

Minutes

Ordinary Council Tuesday, 24th March, 2015

Attendance

Cllr Mrs Davies (Mayor)	Cllr Le-Surf
Cllr Keeble (Deputy Mayor)	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 Cohen	Cllr Parker
Cllr Mrs Coe	Cllr Quirk
Cllr Faragher	Cllr Reed
Cllr Mrs Henwood	Cllr Russell
Cllr Mrs Hones	Cllr Ms Sanders
Cllr Hossack	Cllr Sapwell
Cllr Mrs Hubbard	Cllr Sleep
Cllr Kendall	Cllr Mrs Squirrel
Cllr Kerlake	

Apologies

Cllr Hirst	Cllr Tee
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Officers Present

Philip Drane	- Planning Policy Team Leader
Graham Farrant	- Chief Executive
Gordon Glenday	- Head of Planning & Development
Chris Leslie	- Financial Services Manager
Roy Ormsby	- Head of Street Scene
Chris Potter	- Monitoring Officer & Head of Support Services
Philip Ruck	- Contracts & Corporate Projects Manager
Jean Sharp	- Governance and Member Support Officer

506. Apologies for Absence

Apologies for absence were received from Cllrs Hirst and Tee.

507. Mayor's Announcements

The Mayor proposed and it was agreed that Item 5 – Members' Questions on Chairs Reports be considered after Item 14 - Notices of Motion.

508. Minutes of the previous meetings

Members **RESOLVED** to approve as a true record the minutes of the Ordinary Council meetings held on 4 February 2015 and 4 March 2015.

509. Questions from the Public

No public questions were received.

510. Memorials or Petitions

Cllr Aspinell presented a petition relating to the land occupied by Hopefield Animal Sanctuary.

511. Local Development Plan - Strategic Growth Consultation - Initial Findings

Members were reminded that, as part of preparing its new Local Plan, the Council agreed to consult on Strategic Growth Options at the meeting of Ordinary Council on 10 December 2014.

The Strategic Growth Options Consultation took place for six weeks until 17 February 2015. A summary of some of the initial findings from representations input onto the Council's consultation software so far was presented to Members in order to share information as soon as possible.

Cllr Mynott MOVED and Cllr Baker SECONDED the recommendation in the report and it was RESOLVED UNANIMOUSLY that Members note the initial findings so far and await more detailed analysis as part of Local Plan preparation in due course.

Reason for Decision

The presentation of initial findings enabled information to be shared as soon as possible about some of the responses received and key themes that the Council needed to consider as part of the plan making process.

However, it was important to note that while initial findings gave an indication of comments received, these did not provide the final view and would require further input and analysis.

512. Letter to the Secretary of State regarding the Brentwood Local Development Plan

Members were aware that the public consultation on the Brentwood Local Development Plan (LDP) Strategic Growth Options had just been completed. A key element of the LDP was the assumption that around 3000 new homes may need to be provided on land currently designated as green belt. If it was proposed to de-designate parts of our green belt to meet future housing needs, Members would need assurances that this growth would be accompanied by the timely delivery of the necessary infrastructure to meet increasing demands for new physical and social infrastructure such as schools, roads, health-care and sports and leisure facilities.

It was therefore proposed to send a letter after the national elections to the incoming Secretary of State for Communities and Local Government seeking assurances that Brentwood's proposed housing growth could only be sustainable if the appropriate physical and social infrastructure was resourced and delivered in parallel with the housing development. A draft letter had been circulated to Members and was tabled at the Ordinary Council meeting for consideration.

Cllr Mynott MOVED and Cllr Baker SECONDED the recommendation in the report and following a debate a recorded vote was requested in accordance with Rule 9.5 of the Council's Procedure Rules. Members voted as follows:

FOR: Cllrs Aspinell, Baker, Barrett, Carter, Chilvers, Clark, Mrs Cohen, Mrs Davies, Mrs Hubbard, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Newberry, Quirk, Sapwell and Mrs Squirrell (19)

AGAINST: Cllrs Faragher, Mrs Hones, Kerlake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker, Reed and Sleep (10)

ABSTAIN: Cllrs Cloke, Mrs Coe, Mrs Henwood, Hossack, Russell and Ms Sanders (6)

The MOTION was CARRIED and it was RESOLVED that Members agree to send the letter to the in-coming Secretary of State for Communities and Local Government.

Reason for Decision

The letter to the Secretary of State for communities and Local Government will emphasize Brentwood Borough Council's concerns that future housing growth needed

to be accompanied by the funding and timely delivery of the appropriate physical and social infrastructure needed to facilitate the proposed growth.

513. Constitution (Revision)

Following discussions with the Leader of the Council and the Leader of the Main Opposition Group, **it was RESOLVED by assent of the meeting that this item of business be deferred to a Council meeting early in the new municipal year.**

514. Modern Planning Service

The report before Members included proposals for improved delivery of the Council's planning services. The proposals focused on the current system of delegation of decisions of planning applications and enforcement cases and set out an alternative process as explained in the appendices to the report.

