

Minutes

Council Meeting



11th December 2017

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.

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor G Maclure	From 7.28pm
Councillor Mrs J Allen	Apologies	Councillor D Mann	Yes
Councillor M Banthorpe	Yes	Councillor J McKee	Yes
Councillor P Barlow	Yes	Councillor R Mitchell	Yes
Councillor J Baugh	Yes	Councillor Mrs J Money	Apologies
Councillor Mrs J Beavis	Apologies	Councillor Lady Newton	Apologies
Councillor D Bebb	Yes	Councillor J O'Reilly-Cicconi	Yes
Councillor K Bowers	Yes	Councillor Mrs I Parker	Apologies
Councillor Mrs L Bowers-Flint	Yes	Councillor Mrs S Paul	Yes
Councillor G Butland	Yes	Councillor Mrs J Pell	Apologies
Councillor S Canning	Yes	Councillor R Ramage	Yes
Councillor J Cunningham	Yes	Councillor F Ricci	Yes
Councillor Mrs M Cunningham	Yes	Councillor B Rose	Yes
Councillor T Cunningham	Yes	Councillor Miss V Santomauro (Vice-Chairman)	Yes
Councillor M Dunn	Yes	Councillor Mrs W Scattergood	Apologies
Councillor J Elliott	Yes	Councillor Mrs W Schmitt	Yes
Councillor Mrs D Garrod	Yes	Councillor P Schwier	Yes
Councillor J Goodman	Yes	Councillor C Siddall	Yes
Councillor A Hensman	Yes	Councillor Mrs G Spray	Yes
Councillor P Horner	Yes	Councillor P Tattersley	Yes
Councillor D Hufton-Rees	No	Councillor Miss M Thorogood	Yes
Councillor D Hume	Apologies	Councillor R van Dulken	Apologies
Councillor H Johnson	Yes	Councillor Mrs L Walters	Yes
Councillor Mrs A Kilmartin	Yes	Councillor Mrs S Wilson	No
Councillor S Kirby (Chairman)	Yes		

43 CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS

Chairman

The Chairman's announcements covered the following:

Charity Quiz Night – On 1st December, the Braintree District Council apprentices organised a charity quiz, raising money for the Chairman's charities (Action for Family Carers and First Stop Centre) and Mencap, the charity that Greg Tye, one of the Council's apprentices and the main organiser of the quiz, was raising money for, by running the London Marathon next year.

The quiz raised £225 for the Chairman's charities and an enjoyable evening was had by all. The Chairman thanked the apprentices Greg Tye, Lawrence Stokes, Katie Bright, Hannah Denson, Jack Dixon and Timmy Gliddon for organising and hosting the event.

Civic Reception –Members' were asked to help identify volunteers in their local communities to invite to the Chairman's civic reception in March, as the deadline for nominees had now passed, the Chairman reminded members to e-mail any nominations to Donna Walton in the civic office by Friday 15th December at the latest.

The Leader did not have any announcements to make.

44 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

Councillor Abbott declared a non-pecuniary interest in Agenda Item 12f – 'Councillor Mrs W Schmitt - Environment and Place' as he intended to ask the Cabinet Member a question in respect of a piece of land which was recently made reference to in the local press by the Witham Countryside Society of which Councillor Abbott was a member.

Councillor Baugh declared a Non-Pecuniary Interest in Agenda Item 11 – 'Recommendations from Cabinet 27th November 2017 – Braintree District Museum Trust Funding and Management Arrangements.' as a Director and Trustee of the Braintree District Museum Trust. In accordance with the Code of Conduct, Councillor Baugh left the meeting when this item was considered and determined.

Councillor J Cunningham declared a non-pecuniary interest in Agenda Item 6 – 'Community Governance Review' as a resident of the area that would be affected by the proposed changes.

Councillor Mrs M Cunningham declared a non-pecuniary interest in Agenda Item 6 – 'Community Governance Review' as a resident of the area that would be affected by the proposed changes.

Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 10 – 'Recommendations from Cabinet 27th November 2017 – Medium-Term Financial Strategy 2018-19 to 2021-22' as a Non-Financial Director of Ignite Business Enterprise.

Councillor McKee declared a Non-Pecuniary Interest in Agenda Item 11 – ‘Recommendations from Cabinet 27th November 2017 – Braintree District Museum Trust Funding and Management Arrangements.’ as a Director and Chairman of the Braintree District Museum Trust Ltd. In accordance with the Code of Conduct, Councillor McKee left the meeting when this item was considered and determined.

Councillor Mitchell declared a Non-Pecuniary Interest in Agenda Item 10 – ‘Recommendations from Cabinet 27th November 2017 – Medium-Term Financial Strategy 2018-19 to 2021-22’ as a Non-Financial Director of Ignite Business Enterprise.

Councillor Siddall declared a Non-Pecuniary Interest in Agenda Item 10 – ‘Recommendations from Cabinet 27th November 2017 – Medium-Term Financial Strategy 2018-19 to 2021-22’ as a Non-Financial Director of Ignite Business Enterprise.

Councillor Siddall also declared a Non-Pecuniary Interest in Agenda Item 14 – ‘Formation of Appointment Committee’ as a member of the EELGA Improvement Panel.

Members were advised that Andy Wright, Acting Chief Executive, would be leaving the Chamber for item 14 – ‘Formation of Appointment Committee’.

45 **QUESTION TIME**

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

46 **MINUTES**

DECISION: That the Minutes of the meeting of Council held on 9th October 2017 be approved as a correct record and signed by the Chairman.

47 **COMMUNITY GOVERNANCE REVIEW**

INFORMATION: At its meeting of the 24th July 2017 the Council adopted the formal terms of reference for the Community Governance Review and set the Initial Public Consultation. The initial consultation ran from the 1st August to the 30th September 2017 and, during this period a total of 99 individual and organisational representations were received. A petition representing 152 households was also submitted and comments were received on almost all of the initial proposals.

Members were advised that in addition to the original consultation proposals, four supplementary proposals had been submitted by residents or representative groups for consideration.

At their meeting on 29th November 2017 the Community Governance Review Committee considered all representations and had made their recommendations to Council. Council was asked to approve the Draft recommendations for consultation to run between 1st January 2018 and 28th February 2018.

Members were advised of an amendment to the report in respect of '7.0 Forest Road Witham/Rivenhall development site' under the section of 'Draft Proposal for Consultation. January 2018' that the wording 'at this time' should be removed.

DECISION: That Members approved for consultation, Draft Proposals detailed throughout this report, save that in recommendation 7 the words "at this time" were removed.

REASON FOR DECISION: To support the continued development of the project for the forthcoming community governance review.

48 **CHANGES TO OVERVIEW AND SCRUTINY COMMITTEE**

INFORMATION: Members were asked to consider the proposed changes to the Overview and Scrutiny Committee.

DECISION: That Council agreed:-

1. That Council reasserts the provision in the Overview and Scrutiny Procedure Rules that the Chairman should not be from the main group on the Council.
2. That Council appoints Councillor Barlow as Chairman of the Overview and Scrutiny Committee.
3. That Council appoints Councillor Siddall as Vice Chairman of the Overview and Scrutiny Committee.

REASON FOR DECISION: To ensure Committee appointment and Memberships are appropriate for the Council's needs.

49 **ESSEX VISION – THE FUTURE OF ESSEX**

INFORMATION: It was reported that Essex Partners had recognised that Essex faced many future challenges that would have significant impact, that no single organisation could tackle alone. Work commenced in 2016 to develop a 20 year Essex Vision with the purpose of giving the different communities, groups and businesses of Essex a way to collaborate in planning their future, recognising the collective power of Essex as a whole.

At the Essex Assembly on 19th September 2017 the Vision was launched, with each party being asked to adopt the vision and work with partners in their locality to deliver the seven ambitions where appropriate. Many of the ambitions and priorities set out in the Future of Essex document were consistent with the Council's Corporate Strategy priorities.

