

Minutes

Council Meeting

15th February 2012



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

Present:

Councillors	Present	Councillors	Present
Councillor J E Abbott	Yes	Councillor J S Allen	Yes
Councillor M J Banthorpe	Yes	Councillor P R Barlow	Yes
Councillor J Baugh	Yes	Councillor J C Beavis	Yes
Councillor D L Bebb	Apologies	Councillor E Bishop	Yes
Councillor R J Bolton	Yes	Councillor G Butland	Yes
Councillor C A Cadman	Yes	Councillor S Canning	Yes
Councillor T G Cunningham	Yes	Councillor J G J Elliott	Apologies
Councillor Dr R L Evans	Yes	Councillor A V E Everard	Yes
Councillor J H G Finbow	Yes	Councillor M J Fincken	Yes
Councillor L B Flint	Yes	Councillor T J W Foster	Yes
Councillor M E Galione	Yes	Councillor C Gibson	Yes
Councillor P Horner	Yes	Councillor S A Howell	Yes
Councillor H D Johnson	Yes	Councillor S C Kirby	Apologies
Councillor M C M Lager	Yes	Councillor D J Louis	No
Councillor C Louis	No	Councillor D Mann	Yes
Councillor J T McKee	Yes	Councillor R G S Mitchell	Apologies
Councillor J M Money (Chairman)	Yes	Councillor Lady P Newton	Yes
Councillor J O'Reilly-Cicconi	Apologies	Councillor Mrs I C F Parker	Yes
Councillor J A Pell	Yes	Councillor R P Ramage	Yes
Councillor D M Reid	Yes	Councillor D E A Rice	Apologies
Councillor W J Rose	Yes	Councillor V Santomauro	Yes
Councillor W D Scattergood	Yes	Councillor W Schmitt	Yes
Councillor A F Shelton	Yes	Councillor L Shepherd	Yes
Councillor C Siddall	Yes	Councillor G A Spray	Yes
Councillor J S Sutton	Apologies	Councillor J R Swift	Yes
Councillor P Tattersley	Yes	Councillor C M Thompson	Yes
Councillor M Thorogood	Yes	Councillor L S Walters	Yes
Councillor R G Walters	Yes	Councillor S A Wilson	Yes
Councillor B Wright	Yes	Vacancy	
Vacancy		Vacancy	

55. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced details of people from the district who had received honours in the Queen's New Year's Honours List.

Councillor Barlow asked that the Council recorded its sadness on the death of the Reverend John Suddards, who had been the Team Rector and Rural Dean for the Witham area. Councillor Barlow said the Reverend Suddards has been helpful and supportive to many people in the district. He asked that the Council conveys its condolences to the Reverend Suddards' family.

56. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor Abbott declared a personal interest in Agenda item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16 – Council Tax Resolution 2012/13, as Chairman of Rivenhall Parish Council;
- Councillor Allen declared a personal interest in Agenda Item 10(i)a, Statements from the Leader and Cabinet Members, as a member of Halstead Town Council;
- Councillor Barlow declared a personal interest in Agenda Item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16 as a Trustee of the Citizens Advice Bureau for the district;
- Councillor Beavis declared a personal interest in Agenda Item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16, – Council Tax Resolution 2012/13, as a member of Sible Hedingham Parish Council;
- Councillor Butland declared a personal interest in Agenda Item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16 – Council Tax Resolution 2012/13, as a member of Great Notley Parish Council;
- Councillor Fincken declared a personal interest in Agenda Item 10(i)a, Statements from the Leader and Cabinet Members, as a member of Halstead Town Council;
- Councillor Galione declared a personal interest in Agenda Item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16, as a Trustee of the Braintree District Voluntary Support Agency and as a member of White Notley and Faulkbourne Parish Council;
- Councillor Horner declared a personal interest in Agenda Item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16, – Council Tax Resolution 2012/13, as a member of Witham Town Council.
- Councillor Lager declared a personal interest in Agenda Item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16, and Agenda Item 10(i)a, Statements from the Leader and Cabinet Members, as a member of Witham Town Council and Essex County Council;

- Councillor Rose declared a personal interest in Agenda Item 10(i)a, Statements from the Leader and Cabinet Members, as a member of Witham Town Council;
- Councillor Pell declared a personal interest in Agenda Item 10(i)a, Statements from the Leader and Cabinet Members, as a member of Halstead Town Council;
- Councillor R Walters declared a personal interest in Agenda Item 8, Recommendations From Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16, as a member of Great Notley Parish Council;
- Councillor Wright declared a personal interest in Agenda Item 8, Recommendations from Cabinet, 1st February 2012 - Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16, – Council Tax Resolution 2012/13, as a member of Rivenhall Parish Council.

