



Agenda

Planning and Licensing Committee

Tuesday, 19 February 2019 at 7.00 pm

Brentwood County High School, Shenfield Common, Seven Arches Road,
Brentwood CM14 4JF

Membership (Quorum – 4)

Cllrs Ms Sanders (Chair), McCheyne (Deputy Chair), Chilvers, Haigh, Keeble, Morrissey, Mynott, Nolan, Mrs Pound, Reed, Mrs Slade and Trump

Substitute Members

Cllrs Aspinell, Barrett, Mrs Davies, Mrs Fulcher, Mrs Hones, McLaren, Mrs Middlehurst and Wiles

Agenda

Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 10
3.	Minutes of the Licensing Sub Committee 09.01.19		11 - 12
4.	Minutes of the Licensing Sub-Committee 17.01.19		13 - 16
5.	Minutes of the Licensing Sub-Committee 24.01.19		17 - 20
6.	Minutes of the Licensing Sub-Committee 30.01.19		21 - 22
7.	FAR END, DAYS LANE, PILGRIMS HATCH, ESSEX, CM15	Pilgrims	23 - 30

9SJ APPLICATION NO: 18/01663/FUL

Hatch

Construction of a barn.

8. **AMENITY LAND, WHITTINGTON ROAD, HUTTON, ESSEX
APPLICATION NO: 18/01851/BBC** Hutton North 31 - 40
- Parking and Landscaping (Phase 1)
9. **Land At Junction Of Mill Green Road And Fryerning Lane
Fryerning Ingatestone Essex TPO 18/1995.** Ingatestone, Fryerning and Mounthesing 41 - 44
- T1- Oak crown lift to 3m. Remove major deadwood with conservation cuts.
10. **Urgent Business**



Chief Executive

Town Hall
Brentwood, Essex
11.02.2019

Information for Members

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

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If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

these activities, in their opinion, are disrupting proceedings at the meeting.

 **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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 **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



Minutes

Planning and Licensing Committee Tuesday, 15th January, 2019

Attendance

Cllr Ms Sanders (Chair)	Cllr Mynott
Cllr McCheyne (Vice Chair)	Cllr Nolan
Cllr Chilvers	Cllr Mrs Pound
Cllr Haigh	Cllr Reed
Cllr Keeble	Cllr Mrs Slade
Cllr Morrissey	Cllr Trump

Also Present

Cllr Hirst
Cllr Russell
Cllr Colin Foan – West Horndon Parish Council
Cllr Terry Lockhart – Blackmore, Hook End and Wyatts Green Parish Council

Officers Present

Surinder Atkar	-	Planning Solicitor
Nick Howard	-	Development Management Team Leader
Philip Drane	-	Director of Strategic Planning
Caroline McCaffrey	-	Development Management Team Leader
Jean Sharp	-	Governance and Member Support Officer
Tessa Outram	-	Senior Planning Officer
Brendan Johnston	-	Essex County Council, Highways.

287. Apologies for Absence

No apologies were received.

288. Minutes of the Previous Meeting

The Minutes of Planning & Licensing Committee held on Tuesday 11th December 2018 were agreed to be a true record.

289. Minutes of the 10.12.18 Licensing Sub Committee meeting

The Minutes were agreed to be a true record.

290. 17/01050/Out - Land South of East Horndon Hall, Tilbury Road, West Horndon, Essex. CM13 3LR: Outline application for demolition of all buildings; construction of 13 new buildings, comprising of Class B1b, B1c, B2 and B8 floor space and 250 sqm of Class A3 floorspace, together with associated vehicle parking, loading, cycle parking and infrastructure (Landscaping and Appearance reserved matters)

(Cllr Sanders declared a prejudicial interest in this application and left the room. The role of Vice Chair was undertaken by Cllr Nolan).

This application sought outline planning permission for an employment use. Approval was sought for layout, scale and access, whilst matters of appearance and landscaping were reserved for the future in the form of reserved matters.

The proposal was for the redevelopment of the existing site to provide an overall maximum gross floor space of up to 35,000sqm of employment uses (Use Class B1c, Use Class B2 and Use Class B8) along with ancillary office, servicing, parking, access roads and open space.

There were five existing buildings, located in the northern part of the site. The proposals involved the demolition of four of the buildings and the retention of one of the existing buildings located in the north western corner of the site. The proposed commercial floorspace would be provided within 13 separate buildings which were each capable of various subdivisions to create individual units which would vary in size, in order to accommodate a range of businesses from small start-ups to large multinationals.

Mrs Palmer was present and spoke as an objector to the application. She advised that the site under consideration was part of Thames Chase and outlined her concerns including the detrimental effect on the wildlife habitat and health of those living in the community.

Mr Wheeler, the Agent, spoke in favour of the application, stating that case law indicated that weight should be given to the emerging local plan, the site's minor contribution to greenbelt and the significant contribution to employment.

