



# Agenda

## Ordinary Council

Wednesday, 27 July 2022 at 7.00 pm

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

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### Membership (Quorum – 10 )

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

### Substitute Members

Cllrs

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### Agenda

Item	Item	Wards(s) Affected	Page No
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### Live broadcast

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

### Contents

- |    |   |  |        |
|----|---|--|--------|
| 1. | <b>Apologies for Absence</b>  |  |        |
| 2. | <b>Declarations of Interest</b>   |  |        |
| 3. | <b>Mayors Announcements</b>   |  |        |
| 4. | <b>Minutes of the previous meeting</b>  |  | 5 - 24 |
| 5. | <b>Public Questions</b><br>At the time of publication, no public questions had been received. |  |        |

6. **Memorials or Petitions**
  
7. **Committee Chairs Reports and Members Questions** 25 - 44  
Policy, Resources & Economic Development Committee Chairs  
report – to follow
  
8. **Notice of Motion** 45 - 46
  
9. **Code of Conduct** 47 - 74
  
10. **Appointment of Director to SAIL** 75 - 78
  
11. **Appointment of Statutory Officer**  
This report will follow in a supplementary agenda.
  
12. **Appointment of Joint Strategic Directors**  
This item will follow in a supplementary agenda.
  
13. **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.



Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
12.07.2022

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### Information for Members

#### Substitutes

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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.

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#### Rights to Attend and Speak

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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.

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#### Point of Order/ Personal explanation/ Point of Information

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##### Point of Order

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.

##### Personal Explanation

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.

##### Point of Information or clarification

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.

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### Information for Members of the Public

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#### Access to Information and Meetings

You have the right to 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](http://www.brentwood.gov.uk).

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

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

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **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.

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  **Access**

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**

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



## 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](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 compliant 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 discussions 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 Police's 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 it 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**

**Secunder: 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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# Agenda Item 7

<b>Committee:</b> Ordinary Council	<b>Date:</b> 27 <sup>th</sup> July 2022
<b>Subject:</b> Chairs' reports and Members' 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 (Democratic 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.

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

## **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
- Appendix E: Policy, Resources and Economic Development Committee – to follow

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## Appendix A

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 27 <sup>th</sup> July 2022
<b>Subject:</b> Chairs report for Audit and Scrutiny Committee	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Sandy Tanner	
<b>Report of:</b> Jacqueline Van Mellaerts, Corporate Director – Finance & Resources	<b>For Information</b>

The Audit & Scrutiny Committee met on the 5<sup>h</sup> July with the updates set out below:

### **Audit Results Report 2020/21**

The Council's External Auditors, Ernst & Young LLP (EY) have substantially completed their audit of the Council's Statement of Accounts for 2020/21. The committee received a report that presented their conclusions and draft letter of representation.

External Audit propose to issue an unqualified audit opinion for the Statement of Accounts 2020/21. They are satisfied that they give a true and fair view and are free from misstatement whether due to fraud or error, subject to audit adjustments highlighted in section 4 of their Audit Results Report and a verbal update that was given at the Committee.

External Audit have also reviewed the Council's Value for Money Assessment and are satisfied the Council has proper arrangements in place they would expect to see.

Conclusion of the audit is still in progress and delegated authority was requested to approve the statements, should no material amendments arise upon completion.

### **Internal Audit 2021/22**

The following reports have been finalised since the last committee and were reported to Audit and Scrutiny Committee on 5<sup>th</sup> July 2022.

- Financial Planning and Monitoring (Substantial/Substantial)
- Main Financial Systems (Moderate/Substantial)
- Capital Projects (Substantial/Moderate)
- Risk Management (Substantial/Moderate)
- Partnerships (Substantial/Moderate)

The Head of Internal Audit annual opinion which is included within the Council's Annual Governance Statement, that is reported alongside the Draft statement of accounts 2021/22, will be reported to the additional meeting agreed by the chair on 25<sup>th</sup> July.

## **Risk Management**

The Committee regularly review the councils strategic and operational Risk Registers. The committee noted 13 Strategic risks on the register. 3 low, 6 medium, 1 high, and 3 very high. 3 risks scores had reduced from the previous committee and the other risks scores had remained the same.

Of the high-level operational risks, one risk score has been reduced, and the other risks scores had remained the same.

## **Community Safety Partnership Annual Report 2021/22**

The committee noted the work of the Community Safety Partnership (CSP). The CSPs Strategic Priorities for 2021/22 are:

- Safer Community
- Safer Future

A set of action plans were developed which underpins delivery of the above priorities. and sets out how the partnership will work together to stimulate activity across the Borough, focusing on those activities that add value because of being delivered in partnership.

## **Code of Conduct**

The Council adopted a Member's Code of Conduct in 2012 following changes to the Standards regime. The current Code of Conduct is in Part 5 of the Constitution, the current code was developed in conjunction with other Essex authorities to try and ensure a consistent approach to dealing with Member's conduct matters. Since then, the Committee in Public Life published a report on standards in local government in 2019. As a response the Local Government Association produced the Model Code of Conduct to regulate the behaviours of councillors. Audit & Scrutiny agreed to adopt the Code of Conduct replacing the current code in Part 5 of the Constitution. The Code of conduct report is also included on Ordinary Council's agenda for consideration on 27<sup>th</sup> July 2022.

## **#OneTeam Transformation Programme**

The Committee received an update on the progress of the #OneTeam Transformation Programme.

