

# Minutes

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## Ordinary Council Wednesday, 25th January, 2017

### Attendance

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

### Apologies

Cllr Clarke	Cllr Morrissey
Cllr Chilvers	Cllr Trump

### Substitute Present

### Also Present

### Officers Present

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

**255. Apologies for Absence**

Apologies were received from Cllrs Chilvers, Clarke, Morrissey and Trump.

**256. Mayors Announcements**

The Mayor recounted some of the engagements she had undertaken since the last Ordinary Council meeting held on 19 October 2016.

**257. Minutes of the previous meeting**

The minutes of the Ordinary Council meeting held on 19 October 2016 were approved as a true record.

**258. Public Questions**

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

A question was received from Brentwood resident Ms Smith but as she was unable to attend the meeting her question would not be put forward.

One question had been received from Brentwood resident Mrs Gearon-Simm as follows:

*'A private company, Essex Cares, enables adults with learning disabilities to learn in a work-place environment, from which place they can move on to the commercial sector such as Costa, McDonalds and care homes.*

*'Will the café facility, which is, at present, in the library in Brentwood shopping centre and which provides opportunities for such training to happen, be transferred to the town hall if the library is moved there?'*

Cllr Mrs McKinlay advised that the issue of the library as she had previously said is something for the County Council to decide whether its going to be housed where it is currently or whether it is to be moved to the Town Hall and those discussions are ongoing whether the café that is part of that so couldn't answer directly for the County Council. The plans we have for this building do involve us having a café facility here and as part of that we are looking if we can work with individuals with learning difficulties to support them. In addition we are talking to one of the local churches who run a very successful outreach programme dealing with people who need additional support to see if we can work in partnership with them so it is something that we are aware of and think it is a fantastic approach which means people move into the commercial sector so we will continue to explore it if we can.

Two questions were asked from Brentwood resident Mrs Kordlandt as follows:

*'How many applicants are currently waiting for social housing on Brentwood's Housing Register? How has this number changed in the past year and how long on average do they have to wait for a property in Brentwood to become available?'*

Cllr Mrs McKinlay advised that the figure as of April last year was 711 on the list and as of today was 827. In terms of the time taken for people to receive a council property would depend on the number of bedrooms. For a one bedroom it is around 2 and a half years, 2 bedroom just over 4 years and 3 bedroom just over 3 years.

Mrs Kordlandt continued:

*'Why is there no social housing included in the proposals for Dunton Hills Garden Village?'*

Cllr Mrs McKinlay advised that it very much depends on your definition of social housing; as around 35% of the proposed development is intended to be for affordable housing and first time buyers. If by social housing you are specifically meaning council housing then that is something that we are looking at. It is worth noting clearly we don't own any of the land at Dunton Hills. If we were to start building council houses that we owned, that would come at considerable costs in terms of acquiring the land not to mention the build. I would take this opportunity as well to say we have over the last few months started building the very first council homes in the borough for I believe 20-30 years in Hutton at disused garage sites. That is something we are proud of and will continue to look at. There are other areas within the borough that we are exploring. It is something that I would like to see us as a Council increase the provision of, as there is clearly a need but I don't think we should just focus on council housing as I say, it is about a mix supply particularly around first time buyers and more affordable housing. A final point, we are also exploring what can be done for key workers and people who have specific ties to the borough.

One question was asked from Brentwood resident Ms Pearson as follows:

*'I would like to ask the Chair of the LDP Working Group if there can be an independent traffic survey of Priests Lane ensuring the area between Glathams Road and Middleton Hall Lane are considered?'*

Cllr McCheyne advised that he had discussed this with Mr Drane and the group and can ensure that it is a standard requirement that highways and traffic surveys are undertaken at normal times of the day excluding school holidays. A number of accounts at different times of the day give a full picture. This requirement is standard practice and transport consultants, planners, developers will all be aware of the requirement. Any survey that is undertaken outside these normal conditions will be accepted as a reliable

base by the council or highways authority. I will be asking Mr Drane about it at the next meeting.

One question was asked from Brentwood resident Mr Skinner as follows:

*'What does the council think of the number of responses raised in relation to the Priests Lane site in the LDP (site 044 and 178) particularly with regard to the number of complaints over road safety, increased congestion and pollution, and increased pressure of currently stretched infrastructure in the Priest Lane area?'*

Cllr McCheyne advised it is under consultation at the moment and we have fortnightly LDP meetings so we will be discussing this.

