

Minutes

Ordinary Council Wednesday, 20th January, 2021

Membership/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 Morrissey
Cllr J Cloke	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Mrs Davies	Cllr Nolan
Cllr Mrs Fulcher	Cllr Parker
Cllr Fryd	Cllr Mrs Pearson
Cllr Haigh	Cllr Poppy
Cllr Hirst	Cllr Mrs Pound
Cllr Mrs Hones	Cllr Reed
Cllr Hossack	Cllr Tanner
Cllr Jakobsson	Cllr Tierney
Cllr Keeble	

Apologies

Cllr Tumbridge

Also Present

Richard Wilson	-	Commercial Consultant
Adrian Peachey	-	Montagu Evans
Matt Moran	-	Montagu Evans

Officers Present

Philip Drane	-	Director of Planning and Economy
Amanda Julian	-	Director of Law and Governance and Monitoring Officer
Claire Mayhew	-	Corporate and Democratic Services Manager
Jonathan Stephenson	-	Chief Executive

Jacqueline Van Mellaerts	- Director of Corporate Resources
Steve Summers	- Deputy Chief Executive
Phoebe Barnes	- Head of Corporate Finance
Tracey Lilley	- Director of Enforcement & Housing

650. Appointment of Vice Chair

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

651. Variation in the Order of the Agenda

The Deputy Mayor proposed a variation in the order of the agenda that agenda 10 be debated after agenda item 7. This was agreed.

652. Apologies for Absence

Apologies for absence were received from Cllr Tumbridge.

653. Declarations of Interest

No declarations of interest were made at this stage.

654. Mayors Announcements

The Deputy Mayor hoped everyone was keeping well during this National lockdown and keeping to the rules to help lower infection rates in the borough and throughout. As many of you are aware, she works within the NHS on the front line and these are challenging times for all. The Deputy Mayor is taking part as a volunteer within the vaccine hub to help increase the number of vaccinations of Brentwood borough. All the volunteers involved at the Brentwood Centre have done a great job to get the community vaccinated.

There is some great work taking place by local community groups in the Borough and it has been so great to see the community coming together to support each other at this time.

Like many events during the last year which have been unable to go ahead, the usual events taking place for Holocaust Memorial Day on 27th January also cannot go ahead in its usual way. However, she encourages as many of you to join in on the virtual events taking place to mark such an important day to remember the awful time of the Holocaust.

The Deputy Mayor looks forward to a better year ahead for 2021 and wish you all health and better times ahead.

655. Minutes of the previous meeting

The minutes of the Ordinary Council meeting held on 2nd December 2020 18 were **APPROVED** as true record.

656. Public Questions

Two Public Questions had been received, as follows:

From Mrs Susan Kortlandt

1. I note with regret that the Government has not renewed the "Everybody In" scheme for rough sleepers during the winter. With lockdown in force, freezing weather and rates of infection at record highs, no-one should be forced to sleep in the open now.

How will the Council ensure that everyone in the Borough has a place to stay indoors?

Cllr Hossack responded as follows:

BBC continue to ensure that in the event that rough sleepers are identified an offer of accommodation during the lock-down period will be made in the interests of public health, working beyond the scope of our Statutory Duties. We are also working very closely with Essex County Council and our district partners to ensure that support will be provided to those that need it at any stage in the process. We do have a Severe Weather Protocol that we regularly review which is currently in place due to the current pandemic and the current weather conditions which is due for further review on the 18th January 2021.

In the absence of any guidance to the contrary from central government, we will use reasonable efforts to exercise their duties and powers to make offers of accommodation to all of those who have been identified for the period of the lock-down and where possible work with those accommodated to make longer term plans to avoid the risk of repeat homelessness, including the preparation of Personal Housing Plans and other duties under the Homelessness Reduction Act.

Where subsequent cases of single homelessness occur, we will deal with these under the provisions of the Homelessness Reduction Act, seeking wherever possible to prevent homelessness, supporting the expectation that no one should be evicted or made homeless during the period of the lockdown.

2. At the last Council Meeting, I was very pleased to hear that agreement had been reached for a mobile 'phone mast for EE and Three to be placed on Masfield Court. Unfortunately, there is no evidence of work actually taking place as yet.

After more than six months without a reliable mobile signal, please can the Leader give me a date when I may expect to be reconnected to a mast, and what progress has been made regarding the mast for Vodafone and O2?

