

Minutes

Ordinary Council Wednesday, 16th September, 2015

Attendance

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

Apologies

Cllr Chilvers	Cllr Mrs Davies
Cllr Mrs Cohen	

Officers Present

Saleem Chughtai	- Legal Services Manager
Karen O'Shea	- Governance and Member Support Officer
Chris Pickering	- Principal Solicitor
Jean Sharp	- Governance and Member Support Officer
Daniel Toohey	- Head of Legal

151. Apologies for Absence

Apologies for absence were received from Cllrs Chilvers, Mrs Cohen, Mrs Davies, also Chris Potter and Philip Ruck.

152. Mayors Announcements

The Mayor recounted some of the engagements he had undertaken since the last Ordinary Council meeting then invited the Leader of the Council, Cllr Mrs McKinlay, to make a statement regarding the current refugee crisis, as she had requested.

153. Declarations of Interest

Declarations of Interest were made by Cllr Reed in regard to his employment at Brentwood Theatre and being an unpaid Trustee of Brentwood Leisure Trust; by Cllr Aspinell in relation to Essex Fire Authority; and Cllr Morrissey in view of her employment as a local estate agent in relation to any planning related issues.

154. Minutes of the previous meeting

The minutes of the Ordinary Council meeting held on 10 June 2015 were approved as a true record.

155. Public Questions

Two Public Questions had been received.

Question1: *“At one Ordinary Council meeting, the Deputy Mayor, Councillor Mark Reed chaired the meeting. He told the meeting that the Mayor, Councillor Madeline Henwood was unwell and was therefore unable to be present.*

Would it be possible for a reason to always be given at the beginning of meetings and recorded in the minutes for the absence of councillors at committee meetings?”

Response on behalf of Monitoring Officer. ‘ No. At first sight (in the popular spirit of increased openness and transparency of the modern world) it would seem only right and proper for a reason for a councillor’s absence to be always given at the beginning of meetings and recorded in the minutes. There are many reasons why a councillor might be absent from the Chamber and it might well be thought that the public have a right to know why a councillor is absent. Absence cannot be equated with neglect of duty so giving a reason for absence would no doubt let the public judge. However, giving reasons cannot and should not be done without further thought of the implications. Some matters are rightly private (such as, for example, being in hospital receiving treatment for terminal illness or being on a fortnight’s family holiday abroad recuperating from illness). Some matters are public but there might be unintended consequences if reasons were given to be publically given (such as a break-in whilst away attending a conference). Refusal to give a reason by some but not all might inadvertently create suspicion so to keep things straightforward and simple, reasons for absence are not demanded to be

given under the Council's Constitution. The Council does however comply with the requirement to record those present and such attendance is recorded in the minutes'.

Question 2: In the past, councillors were paid only when they attended the meetings of the committees on which they had elected to sit.

If a nominated member of a committee was absent, was his/her substitute paid instead?

Response on behalf of Monitoring Officer: Before statutory changes introduced in 1989, Members did in the last century receive an attendance allowance if they attended a formal meeting of a committee as a substitute member. In modern times Members are not incentivised to attend a meeting except to attend to discharge their public duties in the public interest. The Members Allowance Scheme is set out in Part 6 of the Council's Constitution".

156. Annual Report of Audit, Scrutiny and Transformation Committee

The report provided details of the 2015/16 work plan for the Audit, Scrutiny and Transformation Committee and the previous year's scrutiny work. The Constitution required that Council received an annual report from the Audit, Scrutiny and Transformation Committee on the scrutiny work programme.

Cllr Kerlake MOVED and Cllr Murphy SECONDED the recommendation within the report at it was

RESOLVED UNANIMOUSLY

That the Annual Report of the Audit, Scrutiny and Transformation Committee detailing the 2014/15 scrutiny work undertaken at paragraph 4 and the 2015/16 work programme at Appendix A be noted.

REASON FOR RECOMMENDATION

To enact the provisions of Article 6 paragraph 6.3.3 of the Constitution that the Council received an annual report on the scrutiny work programme.

157. Memorials or Petitions

No notices had been received regarding Memorials or Petitions but Cllr Mrs Hones advised she intended to present a petition in relation to the Notice of Motion she would propose later in the meeting.

158. Committee Chairs Reports and Members Questions

Chairs' reports were before Members and no written questions had been received.

Oral questions were put and responded to by relevant Chairs.

159. Peer Review Update

Brentwood Borough Council had invited the Local Government Association to conduct a follow up Peer Review in November 2013.

The full details of the report of the Peer Review team were detailed in a report to Council on 7 April 2014. The purpose of this report was to advise of the current status of the action plan contained within that report

Cllr McKinlay MOVED and Cllr Hirst SECONDED the recommendations within the report and following a full discussion a vote was taken on a show of hands. Cllr Kerslake had left the meeting during the discussion and did not vote.

