

Minutes

Council Meeting



20th June 2022

These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. An audio recording of the meeting is available for six months at www.braintree.gov.uk

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor Mrs J Pell	Yes
Councillor J Baugh	Yes	Councillor I Pritchard	Yes
Councillor Mrs J Beavis	Yes	Councillor M Radley	Yes
Councillor K Bowers	Yes	Councillor S Rehman	Yes
Councillor G Butland	Yes	Councillor F Ricci	Yes
Councillor J Coleridge	Yes	Councillor B Rose	Apologies
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	Apologies
Councillor P Euesden	Yes	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor Mrs G Spray	Apologies
Councillor Mrs D Garrod (Vice-Chairman)	Yes	Councillor P Tattersley	Yes
Councillor A Hensman (Chairman)	Yes	Councillor P Thorogood	Apologies
Councillor S Hicks	Yes	Councillor N Unsworth	Apologies
Councillor P Horner	Yes	Councillor R van Dulken	Yes
Councillor D Hume	Yes	Councillor D Wallace	Yes
Councillor H Johnson	Yes	Councillor T Walsh	Yes
Councillor Mrs A Kilmartin	Apologies	Councillor Mrs L Walters	Yes
Councillor W Korsinah	Yes	Councillor Miss M Weeks	Apologies
Councillor D Mann	Yes	Councillor D White	No
Councillor T McArdle	Yes	Councillor Mrs S Wilson	Yes
Councillor J McKee	Yes	Councillor J Wrench	Yes
Councillor A Munday	Apologies	Councillor B Wright	Yes
Councillor Mrs I Parker	Yes		

14 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a Non-Pecuniary Interest in Agenda Item 6, 'Motion by Councillor Mrs Iona Parker – National Grid Sustainable Energy Generation' as part of the proposed route of the pylons was potentially close to where he lived. Councillor Abbott had taken advice prior to the meeting and was able to remain present during the consideration of the Item on the condition that he did not participate in the discussion.

Councillor J Abbott also declared a Non-Pecuniary Interest in Agenda Item 7, 'Motion by Councillor Tom Cunningham – Congratulations to HM the Queen on her Platinum Jubilee' as he was a member of Rivenhall Parish Council.

Councillor Mrs J Pell declared a Pecuniary Interest in Agenda Item 6, 'Motion by Councillor Mrs Iona Parker – National Grid Sustainable Energy Generation' as her husband worked for the industry and received his pension from them.

Councillor B Wright declared a Non-Pecuniary Interest in Agenda Item 12, 'Cabinet Report to Full Council' as the Deputy Chairman of Rivenhall Parish Council.

Councillors remained in the meeting, unless stated otherwise and took part in the debate and decision when the Items were considered.

15 **MINUTES**

DECISION: There were a few typographical errors identified within the Minutes under Minute 10 (as some numbers had been added in error), and the second line of Minute 13 (as the date was found to be incorrect). It was agreed that the errors would be amended.

The Minutes of the Annual General Meeting of Full Council held on 25th April 2022 were approved as a correct record and signed by the Chairman.

16 **QUESTION TIME**

INFORMATION: There were several statements made in respect of the Wethersfield Airfield Prisons proposal.

The first statement was made by Mr A MacKenzie and concerned the responsibility of Councillors in regard to potential planning applications.

The second statement was made by Mr T Clarke-Holland and regarded the assessments taking place through the Ministry of Justice (MOJ).

The third and final statement was made by Mr F Easton and regarded the parliamentary petition against the Wethersfield Prisons proposal.

Councillor G Butland, Leader of the Council, was then invited to respond to the statements made. The response from Essex County Council (ECC) to the MOJ was

sent by the Head of Planning and Sustainable Development as part of the pre-application process; no Member had been involved with the consideration of the issue. The Leader wholeheartedly agreed with concerns raised in respect of highways issues at the proposed prisons site, the issues of which had been highlighted in the response sent to the MOJ.

