



# Ordinary Council

## Agenda

### Part One

Town Hall, Brentwood

10<sup>th</sup> July 2013 at 7.00pm

Cllrs Mrs Henwood (Mayor), Reed (Deputy Mayor), Aspinell, Baker, Mrs Beeston, Braid, Carter, Chilvers, Clark, Clarke, Mrs Coe, Mrs Cohen, Mrs Cornell, Mrs Davies, Ms Golding, Hirst, Mrs Hones, Hossack, Keeble, Kendall, Kerlake, Le-Surf, Lloyd, McCheyne, Mrs McKinlay, Morrissey, Mrs Murphy, Mynott, Dr Naylor, Parker, Mrs Pound, Quirk, Russell, Sapwell, Sleep, Sparling and Tee.

Committee Co-ordinator: Mrs J Sharp 01277 312655

#### **Additional Information:**

##### Notice of an Amendment

Notice of an amendment to a recommendation or motion on the agenda for a Council meeting may be given by two members to the Monitoring Officer by 10.00 am **four working days** before the day of the meeting but amendments arising from the debate at the Council meeting on a motion or recommendation will always be considered.

##### Questions to a Committee Chair

A brief written report by each Committee Chair covering their area of responsibility will be circulated with the agenda for each Council meeting.

Any member may ask a Chair written or oral questions 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 affects the Council's area and which falls within the area of responsibility of the Chair's Committee.

The period allowed for written and oral questions and answers will not exceed **80 minutes** without the leave of the Mayor and such leave will only be granted in exceptional circumstances.

#### Written questions to a Committee Chair

A member may ask a written question if notice in writing of the question has been received by the Monitoring Officer no later than 10.00 am **four working days** before the day of the Council meeting. Questions will be dealt with in the order in which notice was received.

An answer may take the form of:

- (a) a direct oral answer; or
- (b) a reference to a publication, where the information is in a publication of the Council or other published work; or
- (c) where the reply cannot conveniently be given orally (for example if is in the form of diagrams), a written answer will be circulated to all members at the meeting.

Each questioner is entitled to ask one supplementary question arising directly out of either the reply to the original question or where the questioner considers that the reply requires clarification.

#### Oral questions

After questions and answers under Rule 7.4 have been dealt with, any member may ask one question of a Chair under Rule 7.2.

No supplementary question shall be put except if the questioner considers that the reply requires clarification and the Mayor gives leave to the questioner to ask a supplementary question.

## **Information for Members of the Public**

### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and its Boards 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](http://www.brentwood.gov.uk) or from Democratic Services (01277 312739).

### **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.

### **Private Sessions**

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 Board or Committee does so, you will be asked to leave the meeting.

### **Mobile phones, pagers, cameras, audio recorders**

Please ensure that all mobile phones and pagers are turned off or switched to silent before the meeting begins and note that photography or audio recording is not permitted.

### **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.

## **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 or 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.



## **Powers and Duties of the Council**

### **Matters reserved to meetings of Council**

#### **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 Strategy and Policy Board and its Committees. It also agrees the membership of the Board and Committees/Sub Committees.

#### **The Council is responsible for:**

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Council policies and strategies which form the policy framework;
- (c) agreeing and approving the budget;
- (d) 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;
- (e) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (f) adopting a members' allowances scheme under Part 6;
- (g) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (h) confirming the appointment of the Head of Paid Service; Monitoring Officer; and Section 151 Officer;

- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (j) all other matters which by law must be reserved to Council;
- (k) to designate the leader of the largest political group as the Leader of the Council;
- (l) adoption of the Code of Conduct for Members;
- (m) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000; and
- (n) determination of other matters appropriately referred to Council.



## **Part I**

(During consideration of these items the meeting is likely to be open to the press and public)

- 1. Apologies for Absence**
- 2. Mayor's Announcements**
- 3. Minutes of the Ordinary Council meeting held on 20.03.2013 and Annual Council held on 15.05.13**

The Council is invited to approve the Minutes of the Ordinary Council meeting held on 20.03.13 and the Annual Council meeting held on 15.05.13.

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**ORDINARY COUNCIL**  
**20<sup>TH</sup> MARCH 2013**

**PRESENT:** Cllrs Mrs Coe (Mayor), Mrs Henwood (Deputy Mayor), Aspinell, Baker, Braid, Carter, Chilvers, Clark, Clarke, Mrs Cornell, Mrs Davies, Ms Golding, Hirst, Mrs Hones, Hossack, Kendall, Kerlake, Le-Surf, Miss Lewis, Lloyd, McCheyne, Mrs McKinlay, Morrissey, Mrs Murphy, Mynott, Dr Naylor, Parker, Mrs Pound, Quirk, Reed, Russell, Sapwell, Sleep, Sparling and Tee.

**APOLOGIES:** Cllrs Mrs Cohen and Keeble

Before beginning her announcements, the Mayor requested all present to join her in observing a minute's silence in tribute to one of the Council's officers – Lynn O'Crowley - who had passed away in February. Mrs O'Crowley had worked in Environmental Health Services and was sadly missed by colleagues. On behalf of the Council the Mayor extended condolences to Mrs O'Crowley's family and friends.

**522. MAYOR'S ANNOUNCEMENTS:** The Mayor advised that she had undertaken 49 engagements since the December 2012 Ordinary Council meeting and shared some of the highlights with Members.

At the beginning of February she had attended the opening of the information centre at The Beeches and highlighted some of the issues associated with dementia - a disease of which society was becoming increasingly aware.

She had attended the book launch of "Copper at the Yard" which had been written by one of Brentwood's Parish Councillors, John Woodhouse.

The Mayor thanked Members and Officers for supporting the Civic Dinner on 1st March. She had very much enjoyed the event and felt privileged to acknowledge some unsung heroes of the community. All three award winners were very deserving winners and they had been honoured and touched by their nominations.

She had been pleased to join the Bishop of Bradwell at the opening of the Bentley Crematorium on 12th March and to attend the High Sheriff's Awards Ceremony on 13th March.

The Mayor reminded Members of some forthcoming Mayor's Charity fund raising events which were: A race night on 12th April; Barn Dance on 26th April; a Quiz night on 3rd May and the end of year party on 11th May and she thanked those who had already supported her fund-raising sky-dive.

**523. MINUTES OF ORDINARY COUNCIL MEETINGS HELD ON 12.2.13 AND 19.12.12:** RESOLVED to approve as a true record the minutes of the Ordinary Council meeting held on 12.2.13.

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The Monitoring Officer drew Members' attention to an error in Minute 382 in the minutes of the Ordinary Council meeting dated 19.12.12 in relation to a recorded vote and Members approved the amended Minute. RESOLVED to approve as a true record the minutes of the Ordinary Council meeting held on 19.12.12 subject to the amendment to Minute 382.

**524. QUESTIONS FROM THE PUBLIC:** Mrs Jan Gearon-Simm had submitted the following questions to the Leader of the Council or Chairman of the Housing and Health Panel, Cllr Mrs Pound:

1. *"In the Homelessness Prevention Strategy Draft Plan, paragraph 20.11 says that the private rented sector is identified as the top priority for our Homelessness Prevention Strategy". This is going to be critical to "achieve the new opportunities of securing private rented sector homes to discharge our homeless responsibilities.*

*Why is the adjective "de-regulated" not printed before the underlined words?"*)

Cllr Mrs Pound thanked Mrs Gearon-Simm for her question and responded as follows:

*'The phrase "de-regulated" is not used, because it is not accurate. Private Sector Landlords have a variety of statutory obligations that they must fulfill. For example, their homes must be fit for human habitation, not overcrowded, in an appropriate state of repair, provided with an energy performance certificate, and have safe gas and electrical installations.*

*Landlords must grant tenants an appropriate tenancy agreement, normally an Assured Shorthold agreement, which guarantees occupation of the property for a fixed term and places a minimum period notice on the landlord if they wish to terminate the tenancy. Landlords must not harass or discriminate against their tenants.*

*Landlords of certain houses in multiple occupation are required to license the property.*

*The Council's environmental health section enforces these standards. In many instances, landlords in breach of these obligations can be guilty of a criminal offence.*

*Our draft Homelessness Prevention Strategy refers to the new powers of the Localism Act which enable local authorities to meet their homelessness duties in some circumstances by providing private rented homes.*

*These new powers carry with them a number of specific requirements to ensure that the homes are appropriate and are regularly inspected. These are over and above the basic statutory duties that the landlord has, to which I have already referred.*

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*I hope this reassures Mrs Gearon-Simm that any use we make of the private rented sector in this way will still ensure that people in housing need are re-housed appropriately.*

*Good quality private rented homes have a part to play in meeting the needs of this Borough, but we want to make sure that bad landlords have no place in Brentwood.*

*Every year we hold a private sector landlords forum, to strengthen our links with private landlords. I would be delighted to invite Mrs Gearon-Simm to the next meeting'.*

Mrs Gearon-Simm put her second question:

*"After 1st April 2013, council tax benefit will be cut.*

*Because it will be uneconomic to recover, with the cost of collection including legal recovery costs being higher than the bill, is Brentwood Borough Council budgeting for large losses and potentially widespread non-payment?"*

The Leader, Cllr Mrs McKinlay, responded as follows:

*"The Council collects Council Tax on behalf of the major preceptors and that is not just the Borough Council but the County Council, Fire and Police. The levels of the collection are not only affected by non-payment but also by changes in the collection amount. These changes are due to fluctuations in the number of households which are in receipt of discounts and exemptions. It is however recognized that the new arrangement regarding the new local council tax support scheme will inevitably present a new risk in terms of collecting council tax from those who have previously had little or no council tax liability. In recognition of this the major preceptors have contributed a sum of approximately £66,000 to fund two early intervention officers. These officers will be employed for initially a period of one year to intervene when early signs of debt appear to provide support and appropriate assistance. Such assistance could help to identify benefits available to individuals or considering an applicant for discretionary hardship funding for those who genuinely need it. The officers will also work alongside the Citizen's Advice Bureau and Jobcentre Plus to offer support with personal budgets, debt issues, enhancing CV's, searching for jobs and skills matching. After taking into consideration the proposed changes in relation to the introduction of the local council tax support scheme, the Council has set a collection rate of 98% for 2013/14".*

Ms Pat Smith had submitted two questions and put the following to the Chairman of Housing and Health Panel, Cllr Mrs Pound:

1. *"At the Ordinary Council meeting on 12th February 2013, Cllr Noelle Hones stated that she saw no problem with selling off council houses.*

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*Why should a borough asset, which is part of Brentwood's commonwealth, be transferred to an individual?"*