The Committee was invited to pre-scrutinise the s113 Agreement and propose recommendations to Policy, Resources & Economic Development Committee (PRED) before its formal execution. The purpose of pre-scrutiny is to provide robust

and constructive challenge and make any comment or suggestion which will improve the quality of the s113 Agreement before it is executed.

Members raised concerns regarding an accelerated exit strategy should the need arise, for example, a change in administration and a draft recommendation was agreed to reflect this and recommended to Policy, Resources and Committee for approval.

### **Scrutiny Work Programme**

The Constitution requires that the Audit & Scrutiny Committee agrees its Scrutiny work programme at each meeting of the Committee.

In addition to this there were a number of matters agreed by the committee on the 5<sup>th</sup> July 2022 as follows:

- Councillor Cloke on the 14th May 2022 put forward for consideration for the Committees Scrutiny Programme as follows: 'Formation, make up and running of working groups. The membership of these groups does not seem to be assigned consistently or according to Widdecombe principles and I wonder if a standard approach should be applied. The work planned and completed by these groups is also opaque at best. My primary concern is the constitution working group but a review of the overall approach and other working groups would be of benefit.'
- The Committee approved on the 5th March 2022, Min330 refers, that a Working Group be formed for the purpose of evaluating the Outside Organisations and recommend the removal of any Outside Organisations to Ordinary Council for 2023/24. Members were requested to nominate representatives for a Working Group to take place and report to audit & Scrutiny Committee by March 2022.

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## Appendix B

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 27 <sup>th</sup> July 2022
<b>Subject:</b> Community, Environment & Enforcement Chairs Update	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Will Russell	
<b>Report of:</b> Kim Anderson, Corporate Manager – Communities, Leisure & Health	<b>For Information</b>

The report provides an update for Members on the activities that are taking place under the remit of the Community, Environment and Enforcement Committee.

### Main Report

#### **Brentwood Art Trail**

The Brentwood Art Trail which ran from 4-26 June 2022, celebrates the works of local artists in pop-up galleries in Brentwood, Shenfield and Ingatestone. The Brentwood Art Trail had a record number of venues in 2022, welcoming brand-new artists and groups to the event. There were a number of creative activities taking place throughout the trail in a wide variety of indoor and outdoor spaces, including Guided Tours, Walk Talk and Create sessions, and artist workshops for children and adults.

#### **Strawberry Fair**

Strawberry Fair took place on 18 June on Shenfield Common after a two-year break due to COVID 19. The event was a great success and provided an opportunity for local businesses, charities and residents to come together. Live music kept everyone entertained through the day.

#### **Family Fun Days**

Dates and locations for this year's Family Fun Days

29 July 2022 Warley Playing Fields

5 August 2022 Seymour Field, Ingatestone

12 August 2022 Brentwood Centre

19 August 2022 Doddinghurst Playing Fields

26 August 2022 Hutton Recreation Area

All Family Fun Days are from 10.30-3.30pm and wristbands are £4 each which includes all rides and bouncy castles. The Council also works with other support agencies to attend the event that provide support for local families. The Community Connect Trailer will also attend all of the events which provides information on what's going on in the community plus advice and support from partner agencies such as Neighbourhood Watch, VitaMinds, United in Kind, Council for Voluntary Services, Mind, Fire Service and Community Agents

#### **Community Hubs**

The focus for the Community hubs at the moment is the response to the Ukrainian refugee support. To date 54 Brentwood Households have signed up to sponsor to host a Ukrainian guest on the Homes for Ukraine scheme and 61 payments of £200 have

been paid to Ukrainian refugees. The Council has worked with a number of partners such as Revenues and Benefits, DWP, CAB and local churches and community organisations to provide coordinated support. There has been an admirable response from the community in offering support for Ukrainian guests, with local support networks, education, and employment opportunities available. Work to support guests and hosts is ongoing. The Council has been publicly thanked for such swift support.

### **Tea Dances at the Nightingale Centre**

There will be a monthly tea dance, and these have been organised with Chat 1<sup>st</sup> and the Council.

### **King George's Playing Fields new development**

The first phase of the King George's Playing Fields development has been completed and was open to the public in March. The second phase which includes the demolition of the old pavilion and landscaping of the area is due to be completed at the end of July.

### **Hutton Recreation Play Area**

CCTV was installed at Hutton Recreation Play area to protect the newly installed equipment and reduce ASB.

### **Football Hub development**

The Council is continuing to work with the Football Foundation, Essex FA and local teams to develop the plans and business plan for the Football Hub Development. A soft market test exercise is in progress to obtain views on the site and floor plan from a leisure operator's perspective. Once the responses have been received and evaluated, together with the relevant surveys then a planning application will be submitted. There is a statutory 12-week consultation period on the plans, and it is due to go to a summer Planning Committee. There has been ongoing consultation with the local football clubs to ascertain the programme of use and the protected slots for partner clubs. The Business Case will be presented to Members for approval at a future committee.

### **Brentwood Centre**

Everyone Active (SLM) the new operators of the Brentwood Centre produced a quarterly update report on the Brentwood Centre contract, which was presented to the Community Environment and Enforcement Committee by Shaun Beagle, Area Contract Manager.

### **Dunton Hills Garden Village**

In partnership with Essex Cultural Diversity Project, the Council has commissioned artist Becky Vincer to collaborate with nearby communities to create a 'gift' for future residents the garden village.

The commission is part of the community engagement and education programme and follows a successful first commission in 2021 with artist, Laura Malacart, who worked with local communities to create a collectively owned, street name database that could be used by developers. The A-Z Guide to Dunton Hills Garden Village was compiled over a 6-month period, where the artist explored cultures, histories, ecology, folklore



and personal stories to draw out words and phrases inspired by 'people and place' and connecting communities to the new garden village.

