

Minutes

Council Meeting



1st June 2020

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 Mrs J Pell	Yes
Councillor J Baugh	Yes	Councillor I Pritchard	Yes
Councillor Mrs J Beavis	Yes	Councillor M Radley	Yes
Councillor D Bebb	Yes	Councillor R Ramage	Yes
Councillor K Bowers	Yes	Councillor S Rehman	Apologies
Councillor G Butland	Yes	Councillor F Ricci	Apologies
Councillor J Coleridge	Yes	Councillor B Rose	Yes
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	Yes
Councillor P Euesden	Yes	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor Mrs G Spray	Yes
Councillor Mrs D Garrod	Yes	Councillor P Tattersley	Yes
Councillor A Hensman	Yes	Councillor P Thorogood	Yes
Councillor S Hicks	Yes	Councillor N Unsworth	Yes
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 (Chairman)	Yes	Councillor Mrs L Walters	Yes
Councillor D Mann	Yes	Councillor Miss M Weeks	Yes
Councillor T McArdle	Yes	Councillor Mrs S Wilson (Vice-Chairman)	Yes
Councillor J McKee	Yes	Councillor J Wrench	Yes
Councillor A Munday	Yes	Councillor B Wright	Yes
Councillor Mrs I Parker	Yes		

1 **MINUTES**

DECISION: There was one amendment agreed in respect of the Minutes of the meeting of Full Council held on 17th February 2020; it was noted that under Minute 70, it had previously been agreed that the names of Members who directed questions to Cabinet Members during the presentation of their portfolio reports would be recorded by officers as well for inclusion in the Minutes. The Minutes of the previous meeting did not incorporate this change. The content of the Minutes were therefore approved as a correct record and signed by the Chairman, with the agreement that the requested amendment was made and the Minutes recirculated to reflect this update.

2 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a Non-Pecuniary Interest in Agenda Item 8, "Motion by Councillor James Abbott - Cycling Motion," and in Agenda Item 12, "Leader's Report to Council," as an Elected Member at Essex County Council (ECC) and a member of the ECC Climate Change Commission.

Councillor Mrs J Beavis declared a Non-Pecuniary Interest in Agenda Item 8, "Motion by Councillor James Abbott – Cycling Motion," and Agenda Item 12, "Leader's Report to Council," as an Elected Member at ECC.

Councillor G Butland declared a Non-Pecuniary Interest in a number of Agenda Items, which included Items 5, 6, 8, 9, 11 and 12. Councillor Butland was an Elected Member at ECC, a non-remunerated Director of South East Local Enterprise Partnership Ltd (SELEP) and a non-remunerated Director of North Essex Garden Communities Ltd (NEGC).

Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 13, "Recommendation from Cabinet – 28th May 2020 – Horizon 120 – Infrastructure," as Chair of the Horizon 120 Reference Group.

Councillor S Hicks declared a Non-Pecuniary Interest in Agenda Item 12, "Leader's Report to Council" in respect of Horizon 120, as he was affiliated with colleagues who were seeking to work at the site.

Councillor Mrs G Spray declared a Non-Pecuniary Interest in Agenda Item 5, "To receive any announcements/statements from the Chairman/Leader of the Council," and Agenda Item 6, "Councillor Graham Butland – Update on Local Plan," in respect of the NEGC as she was in regular attendance at associated board meetings as a non-voting member. Councillor Mrs Spray also declared a Non-Pecuniary Interest in Agenda Item 13, "Recommendation from Cabinet – 28th May 2020 – Horizon 120 – Infrastructure," as she had been present at discussions concerning this matter in her capacity as portfolio holder for Planning.

Councillor N Unsworth declared a Non-Pecuniary Interest in Agenda Item 6, "Councillor Graham Butland - Update on the Local Plan," as an ordinary member of Campaign to Protect Rural England (CPRE).

Councillor T Walsh declared a Non-Pecuniary Interest in Agenda Item 8, "Motion by Councillor James Abbott - Cycling Motion," as an ordinary member of the Coggeshall Branch of the Randonneurs Cycling Club (no executive or other role).