Cllr Mrs Pound responded as follows:

*"The Right To Buy was introduced over thirty years ago.*

*Since then, successive governments have not changed this fundamental right that a Council tenant should be able to buy their home.*

*This government is no different, but for the first time the Government is allowing us to re-invest all the proceeds of Right To Buy into building new Council homes.*

*We have been happy to take up the Government's challenge.*

*We are mid-way through a review of our housing assets preparing for this building programme which will begin in 2014-15."*

2. *"At the Ordinary Council meeting on 12th February 2013, Cllr Noelle Hones stated that, if people buy their council homes, it allows them to stay in their affordable housing.*

*Future council tenants will have to sign a five-year tenancy agreement. Are only householders entitled to security of tenure?"*

Cllr Mrs Pound responded as follows:

*"Existing Council tenants have security of tenure for life – and under our proposals for fixed term tenancies so will future tenants, if they continue to need a Council home.*

*Their five year tenancy agreement will be renewed.*

*But people waiting for housing on our register also need security of tenure.*

*That's why we are re-investing the proceeds of Right To Buy into building new Council homes.*

*And that's why we think it's perfectly fair that when a future Council tenant no longer needs a home of the size that they have been given they should be prepared to move into something smaller."*

- 525. REPORTS OF PANELS, POLICY, PROJECTS AND RESOURCES BOARD AND COMMITTEES:** The Council was invited to receive the report of the meetings listed below. Approval of the minutes and questions as to the accuracy of the minutes would be dealt with during the next cycle of meetings:

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- (a) Town Centre Management, Community and Localism Panel 5.2.13. RESOLVED to receive and adopt.

In response to a question under Minutes 437 (Chatham Way Car Park – Changes to Improve Operational Ability and 438 (King George's Playing Fields – Limited Stay Parking) the Chairman advised that whilst it was disappointing that there had been an error in the consultation wording, a further consultation was underway regarding Chatham Way car park and there had been subsequent discussion regarding parking at King George's Playing Fields. Both matters were being progressed.

In response to a question under Minute 435 (Terms of Reference), the Chairman upheld his decision to declare a personal interest.

The Chairman declined to respond to a further question under Minute 437 relating to the outcome of the Chatham Way car park consultation, not having relevant information before him.

In response to a further question under Minute 435, the Chairman confirmed that all businesses and shops in the Borough would be covered by the relevant Terms of Reference when the new Governance arrangements came into being.

In response to a further question under Minute 437, the Leader of the Council confirmed that the new Governance structure would ensure the accuracy of future consultations each of which would be approved by the Performance and Resource Panel before being undertaken.

- (b) Planning Development Control and Licensing Committee 6.2.13. RESOLVED to receive and adopt.
- (c) Licensing/Appeals Sub-Committee 7.2.13. RESOLVED to receive and adopt.
- (d) Special Policy, Projects and Resources Board 12.2.13. RESOLVED to receive and adopt.

In response to a question under 454 (Capital Programme and Strategy 2013/14 – 2015-16), the Leader of the Council confirmed that Members would have an opportunity in future to consider details of the funding allocated for repairs to Hutton Community Centre.

- (e) Overview and Scrutiny Committee 25.2.13. RESOLVED to receive and adopt.

Special Policy, Projects and Resources Board 6.3.13: RESOLVED to receive and adopt.

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- (f) Planning Development Control and Licensing Committee 6.3.13. RESOLVED to receive and adopt.

In response to a question under Minute 486 ( Land at the Corner of Crown Street and Hart Street – Application no. 12/01194/FUL), the Deputy Monitoring Officer advised Members of the wording of Section 25, Subsection 2 of the Localism Act 2011 in relation to pre-determination and prejudice.

The Leader had requested further information be circulated to all Members in this regard.

In response to a further question on the same Minute, the Head of Planning advised that the second application made in relation to this site was materially different from the first, reasons for refusal of which had been substantiated.

In response to a question under Minute 488 (Development rear of 14 to 16 Westwood Avenue, Brentwood – Application no 12/01224/FUL) the Head of Planning advised that policies for backland development would be considered within the Local Development Plan.

- (g) Audit Committee 12.3.13. RESOLVED to receive and adopt.

In response to a question under Minute 494 (Strategic Risk Review) the Vice chairman advised that whilst Cllrs Mynott and Parker both declared a pecuniary interest under this item, they did not leave the Chamber since it was the in principle risk to the Council of relevant projects which was being discussed.

The Deputy Monitoring Officer confirmed that it was necessary for a pecuniary interest to be declared only once at a Council meeting and the reason for such declaration needed to be given.

The Head of Localism and Partnerships advised that for a job/project valued over £10k, three quotations were invited and considered and if the value was over £50k, a formal tendering process was undertaken.

- (h) Policy, Projects and Resources Board 13.3.13. RESOLVED to receive and adopt.

In response to a question under Minute 520 (The Old House), the Leader of the Council confirmed that relevant documents had been redacted to remove commercially sensitive information and published on the Council's website.

(Cllr Parker declared a pecuniary interest under the Council's Code of Conduct by virtue of work he was to undertake at Hutton Community Centre and left the Chamber, taking no part in the related discussion).

**526. MEMORIALS OR PETITIONS:** None were received.



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**527. QUESTIONS FROM COUNCILLORS:** None were received.

**528. UPDATE ON THE NEW GOVERNANCE ARRANGEMENTS:** The report before Members set out the proposed model for a future governance system for the Council to enable it to better meet the upcoming challenges to be faced in the coming months and years.

Members were reminded that, at the meeting of Ordinary Council on 19th December 2012, it was agreed that the Governance Model based on a streamlined committee model be worked up in more detail. The report set out more operational and constitutional detail and draft terms of reference for the preferred model.

Further detailed constitutional work would be undertaken through April, in consultation with Members, to bring forward a new constitution encompassing all the changes to Annual Council in May.

Previous work and reports had established the case for change and set out the challenges facing the Council and the problems with the existing system. Interim changes approved in December 2012 had begun to be implemented and would bring about early improvements. These included a Forward Decision Plan for key items, removal of information items from agendas and better use of the Members Newsletter to keep all Members informed.

The work of the Governance Working Group agreed a set of principles for a new system. These principles were:

- o Faster decision-making process
- o Quality not quantity of debate
- o Regular cycle of meetings
- o Strengthening the role of Overview and Scrutiny
- o Governance structure that mirrored the business of the Council
- o No reduction in democracy
- o Improving delegations to officers
- o Strengthening the role of Ordinary Council

The new streamlined governance structure was modeled on three 'executive' committees:

- o Strategy and Policy Board;
- o Community Services Committee (Front Facing Services);
- o Performance and Resources Committee (Back Office Services)

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In addition to this the structure included an Overview and Scrutiny Committee and quasi-judicial committees made up of:

- o Audit Committee;
- o Planning Development and Control Committee, plus a separate
- o Licensing Committee

Members noted that all committees would be politically proportional. The make-up of each committee reflected the political make up of the council as a whole, and the mechanism for determining the balance in each committee was set down in statute.

Similar to now, under the new arrangements, elected Members would be able to attend Board/Committee meetings of which they were not a member and take part in the debate. Any Member would be able to raise questions when an item was under debate and voting rights would remain with the relevant Board or Committee Members.

The terms of reference for the new three executive committees and revised terms of reference for Overview and Scrutiny and the quasi-judicial committees were to be worked up over the coming weeks and presented at Annual Council for Members to agree in May 2013. To support the Council's transparency agenda the new and revised terms of reference were to be concise and easier to understand. The aim was to ensure that both residents and businesses had a clearer understanding of how decisions were made by their elected members. Lists of functions and responsibilities that would fall under the three new executive Committees were provided for Members' information. These would form the basis of the new terms of reference and would be further worked up over the coming weeks.

Members were advised that every Committee or Board set up by the Council with powers of decision making allocated to it must be appointed on a politically proportionate basis. The calculation of this proportionality was based upon the total number of seats on all of these committees or boards divided by the number of Councillors for each political group including Independent Members. As a consequence of this each Committee or Board would be proportionally represented to reflect the balance of the Council generally irrespective of the total number of Members who sat on each.

Although the proportions would be accurately reflective of the number of representatives for each individual political group and the seats allocated in total these might vary across each Committee or Board. The proposed political make up of each of the committees was before Members.

Members were reminded that the current system of Member Allowances was made up of a basic allowance and a series of Special Responsibility Allowances (SRA). The Basic Allowance was intended to contribute to the costs incurred by Members

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in fulfilling their ward and council responsibilities. The SRA's reflected key roles held by certain Members in relation to the main political groups and also for the chair / vice chair roles on panels and committees.

The current system of Member Allowances was established following a review undertaken in 2008 and was subsequently looked at again in 2010 by the Independent Remuneration Panel (IRP). In light of the proposed governance changes, and changes in the political group make-up of the Council information would be submitted to the IRP for their consideration and recommendations. The IRP will be requested to give consideration to:

- Reducing the overall cost of Member Allowances
- Reflecting the different levels of responsibility across the roles in the new system.
- Changes in the Political Group make up of the council.

The recommendations of the IRP would then be brought to Annual Council in May 2013 for consideration in readiness for new arrangements to commence. However, it is envisaged that the new governance arrangements would need to operate for 12 months before the full extent of the changes could be assessed. This might lead to the need for further consideration of Member Allowances for 2014/15.

Each committee would have a designated Chair and Vice-Chair and be supported by a Lead Officer. The new executive committees (Community Services and Performance and Resources) would have significantly broader remits than the previous arrangements, enabling more holistic decision-making. Consideration on how the Chairs could be supported in their role and how best the Council could reflect the importance of its priorities and key functions was therefore needed. This could be achieved through nominated spokespersons and shadow spokespersons. This aspect would be explored more and Members would be consulted further on this over the coming weeks.

Analysis of agendas undertaken (based on the previous system and presented to Ordinary Council on 19.12.12) showed that when information items were removed the Strategy and Policy Board, Community Services Committee and Performance and Resources Committee each would have agendas of 4 to 6 key decision items on a 7/8 weekly cycle. Officers, in consultation with the Leader and Chairs are currently in the process of agreeing a forward plan for each committee for the coming municipal year.

As the Forward Plans were finalized, the frequencies of meetings would become clearer. Whilst considering the frequencies of meetings an opportunity existed to consider whether the Council should adopt a set evening or evenings as Council meeting nights to avoid a cluster of meetings taking place in the same week. Options would be presented to Members over the coming weeks.

