

Minutes

Council Meeting

28th June 2010



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	Yes
Miss L Barlow	Yes	D Mann	Yes
J Baugh	Yes	T McArdle	Yes
Mrs J C Beavis	Yes	N G McCrea	Yes
D L Bebb	Apologies	J McKee	Apologies
E Bishop	Yes	H J Messenger	Yes
R J Bolton	Apologies	A M Meyer	Apologies
G Butland	Yes	R G S Mitchell	Yes
G Cohen	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton	Yes
M Dunn	Yes	Mrs A Olumbori	Yes
Mrs E Edey	Yes	J P O'Reilly-Cicconi	Yes
J G J Elliott	Yes	Mrs J A Pell	Yes
R Elliston	Yes	R Ramage	Yes
Dr R L Evans	Yes	D M Reid	No
A V E Everard	Yes	D E A Rice	Yes
J H G Finbow	Yes	Mrs C Sandbrook	Yes
Ms L B Flint (Vice Chairman)	Apologies	Mrs W D Scattergood	Yes
T J W Foster	Yes	Mrs J W Schmitt	Yes
Mrs B A Gage	Yes	A F Shelton (Chairman)	Yes
M G Gage	Yes	Mrs L Shepherd	Yes
Mrs M E Galione	Yes	C Siddall	Yes
J E B Gyford	Yes	Mrs J A Smith	Yes
N R H O Harley	Yes	Mrs G A Spray	Yes
Mrs S A Howell	Yes	F Swallow	Yes
P J Hughes	Yes	Miss M Thorogood	Yes
D L Hume	Yes	S M Walsh	Apologies
M C M Lager	Yes	R G Walters	Yes
S J Lambourne	No	T S Wilkinson	No

The Chairman welcomed all Councillors to the meeting and he extended a warm welcome to members of the public and press present at the meeting. The Chairman was also pleased to welcome Councillor Mrs A Olumbori who had been elected District Councillor for the Braintree South Ward on 24th June 2010.

PUBLIC SESSION

15 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the following announcements:-

Chairman's Charities for the Civic Year 2010-11

The Chairman announced that he would be supporting the following Charities for the Civic Year 2010-11

Marie Curie Cancer Care
Braintree District Mencap Society

Luard Family Donation

On 15th May 2010 on behalf of Braintree District Museum, the Chairman had received a cake knife and a silver-plated food warmer donated by two great-granddaughters of Admiral Sir William Garnham Luard who had lived in Witham during the 19th Century. After a distinguished naval career, the Admiral had become President of the Royal Naval College at Greenwich and had been knighted by Queen Victoria in her Diamond Jubilee year. After retirement, the Admiral had served as a Justice of the Peace and he had been an active member of the Court of Quarter Sessions. He died in 1910.

Golf Day

The Chairman indicated that his Charity Golf Day would be held at Braintree Golf Club on Wednesday, 4th August 2010.

Engagements of Chairman and Vice-Chairman

The list of events attended by the Chairman and Vice-Chairman since the Annual meeting of the Council held on 10th May 2010 was noted.

16 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Miss L Barlow declared a personal interest in Agenda Item 7 Policy Recommendations and References – Committees Public Session (Witham Local Committee, 18th May 2010 - Taking Forward Local Priorities 2010-11 – Access to Health Services) as she was a Member of Witham Town Council which had commented on health provision in Witham.

Councillor M C M Lager declared a personal interest in Agenda Item 7 Policy Recommendations and References – Committees Public Session (Witham Local Committee, 18th May 2010 - Taking Forward Local Priorities 2010-11 – Access to Health Services) as he was a Member of Witham Town Council which had commented on health provision in Witham.

Councillor E Lynch declared a personal interest in Agenda Item 7 Policy Recommendations and References – Committees Public Session (Witham Local

Committee, 18th May 2010 - Taking Forward Local Priorities 2010-11 – Access to Health Services) and as he was a non-Executive Director of NHS Mid-Essex, a personal interest in Agenda Item 9 (i) Questions by Members - Reports from the Leader and Cabinet Members (Housing and Well-Being) as he was an Executive Member of the League of Friends of Braintree Community Hospital, and a personal interest in Agenda Item 11 Riverside, Braintree (Private Session) as he lived opposite the Managing Director of the development company. Councillor Lynch remained in the meeting, but he did not take part in the discussion, or vote on the latter item.

