

Minutes

Council Meeting



24th July 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	Yes
Councillor Mrs J Allen	Yes	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	Yes
Councillor Mrs J Beavis	Yes	Councillor Lady Newton	Apologies
Councillor D Bebb	Yes	Councillor J O'Reilly-Cicconi	No
Councillor K Bowers	Yes	Councillor Mrs I Parker	Yes
Councillor Mrs L Bowers–Flint	Yes	Councillor Mrs S Paul	Yes
Councillor G Butland	Yes	Councillor Mrs J Pell	Yes
Councillor S Canning	No	Councillor R Ramage	No
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	Yes
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	Yes	Councillor Miss M Thorogood	Yes
Councillor D Hume	Apologies	Councillor R van Dulken	Yes
Councillor H Johnson	Yes	Councillor Mrs L Walters	Yes
Councillor Mrs A Kilmartin	Yes	Councillor Mrs S Wilson	Apologies
Councillor S Kirby (Chairman)	Yes		

22 CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS

Chairman

The Chairman's announcements covered the following:

Chairman's Charities – The Chairman announced that the charities which he would be supporting during his year in Office were:

Action for Family Carers
First Stop Centre, Braintree

Chairman's Charity Golf Day – The Chairman stated that the Charity Golf Day in aid of his chosen charities had taken place on 19th July 2017 at Colne Valley Golf Club, Earls Colne and that £2,590.08 had been raised. The Chairman expressed his thanks to the sponsors and everyone who had participated and had made the day a success. The Chairman reported that since it began in 1997, the Chairman's Charity Golf Day had raised a total of £80,266.60 for charitable causes.

Rural Community Council of Essex Annual General Meeting and Village of the Year Awards – The Chairman stated that he had attended this event recently accompanied by the Vice-Chairman. The Chairman was pleased to announce that Terling had won the Village of the Year competition, with second prize going to Earls Colne and third prize to Wickham St Paul. Coggeshall, Earls Colne, Terling, and Wickham St Paul had won in their classes and merit awards had been presented to Bradwell and Pattiswick, Great Bardfield, and Great Maplestead.

In the Best Kept Churchyards competition, St. Lawrence Church, Ridgewell and St. Mary's Church, Rivenhall had been highly commended.

The Chairman expressed his delight that villages in the Braintree District had been recognised once again and he congratulated everyone involved.

Leader

The Leader advised Members of the Council that Councillor Lady Newton had had a family bereavement and that she was unable to attend the meeting.

23 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a Non-Pecuniary Interest in Agenda Item 11 – 'Recommendations from Cabinet – 10th July 2017 - Proposed Purchase of the Head-leasehold Interest in the Silver End Doctors' Surgery, Broadway, Silver End' as he was a registered patient at the Surgery.

Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 12d – 'Reports from the Leader and Cabinet Members: Councillor T Cunningham Economic Development' as a non-financial Director of Ignite Business Enterprise.

Councillor G Maclure declared a Non-Pecuniary Interest in Agenda Item 12d – ‘Reports from the Leader and Cabinet Members: Councillor T Cunningham Economic Development’ as an employee of British Telecom.

Councillor R Mitchell declared a Non-Pecuniary Interest in Agenda Item 12d – ‘Reports from the Leader and Cabinet Members: Councillor T Cunningham Economic Development’ as a non-financial Director of Ignite Business Enterprise.

Councillor C Siddall declared a Non-Pecuniary Interest in Agenda Item 12d – ‘Reports from the Leader and Cabinet Members: Councillor T Cunningham Economic Development’ as a non-financial Director of Ignite Business Enterprise.

In accordance with the Code of Conduct, Councillors remained in the meeting and took part in the debate and decision when the Items were considered.

24 **QUESTION TIME**

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

25 **MINUTES**

DECISION: That the Minutes of the meeting of Council held on 5th June 2017 be approved as a correct record and signed by the Chairman.

26 **PRESENTATION OF THE LOCAL COUNCIL AWARD SCHEME**

The Chairman was pleased to announce that Great Bardfield Parish Council had been awarded ‘foundation level’ accreditation by the Local Council Award Scheme. The Chairman invited Councillor P Davey, Chairman of the Essex County Accreditation Panel of the Local Council Award Scheme, to present the award to Councillor Mrs J Dyson and Councillor P Kennedy of Great Bardfield Parish Council.

27 **PRESENTATIONS TO COUNCIL**

The following three presentations were made:-

Member Development Charter Plus Award

Councillor Mrs J Beavis, Chairman of the Member Development Group, presented the Member Development Charter Plus Award to Helen Krischock, Human Resources and Organisational Development Manager.

Municipal Journal Award - Innovation in Finance

Councillor J McKee, Cabinet Member for Corporate Services and Asset Management, presented the Municipal Journal Award to Trevor Wilson, Head of Finance and Andrew Epsom, Head of Asset Management. The Council had been highly commended in the ‘Innovation in Finance’ category.

