

Minutes

Council Meeting



20th October 2008

Present:

Councillors	Present	Councillors	Present
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 (from 7.20pm)
R J Bolton	Apologies	A M Meyer	Apologies
G Butland	Yes	R G S Mitchell	Yes
G Cohen	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton (Chairman)	Yes
M Dunn	Yes	J P O'Reilly-Cicconi	Apologies
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Apologies
R Elliston	Yes	D M Reid	Apologies
Dr R L Evans	Yes	D E A Rice	Yes (until 9.37pm)
A V E Everard	Yes	Mrs C Sandbrook	Yes
J H G Finbow	Apologies	Mrs W D Scattergood	Apologies
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	Mrs J A Smith	Yes
Mrs M E Galione (Vice-Chairman)	Yes	Mrs G A Spray	Yes (from 7.20pm)
J E B Gyford	Yes	F Swallow	Yes
N R H O Harley	Yes	Miss M Thorogood	Apologies
Mrs S A Howell	Yes	S M Walsh	Apologies
P J Hughes	Yes	R G Walters	Yes
D L Hume	Yes	R N Wilkins	Yes (until 9.38pm)
M C M Lager	Yes	T S Wilkinson	Yes
S J Lambourne	No	<i>Vacancy</i>	

The Chairman welcomed all Councillors and members of the public and press to the meeting, 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.

Members were pleased to welcome Councillor Geoffrey Cohen, the newly elected member for Witham West ward, to the meeting.

42 QUALITY PARISH STATUS AWARD PRESENTATIONS

The Chairman introduced Joy Sheppard, Chief Executive Officer for the Essex Association of Local Councils, who explained that the Award of Quality Parish Status is highly prestigious with only 643 Quality Councils nationally. Nine Quality Awards have been received in the Braintree District, and 48 in Essex.

Awards are to be made to Finchingfield Parish Council and Witham Town Council. With regard to Finchingfield they have consistently worked hard supporting the community and delivering services, refurbished the pond, embarked on a new parking area for the pavilion, and undertaken a public consultation exercise on the Parish Plan.

In Witham the Town Council serves the Witham community to a high standard and provides many services, including the Puppet Festival in September, and has been recognised and commended by the Essex Local Association of Councils local democracy and citizenship competition.

Alison East, Quality Council Champion for Essex continued to advise of recent changes to Quality Parish Status criteria, including a council meeting test, website issues, public access to a Council email address, and options on a newsletter. Furthermore, there are tests for the Code of Conduct, terms and conditions, and for training.

Councillor Lady Newton congratulated both Councils on their success and presented Certificate Awards to Councillor Graham Tobbell, Chairman of Finchingfield Parish Council, with Mrs Kate Fox, the Parish Clerk; and Councillor Mrs Janet Money, Mayor of Witham.

43 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the following issues:-

- (1) On 9th October 2008 a Civic Reception was held at the Town Hall, Braintree to commemorate the 80th Anniversary of the building being donated by the Courtauld family to the District, and on its' use in Local Democracy. Past Chairmen of the Council were invited to the event that also coincided with the launch of Local Democracy Week, and was followed by the Cabinet meeting.
- (2) The **lists of engagements** carried out by herself and the Vice-Chairman since the last meeting on 15th September 2008.

44 DECLARATIONS OF INTEREST

The following interests were declared:-

- Councillors M C M Lager and R G Walters both declared a personal interest as Essex County Councillors in Agenda Item 8(ii) the Joint Municipal Waste Management Strategy for Essex, as they attend the Waste Management Project Board.
- Councillor J E Abbott declared a personal interest as a member of Rivenhall Parish Council as they had made representations on Agenda Item 8(i) Draft Braintree District Sustainable Community and Local Development Framework Core Strategy, and Agenda Item 8(ii) the Joint Municipal Waste Management Strategy for Essex

- Councillor E R Lynch declared a personal interest in Agenda Item 8(i) Draft Braintree District Sustainable Community and Local Development Framework Core Strategy as he is connected to Braintree District Scouts who own the freehold of the land at the '77 site' referred to in the discussion
- Councillor T J W Foster declared a personal interest in Agenda Item 8(ii) the Joint Municipal Waste Management Strategy for Essex as he is a Member of Colchester Friends of the Earth and their representative, Paula Whitney, had spoken during Question Time.

