



# Agenda

## Ordinary Council

Wednesday, 26 June 2019 at 7.00 pm

Brentwood Ursuline Convent High School, Queens Road, Brentwood,  
Essex CM14 4EX

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### Membership (Quorum – 10 )

Cllrs Parker (Mayor), Miss Sanders (Deputy Mayor), Aspinell, Barrett, Dr Barrett, Bridge, Chilvers, Clarke, J Cloke, S Cloke, Mrs Davies, Mrs Fulcher, Fryd, Haigh, Hirst, Mrs Hones, Hossack, Jakobsson, Keeble, Kendall, Kerslake, Laplain, Lewis, McCheyne, McLaren, Mrs McKinlay, Morrissey, Mynott, Naylor, Nolan, Mrs Pearson, Poppy, Mrs Pound, Reed, Tanner, Mrs Tierney and Tumbridge

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### Agenda

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- 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.



Chief Executive

Town Hall  
Brentwood, Essex  
11.06.2019

## Information for Members

Point of Order/ Personal explanation/ Point of Information		
<b>Point of Order</b> 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.	<b>Personal Explanation</b> 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.	<b>Point of Information or clarification</b> 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

### Access to Information and Meetings

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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.

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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.

### 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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### Evacuation Procedures

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





## Minutes

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**Ordinary Council**  
**Wednesday, 5th December, 2018**

### Attendance

Cllr Mrs Murphy (Mayor)	Cllr McCheyne
Cllr Parker (Deputy Mayor)	Cllr McLaren
Cllr Aspinell	Cllr Mrs McKinlay
Cllr Barrell	Cllr Mrs Middlehurst
Cllr Barrett	Cllr Morrissey
Cllr Bridge	Cllr Mynott
Cllr Chilvers	Cllr Naylor
Cllr Clarke	Cllr Nolan
Cllr Cloke	Cllr Poppy
Cllr Mrs Davies	Cllr Mrs Pound
Cllr Mrs Fulcher	Cllr Reed
Cllr Hirst	Cllr Ms Rowlands
Cllr Mrs Hones	Cllr Russell
Cllr Hossack	Cllr Tierney
Cllr Keeble	Cllr Trump
Cllr Kendall	Cllr Wiles
Cllr Kerslake	

### Apologies

Cllr Haigh	Cllr Mrs Slade
Cllr Ms Sanders	Cllr Tumbridge

### Officers Present

Angela Abbott	-	Interim Head of Housing
Phoebe Barnes	-	Interim Financial Controller
Steven Butcher	-	Project Manager
Philip Drane	-	Director of Strategic Planning
Chris Leslie	-	Executive Director of Commercial Services
Tracey Lilley	-	Community Safety Manager
Susan Moussa	-	Associate Solicitor – Essex Legal Services
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Chief Operating Officer
Jacqueline Mellaerts	Van -	Chief Financial Officer

**254. Apologies for Absence**

Apologies were received from Cllrs Haigh, Sanders, Tumbridge and Slade

**255. Declarations of Interest**

No declarations were made at this stage.

**256. Mayors Announcements**

The Mayor reminded Members of the death of Colin Brown who had been a former Councillor for Brizes and Doddinghurst from 1996 to 2007. A minute's silence was observed in tribute to him.

The Mayor advised Members of the engagements she had undertaken since the last Ordinary Council in November.

**257. Minutes of the previous meeting**

The Minutes of the 14 November 2018 Ordinary Council meeting were agreed and signed as a true record.

**258. Presentation by the Police, Fire and Crime Commissioner**

Cllr Hirst, in his role as Police, Fire and Crime Commissioner, updated Members on the service and priorities in particular in relation to Brentwood and answered Members' questions. He was assisted by Insp Tom Mitchell, Essex Police and Tony Clark, Group Manager, South West ECFRS.

**259. Public Questions**

There were no public questions.

**260. Memorials or Petitions**

There were no Notices of Memorials or Petitions.

**261. 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 provided for Members' information at each Ordinary Council meeting.

Any Member might 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 affects the Council's area and which falls within the area of responsibility of the Chair's committee.

Cllr Chilvers had submitted the following two questions:

1. *In June, Brentwood Council agreed that it would become a “zero Tolerance borough” as far as parking in blue badge spaces by non-blue badge holders were concerned. Unfortunately, several issues persist consequences. Can the Leader please outline exactly what steps have been taken to ensure the council’s decision is implemented throughout the borough.*

Cllr McKinlay responded as follows:

“The Council continues to implement the zero-tolerance approach to blue badge spaces and I can confirm that SEPP has continued to prioritise on street Blue Badge disabled bay abuse. Where abuse does occur SEPP Civil Enforcement Officers issue on the spot PCN’s for misuse. Furthermore, Brentwood Borough Council Civil Enforcement Officers are checking car parks at various times each day to enforce against misuse of disabled parking bays. Where abuse is thought to be occurring it is reported to ECC who issue the blue badges who in turn investigate and carry out checks to deter fraud and misuse. Lastly Brentwood Enforcement Officers also patrol the carparks and on-street parking locations and issue PCN’s for misuse of spaces. All Enforcement Officers are trained and qualified to issue PCNs for parking offences. Currently there are 5 Enforcement Officers within the borough.

The Enforcement Officers have carried out many actions in relation to suspected misuse of blue badges in car parks from July to present which will be forwarded to Members.”

Cllr Chilvers requested that an update on the number of PCN’s issued be provided to Members every six months.

2. *Thousands of people with a multitude of disabilities rely on Registered Assistance Dogs to live independently however with stories of handlers and their dogs being refused access to shops, services and taxis, discrimination exists as many people still only recognise guide dogs as Assistance Dogs. Would the leader be willing to assist disabled people in Brentwood and educate the wider public by changing our signage on all council-owned public buildings (approximately 15 properties) from “Guide Dogs Only” to “Assistance Dogs Welcome”?*

Cllr McKinlay responded as follows:

“I have no problem with going ahead with what has been requested and go one step further to say I have looked into the cost and it is minimal and can be met within existing budget and is therefore not prohibitive. Those buildings leased by Brentwood Leisure Trust will be for them to action but I am happy to write to them and give support.”

Oral questions were put to Chairs and responses made.

## **262. Strategic Asset Management (Repairs and Maintenance) Contract Re-Procurement**

In 2014 Brentwood Borough Council entered into two contracts with Oakray and Wates to carry out repairs and maintenance to the Council's Housing Stock. These contracts were due to expire in June 2019.

As agreed at the 4 December 2017 Community Health and Housing Committee meeting, Brentwood Borough Council wished to enter into one contract through a re-procurement exercise.

Following a detailed re-procurement exercise the report before Members sought approval from Council to award the new contract to Axis.

Cllr McKinlay **MOVED** and Cllr Hossack **SECONDED** the recommendation in the report.

Cllr Mynott **MOVED** and Cllr Mrs Davies **SECONDED** an **AMENDMENT** that the contract be made initially for 5 years.

Officers advised that a 5 year break clause was included within the contract although this had not been highlighted in the report. Experts had been employed to undertake the procurement process and to prepare the contract which complied with European Regulations.

Cllr Mrs McKinlay advised that she would not accept the proposed amendment because it would be illegal as the contract had been through the procurement process. She agreed to amend the wording in the recommendation to reflect the debate and following a full discussion a vote was taken on a show of hands and it was

### **RESOLVED**

**That the Committee approved the award of the Strategic Asset Management (Repairs and Maintenance) Contract to Axis for an initial term of ten years with a maximum five year break clause with the option to extend for a further five years in accordance with the procurement process.**

### **Reasons for Recommendation**

As a responsible landlord it is important that the Council demonstrates that it has vigorously explored and pursued the best services for our customers.

The current contracts present many issues for the management and other more cost-effective options are available by re-procuring into one contract.

*(Cllr Barrett declared a non-pecuniary interest under the Council's Code of Conduct by virtue of owning a property and the leasehold of which goes to the*



*Council and advised that he had not responded to the consultation relating to the re-procurement and that the proposals would not affect him).*

**263. Response to Lower Thames Crossing Consultation ((October-December 2018)**

Highways England had been inviting views on the Lower Thames Crossing, a proposed new motorway connecting Essex and Kent through a tunnel beneath the River Thames to provide additional road capacity.

Consultation on the project and route took place most recently in March 2016, to which the Council responded. The route and structure that were eventually chosen were the same as the Council's preferences.

Since then, there had been several design changes that were published for comment as part of this 2018 consultation. Proposals included improvements to M25 junction 29. Whilst these proposals would help to improve traffic flows through the junction and benefit surrounding roads, they constrained access to Brentwood Enterprise Park; a fundamental part of the Council's strategy for economic growth published in the Pre-Submission Local Plan Regulation 19 (October 2018). In addition, the proposed highway route through Thurrock did not maximise opportunities for growth with new connections that could be delivered through the South Essex Joint Strategic Plan (JSP).

A response from the Council to the Lower Thames Crossing consultation was proposed at Appendix A to the report.

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

**RESOLVED**

**That the Council approve the response to the Lower Thames Crossing Consultation, as set out in Appendix A.**

**Reasons for Recommendation**

Highways England has launched this consultation as the project has now progressed sufficiently that new proposals and further details can be published. Consultation documentation, including maps, computer generated images and video context, can be viewed on the Highways England website. The following issues are considered to be relevant for comment, set out in Appendix A:

**Principle of Lower Thames Crossing**

In line with the Council's response to Lower Thames Crossing options in 2016, it is proposed that the principle of delivering a new crossing should be supported.

## **Brentwood Enterprise Park and M25 Junction 29**

Highways England's proposals for M25 junction 29 improvements include the widening of the M25 from three lanes to four in both directions with hard shoulders. The connections of the north-facing slip roads at this junction will be changed because of the widening through the junction. Changes will also be carried out at the existing junction 29 roundabout.

The employment strategy set out in the Brentwood Pre-Submission Local Plan (Item 181: Extraordinary Council, 08 November 2018), relies upon the delivery of new employment land at Brentwood Enterprise Park, adjacent to M25 junction 29. The current Lower Thames Crossing proposals compromise access arrangements to Brentwood Enterprise Park by providing a new slip road from the A127 westbound onto the M25 southbound, which severs the existing access to the site. In addition, proposals set the need for temporary access through the centre of Brentwood Enterprise Park to service National Grid infrastructure/pylons to the south of the site. This access could instead be accommodated on the edge of the site, enabling construction of both the highways improvements and new employment land.

