

Minutes

**Ordinary Council
Wednesday, 22 October, 2014**

Attendance

Cllr Mrs Davies (Chair)	Cllr Le-Surf
Cllr Keeble (Vice-Chair)	Cllr Lloyd
Cllr Aspinell	Cllr McCheyne
Cllr Baker	Cllr Mrs McKinlay
Cllr Barrett	Cllr Morrissey
Cllr Carter	Cllr Mrs Murphy
Cllr Chilvers	Cllr Mynott
Cllr Clark	Cllr Dr Naylor
Cllr Cloke	Cllr Newberry
Cllr Mrs Coe	Cllr Parker
Cllr Faragher	Cllr Quirk
Cllr Mrs Henwood	Cllr Reed
Cllr Hirst	Cllr Russell
Cllr Mrs Hones	Cllr Ms Sanders
Cllr Hossack	Cllr Sapwell
Cllr Mrs Hubbard	Cllr Sleep
Cllr Kendall	Cllr Mrs Squirrell
Cllr Kerlake	Cllr Tee

Apologies

Cllr Mrs Cohen

Officers Present

Jo-Anne Ireland	Acting Chief Executive
Chris Potter	Monitoring Officer & Head of Support Service
Ben Bix	Corporate and Democratic Services Manager
Carol Davis	Electoral Services Officer
John Parling	Strategic Asset Manager
Jean Sharp	Governance and Member Support Officer

201. Apologies for Absence

Apologies for absence were received from Cllr Mrs Cohen.

202. Mayor's Announcements

The Mayor recounted some of the engagements she had undertaken since the 2 July 2014 Ordinary Council meeting.

203. Minutes of the previous meeting

RESOLVED to approve as a true record the minutes of the 2 July 2014 Ordinary Council meeting.

204. Questions from the Public

Two Questions had been received from Mrs Gearon-Simm as follows:

1. *'The shadow Chancellor, Ed Balls, has promised to cut ministerial pay by 5% if the Labour party are elected to government in 2015.'*

On 11 June 2014 at the Ordinary Council meeting under Item 15, the majority of Councillors voted themselves a 1% pay rise.

Many people have not had a pay rise for a long time.

Are there any councillors in the chamber who would be prepared to state in public that they have not taken this pay rise?'

The Monitoring Officer read our Cllr Aspinell's response as follows:

'There are I know many Councillors who have not accepted the 1% increase in allowances from within the Accord Group. I cannot speak for the Conservatives but it would be inappropriate tonight for Councillors to leap to their feet declaring their status in that regard. This is simply not the forum for it. I do have to say however, that I am totally opposed to the derisory amount that Councillors are currently paid, being used as a political football. I have always been of that opinion

Since the introduction of the allowances in the early 2000's successive Conservative administrations have cut the allowances paid as a means of declaring to the public 'Look how good we are' to coincide with the elections.

The amount that we receive cannot be described in truth as a recompense for time spent at the Offices as many of our Councillors have their own businesses, or work full time and the Council simply cannot afford to pay those Councillors their true worth. The role of Councillor has changed completely since the allowances were introduced. The Government now insists that the Revenue Support Grant will be removed and that we have to stand on our own two feet and raise revenue from other means.

Leadership and the Chairs have to put in the hours to oversee these new initiatives. Every Chair has additional responsibilities and a time demand that

eats into their social down time and family commitments. It is true that no-one forces us to take on this responsibility, but with the commitment in hours at the Council Offices, in addition to our role in our Wards, and outside bodies that many of us represent, versus the amount we individually receive, it would be wrong for the Public to be led to believe that we are on some sort of 'Gravy Train'. Three of our busiest Councillors, Councillor Baker Chair of Planning, Councillor Quirk, Chair of Assets, Councillor Kendall, Chair of Business and Town Centre; not to mention our Mayor, all have their own businesses and are able to arrange their diaries to fit in this additional demand and spend hours with me going through their commitments and their various roles.

I am mindful that there are Chairs that because they work full time cannot get into the office and feel disenfranchised and spend hours on the phone or email catching up.

Going forward I would like to be given the opportunity to put forward a case that will show fair recompense for time committed, and with no burden on our tax payer. This I believe is achievable and if I am in this position in a future budget setting meeting there may well be a proposal along those lines coming forward and will remove forever this politicising of Councillors' Allowances being eradicated for good and allow us to get on and do the job we have been elected to do, without constantly having to feel the obliged to defend our position'.

