



Agenda

Ordinary Council

Wednesday, 2 December 2020 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

Membership (Quorum – 10)

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

Substitute Members

Cllrs

Agenda

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Live broadcast

[Live broadcast to start at 7pm and available for repeat viewing](#)

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| 4. | Deputy Mayor's Announcements | | |
| 5. | Minutes of the Emergency Committee
Minutes of the Emergency Committee held on 5 th June 2020
Minutes of the Emergency Committee held on 18 th November | All Wards | 5 - 8 |

2020 – to follow

6. Public Questions

7. Memorials or Petitions

The petition submitted has now been withdrawn.

8. Committee Chairs Reports and Members Questions

Appendices to follow.

All Wards 9 - 10

9. Notices of Motion

Report to follow.

All Wards

10. Honorary Titles

All Wards 11 - 14

11. Constitution Working Group

Report to follow.

All Wards 15 - 26

12. Urgent Business

An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.

13. Minutes of the previous meeting



Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
17.11.2020

Information for Members

Please note the changes in blue apply to remote meetings

Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

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 member may remotely attend any Committee to which these rules apply.

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	Personal Explanation	Point of Information or clarification
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.	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.	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.

 **Access to Information and Meetings**

You have the right to **remotely** attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk.

 **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The Council will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.


The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

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.

The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.

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  **Access**

The Council will provide remote access for public participation by the meeting be accessible.

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

 **Evacuation Procedures**

This procedure does not apply whilst using remote meetings

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



Minutes

Emergency Committee Friday, 5th June, 2020

Attendance

Cllr Hossack (Chair)
Cllr Parker (Vice-Chair)
Cllr Aspinell
Cllr Keeble
Cllr Mynott

Cllr Nolan
Cllr Mrs Pearson
Cllr Poppy
Cllr Naylor
Cllr Dr Barrett

Apologies

Cllr Barrett
Cllr Lewis

Substitute Present

Cllr Dr Barrett
Cllr Naylor

Also Present

Cllr Cloke
Cllr S Cloke
Cllr Fulcher
Cllr Mrs Hones
Cllr Kerlake
Cllr McLaren
Cllr Morrissey
Cllr Reed

Officers Present

Jacqueline Van Mellaerts	- Director of Corporate Resources
Jonathan Stephenson	- Chief Executive
Amanda Julian	- Director of Law and Governance (Monitoring Officer)
Philip Drane	- Director of Strategic Planning
Claire Mayhew	- Corporate and Democratic Service Manager
Laurie Edmonds	- Senior Economic Development Officer
Nishat Amin	- Economic Development Officer

444. Apologies for absence

Apologies were received by Cllr Lewis, Cllr Naylor was present as a substitute and Cllr G Barrett, Cllr Dr T Barret was present as a substitute.

445. Brentwood's Discretionary Business Grant Scheme May 2020

The Discretionary Business Grant Scheme was announced by the Secretary of State for Business, Energy & Industrial Strategy (BEIS) on 1st May 2020 and outlined in detailed guidance on 13th May 2020, and further guidance on 22nd May. This report outlines how Brentwood Borough Council will locally administer this discretionary scheme, aimed at businesses that were not eligible for either of the two previous Small Business Grant Fund or the Retail, Leisure and Hospitality Fund, to support the Government's Covid-19 response.

The Grants to be awarded are at total discretion of the Council, however BEIS has set down eligible **criteria** which must be met by each business making an application. The department has also indicated types of businesses which should be given **priority**.

The Emergency Committee is being called to make the decision to adopt the Brentwood Discretionary Scheme. There is an urgency to award the grants as soon as possible. The expectation is that they will be paid out early June. If the adoption of a scheme is not approved promptly, this could delay vital and necessary income being received by businesses of the Borough of Brentwood.

The Committee is being asked to delegate authority to the Section 151 Officer to administer the Brentwood's Discretionary Business Grant Scheme and to make technical adjustments if necessary.

After a full discussion, Cllr Hossack **MOVED** and Cllr Nolan **SECONDED** the recommendations in the report.

