

Minutes

Ordinary Council Tuesday, 8th October, 2019

Attendance

| | |
|--------------------------------|-------------------|
| Cllr Parker (Mayor) | Cllr Kendall |
| Cllr Ms Sanders (Deputy Mayor) | Cllr Kerlake |
| Cllr Aspinell | Cllr Laplain |
| Cllr Barrett | Cllr Lewis |
| Cllr Dr Barrett | Cllr McCheyne |
| Cllr Bridge | Cllr Mrs McKinlay |
| Cllr Chilvers | Cllr Morrissey |
| Cllr Clarke | Cllr Mynott |
| Cllr J Cloke | Cllr Naylor |
| Cllr S Cloke | Cllr Nolan |
| Cllr Mrs Davies | Cllr Mrs Pearson |
| Cllr Fryd | Cllr Poppy |
| Cllr Haigh | Cllr Mrs Pound |
| Cllr Hirst | Cllr Reed |
| Cllr Mrs Hones | Cllr Tanner |
| Cllr Hossack | Cllr Tierney |
| Cllr Jakobsson | Cllr Tumbridge |
| Cllr Keeble | |

Apologies

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| Cllr Mrs Fulcher | Cllr McLaren |
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Officers Present

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| Phoebe Barnes | - | Corporate Finance Manager |
| Paula Harvey | - | Interim Head of Legal and Monitoring Officer |
| Chris Leslie | - | Executive Director of Commercial Services |
| Claire Mayhew | - | Corporate and Democratic Services Manager |
| Steve Summers | - | Interim Chief Executive |
| Jacqueline Van Mellaerts | - | Director of Corporate Resources |

223. Apologies for Absence

Apologies were received from Cllrs McLaren and Fulcher.

224. Declarations of Interest

Cllr Hossack and Cllr Nolan declared an interest by the virtue that the polling station referred to within the agenda, is their local polling station.

Cllr Bridge declared an interest by the virtue that that he is part of the management committee of a Polling Station referred to within the agenda.

Cllr Kendall declared an interest by the virtue that he is the Chair of the Bus and Rail Users Association.

225. Mayors Announcements

The Mayor advised Members of the engagements he had undertaken and reminded Members that nominations for Aldermen and Alderwomen and Freeman and Freewomen which needed to be made before the end of October.

The Mayor also advised Members that Civic Awards nomination would be open from 1st November 2019.

226. Minutes of the previous meeting - 26 June 2019

The minutes of the 26. June 2019 Ordinary Council meeting were APPROVED as a true record.

227. Minutes of Extraordinary Council meeting - 30 July 2019

The minutes of the 30 July 2019 Extraordinary Council meeting were APPROVED as a true record.

228. Minutes of Extraordinary Council meeting - 18 September 2019

The minutes of the 18 September 2019 Extraordinary Council meeting were APPROVED as a true record, subject to an amendment to the attendance list to shown the apologies received by Cllr Tumbridge.

229. Public Questions

Mrs Patricia Smith put the following questions to the Leader of the Council:

What Equality Act, Autism Act and Care Act training, and autism/disability/hidden disability/mental health/disability and carer issues training has the Council undertaken?

Will the council please pass a motion in support of #BackTo60 – 1950s born women who have had their state pensions taken away for six years, no notice, and left to pay additional NI contributions for the full new state pension, also with no notice, leaving them and their families in dire straits, losing their homes etc?

Cllr Hossack thanked Mrs Smith for her two questions.

In relation to the first question Cllr Hossack informed her that in terms of the Housing Advice and Homeless Prevention Officers they have received no specific training on autism. The Officers are trained in relation to the Equality Act and relevant legislation which includes:

- In-house Training – Including case law updates and peer-to-peer sessions
- Shelter Training (which includes Homelessness, Housing Law and Temporary Accommodation and the Law). These courses include face-to-face training on the Equality Act, including disability-related matters and the public sector equality duty. Information on courses is obtainable directly from Shelter and is available online.
- Housing Reviews Limited: Officers have undertaken Homeless training, which is provided by Housing Reviews Limited to a large number of Local Authorities throughout the country. The courses include face-to-face training on matters related to the Equality Act and discrimination. Information is obtainable directly from Housing Reviews Limited and is available online.

In response to the second question Cllr Tumbridge advised on behalf of Cllr Hossack that the High Court had recently made judgement against the claimants case. Therefore in light of the High Court decision it would not be possible for the Council to consider such a motion as set out in the question.

Mrs Gearon-Simms put the following question to the Leader of the Council:

“I understand that buyers of council owned properties are contractually obliged to desist from selling or renting these properties for five years. What action does the Council take to ensure that the purchases of the council properties comply with their contractual obligations?

For example, how long is it before these brought properties can be rented or sold?”

Cllr Hossack thanked Mrs Gearon-Simm for her question.

He advised her that all properties bought via the Right to Buy Scheme have a clause within their lease, and a restriction on their Title Register prohibiting them to sell before 10 years after date of completion. If looking to sell within the first five years after completion, a percentage of the discount received will be repayable to the council.

