



## Minutes

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### Ordinary Council Wednesday, 27th July, 2022

#### Attendance

Cllr Mrs Francois (Mayor)	Cllr Kendall
Cllr Aspinell	Cllr Laplain
Cllr Barber	Cllr Mrs Murphy
Cllr Bridge	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Cuthbert	Cllr Parker
Cllr Cuthbert	Cllr Poppy
Cllr Mrs Davies	Cllr Reed
Cllr Haigh	Cllr Russell
Cllr Heard	Cllr Sankey
Cllr Hirst	Cllr Slade
Cllr Mrs Hones	Cllr Tanner
Cllr Hossack	Cllr Wagland
Cllr Jakobsson	Cllr White

#### Apologies

Cllr Barrett (Deputy Mayor)	Cllr Gelderbloem
Cllr Dr Barrett	Cllr Lewis
Cllr Mrs Fulcher	Cllr McLaren
Cllr Fryd	Cllr Mrs Pearson

#### Substitute Present

#### Also Present

#### Officers Present

Greg Campbell	- Corporate Director (Environment & Communities)
Zoey Foakes	- Governance & Member Support Officer
Marcus Hotten	- Assistant Director, Rochford District Council
Angela Hutchings	- Strategic Director
Tracey Lilley	- Corporate Director (Housing & Community Safety)
Nichola Mann	- Corporate Manager - Human Resources

Steve Summers - Strategic Director  
Jacqueline Van - Corporate Director (Finance & Resources)  
Mellaerts

## **LIVE BROADCAST**

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

### **126. Apologies for Absence**

Apologies were received from Cllrs Barrett, Dr Barrett, Fryd, Fulcher, Gelderbloem, Lewis, McLaren and Pearson.

### **127. Declarations of Interest**

There were no declarations of interest at this stage.

### **128. Mayors Announcements**

The Mayor payed tribute to long serving Council officer Darren Laver who sadly passed away. Deepest condolences went out to Bradley (Darren's son), Dean (Darren's Brother), both of whom worked with Darren at the Depot, and to his family, friends and colleagues at the council that have worked with him for over 35 years.

A minutes silence was observed by all.

*Since the last Ordinary Council meeting just 5 weeks ago, I have undertaken a further 17 engagements. I enjoyed attending Brentwood school Annual Speech Day and Prizegiving, especially being able to return as Mayor instead of student.*

*It was great to be invited to the Rotary of Brentwood Presidents Handover Dinner where Rose Bolton became the First Lady President in 90 years of the clubs history.*

*I was also able to meet a number of fellow Mayors and Chairmans across the County at the high Sheriffs Garden party and the Essex County Council Chairman's Annual Reception.*

*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.*

### **129. Minutes of the previous meeting**

The Ordinary Council meeting held on 22<sup>nd</sup> June 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/vhcRpH\\_NK4A](https://youtu.be/vhcRpH_NK4A)

### **130. Public Questions**

No public questions were received.

### **131. Memorials or Petitions**

No memorials or petitions were received.

### **132. Committee Chairs Reports and Members Questions**

Cllr Aspinall informed Members and Officers that former Councillor Karen Chilvers had recently suffered a stroke. The Mayor wished her well on behalf of the Members and Officers of Brentwood Borough Council.

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.

There is no PRED Chairs report this evening, however the minutes of the PRED Committee meeting on 13<sup>th</sup> July have been published.

One written question was received from Cllr Mynott. The question and response were tabled on the night and is appended to the minutes. Cllr Mynott asked a follow up question on this:

*Approved Document O in the UK building regulations which came into effect on 15<sup>th</sup> June covers overheating in residential building and applies to all residential institutional dwellings. Further to this any future development requires planning consent - does approved document O only apply to those applications that require planning consent or does it apply to all residential dwellings including those which have been created without planning consent by permitted development process.*

The Chair of Planning & Licensing would need to refer to officers and come back to Cllr Mynott.