## **259. Memorials or Petitions**

No notices of memorials or petitions had been received.

## **260. Committee Chairs Reports and Members Questions**

In accordance with the Council's Constitution, a brief written report by each committee Chair covering their area of responsibility was included in the agenda.

Any Member was entitled to ask a Chair a written or oral question on

- (a) Any matter included in a Chair's written report; or
- (b) Any matter in relation to which the Council has powers or duties or which affected the Council's area and which fell within the area of responsibility of the Chair's committee.

*(Cllrs Mrs Hones and Cloke declared a non-pecuniary interest under the Council's Code of Conduct during the question regarding fireworks by virtue that they are part of a local fireworks display team.)*

*(Cllr Hirst declared a non-pecuniary interest under the Council's Code of Conduct during the question regarding the Police moving into the Town Hall by virtue of being the Police and Crime Commissioner for Essex.)*

No written questions had been received before the prescribed deadline and the Chairs responded to oral questions put to them by Members.

## **261. Appointment of Monitoring Officer**

An appointment of the Monitoring Officer for Brentwood Borough Council was required and by doing so ceased the current interim appointment.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and it was **RESOLVED** that:

**Subject to the outcome of the Staff Appointments Committee Panel on the 19<sup>th</sup> January 2017, Daniel Toohey was appointed as the Council's Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989.**

**Reason for recommendation**

The Monitoring Officer Role:

Part one article 9.3 of the constitution set out the duties of the Monitoring Officer, which are in brief:

- a. Maintaining the constitution
- b. Ensuring lawfulness and fairness of decision making
- c. Proper officer for access to information
- d. Providing advice

Appointment process:

Part 3.1 section 2.8(a) of the constitution allows for the Staff Appointments Committee to appoint the Monitoring Officer.

Under part 3.1 section 1.2(p) Ordinary Council must confirm the appointment.

**262. Partnership Policy and Procedures**

The Council needed to ensure that any partnerships that it was involved in were both efficient, effective and that they could deliver value for money for the residents. A large amount of public money was invested in partnerships and therefore partnerships should be actioned and the outcome focussed, whilst encouraging innovative solutions for change. Partnerships should also be monitored regularly to ensure any underperforming partnerships were highlighted and any appropriate action was taken.

The revised and updated Partnerships Policy and Procedures would provide a framework for procedures for staff that would provide a consistent approach across the Council. This would ensure that any partnerships not only supported the Council's priorities, but also strengthened the accountability amongst partners, minimise the risk to the Council and rationalise the Council's partnership working arrangements.

Cllr Tumbridge – I had the benefit of asking some questions away from the meeting and requested the response to be minuted: I believe that the bullet points at the bottom of page 41 de facto constitute the tests which officers will use to distinguish between the types of partnership that might be dealt with. One part being dealt with officers in the absence of members involvement and the others with; I think that was one part it is good to have clear and make a suggestion that in due course officers through their delegated authority might consider a small adjustment to the draft partnership checklist that begins on page 46 to tell people where those bullet points are so that everyone is very clear on what officers are dealing with in the absence of members.

Cllr Mrs McKinlay **MOVED** and Cllr Parker **SECONDED** the recommendation in the report and it was **RESOLVED** that:

**Members agreed to the revised Partnership Policy and Procedures as appended to the report.**

**Reason for recommendation**

The Internal Audit review of the partnership working recommended strengthening the partnership arrangements. The Policy and Procedures had been revised to ensure that the council was only involved in partnership working which supported one or more of the Council's priorities to deliver the outcomes that would support Brentwood Borough residents and businesses.

**263. Local Development Plan Update**

The report would be considered at the 31 January 2017 Policy, Finance and Resources Committee meeting.

**264. Pay Policy 2017/18**

The Council was asked to agree the Pay Policy 2017/18 as attached at appendix A within the report in accordance with Section 38(1) of the Localism Act 2011.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and it was **RESOLVED** that:

**The 2017/18 Pay Policy Statement as set out in Appendix A was agreed.**

**Reason for recommendation**

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

**265. Arrangements for appointment of External Auditors**

The report summarised the arrangements for appointing external auditors for 2018/19 onwards when the transitional arrangements end following the abolition of the Audit Commission end in 2017/18.

