

Minutes



Council Meeting

22nd April 2013

These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. An audio recording of the meeting is available for 6 months at www.braintree.gov.uk. A webcast is not available due to technical difficulties.

Present:

Councillors	Present	Councillors	Present
Councillor J E Abbott	Yes	Councillor J S Allen	Yes
Councillor M J Banthorpe	Yes	Councillor P R Barlow	Yes
Councillor J Baugh	Yes	Councillor J C Beavis	Yes
Councillor D L Bebb	Yes	Councillor E Bishop	Yes
Councillor R J Bolton	Apologies	Councillor L B Bowers-Flint (Chairman)	Yes
Councillor G Butland	Yes	Councillor C A Cadman	Apologies
Councillor S Canning	Yes	Councillor T G Cunningham	Yes
Councillor J G J Elliott	Apologies	Councillor Dr R L Evans	Apologies
Councillor A V E Everard	Yes	Councillor J H G Finbow	Yes
Councillor M J Fincken	Yes	Councillor T J W Foster	Apologies
Councillor M E Galione	Yes	Councillor C Gibson	Yes
Councillor M Green	Apologies	Councillor P Horner	Yes
Councillor S A Howell	Yes	Councillor H D Johnson	Yes
Councillor S C Kirby	Yes	Councillor M C M Lager	Yes
Councillor D J Louis	Apologies	Councillor C Louis	Apologies
Councillor E R Lynch	Yes until 8.30pm	Councillor D Mann	Yes
Councillor J T McKee	Yes	Councillor R G S Mitchell	Yes
Councillor J M Money	Yes	Councillor Lady P Newton	Yes
Councillor J O'Reilly-Cicconi	Yes	Councillor Mrs I C F Parker	Yes
Councillor J A Pell	Yes	Councillor R P Ramage	Yes
Councillor D M Reid	No	Councillor D E A Rice	Yes
Councillor F Ricci	Yes	Councillor W J Rose	Yes
Councillor V Santomauro	Yes	Councillor W D Scattergood (Vice Chairman)	Yes
Councillor W Schmitt	Yes	Councillor A F Shelton	Apologies
Councillor L Shepherd	Yes	Councillor C Siddall	Yes
Councillor G A Spray	Yes	Councillor J S Sutton	Yes
Councillor J R Swift	Apologies	Councillor P Tattersley	Yes
Councillor C M Thompson	No	Councillor M Thorogood	Yes from 9.00pm
Councillor L S Walters	Yes	Councillor R G Walters	Yes
Councillor S A Wilson	Yes	Councillor B Wright	Yes

75. **CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS**

The Chairman announced that a webcast of the meeting would not be available due to technical difficulties.

The Chairman welcomed Councillor Lynch to the meeting on behalf all members and officers. When Councillor Lynch left the meeting, he did so with the best wishes of all.

The Chairman also welcomed Andy Wright, Corporate Director, to his first meeting and Brian Keane, Head of Governance, returning to the authority.

The Chairman also commented on a number of civic engagements she had carried out since the last meeting of Council.

76. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor Abbott declared a disclosable pecuniary interest in Agenda item 11, report of the Independent Remuneration Panel on the Members' Allowance Scheme as the Panel's recommendation related to allowances for group leaders affects him only. Councillor Abbott left the meeting for the consideration of this item;
- Councillor Galione declared a non pecuniary interest in Agenda item 17(b) report on the business of external organisations, Braintree District Voluntary Support Agency as a Trustee of the Agency;
- Councillor McKee declared a non pecuniary interest in Agenda item 17(c) report on the business of external organisations, Ignite Business Enterprise as a Director of Ignite;
- Councillor Pell declared the following interests:
 - a disclosable pecuniary interest in Agenda item 15(i)d, Question Time, Reports of the Leader and Cabinet Members, Report of Cabinet Member, Planning and Property, as her husband receives a pension from National Grid referred to in the report. Councillor Pell remained in the meeting as there was no discussion on report.
 - a non disclosable pecuniary interest in Agenda item 15(iv), Question Time, matters arising from the minutes of meetings that have been held in public session since the Council meeting on 20th February 2013 as a member of Halstead Town Council in relation to a question she raised regarding the minutes of the meeting of the Local Development Framework Sub-committee held on 11th April 2013.
- Councillor Siddall declared a non pecuniary interest in Agenda item 17(c) report on the business of external organisations, Ignite Business Enterprise as a Director of Ignite;

