

Minutes

Ordinary Council Wednesday, 10th December, 2014

Attendance

Cllr Mrs Davies (Chair)	Cllr Kerlake
Cllr Keeble (Vice-Chair)	Cllr Le-Surf
Cllr Aspinell	Cllr Lloyd
Cllr Baker	Cllr McCheyne
Cllr Barrett	Cllr Morrissey
Cllr Carter	Cllr Mrs Murphy
Cllr Chilvers	Cllr Mynott
Cllr Clark	Cllr Dr Naylor
Cllr Cloke	Cllr Newberry
Cllr Mrs Cohen	Cllr Parker
Cllr Mrs Coe	Cllr Quirk
Cllr Faragher	Cllr Reed
Cllr Mrs Henwood	Cllr Russell
Cllr Hirst	Cllr Ms Sanders
Cllr Mrs Hones	Cllr Sapwell
Cllr Hossack	Cllr Sleep
Cllr Mrs Hubbard	Cllr Mrs Squirrel
Cllr Kendall	Cllr Tee

Apologies

Cllr Mrs McKinlay

Officers Present

Jo-Anne Ireland	Acting Chief Executive
Gordon Glenday	Head of Planning & Development
Chris Potter	Monitoring Officer & Head of Support Service
Jean Sharp	Governance and Member Support Officer
Ben Bix	Corporate and Democratic Services Manager
John Parling	Strategic Asset Manager
Philip Ruck	Contracts & Corporate Projects Manager
Rick Steels	Revenues and Benefits Manager
Adrian Tidbury	Asset and Technical Manager
Greg Campbell	Project Manager - Customer Transformation

314. Apologies for Absence

Apologies were received from Cllr Mrs McKinlay.

315. Mayor's Announcements

The Mayor recounted some of the engagements she had undertaken since the 22 October 2014 Ordinary Council meeting.

316. Minutes of the previous meeting

RESOLVED to approve as a true record the minutes of the 22 October 2014 Ordinary Council meeting.

317. Questions from the Public

Two questions were received from Mrs Gearon-Simm which she put to Cllr Aspinell:

1. *Before Hutton Community Centre needed major refurbishment, why had the building been allowed to deteriorate so badly?"*

Cllr Aspinell responded:

In my opinion (I am not a hypocrite) I was totally against what was happening at Hutton Community Centre and I held this administration to account on that issue so I cannot tell you as we weren't in charge of that centre. I understand from the people that were there that council officers here did make the appropriate defence by supplying ply wood for blocking the windows up and taking other remedial action to do that work. Unfortunately between that happening and council providing a fence to protect the building it was vandalised several times. Also as you are well aware there are questions over the validity of this council actually being in that building. We have taken legal advice that has said yes we should be in there it is a council asset and we should be managing it. After further examination and accusation the charities commission are looking at our position. We wrote to them they are taking that into consideration. Legal advice for the charity commission who is an approved solicitor believed that as it is a charitable asset we shouldn't be in it. So it is a legal minefield that I didn't want to inherit but we did and we will try and get through it as best as we can. It has taken me this time since we took over to get to this position – an absurd situation. I hope this has been of assistance to you.

2. *"In the past, authority was symbolically vested in individuals and these representatives of authority were themselves held accountable.*

These days it seems that we live in a world where power is anonymous and cannot be localised and therefore no longer exercises any moral authority.

The Brentwood Accord declares it is open and accountable to the electorate whom it will not ignore.

Who in the current administration do members of the electorate contact if they are dissatisfied with the response to their problems? Contacting ward councillors does not seem to have been a workable system in my experience.”

Cllr Aspinell responded:

I am the first point of call if anyone has a problem and cannot get hold of their councillor or they can't find any other way and we will process it from there. This week I have had 5 phone calls from people throughout the borough not just Pilgrims Hatch so I myself am the first point of contact.