It was advised that as and when a planning application was received for the prison proposals, the Council would process this through the usual Planning Committee procedure. Any issues highlighted within the application would be for the consideration of officers, who would then advise Members of the Planning Committee as to their views. It was added that once the detail of the application had been received, those Members who were not on the Planning Committee would have the opportunity to express their views on the application separately.

17 **ANNOUNCEMENTS/STATEMENTS FROM THE CHAIRMAN AND LEADER OF THE COUNCIL**

INFORMATION: The Chairman's announcements covered the following:

The Chairman was pleased to announce that since his election at the Annual General Meeting in April, he had attended 21 engagements, which included events in celebration of the Queen's Jubilee such as a service at Chelmsford Cathedral, a dementia friendly afternoon tea at Braintree Town Hall, Halstead Town Council's Jubilee event, a "jubilation" concert at St Andrews Church, Halstead and the Great Notley Fete. The Chairman also visited each of the commemorative benches in Braintree, Halstead and Witham and had the honour of lighting the beacon in Gosfield.

The Chairman also extended his congratulations to Adrian Corder-Birch and Councillor Robert Nott and Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council who were both celebrating an incredible 50 years of service as Parish Clerk and 60 years as Parish Councillor respectively. The Chairman remarked that this was a wonderful achievement of two people who had undoubtedly worked tirelessly for their communities.

The Leader's announcements covered the following:

Section 2 of the Local Plan

The Leader was pleased to report that the Council had now received the final report from the Planning Inspectors on Section 2 of the Local Plan (the Plan), which stated that the Plan could now be found legally sound. The report concluded that the document was able to be adopted subject to the inclusion of some modifications, the final list of which was available on the [Council's website](#), although the document remained largely unchanged from the version that was consulted upon in January 2022.

As the master plan for future development for the District over the next 11 years, the importance of the Local Plan could not be understated. The Plan also assisted with the Council's defence against speculative housing developments when determining planning applications. The process behind the development of Local Plans was often long and complex, and this Plan had been no exception.

The Plan would now be considered through the normal governance processes at the upcoming meeting of the Local Plan Sub-Committee. If approved, the Plan would then be recommended to Full Council in July for formal adoption.

The Leader then extended his thanks to all residents who had participated in the Local Plan process, and to those who had taken the time to provide their comments during the public consultation period.

Levelling Up White Paper

Members were advised that the White Paper had been considered by the Essex Leaders from the County Council, the two Unitary Authorities and the 12 District, Borough and City Authorities. It was agreed that a joint letter would be composed by the Leaders of Southend, Thurrock and Essex County Council (the 'upper-tier' Authorities), as well as Councillor Neil Stock of Tendring District Council, who acted as Chair of the Council Leader meetings, addressed to Neil O'Brien and seeking a meeting. A meeting had now taken place between the Leaders of the three upper tier Authorities, during which all three Leaders expressed that they would wish to enter into discussions in due course with the Government on what may or may not be offered by way of devolution for Essex.

The Leaders jointly agreed that it was of utmost importance for Members across Essex to be kept up to date of the latest developments in respect of the White Paper. As such, an agreed set of briefing notes would be forwarded to all Members as soon as possible. In addition, Councillor Butland intended to provide a further update to Members of this Council at the upcoming Members' evening in July.

Lastly, there were to be three working groups established and chaired by the upper tier Authorities, with representation from Leaders of the second-tier Authorities, to examine specific aspects of the White Paper with a view to reaching a consensus on what freedoms the County would like to obtain as part of any deal around devolution.

18 **MOTION BY COUNCILLOR MRS IONA PARKER – NATIONAL GRID SUSTAINABLE ELECTRICITY GENERATION**

INFORMATION: Consideration was given to a Motion by Councillor Mrs I Parker about the need to mitigate the impacts of transmission overland on the natural environment. The Motion was as follows:-

The Motion

"The Council recognises the increasing need for sustainable electricity generation, including utilising wind turbines located in the North Sea. The Council also acknowledges the need to transmit such electrical power from source to end user.

However, the Council is concerned about the effect transmission overland may have on the countryside in Braintree District. It urges National Grid to explore all options and to take steps to mitigate negative impacts on the natural environment.