- Councillor Spray declared a disclosable pecuniary interest in Agenda item 11, report of the Independent Remuneration Panel on the Members' Allowance Scheme as the Panel's recommendation related to the allowance for the Chairman of the Mi Community Scheme affects her as the current Chairman of the Scheme. Councillor Spray left the meeting for the consideration of this item.
- Councillor R Walters declared the following non pecuniary interests:
 - in Agenda item 11, report of the Independent Remuneration Panel on the Members' Allowance Scheme as the Panel recommendation related to the allowance for the Chairman of the Local Development Framework Sub-committee affects him as the current Chairman of the Sub-committee. He decided to remain in the meeting but not vote.
 - in Agenda item 17(c) report on the business of external organisations, Ignite Business Enterprise as a Director of Ignite.

In accordance with the Code of Conduct all Members remained in the meeting for these items and took part in the debate and decision thereon, unless stated otherwise.

77. **MINUTES**

DECISION: That the minutes of the Council meeting held on 20th February 2013 be approved as a correct record and signed by the Chairman.

78. **QUESTION TIME**

INFORMATION: There were no questions asked.

79. **SUBMITTED MOTION – HOUSING**

INFORMATION: Councillor Cunningham moved the motion as stated in the Agenda regarding housing. The motion was seconded by Councillor Santomauro.

Councillor Barlow moved an amendment to make one change to the first paragraph and add an additional paragraph. This was seconded by Councillor Bishop.

On being put to the vote, the amendment was LOST.

A vote was then taken on the original motion which was CARRIED.

DECISION:

The Council commends the Government's proposal to allocate over £3.5 billion to support those who want to get on, or move up, the housing ladder and which will act as a vital stimulus to the economy.

The Council also believes that where property ownership is not possible, affordable housing and rented accommodation should be available to meet people's needs and reaffirms its commitment to the District Council's Core Strategy policies which seek to provide more affordable homes.

80. **SUBMITTED MOTION – YOUTH START-UP LOANS AND ENTERPRENUERSHIP**

INFORMATION: Councillor Canning moved the motion as stated in the Agenda regarding youth start-up loans and entrepreneurship. The motion was seconded by Councillor Beavis.

Councillor Barlow moved an amendment to recognise the Council's long track record in supporting business start ups in the district. This was seconded by Councillor Bishop.

The amendment was accepted by Cllr Canning resulting in the amended motion becoming the substantive motion.

On being put to the vote, the amendment was CARRIED.

DECISION:

The Council recognises the valuable contribution small enterprises and start ups make to our economy and also notes the challenges young people face in the changing world economy. The Council further recognises the work of the previous Labour government in enterprise education and the work of the Conservative-led coalition government with its youth start-up loans scheme.

This Council has, over the past 20+ years, a track record in supporting micro business start ups and resolves to continue to work with its partners to encourage entrepreneurship among young people within the Braintree district and to make firm commitment to help improve the recognition among young people in the district of enterprise as an alternative career.

81. **RECOMMENDATIONS FROM CABINET, 8TH APRIL 2013- LOCAL AUTHORITY MORTGAGE SCHEME**

INFORMATION: Members agreed to amend the wording in the proposed decision to clarify the local criteria in respect of the maximum loan to value.

Members queried if the proposed local criteria limiting the scheme to post codes wholly within the Braintree district would create difficulties for some residents. Councillor Bebb, Cabinet Member, Performance and Efficiency, advised that the proposed lender is aware of the issue and if it receives an application for a property excluded from the scheme, would work hard to try and find an alternative solution for that applicant. Post codes overlapping with other districts in Essex are expected to be covered by a scheme to be operated by Essex County Council.