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

3 QUESTION TIME

INFORMATION: There were two statements made; on behalf of members of the public, the statements were read out by Mrs C Waight, Governance Business Officer.

The first statement was read on behalf of Straits Mill Action Group, and regarded two planning application approvals for the development of land East of Broad Road, Braintree (Straits Mill) and the development of land West of Braintree (Panfield Lane).

The second statement was read on behalf of Ms Rosie Pearson, resident of Pattiswick, and regarded the North Essex Garden Communities (NEGC) project in relation to recent developments concerning the Local Plan.

Both questions would receive a written response following the meeting.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

4 TO RECEIVE ANY ANNOUNCEMENTS/STATEMENTS FROM THE CHAIRMAN AND/OR LEADER OF THE COUNCIL

Due to the ongoing COVID-19 health emergency, neither the Chairman nor Leader of the Council had any announcements to make.

5 TO RECEIVE A STATEMENT FROM THE LEADER OF THE COUNCIL, COUNCILLOR GRAHAM BUTLAND – UPDATE ON THE LOCAL PLAN

INFORMATION: Members received a statement from Councillor G Butland in respect of the letter received by Braintree District Council, in conjunction with the other two North Essex Authorities (NEAs), from the Planning Inspectorate following his examination of the shared strategic Section 1 of the Local Plan (Section 1 Plan). Before his address, the Leader reminded Members that the letter received was a post-hearing report, and that the interim and final reports were still to be received.

The Leader explained that the Planning Inspector, Mr R Clews, had examined the Plan's policies as being consistent with the National Planning Policy Framework's (NPPF) guidance on the way in which sustainable development could be achieved through the development of Garden Communities. In his consideration of the soundness of the Section 1 Plan, he acknowledged that the Council was successful in meeting the first of four key criteria under Paragraph 182 of the NPPF 2012, in that the Plan had been "positively prepared" and that development and infrastructure requirements for the planned period had been identified; this included the proposed Garden Communities, of which would make a substantial contribution towards meeting those requirements.

In meeting the remaining three criteria under Paragraph 182 of the NPPF 2012, there were several issues identified. A number of key elements addressed within the Plan, such as the Household and Population Projections, Employment Forecasts and Market Signals, were considered satisfactory by the Inspector. In regard to the Sustainability Appraisal, the Inspector was similarly content that the NEAs had tested reasonable alternatives to the Garden Communities and alternative spatial strategies appropriately. However, it was noted that the full build-out of development at the Colchester and Braintree borders and West of Braintree would be reliant on the dualling of the A120, the funding streams for which had not been confirmed. Concern was also expressed that capital costs had been underestimated with regard to the proposed route section options within the Rapid Transit System (RTS) details of the Plan. In addition, part of the intended RTS route was linked to the Garden Community in Uttlesford District; Uttlesford District Council had withdrawn its own Local Plan in April 2020. Furthermore, a funding stream could not yet be identified for the scheme to link Braintree and Colchester.

In terms of the viability of the Garden Communities, the Inspector had concerns in respect of two main issues; these were the house build-out rates and the Planning Policy Guidance on viability, upon which the deliverability assessment of the Plan was crucial. It was relayed that the Inspector believed that the Garden Communities should be planned on an average of 250 homes per year across their development, and stated that a 40% allowance should be made to all infrastructure products. The subsequent impact of this was that the land value at the Colchester and Braintree borders fell below the Inspector's accepted threshold for landowners. It was concluded that the Plan was capable of being made sound if the Colchester and Braintree borders and West of Braintree Garden Community proposals were removed from the Plan.

