

# Minutes

## Council Meeting

26th March 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](http://www.braintree.gov.uk).

### Present:

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

**Chairman**

The Chairman's announcements covered the following:

**Keiron Boylan** – It was reported that former Councillor, Kieron Boylan had passed away on Saturday 17th March 2018. Mr Boylan had represented a total of three different Wards in Witham at various times during his service as a Councillor. These were Witham Chipping Hill, Witham South and Witham West. Mr Boylan was elected in 1979 and he served until 1983. He was re-elected in 1986 and then served continuously until 2007.

On behalf of Members and Officers of the Council, the Chairman passed on his sympathy to Mr Boylan's family and friends.

**Councillor Mrs Stephanie Paul** – It was reported that Councillor Mrs Stephanie Paul, Ward Member for Bocking North, had resigned from her position as a District Council. On behalf of the Council, the Chairman thanked Councillor Mrs Stephanie Paul for her contributions to the Council and for the support that she had given to the constituents of her Ward.

**Mr Rupert Sexton of Maycast-Nokes** – The Chairman invited Mr Rupert Sexton of Maycast-Nokes to address the Council on their success at the National Apprenticeship Awards.

Maycast-Nokes was a leading manufacturer of high-quality precision castings based in Halstead. Maycast-Nokes had won the Medium Employer of the Year 2017 (East of England) at the Regional Final of the National Apprenticeship Awards 2017 and went on to be 'Highly Commended' at National Apprenticeship Awards Finals.

On behalf of the Council, the Chairman presented Mr Sexton with a Certificate to acknowledge the achievements of Maycast-Nokes.

**High Sheriff's Awards 2018** – Members were informed that three Charities which operated and offered support in the District to vulnerable and disadvantaged residents had been recognised by the High Sheriff.

First Stop Centre were awarded £2,000 towards the cost of running anger management and confidence building workshops for vulnerable and disadvantaged individuals from the Braintree area. They were also the Winner of the High Sheriffs' Cup.

Hope House, Essex were awarded £1,000 to help with the operating costs of a charity providing move on accommodation for homeless people in Braintree.

Talk, Listen, Care were awarded £1,000 to provide counselling for vulnerable young people who were at risk of becoming NEET in Braintree.

The Leader did not have any announcements to make.

## 68 **DECLARATIONS OF INTEREST**

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

Councillor A Hensman declared a Disclosable Pecuniary Interest in Agenda Item 8 – ‘Recommendation from Licensing Committee – 21st March 2018 – Taxi & Private Hire Medical Exemptions Policy’ as he was the holder of a dual Hackney Carriage and Private Hire vehicle driver’s licence issued by Braintree District Council. In accordance with the Code of Conduct, Councillor Hensman left the meeting for the consideration of this Item.

Councillor Siddall declared a Non-Pecuniary Interest in Agenda Item 9c – ‘Councillor T Cunningham - Economic Development’ as a non-financial Director of Ignite Business Enterprise.

Councillor McKee declared a Non-Pecuniary Interest in Agenda Item 9e – ‘Councillor J McKee - Corporate Services and Asset Management’ as the Chairman of Trustees for the Braintree District Museum Trust.

Councillor Baugh declared a Non-Pecuniary Interest in Agenda Item 9e – ‘Councillor J McKee - Corporate Services and Asset Management’ as a Trustee for the Braintree District Museum Trust.

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.

## 69 **QUESTION TIME**

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

## 70 **MINUTES**

**DECISION:** That the Minutes of the meeting of Council held on 19th February 2018 be approved as a correct record and signed by the Chairman.

## 71 **FORMATION OF APPOINTMENT COMMITTEE**

**INFORMATION:** Members were advised that following the appointment of the Chief Executive, the Leader of the Council had been in discussion with Group Leaders together with Officers to consider the process for the appointment of a permanent Corporate Director to ensure that the Corporate Management Team was resourced appropriately. Further to cross-party agreement it was proposed to commence an internal recruitment process during April 2018.

The Council’s Officer Employment Procedure Rules as set of in Chapter 2 of the Constitution required a Committee or Sub-Committee of the Council to appoint a Corporate Director, which must include the Leader of the Council, at least one other Cabinet Member and the Chairman of the Overview and Scrutiny Committee. In being consistent with previous appointment procedures it was proposed to widen the members of the Appointment Committee to also include the Cabinet Members

who will be working directly with the Corporate Director as well as the Leaders of the opposition groups.

**DECISION:** That Council agreed:

1. To establish an Appointment Committee (Corporate Director) of 7 Members to manage the recruitment process for a permanent Corporate Director on behalf of Council and not to apply political proportionality to the Committee.
2. To appoint Councillors Graham Butland (Chairman), James Abbott, Phil Barlow, Peter Tattersley, Tom Cunningham, Mrs Jackie Pell and Mrs Wendy Schmitt

**REASON FOR DECISION:** To facilitate the appointment of a permanent Corporate Director in accordance with the provisions of the Constitution and the Local Authority (Standing Orders) (England) Regulations 2001.

72 **RECOMMENDATION FROM OVERVIEW AND SCRUTINY COMMITTEE – 7TH MARCH 2018 - SCRUTINY REVIEW INTO EMPLOYMENT SITES AND PREMISES**

**INFORMATION:** Members were asked to consider the findings of the Overview and Scrutiny Committee the recommendations contained therein, and refer the Scrutiny Review Report into Employment Sites and Premises to Cabinet for consideration and response.

