

# Minutes

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## Ordinary Council Wednesday, 22nd June, 2022

### Attendance

Cllr Mrs Francois (Mayor)	Cllr Laplain
Cllr Barrett (Deputy Mayor)	Cllr Lewis
Cllr Barber	Cllr McLaren
Cllr Bridge	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Cuthbert	Cllr Parker
Cllr Cuthbert	Cllr Mrs Pearson
Cllr Mrs Davies	Cllr Poppy
Cllr Mrs Fulcher	Cllr Reed
Cllr Gelderbloem	Cllr Russell
Cllr Haigh	Cllr Sankey
Cllr Heard	Cllr Slade
Cllr Hirst	Cllr Tanner
Cllr Mrs Hones	Cllr Wagland
Cllr Hossack	Cllr White
Cllr Jakobsson	Cllr Wiles

### Apologies

Cllr Aspinell	Cllr Kendall
Cllr Dr Barrett	Cllr Mrs Murphy
Cllr Fryd	

### Officers Present

Greg Campbell	- Corporate Director (Environment & Communities)
Phil Drane	- Corporate Director (Planning and Economy)
Amanda Julian	- Corporate Director (Law and Governance) and Monitoring Officer
Tracey Lilley	- Corporate Director (Housing & Community Safety)
Nichola Mann	- Corporate Manager - Human Resources
Claire Mayhew	- Corporate Manager (Democratic Services) and Deputy Monitoring Officer
Jonathan Stephenson	- Chief Executive
Steve Summers	- Strategic Director
Jacqueline Van Mellaerts	- Corporate Director (Finance & Resources)
Ian Winslet	- Strategic Director

## **LIVE BROADCAST**

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

### **28. Apologies for Absence**

Apologies were received from Cllrs Dr Barrett, Murphy, Kendall, Fryd and Aspinell.

Cllr Cloke congratulated the Mayor on behalf of the Lib Dem Group on her recent marriage.

### **29. Declarations of Interest**

There were no declarations of interest at this stage.

### **30. Mayors Announcements**

The Mayor informed the Council:

*It has been just over one month since I was formally re-elected as Mayor for 2022/23 and I have already undertaken 15 engagements. I would like to thank the Deputy Mayor for also attending a number of engagements on my behalf whilst I was away on Honeymoon following my wedding a week and a half ago.*

*I enjoyed the Brentwood/Montbazon Town Twinning visit meeting the Mayor of Montbazon and enjoying a great evening with them whilst there were here in Brentwood.*

*It was an honour to be part of the Beacon Lighting in Herongate to honour the Queens Platinum Jubilee. This was a wonderful event for local residents which included performances from Brentwood Imperial Youth Band.*

*Earlier this week, I was joined by representatives from Shenfield CCF, 124 Essex Transport Squadron and the British Legion to raise the flag ahead of Armed Forces Day.*

*My upcoming Civic Service at Brentwood Cathedral takes place on 6<sup>th</sup> September where I hope you will join me to welcome fellow Mayors and Chairman across Essex, representatives of local organisations and residents of Brentwood.*

*I am planning a number of upcoming charity events to fundraise for my chosen charities and hope to have your support across the year.*

**31. Minutes of Ordinary Council held on 16th March 2022**

Cllr Heard requested that his apologies at this meeting be recorded for the 16<sup>th</sup> March 2022 Ordinary Council meeting.

The Ordinary Council meeting held on 16<sup>th</sup> March 2022 were **APPROVED** as a true record. The minutes contain a summary of the meeting, to view the full meeting, please visit <https://youtu.be/qztoCTAXQCA>

**32. Minutes of Extra Ordinary Council held on 23rd March 2022**

The Extra Ordinary Council meeting held on 23rd March 2022 were **APPROVED** as a true record. The minutes contain a summary of the meeting, to view the full meeting, please visit <https://youtu.be/01SM8FHbUE>

**33. Minutes of Annual Council held on 18th May 2022**

Cllr Mynott requested that Item 6 of the agenda – Election Results – be recorded in the minutes. The election results were tabled on the night of Annual Council.

The Annual Council meeting held on the 18<sup>th</sup> May 2022 were **APPROVED** as a true record. The minutes contain a summary of the meeting.

