

Minutes

Ordinary Council 10.7.2013

Membership/Attendance

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

*present

Officers Present

Jennifer Candler
Alison Crowe
Ashley Culverwell
Saira Karim
Malcolm Knights
Bill Newman

Roy Ormsby
Jean Sharp
Steve Summers
Lee Taylor
Eric Whitfield

83. Apologies for Absence

Apologies for absence were received from the Mayor – Cllr Madeline Henwood and Cllrs Ross Carter.

84. Deputy Mayor's Announcements

All present stood for minute's silence in memory of former councillor Michael Copsey.

The Deputy Mayor recounted some of the duties he had undertaken since May.

85. Minutes of Ordinary Council 20.3.13 and Annual Council 15.5.13

Resolved to approve as a true record the minutes of the Ordinary Council meeting held on 20.3.13 and Annual Council held on 15.5.13.

86. Public Questions

Mrs Gearon-Simm had submitted two questions, details of which were before Members. Mrs Gearon-Simm had withdrawn her second question after publication of the agenda but asked to be allowed to put the question.

It was MOVED by Cllr Aspinell, SECONDED by Cllr Quirk and RESOLVED UNANIMOUSLY that Mrs Gearon-Simm should be allowed to ask her second question.

Responses to Mrs Gearon-Simm's questions were given by Cllr Mrs Pound and Cllr Mrs McKinlay.

87. Memorials or petitions

Cllrs Chilvers presented a petition requesting the reinstatement of the one hour parking charge across all Brentwood car parks and Cllr Mrs Cohen presented a petition requesting that proposed plans for Friars Avenue car park be opposed.

Both petitions were referred to the Community Services Committee.

88. Chairs Reports

Chairs' Reports were before Members.

Several issues were raised regarding the accuracy and content of the agenda and the Managing Director agreed to review the agenda and advise Members of the outcome accordingly.

89. Members' Questions to Committee Chairs

In accordance with Rule 7.4 of Council Procedure Rules, 18 written questions had been received from Members and details of these were appended to the minutes. Cllr Quirk withdrew 5 of the questions he had posed.

Following the putting of these written questions to Chairs and receiving responses, oral questions were asked of Chairs and responses given.

(During consideration of this item Cllr Mynott declared a pecuniary interest under the Council's Code of Conduct by virtue of living close to the proposed William Hunter Way development site).

90. LDP Draft Plan

The report before Members sought approval for the Brentwood Borough Draft Local Development Plan. Approval was 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.

The LDP was a statutory document that, once adopted, would guide decisions on the type, level and location of new development in the Borough. The draft LDP covered the period 2015-2030 and would 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 set out the Council's preferred approach and the purpose of the proposed consultation was to seek views on this approach and alternatives. It was proposed that the title of the LDP would be "Brentwood Borough Local Plan."

The draft Local Plan had 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.

Following the consultation and analysis of consultation responses, the Council would then need to produce and publish a submission draft Local Plan for consideration by a Planning Inspector. Members were advised that formatting of the draft LDP document would be completed before it was published for consultation.

Cllr Mrs Coe MOVED and Cllr Mrs McKinlay SECONDED and it was RESOLVED that:

1. The Council approves Brentwood Borough Draft Local Plan for publication.
2. The Public consultation be carried out on the Draft Local Plan commencing 24th July 2013, or as soon as possible thereafter, for a period of 10 weeks.

3. A detailed plan be circulated with the consultation documents
4. A consultation programme would be published
5. Details of the consultation would be included on the Members' Portal

91. Lower Thames Crossing

The report before Members sought 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.

The Government was consulting until 16th 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 was presented in the consultation document, together with three different location options for a new crossing and a further variant on one of the options.

Cllr Mrs McKinlay MOVED and Cllr Parker SECONDED and it was RESOLVED that:

1. 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.
2. The response would be circulated to all Members and be published.

Cllrs Mrs Beeston and Mrs Cornell left during the meeting and were not present during consideration of the following items.