Members are asked to:

- R1. **To approve the Discretionary Business Grant Scheme attached as Appendix A.**
- R2. **The committee delegates authority to the Director of Corporate Resources (Section 151 Officer), in consultation with the Leader, to administer the Brentwood's Discretionary Business Grant Scheme and is authorised to make technical scheme amendments in line with Government guidance.**

A recorded vote was requested and taken. Members voted as follows:

FOR: Cllrs Aspinell, Dr Barrett, Hossack, Keeble, Mynott, Naylor, Nolan, Parker, Mrs Pearson and Poppy (10)

AGAINST: (0)

ABSTAIN: (0)

The **MOTION** a was **RESOLVED UNANIMOUSLY**.

446. Urgent Business

There were no items of Urgent Business.

The meeting concluded at 16.34



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Agenda Item 8

Committee: Ordinary Council	Date: 2 nd December 2020
Subject: Chairs' Reports and Members' Questions	Wards Affected: All
Report of: Jean Sharp	Public
Report Author/s: Name: Jean Sharp Telephone: 01277 312655 E-mail: jean.sharp@brentwood.gov.uk	For Information

In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility is provided for Members' information at each Ordinary Council meeting.

Any Member may ask a Chair a written or oral question on

- (a) any matter included in a Chair's written report; or
- (b) any matter in relation to which the Council has powers or duties or which affects the Council's area and which falls within the area of responsibility of the Chair's committee.

The period allowed for Chairs' reports, written and oral questions and answers will not exceed 60 minutes without leave of the Deputy Mayor.

Appendices to this report (To follow)

- Appendix A: Audit and Scrutiny Committee
- Appendix B: Community and Health Committee
- Appendix C: Environment, Enforcement and Housing Committee
- Appendix D: Planning and Licensing Committee
- Appendix E: Policy, Resources and Economic Development Committee

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Committee(s): Ordinary Council	Date: 2 nd December 2020
Subject: Honorary Titles	Wards Affected: All
Report of: Claire Mayhew, Corporate and Democratic Services Manager	Public
Report Author/s: Name: Claire Mayhew – Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

Summary

To confer honorary titles under section 249 of the Local Government Act 1972.

Recommendation(s)

Members are asked:

- R1. 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.**
- R2. The presentation of this Honorary Title will take place at Annual Council on 20th May 2021.**

Main Report

Introduction and Background

1. The titles of 'Freeman of the Borough/Freewoman of the Borough/ Freedom of the Borough and Aldermen' are as the names suggest honorary when the Council recognises distinguished service to the Borough.
2. Holders of such titles may attend and take part in such civic ceremonies as the Council may 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.

3. The title is honorary only and is one of the highest honours that the Council can bestow.
4. It is through this means that organisations are awarded the Freedom of the Borough. Traditionally this honour is associated with the right of Freedom of Entry for military units with the right to march, with bayonets fixed, band playing and colours flying.

Issue, Options and Analysis of Options

5. To be eligible to be admitted as an Honorary Freewoman or Honorary Freeman, those nominated must be persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to the place or area i.e. the Borough.
6. Again there is no definition in the Act other than the words used. It is thus for the Council to decide locally what constitutes “distinction”.
7. “Distinction” has a dictionary meaning of ‘a marked difference or contrast’ or ‘excellence that sets someone apart from others’.
8. “Eminent services” need to relate to the Borough, not the Council, in the context of whether to admit as an Honorary Freewoman or Honorary Freeman.
9. The Freedom of the Borough with the traditionally associated Freedom of Entry is nowadays achieved through the use of section 249 of the Local Government Act 1972 to admit the organisation to the honorary title of ‘Freewoman or Freeman’ of the Borough.

Reasons for Recommendation

10. The Council wishes to recognise those who merit the highest awards that the Council can bestow on a person or organisation.

Consultation

11. Members were asked to put forward suitable nominations.

References to Corporate Plan

12. None.

Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources

Tel & Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

13. There are no direct financial implications with this report. If necessary, the Council will utilise existing budgets and resources available within service area.