If the homeowner wishes to sell before the 10 year period expires, they must comply with legislation under Housing Act 1985 s 156 which refers to the Councils Right of First Refusal. This in summary states that the Council should be offered the opportunity to buy back the ex-council property, before placing on the open market.

There are no clauses or restrictions in place with regards to how long a homeowner must wait before they are able to let out their property. Therefore, they are free to do so straight away, and notify Housing of their correspondence address.

The council relies on the duty of the Conveyancer/Solicitor to notify the Housing/Legal department when a transfer is taking place. Upon this notification, actions are taken to ensure accounts are balanced, discounts owed are repaid and the Right of First Refusal is upheld.

230. Memorials or Petitions

No memorials or petitions were presented.

231. Committee Chairs Reports and Members Questions

Committee chairs reports were provided for Members information.

Questions were put to Chairs and responses received.

232. Review of Polling Districts and Polling Places

The report detailed the responses received to the statutory review of polling districts and polling places, evaluating the issues raised and proposed amendments to the current schedule for Members approval.

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

An amendment was **MOVED** by Cllr Kendall and **SECONDED** by Cllr Mrs Davies to state:

Members are asked to agree the amendment to respect of the Pilgrims Hatch Ward list at Paragraph 39 Option 2-1.

This amendment was accepted by Cllr Hossack.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY.**

R1. Members were asked to agree the modification in respect of the LB polling place description to “The area within one mile radius of the junction of Larchwood Gardens and Ongar Road, Pilgrims Hatch.

- R2. Members were asked to agree the amendments in respect of the Pilgrims Hatch Ward listed at Paragraph 39 Option 1**
- R3. Members were asked to agree the minor amendments to Brentwood South Ward and Tipps Cross – Stondon Massey Polling District as set out within the report at Paragraph 14 and 41.**
- R4. Members were asked to approve the schedule of polling districts and polling places before them, as modified in accordance with the above resolutions.**

Reason for Recommendation

The Council has a responsibility to ensure that suitable arrangements are made for the holding of elections in line with the statutory duties of the authority.

233. Lloyds Set Off Agreement

The report sought approval from members of the Council to enter into a Set off Agreement with Lloyds Bank with regard to debit and credit balances on the Council’s bank accounts.

The Council had a gross overdraft facility which allowed debit balances on one or more of the accounts to be offset against credit balances on one or more of the other accounts, provided that the combined balances of all the accounts were in credit.

Lloyds Bank had reviewed its contractual arrangements and was asking each Local Authority to formalise the facility by entering into a Set Off Agreement.

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

A vote was taken on a show of hands it was **RESOLVED UNANIMOUSLY.**

- R1. To approve entering into a Set Off Agreement with Lloyds Bank.**
- R2. To designate the Director of Corporate Resources as a Proper Officer of the Council for the purpose of signing the Agreement.**
- R3. To instruct the Head of Legal Services to provide to Lloyds Bank plc a certified copy of the minutes of this meeting as verification that approval has been granted.**

Reason for Recommendation

Council approval was required to formalise Banking Arrangement with Lloyds Bank by entering into a set off agreement.

234. Extension of Loan Facility to Seven Arches Investments Limited

The report requested a £30m extension to the loan facility available to Seven Arches Investments Limited (SAIL). The governance arrangements and treasury management implication around this are also addressed.

Cllr Hossack **MOVED** and Cllr Tumbridge **SECONDED** the recommendations in the report.

A vote was taken on a show of hands and it was **RESOLVED UNANIMOUSLY**.

- R1. **Approve a £30m extension (total £60m) to the loan drawdown facility available to Seven Arches Investments Limited.**
- R2. **Delegate authority to the Policy, Resources and Economic Development Committee to approve the use of the new total remaining drawdown facility as and when required.**
- R3. **Approve the revised prudential indicators set out in paragraphs 6-9 and to update the Treasury Management Strategy accordingly.**

Reason for Recommendation

Council approval was required to make changes to the treasury management strategy and delegate its powers.

235. Notices of Motion

The Mayor informed the members that seven Notices of Motion had been received. However, motion 3 had been withdrawn and therefore will not be debated.

Six notices of motion were debated:

1. Cllr Mrs Pearson **MOVED** the following motion **SECONDED** by Cllr Hossack.

The following sites are longstanding carbuncles in Brentwood:

Former Charles Napier site
Land opposite Shenfield Common
Wates Way

We call on the appropriate officer to explore whether it is possible to engage with the land owners to see how we can move these forward so that they contribute positively to our Borough.

Cllr Chilvers proposed two amendments to the Motion.

1. An amendment was **MOVED** by Cllr Chilvers and **SECONDED** by Cllr Mynott that the Charles Napier and Wates Way site be removed from the original motion.
2. An amendments was **MOVED** by Cllr Chilvers and **SECONDED** by Cllr Naylor that 29 Cromwell Road be added to the original motion.