2. 'For the majority of people who hear of the Bedroom Tax and who are not affected by it, the idea that people in council housing should only be able to have a 'spare room', if they pay extra rent for it, can at first sound seductively sensible.

If Brentwood Borough Council believes that this is sensible, will the Bedroom Tax be continued by the present administration'.

Cllr Carter responded as follows:

'The spare room subsidy is legislature under the Welfare Reform Act 2012 and not a choice for the current administration; with a general election in May 2015 for local and national administrations it could change according to the political parties of the government.

The Welfare Reform Act 2012 placed a cap on the amount of housing benefit someone receives due to having spare rooms. This mirrors the private sector where benefit is paid based on need. They are required to make up the difference between the rent and the amount of housing benefit received. The Council operates an under occupation allowance of £1000 (one thousand pounds) per bedroom for Council tenants wishing to downsize their properties.

No evictions have taken place during my tenure because of bedroom tax if there is outstanding benefit; pre-court action prevents any action being taken. The Council makes agreement with tenants to clear any money owed to it. He is not aware of any authorities who have chosen not to follow bedroom tax personally but knows from research and general interest that Brighton and

Hove Unitary Authority have opted to follow a non-eviction policy in relation to bedroom tax.

Like the bedroom tax/spare room subsidy this could appear an attractive option. However humane and genuine the intention, a no-evictions policy is not a practical long-term solution to assist lower income residents in need.

How would we know if the arrears are the result of bedroom tax or another factor? It is practical to provide tangible help for low income households and that is what needs to take centre stage. Eviction is always a final course of action if a tenant has fallen seriously behind in their rent. Members will know from information they receive that this is likely to be more than a couple of thousand pounds. The housing Department under my watch and certainly that of Ms Gregory is certainly helping residents put in the most vulnerable circumstances as a result of the bedroom tax or otherwise or should their financial situation change suddenly as we know it can.

Unfortunately poor record keeping from the previous administration has meant rather frustratingly that we have a lack of recorded information on the number of people who have been affected or assisted with help with the bedroom tax although I know we currently have two people wishing to downsize to a smaller property who we will help when a suitable property of their choice becomes available. My view is our arrears policy and procedure is currently outdated and this is why one of the areas we are working on as part of our Key Performance Indicators (KPI) workshop improvement programme is to improve this, modernise it and offer additional help where we can. For example this is currently very letter orientated with minimal personal contact. We also provide advice on income maximisation for tenants however it is not currently structured as the Head of Housing or I would like to see it. This is an area I hope you will see improvements within. We are working on a new arrears policy and procedure and this will be reviewed in the first week of November. It will include lots of personal contact and structured interviews in person to assess it fully and referrals to Citizens Advice Bureau where appropriate. Also there will be the opportunity for housing to use the new local Support Services Framework that our Council Tax team are leading on – a partnership arranged between the Council and CAB and organisations like Synergy and Job Centre Plus. When this goes live it will help people to find jobs and is an example of proactive steps this department will be taking to assist those who come to us in need, particularly if they are affected by the bedroom tax. I would like to give Mrs Gearon-Simm and all the residents of the borough an assurance that we will do our utmost to assist any resident in need including if they are affected by the bedroom tax or spare room subsidy’.

205. Variation in the Order of the Agenda

Cllr Mrs Davies MOVED and Cllr Keeble SECONDED and it was RESOLVED that Item 10 in the agenda – Warley Training Centre – Acquisition of 5 residential units – be considered next.

206. Warley Training Centre - Acquisition of 5 residential units

The Asset & Enterprise Committee on 15 July 2014 resolved “That conditional contracts for the sale of the property are exchanged with the highest and most compliant bidder (Bid B), with the Council then negotiating to retain 5 units for revenue purposes.”

A further report was presented to the Asset & Enterprise Committee on 17 September 2014 confirming that the Council’s solicitors had been instructed regarding the sale and negotiations had been undertaken to retain 5 units at a discount to current values.

Details of the proposed acquisition of the 5 units were set out in a confidential appendix before Members.