Legal Implications

Name & Title: Amanda Julian, Director of Law and Governance

Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk

14. Section 249(5) of the Local Government Act 1972 enables the Council by resolution to admit as an Honorary Freewoman/Honorary Freeman/Freedom of the Borough at a meeting of the Council specially convened with notice of the object but under section 249(8) of that Act such a resolution must be passed by not less than two-thirds of the Members voting at that meeting if the resolution is to be effective.
15. The relevant criteria are set out in the body of the report.

Economic Implications

Name/Title: Phil Drane, Director of Planning & Economy

Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

16. There are no economic implications.

Equality and Diversity Implications

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

17. There are no identified Equality and Diversity implications

Health & Wellbeing Implications

Name/Title: Kimberley White, Corporate Health & Wellbeing Officer

Tel/Email: 01277 312688/kimberley.white@brentwood.gov.uk

18. There are no identified Health and wellbeing implications.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

19. None.

Background Papers (include their location and identify whether any are exempt or protected by copyright)

20. Nomination forms submitted.

Appendices to this report

21. None.

Committee: Ordinary Council	Date: 2 December 2020
Subject: Constitution Working Group	Wards Affected: All
Report of: Amanda Julian – Director of Law and Governance and Monitoring Officer	Public
Report Authors: Name: Claire Mayhew – Corporate & Democratic Services and Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

SUMMARY

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

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

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

This report sets 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 reflect the significant and detailed contributions from the Working Group Members.

RECOMMENDATION/S

Members are asked to:

- R1. To agree 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.**

- R2. To agree the permanent inclusion of Chapter 3 at 2.10 the Emergency Committee (Section 40 Standing Orders) within Constitution as set out in Appendix C.**
- R3. To agree 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.**
- R4. 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.**

INTRODUCTION AND BACKGROUND

1. The Council Constitution governs the way the Council operates and how decisions are made.
2. The Council is responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect (Article 12.1(a) Duty to Monitor and Review the Constitution).
3. Subject to certain exceptions changes to the Constitution are only effective if approved by Full Council. Normally changes will only be considered by Full Council following a report and recommendation from the Constitution Working Group or the Audit & Scrutiny Committee ("Member body") and having received advice from the Monitoring Officer, (Article 12.1(c)). The Monitoring Officer may submit a report direct to Full Council in any case where his/her advice is not accepted by the Member body (Article 12.2(f)).
4. The Members of the Constitution Working Group have meet on three occasions since April to consider a workplan (Appendix F) which consists of Planning Code of Good Practice/Chapter, Scheme of Delegations, Modern Code of Conduct, Council Procedures Rules Chapter and the Emergency Committee.

Planning Code of Good Practice/Planning Chapter

5. One of the areas identified for immediate review was the Council's planning procedures to make sure that they comply with the current law, best practice in relation to the declaration of interests by Members, predetermination and bias and other wider planning considerations.

6. Following earlier consideration of the draft Member's Planning Code of Good Practice/Chapter by the Constitution Working Group, it has been substantially revised in the light of comments received. It has been shortened, made much clearer and up to date, both in style and in relation to revisions which are necessary since the passing of the Localism Act 2011. In relation to changes made to declarations of interests and the Code of Conduct.
7. Planning is a complex area, Members have an essential role to play in the planning system, they need to act reasonably and fairly in a way that ensures public confidence in the planning system. The revised Members Planning Code of Good Practice provides updated guidelines to the standards of conduct expected of Members within a planning context, and to ensure that all planning decisions are made openly, impartially, with sound judgement and for justifiable planning reasons.
8. The draft revised Members Planning Code of Good Practice/Chapter (Appendix A & B) draws upon guidance issued by, amongst others, the Local Government Association and Royal Town Planning Institute.
9. The draft revised Members Planning Code of Good Practice/Chapter were presented to the members of the Constitution Working Group on 1st July 2020.
10. Members of the Constitution Working Group together with the Members of the Planning and Licensing Committee were asked to submit any comments on the draft Planning Code of Good Practice/Chapter by 10th September 2020 to the Monitoring Officer. Comments received were discussed by CWG and the Monitoring Officer and Director of Planning and Economy, please see Appendix A and B.

