

# Minutes

## Council Meeting

30<sup>th</sup> July 2012



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available for 6 months at [www.braintree.gov.uk](http://www.braintree.gov.uk).

Present:

Councillors	Present	Councillors	Present
Councillor J E Abbott	Yes	Councillor J S Allen	Yes
Councillor M J Banthorpe	Yes	Councillor P R Barlow	Yes
Councillor J Baugh	Yes	Councillor J C Beavis	Yes
Councillor D L Bebb	Yes	Councillor E Bishop	Yes
Councillor R J Bolton	Yes	Councillor L B Bowers-Flint (Chairman)	Yes
Councillor G Butland	Yes	Councillor C A Cadman	Yes
Councillor S Canning	Yes	Councillor T G Cunningham	Yes
Councillor J G J Elliott	Apologies	Councillor Dr R L Evans	Yes
Councillor A V E Everard	Yes	Councillor J H G Finbow	Yes
Councillor M J Fincken	Yes	Councillor T J W Foster	Yes
Councillor M E Galione	Yes	Councillor C Gibson	Apologies
Councillor M Green	Apologies	Councillor P Horner	Yes
Councillor S A Howell	Yes	Councillor H D Johnson	Apologies
Councillor S C Kirby	Yes	Councillor M C M Lager	Yes
Councillor D J Louis	Apologies	Councillor C Louis	Apologies
Councillor E R Lynch	Yes	Councillor D Mann	Yes
Councillor J T McKee	Yes	Councillor R G S Mitchell	Yes
Councillor J M Money	Yes	Councillor Lady P Newton	Yes
Councillor J O'Reilly-Cicconi	Apologies	Councillor Mrs I C F Parker	Yes
Councillor J A Pell	Yes	Councillor R P Ramage	No
Councillor D M Reid	Apologies	Councillor D E A Rice	Yes
Councillor F Ricci	Yes	Councillor W J Rose	Apologies
Councillor V Santomauro	Yes	Councillor W D Scattergood	Yes
Councillor W Schmitt	Yes	Councillor A F Shelton	Yes
Councillor L Shepherd	Yes	Councillor C Siddall	Yes
Councillor G A Spray	Yes	Councillor J S Sutton	Yes
Councillor J R Swift	Apologies	Councillor P Tattersley	Yes
Councillor C M Thompson	Yes	Councillor M Thorogood	Yes
Councillor L S Walters	Apologies	Councillor R G Walters	Yes
Councillor S A Wilson	Yes	Councillor B Wright	Yes

### 29. **CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS**

The Chairman presented long term certificates to Councillors Finbow and Pell for 25 years service as members of the Council.

The Chairman's announcement covered the following:

- Armed Forces Day;
- Diamond Tea Party;
- Re-starting the chimes on the Town Hall clock;
- Olympic Torch entering the district at Hatfield Peverel;
- Chairman's Charity Golf Day on 1<sup>st</sup> August at Colne Valley Golf Club;
- Civic Engagements will now be placed on the Members' Portal and not tabled at Council.
- Plans to develop a Chairman's blog.

30. **DECLARATIONS OF INTEREST**

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

- Councillor Lager declared a non pecuniary interest in Agenda item 6, Policy Recommendations and References – Cabinet 11<sup>th</sup> June 2012, and Agenda items 9(i)a and 9(i)b, Questions by Members, Reports from the Leader and Cabinet Members, as a member of Witham Town Council;
- Councillor Lager also declared a non pecuniary interest in Agenda item 9(i)a, Questions by Members, Reports from the Leader and Cabinet Members, as a member of Essex County Council and 9(i)b, Questions by Members, Reports from the Leader and Cabinet Members, as a Director of Witham Public Hall Trust.

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.

31. **MINUTES**

**DECISION:** That the minutes of the Council meeting held on 11<sup>th</sup> June 2012 be approved as a correct record and signed by the Chairman.

