

Minutes

Council Meeting

27th June 2011



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. An audio recording of the meeting is available from Member Services.

Present:

Councillors	Present	Councillors	Present
Councillor J E Abbott	Yes	Councillor Ms J S Allen	Yes
Councillor M J Banthorpe	Yes	Councillor P R Barlow	Yes
Councillor J Baugh	Yes	Councillor Mrs J C Beavis	Yes
Councillor D L Bebb	Apologies	Councillor E Bishop	Yes
Councillor R J Bolton	Apologies	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 Ms L B Flint	Apologies	Councillor T J W Foster	Yes
Councillor Mrs M E Galione	Yes	Councillor Ms C Gibson	Yes
Councillor P Horner	Yes	Councillor Mrs 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
Councillor Mrs C Louis	Yes	Councillor D Mann	Yes
Councillor J T McKee	Yes	Councillor D G Messer	Yes
Councillor R G S Mitchell	Yes	Councillor Mrs J M Money (Chairman)	Yes
Councillor Lady P Newton	Yes	Councillor J O'Reilly-Cicconi	Yes
Councillor Mrs I C F Parker	Yes	Councillor Mrs J A Pell	Yes
Councillor R P Ramage	Yes	Councillor D M Reid	Yes
Councillor D E A Rice	Yes	Councillor W J Rose	Yes
Councillor Mrs C Sandbrook	Yes	Councillor S Sandbrook	Apologies
Councillor Ms V Santomauro	Yes	Councillor Mrs W D Scattergood	Yes
Councillor Mrs W Schmitt	Yes	Councillor A F Shelton	Yes
Councillor Mrs L Shepherd	Yes	Councillor C Siddall	Yes
Councillor Mrs G A Spray	Yes	Councillor Ms J S Sutton	Yes
Councillor J R Swift	Yes	Councillor P Tattersley	Yes
Councillor Ms C M Thompson	Apologies	Councillor Miss M Thorogood	Yes
Councillor Ms L S Walters	Apologies	Councillor R G Walters	Yes
Councillor Ms S A Wilson	Yes	Councillor B Wright	Yes

15 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that she would be supporting the following charities for the Civic Year 2011-12:

- Helen Rollason Cancer Charity;
- St John Ambulance, Witham Division.

The Chairman referred to a number of visits she had made since the last Council meeting. She also congratulated Councillor Bebb on being awarded an MBE for services to education.

16 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

- Councillor Butland declared a personal interest in Agenda Item 7(i), Great Notley Discovery Centre Community Based Wind Turbine Project, as a resident of Great Notley, a member of Great Notley Parish Council, and as a member of Great Notley Country Park Partnership Board.
- Councillor Cunningham declared a personal interest in Agenda Item 7(i), Great Notley Discovery Centre Community Based Wind Turbine Project as living in close proximity to the Discovery Centre.
- Councillor Fincken declared a personal interest in Agenda Item 10(ii), Question Time, as Chairman of Governors of Ramsey College in respect of a question he later asked on governance arrangements for the Witham Leisure Centre.
- Councillor Lager declared a personal interest in Agenda Item 6, Town Centre Regeneration as a member of Witham Town Council
- Councillor Mrs Parker declared a personal interest in Agenda Item 7(i), Great Notley Discovery Centre Community Based Wind Turbine project as Chairman of Stop Turbine over Clare.
- Councillor Mrs C Sandbrook declared a personal interest in Agenda Item 7(i), Great Notley Discovery Centre Community Based Wind Turbine project as a resident of Great Notley and a member of Great Notley Parish Council.
- Councillor Mrs Schmitt declared a personal interest in Agenda Item 7(i), Great Notley Discovery Centre Community Based Wind Turbine Project, as a member of Great Notley Country Park Partnership Board.
- Councillor Miss Thorogood declared a personal interest in Agenda Item 6, Town Centre Regeneration as several of the speakers in Public Question Time were known to her.
- Councillor R Walters declared a personal interest in Agenda Item 7(i), Great Notley Discovery Centre Community Based Wind Turbine project, as both a Parish Councillor and County Councillor for Great Notley.

