



## 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 Kerlake	

#### 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 Kerlake **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, Kerlake, 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, Kerlake, 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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