



Minutes

Ordinary Council Wednesday, 14th November, 2018

Attendance

Cllr Mrs Murphy (Mayor)	Cllr Mrs McKinlay
Cllr Parker (Deputy Mayor)	Cllr Mrs Middlehurst
Cllr Aspinell	Cllr Morrissey
Cllr Barrett	Cllr Mynott
Cllr Bridge	Cllr Naylor
Cllr Chilvers	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 Tierney
Cllr Kendall	Cllr Trump
Cllr Kerlake	Cllr Tumbridge
Cllr McCheyne	Cllr Wiles
Cllr McLaren	

Apologies

Cllr Barrell
Cllr Morrissey
Cllr Russell

Officers Present

Philip Ruck	-	Chief Executive	-
Steve Summers	-	Chief Operating Officer	
Kim Anderson	-	Partnership, Leisure and Funding Manager	
Philip Drane	-	Director of Strategic Planning	
Claire Mayhew	-	Corporate and Democratic Services Manager	
Lorne Spicer	-	Business Development and PR Manager	
Nara Dima	-	Paralegal	
Jacqueline Mellaerts	Van -	Chief Financial Officer	

Chris Leslie - Executive Director of Commercial Services
Tracey Lilley - Enforcement Manager

190. Apologies for Absence

Apologies were received from Cllrs Barrell, Morrissey and Russell.

191. Declarations of Interest

No declarations were made at this stage.

192. Mayors Announcements

The Mayor advised Members of the large number of engagements undertaken since the last Ordinary Council in June.

193. Presentation for Honorary Titles

Presentations were made to past Councillors, Mr David Tee and Mr Alan Davies as “Honorary Aldermen” conferred in recognition of eminent past services to the Council under section 249 of the Local Government Act 1972.

Both Alderman Tee and Alderman Davies were honoured to be recognised for this award and proud to accept the Honorary Title.

194. Minutes of the previous meeting

The Minutes of the last meeting held on 27th June 2018 were approved as a true record.

195. Minutes of the 8.11.18 Extraordinary Council meeting

The Minutes of the Extraordinary Council meeting held on 8th November 2018 were agreed subject to the comment made on Page 196 where Members agreed to amend the process after 2300 hrs and end the meeting at 0030. Therefore, no debate would take place. Cllr Bridge asked for the Minutes to be amended to reflect this as at present it states a full debate took place after the process had changed.

Cllr Tumbridge asked for an explanation of the Minutes of the Extraordinary Council meeting held on 8th November 2018 on Page 191 where it states at Amendment 15 that the amendment was carried thus negating amendments 4 and 15. As Cllr Tumbridge understands, that is not constitutionally correct nor within the structure of the Council when they are standalone motions. Motions are consequential and will be negated depending on the circumstances of the way they go through. Cllr Tumbridge asked why that decision was taken.

Ms Dutton, Legal Adviser, advised that where there was a motion that Members accepted, then a subsequent motion would negate the subsequent motions that were being considered, and the motions would be taken as negated and not voted upon.

196. Public Questions

Two public questions had been received and were put to and responded to the meeting as follows:

Mrs Gearon-Simm submitted the following question:

“The Local Government financial settlement will change in 2020 and the development of the Association of South Essex Authorities is not known.

Brentwood, Basildon, Thurrock, Southend, Castle Point and Rochford have between them over half the population of Essex County in approximately one fifth of the area.

How will our independent community values be supported?”

Cllr Mrs McKinlay responded as follows:

“I was somewhat unsure about the relationship between the three paragraphs so forgive me if I don’t answer in its entirety but will do my best.