Unresolved, these issues risk the delivery of Brentwood Enterprise Park, and by extension the soundness of the Brentwood Local Plan. On that basis, it is proposed to object to the current M25 junction 29 proposals until issues can be resolved, resulting in positive compromise that can ensure the delivery of both projects.

## **Supporting Growth Aspirations in South Essex**

Reflecting work to produce a South Essex Joint Strategic Plan, by the Association of South Essex Local Authorities (ASELA), of which the Council is a partner, it is proposed that a comment be made about the opportunity for the new highway to enable growth. As currently proposed the route and connections north of the crossing do not maximise opportunities for new growth. New junctions in Thurrock are not proposed. New junctions could enable the delivery of new communities supporting Government objectives to deliver new homes and jobs, supported by the work of ASELA.

On this basis, it is proposed that the Council object to connections proposed north of the crossing and requests further engagement between Highways England and ASELA to enable growth aspirations in South Essex.

- 264. Response to Basildon Borough Council Revised Publication Local Plan and Community Infrastructure Levy (Preliminary Draft Charging Schedule) November 2018**

Members were advised that due to ongoing discussion with Basildon Borough Council through the Duty to Co-operate this item would be considered at the Planning and Licensing Committee on 11 December 2018.

**265. Treasury Management Activity Minimum Revenue Provision (MRP) Policy**

The Treasury Management Strategy, as part of the Council's Policy Framework, must be approved by The Council. The report before Members presented changes to the Treasury Management Strategy 2018/19 regarding the Council's Minimum Revenue Provision (MRP) Policy.

The Council was required by the Capital Finance and Accounting Regulations 2008 to determine for each financial year a level a provision for the repayment of debt liability that it considered to be prudent. This was known as the Minimum Revenue Provision (MRP).

The Council was required by regulations issued under the Local Government Act 2003 to have regards to *The CIPFA Prudential Code for Capital Finance in Local Authorities (2017)*. Statutory Guidance from Government advised that Local Authorities could vary methodologies during the year, and a revised Minimum Revenue Provision (MRP) statement should be taken to the next Full Council.

Officers had commissioned the Council's treasury advisors, Link Asset Services, to carry out a review of the Council's MRP Policy. The purpose was to identify any scope to vary the MRP in order to ease the current pressure on the revenue budget, whilst ensuring that the provision remained prudent and compliant with statutory guidance.

Cllr 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 Revised Minimum Revenue Provision (MRP) Policy as shown in Table 2 within the report.**

Cllr Aspinell had left the hall before the debate ended and therefore did not vote on this item.

**Reasons for Recommendation**

Effective financial management underpins all of the priorities for the Council and will enable the Council to operate within a sustainable budget Environment.

## 266. Notices of Motion

Two Notices of Motion had been submitted in accordance with Rule 3 in Part 4.1 of the Constitution - Council Procedure Rules.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Hones **SECONDED** the following:

*"This Council welcomes the review and public consultation that has been launched by Essex County Council in regards to library provision across the county, including within the borough of Brentwood.*

*We recognise and agree that the current library service is outdated and needs modernising.*

*Therefore, Brentwood Borough Council pledges to work with our County Council partners in this regard and will consider options around location, service access and opening hours as part of this review. We will support efforts to involve the local community in both shaping and delivering future library provision in the borough, with particular focus on both Shenfield and Ingatestone libraries, identified as "tier 3" in the review."*

Following a full discussion a recorded vote was requested in accordance with Procedure Rule 9.5 in the Council's Constitution.

Cllrs Aspinell and Hirst had left the Hall during the debate and therefore did not vote.

Members voted as follows:

FOR: Cllrs Barrell, Bridge, Cloke, Mrs Hones, Hossack, Kerslake, McCheyne, McLaren, Mrs McKinlay, Mrs Middlehurst, Mrs Murphy, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Mrs Tierney, Trump and Wiles (21)

AGAINST: Cllrs Barrett, Chilvers, Clarke, Mrs Davies, Mrs Fulcher, Keeble, Kendall, Morrissey, Mynott and Naylor (10)

ABSTAIN: (0)

The **MOTION** was **CARRIED**.

*(Cllr Mrs McKinlay declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her being a Cabinet Member for Finance, Commercial and Traded Services at Essex County Council. She advised that she had taken legal advice and was able to remain at the meeting and discuss this issue).*

*Cllr Reed declared a non-pecuniary interest under the Council's Code of Conduct by virtue of his employment at the Brentwood Centre).*

Cllr Chilvers **MOVED** and Cllr Mynott **SECONDED** the following:

*“The members of Brentwood Council request a report from the Constitution Working Group to the next appropriate Ordinary Council on amending section 8.3.12 (see below) of the constitution on ‘closure motions’ in order that all motions accepted by the monitoring officer be properly debated as per the published agenda in the interests of proper democracy and to ensure that it is not possible for members of the council to curtail or strike out matters that are to be debated for the benefit of residents.*

*“a) A member may move, without comment, the following motions at the end of a speech of another member:*

- 1. to proceed to the next business*
  - 2. that the question be now put;*
- To change to*

*a) A member may move, without comment, the following motions at the end of a speech of another member:*

- 1. to proceed to the next business (after a minimum of 30 minutes of debate)*
- 2. that the question be now put; (after a minimum of 30 minutes of debate)”*

Following a full discussion a recorded vote was requested in accordance with Procedure Rule 9.5 in the Council’s Constitution.

Cllr Hossack and Mrs Middlehurst were not present when the voting took place.

Members voted as follows:

FOR: Cllrs Aspinell, Chilvers, Clarke, Mrs Davies, Mrs Fulcher, Keeble, Kendall, Morrissey, Mynott and Naylor (10)

AGAINST: Cllrs Barrell, Bridge, Cloke, Hirst, Mrs Hones, Kerslake, McCheyne, McLaren, Mrs McKinlay, Mrs Murphy, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Mrs Tierney, Trump and Wiles (20)

ABSTAIN: Cllr Barrett (1)

The **MOTION** was **LOST**.

## **267. Urgent Business**

There were no items of urgent business.

The meeting ended at 22.00.

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## Minutes

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### Ordinary Council (Budget) Wednesday, 27th February, 2019

#### Attendance

Cllr Mrs Murphy (Mayor)	Cllr McCheyne
Cllr Parker (Deputy Mayor)	Cllr McLaren
Cllr Aspinell	Cllr Mrs McKinlay
Cllr Barrell	Cllr Mrs Middlehurst
Cllr Barrett	Cllr Morrissey
Cllr Bridge	Cllr Mynott
Cllr Chilvers	Cllr Naylor
Cllr Clarke	Cllr Nolan
Cllr Cloke	Cllr Poppy
Cllr Mrs Davies	Cllr Mrs Pound
Cllr Mrs Fulcher	Cllr Reed
Cllr Haigh	Cllr Ms Rowlands
Cllr Hirst	Cllr Russell
Cllr Mrs Hones	Cllr Ms Sanders
Cllr Hossack	Cllr Mrs Slade
Cllr Keeble	Cllr Trump
Cllr Kendall	Cllr Tumbridge
Cllr Kerlake	Cllr Wiles

#### Apologies

Cllr Tierney

#### Officers Present

Phoebe Barnes	-	Interim Financial Controller
Philip Drane	-	Director of Strategic Planning
Paula Harvey	-	Corporate Governance Solicitor, Legal Services
Chris Leslie	-	Executive Director of Commercial Services
Claire Mayhew	-	Corporate and Democratic Services Manager
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Chief Operating Officer
Jacqueline Van Mellaerts	-	Chief Financial Officer

### 337. Apologies for Absence

Apologies for absence were received from Cllr Mrs Tierney.

### 338. Declarations of Interest

Cllr Hirst declared a non-pecuniary interest in items related to the Special Constabulary.

Cllr Mrs McKinlay declared a prejudicial interest in the proposed motions relating to libraries since, as a member of the Essex County Council cabinet, she would be involved in the decision-making relating to libraries.

Cllrs Aspinell and Kendall each declared a non-pecuniary interest being Essex County Councillors and members of the Place Setting Committee which would be discussing the library consultation returns.

### 339. Urgent Business

The Mayor advised that in view of residents' attendance at the meeting she proposed to consider an item of urgent business at this point and **MOVED** that Procedure rule 2.3 (*when considering the budgetary framework at its February meeting, no other business will be considered by Council other than the budget and related proposals*) be suspended in order that two motions relating to Shenfield and Ingatestone Libraries could be considered. She had accepted these as urgent business in view of the time constraints permitting input into the Essex County Council decision making process and advised that the time allowed for debate and summing up would be limited to one hour. Cllr Tumbridge **SECONDED** the motion and it was **RESOLVED UNANIMOUSLY** accordingly.

Cllr Mrs McKinlay had declared a prejudicial interest in relation to the proposed motions and left the room taking no part in the discussion or vote.

Cllr Ms Rowlands **MOVED** and Cllr Tumbridge **SECONDED** the following motion:

*"This Council is concerned about the methodology and information relied on by the County Council to list Shenfield Library as tier 3. We call on Essex County Council to reconsider its findings and recognise that Shenfield Library should be listed as tier 2."*

Cllr Kendall **MOVED** and Cllr Aspinell **SECONDED** an **AMENDMENT** as follows:

*"This Council is concerned about the methodology and information relied on to list Shenfield and Ingatestone Libraries as Tier 3. We call on Essex County Council to reconsider its findings and recognise that both Shenfield and Ingatestone libraries should be listed as Tier 2. We also call on the County*



*Council to drop any plans to reduce the opening hours at Brentwood Library”*

The **AMENDMENT** was **NOT ACCEPTED** by Cllr Ms Rowlands and was therefore debated. After a full discussion a recorded vote was taken in accordance with Procedure Rule 9.5 and Members voted as follows:

FOR: Cllrs Aspinell, Barrett, Chilvers, Clarke, Mrs Davies, Ms Fulcher, Haigh, Keeble, Kendall, Morrissey, Mynott and Naylor (12)

AGAINST: Cllrs Barrell, Bridge, Cloke, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, McLaren, Mrs Middlehurst, Mrs Murphy, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Ms Slade, Trump, Tumbridge and Wiles (23)

ABSTAIN (0)

The **AMENDMENT** was **LOST**.