The Inspector suggested two options through which the Council might progress forward with the Section 1 Plan; to accept his modifications, including the removal of two of the Garden Communities, or to withdraw the Plan completely. As the Inspector's interim report with the full list of modifications had not yet been received, the Council was unable to give full consideration to the proposed changes and what these would entail for the Braintree District. A meeting of Full Council would need to take place in order to enable a subsequent decision to be made as to the options going forward, and whether the Council instead considered a challenge or alternative approach. The date of the Full Council meeting would depend on the receipt of the interim report, and would also need to align with the Council's colleagues in Colchester and Tendring. The Leader then relayed in further detail the options for how the Council might now progress the Section 1 Plan and the potential ramifications of this. It was emphasised that it would not be possible to consider Section 2 of the Local Plan before the completion of the Section 1 Plan examination, as Section 1 contained key, overarching policies.

In concluding his statement, the Leader remarked upon the funding that had been allocated to the NEGC Project to date by the Council; to date, £950,000 had been provided, with similar amounts allocated by its partner Authorities. The Government had also supported the project with £3.7 million of funding. The Leader expressed his disappointment with the contents of the Planning Inspector's letter, and added that the future of the NEGC Project would need to be considered by the four partner Authorities. Nonetheless, the Leader was proud of the collaborative work that had

taken place across each Authority involved in the production of a forward thinking and imaginative Local Plan.

Following the end of the statement there was a general discussion, during which Members had the opportunity to ask their questions of the Leader. Members were reminded that this Item was not a debate.

In response to questions raised, the following information was provided:-

- Further to a question raised about why the Council had not previously withdrawn the Garden Communities from the draft Local Plan in 2018, the Leader reminded Members that this was and remained a partnership project between the three North Essex Authorities (NEAs). Had Braintree District Council (BDC) withdrawn from the Plan, the aspirations of Colchester and Tendring Councils would have been at risk. Furthermore, the Inspector had shown support for the Garden Communities to the East of Colchester.
- Following the Inspector's comments in regard to the viability of the West Tey proposals, the Leader commented that he would not expect any parties who sought development in the area (e.g. landowners) to bring any new proposals forward; however, this outcome would also depend on whether BDC chose to accept the Inspector's modifications.
- On the issue of the Rapid Transit System (RTS), Members were informed that the RTS was, to an extent, reliant on the planned Garden Communities in the Uttlesford District, and Uttlesford District Council had since withdrawn its Local Plan. In future, BDC could look at alternative means through which the RTS link could be fulfilled.
- In response to a question asked about whether there were other examples where the Inspector's viability threshold for homes had been exceeded, the Leader confirmed that there were other examples of this (e.g. Beaulieu Park near Chelmsford).
- On behalf of the Leader, Councillor Mrs G Spray, Cabinet Member for Planning, responded to a question about the additional number of homes that would potentially need to be provided under Section 2 of the Local Plan. Members were advised that the Local Plan required BDC to provide a minimum number of 14,320 homes within the period of the Plan; however, due to the risks associated with the building of new homes, it was considered prudent to provide an additional buffer figure of between 500 and 1,000 homes in order to offset the risk of housing shortfalls. This was of particular concern during the current pandemic crisis, as the full impact of the crisis on the construction industry was not yet known. The exact number of additional homes would be confirmed during the consideration stage of Section 2 of the Plan.
- The Leader disagreed that mistakes had been made during the formation of the Local Plan; a Plan had simply been submitted which was not accepted by all parties.
- In response to concerns raised about the impact that the need for additional homes would have on the Halstead area, the Leader advised that although he understood the concerns, it was premature to speculate where additional homes were to be

placed, as the Inspector's interim report had not been received. Until then, the Council was unable to make a decision as to whether it would accept the proposed modifications in respect of Section 1 of the Plan. It was added that appropriate consultations would be made, should BDC accept the Inspector's modifications at a later date.