The funding of Local Government is indeed changing as it has in the last decade. We all know we are receiving less from the Government in terms of grant and are looking at alternative ways we can ensure we can receive necessary funding to deliver necessary services to residents. Regarding the Association of South Essex Local Authorities or ASELA, that is a Grouping of the local authorities in the South of the County coming together to look at infrastructure growth development, physical or economic, to ensure we are working together, ignoring the municipal boundaries, for the benefit of the region. However, what that means in terms of local decision making is that it does not affect that. As a Council, the constitution we work to, our responsibilities remain the same and ASELA is not threatening that. When we talk about the independent community values at independent council meetings, we will see in terms of decision making we are constantly looking at the vision and future of our borough, and that will be reflected in the policies that we put together and pass through the democratic process. I do not believe we are at odds with each other. We know there is a financial challenge, but some of those challenges can be met by coming together in a sensible way, and as mentioned at last Full Council we came together to put forward a bid to Government around the provision of broadband for the region. That is a sensible joined up way we work together, but very different in the way we get things done as a Local Authority.”

Mr Barrett submitted the following questions:

“The Council has been keen to promote the benefits of ‘Free First 30 minutes’ Parking. Why does this not apply on Sundays in car parks such as William Hunter Way and Coptfold Road?”

Why is parking on Sundays free in the Chatham Way car park, yet charges apply at the other town centre car parks?”

Cllr Mrs McKinlay responded as follows:

“You are correct it does not apply to Sundays. You may be aware that there was a flat rate £1 rate from 0600 to 1900 which applied on Sundays and that was put in place in response to requests from residents, partly those living in the area, partly from those using the car parks in the Town Centre on a Sunday. We constantly review the charges and benchmark them against other local authorities and as part of the budget setting process that will happen again this year. There will be a cost to that, but that will be looked at in the usual way.”

197. Memorials or Petitions

Two petitions were received from Cllrs Mrs McKinlay and Mrs Davies relating to homelessness.

198. Variation in the order of the Agenda

The Mayor proposed, and it was agreed to vary the order of the agenda and consider item 11, Time to Change Employer Pledge next.

199. Time to Change Employer Pledge

Ms Yvonne Edge, Regional Coordinator from Time to Change, gave a short presentation thanking Brentwood Borough Council for their support and dedication to this campaign and in promoting the well-being of their employees.

The Time to Change Employer Pledge sets out Brentwood Borough Council’s commitment to change how we think and act about mental health in the workplace and make sure that employees who are facing these problems feel supported. To support the Time to Change Employer Pledge an action plan has been submitted to Time to Change to review, provide feedback and be agreed. This action plan is set out in Appendix A of this report. Subject to Members support the pledge board was signed at the meeting.

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

RESOLVED UNANIMOUSLY

1. That Members support the Time to Change Employer Pledge, and that delegated authority is given to the Chief Executive to sign the pledge board on behalf of Brentwood Borough Council.

Reasons for Recommendation

All elected Members are signed up to be Mental Health Champions and Brentwood Borough Council is committed to promoting good mental health in the workplace. By supporting the Time to Change ethos, the Council will challenge stigma and discrimination surrounding mental health illness to promote the wellbeing of all of the employees. The Council will do this by appointing staff champions who will raise awareness of mental health in the workplace at campaign events, by embedding wellbeing in our policies, promoting a culture of conversation with our managers, and making information, advice and support easily accessible and readily available for everyone.

200. 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 is included in the agenda.

Any Member is entitled to ask a Chair a written oral question on

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

However, as the Chairs' reports were circulated on the day of the meeting, no written questions had been received before the prescribed deadline the Chairs responded to oral questions put to them by Members.

In response to a question from Cllr Tumbridge the Leader, Cllr Mrs McKinlay, advised that the Legal Services spend for 01.01.2017 to 31.12.2017 was: £52,200.25 and £134,572.07 for 01.01.2018 to 01.10.2018. This expenditure covered procurement of Repairs & Maintenance contract, Joint Venture procurement work, Local Development Plan legal advice. In addition the Council has a Legal shared service arrangement with Barking & Dagenham Council and have paid them: c £180k and c£100k respectively for the years requested.

Cllr McKinlay advised that the information relating to summary of transactions over £1500 for Legal Services for the periods 01/01/2017 to 31/12/2017 and 01/01/18 to 01/10/18 will be provided to the member outside of the committee. This information is attached to these minutes.