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

57. **MINUTES**

DECISION: That the minutes of the Council meeting held on 12th December 2012 be approved as a correct record and signed by the Chairman.

58. **QUESTION TIME**

INFORMATION: One statement was made which is listed in the Appendix to these minutes.

59. **RESIGNATION OF COUNCILLORS**

INFORMATION: Members noted the resignations of Councillors D Messer, C Sandbrook and S Sandbrook and that by-elections will be taking place on 15th March.

60. **POLICY RECOMMENDATIONS AND REFERENCES – CABINET 1ST FEBRUARY 2012**

INFORMATION: The following Recommendations were considered:

Minute 73, Corporate Priorities 2012 - 2016

DECISION: That the Corporate Priorities for 2012 to 2016 set out in the report be approved.

REASON FOR DECISION: To agree the Corporate Priorities for the next four years.

61. **RECOMMENDATIONS FROM CABINET, 1ST FEBRUARY 2012 - COUNCIL BUDGET AND COUNCIL TAX 2012/13 AND MEDIUM TERM FINANCIAL STRATEGY 2012/13 TO 2015/16**

INFORMATION: The following Recommendations were considered:

Minute 74, Council Budget and Council Tax 2012/13 and Medium Term Financial Strategy 2012/13 to 2015/16

DECISION: That the following be approved:

1. The budget variations to the current base budget for: inflation (section 5 in the report), investment income (section 6) and reduction in specific grants (section 7).
2. The savings as detailed in Appendices F and G.
3. Three year service level agreements with the Braintree, Witham and Halstead Citizens Advice Bureau and Braintree District Voluntary Support Agency as detailed in section 3.2.
4. The Investment bids detailed in Appendix B.
5. The three investment bids, listed at Appendix C, be funded from the projected underspend in 2011/12 and from the Business Efficiency Reserve.
6. The unavoidable budget changes detailed at Appendix D.
7. The Council Tax Freeze grant receivable from the Government in 2012/13 be accepted and used to support the General Fund revenue account.
8. The Council's discretionary fees and charges for 2012/13 as detailed in Appendix H.
9. The Council's housing rents and service charges are increased by 6.1% for 2012/13, as detailed in Appendix H
10. That delegated authority is given to the appropriate Cabinet Member to agree variations to Trade Waste and Town Hall Centre fees and charges for commercial purposes.
11. An allocation of £425,185 from the General Fund unallocated balance in 2012/13.

Capital

12. The General Fund Capital bids for 2012/13 listed in Appendix M.
13. The Prudential Indicators and limits set out in Appendix O.
14. The Policy on Minimum Revenue Provision as recommended in Appendix O.
15. The Treasury Management Strategy, including annual investment strategy, for 2012/13.

Council Tax

16. The proposed estimates (producing a budget requirement for council tax purposes of £15,415,888) as detailed in Appendix K and the Council Tax for 2012/13 of £162.81 for a Band D property, having taking into consideration:
 - The consultation feedback received;
 - The assessment of risks in the budget assumptions;
 - The Equalities Impact Assessments and
 - The Section 151 Officer's report on the robustness of the estimates and
 - the adequacy of balances (Appendix Q to the report).

Efficiency Review

17. The Efficiency Review programme as detailed in Appendix J be noted.

REASON FOR DECISION: To determine the budget and council tax level proposals for 2012/13 in accordance with the Budget and Policy Framework Procedure Rules contained in the Constitution.

62. **COUNCIL TAX RESOLUTION 2012/13**

DECISION: Members considered the Council Tax Resolution Report presented by Councillor Siddall, Cabinet Member for Efficiency and Resources.

DECISION:

1. That the Council's General Fund budget of £15,415,888 for 2012/13 be approved.
2. That Council Tax rates for 2012/13 be set in accordance with the following resolution.

Council Tax Base

Under delegated powers the Corporate Director has determined the amount of Council Tax Base for the whole Council area for 2012/13 as 53,874 Band D equivalents; and also that the amount set out in Column 2 of Schedule A should be the Council Tax Base for dwellings in those parts of the district listed in Column 1 of Schedule A to this resolution.

