

Minutes

Council Meeting



18th March 2024

These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A recording of the meeting is available on the Council's YouTube Channel at <http://www.braintree.gov.uk/youtube>

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor L Jefferis	Yes
Councillor D Abram	Apologies	Councillor J Martin	Yes
Councillor M Ault	Yes	Councillor S Mason	Yes
Councillor J Ayten	Yes	Councillor A Munday	Yes
Councillor J Baugh	Yes	Councillor I Parker	Apologies
Councillor J Beavis	Yes	Councillor J Pell	Yes
Councillor J Bond	Yes	Councillor G Prime	Yes
Councillor K Bowers	Yes	Councillor S Rajeev	Yes
Councillor L Bowers-Flint	Yes	Councillor R Ramage	Yes
Councillor G Butland	Yes	Councillor F Ricci	Apologies
Councillor J Coleridge	Yes	Councillor P Schwier	Yes
Councillor G Courtauld	Yes	Councillor G Spray	Yes
Councillor M Cunningham	Yes	Councillor M Staines	Yes
Councillor T Cunningham	Yes	Councillor B Taylor	Yes
Councillor C Dervish	Yes	Councillor W Taylor	Yes
Councillor T Diamond	Yes	Councillor M Thorogood	Apologies
Councillor J Edwards	Apologies	Councillor P Thorogood	From 8.48pm
Councillor C Finch	Yes	Councillor R van Dulken	Yes
Councillor M Fincken	Yes	Councillor T Walsh	Yes
Councillor D Garrod	Yes	Councillor L Walters	Yes
Councillor M Green	Yes	Councillor E Williams	Yes
Councillor J Hayes	Yes	Councillor T Williams	Yes
Councillor P Heath	Yes	Councillor J Wrench	Yes
Councillor D Holland	Yes	Councillor B Wright	Yes
Councillor A Hooks	Yes		

49 **DECLARATIONS OF INTEREST**

INFORMATION: The following interested were declared.

Councillor J Beavis declared a non-pecuniary interest in Agenda Item 6 – ‘Motion by Councillor Jo Beavis – Support for the Local Government Association's Debate Not Hate Campaign’ as a member of the Local Government Association.

Councillor L Bowers-Flint declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor G Butland declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor T Cunningham declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor P Schwier declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor B Taylor declared a non-pecuniary interest in Agenda Item 7 – ‘Motion by Councillor James Abbott – Delivery of community Infrastructure’ as a Director of a political communications company that supports the development industry.

Councillor Wrench declared a non-pecuniary interest in Agenda Item 10 – ‘Polling District and Place Review’ as he was the head teacher at one of the Polling Stations identified in the report.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Items were considered.

50 **MINUTES**

INFORMATION: Members were made aware of a number of typos in respect of Minutes 43, 47 and 48.

In order to support the validity of the Minutes, they have been updated and republished accordingly.

DECISION: That the Minutes of the meeting of Full Council held on 19th February 2024 be approved as a correct record and signed by the Chairman, subject to the amendments identified.

51 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

52 **ANNOUNCEMENTS/STATEMENTS FROM THE CHAIRMAN AND LEADER OF THE COUNCIL**

INFORMATION: The following announcements/statements were made: -

Chairman of the Council - Announcements

The Chairman started her announcements with the sad news that a former colleague Hylton Johnson had passed away. Hylton was first elected as a Councillor in May 2011, representing the Hedingham Ward, which he did until May 2023. During his time as a Councillor, Hylton served on several Committees, including the Planning and Licensing Committees, and the former Governance Committee. Hylton was appointed Vice-Chairman of the Governance Committee (later the Governance and Audit Scrutiny Committee) in April 2018, a role that he retained until April 2022. Hylton was also an active member of Sible Hedingham Parish Council before stepping down in May 2023. On behalf the Members and Officers of the Council the Chairman offered the Council's most sincere condolences to Hylton's family and friends.

Since the last meeting of Council in February the Chairman had attended a number of engagements including the High Sheriff's Awards where she was able to connect with various people from the Voluntary Sector and hear about the good work they were doing in their local communities. The Chairman was also honoured to be chosen to be part of the International Women's Day campaign around Braintree Village Shopping Centre and attend Braintree Town Football Club where they hosted a Fella's Fair; an event which included a wide variety of support and information about men's health and well-being. At half-time the Club presented a donation to the Erol McKellar Prostate Cancer Charity who aspire to provide a mobile testing facility. On the night, Braintree won 2:0 against Dartford, so it was a good evening all round.