The current 6-month commission is an opportunity to generate and capture a spirit of generosity and welcome from existing communities, helping to create a sense of identity and belonging and articulating a shared vision for the future residents of Dunton Hills. The artist proposes the design of a picnic blanket that will be codesigned with local schools, youth and community groups. The picnic blanket will encourage new residents to make the most of the outside green spaces in the village and connect with their neighbours.

The commission will finish by 31 March 2023.

### **Reminiscence theatre project in Kelvedon Hatch**

The Council is working with nationally renowned arts organisation, Age Exchange, to deliver a project to support older people. The project is a 10 week, fully funded programme, where 12 residents from Kelvedon Hatch are attending weekly, in-person sessions with Age Exchange, exploring memories, social history and oral history artefacts, family and working life. Participants are sharing stories and creating a book, marking the Jubilee. The project is part of ongoing work to support community assets within the community hub network, tackling isolation and helping people to reconnect to their communities, as well as supporting those with dementia.

### **An Indian Princess in Doddinghurst**

The culmination of a project funded by the Community Fund took place in mid-May. The Essex Cultural Diversity Project worked with residents in Doddinghurst to explore the heritage, history and life of an Indian Princess, Helen Runder Singh Ahluwalia who lived in Brentwood and is buried in All Saints Church. The final exhibition event took place at All Saints church, where 80 attendees listened to historian, Peter Bance, and local researcher Caroline Seville, describe the princess' life. The talks were followed by a curry in Doddinghurst Village Hall. The event was very popular, and residents are keen to further explore the village's Sikh connections.

Further information and an interview with Peter on BBC Essex are available on the Essex Cultural Diversity website.

### **Social value programme - Axis**

Delivery of the social value programme with Axis continues. Along with their annual generous contribution to the Community Fund, Axis is supporting skills development across the Borough. After delivering a successful career readiness and life-soft skills to the whole of year 7 at Shenfield High School earlier this year, the team delivered a well-received residents' training workshop at the end of April. Using a void property in Pilgrim's Hatch, participants gained useful DIY skills, such as filling, bleeding radiators and changing locks.

Axis is also recruiting an additional multi-trade apprentice for Brentwood, prioritising Brentwood applications.

Additionally, a new electric cooker was installed by Axis recently in St George's Court sheltered housing scheme and the site team provided the Fish and Chips for residents on that afternoon.

Axis is keen to support the Council's sustainability priorities and is helping to promote Green Day across schools.

### **Hartwood Access Route and Trail**

Members of the Community, Environment and Enforcement Committee agreed to update the signage and wayfinding to improve the Hartwood Access Trail in King George's Playing Fields. It was proposed that the Council involve local schools and the Countryside volunteers to implement the works and will be utilising local wood for the posts.

### **Free Tree Walk and Talk**

There will be a free Tree Walk and Talk at Warley Country Park on Wednesday 27 July from 6-7.30pm. No need to book.

### **Brentwood Community Fund**

Following agreement at the March committee, the Community Fund is open for 2 rounds this year. The first opened on 1 April and will close on 31 July. The second will open on 3 October and close on 31 January. Alongside support from Axis, the Council was successful in securing an additional contribution of £20,000 from SAIL. This has enabled maximum grant allocation to increase to £5000, providing more sustainable delivery of community initiatives. Funding for Round 1 will be awarded in September.

### **Murals at the Skate Park**

The Council utilised some of its Welcome Back funding allocation to commission artist Dave Darko to create a series of murals on the wall of the Skate Park at King George's Playing Fields. Darko's first mural was completed in March and the other 2 will be completed by the end of the Summer.

An additional mural at the skate park, by local artist, Minus Cloud Nine, was created as part of Mental Health Awareness Week and features silhouettes of skaters, scooters and BMXers with the phrase 'You Got This' to raise awareness of positive thinking and good mental health.

Both murals have been popular with skate park users.

### **Environment Strategy**

The Environment Strategy went out-for consultation on Monday 13th June, and will last a minimum of 6 weeks. The consultation includes 3 questionnaires- a general questionnaire for all people who live and work in the Borough, one for local businesses, and one for young people. All questionnaires are available from our website however, the business questionnaire will be promoted through mailing lists including BEBA. The young people questionnaire will be sent to schools and colleges, and for anyone too young to participate, teachers will be asked to respond on their behalf. There will also be an online Q&A session for anyone who wishes to discuss the strategy further. Alongside the questionnaires and online Q&A session, supporting

information such as FAQs and a glossary will be provided on the Council website. Communications are supporting us to promote the consultation over social media and will ensure there is consistent engagement.

The results of the consultation should be available by September, with any requiring alterations being made to the strategy before our October committee meeting.

### **Brentwood Environmental Business Alliance (BEBA)**

The BEBA (Brentwood Environmental Business Alliance) website was relaunched on 30th May, making it much easier for businesses to sign up. There are also dates in the diary for a free webinar series on carbon reduction, which will run from the end of June through to August. This is currently on our website and will be promoted on social media when the links to book become available next week.

### **Carbon Literacy Training**

As mentioned in the Environment Strategy, all our Senior Leadership Team will be certified Carbon Literate by the end of this year. This training is expected to take place in September and can accommodate up to 20 people. By having our SLT and Leader trained in Carbon Literacy, we should a Bronze Award Carbon Literate Organisation. Carbon Literacy provide training for a range of roles, including Elected Members and Parish Councils

### **Electric Vehicle Charger Installation in Council Car Parks**

Following the decision at the Policy, Resources and Economic Development Committee 16/12/20 it was resolved to undertake a procurement exercise to identify a company to install EV Chargers across a number of Council Car Parks in 2021/2022.

