

# Minutes

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## Ordinary Council Wednesday, 16th September, 2020

### Attendance

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

### Apologies

Cllr Kerlake	Cllr Morrissey
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### Officers Present

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

#### **508. Nomination of a Vice-chair**

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

The Deputy Mayor advised that Item 10 – Investment Proposal – had been deferred to the 7 October 2020 Ordinary Council meeting.

#### **509. Apologies for Absence**

Apologies for absence were received from Cllrs Kerslake and Morrissey.

#### **510. Declarations of Interest**

No declarations of interest were made at this stage.

#### **511. Deputy Mayor's Announcements**

Members and Officers observed a minute's silence in tribute to former councillor Cyril Robins who passed away in March 2020. Mr Robins served as a ward councillor for Warley from 1994 to 2002 and had been Deputy Chairman of the Council.

The Deputy Mayor advised Members of the engagements she had undertaken since the last Full Council meeting which had been few due to the restrictions brought about by the ongoing pandemic. She also thanked Council staff for their work in maintaining services for residents and businesses and congratulated Victoria Del Costa on the support she and her team had provided to vulnerable people in the Borough through charitable group Manna Meals. Ms Del Costa had received the Prime Minister's Points of Light award in recognition of her dedication to the community.

#### **512. Minutes of previous meetings - 22 January 2020 and 4 March 2020**

Members **RESOLVED** to **APPROVE** the minutes of the previous Ordinary Council meetings of 22 January 2020 and 4 March 2020 as true records.

#### **513. Minutes of Extraordinary Council meetings - 29 April 2020 and 22 July 2020**

Members **RESOLVED** to **APPROVE** as a true record the minutes of the Extraordinary Council meeting held on 29 April 2020.

Regarding the minutes of the 22 July 2020 Extraordinary Council meeting, Cllr Mynott **MOVED** and Cllr Aspinell **SECONDED** and it was **RESOLVED** that additional wording be added to the final paragraph of Minute 468 to read:

'Members expressed their views regarding the report from ASELA. *Some Members questioned the legitimacy of the steps being taken by ASELA. No vote was taken.*'

Cllr Chilvers asked for Minute 470 to be expanded to include that she had requested action from Cllr Hossack in relation to an issue raised regarding blue badge bays being taken out of commission and Cllr Hossack had responded within 24 hours and both Cllrs Hossack and Chilvers had worked collaboratively on the item. Cllr Chilvers thanked Cllr Hossack for the swift action taken.

Subject to the above amendments, Members **RESOLVED** to **APPROVE** the minutes as a true record.

#### **514. Public Questions**

The Deputy Mayor read aloud two questions submitted by Ms Kortlandt to which the Leader responded:

1. *A positive effect of Covid 19 has been a reduction in carbon emissions in the Borough and a consequent improvement in air quality. As life returns to normal, what will the Council do to ensure these benefits are maintained?*

*Cllr Hossack, please respond: -*

*Clearly the biggest source of carbon emissions and the most noticeable change was the lack of cars on the road during the pandemic. That has returned to the best part of normal levels. There is nothing the Council can do to stop that. That is down to people's individual conscience as to how they wish to travel. Having said that I am pleased to report that this Council is working with Essex County Council to put forward a proposal for a school road , Sawyers Hall, to eliminate traffic around schools which is the main aim in our Corporate objective to create green zones particularly around schools. I am also pleased to report that we are working again with Essex County Council Highway Authority to try and create a cycle route which connects Shenfield more safely with Brentwood Town Centre.*

2. *How does the Council find out when properties are converted to houses in multiple occupation and how frequently are physical checks made, to ensure registered HMO's are still in conformity with the regulations, eg additional rooms have not been added?*

*Cllr Hossack, please respond:-*

*The Council is often advised by neighbours when properties are converted to houses in multiple occupation (HMOs), officers on site visits will also become aware of properties and we have contact with our Council Tax team who have records of information of property*

occupiers. Our planning enforcement team will also often be contacted as the property may need planning permission. Environmental Health are responsible to ensure that licensable HMOs are investigated and properly licensed in accordance with Essex-wide agreed standards for amenities, room sizes and other facilities including means of escape from fire.

Licensed HMOs are normally inspected annually throughout the five-year licence period. It is unusual that additional rooms will be added to an existing HMO as it is likely that the landlord will have maximised use of the property on application for the license. We have recently engaged the services of a specialist officer who is targeting unlicensed HMOs in the Borough, which may have become licensable since the requirements for licensing changed in 2018; he is also undertaking additional checks on the currently licensed properties to ensure that they continue to comply with legal requirements.