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.

17 **MINUTES**

DECISION: That subject to Councillor Mrs Galione being recorded as giving apologies (and not as being present) and the date of the next Annual General Meeting of the Council to be held on 28th May 2012 (and not 26th), the minutes of the Council meeting held on 26th May 2011 be approved as a correct record and signed by the Chairman.

18 **QUESTION TIME**

INFORMATION: 10 Statements were made, a list of which is contained in the Appendix.

19 **TOWN CENTRES REGENERATION**

(i). Petition- STOP Campaign

INFORMATION: Councillor Butland moved that no further action be taken in relation to the STOP Campaign second petition. This was seconded by Councillor Siddall.

On being put to the vote, the motion was declared CARRIED.

DECISION: That no further action be taken in relation to the STOP Campaign second petition.

(ii). Policy Recommendations and References – Cabinet 9th June 2011

Minute 4, Town Centres Regeneration

INFORMATION: Councillor Lady Newton moved the recommendations of Cabinet from its meeting of 9th June 2011. This was seconded by Councillor Butland.

Councillor Barlow moved the following amendment:

“That the implementation of the recommendations from Cabinet be deferred for a further engagement with the STOP Campaign and the preferred developer to see if there is scope to compromise in the design that may be more acceptable to the Community”.

This was seconded by Councillor Dr Evans.

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

The original motion was then put to the vote and declared CARRIED.

DECISION:

1. That Henry Boot Developments Limited be selected as the ‘Development Partner’ for the Braintree town centre regeneration site.
2. That powers be delegated to the Director of Sustainable Development to agree final terms of the Development Agreement in consultation with the appropriate Cabinet Member(s).

3. That powers be delegated to the Director of Sustainable Development to agree a lease on the regeneration site with the 'Development Partner' for a 200 year term in accordance with the proposals set out in the report.

REASON FOR THE DECISION: To agree a 4 year Enhancement Strategy to assist in the regeneration of Braintree, Witham and Halstead town centres and to recommend to Council the 'Development Partner'.

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

INFORMATION: The following Recommendations were considered:

Cabinet 9th June 2011

Minute 8 – Great Notley Discovery Centre Community Based Wind Turbine Project, paragraph 3 of the Decision.

Councillor Mitchell moved the recommendation from Cabinet. This was seconded by Councillor Mrs Schmitt.

DECISION: That an allocation of £2,404,000 for the studies, planning submission, manufacture and construction of the turbine, on the basis that Members agree the preferred option. The main body of the funding will be required in December 2013 (post construction);

REASON FOR THE DECISION: To enable the Council to start the process for developing a wind turbine at the Discovery Centre in Great Notley and to approve new governance arrangements to ensure that the turbine is in operation by February 2014.

Minute 9– Annual and Fourth Quarter Performance Management Report, paragraph 4 of the Decision.

Councillor Siddall moved the recommendation from Cabinet. This was seconded by Councillor Butland.

DECISION: That a further £250,000, from balances, be added to the Enterprising Communities Fund.

21 **DISTRICT OF TOMORROW**

INFORMATION: Councillor Butland moved that the District of Tomorrow debate be deferred to the next meeting of Full Council in accordance with Rule 20 of the Constitution. This was seconded by Councillor Barlow.

On being put to the vote, the motion was declared CARRIED.

DECISION: That the District of Tomorrow debate be deferred to the next meeting of Full Council.

22 **STATEMENTS BY MEMBERS**

INFORMATION: No statements were made.

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.

