

# Minutes

## Council Meeting

26<sup>th</sup> October 2009



Present:

| <b>Councillors</b>         | <b>Present</b>     | <b>Councillors</b>          | <b>Present</b>    |
|----------------------------|--------------------|-----------------------------|-------------------|
| 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                   | Yes                | J McKee                     | Yes               |
| E Bishop                   | Apologies          | H J Messenger               | Yes               |
| R J Bolton                 | Apologies          | A M Meyer                   | Apologies         |
| G Butland                  | Yes                | R G S Mitchell              | Apologies         |
| G Cohen                    | Yes                | Mrs J M Money               | Yes               |
| J C Collar                 | Yes                | Lady Newton                 | Yes               |
| M Dunn                     | Yes                | J P O'Reilly-Cicconi        | Yes               |
| Mrs E Edey                 | Apologies          | Mrs J A Pell                | Apologies         |
| J G J Elliott              | Yes                | R Ramage                    | Yes               |
| R Elliston                 | Yes                | D M Reid                    | Yes (from 7.28pm) |
| Dr R L Evans               | Yes                | D E A Rice                  | Yes               |
| A V E Everard              | Yes (from 7.57 pm) | Mrs C Sandbrook             | Apologies         |
| J H G Finbow               | Yes                | Mrs W D Scattergood         | Apologies         |
| Ms L B Flint               | Apologies          | Mrs J W Schmitt             | Yes               |
| T J W Foster               | Apologies          | A F Shelton (Vice Chairman) | Yes               |
| Mrs B A Gage               | Apologies          | Mrs L Shepherd              | Yes               |
| M G Gage                   | Apologies          | C Siddall                   | Yes               |
| Mrs M E Galione (Chairman) | 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            | Apologies         |
| P J Hughes                 | Yes                | S M Walsh                   | Yes               |
| D L Hume                   | Yes                | R G Walters                 | Yes               |
| M C M Lager                | Yes                | R N Wilkins                 | Apologies         |
| S J Lambourne              | No                 | T S Wilkinson               | Apologies         |

The Chairman welcomed all Councillors to the meeting and extended a warm welcome to any public and press present at the meeting, and those viewing the meeting on the webcast.

### 39 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman presented the announcements and the engagements attended by herself and the Vice Chairman.

INFORMATION: The following interests were declared:-

- Councillor J E B Gyford declared a personal and prejudicial interest in Agenda Items 6 – Bus and Rail Services Task and Finish Group, and 9(iii) Minutes of meetings held in Public Session as there is reference to commuter parking in Witham, and he is the Treasurer of the local Labour Party that run a car park at the Witham Labour Hall. In accordance with the Code of Conduct Councillor Gyford left the meeting whilst Item 6 was discussed and voted upon and remained in the meeting for Item 9(iii) as the relevant minute was not referred to.
- Councillor D E A Rice declared a personal interest as a committee member of the Braintree Community Association that is referred to in Private Session – Agenda Item 13(a) the Town Centre Regeneration Projects reference from Cabinet of 12<sup>th</sup> October 2009. Councillor Rice chose to leave the meeting for this item and the vote thereon.
- Councillors J E Abbott, Miss L Barlow, Mrs J C Beavis, G Butland, P J Hughes, D L Hume, M C M Lager, N G McCrea, H J Messenger, Mrs J M Money, F Swallow, S M Walsh, R G Walters all declared a personal interest as Parish or Town Councillors of their respective Parish/Town Council, in Agenda Item 9(iii) – Minute 67 of the Cabinet meeting 12<sup>th</sup> October 2009 that has reference to Parish Support Grants.
- Councillor Mrs J C Beavis also declared a personal interest as the Chairman of Sible Hedingham Parish Council, as the car park in Sible Hedingham is referred to in Agenda Item 9(iii) – Minute 71 of the Cabinet meeting 12<sup>th</sup> October 2009.
- Councillor J Baugh declared a personal and prejudicial interest in Private Session – Agenda Item 13(a) Town Centre Regeneration Projects as-
  - (i) he is known by an owner of a property in the Braintree project, and
  - (ii) as the Treasurer of the Braintree Community Youth Project that currently meets at the Braintree Community Association location
 In accordance with the Code of Conduct Councillor Baugh left the meeting whilst the item on Town Centre Regeneration Projects in Private Session was discussed and voted upon.
- Councillors J Baugh, G Butland, S M Walsh and R G Walters all declared a personal interest as Essex County Councillors in Agenda Item 7 (c)(iii) Proposed Integrated Waste Facility at Rivenhall Airfield.
- Councillor T McArdle declared a personal and prejudicial interest in Private Session – Agenda Item 13(a) Town Centre Regeneration Projects as he is Chairman of the Braintree Community Youth Project that currently meets at the Braintree Community Association location. In accordance with the Code of Conduct Councillor McArdle left the meeting whilst the item on Town Centre Regeneration projects in Private Session was discussed and voted upon.
- Councillor M C M Lager declared a personal interest in Agenda Item 7 (c) (ii) – Future of Bramston Leisure Centre as a member of Witham Town Council who had made a response to consultation on this topic.
- Councillor J E Abbott declared a personal interest as Chairman of Rivenhall Parish Council, as the Parish Council may be called upon for a contribution to the cost of the inquiry regarding Rivenhall Airfield – Agenda Item 7(c) (iii).
- Councillor Lady Newton declared a personal interest in Private Session - Agenda Item 13(a) – Town Centre Regeneration Projects as her husband has a connection to the Community Centre in Braintree.