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Members were advised that, on 25.1.13, the Centre for Public Scrutiny attended a meeting at the Town Hall which included the Leader of the Council, plus the Leaders of the Labour and Liberal Democrat Groups, together with the Chair of Overview and Scrutiny.

The purpose of the meeting was to discuss the role of Scrutiny within the Council and how this could be strengthened under the new governance arrangements.

It became clear at the meeting that many Councils had successfully engaged their Overview and Scrutiny Committee in external facing matters that were of significant interest to local communities; providing a forum for community engagement directly with the Council. We will develop this further by engaging with other Councils to learn from their examples and good practice.

Whilst there was some support for having an additional O&S committee as part of the new governance arrangements, it was proposed to retain one O&S committee for the following reasons:

- A reduction rather than an increase in the number of committees and issues being approached holistically rather than in silos was sought.
- It was good practice for O&S to set themselves a prioritised, manageable annual work programme within available resources
- Additional work could be undertaken, where required, in informal working groups rather than setting up additional committees
- A pre-scrutiny programme would be mostly pre-set annually
- The majority of the policy formulation work would be undertaken within the
- Community Services and Performance and Resources Committees, as set out in the options set out to Council on 19.12.12.

Members noted that further workshops were being arranged to take the role of Overview and Scrutiny forward. These would continue to be supported by the Centre for Public Scrutiny and would play a key role in the development of the Overview and Scrutiny Work Programme for 2013/14. The Centre for Public Scrutiny would also help the group to look at the principles and criteria that other Councils used to determine the issues to which Scrutiny should best commit its energies. This would hopefully assist the Council in identifying its own key principles/ selection criteria.

Members were advised that the next steps in this work would require a re-drafting of the Council's Constitution in order to formalize all the elements of change in the new Arrangements and the starting point would be a model constitution. The reform of the Constitution governed everything in the Council's governance system and the way in which Members worked together to make decisions.

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The Council's current Constitution was outdated and, as with the current Terms of References for Panels and Committees, needed to be presented in a format that was transparent, easy to understand and supported the decision making process.

The Governance Working Group would be replaced by a Constitution Working Group to act as a Member consultation working group to support the detailed work needing to take place before Annual Council in May, and on an 'as and when' basis for future changes. It was proposed that this should be a newly constituted reference group that reflected the political balance of the Council and nominations for representatives of each group would be requested from Group Leaders.

It was also considered timely to review the array of member working groups and steering groups currently in existence. Many of these met infrequently if at all and some operated without any terms of reference.

The purpose of reviewing these groups was to ensure there was a clear purpose and remit for each, terms of reference, governance, membership and time-frame (in the case of Task and Finish Groups). The output of this work would form part of the review of the constitution and would be reported to Annual Council for approval in May 2013.

Members were advised that the opportunity had also been taken to look at some of the non-constitutional systems and procedures that contributed to a robust decision-making process. Work was ongoing to design the system of officer support that would be required to help new arrangements to run smoothly and this might lead to some reconfiguration of roles in Democratic Services and Corporate Support. As part of this, and the review of back office services, consideration would be given to additional requirements for officer support for Members. Work was underway to:

- Revise agenda packs to make them easier for Members to navigate to key issues
- Put in place a clear template / format for all reports, giving a standard approach and ensuring that Members always had sufficient information on which to make a decision
- Include finance issues and comments in all reports
- Revise preparation timetables and the roles of Officers and Chairs to ensure that agendas are published on time
- Improve arrangements for managing Pink items

Following a full discussion it was RESOLVED that Members would note the report and the proposed next steps.

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It was further MOVED and SECONDED and RESOLVED that a Member Constitution Working Group would be set up consisting of 8 Members – 4 Conservative representatives, 2 Lib Dem, 1 Brentwood First and 1 Labour.

\*[MD-Crowe/Neale]\*

**529. PAY POLICY:** Members were reminded that Section 38 (1) of the Localism Act 2011 required all English and Welsh Councils to produce a Pay Policy Statement for 2012/13 and for each financial year thereafter. Regard was to be had to any guidance from the Secretary of State in producing this statement.

The pay policy statement:-

- Must be approved formally by the Full Council
- Must be approved by the end of March each year
- May be amended during the course of the financial year
- Must be published on the Council's website

In addition, the Secretary of State had issued supplementary guidance that authorities must take account of when preparing their pay policy statement for 2013/14 and each subsequent year thereafter. The first part of the guidance referred to Presentation and Accessibility requiring all local authorities to provide clear Pay Policy Statements and make them easily accessible and available on the Council's website. The Council had recently reviewed the availability of information accessible to the public at the 17.10.12 meeting of Policy & Resources Board. As part of this review the Council had committed to expanding and enhancing its transparency via the People's Right to Know section of the Council website. The second part of the guidance referred to Accountability and was set out in two parts. The first part referred to salaries on appointment. The existing Guidance made clear that full council should be given the opportunity to vote before a large salary package was offered in respect of a new appointment. The Guidance stated that the Secretary of State considered that £100,000 was the right level for that threshold to be set and remained the same. Members were advised that there was currently no intention of any new appointments over £100,000.

Members were reminded that at the 19.12.12 Ordinary Council meeting it was resolved to approve the principle of establishing an Independent Senior Officers' Remuneration Panel. The terms of reference for such a panel had been drawn up and agreed with the Leader and Leaders of the Opposition groups. With regard to the Managing Director's remuneration (including performance related pay) this process was now underway and the details once concluded will be reflected as part of the Statement of Accounts and in line with the Council's commitment to update the website every six months.

The second part on the Accountability section of the guidance required authorities to offer full council the opportunity to vote before large severances packages beyond a

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particular threshold were approved for staff leaving the organisation. As with salaries on appointment, the Secretary of State considered that £100,000 was the right level for that threshold to be set. Members noted there was currently no intention to offer any severance package over £100,000.

The statutory pay policy statement must include the Council's policy on the level and elements of remuneration of chief officers, the remuneration of the lowest paid employees and the relationship between chief officer's remuneration and that of other officers.

The draft statement set out the Council's current approach to pay and reward, However, Members were reminded that the Council was currently undertaking a Single Status exercise for the whole authority which would seek to meet the key objectives of ensuring equal pay for jobs of equal value, modernizing the Council's pay structure, ensuring that the Council's pay and reward strategy supported flexible working and modern service delivery and harmonise other conditions of service. This complex project was due to be completed in 2013 and would require amendments to the draft Pay Policy Statement 2013/14 which was before Members.

Following a full discussion it was RESOLVED to agree the draft 2013/14 Pay Policy Statement before Members.

\*[HoP&I-Summers]\*

**530. STANDING ORDER 1.9:** During consideration of the previous item, having sat for the requisite period the Council RESOLVED to suspend Standing order 1.9 to enable transaction of the remaining business on the agenda.

**531. NOTICES OF MOTION:** Two notices of Motion had been received.

Cllr Le-Surf had submitted a notice of Motion as follows:

*"Brentwood Borough Council supports the national "20s Plenty for Us" campaign for 20mph speed limits in residential areas as an enforceable, popular and economically viable policy, and will make strong and supportive representation to Essex County Council on behalf of Brentwood residents."*

The Motion was MOVED and SECONDED and in accordance with Standing Order 6.5 was referred to the Policy, Projects and Resources Board.

\*[DMO-Whitfield]\*

Cllr Quirk had submitted a notice of Motion as follows:

*"This council supports Brentwood's hard working postal workers in their day to day role in delivering the town's post and which they dutifully carry out despite hindrances. This council also recognises and supports both the spirit and the letter*

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*of the rules contained within the Parking Partnership Operational Protocols agreed via the South Essex Parking Partnership as well as the regulations within the Postal Services Act 2000 in understandably allowing postal workers certain dispensations with regard to the parking of their vehicles whilst delivering mail. Such parking guidance should be specifically adhered to by Brentwood Borough Council and therefore conveyed most vigorously to its parking enforcement partners so that they do the same in practice".*

The Motion was MOVED and SECONDED and in accordance with Standing Order 6.5 was referred to the Environment Panel.

The Leader of the Council confirmed that these Motions would be referred to relevant Committees within the new Governance arrangements.

\*[DMO-Whitfield]\*

**532. STANDING ORDER 1.9:** During consideration of the preceding item, the Council having sat for the requisite period RESOLVED to suspend Standing Order 1.9 to enable the transaction of the remaining business on the agenda.

**533. CALL FOR EXTRAORDINARY COUNCIL MEETING: CAR PARKING CHARGES:**

Members were advised that on 25.2.13 the Mayor received a letter formally requesting that an extraordinary meeting of the full Council be called within seven days, as provided for in the Constitution (Standing Orders for the Regulation of Proceedings and Business of the Council, paragraph 1.4). However, it had been agreed that it would be prudent for the issue be considered at this Ordinary Council meeting.

The motion put forward for the request was as follows:

*The Conservative administration have recently seen fit to increase the minimum car parking charge within our Town car parks (except Chatham Way only) from 60 pence to £1.30, an increase of 117%.*

*Brentwood residents and traders are quite justifiably up in arms over this decision, as it is to the detriment of both.*

*Consequently, this Council agrees to immediately reinstate the one hour charging portion across all car parks, in addition to re-provide the 'resident's discount' that was previously enjoyed.*

Members were reminded that only William Hunter Way participated in the resident discount scheme and received a report regarding the issues referred to within the motion.



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Members had received a report at the Policy, Performance and Resources Board on 14.9.11 on the progress of a review of the Council's car parks. At that time the review had commenced with a RIO (revenue income optimisation) project carried out by Price Waterhouse Coopers to consider how income generation could be optimised.

The Leader of the Council requested officers to carry out a second stage to broaden the review to more comprehensively consider car facilities and the impact on the community.

Members were advised that the second phase of the review focused on how the Council could encourage shoppers, visitors and businesses to use the car park facilities and therefore support the local economy whilst responding to calls from local residents and businesses for different parking charge structures and payment facilities. At the same time the Council needed to consider how to protect parking income, as any reduction would have to be identified from other places. In the current climate, the Council was already facing significant financial challenges and any reduction in parking income would only serve to exacerbate this situation.

The Leader also instructed officers that whilst no intended loss of income should be included, neither was the aim of the review to increase parking income instead. The purpose of the review was to maintain current income to the Council whilst finding fairer and simpler ways of charging, rather than seeking additional revenue streams.

A cross party working group was established to review all possible options and put forward a cost neutral proposal that would improve parking facilities in the Borough. The Member working group met on 14.11.11 to discuss potential changes and on 21.11.11 there was a parking workshop in the Chamber, held for all Members to take them through the proposals ahead of the review coming to Panel, and the commencement of the public consultation.

