

## **Report to Ordinary Council 14 November 2018**

**Committee: Audit & Scrutiny Committee**

**Chair: Cllr Will Russell**

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### **Annual Statement of Accounts 2017/18 & Annual Audit Letter 2017/18**

The Council's External Auditors, Ernst & Young (E&Y) substantially completed their audit of the Council's Statement of Accounts for 2017/18, by 25<sup>th</sup> July Committee date. The report and presented their findings in the Audit Results Report and the final Financial Statements including the Annual Governance Statement which was formally approved by members.

2017/18 was the first year the Council had worked to the earlier statutory deadline of 31<sup>st</sup> May, which was signed by the Interim Chief Finance Officer, to publish an unaudited Statement of Accounts. The revised deadline for the publication of the accounts following External Audit to issue their opinion was 31<sup>st</sup> July 2018.

External Audit issued an unqualified audit opinion for the Statement of Accounts 2017/18 and an unqualified value for money conclusion by the statutory deadline.

Members of Committee on 17<sup>th</sup> October were presented with the Annual Audit Letter issued by the external Auditors, Ernst & Young, following the completion of the audit of the 2017/18 accounts.

The Annual Audit Letter identified the findings from the Final Audit Results Reports, and reports matter that are most significant for the Council.

Officers were satisfied with the contents of the Audit Letter, none of which were contentious.

### **Internal Audit Progress Report 2018/19**

The report was intended to inform the Audit and Scrutiny Committee of progress made against the approved internal audit plan for 2018/19, which was approved by the Audit Committee in March 2018.

The following reports had been finalised since the last Committee, and a summary of the findings were included in the progress report:

- Building Control (Substantial/Substantial Assurance)
- Commercial Activities (Substantial/Substantial Assurance)
- Planning (Substantial/Substantial Assurance)

As previously assured to members, A summary of outstanding recommendations from previous audits were presented to the Committee. There was a total of 80 high and medium recommendations to be completed, of which 42 had been completed and 5 were not yet due.

### **Leisure Strategy Working Group Report**

The report within the agenda contained the report and recommendations of the Leisure Strategy Working Group (LSWG) which met on 9 July 2018, for consideration by the Audit and Scrutiny Committee.

The focus of the report was the progress of the sustainable business plan for Kings George's Playing Fields, the scope of the Play Area strategy audit and an update on the current community halls arrangements with the Brentwood Leisure Trust. It was noted by members that the official opening of the Play Area in Warley Playing Fields was 10<sup>th</sup> July 2018.

The Committee reviewed the work from the LSWG and agreed to note the report and agree the recommendations within and refer it to the 11<sup>th</sup> Community Health and Housing Committee.

### **Scrutiny Work Programme 2018/2019 Update**

Previous scrutiny work programmes were reported to Corporate Projects Scrutiny Committee in the municipal year 2017/18.

The report provided the 2018/19 draft scrutiny work programme for members consideration and was attached as Appendix A.

Members noted that the workplan was a timeline of the latest and proposed working position of the working groups and **not** the actual timeline of the subject matter or project being reviewed. These timelines were subject to change depending on the work and outcomes of the working groups.

The Committee was requested to consider the draft work programme at Appendix A and agree any amendments.

### **Formal Complaints and Performance Indicators Working Group Report**

The report submitted the findings and recommendations of the Formal Complaints and Performance Indicators Working Group (FC&PIWG) for consideration by the Committee.

The working group were advised that officers had reviewed the Council's Formal Complaints Policy and had amended the policy for Committee approval. Officers advised that these changes would streamline the process and provide a quicker response for the complainant which were in line with Local Government Ombudsman advice.

The working Group monitored the outcomes of the Formal Complaints and the Performance indicators for the 1<sup>st</sup> quarter of 2018/19 and will continue to do so for the 2<sup>nd</sup> quarter of 2018/19.



## **Report to Ordinary Council 14 November 2018**

### **Committee: Community Health and Housing Committee**

**Chair: Cllr Chris Hossack**

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### **Leisure Strategy**

#### King George's Playing Fields

Alliance Leisure Services have completed the sustainable business plan for King George's Playing Fields. Officers have scrutinized the assumptions and a report will be coming back to Community Health and Housing Committee on 4 December to consider the proposals presented.

#### Play Strategy

The Play Strategy is currently being developed after consultation (both face to face and on line) with residents and visitors. The draft strategy will be submitted to the Community Health and Housing Committee on 4 December for Member consideration.

