

Minutes

Council Meeting



6th April 2009

Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	Apologies
Miss L Barlow	Yes (until 8.58pm)	D Mann	Yes
J Baugh	Yes	T McArdle	Yes
Mrs J C Beavis	Yes	N G McCrea	Apologies
D L Bebb	Yes	J McKee	Apologies
E Bishop	Yes	H J Messenger	Yes
R J Bolton	Yes	A M Meyer	Yes
G Butland	Yes	R G S Mitchell	Apologies
G Cohen	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton (Chairman)	Yes
M Dunn	Yes	J P O'Reilly-Cicconi	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Yes
R Elliston	Yes	D M Reid	No
Dr R L Evans	Yes	D E A Rice	Yes
A V E Everard	Apologies	Mrs C Sandbrook	Apologies
J H G Finbow	Yes	Mrs W D Scattergood	Yes
Ms L B Flint	Yes	Mrs J W Schmitt	Yes
T J W Foster	Yes	A F Shelton	Yes
Mrs B A Gage	Yes	Mrs L Shepherd	Yes
M G Gage	Yes	C Siddall	Yes
Mrs M E Galione(Vice-Chair)	Yes	Mrs J A Smith	Yes
J E B Gyford	Yes	Mrs G A Spray	Yes
N R H O Harley	Yes	F Swallow	Yes
Mrs S A Howell	Yes	Miss M Thorogood	Yes
P J Hughes	Yes	S M Walsh	Yes(from 8.10pm)
D L Hume	Yes	R G Walters	Yes
M C M Lager	Yes	R N Wilkins	No
S J Lambourne	Yes	T S Wilkinson	Yes

The Chairman welcomed all Councillors, public and press to the last meeting of the Civic Year 2008/09, and drew attention to the evacuation procedure in case of an emergency, for mobile phones to be switched off, and for Members to collect their mail.

At the commencement of the meeting the Chairman, Councillor Lady Newton, made the following presentations

- **Chairman's Charities 2008/2009**

The Chairman referred to her three chosen charities and thanked all sponsors, companies/organisations and individuals who had donated in any way during the difficult financial year. The prime starter of fundraising is the Chairman's Golf Day, and a specific thanks was expressed for Steve Daynes who had organised the continually successful event. Another particularly good year had been achieved with a total of £15,000 being raised, and Councillor Lady Newton was pleased to present cheques to the value of £5,000 each to representatives from her chosen charities for 2008/2009

- **Braintree Rethink Carers' Support Group**
- **Halstead Day Centre**, and
- **Home-Start**.

The representatives from Braintree Rethink Carers' Support Group invited Members to a play on mental health, entitled 'When time collapses', from 20th - 24th April 2009, with further information being available from the Council's Civic Office.

- **Quality Parish Status Award to Great Bardfield Parish Council**

The Chairman presented representatives from Great Bardfield Parish Council, with the reaccreditation of the Award for Quality Parish Status. Joy Sheppard of The Essex Local Association of Local Councils was also in attendance, and provided further information on the prestigious award, including the capability for the Parish Council to further social, economic or environmental issues in their area, promote local democracy and citizenship, community engagement; and continue with newsletters, an Annual Report, the Village Design Statement, a refreshed Parish Plan, and receive training for Parish Councillors and Clerk.

72 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the following issues:-

- (1) Attendance at recent events had included two further **tea parties at the Town Hall Centre, Braintree** and feedback on these would be appreciated (back to the Council's Civic Office). A visit had also been made to **Crossroads** on their 30th Anniversary to thank all their volunteers and, whilst there, the Chairman had met Alan Millam, a former District Councillor and the Chairman of Crossroads.
- (2) The sad news that **Susan Honor Harper**, former Chairman of Braintree District Council (1981-1983), who had recently passed away.
- (3) The **lists of engagements** carried out by herself and the Vice-Chairman since the last meeting on 16th February 2009.

