

Minutes

Council Meeting

10th December 2012



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available for 6 months 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	Apologies	Councillor J C Beavis	Yes
Councillor D L Bebb	Apologies	Councillor E Bishop	Yes
Councillor R J Bolton	Apologies	Councillor L B Bowers-Flint (Chairman)	Yes
Councillor G Butland	Yes	Councillor C A Cadman	Yes
Councillor S Canning	Yes	Councillor T G Cunningham	Yes
Councillor J G J Elliott	Yes	Councillor Dr R L Evans	Yes
Councillor A V E Everard	Yes	Councillor J H G Finbow	Yes
Councillor M J Fincken	Yes	Councillor T J W Foster	Apologies
Councillor M E Galione	Yes	Councillor C Gibson	Apologies
Councillor M Green	Yes	Councillor P Horner	Yes
Councillor S A Howell	Yes	Councillor H D Johnson	Yes
Councillor S C Kirby	Yes	Councillor M C M Lager	Yes
Councillor D J Louis	Yes (until 8.24pm)	Councillor C Louis	Apologies
Councillor E R Lynch	Yes	Councillor D Mann	Yes
Councillor J T McKee	Yes	Councillor R G S Mitchell	Apologies
Councillor J M Money	Yes	Councillor Lady P Newton	Yes
Councillor J O'Reilly-Cicconi	No	Councillor Mrs I C F Parker	Yes
Councillor J A Pell	Yes	Councillor R P Ramage	No
Councillor D M Reid	Apologies	Councillor D E A Rice	Yes
Councillor F Ricci	Yes	Councillor W J Rose	Yes
Councillor V Santomauro	Yes	Councillor W D Scattergood (Vice Chairman)	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	Yes
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

Prior to the start of the meeting there was a presentation to mark the retirement of Allan Reid, the Chief Executive. Councillors Butland, Barlow and Abbott made statements on behalf of the Conservative, Labour and Green groups. Councillor Pell also made a statement on behalf of the Halstead Resident Association including on behalf of former members of the Association who had served on the Council.

50. **CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS**

The Chairman's announcement covered the following:

- Welcoming Nicola Beach in her role as new Chief Executive;
- Welcoming Chloe Glock, Modern Apprentice, Member Services;
- Information on the health of Steve Daynes, Democracy Manager;
- Harvest Tea Party;
- Comenius Project Reception;
- Essex Playing Fields Association Awards 2012 including presenting the awards to Alvin Mann, Parks and Open Spaces Supervisor, and Dave Lawrence, Play Area Inspector, on behalf of Operations;
- Long Service Awards;
- Civic Carol Service;
- Staff Visits.

51. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor Abbott declared a non pecuniary interest in Agenda item 9(i) Question Time, Reports from the Leader and Cabinet Members in respect of questions he raised on a number of items relevant to Rivenhall as Chairman of Rivenhall Parish Council;
- Councillor Beavis declared a non pecuniary interest in Agenda items 6d and 7b, Policy Recommendations and References – Cabinet – 29th October 2012 and 3rd December 2012 - Reference from The Local Development Framework Sub-committee, 27th September 2012- Draft Master Plan for The Premdor/Rockways Regeneration Site, Sible Hedingham as a member of Sible Hedingham Parish Council which had made representations;
- Councillor Butland declared a non pecuniary interests in Agenda item 9(i)a Questions Time, Reports from the Leader and Cabinet Members, Leader's Report and any other item referring to Essex County Council (EEC) as a member of EEC;
- Councillors Green and Rice declared a non pecuniary interest in Agenda item 6c, Policy Recommendations and References – Cabinet – 29th October 2012 - Reference from the Local Development Framework Sub – committee, 27th

September 2012 – Draft Master Plan for Land at North-West, Braintree as members of Braintree Football Club;

- Councillors Lager, D Louis and R Walters declared non pecuniary interests in Agenda item 9(i)a Questions Time, Reports from the Leader and Cabinet Members, Leader's Report as a members of ECC;
- Councillors Lady Newton and Pell declared disclosable pecuniary interests in Agenda item 12, Urgent Item, Technical Reforms to Council Tax as owners of second homes in the district. Councillors Lady Newton and Pell withdrew from the Chamber for the consideration of this item;
- Councillor McKee declared a non pecuniary interest in Agenda item 9(i)f Question Time, Reports from the Leader and Cabinet Members, Report of Cabinet Member, Prosperity and Growth, as Chairman of the Braintree District Museum Study Centre Trust Ltd as a question arose during debate on the Museum. He remained in the meeting but made no comment on the matter;
- Councillor Siddall declared a non pecuniary interest in Agenda item 9(i)f Question Time, Reports from the Leader and Cabinet Members, Report of Cabinet Member, Prosperity and Growth, as Corporate Trustee of Braintree District Museum Study Centre Trust Ltd; as a question arose during debate on the Museum. He remained in the meeting but made no comment on the matter;

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.

52. **MINUTES**

DECISION: that the minutes of the Council meeting held on 8th October 2012 be approved as a correct record and signed by the Chairman.