Cllr Quirk MOVED and Cllr Sapwell SECONDED the recommendations within the report and it was RESOLVED:

- 1. That delegated authority be given to the Acting Chief Executive to approve and enter into the conditional contract on behalf of the Council relating to the acquisition of the 5 x 2 bedroom apartment units as set out in exempt Appendix 1(Confidential) but such delegated authority shall be conditional upon best consideration relating to such acquisition and the connected disposal being reaffirmed to the satisfaction of the Section 151 Officer at the date of exchange of contracts by an independent RICS (Royal Institution of Chartered Surveyors) qualified surveyor.**
- 2. Members approve a virement from the Parking and Improvement Scheme to address the reduction in the original capital receipt anticipated for this sale.**

207. Memorials or Petitions

Cllr Mrs McKinlay presented two petitions relating to:

1. Protection of the Green Belt
2. Parking in Shenfield in relation to Crossrail

The petitions would be passed to the appropriate committee for consideration.

208. Members' Questions on Chairs' Reports

Committee Chairs’ reports were before Members. Cllr Carter gave a further update in relation to the fire at Thoby Lane Mountnessing and Cllr Chilvers reported outcomes from the Community Committee held the previous evening.

Members asked questions of Chairs and responses were given.

209. Changes to Council Representation on Outside Organisations

Councillors were appointed as Council representatives for a number of outside organisations and representation for the 2014-15 municipal year was approved at the 2 July 2014 Ordinary Council meeting. Since then, some additions and amendments needed to be made, proposals for which were before Members.

Cllr Aspinell MOVED, Cllr Lloyd SECONDED and it was RESOLVED UNANIMOUSLY that the proposed amendments to Council Representatives on Outside Organisations be approved as follows:

- (i) Brentwood Nighttime Action Group – Cllr Baker to be added**
- (ii) Brentwood Renaissance Group – Cllr Hossack to be added**
- (iii) Health and Wellbeing Board – Cllr Ms Sanders to replace Cllr Carter**
- (iv) ECC Local Highways Panel – Cllr Clark to replace Cllr Mrs Cohen**

210. The Review of Polling District & Polling Places (Parliamentary Elections) Regulations 2006

Members were reminded that the Council was required to conduct a review of polling districts and polling places within the Parliamentary Constituency in accordance with the above regulations.

Details of the existing arrangements were circulated to Ward Councillors in June and the relevant public notices were displayed. The existing polling district provisions having proved satisfactory, the Acting Returning Officer had made no recommendations for modification of the polling districts and polling places.

Members were advised that a review of arrangements for elections was to be considered by the Finance and Resources Committee on 29.10.14.

Following a discussion, Cllr Aspinell MOVED and Cllr Lloyd SECONDED the recommendation in the report and it was RESOLVED UNANIMOUSLY that the schedule of Polling Districts and Polling Places be reconfirmed without modification.

211. Whole Council Elections

The report before Members advised of the Council's power to change its electoral scheme to whole council elections. Brentwood Borough Council operated an election scheme by thirds, holding a Borough election three years out of four. Members noted that the typical cost to the Council of a shared election was £69,000 and the cost of a sole Borough Council election was £95,000 therefore whole council elections offered a potential saving of between £138,000 and £195,000 over a four year cycle.

The Council could change its electoral cycle should it resolve to do so and in order to do this must:

- a) Have taken reasonable steps to consult such persons as was considered appropriate on the proposed change;
- b) Convene an extraordinary meeting of Council to consider the proposed change;
- c) Have at least two-thirds of those voting at the extraordinary meeting of Council vote in favour of the proposed change; and
- d) Ensure that the year for the first ordinary whole council election was specified in the resolution. This could not be the same year(s) as whole council elections for the County Council.

The report before Members initiated step a) above and facilitated step b).

Following a discussion, Cllr Lloyd MOVED and Cllr Chilvers SECONDED the recommendation in the report and it was RESOLVED that:

- 1. The Council resolves to consult interested parties on whole council elections for Brentwood Borough Council;**
- 2. An extraordinary meeting of Council be convened on 10 December 2014, at the rising of Ordinary Council.**

In response to a request from Cllr Mrs McKinlay, Cllr Lloyd agreed that the format of the consultation form (shown as Appendix B to the agenda) would be considered by Group leaders

212. Notices of Motion

Three Notices of Motion had been included in the agenda but before the meeting Members had been advised that the Motion submitted by Cllr Hirst had been withdrawn by officers since it was considered that additional information provided by officers had addressed the matter to which it related.

Cllr Hirst believed this course of action to have been improper and submitted a letter to the Mayor which called for an Extraordinary meeting of the Council and which had been signed by the requisite number of Members. The Monitoring Officer agreed to advise Group leaders regarding the content of the letter.