**34. Public Questions**

In accordance with the Council's Constitution, a member of the public resident within the Borough may ask a maximum of two questions relating to the business of the Council providing notice has been received by 10.00am two working days before the relevant meeting.

Five Public Questions had been received.

Mrs Gearon-Simm submitted two questions as follows:

1. *Brentwood Borough Council invited The Local Authority Association to produce a Corporate Peer challenge. This investigated the performance of the Council.*

*The Corporate Peer Challenge recommended that:*

*Brentwood Borough Council (BBC), develops a partnership plan to ensure existing partnership arrangements are appraised and compared – with performances and value for money strong considerations.*

*BBC were also advised to consider these in light of new opportunities with Rochford or others which all provided greater resilience over the longer terms.*

*Has BBC developed such a partnership plan?*

*How much has the outsourcing of Council services to other local authorities cost Brentwood Council tax payer?*

Cllr Hossack responded as followed:

*I can advise that as part of last year's Peer Review the Council's partnership arrangements were discussed and the requirements for these going forwards, hence the recommendation made. The Council does have a Partnership Policy and accompanying procedures and as part of the Peer Review Action Plan we intend to review both the existing arrangements and future ones. The Peer Review Action Plan will include updates on the partnership recommendation, and this will be reported regularly to the Council's PRED Committee.*

*With regards to your question on outsourcing of Council services to other local authorities I can advise that we a contract with Braintree District Council to provide our payroll services and have a partnership arrangement with Basildon Borough Council for our Revenue and Benefits Service and a Service Level Agreement with Thurrock Council to assist our Planning, Environmental Health and Licensing Services.*

*The costs for these services are contained within the Council's existing budgets and are set out in the Council's Statement of Accounts.*

- 2. Clause 99 of the Levelling Up and Regeneration Bill strengthens the procedure for completion notices for planning permission. It is clearly Government Policy to facilitate action to secure completion of development in accordance with approved plans.  
Will you make representation for amending the Bill so that completion notices should also be introduced for Building Regulation application certifying that the works have been carried out according to the plans?*

Cllr Hossack responded as followed:

*Thank you for your question. I have sympathy with you on this, responsible developers and homeowners should ensure that the appropriate completion of development is confirmed in line with regulations. However, the Levelling Up Bill and Building Regulations are two quite separate legislative processes. I confirm that presently there is no requirement for homeowners to get a completion certificate issued within a certain timeframe. Once an application has commenced on site it remains open until complete. Often, this will mean that something is open until a homeowner comes to sell the property and searches confirm the work, at which point a new owner would likely*

*request that certificates be issued. Regardless of this, it remains a private matter for homeowners to ensure compliance with building regulations. It's not a perfect system, but I am not convinced it is a broken system. Therefore, I do not think representations regarding Levelling Up are the appropriate means for the council to raise this issue. Local residents are of course able to raise this type of issue with their MP, and I would encourage you to do so.*

Mrs Kortlandt submitted two questions to all Group Leaders as follows:

- 1. In the Council's Environment Strategy 2022-25 the KPI for Energy is a measure of the total electricity generated from renewable energy projects. Is this being monitored and, if so, can you tell me how much renewable energy is currently generated by all Council-owned properties? What plans are in place to increase this by 2023?*

Cllr Hossack responded as followed:

*The Environment strategy referred too is presently draft and out to consultation for six weeks. Once the consultation is complete, any amendments made, and following final approval we will be in a position to start monitoring the PI's within the strategy. Currently there are no renewable energy projects within the Borough we are aware of, and although there are no plans we are aware of being developed for 2023, the Council are open to applications and further will consider any possible options to create these projects that deliver renewable energy.*

*We are however working with LADS 2 programme a government scheme to identify projects that will enable retrofitting social housing and private dwellings that could create some type of renewable energy. This is a continuous process and projects will be define over a period of time.*

Cllr Cloke responded as followed:

*Unfortunately I don't have access to that level of detail. We definitely need to promote the Environment Strategy and make more progress on this on a regular basis, that is critical to us. It is disappointing that there isn't anything in place already planned for the upcoming year and if we were in charge of the Council we would definitely be pushing more strongly on that particular element. I can't add more details on this at this point in time as I don't have access to those details.*