53. **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

54. **POLICY RECOMMENDATIONS AND REFERENCES – CABINET – 29TH OCTOBER 2012. - MEDIUM TERM FINANCIAL STRATEGY 2012/13 TO 2015/16 UPDATE**

DECISION: That authority be delegated to the Corporate Director to approve annually the business rates base for the district.

REASON FOR DECISION: To ensure good governance arrangements through the proactive management of the Council's finances over the short and medium term.

55. **POLICY RECOMMENDATIONS AND REFERENCES – CABINET – 29TH OCTOBER 2012 - TREASURY MANAGEMENT – COMBINED ANNUAL REPORT 2011/12 AND MID YEAR REPORT 2012/13**

DECISION:

1. That the Treasury Management Combined Annual Report 2011/12 and Mid-Year Report 2012/13 be accepted.

2. That the removal from the Council's Investment Policy of the reference to short term ratings in the Council's minimum definition of a "highly credit rated" financial institution for the purposes of selecting suitable investment counterparties be agreed.

REASON FOR DECISION: The Council has adopted the CIPFA Code of Practice for Treasury Management in Public Services which requires that Council receives an annual report and mid-year review of its treasury management function. It is also a requirement under the Council's Constitution that Cabinet must consider and make recommendations to Council for any proposed changes to investment policy.

56. **POLICY RECOMMENDATIONS AND REFERENCES – CABINET – 29TH OCTOBER 2012**
- REFERENCE FROM THE LOCAL DEVELOPMENT FRAMEWORK SUB –
COMMITTEE, 27TH SEPTEMBER 2012 – DRAFT MASTER PLAN FOR LAND AT
NORTH-WEST, BRAINTREE

INFORMATION: Councillor R Walters, Chairman, Local Development Framework Sub-committee, agreed to refer a question on protecting trees and hedgerows in the Plan to Planning officers to respond direct to Councillor Abbott.

DECISION: That the Master Plan for North-West, Braintree be approved as guidance in the determination of planning applications, subject to the following amendments:

- the inclusion of a reference to the Council's Open Spaces Supplementary Planning Document;
- the addition of the phrase 'HGV Restriction' to the link road on the illustrative Master Plan;
- the addition of a reference on page 25 to the parking standards for stadia;
- that the Master Plan includes a reference to the supermarket at the Neighbourhood Centre having a maximum net floor space of 1250m²;
- the area identified for community sports shall be enlarged to be of sufficient size to accommodate a full-size football pitch with run-off area;
- the removal of references to hotel provision at the site.

REASON FOR DECISION: To agree the Master Plan for North-West, Braintree

57. **POLICY RECOMMENDATIONS AND REFERENCES – CABINET – 29TH OCTOBER 2012**
- REFERENCE FROM THE LOCAL DEVELOPMENT FRAMEWORK SUB-COMMITTEE,
27TH SEPTEMBER 2012- DRAFT MASTER PLAN FOR THE PREMDOR/ROCKWAYS
REGENERATION SITE, SIBLE HEDINGHAM

DECISION: That the Master Plan for the Premdor/Rockways Regeneration site, Sible Hedingham, including the alternative option for the provision of a registered care home on the Rockways part of the site, be approved as guidance in the determination of planning applications with the exception of the land of 0.2 hectares safeguarded for new medical facilities which be referred back to the Local Development Framework Sub-committee for consideration as to whether this area could be expanded.

58. **REFERRAL FROM CABINET – 3RD DECEMBER 2012 RECOMMENDATIONS FROM THE LOCAL DEVELOPMENT FRAMEWORK SUB-COMMITTEE – 7TH NOVEMBER 2012 – DRAFT MASTER PLAN FOR THE PREMDOR/ROCKWAYS SITE AT SIBLE HEDINGHAM – AMENDMENTS**

DECISION:

1. That the area of land to be safeguarded for the health facility in the Premdor/Rockways, Sible Hedingham Master Plan be increased to 0.25 hectares.
2. That Planning Officers be requested to work with the site agents to amend the Master Plan to take account of the proposed enlargement to the health facility site and the requested financial contribution to health provision, subject to the Officers using their best endeavours to retain the area identified for the work hub.

59. **REFERRAL FROM CABINET – 3RD DECEMBER 2012 - WELFARE REFORM – BRAINTREE LOCALISED COUNCIL TAX SUPPORT SCHEME**

INFORMATION: In response to questions, Councillor Lady Newton, Cabinet Member, Planning and Property, agreed that a simplified guide to the Localised Council Tax Support scheme would be made available and to advise local Credit Unions of changes in Council Tax payment resulting through the scheme. Councillor Lady Newton also agreed to keep the scheme under review.

DECISION:

1. That the Braintree District Council's Local Council Tax Support scheme for 2013/14 as detailed in Appendix A to the report be adopted.
2. That the Council Tax Exceptional Hardship Fund policy as detailed in Appendix B to the report be adopted.
3. That an amendment to the Council's Scheme of Delegation be agreed to enable the introduction of the Council's Local Council Tax Support scheme and the Council Tax Exceptional Hardship Fund from 1st April 2013 as set out in the report.