The **SUBSTANTIVE MOTION** was debated and a recorded vote taken in accordance with Procedure rule 9.5. Members voted as follows:

FOR: Cllrs Aspinell, Barrell, Barrett, Bridge, Chilvers, Clarke, Cloke, Mrs Davies, Ms Fulcher, Haigh, Hirst, Mrs Hones, Hossack, Keeble, Kendall, Kerslake, McCheyne, McLaren, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Naylor, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Ms Slade, Trump, Tumbridge and Wiles (35)

The **MOTION** was **CARRIED UNANIMOUSLY**.

Cllr Cloke **MOVED** and Cllr Bridge **SECONDED** the following **MOTION**:

*“ This Council supports the level of response from the local community in regards to Ingatestone Library, including on questioning the information in the consultation document and calls upon ECC to give detailed consideration to all responses, including those which have challenged the underpinning data. Furthermore, it should be remembered that that the library is used out of library hours by the local community and the parish council. And that proper use of the available assets has not been considered.”*

Following a full discussion a recorded vote was taken in accordance with Procedure Rule 9.5. Members voted as follows:

FOR: Cllrs Aspinell, Barrell, Barrett, Bridge, Chilvers, Clarke, Cloke, Mrs Davies, Ms Fulcher, Haigh, Hirst, Mrs Hones, Hossack, Keeble, Kendall, Kerslake, McCheyne, McLaren, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Naylor, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Ms Slade, Trump, Tumbridge and Wiles (35)

The **MOTION** was **CARRIED UNANIMOUSLY**.

Cllr Mrs McKinlay returned to the meeting and Cllr Chilvers left.

### **339. Medium Term Financial Plan 2019/20 - 2021/22**

The Draft Medium-Term Financial Plan (MTFP) was considered by Policy, Projects and Resources Committee on 20 November 2018, which gave Members an update on the various significant changes that would impact on the Council's financial position.

The Final Medium-Term Financial Plan (MTFP) was considered by Policy, Projects and Resources Committee on 5 February 2019 and was recommended to Ordinary Council for consideration and approval.

The fundamental principles of the Council's MTFP were to:

- (i) Maintain a sustainable financial position against a background of unprecedented financial uncertainty and reduced government funding, including the delivery of efficiency targets.
- (ii) Support the vision of our Borough through appropriate identification of resources required to deliver the key priorities outlined in the 'Vision for Brentwood'.
- (iii) Maximise opportunities and mitigate risks associated with the fundamental change to the way in which local government was financed.

This report considered:

- (i) The General Fund budget proposals for 2019/20 to 2021/22.
- (ii) The Housing Revenue Account (HRA) budget proposals for 2019/20 onwards.
- (iii) The Capital Programme 2019/20 to 2021/22.
- (iv) The Treasury Management Strategy for 2019/20.
- (v) Section 151 Officers Assurance Statement.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a full discussion a recorded vote was taken in accordance with Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014).

The Mayor proposed a separate vote be taken on recommendations relating to the Housing Revenue Account therefore on recommendations relating to the General Fund Members voted as follows:

FOR: Cllrs Barrell, Bridge, Cloke, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, McLaren, Mrs Middlehurst, Mrs Murphy, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Ms Slade, Trump, Tumbridge and Wiles (24)

AGAINST: Cllrs Aspinell, Barrett, Clarke, Mrs Davies, Ms Fulcher, Haigh, Keeble, Kendall, Morrissey, Mynott and Naylor (11)

ABSTAIN: (0)

The Motion was **CARRIED** and it was **RESOLVED**:

**General Fund:**

1. **To approve the General Fund - Revised MTFP for 2019/20 as shown in Table 9 which includes the proposed policy initiatives, presenting £185k Funding Gap for 2019/20, to be funded from working balances.**

**Capital programme**

2. **To approve the Existing and New Schemes of the proposed Capital Programme for 2019/20 to 2021/22 as set out in Table 19 of this report.**

**Treasury Strategy**

3. **To approve the Treasury Management Strategy as set out in Section 12 of this report.**

**Section 151 Officer's Assurance Statement**

4. **To note the Section 151 Officer's Assurance Statement as set out in Section 13 of this report.**

**Council Tax 2019/20**

5. **To approve a Council Tax increase of 2.99% (Band D of £188.63) for 2019/20.**

A recorded vote was taken on recommendations relating to the Housing Revenue Account and Members voted as follows:

FOR: Cllrs Barrell, Bridge, Cloke, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, McLaren, Mrs Middlehurst, Mrs Murphy, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Ms Slade, Trump, Tumbridge and Wiles (24)

AGAINST: Cllrs Aspinell, Barrett, Clarke, Mrs Davies, Ms Fulcher, Haigh, Keeble, Kendall, Morrissey, Mynott and Naylor (11)

ABSTAIN; (0)

The Motion was **CARRIED** and it was **RESOLVED**:

**Housing Revenue Account (HRA)**

**1. To approve the HRA Business Plan for 2019/20 and beyond as shown in Appendix C of this report.**

**2. To approve a 1% decrease in rents for 2019/20 and to note rents will increase by CPI plus 1% from 2020/21.**

**3. To recommend to apply the formula rent to all new tenancies from April 2019/20.**

Cllrs Clarke, Morrissey and Tumbridge left the meeting before the next item was considered.

**340. Council Tax Resolution 2019-2020**

Members were reminded that the Council was the billing authority for the Borough of Brentwood and was required to set a Council Tax that would not only cover its own requirements, but also those of Essex County Council (ECC), Police, Fire & Crime Commissioner for Essex (PFCC), and Essex Police Fire & Crime Commissioner Fire and Rescue Authority (EPFCCFRA) and the Parish Councils.

The Council's Chief Finance Officer advised that the Essex County Council Demand Precept Notice had now been received which confirmed the figures within the report. This had been received since publication of the agenda.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a full discussion a recorded vote was taken in accordance with Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014). Members voted as follows:

FOR: Cllrs Barrell, Bridge, Cloke, Hirst, Mrs Hones, Hossack, Kerslake, McCheyne, Mrs McKinlay, McLaren, Mrs Middlehurst, Mrs Murphy, Nolan, Parker, Poppy, Mrs Pound, Reed, Ms Rowlands, Russell, Ms Sanders, Ms Slade, Trump and Wiles (23)

AGAINST: Cllrs Aspinell, Barrett, Mrs Davies, Ms Fulcher, Haigh, Keeble, Kendall, Mynott and Naylor (9)

ABSTAIN: (0)

The **MOTION** was **CARRIED** and it was **RESOLVED**:

1. The net Council Tax requirement of £ 6,198,985 for 2019/20 after taking into account a redistributed surplus from the Collection Fund of £43,717.
2. The average requirement for Council Tax for borough purposes for 2019/20 be £188.63 Band D equivalent as set out in Appendix A (2.99% increase).
3. The Council approve the formal Council Tax resolution for Brentwood Borough Council and Parishes as contained in Appendix A.
4. That it be noted that for the year 2019/20 Police, Fire and Crime Commissioner for Essex and Essex Police, Fire and Crime Commissioner Fire and Rescue Authority have issued the following precept requirements to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 (as amended) (“the Act”) for each of the categories of dwellings (valuation band) shown in Table 2.
5. It be noted that for the year 2019/20 Essex County Council has not yet issued their precept requirement to the Council, at the time of publication, in accordance with Section 40 of the Local Government Finance Act 1992 (as amended) (“the Act”) for each of the categories of dwellings (valuation band) as shown in Table 2.

**Table 2 - Precept Schedule**

<b>Valuation Band</b>	<b>Essex County Council £</b>	<b>Police and Crime Commissioner £</b>	<b>Essex Fire Authority £</b>
A	846.96	128.64	48.30
B	988.12	150.08	56.35
C	1,129.28	171.52	64.40
D	1,270.44	192.96	72.45
E	1,552.76	235.84	88.55
F	1,835.08	278.72	104.64
G	2,117.40	321.60	120.75
H	2,540.88	385.92	144.90

6. That having calculated the aggregate in each case of the amounts calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands and the amounts in Table 2 above, the Council, in accordance with Section 40 of the Act, hereby sets the amounts in Table 3 as the amounts of Council Tax for the year 2019/20 for each of the categories of dwellings shown:

**Table 3 - 2019/20 Council Tax for Each Categories of Dwellings**

	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Band E</b>	<b>Band F</b>	<b>Band G</b>	<b>Band H</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Blackmore	1,186.23	1,383.94	1,581.64	1,779.35	2,174.76	2,570.18	2,965.58	3,558.70
Doddinghurst	1,189.47	1,387.72	1,585.96	1,784.21	2,180.70	2,577.20	2,973.68	3,568.42
Herongate	1,174.73	1,370.52	1,566.31	1,762.10	2,153.68	2,545.26	2,936.83	3,524.20
Ingatestone and Fryerning	1,197.69	1,397.31	1,596.92	1,796.54	2,195.77	2,595.01	2,994.23	3,593.08
Kelvedon	1,196.65	1,396.09	1,595.54	1,794.98	2,193.87	2,592.75	2,991.63	3,589.96
Mountnessing	1,190.93	1,389.42	1,587.91	1,786.40	2,183.38	2,580.36	2,977.33	3,572.80
Navestock	1,210.03	1,411.70	1,613.38	1,815.05	2,218.40	2,621.74	3,025.08	3,630.10
Stondon Massey	1,191.46	1,390.03	1,588.61	1,787.19	2,184.35	2,581.50	2,978.65	3,574.38
West Horndon	1,181.74	1,378.69	1,575.65	1,772.61	2,166.53	2,560.44	2,954.35	3,545.22
Unparished	1,149.65	1,341.26	1,532.87	1,724.48	2,107.70	2,490.92	2,874.13	3,448.96

### **341. Pay Policy 2019/20**

Members were requested to agree the Pay Policy 2019/20 as attached to the report as Appendix A 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 a vote was taken on a show of hands.

It was **RESOLVED UNANIMOUSLY**

**That the 2019/20 Pay Policy Statement as set out in Appendix A is agreed.**

**342. Capital Strategy 2019/20**

The Council was required by Regulation to have regard to the Prudential Code published by the Chartered Institute of Public Finance and Accountancy (CIPFA) when carrying out duties under Part 1 of the Local Government Act 2003. Following consultation during 2017, CIPFA published a revised Prudential Code (2017 Edition) and Treasury Management Code of practice (2017 Edition) in January 2018. One of the main aspects of the revised code was to bring together elements of capital expenditure with the treasury management strategy into a single Capital and Investment Strategy, for approval by Ordinary Council. This strategy document therefore set out the capital, investment and treasury management strategy for 2019/20.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and Members voted on a show of hands.