32. **QUESTION TIME**

**INFORMATION:** There were no questions asked or statements made.

33. **POLICY RECOMMENDATIONS AND REFERENCES – CABINET 16<sup>TH</sup> JULY 2012**

**INFORMATION:** The following Recommendations were considered:

**Minute 24, Capital Investment in New Fitness Facilities at Braintree Swim Centre and Braintree Leisure Centre**

**DECISION:** That £945,000 be allocated from the Council's capital funds for new fitness facilities at Braintree Leisure Centre and Braintree Swim Centre to generate a revenue return from Fusion to the Council.

**REASON FOR THE DECISION:** To allow the Council to make the capital investment in new fitness facilities in the Braintree area for an annual revenue return from Fusion, the new leisure management contractor.

#### **Minute 26, Award of Witham Leisure Centre Design and Build Contract**

**DECISION:** That an additional £473,000 of capital funding be allocated to the Witham Leisure Centre project.

**REASON FOR THE DECISION:** To award the design and build contract subject to Council approving additional capital funding so that the project to design and build of the new leisure centre for Witham can proceed.

#### **Minute 31, Recommendations from the Local Development Framework Sub-committee – 23<sup>rd</sup> May 2012), National Planning Policy Framework**

##### **DECISION:**

1. That the publication of the National Planning Policy Framework be noted.
2. That an assessment of the Local Development Framework Core Strategy and the Local Plan Review be carried out to establish which policies, if any, are in conflict with the National Planning Policy Framework and to consider proposals for the amendment of such policies, as appropriate, within the transitional period.
3. That the provisions of the National Planning Policy Framework be taken into account in future work, including in development management and in drawing up development management policies for the Local Development Framework.

**REASON FOR THE DECISION:** To agree action to be taken to ensure that the Local Development Framework is consistent with the National Planning Policy Framework.

#### **34. POLICY RECOMMENDATIONS AND REFERENCES – OVERVIEW AND SCRUTINY COMMITTEE -11<sup>TH</sup> JULY 2012**

**INFORMATION:** The Chairman of the Task and Finish Group requested that the report be withdrawn. The Chairman of the Council agreed to the request and referred the report back to the Task and Finish Group for further consideration.

#### **35. APPOINTMENT OF THE MONITORING OFFICER**

**INFORMATION:** Members approved the appointment of Vicki Stevens, the Council's new Head of Governance, as the Monitoring Officer with effect from 20th August 2012 and thanked Emma Wisbey and Brain Keane for their work in the Monitoring Officer role in the interim.

**DECISION:** That the appointment of Vicki Stevens as the Monitoring Officer with effect from 20th August 2012 be approved.

**REASON FOR DECISION:** To ensure compliance with the Local Government and Housing Act 1989.

## 36. **QUESTIONS BY MEMBERS**

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

**INFORMATION:** Consideration was given to the written reports of the Leader and Cabinet Members.

The Leader added the following to his report:

#### **Portas Pilot**

- That the award of Portas Pilot status for Braintree town is a real opportunity to learn from others and improve the town centre. He congratulated all involved for their part in the success of Braintree town in becoming a Portas Pilot. The Leader hoped that any learning from the Pilot might be shared with the other towns in the district to help them all flourish.

#### **Changes to Cabinet**

- In the light of the Portas success and other significant economic regeneration issues all falling in the portfolio of the Cabinet Member, Prosperity, the Leader announced that he would be making some changes to Cabinet portfolios to provide higher political profile to the various issues. The Leader intends to create a new Cabinet portfolio area concentrating on the regeneration of the town centres and taking forward the Portas Pilot. He has asked Councillor Siddall to take on this new portfolio and asked Councillor Bebb to take on the Performance portfolio;
- Councillor McKee will be moving to support the Cabinet Member, Performance, and Councillor O'Reilly-Cicconi moving to support Councillor Lady Newton in a Planning and wider related Portfolio area;
- The Leader is still working on the detail of the changes and will notify members in due course;
- There will be no increase in the overall size of the Cabinet but an increase in one of Cabinet Members with portfolio with an according increase in allowances;
- The Leader also intends to change Deputy Cabinet members to enable them to have voting rights and be able to present recommendations to Cabinet. They will have no executive powers unless specifically delegated.

#### **Essex County Council Consultation – Part Night Lighting Consultation**

- The Leader encouraged members to look at the consultation available through the Members' Portal and to respond directly as they think appropriate on a local issue.

