

Minutes

Council Meeting

11th April 2011



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	No
Miss L Barlow	Yes(until 9.23pm)	D Mann	Yes
J Baugh	Yes	T McArdle	Apologies
Mrs J C Beavis	Yes	N G McCrea	Yes
D L Bebb	Yes	J McKee	Apologies
E Bishop	Yes	H J Messenger	Yes
R J Bolton	Apologies	A M Meyer	Apologies
G Butland	Yes	R G S Mitchell	Apologies
G Cohen	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton	Yes
M Dunn	Yes	Mrs A Olumbori	Yes
Mrs E Edey	Yes	J P O'Reilly-Cicconi	Apologies
J G J Elliott	No	Mrs J A Pell	Yes
R Elliston	Yes	R Ramage	Yes
Dr R L Evans	Yes	D M Reid	Yes
A V E Everard	Yes	D E A Rice	Yes
J H G Finbow	Yes	Mrs C Sandbrook	Yes
Ms L B Flint (Vice Chairman)	Yes	Mrs W D Scattergood	Yes
T J W Foster	Yes	Mrs J W Schmitt	Yes
Mrs B A Gage	Yes	A F Shelton (Chairman)	Yes
M G Gage	Yes	Mrs L Shepherd	Yes
Mrs M E Galione	Apologies	C Siddall	Yes
J E B Gyford	Yes	Mrs J A Smith	Yes
N R H O Harley	Yes	Mrs G A Spray	Yes
Mrs S A Howell	Yes	F Swallow	Yes
P J Hughes	Yes	Miss M Thorogood	Apologies
D L Hume	Yes	S M Walsh	Apologies
M C M Lager	Yes	R G Walters	Yes
S J Lambourne	No	T S Wilkinson	Yes

63 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the following issues:-

Past Chairman Fred Card. The Chairman advised that he had recently attended the funeral service of Fred Card, former Chairman of Braintree District Council, who had passed away on 23rd February 2011. Members held a one minute's silence in remembrance of Fred.

Declaration Ceremony for the new High Sheriff of Essex. The Chairman referred to his attendance at the Declaration Ceremony at Chelmsford Crown Court, for the High Sheriff of Essex to be installed. The new Sheriff, Lady Rosemary Ruggles-Brise, resides within the Braintree District.

Loving Your High Street Awards. The Chairman was pleased to attend the Loving Your High Street Awards Presentation on 25th March 2011 at Braintree Town Hall. A total of 2,200 votes for 200 businesses across the district were received, and included the three towns, smaller towns and villages.

Engagements of Chairman and Vice-Chairman. The list of engagements attended by the Chairman and Vice-Chairman between 23rd February and 11th April 2011 was noted.

Presentation to Councillors not standing for re-election in May 2011.

The Chairman was pleased to present citations to the following Councillors:-

- Councillor John Gyford
- Councillor John Collar
- Councillor Nigel Harley
- Councillor Malcolm Dunn
- Councillor Liz Edey
- Councillor Fred Swallow
- Councillor Geoff Cohen
- Councillor Ron Elliston
- Councillor Jennifer Smith

Councillors Lambourne, M Lynch, McCardle, Meyer and Walsh had also received citations, but were not present at the meeting.

The Group Leaders were invited to express their thanks to the retiring Councillors.

Councillor Butland, the Leader of the Council, wished farewell to the 14 Councillors retiring and thanked all of them for the time given to serve the district and constituents. Specific comment was made for

- John Gyford who had represented Witham for 28 years, and been involved with democracy at a national and local level
- John Collar, who had travelled the furthest distance (from the Bumpsteads Ward) to meetings in all weather conditions, and was an active Member for Planning and Licensing functions
- Nigel Harley, Deputy Leader, who had provided superb support and reported views from the north of the area.

Congratulations were given to all Members standing down.

Councillor Dr Evans, Leader of the Labour Group, endorsed the Leader's comments, and extended thanks to all colleagues leaving the Council. Some Councillors had served a short period, whereas Councillor Gyford and Collar were 'stalwarts' of the Council for many years. Councillor John Gyford was also a former Leader of the Labour Group and Chairman of the Council, and his integrity and commitment stands out. Councillor Dr Evans thanked the departing Councillors and wished them well.