Councillor Mrs J A Money declared a personal interest in Agenda Item 7 Policy Recommendations and References – Committees Public Session (Witham Local Committee, 18th May 2010 - Taking Forward Local Priorities 2010-11 – Access to Health Services) as she was a Member of Witham Town Council which had commented on health provision in Witham.

Councillor Lady Newton declared a personal interest in Agenda Item 7 Policy Recommendations and References – Committees Public Session (Witham Local Committee, 18th May 2010 - Taking Forward Local Priorities 2010-11 – Access to Health Services) as she was a non-Executive Director of NHS Mid-Essex.

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 the minutes of the Council meeting held on 10th May 2010 be approved as a correct record and signed by the Chairman.

18 **QUESTION TIME**

INFORMATION: There were two statements made, a summary of which is contained in the Appendix to these Minutes.

19 **A120 PETITION**

INFORMATION: Mr J Lewis presented a petition signed by 2377 people expressing serious concerns about the junction of the A120 Coggeshall bypass with the B1024 (Colne Road). The petition had the support of the District Councillors representing the Coggeshall and North Feering Ward and Three Colnes Ward, the Parish Councils of Coggeshall and Earls Colne, and the two local Members of Parliament. The petitioners urged the District Council to have early discussions with the Highways Agency with a view to seeking improvements to the junction.

Mr Lewis highlighted the serious accidents which had occurred at the junction and numerous other accidents that had occurred but which had not been recorded officially. Mr Lewis pointed out that there were seven places along the Coggeshall bypass where pedestrians were able to cross the road, including this junction, which added to the safety issues. Mr Lewis proposed that the introduction of a 40 mph speed limit along a two kilometre stretch of the A120 from its junction with Ambridge Lane (grid reference TL 842 233) to the Essex Way crossing (TL 859 232); and the redesign of road markings at the junction to provide traffic waiting to cross with a

clearer view around traffic waiting to turn should be implemented to improve the safety of the junction. Mr Lewis asked the Council to support these proposals.

Members thanked Mr Lewis, and others who had been involved, for the petition which had been the first to be considered by full Council under new petition procedures adopted at the Annual Meeting. Members agreed that the layout of the A120/B1024 junction was flawed and that a fundamental redesign was required. Accidents had occurred at the junction within weeks of it opening and currently accidents occurred on a weekly basis. In particular, problems were experienced when vehicles, especially HGVs travelling to and from nearby industrial estates, were stationary in the centre of the road and the vision of drivers was obscured, or there was nowhere to wait safely. Local people had to use the junction on a regular basis and many had been traumatised through witnessing accidents. It was agreed that the layout of the junction was very complicated and that accidents often occurred not because of speeding, but when drivers frustrated at having to wait for a gap in the traffic in order to cross, or access the A120, took chances. It was suggested that in addition to requiring a reduction in the speed limit to 40 mph to coincide with the limit at Bradwell and Marks Tey, that average speed cameras should also be installed. The petition was unanimously supported by the Council

It was reported that discussions had been held between Braintree District and Essex County Councils for more than 15 years about accidents at this junction and safety improvements required. However, the Government had announced their intention to cut funding on transport infrastructure, which meant that there would be no funding for a new off-line A120, or major improvements to the road. Safety issues would not therefore be solved by a major infrastructure scheme to improve the A120 east of Braintree.

Councillor Harley, Cabinet Member for Enterprise and Culture, concluded the debate on this issue by acknowledging the widespread concern about the safety of the junction. Councillor Harley stated that the Leader and he had met recently with Essex County Council's Cabinet Member for Highways who had confirmed that the A120 was one of the biggest issues affecting the District. Councillor Harley indicated that a further meeting would be taking place with the County Council and also representatives of the Highways Agency, where the petition, the inadequacies of the A120/B1024 junction and the lack of investment in local infrastructure would be raised with a view to achieving a quick solution.

DECISION:

- (1) That the petition regarding the safety of the A120 Coggeshall bypass /B1024 (Colne Road) junction be supported.
- (2) That the safety of the junction be raised as a matter of utmost importance at a forthcoming meeting between representatives of Braintree District Council, Essex County Council and the Highways Agency with a view to road safety measures being introduced as soon as possible based on a suggested reduction in the speed limit to 40mph; the installation of average speed cameras, the redesign of carriage-way markings to enable traffic waiting to cross the junction to see around traffic waiting to turn; and greater investment in infrastructure.