Emergency Committee

11. At an Extraordinary Council meeting held on 29 April 2020, it was approved that under - Section 40 Standing Orders, an Emergency Committee was established during the unprecedented times to ensure that the Council can continue to operate and make the decisions needed.

12. Cllr Dr Barret moved an amendment to the recommendation which was approved: -

“To agree to include the Emergency Committee within the Council Constitution at Chapter 3 at 2.10 and to agree the changes of the Council’s Rules of Procedure at Part 4 of the Constitution as set out in Appendix D and that these changes will be reviewed at the Ordinary Council (should it convene as planned) on 7th October 2020”.

13. A review of the Emergency Committee was undertaken by the CWG. The Emergency Committee has met twice since April 2020, however, they believe that the committee works appropriately during an emergency and therefore, has concluded that the Emergency Committee should be adopted within the Council Constitution in coincide within Section 40 Standing Orders.
14. The Emergency Committee Terms of Reference are attached at Appendix C to this report.

Delegated Authority – Telecommunications Networks

15. Members considered a report on telecommunications prior notice applications recommending delegated authority be given to determine these (Item 410, Planning and Licensing Committee, 11 March 2020, Appendix E). The committee resolved that delegated authority was acceptable in principle, but because a change was required to the constitution that this should be considered by the Constitutional Working Group in order that it could be correctly progressed.
16. The report referenced the details of how development proposals of this type are dealt with through the Planning decision-making process and the timeframes involved. Due to the length of time between validation of the application and presenting it to committee, there is greater risk that some of these applications will go out of time and be 'permitted' by default even where their siting and/or appearance are unacceptably harmful. Delegating powers to officers makes this less likely. This is the basis for other prior notifications being determined under delegated powers within the constitution, and it is proposed that this approach should be extended to telecommunications prior notifications.
17. As part of the roll out of 5G it is likely that there will be an increase in applications for new sites, replacement masts and equipment on existing sites. This is likely to mean that there will be more prior notification applications presented to the committee if they are not determined under delegated powers.

18. Article 12 Addition of paragraph 12.2 (e) and proposed change to chapter 4 rules of procedure in Appendix D. These proposed changes to Article 12 are being suggested so that any Member may request CWG to look at particular parts of the Constitution. Also, to clarify the wording in paragraph 3.10 of Part 4 of the Constitution to read as paragraph 8.3.4, regarding the duration of speeches.

ISSUE, OPTIONS AND ANALYSIS OF OPTIONS

19. A Council's constitution must by law contain a copy of the Council's current standing order, a copy of the Council's Member's Code of Conduct and such other information as the Secretary of State may direct and such other information that the Council considers appropriate.
20. The purpose of the Constitution is already set out in Article 1.3 of the current Constitution.
21. Any constitution should be designed to better facilitate actions, so the at the Council can deliver its expressed vision and its relative and often interrelated corporate priorities.

REASONS FOR RECOMMENDATIONS

22. Section 37 of the Local government Act 2000 required that the Council has in place a document, known as its Constitution, which should be regularly reviewed.
23. The delegation of powers for determining telecommunications development proposals will make it less likely that these applications will go out of time without a decision being made, thereby reducing risk.

CONSULTATION

24. The Constitution Working Group together with the members of the Planning and Licensing committee were consulted on the proposed changes to the revised Members Planning Code of General Practice/Chapter attached as Appendix A and B to this report.

IMPLICATIONS

FINANCIAL & RISK IMPLICATIONS

Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources (Section 151)

Tel & Email: 01277 312500/ jacqueline.vanmellaerts@brentwood.gov.uk

25. The are no direct financial implications from this report. Resources to fund the changes to the constitution have been managed within the Council's existing budget.

LEGAL IMPLICATIONS

Name & Title: Amanda Julian, Director of Law & Governance (Monitoring Officer)

Tel & Email: 01277 312500 /amanda.julian@brentwood.gov.uk

26. Local Government Act 2000 Section 37(1) requires a Local Authority to prepare and keep up to date a Constitution. Article 12 of the Constitution provides that a report of the Constitution Working Group should be bought to Ordinary Council with recommendations on the changes required.