Unless stated otherwise, all Councillors remained in the meeting.

45 **MINUTES**

DECISION: That the minutes of the meeting of Council held on 15th September 2008 be approved as a correct record and signed by the Chairman.

46 **QUESTION TIME**

INFORMATION: There was three questions/statements made, the details of which are appended to these minutes.

47 **NOTICE OF MOTION**

INFORMATION: The Chairman referred to the motion and invited the proposer, Councillor Mrs Schmitt, to address the meeting.

Councillor Mrs Schmitt moved the motion, referred to the visit by Chief Superintendent Graeme Bull, for Central Division of Essex Police, to the last Council meeting and his report on actions being taken by the Police to combat crime. The motion is to support the Chief Constable of Essex, and his approach of Officers attending every crime being the public expectation of the Police Service.

Councillor Collar seconded the motion and stated that in rural areas the presence of the Police provides a degree of assurance to the community.

Councillor Lager stated that the Police deserve our support for a 'visible' Police force that delivers reassurance to the public, drives down anti social behaviour, increase response times and for the introduction of 145 Ward-based teams across Essex bringing the 'bobby back on the beat'. Over a three-year period 429 Community Support Officers had been appointed, and with 561 Special Constables, all contribute to a decrease in crime and an increase in crime detection rates. Each victim of crime should receive a visit from the Police and a statement taken.

Councillor Dr Evans stated that the Labour Group has a good record of supporting Essex Police wherever and whenever it can, including Neighbour Action Panels and Community Police public meetings. However, the Group had not seen the comments made by the Chief Constable, any supporting reasons or the report by Her Majesty's Inspectorate of Constabulary (HMIC).

Information is available on the HMIC itself, where Inspectors are independent of both the Home Office and the Police Service. The views, arguments and conclusions of the HMIC should not be omitted, and this motion is seeking to support the Chief Constable against the comments of the HMIC, and as the Labour Group have not had an opportunity to examine the material it will be unable to support the motion and will abstain.

DECISION: That the Notice of Motion as set out on Page (ii) of the agenda be endorsed.

48 POLLING PLACES REVIEW – HALSTEAD ST ANDREWS SOUTH WARD

The Leader presented the report and moved the adoption of Option 1 – for 210 electors using the Beridge Road Polling Station to use a new Polling Station at Attwoods, Halstead; for those 860 residents living in the Beridge Road area to be able to vote at the Beridge Road Polling Station, and the remaining 2,040 constituents to continue at St Andrews Church Hall, as at present. This is supported by Halstead Town Council.

DECISION: That Option 1 as outlined in the report be approved.

49 POLICY RECOMMENDATIONS AND REFERENCES (PUBLIC SESSION)

(i) Cabinet 9th October 2008 – Draft Braintree District Sustainable Community and Local Development Framework Core Strategy

Councillor McCrea, Chairman of the Local Development Framework Panel, introduced the combined document entitled 'One District – One Vision' – A Strategy for People and Places in the Braintree District to 2025, that proposes growth locations producing 4,600 new dwellings and 14,000 new jobs in northwest Braintree, southwest Witham and northeast Witham (with Rivenhall), and mixed use regeneration sites at Sible Hedingham and Silver End. New policy will also deliver an increase in affordable housing.

It was noted that the Local Strategic Partnership (LSP) would consider in October 2008 endorsing the Sustainable Community Strategy elements for public consultation, with the Council to consider the Local Development Framework (LDF) Core Strategy for public consultation.

The comments made at the Cabinet meeting on 9th October 2008 had resulted with one combined 'Vision Statement' for the strategies, and for Objective 12 being amended. The Technical Supplement to the document will be considered at the next LDF Panel, and Councillor McCrea moved the recommendation and requested delegated authority to the LDF Panel to approve the Technical Supplement and for Officers with the Chairman of the LDF Panel, to make any final amendments to the Core Strategy.