It was **RESOLVED UNANIMOUSLY:**

**That Members agree the Capital Strategy 2019/20 detailed in Appendix A.**

**343. Urgent Business**

There was no further urgent business but the Mayor said that the Leader of the Council wished to make a statement.

Cllr Mrs McKinlay advised that she would be standing down as Leader at the end of the municipal year but would remain Ward Member for Hutton North. She thanked Members and Officers for their support during her 10 years in her role as Leader.

The meeting ended at 10.00pm

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## Minutes

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### Annual Council

Wednesday, 15th May, 2019 – 7.30pm

### Attendance

Mrs Sheila Murphy (Mayor)	Cllr Kendall
Cllr Parker (Deputy Mayor)	Cllr Kerslake
Cllr Aspinell	Cllr Laplain
Cllr G Barrett	Cllr Lewis
Cllr Dr T Barrett	Cllr McCheyne
Cllr Bridge	Cllr McLaren
Cllr Chilvers	Cllr Mrs McKinlay
Cllr Clarke	Cllr Morrissey
Cllr J Cloke	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Mrs Davies	Cllr Nolan
Cllr Fryd	Cllr Mrs Pearson
Cllr Mrs Fulcher	Cllr Poppy
Cllr Haigh	Cllr Mrs Pound
Cllr Hirst	Cllr Reed
Cllr Mrs Hones	Cllr Miss Sanders
Cllr Hossack	Cllr Tanner
Cllr Jakobsson	Cllr Mrs Tierney
Cllr Keeble	Cllr Tumbridge

### Apologies

Alex Burghart MP  
John Wyndham – Freeman  
David Minns - Alderman

### Officers Present

Kim Anderson	-	Partnership, Leisure and Funding Manager
Phoebe Barnes	-	Interim Financial Controller
Zoe Borman	-	Governance and Member Support Officer
Steven Butcher	-	Projects & Programme Manager
Greg Campbell	-	Director of Operations
Philip Drane	-	Director of Strategic Planning
Zoey Foakes	-	Governance & Member Support Officer
Paula Harvey	-	Corporate Governance Solicitor, Legal Services
Chris Leslie	-	Executive Director of Commercial Services
Tracey Lilley	-	Enforcement Manager
Claire Mayhew	-	Corporate and Democratic Services Manager

Jonathan Quilter	-	Strategic Planning Manager
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Chief Operating Officer
Jacqueline Van Mellaerts	-	Chief Financial Officer

## 1. **Apologies for Absence**

Apologies were received from Alex Burghart MP, Freeman John Wyndham and Alderman David Minns.

## 2. **Mayor's Announcements and Presentations**

The Mayor congratulated and welcomed the eight newly elected Councillors, Cllrs Dr Tim Barrett, Sarah Cloke, Andy Fryd, Peter Jakobsson, Jay Laplain, Mark Lewis, Maria Pearson and Sandy Tanner. She congratulated Cllrs Mrs Davies, Mrs Hones, Hossack and Poppy on their re-election and recounted the final events of her Mayoral Year.

Mrs Murphy presented cheques to her chosen charities – West Horndon Village Hall, Brentwood and District Scouts and Wendy's Kitchen – and was delighted to announce that £8,500 had been raised for these very worthwhile causes.

## 3. **Variation in the Order of the Agenda**

The Mayor had been requested to allow a variation in the order of the agenda and Cllr Mrs McKinlay **MOVED** and Cllr Mrs Pound **SECONDED** that Item 8 - Designate a Leader and Deputy Leader of the Council – be considered next.

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

**RESOLVED UNANIMOUSLY accordingly.**

## 4. **Designate a Leader and Deputy Leader of the Council**

The Constitution under Council Procedure Rule 2.1 (i) provided that the Annual Meeting of Council would consider the election from its Members a Leader and Deputy Leader of the Council.

The Mayor invited nominations for the election of Leader and Deputy Leader for the Municipal Year 2019/20.

Cllr Miss Sanders **MOVED** and Cllr Poppy **SECONDED** that Cllr Hossack be designated as Leader of the Council and it was

**RESOLVED UNANIMOUSLY that**

**Cllr Hossack be designated Leader of the Council.**

Cllr Hossack **MOVED** and Cllr Tumbridge **SECONDED** that Cllr Mrs Hones be designated as Deputy Leader of the Council and it was

**RESOLVED UNANIMOUSLY that**

**Cllr Mrs Hones be designated Deputy Leader of the Council.**

**Reason for Recommendation**

To comply with Article 4 of the Constitution.

**5. Designate a Mayor for the ensuing municipal year**

The Council was required to elect a Mayor from amongst its membership to serve for the Municipal Year 2019/20 and until their successor was entitled to act in that office in accordance with the procedure as set out in Appendix B of the Constitution.

Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** that Cllr Keith Parker should be designated Mayor and it was

**RESOLVED UNANIMOUSLY that**

**Cllr Keith Parker be installed as Mayor for the Municipal Year 2019/20.**

**Reason for Recommendation**

It is a statutory duty.

**6. Designate a Deputy Mayor for the ensuing municipal year**

The Council was required to appoint a Deputy Mayor from amongst its membership to serve for the Municipal Year 2019/20.

The Deputy Mayor was appointed by the Council to continue in office for one Municipal Year and hold office until immediately after the election of the Mayor at the next Annual Meeting.

Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** that Cllr Olivia Sanders be appointed Deputy Mayor and it was

**RESOLVED UNANIMOUSLY that**

**Cllr Olivia Sanders be appointed as Deputy Mayor for the Municipal Year 2019/20.**

### **Reason for Recommendation**

It is a statutory duty.

#### **7. Receive any declaration of interest from Members and Officers**

There were no declarations of interest from Members or Officers..

#### **8. Brentwood Borough Council Elections**

The results of the elections were included within the agenda pack.

#### **9. Political Groups on the Council**

The Constitution provided that the Chief Executive Officer would report receipt of Notices served on him by Members under the provisions of the Local Government (Committees and Political Groups) Regulations 1990 to the Annual Meeting of the Council.

The CEO, Mr Ruck, advised that he had received Notices from the Conservative, Liberal Democrat and Labour Groups indicating that they wished to be treated as political groups on the Council and listing membership of their Group.

Cllr Parker **MOVED** and Cllr Miss Sanders **SECONDED** the recommendation in the report

and it was **RESOLVED UNANIMOUSLY** that

**Annual Council notes the Notices of Political Groups served on the Chief Executive.**

### **Reason for Recommendation**

To comply with The Local Government (Committees and Political Groups) Regulations 1990 as amended.

#### **10. Leader's Statement**

During his statement Cllr Hossack highlighted his intention to concentrate on core priorities including finalising the Local Development Plan, updating the borough's leisure facilities and progressing the joint venture with a private company to develop William Hunter Way and the Town Centre.

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

## **11. Committees and their Terms of Reference**

The Council operated a committee system form of governance and there were a number of statutory provisions relating to committees.

The Constitution provided that the Annual Meeting of Council considered the establishment of committees, their size and terms of reference. Certain matters were laid down by law and the Council had no discretion in its considerations.

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

### **RESOLVED UNANIMOUSLY**

- 1. That the Committees listed in Appendix A be appointed for the Municipal Year 2019/20.**
- 2. That the size of the Committees listed in Appendix A be agreed.**
- 3. That the Terms of Reference of the Committees listed in Appendix A be agreed.**
- 4. That the Council's Monitoring Officer be authorised to make the necessary changes to the Constitution.**

*For clarity, Appendix A is appended to these minutes.*

### **Reasons for Recommendation**

The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

## **12. Political Balance, Allocation of Committee Seats and Committee Appointments**

The Council was required to:

- a) Approve the allocation of seats on Committees;
- b) Receive the nominations from political groups to Committees and make appointments to committees as shown in the nomination sheets and
- c) Appoint Chairs and Vice-Chairs of Committees.

Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** the recommendations in the report.

Cllr Aspinell **MOVED** and Cllr Mynott **SECONDED** an **AMENDMENT**, ie that Cllr Mrs Fulcher replace Cllr Mrs Davies as a nominated substitute on Planning and Licensing Committee.

Cllrs Hossack and Mrs Hones **ACCEPTED** the **AMENDMENT**.

Returning to the **SUBSTANTIVE MOTION**, a vote was taken on a show of hands and it was

### **RESOLVED UNANIMOUSLY**

1. That the allocation of seats as set out in Appendix A be approved.
2. That the nominations from the political groups to Committees as set out in Appendix B be approved subject to Cllr Mrs Fulcher replacing Cllr Mrs Davies as a nominated substitute on Planning and Licensing Committee.
3. That the Chairs and Vice-Chairs of Committees as set out in Appendix B be appointed.

*For clarity, Appendix B is appended to these minutes.*

### **Reasons for Recommendation**

The Council is required to make appointments to those Committees that have been established by Agenda Item 10 for the effective discharge of its functions.

## **13. Committee Calendar for 2019-2020**

The Constitution provided that the Annual Meeting of Council would consider an item of business to agree the date, time and place of Ordinary meetings of Council and its Committees for the coming Municipal Year.

Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** the recommendation in the report.

Cllr Aspinell **MOVED** and Cllr Mynott **SECONDED** an **AMENDMENT** ie that the Ordinary Council meeting proposed for 9<sup>th</sup> October 2019 and the Audit and Scrutiny Committee meeting proposed for 8<sup>th</sup> October 2019 be switched.

Cllrs Hossack and Mrs Hones **ACCEPTED** the **AMENDMENT**.

Returning to the **SUBSTANTIVE MOTION**, a vote was taken on a show of hands and it was

### **RESOLVED UNANIMOUSLY**

**That the Calendar of Meetings attached as Appendix A for 2019/20 be approved subject to meetings scheduled for 8.10.19 and 9.10.19 being switched.**

*For clarity the Calendar of meetings is appended to these minutes.*

#### **Reason for Recommendation**

The Calendar of Meetings enables effective and efficient decision making throughout the Municipal Year.

