

Minutes

Policy, Projects and Resources Committee Monday, 12th March, 2018

Attendance

Cllr Mrs McKinlay (Chair)	Cllr Keeble
Cllr Kerlake (Vice-Chair)	Cllr Kendall
Cllr Barrett	Cllr Mynott
Cllr Faragher	Cllr Parker
Cllr Hossack	

Apologies

Substitute Present

Also Present

Cllr Hirst
Cllr Mrs Hubbard
Cllr Ms Rowlands
Cllr Mrs Fulcher
Cllr Mrs Pound

Officers Present

Philip Ruck	-	Chief Executive
Jacqueline Van Mellaerts	-	Chief Financial Officer
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Chief Operating Officer
Daniel Toohey	-	Head of Legal Legal/Monitoring Officer
Greg Campbell	-	Projects Manager
Philip Devonald	-	Corporate Governance/IG Lawyer
Kim Anderson	-	Partnership, Leisure & Funding Manager
Stuart Anderson	-	Countryside & Open Spaces Supervisor
Claire Mayhew	-	Corporate and Democratic Services Manager
Zoe Borman	-	Corporate Services Officer
Chris Leslie	-	Commercial Manager

304. Apologies for Absence

There were no apologies received.

305. Minutes of the Previous Meeting

The Minutes of the Policy, Projects and Resources Committee held on 1st February 2018 were approved as a true record.

306. Preparation for General Data Protection Regulation - GDPR

On 25 May 2018, the General Data Protection Regulation (GDPR) will come into full force. In addition, the Data Protection Bill will effectively adopt GDPR directly into English law. The new Act will therefore have three main themes:

- Extending the scope of data regulation
- Empowering individuals to have greater control over their own data
- Building privacy into products and services
- Imposing big sanctions for non-compliance

Members considered a report on progress at the January meeting and this report provides a further update. The Council has continued to make progress towards introducing GDPR compliant measures in time for the new law coming into effect in three months' time.

Members were asked to consider and adopt a raft of policies to ensure compliance with new data protection legislation.

Mr Devonald, presented summary of the report to the members of the committee.

The Chair asked for a reminder to be sent to all Members to complete the GDPR on-line training.

A training session for all members to be held before the GDPR enforcement date of 25th May 2018.

Cllr Hubbard requested that the link to be re-sent to her.

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

1. **That the attached updated compliance action plan (Appendix A), be approved to enable officers to roll out effective GDPR compliance across the Council by 25 May 2018.**

2. That Members note and approve the following additional revised and updated policy documents:

- **Data Protection Policy;**
- **Data Breach Policy;**
- **Consents Policy;**
- **Data Processing Impact Assessments Policy;**
- **Privacy Notices Policy; and**
- **Clear Desk Policy,**

with delegated authority granted jointly to the Head of Legal Services and the Senior Information Risk Officer to revise and update once the details of the new Data Protection Act are known.

Reasons for Recommendation

Members have approved a compliance action plan and project plan. This is a complex, council wide project so that some dates for action/completion under the project plan are subject to change for operational reasons. In addition, the law in terms of a new Data Protection Act is not yet enacted and further changes to the detail may be possible. This will not affect the overall projected completion date of 25 May 2018, though some on-going work will be necessary.

Specific work flows will be developed following receipt of council-wide responses to a questionnaire which has been sent out to all departments, along with guidance notes and other documents. This is vital to capture all information necessary to ensure compliance in all areas in due course, both hard copy and electronic. The deadline for responses is 12th March. After that we will analyse the information and categorise it. A programme of review and deletion of outdated material will then follow. Specific GDPR training will be put in place for both officers and Members to complete over the coming months.

307. Larkins Playing Field

The report considered a request by Brentwood Youth AFC to provide the club with long term tenure at Larkin's Playing Fields, subject to the relevant planning permission being granted and subject to contract with Brentwood Borough Council. In order that Brentwood Youth AFC can secure external funding to improve facilities at Larkin's Plying Fields, external funders such as the Football Association require a commitment from the landowner (Brentwood Borough Council) that will support their improvement plans and provide the club with long-term tenure at Larkin's Playing Fields. It is proposed that the attached letter of intent will be sufficient evidence of the Council's commitment to support improvement to the whole site. The report has been presented to the Community, Health and Housing Committee on 5 March for their consideration, but as this relates to one of the Council's Assets it was recommended that the report would be referred to Policy, Projects and Resources Committee for their consideration.