Cllr Barrett responded as followed:

*The Labour Group, in line with our previous motions surrounding the climate crisis, would welcome a measure of the Council's own clean energy generation, and aspirational goals in line with our climate ambition for 2025, 2030 and 2040.*

*The potential to use Council properties – offices, depots and housing stock as generation sites is something that should be urgently explored, to not only help take on the climate emergency but also to bring down the spiralling energy costs that are impacting our services and residents.*

- 2. I note that you propose to outsource the leases of Community Halls. Will there be a requirement in the leases to reduce their carbon footprint? If not, why not?*

Cllr Hossack responded as followed:

*The lease discussions on the halls are presently ongoing and some of the elements referred to in the question will be included within the leases. However there are constraints on some of the halls as they are listed buildings, we are therefore working with the Council's Heritage Officer to look at ways to retrofit equipment that can reduce CO2 usage.*

*All new tenants and users of our halls are requested to conserve energy and reduce CO2 emissions where possible including the switching off of the lights and any heaters as part of any terms of use of the facilities. Further I can report that the Council's Asset Team are working through a programme of switching over lights to more energy efficient LCD'S.*

*Officers are also working with Unify Group to determine where changes to some of our Council buildings (not HRA) can be made in order to retrofit or introduce technology to reduce the CO2 emissions. In particular we are looking at ways we can reduce the Brentwood Centre's CO2 emissions through a government funded report. This should identify potential projects that we can then apply or further funding in order to deliver.*

Cllr Cloke responded as followed:

*As Cllr Hossack alluded to, some of the halls are protected, some of them are in a very bad state of repair as have been neglected over the years and not a robust planned maintenance plan for those halls unfortunately. We would certainly call for a full strategic plan in order to make those changes that are needed to the halls to make sure the components of the halls such as windows, lighting that Cllr Hossack mentioned and for those buildings that are listed buildings there should be alternative and options in place and explored and we would hope that those fees paid for the use of the buildings are directed accordingly to make those more suitable for future use. Of course, as Cllr Hossack mentioned, encourage users to use the buildings more reliably and responsibly. And to also think about the people who are*

*going to take the leases on those buildings, making sure those community groups have environmental credentials.*

Cllr Barrett responded as followed:

*The Labour Group thinks this is an excellent question, which offers a potential route to make sure that any outsourcing maintains the level of ambition that Brentwood has set itself for achieving a net zero authority. We must make sure that any locally owned asset is always used in the most effective way to benefit our community in the round – economically, environmentally, socially and culturally.*

Mrs Kay submitted one question to all Group Leaders as follows:

1. *With regard to the site R16 - Land off the Doddinghurst Road Brentwood - that has been adopted as part of the Brentwood Local Development plan.*

*Some residents have received letters from the landowner, stating that he will be clearing the site after 31 May 2022.*

*In light of the Environmental Act 2021 and potential health risks due to the pollution from the A12 to residents if this is cleared. Please can the council arrange for the planning department to make a pre-planning site visit so that the site can be assessed as it is currently. Particularly in regard to 'Biodiversity Net Gain' to ensure that due diligence is taken out before planning is applied for.*

Cllr Hossack responded as followed:

*Thank you for your question. The planning department is aware of the letters that have been received locally and has made contact with the landowner / promoter to understand what the timescales are for pre-application discussion and the submission of a planning application. In the meantime, an assessment of the site as is has been undertaken. Any planning application for the site will need to be policy complaint with the council's new local plan, which allocates the land for residential-led development according to certain criteria, and along with other relevant policies in the plan. This includes the need for a suitable response to landscape and ecology, as well as the consideration of noise for both the new development and relationship with nearby existing homes.*

Cllr Cloke responded as followed:

*In relation to the R16 site, there is a definite moral obligation to maintain the landscaping to fulfil the policies. If you look at the Local Development Plan, there are a number of policies in there that support the site being developed or not developed actually and we feel very strongly that it is almost impossible to develop that site whilst still*

*remaining coherent with those policies. The policy of particular interest relate to:*

- *The air quality – obviously removing those shielding trees can have a detrimental effect on the air quality*
- *Removing existing woodland is contrary to the strategic policies in the NE01, 02 and 03.*
- *There are badgers nesting there and disturbing them is a criminal offence.*