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

*At a recent Committee meeting, I asked about tree planting and the success rate of that. I just want to reiterate that question – in previous reports you have reported upon the tree planting schemes we have got going on across the Borough, my concern is how successful that tree planting scheme has been. From my own views, walking through St Faiths, I have seen a number of those trees have failed to grow to fruition so how successful have those programmes been? Also, how does this match to the attrition rate of trees going for the Borough. The programme plans for the planting of 20,000 trees and how that matches with the trees taken down for plantations, development etc. Although the information may not be available now, if this can be incorporated into future reports.*

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

*100,000 trees are going to be planted in Hutton and the success rate of those is yet to be determined. I can get the rest of the figures back to you in due course.*

**Cllr Kendall put a question to the Chair of Housing Committee:**

*At the recent Housing Committee meeting, the Lib Dem members asked for the decision to turn Ingleton House into affordable housing on hold whilst discussions could take place with NHS service providers whether they would build a new medical centre on the site. I was told at that meeting as it was an Information only item that we would need to put in a motion at a future meeting which we tried to get on this agenda. We were refused for this agenda because officers had to come up with financial information and it wouldn't be ready in time. So, for now, the motion has been moved to the October meeting. I understand now that a meeting is taking place tomorrow in Ingatestone about health options and I wondered if the Chair of Housing can ensure that members of the Housing Committee are given information on what is discussed at that meeting so we can take a view on that in regards to the motion we have in October. Our concern is that we wait to October we may run out of time and it won't be relevant.*

**Cllr White, Chair of Housing Committee responded:**

*During the discussion, members of the Committee recall that the matter would need to come back to a future committee before it could proceed so there would be an opportunity at a future committee for the progress of the site to be discussed. The delivery team are aware of the desire to find an alternative site in the area for health provision and working to identify this and the need to help health providers. Once completed, NHS providers will be approached but direct communication will only take place once a site has been identified. If there are meetings taking place organised by NHS providers, and if there are opportunities to feedback by Council representatives that may attend we can ask them to do that but I can't give commitment to feedback from meetings we have not organised.*

**Cllr Kendall put a question to the Leader of the Council:**

*This in relation to the Brentwood Gateway proposal in South Weald. During the recent election, I knocked on many doors in South Weald and the Brentwood Gateway proposal came up regularly. I am pleased to see in his literature, the Conservative member for South Weald has now come out against this proposal and wants to protect the greenbelt. I would like the Leaders assurance that if this proposal does come forward in the form of a planning application, that no member of the Conservative Group will benefit in any way financially from any decision if it were to be an application before Members.*

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

*Why does Cllr Kendall feel the need to ask the question, what is it that he has got wind of that he feels it necessary to ask such a question? The obvious answer to the question is "no". If there was any pecuniary interest in such an application, then under the constitution the Member would declare it and leave the Chamber if they are a member of the committee. I would like to ask Cllr Kendall why he feels it necessary to ask such a question?*

**Cllr Kendall responded:**

*The reason I asked the question is because the residents of South Weald cannot understand why a developer has spent hundreds of thousands, possibly millions on a pre planning application if this Council is going to protect the greenbelt it would seem a waste of money. So from the residents' perspective, they cannot understand why it has got this far. This is why I am asking the question.*

**Cllr Hossack gave a point of clarification:**

*What you are insinuating or the resident you spoke to are insinuating because an applicant or developer is investing a significant amount of money to bring an application forward, they may believe that someone else would benefit if it got approval. If this is the case, what I would ask you to do is go back to the resident and say it doesn't work that way, this administration does not work this way. If they want to talk to me personally, I am happy to tell them it doesn't work this way. Nobody has suggested that to me and I have not heard anything of this.*

**Cllr Aspinall put a question to the Chair of Audit & Scrutiny Committee:**

*From the Audit & Scrutiny meeting that this Council or maybe County are holding in their bank accounts over £2 million of unspent S106 money and some of that money will have to be returned to the developer if unspent by March. Forgive me to the Chair of Audit & Scrutiny if I've got that wrong but that is alarming news, it's*

*happened before in the past not necessarily under your administration, but it has happened in the past and we need to get a move on to allocate those funds otherwise we just have wasted our time over those planning applications, our officers have wasted their time negotiating those deals, and we'll lose that money so the benefit to the residents, that's why we ask for the S106, will be lost. So if the Leader could answer.*

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

*In fact I wasn't at the meeting where that was discussed and the Chair of Audit & Scrutiny is sitting to my right and he will have more detail. I'm not aware of a deadline where there's any clawback of the amount that you were told but if something was said like that at the Committee then I'd like to hear from it now from the Chair of the Audit & Scrutiny Committee. One thing I will say, I am continually pushing officers to get a handle on the S106 we've got in the bank and how we're going to allocate it. I was passionate like you are Cllr Aspinall that we allocate that for the benefit of this community so if there's any risk to that money we need to get in order but I wasn't at the committee when that was discussed. I'll let Cllr Tanner clarify what was discussed and what was said.*