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

- 1. That Members agree to issue the proposed letter of intent to Brentwood Youth Club AFC.**

Reasons for Recommendation

The Council's Draft Leisure Strategy is also before Members tonight and some of the key recommendations within the Strategy is the improvement to leisure facilities across the Borough and working in partnership to deliver the expected outcomes from the Strategy. Comments received from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy is required that assesses Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan. Following this feasibility work, the Council will then be able to determine which projects will be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.

308. Allotments

There are a number of allotments within the Borough. These have attached to them a variety of statuses and lease arrangements.

The council recognise the importance of allotments and their benefit to the community, and is seeking to ensure they are preserved for future generations.

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

- 1. To agree that a paper is prepared for the next PPR committee to**
 - a) detail allotments that are deemed "statutory"**
 - b) consider a referral to the Secretary of State, if appropriate, to appoint some additional allotments as "statutory"**

and

 - c) to agree a standard Heads of Agreement to apply to allotments (subject to any individual circumstances/peculiarities relating to particular allotments)**

Reasons for Recommendation

Appendix A details the current Allotment sites within the Brentwood area.

A number of discussions have taken place over the last 12 months with key stakeholders representing various allotments. It is clear from this that allotment users require clarity around the definition of “statutory” and “temporary” status and that appropriate lease/financial arrangements need to be defined and put into place.

309. Leisure Strategy

The Leisure Strategy is one of the key strategies as set out in the Vision for Brentwood 2016-19 document. The Council has ageing facilities and needs to ensure that its leisure facilities are not only fit for purpose now but in the future. The Strategy and action plan sets out the vision, what the Council needs to achieve, the challenges it faces and how the priorities and outcomes have been identified. The Leisure Strategy is a large piece of work, so it has been split into workstreams to enable its delivery. The Strategy will cover a period of 10 years, but the supporting action plan will be a live document which will be reviewed and updated regularly to note the progress on the delivery of the Strategy.

The draft Leisure Strategy was presented to Community, Health and Housing Committee on 5 March for approval with a recommendation to refer to Policy, Projects and Resources Committee due to the resources and budgets that need to be agreed by Members.

Cllr Kendall, expressed a wish for the Leisure Strategy to be reviewed by the Corporate Project and Scrutiny Committee. He was informed by Officers that the Leisure Strategy will be reviewed under the Working Group and will be discussed at the meeting on 19th March.

After a full discussion, Cllr Hossack **MOVED** and Cllr Parker **SECONDED** the recommendations in the report, subject to an amendment to 2.3 to state:-

2.3 Subject to the required resource and budgets, the committee agrees delegated authority be given to the Chief Executive in consultation with the Chair of Community Health and Housing Committee and the Leader of the Council to appoint a Leisure Development Partner to develop a business case for the improvements to King George’s Playing Fields.

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

- 1. That Members agree to the draft Leisure Strategy and action Plan.**
- 2. The draft Leisure Strategy is put out for consultation and the final strategy comes back to the relevant committee for approval.**
- 3. Subject to the required resource and budgets, the committee agrees delegated authority be given to the Chief Executive in consultation with the Chair of Community Health and Housing Committee and the Leader of the Council to appoint a Leisure Development Partner to develop a business case for the improvements to King George’s Playing Fields.**

Reasons for Recommendation

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

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

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

(Cllr Ms Rowlands and Cllr Kerlake declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her position as a Trustee for Brentwood Leisure Trust. Cllr Kendall and Cllr Hossack declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being a Members of the Brentwood Centre (BLT)).

310. Removal of RedGra area at Warley Playing Fields from existing Joint User Agreement

Warley Playing Fields is one of the Council's key open spaces and the main site serving the Warley ward and surrounding community.