Since this decision a protracted procurement exercise was undertaken which involved a Crown Commercial Dynamic Purchasing System. Two companies submitted bids, but neither proposal met the Council's specification. After taking legal advice, the decision was made in April this year to abandon the exercise. From the lessons learnt we are now back out to tender and submissions will be submitted on the 12<sup>th</sup> July 2022.

The new exercise will tackle a few car parks at a time, the first two are Chatham Way and King Georges Park car parks. Once this procurement exercise has completed, we will move on to the next two car parks and so on.

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## Appendix C

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 27 <sup>th</sup> July 2022
<b>Subject:</b> Housing Chairs Update	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Garry White	
<b>Report of:</b> Angela Abbott – Corporate Manager – Housing Needs and Nicola Marsh – Corporate Manager – Housing Estates	<b>For Information</b>

The Housing Committee met on the 27<sup>th</sup> June with updates set out below:

### **YMCA update**

The YMCA have now started to accept referrals into the YMCA. Due to the level of refurbishment required they will be undertaking a phased opening of the building. At present there is not a confirmed opening date for the Scheme. A joint referral panel has been set up between Housing Options and the YMCA and referrals are currently being considered by the panel. Currently, we are working towards offering a specialised Housing Advise Service in partnership with the YMCA.

### **Community Alarms Closure**

The majority of users have now been transferred over to Lifeline 24. Currently, we have only 1 remaining user that have not yet transferred over as we have not received any response to our efforts to contact them. We had originally intended for the project to be complete by January 2022 but had seen delays due to non-response by customers and in a high number of cases required a greater deal of one-to-one support in dealing with paperwork, setting up and testing equipment. Dedicated Housing Officers continue to work closely with Lifeline 24 to ensure a smooth transition in handover. It is anticipated that this project will be complete by July 2022.

### **Member briefing site visits**

Officers are currently in the process of drafting a programme of member briefing site visits to both existing Housing Stock and also new development sites. These proposals will be circulated to all members of the Housing Committee for consultation in due course and other ward councillors will also be advised when any of these visits are planned in their wards.

### **Home insulation grants**

The Council is actively working towards an application for the second wave of the Governments Social Housing Decarbonisation Fund. This is due to open for application in late August. We are working with our partners Axis Europe and external consultants to identify eligible properties and ensure works are specified to the correct PAS2035 requirements. This piece of work is key for securing the relevant funding.

## **Key Performance Indicators**

At the March 2022 Environment, Enforcement and Housing Committee we set out that we are introducing 10 KPI's to present to future committees. We consider that these are judged to offer a mix of financial, technical and qualitative performance as a starting point and in similar format to that produced at the Audit and Scrutiny Committee meetings. As new issues or priorities develop, or the Committee identifies other metrics, these can be adjusted for regular reporting and reporting reviewed for its continued usefulness.

## **Strategic Housing Delivery Programme (SHDP)**

The Committee continues to be updated on progress on delivery of new homes via the Strategic Housing Delivery programme the most recent report summarised key activity on main sites.

**Brookfield Close Regeneration** - This scheme has planning consent for 62 new zero carbon in use affordable homes. The decanting of the Council's tenants at this first regeneration site is continuing to progress. As of the date of this report, 65% of all affected Council owned properties are vacant, a further 9% by the end of June 2022, bringing the total decant by the end of June to 74%. It is anticipated that all tenants will have left by end August 2022.

**Harewood Regeneration** - This scheme is at advanced design development stage and is anticipated to be submitted for planning by September 2022, plans for the regeneration will be brought to Housing Committee for update prior to submission. Preapplication with planning officers is already in progress. The Harewood Regeneration project, subject to approval, will result in 29 of the Councils poorest quality and currently rented homes, mostly of a post-war 'pre-fabricated' construction with timber and felt roofs, being replaced with, early feasibility suggests, 40 new energy efficient homes using modern construction methods. All affected homes are currently rented and therefore no 'buy-back' of homes will be required to facilitate the regeneration.

**17, Crescent Road** - Works on site by our contractor are progressing to convert this vacant Council owned property into 2 x 2 Bed (3 person) affordable homes. Completion is expected early August 2022. The scheme is currently on budget with no slippage on programme delivery to report. Ward Councillors have been kept updated on progress.

**A 'New Council Homes' Webpage** – This is now available highlighting the programme and showing new homes in development. Each site has a dedicated section indicating type and number of homes and timeline for delivery, tenure either affordable rent or shared ownership and a vignette of the scheme.

<https://www.brentwood.gov.uk/search?q=council+homes>

## Appendix D

<b>Committee:</b> Ordinary Council	<b>Date:</b> 27 July 2022
<b>Subject:</b> Planning and Licensing Committee Chairs Update	<b>Wards affected:</b> All
<b>Chair:</b> Cllr Thomas Bridge	
<b>Report of:</b> Phil Drane, Corporate Director – Planning & Economy	<b>For information</b>

### PLANNING DEVELOPMENT MANAGEMENT

#### Applications and performance

The number of applications, using the broadest measure (i.e. relating to all types of applications) received in 2021/22 was the second highest since 2014, when data was first recorded in a comparable way. This increase began in summer 2020 following a significant decline in April 2020, which was very likely pandemic related and short-lived. Currently the number of applications received is slightly lower than by the same time last year. Likewise, the number of applications received last year in the narrower measure of applications (FUL, LBC etc) was also the second highest for all years since 2014, but has reduced so far this year.