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.

41 **MINUTES**

**DECISION:** That the minutes of the meeting of Council held on 21<sup>st</sup> September 2009 be approved as a correct record and signed by the Chairman.

42 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

43 **BUS AND RAIL SERVICES TASK AND FINISH GROUP**

Councillor A F Shelton, Chairman of the Bus and Rail Services Task and Finish Group presented the report on the Group's findings. The key objectives of the Group and the different aspects of research and consultation were referred to, and that the current local bus and rail services go some way to meeting the needs of the local communities. However, it is recognised that the urban areas are served much better than the rural areas where public transport is limited and for those residents who do not own a car the access to key services is adversely affected. Apart from the Community Transport partnership with Essex County Council, the local authority is not a direct provider of local transport, and the recommendations of the report were felt to assist either directly or indirectly in improving local transport.

Councillor Shelton presented the recommendations on Pages 14/15 of the report, with specific reference to Recommendations 1, 8(ii) and 10. Partnership working with Essex County Council (ECC) is required to make improvements, and the nomination of a Cabinet Member and District Council officer to work with ECC would be beneficial. Thanks were extended to Council officers, Steve Bore, Eleanor Dash and Emma Boaler for their support to the Task and Finish Group.

Councillor Harley, Cabinet Member for Enterprise and Culture, commended the work of the Bus and Rail Services Task and Finish Group, and noted the request for the lead Cabinet Member to liaise with ECC on this issue. The findings of the Group did not appear to

- (i) identify the lack of co-ordination in bus timetables, and
  - (ii) recognise the potential health and safety risk for people standing on trains.
- Councillor Harley requested that these two issues be taken into consideration.

**DECISION:** That the report of the Bus and Rail Services Task and Finish Group be noted, including the comments made above, and be referred to Cabinet on 7<sup>th</sup> December 2009 for consideration.

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

Licensing Committee – 9<sup>th</sup> September 2009

(i) Drivers' Panel Responsibilities

Councillor M J Banthorpe, Chairman of the Licensing Committee, presented the proposal for the Scheme of Delegation being amended with regard to Drivers' Panel and the determination of an application for a driver's licence where the driver has reached six penalty points.

**DECISION:** That the Scheme of Delegation contained within the Constitution be amended to authorise the Licensing Officer, in consultation with the Chairman of the Licensing Committee, to approve applications for Hackney Carriage and Private Hire Vehicle drivers' licences and dual Hackney Carriage and Private Hire Vehicle drivers' licences where the applicant has six or more penalty points on their DVLA driver's licence, but has been licensed by the Council in the last 12 months and there has been no change to his/her circumstances since the last application was considered by the Drivers' Panel, namely:-

No suspension, or revocation of the Hackney Carriage and/or Private Hire Vehicle driver's licence;

No further convictions revealed by a Criminal Records Bureau check;

No further endorsements on the applicant's DVLA Licence;

No complaints, or breaches of conditions;

No Penalty Points under Braintree District Council's Administrative Penalty Points scheme

- (ii) Change to Scheme of Delegation – Licensing Act 2003 – Minor Variations to Premises Licences and Club Premises Certificates and Alcohol Sales in Community Premises.

