

# Minutes

## Council Meeting



7<sup>th</sup> December 2020

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	Yes	Councillor Mrs J Pell	Yes
Councillor J Baugh	Yes	Councillor I Pritchard	Yes
Councillor Mrs J Beavis	Apologies	Councillor M Radley	Yes
Councillor D Bebb	Yes	Councillor R Ramage	Yes
Councillor K Bowers	Yes	Councillor S Rehman	Apologies
Councillor G Butland	Yes	Councillor F Ricci	Yes
Councillor J Coleridge	Yes	Councillor B Rose	Yes
Councillor G Courtauld	Yes	Councillor Mrs J Sandum	Yes
Councillor Mrs M Cunningham	Yes	Councillor Miss V Santomauro	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor Mrs C Dervish	Yes	Councillor Mrs W Schmitt	Yes
Councillor P Euesden	Apologies	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor Mrs G Spray	Yes
Councillor Mrs D Garrod	Yes	Councillor P Tattersley	Yes
Councillor A Hensman	Yes	Councillor P Thorogood	Yes
Councillor S Hicks	Yes	Councillor N Unsworth	Yes
Councillor P Horner	Yes	Councillor R van Dulken	Yes
Councillor D Hume	Yes	Councillor D Wallace	Yes
Councillor H Johnson	Yes	Councillor T Walsh	Apologies
Councillor Mrs A Kilmartin (Chairman)	Yes	Councillor Mrs L Walters	Yes
Councillor D Mann	Yes	Councillor Miss M Weeks	Yes
Councillor T McArdle	Yes	Councillor Mrs S Wilson (Vice-Chairman)	Yes
Councillor J McKee	Yes	Councillor J Wrench	Yes
Councillor A Munday	Yes	Councillor B Wright	Yes
Councillor Mrs I Parker	Yes		

### 33 **MINUTES**

**DECISION:** The Minutes of the meeting of Full Council held on 5<sup>th</sup> October 2020 were approved as a correct record; however, it was noted that Councillor F Ricci's confirmation of a written response following a question raised by Councillor Unsworth was not included in the list of actions. It was therefore requested that the Minutes be amended to include the action for Councillor Ricci.

### 34 **DECLARATIONS OF INTEREST**

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

Councillor J Abbott declared several interests. The first was a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning' as a member and Chairman of Rivenhall Parish Council, as well as an ordinary member of Campaign to Protect Rural England (CPRE), the 'Better Braintree' Facebook page and Witham and Countryside Society. With reference to Agenda Item 11, 'Recommendation from Community Development Group - 28th October 2020 – Scrutiny Review into Community Woodlands,' Councillor Abbott had previously been employed in planting and management of woodlands, and although he was still involved with this, was no longer remunerated. Lastly, Councillor Abbott declared a Non-Pecuniary Interest in Agenda Item 14, 'Cabinet Report to Full Council,' as an Elected Member at Essex County Council.

Councillor G Butland, Leader of the Council, declared a Non-Pecuniary Interest as an Elected Member at Essex County Council and in respect of Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as a member and Chairman of Great Notley Parish Council.

Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as a member of Great Notley Parish Council.

Councillor A Hensman declared a Non-Pecuniary Interest in Agenda Item 11, 'Statement of Licensing Policy 2021-2026,' as the holder of a personal licence.

Councillor S Hicks declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as he had submitted a response to the consultation and was a member of Witham Town Council.

Councillor D Hume declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as a member of Halstead Town Council.

Councillor Mrs A Kilmartin, Chairman of the Council, declared a Non-Pecuniary Interest in respect of Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as a member of Witham Town Council.

Councillor Mrs J Pell declared a Non-Pecuniary Interest in Agenda Item 9, 'Review of Scheme of Delegation for Planning,' as a member of Halstead Town Council.

Councillor M Radley declared a Non-Pecuniary Interest in respect of Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as Chairman of Halstead Town Council.

Councillor F Ricci declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as Vice-Chairman of Great Notley Parish Council.

Councillor Mrs W Schmitt declared a Non-Pecuniary Interest in Agenda Item 14, 'Cabinet Report to Full Council,' as an Elected Member at Essex County Council.

Councillor P Thorogood declared a Non-Pecuniary Interest in respect of Agenda Item 9, 'Statement of Licensing Policy 2021-2026,' as a licence holder with Braintree District Council for a Private Hire Taxi Company.

Councillor N Unsworth declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as a member of CPRE, and also in Agenda Item 9, 'Statement of Licensing Policy 2021-2026,' as the holder of a personal licence.

Councillor R van Dulken declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as he had responded to the consultation in his capacity as a Councillor.

Councillor Miss M Weeks declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as a member of Witham Town Council and the 'Better Braintree' Facebook page.