Customer Service Excellence Award

Councillor J McKee, Cabinet Member for Corporate Services and Asset Management, presented the Customer Service Excellence Award to Tracey Headford, Performance and Improvement Manager. Councillor McKee congratulated the Customer Services Team and all those involved in achieving the high standards recognised by this award.

Members of the Council joined with the Chairman in a round of applause to recognise the successes of the Council.

28 RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY COMMITTEE – 12TH JULY 2017 - TASK AND FINISH GROUP SCRUTINY REVIEW INTO OBESITY IN THE BRAINTREE DISTRICT

INFORMATION: Councillor C Siddall, Chairman of the Overview and Scrutiny Committee, presented the final report of the Task and Finish Group – Obesity. The Group had reviewed the prevalence of obesity in the Braintree District as part of the Overview and Scrutiny Committee's work programme for 2016/17. In particular, the review had focussed on childhood obesity. Councillor Siddall stated that Councillor Mrs S Wilson, Chairman of the Task and Finish Group, was unable to attend this meeting and he thanked her and the Members of the Group for their work.

Following a review of information obtained at evidence gathering sessions, the Task and Finish Group had made 14 recommendations. These had been considered by the Overview and Scrutiny Committee on 12th July 2017, which had proposed a further recommendation regarding the content of vending machines at the Council's offices. The recommendations were set out in the report.

DECISION: That the Task and Finish Group's scrutiny review report into obesity, including its recommendations as amended by the Overview and Scrutiny Committee, be referred to Cabinet for consideration and response.

REASON FOR DECISION: To refer the Task and Finish Group's scrutiny review into obesity in the Braintree District to Cabinet for consideration and response.

29 COMMUNITY GOVERNANCE REVIEW

INFORMATION: Consideration was given to a report on the proposed community governance review. The report contained the Terms of Reference for the review, initial proposals for change, the consultation strategy and the timetable. These matters had been considered by the Community Governance Review Committee on 12th July 2017 and had been recommended for adoption by Council. The Community Governance Review Committee would oversee and manage the review, which was considered appropriate in view of Town and Parish Council elections scheduled for 2019 and significant growth proposed in the new District Local Plan.

The community governance review would be carried out in compliance with the requirements and timescales set out in the Local Government and Public Involvement and Health Act 2007. It would consider structural arrangements at Town and Parish Council level including the areas served and the appointment of

Councillors. It would not consider decision making within Councils, or the performance of Councils and Councillors. The review would be confined to the boundaries of the District Council. Consultation would be an essential part of the review process and all residents of the District and relevant stakeholders would be able to submit comments. Those residents who could be subject to a change of Town or Parish Council, or included within a Parish for the first time would be consulted directly.

As part of an initial consultation, Town and Parish Councils had been invited to highlight issues for inclusion within the review process and, in response, seven proposals had been put forward. In addition, four significant development sites had been identified for consideration. These issues/sites had been included in the Terms of Reference.

DECISION: That the Terms of Reference for the community governance review be adopted and the review processes highlighted in the report instigated.

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

30 **RECOMMENDATIONS FROM CABINET – 10TH JULY 2017 - TREASURY MANAGEMENT ANNUAL REPORT AND UPDATE 2016-17**

INFORMATION: Consideration was given to the Treasury Management Annual Report 2016/17. It was reported that the Annual Report had been received and noted by the Council's Governance Committee at its meeting on 29th June 2017 and by Cabinet on 10th July 2017 and it had been referred to Full Council for approval.

Members were reminded that 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). In accordance with the Code, the Treasury Management Strategy Statement (TMSS) had been approved by the Council in February 2017 when the overall Budget and Council Tax for the forthcoming financial year had been set. The Code required also that the Council should receive an annual report after the financial year-end.

The annual report included an economic and market commentary for the year and highlighted key issues which had influenced treasury management activities, including a prolonged period of low interest rates.

The Cabinet Member for Finance and Performance and the Chairman of the Governance Committee were pleased to report that all treasury management activities undertaken during 2016/17 had complied fully with the CIPFA Code of Practice and the Council's approved TMSS. Furthermore, the financial governance of the Council was extremely robust, giving no cause for concern.

DECISION: That the Treasury Management Annual Report 2016/17 be accepted.

REASON FOR DECISION: The Council has adopted the CIPFA Code of Practice for Treasury Management in Public Services which requires that the Council

receives an annual report on the treasury management function. This report is to be considered first by the Governance Committee in order to exercise its responsibility for scrutiny over treasury management activities. The report will then be considered by Cabinet before submission to Full Council with the benefit of any proposed changes or comments of the Governance Committee.