A question had been received and was put to Cllr Carter by Mr Edmonds:

In regard to the 'Homelessness Prevention Strategy', can we be assured that the Council's standard procedure will be followed in that:

- a) When a person comes to the Council and declares themselves to be a rough sleeper, they will be given a face-to-face meeting on that day and not interviewed via the internal phone, or worse, sent away.*
- b) That a person will be dealt with thoroughly and a fair assessment given, specially in regard to their vulnerability in the 'Pereira test' and for this to include a Doctor's assessment.*
- c) That each person will have a homelessness report produced.*
- d) That each person will receive a letter in regard to 'Section 184 of the Housing Act' as to the outcome of their application.*

Paragraph 1.7 of the Brentwood Council's 'Homelessness Prevention Strategy' (issued November 2013 by Cllr Jan Pound) states that incidents of rough sleeping are dealt with immediately. This must happen to ensure vulnerable people are not cast aside. The longer a person is left rough sleeping, the more vulnerable they become.

In light of this and the fact that Brentwood does have rough sleepers, could the Council, with possible help from local charities and/or businesses, set up a place for these vulnerable people to signpost them to seek the right help and know their rights? A place that can give them fresh clothes and perhaps even a place to wash themselves? A place where they can talk to someone if they feel the need to? Food banks only do so much, can more be done for our community?”

Cllr Carter responded as follows:

To answer the question and sub-questions submitted an overview will be given with a more extensive written answer being available:

The duty a Local Authority has to rough-sleepers is primarily governed by the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities. Current practice requires that any individual presenting in person to the Council is offered a face-to-face interview that day, or at another agreed time should the applicant so wish. The legislation does not allow a Local Authority to provide accommodation however if the statutory tests are not met.

These tests concern: Homelessness; Eligibility; Priority Need; Intentional Homelessness; Local Connection. The Local Authority has to have reason to believe the first three tests are met before any temporary accommodation may be offered. If it is considered that the first three tests are not met then the Local Authority is limited to providing advice & assistance.

All applicants, both priority and non-priority, are given relevant advice and/or signposting in relation to private renting; housing benefit; out-of-work benefits; legal advice; night-shelters; food banks and counseling. The Council is in the process of setting up a 'hub' within the reception area to provide coordinated referral services.

Brentwood Council works with Homeless Link and St Mungos to identify rough sleepers within the Borough, as well as undertaking its own investigations. The Housing Needs team is developing a Housing Options handbook to complement both current advice sheets and the Council housing webpage. The Housing Needs team is working towards the Government 'Gold Standard' and procedures are implemented accordingly.

318. Memorials or Petitions

None was received.

319. Variation in the Order of the Agenda

The Mayor MOVED and Cllr Keeble SECONDED and it was RESOLVED that the order of the agenda be varied and Item 6 - Members' questions to committee chairs should follow the reports on the agenda, also that Item 16 - Old House - be considered following Item 9 - Town Hall Remodelling Business Case Review.

320. Change to Council Representation on an Outside Organisation

Members were reminded that appointments of Council representatives for a number of outside organisations for the 2014-15 municipal year were approved at the 2 July Ordinary Council meeting with some additions and amendments having been agreed at the 22 October Ordinary Council meeting. A further amendment was now needed in relation to the appointment

of Conservators of Shenfield Common in that a replacement needed to be made for Mr Jeff Fair and Mrs Janette Ballentyne had been nominated.

Cllr Aspinell MOVED, Cllr Lloyd SECONDED and it was RESOLVED that Mrs Ballentyne should replace Mr Fair as a Conservator of Shenfield Common.

321. William Hunter Way Consultation

Members were reminded that at the Extraordinary Council Meeting 7th April 2014, it was agreed that a consultation be carried out on the potential development of the William Hunter Way car park site.

Since then and before the issue of the consultation, the William Hunter Way Working Group (WHWWG) met on three occasions. At all (and subsequent) meetings invitations were issued to all members. The meetings were also open meetings, where participation from residents was actively encouraged by the Chair and members of the WHWWG.

The consultation was carried out between 1st September 2014 and 5th November 2014 and 30,516 resident questionnaires and over 1,400 business questionnaires were issued either into homes, business addresses or via email.

