

# Minutes

## Council Meeting

14th September 2015



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](http://www.braintree.gov.uk).

### Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
Councillor J Abbott	Yes	Councillor D Mann	Yes
Councillor Mrs J Allen	Yes	Councillor J McKee	Apologies
Councillor C Bailey	Yes	Councillor R Mitchell	Yes
Councillor M Banthorpe	Yes	Councillor Mrs J Money	Yes
Councillor J Baugh	Apologies	Councillor Lady Newton	Yes
Councillor Mrs J Beavis	Yes	Councillor J O'Reilly-Cicconi	Apologies
Councillor D Bebb	Yes	Councillor Mrs I Parker	Yes
Councillor R Bolton	Apologies	Councillor Mrs S Paul	No
Councillor K Bowers	Yes	Councillor Mrs J Pell	Yes
Councillor Mrs L Bowers-Flint	Yes	Councillor R Ramage	Yes
Councillor G Butland	Yes	Councillor F Ricci (Vice-Chairman)	Yes
Councillor S Canning	Yes	Councillor B Rose	Apologies
Councillor J Cunningham	Yes	Councillor Ms V Santomauro	No
Councillor Mrs M Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Schmitt	Yes
Councillor M Dunn	Yes	Councillor P Schwier	Yes
Councillor J Elliott	Yes	Councillor C Siddall	Yes
Councillor J Goodman	Yes	Councillor Mrs G Spray	Yes
Councillor A Hensman	Yes	Councillor P Tattersley	Yes
Councillor P Horner	Yes	Councillor Mrs C Thompson	Yes
Councillor D Hufton-Rees	Yes	Councillor Miss M Thorogood	Yes
Councillor D Hume	Yes	Councillor R van Dulken	Yes
Councillor H Johnson	Yes	Councillor Mrs L Walters (Chairman)	Yes
Councillor Mrs A Kilmartin	Yes	Councillor Mrs S Wilson	Apologies
Councillor S Kirby	Yes		

## 30 **CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS**

The Chairman's announcements covered the following:

- Sky Ropes, Great Notley Country Park - On 27th July 2015 the Chairman together with Councillor Graham Butland and Councillor Norman Hume and Councillor Roger Hirst from Essex County Council, had attended the official opening of the Sky Ropes course at Great Notley Country Park. This new attraction is an exciting addition to the facilities at the Park.
- Charity Golf Day – The Chairman's Charity Golf Day had taken place at Colne Valley Golf Club, Earls Colne on 29th July 2015. With the generous support of the sponsors and the 24 teams which had taken part, £3,653 had been raised for the Chairman's charities.
- Customer Excellence Standard - The Chairman was pleased to announce that Braintree District Council had been awarded the Customer Excellence Standard. This was the Government's national standard for excellence in customer service. The Chairman presented a Certificate acknowledging the award to Councillor Graham Butland, Leader of the Council. In receiving the Certificate on behalf of Councillors and staff, Councillor Butland stated that the award recognised the Council's positive approach to understanding the needs of its customers and the strong customer focus culture which existed throughout the organisation.

The Leader did not have any announcements to make.

## 31 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:

Councillor Mrs J Allen declared a non-pecuniary interest in Agenda Item 8g - Reports from the Leader and Cabinet Members (Councillor Mrs W Schmitt – Cabinet Member for Environment and Place) as an elected Member of Halstead Town Council.

Councillor C Bailey declared a non-pecuniary interest in Agenda Item 8d - Reports from the Leader and Cabinet Members (Councillor T Cunningham – Cabinet Member for Economic Development) as an elected Member of Witham Town Council.

Councillor J Goodman declared a non-pecuniary interest in Agenda Item 8d - Reports from the Leader and Cabinet Members (Councillor T Cunningham – Cabinet Member for Economic Development) as an elected Member of Witham Town Council.

Councillor A Hensman declared a disclosable pecuniary interest in Agenda Item 7 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage/Private Hire Vehicles Drivers' Licences and Private Hire Vehicles Operators' Licences - Setting of Licence Application Fees as he was licensed to drive by the Council. Councillor Hensman left the meeting whilst this item was discussed and determined.