Cllr Foan of West Horndon Parish Council also spoke against the application agreeing with the officers' reasons for their recommendation to refuse the application, particularly highlighting the risk of flooding from standing water on land surrounding the site.

Cllr Nolan **MOVED** and Cllr McCheyne **SECONDED** the recommendation in the report for approval.

Cllr Mynott expressed his disappointment in Members supporting the application as he believed there were no special circumstances to contravene building on the green belt, and that approving the scheme in advance of the Draft Local Plan being examined by an Inspector and formally adopted would undermine the whole plan process that the Council had agreed at the Extraordinary Council meeting last November. Cllr Mynott agreed with the Parish Councillor in relation to the flood risk and added that the site's close proximity and possible detrimental effect on the proposed Dunton Hills Garden Village needed to be considered. He also pointed out the site's closeness to the Grade 2 listed building, East Horndon Hall.

Mr Drane advised that the report included relevant information regarding the current stage of the Local Development Plan in relation to the application.

Following a full discussion a recorded vote was taken and Members voted as follows:

FOR: Cllr Nolan, Cllr McCheyne, Cllr Reed, Cllr Mrs Slade and Cllr Trump (5)

AGAINST: Cllr Chilvers, Cllr Haigh, Cllr Keeble, Cllr Morrissey, Cllr Mynott and Cllr Mrs Pound (6)

ABSTAIN: 0

The motion to **APPROVE** the application was **LOST**.

Cllr Mynott **MOVED** and Cllr Morrissey **SECONDED** a motion for the application to be **REFUSED**.

FOR: Cllr Chilvers, Cllr Haigh, Cllr Keeble, Cllr Morrissey, Cllr Mynott and Cllr Mrs Pound
(6)

AGAINST: Cllr Nolan, Cllr McCheyne, Cllr Mrs Slade, Cllr Trump, Cllr Reed
(5)

It was **RESOLVED** that the Application be **REFUSED** for the following reasons: -

1. The proposal would be inappropriate development in the Green Belt in that it would materially detract from openness, it would represent an encroachment of development into the countryside and result in an unrestricted sprawl of a large built up area. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.

2. Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

(Cllr Sanders declared a prejudicial interest in accordance with the Council's Code of Conduct and left the room taking no part in the debate and did not vote.)

291. 18/01500/Ful - Red Roofs Challacombe Close Hutton Essex CM13 2LU

Raise Ridge and Extend Roof, Add Part Single Storey, Part Two Storey Rear Extensions Incorporating Rear Juliette Balcony, Add First Floor Side and Front Extensions, Add 2 Dormers to Rear and Replace Front Canopy Porch and Add Canopy to Garage Front

This application had been referred to committee by Councillor Hirst on the grounds that the proposed development was of excessive bulk that would be out of character with the area and would amount to overlooking contrary to local plan policies CP1 and H15.

Planning permission was sought for the raising of the ridge and extension to existing roof, the addition of a part single, part two storey rear extension incorporating two rear dormer windows and Juliette balcony, part single part first floor front and side extensions and roof lights to the front and rear at Red Roofs, Challacombe Close.

The proposal had been amended part way through the application process and the ridge height reduced so that it now extended 0.2 metres above the existing compared to the 1.5 metres originally submitted. The roof design had also been altered and the eaves of the first floor side extension had been reduced in height in line with a neighbouring property - No.13 'Summerleigh'.

Mr Patmore was an objector and spoke against the application raising concerns over the considerable impact on his property and loss of privacy.

Dr Olukanni, the Applicant, spoke in support of the application advising Members that the proposal was in keeping with the area and that boundary and screening would remain. The plans had been approved by Hutton Mount Limited and the application complied with all its regulations.

Cllr Hirst, Ward Councillor, raised concerns over the Juliette balcony and the impact this would have on the neighbours. He requested further amendments to be made to address these concerns.

Ward Member Cllr Reed also expressed concern regarding the proposed balcony.

Cllr Mynott believed that the issues raised by Cllrs Hirst and Reed were not significant enough to refuse this application but requested a condition be added to modify the balcony to lessen the reduction of the neighbours' privacy. The Planning Officer advised that any condition imposed needed to be reasonable and necessary.

Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** the recommendation in the report for approval and without the need for an additional condition.

Following a full discussion a recorded vote was taken and Members voted as follows:

FOR: Cllr Chilvers, Cllr Haigh, Cllr Keeble, Cllr McCheyne, Cllr Morrissey, Cllr Mynott, Cllr Nolan, Cllr Mrs Pound, Cllr Sanders, Cllr Mrs Slade and Cllr Trump (11)

AGAINST: Cllr Reed (1)

ABSTAIN: 0

It was **RESOLVED** that the Application be **APPROVED** subject to the following conditions: -

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT03 Materials to match

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In order to safeguard the character and appearance of the area.

4 Tree Protection

No development shall take place until details showing the root protection area and tree protection measures have been submitted to and approved in writing by the local planning authority prior to the commencement of

the proposed works on site. The tree protection measures shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

5 Obscure Glazing

The first floor flank window(s) serving 'bedroom 4' and 'ensuite'; shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

292. Urgent Business

There was no urgent business.