73 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

- Councillor Mrs J A Pell declared a personal interest in the presentation of cheques to nominated charities, as she is a Trustee of Halstead Day Centre.

- Councillor Lady Newton declared a personal interest in the presentation of cheques to nominated charities, as she is a patron of both the Halstead Day Centre and Home-Start.
- Councillors Ms L Flint, Mrs J A Pell and R G Walters all declared a personal interest as Trustees to the Braintree Museum that was mentioned during Item 10 – Question Time.

In accordance with the Code of Conduct all Members remained in the meeting for these items, unless stated otherwise, and took part in the debate and decision thereon.

74 **MINUTES**

DECISION: That the minutes of the meeting of Council held on 16th February 2009 be approved as a correct record and signed by the Chairman.

75 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

76 **REPORT ON REVIEW OF DECISION MAKING AND UPDATING THE CONSTITUTION**

INFORMATION: The Leader of the Council presented the recommendation on Page 2 of the report, and advised that it varies in wording to that of the Cabinet meeting extract of 30th March 2009.

The main focus of the review was the three Local Committees and the single Planning Committee, since their implementation in 2007, and it is proposed that these should continue. The Local Government Reform Cabinet Sub Group (LGRCSG) had recommended some changes during 2009/10 that will come into effect from the Council AGM on 20th April 2009.

The Leader advised that when the report had been written it was the intention to retain the Planning Committee comprising of 21 Members. However, it is considered that this membership is too large and it is proposed to alter the composition to a total of 15 Members.

Members of opposing political parties agreed that a central Planning Committee works well, and has produced an increase in performance results. Concerns was raised on the following issues

- the localism factor will be reduced by 25%
- the abruptness of the proposal with no consultation, and a request for proper debate
- no mention in earlier papers to the composition of the Planning Committee
- the large geographic area of the district warrants the spread of local knowledge
- the feeling of being 'penalised' from members of smaller parties, who had regularly attended meetings and training
- the role of Councillors being diminished in their own Wards
- 15 members being inadequate for the large area, and a Planning Committee relies on the Chairing and quality of its' membership
- no mention of Planning Committee issues at the Members Seminar
- to take the proposal to the LGRCSG for further discussion

Councillor M Gage, Group Leader for Halstead Resident's Association, accentuated that opposing political groups are always consulted and given sufficient notice of such

proposals, and considered the whole process undemocratic as it results in residents of Halstead town being represented by one Councillor, instead of five members under the former Area Committee regime.

Some views were expressed in support of the proposal

- the duration of planning meetings, and attendance by the public late into the evening
- clear decisions cannot be made by tired Councillors
- that Ward members can attend and speak at Planning Committee to represent their constituents
- that representatives from Town or Parish Council's, as well as the public, are encouraged to attend Planning Committee

During the discussion it was proposed that if proposals were accepted, then a review be held in 12 months to ascertain the working of a smaller Planning Committee.

It was moved that the recommendation from Cabinet be amended to reduce the size of the Planning Committee from 21 members to 15, and that the implementation of this proposal be reviewed in 12 months time.

Councillor M Gage requested that the vote on this matter be recorded.

The results of the recorded vote were as follows:-

For the Motion

Councillors: Banthorpe, Baugh, Mrs Beavis, Bebb, Butland, Cohen, Dunn, Mrs Edey, Elliott, Ms Flint, Foster, Mrs Galione, Harley, Mrs Howell, Lager, Lambourne, McArdle, Mrs Money, Lady Newton, O'Reilly-Cicconi, Ramage, Mrs Scattergood, Mrs Schmitt, Shelton, Siddall, Mrs Smith, Mrs Spray, Swallow, Walsh, Walters and Wilkinson **(31)**

Against the Motion

Councillors: Abbott, Ms Barlow, Bishop, Evans, Mrs Gage, Gage, Gyford, Hughes, Hume, E Lynch, Mann, Messenger, Mrs Pell, Rice, and Ms Thorogood **(15)**

Abstained

Councillors: Bolton, Collar, Elliston, Finbow, Meyer and Mrs Shepherd **(6)**

Absent

Councillors: Everard, M Lynch, McCrea, McKee, Mitchell, Reid, Mrs Sandbrook and Wilkins **(8)**

The Leader of the Council continued to present the further recommendations contained in the report. It was noted that the revised Constitution would be available at the Council AGM on 20th April 2009.