Councillor P Horner declared a non-pecuniary interest in Agenda Item 8d - Reports from the Leader and Cabinet Members (Councillor T Cunningham – Cabinet Member for Economic Development) as an elected Member of Witham Town Council.

Councillor D Hume declared a non-pecuniary interest in Agenda Item 8g - Reports from the Leader and Cabinet Members (Councillor Mrs W Schmitt – Cabinet Member for Environment and Place) as an elected Member of Halstead Town Council.

Councillor Mrs A Kilmartin declared a non-pecuniary interest in Agenda Item 8d - Reports from the Leader and Cabinet Members (Councillor T Cunningham – Cabinet Member for Economic Development) as an elected Member of Witham Town Council.

Councillor D Mann declared a non-pecuniary interest in Agenda Item 8f - Reports from the Leader and Cabinet Members (Councillor Lady Newton – Cabinet Member for Planning and Housing) as an office holder with the Salvation Army.

Councillor Mrs J Money declared a non-pecuniary interest in Agenda Item 8d - Reports from the Leader and Cabinet Members (Councillor T Cunningham – Cabinet Member for Economic Development) as an elected Member of Witham Town Council.

Councillor Mrs J Pell declared a non-pecuniary interest in Agenda Item 8g - Reports from the Leader and Cabinet Members (Councillor Mrs W Schmitt – Cabinet Member for Environment and Place) as an elected Member of Halstead Town Council.

Councillor R Ramage declared a non-pecuniary interest in Agenda Item 8d - Reports from the Leader and Cabinet Members (Councillor T Cunningham – Cabinet Member for Economic Development) as an elected Member of Witham Town Council.

Councillor Miss M Thorogood declared a non-pecuniary interest in Agenda Item 7 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage/Private Hire Vehicles Drivers' Licences and Private Hire Vehicles Operators' Licences - Setting of Licence Application Fees as her brother was licensed to drive by the Council.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the items were considered.

## 32 **QUESTION TIME**

**INFORMATION:** There were no questions asked, or statements made.

## 33 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Council held on 6th July 2015 be approved as a correct record and signed by the Chairman, subject to Minute 25 – 'Reports from the Leader and Cabinet Members and Oral Questions from Councillors - Public Session' and, in particular, the reference to Councillor Mrs Schmitt's report being amended to read:-

'Councillor Mrs Schmitt, Cabinet Member for Environment and Place, added to her report. Councillors were reminded to report any litter and street cleanliness issues as they arose. Councillor Mrs Schmitt reported that, in accordance with the law, the Council did not cut back hedges until after August each year to avoid the bird nesting season.'

34 **SPECIAL MEETING OF FULL COUNCIL TO CONSIDER THE LOCAL PLAN – 25TH JANUARY 2016**

**INFORMATION:** It was noted that a special meeting of full Council had been arranged for 25th January 2016 specifically to consider the draft Local Plan prior to public consultation.

35 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES DRIVERS' LICENCES AND PRIVATE HIRE VEHICLES OPERATORS' LICENCES - SETTING OF LICENCE APPLICATION FEES**

**INFORMATION:** Consideration was given to a report on proposed changes to the fees charged for Hackney Carriage and Private Hire vehicles driver licences and Private Hire vehicles Operator licences in response to amendments to legislation.

Members were advised that the Deregulation Act 2015 had amended Sections 53 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 which authorised the Council to grant licences to drivers of Hackney Carriage and Private Hire vehicles and to Operators of Private Hire vehicles. The amendments stipulated that the standard duration of a driver's licence should be three years and that the standard duration of an Operator's licence should be five years. The amendments gave the Council discretion, where appropriate, to grant licences for lesser periods. The Council currently granted licences for periods of one year and three years respectively. The amendments would come into force on 1st October 2015.

As a consequence of the amendments, the Council was required to set new licence fees. Details of current and proposed fees were set out in the report. It was noted that the Council was able to charge reasonable fees for processing licence applications, but that the total income generated from such fees should not exceed the anticipated cost of issuing licences, or vice versa.