201. Brentwood Town Centre Design Guide Consultation

The Council published the Brentwood Town Centre Design Plan in November 2017, which identified further work required to consider design guidance for all development proposals in the Town Centre.

The Council's strategy for sustainable growth through the emerging Local Development Plan identifies Brentwood Town Centre's potential to intensify, accommodate new development, and meet projected demands for a range of uses. However, it is important that new development contributes to creating a coherent Town Centre, ensuring that unique aspects and character are respected and retained.

The Draft Brentwood Town Centre Design Guide (Appendix A) aims to provide the necessary tools to help with decision-making for new development in the Town Centre. It proposes that new developments should adhere to its design guidelines to enhance and improve the setting of the town.

For the Design Guide to be adopted as a Supplementary Planning Document (SPD), public consultation is required in line with national policy, guidance, and regulations.

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

- 1. That the Council approve the Draft Brentwood Town Centre Design Guide Supplementary Planning Document (Appendix A), to be subject to a period of public consultation in line with national policy and guidance.**

Reasons for Recommendation

The increasing pressures that Brentwood Town Centre is under and evidence in recent years of increased development activity and planning applications, suggest the need for design guidance that can help protect, retain and enhance the local character. For this reason, the Brentwood Town Centre Design Guide has been produced.

For the Design Guide to be adopted as a Supplementary Planning Document, public consultation is required in line with national policy, guidance, and regulations.

At present, the published national Planning Practice Guidance note for Local Plans Paragraph 028 (Reference ID: 12-028-20140306), sets out that “supplementary planning documents should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework (NPPF).”

Paragraph 153 of the NPPF sets out that “each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development.”

Regulations 11 to 16 (Part 5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.

202. Notices of Motion

Five 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. Cllr Barrett had submitted the following Notice of Motion which he **MOVED** and Cllr Keeble **SECONDED** the motion.

This council notes that:

Last year 1,230 young people (aged 16 or over) left the care of their Essex County Council and began the difficult transition out of care and into adulthood.

A 2016 report by The Children’s Society found that when care leavers move into independent accommodation, they begin to manage their own budget fully for the first time. The report showed that care leavers can find this extremely challenging and with no family to support them and insufficient financial education, are falling into debt and financial difficulty.

Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care.

There are statutory corporate parenting responsibilities towards young people who have left care up until the age of 25.

The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions.

This council believes that:

To ensure that the transition from care to adult life is as smooth as possible, and to mitigate the chances of care leavers falling into debt as they begin to manage their own finances, they should be exempt from paying council tax until they are 25.

Care leavers are a particularly vulnerable group for council tax debt.

This council, therefore, resolves:

To exempt care leavers in the Borough of Brentwood from council tax at the earliest opportunity through an appropriate Budget mechanism.

To write to the county council's Leader and Director of Children's Services to urge them to use their convening powers and expertise in corporate parenting to work with all council tax collecting authorities within the county area to exempt all care leavers in the county from council tax up to the age of 25, sharing any arising costs proportionately.'

Following a full discussion, a vote was taken on a show of hands and the **MOTION** was **LOST**.

(Cllrs Aspinall, Mrs McKinlay and Kendall all declared a non-pecuniary interest as they are all County Council Corporate Parent.)

2. Cllr Parker had submitted a notice of motion proposing the erection of a plaque at the newly renovated Town Hall commemorating the bravery and devotion to duty during the first World War of Sgt William Merrifield VC who had been born in Brentwood. However, in view of a plaque honouring Sgt Merrifield already having been installed on the War Memorial, Cllr Parker withdrew his motion.

3. Cllr Kendall submitted the following Notice of Motion which he **MOVED** and Cllr Chilvers **SECONDED** the motion.

"The members of Brentwood Borough Council call upon the Government to legislate for a "Peoples Vote" on the final Brexit deal and to include the option of remaining in the EU on the ballot paper".