Councillor B Wright declared a Non-Pecuniary Interest in Agenda Item 8, 'Review of Scheme of Delegation for Planning,' as Vice-Chairman of Rivenhall Parish Council and a member of the 'Better Braintree' Facebook page.

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

### 35 **QUESTION TIME**

**INFORMATION:** There were no statements made.

### 36 **TO RECEIVE ANY ANNOUNCEMENTS/STATEMENTS FROM THE CHAIRMAN AND/OR LEADER OF THE COUNCIL**

The Chairman's announcements covered the following:

The Chairman was saddened to announce that former Councillor Mr Doug Rice had passed away in October. Mr Rice served on the Council during the 1990s until 1999 and from 2003 to 2011, representing Braintree West Ward. The Chairman paused her announcements to allow those Councillors who had requested to speak to say a few words in memory of Mr Rice.

Councillor Mann remarked upon Mr Rice's long standing service as a Councillor at Essex County Council and Braintree District Council, during which time he served as both a member of the Liberal Democrats and later, the Labour Party. In particular, it

was Mr Rice's many personal qualities and attributes that made him so popular with his fellow Councillors and with the members of his Ward, rather than his political background. This was a view shared by Councillor Everard and many other Members. It was added that Mr Rice was driven to become a Councillor in order to be of service to his local community, and that he achieved this with notable distinction. In his later life, Mr Rice took on the role of carer for his extended family and, whilst coping with his own ill-health, continued to assist his local community where he could, such as through shopping for his neighbours.

Councillor Mrs Pell, who had also known Mr Rice for a long time, echoed the sentiments made by Councillor Mann and spoke of his extremely likeable personality, and her sadness at his passing.

On behalf of the Conservative Group, the Leader added his condolences to Mr Rice's family, and described him as a very conscientious Councillor who carried out the duties of his role with a good humour and nature.

On behalf of the Green and Independent Group, Councillor Abbott also wished to express his condolences to Mr Rice's family at his passing. Councillor Abbott remarked that he had always found Mr Rice to be extremely approachable as a Councillor and highly dedicated to the causes that he cared about.

At the end of the speeches, the Chairman wished to express her condolences on behalf of all Members to Mr Rice's family as well.

The Chairman then proceeded with the rest of her announcements.

#### The Queen's Birthday Honours

It was reported that the Queen's Birthday Honours had been announced in October, the awards of which served to recognise the outstanding achievements of people across the United Kingdom. The Chairman was pleased to announce that three residents from the Braintree District had received an award as part of the honours list. The awards included an OBE, an MDE and a BEM.

#### Essex Playing Fields Association

In October, the Chairman attended the Essex Playing Fields Association Presentation Evening via Zoom and was delighted to announce that the Braintree District had received numerous awards; these included 15 gold awards, 13 silver awards and eight certificates of merit. Braintree District Council was also the winner in its class for Mill Chase, Halstead.

After concluding her announcements, the Chairman requested that Members considered donating to one of her chosen charities in lieu of a Christmas Card. The Chairman's charities were Witham Choral Society and Marie Curie Nurses. Any Members that wished to make a donation could do so by contacting the Council's Civic Team.

The Leader had no announcements to make.

The Chairman informed Members that there were two statements to be read as part of the Item for the evening. The first statement was from the Leader, Councillor G Butland.

Councillor Butland made reference to an e-mail he had received from a member of the public on 14<sup>th</sup> April 2018. The e-mail made an allegation of misconduct by a Member of the Council in respect of a grant made under the Councillor Grant Scheme. As the allegation was of a potentially serious nature and the Member in question was a member of the Conservative Group, the Leader forwarded the complaint to the Council's Chief Executive. An independent inquiry was subsequently carried out by Freeths LLP Solicitors, who later reported their findings to the Council in January 2019. The full report was now available in the public domain; the outcome was that the investigating officer was of the view that the Councillor in question had acted improperly in order to "...secure an advantage to herself." The Councillor concerned resigned from the organisation on 1<sup>st</sup> February 2019; as a result of this, the outcome of the investigation was not made publically available at the time, nor did the matter proceed by way of a Standards Hearing. Following this, the former Councillor submitted a complaint to the Council's then Monitoring Officer which alleged that the Leader had influenced the investigation into the complaint against herself, bullied and intimidated her during the investigation and treated her with disrespect and bullied her for a period of three years. In December 2019, a further complaint was submitted by the Councillor in question which alleged that the Leader had acted with disrespect towards herself during a meeting of Full Council in December 2019. The Monitoring Officer at the time determined that an investigation into the allegations should be undertaken, and Wilkin Chapman LLP solicitors were appointed for this. The report of the solicitors was submitted to the Council in August 2020, and was also now available in the public domain. The conclusion of the independent investigator was that there "...had (has) not been a breach of the Code of Conduct of the Authority by Councillor Butland."

