

Minutes

Ordinary Council Wednesday, 27th January, 2016

Attendance

Cllr Reed (Mayor)	Cllr McCheyne
Cllr Mrs Hones (Deputy Mayor)	Cllr Mrs McKinlay
Cllr Barrell	Cllr Morrissey
Cllr Barrett	Cllr Mrs Murphy
Cllr Carter	Cllr Mynott
Cllr Chilvers	Cllr Parker
Cllr Clark	Cllr Poppy
Cllr Cloke	Cllr Pound
Cllr Mrs Coe	Cllr Ms Rowlands
Cllr Mrs Davies	Cllr Russell
Cllr Faragher	Cllr Ms Sanders
Cllr Mrs Henwood	Cllr Mrs Slade
Cllr Hirst	Cllr Sleep
Cllr Hossack	Cllr Mrs Squirrel
Cllr Mrs Hubbard	Cllr Tee
Cllr Keeble	Cllr Trump
Cllr Kendall	Cllr Wiles
Cllr Kerlake	

Apologies

Cllr Aspinell	Cllr Newberry
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Officers Present

Philip Drane	- Planning Policy Team Leader
Gordon Glenday	- Head of Planning & Environment Health
Helen Gregory	- Interim Head of Housing
Gary O'Shea	- Principal Licensing Officer
Philip Ruck	- Head of Paid Service
Jean Sharp	- Governance and Member Support Officer

317. Apologies for Absence

Apologies were received from Cllrs Aspinell and Newberry.

318. Declarations of Interest

No declarations of interest were received.

319. Mayors Announcements

The Mayor recounted some of the engagements he had undertaken since the last Ordinary Council meeting and, as requested, invited Cllr Mrs McKinlay to pay tribute to Cllr Hirst for his work in his former role as Deputy Leader of the Council.

The Mayor was proud to advise that Brentwood was the only Essex Council to receive three trophies at the recent Active Essex Awards presentation event held in Colchester, and had invited representatives from the three winning organisations - Trailnet, Brentwood Barbell Girls and Brentwood Leisure Trust to the meeting to receive the Council's congratulations.

320. Variation in the order of the agenda

The Mayor proposed and it was agreed to vary the order of the agenda so that Item 8 – Appointment of Monitoring Officer and Item 13 – Draft Local Plan were considered after Item 4 – Minutes of the last meeting and after Item 7 – Members' Questions on Chairs' Reports respectively.

321. Minutes of the previous meeting

The minutes of the Ordinary Council meeting held on 18 November 2015 were agreed as a true record subject to the addition of further information being included which was provided by Cllr Kendall in relation to Cllr Cloke's response to a public question under Minute 227.

It was set out in the Minutes (of 18 November 2015) that Cllr Cloke had advised that the decision to launch the Mi-permit system was made at the SEPP meeting on 15.7.2014 which was attended by Cllr Kendall in substitution for Cllr Newberry. Cllr Cloke said that relaying the approval of the system to BBC Members was the responsibility of the Joint Committee Member, ie Cllr Kendall on this occasion, but that Members had not been informed.

Cllr Kendall in response to this stated that the reason that Members had not been informed was due to a delay with the Business Support Team. As above, at the meeting of 27 January 2016 Cllr Kendall raised this as an addition to the minutes and provided a copy of the minutes of the 15.7.14 SEPP meeting which stated in relation to the launch of the Mi-Permit system: *'The Business Support Team was working on the system being launched in Brentwood. In answer to a question from Cllr Kendall, Nick (Binder, SEPP*

manager) *confirmed that six weeks before the system was to be launched in Brentwood the public and all Councillors would be advised but in the meantime, the Lead Officer and the Joint Committee member would be kept fully informed about progress*'.

322. Public Questions

Three public questions had been received subsequent to the agenda being published, as follows.

Question 1 from Ms Herrington:

What features of the Local Development Plan are designed to make it easier for children brought up in Brentwood to live here?

Response from Cllr Mrs McKinlay:

"Thank you for the question which is, I'm sure, no coincidence being timely given that we will be debating the draft consultation for the LDP later on tonight.

In terms of the content and what does it mean for people who have grown up or been born here, owning their own home and being able to live here is fundamental. We know that nationally there is a shortage of housing. What is particularly acute in our area is how young people can get a start to get a foot on the ladder in the first place. This is primarily down to house prices but is driven by supply and demand.

So the draft local plan will outline development sites over the next 15 years, which will see an additional 5,500 homes brought to the borough.