A second report was then received and approved by Members at the Policy, Performance and Resources Board meeting on 7.12.11.

Members were reminded of the main proposals that went to consultation between 14.2.12 and 24.3.12 and were provided with a detailed report of the breakdown of the consultation.

In addition to an online consultation, meetings also took place with business representatives and the Leader of the Council and Cllr Parker, as Chair of the relevant Panel, also personally held open surgeries across the Borough to discuss parking charges. Visits were made to the Baytree Centre, Shenfield Broadway and Library, and Ingatestone Library.

As a result of the above reports and the wide ranging consultation, Members approved the introduction of the new car parking changes at the following Panels:

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1. Parking, Borough Projects and Highways Localism Panel – 19.6.12 when it was RESOLVED UNANIMOUSLY to agree to recommend the proposals to Policy and Resources Board.

2. Policy and Resources Board 11.7.12 when it was RESOLVED that:

1. The standardisation of charging periods in Brentwood and Shenfield except Chatham Way Car Park which remains unaltered. The charged period will be 6:00am to 9:00pm Monday to Sunday – Free on bank holidays.

2. The standardisation and simplification of the tariff structure.

Details of standard tariffs in Brentwood and Shenfield to be introduced were also agreed.

Members noted that, as well as the consultations outlined above car park users had another opportunity to object to the changes through the advertisement of the Off Street Parking Places Order (OSPPO). This was a legal obligation, which enabled the Council to enforce the new charges within the car parks.

The TRO went through a three week consultation period, and was advertised in the press on 25.10.12 displaying the proposed new charges. Posters were also displayed on all machines throughout this period, with the proposed new prices, and posters were placed in the following places:

- Library
- Town Hall
- Lamp posts within the area of car parks

The OSPPO process was an opportunity for anyone to object to the changes, but throughout this period of consultation there were no objections. Therefore the introduction of the new OSPPO, the approval of the charges, was formally sealed and re-advertised in the press on 10.1.13. Legal notices to this effect were also displayed prominently in all car parks across the Borough.

Members were advised that the approved changes to parking were introduced on 11.2.13 and therefore little data on feedback on the impact of the revised charging structure could be collated.

However, initial data regarding ticket sales, not income, indicated that there has been no real change to the footfall in our car parks. This would need to be monitored for the next 3-6 months before any clear evidence emerged of any impact of the change, and it had been a stated intention that the impact of charges would be reviewed after an initial period.

The car parking team had reported that there had been fewer than 20 enquiries/concerns regarding the introduction of the new charges, which Officers advised was consistent with any change of this kind.

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Members were advised of the implications of implementing the issues raised in the motion, and the cost associated with this:

There would need to be a lead in period of approximately 3 months to re-advertise the TRO, and make appropriate changes, including:

- Cost of changes approx £8000 – signage etc
- OSPPO – 3 months
- Ticket machines – reprogramming
- Loss of income for the introduction of 1hr charges – approx £153,000
- Loss of income from resident parking scheme – approx £49,000

Officers recommended that since there had been a wide range of opportunities for the public and businesses to be involved in the consultation process, through different mechanisms, including the advertisement of the Off Street Parking Places Order in October 2012 and the proposed changes were approved by two Council Panels, the current scheme should remain in place and be reviewed as planned, when meaningful data was available.

It was MOVED and SECONDED as follows:

*Brentwood Borough Council agrees to immediately reinstate the one hour charging portion across all car parks.*

*Brentwood Borough Council will introduce a flat charge of £2 for evening parking between 7pm and 6am in the Chatham Way Car Park and the William Hunter Way Car Park from Monday to Sunday.*

*Brentwood Borough Council will employ part time enforcement cover to patrol the Chatham Way Car Park and the William Hunter Way Car Park between the hours of 7pm and 11pm from Monday to Sunday with effect from 1 April 2013.*

*Brentwood Borough Council will renegotiate the current agreement they have with SEPP to ensure that there is adequate night time enforcement in place from Monday to Sunday to cover the side streets in the Town Centre.*

Following a full discussion, a Member requisitioned pursuant to Standing Order 15.1 that voting on the Motion be recorded:

FOR: Cllrs Aspinell, Baker, Carter, Chilvers, Clark, Clarke, Mrs Davies, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Quirk and Sapwell (14)

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AGAINST: Cllrs Braid, Mrs Coe, Mrs Cornell, Ms Golding, Mrs Henwood, Hirst, Mrs Hones, Hossack, Kerlake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker, Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (20)

ABSTAIN: None.

The MOTION was LOST.

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# Minutes

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## Annual Council 15.05.2013

### Membership/Attendance

- |                    |                     |
|--------------------|---------------------|
| * Cllr Aspinell    | * Cllr Kerslake     |
| * 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

Jennifer Candler  
Alison Crowe  
Ashley Culverwell  
Jo-Anne Ireland  
Malcolm Knights  
Leanna McPherson  
Roy Ormsby

Brian Partridge  
Diane Reay  
Jean Sharp  
Steve Summers  
Lee Taylor  
Eric Whitfield

## **1. Apologies for Absence**

Apologies for absence were received from Cllr Cheralyn Beeston and Cllr Claire Cornell, also Freeman of the Borough, Sir Trevor Brooking and the Rt. Hon. Eric Pickles MP.

## **2. Mayors Announcements**

The Mayor recounted highlights of her Mayoral Year and presented cheques to her chosen charities – the Alzheimer's Society, Crossroads Care and Frontline Partnership.

## **3. Election and Installation of Mayor and Deputy Mayor**

Annual Council elects a Mayor and Deputy Mayor to serve for the Municipal Year.

RESOLVED UNANIMOUSLY that Cllr Madeline Henwood be installed as Mayor and that Cllr Mark Reed be installed as Deputy Mayor for the Municipal Year 2013/14.

## **4. Designation of Leader of the Council**

Annual Council designates a Leader of the Council. The Constitution states that "it is the custom and practice of the Council to designate the leader of the Majority Group/Largest Group on the Council to be the Leader of the Council"

RESOLVED UNANIMOUSLY that Cllr Mrs McKinlay, the Leader of the Conservative Group as the majority group, be designated the Leader of the Council.

## **5. Appointment of Committees**

Annual Council agreed the governance structure of the authority for the forthcoming year. Council agreed the committee structure, the terms of reference for each committee, the political balance of committees, the members and substitutes of the committees, the Chairmen and Vice Chairmen, any standing groups and the calendar of meetings for the municipal year.

Members were aware of the work undertaken over the last year to review the governance structure. Previous reports were noted under the Background Papers under section 7 of the report.

The new committee structure was more streamlined and was made up of three 'executive' committees, three quasi-judicial committees and an overview and scrutiny committee.

RESOLVED to:

1. Agree the Committee Structure and terms of reference for each Committee for 2013/14 as set out in Appendix 1 to the agenda.
2. Agree the political balance of each committee as set out in Appendix 2
3. Agree the membership of each committee and the Chairs and Vice chairs as set out in Appendix 3.
4. Agree and note the calendar of meetings as set out in Appendix 4 of the agenda subject to the following amendments:
  - a) Community Service Committee proposed for 17<sup>th</sup> July 2013 to be moved to 23<sup>rd</sup> July 2013.
  - b) Performance and Resources Committee proposed for 16<sup>th</sup> July to be moved to 5<sup>th</sup> August 2013.

## **6. Appointment of Groups on Outside Organisations**

Councillors are appointed to a number of outside organisations at the annual meeting of the Council. Many of the outside organisations supported and advanced the broad objectives of the authority. Representation could be effected through the authority initiating the appointment, an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative was appointed.

The list of nominations for representatives on outside organisations was presented at the Annual Council meeting for Members' approval.

RESOLVED UNANIMOUSLY that the list of nominated representatives before Members set out in Appendix 5 be approved subject to group leaders having delegated authority to subsequently amend the list as appropriate.

## **7. Member Working Groups**

In order to achieve greater levels of efficiency and effectiveness in the use of the Council's resources and to maximize the benefit of Councillor working outside Committee, the report before Members set out a format for future Member Working Groups (MWG's) and a process for reviewing existing groups.

Cllr Lloyd MOVED an AMENDMENT, SECONDED by Cllr Quirk that Renaissance Group and Tenants Talkback be removed from the list of Member Working Groups and the Constitution Working Group be included.

RESOLVED UNANIMOUSLY that

1. The guidelines for MWG's, set out in the report, were adopted.
2. Each Committee completes a review of its relevant MWG's as part of its work programme by no later than 29 November 2013.
3. Renaissance Group and Tenants Talkback be removed from the list of existing working groups and remain on the list of outside organisations and the Constitution Working Group be included in the list of MWG's.

## 8. Members' Allowances 2013/14

The Council operated a Members' Allowance scheme which was reviewed annually by the Independent Remuneration Panel (IRP).

The IRP had reviewed the current scheme and made recommendations for the 2013/14 Municipal Year.

RESOLVED UNANIMOUSLY that:

1. That the basic allowance for all Members of **£5950.80** remains unchanged.
2. The Leader's allowance remains unchanged - **£13,086.25**;
3. The Deputy Leader's allowance remains unchanged - **£6,317.50**;
4. The leader of the majority opposition Political party remains unchanged - **£5,266.09**;
5. The leaders of the minority Political Groups remains unchanged – **£2,632.59**.  
However, this should be extended to recognise both the minority groups;
6. The Chairs of the Executive Panel allowance remains unchanged **£5,266.09**;
7. The Chairs of the Regulatory Panels (excluding O&S and Planning) remains unchanged - **£2,707.50**;
8. The Vice Chair of Regulatory Panels remains unchanged - **£957.57**
9. The Chair of Overview and Scrutiny should receive **£3,510.72** which is 2/3 of the allowance for Chairs of the Executive Committees.
10. The Chair of Planning should receive **£3,510.72** which is 2/3 of the allowance for Chairs of the Executive Committees.
11. Vice Chairs of the Executive Panel should receive **£957.57** to reflect their spokesperson's responsibility and **£1,353.75** (50% of the Chair's allowance



for the Regulatory Committees (£2707.50). In total the Vice Chairs receive **£2,311.32**.

