

# Minutes

---

## Ordinary Council Wednesday, 18th October, 2017

### Attendance

Cllr Russell (Mayor)	Cllr Keeble
Cllr Mrs Murphy (Deputy Mayor)	Cllr Kendall
Cllr Aspinell	Cllr Kerlake
Cllr Barrell	Cllr McCheyne
Cllr Barrett	Cllr Mrs McKinlay
Cllr Bridge	Cllr Mrs Middlehurst
Cllr Clarke	Cllr Morrissey
Cllr Chilvers	Cllr Mynott
Cllr Cloke	Cllr Newberry
Cllr Mrs Coe	Cllr Parker
Cllr Mrs Davies	Cllr Poppy
Cllr Faragher	Cllr Reed
Cllr Mrs Fulcher	Cllr Ms Rowlands
Cllr Hirst	Cllr Ms Sanders
Cllr Mrs Hones	Cllr Mrs Slade
Cllr Hossack	Cllr Trump
Cllr Mrs Hubbard	Cllr Wiles

### Apologies

Cllr Mrs Pound	Cllr Tumbridge
Cllr Mrs Squirrel	

### Officers Present

Philip Drane	-	Planning Policy Team Leader
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Group Manager In House Services
Daniel Toohey	-	Monitoring Officer
Jacqueline Van Mellaerts	-	Financial Services Manager

### **139. Apologies for Absence**

Apologies had been received from Cllrs Mrs Pound, Cllr Mrs Squirrell and Tumbridge.

### **140. Declarations of Interest**

No declarations of interest were declared at this stage.

### **141. Mayors Announcements**

The Mayor advised that he had recently undertaken the Guide Dog Challenge which had made him acutely aware of the difficulties faced by those with poor sight in negotiating footways and roads. He proposed that other Members should undertake the Guide Dog Challenge and to take notice of all the obstacles on the Borough's pavements.

Cllr Aspinell empathised with the problems encountered by those with poor sight, particularly those caused by A boards on the pavements.

### **142. Minutes of the previous meeting**

The minutes of the Ordinary Council meeting held on 19<sup>th</sup> July 2017 were approved as a true record.

### **143. Public Questions**

In accordance with the Council's Constitution, a member of the public resident within the Borough may ask a maximum of two questions relating to the business of the Council providing notice had been received by 10.00am two clear working days before the relevant meeting.

Six questions had been received from Brentwood residents, only one of which had been received before the agenda was published. Mrs Gearon-Simm had not attended the meeting and therefore her question was not put.

Mr Allum put the following questions to the Leader of the Council, Cllr Mrs McKinlay:

1. Are the two Priests Lane LDP sites being considered as one or individually by BBC?

Cllr Mrs Mckinlay responded: *The two sites are actually separate technically but the site is being considered as one in terms of planning and potential mitigations in relation to concerns that have been raised. In terms of LDP perspective, while they are technically separate we are looking at them as one site.*

2. In the event it's decided to proceed with the LDP for either of the two Priests Lane sites, then what will be the pedestrian and vehicular access routes to these developments?

Cllr Mrs McKinlay responded: *I live in Shenfield and use Priests Lane myself and am very familiar with the constraints referred to by Mr Allum and can understand the justification around some of the concerns but in terms of the process the LDP looks to identify land for development. Part of that process involves Brentwood Borough Council in talking to Essex County Council and other partners, the NHS and a number of other organisations that would obviously have an interest in terms of what the Council was doing. But in terms of the specifics to any one site that includes the access, the size of the houses and where they are going to go, that will be looked at as part of the planning application that needs to come forward. So there could be a piece of land that was in the LDP, an application then comes forward and if the issues can't be addressed satisfactorily then that planning permission could be denied. That's not to say they would not come back and address those problems.*

*There is the difference between identifying the site for development and actually looking at the detail of that development. In specifically answering the question with regards to access that would very much depend on what we are looking at as an application to see what would go on the site. At this stage it's about looking at 'is access possible?' so the access onto Priests Lane and for any other options – if that could be satisfied at that high level then that would go forward as part of the Plan. So that the real detailed answer to some of these questions would need to come about as part of the planning application and not the LDP process.*

Mrs Allum put the following questions to Cllr Mrs McKinlay:

3. If the access routes are not known, then how and when will they be decided?

Cllr Mrs McKinlay responded: *The same answer as the previous question – clearly looking at access it would be a part of the planning application that came forward but at this stage of the process we are also looking at the traffic flows and pedestrian opportunities but the detail of that will come forward as part of the planning application.*

4. In the event of the LDP proceeding for the two Priests Lane sites, then what are the plans for upgrading the access routes and infrastructure to cope with the increased demand?