Cllr Russell had given notice of a Motion as follows:

"Members of Brentwood Borough Council believe that membership of the cross party William Hunter Way Working Group should have representation from all elected parties and not just those in the Administration. We agree that in the name of openness, transparency, scrutiny and democracy, the Conservatives should be included proportionate to the number of Council seats held. This will ensure fairness all round."

Cllr Kerlake SECONDED the Motion and following a debate, Cllr Quirk MOVED and Cllr Sapwell SECONDED an AMENDMENT which was agreed by Cllrs Russell and Kerlake and it was RESOLVED as follows:

"Members of Brentwood Borough Council believe that membership of the cross party William Hunter Way Working Group should have representation from all elected parties and not just those in the Administration. We agree that in the name of openness, transparency, scrutiny and democracy, the Conservatives should be included proportionate to the number of Council seats held in the Town Centre. This will ensure fairness all round."

Following the resolution being made, in accordance with Rule 8.4.2 of the Council's Procedure Rules, the Mayor requested and it was RESOLVED UNANIMOUSLY that Cllr Faragher should leave the meeting.

Cllr Mrs McKinlay had given notice of a Motion as follows:

"Part 1

"That, as members of Brentwood Borough Council believe that Crossrail is a major project for the Borough, planning application BRW/14/01016/CROSS stands referred to the Planning and Development Control Committee for consideration and to make a recommendation only and that Council shall itself determine that application, notwithstanding any scheme of delegation."

Part 2:

"That, should the timetable of scheduled meetings of the Planning and Development Control Committee and/or the Council be likely to adversely impact on the legally stipulated timeframe for the determination of planning application BRW/14/01016/CROSS, the Council shall submit a written request to the applicant to consent to an extension of time for determination and that delegated power be granted to the Acting Chief Executive, in consultation with the Chair of the Crossrail Working Group, the Leader of the Council and the Leader of the Opposition Group, to submit such a request and to call if required such extraordinary meeting or meetings of the Planning and Development Control Committee and the Council as may be necessary."

Cllr Hirst SECONDED the Motion and a discussion followed.

Members were advised that under the Crossrail Act 2008 only limited local issues could be influenced by the Council.

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

213. Urgent Business *(The Mayor considered the following matters to be urgent business since a decision needed to be made before the next Full Council meeting)*

(a) Chair of Licensing Committee: Members were requested to nominate a Chair for Licensing Committee since Cllr Mrs Cohen had stood down from this role.

Cllr Barrett was nominated as Chair and since he had previously been Vice-chair, Cllr Newberry was nominated as the new Vice-Chair.

A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that Cllr Barrett be appointed Chair of Licensing Committee and Cllr Newberry be appointed Vice-chair of Licensing Committee with immediate effect.

(b) Assets of Community Value: Members were reminded that the Localism Act 2011 introduced powers available to the community allowing them to nominate assets of community value to be listed by the Local Authority. The Local Authority had eight weeks in which to determine such applications. Listing such an asset potentially imposed a six month moratorium at the time of its disposal allowing the community the opportunity to raise funds to purchase the asset. Currently Council delegation to determine such nominations was given to the Head of Borough Health, Safety & Localism in consultation with the Chair of Strategy and Policy Board and ward Members. As this Board no longer existed it was appropriate to reassign the consultees.

Cllr Chilvers MOVED and Cllr Mrs Squirrel SECONDED and it was RESOLVED UNANIMOUSLY that:

1. The Community Committee be granted delegated authority to determine applications/nominations for designation of assets of community value.

2. Should the timing of Committee meetings not permit that, the Head of Borough, Health Safety and Localism be granted delegated authority to determine applications/nominations for designation of assets of community value provided that such delegated authority be only exercisable after consultation with the Leader of the Council and any ward Members.

(c) Royal Anglian Regiment Freedom March: A report had been circulated relating to the Mayor's wish to invite the Royal Anglian Regiment to undertake a Freedom March in 2015 when they returned from their tour of duty in Afghanistan.

Cllr Mrs Davies MOVED and Cllr Keeble SECONDED the recommendations in the report and it was RESOLVED UNANIMOUSLY that Members support the Mayor's invitation to the 1st Battalion Royal Anglian Regiment to exercise their Freedom of the Borough in 2015 (date tbc.)

Termination of Meeting

During the preceding item, in accordance with Rule 28 of Part 4.1 – Council Procedure Rules, the business of the meeting not having concluded by two hours after its start, Members voted and agreed to continue with the meeting for a further 30 minutes.