The playing field is unique in that it is owned by three different bodies, one area is owned by Brentwood Borough Council, one by Essex County Council and one by Brentwood County High School, as shown an appendix to the main report.

The site is managed and maintained by the Council under the terms of a Joint User Agreement which was signed in 1998, in it the document laid out the responsibilities of each partner and also the financial responsibilities of each, as shown was as an appendix to the main report.

This document replaced several earlier versions between Brentwood Borough Council, Brentwood County High School and Essex County Council with original agreements going back as far as 1977.

A number of changes have occurred since the document was agreed with one of these being the establishment of Mavericks Rugby Football Club at the site as their home ground.

The Council has been approached by representatives of Brentwood County High School and Mavericks Rugby Football Club with regard to removing the now defunct RedGra area from the agreement so that Mavericks Rugby Football Club may develop the area into an all-weather pitch.

It is intended to also have associated fencing and floodlights for use by the school, club and also local community groups.

Cllr Mrs Hubbard, Ward Member. Fully in support of a new Joint User agreement, however expressed concerns over the two derelict garages adjacent to the site and the floodlights near neighbouring property. Cllr Hubbard to liaise with Mr Anderson on her concerns.

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

- 1. That members approve the withdrawal of the RedGra area from the current Joint Use Agreement for Warley Playing Fields in order for the site to be developed by Mavericks RFC as a community facility.**
- 2. That the above recommendation be agreed under the proviso that Officers from Brentwood County High School enter into active dialogue with Officers of Brentwood Borough Council to draft a new Joint User Agreement for Warley Playing Fields.**
- 3. That members delegate authority to the Chief Operating Officer and relevant Officers to commence re-negotiation of the Joint User Agreement to be brought back to a future Policy, Projects and Resources Committee for consideration.**

Reasons for Recommendation

To allow for the refurbishment of a degraded sporting facility at Warley Playing Fields for both educational and community use.

To ensure that facilities continue to be provided that cater for the immediate and future needs of both the school, local sports clubs and community groups.

To allow for discussions and negotiations to commence for the development of a new Joint User Agreement for Warley Playing Fields and King George's Playing Fields.

(Cllr Mynott declared a non-pecuniary interest under the Council's Code of Conduct by virtue of an employee for Brentwood County High School).

311. Town Hall Update and Automated Suppression System

The Town Hall project is progressing in line with identified timescales.

This report provides a general update, progress on the Hub Groups and back office regarding the remodelled Town Hall.

The report provides information on the fire safety compliance of the scheme and the provision of an automated suppression system for members to consider following a motion at Ordinary Council (18.10.2017).

An automated suppression system is a general term given to systems which are activated automatically when a certain temperature is reached which in turn releases a liquid, substance or gas that reduces the impact or spread of a fire and/or smoke.

The report by Lawrence Webster Forrest confirms that the current scheme (without any automated suppression system) meets the current standard. However, discussion with experts (including the Fire Brigade) state that risk is further mitigated if an Automated Suppression System is installed on the top two floors of the Town Hall.

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

1. **Note the Town Hall update within this paper.**
2. **To agree that the PPR Committee receives a further update report on progress of the Town Hall at the next PP & R Committee.**
3. **Progress the detailed work necessary to install a water misting system via an Automated Suppression System on the top two floors of the Town Hall.**
4. **That an increased capital budget of £200,000 with an ongoing revenue cost for maintenance of £5,000 per annum be identified for the provision of an automated suppression system. That should the overall projected costs look to be exceeding this amount the decision be referred back to Policy, Projects and Resources Committee.**

Reasons for Recommendation

It was recommended to report back to Members at the next PP & R Committee so they are aware of progress generally and the latest financial position in terms of any changes relating to both expenditure and revenue.

312. Wholly Owned Company

This report sets out the business case and seeks approval to create a company that will be wholly owned by the Council. As part of the Council's asset development programme a private company is required to engage in commercial activity and also to facilitate future opportunities.

Cllr Keeble, asked if a member of the Independent Party could be included on the Project Board. The Chair will review panel structure.

After a full discussion, Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report, subject to an amendment to 2.3 and additional recommendation under 2.5.