Mrs Smith had submitted two questions:

1. *If a Brentwood resident writes (via email) to their two officially elected local Brentwood ward councillors and one councillor does not write back at all and the other writes one line only and nothing further, and neither take any action at all to assist the resident with their genuine and difficult problems relating to the council, what can the local resident do?*

*It boils down to:* *What can Brentwood people who genuinely need support, actually expect of their local elected representatives?*

*Cllr Hossack, please respond: -*

*My own personal view is that Members should be responsive to all residents and other people when they contact Councillors with a fair question. That's my personal view and I try and adhere to that as best as possible. I will caveat that – if a member of the public or an organisation repeatedly sends emails of the same nature, a Member may form the view that having replied once it doesn't necessitate a further response if the view of the Member has not changed. So if you receive 50 emails, I wouldn't expect any Member to make 50 responses. But I would expect people to acknowledge concerns that are raised.*

2. *The Brentwood Plan (Brentwood 2025) was presented at full Council on 22.01.2020. It claims boldly that Brentwood is where “everyone matters”, and it aims to:*

*“Provide support for all residents, focusing on equality, understanding and respect”,*

*“Improve communication with residents via all communication channels”,*

*“Protect people especially the most vulnerable”,*

*“Work with local health organisations to develop health and well-being initiatives”,*

*“Support residents to maintain and improve their mental health”,  
“Offer and signpost to programmes that reduce social isolation and support people to stay active and independent”.*

*Then Cllr Roger Hirst stood up to endorse this plan saying that we should “protect the vulnerable”, (please see webcast of the meeting of 22.01.2020.)*

*It contains no statistics for disabled people and carers.*

*The word “business” occurs 11 times and the word businesses occurs 10 times.*

*The word “vulnerable” appears once.*

*A search cannot find the words “disabled” and “disability”, and the bold promises in this document belie the bleak reality for people with disabilities and their carers’ in Brentwood, made worse by central government austerity cuts, harsher assessments for welfare benefits, lack of any support anywhere, impotent charities, impossibility of obtaining social care, the prohibitive cost of social care for clients, lack of GP appointments and fewer NHS services, lack of access to legal aid, law centres and therefore justice, lack of mental health services, lack of autism services, plus the housing crisis.*

*In the light of the above, I would like to ask the following question please:  
Where do people with disabilities come into this plan, in reality, will they be consulted and their views and needs properly taken on board, and how are these aims being, or to be, put into effect, with what exact targets and timescales.*

*Cllr Hossack, please respond: -*

*I would like to reassure you that the Council, when it is looking at changing the way it delivers services or when introducing new services, looks at how this would impact on those people not just with disabilities but all those protected by the Equality Act 2010.*

*Your question covers areas which the Council is not responsible for, adult and children social care is the responsibility of Essex County Council. I will therefore only respond with what is within the remit of this Council.*

*We are currently reviewing our Health and Wellbeing Strategy and one of the proposed recommendations is that the Council looks at Health implications in all policies.*

*We offer financial and advisory support for carers, directly delivering projects to support people with mental illness. Our commitment to this is to maintain an active representation on the South West Essex Mental Health Forum and the Essex Community Tree. We also distribute*

*£50,000 to community projects, including £15,000 specifically for support those with mental health conditions.*

*We also take an active role both financially and advisory for those living with dementia, including leading and co-ordinating the Local Dementia Action Alliance.*

*This Council also actively supports sports and social groups for those with disabilities, including specific projects delivered by Chat 1st through the Brentwood Centre including accessible boxing, cardiac rehabilitation and disabled swimming. We all know that the Brentwood Centre, supported by the Council, is a flagship for attempting to deliver its best for mental health services and provision for the vulnerable. In addition, support for disabled people's access to leisure and other facilities, including supporting installation of Changing Places.*

*We also actively support the sensory garden at King George's Playing Fields and have consulted with both SNAP and BOSP around equipment for disabled children and young people. We did that as part of our Leisure and Play Area Strategy. Not only did we consult but we listened and actively installed the equipment particularly suitable for children with disabilities. That is done and we will commit and continue to do that.*

*This Council also supports making buildings accessible and community transport for those again who are vulnerable and need that support.*

*The above are a small sample of what this Council has done and continues to do to support vulnerable and disabled people both young and old in the Borough.*

*I would add, it's all very well picking out words, but I do very much maintain that actions are more important and I do not think the counting of one word in a Corporate Strategy is a fair reflection of the level of effort this Council puts into looking after the vulnerable, the disabled and those with particular challenges.*

#### **515. Memorials or Petitions**

No Memorials or Petitions had been received.

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

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

Any Member might ask a chair a written or oral question on

- (a) Any matter included in the 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.

No written questions had been received from Members and the questions that were put to the Chairs at the meeting were responded to accordingly.

## 517. Notices of Motion

Eight Notices of Motion had been received.

1. Cllr Chilvers **MOVED** and Cllr Davies **SECONDED** the following:

*'Fireworks cause considerable distress to our pets, wildlife and livestock. In addition, they cause distress to the sick, vulnerable and those with mental health issues. There are also concerns over their environmental impact.*

*There are alternatives such as silent fireworks and drone light shows. With Brentwood residents contacting us regularly with their concerns and major supermarket chains halting their sale, it is surely time to review the use of traditional, outdated fireworks and look for a new way to celebrate in 2021.*

*Unfortunately, councils' powers are limited. Stopping their sale has no impact as people can buy elsewhere and restricting them by licensing powers covers barely any fireworks events as most are private. Licensing officers advised that major reform can only be made at parliamentary level. Therefore, Brentwood Council resolves to write to Alex Burghart MP to request that he formally engages with the RSPCA (the organisation campaigning to change fireworks legislation) and report back within six months.'*

Following a debate, a vote was taken and the **MOTION** was **CARRIED**.