Councillor Gyford referred to the Local Committee aspect of Recommendation 1 and stated that the level of staff support impacts on the performance of the committee and that, although Local Committees had proved successful they would be at risk if staffing resources were reduced, as this had occurred in similar circumstances, i.e. the Overview & Scrutiny Committee. In response, the Leader advised that the reduction in staffing resources had been agreed in the budget decisions, and the Local Committee would be given more impetus with a Director overseeing and being present at Local Committee. If Local Committees required further resources they would need to approach Cabinet and advise of the specific work to be covered.

DECISION:

1. That the Planning Committee consisting of 15 Members, and the three Local Committees continue in their current form and act in accordance with the roles and responsibilities as set out in Appendix 1 of the report. That the amendment of Planning Committee comprising of 15 Members be reviewed in 12 months
2. That the Leader and Cabinet Executive (England) model of executive arrangements as defined by the Local Government and Public Involvement in Health Act 2007 be adopted by the Council for the purposes of consulting the public and interested persons.
3. That the Head of Law and Governance be authorised to undertake the process for changing the executive arrangements referred to in paragraph 3 of the report in accordance with the following implementation table:
 - Undertake consultation – to be completed by October 2009
 - Report to Special Council Meeting to adopt the Leader and Cabinet Executive (England) model – November/December 2009
 - Publish notice of adoption of the Leader and Cabinet Executive (England) model – After Special Council Meeting
 - Implement Leader and Cabinet Executive (England) model – On the third day after District elections in 2011
4. That a revised Constitution be adopted by the Council reflecting the changes set out in Appendix 2 of the report and that this it is structured so that it is capable of being read as a set of independent guides.

77 **ANNUAL REPORT OF THE STANDARDS COMMITTEE FOR 2008/09**

INFORMATION: Peter Schwier, Chairman of the Standards Committee presented the Annual Report and stated that in 2008 they had taken responsibility for complaints on Member Conduct, and for ownership on the Local Standards framework. During 2009, it is the intention of the Standards Committee to use their experience to ensure the promotion of the local system to the community, and support Members on advice and training, and to undertake any changes implemented later in the year.

Councillor Finbow moved that the Annual Report be noted, and Councillor O'Reilly-Cicconi seconded this.

DECISION: That the Annual Report of the Standards Committee for 2008/09 be noted.

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

- (i) Cabinet 30th March 2009
 - (a) Third Quarter Performance Report

Councillor Lager, Cabinet Member for Efficiency and Resources, moved the recommendations and referred to the schedule in Appendix A containing predicted overspend of expenditure budgets in 2008/09. In response to a query regarding litigation issues and the duration of the build of the Braintree swimming pool, it was noted that these matters had not been settled.

DECISION:

1. That the revenue budget variations as identified in Appendix A be approved.
2. That additional capital resources be allocated for the predicted overspend on the Braintree Swimming Pool project, as identified in Appendix A.
3. That authority be delegated to the Chief Executive in consultation with the Cabinet Members for Enterprise, Culture & Leisure, and Efficiency & Resources to determine and agree to a payment up to a maximum of £276,000 for the Braintree Swimming Pool project.

(b) Improving Corporate Governance and Project Delivery

The Leader of the Council presented the recommendations and referred to the importance of expanding the executive capacity of the Council, and to promote the involvement of elected members in the management of significant projects, by introducing four Programme Boards. An additional Director will lead on growth and infrastructure issues for a period of two years, and this post will be funded by reserves and grants.