For several years now, the percentage of planning applications decided within statutory deadlines has remained at the highest levels recorded for the Planning Development Management service. The Department for Levelling Up, Housing and Communities (DLUHC) recently published planning performance figures for the full year 2021/22 setting out the percentage of applications determined (taking all types together) in time for all local planning authorities in England (455 total).

Members will recall that in 2020/21, Brentwood Borough Council ranked 16<sup>th</sup> nationally according to the speed of applications decided in time and total number of decisions, and third in Essex. Statistics for 2021/22 have now been published and these show that the total of applications decided in time remains at 98%, once again ranking in the top 20 nationwide according to these measures. The data shows that the council improved to 13<sup>th</sup> nationally and maintained its position as third in Essex.

Comparing 2020/21 with 2021/22, we have seen an increase of over 200 total decisions, going up from 971 to 1,200 decisions. There has been an increase of 5% in the percentage of total granted decisions, going up from 75% to 80%. Monitoring the percentage of granted applications is now particularly important that the council has added this to its Key Performance Indicators. With the adoption of a new local plan, this will be a useful measure of the positive response to growth and the quality of development proposals.

Table 1 below is an extract of this data ranked by percentage decided in time and then by total decisions (for all top performing authorities achieving between 98%-100%). The government publish this information as part of its planning application statistics dataset, and so whilst this is ordered according to percentage decided in time, beyond that there are no further rankings.

<b>Table 1: DLUHC planning applications in England 2021/22</b>				
<b>Local Planning Authority</b>	<b>Total decisions</b>	<b>Total granted</b>	<b>% granted</b>	<b>% decided in time</b>
1. Rotherham	1,194	953	80%	100%
2. Thurrock	1,091	760	70%	100%
3. North Tyneside	1,008	967	96%	100%
4. Barking & Dagenham	908	586	65%	100%
5. St Helens	838	784	94%	100%
6. North East Lincolnshire	625	589	94%	100%
7. Hartlepool	370	335	91%	100%
8. Northumberland National Park	53	51	96%	100%
9. Wokingham	1,829	1,603	88%	99%
10. Mid Sussex	1,706	1,610	94%	99%
11. Southend-on-Sea	1,513	1,159	77%	99%
12. Dudley	1,368	1,189	87%	99%
13. Brentwood	1,200	958	80%	99%
14. Chorley	809	749	93%	99%
15. Castle Point	673	510	76%	99%
16. Knowsley	503	494	98%	99%
17. Copeland	381	374	98%	99%
18. Maidstone	1,763	1,414	80%	98%
19. West Suffolk	1,385	1,274	92%	98%
20. Babergh	1,302	1,189	91%	98%
21. Newham	1,112	1,923	82%	98%
22. Fareham	1,088	1,054	97%	98%
23. Telford & Wrekin	924	878	95%	98%
24. West Lindsey	897	802	89%	98%
25. Newcastle-under-Lyme	661	633	96%	98%

As can be seen, according to this order Brentwood ranks 13th in England at 99%, and third in Essex (Thurrock and Southend at 100%). It is noticeable that Brentwood deals with a high number of total applications when compared with most other authorities nationwide achieving the highest levels of applications decided in time. Further context for the total number of decisions can be seen when comparing all Essex authorities (Table 2).

Table 2 sets out this data for all 14 Essex local planning authorities, again ranked by percentage decided in time and then by total decisions. In terms of total number of decisions, if ranking Essex authorities the top three would be Chelmsford (1,939 decisions), Uttlesford (1,727) and Epping Forest (1,708). Brentwood would rank in the middle (7<sup>th</sup>).

In terms of the percentage of decisions granted, there is a clear difference between those authorities within London's Metropolitan Green Belt, i.e. those authorities wholly within Green Belt generally see a lower percentage of decisions granted whereas those outside the Green Belt (or with some Green Belt) generally have higher levels of decisions granted. Out of Essex authorities wholly within Green Belt,



Brentwood has the highest percentage approvals alongside Rochford District Council (80%).

<b>Local Planning Authority</b>	<b>Total decisions</b>	<b>Total granted</b>	<b>% granted</b>	<b>% decided in time</b>
1. Thurrock	1,091	760	70%	100%
2. Southend-on-Sea	1,513	1,159	77%	99%
<b>3. Brentwood</b>	<b>1,200</b>	<b>958</b>	<b>80%</b>	<b>99%</b>
4. Castle Point	673	510	76%	99%
5. Colchester	1,641	1,453	89%	96%
6. Harlow	389	333	86%	95%
7. Chelmsford	1,939	1,666	86%	94%
8. Maldon	759	505	67%	93%
9. Braintree	1,560	1,304	84%	89%
10. Uttlesford	1,727	1,292	75%	87%
11. Epping Forest	1,708	1,223	72%	85%
12. Basildon	1,030	743	72%	80%
13. Tendring	1,162	1,074	92%	76%
14. Rochford	824	659	80%	74%

## **Decision-making**

Since January 2020, 56 applications have been determined by the Planning & Licensing Committee, of which 20 decisions have been contrary to recommendation (36%). Eight of those overturned recommended were for approval but refused, and 12 with recommendations for refusal were approved. A further application for listed building consent was refused on officer advice as the associated planning application had been refused by the committee contrary to recommendation.