#### **District Electoral Boundary Review**

- The Council has now received a technical paper from the Boundary Commission on how the review will be conducted which the Leader intends to circulate to Group Leaders. *(Note. This information can now be viewed through the Members' Portal).*

Councillor Beavis, Cabinet Member, People, added to her report that she had received a letter from the Secretary of State for Communities and Local Government thanking all local authorities for the role they had played in supporting the Olympic Torch Relay. The event in Hatfield Peverel had been attended by 6,000 people.

Members asked several questions arising from the reports. The questions and responses of Cabinet Members can be viewed on the Council's website at:

[http://www.braintree.public-i.tv/core/portal/webcast\\_interactive/83918](http://www.braintree.public-i.tv/core/portal/webcast_interactive/83918)

Topics covered included:

- Pooling of Business Rates;
- Joint Locality Board and district infrastructure relating to Maltings Lane, Witham;
- The large size of South East Local Enterprise Partnership and its ability to address issues in the district;
- Examining increased availability of cycle racks in the district;
- Provision of trainers to support the development of professionals and business investment in the district;
- Continuing to consult the community at Silver End Village Hall before decisions are taken on an independent company taking over day to day management of the ground floor;
- Continuing to support the development of affordable homes in the district;
- Comments from residents on the North West Braintree Expansion Plan;
- Liaising with Halstead Town Council and volunteers from the community supporting the Halstead River Walk friends group;
- Member group on future recycling targets;
- Recognition of the role Greener Silver End Group in improving the local environment;
- Deep cleaning of town centres;
- Arranging Member briefing on welfare reforms to both Council Tax support and Housing Benefit;

- Responses to the Essex County Council Consultation – Part Night Lighting are required by 30<sup>th</sup> August.

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

- Councillor Schmitt, Cabinet Member, Place, agreed to investigate an issue on cleanliness in Witham particularly around Spa Road and the provision of bottle banks. Councillor Schmitt also reminded members of the “See It - Report It” initiative as a way of dealing with cleanliness issues quickly.
- The Leader agreed to circulate to members information on a question he had raised on low education achievement with the relevant Cabinet Member at a meeting of Essex County Council on 10<sup>th</sup> July 2012. (*Note. This information can be viewed through the Members’ Portal*).

(ii) **Chairmen’s Statements**

**Audit Committee – Annual Report 2011-12**

**INFORMATION:** Councillor Lager, Chairman, Governance Committee, presented the Annual Report of the Audit Committee for 2011-12.

**DECISION:** That Audit Committee’s Annual Report for 2011-12 be noted.

**REASON FOR DECISION:** To receive the Audit Committee’s Annual Report

(iii) **Minutes of Meetings (Public Session)**

**INFORMATION:** The following responses were provided to questions raised:

**Cabinet, 16<sup>th</sup> July 2012**

**Minute 20 Leader’s Update.**

Each council is expected to have one representative at the East of England Local Government Association meeting in October likely to be attended by the Secretary of State for Communities.

**Minute 27, Response to Localism Act and Localism Framework**

Community Budgets relate to people and not wards. The aim is to deliver services by working with people and not in a ward specific manner. For example, working with troubled families.

Councillor Beavis, Cabinet Member, People, agreed to discuss processes to deal with new Community Rights in the Localism Act with Councillor Shelton outside of the meeting.

37. **BUSINESS OF EXTERNAL ORGANISATIONS**

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

## **EXCLUSION OF PUBLIC AND PRESS**

**DECISION:** That under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

Although the following item was taken in Private Session it does not contain any confidential information and is therefore admissible in the public domain.

### 38. **QUESTIONS BY MEMBERS**

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

##### **Cabinet, 16<sup>th</sup> July 2012, Minute 34, Mayland House**

**INFORMATION:** In response to a question on procedures taken on the decision relating to the letting of Mayland House, the Leader advised that it had been delegated to Cabinet to ensure that decisions could be taken quickly.

The meeting commenced at 7.15pm and closed at 8.31pm.

L B Bowers-Flint  
(Chairman)