Councillors commended the LDF Panel on work achieved and during the discussion the following issues were raised:-

- Councillor Elliston referred to Rivenhall and Hatfield Peverel, and requested no potential development outside the village envelope without the approval of the relevant Parish Councils
- Councillor Baugh spoke on the growth area for northwest Braintree, and doubts to the BMX site as it is under a special landscape area and the whole area is only capable for low-medium level of housing and employment
- Councillor Mann stated that Braintree and Bocking urban area has a deficit of amenity space, and as the BMX area is within an area designated as green open space it would be against policy to try for disposal
- Councillor Everard also defended the BMX site, and Sporting 77 in northwest Braintree and stressed the importance of people coming to consultations.
- Councillor McArdle advised that additional sites for development in Braintree Central Ward only have scope for small scale increase. However, the proposals at Panfield Lane as the site identified for the Football Stadium was welcomed, as the Pods Brook Road area had limited infrastructure. The Council criterion on mentally ill people not being placed in Bed and Breakfast accommodation was also welcomed.

- Councillor Abbott stated that Witham Local Committee had reservations on allocations around Witham, and that proposals to create 300 more homes northwest of Witham are wholly in Rivenhall, and the land provision between Rivenhall and Witham should be protected so towns do not engulf villages. Access along Forest Road, Witham was a concern and consultants, Mouchel, had already identified traffic problems. The information in Rivenhall's Parish Plan seems to have been discounted, and the village has proposed sites and requested affordable housing.
- Councillor Hughes advised that previously the term 'green wedge' was not considered appropriate and sites could be protected by open countryside policies. Sites are now identified in the Core Strategy as open for development, i.e in Silver End, and the Strategy takes away previous protection on linking towns with villages.
- Councillor Collar spoke from a rural perspective and the need for affordable housing in villages, and the new policy on housing schemes thresholds.
- Councillor E Lynch could not see how the new affordable housing policy would be sustainable, and how the Council can allow flats to be built on designated green areas.
- Councillor Butland drew to Members attention that the Council are constrained by the present Regional Spatial Strategy when making these proposals, and there will be various opportunities during the consultation periods to raise issues that are concerns to local residents.
- Councillor Elliott raised concern on allowing housing development with little consideration to transport infrastructure, effect on local schools and doctor's surgeries.

Councillors sought clarification in the consultation process and it was ascertained that there are two further opportunities for debate at Council. The consultation period runs from 31st October to 19th December 2008 and many Councillors considered that this should be extended, as the Strategy reaches to 2025.

Councillors drew attention to the Technical Supplement, the evidence base that supports the Strategy, and that they had no opportunity to comment.

DECISION:

- (1) That the draft Braintree District Sustainable Community and LDF Core Strategy (in relation to the Core Strategy and planning elements only) be approved for consultation.
- (2) That delegated authority be given to
 - (i) the Local Development Framework Panel to approve the Technical Supplement, and
 - (ii) that officers in consultation with the Chairman of the Panel make any final non-policy amendments to the Core Strategy.

(ii) Cabinet 9th October 2008 – Joint Municipal Waste Management Strategy for Essex

Councillor Walters, Cabinet Member for the Environment and Sustainability, presented the Strategy setting out the objectives and options for the future management of waste in the District and County for 2007-2032. Braintree, with 11 other Councils in Essex are taking the Strategy forward to help offset increased costs, the threat of climate change, legislation on the limits to landfill of untreated waste and on stringent penalties for not meeting landfill allowance targets. The proposed Strategy has been to several rounds of

public consultation, experienced policy and legislation changes, plus rigorous environmental assessment tests. The final draft Strategy commits the partnership to continue to lobby government on waste reduction and reuse, towards households on reduced packaging and waste minimisation methods, including home initiatives on composting and nappies. The Joint Strategy will seek 40% recycling rates collectively by 2010, 45% by 2015, and 50% by 2020, as challenging, achievable targets. It is proposed that Essex Councils should avoid sending waste to landfill and seek alternative ways of dealing with residual waste, i.e. the use of Mechanical Biological Treatment (MBT), and the valuable income stream of Solid Recovered Fuel (SRF) and this could be achieved separately under a Private Finance Initiative (PFI) contract. The joint Strategy fits well with Council Policy, and follows on from the Memorandum of Understanding.