It is acceptable in principle for the committee to disagree with an officer recommendation, particularly where matters are finely balanced, though it would be expected to be a rare occurrence. Contrary decisions can have an impact on the pre-application service and the confidence of applicants, as well as appeal performance. Therefore, it is important that it is kept under review.

The Planning & Licensing Committee has so far met once in the new municipal year, on 28 June 2022.

From 2022/23 onwards the committee will split planning and licensing items so that the committee convenes to consider any licensing items first, and then concludes before starting again for planning items. The committee membership is the same for both licensing and planning parts.

## **Appeals**

As regularly reported in this briefing, the Secretary of State operates a 'quality' measure of planning decisions. Like the measures for speed, these are assessed as two types: Majors and 'non Majors'. The measure assesses the number of allowed

appeals as a percentage of all applications of that type determined by the local planning authority in the previous two years. This assesses the decision failure rate, what the Government may consider to be poor or bad decisions. The threshold for concern is 10% (i.e. the loss rate should not exceed this level).

Currently one major appeal has been lost in the qualifying period that ends in December 2022. This was a non-determination appeal submitted in 2020 and determined last year. This is under a long way below the 10% threshold (ie 2.8%) based on 35 major application decisions.

Looking at appeals on a more basic allowed/dismissed level, the percentage of appeals lost fell to 37%. However, this isn't the measure that the Government considers to be important.

An overview of recent appeal decisions and performance is regularly reported to the Planning and Licencing committee for information, the most recent brought to the committee for information on 28 June 2022.

### **Planning Enforcement**

A regular series of updates are presented to the Planning and Licencing Committee. In the year 2021/22, 99 enforcement cases were opened and 107 were closed. However, prior to opening an enforcement case each referral is assessed to see if it a potential breach of planning control rather than a non enforcement matter. This assessment carries with it a level of work not reflected in the figure of opened cases.

## **PLANNING POLICY**

### **Plan-making**

A major milestone was met when the council adopted its new Local Plan on 23 March 2022 (Item 373, Extraordinary Council). This includes new planning polices for the management of development in the borough and allocations for new development sites to meet local residential and employment needs.

This followed a successful examination process where the appointed inspectors concluded that the plan was sound subject to certain modifications. One of these modifications was to review the plan immediately and submit this for examination within 28 months of adoption (i.e. by the 31 July 2024).

The wider planning service is now using the new policies in the plan. It is accepted that this will be a learning curve for officers and members, but this provides the council with the tools to implement corporate objectives through up-to-date planning policy.

### **Local Plan timetable (Local Development Scheme 2022-2025)**

An update on a new timetable for the local plan review and related planning documents, is provided in the chairs update for Policy, Resources and Economic Development Committee. This includes timeframes for adopting a Community Infrastructure Levy (CIL) for the borough and planning guidance.

### **Dunton Hills Garden Village**

Dunton Hills Garden Village was allocated for development in the new local plan (i.e. removed from the Green Belt). An outline planning application had been submitted before adoption of the plan, as programmed with the applicant / development partner (application reference 21/01525/OUT). An update on the planning application was provided to Planning & Licensing Committee on 15 March 2022 (Item 356).

### **Neighbourhood planning**

An update on the Ingatestone & Fryerning Neighbourhood Plan is provided in the chairs update for Policy, Resources and Economic Development Committee.

## **LICENSING**

As above, from 2022/23 the committee will consider licensing and planning items separately. So far, the Planning & Licensing Committee has convened once to consider licensing items (28 June 2022). This was to consider an item on fee setting for hackney carriage fares. This followed a request from representatives of the hackney carriage trade for an increase in the Taxi Fare. The committee approved that a public consultation begin in accordance with statutory requirements on this proposed fare increase.

The consultation is now underway, being carried out in accordance with the requirements contained within Section 65, Local Government (Miscellaneous Provisions) Act 1976. If representations are received, these will be presented to the committee for consideration.

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# Agenda Item 8

<b>Committee:</b> Ordinary Council	<b>Date:</b> 27 <sup>th</sup> July 2022
<b>Subject:</b> Notices of Motion	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew – Corporate Manager (Democratic Services) & Deputy Monitoring Officer	<b>Public</b>
<b>Report Author/s:</b> Name: Claire Mayhew – Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

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.*

### **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.*

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# Agenda Item 9

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 27 July 2022
<b>Subject:</b> Model Code of Conduct	<b>Wards Affected:</b> All
<b>Report of:</b> Amanda Julian Corporate Director (Law & Governance) and Monitoring Officer	<b>Public</b>
<b>Report Author/s:</b> Name: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer Telephone: 01277 312500 E-mail: amanda.julian@brentwood.gov.uk	<b>For:</b> Decision

## Summary

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.

## Recommendation(s)

**Members are asked to:**

- R1. 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.**

## Main Report

### **Introduction and Background**

1. In January 2019 the Committee on Standards in Public Life published a report which recommended that the Local Government Association (LGA) in consultation with Councillors and officers from all tiers of local government, should produce a new Model Code of Conduct.
2. The Model of Code Conduct was first approved by the LGA on 3 December 2020 at this point clarity was still being sought of the rules about declaring interests. The final version was produced in May 21. The revised version addressed the main concerns Monitoring Officers in Essex had. There was a survey of Monitoring Officers in Essex which concluded that most authorities were working to adopt the Model Code of Conduct in the new municipal year.
3. The main aim of the Model Code of Conduct is to create and maintain public trust and confidence in the role of Councillor and local government.  
The Model Code of Conduct sets out:
  - The general principles of conduct expected of all Councillors and specific obligations in relation to the standard of behaviour expected.
  - The type of conduct that could lead to action being taken.
4. The Model Code of Conduct covers the following areas:
  - Respect.
  - Bullying, harassment and discrimination.
  - Impartiality of officers of the Council.
  - Confidentiality and access to information.
  - Disrepute.
  - Use of Position.
  - Use of Local Authority resources and facilities.
  - Complying with the Code of Conduct.
  - Protecting your reputation and the reputation of the Local Authority.
  - Interests.
  - Gifts and Hospitality.
5. Some of the key features:
  - It has been written in the first person.
  - It contains provisions on the use of social media, including confidentiality.