- The Leader had had no direct communication with the MHCLG (Ministry of Housing, Communities and Local Government) on the subject of the Inspector's letter. For the benefit of Members, a statement was read by the Leader from the MHCLG which spoke in support of the Local Plan's proposals in respect of the Garden Communities. The prevailing issue with the Planning process within the Plan was acknowledged, which would need to be addressed by Central Government.
- The Leader welcomed the notion of a cross-party communication by the Group Leaders for residents on the Local Plan, provided there was cross-party support for any decisions made by Council on the subject.
- Members were advised that should the Council choose to adopt the Inspector's modifications, all amendments stipulated within the interim report would need to be included in this.
- Should any of the three NEAs choose to withdraw from the Local Plan, the other remaining Authorities would be required to do the same.
- In respect of the Leader's open letter in the press to the District's residents, it was agreed that details of the full costs for tax payers would be made available to Members.
- Councillor Mrs Spray acknowledged concerns raised about the elderly population in rural villages should the option for the Garden Communities be withdrawn. Members were advised that with smaller development sites, there was more difficulty associated with achieving a wider variety of housing for older residents (e.g. bungalows). The Garden Communities were intended to offset such issues with the inclusion of a wider variety of housing and amenities for elderly residents.
- Councillor Mrs Spray advised Members that any landowner or developer could submit a Planning application for land intended for the Garden Community sites; their suitability would then be determined by officers and at subsequent Committees if necessary. It would be more difficult for the Council to resist such applications without a five-year housing supply.
- The Leader informed Members that the Council was required to allocate up to 30 pitches within its housing supply as accommodation for the traveller community, which equated to 60 caravans. Without the Garden Communities, strategic growth locations would become the only viable option for the location of such accommodation.
- The Leader mentioned the Local Plan Sub-Committee, a sub-committee of Cabinet, which had been instigated for the very purpose of cross-party collaboration. Members of all political parties, including minority parties, were given representation on the Sub-Committee by the Leader. In addition to this, the Sub-Committee did not

have the power to enact decisions, unlike in some Authorities. Instead, the Local Plan Sub-Committee made recommendations for consideration at Full Council.

- The Leader assured Members that the Conservative Party had maintained its commitment to the Local Plan at every Election address in that it would meet the housing needs of the District for the next 15 years, which included the development of high quality, sustainable new communities.
- Councillor T Cunningham, Cabinet Member for Economic Development, advised Members that the receipt of the Inspector's letter meant that the original projected allocation for employment land was no longer required. It was likely that any additional allocation would instead be from the District's current employment sites. Members were reassured that BDC remained committed to working with the other Authorities on the development of a North Essex Economic Strategy to ensure that the local area continued to attract high skilled and high paid jobs.
- The Leader advised that the advent of Garden Communities was intended to help relieve the issue of urban sprawl across the District. The Council's key aim was to ensure that towns and villages did not morph into a single conglomeration; to do this, a Local Plan and five year land supply were required to enable the Council to oppose planning applications that might come forward for the expansion of urban areas.
- At the present time, the Leader could not assure Members that Wards within the District would not be adversely affected by Section 2 of the Local Plan; should it choose to pursue this option, the potential impact on local areas would need to be given full consideration. Approximately 80 development sites were included in Section 2 of the original number that was submitted at the composition stage. If further housing numbers were required for inclusion within Section 2, and should the required housing supply be accepted as correct, their location would need to be addressed if the Garden Communities plan was to fail. Legal advice was being sought as to how the Council would proceed in the event of such an outcome.
- The proposed Garden Communities plan was structured around the need for infrastructure.
- The Leader was uncertain as to what position developers would take in response to the Inspector's letter in respect of the Brook Green development, in West Braintree.
- The Leader confirmed that the final decision as to the soundness of the Local Plan would depend on either the withdrawal or inclusion of the Garden Communities route. It was added that with the necessary modifications made, the Plan could still be found sound by the Inspector.
- The Leader advised Members that acceptance of the Garden Communities by the Inspector would have helped with the building of new, community-led developments, as opposed to those led by developers. It was added that some developers might still be willing to work with BDC in the interests of communities, and that the organisation would work to achieve this outcome in as many instances as possible.