The report before Members was based upon the receipt of 5,695 resident questionnaires and 106 business questionnaires returned to the council.

Officers had been able to consolidate large elements of the raw data from the consultation, and there were also over 5,000 rows of comments that were analysed and categorised into supporting themes.

Members received the final report on the findings of the consultation which contained the full analysis of the data collected, the consultation documents sent to households and businesses and details of the Council's approach to the consultation notes, also the William Hunter Way Procurement Task and Finish Group report approved at the November 2014 Audit & Scrutiny Committee meeting.

Cllr Quirk MOVED and Cllr Mynott SECONDED the recommendations in the report with a minor amendment and it was RESOLVED UNANIMOUSLY:

- 1. To re-market the site for development using a refreshed development brief. The development brief to allow for the receipt of both capital and a regular income for the Council.**
- 2. That the Head of Planning for the Council prepares a refreshed development brief taking into account the outcome of the consultation exercise and this is brought back to Ordinary Council for approval.**

3. That a competitive tender be prepared and issued for the expert additional resources that will be required to deliver the project and provide assistance in the preparation of the development brief.

4. Should the Ordinary Council subsequently approve the development brief then the following actions will be undertaken:

I. That the governance of the project be overseen by the Asset and Enterprise Committee who are to ensure that all key stakeholders are involved and that key Ward members are engaged and kept informed of the process.

II. To ensure that the development is not prejudiced, the Brentwood Car Wash licence to occupy part of the site should not be renewed at expiry on the Licence Agreement on the 6 April 2015. The Licensee should be provided with appropriate notification, at least 3 months before the expiry date of the 6 April 2015 , to give them adequate notice to vacate the site.

III. That negotiations between Barclays Bank and officers, in relation to the Car Park owned by Barclays Bank currently sited in the area of development, be concluded, subject to a maximum cost to the Council of £250,000 including legal costs

IV. That members note that a maximum sum of £1.2 million has been earmarked within the Medium Term Financial Plan (MTFP) 2014/15 – 2016/17 for this project.

Officers were thanked for their work in relation to the William Hunter Way development.

322. Town Hall Remodelling - Business Case Review

Members were reminded that a report on the Town Hall Remodeling Project was previously presented to the September 2013 meeting of Extraordinary Council. Since that meeting and the approval granted, the project had been progressing through the processes necessary to commence the remodeling works.

These processes had examined the feasibility of the preferred Outline Business Case (OBC) option and resulted in a designed general arrangement for the building and an overall scope for the necessary remodeling works.

The resulting general arrangement for the building contained a lower overall area for commercial lease and insufficient area to accommodate a dedicated hub of office space for community sector use.

Final costings had been prepared for the remodeling works identified by the feasibility study. These indicated that undertaking the full scope of the specified remodeling works would require a capital investment of c. £5.3m for building works plus the continued requirement of £0.5m for associated ICT infrastructure.

This investment was c. £2.2m greater than that previously approved. This financial variance, along with there being insufficient area for dedicated office space for community sector use, indicated that the objectives of the previously approved OBC were no longer being fully met.

On that basis, the project had been reviewed to identify a revised scope that would meet the previously approved budget.

The resulting revised scope would ensure that key operational objectives of the project could be delivered but would necessitate the exclusion of certain elements of work relating to the building and services infrastructure. It is anticipated that these excluded elements would be subject to the development of separate business cases.

Officers provided a presentation in relation to the updated proposals.