It also urges National Grid to fully engage with the local community so residents have the opportunity to respond to its proposals.”

Members were made aware that an amendment to the original Motion had been received in advance of the meeting and was proposed by Councillor Abbott and Councillor Wright respectively. It was confirmed that the amendment was in compliance with the Council’s procedure rules. Councillor Mrs Parker and Councillor Wrench, as the proposer and seconder of the original Motion, had since consented to the amendment.

As a consequence of this acceptance, the amended Motion became the new Substantive Motion to be considered, and read as follows:-

The Substantive Motion

“The Council recognises the increasing need for sustainable electricity generation, including utilising wind turbines located in the North Sea. The Council also acknowledges the need to transmit such electrical power from source to end user.

However, the Council is concerned about the effect transmission overland using pylons up to 50 metres high may have on the countryside in Braintree District. It urges National Grid to explore all options, including undersea, and to take steps to mitigate negative impacts on the natural environment.

It also urges National Grid to fully engage with the local community so residents have the opportunity to respond to its proposals.”

The Motion was seconded by Councillor J Wrench.

In her introductory speech, Councillor Mrs Parker commented on the proposal by the National Grid to build a new line of pylons from Norwich to Tilbury via Bramford near Ipswich. Councillor Mrs Parker acknowledged that the means of generating electricity had changed significantly since the 1960s, but stressed that the new pylons would be of detriment to the rural landscape, natural environment and adversely affect properties.

There followed a general debate on the Motion as submitted and amended. Upon being put to the vote, the Motion was declared **CARRIED**.

19 MOTION BY COUNCILLOR TOM CUNNINGHAM – CONGRATULATIONS TO HM THE QUEEN ON HER PLATINUM JUBILEE

INFORMATION: Consideration was given to a Motion by Councillor T Cunningham. The Motion was as follows:-

The Motion

“This Council resolves to send its warmest congratulations to HM The Queen on her Platinum Jubilee. The Council wishes to express on behalf of the District of Braintree,

its pride, gratitude and affection for Her Majesty and her unprecedented service to our Nation and The Commonwealth.”

The Motion was seconded by Councillor G Butland.

In his introductory speech, Councillor Cunningham reflected upon the success of the Queen’s 70 year reign, the significant changes that had occurred over the course of this period and the pride with which the Jubilee had been celebrated across the District.

There followed a general debate on the Motion as submitted. Upon being put to the vote, the Motion was declared **CARRIED.**

20 **MOTION BY COUNCILLOR MRS JOANNE BEAVIS – COST OF LIVING CRISIS**

INFORMATION: Consideration was given to a Motion by Councillor Mrs J Beavis. The Motion was as follows:-

The Motion

“This Council recognises the Cost of Living Crisis and the impact it is having on many residents in the Braintree District due to rising inflation, tax increases and soaring energy bills, exacerbated by the Russian war on Ukraine and Brexit.

Council also recognises that the Government has introduced a range of support measures including relief through council tax bills and new grant support, with additional specific grants to assist pensioners, people with disabilities and the poorest households.

However the Government has stated it cannot cover all impacts and therefore, given the scale of the Cost of Living Crisis, Council agrees to establish a dedicated Member Working Group, to report quickly, to review the measures that the Council and its partners in Essex are already offering, and to recommend any further assistance that can be delivered this financial year for the residents of Braintree District.”

Members were made aware that an amendment to the original Motion had been received in advance of the meeting and was proposed by Councillor G Butland and Councillor T Cunningham respectively. It was confirmed that the amendment was in compliance with the Council’s procedure rules. Councillor Mrs Beavis and Councillor Abbott, as the proposer and seconder of the original Motion, had consented to the amendment.

As a consequence of this acceptance, the amended Motion became the new Substantive Motion to be considered, and read as follows:-

The Substantive Motion

“This Council recognises the Cost of Living Crisis and the impact it is having on many residents in the Braintree District.