The meeting concluded at 20.10



Minutes

Licensing Sub-Committee

Wednesday, 9th January, 2019 – 1.00pm

In accordance with the Licensing Act 2003 the meeting was held in private session due to confidential information being presented by Essex Police.

Attendance

Cllr Chilvers
Cllr McCheyne

Cllr Reed

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer

284. Appointment of Chair

Members resolved that Cllr McCheyne should chair the meeting.

285. Administrative Function

Members were respectfully reminded that, in determining the matters listed below; they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

286. The Vine, 104 High Street, Brentwood. CM14 4AP - Summary review of premises licence (consideration of interim step)

An application by Essex Police for a summary review of the premises licence for The Vine, 104 High Street, Brentwood CM14 4AP had been made to Brentwood Borough Council.

The application was brought before the licensing sub-committee for determination on 9th January 2019 following representations from Essex Police relating to an incident at the Vine on 25th December 2018 wherein a

male was assaulted by a member of door staff at the premises and as a result of the injuries received the male subsequently died in hospital leading to a homicide investigation.

The sub-committee heard from the Licensing Officer then Essex Police then the legal representative for the licensee and then retired to consider their decision.

The sub-committee decision was that the premises license be suspended with immediate effect pending a full hearing within 28 days and the Council's legal advisor outlined the reasons for the decision.



Minutes

Licensing Sub-Committee
Thursday, 17th January, 2019

Attendance

Cllr Haigh
Cllr Mrs Pound

Cllr Mrs Slade

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer

293. Appointment of Chair

Members resolved that Cllr Mrs Pound should chair the meeting.

294. Administrative Function

Members were respectfully reminded that, in determining the matters listed below; they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

295. Declarations of Interest

There were none.

295. The Raj, 21 Kings Road, Brentwood. CM14 4DJ - Application for Transfer of Premises Licence

The application was brought before the licensing Sub-Committee for determination on 17th January 2018 following representations from a Responsible Authority (the Police).

The premises were currently a restaurant specialising in Indian cuisine situated in Kings Road, Brentwood and it was currently licensed for the Sale by Retail of Alcohol & Late Night Refreshment.

On 7th December 2018 the Applicant Badsha Miah submitted an online application with the intention to transfer the existing premises license to Jetu Miah. There was no application to vary the existing Designated Premises Supervisor who was Badsha Miah.

The Sub-Committee heard from Mr. Leonard of the Council's Licensing Department who explained the background to the application and stated to the Committee that the application was under the provisions of section 42 Licensing Act 2003.

The Sub-Committee then heard from Ms. Vicky Powell for the Police who advised there had been a raid at the relevant premises by the immigration services in November 2018 and 5 illegal workers were found to be working at the Restaurant. Serious immigration offences relating to unauthorised employment of illegal immigrants had been committed by the Restaurant owners. Shortly after the raid a fresh limited company had been set up by Badsha Miah. Mr. Badsha Miah had been the Designated Premises Supervisor for 13 years and prior to the raid there had been a previous incident in 2014 at the premises of a similar nature of employing illegal immigrants. Essex Police had commenced the process of reviewing the premises license following the latest raid. It was shortly after this that the transfer procedure had been commenced and it was the view of the Police that this was a cynical attempt to give the impression at the review hearing that because there had been a successful transfer that the new regime would be less likely to commit further offences. The fine for the immigration offences was likely to be in the region of £100,000.

Ms. Powell explained that there was clear proof that Jetu Miah was Badsha Miah's nephew and that the transfer was an attempt to avoid the consequences of the Immigration offences since Badsha Miah would remain DPS and therefore have effective control of the business. It also transpired that Badsha Miah had made the application to transfer.

The Sub-Committee then heard from Matthew Strickles who represented Jetu Miah. He stated that Badsha Miah wanted to assign his lease of the business and sell it on. He was a sole trader and could not escape the penalty imposed on him.

The Police in closing stated there was a danger of further offences. There was extra motive for this because economically it gave a financial advantage to the business to take on illegal labour and not pay any wages to them in order to reduce labour costs. The risk of detection was balanced against the financial advantage.

Mr. Strickles in closing stated that whether an applicant was a "fit and proper person" was not part of Licensing Law. His client gave his assurances that there would be no further offences. There was no evidence that further offences would be committed and so the transfer should be granted.

The Sub-Committee members felt that there was sufficient evidence to support the contention that the prevention of crime and disorder objective was engaged in circumstances that serious criminal offences in employing illegal immigrants had been committed. Shortly after the offences an application to transfer had been made to transfer to a relative whilst retaining control of the business as DPS. The evidence showed that section 44 (5) (b) (ii) applied and in order to support the “promotion of crime prevention” the Sub-Committee came the conclusion that the application should be refused.