Councillor Butland commented that he was vehemently against any culture of bullying within the organisation and that he would have felt compelled to resign, had any of the claims made against him been found valid. Councillor Butland was therefore pleased with the outcome of the investigation as not only did it belie the allegations made against him, but it was hoped that some of the tensions that had emerged between the Administration and the main Opposition Group could start to be improved. Councillor Butland was aware that the Leader of the main Opposition Group shared his anti-bullying stance, and had previously extended an invitation to him to re-join the regular briefing meetings for Group Leaders. Councillor Butland also wished to invite the Leader of the Opposition Group to re-join other Group Leaders at meetings of the Cabinet, as well as to resume his membership on the Developing Democracy Group, the acceptance of which it was hoped would demonstrate to other Local Authorities that inclusivity was possible across groups, irrespective of differing policy or political views.

In response to a Point of Order raised by Councillor Abbott regarding Councillor Butland's statement, the Monitoring Officer confirmed she was satisfied that the content referred to in the Leader's statement was in relation to the subject matter. Members were reminded that any Points of Order raised were confined to very limited

matters, such as the powers and duty of the Council, of which the statement did not fall within the remit of.

The Chairman then invited Councillor Abbott to make his statement.

In his statement, Councillor Abbott referenced his many years of service as a representative of the villages of Rivenhall and Silver End, and the unprecedented development pressure that the Ward, along with others, had experienced in more recent years. Councillor Abbott stated that he and the members of his Ward were previously reassured by the Administration that although further developments, such as housing, were required in their area, the developments would be sustainable and not of large scale, and also be accompanied by the appropriate infrastructure. Councillor Abbott believed that the Administration had failed to meet with this criteria due to its handling of the Local Plan, and also changes made by political colleagues at a national level. It was added that the total number of houses expected for the area could now be in excess of 2,000, with most of this to be built on unallocated greenfield sites, whilst the more suitable brownfield sites remained derelict. Although residents and Parish Councils were originally consulted with in respect of the proposals within the Local Plan, these had now been overtaken by large scale housing estates, the plans for which did not include any amenities like those of shops, schools, GP surgeries or community centres. Requests for zebra crossings had also been refused along roads such as the B1018 in Cressing, and Rickstones Road in Rivenhall. Furthermore, although Section 106 monies had been allocated to the area, the existing GP surgery in Silver End had not been extended accordingly.

In respect of the local environment, the impact of so many housing developments had caused significant damage to those areas, as seen through large scale destruction of hedgerows and loss of trees. There had also been a large increase in the volume of lorries and other vehicles on local roads, and it was reported that flooding in these areas was now a regular occurrence. Residents were also being increasingly disturbed by noise levels, light pollution and increased traffic, which included breaches in weight restrictions. Councillor Abbott accepted that there was a need in the District for more housing and job opportunities, but stressed that such developments needed to be sustainable. Councillor Abbott also remarked upon issues such as the affordability of the housing proposed by developers, much of which did not fall within this category; sites such as Redrow in Silver End and the Bellway sites in Rivenhall and Cressing were mentioned as prime examples of high priced housing. Councillor Abbott subsequently requested an apology from the Administration on behalf to the residents of the Rivenhall and Silver End Ward for its failure to ensure that housing developments in the area remained sustainable and affordable, with minimal impact on the local environment.

In response to Councillor Abbott, Councillor Mrs Spray recognised that planning applications were not welcome in local areas such as the Rivenhall and Silver End Ward, as well as others; however, it was stressed that the Council was unable to control where applications came from and which sites were to be used. Councillor Mrs Spray explained that Section 2 of the Local Plan would provide protection against unwanted planning applications and that this was expected to come forward in early 2021 for examination and adoption. In the meantime, applications were refused by the Authority where it had the grounds under to do so. In respect of Section 106 agreements, it was emphasised that although the Council did its utmost to obtain the most beneficial outcomes possible, it did not have the same influence as sectors

such as Highways or the NHS, who were able to dictate where infrastructure was to be placed. Councillor Mrs Spray also shared Councillor Abbott's disappointment over the lack of brownfield site use in Silver End, and added that planning officers were working to resolve this. Planning applications would continue to be scrutinised by the Authority accordingly, with refusals given where it was possible for the Council to do so. In relation to the affordability of housing, Councillor Mrs Spray did not accept Councillor Abbott's view on this and stressed that although it was not always successful, the Council would always try to obtain affordable housing upon the receipt of new planning applications, either for the purposes of rent or joint ownership. Finally, Councillor Mrs Spray was of the belief that had the garden communities proposed under Section 1 of the Local Plan been accepted by the Planning Inspector, the housing numbers required for the District would have been provided, along with the necessary infrastructure.

