

Minutes

Council Meeting

23rd July 2018



These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available for six months at www.braintree.gov.uk.

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor S Kirby	Yes
Councillor Mrs J Allen	Yes	Councillor G Maclure	Yes
Councillor M Banthorpe	Yes	Councillor D Mann	Yes
Councillor P Barlow	Yes	Councillor J McKee	Yes
Councillor J Baugh	Yes	Councillor R Mitchell	Yes
Councillor Mrs J Beavis	Apologies	Councillor Mrs J Money	Yes
Councillor D Bebb	Yes	Councillor Lady Newton	Yes
Councillor K Bowers	Yes	Councillor J O'Reilly-Cicconi	Apologies
Councillor Mrs L Bowers-Flint	Yes	Councillor Mrs I Parker	Apologies
Councillor G Butland	Yes	Councillor Mrs J Pell	Yes
Councillor S Canning	Yes	Councillor R Ramage	Apologies
Councillor J Coleridge	Yes	Councillor F Ricci	Yes
Councillor J Cunningham	Yes	Councillor B Rose	Yes
Councillor Mrs M Cunningham	Yes	Councillor Miss V Santomauro (Chairman)	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor M Dunn	Yes	Councillor Mrs W Schmitt	Yes
Councillor J Elliott	Apologies	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor C Siddall	Yes
Councillor Mrs D Garrod	Yes	Councillor Mrs G Spray	Yes
Councillor J Goodman	Yes	Councillor P Tattersley	Yes
Councillor A Hensman	Yes	Councillor Miss M Thorogood	Yes
Councillor P Horner	Yes	Councillor R van Dulken	Yes
Councillor D Hume	Apologies	Councillor Mrs L Walters	Yes
Councillor H Johnson	Yes	Councillor Mrs S Wilson	Yes
Councillor Mrs A Kilmartin (Vice Chairman)	Yes		

The Chairman advised Members that a member of the public had registered to speak at the meeting during Question Time regarding garden communities and Section 1 of the Braintree District Publication Draft Local Plan 2017 and that the Leader of the Council would also be making a statement regarding the Draft Local Plan. In the circumstances, the Chairman had agreed to re-order the business on the Agenda to the following - 'Apologies for Absence', 'Declarations of Interest', 'Public Question Time', 'Chairman's and/or Leader's Announcements/Statements'.

28 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Agenda Item 6 – 'Community Governance Review' as a Member of Rivenhall Parish Council, which had submitted representations regarding the review.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Agenda Item 2 - 'Chairman's and/or Leader's Announcements/Statements', as a non-voting member of North Essex Garden Communities Ltd.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 2 – 'Chairman's and/or Leader's Announcements/Statements', as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor J Cunningham declared a substantive non-pecuniary interest in Agenda Item 6 – 'Community Governance Review' as he had submitted representations regarding the review. Councillor Cunningham left the meeting when this Item was considered.

Councillor Mrs M Cunningham declared a substantive non-pecuniary interest in Agenda Item 6 – 'Community Governance Review' as she had submitted representations regarding the review. Councillor Mrs Cunningham left the meeting when this Item was considered.

Councillor A Hensman declared a non-pecuniary interest in Agenda Item 10g – 'Reports from the Leader and Cabinet Members: Councillor P Tattersley, Health and Communities' as he was mentioned by name in the report and he was a Trustee of an organisation which was also referred to in the report.

Councillor Mrs J Pell declared a non-pecuniary interest in Agenda Item 6 – 'Community Governance Review' and, in particular, the proposal to transfer Stones Farm, Tidings Hill, Halstead from Greenstead Green Parish to Halstead Town, as the occupiers of the property were near neighbours and they were known to her.

Councillor Mrs W Scattergood declared a substantive non-pecuniary interest in Agenda Item 2 - 'Chairman's and/or Leader's Announcements/Statements' and, in particular, the proposal for a garden community on the 'Colchester/Braintree border'. Councillor Mrs Scattergood left the meeting when the Leader's Statement was considered.

Councillor C Siddall declared a non-pecuniary interest in Agenda Items 9 and 13 – ‘Recommendation from Cabinet – 9th July 2018 – I-Construct Development and Financial Update Proposals’ and Agenda Item 10d - ‘Reports from the Leader and Cabinet Members: Councillor T Cunningham, Economic Development’ as a Non-Financial Director of Ignite Business Enterprise.