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RECOMMENDATIONS FROM CABINET – 10TH JULY 2017 - PROPOSED PURCHASE OF THE HEAD-LEASEHOLD INTEREST IN THE SILVER END DOCTORS' SURGERY, BROADWAY, SILVER END

INFORMATION: Members were advised that this Item was linked to the report contained within Item 15 in the Private Session of the Agenda and that, if they wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 15 of the Agenda and matters contained within the Private Session report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 of the Act.

Both Agenda Items were taken together to enable all issues to be considered and it was not necessary for the meeting to be moved into Private Session.

It was reported that an opportunity had arisen for the Council to purchase the head-leasehold interest in Silver End Doctors' Surgery, Broadway, Silver End. The Council's District Investment Strategy recognised the need for the Council to invest in infrastructure improvements to support growth across the District and to provide a return for the Council. Improved healthcare provision had been identified as a key priority area.

Braintree District Council owned the freehold of the Surgery and had granted a 99 year ground lease (the head-lease) over the land which had commenced on 7th November 1997. The head-lessee was responsible for the repair and maintenance of the property and for insuring it. The head-lessee was currently completing an under-lease to Virgin Care Services Limited who had occupied the premises with effect from 3rd October 2016.

It was reported that the Surgery currently had 3,551 patients. New patients were being registered and the Surgery had capacity to accommodate approximately 4,000 patients. However, based on anticipated future growth the NHS predicted that the Surgery would require capacity for 6,000 patients in the medium term. In a correction to the report, it was noted that this growth would not be from Silver End alone, but from the Surgery's catchment area overall. The NHS had indicated that it would consider extending the existing building to the rear and at first floor level in order to cater for this future demand.

The acquisition of the head-leasehold interest in the Surgery offered a sound investment proposition, which would provide a valuable rental income stream that would be re-invested in services in the District. The purchase price had been verified by an independent valuer as representing market value and the acquisition

could be funded from either balances, or borrowing. The benefits and risks to the Council of purchasing the head-lease were set out in the Agenda report.

Cabinet had considered this matter on 10th July 2017 and had approved the acquisition of the head-leasehold interest in the Doctors' Surgery for the sum set out in the report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management. Cabinet had also recommended to Council approval of the total capital funding required for the transaction, to be financed from balances or borrowing.

DECISION (PUBLIC REPORT): It was agreed:

- (1) That the total capital funding for the transaction be approved as set out in the report.
- (2) That the Corporate Director for Finance be authorised to determine how much funding should be met from balances, or borrowing.

DECISION (PRIVATE REPORT): It was agreed:

- (1) That the total capital funding for the transaction be approved as set out in the report.
- (2) That the Corporate Director for Finance be authorised to determine how much funding should be met from balances, or borrowing.

REASON FOR DECISION: To enable the Council to support the provision of healthcare facilities in Silver End and to generate a valuable source of revenue income to support the delivery of services.

32 **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 Butland, Leader of the Council, added to his report by stating that 27 applications had been submitted for the role of Group Managing Director for North Essex Garden Communities Limited. A shortlist of four candidates had been agreed and interviews would take place on 17th August 2017.

Councillor Bebb, Cabinet Member for Finance and Performance, referred to the Government's announcement in the Spring 2017 Budget that it would be making funds available to local authorities to introduce new Business Rate Relief schemes in the financial year 2017/18. Guidance on the new discretionary schemes had

been received from the Government on 20th June 2017 and details would be publicised as soon as possible to enable businesses to apply. In a correction to the report, Councillor Bebb stated that customer satisfaction with the way in which the Council was run had increased from 81% to 85%.

Councillor T Cunningham, Cabinet Member for Economic Development, added to his report by stating that the Council's new 'Grape and Grain Trail' had been promoted at the Essex Festival of Food and Drink 2017 held on 15th and 16th July 2017. The Trail had been launched in partnership with Maldon District Council and sought to highlight some of the areas' finest local producers, including award winning independent breweries, vineyards and distilleries, and to encourage people to visit both Districts. Councillor Cunningham thanked Leanda Cable and Nathan Rowland-Fitt of the Council's Economic Development Team for their work on this project.

Councillor McKee, Cabinet Member for Corporate Services and Asset Management, added to his report by stating that the results of the Council's latest Corporate Customer Satisfaction Survey had been published and were available to view on the Council's website at www.braintree.gov.uk/cssresults2016/17.

Councillor Mrs Schmitt, Cabinet Member for Environment and Place, added to her report by stating that the winners of the schools' food recycling competitions were St. John the Baptist, Church of England VA Primary School, Pebmarsh in the 'Best Performing School' category and Powers Hall School, Witham in the 'Super Recycling School' category. Councillor Mrs Schmitt referred to recent tragic events nationally and she wished to re-assure Members that the Council had robust emergency planning processes and procedures in place.