38 **MOTION BY COUNCILLOR MICHELLE WEEKS – RSPCA NATIONAL CAMPAIGN ON FIREWORKS**

**INFORMATION:** Consideration was given to a Motion submitted by Councillor Miss M Weeks. Appropriate Notice of the Motion was given to the Chief Executive in accordance with Council Procedural Rule 18 of Chapter 2 of the Constitution.

**The Motion:**

“Council notes the RSPCA national campaign on fireworks in which it is encouraging local authorities to support a range of measures designed to reduce the impacts of fireworks on people and animals.

Council further notes that:-

“The RSPCA believes the law is failing as it does not prevent or sufficiently reduce the risk of fireworks causing distress, injury or anxiety to people, as well as death, injury or distress to animals.”

Whilst the regulatory role of District Councils with respect to fireworks is somewhat limited, this Council nevertheless agrees that new measures are needed and therefore resolves to:

1. Actively promote a public awareness campaign each year in the autumn about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.
2. Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private display.”

Members were advised of a proposed amendment by Councillor Pritchard and Councillor Bowers in respect of the original Motion. In accordance with Council Procedural Rule 23, it was reported that Councillor Miss Weeks and Councillor Abbott, as the respective Proposer and Seconder of the original Motion, had consented to the adoption of the amendment in advance of the meeting for the evening. The amended Motion therefore became the Substantive Motion and was as follows (changes from the original are underlined):-

## **The Substantive Motion (as amended)**

“Council notes the RSPCA national campaign on fireworks in which it is encouraging local authorities to support a range of measures designed to reduce the impacts of fireworks on people and animals.

Council further notes that:-

“The RSPCA believes the law is failing as it does not prevent or sufficiently reduce the risk of fireworks causing distress, injury or anxiety to people, as well as death, injury or distress to animals.”

Whilst the regulatory role of District Councils with respect to fireworks is somewhat limited, this Council nevertheless agrees that new measures are needed and therefore resolves to:

1. Actively promote a public awareness campaign each year in the autumn about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.
2. Write to the UK Government urging them to ensure enforcement of the existing legislation that limits the time fireworks can be set off, the periods they are available for sale and the age at which they can be purchased, in conjunction with the existing firework categorisations.”

There followed a brief discussion on the Substantive Motion, during which Councillor Pritchard thanked Councillor Miss Weeks and Councillor Abbott for their acceptance of the amendment, which he felt would help to enhance the enforcement of existing legislation in respect of fireworks and their use.

At the conclusion of the discussion, Councillor Hicks and Councillor Wallace were welcomed to the meeting but as they had joined midway through the debate, they were not permitted to take part in the vote on the Motion.

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

## 39 **REVIEW OF SCHEME OF DELEGATION FOR PLANNING**

**INFORMATION:** Councillor Mrs G Spray, Cabinet Member for Planning, was invited to introduce the report on the review of the Scheme of Delegation for Planning.

Members were informed that the proposed Scheme of Delegation was given consideration by the Planning Committee on 13<sup>th</sup> October 2020, and then by the Developing Democracy Group on 20<sup>th</sup> October 2020. The proposals were discussed further at the ‘Supporting Community’ virtual meeting with Parish and Town Clerks held on 2<sup>nd</sup> November 2020, and this was then followed by a discussion at the meeting of the Corporate Governance Group on 12<sup>th</sup> November 2020. In addition to this, a formal three-week period of stakeholder and public consultation occurred between 26<sup>th</sup> October 2020 and 13<sup>th</sup> November 2020. In response to the consultation, a total of 46 responses were received from a combination of Parish and Town Councils, Agents,



members of the public and some focus groups. Gratitude was expressed to those who had responded, the responses of which had been largely helpful and constructive.

The Cabinet Member thanked Mr Chris Paggi, Planning Development Manager, and his team for their hard work in the production of the revised Scheme of Delegation, of which it was intended would result in a more effective planning service that still maintained the democratic process.

Some of the main concerns that were raised during the consultation process for the revised Scheme of Delegation were then addressed. It was stressed that the consultation process for new planning applications would remain unchanged, irrespective of the size of the application or whether the comments submitted were in support or in objection. A key proposal within the revised Scheme was the removal of the process in which planning applications were divided into 'Part A' or 'Part B' categories on committee agendas. It was explained that the inclusion of part "B" applications on the agendas for Planning Committee only occurred in instances where Parish or Town Councils had submitted an opinion which was in contradiction to the recommendation of the planning officer; for example, an officer would recommend the approval of an application if this was in line with planning policy, and there had been no objections from any statutory consultees (e.g. Highways England). As such, the vast majority of the 'Part B' applications that were brought before the Committee were usually granted with no debate, often 'en bloc.' Therefore, the current process in which 'Part B' applications were given consideration created unnecessary resource implications for officers and Members, with an estimated cost to the Authority of £1,500. In response to comments made by Parish and Town Councils about the limited notice that they received of new planning applications, and the short timeframe in which they had to respond, it was advised that officers were required to work to statutory timescales in their decision making, as failure to meet with these deadlines could result in an appeal by the applicant on the grounds of non-determination. It was added that planning officers were committed to working more closely with Parish and Town Councils in future, and that the current process would be reviewed to enable improvements to be made.