Councillor M J Banthorpe, Chairman of the Licensing Committee, stated changes to the Licensing Act had been made to reduce the administrative burden on businesses and non-commercial organisations, by introducing a new minor variations process and removing the requirement for community premises to have a Designated Premises Supervisor.

**DECISION:** That the Scheme of Delegation contained within the Constitution be amended to authorise the Licensing Officer under the Licensing Act 2003 to grant or refuse minor variations to premises, licences and club premises certificates, and to determine applications made in respect of community premises for the alternative premises licence condition regarding the supply of alcohol to apply instead of the mandatory condition.

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Licensing Committee – 7<sup>th</sup> October 2009

- (i) Gambling Act 2005 – Revised Statement of Licensing Policy

Councillor M J Banthorpe, Chairman of the Licensing Committee, stated that not all Council members had received copy of the revised Statement of Licensing Policy and requested for the item to be deferred to Cabinet on 7<sup>th</sup> December 2009 for them to comment.

**DECISION:** That the recommendation be deferred to Cabinet on 7<sup>th</sup> December 2009.

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Cabinet – Public Session – 12<sup>th</sup> October 2009

(i) Growth Area Funding – Governance Arrangements

Councillor Harley, Cabinet Member for Enterprise and Culture, stated that Braintree District Council with Chelmsford Borough Council are joint recipients of capital and revenue growth area funding. The Board that held the governance arrangements of the funding had now ceased, and it is proposed that responsibility be transferred to the Local Development Framework Panel.

Councillor Harley advised that the amount of Growth Area Funding in 2010/11 will be reduced by 43%, resulting with £640,000 being awarded. It was noted that the Development Director had already written to make representation to this reduction.

In response to a comment that the local community should be consulted, and the Local Committee involved particularly when the funding affects their area, it was clarified that this would occur in appropriate circumstances.

**DECISION:** That the responsibilities of the Local Development Framework Panel be extended to include proposing growth area funding allocations.

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(ii) Future of Bramston Leisure Centre

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, presented the report and reminded Members that the current facility has served Witham for 35 years, and that it now has a net cost of £0.5m a year to the Council. It was noted that the Witham Swimming Pool Development Opportunities final report is on the website and can be provided in hard copy. The report identifies the demand for the new facility and that it will serve the community within a 20 mile catchment area. Councillor Lady Newton explained the three options contained in the report, and that Option 2 had been agreed by Cabinet as a basis for further consultation with all stakeholders.

Members welcomed the proposal for the people of Witham and stated the new facility will be open towards the end of 2011, and complete the provision of a swimming pool in each of the three main towns of the district.

Through the ongoing process further clarity will be provided on the project including

- details of the reprovision of the residual dryside facilities, including the fitness suite, dance studios and squash facilities, but also the gym facilities and other current facilities

- to make the facilities as sustainable as possible, and capture the BREEAM 'very good' standard to ensure long term energy savings
- the management of the facility at early morning and evening periods
- the dual use arrangements on management and the provision of a draft weekly timetable, to indicate who had access at different times of the week
- that the space will be used to ensure maximum flexibility
- that the consultation process provides relevant information to the consultees
- when the documentation material will be made available

Councillor Lady Newton stated that consultation will commence at the Witham Local Committee on 10<sup>th</sup> November 2009, and hard copy of the full report will be provided to all Witham Local Committee members, Witham Town Council, and other partners in health and education sectors. Members were reassured that the new facility will provide a smaller, more efficient building than Bramston and not be a 'drain' on Council resources.

**DECISION:** That based upon Option 2 of the report, including the requirement to provide facilities adhering to BREEAM 'very good' standard, the necessary Capital funding provision be allocated to the Capital Programme.

(iii) Proposed Integrated Waste Facility at Rivenhall Airfield – Costs of Planning Inquiry

Councillor Harley, Cabinet Member for Enterprise and Culture, presented the report and extract from the Cabinet minutes.

Councillor Abbott recorded his thanks to Councillor Harley, Braintree District Council officers, the cooperating parishes and residents who had been involved in the process.

**DECISION:** That a supplementary budget for expenditure of £78,600 gross on the costs of the Rivenhall Call-In Inquiry be approved, from either the Housing and Planning Delivery Grant or balances.

(iv) References from the Overview and Scrutiny Committee 16<sup>th</sup> September 2009

- Scrutinising the Crime and Disorder Reduction Partnership
- Councillor Call for Action (CCfA)

Councillor Butland, as Chairman of the Local Government Reform Cabinet Sub Group presented the two recommendations and advised, in respect of the Councillor Call for Action recommendation that the situation will continue to be reviewed as it will increase the workload of the Overview and Scrutiny Committee.