- In relation to declarations of interest there are three categories:
    - (i) Disclosable Pecuniary Interests.
    - (ii) Other Registerable Interests; and
    - (iii) Non-Registerable Interests.
  - There is a duty to comply with any sanction imposed.  
This strengthens those areas of declaration that have seemed weak in the past.
6. The Model Code of Conduct is explicit about declarations of interests that not only affect spouses, civil partners or co-habitees, but also relatives or close associates.
7. The main differences are set out in the Audit and Scrutiny report attached.

### **Issue, Options and Analysis of Options**

8. Having a common code offers significant advantage to Councillors who will be subject to the same requirements and standards.
9. The supporting Guidance will all assist all Councillors and Monitoring Officers to interpret the Model Code of Conduct consistently.
10. A number of Council's across Essex are in the process of adopting the Model Code of Conduct.

### **Reasons for Recommendation**

11. To ensure consistency in application of standards.

### **Consultation**

12. The LGA have undertaken consultation.

### **References to Corporate Plan**

13. To deliver an effective and efficient council to ensure transparency in decision making.

### **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and Section 151 Officer**  
**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

There are no direct financial implications arising from this report.

#### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**  
**Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk**

The Council has a duty to maintain and promote high standards of conduct by Members and co-opted Members of the Council pursuant to s27(1) Localism Act 2011. All Councils are required to have a Code of Conduct.

#### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**  
**Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk**

There are no direct economic implications from this report.

#### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)**  
**Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk**

The Council in making decisions has due regard to the public sector equality duty in s149 Equality Act 2010.

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

#### **Background Papers**

None

#### **Appendices to this report**

Appendix A: Audit and Scrutiny Report.

## Appendix A

<b>Committee(s):</b> Audit & Scrutiny Committee	<b>Date:</b> 5 <sup>th</sup> July 2022
<b>Subject:</b> LGA Model Code of Conduct	<b>Wards Affected:</b> All
<b>Report of:</b> Amanda Julian Corporate Director (Law & Governance) and Monitoring Officer	<b>Public</b>
<b>Report Author/s:</b> Name: Amanda Julian Telephone:01277 312500 E-mail: amanda.julian@brentwood.gov.uk	<b>For :</b> Decision

### Summary

The Council adopted a Member's Code of Conduct in 2012 following changes to the Standards regime. The current Code of Conduct is in Part 5 of the Constitution, the current code was developed in conjunction with other Essex authorities to try and ensure a consistent approach to dealing with Member's conduct matters.

Since then, the Committee in Public Life published a report on standards in local government in 2019. As a response the LGA produced the Model Code of Conduct, at appendix A to this report, to regulate the behaviours of councillors.

Council is asked to adopt the Code of Conduct replacing the current code in Part 5 of the Constitution.

### Recommendation(s)

#### **Members are asked to:**

- R1.** That the Council adopt the LGA Model Code of Conduct with effect from the 1 July 2022, as set out in Appendix A.
- R2.** Delegated authority be given to the Monitoring Officer to make the changes necessary to Part 5 of the Constitution.

### Main Report

#### **Introduction and Background**

1. In January 2019 the Committee on Standards in Public Life published a report which recommended that the Local Government Association (LGA) in consultation with Councillors and officers from all tiers of local government, should produce a new Model Code of Conduct.
2. The Model of Code Conduct was first approved by the LGA on 3 December 2020 at this point clarity was still being sought of the rules about declaring interests. The final version was produced in May 21. The revised version addressed the main concerns Monitoring Officers in Essex had. There was a survey of Monitoring Officers in Essex which concluded that most authorities were working to adopt the Model Code of Conduct in the new municipal year.
3. The main aim of the Model Code of Conduct is to create and maintain public trust and confidence in the role of Councillor and local government.  
The Model Code of Conduct sets out:
  - The general principles of conduct expected of all Councillors and specific obligations in relation to the standard of behaviour expected.
  - The type of conduct that could lead to action being taken.
4. The Model Code of Conduct covers the following areas:
  - Respect.
  - Bullying, harassment and discrimination.
  - Impartiality of officers of the Council.
  - Confidentiality and access to information.
  - Disrepute.
  - Use of Position.
  - Use of Local Authority resources and facilities.
  - Complying with the Code of Conduct.
  - Protecting your reputation and the reputation of the Local Authority.
  - Interests.
  - Gifts and Hospitality.
5. Some of the key features:
  - It has been written in the first person.
  - It contains provisions on the use of social media, including confidentiality.
  - In relation to declarations of interest there are three categories:
    - (i) Disclosable Pecuniary Interests.
    - (ii) Other Registerable Interests; and
    - (iii) Non-Registerable Interests.

- There is a duty to comply with any sanction imposed.  
This strengthens those areas of declaration that have seemed weak in the past.  
The Model Code of Conduct is explicit about declarations of interests that not only affect spouses, civil partners or co-habitees, but also relatives or close associates.

