

Minutes

Ordinary Council Wednesday, 2nd December, 2020

Attendance

Cllr Ms Sanders (Deputy Mayor)	Cllr Kendall
Cllr Aspinell	Cllr Laplain
Cllr Barrett	Cllr Lewis
Cllr Dr Barrett	Cllr McCheyne
Cllr Bridge	Cllr McLaren
Cllr Chilvers	Cllr Mrs McKinlay
Cllr J Cloke	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Mrs Davies	Cllr Nolan
Cllr Mrs Fulcher	Cllr Parker
Cllr Fryd	Cllr Mrs Pearson
Cllr Haigh	Cllr Poppy
Cllr Hirst	Cllr Mrs Pound
Cllr Mrs Hones	Cllr Reed
Cllr Hossack	Cllr Tanner
Cllr Jakobsson	Cllr Tierney
Cllr Keeble	Cllr Tumbridge

Apologies

Cllr Clarke	Cllr Morrissey
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Officers Present

Greg Campbell	-	Corporate Director (Environment & Communities)
Philip Drane	-	Director of Planning and Economy
Amanda Julian	-	Corporate Director (Law and Governance) and Monitoring Officer
Claire Mayhew	-	Corporate and Democratic Services Manager
Jean Sharp	-	Governance and Member Support Officer
Jonathan Stephenson	-	Chief Executive
Steve Summers	-	Strategic Director (Deputy Chief Executive)
Jacqueline Mellaerts	Van	- Corporate Director (Finance & Resources)

594. Appointment of a Vice Chair

The Deputy Mayor, Cllr Miss Sanders, **MOVED** and Cllr Hossack **SECONDED** and it was **RESOLVED** that Cllr Reed should act as Vice-chair for the duration of the meeting.

The Deputy Mayor advised that, in relation to Item 8 – Memorials or Petitions – the petition originally included in the published agenda had been withdrawn, also that Item 11 – Honorary Titles – would be considered following Item 6 – Minutes of the Emergency Committee.

595. Apologies for Absence

Apologies for absence were received from Cllrs Clarke and Morrissey.

596. Declarations of Interest

No declarations of interest were made at this stage.

597. Deputy Mayor's Announcements

The Deputy Mayor followed by Cllrs Hossack, Aspinell, Gareth Barratt, Keeble and Mrs McKinlay paid tribute to fellow Councillor John Kerlake who had passed away unexpectedly in October and would be much missed. Cllr Kerlake had served as Ward Councillor for Hutton Central since 2012 and was Deputy Leader of the Council from 2016 to 2019.

A minute's silence was observed in Cllr Kerlake's memory.

The Deputy Mayor reported that she had attended a small ceremony to raise the Flag of Remembrance to mark the fortnight leading up to Armistice Day and attended the War Memorial to lay a wreath on Remembrance Day on behalf of the residents of Brentwood and observe a two minutes' silence to reflect on those who gave their lives in the line of duty.

She had presented gifts and certificates to the top 5 Active Essex Activity Heroes who had demonstrated community passion and volunteering.

She advised that 3 December would see the first online virtual Lighting Up event and the launch of the Nutcracker Trail around Brentwood, Ingatestone and Shenfield.

598. Minutes of the previous meeting

Cllr Miss Sanders **MOVED** and Cllr Reed **SECONDED** an **AMENDMENT** under Procedure Rule 8.2.1 to the minutes of the 7 October 2020 Ordinary Council meeting as follows:

Minute 532 to state 'Returning to the substantive motion, following a full debate a recorded vote was requested and the **MOTION** was **CARRIED**'.

In response to a Member's request for councillors' names to be included in the outcome of the recorded vote, the Monitoring Officer advised that only the number of votes and political group could be recorded in the minutes for an exempt item.

Members **APPROVED** the amended minutes of the 7 October 2020 Ordinary Council meeting as a true record.

599. Minutes of the Emergency Committee

The minutes of the Emergency Committee meetings held on 5 June 2020 and 18 November 2020 were **APPROVED** as true records.

600. Honorary Titles

Members were reminded that the titles of 'Freeman of the Borough/ Freewoman of the Borough/ Freedom of the Borough and Aldermen' were honorary when the Council recognised distinguished service to the Borough.

