



Agenda

Ordinary Council

Wednesday, 25 January 2017 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 10)

Cllrs Mrs Hones (Mayor), Russell (Deputy Mayor), Aspinell, Barrell, Barrett, Bridge, Clarke, Chilvers, Cloke, Mrs Coe, Mrs Davies, Faragher, Mrs Fulcher, Hirst, Hossack, Mrs Hubbard, Keeble, Kendall, Kerslake, McCheyne, Mrs McKinlay, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Newberry, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Ms Sanders, Mrs Slade, Mrs Squirrell, Trump, Tumbridge and Wiles

Members are respectfully summoned to attend the above meeting to transact the business set out below.

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Mayors Announcements		
3.	Minutes of the previous meeting		7 - 16
4.	Public Questions Report to follow.		
5.	Memorials or Petitions		
6.	Committee Chairs Reports and Members Questions Report to follow.		

7. **Appointment of Monitoring Officer**
Report to follow.
8. **Partnership Policy and Procedures**
Report to follow.
9. **Local Development Plan Update**
This report will now be considered at the Policy, Finance and Resources Committee meeting on 31 January 2017.
10. **Pay Policy 2017/18**
Report to follow.
11. **Arrangements for appointment of External Auditors**
Report to follow.
12. **Local Council Tax Support Scheme**
Report to follow.
13. **Key Corporate Project Report**
Report to follow.
14. **Review of Constitution**
Report to follow.
15. **Notices of Motion**
Report to follow.
16. **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.



Chief Executive

Town Hall
Brentwood, Essex
10.01.2017

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.

Webcasts

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

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 Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

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

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Minutes

Ordinary Council
Wednesday, 19th October, 2016

Attendance

Cllr Mrs Hones (Mayor)	Cllr Kerlake
Cllr Russell (Deputy Mayor)	Cllr McCheyne
Cllr Barrell	Cllr Mrs McKinlay
Cllr Barrett	Cllr Mrs Middlehurst
Cllr Bridge	Cllr Morrissey
Cllr Clarke	Cllr Mynott
Cllr Chilvers	Cllr Newberry
Cllr Cloke	Cllr Parker
Cllr Mrs Coe	Cllr Poppy
Cllr Mrs Davies	Cllr Mrs Pound
Cllr Faragher	Cllr Reed
Cllr Mrs Fulcher	Cllr Ms Rowlands
Cllr Hirst	Cllr Ms Sanders
Cllr Hossack	Cllr Mrs Squirrell
Cllr Mrs Hubbard	Cllr Trump
Cllr Keeble	Cllr Tumbridge
Cllr Kendall	Cllr Wiles

Apologies

Cllr Aspinell	Cllr Mrs Slade
Cllr Mrs Murphy	

Officers Present

Greg Campbell	-	Project Manager - Customer Transformation
Philip Drane	-	Planning Policy Team Leader
Tim Huggins	-	ICT Manager
Ramesh Prashar	-	Interim Section 151 Officer
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Daniel Toohey	-	Monitoring Officer
Jacqueline Van Mellaerts	-	Prinipal Accountant

182. Apologies for Absence

Apologies were received from Cllrs Aspinell, Mrs Murphy and Mrs Slade.

183. Declarations of Interest

Cllr Bridge declared a non-pecuniary interest since he worked for an IT provider and IT was referred to in the agenda reports. Cllr Bridge confirmed that Brentwood Borough Council was not a client of his employer.

184. Mayors Announcements

The Mayor recounted some of the engagements she had undertaken since the last Ordinary Council meeting held on 29 June 2016.

185. Minutes of the previous meeting

The minutes of the Ordinary Council meeting held on 29 June 2016 were approved as a true record.

186. Minutes of Extraordinary Council

The minutes of the Extraordinary Council meeting held on 6 September 2016 were approved as a true record.

187. 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 had been received by 10.00am two working days before the relevant meeting.

One question had been received from Brentwood resident Mrs Gearon-Simm as follows:

'Brentwood Borough's Conservative administration and Essex County Council's Conservative administration are considering having the Brentwood library moved from its present location, which is in the middle of the shopping centre, into the town hall, which is outside the shopping centre.

When will Brentwood council tax payers be consulted on this decision?'

Cllr Mrs McKinlay advised that discussions were ongoing regarding occupation of the Town Hall, also that Library Services fell within the remit of Essex County Council and that a consultation would be undertaken if it was a statutory requirement to do so.

188. Memorials or Petitions

No notices of memorials or petitions had been received but Cllr Chilvers submitted a petition calling for a halt to be called on proposed felling of trees in Oldfields.

189. Committee Chairs Reports and Members Questions

In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility was included in the agenda.

Any Member was entitled to ask a Chair a written or oral question on

- (a) any matter included in a Chair's written report; or
- (b) any matter in relation to which the Council has powers or duties or which affected the Council's area and which fell within the area of responsibility of the Chair's committee.