*So our position at this moment in time as we have said all along is that site should never have been in the local plan and development of that site will be incredibly challenging to do so in line with the policy set out of our local development plan.*

Cllr Barrett responded as followed:

*As all of the Labour Group are members or substitutes for the Planning & Licensing Committee, it would be inappropriate for us to give a view ahead of any application. We would expect that a Planning Officer, and the wider committee, consider all relevant legislation and guidance regarding environmental impacts, including upcoming legislation on the net gain requirements for biodiversity, when considering an application, where I can assure you that Labour members will have due regard for this.*

### **35. Memorials or Petitions**

No memorials or petitions were received.

### **36. Chair's Reports and Members Written Questions**

Members can ask up to two questions to two different Chairs.

Any Member may ask a Chair a written or oral question on 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 written and oral questions and answers will not exceed 60 minutes without leave of the Mayor.

Two written questions have been received from Cllr Dr Barrett, as follows:

#### **To the Chair of Planning and Licensing and Audit and Scrutiny.**

It was disappointing to see on the front page of our local newspapers that taxpayers money was required to compensate a resident for the council failing to enforce a planning condition decided in committee due to administrative errors. It was further disappointing to see this was resolved through the local



ombudsman because the council's complaints procedure failed to act. What measures are put in place to stop this happening again?

## **Response**

The situation and outcome are disappointing. This related to a planning application at 59 Crown Street, Brentwood, reference 18/00309/FUL. A complaint was received from a neighbouring resident regarding details of the screening provided as part of the development scheme. The complaint was investigated thoroughly in line with the councils' formal complaints policy. A clear outcome was provided explaining certain technical complexities, such as the difference between the screening that had been provided and the limitations of taking enforcement action for things outside the decision notice approval. The complainant requested that the local government ombudsman review the case, as is their right.

The ombudsman conducted an assessment and concluded that the council was at fault. This was because plans for the balustrade and planters, which the complainant referred to, were not included in the initial decision notice. This meant that enforcement action to implement them could not be taken. Similarly, though the balustrade and planters were included in the plans for the conditions discharge that related to the privacy screen (reference 18/00309/COND/3), this did not relate to the matters of the condition, and though not within the formal decision notice, this would not have given the council the basis to enforce against the lack of these features.

The council reviewed the ombudsman decision. It was concluded that there were no grounds for challenge according to guidance, in terms of matters of law such as evidence inaccuracies or new information affecting the decision. Any legal challenge would have cost implications.

On review, there was an administrative error that meant the council could not require the applicant to adhere to the balcony drawings (other than the privacy screen), which impacted upon the complainant's amenity. As a result, a formal apology was issued and £1,000 compensatory payment made to enable the installation of additional planting to screen the outlook from the balcony. Additional training has been provided for staff undertaking administration tasks, such as issuing decision notices, so that a repeat of this situation can be avoided in future.

The council makes budgetary provision for losses, such as in the case of appeals or compensation. The council as local planning authority processes and determines more than 1,000 applications over the course of a year on average, a trend that has been increasing. This includes financial income through various application fees from developers, which inform budgetary projections to offset any losses. As is regularly reported to members, the council ranks highly nationwide on application performance. Within that data there are always lessons to be learned on improvements, whether by the council or by applicants. As such, reports are issued to members on appeal outcomes and enforcement action, among other things. More recently the use

of conditions has been identified as being an area for improvement, in terms of their use and wording in line with national guidance.

The outcome in this situation falls short of the standards we expect. The apology and compensation were offered as a result. Lessons are being learned to continually improve the service.

This is a recent decision and so has not yet been reported to Audit & Scrutiny Committee, which will happen in due course once reviewed by the Formal Complaints and Performance Indicator Member Working Group.

### **To the Chair of Community, Environment, and Enforcement**

Residents with access needs have reported that the mobility scooter service in the multi-storey car park has ceased taking the scooter to and from vehicles, meaning to use the service you need an additional abled person. Many residents with access requirements who relied on this service can no longer access Brentwood High St as a consequence of this change. Why and when was this change made and can it be reversed?

