-55	8.88%
General Fund	800	30-Apr-95	30-Apr-55	8.88%
General Fund	7,000	16-Sep-20	16-Sep-50	2.57%
General Fund	10,000	27-Nov-20	27-Nov-30	2.16%
General Fund	10,000	27-Nov-20	27-Nov-50	2.71%
General Fund	20,000	26-Mar-21	26-Mar-71	1.89%
General Fund	30,000	27-Apr-21	27-Apr-71	1.87%
General Fund	7,000	19-Jul-21	19-Jul-31	1.48%
General Fund	10,000	22-Jul-21	22-Jul-34	1.55%
General Fund	9,000	22-Jul-21	22-Jan-68	1.67%
General Fund	10,000	22-Jul-21	22-Jul-69	1.65%
General Fund	20,000	04-Nov-21	04-Nov-62	1.72%
Total General Fund	135,000			
Total	192,019			

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ORDINARY COUNCIL

13th DECEMBER 2023

REPORT TITLE:	Notices of Motion
REPORT OF:	Claire Mayhew – Joint Acting Up Director of People & Governance & Monitoring Officer

REPORT SUMMARY

Any one or more Members of the Council may, by notice received by the Monitoring Officer no later than 10.00 am eleven working days before the day of the Council meeting, require the Council to consider a motion about a matter relating to which the Council has powers or duties or which affects the Council's area. A notice of motion may be accompanied by a statement of not more than 200 words setting out the reason for the proposed motion.

The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received.

Three Notices of Motion has been submitted in accordance with Rule 3 in Part 4.1 of the Constitution - Council Procedure Rules and are listed in order of the date received.

Motion 1 – Received 27th November 2023 @ 05:05

Mover: Cllr White

Seconder: Cllr Slade

TRANSPARENCY

Council workers deliver services to the public using tax payers' money, and as such the council expects these staff to exhibit exemplary standards of behaviour. They should behave with integrity and demonstrate an honest, open and transparent attitude to their work.

The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government and a range of other public bodies and services.

A 2019 Review by the Committee on Standards in Public Life 'Local Government Ethical Standards' "...identified a number of risks in the sector: the current rules

around conflicts of interest, gifts, and hospitality are inadequate; and the increased complexity of local government decision-making is putting governance under strain.”

This motion seeks to identify best practice in Local Government transparency, in particular for Senior staff with formal delegated decision-making powers, or those staff appointed as Directors of organisations on the Councils behalf – and requires the Chief Executive and Monitoring Officer to work with the administration and political groups to propose a suitable register of interests for senior staff.

This Council Notes:

1. The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in local government;
2. Of these, the principal of Openness is that: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing;
3. There is considerable variation in the codes of conduct of Local authorities;
4. Bodies such as the GLA have a registration of interests in a common format for Members and Senior Staff, which reflects the standard template used across the GLA Group;
5. The Local Authority’s constitution and its governance / financial framework vests a number of senior staff with delegated authority or roles where they ‘act as a director in a company that the Council owns or has shares in.

This Council Resolves:

1. That the Head of Paid Service and Monitoring Officer work with the Chair of Audit and Scrutiny, and Leaders of each Political Group to review the Council’s codes of Ethics & Standards for staff and compare these to best practice in the UK.
2. That the review should consider any relevant advice, guidance and reports from: the LGA, the Committee on Standards in Public Life, obligations and statutory duties on local government officers, the National Joint Council for Local Government Services (the Green Book) and the Constitution Salaries Conditions of Service (Joint Negotiating Committee for Chief Officers of Local Authorities) and other sources as may be considered relevant.
3. The review include the development of an appropriate register of interests (e.g. all directorships for senior staff) for senior staff.
4. Officers should report back to the next full council on the development of updated staff codes and the register of interests.

Motion 2 – Received 27th November 2023 @ 08:24

Mover: Cllr Barber

Seconded: Cllr Wagland

Street Cleaning is a key council service and is much valued by Brentwood Residents.

This year large areas of roads, footpaths and bus-stops across our Borough have become covered in an unacceptable level of leaves and other mess. This build-up presents a real danger to pedestrians, particularly the elderly and vulnerable in the winter months when the leaves become wet and slippery at bus stops and road crossing places. This material also blocks the road gullies which leads to increased local flooding.

Many council vehicles already have GPS trackers fitted and making this information publicly available would provide greater transparency to our residents. At present they have no information about the routes and frequency of any sweepers that do go out across the Borough.

Motion:

This Council believes:

1. Brentwood residents and businesses are entitled to have roads and footpaths free from unacceptable levels of such leaf fall and other rubbish.
2. The current state of many roads, footpaths and bus-stops in the Borough is unacceptable and requires urgent addressing.
3. Brentwood residents are entitled to know how often their roads and footpaths are being cleaned. Such transparency and public scrutiny will lead to an improved service quality over time.

The Council therefore resolves:

To require council officers to bring back the following to the Clean & Green Committee:

1. An action plan to clear the current backlog and improve the quality of the street cleaning service going forward.
2. Costs and feasibility of providing a publicly available street sweeper tracking system via the council's website.

Motion 3 – Received 27th November 2023 @ 09:21

Mover: Cllr Russell

Seconded: Cllr White

This council firmly believes that immediate action is necessary to tackle the declining condition of street cleanliness in our Borough. This Council will resolve to deploy

resources and assume its responsibility to effectively address the prevalent problems of overflowing bins, litter and debris, fly tipping, and pavement parking that greatly affect our high streets and villages

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.

Ordinary Council Terms of Reference

General Powers of Council

The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 37 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;
- (c) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;
- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000;

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