Holders of such titles might attend and take part in such civic ceremonies as the Council might from time to time decide, but shall not, as such, have the right to attend meetings of the Council or their Committees or to receive any allowances or other payments.

Cllr Hossack **MOVED** and Cllr Aspinell **SECONDED** the recommendations within the report and following tributes being paid, it was **RESOLVED UNANIMOUSLY:**

1. That, in pursuance of section 249(5) of the Local Government Act 1972 and in recognition of being a person of distinction and a person who has, in the opinion of the Council, rendered eminent services to the Borough, the Council admits Deputy Lieutenant of Essex, Mr Dennis Rensch MBE OLM DL to be Honorary Freeman of the Borough.

2. The presentation of this Honorary Title will take place at Annual Council on 20th May 2021.

601. Public Questions

Six Public Questions had been received, as follows:

From Mrs Pat Smith:

1. Regarding the Covid19 pandemic and support for vulnerable people in Brentwood:

Given that social care has been subjected to huge cuts by central government and as a result many vulnerable and disabled Essex people have been priced out of basic care, by Essex County Council - what are Brentwood Council's areas of responsibility to such people in Brentwood during the Covid19 pandemic, especially during lockdown, and in what ways did the council ensure that everybody was reached and their basic needs were met?

Cllr Hossack responded as follows:

Brentwood Borough Council does not have responsibility for adult social services or education – these fall within the remit of the Tier One authority – Essex County Council.

From the outset of the Covid19 pandemic housing have sought to provide support, guidance and signposting to all of our residents especially those most vulnerable and elderly. Officers made over 1500 calls to those vulnerable and elderly regardless of tenure to establish needs and offer reassurance. This continues to take place on a daily, weekly and monthly basis to those who wish to receive additional support. All of our processes are being reviewed and amended where necessary in order to adapt to the changing landscape. Regular communication is also sent out by post including information leaflets and letters.

Sheltered Housing

All sheltered housing residents were contacted in the first week of the March lockdown to discover what access they had to other support networks. Those with either very little or no other access to additional support were prioritised to be contacted on a daily basis to ensure they were well, not only physically but also had access to any food or medical supplies, and ensuring their mental wellbeing needs were met. Residents who were fortunate to have a strong network of support around them were contacted on a weekly basis to check that all was still well with them and their families.

Although a very challenging time, it enabled us to discover more about our residents. It also enabled us to develop closer relationships with other organisations who were offering their services which was a great benefit to some of the residents who enjoyed having doorstep deliveries of little extras that were being donated by local shops.

We also made contact with all of our community alarm customers and offered the same support to them, which was not a responsibility but something we were happy to offer and something which was very much appreciated.

During the lockdown staff have also developed a monthly magazine which is disseminated to all sheltered residents and we are working with organisations to support our residents' health and wellbeing, through garden and physical activity projects.

Housing Needs & Homelessness

At the start of lockdown our Housing Advice and Homeless Prevention Officers were instructed with the support of the Temporary Accommodation Officer to contact all residents in temporary accommodation to ensure they had sufficient support during this time. They identified whether the resident had access to food and medication and also enquired to whether the individual had any communication with friends and relatives to ensure they were coping during the pandemic. Our team worked closely with Brentwood Council's Community Support Officers as well as external agencies such as Peabody to ensure vulnerable residents were given additional support with food parcels and financial advice.

Particular focus was made towards vulnerable residents who we identified to have no other means of support from family, friends and other external organisations. Regular contact was made to several residents who we believed required additional support and may not have spoken to anyone else for long periods of time without our intervention.

Supporting our most vulnerable residents during this pandemic is our priority. As soon as lockdown was announced in March, the Council worked swiftly to coordinate a community response. A booklet was created, printed and posted to every resident in the Borough, outlining local support services and guidance and this was replicated online. Within 2 weeks of the lockdown announcement, the Council developed and coordinated more than 12 local support across the Borough, and an effective support system. The Council offered a triage point for those who needed support or advice, and this was coordinated appropriately, including contacting local volunteer support systems, working in partnership with the Essex Wellbeing Service, and escalating concerns to intervention teams with social services and CCGs should that be necessary.

