



Agenda

Planning and Licensing Committee

Wednesday, 11 November 2020 at 7.00 pm

Virtual meeting via MSTeams

Membership (Quorum – 4)

Cllrs J Cloke (Chair), McCheyne (Vice-Chair), Bridge, Chilvers, Fryd, Haigh, Jakobsson, Keeble, Morrissey, Mynott, Tanner and Tierney

Substitute Members

Cllrs Aspinell, Barrett, Dr Barrett, Laplain, McLaren, Nolan and Reed

Agenda

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Live broadcast

[Live broadcast to start at 7pm](#)

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1. **Apologies for Absence**
2. **Minutes of the Previous Meeting**
3. **Minutes of the Licensing Sub Committee**
4. **Response to the Ingatestone Neighbourhood Plan (Regulation 14) consultation.**

Report to follow.
5. **Urgent Business**

A handwritten signature in black ink, reading "Jonathan Stephenson", is centered on a light blue rectangular background. The signature is written in a cursive style with a horizontal line crossing through the middle of the letters.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
03.11.2020

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

Planning and Licensing Committee Wednesday, 14th October, 2020

Attendance

Cllr Ms Sanders (Chair)	Cllr Keeble
Cllr McCheyne (Vice-Chair)	Cllr Morrissey
Cllr Chilvers	Cllr Mynott
Cllr Haigh	Cllr Tanner
Cllr Jakobsson	Cllr Tierney

Apologies

Cllr Fryd

Substitute Present

Cllr Laplain

Also Present

Cllr J Cloke

Officers Present

Zoe Borman	- Governance and Member Support Officer
Philip Drane	- Director of Planning and Economy
Alastair Lockhart	- Corporate Governance Solicitor
Caroline McCaffrey	- Development Management Team Leader
Jean Sharp	- Governance and Member Support Officer
Jonathan Stephenson	- Chief Executive

541. Apologies for Absence

Apologies for absence were received from Cllr Fryd. Cllr Laplain substituted for him.

542. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee meeting held on 2 September 2020 were **APPROVED** as a true record.

543. Minutes of the Licensing Sub Committee

The minutes of the Licensing Sub-committee held on 10 September 2020 were **APPROVED** as a true record.

544. Telecommunications Update

Members were reminded that at the 2 September 2020 Planning and Licensing Committee meeting it had been requested that a report be provided for information at the Committee's October meeting setting out the responsibilities of the Mobile Network Operators and a Local Planning Authority in the provision and maintenance of telecommunications networks. This followed recent mobile telecommunication network capacity issues in the area around Brentwood railway station.

Members were aware that until recently, the four national mobile network operators - Vodafone, O2, EE and Three, and in turn the smaller providers that also used their networks - all used Ewing House (Kings Road, Brentwood) as a base station to provide 2G, 3G and 4G network coverage for the station area. As part of the redevelopment of that building, all operators were served a Notice to Quit (NTQ) by the owner requiring the removal of all equipment by the end of June 2020.

It was understood that the base station equipment had now been switched off and removed and in the absence of a suitable site(s) to install replacement equipment, customers were experiencing a degradation in service. Some users had criticised the Council for the situation. However, local planning authorities and mobile network operators each had responsibilities in the provision and maintenance of telecommunications networks. Local planning authorities and network operators were required to work within the planning system. Network operators also needed to fulfil the requirements of their licences. There were best practice documents produced and supported by mobile network operators and local planning authorities that encouraged collaboration and cooperation between the sectors. In addition, operators were required to work together, for example by sharing sites and masts where possible.

To help the expansion of mobile phone networks, successive governments had created an evolving system of permitted development rights, a form of national planning permission. As a result, mobile network operators could replace, upgrade or expand their networks with limited involvement of local planning authorities. The permitted development system as it related to telecommunications masts etc operated as a hybrid system - it avoided the need for full planning permission but required developers to apply to the local authority to establish two matters - whether details of siting and appearance needed to be agreed, and if so whether the details submitted were acceptable.

Permitted development rights recognised that there might be situations where the network operator and planning authority could not agree on a proposal, or issues arose at short notice, and so to avoid a disruption to service the mobile network operators could install emergency equipment without any need for agreement from the local planning authority. That equipment could remain in place for up to 18 months.

Cllr Chilvers requested that a simple document be produced setting out the responsibilities of the Council and network providers which could be made available to residents to be used when there was a dispute with their network provider. Cllrs Miss Sanders and Chilvers would work with Mr Drane to produce such a document.

545. Planning and Enforcement Appeals Updates

The report before Members summarised the Planning Enforcement activity undertaken in the Borough for the period between 1 July and 30 September 2020 (Quarter 2). Regular updates were to be brought to the committee to monitor the performance of the wider Planning service.

Members were reminded that the Council had a duty to investigate complaints about development, including building and engineering works and changes of use that might have been carried out without permission or consent.

Effective Planning Enforcement was a useful tool in tackling breaches that would otherwise have had an unacceptable impact on amenity in the Borough and to help maintain the integrity of the Development Management process.

546. Urgent Business

There were no items of urgent business.

Cllr Miss Sanders advised that she was standing down as Chair of Planning and Licensing Committee and wished to thank Committee Members and Officers for their support during her time as Chair.

Members thanked Cllr Sanders for the fair and proficient manner in which she had conducted Planning and Licensing Committee meetings and wished her well.

The meeting concluded at 8.00pm



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.

Planning and Licensing Committee

Planning

- (a) Town and Country Planning Act 1990 and any related legislation including: -
- (i) determination of planning applications;
 - (ii) enforcement of planning control;
 - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
- (i) determination of applications for Listed Buildings and Conservation Area consent;
 - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
- (i) To guide the Council in setting its policy objectives and priorities.
 - (ii) To carry out the duties and powers of the Council under current legislation;
 - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
 - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
 - (v) To consider and approve relevant service plans;
 - (vi) To comply with the standing orders and financial regulations of the Council;
 - (vii) To operate within the budget allocated to the committee by the Council.
 - (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including
- i. Trading Requirements
 - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
 - iii. Animal Welfare and Security
 - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
 - v. Sex establishments (including Sex Entertainment Venues (SEV))
 - vi. Pavement Permits
 - vii. Charitable Collections
 - viii. Camping, Caravan Sites and Mobile Homes
 - ix. Scrap Metal
 - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.