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Minutes

Licensing Sub-Committee Thursday, 24th January, 2019

Attendance

Cllr Keeble
Cllr Mynott

Cllr Reed

Officers Present

Paul Adams	-	Principal Licensing Officer
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer
Surinder Atkar	-	Planning Solicitor

308. Appointment of Chair

Members resolved that Cllr Reed should chair the meeting.

309. Administrative Function

Members were respectfully reminded that, in determining the matters listed below; they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

310. Windermere. 47 Byron Road, Hutton. CM13 2SA - New Licence Application

The Sub-Committee first heard from the Licensing Officer Mr. Leonard who outlined his report.

The premises were a small lockable single garage situated at the rear of a shared drive between 2 bungalows in a residential location.

The Applicant Titas Bielskis submitted an application for a new premises license for the supply of alcohol (online off-sales only) between 09:00 and 18:00 Monday to Saturday.

The Sub-Committee heard from Mr. Leonard of the Council's Licensing Department who explained the background to the application and stated to the Committee that the application was under the provisions of the Licensing Act 2003.

The Sub-Committee then heard from Mr. Peter Jones for the Police. Mr. Jones objected due to the lack of information provided by the applicant relating to the means of storage or proposed security measures to prevent the theft of alcohol and the sale of alcohol to those under 18.

The Sub-Committee then heard from the applicant who addressed the two Police objections by accepting 2 conditions that firstly the business is the online sale through Amazon only with a maximum of 6 cases to be stored in the garage at any time and secondly the online business would only operate 24 hours a day but the license holder would only accept and post the orders between Monday and Saturday between 9 am and 6 pm. He also explained that he would be selling a niche type of lager from Eastern Europe.

The Sub-Committee sought clarity on how the sale of alcohol through Amazon would address the objectives and the Applicant explained that Amazon ran tight checks on the age of purchasers and that the quantity of alcohol stored in the garage would be small.

The Sub-Committee then retired to consider the matter. The Committee discussed the matter and came to the conclusions that the prevention of crime objective and the protection of children objective had been addressed by the two conditions. The Committee sought clarification on what a “ case of alcohol “ was comprised of. The Legal Representative went back to the Applicant and sought clarity and was informed that the definition of a case would be either 6 bottles or 12 cans and no more. The Legal Representative clarified this to the Committee who were satisfied with the definition and decided to grant the application subject to the conditions as clarified.

The Legal Representative then announced the Sub-Committee’s decision before the open hearing to all parties that the decision was to grant the application subject to the clarified conditions.

The Sub-Committee would remind all parties that they have a right to appeal against this decision to the Magistrates’ Court.

311. The Raj - 21 Kings Road, Brentwood. CM14 4DJ - Review of Premises Licence

The Sub-Committee first heard from the Licensing Officer who outlined her report. The premises were currently a restaurant specialising in Indian cuisine situated in Kings Road, Brentwood, and it was currently licensed for the Sale by Retail of Alcohol & Late Night Refreshment.

On 7th December 2018 the Applicant Badsha Miah submitted an online application with the intention to transfer the existing premises license to Jetu Miah. There was no application to vary the existing Designated Premises Supervisor who was Badsha Miah. On the 17th January 2019 the Brentwood Licensing Sub-Committee refused this application and it was following this that the application to review was made by the Police.

The Sub-Committee heard from Mr. Leonard of the Council's Licensing Department who explained the background to the application and stated to the Committee that the application had been brought on the basis that Essex Police believed that the premises license holder had failed to promote the prevention of crime and disorder objective under the Licensing Act 2003.

The Sub-Committee then heard from Mr. Peter Jones for the Police. Mr. Jones stated that the relevant premises had been raided by the Immigration Services in November 2018 and 5 illegal workers were found to be working at the Restaurant.

Serious immigration offences relating to unauthorised employment of illegal immigrants had been committed by the Restaurant owners. The Sub-Committee was referred to the report and other evidence before it.

Mr. Jones referred to the well below minimum wage payments made to the illegal workers if they were paid at all and the fact that there was evidence that some were not even paid at all. This was tantamount to modern day slavery.

The Sub-Committee then heard from Graham Hopkins who represented Badsha Miah who stated that his client as designated premises supervisor accepted the facts presented by Mr. Leonard and the Police and accepted his wrong-doing. Mr. Hopkins was not asking for conditions to be imposed and for the license to continue but in the light of his client's remorse the better course would be to suspend the license for 3 months. Suspension would hit the business hard and would be a deterrent deterring future offences.

The Sub-Committee then put their questions to Mr. Hopkins and Mr. Jones following which both parties were permitted to speak in closing.

Mr. Jones stated that it was not enough just to say that Mr. Miah had admitted his wrong-doing because often that was the case. He stated that 2 of the workers were paid very little and 2 nothing at all. This gave businesses such as this an economic advantage over other businesses and was a driver for people to come to the country illegally. Such workers took advantage of GP services and A& E services but paid no taxes. Mr. Jones referred in detail to the Council's Licensing Policy and paragraphs 11.23 and 11.28 of the Secretary of States's Guidance. Mr. Jones also stated that revocation would not necessarily lead to the demise of the business as it could operate as a "bring your own bottle" business such as many operating in Brick Lane.

