

Minutes

Extraordinary Council 7 April 2014

Membership/Attendance

- | | |
|--------------------|---------------------|
| * Cllr Aspinell | * Cllr Kerlake |
| Cllr Baker | * Cllr Le-Surf |
| Cllr Mrs Beeston | * Cllr Lloyd |
| * Cllr Braid | * Cllr McCheyne |
| * Cllr Carter | * Cllr Mrs McKinlay |
| * Cllr Chilvers | * Cllr Morrissey |
| * Cllr G Clark | Cllr Mrs Murphy |
| * Cllr N Clarke | * Cllr Mynott |
| * Cllr Mrs Coe | * Cllr Dr Naylor |
| Cllr Mrs Cohen | * Cllr Parker |
| * Cllr Mrs Cornell | * Cllr Mrs Pound |
| * Cllr Mrs Davies | * Cllr Quirk |
| * Cllr Ms Golding | * Cllr Reed |
| * Cllr Mrs Henwood | * Cllr Russell |
| * Cllr Hirst | Cllr Sapwell |
| * Cllr Mrs Hones | * Cllr Sleep |
| Cllr Hossack | * Cllr Sparling |
| * Cllr Keeble | * Cllr Tee |
| * Cllr Kendall | |

*present

Officers Present

Ben Bix – Corporate and Democratic Services Manager
Alison Crowe - Managing Director
Ashley Culverwell – Head of Borough Health, Safety and Localism
Jo-Anne Ireland – Director of Strategy and Corporate Services
David Lawson – Monitoring Officer
Tony Pierce – Interim Head of Planning
Philip Ruck – Programme and Project Manager
Jean Sharp – Governance and Member Support Officer

428. Apologies for Absence

Apologies for absence were received from Cllrs Baker, Mrs Beeston, Mrs Cohen, Hossack, Mrs Murphy and Sapwell.

429. Mayor's Announcements

All present stood for a minute's silence in tribute to former Councillor Eric Walker and Mrs Jill Dimmock.

The Mayor recounted some of the engagements she had undertaken since December.

430. Memorials and Petitions

Cllr Mrs Coe presented a petition in support of an application to put the Tower Arms pub on the Council's community assets register and in support of keeping the pub as a pub.

The petition would be referred to the Community Services Committee for consideration.

Cllr Kerslake presented a petition requesting that the South Essex Parking Partnership (SEPP) urgently extend double yellow lines to address problems caused by vehicles parking in Hanging Hill Lane and Hutton Drive for Tesco.

The petition would be forwarded to SEPP for action.

431. Chairs Reports

Chairs' reports were noted and oral questions responded to by the relevant Chair. No written questions had been received.

432. LGA Peer Review Action Plan

Members were reminded that Brentwood Borough Council invited the Local Government Association to conduct a follow up Peer Review in November 2013.

The Peer review team issued their outcome letter on 13 February 2014, which had been published and was before Members.

In order to move forward on the recommendations included in the outcome letter an action plan had been drawn up to address the recommendations contained within the letter, both of which were before Members.

Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED the recommendations in the report.

Following a full discussion a Member requisitioned pursuant to Part 4.1 of the Constitution, Rule 9.5, that voting on the Motion be recorded. Members voted as follows:

FOR: Cllrs Braid, Mrs Coe, Mrs Cornell, Ms Golding, Mrs Henwood, Hirst, Mrs Hones, Kerlake, Lloyd, McCheyne, Mrs McKinlay, Dr Naylor, Parker, Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (19)

AGAINST: Cllrs Chilvers and Clarke (2)

ABSTAIN: Cllrs Aspinell, Carter, Clark, Mrs Davies, Keeble, Kendall, Le-Surf, Morrissey, Mynott and Quirk (10)

The Motion was CARRIED and it was

RESOLVED that

Members agree the action plan (attached at Appendix 2 to the report) committing themselves and Officers to the investment in and delivery of the actions and that an update be brought to Council in six months' time.