**Cllr Tanner, Chair of Audit & Scrutiny Committee responded:**

*The discussion at the Audit & Scrutiny Committee, it was a result of an internal audit report that were completed at the request of officers because they realised that there were some issues here that they wanted to look at and see how we could improve our practice. There is S106 money that is waiting to be allocated, the report didn't find that there was any that has had to be returned at this point but there are the management response to that under the Strategic Director Mr Winslet is that a new structure were put in place with appropriate ownership and responsibilities to ensure that the money can be allocated in the appropriate way. At a further meeting later this year we're going to have a briefing and discussion with Mr Winslet about the progress towards that to ensure that money can be invested in the Borough in the appropriate way.*

**Councillor Aspinall added further:**

*Do we know where that money is? Is it in our bank account or in County's because that can cause complications. Have the regulations changed? Before you had 6 years to allocate that money to S106 monies on Highways issues - I don't know if that's changed? Some of that is time limited coming up very soon.*

**Jacqueline Van Mellaerts, Corporate Director, Finance & Resources responded:**

*I believe the S106 you're referring to has been allocated on our balance sheet over in the region of £100 000 to a particular surgery site. In terms of when that's allocated the S106 are individual depending on the negotiations that take place with the developers so it will depend on that specific S106 agreement as to when that money is due to be repaid. As Cllr Tanner has already advised that the officer panel is to be sought following the report that went to Audit & Scrutiny Committee on Monday 25<sup>th</sup> July. Senior officers will be in discussion as to how that money will be allocated by*

*the appropriate date which is March 2023. In terms of our accounts, I would be happy to confirm with you offline but that amount is sitting on our balance sheet currently.*

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

*Does the Chair of Planning think that Brentwood Local Plans strategic policy MGO2 green belt was designed in order to provide very special circumstances for approving planning applications on greenbelt sites when they're not in the local plan. I personally don't believe that it is, and I think an officer response to a question that was asked at the June meeting would suggest that officers don't think it is, I'm just wondering whether the Chair of Planning thinks that it is?*

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

*I think MGO2 sets out for the Brentwood Local Plan and the existing National Policy Planning Framework says that the plan is a reflection of what's in there. I think it does lay out the situations and circumstances in which development should be done in the green belt and I think it is always at the discretion of any Council anywhere in the country for their Planning Committee to determine when they think very special circumstances. We may not always agree with them but it is an understood part of the democratic process that is usually at the discretion of the local Planning Committee. I don't think that's been changed by us incorporating that into our policy.*

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

*It was actually a question I would have preferred to have asked in the Committee but I wasn't afforded the opportunity, there's a heading in the Chairs report here on Carbon Literacy training if you could give more detail of what that is about? And it says the significance of having the senior leadership trained in carbon literacy. It's not overly clear whether this training will be extended to elected members. This could be a benefit and if so whether it could be available for an all member briefing on Microsoft Teams and also considering some of our Councillors are unable to do meetings physically in the Chamber.*

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

*The eagle eyed will notice that this update is a carbon copy of the last full meeting. The carbon literacy training you can do online and I believe we're having an in-house face-to-face in September so if you wish to attend one of those then put your name forward.*

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

*At the last PRED Committee, we discussed the UK Shared Prosperity Fund. We are meant to be submitting our investment plan or proposal to Central Government on the*

*1<sup>st</sup> August 2022. I was wondering whether you had any further details about that plan considering this is a few days away.*

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

*I've had several conversations this week with officers particularly Laurie Edmonds and Steve Summers as they're putting together the proposal ready for submission. We have homed in on four key areas of where we would allocate the £1m that we have got allocated from UKSPF. The proposal will be submitted. As we are not going to meet again until September, I would like a copy or appraisee of what we have submitted to be distributed to members on or if not by 2<sup>nd</sup> August. We have really thought it through and we're going to spend that money in what we believe in the right areas but you'll see a copy of that shortly after submission.*