On 22nd July 2015, the Licensing Committee had approved the proposed fees for consultation with the Hackney Carriage and Private Hire trade and the general public. No responses had been received in response to the public notice, but the Hackney Carriage and Private Hire trade had expressed a general concern that some applicants, or existing licence holders, may reconsider being licensed should the new fees be introduced. Councillors were advised that there was no evidence that larger initial licence fees could be a barrier to people entering the trade and that the overall cost of the licences would decrease.

**DECISION:**

- (1) That the fees for Hackney Carriage and Private Hire vehicles drivers licences and Private Hire vehicles Operators licences, as set out in the table below, be approved.
- (2) That the fees take effect from 1st October 2015.
- (3) That, in the event of a Hackney Carriage or Private Hire vehicle driver's licence being granted for a period of less than three years, the Corporate Director be authorised to calculate the pro-rata fee payable based upon the fees determined by Full Council.

- (4) That, in the event of a Private Hire vehicle Operator's licence being granted for a period of less than five years, the Corporate Director be authorised to calculate the pro-rata fee payable based upon the fees determined by Full Council.

Licence Type	Duration of Licence as at 1st October 2015	Fee £
Hackney Carriage Driver	3 years	263*
Private Hire Driver	3 years	263*
Dual Hackney Carriage/ Private Hire Driver	3 years	263*
Private Hire Operator	5 years	515*
*fees to be calculated on a pro-rata basis in the event of a licence being granted for a period less than 3 or 5 years		

**REASON FOR DECISION:** To set a new fee structure for applications for three yearly Hackney Carriage and Private Hire vehicles drivers' licences and five yearly Private Hire vehicles Operators' licences.

## 36 **REPORTS FROM THE LEADER AND CABINET MEMBERS AND ORAL QUESTIONS FROM COUNCILLORS - PUBLIC SESSION**

**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 Cabinet Members.

Councillor Butland, Leader of the Council, added to his report by referring to a letter dated 4th September 2015 sent by Mr George Kieffer, Mr Geoff Miles and Mr Graham Peters the Vice-Chairmen of the South East Local Enterprise Partnership (SELEP) to The Rt Hon Greg Clark MP, Secretary of State for Communities and Local Government. The letter was in response to a letter dated 11th August 2015 from the Secretary of State regarding proposals to form a Greater Essex Local Enterprise Partnership and the termination of Mr Peter Jones' tenure as Chairman of SELEP. The content of both letters had been circulated to all Councillors.

With regard to the proposed Devolution of Powers to Greater Essex, Councillor Butland reported that a submission had been made to the Government to confirm the Greater Essex Partnership's continued interest in a devolution deal and that further work would continue. It was anticipated that most of the elements of a deal would be in place by the end of the calendar year and that it could be finalised in early 2016. Progress reports would be presented to the next meetings of Cabinet and, once discussions had finalised, the Council would be requested to determine whether or not to proceed with the proposal. Councillors were reminded that a briefing would take place at Causeway House, Braintree on 17th September 2015 at 6.30pm to provide an update on the current position.

Councillor Mrs Beavis, Cabinet Member for Health and Communities, added to her report that Halstead swimming pool would be closed for a period of three weeks from 22nd October 2015 for essential maintenance work to the filtration system. There would be widespread publicity to advise people about the closure. The dry side of the Leisure Centre would remain open.

Councillor Bebb, Cabinet Member for Finance and Performance, reminded Councillors that work had commenced on updating the Council's financial profile for 2016/17 to 2019/20, the details of which had been referred to by the Leader of the Council and the Chief Executive in a letter to all Councillors and staff dated 24th July 2015. Councillor Bebb stated that the Government's Spending Review 2015 would have a significant impact on the Council's finances. Information about the Government's proposed public expenditure was scheduled to be released on 25th November 2015. Information about Government grants to be paid to local authorities was expected in mid-December 2015. Councillors were invited to attend the Overview and Scrutiny Committee meeting to be held on 25th November 2015 when the Council's forthcoming budget would be discussed.

Councillor Cunningham, Cabinet Member for Economic Development, added to his report that the Braintree District Business Growth Loan Fund had been launched on 14th September 2015. This Fund would enable the Council to make capital loans to existing businesses to help them to grow and create jobs, and to attract inward investment and jobs growth.