12. The Spokesperson for Environment and Parking (not a Vice chair) should receive **£957.57**.

At the Panel's request the Council considered and agreed to adopt the following recommendations:

13. In view of the amount of basic allowances payable totalling approximately £220,000, the Panel supported the Boundary Commission reviewing the number of members within Brentwood Borough Council. It was proposed and agreed that a benchmarking exercise be undertaken by the O and S Committee regarding the number of elected members in Brentwood Council and other local authorities.
14. Extending the current provision within the Constitution to recognise only one Minority group to two groups. Should a further group emerge, then the matter should be referred back to the Panel for further consideration.
15. Two Members constitutes a group.
16. The allowances for the Mayor and Deputy Mayor should be reviewed as part of the annual independent review of allowances for Members.
17. Any changes to allowances should commence from the start of the Municipal Year – from the date of Annual Council.
18. Consideration should be given to reviewing Members' allowances in line with the Budget Cycle. However the Panel Members emphasised that their role and recommendations should not be used for "Political Purposes";
19. Co-opted members and independent persons should be reimbursed for reasonable expenses.
20. In terms of Members attending conferences/external training sessions they should be reimbursed for 'reasonable expenses' to allow for accommodation (where necessary) and travelling etc., but that all expenses should be agreed with the Managing Director in advance.

## **9. Memorials or Petitions**

Cllr Le-Surf presented a petition in support of the '20's Plenty for Us' campaign which would be referred to Essex County Council as the highway authority.

## **10. Motions**

Two motions had been received from Members.

Cllr Russell submitted the following motion:

*"2014 marks the centenary of the start of the Great War. Brentwood Council remembers those that served in conflict around the world and as a mark of respect and remembrance to those who gave up their today for our tomorrow, Brentwood Council will seek to rename some of the borough's designated children's play areas as 'Freedom Parks' and erect a plaque in each to commemorate those that fought for us in WW1."*

The MOTION was SECONDED by Cllr Coe and was referred to the Community Services Committee.

Cllr Quirk submitted the following motion:

*"This council agrees that to prohibit residents from accessing town hall services and information by telephone after 5pm Monday to Thursdays (4.30pm on Fridays!) and with no such access at weekends, is entirely archaic. Many consumer industries have long since realised this and thus more flexible hours are now very much the norm amongst them.*

*In a modern world where the public understandably would benefit from greater opportunity to interact with their local authority over issues and concerns, better tax payer value would result by replacing such 1970's style opening hours with longer periods to the benefit of Brentwood people.*

*This council therefore agrees, in the name of progress, to a robust review to ascertain how much more accessible it could be to the public by telephone on weekdays and on Saturdays outside of the current, restrictive hours.*

The MOTION was SECONDED by Cllr Clarke and was referred to the Strategy and Policy Board.

## **11. Review of the Council's Constitution**

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

The report before Members set out a number of proposals with regard to the format for the Constitution and revisions to its Articles (Part 2); to its Council Procedure Rules (Part 4.1); and Overview and Scrutiny Procedure Rules (Part 4.4).

The cross-party Constitution Working Group was consulted on the proposed changes and the draft Consultation before Members reflected the significant and detailed contribution of the Working Group's members.

Cllr Kerslake MOVED and Cllr Aspinell SECONDED that the recommendation in the report be agreed, subject to an amendment to Rule 7 (Chair Reports and Questions) which was tabled at the meeting.

Cllr Aspinell MOVED and Cllr Clark SECONDED an AMENDMENT which was LOST on a show of hands.

Returning to the substantive motion, it was RESOLVED:

1. That Council approves the changes to its Constitution as detailed in the revised document attached as Appendix 7 to the report together with the amendments to Rule 7 of the Council Procedure Rules.

## **12. Standing Order 1.9**

During consideration of the preceding item the Council, having sat for the requisite period, RESOLVED to suspend Standing Order 1.9 to enable transaction of the remaining business on the agenda.

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## Ordinary Council 10.07.2013

### 5. QUESTIONS ASKED BY MEMBERS OF THE PUBLIC

Report of *Steve Boyle*

Author **Jean Sharp**

Telephone Number 01277 312655

Email *jean.sharp@brentwood.gov.uk*

Wards Affected

#### 1. Executive Summary

1.1 In accordance with Part 4.1 of the Constitution, Rule 10, para 10.1, questions are allowed to be asked by residents and responded to by a named Member.

1.2 Mrs Gearon Simm has submitted two questions as follows:

1. *"Any tenants "under-occupying" their properties will lose 14% of housing benefit until they move into a smaller home.*

*Does Brentwood Borough Council Housing Committee know what will happen to tenants who are deemed to be "over-occupying" their council properties if there is insufficient housing owned by the council into which these tenants can down-size?"*

2. *"Before the Planning and Licensing Committee meeting started on Wednesday 17th April last, the Chairman, Councillor McCheyne, asked everyone in the chamber to stand for a minute to honour Margaret Thatcher on the day of her funeral.*

*I was the only individual to remain seated but I wish I had had the foresight to leave the chamber.*

*Is this council protocol, which should have been itemised on the agenda?"*



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**6. MEMORIALS OR PETITIONS**

**Report of** *Head of Legal and Governance*

**Author** *Steve Boyle*

**Telephone Number** *01277 312703*

**Email** *steve.boyle@brentwood.gov.uk*

**Wards Affected**

**1. Summary**

1.1 Cllr Chilvers has given notice that she intends to present a petition titled, 'Bring back Brentwood's one hour parking charge'.

1.2 Cllr Mrs Cohen has given notice that she intends to present a petition titled, 'Shenfield: Save Friars Avenue Car Park'.





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**7. CHAIRS REPORTS**

[\(Agenda Item 7, Appendix 1\)](#)

**Report of *Managing Director***

**Author *Jean Sharp***

**Telephone Number *01277 312655***

**Email *jean.sharp@brentwood.gov.uk***

**Wards Affected**

**1. Executive Summary**

1.1 A brief report by each Committee Chair covering their area of responsibility can be found at Appendix 1.



## **Report to the Council**

**Committee: Strategy and Policy Board**

**Chairperson: Councillor McKinlay**

### **Entrepreneurial Initiatives**

In December 2012, the Council agreed its Corporate Plan for 2013 to 2016. The plan sets out the Council's Vision and Priorities for the Borough and a framework for a modern, efficient, cost effective way of operating. The plan was developed in parallel with the Medium Term Financial plan in preparation for 2013/14 budget setting exercise.

With the Plan adopted, we now need to move away from our current operating model to adopt the New Ways of Working in order to position the Council as:

- An excellent provider of services;
- An organisation that secures savings through a lean bank office structure;
- An investor in front line services; and
- Entrepreneurial in its approach to drive up income and achieve efficiencies.

Changes have been made to the Council's structure and operating practices over the last 3 years. These changes have successfully secured savings and supported the re-investment of those savings into front line services. Although the approach used to date has been successful, the process of identifying annual savings and top slicing budgets to reduce operating costs within the Council is no longer sustainable. For this reason, a longer-term solution is needed to safeguard the Council's future and to meet the challenges of the Council's Medium Term Financial Plan.

### **Gap Analysis**

The Council's Medium Term Financial Plan confirms that the funding gap for the next 3 years amounts to £3.7 million This does not take into account any unforeseen financial pressures or/and growth in demand for services.

### **An Entrepreneurial Approach**

It is recognised that growth plays an important part in bridging future funding gaps. However, I have been clear that raising additional income through traditional methods such as increasing parking charges or council tax annually need to be replaced with more sophisticated avenues. The Council has already identified a number of opportunities to adopt a more entrepreneurial approach, and options will be worked up over the coming months..

We intend to look at such areas as:

- Depot based services
- Our role as a landlord of properties
- Building Control

It is my intention that an Outline Business Case will be brought back to the September meeting of Strategy and Policy.

### **Crossrail**

We have responded to a formal request from Crossrail's to consider the Compulsory Purchase of land at Friars Avenue car park. The Council recognised the impact that the loss of a key car park would have on Shenfield and robustly challenged their proposals.

Crossrail have now agreed that they will not pursue the CPO and adhere to the undertakings given to the Council in 2008 and indicated their willingness to enter into an agreement under section 47 of the Crossrail Act. A draft agreement has now been prepared and is ready for signing.

We shall shortly begin an official public consultation into the parking related matters concerning Crossrail. We will be inviting views on park and walk/ride facilities, shoppers' car parks in Friars Avenue and Hunter Avenue and local parking restrictions.

Further, I have extended the Cross Party Working Group to include representatives from local businesses in Shenfield along with Member representation from ECC.

### **Local Development Plan**

We are working towards the Corporate Plan's priority to have a new Local Development Plan adopted by 2014.

The timeline below is approximate and the specific dates are yet to be confirmed:

- We will be seeking approval from Members to go out for publication consultation on the Draft Local Development Plan (LDP) at Ordinary Council on 10 July.
- Subject to approval at Ordinary Council, the public consultation on the Draft LDP will begin in late July before the start of the school summer holidays. The consultation will last over the summer and will run into September to take account of the school summer holidays.
- Following the consultation of the Draft LDP, we will need to consider and review all of the consultation responses received and prepare the Submission Version of the LDP for publication.

All local planning authorities must have an up to date Local Development Plan (LDP) and Brentwood Borough Council has decided that their LDP must be in place by the end of 2014 (Corporate Plan).

All LDPs must be compliant with National Planning Policy Framework (NPPF).

Without a plan in place, the Council is vulnerable to speculative planning applications because the current Replacement Local Plan (adopted 2005) does not address objectively assessed needs for jobs, homes and pitches as required by the NPPF.

### **William Hunter Way**

Good progress is being made to ensure clean title to the William Hunter Way site. Stockland continues to work on signing up tenants to meet the pre-requisite figure of 60% ahead of any development commencing. In addition the Council is aware that discussions are on-going and is awaiting certainty from Stockland.

Members will be aware that the existing planning permissions expire in September and that the period for negotiations between Stockland and the council ends in December 2013.

I have written to Stockland, the developers of William Hunter Way, concerning the pending application for the renewal of planning permission. I reiterated the Council's concerns regarding the progress being made with the pre letting on site, in particular the progress being made with the other main retailer and the parking operator. Stockland have responded to confirm that negotiations remain ongoing and will provide an update at the next meeting with them scheduled for 10<sup>th</sup> July.

As we have invested considerable resource to support delivery and with the potential for the scheme delivery to be subject to delay, I have asked for clear information on the status of the pre let lease agreements and a timeframe for their completion beyond heads of term through to legal sign off.

It is imperative that to be able to continue supporting the scheme in planning terms, we have clarity and clear visibility on the timeline with the greatest degree of certainty on delivery. The next meeting is scheduled for 10<sup>th</sup> July and I will provide a verbal update at Council.

### **Transformation Phase 1**

As part of the New Ways of Working Business Case approved in February 2013, we outlined a transformation programme that includes a review of back office services. One of the four key strands of the transformation programme is Efficiency Reviews, which will enable us to consider each service area in turn in order to both evaluate the current service provision and consider the options available for future service delivery.