REASON FOR DECISION: To agree the Local Council Tax Support scheme for the Braintree district to be implemented from 1st April 2013

60. **REFERRAL FROM THE OVERVIEW AND SCRUTINY COMMITTEE – 28TH NOVEMBER 2012 TASK AND FINISH GROUP - SCRUTINY OF THE COUNCIL'S LAND AND PROPERTY INVESTMENT POLICIES**

INFORMATION: In response to a question, the Leader advised that he hoped to provide information shortly on the letting of Mayland House, Witham, in respect of the terms agreed, dates when occupancy will commence, number of jobs to be created, the economic impact on Witham in terms of additional local spending, and the impact on the Council's finances in terms of rental income and business rates.

DECISION:

1. That the work undertaken by the Task and Finish Group, the conclusions and recommendations reached in the report be noted.
2. That the report be referred to Cabinet for a response.

REASON FOR DECISION: To consider the Task and Finish Group's Scrutiny of the Council's Land and Property Investment Policies

61. **QUESTIONS BY MEMBERS**

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

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

The Leader reminded members that a questionnaire had recently been issued to all members to gather information in support of the Council's submission to the Local Government Boundary Commission for England on the size of the Council. He encouraged all members to respond to the questionnaire by the deadline of 17th December.

Members asked several questions arising from the reports. The questions and responses of Cabinet Members can be viewed on the Council's website at:

http://www2.braintree.public-i.tv/core/portal/webcast_interactive/89656

Topics covered included:

- Breast Screening facilities in Halstead and encouraging women in the district to take up opportunities to use screening facilities;
- Braintree District Voluntary Support Agency Greenfingers Scheme—confirmation by the Leader that the Council would not be funding the money to support the continuation of the Scheme from reserves;
- Living wage in the district;
- Working with Essex County Council on the proposed Braintree Rail Loop and avoiding rail passengers potentially making car journeys to the proposed Beaulieu Park Rail Station, Chelmsford;
- Cleaning up Colemans Interchange A12;
- The production and distribution 18,000 brochures at a cost of around £11,500 providing Christmas gift guides for Braintree and Halstead. Both guides had been well received by local businesses;
- Promoting and supporting SMEs in the district;
- Encouraging young people and entrepreneurs to start up businesses in the district;

- Recent OFSTED report on Alec Hunter Humanities College, and how the school can be supported;
- Ensuring transparency in member expenses;
- The cafe attached to the Braintree Museum;
- Confirmation that the Council had recently achieved a recycling rate of 61.5%;
- Council staff had been gritting the town centres and other pedestrian areas in the early hours of the morning;
- Confirmation that currently, there are no plans to close Spring Lodge, Witham.

The following actions were agreed in response to questions raised by members:

- The Leader believed that all Council employees received at least the Living Wage although he would check to confirm this. He would write to notify members if his checks revealed that this was not the case;
- Councillor Lady Newton, Cabinet Member, Planning and Property invited members to forward suggested comments to her for inclusion in her response on behalf of the Council to the Government's consultation on proposed changes to Permitted Development Rights. Councillor Lady Newton agreed to share her draft response with all members;
- Councillor Lady Newton also agreed to make robust representations to Essex County Council that the County's Mineral Extraction Plan which proposes to excavate 56% of minerals required for the County from Braintree district was not a fair distribution of extraction across the County;
- Councillor McKee, Deputy Cabinet Member, Performance and Efficiency, agreed to bring procurement information on possible savings to the attention of Councillor Bebb, Cabinet Member, Performance and Efficiency. Councillor McKee also agreed to take up consideration of increasing funds available within the Mi Community Fund with Councillor Bebb.

(ii) **Chairmen's Statements**

INFORMATION: No statements were made.

(iii) **Oral Questions Without Notice**

INFORMATION: No questions were raised.

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

INFORMATION: No matters were raised.

62. **BUSINESS OF EXTERNAL ORGANISATIONS**

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

63 **URGENT ITEM - TECHNICAL REFORMS TO COUNCIL TAX**

INFORMATION: The Chairman agreed that an urgent item from the meeting of Cabinet held on 3rd December 2012 could be considered.

DECISION: That the following be agreed from 1st April 2013:

1. That the amount of discount applicable to empty dwellings undergoing major repairs is set at 0% for the twelve month period
2. That the amount of discount applicable to vacant dwellings is set at 0% for the six month period;
3. That the amount of discount applicable to second homes is set at 0%;
4. That the amount of the Empty Homes Premium charged on dwellings vacant for over two-years be set at 0%;
5. That mortgagees become liable for council tax when they take possession of a dwelling under the mortgage, this being subject to the Government implementing the necessary regulations.

REASON FOR DECISION: To set the level of council tax discounts to be applicable from 1st April 2013, required following the Government's withdrawal of specified council tax exemptions effective from that date.

The meeting commenced at 7.15pm and closed at 9.26pm.

L B Bowers-Flint
(Chairman)