**133. Notice of Motion**

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

**Motion 1 – Received on 6<sup>th</sup> July 2022 @ 19:10**

**Mover: Cllr Russell**

**Seconder: Cllr Hossack**

*This council acknowledges the efforts of the Highway Authority to promote active travel, in particular the proposals for schools streets in the Shenfield Road area.*

*We note the findings of the active travel consultation published Sept 21 that reported; traffic congestion, air pollution, and road safety as being the top of residents' concerns.*

*However, we note also the potential for conflict in the proposals being brought forward in ATF2, whereby efforts to reduce pollution through the introduction of cycle lanes, are expected to increase town centre congestion, particularly at Wilsons corner.*

*Whilst we welcome ambition to promote healthier travel alternatives, we look to the Highway Authority to do so in a way that does not cause increased town centre congestion which will have an adverse effect not only on health but also is potentially damaging to our economy and environment.*

*We call upon this council to arrange a meeting with key stakeholders in order to explore other options at the earliest opportunity.*

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

**Motion 2 – Received on 6<sup>th</sup> July 2022 @ 19:10**



**Mover: Cllr White**

**Seconder: Cllr Poppy**

*This council recognises the impact of the cost of living crisis on many residents and groups in Brentwood. Whilst we acknowledge that we already have community funds in place, we believe there could be further opportunities to enhance these.*

*Therefore, we request that officers explore a mechanism whereby those who wish to, may contribute to a community fund designed to support community initiatives and groups, with proposals to be brought back to CEE Cttee later this year.*

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

#### **134. Code of Conduct**

The Committee in Public Life published a report into standards in public life in 2019. The Local Government Association revised and produced a Model Code of Conduct along with Guidance.

Article 12 of the Constitution details how the changes to the Constitution can be adopted by Ordinary Council, reports must be approved by Full Council after changes have been considered by an appropriate member body detailed in Article 12 paragraph 12.1(a).

The Report and its appendices annexed at appendix A to this report were taken to Audit and Scrutiny on the 5 July 2022, where it was unanimously voted to adopt the Model Code of Conduct.

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

Members are asked to:

**Adopt the recommendations of Audit and Scrutiny of the 5 July 2022 to adopt the Model Code of Conduct from the 5 July 2022 and to give delegated authority to the Monitoring Officer to make the necessary changes to Part 5 of the Constitution.**

#### **Reasons for Recommendation**

To ensure consistency in application of standards.

#### **135. Appointment of Director to SAIL**

The Council incorporated a wholly owned Company Seven Arches Investment Limited (SAIL) in 2019 and appointed two officers as Directors.

Due to the forthcoming resignation of one Director the appointment of a replacement will need to be ratified by the shareholders as set out in the shareholders agreement.

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 UNANIMOUSLY**.

**Members are asked to:**

**R1. To agree to the appointment of the Director of Policy and Delivery, Greg Campbell, as a Director of Seven Arches Investment Limited from 1st August 2022.**

**R2. Remove Phoebe Barnes as Director of Seven Arches Investment Limited following receipt of her resignation.**

**Reasons for Recommendation**

To comply with the provisions of the shareholders agreement between SAIL and the Council.

### **136. Appointment of Statutory Officer**

The Council must appoint a Monitoring Officer under s5 Local Government and Housing Act 1989. Ms Amanda Julian, who currently undertakes the role is retiring from the Council on the 31 July 2022. Therefore, the Council needs to appoint one of its officers as the Monitoring Officer in the interim while the process to recruit a replacement is undertaken.

Subject to the appointment of a permanent Monitoring Officer it is recommended that Steve Summers acts as the statutory position of Interim Monitoring Officer.

Cllr Hossack and Cllr Aspinall thanked Amanda Julian for the hard work undertaken for the Council. They thanked her for her pivotal role on major projects and wished her well for her upcoming retirement.

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 UNANIMOUSLY**.

**Members are asked to:**

**Confirm the appointment of Steve Summers as Interim Monitoring Officer with effect from the 1 August 2022 until the appointment of a permanent Monitoring Officer.**

**Reasons for Recommendation**

The Council is required by Section 5 of the Local Government and Housing Act 1989 to designate one of its officers as its Monitoring Officer, to discharge statutory responsibilities relating to the Council's Constitution and

arrangements for effective governance. The appointment must be approved by full Council.

### **137. Appointment of Joint Strategic Directors**

To confirm the appointment of joint Strategic Directors for the Council and Rochford District Council.