Councillor Tattersley, Cabinet Member for Health and Communities, added to his report by highlighting the 'Harry Potter' exhibition which would be launched at Braintree Museum on 25th July 2017. Councillor Tattersley referred also to the Councillors' Community Grant Scheme and he encouraged those Members who had not yet done so to consider submitting an application.

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:

- Silver End Pavilion – discussions regarding use and possible community management.
- Marks Farm Roundabout, Braintree – monitoring of road safety works and possible re-instatement of a cycle lane in a revised location.
- Homeless person in Halstead.
- Investment in infrastructure required for strategic growth and new homes.
- Proposals for a Sudbury bypass.

- Marks Farm Roundabout, Braintree - road safety issue regarding vehicle left turn indicators not cancelling automatically on approach to Kings Lane, Stisted due to the shallow alignment of the road.
- Mortgage assistance for first time property buyers.
- Homelessness Reduction Bill – explanatory Members’ evening.
- Barclays Bank Halstead - closure and facilities for depositing coins.
- Broadband Provision - The number of properties to benefit from Lot 2 (Gigaclear) and Gainshare (BT).
- Broadband Provision – no plans to upgrade provision in some parts of the District.
- Address by Rt. Hon. Greg Clarke to the Local Government Association regarding a new industrial and economic strategy.
- Mobile phones – poor signals in parts of the District.
- Enterprise Centre, Witham – provision.
- Stansted Airport - promoting demand for business flights.
- Braintree District Council Website – number of visits.
- ‘Employee of the Month Award’ for June 2017 - recognition of the hard work and commitment of Joby Humm (Health and Well-being) overseeing the recent refurbishment of Braintree Swimming Centre.
- Redecoration of George Yard Car Park, Braintree – cleaning of lift floors and doors.
- Food Waste - possible provision of communal brown wheelie bins at blocks of flats across the District to enable residents to deposit food waste.
- Fly-tipping – successful prosecutions and prompt clearance by staff of incidents of fly-tipping.
- Sale of Compost Bins – Lobbying of Government to calculate the effect of home composting.
- Promotion of the ‘Livewell’ brand across Essex.
- The ‘faith covenant’ – to be signed and launched in October 2017.
- Luncheon Clubs – helping people with dementia.
- Witham Leisure Centre - performance and management.
- Town Hall Centre, Braintree - provision of information about increased use.

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

- Councillor Mrs Bowers-Flint, Cabinet Member for Planning and Housing, agreed to ask Essex Highways and Highways England if a cycle lane could be re-instated in a revised location at Marks Farm Roundabout, Braintree as part of forthcoming road safety works.
- Councillor Mrs Bowers-Flint, Cabinet Member for Planning and Housing, agreed to ask Essex Highways to investigate a road safety issue regarding left turn indicators not cancelling automatically as vehicles approach Kings Lane, Stisted from Marks Farm roundabout, Braintree due to the shallow alignment of the road.
- Councillor T Cunningham, Cabinet Member for Economic Development, agreed to advise Barclays Bank that following the closure of the Halstead branch there is no provision locally for customers to deposit coins.
- Councillor T Cunningham, Cabinet Member for Economic Development, agreed to provide information on the number of properties which will benefit from the provision of Broadband as part of Lot 2 (Gigaclear) and Gainshare (BT), and to provide an update by the end of Summer 2017 on Broadband provision across the District.
- Councillor T Cunningham, Cabinet Member for Economic Development, agreed to raise the issue of poor, or non-existent mobile phone signals in parts of the District.
- Councillor Mrs Schmitt, Cabinet Member for Environment and Place, agreed to ask Officers to arrange for the lift floors and doors at George Yard car park, Braintree to be cleaned.
- Councillor Mrs Schmitt, Cabinet Member for Environment and Place, agreed to ask Officers to investigate whether communal brown wheelie bins may be provided at blocks of flats across the District to enable residents to deposit food waste.
- Councillor Mrs Schmitt, Cabinet Member for Environment and Place, agreed to thank staff for their speed in clearing incidents of fly-tipping.
- Councillor Tattersley, Cabinet Member for Health and Communities, agreed to provide information about the increased use of the Town Hall Centre, Braintree.

33 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 5TH JUNE 2017**

INFORMATION: No matters were raised. In an amendment to the report, it was noted that the Licensing Committee meeting scheduled for 19th July 2017 had been cancelled and that a meeting of the Committee had been arranged for 16th August 2017.

There were no matters raised in Private Session.

It was not necessary for the meeting to be moved into Private Session, as Agenda Item 15 (Recommendations from Cabinet – 10th July 2017 - Proposed Purchase of the Head-leasehold Interest in the Silver End Doctors' Surgery, Broadway, Silver End), which had been listed for consideration in private had been dealt with under Agenda Item 11 (Minute 31 refers).

The meeting commenced at 7.15pm and closed at 9.38pm.

Councillor S Kirby
(Chairman)