A full list of the engagements the Chairman had attended since the last meeting of Full Council would be published on the Council's website.

Leader of the Council – Announcements

The Leader made the following announcement. Further to his statement at Full Council in February, the Leader wanted to provide an update on matters relating to Wethersfield and its ongoing use as an asylum accommodation.

It was reported that earlier today, the Home Office confirmed they had made a decision to cap the maximum number of people residing at Wethersfield at any one time to 800. The Council was aware that the capacity of the site was currently 1,245 and it was understood that the Home Office would therefore use the remaining 445 bedspaces for short periods of time. This was a reduction from the 1,700 originally intended, and in response to lessons learned and concerns of the local community.

The Home Office continued to occupy Wethersfield under the emergency permitted development rights, known as Class Q, and this provision was due to expire in April 2024. It was understood that the Home Office still intended to extend the use of the site for at least a further three years by seeking planning permission through a Special Development Order (SDO). The Council understood that this was progressing and were awaiting to hear more from the Home Office. The Council would continue to keep residents updated as and when they were provided with more information on the SDO.

The cap on numbers was however, separate to the ongoing considerations by the Home Office around an SDO. With the site still in operation, the Council continued to maintain an open dialogue with the Home Office, whilst holding them to account and doing their best, working alongside partner agencies, to ensure that the needs of residents, both local people and those living at the site, were met.

The Leader added that following the decision taken in February, the Council had sought permission from the Home Office to provide £50,000 of the funding, received by the Council to date and would support discretionary activity on the site. Whilst accountability for support for Asylum Seekers remained with the Home Office, it was recognised that this was an important element of ensuring a safe and self-sufficient site, mitigating the impact on the surrounding community.

The Leader reminded Members that the Council was required to administer this funding in accordance with Home Office instructions, the primary aim was to reduce the pressure on statutory services resulting from the use of the site for Asylum seekers, and that this funding was a one-off and expected to cover the entirety of the time the site remains in use.

Applications had been received from groups the Home Office was in conversations with and who they would authorise to work on site. The deadline for applications against this grant funding was 4th March and the Council would imminently be letting groups know the outcome of the evaluation of those applications.

Finally, the Council had received confirmation that the appeal against the decision of the High Court, within which the Council challenged the Home Office's decision to use the RAF Wethersfield site, would be heard before the Court of Appeal on 11th and 12th June 2024. This had been listed alongside other appeals brought by West Lindsey District Council for the RAF Scampton site and the appeal by a resident from Wethersfield.

Following the announcements of the intention to seek an SDO, and the Court of Appeal hearing dates, the Council were currently reviewing its legal challenge, which was taking into account the costs likely to be incurred.

53 **MOTION BY COUNCILLOR JO BEAVIS – SUPPORT FOR THE LOCAL GOVERNMENT ASSOCIATION'S "DEBATE NOT HATE" CAMPAIGN**

INFORMATION: Consideration was given to a Motion submitted by Councillor Beavis. Appropriate Notice of the Motion had been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Council's Constitution.

The Motion:

'This Council wholeheartedly supports the Local Government Association's "Debate Not Hate" campaign and pledges to:

Sign up to the Debate Not Hate campaign on the LGA website

Take a zero-tolerance approach to abuse of Councillors and Officers

Regularly review the support available to Councillors and Officers in relation to abuse, intimidation, and personal safety.'

There followed a discussion on the Motion.

On being put to vote the Motion was declared **CARRIED.**

A webcast of the full debate can be viewed here
https://www.youtube.com/watch?v=D_2AoTwDhFc

54 **MOTION BY COUNCILLOR JAMES ABBOTT – DELIVERY OF COMMUNITY INFRASTRUCTURE**

INFORMATION: Consideration was given to a Motion submitted by Councillor Abbott. Appropriate Notice of the Motion had been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Council's Constitution.

The Motion:

'This Council will strive to ensure the delivery of community infrastructure in a timely manner that meets the needs of its residents, supports those areas with housing growth and in accordance with agreements set out in planning consents.'

Members were advised that following the publication of the report, an amendment to the published motion was received in accordance with the Council Procedure Rules. Councillor Abbott and Councillor Beavis as the proposer and seconder of the original motion were consulted and had rejected the amendment.