No written questions had been received before the prescribed deadline and the Chairs responded to oral questions put to them by Members.

190. Progress Update on Key Corporate Projects

Members were reminded that the report and presentations made at the 20 September 2016 meeting of the Policy, Finance and Resources (P,F & R) Committee provided an update on the achievements and targets to date of the key corporate projects of the Council. These were defined as:

- (a) The Town Hall and Service Delivery Hub
- (b) The Local Development Plan (LDP)
- (c) The Town Centre (incorporating William Hunter Way)
- (d) The Transformation Agenda of the Council

The above was not an exhaustive list and other projects might be incorporated as determined by the P,F & R Committee. However, those projects referred to were defined as being integral to the delivery of the revised Corporate Plan 2016-19.

The report and presentations made were considered by the P,F & R Committee and it was resolved that Members agreed to the actions and timescales incorporated within the report.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and following a discussion it was:

RESOLVED

That Members noted the actions and timescales agreed at the 20 September 2016 Policy, Finance and Resources Committee meeting.

Reason for recommendation

To ensure that the Corporate Plan 2016-19 was supported by projects that delivered the necessary change.

191. Town Hall Business Case

Members were requested to consider the options within the report, supported by the business case in Appendix A of the agenda, to determine whether to remodel the Town Hall to:

- Form a service delivery hub, including the transformation of front and back office Council service space and delivery.
- Develop commercial or residential lease accommodation on the second and third floor of the Town Hall building.

Both business options were financially viable. However, they did require an investment and were based on a long term financial plan. Both options would realise a saving against the current revenue expenditure of the Town Hall after the third year of delivery dependent on the decision taken.

Further, the Council would continue to work with groups to seek early adopters and revenue where appropriate.

The Council's Project Manager (Customer Transformation) and Section 151 Officer provided a presentation for Members' information detailing the options available and Members thanked officers for their work in relation to the report before them and the presentation.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a full discussion a recorded vote was requested by five Members in accordance with Rule 9.5 of the Council's Procedure Rules. Members voted as follows:

FOR: Cllrs Barrell, Barrett, Bridge, Cloke, Mrs Coe, Faragher, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, Mrs Middlehurst, Morrissey, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Trump, Tumbridge and Wiles (24)

AGAINST: Cllrs Clarke, Mrs Davies, Kendall, Mynott and Newberry (5)

ABSTAIN Cllrs Chilvers, Mrs Fulcher, Mrs Hubbard, Keeble and Mrs Squirrel (5)

The **MOTION** was **CARRIED**

and it was

RESOLVED to:

1. **Agree to Option 1A as set out in section 17.6 of the report and methods to relocate out of the Town Hall while construction work is undertaken.**
2. **Delegate authority to the Chief Executive and Section 151 Officer in consultation with the Leader, Deputy Leader and the Leaders of the Opposition groups to make decisions at the appropriate procurement points.**
3. **Agree that reports would be provided to Policy, Finance and Resources Committee to enable monitoring of the progress of the project and report as appropriate to Council of any major financial variances for the duration of the project.**

Reasons for recommendations

Although Option 1A was not the most economically advantageous, it considered the future risk against likely return. The housing market was strong and there appeared to be no indication that it would alter for the foreseeable future. Option 1A also relocated the services out of the building during construction works to reduce the health and safety risk, speed up the process, reduce costs and accelerate the likely point at which the Council would start to generate income.

It moved the project on to a firm decision which could then be worked up into full specification and the procurement process with delegated authority to the Chief Executive, section 151 Officer and Deputy Chief Executive in conjunction with the Leader, Deputy Leader and opposition leaders.

192. Planning Services Update and Delegation

This agenda item had been withdrawn.

193. Community Infrastructure Levy - Preliminary Draft Charging Schedule Consultation

The report updated Members on the progress preparing the Council's Community Infrastructure Levy (CIL) and the proposed first stage of consultation, the Preliminary Draft Charging Schedule.

Viability appraisals had been carried out in relation to residential and commercial development to inform suggested charging rates. Members were requested to agree the rates and areas as the basis for public consultation.

Cllr McCheyne **MOVED** and Cllr Parker **SECONDED** the recommendations in the report and it was

RESOLVED

1. To agree the charging rates detailed in paragraphs 5.5, 5.8 and 5.9, as the basis for the production of the Council's Community Infrastructure Levy Preliminary Draft Charging Schedule.
2. To approve the Preliminary Draft Charging Schedule document as set out in Appendix B of the report, for a six week public consultation.

194. Boundary Commission - Proposed Changes

Members were reminded that the Boundary Commission was an independent and impartial advisory public body, which reviewed the boundaries of Parliamentary constituencies in England.

On 13 September 2016, the Boundary Commission published the first set of proposals which was a full map of the new parliamentary constituencies for its first consultation which would end on 5 December 2016.