Due to the large number of services involved, the work has been split into 3 phases:

<b>PHASE 1 (Apr – Sep)</b>	<b>PHASE 2 (Jun – Nov)</b>	<b>PHASE 3 (Aug – Jan)</b>
Corporate Leadership Board	Facilities Management	Finance
Corporate Admin Support	HR	Legal

Democratic Support	Payroll	Debt Recovery
ICT		Procurement
Land Charges		
Performance & Improvement		

The key features of Phase 1 are:

- Need for a dedicated Business Transformation team to lead the organisation through its transformation agenda
- The creation of a qualified, dedicated Strategic Asset Manager to advise the Council on how to get the best use and value from assets
- The realignment of support for Officers and Members including Governance and administrative business support
- A more focused and streamlined ICT Service which will support the delivery of the transformation programme

As part of Phase 1, we identified 12 posts to be removed from the organisation, which was offset by 8 new posts, creating a potential net reduction in posts of 4.

Where possible, we have offered staff in deleted posts alternative suitable positions within the Council. As part of the process, we offered a Council wide invitation for voluntary redundancy/reduced hours requests.

The Efficiency Reviews for the Back Office have a target saving of £313,000 for 2013/14. This reflects a part year effect of the proposals being implemented. This target increases to £591,000 for 2014/15 (full year effect).

### **Unauthorised Caravan Incursion at Mountnessing**

As Members may be aware, there was an unlawful trespass onto land owned by Mountnessing Parish Council adjacent to the Windmill on Thursday 6 June 2013. This was by a number of caravans and other vehicles.

The MP contacted me to notify of the event and I immediately contacted the Police and the Council. The Council liaised closely with the Parish Council.

On Friday 7 June, our Legal, Environmental Health and Planning teams acting for the Parish Council were highly successful and able to secure a possession order from the County Court and also an Injunction to prevent additional incursion from the High Court.

The Police eventually served a Notice using their powers to require removal of the vehicles and persons on Saturday 8 June and the site was vacated. The overall cost to Brentwood Borough Council was £4,500 and damage was caused to the site.

This was a very well run operation responding quickly to assist with a problem on behalf of the Parish Council.

## **Report to the Council**

**Committee: Community Services Committee**

**Chairperson: Councillor Pound**

### **Housing and Health**

#### **Innovative scheme for affordable housing**

We are in the process of enabling three households on the Council's housing list to buy a brand new two-bedroom flat in West Horndon at a below market price.

This follows the Planning and Development Committee decision on 21 May to approve a variation to the planning conditions for the flats, in Camellia Court, Thorndon Avenue, West Horndon to be provided to applicants who are unable to purchase in the private sector.

The homes will be sold, supported by a shared equity loan. The Council holds a percentage of the value of the flats through a second charge, enabling the flats to be sold to applicants for about £120,000.

In the future, applicants can either buy the Council's share in stages from the Council when they can afford it, or repay the share to the Council when the flat is sold. There are no time limits to the deal, making it particularly helpful for people whose income is unlikely to increase in the near future.

I'm delighted with this deal. Whilst most of our affordable housing needs are for rented housing, shared equity deals such as this provide a leg-up for people on our waiting list who want to buy their own home.

#### **Brentwood Borough Council asks for views on council housing allocation**

Our public consultation on our proposed new allocation policy is ongoing.

The consultation is open now and closes on 1 August 2013. The consultation questionnaire is on the Council's website along with the current housing allocation policy and a draft new allocation policy.

Those people most directly affected – people already on the Council's housing register, and existing tenants - were directly invited to give their views at two meetings held at the Council on Thursday 20 June. We had about twenty people to each, and had some very helpful discussions and opinions expressed.

I encourage everyone to visit our website and complete the survey so we can gain as much feedback as possible. This will inform the final policy that will come back to the Community services Committee in October for consideration.

Anyone who is unable to access the internet and would like written details of the consultation to be sent to them should phone the housing team on 01277 312707.

### **Landlords' Forum**

The annual Landlords' forum was held on 5 June, which was attended by landlords and agents letting property in the Borough. This event provides an opportunity to share information on current developments in private sector housing which included presentations on electrical safety, welfare reforms, tenancy and legal issues affecting landlords and was well received by those attending the event. The overall aim of the forum is to raise living standards in the privately rented sector and to support responsible landlords.

### **Community Services**

#### **Easter Family Fun Days**

Officers were asked to deliver two additional Family Fun Days this year (a total of 8) and it was decided to deliver these during the school Easter holidays. The weather was particularly difficult this year with freezing conditions on Friday 5 April. As a result, we had a number of providers drop out at the last minute, although the more hardy ones persevered. As a result of the cold weather there was significantly less footfall at this event than we have seen at previous Fun Days. Due to the torrential rain that was forecast for the 12 April a decision was made to cancel the event. The Council did not incur any cancellation fees.

The remaining six Family Fun Days are planned to run on the following dates:

- Friday 26 July – King George's Playing Fields, Brentwood
- Friday 2 August – Hutton Recreation Ground, Hutton
- Friday 9 August – Seymour Field, Ingatestone
- Friday 16 August – Bishops Hall Park, Pilgrims Hatch
- Friday 23 August – (inc. SX Urban Games) King George's Playing Fields, Brentwood
- Friday 30 August – King George's Playing Fields, Brentwood

### **Town Centre Management**

#### **Love your Market**

Brentwood Council supported the 'Love Your Market' campaign, which ran from 15 to 29 May. The Rt Hon Eric Pickles MP visited our street market on Saturday 18<sup>th</sup> May as part of the promotional activities. There was also a debut performance by the Brentwood Songsters (a local community youth choir).

Our market provider responded by launching new matching navy blue marquees for each stall on the day. The market has improved its offer by having more food stalls, and encouraging local businesses and start up businesses to hire a stall.



## **Environment**

### **Fly-tipping spot checks**

Environmental Health has been participating in joint working with Essex Police, Trading Standards and the Environment Agency on issues such as waste management, flytipping and industrial bonfires. Officers have taken part in vehicle stop checks to ensure that vehicles carrying waste have the appropriate documentation; we have also been involved in tracking flytipping offenders who have been causing problems in several local authority areas again as a multi-agency approach involving the local authority and Environment Agency enforcement staff.

## **Community Safety**

### **Town Centre Traders Links**

Improvements in our links with the town's traders, CCTV team and Townlink radio have been achieved partly through the Town Centre traders forum. Links have also been strengthened between Townlink radio, CCTV control room, community safety partnership and the Police.

This has resulted in an increase in shoplifting detection rates in the town and more successful arrests through the coordinated efforts of our team and police acting on reports from local businesses.

### **CCTV**

Additional CCTV signage in public areas is due to be provided. This will increase transparency that monitoring is taking place and deter criminal acts and anti-social behavior. Improvements in transparency and accountability will also result from CCTV camera locations being mapped on the Council's website together with outcomes from this service.

All CCTV operators have successfully undergone additional training enabling them to gain the Security Industry Association's license for Public Space Surveillance. Assessment by the Police is due to enable the installation of a police Airwave radio in the CCTV control room to improve communication with the Police working in the Borough. The CCTV service is also currently undertaking a trial to respond to all out of hours Council housing repairs and emergency calls. This provides improved customer service through a single point of contact.

### **Street Scene**

Through the DCLG funding, Street Scene have been able to move forward with key changes to the service that have assisted both staff and our residents.

The introduction of the weekly recycling service commenced, as planned, from 1 April and has started to see an increase in the recycling being produced by residents. This

coincided with the introduction of the six-month pilot for the distribution of free bags for food waste, which will be reviewed, and brought to the November meeting of the Community Services Committee.

Staff have also benefited from the funding, through the introduction of a training and development programme. This has seen an increased emphasis on health & safety, through developing staff based on the services required for the future. This includes the introduction of in-cab technology, and route optimisation to increase the efficiency of the service, all of which were identified and approved within the Waste Plan in February.

## **Report to the Council**

**Committee: Performance and Resources Committee**

**Chairperson: Councillor Kerlake**

### **Single Status**

The consultation with employees has been ongoing since 5 February and is due to end on 5 July. The consultation has been with the Trade Union, Staff Forum and all employees and has requested feedback on a range of policies including overtime, stand by, car allowance and the proposed pay structure. In addition, employees have been provided with initial draft outcome letters.

Once the consultation has been completed, we will hold briefing meetings with the Leader and Chairs and with Opposition Parties.

The next stage will be to report to Members at the Performance and Resources Committee in August on the outcome of the consultation. (Members will be briefed in advance of this meeting.) Once agreed, employees will then be provided with final letters and will have the right to appeal.

### **Financial Management System**

The Council is in the process of implementing eFinancials from Advanced Business Solutions (ABS) as its replacement financial management system. This includes the implementation of an Income Management system supplied by Capita but managed by ABS.

Live processing of financial transactions using eFinancials commenced with effect from 2nd April 2013, being the first working day of financial year 2013/2014.

Further development work will take place over the next 12 months and will include:

- **Income Management** - this is a replacement for the Cash Management system currently operated by the Council.
- **Collaborative Planning** – this will become the tool used for collaboratively setting budgets and then forecasting and monitoring progress against those budgets.
- **E-Procurement** - this element of eFinancials is used to raise purchase orders to suppliers. The true purpose of eProcurement is to allow for electronic catalogue purchasing via established relationships with suppliers. Further rolling-out of eProcurement is therefore less a technical issue and more an element of implementing the Council's Procurement Strategy.

### **Communications Protocols – approved at 12 June 2013 meeting**

Guidelines and procedures for handling the Council's communications, particularly around news and information to both internal and external audiences.

**Bell Mead Land Sale – approved at 12 June 2013 meeting**

The Committee approved the sale of the site subject to planning permission for 10 two bedroom flats (of which 5 will be affordable units).

**Future Work:**

The Committee will consider the Outturn Reports for 2012/13 at its meeting in August. Monitoring of the 2013/14 Budget will commence in November with the Half Year Review position.