#### **14. Members Remuneration Report 2019-2020**

The Council operated a Members' Allowances Scheme which was reviewed annually by the Independent Remuneration Panel (IRP). The Members' Allowance Scheme was Chapter 6 of the Council's Constitution. The IRP had reviewed the current scheme and had made recommendations for the 2019/20 Municipal Year and their review was attached in Appendix A to the report before Members.

Following the IRP meeting held on 7<sup>th</sup> November, the IRP report had recommended to increase the Member Allowances by 1% which was also in line with Employees and had been included within the Council's MTFP 2019/20. The Mayor allowance was also considered and proposed to increase in line with the Mayor's Expenditure.

The IRP reviewed Parental Leave and Carer Allowance proposals to be included within the Members Allowance Scheme following a cross party meeting with group leaders.

The newly elected Leader of the Conservative Party asked for the IRP to be consulted to also increase the Deputy Mayor Allowance which was reviewed and proposed increase agreed.

Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** the recommendations in the report and following a debate a vote was taken on a show of hands and it was

#### **RESOLVED that**

- 1. That the report of the Independent Remuneration Panel at Appendix A be noted.**
- 2. Following the IRP recommendation, the Members Allowances 2019/20 attached in Appendix B is approved.**

3. That the Mayor and Deputy Mayor allowances 2019/20 attached in Appendix B are approved.
4. Following the IRP recommendation, the Member Parental Leave Policy included in the IRP report (Appendix 1) is approved.
5. Following the IRP recommendation, the Members' Allowances Scheme including Carers Allowance conditions as set out in the IRP report (Appendix 2) is approved.
6. Delegated authority is given to the Monitoring Officer to amend the constitution with the above amendments.

*For clarity Appendix B is appended herewith.*

**15. Urgent Business**

There were no items of urgent business.



The following Committees are established under all Council powers:-

- (1) Audit and Scrutiny Committee – 9 Members of the Council
- (2) Community and Health Committee – 9 Members of the Council
- (3) Dismissal Appeals Committee – 9 Members of the Council
- (4) Environment, Enforcement and Housing Committee – 9 Members of the Council
- (5) Planning and Licensing Committee – 12 Members of the Council
- (6) Policy, Resources and Economic Development Committee – 9 Members of the Council
- (7) Staff Appointments Committee – 9 Members of the Council
- (8) Dismissals Advisory Panel – 3 Independent Persons

The Terms of Reference of the above are set out as follows:-

## CHAPTER 3 - POWERS AND DELEGATIONS

### PART 3.1 - POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

#### 1. Matters Reserved to meetings of Council

##### 1.1 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.

##### 1.2 Functions of the Council

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;
- (m) approving of the Council's Corporate Plan;
- (n) approving or adopting the Council policies and strategies which form the policy framework;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) confirming the appointment or dismissal of the Chief Executive; Monitoring Officer; and Section 151 Officer;
- (q) to consider reports on cross cutting matters not expressly delegated to another committee;
- (r) all other matters which by law must be reserved to Council;

## **2. General Powers of Committees**

This scheme of delegation sets out the functions of the Council to be discharged by its committees and sub-committees and includes the terms of reference of statutory and non-statutory bodies set up by the Council.

Each committee or sub-committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council

- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the committee;

## **2.1 Policy, Resources and Economic Development Committee**

The committee shall consider all matters of policy and strategic importance to the Council including matters referred to it by other Committees and/or Chief Officers.

The function within the remit of the Policy, Resources and Economic Development Committee include all financial matters relating to the budget, (and for avoidance of doubt, being the superior Committee on all such matters including capital, revenue and the Housing Revenue Account (HRA) except where the law otherwise requires), and without prejudice to the generality of this, include the specific functions which are set out below.

### Policy

Generally to review and oversee the co-ordination and governance of all functions of the Council. To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

### Finance

- 1) Financial Services
  - 2) Contracts, commissioning, procurement
  - 3) Legal services
  - 4) Health and safety at work (in so far as it relates to the Council as an employer)
  - 5) Corporate communications and media protocols
  - 6) Corporate and Democratic services
  - 7) Human resources
  - 8) Information Communication Technology
  - 9) Revenues and Benefits
  - 10) Customer Services
  - 11) Assets (strategically)
2. Overall responsibility for monitoring Council performance.
  3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.

4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.
7. To approve the write off of any outstanding debt owed to the Council above the delegated limit of £5,000.
8. To determine capital grant applications.
9. To make recommendations on the allocation and use of resources to achieve the council's priorities.
10. To manage and monitor the Council approved budgets and allocation of resources.
11. To provide the lead on partnership working including the joint delivery of services.
12. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
13. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following-

#### The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.
- (c) Promoting the use of Council owned assets by the local community and other interested parties.
- (d) To manage any lands or property of the Council;
- (e) To include properties within the council's Asset Management Portfolio including Halls etc.
- (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.

- (g) To review the corporate Asset Management Plan annually.
- (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
- (i) Disposal of land surplus to the requirements of a council function.
- (j) Appropriation of land surplus for the requirements of another Council function.
- (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.
- (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
- (m) To receive updates reports on the Asset Development Programme and the work of the Asset Development Programme and Project Board.
- (n) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
- (o) To agree and monitor the governance arrangements for any commercial and/or partnership arrangement with the Council.
- (p) Promoting a culture of entrepreneurialism and building the required skills and capacity.
- (q) To consider and approve business cases and commercial business plans for commercial activity.
- 14. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

#### Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.
- (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
- (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.

- (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
  - (e) To develop and deliver a Borough wide initiative on apprenticeships.
  - (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
  - (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
  - (h) To maintain a special interest in promoting employment in the Borough.
  - (i) To promote and encourage tourism and heritage.
  - (j) Parking (off street parking provision in Council owned/leased off-street parking places).
  - (k) Any matters relating to Crossrail.
15. To consider a report from the Monitoring Officer at the beginning of the Municipal Year, for the Committee to appoint the membership of the Constitution Working Group, in order for the Monitoring Officer to consult with such Members on the regular review of the Constitution documentation in accordance with Article 12 of the Constitution during the year.
16. To review and facilitate the transformation of delivery of services.

#### Transformation

- (a) To approve and facilitate the transformation of delivery of services.

#### Projects

- (a) To identify, monitor and oversee the implementation of those Corporate Projects that have been agreed by the committee to be major.

#### Scrutiny

- (a) To advise the Audit & Scrutiny Committee of any matters that require scrutiny in accordance with the Audit and Scrutiny Procedure Rules.
- (b) To receive requests and determine on matters that require scrutiny from the Audit and Scrutiny Committee in accordance with the Audit and Scrutiny Procedure Rules.
- (c) To receive requests and determine on matters that require scrutiny from any Committee in accordance with the Audit and Scrutiny Procedure Rules.

17. To consider any requests for sponsorship and use of the Council's Coats of Arms and logos.

## **2.2 Environment, Enforcement and Housing Committee**

The functions within the remit of the Environment, Enforcement and Housing Committee are set out below:

- 1) Waste management, refuse collection and recycling
- 2) Environmental improvement schemes
- 3) The quality of the public realm, including street services and grounds maintenance
- 4) Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage
- 5) Public conveniences
- 6) Cemeteries and closed churchyards
- 7) Unlawful incursions
- 8) Affordable housing
- 9) Housing strategy and investment programme where the Policy, Resources and Economic Development Committee does not decide to exercise such functions as the superior Committee
- 10) The Housing Revenue Account Business Plan where the Policy, Resources and Economic Development Committee does not decide to exercise such functions as the superior Committee
- 11) Housing standards, homelessness, homelessness prevention and advice
- 12) Housing needs assessment
- 13) Housing benefit - welfare aspects
- 14) Private sector housing and administration of housing grants
- 15) Tenancy Management and landlord functions

- 16) To make recommendations to Policy, Resources and Economic Development Committee on the setting of rents for Council homes.
- 17) Operational facilities management (including maintenance) of the Town Hall and the Depot
- 18) Oversee and monitor the enforcement activities of the Council
- 19) Community Safety (including Community Safety Partnership) and CCTV
- 20) To implement working parties as required

### **2.3 Community and Health Committee**

The functions within the remit of the Community and Health Committee are set out below

- 1) Community and Localism Initiatives including Assets of Community Value
- 2) The Voluntary Sector and community partnerships
- 3) Leisure and cultural initiatives.
- 4) Parish Council liaison
- 5) Health and Wellbeing
- 6) Grants to organisations/voluntary organisations.
- 7) Parks, open spaces, countryside, allotments
- 8) Environmental Health
- 9) Environmental nuisance and pollution controls
- 10) Other miscellaneous powers enforced by Environmental Health
- 11) Food safety and health and safety
2. To take the lead on community leadership and consultation with stakeholders.
3. To implement working parties as required.



## **2.4 Audit and Scrutiny Committee**

The Audit and Scrutiny Committee provides advice to the Council and the committees on the effectiveness of the arrangements for the proper administration of the Council's financial affairs, including all relevant strategies and plans.

It also acts as the Council's Overview and Scrutiny Committee with all the powers under Part 3 of the Local Authorities (Committee System) (England) Regulations 2012, and discharges the functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).

Without prejudice to the generality of the above, the terms of reference include those matters set out below.

### Audit Activity

- (a) To approve the Annual Internal Audit risk based plan of work.
- (b) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance, risk management and internal control arrangements.
- (c) To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (d) To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (e) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (f) To consider the arrangements for the appointment of the Council's Internal and External Auditors.

### Regulatory Framework

- 1) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 2) To monitor the effective development and operation of risk management and corporate governance in the Council.
- 3) To monitor Council policies and strategies on an Annual basis
  - a. Whistleblowing
  - b. Money Laundering
  - c. Anti-Fraud and Corruption
  - d. Insurance and Risk Management
  - e. Emergency Planning
  - f. Business Continuity

- 4) To monitor the corporate complaints process.
- 5) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 6) To consider the Council's compliance with its own and other published standards and controls.
- 7) To monitor the Council processes in relation to
  - a. Freedom of Information
  - b. Member Enquires
- 8) To monitor the Council's Data Quality arrangements.
- 9) To monitor the Council's Member's Training arrangements.