Members raised the following issues during the debate

- Concerns that a PFI contract would be awarded to a large corporation away from the area and the risks involved, whereas a local company employed by Essex County Council (ECC) would be better. PFI concerns on cost to the taxpayer.
- The handover of waste management sites to ECC would result with increased HGV movements, on already congested roads (A12 & A120)
- A waste processing site already potentially identified at Rivenhall
- DeFRA guidance states that in 2018 there should be 35% renewable waste, and 65% fossil fuel, and the SEA report advised incineration as a final option
- The Council being committed to a contract for 20-25 years
- Colchester Borough Council have withdrawn from the Strategy and Chelmsford Borough Council also has reservations
- Each District should take control and propose small scale anaerobic digestion
- The Strategy permits the incineration of waste, capable of burning Solid Recovered Fuel (SRF) and produces greenhouse gases
- The Council's Corporate Strategy has commendable environmental objectives, i.e. cleanliness, clean and green environment, climate change initiatives and reduction in its carbon footprint – all referred to when opposing Stansted expansion and these same reasons refer to the Waste Strategy
- The consulted public did not vote for incineration, and new recycling schemes are constantly being introduced
- Significant finance of £171m is available (to Essex) through PFI credits
- The option to recover energy from residual waste
- The 'reduce, reuse, recycle and recover' scheme
- The new Council process to have all dry material in one recycling bag will be sorted in a modern factory and result with an increased recycling rate.

The Chairman and Vice Chairman of the Overview & Scrutiny Committee stated that some of these aspects could be discussed, i.e. PFI, MBT plants, or may suggest a Task and Finish Group.

The Leader stated that the Strategy is built on partnership and with landfill sites depleting and tax charges increasing, new ways must be found to dispose of waste, and the Council remains committed to higher recycling.

DECISION: That the Joint Municipal Waste Management Strategy for Essex be adopted by Braintree District Council.

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

INFORMATION: No statements were made.

51 **QUESTION TIME (PUBLIC SESSION)**

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

INFORMATION: The following statements were made: -

Council Investments. The Leader advised that, further to the statement made at Cabinet on 9th October 2008, on assets of Braintree District Council invested with the three Icelandic banks (Minute 75 refers) the Council are continuing to support the Local Government Association (LGA) in their discussions with government. The economic pressure on local residents is a concern and officers have been asked to investigate ways to provide more support through additional resources, benefit enquiries, help to small businesses, Parish Council's and opportunities to hold surgeries in rural areas, 'topping up' the discretionary housing allowance, working with the Citizens' Advice Bureau/Greenfields Community Housing (GCH) on debt advisors, use of the CHIP Fund with GCH, information being available publicly and through our partners, i.e. Essex County Council and the use of mobile libraries.

Stansted Passenger Increase. Councillor Harley stated that Stansted Airport had been granted permission to increase to 35m passengers per annum (mppa). He reminded members that Braintree District Council whilst opposing any increase had suggested that if permission for expansion was to be granted it should be for a maximum of 30mppa. The Inspector did support Uttlesford District Council's issue on night flights – but unfortunately government overruled this.

Customers and Communications Update. Councillor Mrs Beavis advised on

- the Community Achievement Awards programme had received 78 applications, and Councillor Mrs Beavis, Councillor Lady Newton and Mr George Courtauld are to consider these during November 2008
- Thanks were extended to Members involved in Local Democracy Week (13-17th October 2008), attended by 250 children from three schools across the area.

Communities and Housing issues. Councillor Mrs Schmitt updated Members on

- the success of the Council on achieving Equalities Standards Level 3
- the success of National Older People's Day on 1st October 2008 that included advice on personal safety, welfare rights, homecare support and healthy living.

Award for Carbon Management Strategy. Councillor Mitchell, Deputy Cabinet Member for Environment and Sustainability, referred to the Braintree, Colchester and Uttlesford Council's partnership on the local authority Carbon Management programme and announced that Mark Wilson, the Council's Climate Change Manager, and himself will soon receive a Carbon Trust award on behalf of the Council, as recognition of efforts to reduce the carbon impact of this Council and its' residents.

(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 Gyford referred to the **Council's assets** in Icelandic banks and queried if the remaining assets are in sound locations, and what criteria is being placed on their safety. The Leader stated that all authorities are revisiting their investment policies and will continue to monitor and scrutinise to tighten investments, and ensure their safety. All Braintree Council investments are in credible banks with good credit ratings but, in current circumstances, he could not guarantee that they were 100% safe.

Councillor Abbott reported that he had received many complaints from residents regarding the **Spring Lodge site** - partly owned by the Council - and the destruction of trees, hedges and grass. The Leader advised he would provide a written reply.

Councillor Mrs Money queried when investment would commence for the building of two **new Academies in Witham**. Councillor Butland stated that £45m investment is involved in the academies, and expenditure is expected to commence soon, with a timetable for completion within three years.