Council also recognises that the Government has introduced a range of support measures including relief through council tax bills and new grant support, with additional specific grants to assist pensioners, people with disabilities and the poorest households.

However the Government has stated it cannot cover all impacts and therefore, given the scale of the Cost of Living Crisis, Council requires the Chairmen of the Community Development and the Partnership Development Scrutiny Committees to establish a combined committee consisting of all the Members of the respective two Scrutiny Committees. The remit of the combined committee will be to review the measures that the Council and its partners in Essex are already offering, and to recommend any further assistance that can be delivered this financial year for the residents of Braintree District.

The combined committee is to report back to the meeting of the Council to be held on Monday 10th October 2022, and to facilitate this timetable there shall be no more than two meetings of the combined committee.”

The Motion was seconded by Councillor J Abbott.

In her introductory speech, Councillor Mrs Beavis stated that she was pleased with the amendments that had been submitted and emphasised the need for the Council to support its residents, especially those who were already experiencing financial difficulties, as much as possible through the ongoing crisis, which was likely to worsen.

There followed a general debate on the Motion as submitted and amended. Upon being put to the vote, the Motion was declared **CARRIED**.

21 **APPOINTMENT OF CHIEF EXECUTIVE/HEAD OF PAID SERVICES**

INFORMATION: Prior to the report, Members were reminded that the papers for this item had been circulated to all Members separately from the main agenda on 17th June 2022.

Following the resignation of Mr Andy Wright as Head of Paid Services (Chief Executive) of the Council, it was necessary to commence with a recruitment process to appoint his replacement. Mr Wright was due to leave the Council on 31st August 2022. The Appointments Committee subsequently convened on 31st March 2022 in order to commence the recruitment process, which was supported by independent advice from Mr Steve Guest, Head of Executive Recruitment and Assessment at Solace. The Leader of the Council, Councillor G Butland, was keen to involve Members of the Opposition in the recruitment process, and accordingly, Councillor J Abbott, Councillor D Mann and Councillor Mrs J Pell agreed to participate.

The Appointment process ran between 10th June 2022 to 14th June 2022 inclusive, and the Leader was pleased to report that the Council had received interest from a large number of candidates. With the assistance of Solace, the candidates were shortlisted and eventually narrowed down to a shortlist of four, although one candidate was required to withdraw due to personal circumstances.

A rigorous interview process was undertaken which included activities such as written tasks, problem solving exercises, role playing scenarios, psychometric profiling, in-person assessments and speed meeting with Elected Members. The process eventually concluded with an interview with the Appointments Committee, during which key competencies were explored and candidates were provided with the opportunity to demonstrate their suitability for the role. The Leader wished to extend his grateful thanks to all who were involved with the selection process, which included external stakeholder colleagues, the Corporate Management team and Members who made themselves available for the necessary activities.

At the end of the process, the Leader was delighted to confirm that it was the unanimous decision of the Panel Members to appoint Mr Dan Gascoyne in the role of Chief Executive. Mr Gascoyne was currently Deputy Chief Executive at Colchester Borough Council, and had since indicated that should Council accept his appointment, he would be pleased to accept the role.

DECISION: That Dan Gascoyne be appointed as the Council's Head of Paid Service (Chief Executive) as well as the Electoral Returning Officer and Electoral Registration Officer with effect from a start date to be confirmed.

All the delegations under the Constitution which are in the name of the Chief Executive and/or Head of Paid Service and Returning Officer were to be effective from the confirmed start date.

REASON FOR DECISION: To report to Full Council the recommendations of the Appointments Committee held on Wednesday 15th June 2022 to appoint Dan Gascoyne to the post of Head of Paid Service (Chief Executive) and to seek Council's approval for the appointment.

22 **BRAINTREE DISTRICT COUNCIL'S REVISED LICENSING POLICY STATEMENT IN RESPECT OF THE GAMBLING ACT 2005**

INFORMATION: Consideration was given to a report on the Council's draft statement of Gambling Licensing Policy (the Policy), which was due to come into effect on 1st August 2022.