ECONOMIC IMPLICATONS

Name & Title: Phil Drane, Director of Planning & Economy

Tel & Email: 01277 312500/ philip.drane@brentwood.gov.uk

27. The Council is committed to growing the local economy. A clear governance process for determining planning applications aids the role of the local planning authority when supporting economic growth. Enabling the installation of infrastructure that local businesses are reliant on, such as telecommunications equipment, is an important part of the business environment. Provided proposals are consistent with planning policies and other aspects of the planning process, the Council should look to expediate the decision-making process for the swift determination of telecommunication prior notification applications.

Equality and Diversity Implications

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

28. The local authority should have due regard to the Equality Act 2010 and in particular Section 149 The Public Sector Equality Duty in the exercise of its functions.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Background Papers

None

Appendices to this report

Appendix A – Revised Members of Code of Good Practice

Appendix B – Revised Planning Chapter

Appendix C – Emergency Committee – Terms of Reference

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

Appendix E – Report & Minutes of 11th March – Planning & Licensing Committee (Telecommunications Masts)

Appendix F – Constitution Working Group Workplan 2020/2021

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EMERGENCY COMMITTEE - TERMS OF REFERENCE

PURPOSE

To enable the Council to function in emergency situations when fewer Councillors and /or Officers are available to attend meetings.

The Committee will be convened, as required, as part of the Borough Council's Major Incidents and Emergency Planning process.

The decision to convene the Committee will be made by the Chief Executive through consultation with the Leader and after the Monitoring Officer has assessed the appropriateness of taking a particular report to the Committee. The decision will be recorded on the agenda.

The Agenda will include a Statement of Purpose for the Committee being convened and will record reasons why the decision being sought could not be deferred and there will be a clear statement of what the Committee will be discussing.

Equally a proposal to stand down the Committee will be brought? by the Chief Executive through consultation with the Leader to each Committee, and after obtaining such advice as necessary from the Monitoring Officer or their deputy as appropriate, such proposal to stand down the Committee will be decided by a majority vote of Members at the meeting. All Members of the Council will also have the ability to influence the decision to stand down the committee. This can be undertaken by at least a third of Councillors writing to the Chief Executive and the Monitoring Officer requesting the committee stands down. If this action is taken then the reinstatement of the full committee structure will take place or an Extraordinary Council meeting can be called to debate any other emergency governance models required to enable the Council to function lawfully.

Once the Committee is convened it can take on the role of the delegations afforded to the following Committees; The key Committees are Council, Policy, Resources & Economic Development, Environment, Enforcement & Housing, Community & Health, Planning & Licensing and Audit & Scrutiny. The intention, where possible, is to still undertake Planning & Licensing and Audit & Scrutiny Committees separately when required and appropriate. This will be decided by the Chief Executive through consultation with the Leader. These powers can be in full or in part.

All Members sitting on the Committee will have the appropriate planning and licensing training prior to the consideration of any item, relating to planning and licensing, being presented at this committee.

The Committee will only undertake Audit and Scrutiny decisions that relate to the audit function of the Council and if there is a statutory reason that an urgent decision is needed and the Audit & Scrutiny Committee cannot be convened for whatever reason.

Any decisions made by the Emergency Committee may be subject to the scrutiny of the Audit & Scrutiny Committee when it is next convened.

Officer delegations will remain as per the Constitution.

The Committee will also meet as required and consider the immediate strategic issues for the Borough Council arising from the particular incident, having received reports from the Chief Executive.

The Committee may authorise action affecting any of the Borough Council's functions, if the urgency of the situation demands this, subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of Full Council.

The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular communications on the incident and the action being taken.

- Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media if required in consultation with the Council's communications manager.
- The Committee should consider the longer-term implications arising from the incident and the impact these may have on the Borough Council.