With regard to the Programme Boards these would not be under Widdicombe rules and will be classed as sub groups of Cabinet. The Boards will provide an opportunity to members to use their specific skills and expertise, and will comprise of 3 –12 Councillors, at evening meetings. It was noted that the portfolios to be announced at the Council AGM will fit the Terms of Reference proposed for the Boards, and issues in proposed legislation will be covered here or in existing groups.

DECISION: That the Leader and Deputy Leader of the Council, in consultation with other Group Leaders, review the proposals and their impact upon future senior management structure of the Council, and the sustainability of the proposals beyond two years. Following those discussions, that authority be delegated to the Leader of the Council to agree the final proposals with the Chief Executive.

- (a) That an interim Programme Director be appointed.
- (b) That the funding of £248,000 from earmarked reserves, be available to meet the costs of the Programme Director structure and the implementation of all governance and management processes. This funding to be reviewed at the end of two years.

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

INFORMATION: Councillor Wilkinson referred to the 5% increase this month in Business Rates across England, and the government now approving the deferment of the scheme for businesses to spread the increase across 2010-2012. This had resulted with Council's having to issue new bills, and increased administration to process the deferment requests from businesses. It was questioned why the government did not make the announcement earlier than 1st April 2009, and why they did not go further to help business on the High Street in the current economic situation. In response, Councillor Lager, the Cabinet Member for Efficiency and Resources, stated this was a 'U-turn' position by government on this issue, and continued to advise that the Business Rate relief should have been automatic. With respect to Braintree District Council, contact has been made to businesses and a further £100,000 of relief has been distributed.

80 QUESTION TIME (PUBLIC SESSION)

(i) Statements by the Leader/Cabinet Members and Deputy Cabinet Members

INFORMATION: The following statements were made: -

Projects run in local schools. Councillor Mrs Schmitt, Cabinet Member for Communities and Housing, stated that on behalf of the Crime and Disorder Reduction Partnership (CDRP) we received a High Sheriff Award for the 'Being Safe Project' run in local schools. The Communities section had also taken a lead on an 'Anti-Bullying Strategy' in schools, and a picture competition had been held. It was noted that John Ray School, Braintree had won an award.

'Everyone's Games' – London 2012. Councillor Mrs Schmitt stated she had attended a Local Government Association presentation (as a speaker) entitled 'Everyone's Games – Young People – London 2012'. Giles Long, who had opened the Braintree swimming pool, and the Chief Executive of the National Youth Agency were also in attendance, and all presentations can be viewed on the LGA's website. Councillor Wilkinson is leading for the Council on London 2012, including a 'young people' portfolio.

Town and Parish Event. Councillor Mrs Beavis, Cabinet Member for Customers and Communication, advised of the success of the Town and Parish Event held on 19th March 2009, and thanked all members who had attended.

The People's Panel. Councillor Mrs Beavis stated that the People's Panel initiative had been launched, and is looking to attract 1,000 members of the public to engage and help shape the district. Details are advertised on the 'Making Contact' brochure.

Closure of Premdor Crosby at Sible Hedingham. Councillor Mrs Beavis was saddened to announce the closure of Premdor Crosby, the largest employer in the Sible Hedingham area. This will severely impact on Sible Hedingham and surrounding rural communities, and will result in a loss of manufacturing jobs – that are not easy to secure in the district.

(ii) Oral Questions

INFORMATION: Members were invited to ask any questions of the Leader on non-operational matters and the following questions were asked: -

Councillor Rice made reference to the economic downturn and the use of proposed **flexible working for parents and the effects to the Council**. It was questioned how the Council will accommodate the disposition of resources. In response, the Leader advised that the Council will abide by legal requirements, and the Chief Executive will ensure this happens.

Councillor Abbott reported that **sections of the River Brain** is suffering from fallen trees and other debris and, although this has been previously visited and recorded, the problem continues. It was queried if the Leader is aware of residents in Notley Road, Braintree experiencing flooding as a result of this issue? Under PI 189 on Floodrisk Management the Council has to work with the Environment Agency and other agencies to alleviate cases of flooding.