Members were advised that the Council was legally required to review and re-publish its Policy every three years, based on the three licensing objectives:-

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable people from being harmed or exploited by gaming.

The draft Policy was based on the Essex Authorities generic framework and had been made available for public consultation between 4th January 2022 and 6th March 2022. It was confirmed that no comments had been received as at the end of the consultation period. Furthermore, as there had been no legislative changes or updates to the guidance from the Gambling Commission, there had been no significant changes to the Policy from the previous version that was approved and published.

It was noted that a review of the Gambling Act 2005 was planned by Government but had since been delayed; however, it was possible that new guidance could be introduced by the end of the year. Members were thus advised that should this occur, the Council's Gambling Policy would be examined for any possible conflicts. Under the Council's Scheme of Delegation, minor changes could then be made to the Policy by the Head of Service in consultation with the Chair of the Licensing Committee, whereas any substantive changes would need to be processed through the Council's formal governance arrangements.

DECISION: That the draft statement of Gambling Licensing Policy was approved and would come into force on 1st August 2022.

REASON FOR DECISION: Braintree District Council was legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years. The policy must be based on the licensing objectives. The policy will then set out the principles that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent three years.

23 **DEVELOPMENT OF A COMMUNITY CENTRE, MALTINGS LANE, WITHAM**

INFORMATION: Members considered a report which pertained to the proposal for the construction of a Community Centre (the Centre) at Maltings Lane, Witham, and the approval of the allocation of a capital budget.

The purpose of the new Centre was to provide residents across the Witham area with access to a wide range of functions and services, thus improving community resilience. As part of the planning process for the Centre, extensive consideration was given towards the infrastructure that would be required in order for the Centre to meet the needs of local residents. As a result, land was secured from the developer alongside a series of Section 106 requirements and financial contributions from a number of schemes towards the cost of constructing a number of community facilities. It was highlighted that some of these facilities had already been built and were in use by local residents; these included highway improvements, a new food store, children's nursery, outdoor sports facilities and football pitches.

Due to the number of Section 106 contributions that had been sought towards the delivery of the Centre, the project had experienced much complexity in terms of its timing. Due to the need for the project to comply with Section 106 requirements whilst still meeting the needs of residents, there existed a funding gap between the estimated cost of the project and the Section 106 contributions that had been secured, and this gap would need to be funded in order to ensure that the project could still be delivered. As the lifespan of the project had occurred over a period of significant volatility, with global socio economic factors and the impacts of the Covid-19 pandemic remaining prevalent throughout, it had been necessary to re-cost the project on several occasions, thus ensuring that it would remain a viable scheme. In order to mitigate any further cost increases, further financial provisions had been included within the draft costings for the project.

In taking this project forward, it was recognised that the Council would not be regaining any marked ongoing revenue from the building created; however, it was considered that the benefits that the Centre would bring for Witham's residents, such as a dedicated community hub to encourage cohesion and health and wellbeing, far outweighed any setbacks.

DECISION: That Council:-

- 1) Approved the allocation of a capital budget of £4,039,733, inclusive of Section 106 monies, to this project and that it was added to the Council's capital programme, and;
- 2) Approved the allocation of £200,000 Section 106 monies, secured by the Council from the Conrad Road development (planning permission number 19/00026/FUL), allocated to the project.

REASON FOR DECISION: To present the proposal for the construction of a Community Centre at Maltings Lane in Witham, and to add the project to the capital programme at a value of £4,039,733.

24 **CABINET'S REPORT TO FULL COUNCIL**

INFORMATION: The Chairman invited the Leader of the Council to introduce the Cabinet Report to Full Council. The Leader explained that although he had no additions to make to the report, he would respond to any questions raised for Councillor Mrs G Spray, Cabinet Member for Planning and Infrastructure, in her absence. Similarly, Councillor J McKee agreed to respond to any questions raised for Councillor Mrs W Schmitt, Cabinet Member for Climate Change and the Environment, in her absence.

The Chairman then invited Members to ask their questions arising from the reports. Questions were not limited to the content of the report and could be about matters relating to a portfolio, the powers and duties of the Council, or matters pertaining to the District.