MEMBERSHIP

The Committee shall consist of 10 named Members of the Borough Council, to include:

- Leader of the Council and Chair of Policy, Resources & Economic Development (who will be the Chairman of this Committee)
- Vice-Chairman of Policy, Resources & Economic Development
- The Chairman of the Community & Health Committee
- The Chairman of the Environment, Enforcement & Housing Committee
- The Leaders of all groups
- Other named Members to achieve a political balance

If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.

Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee. Substitutes for this committee will be submitted in writing by Group Leaders to the Chief Executive and Monitoring Officer ahead of the first meeting and updated for future meetings where necessary.

QUORUM

The minimum number of Members to transact any business shall be one third (3) of the committee.

PROCEDURES, PROTOCOLS AND PUBLIC SPEAKING

Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.

Any Member of the Council can attend and may speak on any issue once, as agreed through the Chairman, in line with the legislation in force at the time.

Members of the public and press will be provided with the means to attend the meeting and have access to agendas, reports and other documents necessary under the legislative provisions current at the time of calling the meeting(s).

QUESTIONS

Members may ask questions to the Chair in the usual way. If the meeting is virtual then the questions will be put in writing via the appropriate text/chat box. The Chair may read the question and provide a written or verbal response as appropriate.

VOTING

When Members are present at the meeting voting will be taken by a show of hands. If Members are not present i.e. remotely using technology, a recorded vote will be taken by the clerk.

In the event of an equality of votes, the Chairman shall have a second or casting vote.

TRAINING

All training requirements for members of the Committee will be ensured to enable them to undertake the delegations afforded to them when undertaking the role of another Committee.

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.

Ordinary Council Terms of Reference

General Powers of Council

The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 37 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;
- (c) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;
- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000;

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Minutes

**Ordinary Council
Wednesday, 7th October, 2020**

Attendance

Cllr Ms Sanders (Deputy Mayor)	Cllr Keeble
Cllr Aspinell	Cllr Kendall
Cllr Barrett	Cllr Laplain
Cllr Dr Barrett	Cllr Lewis
Cllr Bridge	Cllr McCheyne
Cllr Chilvers	Cllr McLaren
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 Mrs Hones	Cllr Mrs Pound
Cllr Hossack	Cllr Reed
Cllr Jakobsson	Cllr Tierney

Apologies

Cllr Clarke	Cllr Morrissey
Cllr Hirst	Cllr Tanner
Cllr Kerlake	Cllr Tumbridge
Cllr Mrs McKinlay	

Officers Present

Greg Campbell	- Director of Environment
Philip Drane	- Director of Planning and Economy
Amanda Julian	- Director of Law and Governance and Monitoring Officer
Tracey Lilley	- Director of Housing & Enforcement
Claire Mayhew	- Corporate and Democratic Services Manager
Jean Sharp	- Governance and Member Support Officer
Jonathan Stephenson	- Chief Executive
Steve Summers	- Chief Operating Officer
Jacqueline Van Mellearts	- Director of Corporate Resources
Richard Wilson	- Commercial Consultant

520. Appointment of a Vice Chair

In accordance with Procedure Rule 4, 16.2, the Deputy Mayor - Cllr Miss Sanders - **MOVED**, Cllr Hossack **SECONDED** and it was **RESOLVED** that Cllr Nolan should act as Vice-chair for the duration of the meeting.

521. Variation in the order of the agenda

The Deputy Mayor **MOVED** and Cllr Nolan **SECONDED** and it was **RESOLVED** that there should be a variation in the order of the agenda so that Item 12 – Investment Proposal – would be considered before Item 11 – Brentwood Leisure Trust – due to possible technical difficulties in re-joining the meeting for Members needing to withdraw having declared an interest in Item 11. Also that Item 13 – Urgent Business – be considered before Item 12 so that the debate could be undertaken in the public domain if the motion to exclude the press and public (Item 10) was carried.

522. Apologies for Absence

Apologies for absence were received from Cllrs Clarke, Hirst, Kerlake, Mrs McKinlay, Morrissey, Tanner and Tumbridge.

523. Declarations of Interest

No declarations of interest were made at this stage.