DECISION:

1. That the development of a Local Authority Mortgage Scheme for the Braintree district area in conjunction with Essex County Council be agreed.
2. That the following local criteria for the scheme be approved:
 - All post codes wholly within the Braintree district;

- the deposit and indemnity will be a maximum of £2million (including a maximum of £1million contribution from ECC), with the Council's share funded in the capital programme, financed by cash available due to excess legacy borrowing above the Council's Capital Financing Requirement;
 - the maximum value is set at £250,000.
3. That an acceptable legal opinion letter is obtained by the Monitoring Officer and that the Council indemnify the Monitoring Officer in respect of any personal liability in respect of this matter, as required by the lender.
 4. That the current Treasury Management Policy be revised to permit a deposit of up to seven years with an approved LAMS lender, and the Policy on Minimum Revenue Provision (MRP) to state that any capital expenditure incurred under a LAMS will not require MRP to be made as resources will be repaid by the lender at the end of the scheme.
 5. That authority be delegated to the Corporate Director (Finance) and the Cabinet portfolio holder for Performance and Efficiency to finalise documentation and ancillary matters details of the scheme after all necessary due diligence is completed.

REASON FOR DECISION: To provide a scheme for first time buyers who can afford a mortgage but not a deposit of 25% of the property value to buy a property in the district. The scheme supports the Council's housing strategy by improving choice over "affordable" housing solutions, as well as bringing wider economic benefits.

82. **GAMBLING LICENSING POLICY STATEMENT**

INFORMATION: Members agreed the Policy Statement subject to deleting the word "Betting" from paragraph 22.1 in the Statement.

DECISION: That the revised Gambling Act Policy as the Council's Statement of Gambling Act Policy for the period 2013 to 2016 be adopted.

83. **ELECTORAL ARRANGEMENTS**

DECISION: That the proposals to re-designate two Polling Places as outlined in the report be supported.

REASON FOR DECISION: To ensure that suitable venues are secured for the conduct of elections.

84. **REPORT OF THE INDEPENDENT REMUNERATION PANEL ON THE MEMBERS' ALLOWANCE SCHEME**

INFORMATION: Members agreed with the recommendations of the Independent Remuneration Panel subject to the following amendments:

- The Chairman of the Mi Community Scheme receives a special responsibilities allowance equivalent to the basic allowance x 1;

- the word “opposition” be deleted from the proposal to limit the special responsibility allowance to a leader of an opposition political group which has 5 or more members in recognition that a coalition administration could occur following a future election. Also, that this change to the scheme should take effect from the next District Election.

DECISION:

1. That the Chairman of the Local Development Framework Sub-committee be included in the list of special responsibilities as set out in Part 2 of Appendix 1 of the current scheme and that the amount of the allowance be equivalent to the basic allowance x 1.
2. That the Chairman of the Mi Community Scheme be included in the list of special responsibilities as set out in Part 2 of Appendix 1 of the current scheme and that the amount of the allowance be equivalent to the basic allowance x 1.
3. That the payment of a special responsibility allowance to a leader of a political group be limited to the leader of a group which has 5 or more members to take effect from the District Elections in 2015.
4. That part of the Basic Member Allowance be linked to training and development undertaken by members and that the Council’s Member Development Working Group identifies those member development opportunities which are important within the Member Development Programme and should be included in those linked to part of the Basic Allowance;
5. That the Council’s Member Development Working Group develops proposals for consideration by Council for the development and implementation of a scheme linking part of the Basic Allowance to training and development undertaken by members.
6. That the current allowance of £15 per month to cover Broadband costs incurred by members be considered adequate;
7. That the provision of a daily allowance of £1.00 for walking to/from an approved duty be removed from the Members’ Allowance Scheme;
8. That members should not be offered the opportunity to join the Local Government Pension Scheme;
9. That that Carers’ Allowance be increased to the actual cost up to a maximum of £10.00 per hour;
10. That in noting that linking increases in member allowances to staff pay awards has served the Council well since 2009, given that the last comprehensive review of the Members Allowance Scheme was carried out in 2005, a comprehensive review is carried in 2014-15 and prior to the District Elections in 2015.

REASON FOR DECISION: To consider the recommendations of the Independent Remuneration Panel on the Council’s Members’ Allowance Scheme.

85. **INTERIM APPOINTMENT OF THE MONITORING OFFICER**

DECISION: That the interim appointment of Emma Wisbey as the Monitoring Officer with a retrospective date of 1st April 2013 until the new Head of Governance takes up their appointment be approved.

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

86. **OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT 2012-13**

INFORMATION: Councillor Abbott reported that the member group established to consider recycling targets and options has concluded its evidence gathering and would be producing its report shortly.

DECISION: That the Overview and Scrutiny Committee's Annual Report for 2012-13 be noted.

REASON FOR DECISION: To receive the Overview and Scrutiny Committee's Annual Report.