In accordance with the Code of Conduct, Members remained in the meeting and took part in the debate and decision when the Items were considered, unless stated otherwise.

29 **QUESTION TIME**

INFORMATION: There was one statement made regarding garden communities and Braintree District Publication Draft Local Plan 2017.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

30 **CHAIRMAN’S AND/OR LEADER’S ANNOUNCEMENTS/STATEMENTS**

The Chairman reported that Councillor Butland, the Leader of the Council would be making a statement regarding the Braintree District Publication Draft Local Plan 2017. The Chairman invited Councillor Butland to make his statement and she informed Members that they would be able to ask questions afterwards. The statement may be read in full, or viewed via the webcast of the meeting on the Council’s website at www.braintree.gov.uk.

Leader of the Council

Braintree District Publication Draft Local Plan 2017 – The Planning Inspector’s Options and the Way Forward

The Leader stated that he wished to address the Council regarding the Draft Local Plan; about correspondence received from the Planning Inspector following the public examination of Section 1 of the Plan; and the way forward.

Section 1 of the Local Plan, which had been written jointly with Colchester Borough Council and Tendring District Council contained strategic policies including proposals to build three new garden communities. Whilst the Inspector considered that the Councils were planning for the right number of new homes and jobs he had indicated that further work was required regarding the proposed garden communities, particularly in respect of transport infrastructure, viability and sustainability.

The Inspector had suggested three possible options as a way forward. Option 1 proposed that the garden communities be removed from the Plan and alternative sites identified to meet housing targets, that the remainder of Section 1 and Section 2 of the Plan be adopted and that the garden communities be considered as part of an early, or focused review of the Local Plan in two to three years’ time. Option 2 proposed a pause in the examination of the Local Plan whilst new evidence was provided in those areas where the Inspector considered further work was needed. Option 3 proposed that the Plan be withdrawn and re-started.

The Leader stated that after careful consideration of the options and the risks associated with each he had determined, in accordance with delegated powers that Option 2 was the best way forward.

Members asked several questions arising from the Leader's statement.

Chairman

The Chairman's announcements covered the following:

Chairman's Charity Golf Day

The Chairman's Charity Golf Day had taken place at Colne Valley Golf Club, Earls Colne on 11th July 2018. The event had been a success with over £2,000 being raised, which would be donated to the Chairman's chosen charities at the end of the Civic Year. The Chairman thanked the sponsors of the event and everyone who had participated.

Mr Roy Cavinder

The Chairman announced that Mr Roy Cavinder, former Councillor and employee of Braintree District Council, had passed away on 15th July 2018. Mr Cavinder had been elected to the Council in May 1987 and he had served continuously for 20 years until May 2007, representing the Braintree West Ward. Mr Cavinder had been the Vice-Chairman of the Council in 2002/03.

Royal Visit to the District

It was reported that the Chairman and Mr Andy Wright, Chief Executive had greeted Prince Edward, the Earl of Wessex on his visit to Prested Hall, Feering on 16th July 2018. The visit had raised awareness of and funds for The Duke of Edinburgh Award scheme and it was also Prince Edward's aim to play on every 'real tennis' court across the world during 2018. Prested Hall had two 'real tennis' courts.

31 **MINUTES**

DECISION: That the Minutes of the meeting of Council held on 4th June 2018 be approved as a correct record and signed by the Chairman.

32 **COMMUNITY GOVERNANCE REVIEW**

INFORMATION: Consideration was given to a report on the Council's Community Governance Review.

It was reported that on 24th July 2017 the Council had adopted the Terms of Reference for the Community Governance Review. The first stage of the process had been initial public consultation on the proposals identified for inclusion within the review. This consultation had taken place from 1st August 2017 to 30th September 2017. Draft recommendations arising from this had been approved by Council on 11th December 2017.

The draft recommendations had been subject to a further period of public consultation between 1st January 2018 and 28th February 2018. The

representations submitted had been considered by the Community Governance Review Committee on 12th June 2018. The Committee had made recommendations to the Council for inclusion within the Community Governance Review final recommendations.

Members noted that the final recommendations contained a number of proposals which would require 'consequential reviews' and approval by the Local Government Boundary Commission for England (LGBCE). Furthermore, some of the proposals could lead to Parish and District Ward boundaries which were no longer coterminous and 'related amendment' approval by the LGBCE would be required to re-establish these. Two Community Governance Orders would be prepared, one of which would require the consent of the LGBCE.