524. Deputy Mayor's Announcements

The Deputy Mayor advised that £10,500 had been raised during Cllr Parker's Mayoral Year which would be divided equally between his two chosen charities – St Francis Hospice and Prostate Cancer UK. A formal presentation would be made to the charities at the 2021 Annual Council meeting.

She also advised that in light of the ongoing restrictions due to the pandemic there would be no Remembrance Day parade this year but the British Legion would lay a wreath at the war memorial on 8 November. A private service would be held at St Thomas' which would be live-streamed and wreaths from the service would be laid at the war memorial on 11 November to commemorate the fallen.

Virtual activities to mark Remembrance Day would be available on the Council's Facebook page and the Remembrance Day flag would be flown and the Town Hall building lit up in red to commemorate the week of remembrance.

The Council's Christmas event programme was to be delivered virtually this year and the Community Services team would pre-record some content to be broadcast on 28 November together with a virtual countdown of the switching on the Christmas lights. A Nutcracker trail would be set in Brentwood, Shenfield and Ingatestone for families to follow with a chance to win a Nintendo Switch. All the Nutcrackers had been sponsored by local businesses with the aim of encouraging footfall to the three High Streets.

525. Minutes of the previous meeting

The minutes of the Ordinary Council meeting held on 16 September 2020 were **RESOLVED** to be a true record.

526. Public Questions

No public questions had been received.

527. Memorials or Petitions

No memorials or petitions had been received.

528. Committee Chairs Reports and Members Questions

The Deputy Mayor advised that under rule 8.3.13 of the Constitution she **MOVED** and it was **RESOLVED** to defer Item 8 to the next Ordinary Council meeting as she believed that the items of business included in the agenda could not be accomplished satisfactorily in the time available (3 hours and 15 minutes stated at 10.1 of the Constitution).

529. Notices of Motion

Six Notices of Motion had been received, as detailed in the report, however, Motion No 5 was withdrawn by Cllr Hossack as it had come to his attention that the six-month rule in the Constitution applied (Procedure Rules, 3.13) and Motion No 6 was not heard as Cllr Tumbridge was not present.

1. Deferred from 16th September 2020 Ordinary Council meeting.

Cllr Lewis **MOVED** and Cllr Aspinell **SECONDED** the following motion:

In February 2020 the National Audit Office said "Local authorities face potential investment risks from buying commercial property, such as in the event of an economic recession or a downturn in a particular economic sector, particularly where authorities are dependent on their rental income to keep up with debt repayments or fund local services".

In the light of the National Audit Office concerns and the United Kingdom now being in severe economic recession, this Council resolves in order to understand the impact of the Council purchasing commercial property may have on the Council's finances moving forward that members of the Council call upon the officers to undertake a full review into the risks, rewards and relationship between Brentwood Borough Council and its wholly-owned subsidiary company SAIL. A full report must be submitted to the Policy Resources and Economic Development Committee within three months of today's date.

Cllr Hossack advised that a report was to be brought to the 21 October 2020 Policy, Resources and Economic Development Committee meeting to consider what was proposed in this motion.

Following a debate Members voted on the motion and it was **RESOLVED UNANIMOUSLY** accordingly.

2. Deferred from 16th September 2020 Ordinary Council meeting.

Cllr Mrs Davies **MOVED** and Cllr Aspinell **SECONDED** the following motion:

There has been an increasing and widespread problem with drug taking and dealing from council properties. This illegal behaviour causes suffering and distress to residents and is detrimental to neighbourhoods in general.

This council requests officers take firm action when tenants have been found guilty of drug related offences, enforcing their tenancy agreements and seek eviction orders where appropriate. Also this council adopts a zero tolerance and will not tolerate drug related anti-social behaviour within our council properties.

Following a debate Members voted on the motion and it was **RESOLVED** accordingly.

3. Deferred from 16th September 2020 Ordinary Council meeting.

Cllr Mynott **MOVED** and Cllr Aspinell **SECONDED** the following Motion:

As a non-partisan national organisation with the best interests of local government at heart, the Local Government Association recently joined with fifteen other organisations imploring the government to keep the Planning system in England local. As reported in First magazine, 'In an open letter to the Telegraph, the LGA and partners warned that taking Planning powers away from communities and councils will only deprive them of the ability to define the area they live in and know best, and risks giving developers the freedom to "ride roughshod" over local areas'. Conservative Cllr James Jamieson, LGA chair, said 'Planning powers must remain at local level, to

enable councils to deliver resilient, prosperous places that meet the needs of their communities'.