Cllr Hossack proposed that the letter to the MP should be composed by himself and Cllr Chilvers.

*A non-pecuniary interest was declared by Cllrs Jon Cloke and Mrs Hones by virtue of their involvement with Starburst firework display. The Monitoring Officer advised that in view of this they should take no part in the vote.*

2. Cllr Kendall **MOVED** and Cllr Aspinell **SECONDED** the following:

*'This Council resolves to admonish the Conservative administration for bringing the Report regarding ASLEA proposals to an Extraordinary Council meeting on the 22 July 2020, rather than to an Ordinary Council meeting.*

*An Ordinary Council meeting would have enabled alternative motions, amendments and a vote to take place.*

*This report had potentially huge and far reaching implications for this Council and the people of Brentwood.*

*The Chamber believes the conduct of the administration on this matter is an affront to the democratic rights of the elected members of this Council, the residents of this Borough and a flagrant disregard for the democratic process.'*

During the debate Cllr Hossack **MOVED**, Cllr Parker **SECONDED** and it was **RESOLVED** that Members should 'Move to the next item' in accordance with the Constitution 8.3.12.

Returning to the substantive Motion, a vote was taken and the **MOTION** was **LOST**.

At this point in the proceedings Cllr Aspinell requested leave of the Deputy Mayor to make a personal statement of clarification. He advised that he had been made aware of some laminated documents being circulated publicly which alluded to the Leader killing people by encouraging various things to happen including what his motion was about tonight. These documents had nothing to do with the opposition Liberal Democrat group whatsoever. If Cllr Aspinell had anything to say to the Leader he would do so in a Council meeting or in official literature.

3. Cllr Aspinell **MOVED** and Cllr Lewis **SECONDED** the following:

*This Council resolves to direct the Leader of the Council, as our representative on the ASELA Group to inform the associated membership of ASELA that Brentwood Borough Council does not wish to be involved in any physical formation of a larger combined authority that constitutes ASELA. Moreover, Brentwood Borough Council does not recognise ASELA's right to speak on behalf of Brentwood, or its residents, on the formation of such an authority.*

Following a debate, a vote was taken and the **MOTION** was **LOST**.

4. Cllr Hossack **MOVED** and Cllr Parker **SECONDED** the following:

*This council recognises the significant Local Government Reform agenda and acknowledges that membership of ASELA has brought benefits to Brentwood. Further, acknowledges the Government's own identification of South Essex as a place of "huge potential" and the ability "of the Estuary area more widely to drive growth locally and nationally. It is a unique place with unique potential"*

*Brentwood's geographic location is unique, bordered to the north by Epping and Chelmsford and to the south by Basildon and Thurrock.*

*This council recognises at some point Brentwood will likely sit under a Unitary Authority, with an overarching Combined Authority.*



*Presently it is unclear how the boundaries for any new authorities will be drawn and how much influence the Districts and Boroughs will have.*

*If Brentwood can influence the alignment process, Council Members should keep options open to see what possibilities emerge as the best deal for Brentwood and its residents, based on hard facts and available evidence.*

*The Council therefore notes that the Leader has been in dialogue with fellow Leaders in ALL surrounding authorities and notes also the Leader's intention to commission reports that will provide an options analysis and evidence base to support any future decisions by this Council.*

In accordance with the Constitution Paragraph 10.1 and 10.2 the Deputy Mayor proposed to enact the guillotine on all remaining motions which would be taken as proposed and seconded and voted on with no debate.

A vote was therefore taken on Motion number 4 with no debate and it was **RESOLVED** accordingly.

5. Cllr Nolan **MOVED** and Cllr Tanner **SECONDED** the following:

*In order to further drive transparency, this council moves to make it much clearer on our website, how individual members of this council are remunerated, this information will include:*

- *Basic Allowances*
- *Special responsibility allowances*
- *Expenses (where claimed)*
- *Other Allowances (for example carers allowance)*
- *Payment for services (where members with business interests have provided services to this council)*

*This information should be back dated for 5 years.*

*This transparency improvement should also form part of an overall project to improve the data source reports on the Council's website.*

A vote was taken and the **MOTION** was **CARRIED**.

In relation to the remaining three Notices of Motion, Cllr Mrs Davies withdrew No 7 as she wished to re-submit an amended motion and Cllr Aspinell requested that Motion numbers 6 and 8 be deferred to the 7 October 2020 Ordinary Council meeting.

Cllr Mrs McKinlay was in attendance during this item but had been unable to vote periodically due to technical issues.

**518. Investment proposal**

This report had been deferred to the 7 October 2020 Ordinary Council meeting.

**519. Urgent Business**

There were no items of urgent business.

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The meeting ended at 10.20pm

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