#### Community Halls

The current contract to manage the Council's six community halls is with Brentwood Leisure Trust and in order to ascertain whether there was any third-party interest in managing one or more the Community Halls the Council facilitated some informal dialogue sessions to get an idea of their proposals and preferred length of lease etc. Brentwood Leisure Trust were also involved in this process. A report is going to Policy Projects and Resources Committee on 20 November to consider the recommended next steps.

### **Community Events**

#### Lighting Up Brentwood

Plans are well underway for the Lighting Up event on 24 November 2018. The event will start at 12.30 with the arrival of Santa and there will be live music throughout the day with plenty of stalls selling gifts, crafts and festive food and drink. The culmination of the event is the switching on of the Christmas lights at 5pm with the Mayor of Brentwood.

#### Shenfield Christmas Fayre

After the success of their Halloween event the traders and the Community Services team are putting the final plans together for the Shenfield Christmas Fayre on the 9 December 2018. The Fayre has grown over the years and this year will see live reindeer lots of activities for all the family, together with live music throughout the day.

## **Brentwood Community Fund**

The Fund is now closed for applications and officers have been scoring the applications and these will be considered by Members at the Community Health and Housing Committee on 4 December 2018 on the allocation of the funding.

## **Young People's Mental Health Event**

On 3 October a Young People's Mental Health event took place at Hutton Poplars Hall in Partnership with Essex Youth Service and Brentwood Leisure Trust. The purpose of the event was to provide a discussion platform between commissioners, directors of the current young people's mental health service (EWHMS) and service users including representatives of the voluntary sector, schools and parents. The discussion session was led by a representative of local young people who asked questions, prepared by local youth groups. This is the third such annual event the Council has facilitated. The discussions will help inform the service development for EWHMS and also identify local gaps. The Council will work to address these gaps with partners.

## **Time to Change Employers Pledge**

At the 14 November 2018 Ordinary Council meeting Phil Ruck, Chief Executive of Brentwood Borough Council will agree to sign the Time to Change Employers Pledge. The pledge sets out Brentwood Borough Council's commitment to promoting good mental health in our workplace. By supporting the Time to Change ethos, the Council will challenge stigma and discrimination surrounding mental health illness to promote the wellbeing of our employees. The Council will do this by appointing Champions who will raise awareness of mental health in the workplace at campaign events, by embedding wellbeing in our policies, promoting a culture of conversation with our managers, and making information, advice and support easily accessible and readily available for everyone.

## **Active Brentwood**

The Active Brentwood Sports Awards took place on Wednesday 7 November at Hutton Poplars Hall. The awards are supported by Brentwood Borough Council. The Health and Wellbeing Board, Active Brentwood and Brentwood Leisure Trust. Awards were given out in the following categories – Changing Lives through Sport and Physical Activity/Health initiatives; Coach of the Year; Education Champion of the Year; Services to Sport and Health; Services to Pan Disability sport/Activity (individual and organisation); Young Volunteer of the Year; Unsung Hero; Community Club of the Year; Young Sports Personality of the Year; and Sports Personality of the Year.

## **Housing**

### **R&M Contract re-procurement**

The Strategic Asset Management Contract re-procurement is now in the final stages for award. Due to the value of the contract it has been considered appropriate to present this at Ordinary Council on the 5<sup>th</sup> December 2018. The contract is due to start in June 2019.

### **Progress update on Housing Asset Management – Capital programme**

A new stock condition survey has been undertaken recently to 100% of Brentwood Council's housing stock. This has provided an opportunity for investment planning and planned preventative maintenance programmes.

#### **2018/19 Capital Programme**

Following analysis of survey and compliance data, the following works will be undertaken over the current and next financial years.

Block Refurbishments to:

- Chichester House (Sheltered) – 5 storey
- Drake House – 10 storey
- Mayflower House – 6 storey
- Gibraltar House – 14 storey
- Masefield Court – 14 storey

Works will be comprehensive and although not all blocks will require the same work it is intended to bring them all up to the same standard.

Block refurbishments will include;

- communal entrances and screening
- compartmentation
- signage
- communal lighting
- any works arising from survey and inspection of mechanical & electrical elements

Works to individual flats in the blocks will include;

- fire doors
- electrical testing and upgrades
- heating
- kitchens and bathrooms

Other ad-hoc works are also planned with works to improve drainage and the sewerage system in Snakes Hill.