The Council has also worked closely with local help hubs to ensure that food parcels are available and delivered to vulnerable people, that residents' medications are collected and delivered, and people are connected to their community to reduce social isolation and loneliness. We have provided grants to voluntary organisations to enable them to develop their support offers, such as community meals and local wellbeing hubs, and we continue to support these hubs to develop, providing key new information and lines of support and advice.

We directly telephoned 854 clinically extremely vulnerable people and 651 community alarm holder residents directly to ensure their basic needs were met and offer support. We continue to provide weekly up to date information to residents through a variety of means, such as through social media, local newspapers, our website and through direct phone calls. We also work with partners such as the local CVS to continue to support printed information and other departments to ensure a coordinated response to our most vulnerable.

The Council also developed a number of local engagement initiatives to support vulnerable people during the pandemic, including offering free home growing and gardening kits to our most vulnerable people and free school holiday clubs with free lunches for children of working parents. Currently we are putting together free arts resource packs to ensure our most vulnerable children and young people have access to creative learning opportunities outside of school and whilst home learning.

2. Regarding Residents Questions at Ordinary Council: If part of a residents question is missed out when it is read to the Leader and Councillors in the chamber (in public), or the Leader does not answer the question properly, or if the questioner has been misunderstood or is misrepresented in the answer, should the Resident be granted a right of reply, to set the record straight, to be published in the subsequent minutes of that meeting?

Cllr Hossack responded as follows:

The Council responds to public questions in accordance with the Constitution, we follow the rules of procedure in part 4. Questions are dealt with under rule 11, under these rules we answer the question as it is without any further discussions (11.1(f)). The published minutes of this meeting will include the questions and the responses.

Mr Will Russell had submitted two questions:

1. Brentwood Council have a responsibility to maintain a safe environment in our open spaces. There is growing concern that some dog walkers do not have their dog fully under their control.

Whilst the law is specific about the penalties, many are not aware of the fines or what is considered a dog not under control. Many Brentwood residents suffer from cynophobia and are fearful of using our outside spaces.

Will Brentwood Council liaise with Essex County Council to raise awareness of this situation either by signage on dog waste bins, their publications or on their websites?

Cllr Hossack responded as follows:

There is currently no legal requirement for a dog to be kept on a lead in open spaces or parks owned by Brentwood Borough Council or Essex County Council, including Weald Country Park and Thorndon Park.

There is also no requirement for dogs to be 'under control', but it is an offence for a dog to be 'dangerously out of control' in a public place, and also on private property. This means that the dog has injured someone or is making someone fear they may be injured. This applies to any breed or type of dog.

You can get an unlimited fine or be sent to prison for up to 6 months (or both) if your dog is dangerously out of control. You may not be allowed to own a dog in the future and your dog may be destroyed.

A local authority has the power to ask you to keep your dog on a lead when walking along 'designated' roads.

Dogs are required to wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it (Control of Dogs Order 1992). The dog is also required to be microchipped to enable identification if found straying

Some public areas can be covered by Public Spaces Protection Orders (PSPOs), which are used to control behaviour, including that of dogs where this is considered to be a problem, and you may have to:

- keep your dog on a lead*
- put your dog on a lead if told to by a police officer, police community support officer or council officer*
- stop your dog going to certain places - like parts of a park such as children's play areas*
- limit the number of dogs you have with you (this applies to professional dog walkers too)*
- clear up after your dog*
- carry a poop scoop and disposable bags*

There are no areas in Brentwood parks currently covered by PSPOs.

When walking dogs in areas used by other people you should consider using leads as much as possible to ensure that you can maintain social distancing to reduce the risks associated with coronavirus.

2. Over the last couple of months I have witnessed unsafe parking outside Thorndon Country Park and Weald Country Park. Whilst lockdown is encouraging the use of these parks there is growing concern for the dangers this irresponsible parking is causing.

Will Brentwood Council Liaise with Essex County Council to find a solution for this dangerous situation?