Cllr Pearson accepted the seconded amendment, but not the first. The second amendment now formed part of the substantive motion.

After a full discussion. A vote was taken by a show of hands for the first amendment:

“That the Charles Napier and Wates Way site be removed for the original motion”.

The vote was **LOST**.

A vote was taken on the substantive motion with the amendment to include 29 Cromwell Road.

A vote was taken by a show of hand and was **RESOLVED**.

2. Cllr Mrs Pound **MOVED** the following motion **SECONDED** by Cllr J Cloke.

The impact that pavement parking has on our community particularly those with issues of social isolation and limited mobility. The danger to residents forced to walk in the road due to blocked pavements.

The current responsibility for enforcement lies with the police who have limited powers in this area and often do not have time to enforce.

This Council therefore:

1. Welcomed the recent report by the Commons Transport Committee calling for new legislation to deal with the issue of pavement parking.
2. Welcomed the Transport Committee’s recommendations that enforcement of this ban should lie with local authorities.
3. Requests that the Chief Executive write to the Secretary of State for Transport expressing our support for the introduction of a nationwide ban on pavement parking with responsibility for enforcement to the local authority.
4. Undertakes that at the appropriate time we will work with the relevant stakeholder to ensure that any necessary exemptions to the ban are implemented in the Borough.

An amendment was **MOVED** by Cllr McKinlay and **SECONDED** by Cllr Hossack. This accepted by Cllr Pound and Cllr Cloke to state:

3. *Requests that the Chief Executive write to the Secretary of State for Transport expressing our general support for the recommendation around the introduction of a nationwide ban on pavement parking with responsibility for enforcement to the local authority.*

Following a discussion a vote was taken on a show of hands and it was **RESOLVED UNANIMOUSLY.**

(Cllr Hirst declared non-pecuniary interest in the virtue of this role as the Police, Fire, and Crime Commission for Essex)

3. Cllr Aspinell **MOVED** the following motion **SECONDED** by Cllr Mynott.

This Council resolves that the requirement for named substitutes attending committee meetings to be removed from the Constitution. Subject to the appropriate statutory training having taken place, this would facilitate the option for substitutions at committee meetings to be undertaken by any member within each political party.

The current arrangement is restrictive and takes no account of personal or work commitments of Council Members. As such, it should be replaced with a more effective and democratic process.

Cllr Barrett **MOVED** and Cllr Keeble **SECONDED** an amendment to the first paragraph to state:

“This Council resolves that the requirement for named substitutes attending committee meetings to be removed from the Constitution. Subject to the appropriate statutory training having taken place, this would facilitate the option for substitutions at committee meetings to be undertaken by any member within each political party or any Independent Party may choose another member to substitute”.

The amendment was accepted by Cllr Aspinell and Cllr Mynott.

Following a discussion a vote was taken on a show of hands and it was **LOST.**

(The meeting was adjourned for a 5 minutes comfort break)

4. Cllr Kendall **MOVED** the following motion **SECONDED** by Cllr Chilvers.

The members of Brentwood Borough Council call upon the Department of Transport to provide the funding for the installation of a lift on platform four at Brentwood Station as soon as possible.

Following a discussion a vote was taken on a show of hands and it was **RESOLVED UNANIMOUSLY.**

5. Cllr Laplain **MOVED** the following motion **SECONDED** by Cllr Chilvers.

In light of the excellent news that the blue badge scheme will be extended to those with mental health issues as well as physical disabilities so they can access shops, travel and services, Brentwood Council will take a proactive approach to this by instructing officers to review the blue badge parking available to establish whether it can be significantly increased and bringing a report on their findings to the Council's PRED Committee.

An amendment to the motion was **MOVED** by Cllr Tumbridge and **SECONDED** by Cllr Nolan to state:

"In light of the excellent news that the blue badge scheme will be extended to those with mental health issues as well as physical disabilities so they can access shops, travel and services, Brentwood Council will take a proactive approach to this by instructing officers to review the blue badge parking available to establish whether there is a demand and need to increase and bringing a report on their findings to the Council's PRED Committee".

This amendment was accepted by Cllr Laplain and Cllr Chilvers.

Following a discussion a vote was taken on a show of hands and it was **RESOLVED UNANIMOUSLY**.

6. Cllr Chilvers **MOVED** the following motion **SECONDED** by Cllr Mynott.

This Council offers a vote of thanks to the 19 councillors who, at an ordinary Council meeting on July the 5th, 2011, saved Brentwood Town Hall for the future use of the council and the people of Brentwood. Also that the names of all these councillors be specifically mentioned in a Brentwood Borough Council press release on this subject. The names of these 19 members being: Councillors Aspinell, Baker, Mrs Brehaut, Carter, Clarke, Mrs Coe, Mrs Davies, Mrs Holmes, Kendall, Lee, Le-Surf, Miss Lewis, Lloyd, Mynott, Parker, Quirk, Sapwell, Sparling and Tee.

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

236. Urgent Business

There were no items of urgent business.

The meeting concluded at 21:46pm.