### **Response**

The process for hiring a mobility scooter was initially changed in October 2021. The scheme has been running for a number of years prior to this however it became apparent that we could not always guarantee a member of staff on site or at the right location to assist. The revised process was introduced to ensure the scooters were accessible to requestees and not limited by staff on site and the new scheme is in line with other schemes that operate mobility scooters. The scheme is assisted as it is next to the Disabled Access parking bays located on the same floor as the scooter. This we feel makes the scooters accessible and will only ever be a short distance from anyone's vehicle. Further we have discussed the scheme with the Brentwood Access Group.

As said above we have adopted a scheme that other providers use and appears to have worked well. We provide ready to use scooters that are available on demand.

Moving forward the new scheme will not be limited by core hours of employees and will be available to use during the same operating hours of the car park. I can also confirm that the scheme will be investing in the procurement of new class2 mobility scooter(s)

We are looking to install the revised service and scooter(s) later this summer however the Council will continue to monitor the situation and the service.

Due to no Committee meetings taken place ahead of the Ordinary Council agenda publication, no Chairs Reports were included in the agenda.

**Cllr Mrs Davies, put a question to the Chair of Policy, Resources and Economic Development Committee:**

*I'm sure you like all of us are getting many complaints about the parking in the High Street. I know that planters have been put in place and they look very nice but unfortunately it is not actually solving the problem and we have got to the stage where we have double banking parking in areas. What is concerning me is Chief Inspector Paul Ballard has confirmed that they do not have any capacity to enforce against illegal parking on the High Street unless it was for really life threatening situations and the responsibility does fall to this Council and SEPP. Please can we be assured that there will be an increase in presence of parking enforcement in the High Street and that is throughout the day and every day. At the moment, I'm afraid that an awful amount of the public are treating it like a free car park and they have no regard to life and limb and particularly the safety of children.*

**Cllr Hossack, Chair of Policy, Resources & Economic Development Committee responded:**

*The issue of pavement parking in the High Street is not going away easily and what we are doing is throwing everything we can at it with the legislation that we have got. As you have seen we agreed at a Committee to put in a series of planters as a trial – we have extended that trial and Essex are asking us to apply for licenses to extend the trial. Where we have put them in it does fix a problem. But, there are still people who will find a way to go through the gaps in the process and as soon as we enforce and walk through the High Street. As soon as the officer moves on to another location, it backfills immediately. We are issuing circa 200 tickets a month in the High Street and Town Centre alone. We have had many discussion about it not being a deterrent - £30 is not a deterrent to some and they frankly do not care. In terms of the effort going in to it, it is significant to issue that number of tickets and we do patrol daily. SEPP and our own officers receive regular abuse and harassment. I wrote to District Commander Ballard as I received a letter from one of the businesses on Willsons Corner about this pavement parking issue. What the Police do is take the view that even if there are 4 wheels on the pavement, as long as you can get a pram or wheelchair passed it, then it is not blocking and they will not do anything about it. I think this is completely unacceptable. The rules just across the boundary in Havering look at this differently and this is being reviewed at the moment. I have asked District Commander Ballard to see how we can encourage the police to take a zero tolerance approach to this. I have asked for a meeting to push a zero tolerance approach and I want the Police to back up SEPP and our own enforcement officers. This is a tough environment but what counts against us is the value of the fine and the Polices approach with the disparity between Home Counties and London Boroughs. The big perpetrators in this are the fast food delivery drivers and we have had a number of meetings on this. We have spoken to Deliveroo and if there are constant offenders (by badge number) and are asking for firmer punishments. We are building good relations with the fast food delivery companies. We are doing what we can within the scope we have but this is not an easy issue to fix.*

**Cllr Mynott, put a question to the Chair of Planning & Licensing Committee:**

*Following on from Cllr Dr Barrett's written question earlier, doesn't the Chair of Planning & Licensing think this could be seen to be part of the wider pattern of planning failures which are:*

- *Administrative error caused a problem in relation to 59 Crown Street.*
- *You had a situation last year where the appeals allowed on 11<sup>th</sup> May 2021 - we had a major item come to the Council, Ingatestone Garden Centre, officers took an opinion on it but the applicant got exactly what they wanted because he Council failed to determine that within a correct period.*
- *There was a significant issue more recently in Brentwood North with problems with miscommunication leading to the fact that the item, Brooks House, did not come to Planning Committee because we were miscommunicated with by officers.*