Councillor M Gage, Chairman of the Overview & Scrutiny Committee, expressed personal thanks to the retiring Councillors, and especially for those involved with the Overview & Scrutiny Committee – Nigel Harley, as a Portfolio Holder had attended for Budget Scrutiny items; John Collar whose friendship and expert knowledge is appreciated; and to John Gyford for being honest and showing integrity – this will be missed and the contribution to the scrutiny role.

Councillor Abbott, Leader of the Green Party, agreed with all previous speakers to the service and time committed by Members in serving their Wards that is not always acknowledged in local press coverage. John Gyford will be especially missed at Witham for his forensic analysis ability.

Keep Britain Tidy Award

The Chairman invited Councillor Mrs Schmitt, Portfolio Holder for the Green Heart of Essex campaign to address the meeting.

Councillor Mrs Schmitt, Cabinet Member for Clean, Green and Safe referred to the Green Heart initiative at Galleys Corner, Braintree to tackle litter and advised that the project had been entered in the Innovation Category at the Keep Britain Tidy Awards. The Innovation Category had attracted 40 entries and the Galleys Corner project was the winner.

Councillor Mrs Schmitt had great pleasure to announce that the winner over all categories at the national 'Keep Britain Tidy' awards was the Galleys Corner project – a partnership between the Council and the businesses at Galleys Corner, Braintree. Thanks were given to colleagues and dedicated Officers for their commitment to the Green Heart initiative. The Awards were passed to the Chairman and are to be displayed in public.

The Chairman acknowledged the Awards, and also thanked the public for their support.

64 CHAIRMAN'S CHARITIES 2010-2011

The Chairman was pleased to present cheques to his nominated charities for the 2010 -11 Civic Year

- Marie Curie Cancer Care.
Two representatives on behalf of the charity thanked the Chairman, and advised that the money will make a huge difference to the terminally ill people with cancer and other illnesses in Braintree and Essex, and help provide nursing care in their own homes.
- Braintree District Mencap Society.
Two representatives from the charity had pleasure in accepting the cheque, and spoke of its' use for provision of services in Braintree, including pottery 'Plus 4's' and drama.

65 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

- Councillor Mrs Scattergood declared a personal and prejudicial interest for Agenda Item 11(i)(e) Cabinet Member reports, where Councillor Lager will refer to the Icelandic Bank situation, as her son-in-law is a lawyer acting for the Icelandic Banks. Councillor Mrs Scattergood withdrew from the meeting when this item was taken.
- Councillor M C M Lager declared a personal interest as a Member of Essex County Council (ECC) and Improvement East in Agenda Item 11(i)(a) Cabinet Member reports as there is reference to ECC and Improvement East Panel.

In accordance with the Code of Conduct all Members remained in the meeting for these items, unless stated otherwise, and took part in the debate and decision thereon.

66 **MINUTES**

DECISION: That the minutes of the meeting of Council held on 23rd February 2011 be approved as a correct record and signed by the Chairman, subject to apologies for Councillor J C Collar being recorded.

67 **QUESTION TIME**

INFORMATION: There were eight statements made, a summary of which is contained in the Appendix to these minutes.

68 **PETITION – STOP CAMPAIGN – “TALK OF THE TOWNS” DEVELOPMENT PLANS**

The Chairman invited the Petition organiser to present the petition to the Council meeting. The Petition questioned the need for a development behind the Town Hall in Braintree, and referred to areas to be demolished – the Bus Station, the historical Community Centre and the Sioux Ceramics Studio/Café. It also quoted ‘Braintree town centre is also a Conservation Area, yet history and beautiful architecture will be torn down and the landscape negatively altered, all in the name of “progress”’. The petition requested the Council not to proceed with the development.

Ms Sarah Charters, the Petition organiser, advised that 1,326 signatures had been deemed valid from the submitted petition comprising 1,457 signatures obtained over a two-week period – 800 more than the 600 questionnaires received by the Council - and if the period had continued to the same as the consultation period, the amount would have doubled. It was questioned how the Council can report the outcome of the questionnaire to being in favour when there was not an option to say ‘no’ to the proposals. It was requested that the Council listen to the community and the ‘Big Society’ was referred to and the words of Peter Martin, Leader of Essex County Council on more power and control in communities by putting people first. The need of a ‘Big Brand’ retailer was questioned and residents view for independent shops and the refurbishment of historical buildings. It was also queried why the Council do not promote heritage and tourism; why money is being wasted; and on the loss of facilities.