**Ordinary Council 10.07.2013**

**9. LOCAL DEVELOPMENT PLAN CONSULTATION DRAFT**  
(Agenda Item 9, Appendix 1 to follow)

**Report of** *Jennifer Candler*

**Author** *Kate/Gordon*

**Telephone Number** 312528

**Email** *kate.gordon@brentwood.gov.uk*

**Wards Affected** *All*

**1. Executive Summary**

- 1.1 This report seeks approval for the Brentwood Borough Draft Local Development Plan. Approval is also sought for public consultation to commence on the Draft LDP on 24 July 2013 or as soon as possible thereafter, for a period of 10 weeks.
- 1.2 The LDP is a statutory document that, once adopted, will guide decisions on the type, level and location of new development in the Borough. The draft LDP covers the period 2015-2030 and will set out the Council's vision and objectives for how the Borough should develop and contain policies and land allocations to achieve this vision. The draft LDP sets out the Council's preferred approach and the purpose of the proposed consultation is to seek views on this approach and alternatives. It is proposed that the title of the LDP will be "Brentwood Borough Local Plan."
- 1.3 The draft Local Plan has been drawn up in light of national policy; public consultations (2009, 2010 and 2011); feedback from the Local Development Plan Working Group; discussion with stakeholders, technical evidence; and legal advice.
- 1.4 Following the consultation and analysis of consultation responses, the Council will then need to produce and publish a submission draft Local Plan for consideration by a Planning Inspector.

**2. Recommendation(s)**

- 2.1 That the Council approves Brentwood Borough Draft Local Plan for publication.

2.2 That the Public consultation be carried out on the Draft Local Plan commencing 24 July, or as soon as possible thereafter, for a period of 10 weeks.

### **3. Background**

3.1 The Council is required, as a Local Planning Authority, to prepare a Local Development Plan (LDP) for the Borough in accordance with the Planning Acts and Regulations. The LDP is a statutory document that, once adopted, will guide decisions on the type, level and location of new development in the Borough. Progress on preparing the LDP has been reported to members via reports to Policy Board, with the most recent updates in May 2013 and December 2012. Work on the plan has been informed by technical evidence, previous consultations (in 2009, 2010 and 2011), discussions held with the LDP Working Group and legal advice.

3.2 A draft Local Plan for consultation is set out in Appendix 1. As previously reported to Policy Board (May 2013), the intention is to carry out a public consultation on the Draft Local Plan this Summer. As well as opportunities for the public and other stakeholders to formally comment, a series of events is planned, reflecting the approach set out in the Council's Statement of Community Involvement. These include consultation meetings, exhibitions and focus groups. Consultation will be targeted to reach the maximum number of people through direct consultation with residents and businesses, and through interest groups and other representative bodies. Borough residents have been sent the first in a series of newsletters about the plan, informing them of the forthcoming consultation and inviting them to become involved. A second newsletter is planned for July.

### **4. Context**

4.1 This report seeks approval for the Brentwood Borough Draft Local Plan. Approval is also sought for public consultation to commence on 24 July 2013, or as soon as possible thereafter, for a period of 10 weeks.

4.2 The Draft Local Plan covers the period 2015-2030 and will set out the Council's vision and objectives for how the Borough should develop and contain policies and land allocations to achieve this vision. The draft LP sets out the Council's preferred approach and the purpose of the proposed consultation is to seek views on the suggested approach and alternatives.

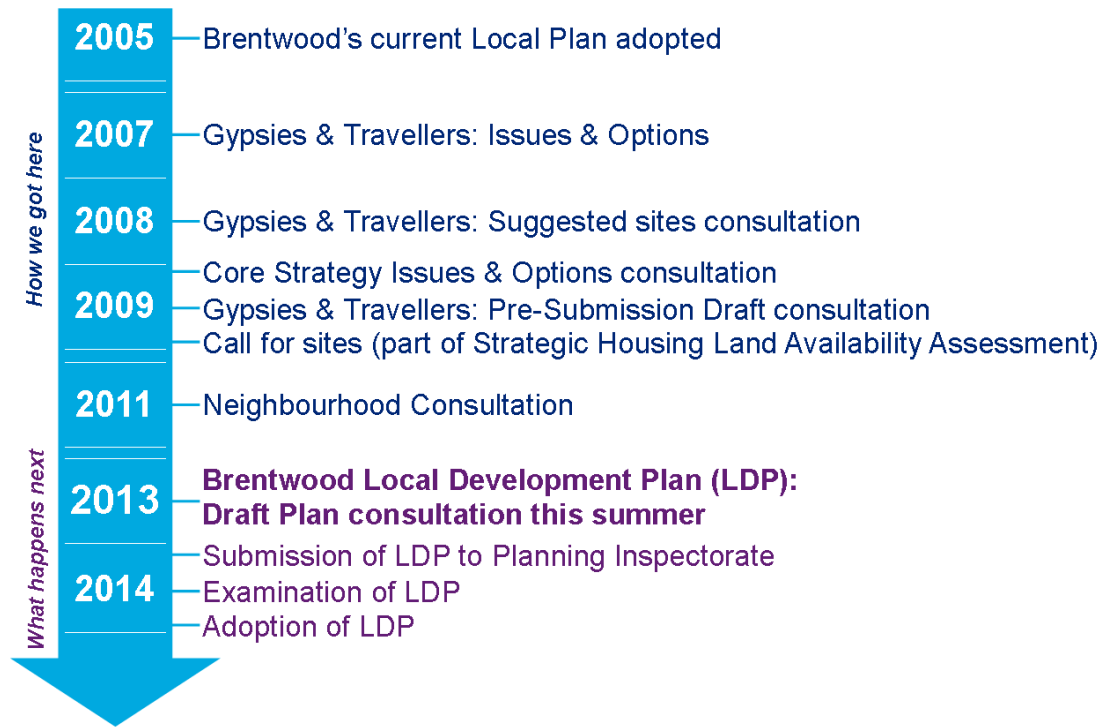
### **4.3 What the Plan covers**

4.4 Drawing on strategic objectives and a vision, the plan comprises a spatial strategy, strategic policies, development management policies and site allocations. The plan will set out the level and location of development in the Borough envisaged over a period of 15 years in terms of provision for jobs, business, housing and retail. Proposed planning policies cover a diverse range of matters including affordable housing, community facilities, provision for Gypsies and Travellers, infrastructure, transport, open space and conservation of the built and natural environment.

4.5 The structure of the plan is such that each draft policy is followed by a justification and, where appropriate, alternatives. References are made to sources of evidence and national policy drawn upon and targets and indicators suggested. The Draft Local Plan will be subject to a Sustainability Appraisal which will also be subject to consultation.

### **4.6 Next steps**

4.7 Following consultation and analysis of consultation responses the Council will produce and publish a submission draft LDP for consideration by a Planning Inspector together with any comments received. The following diagram shows the key plan stages.



## 5. Financial Implications – Comment from S151 Officer

5.1 Funding for the LDP has been included within the Medium Term Financial Plan. There are no additional financial implications arising from this report.

## 6. Implications and References to Corporate Plan

6.1 Production of the Local Development Plan fits in with the Council's corporate priority *A Prosperous Borough* – Set planning policies that support discerning economic growth and sustainable development.

6.2 Implications are as follows:

- Legal – Planning and Compulsory Purchase Act 2004, Localism Act 2011, Town and Country Planning Regulations 2012
- Health and Safety – There are no health and safety implications



- c) Asset Management – Asset management implications are being managed through the Asset Management Board as Council owned sites may be selected for consideration in the Plan.
- d) Equality and Diversity – The plan will help support equality and diversity through policies which directly or indirectly address these matters. The Plan will also be subject to an Equalities Impact Assessment.
- e) Risk Management – Good communication and provision of clear information and advice should assist in minimising risks. The timing of the present consultation is critical to achieving the Council’s objective of an adopted Local Plan by 2014.

## **7. Background Papers**

1. Draft Local Plan
2. Statement of Community Involvement
3. Background studies: Considerable background work has been undertaken to support the Local Plan. A list of studies is available on request.



## Ordinary Council 10.07.13

### 10. LOWER THAMES CROSSING

**Report of** *Managing Director*

**Author** *Jennifer Candler*

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**Email**

*Jennifer.candler@brentwood.gov.uk*

**Wards Affected**

#### 1. Executive Summary

1.1 This report seeks delegated authority for the Managing Director to prepare and submit a consultation response, through consultation with cross party group leaders, to the consultation on Options for a New Lower Thames Crossing.

1.2 The Government is consulting until 16<sup>th</sup> July 2013 on the preferred location for additional road based river crossing capacity in the Lower Thames area. Evidence of the need for additional road-based capacity in the area is presented in the consultation document, together with three different location options for a new crossing and a further variant on one of the options.

#### 2. Recommendation(s)

2.1 That the Council approves delegation to the Managing Director, through consultation with group leaders, to agree and submit the Borough Council's response to the Options for a New Lower Thames Crossing Consultation Document.

#### 3. Background

3.1 In 2009 the Department for Transport (DfT) reviewed the ways in which the capacity constraints at the existing Lower Thames Crossing could be addressed. The review concluded that the provision of additional road-based crossing capacity in the area was the solution.

3.2 The document does not present specific scheme proposals; rather illustrative routes have been identified in order to inform review.

3.3 The review has concluded that, subject to the appraisal and consideration of the environmental impacts, it would be feasible to build a new crossing and link it to the existing strategic road network for all of the considered options. Furthermore, the assessment indicates that each option is economically viable.

#### **4. Next steps**

4.1 The group leaders will hold meetings with their members to discuss the proposals put forward in the consultation document. The outcome of these meetings will inform the subsequent discussion between the group leaders and the Managing Director. Following consideration and response from Group Leaders the Managing Director will submit the Borough Council's consultation response.

#### **5. Financial Implications – Comment from S151 Officer**

5.1 There are no direct financial implications for the Council.

#### **6. Implications and References to Corporate Plan**

6.1 The economic benefits that may arise from congestion relief on the strategic road network align with the Council's corporate priority *A Prosperous Borough* –supporting discerning economic growth and sustainable development.

6.2 Implications are as follows:

- a) Legal – there are no direct legal implications for the Council.
- b) Health and Safety – There are no health and safety implications
- c) Asset Management –There are no implications.
- d) Equality and Diversity – There are no direct implications.
- e) Risk Management –There are no implications.

#### **7. Background Papers**

Department for Transport, May 2013. Options for a New Lower Thames Crossing.

## Ordinary Council 10.7.13

### 11. NOTICE OF MOTION – WELFARE REFORM ACT 2012

(Agenda Item 11, Appendix 1)

**Report of Head of Legal  
and Governance**

**Author Jean Sharp**

**Telephone Number 01277 312655**

**Email [jean.sharp@brentwood.gov.uk](mailto:jean.sharp@brentwood.gov.uk)**

#### **Wards Affected**

#### **1. Executive Summary**

1.1 A Motion has been received from Cllr Le-Surf.

#### **2. Context**

2.1. Cllr Le-Surf has submitted the following motion:

*"In an attempt to mitigate the effects of the coalition government's Welfare Reform Act 2012 in relation to the "under-occupancy penalty" more commonly known as the "bedroom tax", Brentwood council will follow Leeds council's fine example and where possible reclassify "spare" rooms within our housing stock as "non-specific rooms", saving the council the cost of potentially having to evict and re-house tenants who cannot pay this draconian under-occupation charge."*

*It is, therefore, proposed that the Council should, where possible, reclassify 'spare' rooms within its housing stock as 'non-specific rooms'."*

#### **3. Background**

Cllr Le-Surf has provided the following reference articles, which can be found in full at Appendix 1.