This goes some way to helping people who are very keen and have often 'done the right thing': they have studied, worked hard and have got a job. All too often even when there are two incomes coming into a household, to rent and then be able to save for a property is almost impossible in many situations. The LDP is fundamental in helping to deliver that and I would take this opportunity to say as well that through this entire process it is not just about having additional homes, it is where those sites will go and about us being in control of that decision. What is so key tonight is that we look at agreeing to go to the consultation.

It is not just for residential homes, it is also for businesses and it is about where economic growth can come which is a key part. Clearly you can't have homes if you can't have jobs for people in the area. We are fortunate where we live that we have strong links to London and the City. Through the LDP we have the opportunity to provide new sites where employment can take place and help the local economy and fit into that cycle to take the first step to people owning their own home.

The key point is that the LDP is absolutely crucial and the next step in the process is vital for us to be able to deliver on these additional homes”.

Question 2 from Ms Herrington:

Given the risks to mental health by the isolation, what conversations have Brentwood Borough Council had with Essex County Council regarding improving public transport between the parishes and the Town Centre?

Response from Cllr Mrs McKinlay:

“The Borough Council works closely with Brentwood Community Transport which provides those people who cannot access mainstream public transport due to age, illness or geographical isolation with transport to the town centre. They provide a number of services, one is a Social Car Scheme which provides local journeys for residents who can access standard vehicles but are unable to use public transport. There is a Hospital/Shopper Bus – which transports members of the public from rural areas of Brentwood to/from hospitals.

The Hospital/Shopper service is currently funded by Essex County Council but I understand this funding ends in March 2016. Brentwood Community Transport are working with the Bus and Rail Users Association to look at other ways to deliver the service and funding streams that could continue to support these services”.

Question 3 from Ms Kortlandt :

‘As today is Holocaust Memorial Day, will the Council celebrate the thousands of British families who saved the lives of Jewish refugees from the Nazis? In view of the grave refugee crisis now facing Europe, will they reconsider their decision to house only 1 refugee family, in particular, will they consider offering places to unaccompanied children and set up a network so that Brentwood residents can support them?’

Response from Cllr Mrs McKinlay:

“Thank you for the question which is particularly timely given the Holocaust Memorial Day.

Also, it has greater significance when we look daily at our television screens and see what’s happening across Europe.

Do I think that we should be taking more than one refugee family? What I actually said, back in the summer when we started to look at this was that we would look in the beginning at just one family. The position at the moment is not as easy as it may appear from the outside in as much as Brentwood does not have excess Council housing stock, we have about fifteen hundred people on the waiting list. We have a sizable number of people who are classified as homeless.

The first challenge is where we could possibly house these families, which inevitably puts us into the private sector. I did hold a meeting before Christmas with partners who have different things that they can bring to the table. We made clear last year that we cannot deal with this alone and I think that is broadly accepted. So we have met with religious groups, interpreters and people with experience of working with refugees.

The next piece of work that is currently underway, is to try to find somewhere in the private sector where we could house a family. The reason I say that we will be starting with one is because I think that it is absolutely crucial that we get this right and that we can then learn from that and build on it.

So do I intend that we would stop at one, no.

In regards to the unaccompanied children, I know that has been in the news a lot recently and we need to see what comes forward from the Government.

There is unfortunately a reality around it all in terms of how these things are funded and it is not even as straightforward as just finding somewhere for people to live which is a challenge in itself but it is all additional services that will be needed. For example, education, GP's and social services particularly, given the dreadful experiences that some of these people will have gone through.

So we are working together with partners across the board to see how we can deliver the services and bring the first family to Brentwood and see how that goes. Once we have done that we will look at what else we can do".

323. Appointment of Monitoring Officer

The report before Members related to the appointment of a replacement Monitoring Officer for Brentwood Borough Council following the resignation of the Council's previous Monitoring Officer with immediate effect on 30 November 2015.

The Staff Appointments Committee met on 11 January 2016 to consider the interim arrangements and agreed that Barking, Dagenham and Thurrock Legal Services should provide cover for the Monitoring Officer role.

The Council had a duty to ensure that the statutory post of Monitoring Officer was occupied. The proposed interim appointment of Mr Daniel Toohey would fulfill that obligation whilst a more permanent solution was determined.

Cllr Mrs McKinlay MOVED and Cllr Kerslake SECONDED the recommendation in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY:

That Daniel Toohey is temporarily appointed as the Council's Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989. The appointment will be subject to regular review by the Head of Paid Service in consultation with Group Leaders.