The Amendment to the Motion:

'This Council will strive to ensure the delivery of community infrastructure in a timely manner that meets the needs of its residents, supports those areas with housing growth and in accordance with agreements set out in planning consents.

The Council agrees that it has an excellent record in leveraging funding for community, social, transport and economic infrastructure, but that its remit is limited. Therefore, this Council reaffirms its commitment to work collaboratively with partners and all relevant statutory bodies to ensure planning policy enables the required infrastructure to come on stream with development.'

Thereon followed a debate on the amendment to the Motion.

On being put to vote the amendment to the Motion was declared **CARRIED.**

Members then carried out a debate on the Amended Motion.

On being put to vote the Amended Motion was declared **CARRIED.**

A webcast of the full debate can be viewed here
https://www.youtube.com/watch?v=D_2AoTwDhFc

55 **QUESTIONS TO THE LEADER AND CABINET**

INFORMATION: The Chairman reminded Members that they may only ask one question of the Leader and the Cabinet on matters which relate to the functions of the Leader, the Cabinet, the powers and duties of the Council or matters pertaining to the District which have taken place since the last meeting of Full Council held on 19th February 2024.

Questions must be succinct and could not be asked in parts and supplementary questions were not permitted. It was added that Members may not make statements before asking their questions.

Members were then given the opportunity to put their questions to the Cabinet. A webcast of the questions and the responses from the Leader of the Council and Cabinet Members is available on the Council's website and its YouTube channel at https://www.youtube.com/watch?v=D_2AoTwDhFc

The main topics were as follows:-

Councillor Beavis asked the Cabinet Member for Planning and Infrastructure for her thoughts on the comments made by the Chairman of Braintree District Council's Planning Committee in respect of rural policies supporting business growth needing to be reviewed.

Councillor Staines raised a query in respect of whether a business fair would be organised for rural communities.

Councillor Prime requested further details on the production of a new asset management strategy that was agreed at the last meeting of Full Council.

Councillor Hooks raised a query on whether Members would be given the opportunity to view the Council's consultee response in relation to minerals plan review before it is submitted for consideration.

Councillor Schwier asked the Cabinet Member for Transformation, the Environment and Customer Services for an update on the uptake of the garden waste subscription service.

Councillor Martin expressed concerns about parking issues outside a primary school in Witham South.

Councillor Diamond asked how the Council was planning on working with Essex County Council and volunteer groups to help tackle the lack of affordable youth clubs and services in the District.

Councillor T Williams asked what was being done to facilitate a new and much needed healthcare facility in Witham.

Councillor Ayten sought clarification on why Council Tax had been listed as increasing by 3% on recent correspondence.

Councillor van Dulken asked for the Leader's thoughts on a recent comment made on social media by the Leader of the opposition in respect of the lack of funding of the Braintree Local Highways Panel.

Councillor Mason requested further details on what was being done to acknowledge the perception and concerns of local residents in respect of the Wethersfield asylum site and what educational input was being offered to both local residents and the asylum seekers.

Councillor Walsh asked about the possibility of creating an interactive Planning map for the whole District, displaying ongoing applications, proposals, and enforcement action.

Councillor Abbott asked the Cabinet Member for Planning and Infrastructure why Rivenhall wasn't referenced in a recent press release regarding the minerals plan consultation.

56

THE BRAINTREE DISTRICT COUNCIL (TOWERLANDS PARK, BRAINTREE) COMPULSORY PURCHASE ORDER 2024

INFORMATION: Members gave consideration to the report which sought to make a compulsory purchase order (CPO) in respect of the outstanding interests in the land as set out on the plan at Appendix 1 of the report, (the Order Land), which was needed to deliver a residential led development at Towerlands Park, Braintree.

The Order Land formed part of the Towerlands Park Estate, Panfield Road, Braintree, Essex, which can be seen edged red on the Plan at Appendix 3 of the report, and which was previously used for a variety of purposes including as a golf course, equestrian and conference centre. On 9th April 2021 the Council granted outlined planning permission, pursuant to its resolution dated 22nd September 2020, for the development of up to 575 homes together with the provision of a site for early years and childcare nursery, local retail and community facilities, and together with associated accesses, infrastructure, services, parking, public realm and landscaping at the Towerlands Park Site.