- The Leader agreed with comments made about the prevailing concerns of residents in respect of the social and transport infrastructure deficit in Halstead, which effected the rural communities around the town as well.
- It was stressed to Members that upon receipt of the interim report from the Inspector, the Council would begin to address the modifications contained within the report and give consideration as to how it would proceed going forward with the Local Plan.

6 **TO RECEIVE A STATEMENT FROM THE RETURNING OFFICER, ANDY WRIGHT – UPDATE ON THE PARLIAMENTARY BOUNDARY REVIEW**

INFORMATION: Mr A Wright, Chief Executive and Returning Officer at the Council, provided Members with an update on the Parliamentary Boundary Review as of June 2020. Proposals had previously been submitted by the Government for a reduction of MPs from 650 to 600 nationally. As a result of the snap General Elections that occurred in 2017 and 2019, the recommendations of the Review had not yet been given consideration.

On 19th May 2020, a cross-party discussion was undertaken, further to which the Cabinet Minister laid before Parliament the 'Parliamentary Constituencies Bill' for its first reading. In summary, the Bill removed the requirement of Government to reduce the number of UK constituencies from 650 to 600, and required the Boundary Commission to initiate a further review that was based on 650 MPs. Following the review, the Boundary Commission would need to report its findings to Parliament by July 2023. The review led by the Boundary Commission would require only minimal administrative input from Local Authorities in the form of electoral and planning data. It was added that there would, however, be an opportunity in future for local representation, and the Returning Officer would inform Members via their Group Leaders accordingly of this.

There were no questions asked in response to the statement.

7 **MOTION BY COUNCILLOR JAMES ABBOTT – CYCLING MOTION**

INFORMATION: Consideration was given to a Motion submitted by Councillor J Abbott:-

The Motion:

"Cycling Motion

Council notes the multiple benefits of cycling which include:

- *Achieving modal shift which in turn reduces the number of car journeys, reduces CO2 emissions and improves local air quality*
- *Improved health for those able and keen to take up opportunities to cycle*
- *Improved social wellbeing*

Council also notes that segregation of cycling from traffic is important to maximise these benefits by making cycling as safe and as attractive as possible.

Therefore Council agrees that in developing the Local Plan, in working with partners such as Essex County Council on developing cycling strategies and in working with developers and local communities, Braintree District Council will positively support the long term development of a comprehensive cycling network that is, as far as possible, segregated from traffic and which serves residents both within towns and villages and between them, and which also links in with key public transport infrastructure such as railway stations.

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 18 of Chapter 2 of the Constitution.”

The Chairman then informed Members that an amendment had also been submitted to the original Motion, and had been agreed by Councillors Abbott and T Cunningham.

The proposed amendment was as follows (changes underlined, deleted text shown as strikethrough):-

“Cycling Motion

Council notes the multiple benefits of cycling which include:

- *Achieving modal shift which in turn reduces the number of car journeys, reduces CO2 emissions and improves local air quality*
- *Improved health for those able and keen to take up opportunities to cycle*
- *Improved social wellbeing*

Council also notes that segregation of cycling from traffic is important to maximise these benefits by making cycling as safe and as attractive as possible.

The Council therefore welcomes the Government’s plan to boost greener active transport. In particular it notes that the Government intends to fund and work with local authorities to help make it easier for people to use bikes, including e-bikes and e-scooters when government legislation allows, to get around.

Council agrees that the plan will be important in the recovery period from the Covid-19 pandemic and so it will support creating new temporary and permanent cycling routes, by working with Essex County Council and other partners, to secure a share of available Government funds with the aim of discouraging overcrowding on public transport and supporting more cycling and walking.

~~Therefore Council~~ also agrees that in developing the Local Plan, in working with partners such as Essex County Council on developing cycling strategies and in working with developers and local communities, Braintree District Council will positively support the long term development of a comprehensive cycling network that is, as far as possible, segregated from traffic and which serves residents both within towns and villages and between them, and which also links in with key public transport infrastructure such as railway stations.