Councillor Walters, Cabinet Member for the Environment and Sustainability, advised that he was aware of the River Brain flooding to the north of Hoppit Bridge, onto water meadows and marshland. The Environment Agency had visited and inspected the area, and Councillor Walters was not aware of the river flooding to the south of Hoppit Brook. It was agreed this would be investigated further.

Councillor Bebb spoke on the **provision of allotments** and the media coverage of self sufficiency, and continued to query if the response to the Allotments Task and Finish Group should be reconsidered? Both nationally and locally there is demand for allotments, and many organisations have released land for this purpose, and was it not appropriate for the Council to do more?

The Leader of the Council stated that this is an issue for members and, although strong support had been given to the recommendations of the Allotments Task and Finish Group, this has not followed through and it is therefore up to members to take whatever action they deem necessary.

Councillor Hughes referred to the **Quality Award and Village Design Statements**, and advised that Rivenhall Parish Council had both these items. It was considered that the Council did not take the content of the Village Design Statement into account on planning issues.

The Leader advised that at Planning Committee within the past month – a meeting that is webcast – that the issue of Village Design Statement's was discussed.

Councillor E Lynch requested an update, when reached, on the policy recommendations put forward before Christmas 2008, for the **Braintree Museum**. The Leader advised that he would arrange an update to be produced.

(iii) **Chairmen's Statements**

INFORMATION: No statements were made.

(iv) **Meetings in 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 on 16th February 2009.

Councillor Abbott referred to the Climate Change Progress report made to Cabinet on 30th March 2009. It was realised that the content in the report is developing and it was considered that it contained only positive outcomes with no negative issues listed. The progress on renewable energy was considered limited and, with regard to more planting of trees how can this be so, when incidents such as Spring Lodge in Witham, where both trees and hedges were removed, continues to take place. The Council also proposes to submit 1,000 tonnes of organic waste to landfill during the winter months, due to recycling measures.

Councillor Walters considered that the report was both positive and factual, and shows the Council in a good light in carbon saving.

Councillor E R Lynch requested that the List of Public Meetings relates to the minutes of main committees published during the period between Council meetings, and not the meetings held in that timeframe (irrelevant of whether the minutes are published or not). The Chairman agreed to the request.

81 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: There were annual reports received from two Council representatives on external organisations. Both reports were tabled at the meeting.

Councillor Swallow on the Braintree District Citizens' Advice Bureau (CAB) Management Board

Councillor Swallow referred to the content of his report and stated that in addition 10 new volunteers had been recruited to the Bureau, and four new management Committee Members – who are undertaking training to act as Trustees to the CAB. This and further updates will be published in Member Focus.

Councillor Mrs Howell on the Braintree District Voluntary Support Agency Trustees Board (BDVSA)

Councillor Mrs Howell advised of her report, and stated that she had attended all meetings, and the support to the BDVSA continually 'amazes' her. With regard to volunteering enquiries, the numbers of referrals are dramatically increased, due to the effect of the recession. The scheme for Greenfingers - 80 gardens of the elderly or disabled, tended for by volunteers – had won an award for charities from the High Sheriff of Essex. It was noted that the BDVSA Director is currently setting up a voluntary sector partnership board as part of the Local Strategic Partnership (LSP). Councillor Mrs Howell advised that further information on the BDVSA will continue to be provided in the Members Room.

Councillor Dr Evans, together with other Councillors, thanked Councillors Swallow and Mrs Howell for their dedicated work on their respective group.

As there were no items in private session, the Chairman closed the meeting, thanking Councillors for their attendance during the past year.

The meeting commenced at 7.15pm and closed at 9.14pm.

Lady Newton
(Chairman)

(ii)

For further information regarding these minutes, please contact Eileen Self, Law & Governance, on 01376 551414 or e-mail eileen.self@braintree.gov.uk