433. Chair's Annual Overview and Scrutiny Report

In accordance with rule 7.3 of Part 4.4 of the Constitution (Overview and Scrutiny Committee Procedure Rules), the Overview & Scrutiny Committee was to produce an Annual Report to be presented to Council summarising its investigation and findings. The 2013-14 Annual report was before Members.

The Chair of the Overview and Scrutiny Committee, Cllr Mrs Hones, thanked those Members who had taken part in the Task and Finish Groups during the year.

Members noted that Cllr Reed had agreed to join the Member/Officer Communications Group to be led by Cllr Mynott.

Cllr Mrs Hones MOVED and Cllr Tee SECONDED the recommendations in the report and following a full discussion a vote was taken by a show of hands and it was

RESOLVED that

The Council approves the Annual Report of the Overview and Scrutiny Committee.

434. Review of Constitution

Members were reminded the Council was required by Section 37 of the Local Government Act 2000 to keep its Constitution up to date.

At its October meeting, the Council began a review of its constitution. The report before Members continued that review and set out proposals to review the Council, Committee and Overview and Scrutiny Procedural Rules, Standing Orders relating to Contracts and related scheme of delegation, Protocols for Licensing Committee and the terms of reference of the Licensing Committee and Sub-Committee, and to include a new section on Politically Restricted posts to comply with legislation.

The cross-party Constitution Working Group and Leaders of the Political Parties had been invited to participate in the consultation process.

Cllr Mrs McKinlay MOVED and Cllr Kerslake SECONDED the recommendations in the report.

Cllr Le-Surf MOVED and Cllr Aspinell SECONDED an AMENDMENT as follows:

“Further changes to the Constitution be deferred to later in the year”.

Following a full discussion a Member requisitioned pursuant to Part 4.1 of the Constitution, Rule 9.5, that voting on the AMENDMENT be recorded.

Members voted as follows:

FOR: Cllrs Aspinell, Carter, Chilvers, Clark, Clarke, Mrs Davies, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott and Quirk (13)

AGAINST: Cllrs Braid, Mrs Coe, Mrs Cornell, Ms Golding, Mrs Henwood, Hirst, Mrs Hones, Kerslake, McCheyne, Mrs McKinlay, Dr Naylor, Parker, Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (18)

ABSTAIN: (0)

The AMENDMENT was LOST.

Returning to the substantive motion, a vote was taken on a show of hands and it was

RESOLVED that

1. The Council approves the changes to its Constitution as set out in the report and appendices to come into force from 1 May 2014 as follows:

- a) Changes to Constitution (Article 12)
- b) Council and Committee Procedural Rules (Part 4.1)
- c) Overview and Scrutiny Procedural Rules (Part 4.3)
- d) Standing Orders relating to Contracts (Part 4.6)
- e) Terms of Reference and Protocols for the Licensing and Licensing Sub-Committee (Part 3.1 and Part 5.5).
- f) Politically Restricted Posts (new part 5.6)

2. The financial threshold set by the Council for key decisions should be amended to £100,000 for goods and services and £500,000 for works.

435. Variation in the order of the agenda

In view of the lateness of the hour the Mayor proposed and Members agreed that agenda items 10 (Old Chapel Master Plan) and 11 (William Hunter Way Options) should be brought forward for consideration immediately.

436. Old Chapel Master Plan

Members were advised of the proposal for the promotion and implementation of an Old Chapel Master Plan as a planning framework for the redevelopment of the William Hunter Way car park and the Baytree Centre, so ensuring a co-ordinated and concerted public/private approach to the regeneration of Brentwood town centre.

Members were asked to endorse the strategic objectives of such a master plan set out in the report before them; and to invite all owners in the defined area to support these objectives and work with the Council to strive to meet them.

Cllr Mrs McKinlay MOVED and Cllr Parker SECONDED the recommendation within the report.