The Council also accepts that new communities, with cycle networks as an essential part of their infrastructure, offer a great opportunity to further boost greener active transport.”

There followed a general debate on the proposed amendment to the original Motion submitted by Councillor Abbott. On being put to vote, the proposed amendment to the Motion was approved, and became the Substantive Motion:-

“Cycling Motion

Council notes the multiple benefits of cycling which include:

- Achieving modal shift which in turn reduces the number of car journeys, reduces CO2 emissions and improves local air quality*
- Improved health for those able and keen to take up opportunities to cycle*
- Improved social wellbeing*

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The Council also accepts that new communities, with cycle networks as an essential part of their infrastructure, offer a great opportunity to further boost greener active transport.”

There followed a brief discussion on the Substantive Motion. Upon being put to vote, the Substantive Motion was declared **CARRIED** by a unanimous vote.

8 COVID-19 – IMPACT ON COUNCIL FINANCES

INFORMATION: Councillor D Bebb, Cabinet Member for Finance and Performance, updated Members on the financial support that had been provided to businesses and Council Tax payers by Braintree District Council (BDC) during the course of the COVID-19 pandemic. The report also contained an initial assessment of the impact of the pandemic on the Council’s finances. Prior to the main report, Councillor Bebb expressed his sincere gratitude for the positive, flexible and constructive mindset that had been demonstrated by officers during the implementation of the support schemes.

It was reported that on 11th March 2020, the Government announced in its Budget that a number of support measures would be implemented that were intended to provide assistance to businesses that had suffered financial hardship as a direct result of the pandemic. There were two key aspects of the measures; the first was the Retail Hospitality and Leisure discount scheme, which had increased from 50% to 100%. The maximum Rateable Value Limit of £51,000 was also removed for the period 2020/21; this expansion to retail relief meant that 803 businesses would not be required to pay business rates in the period 2020/21. The cost of the scheme was £17.7m, which would be reimbursed to the Council. The second aspect of the support measures was the introduction of two grant funding schemes; the Small Business Grant Fund and the Retail, Hospitality and Leisure Fund. As of 7th May 2020, 2,182 businesses had been paid grants with a total value of £25.42m. A new discretionary grant fund was also announced on 1st May 2020; an allocation of £1.573m would help to support small businesses which had not qualified within the scope of the business grant funds scheme previously.

In respect of Council Tax payers, the Government announced in the Budget that Local Authorities would receive an allocation from the £500m Hardship Fund; on 3rd April 2020, the Council received £891,670. The Government's strong expectation was for billing authorities to provide all recipients of working age local Council Tax support during the financial year of 2020-21, with a further reduction to the annual Council Tax bill of £150. Approximately 4,500 households received a reduction of £150 to their Council Tax bills for the year 2020/21.

Lastly, Members were informed that the Government had requested an indication of the financial impacts of the pandemic on Local Authorities during the initial period of March and April, as well as a projection for the remainder of the year. The Council's return identified potential additional expenditure of £245,000 and a reduction in income received of £3.066m, and gave a total estimated impact of £3.311m. The Council received a total allocation of £1,566,882 from the Government's Local Authority Support Grant, which was received in two tranches. The Government also requested a second return from the Council on 15th May 2020. In respect of the first four months of the year, the main issues identified were reduced income and a shortfall of £2.139m, as well as incurred budgetary expenditure of £346,000, which equated to a total shortfall of £2.5m for the period. The Council had received £1,566m of emergency funding from the Government as a result of the shortfall. A more detailed review of the Council's finances was due to be undertaken in August 2020, the review of which would be based on actual expenditure and income as at the end of the first quarter of the financial year.

DECISION: Members noted the report.

REASON FOR DECISION: To inform Members of the current impact of the COVID-19 pandemic on the Council's finances.

9

DISCRETIONARY BUSINESS RATE DISCOUNT RELIEF AND COUNCIL TAX SCHEMES

INFORMATION: Members gave consideration to a report presented by Councillor D Bebb, Cabinet Member for Finance and Performance.