## **Compliance**

In order to benchmark compliance activity and provide an action plan for ongoing works, we have worked with external consultants to undertake a comprehensive gap analysis regarding compliancy.

This analysis has been undertaken on all seven major areas of compliance activity: Asbestos, Gas Safety, Fire safety, Legionella and lifts.

The Fire Safety Policy was approved on the 3<sup>rd</sup> July 2018 through the Community, Health and Housing Committee and this provides staff a framework with which to operate and have a consistent approach to apply procedures to high risk areas. This was a key priority for Housing following the gap analysis and formulation of the policy demonstrates the approach that will be applied on other areas of activity.

Officers are continually working with a trained Fire Safety Consultant to ensure the safety of our properties.

## **Former Tenant Debt Recovery Policy**

The Former Tenant Debt Recovery Policy was approved at Community, Health and Housing on the 11<sup>th</sup> September 2018 and will be presented at Policy, Project & Resources committee in February 2019. This policy is robust and outlines the different methods of recovery specifically in relation to deaths, and evictions where recovery can be difficult. This will allow the Council to collect more monies and will assist in the financial difficulties facing the Council in coming years.

## **Garage Site Re-Development (Hutton North)**

As part of our ongoing strategic assessment of garage sites the primary focus is currently on re-developing one particular site in the Hutton North ward. Housing Services has been engaging directly with local residents to ensure that the most efficient use of the site is achieved, whilst ensuring that their needs are also fully considered and met. The focus has been to ensure that the site is not only built upon, but it also improved in terms of access, parking and green spaces. A revised planning application is due for imminent submission.

## **Community Alarms Service**

Due to an I.T issue the Community Alarms Service direct contact number is currently unavailable. In order to re-assure our customers we issued guidance letters to all customers advising them that the number would be unavailable and should they need to contact us then they will have to call the main 312500 Council number. The loss of this



number will not have any impact on the emergency response careline service. We are currently working with the I.T department to resolve this issue.

## **Environmental Health**

### **Licensing of Houses in Multiple Occupation**

The Government has extended the requirements for mandatory licensing of houses in multiple occupation (HMOs) with effect from 1<sup>st</sup> October 2018 – houses occupied by five or more persons in two or more households are now required to be licensed (previously only three storey properties needed to be licensed).

Officers are currently processing applications for new licenses for HMOs that are now covered by the licensing system.



## **Report to Ordinary Council 14 November 2018**

### **Committee: Environment and Enforcement**

**Chair: Cllr Keith Parker**

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#### **1. Orange bag delivery:**

A second delivery of recycling bags will take place through November and December to all residents in an effort to provide residents with a supply over the Christmas period. This will hopefully ensure and encourage residents to continue to recycle without the added burden of needing to source bags over an already busy period. Residents will receive 2 rolls of 20 bags and a leaflet. They remain orange

This schedule is presently on track

#### **2. Winter action plan:**

The winter action plan has been agreed at panel with some minor amendments, including the gritting of the Rayleigh Road footpath from the railway station to Great Oaks, due to the gradient and The Furlongs to Station Lane of the High Street, Ingatestone, due to the high footfall.

All necessary actions and preparations are being put into place

#### **3. Cemetery regulations update:**

In 2014 the existing cemetery regulations were reviewed and updated, the purpose of this was to bring the regulations in line with the current practices and behaviours being experienced, the previous update had been over 20 years previous to this. The new regulations were designed to empower Officers to address undesirable behaviour and actions that were being carried out by families and to clearly set out each parties responsibilities in relation to graves and the site as a whole. The updated regulations have been beneficial in starting to address some of the actions that were being taken, particularly around the upkeep and maintenance of a grave, however it had been noted by Officers that families, particularly of newer graves were still putting inappropriate or excessive amounts of tributes and ornaments on plots and that these in turn were encroaching outside of the permitted area that they could be placed, in some cases it had been reported that floral tributes and ornaments had also encroached onto adjoining graves.

To address this issue a further report was taken to the Environment and Enforcement Panel in September specifically to review the matter of floral tributes

and ornaments. At the Committee meeting Members approved a further updated version of the regulations that focused primarily on the matter of excessive items on graves. The updated regulations gave further clarity as to what would and wouldn't be accepted to be placed on a plot and also gave greater recourse to Officers to address areas of infringement to these regulations.