Cllr Baker MOVED and Cllr Lloyd SECONDED the recommendations in the report.

Cllr Mrs McKinlay MOVED and Cllr Mrs Hones SECONDED an AMENDMENT, the addition of '2.5 That the new process be reviewed after 3 months'.

Cllrs Baker and Lloyd did not accept the amendment. A vote was taken on a show of hands and the AMENDMENT was LOST.

Returning to the SUBSTANTIVE MOTION, following a discussion, a vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that:

- 1. All planning decisions to be delegated to the Head of Planning except for those retained to the Planning and Development Control Committee, or referred to as set out in the revised delegation arrangements and call-in referral protocols.**
- 2 . The replacement of the weekly list production by email alert of validated applications and method of call-in of planning applications by Ward Members, Parish Councils or Chair /Vice Chair to Committee.**
- 3. Enforcement issues be determined having regard to the Planning Enforcement Plan when adopted.**
- 4. Revised planning protocols, delegation arrangements and other Constitutional changes to implement the above be adopted.**

Reason for Decision

The Council had a foundational basis for its Planning Service in historical constitutional arrangements, some of which dated back to 1982. The need for review and update was urgent, therefore, as there was increasing risk of challenge from working with such out-dated procedures.

The removal of the weekly list would enable Members to get involved with applications at a much earlier stage in their process and work positively with officers as they made their technical assessments. The removal of the weekly list would result in efficiency savings.

515. Planning and Building Control Fees and Charges Review

The report before Members reviewed the Council's Planning and Building Control non- statutory fees and charges. The current fees and charges had been benchmarked against the rates charged in other Essex councils and some East London Boroughs to gauge how Brentwood's rates compared with similar services elsewhere in the area.

The evidence suggested that Brentwood was currently undercharging for the planning and building control services it provided. It was therefore proposed to increase the planning and building control fees and charges to a more appropriate level given the level of service currently offered. It was also proposed to review the planning and building control fees annually to ensure they reflected the services provided and prevalent market conditions in the development industry. It was important for the Council to undertake an annual review of fees and charges moving forward as Council budgets continued to reduce and the need to increase income external sources such as fees and charges became increasingly important.

The report did not propose to increase the photocopying charges for Planning and Building Control.

Cllr Baker MOVED and Cllr Aspinell SECONDED the recommendations within the report and a vote was taken on a show of hands. It was RESOLVED UNANIMOUSLY that:

- 1. The Council's Planning and Building Control non-statutory fees and charges be amended to the rates outlined in paragraph 4.3 of the report, with effect from 1 April 2015.**
- 2. An annual review and future revision where appropriate of all Planning and Building Control non-statutory fees and charges be delegated to the Head of Planning and Development after consultation with the Chair of the Planning and Development Committee.**
- 3. In relation to recovery of costs relating to the inspection and monitoring of Section 106 Agreements, standard clauses be introduced to the Council Agreements where appropriate, with the**

agreement of the Head of Planning and Chair of Planning and Development.

Reason for Decision

Brentwood Council's Planning Fees and Charges had not been reviewed since 2010 and so did not reflect the current costs of providing non-statutory planning services to developers. Neither did they consider the increasing budget constraints facing the public sector meaning that there was now a prerogative upon all Council services to generate income wherever possible to contribute to the provision of high quality services to residents and businesses.

516. Enforcement Plan Adoption Report

The report before Members set out responses to the consultation Draft Enforcement Plan, including internal consultations. The Government had a fund for assistance with the costs of Legal injunctions under planning legislation whereby Local Authorities bidding for financial assistance must have an adopted enforcement plan for three months prior to bidding.

The Planning Enforcement Plan amended as agreed by the Planning and Development Control Committee was provided as a supplement to the agenda and this now included a scoring chart for assessing harm and expediency for taking Enforcement Action. New procedures were required for recording decisions taken under delegated powers under the Openness of Local Government Bodies Regulations when the effect of the decision affected the rights of an individual. The effect of such decisions had to be published and maintained on the website for six years subject to exceptions as to confidential or exempt information. Better use should be made of technology support as the weekly list was replaced.

Cllr Baker MOVED and Cllr Aspinell SECONDED the recommendations within the report . Cllr Mrs McKinlay proposed the addition of 'and Ward Member' to recommendation 2.2 and Cllrs Baker and Aspinell accepted this amendment.