It was reported that in response to the COVID-19 pandemic, the Government had introduced a series of measures to support businesses, people and households who were economically vulnerable. Local Authorities were requested to use their discretionary powers in order to bring these measures into effect. The Government confirmed that it would fully reimburse Local Authorities for the costs incurred.

The measures that had been introduced under the Local Authorities discretionary powers were:-

- Business Rates – Expanded Retail Discount 2020/21
- Business Rates – Pubs Discount
- Business Rates – Nursery Discount 2020/21
- Business Grant Schemes – Small Business Grant Fund; Retail, Hospitality and Leisure Grant and Discretionary Business Grant Fund
- Support to Council Taxpayers - Council tax: COVID-19 hardship fund 2020/21

The discretionary relief power to grant Business Rate discounts was provided under Section 47 of the Local Government Finance Act 1988 (as amended) and the relevant discretionary power to reduce the Council Tax liability of individuals came under Section 13A(1)(c) of the Local Government Finance Act 1992.

In response to the need for the Council to provide these measures to businesses and Council Tax payers at the earliest opportunity, it was agreed by the Cabinet Member for Finance and Performance Management, in consultation with the Corporate Director (Finance), that the Council would exercise its discretionary power, as appropriate, on 20th March 2020.

In respect of Council Tax, Members were reminded of a report that had previously been considered at the meeting of Full Council on 17th February; the Council Budget and Council Tax 2020/21 and Medium Term Financial Strategy 2020/21 to 2023/24 report. The report made reference to an Essex-wide Council Tax exemption policy for care leavers that was in development. The policy only applied to specified persons leaving the care of Essex County Council (ECC) until the age of 21. The principle behind the policy was that a care leaver living alone or solely with other care leavers would pay no Council Tax. It was reported that ECC had agreed to reimburse billing Authorities for the cost of reducing Council Tax liabilities in respect of its own care leavers, up to the age of 21, in proportion to its share of the precept. Braintree District Council would as such bear approximately 28% of the cost. The relevant discretionary power to introduce this policy to reduce the Council Tax liability to care leavers came under Section 13A(1)(c) of the Local Government Finance Act 1992.

DECISION: Members agreed to:-

1. Endorse the use of the Council's discretionary powers to introduce the following schemes in 2020/21:

- Expanded Retail Discount 2020/21
- Pubs Discount 2020/21
- Nursery Discount 2020/21

- Business Grant Schemes – Small Business Grant Fund; Retail, Hospitality and Leisure Grant and Discretionary Business Grant Fund
- Support to Council Taxpayers - Council tax: COVID-19 hardship fund 2020/21

As detailed in the main report and in accordance with the relevant guidance issued by the Government. The cost of the each of the schemes to be reimbursed in full by the Government.

And agreed:-

2. To introduce a Council Tax Exemption policy for Care Leavers leaving the care of Essex County Council until they reach the age of 21, as detailed in appendix A to the main report, with effect from 1st April 2020.

REASON FOR DECISION:

To endorse the decision to introduce the measures announced by the Government, in its response to the COVID-19 pandemic, for the benefit of businesses and residents in the Braintree District.

To agree the implementation of a policy to use local discretionary powers to reduce the Council Tax liability of people aged less than 21 who have left the care of Essex County Council.

10 DECISIONS MADE BY THE CHIEF EXECUTIVE UNDER URGENCY PROVISIONS

INFORMATION: Mr A Wright, Chief Executive at Braintree District Council, introduced the report. All decisions that had been taken by the Chief Executive under his urgency powers in response to the COVID-19 pandemic were required to be reported to an appropriate meeting of Council, Cabinet or the relevant committee a following the decision. The Chief Executive was authorised to take urgent decisions following consultation with the Leader of the Council and the relevant portfolio holder in respect of executive matters and the Chairman (or Vice Chairman) of Council or the relevant committee in respect of non-executive functions.

