

Minutes

Council Meeting



4th June 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	Apologies
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	Yes	Councillor Mrs J Money	Yes
Councillor D Bebb	Yes	Councillor Lady Newton	Apologies
Councillor K Bowers	Yes	Councillor J O'Reilly-Cicconi	Yes
Councillor Mrs L Bowers-Flint	Yes	Councillor Mrs I Parker	Yes
Councillor G Butland	Yes	Councillor Mrs J Pell	Yes
Councillor S Canning	No	Councillor R Ramage	Yes
Councillor J Coleridge	Yes	Councillor F Ricci	Yes
Councillor J Cunningham	Apologies	Councillor B Rose	Yes
Councillor Mrs M Cunningham	Apologies	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	Yes	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor C Siddall	Apologies
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	Apologies
Councillor Mrs A Kilmartin (Vice Chairman)	Yes		

18 **CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS**

Chairman

The Chairman's announcements covered the following:

Braintree Town Hall's 90th Birthday – It was reported that Braintree Town Hall celebrated its 90th Birthday on 23rd May 2018. A number of residents, past and present Council staff, Councillors and contractors attended the commemoration. The programme for the day included a talk from Julien Courtauld about the Town Hall history, a screening of the opening of the Town Hall, a look at its future and finished with closing remarks from Councillor Tattersley, Cabinet Member for Health and Communities.

The event was considered a great success and the Chairman expressed her congratulations to all those involved with organising the day.

Armed Forces Day – 30th June 2018 – It was reported that the Armed Forces Day would be officially marked on 30th June and that the Chairman would be raising the Armed Forces Day flag at 10:30am at Braintree Town Hall, Market Square, Braintree.

Members were advised that an invitation had been circulated with regards to this occasion and the Chairman thanked those that had already responded. All other responses confirming attendance would need to be made by Friday 15th June to the Civic Office.

The Leader did not have any announcements to make.

19 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Mrs Pell declared a Non-Pecuniary Interest in Agenda Item 10g – 'Councillor Tattersley – Health and Communities' as Trustee for Halstead Day Centre.

Councillor Baugh declared a Non-Pecuniary Interest in Agenda Item 8 – 'Recommendation from Cabinet – 14th May 2018 – Braintree Town Regeneration Scheme Development and Financial Update and Proposals' – as Director and Trustee for the Braintree District Museum Trust.

Councillor Butland declared a Non-Pecuniary Interest in Agenda Item 10a – 'Leader's Report to Council – Overall Strategy and Direction' as a non-remunerated Director of North Essex Garden Communities Ltd.

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.

20 **QUESTION TIME**

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

21 **MINUTES**

DECISION: That the Minutes of the Annual General Meeting of Full Council held on 23rd April 2018 be approved as a correct record and signed by the Chairman.

22 **PRESENTATION OF LONG SERVICE AWARD FOR COUNCILLORS MANN AND MRS BOWERS-FLINT**

INFORMATION: Councillors Mann and Mrs Bowers-Flint received a presentation from the Chairman to commemorate their 35 years of service as District Councillors, after which they were presented with their citations. Councillors Mann and Mrs Bowers-Flint were then invited to say a few words each about their experiences.

The Leader was invited to say a few words on behalf of Councillors Mann and Mrs Bowers-Flint, during which he made note of the vast changes that had taken place within and outside of the organisation since the start of their service in 1983. The Leader expressed his sincere thanks to both Councillors for their significant contributions towards serving their electorate and residents and emphasised the vast amount of knowledge that both Councillors shared between them, particularly with regards to Planning.

Councillors Barlow, Mrs Pell, Abbott, Hensman and Parker also spoke and expressed their individual congratulations to Councillors Mann and Mrs Bowers-Flint.

23 **RECOMMENDATION FROM CABINET – 14TH MAY 2018 – PHASE 4A SUPERFAST BROADBAND FUNDING**

INFORMATION: Consideration was given to the Phase 4a Superfast Broadband Funding which, following recommendations from Cabinet, proposed the investment of £356,000 to provide match funding to reach 99% superfast broadband coverage and leverage £1.8m of new investment to the Braintree District, and that the funding was allocated from the unallocated balance of New Homes Bonus.

It was reported that funding for Phase 4a would allow Superfast Broadband to be rolled out to 99% of the Braintree District, which ensured notable economic and social benefits for residents. The investment by Braintree District Council of £356,000 would unlock grant funding which would allow an additional 1,168 premises to access Superfast Broadband with download speeds of more than 30MB a second, whereas current speeds were between 1 and 15 MB per second. A total investment of £1.8m was secured, and a £250,000 contribution by the Council was made between 2011 and 2015 towards the scheme during earlier phases of the scheme. It was added that if Council agreed to move Cabinet's recommendations on this matter, Braintree District would become the largest contributor to Superfast Broadband across Essex.