Should the revised Scheme of Delegation for Planning be approved, any minor applications for residential developments for three to nine dwellings would be decided by officers under delegated authority, unless:-

- The Parish or Town Council view was contrary to the officer recommendation, or;
- The application had been subject to 'Call In' by a Braintree District Council Member on suitable planning grounds, or;
- Six or more representations had been received from separate households.

In such circumstances, the application would be referred to the Chairman's Briefing for a decision as to whether it should be decided by officers under delegated authority, or be submitted to Committee. Although concerns had been expressed as to the reasons why the Chairman and Vice-Chairman were authorised to make decisions on the referral of applications, it was highlighted that Members were appointed to such positions because of their experience and in-depth knowledge of both the planning process and the District. Under "Part A" of the revised Scheme of Delegation, any applications for ten or more homes were to be brought to Committee. In addition, the Scheme also stated that any commercial developments comprised of floor space of 1,000m<sup>2</sup> were to be referred to Committee, as such applications were considered to be

of significance. The aforementioned statement had also been agreed in response to a concern raised by Wethersfield Parish Council during the consultation process for the revised Scheme.

Members were then reassured that the proposal of a 'Members' Forum' within the revised Scheme of Delegation was not intended to replace the main Planning Committee, nor to act as a separate mechanism for decision making. Instead, the Forum would provide an opportunity at the pre-application stage for a developer to present their ideas to Members of the Committee. It was intended that relevant Ward Members, as well as representatives from Parish and Town Councils, would be invited to attend meetings of the Forum. The meeting would follow appropriate governance arrangements and minutes would also be taken. In response to comments that were received during the consultation in relation to the Forum, it was agreed that meetings of the Forum would also be webcast and recorded to allow the public to view the proceedings.

Due to the increasing complexity of some planning applications, the Forum would allow Members and officers to identify any significant areas for concern or issues, which the applicant would then be able to take away and either address those concerns, or make a decision as to whether they would proceed or not. It was not intended that the Forum would replace a developer's consultation with Parish or Town Councils, or with local communities. The exact arrangements for meetings of the Members' Forum had not yet been confirmed, although they were expected to take place in the evening. As a final note, it was added that similar practices were already in place across other Local Authorities, with much success in their implementation.

A change was also noted in respect of the revised Scheme of Delegation, in that all 'Permission in Principle' (PIP) applications currently appeared within 'Part C' of the Scheme, which allowed them to be delegated through the use of delegated powers; however, this was not a suitable route for applications of more than two homes. The procedure in respect of PIP applications was subsequently amended for inclusion within Appendix 1, 'Part B' of Scheme, which stated that any applications for three to nine dwellings were to be referred to the Chairman's Briefing, in line with the relevant criteria.

Members were then advised that should the proposed Scheme of Delegation for Planning be accepted, the updated Scheme would come into effect on 1<sup>st</sup> January 2021. It was highlighted that any applications that were received on or before 31<sup>st</sup> December 2020 (and would normally be brought to Planning Committee) were still to be processed in the normal way.

Further to the conclusion of the report, Members were made aware of a proposed amendment to the report which had been submitted by Councillor Unsworth and Councillor Thorogood in accordance with Council Procedural Rule 23, of Chapter Two of the Constitution.

The amendment was in relation to Appendix 1 was as follows (inserted text underlined):-

### **Proposed Amendment**

### **"APPENDIX 1: PROPOSED REVISED SCHEME OF DELEGATION**

**A. Applications to be referred to Planning Committee for determination** (Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents. To be presented by Officers and debated by Members at Planning Committee):

Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising additional (gross) floorspace of 1,000sq.m, including any linked application for Listed Building Consent<sup>1</sup> within the development boundaries of Braintree, Witham and Halstead. Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 5–9 proposed houses in all rural and village areas outside of the 3 town boundaries.

- Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- Where the Applicant is Braintree District Council.
- Where the Applicant is an employee or Member of Braintree District Council.
- Where the Applicant or Agent is related to an employee within the Planning & Economic Growth Service (change from Braintree District Council<sup>2</sup>) or a Member of Braintree District Council.
- Any application which is deemed to be 'significant' by the Planning Development Manager.