It was proposed that the recommended boundary changes should be established and implemented with effect from December 2018 and that the new electoral arrangements would be implemented with effect from May 2019.

DECISION: That Council:-

- (1) Approves the recommendations of the Community Governance Review Committee detailed in the report, which form the Council's final proposals for Community Governance in the Braintree District.
- (2) Delegates authority to the Head of Governance to prepare and seal Orders giving effect to the final proposals.
- (3) Authorises the Head of Governance to seek consent from the Local Government Boundary Commission for England to review 'protected areas' and undertake related consequential reviews.
- (4) Authorises the Head of Governance to seek related amendment representations from the Local Government Boundary Commission for England.

REASON FOR DECISION: To support the continued development of the project for the forthcoming Community Governance Review.

33 **RECOMMENDATION FROM CABINET – 14TH MAY 2018 – COUNCIL'S 2017-18 ACCOUNTS CLOSURE**

INFORMATION: Consideration was given to a report on the closure of the Council's accounts for 2017-18.

Members were advised that the provisional revenue outturn for 2017/18 was a net positive variance against budget of £782,300. This consisted of positive variances of £491,700 on income and £290,600 on expenditure. However, the overall variance would be reduced further by unspent budgets in 2017/18 totalling £88,300 being carried forward to 2018/19 reducing the net positive variance for 2017/18 to £694,000. A summary of the requests to carry forward unspent budgets to 2018/19, or to make transfers to earmarked reserves was contained in an Appendix to the report. The carry forward requests and transfers had been approved by Cabinet on 14th May 2018.

It was reported that the Council's Strategic Investment Team was currently working on a number of significant investment projects and that an additional allocation of £142,000 per annum had been agreed within the 2017/18 budget to engage support for the delivery of capital projects. However, based on the current resources available to the Team it was possible that a number of these projects could not be delivered. It was proposed that a full business case on the resources required should be developed for consideration later in 2018, but that additional resources should be made available during a transitional 12 month period to ensure that momentum was maintained. In particular, it was proposed that two consultants should be engaged to the new posts of Head of Strategic Investment and Commercial Project Manager. It was estimated that additional resources of £269,460 would be required which would be part funded from the budget allocated to the Great Notley employment site. The transitional arrangements had been approved by Cabinet on 14th May 2018.

DECISION: That a supplementary budget of £219,460 in 2018/19 be approved to fund transitional staffing arrangements for the Strategic Investment Team.

REASON FOR DECISION: To gain approval of requests to carry forward unspent budgets from 2017/18 to 2018/19 and specific additions to earmarked reserves in order that these can be incorporated in the Council's 2017/18 accounts prior to submission to the external auditor.

34

RECOMMENDATION FROM CABINET – 9TH JULY 2018 – HOUSING DEVELOPMENT COMPANY AND FEASIBILITY FUND

INFORMATION: It was proposed that a budget of £495,980 should be approved for preparatory work to enable design and planning applications for residential development on approximately five Council-owned sites. The proposal represented a twin-track approach, with the potential for the sites to be transferred to a future Council-owned Housing Development Company, subject to Cabinet approval of a full business case. Alternatively, the Council could realise a financial return by selling the sites with the benefit of residential planning permissions.

A Housing Development Company Project Reference Group had been set up to support the Portfolio Holder and relevant Officers in the management and development of the project. The Group would provide advice and guidance; hold the project to account; and ensure that it was delivered as agreed.

As part of this Item, Members were reminded that land at the former Premdor site in Sible Hedingham would be transferred to the Council in accordance with a Section 106 Agreement. The land was to be used for the provision of a health facility and it was proposed that £80,000 should be allocated towards its design.

It was proposed that £495,980 should be allocated from the Affordable Housing Budget and that £80,000 should be allocated from the New Homes Bonus fund to enable the respective housing and health facility schemes to proceed, making a total budget allocation of £575,980.

On 9th July 2018, Cabinet had agreed that housing schemes on approximately five of the Council-owned sites, as listed in the Agenda report, should be designed and applications for planning permission made for each site; and that work should be

undertaken on the design and development of the proposed health facility on the former Premdor site, Sible Hedingham.

DECISION:

- (1) That the estimated cost of developing housing schemes on approximately five Council-owned sites, of £495,980, be met from the Affordable Housing Budget in the 2018/19 Capital Programme.
- (2) That funding of £80,000 be allocated from the New Homes Bonus balance for design and development work on a health facility at the former Premdor site, Sible Hedingham.