Reasons for Recommendation

It is a requirement under Section 5 of the Local Government and Housing Act 1989 (Section 5 as amended by Schedule 5 paragraph 24 of the Local Government Act 2000) that the Council has a statutory duty to appoint a Monitoring Officer.

Part one article 9.3 of the constitution sets out the duties of the Monitoring Officer, which were in brief:

- a. Maintaining the constitution
- b. Ensuring lawfulness and fairness of decision making
- c. Proper officer for access to information
- d. Providing advice

Part 3.1 section 2.8(a) of the constitution allows for the Staff Appointments Committee to appoint the Monitoring Officer.

Under part 3.1 section 1.2(p) Ordinary Council must confirm the appointment.

324. Memorials or Petitions

The Mayor received two petitions at the meeting:

1. Cllr Hirst presented a petition including 281 signatures requesting that a 10.00am to 11.00am parking restriction be introduced between in the following roads in Shenfield: Princes Way, The Coverts, Woodway and Spurgate.
2. Cllr Chilvers presented a petition including 147 signatures objecting to housing development at land off Honeypot Lane, Brentwood.

325. Committee Chairs Reports and Members Questions

In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility was included in the agenda.

Any Member was entitled to ask a Chair a written or oral question 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 affected the Council's area and which fell within the area of responsibility of the Chair's committee.

No written questions had been received before the meeting and the Chairs responded to questions put to them by Members.

326. Draft Local Plan

Members were reminded that the Council was required by law to produce a new Local Plan for the Borough. Recent Local Development Plan (LDP) consultations in 2013 and 2015 had been considered as part of the plan making process and representations and further evidence had informed the next version of the Plan, the Draft Local Plan.

The Draft Local Plan having been prepared, public consultation was required and a six-week consultation was proposed, beginning in early February 2016.

Cllr McCheyne **MOVED** and Cllr Mrs McKinlay **SECONDED** the recommendations in the report and following a full discussion a recorded vote was requested in accordance with Rule 9.5 of the Council's procedure rules.

For: Cllrs Barrell, Cloke, Mrs Coe, Faragher, Mrs Henwood, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, Mrs Murphy, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Ms Slade, Sleep, Tee, Trump and Wiles (24)

Against: Cllrs Barrett, Chilvers, Kendall, Morrissey and Mynott (5)

Abstain: Cllrs Carter, Clark, Mrs Davies, Mrs Hubbard, Keeble and Mrs Squirrell (6)

The **MOTION** was **CARRIED** and it was

RESOLVED:

- 1. To approve the draft local plan, as set out in Appendix A to the report for a six week public consultation, subject to any non-material change approved by the Leader of the Council in consultation with the LDP Member Working Group.**
- 2. To approve that material weight be applied to the draft policies and proposals set out within the Draft Local Plan when determining planning applications, where clearly consistent with national policy and guidance.**

Reasons for Recommendation

The Draft Plan set out the latest vision, objectives, strategy and policies that would eventually be included in an adopted Local Plan. It was necessary to undertake further public consultation as part of the plan making process in order to thoroughly consider the views of stakeholders and members of the public. Consultation and consideration of comments would enable the

Council to move forward and eventually submit the Plan for examination in public by an independent planning inspector.

327. Gambling Act 2005 - Review of Statement of Gambling Policy

The Gambling Act 2005 required that the Licensing Authority must produce a Statement of Gambling Policy in respect of each 3 year period.

Members were requested to approve the current Gambling Policy for re-publication with effect from 31 January 2016 for a maximum period of 3 years in line with a recommendation from Planning and Licensing Committee.

In agreeing the Policy, Members were requested to note that it would be reviewed again almost immediately and republished later in 2016 following the necessary consultation and approval by Members. This was a necessary measure due to publication of new guidance and codes of practice which needed to be taken into account in the Council's Policy.

Cllr McCheyne MOVED and Cllr Trump SECONDED the recommendations in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY:

That Members approve the policy attached as Appendix A to the report for adoption as the Council's Statement of Gambling Policy as required under section 349 of the Gambling Act 2005, for the period 31 January 2016 to 30 January 2019.

Reason for Recommendations

The Council did not have the option of leaving the process entirely until the full review of the policy had been completed, as from 1 February 2015 any decision made relating to any aspect of the Gambling Act 2005 would be ultra vires given that the policy is a requirement of the Act.

The solution in Paragraph 4 of the report enabled the Council to fulfill its obligation to re-publish the statement of policy within the legislative timeframe. This would enable lawful decision making with regard to the Council's functions under the Act, whilst ensuring that the policy was brought up to date at the earliest opportunity.