*And then there has also been issues with Waterworks Spring – I won't go into that any further. I think that is a pattern of problems and I think it comes from under resourcing and I wonder whether the Chair of Planning thinks that's true?*

**Cllr Bridge, Chair of Planning & Licensing Committee responded:**

*Specifically on Brooks House – that is in a second phase complaint stage at this point – it would therefore be inappropriate for me to comment.*

*With regards to Ingatestone Garden Centre – no I don't think there is a pattern the situation was straightforward. That was a submission that had been made in advance of the LDP. The background to this one is that officers were reminded not to make a decision and wanted to hold off making a decision until the LDP had been authorised when they would feel comfortable approving it. The applicant felt differently and when he went to the Inspector, the Inspector the appeal went for non-determination which summed up as you are giving them permission so stop taking time. That was partly down to the appropriateness during the LDP stages as we hadn't adopted the LDP at that point.*

*With regards to the other 2 cases, no I don't believe that is correct in either case. I think errors do happen and do not think there is a pattern but we will continue to look at this and see where we are going. I think if you look at our pattern on appeals, we are not doing too badly. On balance, we are heading in the right direction.*

**Cllr Mynott, put a question to the Leader of the Council:**

*In relation to errors of the Council, a major umbrella organisation, one of our outside bodies, was supposed to have its AGM in this Chamber this evening which was booked. Somehow, this room was double booked but that outside*

organisation was not communicated with until earlier this week. Does this look like a Council which is running properly?

**Cllr Hossack, Leader of the Council responded:**

*I wasn't aware that the Arts Council were due to be in here and were communicated late. Officers deal with administration and communication relating to the hiring of Council facilities. A member would not get involved in that. We are human and have busy diaries and meetings and appointments have to move. If this was communicated late then we should apologise. However we have rectified this and moved them to a location just 200 yards from this building. You can look at this however you like but this does not mean that the administration is about to crumble it just means that somebody possibly made an error. This does not mean it is the end of this administration and running of the Council. On balance, we are delivering lots of things on a strategic level but occasionally we drop the ball and that's what seems to have happened here and there is nothing more to look into than that. I would ask, that we should apologise to the Arts Council for any inconvenience caused. We also had to move some meetings this month due to road works taking place outside of the Town Hall and I apologise for this inconvenience.*

*\*Cllr Mynott expressed this is his opinion and not that of the Arts Council.*

**Cllr Cloke, put a question to the Chair of Community, Environment & Enforcement Committee:**

*We have been enjoying the new facilities at King Georges Playing Fields, but we are disappointed to see things are still not finished. There's bits of scrublands, there's a broken gate in the children's play area, a broken see-saw that has been for a few weeks or months, various half-finished items. When is King Georges Playing Fields going to be finished?*

**Cllr Russell, Chair of Community, Environment & Enforcement Committee responded:**

*I haven't got an exact timeline but I believe by the end of this month all those things will be in order.*

**Cllr White, put a question to the Chair of Community, Environment & Enforcement Committee:**

*Further to the presentation that was made at the Community, Environment & Enforcement Committee on 20<sup>th</sup> June 2022, with an update to the Councils commitment to the Parking Strategy in relation to EV chargers, I wonder if the Chair could give us a brief update on what the commitment is and going forward in terms of timings, location and spaces available to promote the role out of this strategy.*

**Cllr Russell, Chair of Community, Environment & Enforcement Committee responded:**

*There will be 47 EV charging points over the next 15 months initially focused on two sites: Chatham Way Car Park and King Georges Playing Fields. The target installation date is 16 EV chargers on these sites by December of this year. There is procurement at Hunters Avenue, Friars Avenue, Market Place and Bell Mead will commence in September of this year with a target installation of 10 charges between April - June 2023. Following that, procurement for the Multi Storey Car Park and the Brentwood Centre will commence January – February 2023 with delivery of 29 chargers expected September/October 2023. In order to stick to the time line, I have requested an update on the progress of the delivery of this project to be brought to CEE Committee throughout the remainder of this year.*