RESOLVED UNANIMOUSLY:

- 1. That progress of the action plan (attached as Appendix A) be monitored by the Audit, Scrutiny and Transformation committee over the next 18 months.**
- 2. To agree that a full transformation agenda be prepared by the Head of Paid Service and be presented to the November Policy, Finance and Resources committee for approval then monitored by the Audit, Scrutiny and Transformation committee.**

REASONS FOR RECOMMENDATION

The Peer Review action plan had been implemented where actions could be completed. However, many of the actions were such that they needed regular review/attention.

The on-going work should be monitored as part of the Council's Transformation agenda by the Audit, Scrutiny and Transformation Committee.

160. Essex Devolution - Update

The report provided a background to the discussions being held in relation to achieving greater economic growth across the Greater Essex area (comprising the twelve district/borough/city councils, Essex County Council and Southend and Thurrock unitary councils).

Cllr McKinlay MOVED and Cllr Hirst SECONDED the recommendations within the report and following a full discussion a vote was taken on a show of hands. Cllr Faragher had left the meeting during the discussion and did not vote.

RESOLVED UNANIMOUSLY:

- 1. That the Council continues to participate in discussions with the Greater Essex area Councils;**

2. That a further contribution of £10,000 to support the devolution programme be agreed (to be met from the Organisational Transformation Reserve);
3. That the Head of Paid Service and Leader of the Council be granted delegated authority (after first consulting with opposition Group Leaders) to sign off the submission to Government in October as the start of the negotiations, including developing an appropriate governance model. A full report of the outcome of those discussions with Government will come back to Full Council in due course.

REASONS FOR RECOMMENDATION

Economic growth and prosperity which promotes inclusive growth for the benefit of all of the current and future residents of the Borough will continue to be the focus of the Council's policies and strategies for the remainder of the decade. The Government's approach to devolution to accelerate and assure delivery of economic growth, in principle, is entirely compatible with the Council's aspirations for the Borough. The detail of any specific devolution deal will be carefully evaluated to ensure that it is in the best interests of the residents and businesses within the Borough of Brentwood, including the governance model to support delivery. Discussions around the country are moving at a pace and it is important that Greater Essex maintain pace in exploring the opportunities in this agenda and it is essential that Brentwood Borough Council remains engaged in the debate and design of any potential deal. Such engagement does not commit the Council to any particular outcome but not being a party to the discussion could exclude the Council from later being a party to a combined authority 'scheme'.

Further reports will be provided to the Council, as appropriate, as the work progresses.

The Cities and Local Government Devolution Bill currently proceeding through Parliament will provide the statutory framework for one of the potential strategic collaboration models in the form of combined authorities.

Section 2 of the Local Government and Public Involvement in Health Act 2007 sets out the process by which the Secretary of State may issue an invitation to the council to form a single tier of local government.

Discussions about opportunities to enhance economic growth are consistent with the Council's corporate plan to create opportunity.

161. Notices of Motion

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

1. Cllr Barrett had submitted the following motion:

'The Council believes that the children of this Borough have the right to be educated in a Brentwood School of their preference, within the appropriate catchment areas and admission rules. It further believes that transport costs should be supported to give parental choice to select a school that is appropriate for their child's abilities, aspirations and development within the Borough.'

'That the Council (1) recognises the new Education Transport policy from Essex County Council which will reduce parental choice by putting an extra financial cost on attending schools in the Borough (2) expresses its disappointment that parental choice could be limited by financial concerns with some residents forced to educate their children outside of the Borough.'

'That the Council will seek reassurance from Essex County that the children of Brentwood will not be forced to choose a school outside of the Borough due to transport costs and encourage Essex County Council to make open all of the town's secondary schools, within appropriate catchment and admission rules, options for our children'.

Cllr Kendall **SECONDED** the motion and following a full discussion a recorded vote was requested in accordance with Rule 9.5 of the Council's Procedure Rules. Cllr Poppy left the meeting during the discussion and therefore did not vote. Members voted as follows:

FOR: Cllrs Aspinell, Barrett, Carter, Clark, Mrs Hubbard, Keeble, Kendall, Morrissey, Mynott, Newberry and Mrs Squirrell (11)

AGAINST: Cllrs Barrell, Cloke, Mrs Coe, Faragher, Hirst, Mrs Hones, Hossack, Kerlake, McCheyne, Mrs McKinlay, Parker, Reed, Mrs Rowlands, Russell, Ms Sanders, Mrs Slade, Sleep, Tee, Trump and Wiles (20)

ABSTAIN: Cllrs Mrs Henwood and Mrs Murphy (2)

The Motion was **LOST**.

(Cllr Kendall declared a non-pecuniary interest in accordance with the Council's Code of Conduct by virtue of living in Blackmore).