It was stressed that other Superfast Broadband schemes such as Phase 4B, which included a limited fund of 1.2m for a County wide programme for the areas with poorest connectivity, would not provide enough financial support to ensure that 99% of Braintree residents received Superfast Broadband. Further public investment under Phase 4A was therefore essential as any other funding was unlikely to be secured by the Government. Under Phase 1, the take up of service was 51% in the Braintree District, compared with 51.6% Essex wide and 47% nationally, which

identified the growing need for Superfast Broadband. The current forecast was that 97% of the Braintree District received superfast coverage compared with an average of 96% across the County; it was expected that the Braintree District would fall behind this average should the decision be made not to invest in Phase 4A due to financial shortfalls. Many areas would benefit from Phase 4A, such as the Hedingham Wards, Bumpstead Ward, Coggeshall, East Braintree, Braintree Town Centre and Springwood Drive, Braintree.

In response to questions raised by Members, the following information was provided:

- Members were advised that Superfast Fibre Broadband in Pebmarsh formed part of Phases 1-3, and was expected to be implemented in the village (and other areas in the District that were in the 1% bracket of poor signal) by the end of the year.
- Members were informed that there was not a definitive time frame in place for the implementation of Superfast Broadband, but that the Cabinet would assign urgent attention to the 1% of the population remaining that would not have access. The possibility of financial 'gainshare' from service providers such as BT was identified should services be delivered at a faster rate expected or uptake of consumers be higher than anticipated.

DECISION: That Council agreed:

1. The investment of £356,000 to provide match funding to reach 99% superfast broadband coverage and leverage £1.8m of new investment to the Braintree District.
2. That the funding was allocated from the unallocated balance of New Homes Bonus.

REASON FOR DECISION: To enable the Council to support the development of required infrastructure to deliver its corporate responsibilities including the Digital Strategy and Plan for Growth, whilst delivering services that are cost effective and value for money.

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RECOMMENDATION FROM CABINET – 14TH MAY 2018 – BRAINTREE TOWN CENTRE REGENERATION SCHEME DEVELOPMENT AND FINANCIAL UPDATE AND PROPOSALS – PUBLIC

INFORMATION: Members were reminded that Item 8 had a corresponding report in Items 13 of 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 for part of the debate of this Item.

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 from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Councillor O'Reilly-Cicconi indicated that he intended to raise confidential matters and it was therefore necessary for the meeting to be moved into Private Session for part of the debate of this Item.

INFORMATION: Consideration was given to a report on the proposed Braintree Town Centre Regeneration Scheme and Financial Update and Proposals. It was stressed that throughout the development of the Scheme, much preparation and research had taken place in order to ensure that the focus remained on addressing the needs of Braintree; in particular boosting the economic prosperity of the Town Centre and residents while still maintaining Braintree's civic and heritage elements in a way that was financially responsible and sustainable. Appreciation was expressed towards Officers and Members involved with the Scheme's continuing advancement.

Some of the challenges that were addressed included health provision within the District and encouragement of healthy living. In order to combat these challenges, the proposed developments offered a new health facility that was 1,500 metre's square on a 20 year lease, and the Council was also working in close partnership with the Mid Essex Commissioning Group and NHS England in order to design the precise services that would be provided at the facility, including a pharmacy. The importance of preserving open space and public realm in the town centre was also highlighted and exemplified by the decision to incorporate a car park at the site behind the Town Hall that consisted of 110 spaces.

Another priority was the need to boost the economic development and prosperity of Braintree and its residents. The Scheme would help to improve the town's image as a place to visit and conduct business matters in, and an example of how the Scheme served this objective was the proposed 70 bed hotel on 25 year lease from the hotel provider that helped to serve tourism and business, in addition to a restaurant/retail unit.

On the issues of tackling housing shortages and assisting with the purchase of affordable homes, the Scheme proposed 35 new flats that complied with the Council's 30% social housing requirement, allowing more buyers to take up residence in the Town Centre which also helped to increase its footfall. A total of 9 new bus stands (as opposed to the current 5) was also intended in addition to new car parking facilities; this helped to ensure that Braintree was viewed as a welcome gateway and that, with increased levels of activity, the appropriate capacity was in place to accommodate this.

Finally, it was added that financial models included repayments of debts incurred from the Scheme during construction and resulted in a net revenue stream that would support the Council in its delivery of essential services, as well as a valuable asset to add to the authority's increasing portfolio.

