

Minutes

Extraordinary Council Wednesday, 21st March, 2018

Attendance

Cllr Russell (Mayor)	Cllr Kerslake
Cllr Mrs Murphy (Deputy Mayor)	Cllr McCheyne
Cllr Aspinell	Cllr Mrs McKinlay
Cllr Barrell	Cllr Mrs Middlehurst
Cllr Barrett	Cllr Mynott
Cllr Bridge	Cllr Newberry
Cllr Chilvers	Cllr Parker
Cllr Clarke	Cllr Poppy
Cllr Cloke	Cllr Mrs Pound
Cllr Mrs Davies	Cllr Reed
Cllr Mrs Fulcher	Cllr Ms Rowlands
Cllr Hirst	Cllr Ms Sanders
Cllr Mrs Hones	Cllr Mrs Slade
Cllr Hossack	Cllr Trump
Cllr Mrs Hubbard	Cllr Wiles
Cllr Keeble	

Apologies

Cllr Mrs Coe	Cllr Morrissey
Cllr Faragher	Cllr Tumbridge
Cllr Kendall	

Officers Present

Angela Abbott	-	Interim Head of Housing
Phoebe Barnes	-	Principal Accountant
Steven Butcher	-	Project Manager
Assaf Chaudry	-	Governance Lawyer
Chris Leslie	-	Commercial Manager
Jane Mitchell	-	Payments & Procurement Officer
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Steve Summers	-	Chief Operating Officer
Daniel Toohey	-	Monitoring Officer
Jacqueline Mellaerts	Van -	Chief Financial Officer

331. Apologies for Absence

Apologies for absence were received from Cllrs Mrs Coe, Faragher, Kendall, Morrissey and Tumbridge.

332. Declaration of Interest from Members and Officers

Cllr Wiles declared a non-pecuniary interest regarding Item 3 – Housing Repairs and Maintenance – by virtue of his wife being a Council tenant.

333. Housing Repairs and Maintenance

The purpose of the report was to seek approval for a delegation of authority to Brentwood Borough Council to enter into agreements with Basildon Borough Council under Section 101(5) of the Local Government Act 1972, in relation to the delegation of Housing Repairs and Maintenance functions.

The approval would formalise the partnership between Brentwood Borough Council and Basildon Borough Council – supporting the Council's partnership aspirations to deliver quality front and back office services in partnership.

In order for the proposed collaboration to achieve maximum success, it was recommended that Full Council granted the approval for the Council to enter a sharing agreement contract for Housing Services only for the scope of the Repairs and Maintenance functions.

Cllr Mrs McKinlay **MOVED** and Cllr Hossack **SECONDED** the recommendation in the report. During the debate and in response to a Member's questions, the Chair of Community, Health and Housing Committee advised that a progress report on the partnership arrangements would be made to Members at least annually, also that Tenants Talkback representatives would continue to be part of the process. Following a full discussion it was

RESOLVED:

1. To approve that the Council enters a new sharing agreement for provision of the Housing Repairs and Maintenance responsibilities with Basildon Borough Council on the basis set out in Appendix A of this report.

2. That delegated authority be given to the Section 151 Officer, in consultation with the Leader of the Council as appropriate, to agree and formally enter the agreement once negotiations have been completed.

Reasons for Recommendation

To enable the Council to deliver effective and efficient Housing Services for the benefit of the Council and its customers.

334. Variation in the order of the agenda

The Mayor proposed and it was agreed to vary the order of the agenda and consider item 5 – Wholly Owned Company – next.

335. Wholly Owned Company

The report had set out the business case and sought approval to create a company that would be wholly owned by the Council. As part of the Council's asset development programme a private company was required to engage in commercial activity and also to facilitate future opportunities.

The Council's Commercial Manager, Mr Leslie, provided a presentation for Members' information.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report. Cllr Barratt referred to the two additional recommendations agreed when the Wholly Owned Company was considered at the Policy, Performance and Resources Committee meeting on 12 March 2018 which Cllr Mrs McKinlay agreed to add to the recommendations she had moved. Following a full discussion it was

RESOLVED UNANIMOUSLY:

- 1. That the creation of a wholly owned company be approved.**
- 2. That authority be delegated to the Policy, Projects and Resources Committee to exercise the Council's decision making powers under the shareholder's agreement.**
- 3. That an initial loan facility of up to £10 million is provided to the company.**
- 4. That the Council borrows up to £10 million from the Public Works Loan Board.**

Reasons for Recommendation

To create a wholly owned company Committee recommendation to Council and subsequent Council approval was required.

336. Joint Venture Procurement

The report sought approval to commence a procurement process under the Public Contracts Regulations 2015 using the Competitive Dialogue procedure to procure a joint venture partner.

A joint venture partner was required to enable the Council to further its asset development programme.

The Council's Commercial Manager, Mr Leslie, provided a presentation for Members' information.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and following a full discussion a recorded vote was requested in accordance with the Council's procedure rules.

Cllr Hossack had left the Chamber during the debate and was therefore not eligible to vote on the item.

Members voted as follows:

FOR: Cllrs Barrell, Bridge, Cloke, Hirst, Mrs Hones, Kerslake, McCheyne, Mrs McKinlay, Mrs Middlehurst, Mrs Murphy, Parker, Poppy, Mrs Pound, Reed, Mrs Rowlands, Ms Sanders, Mrs Slade, Trump and Wiles (19)

AGAINST: (0)

ABSTAIN: Cllrs Aspinell, Barrett, Chilvers, Clarke, Mrs Davies, Mrs Fulcher, Mrs Hubbard, Keeble, Mynott, Newberry and Russell (11)

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

RESOLVED:

1. That a Competitive Dialogue Procedure under the Public Contracts Regulations 2015, to procure a joint venture partner commences.

2. That the procurement documentation set out in the appendices be approved.

3. That Delegated Authority is given to the Chief Executive, after consultation with the Leader of the Council, to finalise all documentation required to support the procurement process.

(Cllr Bridge declared a non-pecuniary interest by virtue of having provided business services to one of the multi-national companies mentioned in the presentation).

Reasons for Recommendation

To commence a Competitive Dialogue Procedure under the Public Contracts Regulations 2015, approval by Council is required.

337. Urgent Business

There were no items of urgent business.

The meeting concluded at 20:30.