Cllr Hossack responded as follows:

The Council is currently awaiting details of how the relevant mobile network operators will be carrying out the works at Masefield Court so that we can approve the Risk Assessment, Method Statement and cover any health and safety issues arising from of the installation. This is a residential building. The Council has a duty of care for those living in the building, as well as those in the local area, and so it is critical that installation and use of the equipment is safe.

We share frustrations with the length of time that it is taking to install the temporary solution and restore reliable mobile phone coverage to the area. We have shown our commitment to resolve this issue, both in the short-term with use of Council assets and the long-term as we look to assist identify permanent suitable locations. We are continuing to work with the mobile network operators to achieve a solution as quickly as possible.

657. Memorials or Petitions

No notices of Memorials or Petitions have been received.

658. Constitution Working Group

The Council is required by Section 37 of the Local Government Act 2000 to keep its Constitution up to date.

This report sets out several proposals for the revision of following paragraphs within Part 4.1 Council Procedure Rules, paragraphs 7, 9, 27 and the Planning Chapter.

The attached appendices reflect the significant and detailed contributions from the Working Group Members.

Cllr Hossack **MOVED** and Cllr Dr Barrett **SECONDED** that the recommendations should be taken separately with the addition of a third recommendation as stated in 8.2 and 8.3.7 for the Constitution.

A vote was taken and the **MOTION** was **RESOLVED UNANIMOUSLY**.

After a full discussion and some points to be addressed by the Constitution Working Group (CWG) made by Members. A vote was taken and the **MOTION** was **RESOLVED**.

R1. To adopt the proposed additions to the Planning Chapter within the Council's Constitution set out in Appendix A.

After a full discussion and some points to be addressed by the Constitution Working Group (CWG) made by Members. A vote was taken and the **MOTION** was **RESOLVED**.

R2. To adopt the proposed additions to paragraphs 7 & 9 within Part 4.1- Council Procedure Rules within the Council's Constitution set out in Appendix B.

After a full discussion, a vote was taken and **MOTION** was **RESOLVED UNANIMOUSLY**.

R3. To adopt the proposed additions to paragraph 27 within Part 4.1- Council Procedure Rules within the Council's Constitution set out in Appendix B.

Reason for Recommendation

Section 37 of the Local government Act 2000 required that the Council has in place a document, known as its Constitution, which should be regularly reviewed.

659. Exclusion of the Press and Public

The Deputy Mayor **MOVED**, Cllr Reed **SECONDED** and it was **RESOLVED UNANIMOUSLY** that the press and public be excluded from the meeting as the next item of business to be considered - Item 9 Strategic Property Acquisition which included exempt information as defined in Schedule 12A of the Local Government Act 1972.

(The meeting was adjourned for 5 minutes for a comfort break)

660. Strategic Property - Acquisition EXEMPT

After a full discussion, Cllr Hossack **MOVED** and Cllr Parker **SECONDED** the recommendations within the report.

A recorded vote was requested by Cllrs Aspinell, Kendall, Naylor, S Cloke and Lewis and was taken in accordance with Procedure Rule 9.5.

FOR: Cllrs Aspinell, Barrett, Dr Barrett, Bridge, Clarke, J Cloke, S Cloke, Mrs Davies, Ms Fulcher, Fryd, Haigh, Mrs Hones, Hossack, Jakobsson, Keeble, Kendall, Laplain, Lewis, McCheyne, McLaren, Morrissey, Mynott, Naylor, Nolan, Parker, Mrs Pearson, Poppy, Mrs Pound, Reed, Ms Sanders, Tanner, Mrs Tierney (32)

AGAINST: (0)

ABSTAIN: (0)

It was **RESOLVED UNANIMOUSLY**.

(Adrian Peachey & Matt Moran from Montagu-Evans were present for this item only)

(Cllr Chilvers was not able to take part in the vote, this was due to her length of absence during the debate of this item due to technical issues and Cllr Hirst was also absent when the vote was taken. Cllr Mrs McKinlay was present for part of this item, therefore she did not take part in the vote)

661. Council Tax Reduction Scheme - 2021/2022

This report recommends two changes to the current Local Council Tax Reduction Scheme (LCTR) for 2021/22.

This would introduce additional support for apprentices and introduce a general 'variation' to the Council Tax Reduction scheme to allow the Council to increase / change the levels of bands / discounts within the scheme where there is an emergency situation, such as COVID for example.

The scheme has been approved by Policy, Resources and Economic Development Committee but requires final approval by Ordinary Council in line with the requirement for approval of a scheme to be in place by 31 March 2021.

Public consultation on a revised scheme was undertaken from 5 October 2020 to 15 November 2020.