In response to questions raised by Members, the following information was provided:

- Members were assured that the Council was committed to supporting all three town centres in the District. An example of this was the retention of proceeds from the sale of the Bramston Site to be reinvested into Witham.

- With regards to future development in Witham, the company New River Retail intended to work with Braintree Council in order to precipitate this. Members were also reminded that Witham had experienced large scale developments in recent years as well as Braintree, including Mayland House the Leisure Centre and an all-weather pitch. It was added that each town within the District would require a different approach to facilitating their individual development needs.
- Members were informed that there were at least 21 public toilets within a ½ mile radius of the Manor Street Development in the Town Centre in Braintree. The Council was looking to set up a scheme in order to ensure the public would have enough facilities available to them.
- The topic of roads and congestion during development of the regeneration site was a valid issue. Discussions were currently taking place with Essex County Council as to how this could be addressed, in addition to the improvement of signage along roads.
- It was highlighted that with any capital project endorsed by the organisation there was an element of risk. The aim was to balance the community aspects of the Town Centre regeneration with that of reasonable financial return.

DECISION (PUBLIC REPORT): That Council agreed:

1. That Council notes the principles of the decisions of Cabinet and approves a capital budget set out in the Private report for all professional, construction and associated scheme development costs, including capitalized interest with the ability to vary the budget by up to 5.00% if a decision is made under decision 4 above.
2. The use of the sums set out in the Private report from the District Investment Strategy reserve in addition to the £3 million already approved.
3. The approval to the required borrowing as detailed in the set out in the accompanying Private report (Section 5.4), in addition to the £8.555 million borrowing already approved.

REASON FOR DECISION: To agree the development delivery proposals and financial arrangements for the Braintree Town Centre Regeneration Scheme to enable this project to move forward.

The following relates to the private minute of the debate. As private information was not disclosed this could be included in the public Minutes.

DECISION (PRIVATE REPORT): That Council agreed:

1. That Council notes the principles of the decisions of Cabinet and approves a capital budget set out in the Private report for all professional, construction and associated scheme development costs, including capitalized interest with the ability to vary the budget by up to 5.00% if a decision is made under decision 4 above.
2. The use of the sums set out in the Private report from the District Investment Strategy reserve in addition to the £3 million already approved.

3. The approval to the required borrowing as detailed in the set out in the accompanying Private report (Section 5.4), in addition to the £8.555 million borrowing already approved.

REASON FOR DECISION: To agree the development delivery proposals and financial arrangements for the Braintree Town Centre Regeneration Scheme to enable this project to move forward.

25 **RECOMMENDATION FROM CABINET – 14TH MAY 2018 – CHAPEL HILL
ACCESS LAND PURCHASE – PUBLIC**

INFORMATION: Members were reminded that this Item was linked to Item 14a 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 14a of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 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: The Chairman invited the Cabinet Member for Corporate Services and Asset Management, Councillor John McKee, to present the Report. Members were asked to approve the recommendation from Cabinet on the 14th May 2018 to commit from the Community Housing and Investment Partnership (CHIP) Fund the sum set out in the Private Report. The use of the funds was to purchase land owned by Millenium Veterinary Practice close to the roundabout at Millenium Way for the development of residential housing.

In 2014 Cabinet approved the purchase and acquired of one plot of land at the site from Essex County Council (ECC) with the intention of the Council undertaking the residential development of the site. Cabinet also identified the need to use funding to invest in schemes which will deliver wider improvements for the whole District and support development proposed in the Core Strategy, and where possible to provide a return for further investment. The second plot of land, owned by the Council, was on a long lease for 50 years from 1996 to Braintree Tennis Club, and the third plot of land owned by the Council was on a 15 year lease with Braintree Football Club that expired in 2030.

This purchase was required so that the former ECC land could be developed. Access from the north was restricted and a planning compliance scheme could not be developed. Since 2016, the Council had engaged Fenn Wright to liaise with the Millennium Vets with the view of gaining access to the Council owned land. Those negotiations had now led to an agreed purchase price.

A bid had been submitted to Homes England as part of the Accelerated Construction Fund to assist with the development of this project.

DECISION (PUBLIC REPORT): That Council agreed:

1. The approval to commit from the share of the growth element of the Council's Community Housing and Investment Partnership Fund the sum set out in the Private report for the purchase.

REASON FOR DECISION: To enable the Council to acquire the Chapel Hill Access Land to facilitate the housing development of land already owned by the Council to provide the Council with a reasonable rate of return on its investment in the future.

DECISION (PRIVATE REPORT): That Cabinet recommended to Council:

1. The approval to commit from the share of the growth element of the Council's Community Housing and Investment Partnership Fund the sum set out in the Private report for the purchase.