Cllr McKinlay raised concerns regarding the timing of this motion as the final Brexit deal was still in the process of being finalised and none of the Members had been able to consider the deal and therefore not equipped to move the motion forward.

Cllr Kerslake **MOVED** a motion 8.3.12 to move to the vote and proceed to the next item of business and this was **SECONDED** by Cllr Rowlands.

A vote was taken by a show of hands and it was **RESOLVED** to proceed to the next item of business.

Cllr Kendall requested whether if he withdrew the motion would he then be able to move the same motion at the next Full Council in December. Cllr Kendall was advised that he would not be able to move the motion at the next Full Council as it would fall within the six-month rule.

A vote was taken by a show of hands and it was **RESOLVED** to proceed to the next item of business.

A recorded vote was taken, and members voted as follows:

FOR: Cllrs Aspinell, Barrett, Chilvers, Davies, Fulcher, Haigh, Kendall, Mynott, Naylor

AGAINST: Cllrs Murphy, Parker, Bridge, Cloke, Hirst, Hones, Hossack, Kerslake, McCheyne, McLaren, McKinlay, Middlehurst, Nolan, Poppy, Pound, Reed, Rowlands, Sanders, Slade, Tierney, Trump, Tumbridge, Wiles

ABSTAIN: Cllr Keeble

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

4. Cllr Davies had submitted the following Notice of Motion which she **MOVED** and Cllr Aspinell **SECONDED** the motion.

'This council ensures all members are DBS (Disclosure & Barring Service) checked following the mandatory safeguarding members training. The DBS chief executive states the importance of safeguarding linked to DBS to keep the public safe. In the course of councillors' duties, we visit and assist elderly and vulnerable residents in their homes hence we need to be giving the public the reassurance of the councils high standards and good practice'.

Cllr Hirst was in support of the motion and proposed an amendment to change the wording:

*This council **encourages** all members to be DBS (Disclosure & Barring Service) checked following the mandatory safeguarding members training, **subject to DBS agreement**. The DBS chief executive states the importance of safeguarding linked to DBS to keep the public safe. In the course of councillors' duties, we visit and assist elderly and vulnerable residents in their homes hence we need to be giving the public the reassurance of the councils high standards and good practice'.*

This amendment was accepted on the basis that all Members who are checked make it public knowledge that they have undergone the DBS checking process, but that the detail remain confidential.

Following further discussion Cllr Mrs McKinlay proposed an additional sentence to the amendment which calls for a report to be submitted to Policy, Performance & Resources Committee in February to look at the budget implications and review all the issues that had been raised. If the motion is then taken forward this should be implemented in May after the elections, so all Councillors can be checked.

Mrs Davies accepted both the amendments.

Following a full discussion, a vote was taken on a show of hands and the **MOTION** was **CARRIED** as follows:

'This council encourages all members to be DBS (Disclosure & Barring Service) checked following the mandatory safeguarding members training, subject to DBS agreement. The DBS chief executive states the importance of safeguarding linked to DBS to keep the public safe. In the course of councillors' duties, we visit and assist elderly and vulnerable residents in their homes hence we need to be giving the public the reassurance of the council's high standards and good practice. A report will be taken to Policy, Projects and Resources Committee in January, and if taken forward will be implementation in May 2019.'

5. Cllr Aspinell had submitted the following Notice of Motion which he **MOVED** and Cllr Mynott **SECONDED** the motion.

'This Council resolves to urge Essex County Council to access Government Infrastructure funding (probably SELEP monies) for the purpose of creating a subway footpath underneath the A12 from the Brentwood Centre car park and acquiring the necessary land to construct a new footpath from the subway to a point in Sawyers Hall Lane. This facility would provide a much needed drop off/collection point for coaches and other vehicles transporting parents, guardians and students to/from the schools in Sawyers Hall Lane.'