Cllr Mrs McKinlay responded: *Again when we look at the detailed application then we will obviously have more information. What I can say at this stage is that I have previously met with some of the representatives in Priests Lane to discuss it and I have said that I'm happy to do that again so I make that offer once again tonight to the group I met previously – they could come in and see me and talk through some of the detail. A lot of it is about understanding the process and I fully take on board the concerns that are being raised and*

*without getting into that debate tonight we all know it's a constrained site but it is about understanding the process in terms of the order of things and also some of the constraints that we as an authority take on board when we are delivering the Plan and hopefully that meeting would help explain some of that.*

Mrs Skinner put the following question to Cllr Mrs McKinlay:

A significant length of time has passed since the publication of the LDP and the submission of responses, however there has been very little transparency about the process. There has not been an open forum for the public to discuss with the Council the issues raised in the responses and at the moment, the process does not feel like a consultation. Could the Council Members explain why there is so little interaction with the public in a matter of such importance to the Borough's residents and when they propose to hold a public discussion meeting?

*Cllr Mrs McKinlay responded as follows: Members will be aware that previously a number of consultations have taken place on the LDP as part of the ongoing process about feedback and evidence gathering. I also held a public meeting in Shenfield some time ago to explain to people around how the process works and the constraints in which we are working. There is going to be an Extraordinary Council meeting in the middle of next month where the next round of the LDP consultation is being tabled and that is looking for approval to go out to Regulation 18 and what that means is the next round of consultation on the draft Plan. Following the feedback on that the final amendments and changes to the Plan before we go out to Regulation 19 which is the final sharing of the Plan ahead of the submission to the Government Inspector for consideration. In terms of the radio silence if you like over the last few months it has been a very difficult process because we have been looking at the numbers. Shortly before the summer there were some changes brought forward from government which impacted on our numbers and increased them and there is an item later tonight in terms of a government consultation going on at the moment around how the objectively assessed number is arrived at so that the consultation is requiring us to respond with our thoughts. There is some good, some bad in it but until we can draw that line in the sand and know exactly where we are as it's very difficult and I'll be talking more on this later on. It's very difficult for us to move forward. It is a long process and a frustrating process – it's a process which each time we've nearly got over the line so to speak the numbers have changed and we've had to go back and look again at the evidence that goes with that so it's testing. I understand that it's frustrating for all involved but we do have to make sure that we are following the letter of the law in the process if we are to have the confidence of submitting a sound plan. Because if we have that plan thrown out and we can look at it and see what needs to be tweaked that's one thing. If we submit in the knowledge we haven't actually followed the process properly it will be to the huge detriment to the Borough and all the efforts of everybody who has contributed. The next key date is the next Extraordinary Council meeting in November and after that will follow the next period of consultation.*

#### **144. Memorials or Petitions**

No memorials or petitions had been received.

#### **145. 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
- (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 prescribed deadline and the Chairs responded to oral questions put to them by Members.

#### **146. LDP Update - Response to Government Consultation**

The Government had published a consultation that proposed reforms to the planning system by increasing housing supply and local authority capacity to manage growth. Proposals included:

- a) Standard method for calculating housing need;
- b) How neighbourhood planning groups can have greater certainty on the level of housing need to plan for;
- c) Statement of common ground to improve how local authorities work together to meet housing and other needs across boundaries;
- d) Making use of viability assessments simpler, quicker and more transparent; and
- e) Increased planning application fees in areas where local planning authorities are delivering the homes their communities need.

The housing need data table published alongside the consultation document set out the housing need for each local authority using the Government's proposed method. This indicated that for Brentwood Borough the Objectively Assessment Housing Need was calculated as 454 dwellings per annum.

The consultation was to close on 9 November 2017. A proposed response on behalf of Brentwood Borough Council was provided in Appendix A to the report.

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**

**To approve the response to the Government’s consultation paper “Planning for the right homes in the right places”, as set out in Appendix A.**

### **Reasons for Recommendation**

The proposed consultation response, set out at Appendix A, focuses on responding to questions (questions 1-6) contained within the section entitled “Proposed approach to calculating the local housing need” (pages 8-20). After several years of working through assessing local objectively assessed housing need, with the help of specialist consultant advisors, this is the section that the Council is most able to respond and contribute.

Due to timescales and resources, it is suggested for other proposals set out in the consultation document that the Council rely on the wealth of responses likely to be generated by professional bodies and partner organisations with a greater degree of expertise on these subjects.

### **147. Staff Pay**

The report recommended the granting to all permanent employed staff of the Council a 1% bonus. Such bonus to be paid in the November 2017 pay run.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and a vote was taken on a show of hands.

It was **RESOLVED UNANIMOUSLY:**

- 1. That Members agree the payment of 1% bonus to all permanently employed staff of the Council in the November 2017 pay run. The total of such increase to not exceed £90,000 and to be taken from reserves. This is a one off payment with no commitment for repetition in future years.**
- 2. That the Chief Executive will not receive the payment, but an amount, equivalent to the bonus forgone, shall be paid into a Council controlled fund. Such fund shall be used for the payment of staff benefits only.**

### **Reason for recommendations**

One of the main reasons for the improved financial position in 2016/17 was the attitude and hard work undertaken by the employees of the Council. Whilst the Council still faces financial pressures we should, where possible, recognise and reward the efforts of employees who are delivering the transformational change the Council strived for and indeed is achieving.