Mr. Hopkins in summary stated that it was only a first review and that suspension would be the appropriate course. Mr. Miah was also very remorseful.

The Sub-Committee then retired to consider the matter. The Sub-Committee felt that there was sufficient evidence to support the contention that the prevention of crime and disorder objective was engaged in circumstances that serious criminal offences in employing illegal immigrants had been committed.

In the light of the illegal employment offences previously being committed no evidence had been adduced to show that future offences would not be committed. The offences were very serious.

In the circumstances the Sub-Committee determined that the premises license should be revoked. The Legal Representative then announced the Sub-Committee's decision before the open hearing to all parties that the decision was to revoke the premises license.

The Sub-Committee would remind all parties that they have a right to appeal against this decision to the Magistrates' Court.



Minutes

Licensing Sub-Committee Wednesday, 30th January, 2019

In accordance with the Licensing Act 2003 the meeting was held in private session due to confidential information being presented by Essex Police.

Attendance

Cllr Chilvers
Cllr McCheyne

Cllr Reed

Officers Present

Dave Leonard	-	Licensing Officer
Claire Mayhew	-	Corporate and Democratic Services Manager
Paul Adams	-	Principal Licensing Officer
Jack Parker	-	Legal advisor

312. Appointment of Chair

Members resolved that Cllr Reed should chair the meeting.

313. Administrative Function

Members were respectfully reminded that, in determining the matters listed below; they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

314. Declarations of Interest

Cllr Reed declared an interest under the Council Conduct of Conduct by the virtue as a personal license holder and a member of B.A.S.L.E - Brentwood Association of Safer Licensed Establishments.

315. Licensing Act 2003 - Application to Review a Premises Licence - The Vine, 104 High Street, Brentwood CM14 4AP (Exempt report)

An application has been received for a summary review of the premises license in respect of The Vine, 104 High Street, Brentwood, CM14 4AP. This is a full hearing to review the premises licence and decide whether the interim steps in place should be withdrawn or modified.

At a subsequent licensing sub-committee held on 9th January following representations from Essex Police relating to an incident at the Vine on 25th

December 2018. The premises license was suspended with immediate effect pending a full hearing within 28 days.

The sub-committee heard from the Licensing Officer then Essex Police then the legal representative for the licensee and retired to consider their decision.

The sub-committee decision was that the premises license be revoked.

The decision can be appealed to the Magistrates' court within 21 days of the date of notification and the Council's legal advisor outlined the reasons for the decision.

SITE PLAN ATTACHED

FAR END, DAYS LANE, PILGRIMS HATCH, ESSEX, CM15 9SJ

CONSTRUCTION OF A BARN

APPLICATION NO: 18/01663/FUL

WARD Pilgrims Hatch

PARISH

CASE OFFICER Mrs Nikki Dawney 01277312500

The application has been referred by Cllr Aspinell on the grounds that the construction of an agricultural and forestry barn at this location is essential for the safe storage of agricultural equipment, along with providing a protected environment for the storage of various crops, hay and logs and is sensitively sited and designed.

1. Proposal

The proposed barn will be located within the site closest to Days Lane. The barn would set back somewhat from Days Lane and accessed via a new entrance road and area of hardstanding. The front elevation of the barn would be oriented towards Days Lane. A gabled barn door is proposed which is full height, 4.1m wide with a projection of 1.56m. The barn would measure 11m deep. The width including a single storey canopy to the east would be 28.5m. The total height would be 4.5m. The barn would be constructed of timber weatherboard above a brick plinth with a 'plain' tiled roof.

2. Policy Context

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan will be a Pre-

Submission Draft (Regulation 19) which is currently anticipated to be published September. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in 2019.

National Planning Policy Framework (NPPF) 2018

National Planning Practice Guidance (NPPG)

Policy CP1 General Development Criteria

GB1 & GB2 Green Belt

GB14 Agricultural Buildings

3. Relevant History

- APP/H1515/C/15/3140457 – Enforcement appeal dismissed for the construction of hardstanding. The hard standing has since been removed.

4. Neighbour Responses

Two letters of objection received relating to inappropriate development in the green belt.

5. Consultation Responses

- **None undertaken**

6. Summary of Issues

- **Location**

The site is located on the southern side of Days Lane and has a vehicular access from Days Lane opposite Far End, the applicants home. The site is a 5.6ha field in attractive open countryside and within the Metropolitan Green Belt.

An unannounced site visit was undertaken on 11th December, the applicant was at home and available to provide access to the site. The site is a lush open field. The tip of the site closest to Far End accommodates two elderly horse in an informal enclosure, a small mobile stable, 3 metal containers, a small caravan, horse box, 2 cars and a small stack of sealed hay bales and a small pile of logs. Other miscellaneous items were scattered in this area of the site such as a skip, broken palettes and broken white goods. No hardstanding was evident on site.