Following a full discussion Cllr Kerlake proposed an amendment:

'This council is delighted to work with Essex County Council to investigate funding to access Government Infrastructure funding (probably SELEP monies) for the purpose of creating a subway footpath underneath the A12 from the Brentwood Centre car park and acquiring the necessary land to construct a new footpath from the subway to a point in Sawyers Hall Lane. This facility would provide a much needed drop off/collection point for coaches and other vehicles transporting parents, guardians and students to/from the schools in Sawyers Hall Lane, and this council wishes to explore how best this important piece of infrastructure can be delivered.'

Cllr Aspinell accepted the amendment.

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

(Cllr Mrs McKinlay declared a pecuniary interest as portfolio holder of Resources at Essex County Council and left the meeting. Cllr Reed declared a non-pecuniary interest as an employee of Brentwood Leisure Trust (BLT) and left the meeting. Non-pecuniary interests were also declared from Cllrs Nolan, McLaren, Rowlands and Kerlake as Trustees of BLT.

203. Urgent Business

There were no items of urgent business. The meeting ended at 22.05.

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Minute Item 198

2017 Summary of Transactions over £1500

<u>Supplier</u>	<u>Area of Advice</u>	<u>Total</u>
Clive Moys	Planning	15,045.00
Mr Paul Shadarevian	LDP	9,200.00
Sharpe Pritchard	LDP	3,000.00
Stewart Law Solicitors	Human Resources	2,500.00
Trowers + Hamblins Llp	Shared Services	13,732.75

2018 Summary of Transactions over £1500

<u>Supplier</u>	<u>Area of Advice</u>	<u>Total</u>
Anthony Collins Solicitors	Corporate Governance Advice and training	20,994.58
Bevan Brittan Llp	Corporate Governance Advice and training	2,300.00
Sharpe Pritchard	Asset Regeneration and WOC	68,504.50
Trowers + Hamblins Llp	R&M Procurement & Contract	27,107.33

2017 transactions over £1500

<u>Supplier Name</u>	<u>Department</u>	<u>Nett Value</u>
Clive Moys	Planning	7,960.00
Clive Moys	Planning	7,085.00
Mr Paul Shadarevian	Planning - LDP	5,600.00
Mr Paul Shadarevian	Planning - LDP	1850
Mr Paul Shadarevian	Planning - LDP	1750
Sharpe Pritchard	Planning - LDP	3000
Stewart Law Solicitors	Human Resources	2500
Trowers + Hamblins Llp	Section 101 frameworks	13732.75

2018 transactions over £1500

<u>Supplier Name</u>	<u>Department</u>	<u>Nett Value</u>
Anthony Collins Solicitors	Corporate Governance Advice and training	6,424.50
Anthony Collins Solicitors	Corporate Governance Advice and training	4,201.20
Anthony Collins Solicitors	Corporate Governance Advice and training	4,138.50
Anthony Collins Solicitors	Corporate Governance Advice and training	2,379.00
Anthony Collins Solicitors	Corporate Governance Advice and training	2,310.88
Anthony Collins Solicitors	Corporate Governance Advice and training	1,540.50
Bevan Brittan Llp	Corporate Governance Advice and training	2,300.00
Sharpe Pritchard	Asset Regeneration program	16,074.00
Sharpe Pritchard	Asset Regeneration program	12,300.00
Sharpe Pritchard	Asset Regeneration program	9,705.00
Sharpe Pritchard	Asset Regeneration program	9,074.50
Sharpe Pritchard	Asset Regeneration program	5,910.00
Sharpe Pritchard	Asset Regeneration program	5,460.00
Sharpe Pritchard	Asset Regeneration program	4,335.00
Sharpe Pritchard	Wholly Owned Company	2,016.00
Sharpe Pritchard	Contract Management	1,992.00
Sharpe Pritchard	Asset Regeneration program	1,638.00
Trowers + Hamblins Llp	R&M Procurement and Contract	16,623.00
Trowers + Hamblins Llp	R&M Procurement and Contract	6,383.90
Trowers + Hamblins Llp	Section 101 Framework	2,542.45
Trowers + Hamblins Llp	Section 101 Framework	1,557.98

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