**Cllr Naylor, put a question to the Chair of Community, Environment & Enforcement Committee:**

*I have looked at Crown Purchasing Commercial System and I believe that procurement exercise that we went for was Vehicle Charging Infrastructure Solutions agreement RM6213. I noticed there are 9 steps to the buyers journey. What step did the procurement exercise fail? It also mentioned legal advice had been taken and the decision was made in April to abandon the exercise – what was the context of this advice – did we arrange any contracts – and what was the cost of this legal advice to the Council?*

**Cllr Russell, Chair of Community, Environment & Enforcement Committee responded:**

*A lot of detail in that question. I would be inclined to hand that over to Greg Campbell to answer but I will state that whilst there are ongoing discussions, there might be some sensitivity.*

**Greg Campbell, Corporate Director - Environment and Community responded:**

*I don't have the detail of how much that costs us in legal costs at the moment. It was leading up to the decision in April that we had discussions and we had advice from legal and it was that process we had the interviews with the companies who had applied for it and took some legal advice and it was deemed outside of the framework – the exact date I could find out but there was an exchanges in discussion to try and work a way round it but we couldn't.*

**37. Pay Policy**

This report presented a revised Pay Policy Statement (PPS) for approval by Full Council (Appendix A of the Supplementary Agenda). A PPS must be in place for 2022/23 which had been approved by Full Council. This was initially

approved on the 23 February 2022, however it had been reviewed as part of the partnership arrangements with Rochford District Council. Consequently, the PPS has been updated and will require further approval.

Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** that the recommendations within the report. A vote was taken by a show of hands and was **RESOLVED**.

**Members are asked to:**

**Approve and adopt the Pay Policy Statement at Appendix A (Supplementary Agenda).**

**Reasons for Recommendation**

To comply with the statutory requirement to approve the Council's Pay Policy.

### **38. Appointment of representatives on Outside Organisations 2022/2023**

Following a change to the Council's Constitution on 25 January 2017, Councillors are now appointed to a number of outside organisations by Ordinary Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come about either through the Authority initiating the appointment, or an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative is appointed.

Following consideration of the list of nominations and to ensure effective use of Councillors resource and support for outside organisations, it is considered appropriate to categorise the list in the following:

- Statutory Representatives
- Trustee
- Council has interest whether financially or otherwise
- Others – point of contact

Where a Councillor is required to be a point of contact it is considered appropriate for the outside organisation and the Councillor to make contact and discuss the best approach.

The list of nominations for representatives/point of contact on outside organisations is presented at the Ordinary Council meeting each year for Members' approval (Appendix A).

In January 2021, Council's approved an amendment to Chapter 4, Paragraph 27 of the constitution to state:

#### **27. Outside Bodies**

27.1 Any person appointed by the Council to serve as our representative to an outside body shall be appointed until they resign, are dismissed or their successor is appointed. Members shall cease to hold appointments on the fourth day after the ordinary day of election unless they are re-elected as a Borough Member at the Election.

(a) The Council should not appoint where there is a conflict of office or interest

(b) The Council should not appoint where the appointment holds a risk that insolvency of the body would render the appointee debarred from office i.e. where the appointment is an effective directorship listed at Companies House.

27.2 The Chief Executive will:

(a) in consultation with the appropriate Group Leaders, revise as necessary appointments to outside bodies arising as a result of a vacancy or otherwise;

(b) in consultation with the Leader of the Council and the Group Leaders, agree the allocation of appointments to any new outside bodies or organisations.

(c) ensure that the body meets the criteria for an appointee

27.3 The Appointee will:

(a) ensure a good flow of communication between the outside body and the council. This will include non-confidential matters that the appointee may consider to be of interest or significance to either party.

(b) upon request of the Chief Executive, provide an update on any disclosable matters pertaining to the outside body.

(c) be prepared to provide a brief report to the Audit & Scrutiny committee when requested to do so under the work programme.

A review of the Outside Organisations appointments was presented at Audit & Scrutiny Committee on 8th March 2022. Members requested that a Working Group be formed to review the appointments to Outside Organisations.

It was approved unanimously that the review would be added Work Programme for the purpose of evaluating and recommend the removal of any Outside Organisations to Ordinary Council for the new municipal year 2023/2024. No removals of appointments will be made in 2022/2023.