Councillor Harley, Cabinet Member for Enterprise and Culture, provided background information to possible development in Braintree town centre, and the commitment by the Council to regenerate areas of the District. The Council had followed due process of competitive tendering within the Official Journal of the European Union (OJEU) guidelines, and two bidders (from those tendered) had been chosen to submit plans – with a choice to accept one or the other, or neither. The bidders are investing significant funds, and it is them who have identified the need for a hotel and other proposals. An evaluation process will be undertaken on the results of the consultation and the two bids, with a final paper on the proposals to be submitted to the Cabinet meeting in June 2011 (under the new administration).

During the discussion many Councillors considered that the views of residents had been ignored, as the petition displays, and more information should be provided to the community to aid transparency. It was recognised that the proposed development site is an important central area, with the Town Hall and library providing character – however, it is also identified that some areas have a neglected appearance and require a facelift. The consultation process was considered unsatisfactory (both paper and online version) as only two options were put forward, without a choice to say ‘no’ to any development. Councillor Butland, the Leader of the Council, responded to the views expressed during Question Time, including the developers recognising the demand for a hotel, the need for

a bus interchange (not a bus park) to allow traffic flow, and to consider ways to revitalise the High Street and town centre. It was clarified that to assist transparency, it would be the new administration of the Council to determine whether Option 1, Option 2 or neither option are supported, for the future of Braintree.

A closing statement was received from Sarah Charters, the Petition organiser, who referred to the 'Your Council -Your Say' marketing policy and questioned if the Council will truly listen as some Councillors seem to have 'missed the point' during the debate, and queried how many Councillors actually live in Braintree and know the needs of the town centre. It is recorded that residents do have choice on the proposals, and that would be for the third option – not go with either design.

Councillor Harley moved the recommendation to refer the petition to the Cabinet meeting in June 2011. This was seconded by Councillor Butland.

Councillor Eric Lynch moved an amendment to be added at the end of the recommendation as follows:-

'Prior to any decision that the new Council may take regarding the development of the Bus Park site, a new meaningful consultation will be held. This will include an option for residents to be given the choice to say 'Yes' or 'No' to any development and/or to reject any individual part of the scheme'.

The amendment was seconded by Councillor Dr Evans.

Members were advised that the content of the amendment may place the Council at risk, as it is involved in a fixed OJEU process, and any potential challenge in the courts could include costs.

Councillor Eric Lynch requested the amendment be taken, as there had been no opportunity for discussion – at Braintree Local Committee or otherwise – to the proposals. It was clarified that the new consultation would be for all residents in the District, i.e. 145,000 residents.

In discussing the amendment, some Councillors considered it had too many constraints for the future whilst others supported the democratic process.

On being put to the vote, the amendment motion was declared **LOST.**

The motion to refer the petition to the Cabinet meeting of the new Council was put to the vote, and was declared **CARRIED.**

DECISION: That the Petition on the Braintree Town Centre Development STOP Campaign be referred to the Cabinet meeting in June 2011.

69 **ANNUAL REPORT OF THE STANDARDS COMMITTEE FOR 2010/11**

Chris Webb, Chairman of the Standards Committee presented the Annual Report and referred to the Localism Bill being introduced by Government and impending changes to the Standards regime. All Councillors are subject to Standards codes and advice and guidance will be available to new District and Parish Councillors following the election.

In response to whether a training programme had been approved for new Members it was advised this had not currently been determined. However, the Monitoring Officer will ensure that high ethical standards are maintained.

Councillor Mrs Beavis moved that the Annual Report be noted, and Councillor Finbow seconded this.

DECISION: That the Annual Report of the Standards Committee for 2010/11 be noted.

70 **POLICY RECOMMENDATIONS AND REFERENCES (PUBLIC SESSION)**

INFORMATION: There was no Policy Recommendations or References to be received in Public Session.

71 **STATEMENTS BY MEMBERS (PUBLIC SESSION)**

INFORMATION: No statements were made.

72 **QUESTION TIME (PUBLIC SESSION)**

(i) **Reports from the Leader and Cabinet Members**

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

Councillor Butland, Leader of the Council

Councillor Butland had no further additions to his report.

Councillor Dr Evans, referring to the **Localism Bill** and the effect on local government, questioned the provision of neighbourhood plans and the exact amount of 50% response of the votes cast in a referendum.

Councillor Butland advised that further guidance on the Localism Bill is awaited, to clarify this kind of issue.