Budget for 2012/13

The Council agrees a budget for 2012/13 of £15,415,888 after withdrawing £525,185 from General Fund unallocated balances and £314,470 from earmarked reserves.

Calculation of the Council Tax Requirement

The following amounts are calculated by the Council for the year 2012/13, in accordance with the Local Government Finance Act 1992 (as amended):-

- a) £80,621,740 being the expenditure the Council estimates it will incur in the year in performing its functions and which will be charged to its General Fund revenue account in accordance with proper practice. This amount includes allowances for contingencies, additions to earmarked financial reserves, local precepts issued to the Council, and the Council's share of the estimated Collection Fund balance at 31 March 2012.
- b) £70,105,084, being the income estimated by the Council which will be credited to the General Fund revenue account in accordance with proper practice. This amount includes specific and general government grants, and the estimated use of financial reserves and general fund balances.
- c) £10,516,656, being the council tax requirement for the year calculated as the difference between expenditure and income as set out at (a) and (b).

In making the above calculations the following amounts have been taken into account:

- d) £6,679,552, being the amount of Formula grant receivable from central government for the year, and £218,121 being the amount of council tax freeze grant receivable for 2012/13.
- e) £34,890, being the amount that has been calculated as at 17 January 2012 as the Council's share of the estimated Collection Fund balance at 31 March 2012, and which will be transferred from the General Fund revenue account in 2012/13 to the Collection Fund.
- f) £1,745,430, being the total of all local precepts received from town and parish councils and taken into account in making the calculation of the council tax requirement at (c) above, and shown in Column 3 of Schedule A.

Calculation of the Basic Amount of Council Tax

The following amounts have been calculated:

- g) £195.21, being the basic amount of council tax for the year including local precepts, calculated by dividing (c) by the Council Tax Base for the whole district.
- h) £162.81, being the basic amount of council tax for dwellings in those parts of the District where there are no local precepts for town or parish councils. This represents the District Council's share of the total council tax rate and is charged across property bands as follows:

Property Band	Band as proportion of Band D	Council Tax Rate
A	6/9	108.54
B	7/9	126.63
C	8/9	144.72
D	9/9	162.81
E	11/9	198.99
F	13/9	235.17
G	15/9	271.35
H	18/9	325.62

The District Council's basic amount of council tax equates to a Council Tax requirement for the Council's own purposes (excluding town and parish precepts) of £8,771,226.

- i) The amounts shown in Column 5 of Schedule A, calculated by adding to the amount at (h) above, the local precept amount relating to each parish or town council area, divided by the tax base for that area. This represents the basic amount of council tax for each parish or town council area. The charge for each property band is also shown in Schedule A.
- j) The Council has been advised of the following precepts to be issued for 2012/13:
 - Essex County Council £58,547,570

- Essex Police £7,365,115
- Essex Fire & Rescue £3,578,311

Expressed as a council tax rate for dwellings in the following property bands:

Property Band	Essex County Council	Essex Police	Essex Fire & Rescue
A	724.50	91.14	44.28
B	845.25	106.33	51.66
C	966.00	121.52	59.04
D	1086.75	136.71	66.42
E	1328.25	167.09	81.18
F	1569.75	197.47	95.94
G	1811.25	227.85	110.70
H	2173.50	273.42	132.84

- k) That having calculated the aggregate of the amounts stated under (i), and (j) above for each area within the District, the Council hereby sets the amounts shown in Schedule B as the total amount of Council Tax for each of the property bands.

Special Expenses

The Council resolves that any expenses incurred by it in performing, in part of its area, a function that is performed elsewhere in its area by a parish or town council, or a Chairman of a parish meeting, shall not be treated as Special Expenses for the purposes of Section 35 of the Local Government Finance Act 1992.

REASON FOR DECISION: To set the Council's Budget and Council Tax Rates for 2012/13.

63. STATEMENTS BY MEMBERS

INFORMATION: No statements were made.

64. QUESTIONS BY MEMBERS

(i) Reports from the Leader and Cabinet Members

INFORMATION: Consideration was given to the written reports of the Leader and Cabinet Members who gave the following responses to questions raised:

Councillor Butland, Leader

Councillor's Butland's meeting with the Witham Community Association had been positive. The Council wishes the Association to succeed but had a duty to protect tax payers' money in repaying a loan. Agreement had been reached for the management of the Association to be more business like including more regular and formalised meetings. Councillor Butland agreed to advise Councillor Dr Evans if the Council's car parking initiative is having an impact on parking at Spring Lodge.