At an Extraordinary meeting on 26 January 2022 (the “January Meeting”) the Council resolved to agree the Strategic Partnership between the Council and Rochford District Council (RDC) and appointed Jonathan Stephenson as the Joint Chief Executive for both Councils and the Council’s Head of Paid Service with effect from 1 February 2022.

In addition, Council delegated authority to the Joint Chief Executive to undertake a restructure of Tier 2 of the councils in consultation with the Leader of each Council.

The Mayor confirmed the correct wording for the R1 should read:

**To appoint the Strategic Directors for the Council and Rochford District Council as set out in the Confidential Appendix A.**

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 UNANIMOUSLY**.

**Members are asked to:**

**R1 To appoint the Strategic Directors for the Council and Rochford District Council as set out in the Confidential Appendix A.**

**R2 That the Monitoring Officer be given delegated authority in consultation with the Constitution Working Group, to make any required changes to the Constitution to give effect to the recommendations in this report.**

#### **Reasons for Recommendation**

The Partnership will identify further opportunities for beneficial shared service arrangements with other local authorities. In addition, the Partnership’s strategic priorities of:

- Deliver financially sustainable, high-quality services that are valued by our community;
- Lead the way to improve our environment by acting locally, contributing globally;
- Provide high quality, sustainable housing to meet the needs of our community;
- Improve the quality of life, health and wellbeing of our residents; and
- Create opportunities for economic growth and improved connectivity in which businesses can flourish;

broadly reflect the Council's priorities of :

- Growing the economy;
- Protecting the environment;
- Developing communities;
- Improving housing; and
- Delivering an effective and efficient council.

### **138. Urgent Business**

There were no items of urgent business.

The meeting concluded at 20:40

<b>Committee:</b> Ordinary Council	<b>Date:</b> 27 <sup>th</sup> July 2022
<b>Subject:</b> Chairs' reports and Members' Written Questions	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew – Corporate Manager (Democratic Services)	<b>Public</b>
<b>Report Author/s:</b> Name: Claire Mayhew - Corporate Manager (Director Services) Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Information</b>

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.

Due to that no meetings have taken place before the publication of this agenda. No Chair reports have been included within the agenda.

However, Members are allowed for written and oral questions this will not exceed 60 minutes without leave of the Mayor.

One written questions have been received from Cllr Mynott, as follows:

### **To the Chair of Planning**

Mike Davies of UCL, Professor of Building Physics and the Environment at the Institute for Environmental Design and Engineering, and a Committee for Climate Change member, was quoted on Monday the 18<sup>th</sup> of July as having said the following to the BBC. 'Over the last few years, hundreds of thousands of new homes have been built that are not resilient to future high temperatures. These will now require costly retrofits to make them safe, habitable and water efficient in future.' He also said that another concern was the rising trend of offices being converted into homes, which without care poses a 'deadly risk.'

Given that office conversions have been made into Permitted Development by Central Government (and thus effectively taken out of the hands of local planning authorities), what is Brentwood Borough Council doing to combat what Professor Davies calls the "potentially deadly risk" of office to residential conversions carried out in this borough?

## **Response**

A new UK building regulation came into effect on 15 June 2022, which deals with the growing issue of buildings being designed and constructed without due consideration to the building's potential internal temperature. 'Approved Document O' covers the overheating mitigation requirements of the building regulations; designing and constructing buildings to limit unwanted solar gains in summer and providing an adequate means of removing excess heat from the indoor environment. It applies to all residential and institutional dwellings, including care facilities and student accommodation, anywhere you would stay overnight (but excluding hotels), ranging from a single-storey house to a high-rise apartment block - <https://www.gov.uk/government/publications/overheating-approved-document-o>

Further to this any future development that requires planning consent would be subject to compliance with policies within the adopted Brentwood Local Plan 2016-2033. This includes:

- BE01 Carbon Reduction and Renewable Energy
- BE02 Water Efficiency and Management
- BE04 Managing Heat Risk

These policies will require buildings to be resilient to the effects of climate change and reduce future impacts.

## **Appendices to this report**

Chairs Reports for:

Appendix A: Audit and Scrutiny Committee

Appendix B: Community and Health Committee

Appendix C: Environment, Enforcement and Housing Committee

Appendix D: Planning & Licensing Committee