Councillor Butland, Leader of the Council

The Leader apologised for not having a written report. This was due to wishing update members on the key issue of very recent discussions with the Leader of Colchester Borough Council. He advised of discussions with group leaders of Colchester Borough Council and reported that whilst there was a significant amount of agreement between the two councils, there are also some significant differences. He had agreed with the Leader of Colchester Borough Council that the only way to resolve the differences would be through a meeting of all members of both councils. This meeting would take place in at 6pm, on Monday, 11th July in Marks Tey. A letter would be sent to members. He believed it was important that as many members of Braintree District Council attend as possible.

Councillor Lady Newton, Enterprise, Housing and Development

Councillor Lady Newton advised that Councillor McKee will take responsibility for Enterprise and Business Support, and Asset Management within her Cabinet portfolio.

Councillor Lady Newton also advised of an opportunity for members to attend a mini seminar in Maldon on 29th June on empty home issues. Members interested in attending were invited to contact Councillor Lady Newton for more details on the event.

Councillor Lady Newton agreed to provide a written reply to a question from Councillor Dr Evans asking to know the awarding body for a qualification in landscaping for persons not in education, employment or training.

Councillor Mrs Schmitt, Environment

Councillor Mrs Schmitt advised that Councillor Mitchell will take responsibility for Waste, Highways and Carbon Management within her Cabinet portfolio.

At 10.10pm, it was moved, seconded and agreed that Rule 8 of the Constitution be suspended and that the meeting should continue until remaining business on the Agenda had been dealt with.

(ii) Oral Questions to the Leader Without Notice

INFORMATION:

In response to a question from Councillor Mrs Howell on the position of Southern Cross Care Homes in the district, the Leader said he was confident that Essex County Council would handle the matter appropriately and ensure that some of the most vulnerable people in our society are protected.

In response to a question from Councillor Lager on the Recycling Centre, Witham, Councillor Mrs Schmitt referred to her statement in the Cabinet meeting of 9th June that Essex County Council (ECC) had no plans to close the Centre. She had also sought assurances from ECC that they would consult with Braintree District Council and Witham Town Council on any changes to the opening hours of the Centre.

(iii) **Chairmen's Statements**

INFORMATION: No reports were made.

(iv) **Minutes of Meetings (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 held on 11th April 2011.

Councillor Barlow referred to Minute 5 (Asset Management Plan 2011-12) of the Cabinet meeting held on 9th June 2011. Councillor Barlow wished to know the letting policy for Mayland House rather than the letting policy as a whole. Councillor McKee replied that the policy is to gain the highest possible rental return with the lowest possible default risk.

Councillor Abbott also referred to Minute 5 (Asset Management Plan 2011-12) of the Cabinet meeting held on 9th June 2011. The Minute recorded that the Leader of the Council agreed that the wording under Community Halls in the Plan needed to be looked at again. Councillor Abbott said he had raised the reiteration of an incorrect policy that community halls would be transferred or closed by 31st March 2011. He said that at the Cabinet meeting the Leader had agreed that the statement in the Asset Management Plan was incorrect, this would be corrected, and that he would write to Cabinet members to ensure that correction was in place. Councillor Butland replied that the action would be in line with what he had said at the Cabinet meeting, that work was underway in this respect, and that the position on this should be available soon.

Councillor Barlow referred to Minute 6 (Leisure Services and Procurement of a New Leisure Management Contract) of the Cabinet meeting held on 9th June 2011. He sought assurance that the Council would be as clear as possible with the joint use agreements in order to achieve the best price for the Council and that this is put in place before going to tender. Councillor Butland agreed that this would be the case.

24 **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 10.24pm.

Mrs J M Money
(Chairman)

Council Meeting, 27th June 2011 - Statements Made

Speaker	Subject
Spencer Holloway, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
William Edwards, Great Bardfield	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Michael Earl, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Eric Lynch, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Jane Hughes, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Richard Parsons, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Lucy Boxall	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Patrick Hughes, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Ann Harvey, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre
Roger Hume, Braintree	Item 6, Town Centre Regeneration. Against development proposals for Braintree town centre