92. Notice of Motion – Welfare Reform Act 2012

Cllr Le-Surf had submitted a notice of motion and he MOVED and Cllr Morrissey SECONDED the following:

"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'."

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

Members voted as follows:

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

AGAINST: Cllrs Baker, Braid, Mrs Coe, Ms Golding, Hirst, Mrs Hones, Hossack, Kerlake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker, Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (19)

ABSTAIN: None

The Motion was LOST.

93. Motion – Night Time Economy

Cllr Aspinell had submitted a notice of motion and he MOVED and Cllr Mynott SECONDED the following:

“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.”

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

Members voted as follows:

FOR: Cllrs Aspinell, Baker, Chilvers, Clark, Clarke, Mrs Cohen, Mrs Davies, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Quirk and Sapwell (15)

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

ABSTAIN: None

The Motion was LOST.

(During consideration of this item Cllr Clarke declared a pecuniary interest under the Council's Code of Conduct by virtue of owning a business in the Town Centre).

94. Notice of Motion – Night Time Parking Charges

Cllr Kendall had submitted a notice of motion and he MOVED and Cllr Sapwell SECONDED the following:

“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.”

During the ensuing debate, a Member requested further information be provided regarding the financial implications of introducing evening charging in the Council's car parks.

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

Members voted as follows:

FOR: Cllrs Aspinell, Baker, Chilvers, Clark, Clarke, Mrs Cohen, Mrs Davies, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Quirk and Sapwell (15)

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

ABSTAIN: None

The Motion was LOST.

95. Notice of Motion – Parking Charges and Provision Review in Shenfield

Cllr Mrs Cohen had submitted a notice of motion and she MOVED and Cllr Clark SECONDED the following:

“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.”

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

“With the arrival of Crossrail expected at the end of 2014/start of 2015, we welcome the Leader's announcement at the Strategy and Policy Board meeting on 22nd May that consultation will commence this summer on a strategic parking charges and provision review in shenfield to protect our residents and businesses before, during and after the construction period. We acknowledge that the current work will continue ahead of any final decision being taken by the relevant panel”.

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

Members voted as follows:

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

AGAINST: Cllrs Aspinell, Baker, Chilvers, Clark, Clarke, Mrs Cohen, Mrs Davies, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Quirk and Sapwell (15)

ABSTAIN: None

The MOTION for AMENDMENT was CARRIED.

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

Members voted as follows:

FOR: Cllrs Mrs Coe, Ms Golding, Hirst, Mrs Hones, Hossack, Kerlake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker, Mrs Pound, Reed, Russell, Sleep, Sparling and Tee (17)

AGAINST: Cllrs, Baker, Braid, Clark, Clarke, Mrs Cohen, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Quirk and Sapwell (13)

ABSTAIN: Cllrs Aspinell, Chilvers and Mrs Davies (3)

The MOTION was CARRIED.

During discussion of this item, Cllr Lloyd requested that his belief that certain rules in Part 4.1 of the Council's Constitution had been breached be recorded, ie:

Amendments

3.3 Subject to Rule 3.4, 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.

8.2 Amendment without notice

Council will always consider an amendment even though notice of the amendment has not been given in accordance with Rule 3.3, subject to Rule 3.4 providing the amendment arises or emerges from the debate.

8.3.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words;

as long as the effect of (ii) to (iv) is not to negate the motion.

96. Notice of Motion – Right to Record Proceedings

Cllr Lloyd had submitted a notice of motion and he MOVED and Cllr Chilvers SECONDED the following:

“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.”

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

“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 except where the law requires the public to be excluded from that meeting, and that they should be entitled to use 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 therefore resolves to amend existing restrictions as necessary and charges the constitution working group with the support of the Council's legal officer to ensure these rights are included in the constitution and that these changes will be introduced in time for the next cycle of meetings starting in September 2013.

This change ensures that our Council truly embraces the belief of being open and transparent in the modern age and goes well beyond both the statutory requirements of the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.”

Cllrs Lloyd and Chilvers accepted the AMENDMENT and the MOTION was RESOLVED UNANIMOUSLY.