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

INFORMATION: The following Recommendations were considered:-

Witham Local Committee – 18th May 2010

Minute 5 - Taking Forward Local Priorities 2010-11 – Access to Health Services

Councillor T J W Foster, Chairman of Witham Local Committee, presented the Recommendation of the Committee which was set out in paragraph (I) of the Decision. A motion to amend the Recommendation by the addition of the following words was moved by Councillor Gyford and seconded by Councillor Dr Evans:-

‘Specifically, greater GP provision; local access to minor injuries clinics; a diversity of medical testing locally; out of hours walk-in clinic; oncology and other outpatient clinics held locally’

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

In discussing this item, Councillor Butland stated that he would write to the Chairman of NHS Mid-Essex requesting an early meeting with a view to resolving the issues, and that he would report back to the Council.

DECISION: That the Council press NHS Mid-Essex, through the Local Strategic Partnership, to improve Health Service facilities in the Witham area, specifically, greater GP provision; local access to minor injuries clinics; a diversity of medical testing locally; out of hours walk-in clinic; oncology and other outpatient clinics held locally.

Licensing Committee – 19th May 2010

Minute 8 - Regulation of Lap Dancing and Other Sexual Entertainment Venues

Councillor M J Banthorpe, Chairman of the Licensing Committee, presented the Recommendation of the Committee, subject to its amendment by the addition of the words ‘and the Monitoring Officer authorised to make the necessary amendments to the Constitution’.

DECISION: That the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 be adopted and the Monitoring Officer authorised to make the necessary amendments to the Constitution’.

Halstead Local Committee – 26th May 2010

Minute 6 - Local Committee Budget and Priorities

Councillor Mrs J A Pell, Vice-Chairman of Halstead Local Committee, presented the Recommendation of the Committee which was set out in paragraph (2) of the Decision.

In discussing this item, Councillors acknowledged that all public services would be facing severe budget constraints and changes to the delivery of their services over the forthcoming year and that it would be beneficial to speak to not only the Police,

but to other service providers also. In the circumstances, it was suggested that a joint meeting should be arranged between the Council and representatives of other public services, including services provided by private companies (eg. bus services), at which Members would be able to ask questions. This meeting would be arranged for September/October 2010.

The Recommendation of Halstead Local Committee was amended and the following decision was made:-

DECISION: That a joint meeting between the Council and representatives of other public services, including the Police and services provided by private companies, be arranged for September/October 2010.

Cabinet – 14th June 2010

Minute 7 - Financial Report

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the Recommendation of the Cabinet which was set out in paragraph (6) of the Decision.

DECISION: That the costs of holding vacant Mayland House, Witham, and 19/21 Bocking End, Braintree be met from the General unallocated balance until decisions are made and action taken on their future.

Local Development Framework Panel - 23rd June 2010

Growth Area Funding - Proposals for Expenditure

The Chairman reported that this item had been withdrawn from the Agenda as the Local Development Framework Panel had made its decision under delegated powers, which did not require referral to the Council.

21 **STATEMENTS BY MEMBERS (PUBLIC SESSION)**

INFORMATION: No statements were made.

22 **QUESTIONS BY MEMBERS (PUBLIC SESSION)**

(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

In presenting his report, Councillor Butland stated that the Council would be facing a year of severe budget constraints which would have a significant impact on the provision of services. Whilst a clear position on this would not be known until the Autumn, notification had already been received that some grants would not be forthcoming. A process had already started to review the current costs of providing the Council's

statutory services, which might result in a reduction in the level of service and/or non-statutory services being lost.

The following points were made and questions asked in response to Councillor Butland's report:-

In response to Councillor Butland's statement about budget constraints and the difficult decisions which would have to be made about finances and services, Councillor M Gage invited all Members to attend forthcoming meetings of the Overview and Scrutiny Committee when these issues would be discussed.

Councillor Siddall queried whether the free swimming programme would continue? In response, Councillor Butland stated that the new coalition Government would stop this initiative with effect from 31st July 2010 and that the Council would terminate its scheme on the same date.

Councillor E Lynch queried whether the relocation of Braintree Community Centre was still part of the town centre redevelopment proposals. In response, Councillor Butland stated that the Community Centre was within the redevelopment area boundary, but that it was for the invited developers to decide whether to include it in their development briefs.

Councillor Mrs Beavis, Customers and Community Support

In presenting her report, Councillor Mrs Beavis emphasised the importance and value of work undertaken by volunteers within the community.

No questions were asked in response to Councillor Mrs Beavis' report.