**DECISION:**

- (1) That the Overview and Scrutiny Committee be formally designated as the Crime and Disorder Committee and that the amendments to the Constitution as set out in the Appendix to the report, and as amended by the Overview and Scrutiny Committee be incorporated.
- (2) That the Councillor Call for Action (CCfA) be incorporated into the Council's Constitution.

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

INFORMATION: No statements were made.

46 **QUESTION TIME (PUBLIC SESSION)**

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

INFORMATION: Further updates were received from Cabinet Members.

**Heart and Sole Health Walks**



Councillor Lady Newton, Cabinet Member for Health and Well-Being, provided additional information on the Heart and Sole health walks and was pleased to advise of high Braintree numbers from recent data as follows:-

|                         | Braintree | Chelmsford | Maldon |
|-------------------------|-----------|------------|--------|
| Number of walks         | 210       | 142        | 120    |
| Number of attendances   | 3,366     | 1,196      | 976    |
| Average number of walks | 17        | 8          | 8      |
| Number of hours         | 2,579     | 1,205      | 271    |

### **Waste Collections**

Councillor Walters, Cabinet Member for Environment and Sustainability, advised that the re-routing of Waste Collections across the District is now complete, and the remainder of the wheeled bins and kitchen caddies had been delivered.

### **East of England Plan**

Councillor Harley, Cabinet Member for Enterprise and Culture, encouraged Members to attend the Member Seminar on 27<sup>th</sup> October 2009 on the East of England Plan and Regional Spatial Strategy.

### **Air Space changes/NATS Enquiry**

Councillor Harley reminded Members of the NATS Enquiry and plans to replace the flight stack to the north of the District. Plans relating to this have now been cancelled to the end of 2010, and the work of the Stop Stansted Expansion Committee had contributed to this. It was noted that departure patterns are not affected, and there will be no impact to aircraft using other airports.

### **Contact Centre**

Councillor Mrs Beavis, Cabinet Member for Customers and Communication, stated that the Contact Centre are to be congratulated for their additional work since the recycling roll-out commenced on 28<sup>th</sup> September 2009, and sincere, grateful thanks were extended to all Centre staff.

### **Partnership Working**

Councillor Mrs Beavis reported on the group of Local Government Representatives from Japan who had visited the Council on 9<sup>th</sup> October 2009; and of her visit to Melton Mowbray for a Rural Services Network Convention on 14<sup>th</sup> October 2009.

### **Council Tax and Benefits**

Councillor Lager, Cabinet Member for Efficiency and Resources, stated that the Council Tax collection rate is 'holding up' and that Finance staff are to be congratulated on their work in achieving payment of benefit and the processing of decisions. With regard to the NNDR – Business Rates relief available to smaller businesses at the end of September 2009 the 'take-up' rate was 1,335 businesses from a total of 1,432 - a 93% achievement.

### **(ii) Oral Questions**

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

Councillor Abbott referred to the **Littering by the Highways Agency** (Item 4, the Leader's report) and stated that the shredding of litter whilst grass cutting is common practice on verges of local roads – as well as the A120.

In response, the Leader of the Council, stated that he is also to raise the issue with the Highways Agency regarding the eastbound carriageway on the A120 in the Uttlesford area as this also has paper thrown up the verge. Braintree District Council is judged on its cleanliness and assistance from other Government agencies will be sought to ensure that a litter pick happens prior to the grass being cut.

Councillors Abbott, Gyford and Ramage raised issues relating to **Waste Collections**. Councillor Abbott stated that a substantial number of properties in Rivenhall had not received the recycling date's timetable.

Councillor Gyford requested that the Council's 551414 telephone number has the option of 'recycling' as a response.

Councillor Ramage commented on three dustcarts being seen at the same time in Maltings Lane, Witham.

Councillor Walters noted these comments, and gave his apologies to the few residents who had not received their timetables, that should now have been rectified and sent in the post.

(iii) **Chairmen's Reports**

INFORMATION: No reports 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 21<sup>st</sup> September 2009.

No issues were raised by Councillors.

47 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: There were no reports received from Council representatives on external organisations.

**EXCLUSION OF PUBLIC AND PRESS**

**DECISION:** 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 Paragraphs 3 and 4 of Part 1 of Schedule 12 (A) of the Act.



(i)

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