#### Accounts

- 1) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2) To review the Council's Annual Governance Statement.
- 3) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### Scrutiny Activity

- 1) Responsible to scrutinise any matters as identified and agreed by the Policy, Resources and Economic Development Committee as set out in the Audit and Scrutiny Procedure rules.
- 2) To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Development Committee for approval as set out in the Audit and Scrutiny rules.
- 3) To report to the Policy, Resources and Economic Development Committee or the appropriate committee on the progress of any matters that have been requested and to make relevant recommendations as required.
- 4) To establish working groups as appropriate(in line with agreed protocols) to undertake the scrutiny of any matters requested by the Policy, Resources and Economic Development Committee, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.

- 5) Responsibility for the monitoring of Council service performance, including Performance Indicators and, Formal Complaints, making reports if required to any committee, or subcommittee, any officer of the Local Authority, or any joint committee on which the Local Authority is represented, or any sub-committee of such a committee.
- 6) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Local Authority.
- 7) To deal with those issues raised through the 'Councillor Call for Action' scheme in line with agreed protocols and procedures.
- 8) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
- 9) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions.

## **2.5 Planning and Licensing Committee**

### Planning

- (a) Town and Country Planning Act 1990 and any related legislation including:-
  - (i) determination of planning applications;
  - (ii) enforcement of planning control;
  - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
  - (i) determination of applications for Listed Buildings and Conservation Area consent;
  - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
  - (a) To guide the Council in setting its policy objectives and priorities.
  - (b) To carry out the duties and powers of the Council under current legislation;
  - (c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
  - (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;

- (e) To consider and approve relevant service plans;
- (f) To comply with the standing orders and financial regulations of the Council;
- (g) To operate within the budget allocated to the committee by the Council.
- (h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

### Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including:-
  - i. Trading Requirements
  - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
  - iii. Animal Welfare and Security
  - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
  - v. Sex establishments (including Sex Entertainment Venues (SEV))
  - vi. Pavement Permits
  - vii. Charitable Collections
  - viii. Camping, Caravan Sites and Mobile Homes
  - ix. Scrap Metal
  - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.

## **2.6 Licensing Sub-Committees**

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

### **Licensing Act 2003 and Gambling Act 2005**

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

### **Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:**

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

### **Scrap Metal Dealing**

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

### **Street Collections and House to House Collections**

- (a) Appeals against refusal to grant or renew a license.

## **Licensing of sex establishments**

- (a) Determination of all applications, revocations and appeals.

## **Street Trading**

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

## **Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis**

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

## **Animal Welfare and Security, except for the following:**

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

## **Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:**

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

## **Mobile Homes**

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.

## **2.7 Staff Appointments Committee (to meet on demand) has the following functions:**

- (a) To appoint the following designated officers:

- Chief Executive
- Section 151 Finance Officer
- Monitoring Officer

and such other posts as may be determined from time to time by Group Leaders in consultation with the Chief Executive.

- (b) To comply with the requirements set out in Chapter 4 of the Constitution (Staff Employment Procedure Rules).

- (c) To agree, review and amend to salary and grading structures for chief officer posts in line with the agreed remuneration policy.

**2.8 Dismissal Appeals Committee (to meet on demand) has the following functions:**

- (a) To consider and determine any appeal by the Chief Executive, Section 151 Officer or Monitoring Officer against dismissal.
- (b) To consider and determine any allegation or issue of misconduct, incapability or breakdown in trust against the Chief Executive, Section 151 Finance Officer, Monitoring Officer or a Deputy Monitoring Officer.

**2.9 Dismissal Advisory Panel (to meet on demand) has the following functions:**

- (a) To advise full Council on matters relating to the dismissal of the Chief Executive, the Chief Finance Officer and the Monitoring Officer

NB. This Panel comprises three independent persons who are not Members of the Council.

## Extract from Part 4.1 – Council Procedure Rules

### 18. **Size**

<b>Committee</b>	<b>Membership</b>	<b>Quorum</b>
Policy, Projects and Resources	9	3
Environment and Enforcement	9	3
Community, Health and Housing	9	3
Planning and Licensing	12	4
Audit and Scrutiny	9	3
Regulatory and Governance	9	3
Staff Appointments*	9	3
Dismissal Appeals *	9	3

\* These committees meet on demand.

### 20. **Appointments and Substitutes**

- 20.1 Following Annual Council, the Chief Executives on the nomination of Group Leaders, or in their absence, Deputy Group Leaders, appoints and removes members of committees and sub-committees.
- 20.2 A substitute Member may attend a particular meeting of the committee, and will have full powers of the committee Member, provided that the Member is a specified nominated substitute for that Member of the particular political group and in a list agreed by full Council. In the event that the absent committee Member is a non-aligned Member, the specified substitute for that Member can be any Member of the Council.
- 20.3 The names of substitutes shall be announced at the start of the meeting by the Chair. The substitution shall be for the whole meeting and cease at the end of the meeting.
- 20.4 Substitutes for regulatory committees must be drawn from Members who have received training in regulatory decision making. If a casual vacancy occurs on a regulatory committee it will not be filled until the nominated member has been trained.
- 20.5 All Members are entitled to attend the training provided for members of regulatory committees.



## **NOMINATIONS TO SEAT ALLOCATIONS & APPOINTMENTS**

(Council must give effect to the wishes of the political groups as regards the nominations for the seats allocated to those political groups).

<b>Audit &amp; Scrutiny Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr C Nolan			
Vice-Chair**:	Cllr S Tanner			
	Cllr K Parker	Cllr K Chilvers	Cllr Dr T Barrett	
	Cllr Mrs L McKinlay	Cllr D Naylor		
	Cllr R Hirst	Cllr M Haigh		
Approved Substitute	Cllr C Poppy	Cllr S Cloke	Cllr Morrissey	
Approved Substitute	Cllr T McLaren	Cllr Mrs A Fulcher		
Approved Substitute	Cllr T Bridge			

Community & Health Committee (9)	Conservative (5)	Liberal Democrat (3)	Labour (0)	Non-Aligned (1)
Chair*:	Cllr C Poppy			
Vice-Chair**	Cllr Mrs C Tierney			
	Cllr Miss O Sanders ( <i>Lead Member for Health &amp; Wellbeing</i> )	Cllr Mrs V Davies		Cllr R Keeble
	Cllr M Reed	Cllr S Cloke		
	Cllr Mrs J Pound	Cllr Mrs A Fulcher		
Approved Substitute:	Cllr P Jakobsson	Cllr J Laplain		Cllr J Morrissey
Approved Substitute:	Cllr T Bridge	Cllr D Naylor		
Approved Substitute	Cllr Mrs M Pearson			

<b>Dismissals Appeal Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (0)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr C Hossack			
Vice-Chair**:	Cllr Mrs N Hones			
	Cllr J Tumbridge	Cllr B Aspinell		
	Cllr C Poppy	Cllr P Mynott		
	Cllr C Nolan	Cllr A Fryd		
		Cllr S Cloke		
Approved Substitute:	Cllr J Kerslake	Cllr M Haigh		
Approved Substitute:	Cllr Miss O Sanders	Cllr K Chilvers		
Approved Substitute:	Cllr Mrs C Tierney			

<b>Environment, Enforcement &amp; Housing Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair:	Cllr C Hossack			
Vice-Chair:	Cllr J Kerslake			
	Cllr T Bridge	Cllr D Naylor	Cllr Dr T Barrett	
	Cllr Mrs M Pearson	Cllr J Laplain		
	Cllr Mrs J Pound	Cllr N Clarke		
Approved Substitute:	Cllr Mrs N Hones	Cllr M Haigh	Cllr G Barrett	
Approved Substitute:	Cllr C Poppy	Cllr Mrs V Davies		
Approved Substitute:	Cllr J Cloke			

<b>Planning &amp; Licensing Committee (12)</b>	<b>Conservative (6)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (1)</b>	<b>Non-Aligned (1)</b>
Chair*:	Cllr Miss O Sanders			
Vice-Chair**:	Cllr R McCheyne			
	Cllr P Jakobsson	Cllr P Mynott	Cllr J Morrissey	Cllr R Keeble
	Cllr T McLaren	Cllr A Fryd		
	Cllr Mrs C Tierney	Cllr K Chilvers		
	Cllr J Kerslake	Cllr M Haigh		
Approved Substitute:	Cllr S Tanner	Cllr J Laplain	Cllr Dr T Barrett	Cllr G Barrett
Approved Substitute:	Cllr T Bridge	Cllr Mrs A Fulcher		
Approved Substitute:	Cllr C Nolan			

<b>Policy, Resources and Economic Development Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr J Tumbridge			
Vice-Chair**:	Cllr Mrs N Hones			
	Cllr C Hossack	Cllr P Mynott	Cllr G Barrett	
	Cllr C Poppy	Cllr D Kendall		
	Cllr J Cloke ( <i>Lead Member for Highways &amp; Parking</i> )	Cllr M Lewis		
Approved Substitute:	Cllr R Hirst	Cllr B Aspinell	Cllr Dr T Barrett	
Approved Substitute:	Cllr T Bridge	Cllr S Cloke		
Approved Substitute:	Cllr M Reed			

<b>Staff Appointments Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr C Hossack			
Vice-Chair**:	Cllr Mrs N Hones			
	Cllr J Tumbridge	Cllr B Aspinell	Cllr G Barrett	
	Cllr C Poppy	Cllr M Haigh		
	Cllr C Nolan	Cllr S Cloke		
Approved Substitute:	Cllr J Kerslake	Cllr A Fryd	Cllr J Morrissey	
Approved Substitute:	Cllr Miss O Sanders	Cllr D Naylor		
Approved Substitute:	Cllr Mrs C Tierney			

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# Notice of Meetings 2019/2020

## LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

NOTICE IS HEREBY GIVEN that the following meetings, open to the Public and Press, will be held at the Ursuline Convent High School, Brentwood, Essex until further notice.