Cllr Mrs McKinlay **MOVED** and Cllr Mrs Pound **SECONDED** the recommendation in the report and it was **RESOLVED UNANIMOUSLY** that:

**The Council opts in to the national scheme run by Public Sector Audit Appointments Ltd for the appointment of the Council's external auditor for the five financial years beginning from 2018/19.**

**266. Local Council Tax Support Scheme**

The report recommended no changes to be made to Brentwood's Local Council Tax Support Scheme for 2017/18.

People of pension age continued to be protected from any changes in Local Council Tax; therefore any scheme had to be devised for people of working age only.

Public consultation on revised scheme options was undertaken from 7<sup>th</sup> September 2016 to 19<sup>th</sup> October 2016.

The Brentwood Borough Council scheme continued to be prepared within the framework of an Essex-wide scheme with local variations. For the previous three years Brentwood's scheme had remained virtually unchanged, again there are no proposing changes to the 2017/18 scheme.

The proposals for the 2017/18 scheme were agreed by the Policy, Finance and Resources Committee in December 2015 and recommended to Full Council for adoption.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and it was **RESOLVED** to:

**Approve Brentwood's Council Tax Support Scheme with no changes to the levels of support for working age customers.**

**Reason for recommendation**

To agree and adopt the proposed Council Tax Support Scheme for 2017/18 prior to the 31<sup>st</sup> January 2017.

**267. Key Corporate Project Report**

The report provided an update on the achievements and targets to date of the key corporate projects of the Council.

There were defined as:

- a) The Town Hall & Service Delivery Hub
- b) The Local Development Plan (LDP)
- c) The Town Centre (incorporating William Hunter Way)
- d) The Transformation Agenda of the Council

The above was not an exhaustive list and other projects may have been incorporated as determined by the committee. However, such projects were defined as beings integral to the delivery of the revised Corporate Plan 2016-2019.

*Cllr Bridge declared a non-pecuniary interest in relation to the Transformation of the Council as he works for an IT cloud provider but does not have a relationship with the council.*

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and following a discussion it was **RESOLVED**:

**That Members agreed to the actions and timescales incorporated in the report.**

**Reason for recommendation**

To ensure that the Corporate Plan 2016-2019 was supported by projects that deliver the necessary change.

**268. Review of the Council's Constitution 2016/17**

The Council was required by Section 37 of the Local Government Act 2000 to keep the Constitution up to date.

The report set out a number of proposals for revising the following Parts of the Constitution: Articles of the Constitution (Chapter 2); Council Procedure Rules (Part 4.1); Financial Regulations (Part 4.5); Member's Planning Code of Good Practice (Part 5.2), and Delegations to Staff (Chapter 8 Appendix A).

The cross party Constitution Working Group was consulted on the proposed changes and the attached documents reflected the significant and detailed contribution of the Working Group's Members.

Cllr Tumbridge **MOVED** and Cllr Wiles **SECONDED** the recommendations in the report and it was **RESOLVED UNANIMOUSLY** that:

**Council approves the changes to its Constitution as detailed in the revised documents attached as Appendix A of the report.**

**Reason for recommendation**

As set out within the report, a regular review of the Constitution was required; the report and the attachments set out the reasoning behind items proposed for change.

**269. Notices of Motion**

Cllr Aspinell **MOVED** and Cllr Kendall **SECONDED** his Motion as follows:

**'This council resolved that before Freedom Of Information responses are released to the public they are checked by the Chief Executive and the Monitoring Officer when councillors names are included in the response.'**

A proposed amendment had been received from Cllr Mrs McKinlay as follows:

*'This Council resolves that before FOI responses are released to the public, a member is informed of the content by the CEO or Monitoring Officer when the councillor's name is included in the response.'*

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the amendment.

Cllr Aspinell accepted the amendment.



Mr Toohey confirmed that the Monitoring Officer and Chief Executive would have discussed the response and informed members before they are released to the public.

Cllr Tumbridge **MOVED** a further amendment and was **SECONDED** by Cllr Aspinell as follows:

***“This Council resolves that before FOI responses are released to the public, a member is informed of the content by the CEO or Monitoring Officer by Day 12 of the response period, when the councillor’s name is included in the response.”***

A vote was taken by a show of hands and the **MOTION** was **CARRIED UNANIMOUSLY**.

**270. Urgent Business**

There were no items of urgent business.