**B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing as a result of Town / Parish Council representation, Member Call In, or representations from Local Residents:**

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or Permission in Principle) for residential development comprising 3-9 proposed houses, within the development boundaries of Braintree, Witham and Halstead, or 3–4 proposed houses in all rural and village areas outside of the 3 town boundaries including any linked application for Listed Building Consent, **Unless:**
  - Either the Town or Parish Council's view is contrary to the Officer **Recommendation;**
  - Or the application has been 'Called In' for determination by a BDC Councillor by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination;
  - Or 6 or more valid planning representations from separate households have been received;

**Then:**

The application shall be referred to Chair's Briefing, with the Chair and Vice Chair of the Planning Committee<sup>2</sup> who will consider whether the application should be referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be 'similar' to the previously determined application by the Planning Development Manager.

<sup>2</sup> The normal expectation shall be that if clear and valid planning reasons have been given by a Town or Parish Council, or by a BDC Councillor who has 'Called In' an application, then the application shall be determined by the planning committee."

There followed a general debate on the proposed amendment and at its conclusion, a vote was taken. On being to put to the vote, the proposed amendment was declared **LOST**.

**DECISION:** That Full Council:

1. Approved the proposed Revised Scheme of Delegation which would come into force on 1<sup>st</sup> January 2021.
2. Approved the proposed Revised Scheme of Delegation in accordance with recommendation (1) above; the Monitoring Officer was therefore authorised to make the necessary changes to the Council's Constitution so as to enable the Scheme of Delegation to be incorporated.
3. Agreed to delegate authority to the Cabinet Member for Planning to approve the protocols for determining the 'Significant' test within Part A, Chair's Briefing, and the Member Call In process.
4. Agreed the principle of a 'Members Forum' to enable engagement with Members of the Council's Planning Committee. The terms of reference, governance arrangements and frequency of meetings would be subject to further consultation with the Monitoring Officer, Planning Committee, Developing Democracy Group, and Corporate Governance Group, prior to a further report being referred to Full Council for approval.

**REASON FOR DECISION:** To seek approval from Full Council with details on the proposed Revised Scheme of Delegation and Member Engagement in the planning process.

Councillor Hicks was readmitted to the meeting at 9.25pm after being removed prior to the consideration of the report on the Scheme of Delegation for Planning, due to the nature of his Interest.

40 **STATEMENT OF LICENSING POLICY 2021-2026**

**INFORMATION:** Members considered a report on Braintree District Council's revised Statement of Licensing Policy 2021-2026. Councillor J Baugh, Chairman of the Licensing Committee, was invited to introduce the report.

It was reported that the Council, as the Licensing Authority, was required by the Licensing Act 2003 to have a Statement of Licensing Act 2003 Policy, and that the Policy was required to be reviewed and adopted every five years. The draft Statement of Licensing Act 2003 Policy was approved by the Licensing Committee on 26<sup>th</sup> February 2020 and had also been subject to a 12 week public consultation period. The responses received were then given consideration by the Licensing Committee on 9<sup>th</sup> September 2020. Members were advised that no substantive changes were introduced to the Policy as a result of the Committee's observations.

Once approved, the Council's revised Statement of Licensing Policy was due to commence on 7<sup>th</sup> January 2021 to cover the period from 2021 to 2026.

**DECISION:** That the Braintree District Council Statement of Licensing Policy 2021 was adopted.

**REASON FOR DECISION:** To meet the Council's statutory obligations as the Licensing Authority to have a Statement of Licensing Policy.

41 **RECOMMENDATION FROM CABINET – 23<sup>RD</sup> NOVEMBER 2020 – COUNCIL TAX – COLLECTION FUND SURPLUS – ALLOCATION TO TOWN AND PARISH COUNCILS**

**INFORMATION:** Members gave consideration to a report on the Council Tax Collection Fund Surplus and the proposed allocation to Parish and Town Councils. Councillor D Bebb, Cabinet Member for Finance and Performance, was invited to introduce the report.

Members were advised that it was estimated that the balance on the Collection Fund available for distribution was a surplus of £1,355,197. The Council's proportion of the Council Tax Surplus, to be returned to Council taxpayers in 2021/22, was £170,882. It had been proposed that £33,640 of this surplus was allocated to Parish and Town Councils in 2021/22.

**DECISION:** That Council agreed a total of £33,640 of the surplus on the Council Tax Collection Fund be allocated to Parish/Town Councils in 2021/22.

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

42 **RECOMMENDATION FROM COMMUNITY DEVELOPMENT GROUP – 28<sup>TH</sup> OCTOBER 2020 – SCRUTINY REVIEW INTO COMMUNITY WOODLANDS**

**INFORMATION:** The Chairman invited Councillor Mrs D Garrod, Chairman of the Community Development Group, to introduce the report for the Scrutiny Review into 'Community Woodlands.'

Members were informed that the Scrutiny Review included analysis into the background of Community Woodlands and both current and past examples in the District. Members of the Committee also explored the impacts of woodlands on climate emissions and other ecological benefits, as well as the community benefits of woodlands in the form of a cost/benefit review. Other areas of work included

identification of the policies and criteria for woodlands that the Council held, such as the current Tree Strategy. Whilst the Committee acknowledged the work of the Climate Change Working Group, Members were careful during their Review to avoid any crossover or duplication with the work programmes of the two respective groups.