<b><u>Current Code of Conduct</u></b>	<b><u>LGA new Model Code</u></b>
<b>Disclosable Pecuniary Interests (DPIs)</b> <b><u>Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;</u></b>	<b>Disclosable Pecuniary Interests (DPIs)</b> Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b><u>A beneficial interest in any land in the Authority's area</u></b>	Any beneficial interest in land which is within the area of the council. <b><u>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</u></b>

**Other Registrable Interests, formerly OPIs, have been amended as follows:**

<b><u>Current Code of Conduct</u></b>	<b><u>LGA new Model Code</u></b>

<p><b>Other Pecuniary Interests</b></p> <p>You have a pecuniary interest in any business of the Authority where it relates to, or is likely to affect:-</p> <p>(a) any person or body who employs or has appointed you; or</p> <p>(b) a decision in relation to any business of the Authority that might reasonably be regarded as affecting your financial position or the financial position of a related person to a greater extent than the majority of other Council Taxpayers, rate payers or inhabitants of your Authority's area.</p>	<p><b>Other Registrable interests (ORI).</b></p> <p><b>1</b> <u>You must register as an</u></p> <p><b>Other Registrable Interest:</b></p> <p><b>2</b> <u>a) any unpaid directorships</u></p> <p><b>3</b> <u>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</u></p> <p><b>c) any body</b></p> <p><b>(i) exercising functions of a public nature</b></p> <p><b>4</b> <u>(ii) directed to charitable purposes or</u></p> <p><u>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</u></p> <p><b>5</b> <u>of which you are a member or in a position of general control or management</u></p>
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6. The rules about registering interests, fewer interests are required to be registered under the new Model Code of Conduct
7. The threshold for registering gifts and hospitality would be increased to £50, under £50 would not need to be registered. Gifts over £50 that have been refused will be registerable.
8. Disclosable Pecuniary Interests the current rules are set by law and will not change as a result of adopting the new Model Code of Conduct.
9. The LGA has also produced:
  - Supporting guidance at appendix B
  - Training resource pack

## Issue, Options and Analysis of Options

The Council can either adopt the new Model Code of Conduct or not. To not do so would mean the Council would not have the same standards as the rest of Essex.

This would make it difficult for those members that sit as Parish and County Council level as they would be subject to at least two different Model Code of Conducts.

Having a common code offers significant advantage to Councillors who will be subject to the same requirements and standards.

The supporting Guidance will all assist all Councillors and Monitoring Officers to interpret the Model Code of Conduct consistently.

A number of Council's across Essex are in the process of adopting the Model Code of Conduct.

### **Reasons for Recommendation**

To ensure consistency in application of standards.

### **Consultation**

The LGA have undertaken consultation.

### **References to Corporate Plan**

To deliver an effective and efficient council to ensure transparency in decision making.

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and Section 151 Officer**

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

There are no direct financial implications arising from this report

#### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

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

The Council has a duty to maintain and promote high standards of conduct by Members and co-opted Members of the Council pursuant to s27(1) Localism Act 2011. All Councils are required to have a Code of Conduct.

#### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

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

There are no direct economic implications arising from this report

## **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)**  
**Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk**

The Model Code of Conduct and Guidance emphasis the need for Councillors to ensure those with protected characteristics are protected against discrimination.

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

## **Background Papers**

The existing Model Code of Conduct in Part 5 of the Constitution.

## **Appendices to this report**

Appendix A: LGA Model Code of Conduct  
Appendix B: LGA Supporting Guidance.





## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

### **As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.



## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***



<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

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<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 27 July 2022
<b>Subject:</b> Appointment of Director to SAIL	<b>Wards Affected:</b>
<b>Report of:</b> Jonathan Stephenson – Chief Executive	<b>Public</b>
<b>Report Author/s:</b> Name: Amanda Julian Corporate Director (Law & Governance) Telephone:01277 312500 E-mail: amanda.julian@brentwood.gov.uk	<b>For :</b> Decision

## Summary

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.

## Recommendation(s)

**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 1<sup>st</sup> August 2022.**
- R2. Remove Phoebe Barnes as Director of Seven Arches Investment Limited following receipt of her resignation.**

## Main Report

### **Introduction and Background**

Seven Arches Investment Limited

1. As a result of reviewing resources and future asset projects the Chief Executive has agreed with the SAIL Board that the Council's Corporate Manager – Finance, Phoebe Barnes, is seconded to SAIL for a period of 2 years. The

terms of the secondment will include a proportion of the Officers time supporting and providing advice to the Council on financial matters.

2. In order for the secondment to take place the Council's Corporate Manager – Finance who is also currently a Director of SAIL will need to resign and another Officer appointed to be a Director of SAIL as set out in the recommendations in this report.
3. Steve Summers will continue with his role as Director of SAIL.

## **Issue, Options and Analysis of Options**

If the new appointment is not made the Council will be non-compliant with the shareholders agreement and governance agreed when the company was set up.

## **Reasons for Recommendation**

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

## **Consultation**

None required

## **References to Corporate Plan**

To deliver an effective and efficient council to ensure transparency in decision making.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and Section 151 Officer**

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

There are no direct financial implications arising from this report.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

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

The Council has followed the statutory and governance to ensure that the resignation and nomination of the new Director follow these therefore mitigate any challenge to the decisions being made.

## **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

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

Appointing the Directors has no direct implications for economic development of the Borough.

**Equality and Diversity Implications**

**Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)**

**Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk**

The Council in making decisions has due regard to the Public Sector Equality Duty in s149 Equality Act 2010.

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

None

**Background Papers**

None

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## **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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