- **Green Belt**

The Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt is their openness and their permanence. Para 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless in very special circumstances. Para 145 goes on to state that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists seven exceptions, relevant here is the NPPF para 145 (a) Buildings for agriculture and forestry.

In this instance, the buildings referred to are those deemed reasonably necessary for the purposes of agriculture and forestry. The applicant has submitted a supporting statement which outlines that the barn is *'to be used for the storage of hay, crops, logs, forestry and agricultural equipment used by the applicant/s business and sourced from surrounding fields'* This was confirmed during our onsite discussion. There was no evidence of crops or recently felled trees directly from this site. Sealed bags of hay had been acquired off set and there was no evidence to suggest that a harvest of hay had been undertaken here. The intent of NPPF para 145 (a) is to provide necessary buildings for works directly associated with the land within the subject site. I would conclude that the proposed barn merely facilitates the storage of materials from surrounding fields and the agricultural equipment referenced by the applicant is required to facilitate this business provision. Therefore, effectively what is sought here is a business storage facility which would be inappropriate in this Green Belt location.

It is recognised that an open field of this size would require maintenance with sizable machinery which is over and above that of a domestic garden. Nevertheless, the site is an unworked field and it is considered that the proposed barn is excessive in terms of the space required for such machinery and is inappropriately oriented and sited to be practically useful. The proposed barn would occupy land that is presently open and undeveloped. As a new built development it would inevitably impact upon the area's openness. In this instance the development should respect its setting in terms of bulk, scale and massing.

Any new building on undeveloped land will have some effect upon openness. But it is clear that in some instances the function of a building must also be further examined in addition to its size for the purpose of interpreting para 145 (a) of the NPPF. To do otherwise would lead to a misplaced conclusion that any new building in the Green Belt would be inappropriate and therefore harmful by definition; clearly not what was intended by the Framework in light of the exception given. It is therefore considered that if the function of a building is appropriate, then some built development could potentially be accommodated without harm to the openness of the Green Belt.

The barn would be visible from Days Lane and the orientation of the building is not practical for works directly associated with the land. Vehicles and machinery would be required to manoeuvre around the building. Normally barns are oriented to provide direct access to the land, this not achieved here. The barn as proposed is considered excessive in terms of bulk scale and massing in relation to its direct association with the land and

setting. The siting, width and depth of the barn would be inappropriate development in the Green Belt harmful to its the openness.

The site currently accommodates containers and miscellaneous items which are unsightly, however, the proliferation of such items should not be considered as reasonable justification to warrant excessive levels of storage in this Green Belt location.

Moving forward:

Contact with the agent has been initiated in recent months to discuss a suitable route forward. However, no response has been received from either the agent or applicant.

It is considered that should the function of the barn, clearly established by the agent/applicant, be deemed reasonably necessary by Officers for the purposes of agriculture and forestry directly relating to this site then some built form could be accommodated here. However, the barn should be located more discreetly within the site, with a practical orientation and of a reduced scale and bulk suitable to the established need of the ongoing function and maintenance of this particular site.

7. Recommendation

That the application be REFUSED for the following reasons:-

R1 U28256

The proposed development would be an inappropriate and incongruous form of development within an otherwise open area of Green Belt due to the orientation, poor design and excessive scale, mass and footprint which would result in a reduction in the openness of the Green Belt and conflict with the purposes of including the land within the Green Belt contrary to the NPPF para 143 and 145 (a) as well as Policies GB1 and GB2 of the Brentwood Replacement Local Plan.

R2 U28255

There are no matters which would clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt, conflict with the purposes of including land in the Green Belt and harm to the character and appearance of the area. Therefore, no very special circumstance exist to justify the grant of planning permission for the inappropriate development proposed.

It could be argued in this case that the building is not deemed reasonably necessary for the purposes of agriculture and forestry for works directly associated with the land within the subject site and fails to conform to aims and objections of para 145 (a) of the NPPF.

Informative(s)

1 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: National Planning Policy Framework (NPPF) 2018 and NPPG 2014.

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF23 Refused with Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at www.brentwood.gov.uk/preapplicationadvice

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : Far End, Days Lane, Pilgrims Hatch, Brentwood, Essex

18/01663/FUL

Scale at A4 : 1:2500

Date : 19th February 2019

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500



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SITE PLAN ATTACHED

**AMENITY LAND WHITTINGTON ROAD HUTTON ESSEX
PARKING AND LANDSCAPING PROPOSAL (PHASE 1).**

APPLICATION NO: 18/01851/BBC

WARD	Hutton North	8/13 WEEK DATE	07.01.2019
PARISH		POLICIES	
CASE OFFICER	Mr Nick Howard	01277 312500	
Drawing no(s) relevant to this decision:	P100/B; P101/C; E001;		

1. Proposals

The proposal is part of a wider neighbourhood renewal project led by the Council's Strategic Housing Team, the aims of which are to deliver new affordable housing, public realm improvements, improved wayfinding and landscape enhancements.

