



# Agenda

## Ordinary Council

Wednesday, 18 October 2017 at 7.00 pm

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### Membership (Quorum – 10)

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

Members are respectfully summoned to attend the above meeting to transact the business set out below.

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<b>Agenda Item</b>	<b>Item</b>	<b>Wards(s) Affected</b>	<b>Page No</b>
1.	<b>Apologies for Absence</b>		
2.	<b>Declarations of Interest</b>		
3.	<b>Mayors Announcements</b>		
4.	<b>Minutes of the previous meeting</b>		5 - 14
5.	<b>Public Questions</b> Report to follow.		
6.	<b>Memorials or Petitions</b>		

7. **Committee Chairs Reports and Members Questions**  
Report to follow.
8. **LDP Update**  
Report to follow.
9. **Staff Pay**  
Report to follow.
10. **Staff Appointment**  
Report to follow.
11. **Notices of Motion**  
Report to follow.
12. **Urgent Business**  
An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.

A handwritten signature in black ink, appearing to read 'P. K. P. B.' with a large, sweeping underline.

Chief Executive

Town Hall  
Brentwood, Essex  
03.10.2017

**Information for Members**

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**Point of Order/ Personal explanation/ Point of Information**

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**Point of Order**

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

**Personal Explanation**

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

**Point of Information or clarification**

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

## Information for Members of the Public

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### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

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### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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### **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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### **Access**

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.



## Minutes

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**Ordinary Council**  
**Wednesday, 19th July, 2017**

### Attendance

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

### Apologies

Cllr Barrell	Cllr Mrs Slade
Cllr Faragher	Cllr Mrs Squirrell
Cllr Mrs Fulcher	Cllr Trump

### Also Present

Darren Horseman - PCC

### Officers Present

John Chance	-	Finance Director (Section 151 Officer)
Philip Ruck	-	Chief Executive
Steve Summers	-	Group Manager In House Services
Daniel Toohey	-	Monitoring Officer
Claire Mayhew	-	Governance and Member Support Officer

**75. Apologies for Absence**

Apologies had been received from Cllrs Barrell, Faragher, Mrs Fulcher, Mrs Slade, Mrs Squirrel and Trump.

**76. Declarations of Interest**

No declarations of interest were made at this stage of the meeting.

**77. Mayors Announcements**

The Mayor recounted some of the engagements he had undertaken since his appointment at Annual Council on 17 May 2017.

**78. Police & Crime Commissioner for Essex Presentation**

The Police and Crime Commissioner (PCC) for Essex, Cllr Roger Hirst, made a presentation to Members, focusing on matters of joint interest between the Council and the PCC Office, particularly in relation to community safety.

Cllr Hirst responded to Members' questions and requested that any further queries be sent to him via email. The Mayor thanked Cllr Hirst for his informative presentation.

**79. Minutes of previous meetings (25.1.17 and 1.3.17) and Annual Council**

The minutes of the Ordinary Council meeting held on 25 January 2017 and Annual Council meeting held on 17 May 2017 were approved as true records.

The minutes of the Ordinary Council (Budget) meeting held on 1 March 2017 were approved subject to the inclusion of an acknowledgement that Cllr Mrs Hubbard had submitted a petition regarding Warley Playing Fields.

**80. Leader's Statement (deferred from Annual Council)**

Members were reminded that the Leader's Statement was deferred to this meeting from Annual Council due to that meeting taking place within the pre-election period.

Cllr Mrs McKinlay made her statement and acknowledged that through sound financial management and a skilled and dedicated workforce the difficult budget challenges faced by the authority for the move to self financing had been well handled. Therefore she was pleased to announce that subject to formal agreement at October's Full Council meeting, all staff would receive a one-off payment of 1% of their individual annual salary, apart from the Chief Executive.

Leaders of the opposition groups, Cllrs Aspinell and Barrett, and independent Member Cllr Keeble responded to the Leader's statement.

#### **81. Public Questions**

No questions from the public had been received.

#### **82. Memorials or Petitions**

No notices of memorials or petitions had been received.

#### **83. 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.

Cllr Aspinell referred to his position as a member of the Town Hall Scutiny working group and requested advice as to whether this would prejudice his position in terms of further decision making. The Monitoring Officer agreed to contact Cllr Aspinell outside the meeting.

#### **84. Appointment of representatives on Outside Organisations**

Following a change to the Council's Constitution in January 2017, Councillors were now appointed to a number of outside organisations by Ordinary Council. Many of the outside organisations supported and advanced the broad objectives of the Authority. Representations came about either through the Authority initiating the appointment, or an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative was appointed.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report that the nominated representatives set out in Appendix A be approved.