REASON FOR DECISION: To enable the Council to acquire the Chapel Hill Access Land to facilitate the housing development of land already owned by the Council to a reasonable rate of return on its investment in the future.

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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 Cabinet Members.

Councillor Graham Butland, Leader of the Council, gave an update to Members on the meeting of North Essex Garden Communities Ltd (NEGC) held on 29th March 2018. It was expected that the development corporation statutory instrument would be laid this week, which enabled NEGC and associated Councils to observe fine print and determine whether to go ahead with a local development corporation in respect of developing Garden Communities, if this stage was reached. Members were also advised that the Leader was expecting to receive an initial report from the Planning Inspector into the hearing held at Colchester into the Part 1 plans of Tendring, Colchester and Braintree which Members would be notified of.

With regards to the I-Construct Project, Members were informed that, due to financial difficulties being faced by ECC they had withdrawn the offer to support the I Construct project with a £750,000 grant, instead they could offer a loan. It was unlikely that Braintree Council would accept the alternative offer of a loan from ECC; therefore, the Leader had asked Officers to develop ideas as to how the I-Construct Project might be funded in-house, as economic development was a key objective. It was expected that proposals would be brought forward at the upcoming Cabinet and Council meetings and a decision made as to whether the Project continued without ECC or was dissolved.

The Leader also made reference to Councillor K Bentley's proposed announcement on Friday 8th June 2018 regarding ECC's plans for improving the A120. It was stressed that this was not necessarily the final plan, but it was essential to have union across all stakeholders involved with to ensure that the A120 was improved sufficiently.

Councillor David Bebb, Cabinet Member for Finance and Performance, had nothing to add to his report.

Councillor Mrs Lynette Bowers-Flint, Cabinet Member for Planning and Housing, had nothing to add to her report.

Councillor Mrs Wendy Schmitt, Cabinet Member for Environment and Place, had nothing to add to her report.

Councillor Tom Cunningham, Cabinet Member for Economic Development, added to his report by adding that he had visited the businesses Maycast-Nokes and Milbank Concrete on 25th May 2018 with Councillor Mrs Spray, as part of the Council's District-wide business visits. More visits were intended for the near future.

Councillor John McKee, Cabinet Member for Corporate Services and Asset Management had nothing to add to his report but made mention of Charleen Ranson from Asset Management, who had recently been awarded Employee of the Month.

Councillor Peter Tattersley, Cabinet Member for Health and Communities, added to his report by underlining the importance of the Bocking Windmill with regard to showcasing Braintree's heritage and historic buildings.

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 possibility of land within the District set aside for smaller businesses to utilise as opposed to further housing developments.
- Concern was expressed regarding the future success of public engagement in relation to garden communities.
- Clarification for residents regarding the intended use of the Premdor site in Sible Hedingham and when this could be provided.
- Feedback following visits by Cabinet Members to business premises such as Transporter Engineering in Gosfield.
- Concern over the rate of regeneration in town centres outside of Braintree, particularly Halstead, and details of some of the barriers facing the Council with regard to facilitating the process.

- Verification was sought over the consideration of Paragraph 37 in the PPG when proposed plans and policies were drafted under the Local Plan.
- An update of the progress of the A12 development scheme.
- Information regarding the status of the 5 year housing supply following government changes to the National Planning Policy Framework.
- Discussions between Essex, Braintree and Suffolk County Council regarding the Sudbury and Halstead bypasses.
- The intention of the Council to use the Chapel Hill land to develop its own housing portfolio.
- The grading of the Seasaw Day Centre in Lancaster Way, Braintree, as “unsatisfactory” by Ofsted.
- The Council’s views on the new ruling by DEFRA in respect of the use of mercury by dentists.
- The need for more recycling sacs as resident supplies were running out too quickly.
- Possibility of a list or inventory of grass verges in the District that were left to naturalise rather than cut.
- Concern over the use of chemicals by contractors from Essex Wildlife Trust to remove Floating Pennywort in rivers and other water ways.
- The prospect of a departmental Employee of the Month award.
- The need for further cycling provision in rural areas to help ensure the safety of cyclists, especially alongside road traffic.
- Appreciation for the Braintree Council officers responsible for facilitating an efficient working relationship with the volunteers for The Mill, Bocking.
- Possibility of engagement with dentists about stopping the disposal of mercury into toilets after removal from teeth.

27 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 23rd APRIL 2018**

INFORMATION: No matters were raised.

The meeting commenced at 7.15pm and closed at 9.38pm.

Councillor Miss V Santomauro
(Chairman)