DECISION: That Members agreed to adopt The Essex Vision and incorporate its principles into the work of the Council through the Corporate Strategy and annual business planning cycle.

REASON FOR DECISION: To confirm our support for the Future of Essex vision and build the consideration of the Essex Vision into our existing business planning processes working with partners to deliver where appropriate.

50 **RECOMMENDATIONS FROM CABINET 27TH NOVEMBER 2017 – TREASURY MANAGEMENT MID- YEAR REPORT 2017-18**

INFORMATION: The Council's treasury management activities were regulated by statutory requirements and by a Code of Practice ("the Code") issued by the Chartered Institute of Public Finance (CIPFA). One of the key requirements of the Code was that the Council should receive at least one mid-year report on its treasury management activities.

The mid-year report was considered by the Governance Committee at its meeting on 6th September and subsequently by Cabinet on 27th November. Members were advised that the full report was available to view on the Council's website.

DECISION: That the Treasury Management Mid-Year Report 2017/18 was noted.

51 **RECOMMENDATIONS FROM CABINET, 27TH NOVEMBER 2017 MEDIUM-TERM FINANCIAL STRATEGY 2018/19 TO 2021/22**

INFORMATION: Councillor Bebb, Cabinet Member for Finance and Performance Updated Members on the following;

Members were advised that there was some uncertainty around the budget and the Council were still waiting for Government to finalise funding allocations.

The Financial Profile included provision for an annual pay award of 1%. This was in recognition of the announcement in the July 2015 Budget that public sector pay would increase by 1% per annum over the four years starting 2016/17. However in recent months the Government had relaxed this for some sectors of the public sector. Ultimately, for the majority of local government the pay award would be determined by negotiation between the Employers Organisation and the unions and further information would be received over the next few weeks.

Following Cabinet's agreement to accept the recommendation to renew the Council's Environmental Impact Liability insurance in respect of the housing stock transfer from Greenfields community housing in November 2007, this would now need to be incorporated in the Council's financial strategy.

It was reported that with the number of planning appeals increasing, the Council had decided to make an additional subsidy of £300,000 in order to meet planning appeal costs.

The Council along with 13 other authorities in Essex had applied for a Business Rates Retention Pilot Scheme. If successful, the potential additional business rates that could be retained within the county were circa £25million, with £2 million of this potentially for Braintree District Council. It was anticipated that the Council would find out whether they had been successful in the coming months.

Members were advised that it was not proposed to make any changes to the current Local Council Tax Support Scheme for 2018/19.

Members were also advised that the proposal to discontinue the refuse and recycling calendars to every household from 2018/19 had been withdrawn and the

annual delivery would continue for the foreseeable future. The proposed saving this would have generated had been withdrawn from the budget.

DECISION: That Council agreed:

- a) The Braintree District Council's Local Council Tax Support scheme for 2018/19 as detailed on the Council's website:
https://www.braintree.gov.uk/info/200302/benefits/1078/what_is_the_local_council_tax_support_scheme
- b) That the surplus on the Council Tax Collection Fund be allocated between the District and parish/town councils as detailed in Appendix A to this report;
- c) That £300,000 of the anticipated over achievement against budget of planning application fees in the current year be vired to the reserve for Planning Appeal Costs.

52 **RECOMMENDATIONS FROM CABINET 27TH NOVEMBER 2017 – BRAINTREE DISTRICT MUSEUM TRUST FUNDING AND MANAGEMENT ARRANGEMENTS**

INFORMATION: Members were advised that this was the final stage of the formal arrangements for transferring the management of the Braintree District Museum and Warner Textile Archive to a Trust. This was to enable the Trust to use the proceeds from the Warner Textile Archive to fund the cost of the Museum. It would also allow the Museum to apply for external funding and would reduce the Council Tax subsidy that was currently being allocated to the Museum.