#### 148. Staff Appointment

Members were aware that delivery of services during the Council's transformation programme needed a robust structure. In view of this a Chief Operating Officer was to be appointed and as a result of this decision the Council's Section 151 officer had left the Council's employ.

The appointment of a replacement Section 151 officer would be considered by Full Council.

#### 149. Notices of Motion

Four Notices of Motion had been received.

1. Cllr Kendall **MOVED** and Cllr Aspinell **SECONDED** the following Motion:

*'The members of Brentwood Borough Council call upon Essex County Council Highways Depot to repair/replace the damaged railings at Wilson's Corner and at the William Hunter Way roundabout near Sainsbury's as soon as possible.'*

Cllr Mrs McKinlay advised that Essex Highways had confirmed that a job was currently in the process of being programmed for the guardrails to be repaired but required information on any utilities in the area. Once the utilities information was received, the job would be programmed but no specific date for the repairs could be given at this time.

In light of this information Cllr Kendall withdrew his Motion.

The meeting was adjourned for a short comfort break.

2. Cllr Mrs McKinlay **MOVED** and Cllr Parker **SECONDED** the Motion as follows:

*'This Council recognises the sharp drop in illegal incursions on Brentwood Council owned land over the last 12 months and acknowledges the success of the land protection measures, which include bollards and height restrictors, that have been installed by the Council.'*

*This Council further notes and welcomes the strong working relationship with Essex Police, Essex County Council and the Traveller Unit and pledges to continue to operate closely with these partner organisations.'*

*A report will be brought to the Environment and Enforcement Committee to review the need for any further protection and security improvement works on publicly owned open spaces, that would benefit the Borough of Brentwood. Resulting recommendations will be included as part of the budget setting process for 2018/19.'*

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

3. Cllr Aspinell **MOVED** and Cllr Newberry **SECONDED** the following Motion:

*'This Council resolves to oversee the installation of a sprinkler system to be installed in the Town Hall building during alterations to the offices and during the conversion of the upper floors to 19 apartments.'*

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** an **AMENDMENT** as follows:

*'This Council resolves to ~~oversee~~ investigate as part of an overall review of safety measures the installation of a sprinkler system to be installed in the Town Hall building during alterations to the offices and during the conversion of the upper floors to 19 apartments.'*

Cllr Aspinell **ACCEPTED** the **AMENDMENT** and following a discussion a vote on a show of hands was taken on the **SUBSTANTIVE MOTION** and it was **CARRIED UNANIMOUSLY**.

4. Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** the following Motion:

*'That this Council investigates the opportunity that the use of modular construction homes, in conjunction with the utilisation of our multiple garage site assets, could present in addressing the need to meet our housing supply needs quickly and efficiently whilst at the same time addressing the need for affordability.'*

*That the council also considers as part of this project, the opportunity for social return by of having a local assembly plant within the Borough that would provide the opportunity for employment, skills and apprenticeships and the support of local supply businesses whilst at the same time, meeting the housing need at source.'*

Following a debate a vote was taken on a show of hands and the **MOTION** was **CARRIED UNANIMOUSLY**.

*(Cllr Hossack declared a personal interest by virtue of having a family member who might wish to purchase a house in Brentwood in the future).*

**150. Urgent Business - (DCLG) Pilot Programme for 100% Business Rates Retention - 2018/19**

*The Mayor had agreed to accept this item as urgent business since there was a tight timescale and a proposal needed to be submitted by 27 October 2017.*

The Council currently participated in an Essex wide pool for Business Rate Retention (BRR). The Department for Communities and Local Government



(DCLG) had invited Local Authorities in England to pilot 100% Business Rate Retention in 2018/19.

Essex County Council had expressed an interest to submit a bid proposal to DCLG to take part in the pilot program whilst engaging with all Essex Local authorities.

Financial Review was still ongoing for the bid proposal. Due to the tight timescale set upon by DCLG to submit a bid by 27<sup>th</sup> October 2017, and to allow for the appropriate governance arrangements, delegated authority was therefore required to make sure the bid if upheld was successful.

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

#### **RESOLVED UNANIMOUSLY**

**1. That Members note the content of the report and its potential implications for the forthcoming budget setting for 2018/19.**

**2. That delegated authority be granted to the Chief Executive, in consultation with the Chair of Policy, Projects & Resources Committee, to give notice formally of the Council's intention to accept or decline to opt into the 100% Business Rate Retention (BRR) Pilot Programme with the other constituent Essex local authorities.**

*(Cllr Hirst declared a personal interest under the Council's Code of Conduct by virtue of his role as Police and Crime Commissioner).*

#### **Reason for Recommendations**

To enable an informed decision by delegated authority, subsequent to the outcomes of an independent financial review and formulation of agreed terms, to be made in determining whether Brentwood Council should participate with Essex billing precepting authorities in the DCLG's Pilot Programme for 100% Business Rates Retention (BRR) in 2018/19.

The meeting ended at 10.00pm