Cllr Hossack **MOVED** and Cllr Nolan **SECONDED** the recommendation within the report. A vote was taken and **MOTION** was **RESOLVED UNANIMOUSLY**.

R1 Approve the revised Council Tax Reduction Scheme for 2021/22, as set out in Appendix A of this report.

662. 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.

One written question had been received from Cllr Chilvers:

The Brentwood Leisure Trust (BLT) was offering a two year gym membership at the Brentwood Centre at a cost of over £550. A contract of this duration is uncommon and is certainly ill-advised according to trusted financial advice website moneysavingexpert.com.

When were Brentwood Council's administration councillors, officers or trustees made aware of this prior to BLT going in to administration? If so, was it raised with the trust as a concern or added to the council's risk register?

Those that paid by credit card may be able to claim via their card issuer but what course of action can those that paid by other means take to recover their subscriptions, bearing in mind it takes many months to recover monies as an unsecured creditor in an administration scenario and only a nominal fraction is usually recovered?

Cllr Mrs Tierney responses on behalf of Cllr Poppy

The decision to offer a two-year membership was the Trusts, it would have been to individuals to decide if they wished to enter into the contract.

Regarding whether the Council was aware prior to going into administration, as the Trust was not insolvent, it was for them to determine how they dealt with memberships not the Council.

Once the provision has come back in house the Council has been looking at ways in which to try assist if we can. My advice would be for any outstanding monies that individuals are owed should be taken up with the Insolvency Practitioner directly. For those that have paid for their membership by credit then they can contact their credit card company directly to see whether they can recover any of those monies.

I would like to emphasise this is not something we are contractually obliged to do but the Council is offering as a goodwill gesture, for those that took out an annual membership or more, offering a discount on a monthly membership which will be based on how many weeks or months of unused membership they still have.

Cllr Chilvers asked for a response from Officers relating to the second paragraph of her question. This was agreed by Officers.

When were Brentwood Council's administration councillors, officers or trustees made aware of this prior to BLT going into administration? If so, was it raised with the trust as a concern or added to the council's risk register?

Cllr Naylor asked a question to Cllr Hossack in relating to a decision made at Council on 7th October 2020. Cllr Hossack asked that his question be put in writing, on receipt of this he response to every member of the Council.

(Cllr Poppy declared a pecuniary interest by virtue of having a two year gym membership at the Brentwood Centre).

663. Notice of Motion

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

Cllr Mrs Pearson **MOVED** and Cllr Mrs Tierney **SECONDED** an urgent motion to be heard under 8.1.16 for the Constitution. These was accepted by the Deputy Mayor.

On New Year's Eve, as is well documented an illegal rave was held in All Saints Church, East Horndon causing thousands of pounds of damage and bringing the area into disrepute.

These individuals showed absolutely no regard for this beautiful, historic, listed place of worship when they broke in and desecrated the building and the graves outside. They also showed blatant disregard for my residents during a pandemic. Brentwood's Covid 19 figures were amongst some of the highest in the Country, when hundreds of these revellers descended on my Ward.

Although Astrid Palmer, Fr Paul Hamilton and a group of socially distanced volunteers were able to deal with the initial clear up and make the church secure again, we cannot rely on such goodwill moving forward and we need to look at exactly how we can remove the Anti-Social Behaviour that has blighted this area once and for all.

When we refer to the Halfway House, this is in no way a slur to the owners who experience huge amounts of Anti-Social Behaviour and are very keen to work with us to bring a solution to this issue in the longer term.

The double yellow lines are disregarded, the road is used as a cut through, with large HGV's regularly causing damage to the Halfway House car park, fly tipping is a daily problem as well as all the other nefarious illegal activities that occur.

Cllr Tierney and I regularly receive reports of drug use and dealing and despite the NATS team regularly clearing the area, the mountains of used contraceptives and discarded baby wipes along with various abandoned items of clothing, only highlight the real and serious problem we face here.

We would like this area to be used as a Community Area, incorporating the wonderful Church and its grounds, with family friendly walking trails, wildflowers. An area people can visit and are able to appreciate both the Church and its surrounding beauty.

We are asking officers to work up some long-term solutions that can realistically be executed to bring this area back into a beautiful and functional part of our ward.

Cllr Mynott asked that Cllr Pearson added Wates Way within the content of her motion, which she accepted.

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

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.

All four remaining motions were deferred to the 10 March Ordinary Council meeting.

664. Urgent Business

There were no items of urgent business.

The meeting ended at 22.20hrs