Councillor Lager, Efficiency and Resources

In presenting his report, Councillor Lager reiterated the financial challenges which the Council would be facing and the need to focus on those services which the Council must provide. Councillor Lager indicated that potential savings and economies of scale could be achieved through procurement and joint working with other organisations and these would be investigated.

The following questions were asked in response to Councillor Lager's report:-

Councillor Dr Evans thanked Councillor Lager for his response to a question raised at the last Cabinet meeting regarding accident records. However, Councillor Dr Evans indicated that there was an outstanding point about health and safety training for Cabinet Members. Councillor Lager agreed to provide a written response.

Councillor Lady Newton, Housing and Well-Being

The following questions were asked in response to Councillor Lady Newton's report:-

Councillor Gyford indicated that there was no reference in Councillor Lady Newton's report, or the latest Forward Plan, to Witham Leisure Centre and he asked if the consultants were working on the design specification and if discussions were being held with the Academy Enterprise Trust about joint use and management. Councillor Lady Newton stated that the consultants were working on the design and that this would be reported to the Cabinet in September 2010, but that no further discussions had been held with the Academy Enterprise Trust.

Councillor E Lynch queried what services had previously been provided at William Julien Courtauld and St Michael's Hospitals, Braintree and which were now being provided at the new Braintree Community Hospital, and what provision was being made for maternity services. Councillor Lady Newton stated that maternity services were being reviewed by NHS Mid-Essex and she agreed to send a written response, on this and about the other services provided, to all Councillors.

Councillor Ramage queried the time of the visit to the new extra care scheme for older people at Helen Court, Riverview, Witham on 2nd July 2010?

Councillor Lady Newton indicated that this would be at 10.30am.

Councillor Siddall stated that this was a fantastic facility and he queried whether similar schemes could be provided elsewhere in the District?

Councillor Lady Newton stated that this had been a very complicated scheme and that the provision of similar schemes in the future would be challenging.

Councillor Mrs Schmitt, Clean, Green and Safe

In presenting her report, Councillor Mrs Schmitt stated that the Green Heart initiative had been officially launched across the District on 18th 19th and 26th June 2010.

The following questions were asked in response to Councillor Mrs Schmitt's report:-

Councillor Abbott queried why the hire charges for Silver End Village Hall had been increased by 150% as these were unsustainable for local community groups which used the facility? Councillor Abbott indicated that the nature of the Village Hall, which was a listed building, meant that its management by local groups was not feasible and he asked if the Council would agree to retain management of the Hall? In response, Councillor Mrs Schmitt stated that fees and charges had been subject to review as part of the budget process and that it was Council policy to withhold the increase in charges only where local management of community halls was taking place, which was not the case in Silver End.

Councillor M Gage asked if a 'no tolerance' approach to fly-posting was being enforced as part of the Green Heart initiative? In response, Councillor Mrs Schmitt stated that it was and that there was a system in place for reporting incidents.

Councillor Banthorpe asked if action was being taken by the Police, PSCOs and Community Wardens against people who cycle on paths? Councillor Mrs

Schmitt stated that the Police would be targeting this and she undertook to keep Members informed.

Councillor E Lynch asked if the Green Heart initiative included taking action to remove 'A' frames? Councillor Mrs Schmitt stated that 'A' frames were usually located on the highway, and that this issue would be addressed later in the campaign.

Councillor Walters, Environment and Sustainability

The following questions were asked in response to Councillor Walters' report:-

Councillor Hughes asked if the provision of solar panels could be extended to Essex County Council owned buildings in the Braintree District, and whether the Council would take responsibility if the new Riverside development in Braintree was to flood in the future? Councillor Walters indicated that the provision of solar panels was a commercial initiative, and that flood risks would be dealt with as part of the planning process for the development.

Councillor Harley, Enterprise and Culture

In presenting his report, Councillor Harley was pleased to report that the Local Development Framework Panel had agreed to allocate £40,000 of Growth Area Funding to improve access to Witham Station Car Park.

The following questions were asked in response to Councillor Harley's report:-

Councillor Abbott referred to the Government's proposed abolition of Regional Spatial Strategies and he asked if this would lead to the Council deleting its proposals for growth locations in Witham? Councillor Harley stated that this would have to be a District decision as part of the Local Development Framework process.

(ii) **Chairmen's Statements**

INFORMATION: No reports were made.

(iii) **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 Council meeting held on 12th April 2010.