[http://www.huffingtonpost.co.uk/2013/05/29/bedroom-tax-leeds-council-spare-room- n\\_3352396.html](http://www.huffingtonpost.co.uk/2013/05/29/bedroom-tax-leeds-council-spare-room- n_3352396.html)

[http://www.huffingtonpost.co.uk/2013/05/18/bedroom-tax-council-funds-homelessness- n\\_3296933.html](http://www.huffingtonpost.co.uk/2013/05/18/bedroom-tax-council-funds-homelessness- n_3296933.html)



# Bedroom Tax: Leeds Council To Reclassify Rooms To Help Tenants

Posted: 29/05/2013 15:54 BST | Updated: 29/05/2013 15:59 BST



Leeds council has confirmed it will reclassify hundreds of rooms in council houses in a bid to help residents avoid the so-called "[bedroom tax](#)."

Across the city 837 houses will have their bedrooms reclassified as non-specific 'rooms', the council said. This will allow residents to avoid their benefits being docked under what the government insists is a "spare room subsidy" not a tax.

Labour Councillor Peter Gruen said the move had been prompted in part by welfare changes as well as "looking at ways to help all tenants across the city."

Labour MP for Leeds North Fabian Hamilton told the Huffington Post UK the bedroom tax was "outrageous" and he was glad the council had come up with a creative solution.

He said: "I think anything done to help hard-pressed families and couples is welcome. This bedroom tax, and it is a bedroom tax and not a spare room subsidy, is an outrageous reorganisation of benefits.

"It's a tax on you for daring to have a spare room, for your children, or grandchildren. There are couples that need to sleep separately and legitimately need that spare room.

"It is such a shocking tax and I'm glad Leeds has come up with a creative solution. I've no doubt the government will attempt to outlaw it immediately."



**Labelled bedroom tax by its critics, the government insists it is a 'spare room subsidy'**

However Conservative Councillor Barry Anderson told the [Yorkshire Post](#): “The decision is a poor one that appears to have been rushed through with no real thought other than to avoid spare room subsidy payments.”





### **Some have insisted the bedroom tax unfairly discriminates against the disabled**

The controversial tax has come under attack for many reasons, with some campaigners arguing that it discriminates against disabled people, while others simply saying it is uneconomic.

The BBC reported that new figures from councils in the East Midlands showed [a dramatic rise](#) in the number of people applying for emergency financial help to avoid eviction.

Earlier this month, figures showed more than [25,000 people applied for discretionary housing payments](#) (DHP) to help cover their rent in April, compared with 5,700 in the same month last year, according to an analysis of 51 councils by The Independent.



**Hundreds attended a protest in Glasgow over the bedroom tax in March (pic via @ScrapTrident)**

The High Court has already been asked to declare that the government's so-called "bedroom tax" unlawfully discriminates against disabled people, in 10 cases brought to illustrate the serious impact of the regulations up and down the country.

On Wednesday the Labour Housing Group published a list of policies as part of its One Nation Housing manifesto.

As part of that it suggested The "bedroom tax" should be ended "in favour of a new national plan to tackle under-occupation based on incentives and a stronger ground for possession with a right to suitable alternative accommodation.'

A DWP spokesman told the Huffington Post UK: "Our reforms to housing benefit will ensure a better use of our housing stock - a priority when there are almost two million households on the social housing waiting list and over a quarter of a million living in overcrowded homes.

"We have provided councils £150million for Discretionary Housing Payments this year to support vulnerable people and councils may choose to redefine some properties, but we don't expect this to be widespread."



# Bedroom Tax Sees Thousands More Claiming Council Funds: Is Spare Room Subsidy Costing Country MORE?

PA/The Huffington Post UK | Posted: 18/05/2013 09:18 BST | Updated: 18/05/2013 09:18 BST



Iain Duncan Smith has come under fire

The introduction of bedroom tax has seen the number of people claiming extra handouts from councils to meet housing costs soar, figures have revealed.

More than 25,000 people applied for discretionary housing payments (DHP) to help cover their rent in April, compared with 5,700 in the same month last year, according to an analysis of 51 councils by The Independent.

Councillor John Cotton, cabinet member for equalities, told the newspaper: "It's a situation like the 1930s here in Birmingham.

"We are a city that has a hill to climb in terms of deprivation. With the impact of changes like this, the hill just got even steeper. It's putting more and more pressure on vulnerable communities."



Some have insisted the bedroom tax unfairly discriminates against the disabled

Birmingham saw the number of DHP claimants rise from 496 in April last year to 2,601 last month, and the city council reported that many of those hit by the welfare reforms were turning to "last-resort services" such as food banks.

The government has substantially increased the DHP funding pot for local authorities to help those most affected by the withdrawal of what ministers call the "spare room subsidy".

A Department of Work and Pensions (DWP) spokesman said officials were "monitoring" the situation to ensure that those who needed support received it.

The new regulations, introduced on April 1, led to reductions in housing benefit payments to social tenants assessed to be under-occupying their accommodation.



There have been widespread protests throughout the country

Under new "size criteria", tenants with one spare bedroom have had a payment reduction of 14% and those deemed to have two or more spare, a reduction of 25%.

The Independent reported that in some areas the influx of people seeking help had forced councils to hire extra staff to cope with applications and advise tenants.

Glasgow saw the highest number of claimants of any council in the country, with 5,501 claims for help.

A DWP spokesman said: "We are giving councils £150 million this year so that they can help their vulnerable residents and we are monitoring this spending closely to ensure support goes to those who need it.

"The spare room subsidy changes will bring fairness back to the system - when in England alone there are nearly two million households on the social housing waiting list and over a quarter of a million tenants are living in overcrowded homes."

The spokesman also said that it was possible the increase in claimants in April represented a "peak" as people sought funding to cover them for an entire 12 months.





## Ordinary Council 10.7.13

### 12. NOTICE OF MOTION – NIGHT TIME ECONOMY

**Report of Head of Legal  
and Governance**

**Author Jean Sharp**

**Telephone Number 01277 312655**

**Email [jean.sharp@brentwood.gov.uk](mailto:jean.sharp@brentwood.gov.uk)**

#### **Wards Affected**

#### **1. Executive Summary**

1.1 A Motion has been received from Cllr Aspinell

#### **2. Context**

2.1. Cllr Aspinell has submitted the following motion:

*“We call upon the council to implement an urgent strategy to manage Brentwood's night time economy.*

*We ask for an investigation of other councils' strategies and for Brentwood Council to consider issues and solutions such as night time car parking charges, toilet facility provision, licensed premises contributions and other anti social issues.”*

#### **3. Background**

3.1 No background information has been received.



## Ordinary Council 10.7.13

### 13. NOTICE OF MOTION – NIGHT TIME PARKING CHARGES

**Report of Head of Legal  
and Governance**

**Author Jean Sharp**

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**Email [jean.sharp@brentwood.gov.uk](mailto:jean.sharp@brentwood.gov.uk)**

#### **Wards Affected**

#### **1. Executive Summary**

1.1 A Motion has been received from Cllr Kendall

#### **2. Context**

2.1. Cllr Kendall has submitted the following motion:

*“We welcome our visitors to Brentwood in the evening but realise that there is a dichotomy between day time and night time parking charges where you pay £10 for 6 hours of parking during the day but nothing at night, which is unfair to those businesses who operate during the day and our residents who are the most regular supporters of local traders during the day.*

*We ask for some level of fairness and for a charge at night to be introduced ASAP, offsetting the cost to our local residents during the day and aiding our day time operating businesses and local traders.”*

#### **3. Background**

3.1 No background information has been received.



## Ordinary Council 10.7.13

### 14. Notices of Motion – PARKING CHARGES AND PROVISION REVIEW IN SHENFIELD

**Report of** *Head of Legal and Governance*

**Author** *Jean Sharp*

**Telephone Number** *01277 312655*

**Email** *jean.sharp@brentwood.gov.uk*

**Wards Affected** *Shenfield*

#### 1. Executive Summary

1.1 A Motion has been received from Cllr Mrs Cohen

#### 2. Context

2.1. Cllr Mrs Cohen has submitted the following motion:

*“With the arrival of Crossrail imminent, we call for a strategic parking charges and provision review in Shenfield to protect our residents and businesses throughout the construction period.”*

#### 3. Background

3.1 The following background information has been received from Cllr Mrs Cohen.

3.2 In the next 2 years Cross rail will start construction in Shenfield.

3.3 Although we do not know exactly what their plans are, we do know that they are going to take away a large number of parking spaces, especially in the Friars Avenue car park. We are really concerned for the residents, shoppers and traders of Shenfield. This Council provides 70 parking permits annually to businesses in Shenfield. When they take Friars Avenue Car Park, where will people park? This motion proposes that we must hold an urgent review of the parking in the whole of Shenfield to come up with some alternatives.

3.4 We appreciate that everything takes time and consideration, which is why we urge you to start looking at this in greater detail now, and so we can

start reassuring the Community of Shenfield that a solution will be found to hopefully suit all needs.

## Ordinary Council 10.7.13

### 15. NOTICES OF MOTION – RIGHT TO RECORD PROCEEDINGS

**Report of Head of Legal  
and Governance**

**Author Jean Sharp**

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#### **Wards Affected**

#### **1. Executive Summary**

1.1 A Motion has been received from Cllr Lloyd

#### **2. Context**

2.1. Cllr Lloyd has submitted the following motion:

*“Brentwood Borough Council believes in the freedom and right for residents and the press to attend Council and committee meetings in our Town Hall.*

*We believe that residents and the press should have the right to record the proceedings of any such meeting using whichever form of media they wish as long as such media does not disturb the meeting itself. This would include the use of audio and visual recording with flash turned off and devices switched to silent.*

*This Council will therefore amend all existing restrictions in place which currently prohibit such electronic recording equipment. This change would ensure that our Council truly embraces the belief of being open and transparent in the modern age and meets both the statutory requirements of the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.”*

#### **3. Background**

3.1 No background information has been received.





## 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.

### **Part II Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act. In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information



Managing Director

Town Hall  
Brentwood, Essex  
25.6.13