2.3 *That the Council borrows up to £10 million from the Public Works Loan Board.*

2.5 *That the Project Board provides an Advisory Group to the Wholly Owned Company.*

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

1. **That the Committee recommend to full Council the creation of a wholly owned company.**
2. **That an initial loan facility of up to £10 million is provided to the company.**
3. **That the Council borrows up to £10 million from the Public Works Loan Board.**
4. **That the Committee recommend to full Council that authority be delegated to the Policy, Projects and Resources Committee to exercise the Council's decision making powers under the shareholder's agreement.**
5. **That the Project Board provides an Advisory Group to the Wholly Owned Company.**

Reasons for Recommendation

To create a wholly owned company Committee recommendation to Council and subsequent Council approval is required.

313. Procurement of a Joint Venture Partner

This report seeks approval to commence a procurement process under the Public Contracts Regulations 2015 using the Competitive Dialogue procedure to procure a joint venture partner.

A joint venture partner is required to enable the Council to further its asset development programme.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a full discussion a vote was taken on a show of hands and it was **RESOLVED**.

That the Committee recommends to Council:

1. That a Competitive Dialogue Procedure under the Public Contracts Regulations 2015, to procure a joint venture partner commences.
2. That the procurement documentation set out in the appendices be approved.
3. That Delegated Authority is given to the Chief Executive, after consultation with the Leader of the Council, to finalise all documentation required to support the procurement process.

Reasons for Recommendation

To commence a Competitive Dialogue Procedure under the Public Contracts Regulations 2015, approval by Council is required.

314. Termination of Meeting

At 9.00pm in accordance with Rule 10.1 of the Council's procedural rules, Members resolved to continue the meeting for a further 30 minutes.

315. Brentwood Leisure Trust - Operational Loans, Leases and Service Level Agreement

Brentwood Leisure Trust (BLT) receives a fee of £141k per year from the Council to manage the community halls.

This report seeks approval to phase out the management fee paid to BLT over 2 years. Brentwood Leisure Trust (BLT) receives a fee of £141k per year from the Council to manage the community halls.

This report seeks approval to phase out the management fee paid to BLT over 2 years and to provide loan financing to ensure the trust has sufficient cash to invest in improving facilities that benefit the community, increase usage and promote community health.

Cllr Mrs McKinlay **MOVED** and Cllr Hossack **SECONDED** the recommendations in the report and following a full discussion a vote was taken on a show of hands and it was **RESOLVED**.

1. To approve an Improvements Loan of £180,000 to the Brentwood Leisure Trust for a term of 5 years, following a 2-year payment and interest holiday. Interest rate to be charged at 1.5% based on the Council's cost of PWLB borrowing over 7 years.
2. To approve a 2-year payment and interest holiday on the existing loan to BLT (approximately £163k outstanding by 31st March 2018) and repay the balance over a term of 5 years, following the 2-year payment holiday. Interest to then be charged at 1.5% as above.

3. **To reduce the payment of a Community Halls Management Fee to BLT by £100,000 (to £40,800) from 1st April 2018 and withdraw it completely from 1st April 2019.**
4. **To extend the lease and service level agreement for the Halls for a further year and delegate authority to the Chief Executive in consultation with the Chair of P, P & R to finalise the lease.**

Reasons for Recommendation

This is an “invest to save” opportunity for the Council and sets out a way forward for the Council to save money and for the Trust to be able to invest in improvement works that will in turn increase facilities available to the community, community health and also its own income levels.

(Cllr Ms Rowlands and Cllr Kerlake declared a non-pecuniary interest under the Council’s Code of Conduct by virtue of her position as a Trustee for Brentwood Leisure Trust. Cllr Ms Rowlands and Cllr Kerlake were advised by the Monitoring Officer, due the sensitivity finance interest, that they should both leave the room and not take part in the debate or vote.

Cllr Kendall and Cllr Hossack declared a non-pecuniary interest under the Council’s Code of Conduct by virtue of being a Members of the Brentwood Centre (BLT).

316. Urgent Business

There were no items of urgent business.

The meeting concluded at 9.14pm