There were no concerns over the conduct of commercial gambling establishments within the Borough at this time, nor had there been any significant problems since implementation of the Act. The current policy had served the Borough well over the last three years and a continuation of that policy in the short term was not anticipated to raise any issues.

328. Licensing Act 2003 - Review of Statement of Licensing Policy

Members were reminded that Brentwood Borough Council was the Licensing Authority for the Borough of Brentwood as defined under provision of section 3(1)(a) of the Licensing Act 2003 (the Act).

The Act required that all licensing authorities should issue a Statement of Licensing Policy and that the policy should be reviewed every 3 years. However, as a result of the Police Reform & Social Responsibility Act 2011 the term for a full review of the Licensing Policy Statement had been extended from 3 years to 5 years.

The current Policy was adopted in January 2011 and was originally due to be reviewed and re-adopted by January 2014, however, due to the change in legislation the Council must now review and re-publish in its updated form by 31 January 2016.

Members were therefore requested to approve the draft Licensing Policy for publication with immediate effect for a maximum period of 5 years in line with the recommendation from the Planning and Licensing Committee.

Cllr McCheyne MOVED and Cllr Trump SECONDED the recommendation in the report and after a full discussion it was

RESOLVED:

That Members approve the draft policy attached as Appendix A for adoption as the Councils Statement of Licensing Policy as required under section 5 Licensing Act 2003, for the period 31 January 2016 to 30 January 2021.

Reason for Recommendations

The Council by virtue of section 5 of the Licensing Act 2003 must fully consult and publish its revised policy through Ordinary Council. Therefore the compulsory consultation took place for the full recommended 12 weeks following Planning and Licensing Committee in September 2015 and completed on 30 November 2015.

The Council must have a policy in place, which should reflect as closely as possible, the current law, Secretary of State Guidance and Government Codes of Practice as this ensures that the Council is able to consistently and effectively carry on its function as the Licensing authority.

There were a number of changes and additions to the policy as these reflected the numerous changes over the last five years as the licensing of alcohol, regulated entertainment and late night refreshments under the Act had evolved.

No comments were received during the consultation period and therefore in line with the Planning and Licensing Committee recommendation, the Policy was presented directly to Ordinary Council for adoption.

329. Local Council Tax Support Scheme 2016/17

The 2015/16 Local Council Tax Scheme was adopted by Ordinary Council on 10 December 2014. The scheme affected only working age claimants since pensioners were protected and continued to be paid in accordance with Council Tax Benefit Regulations which were abolished in 2013.

Following the Welfare Reforms announced by the Chancellor in his Summer Budget on 8 July 2015 consideration was given to the possible impact on the current scheme costs. Officers subsequently modelled proposed changes and concluded that there would be little to no impact on the cost of the existing scheme.

The Task & Finish Group was advised therefore that no major changes to the scheme would be proposed for 2016/17, however, two minor changes were proposed relating to the rules for assessing self employed claimants and the rules dealing with late applications. These were subsequently raised as part of the public consultation.

The proposals for the 2016/17 scheme were agreed by the Policy, Finance & Resources Committee in December 2015 and recommended to Ordinary Council for adoption.

Cllr Mrs McKinlay MOVED and Cllr Kerslake SECONDED the recommendations in the report and following a discussion, a vote was taken on a show of hands and it was

RESOLVED

- 1. To approve minor changes to the Council's current Council Tax Support scheme by introducing;**
- 2. Where claimants are claiming that they are self employed and submitting accounts to show that they are earning consistently below minimum wage, officers will be able to decide the level of award based on at least minimum wage (or the national living wage). This will only come into effect after their first year of claiming support or trading or whichever is sooner.**
- 3. To restrict late applications of Council Tax Support to 4 weeks provided 'good cause' has been shown; this will bring the Council Tax Support scheme in line with Universal Credit and Housing Benefit legislation.**

Reasons for Recommendation

To agree and adopt the proposed Council Tax Support scheme for 2016/17 prior to 31 January 2016.

330. Council Tax Base 2016/17

Members were reminded that the Council Tax Base was used in the calculation of the Council Tax for 2016/17. The Council Tax Base was expressed as the average number of Band D properties in the Borough, even though each property would actually fall into a Band ranging from A to H.

The estimated Council Tax Base for 2016/17 is 31,790.

The Council Tax Base for Parish Councils would be lower due to the adjustment for Local Council Tax Support. In line with past years, the Council would provide a grant in order to ensure that the Council Tax Base for 2016/17 was unaffected.