REASON FOR DECISION: To approve a twin track approach to fund planning applications and to develop a business case for Council-owned sites and a Housing Development Company, and to design and cost a health facility on the former Premdor site, Sible Hedingham.

35 **RECOMMENDATION FROM CABINET – 9TH JULY 2018 – I-CONSTRUCT DEVELOPMENT AND FINANCIAL UPDATE PROPOSALS**

(Note:- The references in both the public and private Agenda reports to a Cabinet meeting on 23rd May 2018 are incorrect and should state 14th May 2018).

INFORMATION: Members were reminded that this Item was linked to Item 13 in the Private Session of the Agenda and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 13 of the Agenda and the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

Both Agenda Items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: Consideration was given to a further report on the proposed I-Construct (Innovation in Construction) project. This matter had previously been considered by the Cabinet on 14th May 2018.

The I-Construct project represented an opportunity for Braintree District Council to work in partnership to deliver a flagship Innovation Centre with European Regional Development Fund (ERDF) capital. The proposed Centre would provide a focal point for business support, job creation and product development in the construction sector and it would reach across the South Essex Local Enterprise Partnership (SELEP) region. The project would contribute to the delivery of the Council's Plan for Growth, help to meet the objectives of the current Corporate Plan and assist in enabling the delivery of over 14,000 homes required by the Local Plan and 43,000 homes via North Essex Garden Communities. The proposal would include the design and development of a BREEAM Excellent Innovation Centre on the District

Council-owned site at Braintree Enterprise Centre, which would be rebranded as an Innovation Park.

The I-Construct project would be led by the Haven Gateway Partnership (HGP) with Essex County Council (ECC) acting as the Accountable Body and Braintree District Council, the Building Research Establishment, Colchester Institute and Daedalus Environmental as delivery partners. HGP would set up a dedicated I-Construct project team led by a project manager who would ensure effective programme management and co-ordination throughout the project.

It had been proposed that the District Council would contribute £750,000 towards this £7.5 million project on the basis that ECC would also contribute the same amount. However, ECC had declined to fund the project on a grant basis and had offered two alternative loan options instead. These had been reviewed by Officers along with two other options which were for the District Council to borrow £750,000 from elsewhere, or to utilise an additional £750,000 from the Business Rates Pool. Following an analysis, it was proposed to proceed with the project by increasing the District Council's contribution from the Business Rates Pool to a total of £1,500,000 and providing in-kind support of £160,000. If the bid was successful, a further £800,000 would be provided from the ERDF.

The Cabinet had approved the report on 9th July 2018 and had made two Recommendations to full Council.

DECISION (PUBLIC REPORT): That Council:

- (1) Notes the principles of the decisions of Cabinet and approves a capital budget of £1,500,000 towards the project scheme for all professional, construction and associated scheme development costs.
- (2) Agrees to commit £1,500,000 from the Council's Business Rates Pool Reserve.

REASON FOR DECISION: To agree the development delivery proposals and financial arrangements for the I-Construct scheme to enable this project to move forward following the change in funding arrangements.

DECISION (PRIVATE REPORT): That Council:

- (1) Notes the principles of the decisions of Cabinet and approves a capital budget of £1,500,000 towards the project scheme for all professional, construction and associated scheme development costs.
- (2) Agrees to commit £1,500,000 from the Council's Business Rates Pool Reserve.

REASON FOR DECISION: To agree the development delivery proposals and financial arrangements for the I-Construct scheme to enable this project to move forward following the change in funding arrangements.

36 **REPORTS FROM THE LEADER AND CABINET MEMBERS AND ORAL QUESTIONS FROM COUNCILLORS**

INFORMATION: The Chairman invited the Leader and the Cabinet Members to introduce their reports. Following this, the Chairman invited Members to ask questions. Questions were not limited to the content of the reports and could be about matters relating to a portfolio, the powers and duties of the Council, or the District.

Consideration was given to the reports of the Leader and the Cabinet Members.

