

Minutes

Ordinary Council Wednesday, 17th January, 2018

Attendance

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

Apologies

Cllr Barrell	Cllr Parker
Cllr McCheyne	Cllr Poppy
Cllr Morrissey	

Officers Present

Philip Drane	-	Planning Policy Team Leader
Zoey Foakes	-	Governance & Member Support Officer
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Steve Summers	-	Chief Operating Officer
Daniel Toohey	-	Monitoring Officer

233. Apologies for Absence

Apologies had been received from Cllrs Barrell, McCheyne, Morrissey, Parker and Poppy.

234. Declarations of Interest

No declarations of interest were declared at this stage.

235. Mayors Announcements

The Mayor had undertaken a large number of engagements since the last Ordinary Council meeting and shared some of the highlights with Members.

236. Minutes of the previous Ordinary and Extraordinary Council meetings

The minutes of the Ordinary Council held on 18 October 2017 were approved as a true record.

The minutes of the Extraordinary Council held on 15 November 2017 were approved as a true record.

The minutes of the Extraordinary Council held on 13 December 2017 were approved as a true record.

237. 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.

Seven Public Questions had been received and these were put to and responded to by the Leader of the Council, Cllr Mrs McKinlay, as follows:

Mrs Gearon-Simm put two questions:

1. *'Newham Council in east London, who, in 2013, introduced a compulsory borough-wide licensing scheme for landlords, has shared their names and addresses with HM Revenue and customs.'*

Newham Council has estimated that unpaid tax by landlords is costing the public purse nearly £200m in London and far more nationally.

What happened to the 'Essex Landlords Accreditation Scheme' introduced into Brentwood a few years ago?'

Response: The 'Essex Landlord Accreditation Scheme' was a County-wide initiative to produce a voluntary registration scheme to support landlords and to encourage 'good practice'. ELAS was administered by CFOA Blue Watch (Essex County Fire and Rescue). Unfortunately, due to lack of interest from landlords the scheme became financially unsustainable and CFOA Blue Watch gave formal notice of withdrawal in July 2015, citing exhaustion of their financial reserves.

As a result of the above, but principally due to the extremely poor response from landlords across the county, ELAS was terminated in 2015.

2. *The number of rough sleepers in England has risen for the sixth successive year. By using the 1824 Vagrancy Act Brentwood Borough Council would be able to clear Brentwood's streets of the homeless destitute and desperate people who are loitering in them.*

Does Brentwood Borough Council have other plans to deal with this issue?'

Homelessness is a real issue across the Country and is causing a huge challenge for councils and will not be solved by one single agency. Councils are doing all they can to help homeless people in their communities and prevent homelessness happening in the first place. Brentwood Borough Council remains committed to supporting the homeless in our borough. However, we do not currently have any 'street homeless' in Brentwood. Housing Officers respond to reports of alleged homeless persons usually within 24-48 hours of a report by visiting the person and offering advice. The majority are either not homeless and have accommodation elsewhere or refuse any assistance for reasons unknown.

It would appear from the structure of the question posed that the main focus is around the issue of begging. There are various options available to assist local agencies to tackle this issue.

It is an offence to beg in the street. As you mentioned, the Vagrancy Act 1824 (section 3) enables the arrest of anybody who is begging, by police. It is a recordable offence and carries a level 3 fine (currently £1,000). It is not considered to be the most effective use of powers and is only used in more serious issues such as aggressive begging.

The council and police are working together to address concerns over the matter. We have a two-way radio system which enables business premises to contact the Council's CCTV control room and report the matter to staff who have direct access to Essex Police. Anyone wishing to report an incident of begging can also contact Essex Police using 101 or report it to the Council.

The Council and Police are actively engaging with anyone who appears to be begging and advising them where they can get help and support. Officers will help people to access that support and are linking in with partner agencies.

People who are begging are being reminded that begging is a criminal offence and warned that enforcement action will be taken if they continue to beg persistently despite warnings and offers of support. Our partnership approach is to try to understand the causes behind people's behaviour and offer help and solutions, but we will not tolerate local people being abused or threatened by aggressive or persistent behaviour.

There are various civil measures available to assist with tackling street begging and the Council are committed to using all available powers to tackle the issue. However, as a responsible authority we need to ensure that any action we take is appropriate and justified.

The Council is in the process of introducing a Town Centre Public Spaces Protection Order which will include the power to tackle aggressive street

begging along with other issues. The Order has been drafted and will be presented to Members in March at the next available committee.

Ms Pearson put two questions:

1. *'Has the Priests Lane traffic survey been done?'*
2. *'When will it be published, and can we see it on the website ASAP please?'*

Response: Unfortunately this is a more complex issue than just undertaking a traffic survey. Surveys were undertaken in previous years that have informed the transport evidence published on our website to date. We know that more work is required and this is ongoing to agree a baseline with Essex County Council and Highways England so that we can identify what mitigation will be required on particular roads and junctions, which development can then fund. Unfortunately work is ongoing, and so nothing specific to Priests Lane is to be published alongside the January 2018 Regulation 18 consultation. As has been explained before, the Local Plan is strategic in nature and so considers the impact of all development proposed on the wider transport network. To allocate a site we will need to be satisfied that those proposing development can demonstrate that there are no adverse effects that cannot be mitigated, such as access arrangements and additional traffic. This will be tested by Essex County Council. However, the level of detail that is implied by the question is unlikely to be undertaken until the planning application stage, when Essex County Council will comment as highways authority about the impact of development and whether this is acceptable on the highways network.