At the time of the Committee meeting Officers reinforced with Members that a sympathetic approach would always be taken with any infringement and that a sensible stance would be taken around key dates such as fathers day, mothers day, and the Christmas period when it is common for additional floral tributes to be left. These regulations are now being enforced in the cemeteries with no issues encountered to date.

#### **4. Enforcement**

- A further 3 more Council officers have successfully passed their Community Safety Accreditation. Bringing the total up to 12.
- 4 Enforcement officers undertaking Civil Enforcement Officer training this week.
- Joint patrols with Essex Police across the borough.
- Supported Essex Police and other partners on a high level operation in Navestock. Resulting in potential enforcement opportunities.
- Met with Sawyers Hall Church and representatives from the local Homeless Group and agreed regular meetings.
- Worked with local churches and the charity, Team Challenge resulting in the most vulnerable homeless person going in to a residential rehab facility.
- ASB Officer worked with partners including the local GP in supporting an extremely vulnerable lady who was sectioned under the Mental Health Act.
- Issued a £400 FPN against a person responsible for fly tipping wood on to Lorne Road Cemetery.
- Enforcement vehicle has been delivered and being utilised whilst waiting for sign off from Essex Police re use of logo.
- The Council and CSP commissioned Reach Every Generation to deliver a Youth Intervention Programme early 2018. This has resulted in a successful bid to the Big Lottery who have now funded the organisation for 3 years to deliver the Building Lives Project to young people locally who are at risk, or presenting risky behaviour. The only other area to benefit from this funding is Basildon.

#### **Environmental Health**

##### **Fixed Penalty Notices**

Fixed penalties issued by Brentwood Borough Council for littering, graffiti, fly-tipping, fly-posting, dog control offences, alarm noise, Noise Act offences, nuisance parking, unauthorised distribution of free literature on designated land, abandoning a vehicle, waste receptacle offences, and failure to produce a waste transfer note or waste carrier's licence.

Increased levels of penalties have been set by the Committee to ensure that a strong message is sent to enforce against environmental issues.

**Enforcement & Fly-tipping**

Members approved additional measures to improve the enforcement actions against fly tipping incidents in the Borough, including additional warning signs, camera equipment to be deployed to assist in capturing environmental crime and a dedicated enforcement vehicle to be used in patrolling rural areas being affected by fly tipping.

The Council Enforcement Team and Environmental Health have been working together to improve visibility of enforcement actions and regular patrolling of problem areas in partnership with Essex Police and local communities.