Cllr Mrs McKinlay MOVED and Cllr Kerslake SECONDED the recommendations in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED

- 1. To agree that in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Brentwood Borough Council as its Council Tax Base for the year 2016/17 is 31,790.**
- 2. To agree to make a grant to Parishes for 2016/17 totaling £20,432.31 to compensate them for the effect on their precept income of the Local Council Tax Support Scheme.**
- 3. To agree that as this is a technical calculation, the setting of the Council Tax Base and Parish Local Council Tax Support Grants be delegated to the Section 151 Officer for future years.**

Reasons for Recommendation

The calculation of the Council Tax Base was an essential part of the budget setting process and was required to set a balanced budget in accordance with the Local Government Finance Act 1992.

331. Notices of Motion

Five Notices of Motion had been submitted in accordance with the Council's procedure rules.

1. Cllr Russell **MOVED** the following motion which was **SECONDED** by Cllr Chilvers:

'Recognising that some residents have difficulty finding space to park their vehicles in Tower Hill, Westbury Road, Weald Road & Sir Francis Way, and that Westbury Road and Sir Francis Way season ticket car parks are not used in the evenings and weekends, Brentwood Council will explore the viability of making these car parks available to the residents and their visitors at these times through a resident parking permit scheme. A report will come forward to the Economic Development Committee for a final decision.'

Cllr Barrett had submitted an **AMENDMENT** in accordance with the Council's procedure rules which was **SECONDED** by Cllr Morrissey.

Cllr Russell **ACCEPTED** the **AMENDMENT** and following a discussion a vote was taken on a show of hands and it was **RESOLVED UNANIMOUSLY** that the substantive motion be **CARRIED**, ie:

'Recognising that some residents have difficulty finding space to park their vehicles in Tower Hill, Westbury Road, Weald Road & Sir Francis Way, and that Westbury Road and Sir Francis Way season ticket car parks are not used in the evenings and weekends, Brentwood Council will explore the viability of making these car parks available to the residents and their visitors at these times through a resident parking permit scheme. A report will come forward to the Economic Development Committee for a final decision.

Also recognising that residents have difficulty finding space to park their vehicles in King Edward Road, Alexandra Road, Rose Valley and Gresham Road the Council Owned 'Car Park Plot' on King Edward Road is also similarly explored.'

2. Cllr Clark **MOVED** the following motion which was **SECONDED** by Cllr Kendall:

'This Council notes:

1. *Essex County Council leader, David Finch, has written to the Prime Minister, David Cameron, stating that balancing Essex County Council's budget in 2016/17 will not be achieved "without making reductions to services and increasing the tax burden on local residents".*
2. *Government cuts to Brentwood's grants, together with increases in taxes and other financial pressures identified by the current Administration, mean that this Council will breach its minimum reserves next year and run out of cash in 2017/18 without remedial action, according to the Revised General Fund Position presented to the Policy, Finance and Resources Committee on 15th December 2015.*

In light of these urgent financial pressures, this Council:

1. *Supports Essex's response to the Prime Minister.*
2. *Will write to the Prime Minister, setting out this Council's concerns regarding the recent funding cuts and tax increases and the impact these will have on the people of Brentwood'.*

Following a full discussion a vote was taken on a show of hands and the **MOTION** was **LOST**.

3. Cllr Clark advised that Cllr Aspinell had requested the motion he had submitted be withdrawn as he had been unable to attend the meeting.
4. Cllr Russell **MOVED** the following motion which was **SECONDED** by Cllr Hossack:
'As part of an ongoing campaign and commitment to keeping Brentwood clean, this Council resolves to explore powers at its disposal to take action against private land owners who fail to remove litter or graffiti from their land or property. A full report with proposed action will come forward to the Environment and Housing Committee'.

Following a discussion a vote was taken on a show of hands and it was **RESOLVED UNANIMOUSLY** that the **MOTION** be **CARRIED**.

5. Cllr Mrs McKinlay **MOVED** the following motion which was **SECONDED** by Cllr Kerlake:
'Brentwood Council has a strong and proud history of supporting the nation's armed forces.

Having previously signed up to the Armed Forces Covenant, outlining a commitment to both current and ex service personnel, this Council will appoint a member champion to lead on delivery of the covenant agreements. For 2016/17, this will be Cllr Andy Wiles.'

A vote was taken on a show of hands and it was **RESOLVED UNANIMOUSLY** that the **MOTION** be **CARRIED**.

332. Urgent Business

There was no urgent business.

The meeting concluded at 10.25pm