Councillor E Lynch referred to Minute 5 (Housing Stock Transfer - Tracking the Promises) of the Cabinet meeting held on 14th June 2010. Councillor Lynch indicated that at the meeting Phil Adams, Chief Executive of Greenfields Community Housing, had made a statement that Greenfields Community Housing could be building social housing for rent within the next 18 months. However, this point had not been recorded in the Minutes.

Councillor Butland suggested that Councillor Dr Evans should raise this as an amendment when the Minutes are considered at the next Cabinet meeting. The Private Session Item 15 – Notes of the Appointment Panel Meeting held on 18th March 2010 - was taken under this item and noted.

23 **BUSINESS OF EXTERNAL ORGANISATIONS**

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

Exclusion of Public and Press: -

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12(A) of the Act.

Although the following items were taken in Private Session the Minutes do not contain any confidential information and are therefore admissible in the public domain.

PRIVATE SESSION

24 **RIVERSIDE, BRAINTREE**

INFORMATION: It was reported that the Council had exchanged contracts for the sale of the Riverside site in Braintree to a development company on 12th October 2009. Subsequently, the development company had reviewed and changed their development proposals for the site which had resulted in a significantly higher level of Section 106 Agreement planning contributions. These additional costs had impacted on the viability of the scheme and as a result the development company had sought to negotiate a reduction in the sale price.

It was noted that the Council's Planning Committee had approved the planning application for the revised scheme on 22nd June 2010.

DECISION: That a reduction in the sale price of the Riverside site, Braintree be approved, subject to the overage provisions detailed in the Agenda report.

25 **STATEMENTS BY MEMBERS (PRIVATE SESSION)**

INFORMATION: No statements were made.

26 **QUESTIONS BY MEMBERS (PRIVATE SESSION)**

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

INFORMATION: No reports were made.

(ii) **Oral Questions**

INFORMATION: There were none.

(iii) **Chairmen's Statements**

INFORMATION: No reports were made.

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

INFORMATION: Members were invited to raise any matters arising from meetings that had been held in Private Session since the Council meeting held on 12th April 2010. No issues were raised.

27 **POLICY RECOMMENDATIONS AND REFERENCES (PRIVATE SESSION)**

INFORMATION: The following Recommendations were considered:-

Cabinet – 14th June 2010

Minute 21 - Affordable Housing – Allocation of Housing Capital

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the Recommendation of the Cabinet which was set out in paragraph (2) of the Decision.

DECISION: That authority be delegated to agree that capital funding be allocated to any scheme that is approved, subject to the agreement of the Cabinet Member for Efficiency and Resources.

Local Development Framework Panel - 23rd June 2010

Growth Area Funding – Proposed Purchase of Land

The Chairman reported that this item had been withdrawn from the Agenda as the Local Development Framework Panel had decided not to recommend the purchase of the land.

28 **APPOINTMENT PANEL**

INFORMATION: This item was taken in Public Session (Minute 22 (iii) refers)

The meeting commenced at 7.15pm and closed at 9.32pm.

Councillor A F Shelton

(Chairman)

APPENDIX

COUNCIL MEETING

28TH JUNE 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Question Time

Statements Relating to Agenda Item 7 - Policy Recommendations and References – Committees (Public Session)

Witham Local Committee – 18th May 2010 Taking Forward Local Priorities 2010-11 – Access to Health Services

(i) Statement by Councillor P R Barlow of Witham Town Council, Rivendell Chalks Road, Witham

Councillor Barlow stated that Witham had lobbied for better health services for many years and that an audit of health needs and services undertaken in 2003 had shown an under provision. Councillor Barlow considered that the views of Witham Town Council had been ignored by the Primary Care Trust in the past and that, despite lobbying by the Town Council, the provision of improved health services in the town was no further forward. However, Councillor Barlow stated that in the meantime a new hospital had been built in Braintree. Councillor Barlow stated that, in view of changes to the structure of health service provision and pressure on budgets, there could be yet further delay.

(ii) Statement by Councillor B Fleet of Witham Town Council, 22 The Avenue, Witham

Councillor Fleet indicated that there was cross-party support for the provision of decent health services in Witham. Councillor Fleet stated that there was adequate health service provision in the surrounding towns of Braintree, Chelmsford and Maldon, but not in Witham where there was also a lack of direct public transport links to Broomfield Hospital. Councillor Fleet stated that Witham required a walk-in clinic, or the extension of existing GP surgeries. Councillor Fleet stated that Witham Town Council was seeking the support of Braintree District Council for adequate health service provision in Witham.