This Council resolves to ask that an official representation to central government, agreeing wholeheartedly with the LGA position, and expressing deep concern at (hence opposition to), threatened current moves to strip local authorities of their Planning powers be made by the appropriate officer(s) in consultation with the appropriate Councillors and Leader of this Council.

Following a debate Members voted on the motion and it was **RESOLVED** accordingly.

4. Cllr Poppy **MOVED** and Cllr Mrs Pearson **SECONDED** the following motion:

The Council are proposing to declare all existing Council owned allotment sites in the Borough as having statutory status, so they enjoy the legal protection provided by the Allotment Act 1925.

Following a debate Members voted on the motion and it was **RESOLVED UNANIMOUSLY** accordingly.

530. Urgent Business - Brentwood Test and Trace Payments Scheme

The Deputy Mayor had accepted this matter as urgent business due to the 12 October 2020 deadline for local authorities to have arrangements in place to administer payments.

Members were advised that the Government had set down the requirements for two payment schemes to be administered by the Council to help control the transmission of the Covid-19 virus.

1. The Test and Trace Payments Scheme, the standard scheme
2. The Test and Trace Discretionary Payments Scheme, the discretionary scheme

Members were being asked to delegate authority to the Director of Corporate Resources to finalise and implement the Brentwood Test & Trace Discretionary Payments Scheme.

Cllr Hossack **MOVED** and Cllr Parker **SECONDED** the recommendations in the report and following a debate it was **RESOLVED UNANIMOUSLY** that:

- 1 The scheme as set out in Appendix A be approved**
- 2 Authority be delegated to the Council's Director of Corporate Resources to finalise and implement the Brentwood Test & Trace Discretionary Payments Scheme and any requirement to amend the scheme in line with Government guidance.**

531. Exclusion of the Press and Public

The Deputy Mayor **MOVED**, Cllr Nolan **SECONDED** and it was **RESOLVED** that the press and public be excluded from the meeting as the next two items of business to be considered - Items 11 and 12 - included exempt information as defined in Schedule 12A of the local Government Act 1972.

532. Investment Proposal - EXEMPT

Members had been advised that under Part 4 of the Constitution there were no Procedure rules to enable questions to be put at the meeting relating to the confidential items 11 and 12.

Cllr Kendall **MOVED** and Cllr Mynott **SECONDED** and it was **RESOLVED UNANIMOUSLY** that under Procedure Rule 8 1.12 , rule 7 restricting the answering of questions to the Chair's Reports be suspended for the duration of the meeting enabling Members to ask questions on the reports.

Cllr Hossack **MOVED** and Cllr Parker **SECONDED** the recommendations in the report.

Cllr Kendall **MOVED** and Cllr Naylor **SECONDED** an **AMENDMENT** which Cllr Hossack **DID NOT ACCEPT** and Members debated the **AMENDMENT** which was **LOST**.

Returning to the substantive motion, following a full debate the **MOTION** was **CARRIED**.

Cllrs Mrs Davies, Aspinell, Kendall and Chilvers each declared a non-pecuniary interest by virtue of knowing Gavin Stollar.

Following consideration of this item of business, the Mayor proposed under Procedure Rule 8.3.11(g) that the meeting continue beyond three hours and fifteen minutes and for a specified period of time – ie 30 minutes.

533. Brentwood Leisure Centre - EXEMPT

Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** the recommendations within the report and it was **RESOLVED UNANIMOUSLY** accordingly.

Cllr Reed declared a pecuniary interest by virtue of being employed by Brentwood Leisure Trust and withdrew from the meeting.

Cllr Parker advised that statements he had made which consisted of information available in the public domain had been reported in the local press and therefore he also withdrew from the meeting.

The meeting concluded at 10.45pm

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