This proposal is the Phase 1 approach to address the urgent need to provide additional parking at key locations within the site context of Coram Green, whilst preserving quality green open space.

The site comprises three areas and are as follows:

- Area A south of Whittington Road between Coram Green and Carpenter Path - Provision of 25 car parking spaces (a group of 7 spaces and a group of 18 spaces)
- Area B North of Whittington Road - provision of 19 spaces.
- Area C a separate parcel of land southwest of areas A & B along Whittington Road - provision of 7 spaces.

A total of 51 car parking spaces are to be provided, an increase of 34 spaces.

2. Policy Context

Brentwood Replacement Local Plan 2005:

- Policy CP1 General Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy LT2 Development of Existing Urban Open spaces

Local Development Plan:

The emerging Local Development Plan (LDP) is currently at the Pre-Submission (Publication Draft) Stage (Regulation 19) and there are outstanding objections to be resolved. The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the Local Plan Pre-Submission (Publication Draft) provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The Local Plan Pre-Submission (Publication Draft) (Regulation 19) was published for consultation on 5 February for a period of 6 weeks ending on 19 March 2019. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public later in 2019. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in late 2019/2020.

National Planning Policy Framework (NPPF) 2018

National Planning Practice Guidance (NPPG)

3. Relevant History

- 12/00979/FUL: Provision of 16 no. residents car parking bays -Application Permitted

4. Neighbour Responses

None received

5. Consultation Responses

- **Arborculturalist:**

The principle of the proposed works is considered appropriate as it will formalise parking provision by providing marked bays.

Little detail has been provided with regards to the proposed landscaping; however, the DAS suggests that the detailed proposal will be developed with the arborcultural officer. The plans show low hedging being provided around the perimeter of most of the greens. There is evidence of people driving across the greens and it is clear that the works aim to stop this.

In order to determine what planting is to be provided the following factors will need to be considered

- Where do those parking around the greens live? Currently the plans show solid belts of planting around the perimeter; however, if people walk across the greens to their properties it is likely to result in 'desire lines' being created with shrubs being damaged. There will need to be breaks in the planting to allow people to walk across the green. Similarly, in areas B and C the new hedging should be planted behind the path not between the path and car parking.
- Short term protection of new planting. There will need to be some form of low fence or bollards to prevent vehicles driving across the new plants while they are establishing.
- What services are present within these areas? This could affect species choice and access.
- What level of maintenance will be available to ensure the successful establishment and ongoing care for the plants?

There is no objection to the principle of the proposed works and the detailed scheme can be approved via condition.

- **Open Space Strategy Coordinator:**

No response

- **Highway Authority:**

A site visit has been carried out and all information submitted with the application has been duly considered. From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirement;

1. The vehicle parking areas as indicated in Drawing nos P100 Revision B and P101 Revision C shall be provided with dropped kerb crossings of the footway, be hard surfaced, sealed and marked out. The parking areas shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informative:

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13 3HD.

6. Summary of Issues

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2018 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

The Council carried out a visual audit in Summer 2018 and collected evidence of unlawful parking on pavements and on the greens themselves. The design and access statement includes photographs of the parking and associated disfigurement of the greens. In addition to the visual harm, the current inappropriate parking gives rise to potential safety issues and inconvenience to highway users including to the movement of pedestrians, particularly those with children or who have mobility issues. Therefore, the Council is proposing to formally lay out additional parking spaces, whilst protecting the remaining open space areas.

The sites are designated in the Brentwood Replacement Local Plan as Protected Urban Open Spaces under Policy LT2. Policy LT2 states that the following:-

Within the built-up areas of the Brentwood borough, permission will not be granted for development of land allocated on the proposals map as protected urban open space or other previously undeveloped land.

The proposal is strictly contrary to Policy LT2; however, it recognises the reality of current unauthorised car parking, would provide proper facilities rather than adhoc opportunist parking with its associated safety and amenity benefits and involves a limited erosion of the open space. Furthermore, the proposal would retain the majority of the open spaces intact, secure it from indiscriminate car parking, protecting and enhancing its quality. On balance the provision of additional car parking spaces on the three sites is considered acceptable.

The plans have been slightly amended so that the car parking spaces about the highway, the path will then be routed around the parking spaces with a hedge adjacent to the path on the open space side. On site B there are two trees which are not protected but are proposed to be relocated within the same green space to enable the provision of a new footpath. The amended plans have overcome highways concerns and the comments from the arboriculture officer.

Overall the amended proposal is considered acceptable.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U28916

The vehicle parking areas as indicated in Drawing nos P100 Revision B and P101 Revision C shall be provided with dropped kerb crossings of the footway, be hard surfaced, sealed and marked out. The parking areas shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that that appropriate parking is provided in accordance with Policy T1 of the Brentwood Replacement Local Plan.