One change of nomination was proposed (Cllr Mrs Davies to replace Cllr Chilvers for Tenants Talkback), Cllr Cloke informed the Council that at the recent Montbazon AGM the required representation from the Council has been reduced to 4.

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

**RESOLVED UNANIMOUSLY** that, subject to the change above,

**The list of outside bodies and nominated representatives/point of contact for 2017/18 attached as Appendix A be approved.**

*(For clarity the approved list is attached to these minutes).*

The Chair of the Conservators of Shenfield Common had requested that the Council ratify the appointment of a new Conservator following a resignation.

Cllr Russell **MOVED** and Cllr Wiles **SECONDED** that Mrs Debbie Foster should replace Ms Scholfield as a Conservator of Shenfield Common. A vote was taken on a show of hands and Mrs Foster's appointment was **RESOLVED UNANIMOUSLY**.

## **85. Notices of Motion**

Seven notices of Motion had been received.

1. Cllr Barrett **MOVED** and Cllr Morrissey **SECONDED** his first Motion as follows:

### ***'The War Memorials Listing Project***

*This Council notes:*

*1. In 2014, to mark the centenary of the outbreak of the First World War, Historic England embarked upon a five-year project to add 2,500 war memorials to the List (officially known as the National Heritage List for England).*

*2. The Government is funding this project through the Department for Culture, Media and Sport.*

*3. That no War Memorial is currently listed in the Borough of Brentwood.*

*This Council believes:*

*1. War memorials provide us with an enduring link to those hundreds of thousands who gave their lives in the First World War.*

*2. Further they remain a lasting tribute to all those who have been lost in service of their country and community.*

*Therefore this Council:*

*1. Will seek urgent listing of the War Memorial on Shenfield Road, Brentwood.*

*2. That further investigate all other War Memorials in the Borough for listing, to assist in achieving Historic England's ambition of listing 2,500 War Memorials.'*



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

2. Cllr Mrs Hubbard **MOVED** and Cllr Keeble **SECONDED** the following Motion:

***'For Brentwood Borough Council to adopt the International Holocaust Remembrance Alliance definition of antisemitism***

*This council expresses alarm at the rise in antisemitism in recent years across the UK. This includes incidents when criticism of Israel has been expressed using antisemitic tropes. Criticism of Israel can be legitimate, but not if it employs the tropes and imagery of antisemitism.*

*We therefore welcome the UK Government's announcement on December 11<sup>th</sup> 2016 that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism which define antisemitism thus:*

*"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."*

*The guidelines highlight manifestations of antisemitism as including:*

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.*
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.*
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).*
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.*
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.*
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.*
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.*
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.*
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.*
- Holding Jews collectively responsible for actions of the state of Israel."*

*This Council welcomes the cross-party support within the Council for combating antisemitism in all its manifestations. This Council hereby adopts the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.*

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

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

*"Brentwood Borough Council resolves to establish a LATCO that specifically deals with delivering affordable rented housing opportunities across the Borough for all Brentwood residents, particularly our young people, key workers and the elderly, which will provide a valuable source of income for our Council funds".*

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

4. Cllr Chilvers **MOVED** and Cllr Keeble **SECONDED** a Motion as follows:

*'On 31st May 2017, after over 15 years of making Brentwood Council open and transparent to its residents, webcasting ceased.*

*Although it is understood that the contract has ended and the intention is to start it up in the future, there are many important decisions to be made over the coming months and it is important to ensure that our democracy can be viewed on demand by everyone who wishes to see it.*

*These days, we do not have to rely on a webcasting company to host our meetings. Indeed, facilities such as Facebook Live can be used now to promote proceedings. Therefore, this council will work towards having an interim solution in place to broadcast its meetings by the first meeting in September'.*

Following a discussion, Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** an **AMENDMENT** which was **ACCEPTED** by Cllr Chilvers.