A key element of the Development Scheme to be delivered on the Order Land was the construction of a residential scheme comprising approximately 66 new houses, including affordable housing, together with part of the proposed linear park and a circular cycleway/footway.

Members were advised that the lease was granted in 1555 and the freehold title to the Order Land had never been registered by its owner, it had not been possible to trace the owner of the Order Land. The Developer and the Council had conducted diligent enquiries in an attempt to establish the identity of the freehold owner of the Order Land, including the issue of statutory requisitions for information by the Council. The issue of the statutory requisitions led to a response from the Coopers and Lybrand Educational Foundation (CCEF). Eversheds Sutherland, solicitors for the Developer, further investigated the claims made by the CCEF in relation to freehold ownership of the Order Land, but such further investigations did not demonstrate that the CCEF were the owners of the relevant land.

Repairbrook Limited currently held a leasehold interest in the Order Land, granted in 1555 with approximately 31 years remaining, which was an insufficient interest in the Order Land to enable the Proposed Development to be built out.

It was reported that the current estimated cost for the delivery of the Proposed Development on the Order Land was expected to be in the region of £7 million to £12 million. The Developer's latest filed financial accounts for the financial year ending March 2023 confirmed that the Developer had net assets of over £23 million. The Developer therefore had funds substantially in excess of the current cost estimate, and those funds were available to be drawn down immediately. The Developer did not require any additional source of funding in order to deliver the Proposed Development.

It was added that the Developer and the Council would enter into a CPO Indemnity Agreement in which the Developer had committed to indemnify the Council in respect of the costs and/or liabilities of the Council in promoting the CPO, including any compensation payable to any party that came forward with evidence of freehold ownership of the Order Land. The estimated range of costs above included the estimated costs of purchasing the freehold of the Order Land, for which the Developer has set aside sufficient funds.

DECISION: That the Council agreed:

- a) That a CPO be made pursuant to the powers in section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of the Order Land.
- b) To delegate authority to Corporate Director, Growth to settle the final form and content of the CPO and associated documentation, to submit the CPO to the Secretary of State for Levelling Up, Housing and Communities for confirmation, and to take all action needed to pursue the CPO and secure its confirmation.
- c) To delegate to the Corporate Director, Growth, to agree and enter into a CPO Indemnity Agreement with Repairbrook Limited.
- d) To delegate authority to the Corporate Director, Growth, following the confirmation of the CPO, to implement the CPO powers to acquire freehold title to the Order Land and to deal with it in accordance with the provisions of the CPO Indemnity Agreement.

57 **POLLING DISTRICT AND PLACE REVIEW**

INFORMATION: Members were asked to consider and approve the revised schedule of polling districts and polling places within the District of the Braintree area.

Members were advised that the Representation of the People Act 1983 and the Electoral Administration Act 2013 required each local authority to undertake periodic reviews of polling districts and polling places for UK Parliamentary elections every five years. In accordance with these Acts, this review was required to be completed by 31st January 2025. The last compulsory review took place in 2020.

However, due to the current electoral review being undertaken by the Local Government Boundary Commission England and their advice that it would not be appropriate to undertake a full review of polling districts at this stage, Braintree District Council had not undertaken a full review of the current polling districts within the District area. Following the publication by the Local Government Boundary Commission England of its final new warding pattern recommendations in 2026, the Council, would conduct a full review of the polling districts and places within the District.

The Council were aware that following the elections in May 2023, there were some issues identified with a small number of the polling places. The Council had carried out a review of these locations. Further details on these locations can be found in the main report.

DECISION: That Council agreed:

1. The revised schedule of polling places set out in Appendix A of the report.

2. To delegate to the Returning Officer authority to approve an alternative polling place if any polling place becomes unavailable or found to be unsuitable in the run up to an election.

58 **ELECTION FEES**

INFORMATION: Members were asked to consider the report which set out the framework of fees paid by Braintree District Council to all staff employed for the purposes of delivering all elections including District and Parish elections and Neighbourhood Planning Referendums, Police, Fire & Crime Commissioner, General and County Council Elections.

It was reported that the Council, approved its current fee scale in February 2023. Prior to this date the fees were previously approved in November 2014 and December 2018. In all instances the fees were revised to provide for a minimal percentage increase and ensure that the hourly rates did not fall below the national minimum wage.