Councillor Walters, Environment and Sustainability

Councillor Walters had no further additions to his report.

Councillor Hughes queried the delay in the draft contract from British Gas to provide the Council with **Solar PV Panels** on the roof of Causeway House.

Councillor Walters advised that the Council are now negotiating with Eon, on similar terms, and that installation of the panels should commence by the end of August 2011.

Councillor Abbott congratulated the Council on its **Recycling Performance** that made the Council one of the best in the country and questioned was it perverse in the extreme to have a waste incinerator on Rivenhall Airfield.

Councillor Walters accepted the praise given, and stated Rivenhall Airfield is not for this Council to deal with, or for discussion at Council, as he was not aware of any application or business proposal for the site.

Councillor Eric Lynch made reference to the new **Food Waste collection** and whether the food caddy could clip onto the wheelie bin, making it easier to take to the kerbside for collection and helping to deter rats and vermin.

Councillor Walters stated that the proposed bins have sealed lids, and that wheelie bins have aided the decline in rat population.

Councillor Shelton also spoke on **Food Waste collection** and when the service would be available in rural areas of the District.

Responding, Councillor Walters advised that Food Waste costs are met by Essex County Council, and funding is currently not available to expand the scheme.

Councillor Harley, Enterprise and Culture

Councillor Harley had no further additions to his report.

Councillor Abbott requested confirmation of support against **gravel extraction** at Rivenhall Airfield.

Councillor Harley replied in the affirmative.

Councillor Gyford referred to **Braintree Branch Line improvements** and the reference to an alternative tram solution.

Councillor Harley advised that limited information is available to this option, and that to improve transport if a rail solution was not found, the possibility of a tram solution may be considered.

Councillor Mrs Pell requested an update to **Land East of the High Street in Halstead** and if local Councillors could be advised of the developer.

In response, Councillor Harley, confirmed that at present five of the eight landowners have agreed to the draft sale document. However, further information cannot, at present, be provided.

Councillor M Gage continued on this topic and referred to the housing developer at **land at the EMD site** in Halstead and a suggestion to work together on the scheme, including a proposal to move the food retailer to the EMD site, and have smaller shops east of the High Street.

Councillor Harley did not wish more solicitors to be involved in this project.

Councillor Eric Lynch considered that the **Braintree Bus Park development** had been 'flawed' from the start and linked it to the Council's decision not to move away from Causeway House; and continued to state that any specification for the developers cannot be found.

Councillor Harley agreed to make enquiries and provide a written response.

Councillor Mrs Beavis, Customers and Community Support

Councillor Mrs Beavis had no further additions to her report.

No questions were asked to the Cabinet Member.

Councillor Lager, Efficiency and Resources

Councillor Lager provided an update to his report.

Icelandic Banks

Councillor Lager provided an update on the Icelandic Banks issue and Council assets. A Hearing at the Icelandic Courts had recently been held, as a test case, and Local Authorities are given clearance to be treated as preferential creditors. The following data was reported:-

- Kaupthing Singer & Friedlander - £1m invested - £530,000 recovered + interest
- Landsbanki - £3m invested – if status upheld 95% will be recovered
- Glitnir - £1m invested – if sustained, will receive full recovery.

A referendum had been held in Iceland to ascertain whether Icelandic people endorse the loans being repaid. This issue will have no impact to Braintree District Council.

Councillor Cohen referred to the **International Financial Reporting Standards (IFRS)** and that PKF, the Council's external auditors, had commended the Council on its transition of its accounts to the IFRS in time and with few problems. Councillor Lager agreed it had been a challenge and that the Government had now issued a statutory instrument on accounts.

Councillor Ramage requested a progress report on the **Refurbishment Works at Causeway House**.

Councillor Lager stated that details had recently been emailed to Members, and the Member Portal contains current information on the works.

Councillor Lady Newton, Housing and Well-Being

Councillor Lady Newton had no further additions to her report.

Councillor Gyford referred to the **Witham Leisure Centre** project and for joint use of the facility, with the Maltings Academy to access, and for public access to the sports hall. It was queried if there would be consultation for the Council, the Academy and for all users, i.e. clubs, user groups and residents, at this stage.

Councillor Lady Newton expected that arrangements will be discussed with local Councillors at this point and with local groups and users on requirements.

Councillor Gyford continued for clarification that the database held of users and organised groups to be utilised, and to those who had responded to previous consultation.