Councillor Mrs Bowers-Flint, Cabinet Member for Planning and Housing, added to her report by stating that:

- plans for the proposed widening of the A131 and the A120 at Marks Farm roundabout, Braintree were awaited following a request to Essex County Council;
- a Press Release would be issued regarding forthcoming survey work for improvements to slip roads at Millennium Way to/from Galleys Corner roundabout, Braintree. It was anticipated that a planning application for the improvements would be submitted in March/April 2019 and that work would commence on site in October 2019, with completion in March 2021;
- during Quarter 1 2018/19 (April to June 2018) the Council had granted planning applications for a total of 667 dwellings, of which 214 would be affordable dwellings.

Councillor McKee, Cabinet Member for Corporate Services and Asset Management, added to his report by informing Members that Mr Dave Jarvis in the Council's Building Control Service had been awarded Employee of the Month for June 2018 for his patience and kindness towards a retired Council employee. Councillor McKee was also pleased to report that Mr Phil Myers in the Council's Finance Service had been highly commended for Employee of the Month for June 2018.

Members asked several questions arising from the reports. A webcast of the questions to and responses of Cabinet Members is available on the Council's website at www.braintree.gov.uk.

The main topics covered were as follows:

- Local Highways Panels being an example of localism and the need for more funding.
- A meeting held on 6th July 2018 between the Rt. Hon. Priti Patel MP and representatives of the Council's Cabinet and whether reference had been made to the Planning Inspector's recent letters regarding Section I of Braintree District Publication Draft Local Plan 2017.

- The proposal to reduce the Council-Tax share accruing to District and Borough Councils in accordance with the Council-Tax Sharing Agreement from 16% to 12% over a three year period and its impact on Braintree District Council's financial position.
- The steps being taken to improve recycling rates and reassurance that waste collected by the Council for recycling was not burned, or sent to landfill sites for disposal.
- Council Tax – Single Person Discount and an anomaly which enabled a single person with a resident carer to claim single person discount, but prevented a single person who provided care to another person residing in their home from doing so.
- An update on discussions regarding the provision of a bypass for Halstead.
- The Route Based Strategy regarding transport-related problems along the A131 corridor between Braintree and Sudbury and the impact of at least 1,550 new homes, whether Essex County Council had given weight to the Strategy when considering recent planning applications for the development of unallocated sites at Bocking and High Garrett, and whether the figure of 1,550 homes included these sites.
- The recent grant of planning permission for the change of use of Silver End Pavilion, Silver Street, Silver End to use as a children's nursery.
- The safety of Marks Farm roundabout, Braintree and the need for a pedestrian bridge, or underpass for use by pedestrians and cyclists.
- Whether adequate resources exist within the Council's Development Management Service to process planning applications associated with the Council's investment strategy.
- The regeneration of premises at Spa Road, Witham and maintenance of the roof garden.
- A recent encampment by gypsies and travellers at the River Walk, Witham and issues regarding litter, waste and damage.
- The availability of resources to support other local 'in bloom' initiatives, such as those already provided for 'Halstead in Bloom'.
- An EU Directive on the disposal of mercury dental fillings and toxic waste and the receipt of a letter dated 29th June 2018 from the Chief Dental Officer setting out how the EU Regulations should be complied with.
- The anticipated start date for the construction of a new community facility at Maltings Lane, Witham.
- The possibility of establishing a dementia awareness award scheme for Council staff.

The following action was agreed in response to questions raised by Members:

- Councillor Bebb, Cabinet Member for Finance and Performance, agreed to provide a written response on the likely impact on the Council's financial position of a proposal to reduce the share accruing to the Council under the Council-Tax Sharing Agreement.
- Councillor Mrs Bowers-Flint, Cabinet Member for Planning and Housing, agreed to provide a written response as to whether Essex County Council had given weight to the Route Based Strategy for the A131 corridor between Braintree and Sudbury when considering recent planning applications for housing at sites in Bocking and High Garrett which had not been allocated for development in the Braintree District Publication Draft Local Plan and whether the figure of 1,550 new homes quoted in the Strategy included the unallocated sites at Bocking and High Garrett.
- Councillor T Cunningham, Cabinet Member for Economic Development, agreed to provide a written response regarding the responsibility for maintenance works at Spa Road Shops, Witham.
- Councillor Mrs Schmitt, Deputy Leader and Cabinet Member for Environment and Place, agreed to provide a written response regarding recycling and the disposal of recycled waste.

37 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 4TH JUNE 2018**

INFORMATION: No matters were raised.

There were no matters raised in Private Session.

The meeting commenced at 7.15pm and closed at 10.10pm.

Councillor Miss V Santomauro
(Chairman)