A Member requisitioned pursuant to Part 4.1 of the Constitution, Rule 9.5, that voting on the amended Motion be recorded. Members voted as follows:

FOR: Cllrs Braid, Mrs Coe, Mrs Cornell, Ms Golding, Mrs Henwood, Hirst, Mrs Hones, Kerslake, McCheyne, Mrs McKinlay, Dr Naylor, Parker, Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (18)

AGAINST: Cllrs Aspinell, Carter, Chilvers, Clark, Mrs Davies, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott and Quirk (12)

ABSTAIN: Clarke (1)

The Motion was CARRIED and

RESOLVED:

1. That the Council works with other land owners in an area encompassing redevelopment sites at William Hunter Way and the Baytree Centre, to deliver upon an agreed master plan for the regeneration of the High Street, William Hunter Way and the wider town centre.
2. That the Council promotes the following draft strategic objectives for an Old Chapel master plan:
 - Enhancement of the public realm and setting of the Old Chapel of St Thomas A Becket, including new, active spaces and street life
 - Complementary redevelopment of sites that are integrated by new and improved public realm
 - Increased connectivity with Brentwood train station and local community facilities
 - New residential life to the town centre
 - Provision of larger shops and stores
 - Provision of a new cinema complex
 - ‘Smarter’, easier parking to support local businesses and visitors to the town centre

437. William Hunter Way Options

Members were reminded that the Council terminated the Development Agreement for the William Hunter Way site with Stockland on 6th February 2014 and now needed to consider options for the site.

Appendix 1 to the report before Members considered what options were available to the Council to ensure that it realised the regeneration benefits that the area afforded; maximized the opportunities offered by the improved market conditions and ensured that the Council took advantage of the work on the scheme performed under the old arrangement.

Cllr Mrs McKinlay MOVED the recommendations in the report, amended to include that ownership of the title of the site be consolidated, also that a further report be made to Full Council to consider next steps. Cllr Parker SECONDED the Motion. Following a full discussion, a vote was taken on a show of hands and it was

RESOLVED

1. That the Council proceeds with Option 6 as defined in the options paper attached to the report - “To re-market the site for development using a new refreshed development brief” under a long term lease.
2. That ownership of the title of the site be consolidated.

3. To undertake a consultation exercise as defined in Appendix A of the attached options paper. This consultation exercise to be combined with the consultation on the Old Chapel Masterplan as approved.
4. To prepare a refreshed development brief taking into account the outcome of the consultation exercise and to report back to Full Council.
5. That the governance of the project be determined by the Performance and Resources Committee who are to ensure that all key stakeholders are involved and that key Ward members are engaged and kept informed of the process. The governance to incorporate the Old Chapel Masterplan to ensure a common approach.
6. That Members note that a maximum sum of £1.2 million has been earmarked within the Medium Term Financial Plan (MTFP) 2014/15 – 2016/17 for this project.

(Cllr Mynott declared a pecuniary interest under the Council's Code of Conduct by virtue of living adjacent to the proposed development site. However, the Monitoring Officer had granted a dispensation for Cllr Mynott to participate in the discussion regarding William Hunter Way on the grounds that it was in the interests of persons living in the authority's area that he be able to put their views and concerns).

438. Members Code of Conduct and Complaints Procedure

Members were reminded that, under the Localism Act 2011, Councils must have in place "arrangements" for investigating and making decisions about allegations that a Member or Co-opted Member of the Authority or Parish Council has breached the Code of Conduct.

The report before Members proposed a revised procedure for dealing with such complaints to replace Appendix 2 of Part 5.1 of the Constitution for the reasons set out in the report.

Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED the recommendations included in the report and it was

RESOLVED

That from 1 May 2014, the Council adopts a revised Member complaints process as set out in Appendix 1 to the report to replace Appendix 2 of Part 5.1 of the Council's Constitution.

439. Appointment of Independent Persons for the Purpose of the Localism Act 2011

Members were reminded that the Localism Act 2011 required all principal authorities to have arrangements in place to consider allegations of breaches of the Councillors Code of Conduct for that authority and the Code of Conduct for its

associated parish councils and to make decisions on those allegations. In doing so, an authority must take account of the views of an Independent Person appointed by the authority under the Localism Act. The report related to the proposal that Brentwood Borough Council confirmed the appointment of three Independent Persons to comply with the statutory requirements of the Localism Act 2011.

Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED the recommendations in the report and it was

RESOLVED UNANIMOUSLY that

The Council confirms the appointment of Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh as the three Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011 for a period terminating post the first Council after municipal elections 2016

And **RESOLVED**

That a Brentwood Borough Council Independent Person be paid an annual allowance of £500 calculated on a pro-rata 12 monthly basis.

440. Notice of Motions: Mental Health Challenge

Cllr Tee advised that the Mental Health Challenge as described in the report before Members raised the profile of the issues faced by those suffering from mental health conditions and would support the council in identifying their needs to ensure equality of services the Council delivered. Cllr Tee had submitted the following Motions:

1. That Brentwood Council agrees to adopt the Mental Health Challenge
2. That the position of 'Elected Member Mental Health Champion' be occupied by Cllr Janet Pound.

Cllr Braid SECONDED the Motions. A vote was taken on a show of hands and the Motions were CARRIED.

441. Notice of Motion: Essex County Council

Cllr Mrs Davies had submitted the following Motion:

"We call on Brentwood Borough Council to liaise with Essex County Council to identify all ditches and culverts under their ownership and ensure a programme of clearance is carried out as a matter of urgency to help eliminate the recent flooding to roads in the Borough. In addition we request a letter is sent to all appropriate

landowners in the Borough highlighting their legal responsibility to maintain their ditches to prevent run off from fields”.

Cllr Clark SECONDED the Motion. A vote was taken on a show of hands and the MOTION was CARRIED.

442. Notice of Motion: School Crossing Patrols

Cllr Kendall had submitted the following Motion:

“Brentwood Borough Council calls on Essex County Council to recognise the level of concern members have with regard to the current review that is being undertaken on the future operation and allocation of School Crossing Patrols across Essex. This Council would be totally opposed to the County Council cutting any funding from the School Crossing Patrols in the Borough of Brentwood because we believe they provide a vital frontline service and help to ensure that children and parents remain safe when crossing the road”.

Cllr Aspinell SECONDED the Motion.

Cllr Mrs McKinlay MOVED and Cllr Parker SECONDED an AMENDMENT to the Motion to read as follows:

"BBC calls on ECC to recognise the level of concern members have with regard to the current review that is being undertaken on the future operation and allocation of School Crossing Patrols across Essex.

This Council supports all members who wish to protect crossings in their ward and explore all funding opportunities, in order to provide a vital frontline service and help to ensure children and parents remain safe when crossing the road."

Voting on the AMENDMENT was made by a show of hands and it was CARRIED.

A Member requisitioned pursuant to Part 4.1 of the Constitution, Rule 9.5, that voting on the amended Motion be recorded. Cllrs Carter and Chilvers had left the meeting before the vote took place. Members voted as follows:

FOR: Cllrs Aspinell, Braid, Clark, Clarke, Mrs Coe, Mrs Cornell, Mrs Davies, Ms Golding, Mrs Henwood, Hirst, Mrs Hones, Keeble, Kendall, Kerlake, Le-Surf, McCheyne, Mrs McKinlay, Morrissey, Mynott, Dr Naylor, Parker, Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (27)

AGAINST: Cllr Lloyd (1)

ABSTAIN: Quirk (1)

The Motion was CARRIED.

443. Notice of Motion: Proposal for Avenue of Trees on Shenfield Common

Cllr Reed had submitted a motion and since it related to a civic matter had invited the Mayor to move it.

Cllr Mrs Henwood MOVED and Cllr Mynott SECONDED the following:

“This Council proposes that a new avenue of Lime Trees to be planted alongside the existing pathway across Shenfield Common (adjacent to The Toby Carvery) as designed by the Borough's Arboriculturalist, is named The Jill Dimmock Peace Walk, subject to the agreement of the Conservators of Shenfield Common.

Voting took place on a show of hands and Members voted unanimously that the MOTION be CARRIED.

Meeting concluded 00.38 am 8.4.2014