The Council had yet to receive feedback on its unsuccessful neighbourhood budget bid for Witham. In moving forward, the Council is genuinely interested in devolving down services more locally with input from communities but it would be important to ensure that proper governance arrangements are in place.

As the timescales for the Community Budgeting pilot are tight, governance arrangements had been developed based around what was familiar to the authors of the pilot bid.

The Joint Locality Board has agreed its priority to take forward Economic Development. Councillor Butland agreed to write to Councillor Barlow with ideas for scrutiny of the Board. He was also content for observer status to be established at Board meetings.

In respect of the Council's current anti-littering campaign, had the Council opted for a non controversial one, there would have been zero publicity with no impact. The word "Tosser" used in the campaign is not offensive and has captured the imagination of the public. It has also got the issue on the agenda and shown the Council to be active in tackling littering from vehicles.

Councillor Butland drew attention to the Council's Capital Programme for 2012.13 including a provision of £650,000 for Halstead community facilities (page 71 of the Budget report).

Councillor Butland also drew attention to a letter he had sent to Halstead Town Council where he had stated that the Council would make its expertise available to the Town Council for example, in seeking grants or dealing with Planning issues.

Councillor Beavis, Communities

Community groups will be providing more details on their events related to the Olympics shortly.

The new Hospital Hopper Bus Service would run as a trial over the next year. If the Service is successful, the Council would look to bid for rolling it out further in the district.

Councillor Beavis agreed to write to Councillor Dr Evans on the future of the Rickstones Bungalow and Forest Road Community Hall.

Councillor Beavis noted Councillor Barlow's comments on the assessment process in respect of the Mi Community scheme such as seeing greater member involvement in shortlisting applications. Councillor Beavis would consider these comments along with others received in reviewing the scheme for future years.

Councillor Lady Newton, Enterprise, Housing and Development

Councillor Lady Newton advised that her report in respect of the car parking initiative should refer to an additional 5564 vehicles (not people). She also updated the figures advising that in the six week period after Christmas through to 6 February, the ticketing machines indicated that an additional 4259 vehicles had used the car parks.

The Council had met its targets in respect of Affordable Housing. The Council had also never lost any S106 monies.

Councillor Lady Newton advised that she was not aware of Essex County Council virtually tree felling an area of Tarecroft Wood, Rivenhall. She agreed to write to Essex County Council seeking an explanation for the tree felling and to advise Councillor Wright of the response.

Councillor Schmitt also agreed to explore whether Tree Protection Orders would be appropriate for the trees in woods and to advise Councillor Wright accordingly.

Central Essex Community Services (CECS), with whom the Council has agreed terms for the lease of the ground floor of Mayland House, employs around 1100 people in various locations and is looking to centralise its employees. Councillor Lady Newton could not say how many employees would be additional to the district.

Another organisation is also interest in taking a part of a floor in Mayland House and it is hoped that the building will soon bring in a positive income for the Council.

The idea of making the proposed bridge at Motts Lane, Witham, a road bridge had been abandoned some time ago.

The Council had yet to receive a response to its letter to UK Power Networks asking if a line of pylons between Twinstead and a new sub station would be removed if the pylons became redundant. Officers have telephone UK Power Networks several times but to no avail. Councillor Lady Newton has now written to UK Power Networks and hopes that she will receive a response.

Councillor Schmitt, Environment

Following the Court of Appeal upholding a ruling that reductions to the Feed in Tariff rate are unlawful, officers have quickly evaluated various options for the installation of solar panels on the roof of Causeway House. A Business Case has been agreed to fully purchase a solar panel system and a contract has been signed at a cost of £70,000 plus VAT. The panels will deliver carbon savings and installation is due to start on 18th February.

(ii) **Chairmen's Statements**

INFORMATION: No reports were made.

(iii) **Minutes of Meetings (Public Session)**

INFORMATION: No statements were made.

65. BUSINESS OF EXTERNAL ORGANISATIONS

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

The meeting commenced at 7.15pm and closed at 8.57pm.

Mrs J M Money
(Chairman)

Council Meeting, 15th February 2012 - Statements Made

Speaker	Subject
Mr K Spencer Holloway, Braintree	Statements on: <ul style="list-style-type: none">- Great Notley Wind Turbine;- development of Manor Road, Braintree;- Conservation Area Appraisals.