On answering, Councillor Lady Newton, could not see why they could not be consulted.

Councillor Ramage commented on the completion of fencing at **Witham Sports Ground**, consultation with residents and the benefits in deterring cases of anti-social behaviour.

Councillor Everard commented on the data for **Health Walks** in January 2011, and successful attendance.

Councillor Mrs Schmitt, Clean, Green and Safe

Councillor Mrs Schmitt had no further additions to her report.

Councillor Dr Evans questioned if there was an update on the **Witham Public Hall, and the Dengie Close hall** in Witham.

Councillor Mrs Schmitt stated there was nothing to report on Dengie Close hall, and advised that a proposal had been received for the Witham Public Hall, that is being looked at in detail.

Councillor E R Lynch considered the display of flowering **daffodils across the District** was a credit to the Council, and queried the reason for 80% of the daffodils in 2009, coming up 'blind'.

Councillor Mrs Schmitt had discussed this with Officers, and confirmed that a 'mowing regime' of six weeks after flowering will be allowed, and fertiliser feed applied to the bulbs.

Councillor E R Lynch requested an update on **The Institute in Braintree**, and whether it had been leased or sold.

Councillor Mrs Schmitt confirmed that The Institute will be leased to a user group, and an announcement will be made when final information and legal aspects are satisfied.

Councillor Abbott referred to 'zone the heating' at **Silver End Village Hall** and how the heating had failed this winter. It was queried why the report had not captured residents views for a new heating system.

In answer, Councillor Mrs Schmitt advised that all options are being looked at.

Councillor Hughes made reference to the **meeting at Silver End Village Hall** on 10th February 2011 and whether people had expressed a negative opinion to the information supplied, and were asked for taking over the Silver End Village Hall. Councillor Mrs Schmitt responded that this was an exploratory meeting, and this line of question (to take over the Hall) was not asked.

Councillor Ramage spoke on **Work with Greenfields** and a clean-up proposed in Witham on 14th April 2011, and if notification of this type of event would be made to Councillors, as they were to run throughout the year.

Councillor Mrs Schmitt stated that in the past Councillors had been advised of this, and could not explain how the local Member had not been contacted.

(ii) **Oral Questions**

INFORMATION: Members were invited to ask any questions of the Leader on non-operational matters. No further issues were raised.

(iii) **Chairmen's Statements**

INFORMATION: Councillor M G Gage, Chairman of the Overview & Scrutiny Committee, presented the Annual Report 2010/11 (that had been circulated prior to the meeting). Reference was made to the budget scrutiny work with Portfolio Holders, the outcomes achieved during the year and plans proposed for the forthcoming year.

(iv) **Meetings in Public Session**

INFORMATION: Members were invited to raise any matters arising from meetings that had been held in public session since the last Council meeting on 23rd February 2011.

Cabinet – 28th March 2011

Councillor Mrs Pell drew attention to the Cabinet Member update on the Halstead Community Centre project (Minute 90 refers) and reference to a meeting with Halstead Town Council and expressing their support to continue with the project.

It was clarified for accuracy that the meeting was with the District Councillors for Halstead and the Town Clerk who held no mandate on this issue.

This correction would be drawn to the attention of Cabinet at its next meeting in June 2011.

73 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: There were annual reports received from two Council representatives on external organisations. Both reports had been provided prior to the meeting.

Councillor Mrs Howell – Braintree District Voluntary Support Agency (BDVSA)

Councillor Mrs Howell presented the report and advised that the organisation remains very lively and accepts new challenges, i.e. the Big Society, and takes forward initiatives and future strategies.

Councillor Swallow – Braintree District Citizens' Advice Bureau (CAB) Management Board

Councillor Swallow drew attention to amendment of

- the bullet point at the base of Page 1 of the report and 'Evictions stopped at short notice following intervention and provision of advice' – not 'financial assistance'
- a new bullet point for the year ahead (Page 2) and 'the provision of a Part Time Welfare Benefit Assistant for a further two years'.

Councillor Dr Evans raised three issues regarding (i) how serious the problem of funding was to the CAB; (ii) the services at risk; and (iii) the total level of funding received from Braintree District Council (BDC).

Councillor Swallow reported that the CAB are dependent on the District Council as it provides the 'lion's share' of funding, with minor grants being received from other sources. The Welfare Benefits specialist position was at risk, and there is demand for this service. It was reported that the total level of funding received from BDC amounts to £147,000 received through a Service Level Agreement.