## Report to Ordinary Council – November 2018

Committee: Planning and Licensing

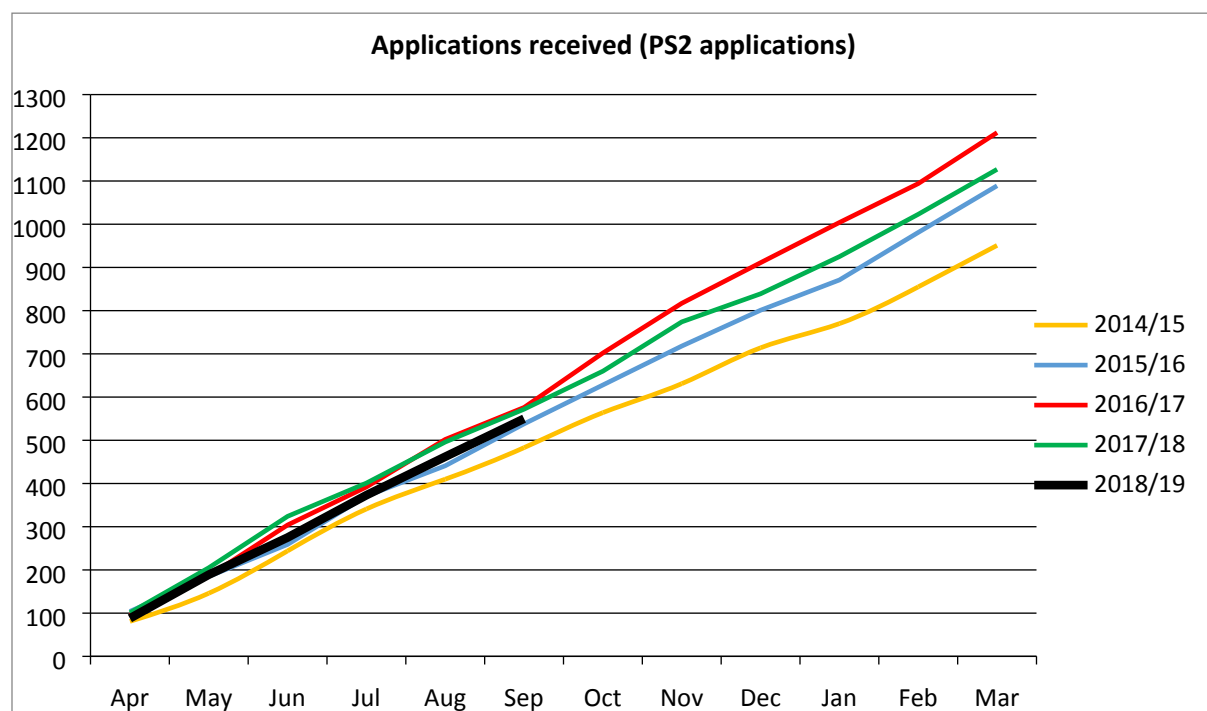
Committee Chair: Cllr Olivia Sanders

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### Planning

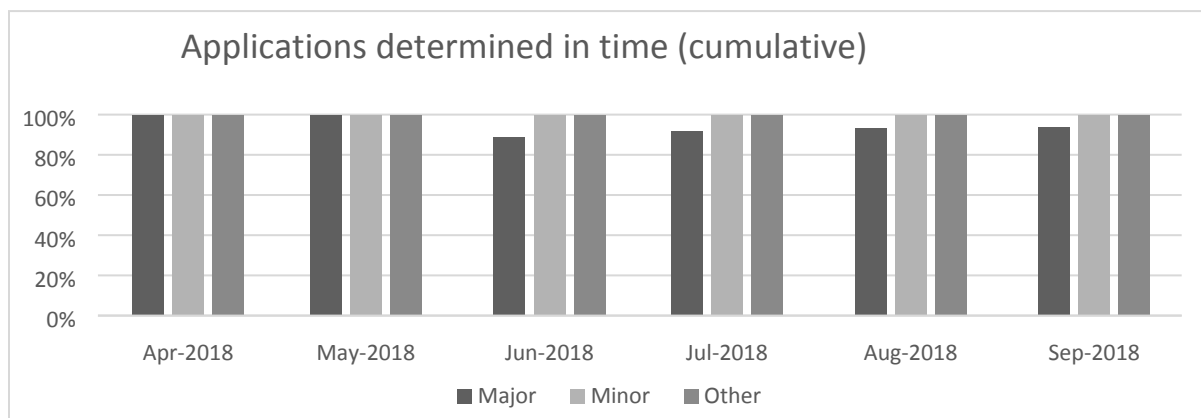
#### Development Management:

The total number of all applications (including conditions discharge etc) received is slightly higher than at the same time last year (by approximately 4%) and higher than at the same time in the previous four years. The narrower measure of applications (FUL, LBC etc) is currently 4% down on last year (see chart below).



The percentage of planning applications decided within time remains at the highest levels recorded for the department (see chart below). The performance in determining applications in a timely manner is currently joint 5th equal best in the country.

Table showing performance



Application and appeal performance are comfortably above the national measures for speed and quality introduced last year. Officers have focused on ensuring this is the case as those planning authorities that fail those measures risk losing some control over determining applications and possible intervention by the Secretary of State to raise performance. There is no danger of that occurring in Brentwood although continuing to achieve timely decisions and a good record at appeal remain ongoing priorities to protect the service in the future.

The Development Management team has recently promoted Tess Outram to Senior Planner level and staffing levels including enforcement are reviewed regularly. Three members of staff have successfully applied to attend day release at University with the intention of gaining a Masters qualification in planning.

A planning members training session took place in June which outlined the duties and scope of what the development management can do. Further topic-based members training sessions will be scheduled shortly.

## Licensing

Taxi Licensing in Brentwood.

Uber operating in the Borough continues to be a constant source of issue for the local taxi trade, but the position largely in Brentwood has not change in what we are able to do, albeit we are currently investigating an alternative legal view that has been put forward.

Uber have created regions around the country in which they are allowing their vehicles to work. Brentwood has been included in the London and surrounding areas region, which means they are still allowing their London TFL vehicles to operate in Brentwood.



Areas like Chelmsford, Basildon and Southend have been placed in a different region and so the TFL Uber vehicles are no longer working.

We will be soon be consulting with the trade and the public on a revised policy the determining the suitability of applicants for hackney carriage and private hire drivers. Along with Child Sexual Exploitation (CSE) training for taxi drivers.