2. Cllr Hones had submitted the following motion:

'That Members of Brentwood Borough Council being very concerned to hear that the last remaining bank in Ingatestone is set to close on Friday 16th October 2015 and because Brentwood Borough believes High Street banks have a social responsibility to not close the last remaining branch in town, a letter be written to the local MP, Sire Eric Pickles, and Mr Andy Fletcher, Barclays Bank Community Leader for Essex, to urge Barclays Bank to reconsider their decision'.

Cllr Cloke **SECONDED** the motion.

Cllr Mrs Hones presented to the Mayor a petition which included 685 signatures in support of the Motion.

Cllr Aspinell proposed an amendment to the Motion to add 'or to provide a mobile Bank' at the end of it.

Cllr Hones accepted the amendment and following a full discussion a vote was taken by a show of hands on the substantive motion which was **CARRIED**.

3. Cllr Tee had submitted the following motion:

'That following Cllr Olivia Sanders' appointment as the Lead Mental Health Champion the Council reaffirms its ongoing commitment to mental health by appointing every newly elected Member in 2015 as a Mental Health Champion for 2015-2016 and that accordingly such Councillors be duly appointed'.

Cllr Barrell **SECONDED** the motion and following a full discussion a vote was taken by a show of hands and the substantive Motion was **CARRIED**.

At the request of a Member, a short comfort break was proposed and agreed and the meeting was adjourned for 15 minutes.

4. Cllr Parker submitted the following motion:

'That Brentwood Borough Council seeks a review of the powers available to Local Authorities to deal with the increasing number of illegal incursions onto parks, community areas and open spaces. The Council will seek to ensure it is making best use of the powers and resources available in legal and mechanical terms, such as through the introduction of height barriers and ditches etc and will explore whether anything else can be done by either the Council or partners and following the review, resolves to write to the Secretary of Communities and Local Government as deemed necessary'.

Cllr Parker proposed an alteration be made to his Motion with the addition of the following words which were displayed for Members' information:

"1. Establish a cross party group to do the following:

A. Review legal powers and mechanisms available to both the council and partners to prevent illegal incursions primarily on the key sites outlined in the approved report to PFR on the 15th September 2015.

2. Cross party group to receive presentation from ECTU to consider if it would be beneficial to the Council to now join.

3. Cross party group to consider longer term solutions to dealing with the issue of illegal incursions.

4. Cross party group to receive feedback from Leader's meeting with police

The group will be made up of 4 Conservative members, 2 Liberal Democrats and 1 Labour rep”.

Cllr Wiles **SECONDED** the motion.

An **AMENDMENT** to the original motion had been submitted by Cllr Morrissey which was tabled at the meeting for Members' information, as follows:

"In addition, that this council, working in partnership with relevant groups including representatives from the Gypsy and Traveller Community, will ensure that suitable locations within the borough for short-stay transit sites for gypsy and travellers are thoroughly explored and brought back before the relevant committee before a decision is made."

Cllr Barrett **SECONDED** the **AMENDMENT**.

Cllr Parker refused to accept the **AMENDMENT** and a debate ensued. A vote was taken on a show of hands and the **AMENDMENT** was **LOST**.

Cllr Aspinell proposed an **AMENDMENT** to the **MOTION**, ie the addition of a Point 5 – *To include Shenfield's Courages Playing Field in any future Brentwood scheme.*

Cllr Clark **SECONDED** the **AMENDMENT**.

Cllr Parker refused to accept the **AMENDMENT** and following a discussion, a vote was taken on a show of hands and the **AMENDMENT** was **LOST**.

Termination of Meeting

In accordance with Rule 10.1 of the Constitution, the business of the meeting not having been concluded by three hours and fifteen minutes after its start, the Mayor interrupted the meeting. In accordance with Rule 8.3.11(g), Cllr Mrs McKinlay **MOVED** and it was agreed to continue the meeting beyond three hours and fifteen minutes and for an additional ten minutes.

Cllr Barrett **MOVED** an **AMENDMENT** to the **MOTION** by an addition as follows:

"To include consultation with relevant groups including representatives from the gypsy and traveller community"

Cllr Morrissey **SECONDED** the **AMENDMENT**.

Cllr Parker refused to accept the **AMENDMENT** and following a discussion, a vote was taken on a show of hands and the **AMENDMENT** was **LOST**.

Returning to Cllr Parker's **MOTION**, a vote was taken on a show of hands and the **MOTION** was **CARRIED**.

5. Cllr Poppy had submitted the following motion and in accordance with Rule 10.2 – Disposal of remaining business, the motion was deemed formally moved and seconded and was put to the vote by the Mayor without Debate

'That Brentwood Borough Council is committed to tackling flytipping across the borough and as such, resolves to review the powers and resources available to take the necessary action against those who blight our community by dumping waste'.

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

162. Urgent Business

There were no items of urgent business.