Councillor Mrs Sandbrook referred to the Overview and Scrutiny Committee and queried if they should also scrutinise the **investment portfolio of the Council**. The Leader stated that this has to be determined by the Overview and Scrutiny Committee.

Councillor Everard questioned that, if **culture** is so important to the Council, why it does not appear in the Council's Vision statement. Councillor Butland felt that it is included in the healthy living sector, and that cultural need is recognised and may not be there in detail, but should not be taken as lack of intent.

(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 as listed on Page 6 of the agenda.

Councillor Dr Evans made reference to Minute 24, Question Time of Witham Local Committee held on 23rd September 2008 and requested an update on a sub committee being set up to discuss a way forward regarding Mr Rao parking his news vendor's van outside Witham Railway Station, and whether the Council is continuing to serve parking tickets against Mr Rao?

The Leader explained that he understood that a meeting has been arranged for 5th November 2008; and advised that he did not usually comment on operational matters, but he did understand the Council will await the outcome of that group before taking any further action.

Councillor E Lynch sought clarification to Minute 90, the Riverside Development Site, Braintree (held during Private Session but admissible in the public domain) of the Cabinet meeting of 9th October 2008 and his request that the Right of Access between Notley

Road and the Railway Station is, or will be adopted by the Council, and whether it will be implemented in any sale of completion.

The Leader confirmed this.

52 **BUSINESS OF EXTERNAL ORGANISATIONS**

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

As there were no items in private session, the Chairman reminded Members to support their local service for Remembrance Sunday on 9th November 2008, and closed the meeting.

The meeting commenced at 7.15pm and closed at 9.51pm.

Lady Newton
(Chairman)

APPENDIX
COUNCIL MEETING
20TH OCTOBER 2008
PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Questions from David Webb, 54 Peel Crescent, Braintree
Local Accountability

Mr Webb stated that during the recent Cabinet meeting it was supported that Council's should act openly as their actions are by the use of public funds, and this level of honesty was welcomed. However, Council house tenants during the housing transfer process did not know the true valuation until November 2007, and will the Council reconsider an open investigation into this? The Council did state that if they did not transfer housing, they would not have decent First Class houses and with the resultant revenue of £50m, why did the Council invest this in banks around the world when it should have been invested closer to home?

Councillor Butland responded that, as previously stated at Cabinet, the Council's actions have demonstrated openness, in line with the Deputy Information Commissioner's statement on accountability.

The Leader of the Council advised that he had recently attended the Annual General Meeting of Greenfield's Community Housing. Well over 100 tenants had attended and he was impressed by their participation. He was more than ever convinced that the Council had made the right decision – to transfer its housing stock.

2. Statement by Paula Whitney, Colchester & NE Essex Friends of the Earth
Waste Strategy

Ms Whitney spoke on waste and environmental issues, and how the government had 'signed up' for an 80% reduction in climate change gases by 2050. By supporting the Strategy the Council with many other Councils, will make it terrible for our environment, increase gases, destroy resources, increase HGV movements, increase air quality pollution, and be 'going the wrong way'.

In 2002, Braintree District Council had been one of the first Council's to sign up to the zero Waste Charter, followed by 'war on waste' consultation and encouraged Mechanical Biological Treatment (MBT) that has a polluting process. In 2002, six options were proposed and, following a campaign, an Option 7 was included leading towards sustainable waste management, higher recycling and composting, and reducing waste. The majority of respondents opposed the six options and supported Option 7, aiming for a zero waste target for 2020.

Ms Whitney considered that 90% of waste could be recycled or composted and she reiterated that the Council was 'going the wrong way' and should join

Colchester Borough Council who had rejected the proposed Waste Strategy.

Ms Whitney was advised that the Waste Strategy would be discussed during the meeting.

3. Question from Bob Wright, Rickstones Road, Rivenhall
Rivenhall Airfield Waste Site

Mr Wright advised that, although he was a Parish Councillor for Rivenhall, he was expressing his personal view on asking the Council if they would be opposing the planning application for Rivenhall Airfield that would result in 25-30years with increased HGV traffic and harmful omissions?

Councillor Butland stated that this issue is a planning matter for Essex County Council. The District Council will be consulted and it would be for the Council to determine its response at the appropriate time.