Cllr Aspinell MOVED and Cllr Mynott SECONDED the recommendations in the report and following a debate a recorded vote was requested in accordance with Rule 9.5 of the Council's Procedure Rules. Members voted as follows:

FOR: Cllrs Aspinell, Baker, Barrett, Carter, Chilvers, Clark, Mrs Cohen, Mrs Davies, Mrs Hubbard, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Newberry, Quirk, Sapwell and Mrs Squirrell (19)

AGAINST: Cllrs Cloke, Mrs Coe, Faragher, Mrs Henwood, Hirst, Mrs Hones, Hossack, McCheyne, Mrs Murphy, Dr Naylor, Parker, Reed, Russell, Ms Sanders, Sleep and Tee (16)

ABSTAIN: Cllr Kerslake (0)

The MOTION was CARRIED and it was RESOLVED:

1. To note that the full cost for undertaking the Town Hall Remodelling Project, as agreed at the September 2013 meeting of Extraordinary Council, exceeds the 5% budget tolerance level set at that meeting.

2. To approve the commencement of works for a revised scope for the Town Hall Remodelling Project within the previously agreed budget of £3.6m, which would ensure:

- I. Creation of a customer service area on the ground floor, suitable for joint use between Council services and partner organisations.**
- II. Provision of modern, space efficient office layouts for all Council services based at the Town Hall.**
- III. Availability of defined areas for commercial lease.**
- IV. Completion of essential access and health and safety works as necessary to achieve joint occupation of the Town Hall.**

3. That the draft Heads of Terms agreed for the commercial lease of

part of the Town Hall are reviewed to ensure they provide the Council with best value.

4. To note that further business cases relating to the infrastructure of the Town Hall will be developed for consideration by the Asset and Enterprise Committee, anticipated to include:

- Sustainability measures for the Town Hall (incorporating sustainable solutions for heat, light and power)
 - Increased commercial use of the Civic areas of the Town Hall.
- All of the above also assume that the allocated ICT budget of £0.5million remains.

323. Old House

The report before Members acknowledged the “in principle” decision of the 15th July 2014 Asset & Enterprise Committee to proceed with the redevelopment of Old House into flats and to report to Full Council in order for Members to consider the financial implications for the Capital Programme.

The report outlined the updated information received from the Architects, together with revised rental and sale value information for Members’ consideration.

Cllr Quirk MOVED and Cllr Sapwell SECONDED the recommendations in the report and following a full discussion it was RESOLVED that:

- 1. Based on the Business Case presented, Members proceeded with damp, bat and structural surveys to support the proposal to convert Old House to residential units.**
- 2. Subject to no material changes to the financial viability arising from the survey works, to agree the appointment of consultants to undertake detailed designs in conjunction with English Heritage and the Essex County Council Historic Buildings Adviser, leading to the preparation of contract documents to maximise the number of units achievable on the site.**
- 3. Following successful listed building consent and Planning approval, authority be given to the Leader of the Council, the Chair of the Asset and Enterprise Panel and (Acting) Chief Executive, to undertake a tender process and to appoint a suitable contractor to complete the refurbishment of the property and on completion, instruct letting agents to market the property.**
- 4. Subject the approval of this project, Members endorsed the borrowing requirement of £1,080,000 and that until the budget for**

2015/16 is finalised, provision for the Year 1 borrowing costs will be assumed to be funded from the General Fund Working Balance.

324. Local Council Tax Support Scheme 2015/16

Members were reminded that the 2014/15 Local Council Tax Support (LCTS) scheme was adopted by Ordinary Council on 11th December 2013. The scheme only affected working age claimants as pensioners were protected and continued to be paid in accordance with Council Tax Benefit regulations which were abolished in 2013.

Amendments to the 2014/15 scheme were considered by a Task & Finish Group and reports outlining proposed technical changes were presented to the Audit & Scrutiny Committee on 30th September 2014.

The Task & Finish Group further proposed the introduction of a surcharge of 50% to Council Tax accounts for properties that had been left empty for more than 2 years.

The proposals for the 2015/16 scheme were agreed by the Audit & Scrutiny Committee and recommended for submission to Full Council for adoption.

Members acknowledged that the Local Council Tax Support scheme presented the Council with new and difficult challenges and congratulated officers on the collection of Council Tax. Cllr Aspinell stated that 'as a Council we are determined to collect all Council Tax in a firm but fair manner'.