On behalf of the Committee, Councillor Mrs Garrod expressed her grateful thanks to officers and external partners who had been in attendance at meetings in order to support Members' evidence gathering; attendees included Shaun Taylor, Landscape Services Team Leader, as well as Mr Barry Fleet, Chairman of the Witham Tree Group.

As the relevant portfolio holder, Councillor Mrs W Schmitt, Cabinet for Environment and Place, thanked Members of the Community Development Group for the report and their diligent work in conducting the Scrutiny Review into Community Woodlands.

**DECISION:** That Council:

1. Noted the Community Development Group's Scrutiny Review Report into Community Woodlands.
2. Agreed that the Scrutiny Report be referred to Cabinet to receive and respond to the recommendations set out in the Report.

**REASON FOR DECISION:** To enable the Community Development Group's Report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny as set out in the Constitution.

43 **RECOMMENDATION FROM COMMUNITY DEVELOPMENT GROUP – 28<sup>TH</sup> OCTOBER 2020 – SCRUTINY REVIEW INTO VACCINATIONS**

**INFORMATION:** Councillor Mrs D Garrod, Chairman of the Community Development Group, was invited to introduce the report for the Scrutiny Review into 'Vaccinations' in the Braintree District.

It was reported that the topic of Vaccinations was selected in response to a national movement to increase the uptake of childhood vaccinations, especially for diseases such as Measles, Mumps and Rubella, and also a local strategy focus on how vaccination uptake could be improved in individual areas across the East of England (E of E). As part of the key aims of the Scrutiny Review, it was established by the Committee that NHS England (E of E branch) was the responsible authority for vaccination and immunisation in the Braintree District. A briefing paper was provided by NHS England at the meeting of the Committee on 30<sup>th</sup> October 2019; the paper included details of the Essex Vaccination Oversight Committee (EVOC) and gave Members a clearer indication of what the rates of vaccination uptake were in the Braintree District when compared with the wider Mid-Essex area.

The data provided by NHS England seemed to suggest that the level of vaccination uptake in the Braintree District was in alignment with the vaccination rates for Mid-Essex, and that the County as a whole frequently demonstrated high levels of vaccination uptake that were slightly above that of the national average. Members therefore agreed that the data was both positive and reassuring for the District, as it also indicated that the WHO's target of 95% was being achieved across most areas.

The Community Development Group therefore concluded that there was no scope to make any recommendations to the Cabinet, or any of its partners, as a result of its findings. On behalf of the Committee, Councillor Mrs Garrod wished to convey her thanks to Dr Mike Gogarty, Director Wellbeing, Public Health and Communities at Essex County Council, and the Clinical Leads and Officers at NHS England (E of E branch) for their help and the time taken to identify and provide the necessary data which supported the Scrutiny Review.

Further to the conclusion of the report, Councillor P Tattersley, Cabinet Member for Health and Communities, welcomed the report into Vaccinations. In light of the recent developments surrounding the Covid-19 vaccine, Councillor Tattersley suggested that the Committee reconvened in order to give consideration to the ways in which the vaccine was now being issued, and how effectively this met with the demand.

**DECISION:** That Council:-

1. Noted the Community Development Group's Scrutiny Review into Vaccinations.
2. Agreed that the Scrutiny Report be referred to Cabinet to receive and respond to the Report.

**REASON FOR DECISION:** To enable the Community Development Group's Report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny as set out in the Constitution.

44 **RECOMMENDATION FROM PARTNERSHIP DEVELOPMENT GROUP – 25<sup>TH</sup> NOVEMBER 2020 - SCRUTINY REVIEW INTO LEISURE PROVISION AND ACCESS TO SPORT**

**INFORMATION:** Councillor Mrs M Cunningham, Chairman of the Partnership Development Group, was invited to introduce the report for the Scrutiny Review into Leisure Provision and Access to Sport in the Braintree District.

Members were informed that the key aims of the Scrutiny Review were to identify what the picture of sports provision looked like in the Braintree District, what partnerships there were which supported leisure and sport groups, the extent of the involvement that the Council with its partners such as Fusion, the impact that the Council could have in working with its partners to support groups, and the accessibility of sport and leisure facilities for different groups. Throughout the course of the Scrutiny Review, the Committee Members took part in a number of evidence gathering sessions which helped to inform the conclusions. Members ultimately determined that there was much available across the District in respect of leisure and sports provision, and that effective collaboration and communication with the Council's partners, and with the public, was essential in ensuring that such facilities were as widely accessible as possible. It was noted that Members could also play an invaluable role in supporting leisure and sports provision through effective communication within their respective communities.