DECISION: That Council agreed:

1. To reduce the number of Braintree District Council Members on the Trust's Board from three to two from the date of the Braintree District Council Annual General Meeting in 2018.
2. To write off an historic outstanding debt that the Trust owes the Council totalling £116,550.

53 **REPORTS FROM THE LEADER AND CABINET MEMBERS AND ORAL QUESTIONS FROM COUNCILLORS - PUBLIC SESSION**

INFORMATION: The Chairman invited the Leader and the Cabinet Members to introduce their reports. Following this, the Chairman invited Members to ask 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.

Consideration was given to the reports of the Leader and Cabinet Members.

Councillor T Cunningham, Cabinet Member for Economic Development passed on his thanks to all those who attended the Christmas lights switch on event in Braintree Town Centre on the 2nd December, in particular the staff who attended and assisted in the organisation of the event. In addition, Councillor T Cunningham also thanked Councillor Bowers and Councillor Mrs Bowers-Flint for their assistance on the day.

Councillor Mrs Schmitt, Cabinet Member for Environment and Place, added to her report that in respect of the Britain in Bloom Awards, Coggeshall were awarded as the most consistently improving town in Britain in Bloom. Councillor Mrs Schmitt passed on her congratulations to Coggeshall and the volunteers who contribute their time and effort to achieve the high standard recognised by this award.

Councillor Mrs Schmitt added also that following the recent comments in the local press in relation to the picnic area in Halstead Public Gardens, she confirmed that the picnic area would remain as part of the Public Gardens.

Members asked several questions arising from the reports. A webcast of the questions to and responses of Cabinet Members is available on the Council's website at: <http://www.braintree.public-i.tv/core/>

The main topics covered were as follows:

- Further details on the letter received from Priti Patel MP in relation to the meeting with CAUSE.
- Update on the proposed A120 developments.
- In respect of the homelessness strategy, what type of information would be collected in order to undertake a meaningful review to ensure the resources being used were adequate for the process.
- Details on when a decision in respect of the A12 developments could be expected.
- Details on the contractual issues that arose during the Braintree Town Centre Christmas lights switch on event.
- Criteria of success in respect of the trial of curb side textile recycling and details of the income that could be generated from the scheme.
- Investing the potential of setting up compulsory recycling and a plastics deposit return scheme.
- Details on what consideration had been taken by the Council, in its decision making, in respect of protected species at the proposed development site at the land off Maldon Road, Witham.

The following action was agreed in response to questions raised by Members:

- Councillor Mrs Schmitt, Deputy Leader of the Council and Cabinet Member for Environment and Place, agreed to provide a written response on what form of protection would be taken at the site at Forest Road in respect of unauthorized encampments.

54 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 24TH JULY 2017**

INFORMATION: No matters were raised.

FORMATION OF APPOINTMENT COMMITTEE

INFORMATION: Members were advised that following the appointment of the Acting Chief Executive the Leader of the Council had been in discussion with Group Leaders as well as officers to consider the process for the appointment of a permanent Chief Executive.

Further to agreement on a cross party basis it was proposed to commence an internal recruitment process during January 2018 and Members were asked to approve a cross party Appointment Committee of 7 Members to formally manage the recruitment process and to make recommendations to Council. The Committee would be supported both by officers of the Council and with independent advice from Michelle Kirk Director, East of England Local Government Association.

The Leader of the Council confirmed that this late item should be considered as there was cross party support for urgently making a permanent appointment to ensure stability and leadership for the Council.

The Committee would report to Council on the 19th February 2018, with either a recommendation for appointment or proposals for the continuation of the process.

DECISION: That Council agreed:

1. To establish an Appointment Committee of 7 Members to manage the recruitment process for a permanent Chief Executive and Head of Paid Service on behalf of Council.
2. To appoint Councillors G Butland (Chairman), J Abbott, P Barlow, D Bebb, J McKee, Mrs J Pell and Mrs W Schmitt and not to apply political proportionality to the Committee.
3. That the Appointment Committee report to Council on the 19th February 2018.

There were no matters raised in Private Session.

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

Councillor S Kirby
(Chairman)