Cllr Hossack responded as follows:

We have as you know four county councillors who have responsibility for the four divisions that cover Brentwood. I am aware that Cllr Kendall raised this issue with Cllr Walsh, the Cabinet Member for Parks, probably last month or the month before. I'm also aware that Cllr Wagland who has particular responsibility for Highways and is our rural divisional member is aware of the

problem and also Cllr Cloke has asked the question of his parking colleagues in SEPP to find out what measures could be taken to try to prevent people parking dangerously. Even as far as TRO managers come back with a costed-up scheme – probably it would cost around six figures to protect the roads with double yellow lines to make it an offence to park in such a way. So the final agency where this responsibility lies is with the police and if you look at the Traffic Management Act of 2004 and the role of the police in Section 22 of that Act, 12.19 clearly states that when an authority receives CPE power the police services specifically include yellow line parking enforcement. We know that there are no yellow lines where Mr Russell is referring to but the police retain sole responsibility for non-yellow line enforcement in certain areas, offences such as dangerous parking and obstruction, failure to comply with police parking signs placed in emergencies. Section 22 of the Road Traffic Act 1988 makes it an offence for the person in charge to leave a vehicle or trailer on a road in such a position as to cause danger to other road users. So as useful as it is to suggest we liaise with County I think there are some impracticalities about the technical work that can be done and the cost involved. Really and truly Essex Police need to make sure that if there is a situation of dangerous parking they exercise their responsibility under the Road Traffic Act 1988 and deal with the situation.

Ms Susan Kortlandt had submitted two questions:

1. What progress has been made in negotiations with the mobile 'phone companies re the siting of new masts near Brentwood Station and when will these be installed?

Cllr Hossack responded as follows:

We are dealing with two different companies, Clarke Telecom who represent Cornerstone (the company set up by Vodafone and O2) and Waldon Telecom (representing MBNL which is the company set up by EE and Hutchison 3G).

Masefield Court Roof

A Legal Agreement giving landlords consent for the mobile masts has been agreed by solicitors acting for MBNL and the Council. This was ratified at the

Lands Tribunal on 20 November. I attach the Tribunal order but to summarise the mobile operator is meeting the following costs:

- Our solicitors (Birketts) costs in drawing up the Agreement with the mobile phone operator*
- The Council's barristers costs to attend the Tribunal hearing*
- Telemasters (our mobile mast consultants) costs*
- £750 + VAT for a revised Fire Risk Inspection that is required*
- £500 per year for managing the check electric meter that will be installed once the mobile phone company connect into our electrical consumer unit.*

There will be additional surveyors/consultant's costs for overseeing the installation especially the fixing of equipment to the roof and once these are fully known they can be charged back to the mobile phone company. The type of cost I am thinking of are those of a structural Engineer and a surveyor to consider the proposals especially any drilling into the roof to secure the mobile equipment.

We were hoping to achieve a rent of £5,000 per annum in line with a recent court case on another mast but this was knocked back to £2,500 per annum and we took the view that we would agree this rather than spend more money arguing this at the Tribunal. The mobile phone company have also agreed to pay the Council an additional £800 in the form of compensation for the disruption caused by the installation.

The access hours that contractors are allowed to service the mobile equipment are restricted to 8am-6pm Monday to Friday and 9am-4.30pm on Weekends and Bank Holidays. In the event of emergencies, access is permitted at any time. Arrangements will need to be agreed regarding the access to the roof and this will be clarified in further discussions with the mobile operator.

Further details of the proposed works and health and safety risk and method statements are expected to follow so these can be scrutinised by the Council to ensure the installation is safely undertaken. In terms of further Health and Safety precautions, the mobile phone company are installing safety barriers around the roof to protect contractors.

This is only a temporary installation and the mobile phone company can only have this up for a maximum of 18 months without planning approval. They are therefore expected to submit another application for planning approval (the previous one was refused) shortly

Coptfold Road Green

Our advisors are in discussions with Clarke Telecom to agree a heads of terms before a formal agreement can be prepared by solicitors.

We are awaiting details of the proposed power supply of the temporary mast (we have been told this is going to be mains fed from the road) and the health and safety aspects of this installation.