	Day	Time	May 2019	June 2019	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020	February 2020	March 2020	April 2020	May 2020
Annual Council	Wednesday	19:00	<b>15th</b>												<b>20th</b>
Ordinary Council	Wednesday	19:00		<b>26th</b>				<b>8th (Tues)</b>		<b>11th</b>	<b>22nd</b>		<b>4<sup>th</sup> (Budget) 25<sup>th</sup> (if required)</b>		
Audit and Scrutiny Committee	Tuesday	19:00		<b>18th</b>	<b>30th (Signing of Accounts)</b>			<b>9th (Wed)</b>			<b>28th (Budget)</b>		<b>3rd</b>		
Community and Health Committee	Tuesday	19:00			<b>2nd</b>		<b>17th</b>			<b>3rd</b>			<b>10th</b>		
Environment, Enforcement and Housing Committee	Tuesday	19:00		<b>25th</b>			<b>24th</b>			<b>10th</b>			<b>17th</b>		
Planning and Licensing Committee	Wednesday	19:00		<b>12th</b>	<b>17th</b>		<b>4th</b>	<b>16th</b>	<b>13th</b>	<b>18th</b>	<b>15th</b>	<b>19th</b>	<b>11th</b>		
Policy, Resources and Economic Development Committee	Wednesday	19:00			<b>10th</b>		<b>11th</b>		<b>27th</b>		<b>8th</b>	<b>12<sup>th</sup> (Budget)</b>	<b>18th</b>		

Dated this 15<sup>th</sup> May 2019

P. Ruck  
HEAD OF PAID SERVICES

(Proper Officer for the purposes of Part VA of the Act)

	2019 May	June	July	August	September	October	November	December	2020 January	February	March	April	May
1				School holidays	School holidays	Conservative Party Conference	School holidays		Bank Holiday				
2				School holidays	School holidays	Conservative Party Conference			School holidays				
3				School holidays					School holidays				
4	Bank Holiday			School holidays					School holidays				Bank Holiday
5				School holidays					School holidays				
6				School holidays								School holidays	
7				School holidays								School holidays	
8				School holidays								School holidays	
9				School holidays								School holidays	
10				School holidays								Bank Holiday	
11				School holidays								School holidays	
12				School holidays								School holidays	
13				School holidays								Bank Holiday	
14				School holidays	Liberal Democrats Conference							School holidays	
15				School holidays	Liberal Democrats Conference							School holidays	
16				School holidays	Liberal Democrats Conference							School holidays	
17				School holidays	Liberal Democrats Conference					School holidays		School holidays	
18				School holidays						School holidays			
19				School holidays						School holidays			
20				School holidays				School holidays		School holidays			
21				School holidays	Labour Party Conference			School holidays		School holidays			
22				School holidays	Labour Party Conference			School holidays					
23			School holidays	School holidays	Labour Party Conference			School holidays					
24			School holidays	School holidays	Labour Party Conference			School holidays					
25	School holidays		School holidays	School holidays	Labour Party Conference			Bank Holiday					Bank Holiday
26	School holidays		School holidays	School holidays				Bank Holiday					School holidays
27	School holidays		School holidays	School holidays				School holidays					School holidays
28	School holidays		School holidays	Bank Holiday		School holidays		School holidays					School holidays
29	School holidays		School holidays	School holidays	Conservative Party Conference	School holidays		School holidays					School holidays
30			School holidays	School holidays	Conservative Party Conference	School holidays		School holidays					
31			School holidays	School holidays	Conservative Party Conference	School holidays		School holidays					

# Holiday Calendar 2019/2020

<b>Members Allowances 2019-20</b>	<b>Number</b>	<b>Allowances 2018-19</b>	<b>Allowances 2019-20</b>	<b>Only One SRA Permitted</b>	<b>Total Recommendation 2018-19</b>	<b>Total Recommendation 2019-20</b>	<b>Variance</b>
Basic Allowance	37	5,950.80	6,010.31		220,179.60	222,381.40	2,201.80
Leader	1	13,086.25	13,217.11		13,086.25	13,217.11	130.86
Deputy Leader	1	6,317.50	6,380.68		6,317.50	6,380.68	63.18
Leader of Main Opposition	1	5,318.75	5,371.94		5,318.75	5,371.94	53.19
Leader of Minority Opposition	1	2,658.92	2,685.51		2,658.92	2,685.51	26.59
Chair of Audit & Scrutiny Committee	1	1,772.92	3,581.29		1,772.92	3,581.29	1,808.37
Chair of Regulatory & Governance Committee	1	1,772.92	0.00		1,772.92	0.00	-1,772.92
Chair of Community and Health Committee	1	3,545.83	3,581.29		3,545.83	3,581.29	35.46
Chair of Environment, Enforcement and Housing Committee	1	3,545.83	3,581.29	Leader of the Council	3,545.83	0.00	-3,545.83
Chair of Planning and Licensing Committee	1	3,545.83	3,581.29		3,545.83	3,581.29	35.46
Chair of Policy, Resources and Economic Development Committee	1	3,545.83	3,581.29		0.00	3,581.29	3,581.29
Vice Chair of Audit & Scrutiny Committee	1	483.57	976.82		483.57	976.82	493.25
Vice Chair of Regulatory & Governance Committee	1	483.57	0.00		483.57	0.00	-483.57
Vice Chair of Community and Health Committee	1	967.15	976.82		967.15	976.82	9.67
Vice Chair of Environment, Enforcement and Housing Committee	1	967.15	976.82		967.15	976.82	9.67
Vice Chair of Planning and Licensing Committee	1	967.15	976.82		967.15	976.82	9.67
Vice Chair of Policy, Resources and Economic Development Committee	1	967.15	976.82	Deputy Leader of the Council	0.00	0.00	0.00
<b>Sub-total</b>					<b>265,612.94</b>	<b>268,269.07</b>	<b>2,656.13</b>
Mayor	1	3,500.00	3,535.00		3,500.00	4,535.00	1,035.00
Deputy Mayor	1	1,000.00	1,010.00		1,000.00	1,510.00	510.00
<b>Grand Total</b>					<b>270,112.94</b>	<b>274,314.07</b>	<b>4,201.13</b>

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**26 June 2019**

**Ordinary Council**

**Public Questions**

**Report of:** Claire Mayhew - Corporate and Democratic Services Manager

**Wards Affected:** All Wards

**This report is:** Public

## **1. Executive Summary**

- 1.1 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 has been received by 10.00am two working days before the relevant meeting.
- 1.2 If the person wishing to ask the question is not present at the meeting when the item is called the question(s) will be deleted from the list of questions to be asked.
- 1.3 Every question asked pursuant to rule 11.1 of the Constitution shall be put and answered without discussion but the Member to whom the question has been put may decline to answer. An answer may take the form of a direct oral answer at the Council meeting or where there has been insufficient time to research an answer, a written answer will be sent to the questioner.
- 1.4 Two questions had been received.
- 1.5 Mrs Gearon-Simm submitted the following questions:

*The world's leading scientists have produced 1,800 pages of detailed evidence that our wholesale destruction of the biosphere threatens humanity just as much as climate change.*

*The time has surely come for politicians to act urgently to take non-partisan, bold courageous action to back transformative economic and social change in pursuit of the public good.*

*Will Brentwood Borough Council join more than 100 other councils across the country to declare a climate emergency?*

*Will councillors pledge that Brentwood will be carbon-neutral within 11 years?*

**Report Author Contact Details:**

**Name:** Jean Sharp

**Telephone:** 01277 312655

**E-mail:** jean.sharp@brentwood.gov.uk

**26 June 2019**

## **Ordinary Council**

### **Members' Questions on Chairs' Reports**

**Report of:** *Claire Mayhew - Corporate and Democratic Services Manager*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility is provided for Members' information at each Ordinary Council meeting.
- 1.2 Any Member may 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 affects the Council's area and which falls within the area of responsibility of the Chair's committee.
- 1.3 The period allowed for Chairs' reports, written and oral questions and answers will not exceed 60 minutes without leave of the Mayor.

#### **2. Appendices to this report**

Appendix A – Chairs' reports (to follow).

#### **Report Author Contact Details:**

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**26 June 2019**

## **Ordinary Council**

### **Ordinary Council Terms of Reference**

**Report of:** *Claire Mayhew, Corporate and Democratic Services Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 At Annual Council on 15<sup>th</sup> May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

#### **2. Recommendation(s)**

- 2.1 That the Committee notes the Terms of Reference (Appendix A) of the Ordinary Council.**
- 2.2 That any amendments addressed by the Committee are reported to Chief Operating Officer/Corporate and Democratic Services Manager and a report to be taken to appropriate Ordinary Council Meeting for approval.**

#### **3 Introduction and Background**

- 3.2 The Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.
- 3.3 The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
- 3.4 Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.
- 3.5 Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does

so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.

- 3.6 Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).
- 3.7 Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.
- 3.8 Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.
- 3.9 Although the Licensing Sub-Committee is set up by the Planning and Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

#### **4 Issue, Options and Analysis of Options**

- 4.2 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2019/2020, this is subject to an amendment made by the individual committees throughout the year with Council's approval.
- 4.3 The proposed Terms of Reference for Ordinary Council are appended to this report.

#### **5 Reasons for Recommendation**

- 5.2 The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

#### **6 Consultation**

- 6.2 None.

## **7 References to Corporate Plan**

- 7.2 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge those functions in a timely, open and transparent way to deliver the Corporate Plan.

## **8 Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer**

**Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.2 The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2019/2020.

### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 8.3 The recommendations set out within this report are lawful and within the Council's powers and duties. The Council operates a committee system form of governance within an existing legal framework. The Council's Constitution provides that the Annual Meeting will establish a committee for the purposes of the Licensing Act 2003 and such other committees as may be necessary for the proper discharge of the Council's functions, including their size and terms of reference.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 None.

## **9 Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.2 None.

## **10 Appendices to this report**

Appendix A: Terms of Reference – Ordinary Council

**Report Author Contact Details:**

**Name:** Claire Mayhew, Corporate and Democratic Services Manager  
**Telephone:** 01277 312741  
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## **Ordinary Council Terms of Reference**

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.

### **1.2 Functions of the Council**

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;
- (m) approving of the Council's Corporate Plan;
- (n) approving or adopting the Council policies and strategies which form the policy framework;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) confirming the appointment or dismissal of the Chief Executive; Monitoring Officer; and Section 151 Officer;
- (q) to consider reports on cross cutting matters not expressly delegated to another committee;
- (r) all other matters which by law must be reserved to Council;

## 2. General Powers of Committees

This scheme of delegation sets out the functions of the Council to be discharged by its committees and sub-committees and includes the terms of reference of statutory and non-statutory bodies set up by the Council.