At the close of Public Session thanked Members for their participation, and requested that Members take opportunity to attend their local Street Parties to celebrate the Royal Wedding.

Exclusion of Public and Press: -

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph 3 of Part 1 of Schedule 12(A) of the Act.

Although the following items were taken in Private Session the Minutes do not contain any confidential information and are therefore admissible in the public domain.

PRIVATE SESSION

74 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

- Councillor Walters declared a personal and prejudicial interest in Agenda Item 15 – Museum Service as, although he is no longer a Trustee, he remains a Director of the Museum Trust. Councillor Walters left the meeting whilst this item was discussed and the vote taken thereon.
- Councillors Bishop, Ms Flint and Mrs Pell all declared a personal and prejudicial interest in Agenda Item 15 – Museum Service as Museum Trustees. Councillors Bishop, Ms Flint and Mrs Pell all withdrew from the meeting whilst this item was discussed and the vote taken thereon.

In accordance with the Code of Conduct all Members remained in the meeting for these items, unless stated otherwise, and took part in the debate and decision thereon.

75 **STATEMENTS BY MEMBERS – PRIVATE SESSION**

INFORMATION: No statements were made.

76 **QUESTION TIME – PRIVATE SESSION**

(i) **Reports from the Leader and Cabinet Members**

INFORMATION: There were no further reports.

(ii) **Oral Questions**

INFORMATION: No questions were asked.

(iii) **Chairman's Statements**

INFORMATION: No statements were made.

(iv) **Minutes of Meetings (Private Session)**

INFORMATION: Members were invited to raise any matters arising from meetings that had been held in Private Session since the last Council meeting on 23rd February 2011. No issues were raised.

77 **PRIVATE SESSION POLICY RECOMMENDATIONS**

Cabinet 28th March 2011 – Museum Service

Councillor Harley, Cabinet Member for Enterprise and Culture, referred to the Museum Service report and the Minute Extract from Cabinet of 28th March 2011 that had been produced in Private Session format for Member's consideration.

Council was advised of an amendment to Minute 94 – Museum Service and

- (i) a correction to an amount of £300,000 (not £30,000) in the second sentence, and
- (ii) for an addition of 'and mortgage redemptions' to the recommendation.

Members supported the proposals.

DECISION: That the provisional allocation of £320,000 capital budget in 2011/12 for the freehold purchase and mortgage redemptions of property as detailed in the report be approved, subject to the terms approved by Cabinet (on 28th March 2011) in Decision 1.

The meeting commenced at 7.15pm and closed at 9.58pm.

Councillor A F Shelton
(Chairman)

APPENDIX

COUNCIL MEETING

11TH APRIL 2011

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Question Time

1. Question from Mr Leslie Roerig, 340 Cressing Road, Braintree
Disabled Drivers and the Display of Blue Badges

Mr Roerig read from a letter dated 27th March 2011 submitted to the Council for the meeting:-

'This question stems from the failure of Braintree District Council to (a) act on the personal advice of the Adjudicator that, in this case, BDC could exercise discretion and waive a penalty charge and (b) show good reason why it did not do so.'

'In its dealing with disabled drivers who are accused of not displaying their Blue Badge why does BDC not use its discretionary powers instead of adopting a draconian, unsympathetic and intransigent attitude which can result in a disabled driver being charged £105.00 for not displaying a Blue Badge and being threatened with court action and a visit from the bailiffs if the fine is not paid?'

In response, Councillor Walters, Cabinet Member for Environment & Sustainability referred to the fairness of the Council in dealing with parking tickets and Blue Badge holders and advised that, on some occasions, charges are waived for certain circumstances, i.e. medical emergency. Mr Roerig had been to the Traffic Penalty Tribunal Office and subsequently went to an Adjudicator for a second time who has ruled that the correct procedure had been followed in this case. Councillor Walters will ask the relevant Officer to reply to Mr Roerig.

2. Statements regarding Agenda Item 7 – Petition – STOP! Campaign
– 'Talk of the Towns' development plans

- Mr Spencer Holloway

Mr Spencer Holloway referred to the petition and his objection against the Town Centre development behind the Town Hall. It had been considered that the appearance of Market Square was improving with seating and planting trees, and now there is proposed a 'dreadful' town centre development with significant building of more shops and a hotel, with a loss of the Braintree & Bocking Community Association Centre (BBCA) and the bus park. The BBKA building had been a gift from the US Army and Airforce to Braintree, and the space at the bus park is really needed.