Pastoral Way

This is another temporary mast proposal. Our advisors are in discussions with Clarke Telecom who represent the mobile phone companies regarding a Heads of Terms. Birketts solicitors have been instructed to agree an access agreement so the Mobile company can do their ground investigation before confirming the site is suitable.

David Wellings is being kept in the picture with regard to all the three mobile phone mast proposals (listed in this email) in the light of the various recommendations of the Grenfell Enquiry. Temporary masts can be up for a maximum of 18 months whilst the installation is either confirmed as a permanent installation or an alternative site found. This is of course subject to planning consent being obtained.

2. I understand that the Brentwood Centre is likely to be re-opened soon, which is very welcome. Can you tell me how this will affect organisations which have items stored in the centre?

Cllr Hossack responded as follows:

If any individual or organisations have equipment or items stored at the centre then they will need to contact the Council in the first instance.

(Cllr Reed advised that he had previously been employed at the Brentwood Centre but had been made redundant on 27 October 2020).

602. Memorials or Petitions

Notice of a petition being presented was originally included in the agenda pack but was withdrawn before the meeting.

There were no memorials.

603. 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 the 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.

No written questions had been received from Members and the questions that were put to the Chairs at the meeting were responded to accordingly.

604. Notices of Motion

Six Notices of Motion had been submitted in accordance with Rule 3 in Part 4.1 of the Constitution - Council Procedure Rules and were listed in order of the date received.

1. Cllr Nolan **MOVED** and Cllr Hossack **SECONDED** the following Motion:

Whilst recognising the primary focus of effort should be on getting the Brentwood Centre and our Community Halls back up and running for the benefit of the customers that use these facilities. At the appropriate time, this council resolves to produce a 'lessons learned' report following our former relationship with the BLT and to use this to further inform the considerations we have already given to operating models as part of our Leisure Strategy work to date.

Cllr Kendall **MOVED** and Cllr Aspinell **SECONDED** an **AMENDMENT** which Cllr Nolan **DID NOT ACCEPT**.

Members debated the **AMENDMENT**, a vote was taken and the **AMENDMENT** was **LOST**.

Returning to the **SUBSTANTIVE MOTION**, during the debate Cllr Tumbridge **MOVED** and Cllr Hossack **SECONDED** that 'the question now be put' and the **MOTION** was **CARRIED**.

A vote was taken on the **SUBSTANTIVE MOTION** and the **MOTION** was **CARRIED**.

2. Cllr Poppy **MOVED** and Cllr Hossack **SECONDED** the following **MOTION**:

I would like to ask that the CEO, and the MO review the policy of placing members as trustees on outside bodies. As part of the work of the Constitution Working Group (CWG).

Following a debate a vote was taken and the **MOTION** was **CARRIED UNANIMOUSLY**.

3. Cllr Bridge **MOVED** and Cllr Mrs Pearson **SECONDED** the following **MOTION**:

This Council notes that its vehicle licensing policy was last updated in 2005. With developments in car technology, this means many modern hybrid and electrical vehicles cannot be licenced by officers as they do not directly meet the requirements of the existing policy. Therefore, this council resolves to update the policy, with a report on a new policy to be presented to a future Licensing Committee meeting, which would allow officers to exercise their discretion on these vehicles.

Cllr Tumbridge advised that prior to the meeting he had discussed with Cllr Bridge expanding the wording of the Motion which Cllr Bridge **ACCEPTED** and following a discussion a vote was taken and the **MOTION** was **CARRIED** as follows:

This Council notes that its vehicle licensing policy was last updated in 2005. With developments in car technology, this means many modern hybrid and electrical vehicles cannot be licenced by officers as they do not directly meet the requirements of the existing policy. Therefore, this council resolves to update the policy and in doing so will take the opportunity to review the entire policy to take account of all matters that might benefit from amendment with a report on a new policy to be presented to a future Licensing Committee meeting, which would allow officers to exercise their discretion on these vehicles.

Cllr Jon Cloke requested that as well as electric vehicles being included in the policy, hydrogen and fuel cell powered vehicles should also be included.