Each committee or sub-committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the committee;

**26<sup>th</sup> June 2019**

## **Ordinary Council**

### **Appointment of Representatives on Outside Organisations**

**Report of:** *Claire Mayhew - Corporate & Democratic Services Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 Following a change to the Council's Constitution on 25 January 2017 Councillors are now appointed to a number of outside organisations by Ordinary Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come 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 is appointed.
- 1.2 Following consideration of the list of nominations and to ensure effective use of Councillors resource and support for outside organisations it is considered appropriate to categorise the list in the following:
  - Statutory Representatives
  - Trustee required
  - Council has interest whether financially or otherwise
  - Others – point of contact
- 1.3 Where a Councillor is required to be a point of contact it is considered appropriate for the outside organisation and the Councillor to make contact and discuss the best approach.
- 1.4 The list of nominations for representatives/point of contact on outside organisations is presented at the Ordinary Council meeting each year for Members' approval.

## **2. Recommendation(s)**

- 2.1 That the list of outside bodies and nominated representatives/point of contact for 2019/20 shown in Appendix A be approved.**
- 2.2 A review of the Outside Organisations to undertaken yearly and reported back to Ordinary Council as the start of the municipal year.**

## **3. Introduction and Background**

- 3.1 The Council will need to be satisfied, and remain satisfied throughout the year, that the list of outside bodies only contains bodies upon which the Council could properly or would wish to nominate representatives and to be represented. Or where a Councillor could be an appropriate point of contact.
- 3.2 The list of nominations for representatives on the relevant outside organisations are now presented at the Ordinary Council meeting each year for Members' approval.
- 3.3 The choice of nominations put forward by the relevant Group Leaders are made in the light of the need to avoid conflicts of interest (including how any such nomination if successful would impact on the particular Member's other duties such as being a member of any committee of the Council upon which they have been nominated to serve and are serving). No nomination for a role should be put forward where a conflict of interest is likely to arise to a significant degree.
- 3.4 The capacity upon which a successful nominee is to serve needs to be borne in mind and the implications fully understood, from their personal viewpoint, that of the Council and that of the particular organisation.
- 3.5 Members who serve on outside bodies must exercise independent judgment in the interests of the organisation in which they are involved.
- 3.6 Where a Member is serving on the outside body in a representative capacity (i.e. representing the Council), this should be made plain to that body and the Member, whilst being aware that they have a commitment to representing the Council on the outside organisation, must also be aware that it is their responsibility to decide what view to take on any question before the outside organisation.



- 3.7 Where a Member is acting as a Trustee, Director or member of a Management Committee of an outside body, the Member must act in accordance with that body's interests, and not those of the Council or even the council tax payers at large.
- 3.8 Whilst there could, in exceptional circumstances, be a situation in which a representative on an outside body may find themselves unable to adequately carry out their responsibilities properly, both as a member of the Council and as a member of the outside body, there are advantages to having Members carefully appointed to relevant outside organisations.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Councillors are now appointed to a number of outside organisations by the Ordinary Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come about either through the Authority initiating the appointment, an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative is appointed.
- 4.2 The Council's Partnership Policy encourages effective partnership working wherever appropriate to help deliver the Council's goals and overcome constraints. The Policy aims to ensure that the Council's time is spent productively and effectively. When a Councillor is appointed to an outside organisation, they act on behalf of that organisation, and may participate fully in the activities. Where it is felt appropriate the nominated Councillor can act as a point of contact and make agreement with the outside organisation how the Councillor can best serve them.

#### **5. Consultation**

- 5.1 A full consultation took place in 2014 with outside organisations and Council representatives. Details of outside organisations and their nominated Councillor representatives are published on the Council's website.
- 5.2 A further consultation was undertaken in 2018 and the result of this can be seen in Appendix A (to follow). As a result of these findings, we suggest that outside organisations are removed and no appointments for 2019/2020 will be made and those organisations are advised accordingly.

## **6. References to Corporate Plan – Vision for Brentwood**

6.1 Member representation on outside organisations relates directly to the Council's Community and Health priority in Vision for Brentwood:

- *To work with community and voluntary organisations to develop the priorities for community development.*
- *To support community engagement with residents and businesses*

## **7. Implications**

### **Financial Implications**

**Name & Title:** Jacqueline Van Mellaerts, Interim Chief Finance Officer

**Tel & Email:** 01277 312829/Jacqueline.vanmellaerts@brentwood.gov.uk

7.1 There are no financial implications.

### **Legal Implications**

**Name & Title:** Paula Harvey/Deputy Monitoring Officer

**Tel & Email:** 01277 312705/paula.harvey@brentwood.gov.uk

7.2 Those appointed to serve on outside bodies will need to remain alert and exercise careful judgment to avoid conflicts of interest (actual and perceived). The concept of bias or perceived bias is wider than the Members' Code of Conduct.

7.3 The Members' Code of Conduct applies whenever a Member (a) conducts the business of the Authority, or (b) acts as a representative of the Authority.

7.4 When a Member acts as a representative of the Authority (a) on another relevant authority, the Member must, when acting for that other authority comply with that other authority's code of conduct; or (b) on any other body, the Member must, when acting for that other body, comply with the Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.5 None except that Members acting as outside representatives would wish to ensure that such outside bodies adequately protect them from risk, including personal liability, through for example proper insurance arrangements.

**8. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

8.1 None

**9. Appendices to this report**

Appendix A – Outcome of consultation 2018 – *to follow*

Appendix B – List of outside bodies and nominated representatives  
2019/2020 - *to follow*

**Report Author Contact Details:**

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**Telephone:** 01277 312741  
**E-mail:** [claire.mayhew@brentwood.gov.uk](mailto:claire.mayhew@brentwood.gov.uk)

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**26 June 2019**

**Ordinary Council**

**Notices of Motion**

**Report of:** Claire Mayhew - Corporate and Democratic Services Manager

**Wards Affected:** All

**This report is:** Public

## **1. Executive Summary**

1.1 Seven Notices of Motion have been submitted in accordance with Rule 3 in Part 4.1 of the Constitution - Council Procedure Rules and are listed in order of the date received.

1.2 Cllr Aspinell submitted the following Notice of Motion:

*This Council resolves to investigate the possibility of installing electric charging stations for electric powered vehicles at various strategic positions within the Borough. We would suggest the ideal sites for these could be the major junctions with the M25 (A12 / A127). Such charging stations would be powered by green energy, i.e., windmill, solar panel or heat source. We believe this would generate much needed revenue to the Council and be a major contributor to reducing carbon emissions. Obviously, these stations would not be the only provision of charging within the borough but they would provide facilities for vehicles travelling through the road network. As technology advances towards 2030, where the Government had decided only electric vehicles will be permitted on our roads, it may not be just charging points required, but a facility to exchange fully charged units.*

1.3 Cllr Fryd submitted the following Notice of Motion

*This Council resolves to remove the Authority's preferred site of 75 houses in Priests Lane from our submission of our Local Development Plan and allocate this number of dwellings to an alternative site within the borough such as the Dunton Hills development. The Priests Lane site would then be changed to a Conservation and wildlife area. The benefit of this status would aid the reduction of carbon dioxide emissions from an already over polluted and heavily traffic congested area.*

1.4 Cllr Mrs Fulcher submitted the following Notice of Motion:

*This Council resolves to commission a report from a suitably qualified organisation to carry out a study of HGV journeys to and from local businesses and to explore what beneficial changes could be made to improve weight restriction enforcement and to report on the environmental and commercial benefits from any potential changes.*

1.5 Cllr Mynott submitted the following Notice of Motion

*In 19th December 2017 Lichfields, the Brentwood Council consultants who had produced the Economic Futures Study in support of the Local Plan, advised the council to consider gaining an Article 4 direction "to stop the conversion of offices to residential uses through permitted development rights". The clear object of this advice was to prevent the worrying erosion of town centre unemployment uses.*

*LGA analysis also shows that "councils have potentially missed out on more than 10,500 desperately needed affordable homes in the past three years as a result of government rules allowing developers to bypass the planning system". Office conversions which do not go through the planning system include "no affordable housing or supporting investment in infrastructure such as roads, schools and health services". The LGA are campaigning for councils to be given back control over office conversions "to ensure they are good quality and help build prosperous places.*

*The council resolves to consult on the introduction of an Article 4 restriction on office conversion in an area to be confirmed but probably including Brentwood North, West South and Warley wards.*

1.6 Cllr Dr Barrett submitted the following Notice of Motion:

**Brentwood Plastic-free Pledge**

*1) Single-use plastics, or disposable plastics, are used only once before they are thrown away or recycled. These items are things like plastic bags, straws, coffee stirrers, soda and water bottles and most food packaging.*

*2) The Local Government Association estimates that only a third of single use plastic can be recycled with the rest sent to landfill.*

*3) The Council has been committed to a sustained programme of reducing waste for a number of years through service developments, raising awareness and encouraging householders to reduce, reuse and recycle.*

*4) The work by the local volunteers to establish Refill Brentwood as a method of creating a community and business model to reduce the amount of single-use plastic bottles in our community.*

5) *The government has proposed to ban the use of certain single-use plastic, although there is no confirmed legislative date for these to become law.*

*This Council believes that:*

- 1) What seem like small measures can have an impact through setting a clear example and encourages residents and local businesses to follow in minimising their use of single-use plastic.*
- 2) The ongoing climate and environmental crisis caused by the growth in single-use plastics must be addressed by all practical means.*

*Therefore this Council resolves that:*

- 1) A plan is presented to the Housing, Environment and Enforcement Committee outlining a programme to ensure all the council's buildings avoid using single-use plastic by the end of 2020 or as soon as contracts allow, and all events organised by the Council or on Council land will be required to show how single-use plastic will be eliminated, replaced by alternatives, or reduced to an absolute minimum.*
- 2) As a starting point this will include phasing out of all sale and use of single use plastic bottles, plastic cups, cutlery, stirrers and drinking straws in council owned and managed buildings as soon as practically possible, with a report to the appropriate committee and a press release to confirm this announcement.*
- 3) That through the Council's representatives on the Brentwood Business Partnership a proposal for a 'Plastic Free Pledge' for Brentwood be developed to further develop this proposal in the community.*

1.7 Cllr Hossack submitted the following Notice of Motion:

*This council recognises the serious problem across Essex of several thousand empty homes. We call upon all Essex Councils to establish a collaborative working approach to tackle the problem Countywide.*

1.8 Cllr Aspinell submitted the following Notice of Motion:

*This Council resolves to review access for day time and night time car parking within the town centre.*

*Struggling shops in Brentwood are further impeded by parking restrictions and fees for their customers, whilst night time outlets benefit from less stringent fees as well as lack of enforcement of these with cars parked freely along double yellow lines and pavements.*

**Report Author Contact Details:**

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**Telephone:** 01277 312655

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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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