**DECISION:** It is recommended to Full Council to refer the Scrutiny Review Report into Employment Sites and Premises to Cabinet on 14th May 2018 for consideration and response.

**REASON FOR DECISION:** To enable the Committees' report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny as set out in the Constitution.

73 **RECOMMENDATION FROM LICENSING COMMITTEE – 21ST MARCH 2018 – TAXI & PRIVATE HIRE MEDICAL EXEMPTIONS POLICY**

Councillor Hensman left the meeting for the consideration of this Item.

**INFORMATION:** Consideration was given to a report on a proposed Hackney Carriage and Private Hire Medical Exemption Policy to be applied to licensed drivers wishing to be exempt from the requirements of the Equality Act 2010 regarding the carriage of passengers in wheelchairs and/or assistance dogs. This matter had been discussed previously at the Licensing Committee meeting held on 15th November 2017.

Part 12 of the Equality Act 2010 made provision for disabled persons' transport. Section 165 of the Act placed a duty on the driver of a wheelchair accessible Hackney Carriage or Private Hire vehicle designated under Section 167 of the Act, which made it an offence for the driver not to offer reasonable assistance to a wheelchair user; to charge extra for providing any assistance; or to refuse a fare from a disabled passenger. Section 166 of the Act enabled a Council to exempt drivers from these duties where appropriate on medical grounds. The proposed Hackney Carriage and Private Hire Medical Exemption Policy would outline the

process and provide guidance on how applications for medical exemption would be determined and the criteria to be used.

The policy would apply to current holders of Hackney Carriage, Private Hire, or Dual Hackney Carriage/Private Hire driver's licences issued by the Council, in addition to the Council's general requirements for medicals, and all drivers would be required to meet the group 2 medical standards of the DVLA.

The draft policy had been subject to public consultation from 27th November 2017 to 22nd January 2018. One representation had been submitted, which stated that the reference to 'C1' group 2 medical standards should be amended to refer only to 'group 2 medical standards' and that the word 'gathering' on the application form should be changed to 'granting'.

It was proposed that Officers should be authorised to grant an exemption if an application met the policy and criteria. Applications which failed to meet the policy and criteria would be determined by a Licensing Sub-Committee. It was also proposed that if the holder of a temporary exemption failed to return an exemption certificate, Officers should be authorised to suspend the person's Braintree District Council Hackney Carriage and/or Private Hire driver's licence; and that Officers should be authorised to make minor amendments to the policy, application forms and guidance when required.

**DECISION:** That Council agreed:

1. To adopt the Taxi & Private Hire Medical Exemptions Policy.
2. That authority is delegated to Officers as set out in paragraphs 4.1, 4.3 and 4.4 of the Report to the Licensing Committee of 21<sup>st</sup> March 2018.

**REASON FOR DECISION:** To allow Braintree District Council to control the issue of medical exemptions in relation to the Equality Act 2010

#### 74 **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 T Cunningham, Cabinet Member for Economic Development, updated Members on the current situation with Ignite Business Enterprise. It was reported that Ignite Business Enterprise would close, with Braintree District Council taking over the running of the Braintree Enterprise Centre. The closure of Ignite was regrettable and the Council appreciated and were mindful of the efforts of those who had been involved with the company. There had been noticeable achievements; however the external environment had change considerably. The Council's first priority was to ensure there was stability for the current tenant through a period of transition to be completed by end of May 2018. Tenants had been informed and

officers from both Asset Management and Economic Development had been meeting with Ignite as the transition continued. In terms of business support, the Cabinet Member assured colleagues and all those who had an interest in the Council's approach to business community, that there would be no withdrawals or backtracking from efforts made to promote business growth in the District.

Councillor McKee, Cabinet Member for Corporate Services and Asset Management, amended his report by correcting two typographical errors to 'Amber' and 'cause'. Councillor McKee also added to his report by referring to the recent missed performance indicator in relation to the number of calls answered within 15 seconds. It was reported that this had since met target and calls were now being answered within 9 seconds.

Councillor Ricci, Deputy Cabinet Member for Health and Communities, updated Members on the transfer of the Museum Trust to confirm that this had now been signed and the funding and management agreement would take effect from the 1<sup>st</sup> April 2018. Councillor Ricci also referred to the two District Council staff who would be transferred across to the Museum Trust and thanked them for their services to the Council.

Councillor Ricci also referred to a typographical error in respect of the Councillors' Community Grants and it was confirmed that the deadline for grant applications to be received by the Community Team for payment was 27<sup>th</sup> March 2018.

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 creating incentives to encourage developers to invest in employment land in the District.
- Details regarding the timescale for the development of the new Silver End Conservation Area Guide.
- The challenges faced by the Housing Team in relation to the implementation of the Homelessness Reduction Act.
- Penalties for home owners or tenants as a result of antisocial behaviour.
- Clarification on whether neighbourhood plans provide any protection against speculative development.
- An update on the progress of the A12 development.
- The anticipated resources to be made available to assist with the application process as a result of the new Homelessness Reduction Act .
- Further information on the delays of the NHS final agreement and sign off in respect of the purchase of Head Lease of the Silver End GP Surgery.

- Details on why the Community Transport Scheme had missed its performance indicator targets.
- Further details on the opening dates of the Bocking Windmill.

75 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 11TH DECEMBER 2017**

**INFORMATION:** No matters were raised.

The meeting commenced at 7.15pm and closed at 8.28pm.

Councillor S Kirby  
(Chairman)