4. Cllr Chilvers **MOVED** and Cllr Aspinell **SECONDED** the following **MOTION**:

As plans move forward towards the re-opening of the Brentwood Centre, this Council resolves to take the opportunity to upgrade, where necessary, the Centre's disability access facilities and fire safety measures to meet the requirements of any new legislation that has come to pass since the Brentwood Centre was opened.

Following a debate a vote was taken and the **MOTION** was **CARRIED UNANIMOUSLY**.

5. Cllr Kendall **MOVED** and Cllr Mrs Davies **SECONDED** the following **MOTION**:

This Council resolves to undertake an audit of the decision making under the lease arrangements and Management Agreement between the Brentwood Trust and the Council. The report to include an analysis of the records available to the officers or that are in the public domain. The report to be bought to Audit and Scrutiny by 31 March 2021.

Following a debate a vote was taken and the **MOTION** was **LOST**.

6. Cllr Haigh **MOVED** and Cllr Lewis **SECONDED** the following **MOTION**:

This Council resolves that before it enters into any further non-disclosure agreements relating to income generating projects, the agreements are disclosed to, and discussed by, all elected members prior to execution. It is imperative moving forward that elected members have full knowledge and understanding of any such agreements to protect the interests of investing residents of this Borough.

Furthermore, this Council believes that in dealing with the responsibilities of investing residents' monies, a full and open understanding of the risks and rewards of any proposed investments within the boundaries of pre-agreed strategic policies and an agreement by members is a matter of priority.

Following a debate a vote was taken and the **MOTION** was **LOST**.

605. Termination of Meeting

During consideration of the previous item – Notices of Motion - in accordance with Procedure Rules 10.1 and 8.3.11 the Deputy Mayor **MOVED** and Cllr Reed **SECONDED** and the **MOTION** was **CARRIED UNANIMOUSLY** that the meeting continue beyond three hours and fifteen minutes and for a specified period of time – i.e. 60 minutes.

606. Constitution Working Group

The purpose of this report was to update Members on the present review of the Constitution.

Under Section 9P of the Local Government Act 2000, the Council was under a statutory duty to keep its Constitution under constant review ensuring its' content was kept it up to date.

Monthly reviews of the Council's Constitution took place with the Council's Monitoring Officer and the Members of the Constitution Working Group (CWG).

The report set out several proposals for the revision of the following chapters/paragraphs within the Council's Constitution:

- Chapter 3, Part 3.1 – Powers and Delegations 2.10 Emergency Committee (Appendix C)
- Chapter 5, Part 5.2 – Planning Code of Good Practice/Planning Chapter (Appendix A & B)
- Delegation(s) to staff – Telecommunications Networks (Appendix F)

- Proposed addition of paragraph 12.2 (e) and Proposed change to Chapter 4 Rules of Procedure (Appendix D)

The cross-party Constitution Working Group (CWG) were consulted on the proposed changes required. The attached appendices reflected the significant and detailed contributions from the Working Group Members.

Cllr Hossack **MOVED** and Cllr Mynott **SECONDED** the **RECOMMENDATIONS** within the report with some additional wording to R3. Following a debate a vote was taken and the **MOTION** was **CARRIED** as follows:

Members agreed:

1. **To the amendments made to the Planning Code of Good Practice and Planning Chapter and adopt them within the Council's Constitution set out in Appendices A and B.**
2. **To the permanent inclusion of Chapter 3 at 2.10 the Emergency Committee (Section 40 Standing Orders) within Constitution as set out in Appendix C.**
3. **That Delegated Authority be given to the Director of Planning and Economy and appropriate officers to determine planning applications relating to Telecommunications Networks within the Borough. The appropriate officers to provide a process to the Planning Committee of how these matters will be decided either as a delegated decision or by way of referral to the Planning Committee.**
4. **To adopt the proposed addition of paragraph 12.2 (e) and Proposed change to Chapter 4 Rules of Procedure within the Constitution as shown in Appendix D.**

607. Urgent Business

There were no items of urgent business, however the Deputy Mayor advised Members that Jean Sharp – Governance and Member Support Officer – was retiring having worked for Brentwood Borough Council for 23 years. The Deputy Mayor thanked Mrs Sharp for her years of service and wished her well in her retirement.

The meeting ended at 23.20hrs