A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that:

- 1. The Planning Enforcement Plan as amended by the Planning and Development Control Committee be adopted with effect from 1st April 2015**
- 2. All planning enforcement decisions be delegated to the Head of Planning and Development and in his absence the Team Leader of Development Management or and Planning Policy subject to the Enforcement Plan. Decisions to approve recommendations of any type of stop notice, injunction or prosecution action shall not be taken under delegated authority except after consultation with the**

Chair or Vice-Chair of the Planning and Development Control Committee and Ward Member and having regard to such advice as may be practicable and appropriate. A record of all enforcement decisions shall be made in accordance with statutory requirements

- 3. That a review of Enforcement Plan operation be considered annually by the Planning and Development Control Committee**

Reason for Decision

To ensure the Council is eligible to access the Government's fund for assistance with the costs of Legal injunctions under planning legislation whereby Local Authorities bidding for financial assistance must have an adopted enforcement plan for three months prior to bidding.

517. Assignment of Strategic Safeguarding Lead and Member Champion

Members were reminded that at its 17 December 2014 meeting, the Community Committee considered a report on Safeguarding Policy and Procedures.

The recommendations included in the report were resolved unanimously by the Committee and for one of these agreement was needed by Full Council, as follows:

3. Members recommend that the Strategic Safeguarding Lead be assigned to the (Acting) Chief Executive and the Safeguarding Member Champion be allocated to the Leader of the Council, to be agreed at Ordinary Council.

Cllr Lloyd MOVED and Cllr Clark SECONDED the recommendation in the report and it was RESOLVED that the Council's Strategic Safeguarding Lead be assigned to the Chief Executive and the Safeguarding Member Champion be allocated to the Leader of the Council.

Reason for Decision

To ensure the Council's compliance with Section 10 and 11 of the Children's Act 2004 (and by implication sections 157 and 175 of the Education Act), and as part of the Southend, Essex and Thurrock (SET) procedures to work together to protect children, young people and vulnerable adults.

518. Elections - Appointment of Registration Officer and Returning Officer

Members were reminded that the Council must appoint a named individual to the roles of the Electoral Registration Officer and Returning Officer.

The purpose of the report was to make the appointments to these roles.

Cllr Lloyd MOVED and Cllr Aspinell SECONDED the recommendations within the report. A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that:

- 1. Graham Farrant be appointed as the Registration Officer under section 8 of the Representation of the People Act 1983.**
- 2. Graham Farrant be appointed as the Returning Officer under section 35 of the Representation of the People Act 1983.**

Reason for Decision

These appointments were legally required in order that the Council could continue to meet its statutory responsibilities in respect of electoral administration.

519. Notices of Motion

Cllr Barrett had submitted the following Motion in accordance with the Council's procedure rules which was SECONDED by Cllr Kendall.

"The Council believes that giving blood saves and improves lives, and that without the support of the highly experienced Brentwood staff team many lives would not have been improved and saved. The Council further believes that this team at the Brentwood Blood Donor Centre are assets to the community that will be much missed by their donors and the wider population when the facility is lost.

That the Council (1) recognises the good work of the staff and the generosity of the thousands of donors who have used the Brentwood Blood Donor Centre (2) expresses its disappointment at the loss of this facility to the community and its regret upon the breaking up of a staff team who have supported hundreds of donors.

That the Council will seek, in recognition of the loss of the Centre, to engage with the National Blood Service to make sure appropriate facilities remain open to encourage blood donation and that through the Audit & Scrutiny Committee, the Council will seek to understand the impact on donors from the loss of this team and facility, alongside investigating the facilities proposed by the National Blood Service to replace this loss."

Following a discussion and vote on a show of hands the Motion was RESOLVED UNANIMOUSLY.

Reason for Decision

The Council supported the Motion.

520. Members' Questions on Chairs' Reports

No written questions had been received and Chairs responded to Members' oral questions.

Chris Leslie left the meeting.

521. Urgent Business - Appointment of Chief Finance Officer (Section 151 Officer)

The Mayor considered this matter urgent business to ensure the Council's compliance with Section 151 of the Local Government Act 1972.

A report had been tabled for Members' consideration.

The Council was required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs and must ensure that one of its officers had responsibility for the administration of those affairs.

Following the resignation of the Director of Strategy and Corporate Services ('the Section 151 Officer') on 4 March 2015, and the impending return at the end of March to the London Borough of Barking and Dagenham of Chris Leslie (whom the Section 151 Officer had appointed to act in her absence), there arose a need for the Council to formally appoint a person as its Chief Finance Officer/ Section 151 Officer.

Part VIII of the Local Government Finance Act 1988 described the qualifications required for appointment and the functions and duties of the role.

The role of Finance Director (Section 151 Officer) was advertised and suitable candidates were interviewed by a Panel of Members in accordance with Part 4.7 'Staff Employment Procedure Rules' of the Council's Constitution.

Cllr Lloyd MOVED and Cllr Kendall SECONDED the recommendation in the report and the Chief Executive advised Members of name of the person the Panel proposed to appoint.

The vote was taken on a show of hands and it was RESOLVED that the Council appoints Chris Leslie as its Chief Finance Officer (Section 151 Officer) on and with effect from 24 March 2015.

Reason for decision

The Council was required by Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs and must ensure that one of its officers had responsibility for the administration of those affairs.

The meeting ended at 10.50pm.