**Members are asked to:**

**R1 That the list of outside bodies and nominated representatives/point of contact for 2022/2023 shown in Appendix A be approved.**

**OR**

**R2 Alternative nominations on outside bodies for the appointments of representatives/point of contact for 2021/2022 shown in Appendix B be approved.**

Cllr Hossack **MOVED** R1 of the recommendations and was **SECONDED** by Cllr Poppy.



Cllr Cloke **MOVED** R2 of the recommendations **SECONDED** by Cllr Davies.

Cllr Hossack did not accept the amendment, the amendment was debated and a vote was taken on the amendment by a show of hands and the motion was **LOST**.

No further discussion was taken on the substantive recommendation. A vote was taken by a show of hands and the motion was **CARRIED**.

### **39. Notice of Motion**

Three Notice of Motions had been received, as detailed in the report.

#### **Motion 1 – Received on 1<sup>st</sup> June 2022 @ 12:51**

**Mover: Cllr Lewis**

**Seconder: Cllr Naylor**

Recent economic analysis suggests the numbers of electric vehicles in the UK will reach 10 million by 2030 and 15 million by 2035. By 2030, this may imply a total pool in Brentwood of 15,000 - 20,000 electric vehicles.

Brentwood currently has [3] public charging points. Given the importance of electric vehicles to our future environment and economy and the difficulty of many electric vehicle owners in accessing personal charging facilities, there is a strong case for public and private commercial provision of electric charging facilities.

This council requests that within 4 months of today's date (or the next subsequent PRED committee thereafter), a report be prepared for PRED including an analysis of:

- current and future resident and business requirements for electric charging facilities in Brentwood 2022-2030
- options for the different types of public and private commercial provision of electric charging facilities in Brentwood including a comparative analysis of the costs, revenues, benefits and risks of each possibility
- an assessment of what other councils across the UK are doing in this area
- recommendations of next steps in regard to implementation of the required EV charging points for PRED committee to review, assess and approve.

Following a full discussion, a vote on the motion was taken by a show of hands and the motion was **LOST**.

*The meeting was adjourned at 20:50 for a 10 minute comfort break.*

## **Motion 2 – Received on 3rd June 2022 @ 19:07**

**Mover: Cllr Hones**

**Secunder: Cllr Hossack**

This council objects to the East Anglia Green proposals to run high voltage cable across East Anglia and subsequently through Essex and the Borough of Brentwood, to deliver offshore wind generated power from Norfolk through to Tilbury.

We are fortunate to have natural assets in the form of a coastline and the Thames Estuary by which offshore power can be delivered to a location on the Thames, with minimal disturbance to land.

The National Grid appear to have discounted offshore cabling and come up with a solution that cuts a scar right across east Anglia, with questionable logic as to how the construction of infrastructure and supply of necessary materials, could have a lower carbon delivery of the project when compared with offshore cable laying.

The green energy agenda should not be delivered at the expense of our landscapes and the project itself should seek to be delivered with the minimal emission of carbon possible.

This Council resolves to write to National Grid and the Secretary of State at BEIS, requesting current proposals are reconsidered for a less harmful option, extending the consultation period if necessary to include the case for offshore cable routing for the delivery of renewable power.

Following a full discussion, a vote on the motion was taken by a show of hands and the motion was **RESOLVED UNANIMOUSLY**.

## **Motion 3 – Received on 6th June 2022 @ 08:12**

**Mover: Cllr Laplain**

**Secunder: Cllr M Cuthbert**

This council resolves to write to Alex Burghart MP requesting that he details exactly what benefits the legislation on Unauthorised Development that has been introduced, as outlined in his 2019 election manifesto, will have for the people of Brentwood and Essex in general along with the expected timescale for this to be brought forward. Will this legislation stop unauthorised Traveller developments such as those that have occurred at Oak Tree Farm Blackmore and Five Acre Farm Great Warley, both of which have caused Great expense to this Borough as well as expense and distress to local communities?

Cllr Laplain will draft a letter on behalf of the Council to Alex Burghart MP on the mater.

Following a full discussion, a vote on the motion was taken by a show of hands and the motion was **CARRIED**.

**40. Urgent Business**

There were no items of Urgent Business.

The meeting concluded at 9.37pm.

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