Mr Spencer Holloway could not find the 'seed' of this development, and considered the proposal out of tune with the people of Braintree, and has not been carried out in an open, transparent manner.

- Jane Hughes

Ms Hughes advised that the proposed site is within the Conservation Area and guidance states that any proposed development should not affect or adversely impact on its character. The area includes the Museum, the Job Centre building, the former Picture Palace, the Corner House, Braintree Town Hall, the Community Centre and Manor Street and Victoria Street that comprises of 19th and early 20th Century housing. The guidelines prepared for the proposed scheme state that the library and Town Hall should be seen from all directions. The Town Hall is a Grade 2* Listed Building and the library, quote 'has a better view from the car park area at the rear', therefore both buildings require open space to retain their current vista. Ms Hughes continued to state that the proposed development places buildings close to two landmark buildings. It was considered that the Council are not following its own guidelines, and the proposal is not complimentary to the Conservation Area it is in.

- Sue Parsons

Ms Parsons questioned the need for a hotel in the proposed development and if the Council had recognised the potential for a new hotel in the town centre, as it had recently closed the Tourist Information Office. Ms Parsons had ascertained that 215 hotel rooms exist in Braintree, including the White Hart, Hamptons and two Premier Inns, with a further hotel proposed near Wyevale.

A search had been undertaken on the internet for rooms on different nights, for varying numbers of people and no problem had been identified with beds widely available as it stands.

In conclusion, Ms Parsons queried why a hotel is proposed and what evidence has been identified, as existing demands are being satisfied.

- Sarah Vanderhide

Ms Vanderhide spoke of disappointment with the Council as herself and neighbours on the boundary of the site, found out about the proposed development by a local press article. Opinions had been advised that, despite the period of public consultation, some form of development would go ahead and those affected would be compensated. With regard to the 'Talk of the Towns' literature, one version only asked preference to the two designs, whereas another version gave a further option. Therefore, surely the responses are invalid and it was questioned how the consultation was done 'so badly' with no contact with residents impacted by the development – as in Ms Vanderhide's case half her garden and removal of the neighbour's house would take place. Reference was made to vacant shops in the High Street, a majority of charity shops and betting shops in the town centre, and better shops at Freeport, Chelmsford and Colchester. The lack of a good town centre would attract drunks and yobs, cases of anti-social behaviour, and bring undue worry and stress to town centre residents.

Finally, Ms Vanderhide stated that the Council are elected by the public, and residents are asking that they are listened to, and to stop development.

- Nigel Thorogood

Mr Thorogood considered that the public consultation was biased and undemocratic as the choices did not contain an option to vote 'no' to the two designs. Insufficient thought is made for the bus station, and provision of taxis is not considered, or the disruption through the construction period – that will all adversely affect town centre trade. Shops are not currently filled in Fairfield Road, and the provision of an 'anchor' store was considered unlikely, or a confirmed deal on occupancy on the new site. In Mr Thorogood's opinion traders need to be lured into the High Street, the Market Place was in poor condition, and the scheme will not help retailers.

It was reported that Brooks Newmark, the local MP had written to the Chief Executive of the Council to reiterate his belief to listen to the views of the local community and the STOP campaign. Mr Thorogood requested that the Council listens.

- Sylvia Thorogood

Mrs Thorogood spoke as a retailer, with 19 years in the business, and a prolific letter writer on certain issues. A question was put forward as to why the Council had approached Costa Coffee on the new development, and how many other established retailers have proposals been made to – leaving further empty retail units in the town centre ?

- Richard Young

Mr Young expressed his concern to the proposals, and looked to the internet on the objections the Council has to take into account when considering planning applications as follows

- loss of light and overshadowing
- overlooking and loss of privacy
- visual amenity – the view of the Town Hall clock tower would be obstructed from the east
- parking and turning – an estimated 300 extra cars (staff, clientele and residents)
- traffic generation – how to exit the town centre, with Victoria Street beyond capacity
- noise and disturbance resulting from use
- effect on Listed Buildings and Conservation Area (Policy RLP4 quoted)
- design and appearance of materials not being in keeping

Therefore, the proposal was considered detrimental on numerous grounds.

Response to these statements were dealt with under the Petition debate and not responded to individually.