Mr Puddefoot put one question:

'Can you please advise what instructions/specifications/brief have been given to the various consultants regarding the evidence gathering for the Local Development Plan?'

Response: Each technical study within the Local Plan evidence base that the Council has commissioned will have a brief informing what work is required. Depending on the specifics of the work and the length of time it is to be undertaken the requirements will vary. If the question can be more specific about which element of the evidence base is being referred to we can respond with more information about the relevant brief.

Cllr Mrs McKinlay advised that a written response would be provided.

Two questions were put by Mr Skinner.

1. On 31 October 2017 members of Priest Lane Neighbourhood Residents Association attended a meeting with Councillors Mckinlay, Rowlands and Pound. There were a number of actions arising out of that meeting that have not been answered despite a chaser e-mail before question. The most significant action among them was that Councillor McKinlay would ask Phil Drane why the residents association not had a response to the points raised

in their submission in response to the LDP consultation of February/March 2016. Please can Councillor McKinlay respond as to why the action points have gone unanswered and when they will be so?.

Response: Officers apologise for the delayed response to the detailed questions provided by the Priests Lane Neighbourhood Residents Association at different points last year. Because of the detail involved the intention was to respond alongside full consideration of the comments made in response to the Draft Local Plan consultation in 2016. Much has changed very quickly over the past six months with regards to the national planning situation. This has meant that we are only now putting a revised consultation document out for public consultation with background documents, including a Consultation Statement that sets out consultation responses and the Council's comments. Hopefully this document should provide some answers to the questions raised. We're very happy to continue to the dialogue with residents going forward and will pick up any outstanding questions yet to be answered.

2. "Can the deadline for submission of Public Questions please be extended for future meetings in the event that Reports or information supporting an Agenda Item is published at a later date than 5 working days prior to a full Council meeting?"

Response: The Council's website sets out the deadline for public questions which for a Council meeting held on a Wednesday evening, will be the Friday beforehand, at 10am. However in extraordinary circumstances where there are delays in the publishing of information, officers will take a reasonable approach to accommodating a request for an extension of time from a member of the public, in order to ensure a good level of engagement.

238. Memorials or Petitions

No memorials or petitions had been received.

239. 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.

240. Pay Policy

Members were requested to agree the Pay Policy 2018/19 as attached at Appendix A of the report in accordance with Section 38(1) of the Localism Act 2011.

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

That the 2018/19 Pay Policy Statement as set out in Appendix A is agreed.

Reasons for Recommendation

To comply with the statutory requirement to annually approve the Council's Pay Policy.

241. Local Development Plan: Further Regulation 18 Consultation

The Council was required to produce a new Local Plan for the Borough. In November 2017 the Council approved preparation of work to commence further Regulation 18 Local Plan consultation. The proposed document which was set out in Appendix A was required to be subject to a six-week period of public consultation.

A revised Local Plan timetable had been prepared considering this further Regulation 18 consultation and the need to move ahead swiftly with future stages of the plan-making process.

Progress on joint working across South Essex boundaries had been made with the agreement to establish the Association of South Essex Local Authorities (ASELA) and the signing of a memorandum of understanding.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report with recommendation 2.2 expanded to *'Approve that a letter be sent to all households in the borough and an email sent to all borough businesses in the Council's business directory, to notify local residents and businesses about the consultation'*.

Following a full debate a recorded vote was requested in accordance with Rule 9.5 of the Council's Procedure Rules. Cllr Hossack left the meeting before the recorded vote was taken.

Members voted as follows:

FOR: Cllrs Bridge, Cloke, Mrs Coe, Faragher, Hirst, Mrs Hones, Kerslake, Mrs McKinlay, Mrs Middlehurst, Mrs Murphy, Mrs Pound, Reed, Ms Rowlands, Ms Sanders, Mrs Slade, Trump, Tumbridge and Wiles (18)

AGAINST: Cllrs Aspinell, Chilvers, Clarke, Mrs Davies, Mrs Fulcher, Kendall, Mynott and Newberry (8)

ABSTAIN: Cllr Barrett, Mrs Hubbard, Keeble and Russell (4)

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

RESOLVED to:

1. **Approve the Draft Local Plan document set out in Appendix A, to commence further Regulation 18 consultation for a six-week period, subject to any non-material change approved by the Leader of the Council in consultation with the LDP Member Working Group.**
2. **Approve that a letter be sent to all households in the borough and an email sent to all borough businesses in the Council's business directory, to notify local residents and businesses about the consultation.**
3. **Approve the revised Local Plan timetable as set out in Appendix B, to be added to the Local Development Scheme (LDS) and published on the Council's website.**

Reasons for Recommendation

It is necessary to undertake further public consultation as part of the plan-making process to thoroughly consider the views of stakeholders and members of the public. Consultation and consideration of comments will enable the Council to move forward and submit the Plan for examination in public by an independent planning inspector, in line with the revised Local Development Scheme timetable.

242. Notice of Motion

No notices of motion had been received.

243. Urgent Business

There were no items of urgent business.

The meeting ended at 8.45 pm