On 27th February 2024, the Department for Levelling Up, Housing and Communities (DLUHC) released their Expenses Guidance for Returning Officers, which set out pay bands that applied to all polls across Great Britain paid for by the consolidated fund. These pay bands had been calculated based on data provided by the Elections Funding Working Group (EFWG) and in turn uplifted and updated to reflect additional responsibilities introduced by the Elections Act 2022 as well as changes to average public sector pay and national minimum wage since then. The pay bands were intended to increase the consistency and transparency of staff payments.

Members were advised that the Council was now required to carry out a matching exercise to ensure that the roles and fees paid under its current fees structure for its election staff was in line with the new national pay bands and considered any budget implications arising from any adjustments required.

Having received the national guidance at the end of February 2024, it had not been possible to complete that analysis before this scheduled meeting of full Council. The Council was responsible for the delivery of the Police, Fire and Crime Commissioner elections scheduled in May 2024, and were currently preparing for a General election being called at some point in 2024. Accordingly, the Council were finalising its staffing requirements for the elections in May and as a result, it was not possible to delay the approval of the staffing fees until the next meeting of full Council. It was therefore proposed that the Council delegate authority to the Chief Executive, as Head of Paid Services (and Returning Officer), to approve the fees at the conclusion of the analysis exercise. This decision would be taken in consultation with the Section 151 Officer, to ensure that there was sufficient budgetary provision to meet the fees approved.

It was added that the election fees to which the report was concerned did not apply to the Returning Officer Fee, and these would remain at the level approved in December 2018.

DECISION: The Council agreed to delegate authority to the Chief Executive, as Head of Paid Service, to approve the election fees paid to all staff employed by the Council for the purposes of delivering elections held in 2024/25, in consultation with the section 151 Officer.

59 **CORPORATE STRATEGY 2024-2028**

INFORMATION: Members were asked to consider the report which set out Braintree District Council's new Corporate Strategy for 2024 to 2028. The Corporate Strategy 2024 - 2028 (the Strategy) set out the themes and priorities of the Council for the next four years.

Members were advised that the Strategy 2024 - 2028 set out the Council's high-level ambitions and strategic priorities for the next four years. The Strategy also introduced a vision for the Council: 'To create a district of opportunity – A place where our communities can thrive, our people can prosper and our environment is cherished for all to enjoy'

The Strategy described the context in which the Council's services would work to drive forward the actions needed to achieve the vision. The Strategy introduces three key themes; Communities, Prosperity and Environment.

The Leader elaborated on these themes, adding that that vibrant communities were crucial in addressing the future challenges that would be faced by the district and the Council wanted to enable more people to participate and have a role in how things were done on matters that impacted them and where they lived. Communities had the ability to improve people's quality of life and the support they could bring was also essential in reducing health inequalities. Other key priorities included providing affordable, high quality and safe homes that met the needs of residents, reducing social isolation and loneliness and supporting communities to build positive social networks and connections.

In respect of prosperity, economic growth played a crucial role in improving the health and wellbeing and living standards of residents. The Council wanted to create the conditions for sustainable economic growth within the district and ensure that all residents could benefit as a result.

With regards to environment, it was recognised that the district was an attractive place full of opportunities, offering clean, safe and green spaces for all to enjoy. The district's spaces were important in supporting people's health and wellbeing, providing opportunities to enjoy the natural environment as well as access to high quality-built environments. It was recognised that the Council needed to protect and enhance its built and natural environments, providing good access to open spaces and increasing biodiversity, and to support residents and businesses to reduce their carbon footprint and be more resilient to climate related impacts.

Members were advised that providing equal opportunities was at the heart of everything. The Council would be striving to support communities to be strong, safe and vibrant and businesses to thrive in a resilient local economy, whilst protecting the environment for all to enjoy. The Council's Fit for the Future programme would

underpin the themes and help the Council to remain resilient and adaptable in an evolving landscape, to proactively meet the challenges and opportunities in new and innovate ways ensuring financial stability.

It was added that accountability for performance against the corporate priorities would be delivered through Annual Plans and performance would be reported quarterly to Cabinet on progress made.

DECISION: That Council approved the new Corporate Strategy 2024-2028 as set out in Appendix A of the report.

60 **DATES OF FULL COUNCIL**

DECISION: Members were asked to note that the meeting of Council originally scheduled for 28th October 2024 had been moved to 4th November 2024.

The meeting commenced at 7.15pm and closed at 22.00pm.

Councillor D Garrod
(Chairman)