Other areas of licensing.....

There are now new regulations around animal premises licensing, pet shops, boarding kennels, dog breeders etc. which came into effect on 1<sup>st</sup> October 2018, these regulations widens the scope on business that need to be licensed and now puts with the council the responsibility for licensing performing animals.

We will also be reviewing the Gambling Policy ready for February 2019 as required by legislation.

### **Local Development Plan**

A verbal update will be provided at the Ordinary Council meeting.



**Report to Ordinary Council 14 November 2018**

**Committee: Policy, Performance and Resources**

**Chair: Cllr Louise McKinlay**

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Report to follow.



## **Report to Ordinary Council 14 November 2018**

### **Committee: Regulatory and Governance**

**Chair: Cllr Louise Rowlands**

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#### **GDPR Update**

A GDPR Update will be made to the November Regulatory & Governance meeting. At the July meeting the Committee agreed that an individual be identified as a Data Protection Officer from within the Council and a report made to the next Policy, Projects and Resources Committee.

At the Policy, Projects and Resources Committee on the 18 September 2018, Min 137 refers, it was agreed that:

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

In addition I have met with the Council's DPO Officer, Lee Henley, and discussed arrangements for going forward.

#### **Regulation of Investigatory Powers Act 2000**

The report advised members that the Investigatory Powers Commissioner's Office (IPCO) conducts periodic inspections of local authorities' use of their powers under the Regulation of Investigatory Powers Act 2000 (RIPA). The purpose of these inspections is to examine the Council's policies, procedures, operations and administration in relation to directed surveillance and covert human intelligence sources (CHIS) under RIPA.

The last inspection took place on 16<sup>th</sup> August 2017 and although it was noted that there has been no directed surveillance or CHIS been requested since 21<sup>st</sup> July 2014 the inspector made one recommendation requiring a number of parts of Corporate RIPA policy to be updated and amended.

Subsequently the Committee approved the amendments to the Corporate RIPA Policy with the recommendation of the Surveillance Inspector. In addition the Committee

agreed that Appendix 4 (of the Regulation of Investigatory Powers Act 2000 (RIPA) Corporate Policy – June 2018 – Appendix A of the report) be brought back for review with the data protection compliance report at the next meeting.

### **Strategic and Operational Risk**

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

The report updated the committee on the status of the Council's 2018/19 Strategic Risk Register and the progress being made across Services in delivering Operational Risk Registers. In addition the committee requested that risks were added for Brexit and also Interest Rates.

### **Members Training Programme 2018/19**

The committee received a report on the Members Training Programme for 2018/19 which was adopted. This information included sessions which are mandatory as follows:

- New Members Induction Session
- Planning and Licensing Training as required under Chapter 5.5 paragraph 2, 2.1 & Chapter 5.5 paragraph 4, 4.1 of the Constitution.

Members will be given an opportunity to give feedback and comment on any further training that might help by completing the feedback form in the Members Training Programme.

The Member's training programme will improve knowledge and awareness of Council processes and procedures and where appropriate, statutory requirements, therefore improving the Council's overall compliance with governance requirements.

### **Insurance and Risk Management Strategy 2018**

The committee received a report on a revised Insurance & Risk Management Strategy which is reviewed annually.

The following changes have been made to the Strategy:

- Roles & Responsibilities
- Risk Analysis
- Risk Ranking Table
- Risk Appetite/Risk Tolerance

The Committee agreed to approve and adopt the revised Insurance & Risk Management Strategy 2018.

### **Anti-Fraud Policy (Incorporating Bribery, Corruption and Money Laundering)**

The committee were advised that the revised Anti-Fraud Policy incorporated previously approved policies covering Fraud, Corruption, Bribery and Money Laundering into one single Policy. The Policy helps to provide a clear statement of the Council's position and investigating allegation helps to provided clarify around working practices and mitigates financial risk to the Council.

The Committee agreed to approve and adopt the Anti-Fraud Policy (Incorporating Bribery, Corruption and Money Laundering).

### **Draft Corporate Complaints Policy and Persistent and Unreasonable Behaviour Policy**

Following a review of the current policies and arrangements Members were asked to consider and adopt a revised Corporate Complaints Policy and the introduction of a Persistent and Unreasonable Behaviour Policy.

The committee approved the Draft Corporate Complaints Policy and the Draft Persistent and Unreasonable Behaviour Policy.