Cllr Aspinell MOVED and Cllr Hirst SECONDED the recommendations in the report and following a full discussion it was RESOLVED UNANIMOUSLY that Members:-

- 1. Noted the Equality Impact Assessment at Appendix A to the agenda.**
- 2. Agreed the introduction of the following technical changes to the Local Council Tax Support scheme:**
 - a) Introduction of specified claim award periods for claimants within the LCTS Working Age (working) sub group.**
 - b) End liability mismatches by not awarding Local Council Tax Support to single claimants or removing existing awards from single claimants who do not satisfy evidence requirements for a Single Person Discount.**

c) **Change the scheme rules for Local Council Tax Support to be in line with other Council Tax discounts and exemptions, as well as future claims for Universal Credit, by changing ‘or partner’ to ‘and or their partner’ within the scheme rules. This would ensure that should a claimant or their partner provide false information relating to their claim, the Council can consider joint and several liability for offences against the taxpayer.**

d) **Extend the current rules for vulnerability to include claimants qualifying for a support premium as a result of their entitlement to Employment & Support Allowance.**

e) **Use existing powers delegated to Section 151 Officer, in consultation with the Leader and Deputy Leader of the Council to increase the needs allowances for the assessment of LCTS in line with Housing Benefit regulations**

3. **That, from 1 April 2015, the Council adopts a policy of applying a 50% surcharge to Council Tax accounts when the property has been empty for more than 2 years.**

4. **To earmark funding of no more than 0.48% of expenditure of scheme costs to allow for writing off assessment errors.**

325. Discretionary Reduction in Council Tax Liability Policy

Members were reminded that Section 13A 1c of the Local Government Finance Act 1992, provided the Council with additional discretionary powers to enable it to reduce or further reduce the Council Tax liability where statutory discounts, exemptions and reductions were not sufficient.

A recent Valuation Tribunal appeal was upheld on the grounds that the local authority in question did not have a policy in place for dealing with such requests for a discretionary reduction in exceptional circumstances.

The adoption of a discretionary reduction in Council Tax liability policy ensured the Council would also consider requests for assistance from Council Taxpayers who, through no fault of their own, had experienced a crisis or event that had made their property uninhabitable e.g. due to fire or flooding, where they remained liable to pay Council Tax and for which they would have no recourse for compensation nor have recourse to any statutory exemptions or discounts.

The adoption of a discretionary reduction in Council Tax liability policy would also protect the Council against potential legal challenge.

Cllr Aspinell MOVED and Cllr Hirst SECONDED the recommendation in the report and following a full discussion it was RESOLVED UNANIMOUSLY that the Council adopts the discretionary reduction in Council Tax liability policy attached as Appendix A to the report.

326. Council Taxbase 2015/16

Members were reminded that the Council Taxbase was used in the calculation of the Council Tax for 2015/16. The Taxbase was expressed as the average number of Band D properties in the Borough, even though each property would actually fall into a Band ranging from A to H.

The estimated Taxbase for 2015/16 was 31,155.6.

The Taxbases for Parish Councils would be lower due to the adjustment for Local Council Tax Support. In line with past years, the Council would provide a grant in order to ensure that the Taxbase for 2015/16 was unaffected.

Cllr Aspinell MOVED and Cllr Lloyd SECONDED the recommendations in the report and following a full discussion it was RESOLVED UNANIMOUSLY:

- 1. That in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Brentwood Borough Council as its Council Taxbase for the year 2015/16 is 31,155.6.**
- 2. To agree to make a grant to Parishes for 2015/16 totaling £18,944.49 to compensate them for the effect on their precept income of the Local Council Tax Support Scheme.**
- 3. To agree that the collection rate for Council Tax for 2015/16 is set at 98.00%.**

327. Collection Fund (Council Tax) Surplus as at 31 March 2015

Members were reminded that the Collection Fund was a separate account that controlled the money collected through Council Tax and its distribution between the precepting authorities; Essex County Council, Essex Police and Crime Commissioner, Essex Fire Authority and this Council.