Councillor Mrs Cunningham wished to express her grateful thanks to those individuals, both internal and external to the organisation, who were in attendance at meetings of the Committee in order to support its evidence gathering; these included Mr Joby Humm, Leisure and Heritage Manager; Mr Neil Jones and Ms Julie O'Hara, Planning

officers; Mr John Wood, Chairman of the Active Braintree Foundation, and Councillor Mrs Ann Hooks, Chairman of Rayne Parish Council.

In order to enhance the evidence gathering of the Committee further, a detailed survey was circulated to Parish and Town Councils across the District as means of identifying what the picture of sports provision was like in more localised areas. Councillor Mrs Cunningham wished to thank the Parish and Town Clerks for the high number and quality of the responses that were received back as a result of the survey. Gratitude was also extended to all officers who contributed towards the evidence gathering of the Scrutiny Review and compilation of the final Scrutiny Report, as well as the Members of the Committee for their hard work throughout.

Following the conclusion of the report, there followed a general discussion by Members. In respect of Recommendation 1 of the Scrutiny Report, which referenced planning policy, it was suggested by a Member that Councillor P Tattersley, as the relevant Cabinet Member for Health and Communities, gave consideration to facilities for older children as well. Councillor Tattersley added his thanks to the Members of the Partnership Development Group for the report and recommendations.

**DECISION:** That Council:-

1. Noted the Partnership Development Group's Scrutiny Review Report into Leisure Provision and Access to Sport in the District.
2. Agreed that the Scrutiny Report be referred to Cabinet to receive and respond to the recommendations set out in the Report.

**REASON FOR DECISION:** To enable the Partnership Development Group's Report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny as set out in the Constitution.

## 45 **CABINET REPORT TO COUNCIL**

**INFORMATION:** The Chairman invited the Leader to introduce the Cabinet Report to Council. Following this, the Chairman invited Members to ask their 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.

Councillor G Butland, Leader of the Council, advised that he was keen to ensure that Members were made aware of the latest updates from the Government in respect of evolving situations, especially around Covid-19 in the Braintree District. Updates were therefore being circulated accordingly to all Members on a regular basis, which included advice in relation to 'E-Scooters.' Members were advised to contact the Leader should they have any further issues that they wished to receive updates on.

Councillor Mrs W Schmitt, Cabinet Member for Environment and Place, expressed her sincere gratitude towards officers in the Grounds Maintenance and Street Cleansing Teams who were involved in the Essex Playing Fields Awards 2020. The Awards were held in a virtual setting on 15<sup>th</sup> October 2020, with the Council having received 36 awards, which included 15 Gold awards and 13 Silver. The awards served to demonstrate the hard work of officers in ensuring that the District's parks remained at such high standards.



Members then asked several questions arising from the report. A webcast of the questions to and responses of Cabinet Members is available on the Council's Youtube channel at <https://www.braintree.gov.uk/youtube>

The main topics raised were as follows:-

- Councillor Everard raised a query in respect of new affordable housing and whether there were other sites in line for this.
- Councillor Thorogood expressed concern over the manner in which planning officers and developers formulated site-wide strategies.
- Councillor Thorogood made reference to issues that were being experienced by residents in the Kelvedon and Feering area as a result of local companies that were burning branches in the production of cricket bats. It was also asked whether such activities were licensable and if so, by which authority.
- Councillor Unsworth requested confirmation as to the number of trees that had been planted in the District following the Council's decision to commit to substantial tree planting in September 2019. Councillor Unsworth also queried whether it would be possible to ring-fence an allocation from the revised Climate Change budget towards increasing community woodland cover.
- Councillor Unsworth requested an update in respect of a planning permission for a Montessori school, which was previously refused at Planning Committee on 23<sup>rd</sup> June 2020.
- Councillor Unsworth sought an update on the latest enforcement activity in response to the illegal burning of waste in Stisted.
- An update was also requested by Councillor Unsworth in regard to the Cycling project and the membership of the associated Member Reference Group.

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

- Councillor F Ricci, Cabinet Member for Communities, Culture and Tourism, would respond to Councillor Unsworth in respect of his query about the Member Reference Group and Cycling project.
- Councillor Mrs W Schmitt, Cabinet Member for Environment and Place, agreed to ascertain whether the burning of branches by companies in the production of cricket bats was licensable, and who would have responsibility for this if so.
- Councillor Mrs W Schmitt would provide a response to Councillor Unsworth's question in respect of the illegal waste burning in Stisted.
- Councillor Mrs G Spray, Cabinet Member for Planning, would speak to officers about an update in respect of Councillor Unsworth's query regarding the Montessori school application.

The meeting commenced at 7.15pm and closed at 10.10pm.

Councillor Mrs A Kilmartin  
(Chairman)