87. **GOVERNANCE COMMITTEE – ANNUAL REPORT**

DECISION: That the Governance Committee's Annual Report for 2012-13 be noted.

REASON FOR DECISION: To receive the Governance Committee's Annual Report.

88. **QUESTIONS BY MEMBERS**

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

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

The Leader of the Council advised that he would make papers on meetings referred to in his report available through the Members' Portal.

Councillor Schmitt, Cabinet Member Place, added to her report that the spring cleaning of the A120 central reservation had now taken place and that 18 tonnes of detritus had been mechanically recovered along with between 75 and 80 sacks of other rubbish. She reminded members and officers to report any litter they come across in the district.

Councillor Mitchell, Deputy Cabinet Member, Place, drew members' attention to reporting of rubbish elsewhere through smartphones to an organisation called "love your streets".

Councillor Siddall, Cabinet Member, Prosperity and Growth, drew members' attention to the Council's involvement in the Green Team project which provides a pre-apprenticeship opportunity for young people not in employment, education or training. He also mentioned the success of the loving your high street awards, the new pop-up shop in Braintree town, and the establishment of town teams.

Members asked several questions arising from the reports. An audio recording of the questions and responses of Cabinet Members is available from the Council's website at: www.braintree.gov.uk.

Main topics covered were as follows:

- Access to dry side facilities in the Witham town along with the new Witham Leisure Centre;
- Waste material just off the A12 and A 120 (behind hedgerows);
- Other authorities needing to liaise with the Council if they are interested in improving entrances to their towns;
- Car parking in Witham;
- State of pavements in Braintree
- Litter picking prior to grass cutting;

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

- Councillor Schmitt, Cabinet Member, Place, agreed to look into who is responsible for the sweeping of paths alongside the A120 in the Bradwell area and to advise Councillor Abbott.

(ii) **Chairmen's Statements**

INFORMATION: No statements were made.

(iii) **Oral Questions Without Notice**

INFORMATION: In response to questions from Councillor Lager, Councillor Schmitt, Cabinet Member, Place, provided the following responses:

- The provision of sufficient kennelling for stray dogs is a national problem and not a local one,
- All households receiving a Council Tax bill received a leaflet explaining which plastic material can and cannot be recycled. A contact telephone number is also available to provide advice, plus information on the Council's website.

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

INFORMATION: In response to a question from Councillor Pell on the minutes of the meeting of the Local Development Framework Sub-committee (LDF) held on 11th April, Councillor Lady Newton, Cabinet Member, Planning and Property, advised, that the LDF had considered a letter from Halstead Town Council regarding the line of the Halstead bypass in relation to the draft Development Management Plan. The issue for the LDF is that if the line is left in the Plan, with no date for the delivery of the bypass, the Planning Inspector would find the Plan

to be unsound. The LDF, therefore, decided that the line of the bypass should be deleted from the draft Plan. There will, however, be an opportunity for Halstead Town Council to comment as the draft Plan will be subject to further public consultation prior to being considered by Full Council.

89. **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: The following annual reports were received from Council representatives on external organisations:

Organisation	Report Presented By
Braintree, Halstead and Witham Citizens Advice Bureau	Councillor Sutton
Braintree District Voluntary Support Agency (BDVSA)	Councillor Howell
Ignite Business Enterprise	Councillor Siddall, Cabinet Member, Prosperity and Growth

Councillor Howell added to her report that she was disgusted that the report could be turned into such a negative article being reported by the Braintree and Witham Times on 17th April. She said that the article had removed certain words and phrases and as a result, had completely changed the context of her report. She also said that the BDVSA was upset and that her relationship with the BDVSA was now under strain. She added that she had had no contact with the reporter who wrote the article.

Councillor Beavis added to Councillor Howell's comments that she had been in constant dialogue with Councillor Howell. The transfer of the health walks from the Council referred to in the article had been a good news story and had received national recognition for the way they had been handed over. She added that BDVSA had recently received a grant of £2,000 for the health walks and was confident that the walks mentioned in the article would continue.

In response to a question from Councillor Parker, Councillor Siddall, Cabinet Member, Prosperity and Growth, agreed to provide details of the Springwood Drive Ignite tenants.

The meeting commenced at 7.25pm and closed at 9.15pm.

L B Bowers-Flint
(Chairman)