It was agreed in-principle by all the Political Group Leaders to a Cross Party representation to the boundary Commission draft proposals. Both the Conservative and Labour Groups had agreed to the wording and two proposed amendments had been received in accordance with the Council's Procedure Rules.

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

Cllr Barrett withdrew the proposed amendment he had submitted.

Cllr Kendall **MOVED** and Cllr Mynott **SECONDED** a proposed **AMENDMENT** to the wording of the letter in Appendix A which was not accepted by Cllr Mrs McKinlay.

Following a full discussion a recorded vote was requested by five Members in accordance with Rule 9.5 of the Council's Procedure Rules.

Cllrs Barrell, Hirst and Newberry were absent from the Chamber during part of the debate therefore did not vote. Cllr Mrs Squirrell had left the meeting before the vote was taken.

Members voted as follows:

FOR: Cllrs Barrett, Chilvers, Clarke, Mrs Davies, Mrs Fulcher, Mrs Hubbard, Keeble, Kendall, Morrissey and Mynott (10)

AGAINST: Cllrs Bridge, Cloke, Mrs Coe, Faragher, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, Mrs Middlehurst, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Trump, Tumbridge and Wiles (20)

ABSTAIN (0)

The **AMENDMENT** was **LOST**.

Returning to the original motion, following a discussion a vote was taken on a show of hands and it was

RESOLVED

That Members agreed that the draft letter as set out in Appendix A of the report be sent as a Council response to the first Boundary Commission consultation.

Reason for recommendation

To ensure that the Council provided the views of our communities.

195. Notices of Motion

Cllr Kendall withdrew his first motion.

Cllr Ms Sanders **MOVED** and Cllr Mrs Davies **SECONDED** her Motion and following a full discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY that

'Following Cllr Olivia Sanders' re-appointment as the Lead Mental Health Champion the Council reaffirms its ongoing commitment to mental health by appointing every newly elected Member in 2016 as a Mental Health Champion for 2016-2017 and that accordingly such councillors be duly appointed'.

Cllr Kendall **MOVED** and Cllr Mynott **SECONDED** his Motion as follows:

'The members of Brentwood Borough Council call upon the Cabinet Member for Highways at Essex County Council to allow members of the public to attend Brentwood Local Highways Panel meetings'.

Members were advised that a new Cabinet Member for Highways at Essex County Council had been appointed and he had directed that the public were able to attend LHP meetings at the discretion of the chairman. The chairman of Brentwood LHP, County Cllr Mrs Naylor, had advised she was prepared to allow the public to attend.

Following a discussion a recorded vote was requested by five Members in accordance with Rule 9.5 of the Council's Procedure Rules. Members voted as follows:

FOR: Cllrs Barrett, Chilvers, Clarke, Mrs Davies, Mrs Fulcher, Mrs Hubbard, Keeble, Kendall, Morrissey, Mynott and Newberry(11)

AGAINST: Cllrs Barrell, Bridge, Cloke, Mrs Coe, Faragher, Hirst, Mrs Hones, Hossack, Kerlake, McCheyne, Mrs McKinlay, Mrs Middlehurst, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Trump, Tumbridge and Wiles (22)

ABSTAIN (0)

The **MOTION** was **LOST**.

In accordance with Procedure Rule 10.1, the Mayor interrupted the meeting at 10.15pm and advised that the remaining Motions included in the agenda would be voted on without discussion.

Cllr Mrs Hubbard had submitted the following Motion but following reported action having been taken in relation to the subject matter she **MOVED** the second paragraph of the Motion.

'That this Council writes to The Secretary of State expressing grave concern about unaccompanied children in the Calais 'Jungle' and asking that the promise to accept up to 3,000 of them in the UK be prioritised and for emergency measures to be taken at all levels of Government to expedite this. Also stating that we deplore the apparent delay in fulfilling this promise.

At the same time to resolve that this Council refers the task of co-ordinating the necessary measures required in Essex to care for lone children seeking sanctuary, to the County Council, and requesting that the County Council commits to offer resettlement places to unaccompanied refugee children as part of the implementation of the central Government scheme. This Council urges the County Council, by writing to appropriate Ministers, to work closely with local government to ensure that councils have the funding and support to build the essential regional infrastructure necessary to secure the placement and support of children across the Country, particularly in relation to housing provision, health care, educational needs, and English language provision so that the whole process of resettlement is in the best interests of the child and, vitally, that it's adequately resourced'.

A vote was taken on a show of hands and the **MOTION** was **LOST**.

Cllr Hossack submitted the following motion:

'That this council resolves to explore alternative and/or additional models of housing provision to tackle homelessness in the Borough and will work with established homelessness charities to identify possible options for meeting such housing needs. Proposals are to come back to the Environment and Housing Committee at a future date for consideration'.

A vote was taken on a show of hands and the **MOTION** was **CARRIED UNANIMOUSLY**.

196. Urgent Business

There were no items of urgent business.

The meeting ended at 10.30pm

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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

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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