A vote on the substantive motion was taken on a show of hands and it was

**RESOLVED UNANIMOUSLY:**

*'On 31st May 2017, after over 15 years of making Brentwood Council open and transparent to its residents, webcasting ceased.*

*Although it is understood that the contract has ended and the intention is to start it up in the future, there are many important decisions to be made over the coming months.*

*These days, we do not have to rely on a webcasting company to host our meetings. Therefore, this council will work towards having an interim/cost effective solution in place to record its meetings as soon as possible.'*

**5.** Cllr Barrett **MOVED** and Cllr Morrissey **SECONDED** the following Motion:

*'Empty Homes Discount*

*This Council notes:*

- 1. From 1 April 2013, billing authorities in England took on an additional power over certain council tax discounts. "Unoccupied and substantially unfurnished" properties may receive a discount of between 0% and 100% of their council tax.*
- 2. That this Council currently offers a 100% discount for a property that is habitable, unoccupied and unfurnished for a maximum of 3 months*
- 3. That this measure imposed a financial burden of more than £70,000 in the 2016/17 financial year.*

*This Council believes:*

- 1. The Council should offer discounts and exemptions as appropriate to the genuine need of residents, set in a manner that is both fair and seeks to discourage properties being left empty,*
- 2. That it is appropriate to consider this discount, and all discounts offered, in a regular process of review.*

*Therefore this Council:*

- 1. Will commission officers to investigate, and offer proposals for this discount and other discretionary discounts, to the Policy, Finance & Resources committee as part of the process in developing the Budget for 2018/19.'*

Following a discussion during which Cllr Tumbridge **MOVED** and Cllr Hirst **SECONDED** to proceed to the next item of business, a vote was taken on a show of hands and the **MOTION** was **LOST**.

**6.** Cllr Barrett **MOVED** and Cllr Morrissey **SECONDED** the following Motion:

*'This Council notes:*

- 1. From 1 April 2013, billing authorities in England took on an additional power over certain council tax discounts.*
- 2. That this Council currently offers a 10% discount where the property is furnished and classed as a second home.*

*This Council believes:*

- 1. The Council should offer discounts and exemptions as appropriate to the genuine need of residents, set in a manner that is both fair and seeks to discourage properties being left empty,*

2. *That it is appropriate to consider this discount, and all discounts offered, in a regular process of review.*

3. *That this specific discount is not necessary or appropriate in the current financial climate and as such should be removed for the 2018/19 financial year.*

*Therefore this Council:*

1. *Removes the Second Home Discount for the 2018/19 financial year, giving fair warning of the change to all current beneficiaries, and the Budget for 2018/19 is composed with this as an element.'*

Cllr Mrs McKinlay had submitted a proposed amendment in accordance with Procedure rule 3.14 and following a debate on the Motion Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the **AMENDMENT** which Cllr Barrett **DID NOT ACCEPT**.

The **AMENDMENT** was debated, a vote was taken on a show of hands and the **AMENDMENT** was **CARRIED**.

A vote was taken on a show of hands on the **SUBSTANTIVE MOTION** and it was **RESOLVED UNANIMOUSLY**:

This Council notes:

1. From 1 April 2013, billing authorities in England took on an additional power over certain council tax discounts.
2. That this Council currently offers a 10% discount where the property is furnished and classed as a second home.

This Council believes:

1. The Council should offer discounts and exemptions as appropriate to the genuine need of residents, set in a manner that is both fair and seeks to discourage properties being left empty,
2. That it is appropriate to consider this discount, and all discounts offered, in a regular process of review.
3. That this specific discount **should be reviewed and reconsidered as part of the 2018/19 budget, taking into account the financial pressures on local government.**

**Therefore this Council:**

**1. Will review and reconsider the discount as part of the 2018/19 budget setting process.**

7. Cllr Barrett **MOVED** and Cllr Morrissey **SECONDED** the following Motion:

*'Procurement Procedures and Tax Evasion*

*This council notes that:*

- *corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid*
- *this is costing the UK as much as £30bn a year*
- *this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately.*

*This council further notes that:*

- *the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14 (PPN 03/14). This applies to all central government contracts worth more than £5m.*
- *the existence of voluntary schemes promoting tax compliance such as the Fair Tax Mark, which can serve as an independent means of verification.*
- *the 2015 Public Contract Regulations which state (in section 4) that local government can choose to adopt Procurement Policy Note 03/14.*

*This council believes:*

- *that bidders for council contracts should be asked to account for their past tax record, using the higher standards in PPN 03/14.*

*Therefore the council will*

- *Amend procurement procedures to require all companies bidding for service contracts worth more than £15,000 and for works contracts worth more than £250,000 to self-certify that they are fully tax-compliant in line with central government practice using the standards in PPN 03/14, applying to contracts of the size specified above.*
- *publicise this policy and to report on its implementation annually to Policy, Finance & Resources Committee'*

In accordance with Procedure Rule 10.2, Disposal of remaining business, the Motion was put to the vote without debate.

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

## **86. Urgent Business**

There were no items of urgent business.

The meeting concluded at 22.13

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.



## **Ordinary Council Terms of Reference**

### **General Powers of Council**

The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 37 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;
- (c) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;
- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000;

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