A webcast of the questions to and the responses of the Leader of the Council and Cabinet Members is available on the Council's website and its YouTube channel at: <https://www.braintree.gov.uk/youtube>

The main topics were as follows:-

- Councillor J Abbott referred to the likely closure of the PARC centre at Great Notley and asked if there was any help that the Council could provide for those residents most affected.
- Councillor J Abbott welcomed the extension of the verges policy and sought agreement that rural verges could in future become important habitats with numerous ecological benefits.

- Councillor J Abbott sought agreement that local MPs should respond to his letter to the Government requesting that they consider giving Local Authorities the ability to improve green energy generation.
- Councillor J Abbott welcomed the adoption of Section 2 of the Local Plan and requested that, going forward, the Council worked on the principle of planning for the future by consent.
- Councillor Mrs J Beavis requested an update on the progress of the Livewell Child initiative in Braintree and the overall Livewell programme.
- Councillor Mrs J Pell raised a question in respect of the Skate Park at Ramsey Road, Halstead and the progress of the scheme to remove the half-pipe ramp.
- Councillor Mrs J Sandum asked a question in relation to planning enforcement and how residents and Councillors alike should report such issues during weekends or bank holidays.
- Councillor Miss V Santomauro referred to the issue of rural verges and asked about the possibility of signposting hazardous areas throughout the District, and the appropriate reporting mechanism for residents with safety concerns.
- Councillor Mrs W Scattergood raised concerns in respect of the single-cut verge policy in the north of the District and asked whether rural junctions and single-track roads could be cut if it was on the grounds of public health and safety.
- Councillor Mrs W Scattergood sought advice on how issues with grass verges should be reported when they occurred on unnamed roads in rural areas.
- Councillor T Walsh requested an update on the Council's progress with updating the planning enforcement service and the agreed provision of quarterly update reports.
- Councillor B Wright asked a question in relation to the management of litter issues going forward along the A12
- Following the recent Jubilee celebrations, Councillor B Wright raised a query in respect of the charges associated with obtaining licences to plant trees.

Further to the questions raised, it was agreed that the following written responses would be provided:-

- Councillor G Butland, Leader of the Council, agreed to raise the issue of enforcement issues during weekends and bank holidays with Councillor Mrs G Spray, Cabinet Member for Planning and Infrastructure.
- On the subject of the quarterly planning enforcement reports, Councillor G Butland agreed to request an update from Councillor Mrs G Spray on her return.
- Councillor J McKee, Cabinet Member for Finance and Corporate Transformation, agreed to speak to Councillor Mrs W Schmitt, Cabinet Member for Climate Change

and the Environment, about the possibility of cutting verges within rural communities on the grounds of health and safety and come back with a written response.

- Councillor J McKee agreed to speak with Councillor Mrs W Schmitt in order to provide a written response to Councillor Abbott in respect of his letter to MPs.
- Councillor J McKee agreed to speak to Councillor Mrs W Schmitt about the Skate Park site at Ramsey Road and provide a written response which detailed any plans that were in place for its refurbishment.
- Councillor J McKee agreed to speak with Councillor Mrs W Schmitt in order to provide a written response in respect of litter issues along the A12.
- Councillor J McKee agreed to speak with Councillor Mrs W Schmitt about the reporting mechanism for concerns around grass verges and provide a written response in order to clarify the process.
- On the issue regarding unnamed roads in rural areas, Councillor J McKee agreed to speak with Councillor Mrs Schmitt and provide a written response as to how such concerns should be reported.
- Councillor P Tattersley, Cabinet Member for Health and Wellbeing, agreed to provide Members with an update on the work currently being undertaken around Livewell Child and the overall Livewell campaign in his next Cabinet report, as well as provide a briefing note.

Before bringing the meeting to a close, the Chairman reminded Members that the next meeting of Full Council would be on 25th July 2022.

The meeting commenced at 7.15pm and closed at 9.37pm.

Councillor A Hensman
(Chairman)