Councillor Butland, Leader of the Council, presented the report of Councillor McKee, Cabinet Member for Corporate Services and Asset Management. Councillor Butland reported that Miss Emily Smith-Adams, one of the Council's apprentices, had been short-listed for the Public Service People Managers' Association - National Apprentice of the Year Award and that she had recently attended a two day assessment. Although Emily had not won the award, she had received very good feedback on her performance. Councillor Butland congratulated Emily on being shortlisted and for the way in which she had represented herself and the Council.

Councillor Lady Newton, Cabinet Member for Planning and Housing, added to her report by making reference to the Syrian refugee crisis. Councillor Lady Newton stated that information was currently awaited from the Government as to whether the Council would be required to assist with the provision of housing for refugees.

Councillor Mrs Schmitt, Cabinet Member for Environment and Place, added to her report that the feed-in tariff for roof-mounted solar power panels would reduce significantly with effect from 1st January 2016. It was reported that the proposed installation of solar panels on Council-owned buildings at Unit 9, Braintree and the Discovery Centre, Great Notley would continue and that staff were working hard to ensure that the installation of a larger array of panels at Witham Leisure Centre was completed. Councillor Mrs Schmitt referred also to the Essex Energy Switching Scheme which enabled consumers to assess whether they could achieve a better deal on the provision of gas and electricity supplies. Savings of up to £230 were possible. Details of the scheme were available on the Council's website and in a leaflet which had been distributed. Consumers had until 12th October 2015 to register a no obligation interest.

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: <http://www.braintree.public-i.tv/core/>

The main topics covered were as follows:

- The proposed devolution of powers to Greater Essex, the effect of growth ambitions on environmental sustainability and the need to provide significant infrastructure.
- Publicity regarding the forthcoming temporary closure of Halstead swimming pool.

- The take-up for Rural Activity Sessions held during the summer holidays for children aged between 8–12 living in Earls Colne, Great Yeldham, Rivenhall and Silver End.
- The format of training to be provided to all Councillors regarding safeguarding (child sexual exploitation, gangs, modern slavery etc.).
- The provision of a community hospital for Witham.
- The forthcoming review and the duration of the Council's leisure services contract.
- Details of completed improvement works at Witham Industrial Estates following a grant allocation of £25,000 to Witham Industrial Watch.
- The effect of town centre car parking arrangements and parking charges on retail businesses.
- Publicity regarding the Braintree District Business Growth Loan Fund and how businesses would be made aware of the Fund.
- Kelvedon railway station – Possible reduced opening hours of the ticket office and the inadequacy of the existing automatic ticket machine.
- The Syrian refugee crisis and the provision of housing.
- Consultation arrangements in respect of work being undertaken by Essex County Council, Highways England and the Department for Transport to identify a preferred route for the dualling of the A120 between Braintree and Marks Tey by 2017.
- The provision of car parking in Witham for rail commuters and the need for this to be considered by the companies bidding for the renewal of the rail service operating franchise.
- Update on works to improve safety at the Marks Farm roundabout, Braintree.
- Braintree Emergency Housing – Provision by New Direction/Salvation Army.
- Temporary Traffic Regulation Order (TTRO) for Guithavon Valley, Witham – Installation of double yellow lines (no parking) with some parking gaps. It was reported that the effectiveness of the TTRO was being monitored to assess whether a permanent Order should be made.

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

- Councillor Mrs Beavis, Cabinet Member for Health and Communities, agreed to circulate details of the take-up for children's Rural Activity Sessions held during the summer holidays.
- Councillor Cunningham, Cabinet Member for Economic Development, agreed to forward details regarding the improvement works undertaken at Witham Industrial Estates.

37 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 6TH JULY 2015**

**INFORMATION:** No matters were raised.

38 **CHAIRMEN'S STATEMENTS – PUBLIC SESSION**

**INFORMATION:** No statements were made.

39 **STATEMENTS BY MEMBERS - PUBLIC SESSION**

**INFORMATION:** No statements were made.

40 **BUSINESS OF EXTERNAL ORGANISATIONS**

**INFORMATION:** There were no reports received from Council representatives on external organisations, or issues raised.

There were no matters raised in Private Session.

The meeting commenced at 7.15pm and closed at 8.17pm.

Councillor Mrs L Walters  
(Chairman)