Any surplus on the Collection Fund had to be returned to the Council and the precepting authorities in the same proportion to their precepts in the current year. The Council must take this into account when it set its element of the Council Tax for 2015/16.

A surplus of £1 million had been calculated and the Council must take the amount of £120,582 into account when it set its element of the Council Tax for 2015/16.

Cllr Aspinell MOVED and Cllr Lloyd SECONDED the recommendations in the report and following a full discussion it was RESOLVED UNANIMOUSLY to agree the calculation of the estimated Collection Fund surplus as at 31 March 2015 at £1 million.

328. Dunton Garden Suburb Consultation

Members were reminded that the Council signed a Memorandum of Understanding (MoU) with Basildon Borough Council following approval by Planning & Development Committee on 4 November 2014. The MoU committed both Councils to prepare a joint consultation document to seek views on the concept of development to the east of West Horndon (in Brentwood Borough) and west of Laindon (in Basildon Borough); hereafter known as Dunton Garden Suburb.

The Dunton Garden Suburb consultation document set out the context, challenges, constraints and aspirations which both Councils had discussed through the duty to cooperate. It did not currently constitute part of the emerging Brentwood Local Development Plan, instead provided an opportunity for both Councils to consult on an 'initial concept' to then determine whether it should be taken any further.

Commentary on the Sustainability Appraisal and Habitats Regulations Assessment had been prepared to provide an initial, high level assessment of the likely effects of development.

The consultation would take place for a period of six weeks, from 6 January until 17 February 2015. A consultation strategy had been prepared that set out how both Councils would advertise the consultation and seek to engage of local communities and stakeholders.

Cllr Baker MOVED and Cllr Mynott SECONDED the recommendations in the report and following a full discussion it was RESOLVED UNANIMOUSLY to approve the Dunton Garden Suburb consultation document for a six week joint public consultation with Basildon Borough Council.

329. Strategic Growth Options Consultation

Members were reminded that the National Planning Policy Framework (NPPF) required local planning authorities to produce a Local Plan for their area. The most recent Brentwood Local Development Plan (LDP) consultation

version was published in July 2013 (Draft Local Plan 2015-2030 Preferred Options).

Following consultation conclusion in late 2013/early 2014, it became apparent that several issues needed to be reconsidered, specifically objectively assessed housing need; new employment land and job provision; Crossrail impacts; sustainability (renewable energy); planning for Gypsies & Travellers; and proposals made by Basildon Council.

In light of these, and to complement the Dunton Garden Suburb consultation prepared jointly with Basildon Council, a Strategic Growth Options consultation document had been prepared to provide an overview of the main issues to be considered as part of the Brentwood LDP, including spatial options and specific sites.

The consultation was proposed to take place for a period of six weeks, from 6 January until 17 February 2015.

Cllr Mynott MOVED and Cllr Baker SECONDED an amended version of the recommendation in the report and following a full discussion a recorded vote was requested in accordance with Rule 9.5 of the Council's procedure rules. Members voted as follows:

FOR: Cllrs Aspinell, Baker, Barrett, Carter, Chilvers, Clark, Mrs Cohen, Mrs Davies, Mrs Hubbard, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Newberry, Quirk, Russell, Sapwell and Mrs Squirrel (20)

AGAINST: Cllrs Cloke, Mrs Coe, Faragher, Mrs Henwood, Hirst, Mrs Hones, Kerslake, McCheyne, Dr Naylor, Parker, Reed, Ms Sanders, Sleep and Tee (14)

ABSTAIN: Cllrs Hossack and Mrs Murphy (2)

The MOTION was CARRIED and it was RESOLVED:

To approve the Strategic Growth Options Consultation document for publication and for a six week public consultation, subject to any non-material changes approved by the Acting Chief Executive and Chair of Planning and Development Committee prior to publication.

330. Members' Questions on Chairs Reports

Committee Chairs' reports were before Members and no written questions had been submitted.

Cllr Hirst MOVED and Cllr Aspinell SECONDED and it was RESOLVED that, given the lateness of the hour, no questions be asked of Chairs regarding their reports.