4 Landscaping, full, details not submitted

Prior to the first use of any of the parking areas hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

Informative(s)

1 INF01 Reason for approval (no objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.

2 INF04 Amendments to approved scheme

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

3 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, LT2, National Planning Policy Framework (NPPF) 2018 and NPPG 2014.

4 INF22 Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5 U06120

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

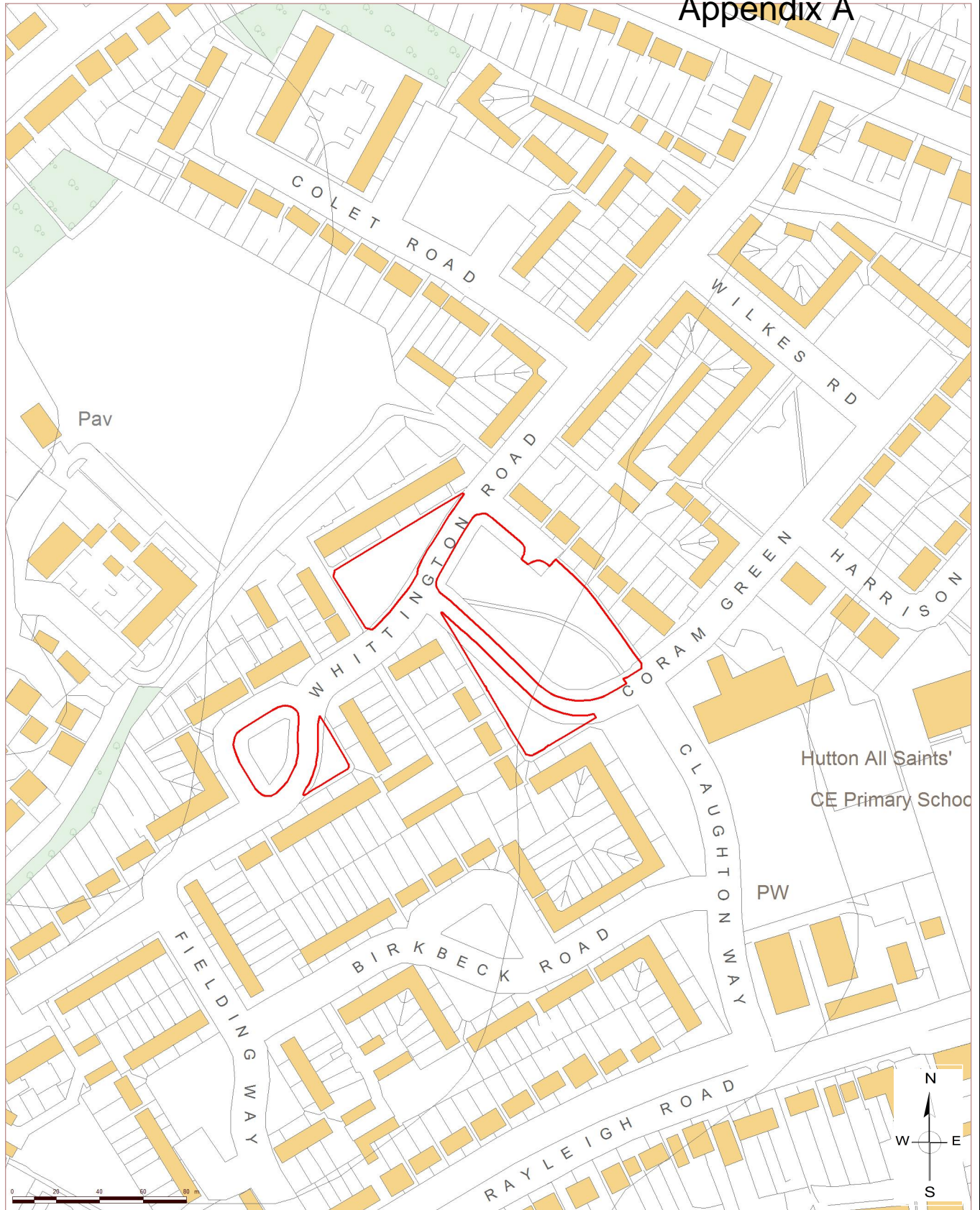
All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13 3HD.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : Amenity Land, Whittington Road, Brentwood, Essex

18/01851/BBC

Scale at A4 : 1:2500

Date : 19th February 2019

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500



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Land At Junction Of Mill Green Road And Fryerning Lane Fryerning Ingatestone Essex

TPO 18/1995

:

T1- Oak crown lift to 3m. Remove major deadwood with conservation cuts.

REPORT TO FOLLOW

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Fryerning

Appendix A



Title : Land at Junction of Mill Green Road and Fryerning Lane, Fryerning, Essex

18/01970/TPO

Scale at A4 : 1:2500

Date : 19th February 2019

Brentwood Borough Council
 Town Hall, Ingrave Road
 Brentwood, CM15 8AY
 Tel.: (01277) 312500



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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.