The decisions that had been taken by the Chief Executive included items that had been due for consideration at the meeting of Full Council on 23rd March 2020, which was subsequently cancelled. Decisions also related to the impact of COVID-19.

Each decision was published on the Council's website and is available to be viewed [here](#).

There were no questions asked on this Item.

DECISION: Members noted the decisions taken by the Chief Executive.

REASON FOR DECISION: The reasons for decision can be found in the individual decision.

11 COUNCILLOR GRAHAM BUTLAND - LEADER'S REPORT TO COUNCIL

INFORMATION: The Chairman invited the Leader to introduce his report. 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.

Councillor G Butland, Leader of the Council, had nothing to add to his report but stressed that the regular process whereby Cabinet Members presented their portfolio holder reports following the Leader's report would be resumed as soon as possible. The Leader wished to reiterate his sincere gratitude towards members of staff across all levels of the Council for the different ways in which they had responded to the current crisis and, despite the challenges presented being experienced as a result, successfully adapted to new ways of working, be it working from home or in the continuation of frontline and other essential services. The Leader extended his thanks to all tiers of Local Government, from the County Council to the Town and Parish Councils, for the various and effective ways in which they had responded to the challenges that had emerged from the pandemic. Councillor Mrs A Kilmartin, Chairman of the Council, echoed the Leader's comments and expressed her gratitude towards all staff as well.

Councillor McKee, Cabinet Member for Corporate Transformation, added a correction to the Leader's report in respect of the Manor Street development. UK power networks were confirmed as being on-site, with the programme reported as on-track.

Members asked several questions arising from the report. A webcast of the questions to and responses of Cabinet Members is available on the Council's website at www.braintree.gov.uk.

The main topics raised were as follows:-

- Councillor Abbott echoed the Leader's thanks to all staff and welcomed the cross-party working that had occurred through the weekly Group Leader meetings, as well as the reinstatement of garden waste collections. Councillor Abbott also offered his assistance to the Climate Change Working Group in his capacity as a member of the Essex County Council (ECC) Climate Change Commission.
- Councillor Abbott asked a question of Councillor Mrs Spray, Cabinet Member for Planning, about whether the Council Administration would consider moving the Local Plan forward in order to enable wider cross-party and community support.
- Councillor Thorogood asked a question of Councillor Mrs Spray which regarded improved engagement with local communities on reserved matters.
- Councillor Unsworth raised a question with Councillor Mrs Spray about whether a full democratic process would still be applied by the Council if it became necessary to consider additional housing numbers under Section 2 of the Local Plan.
- Councillor Mrs Sandum asked Councillor Mrs Schmitt, Cabinet Member for Environment and Place, whether there would be consultation with Parish Councils on the subject of grass verge sites that they wished to protect.
- Councillor Miss Weeks asked Councillor Schmitt a question in relation to the continuation of the Council's green waste collection service.

- Councillor Abbott commented that the issue of the maintenance of grass verges was one that needed to be addressed by the Council as a whole through dialogue with all tiers of Local Government, including Parish Councils.
- Councillor Everard expressed concern over the accessibility of toilets to members of the public during the lifting of COVID-19 related restrictions in town centres.
- Councillor Mrs Pell extended her thanks to the Leader and Council officers on behalf of the Halstead Residents Association for their efforts towards keeping all Members informed of the latest corporate developments, and for the training provided to Members which enabled virtual meetings to occur.

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

In response to his offer of assistance to the Climate Change Working Group, the Leader advised Councillor Abbott to liaise with Councillor Mrs Schmitt, Cabinet Member for Environment and Place, on the subject.

12 **RECOMMENDATION FROM CABINET - 28TH MAY 2020 - HORIZON 120 - INFRASTRUCTURE – PUBLIC**

INFORMATION: Members were reminded that this Item was linked to Item 15 in the Private Session of the Agenda and that if any Member 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 the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

INFORMATION: Members gave consideration to a report presented by Councillor J McKee, Cabinet Member for Corporate Transformation which regarded the budget for the infrastructure development at the Horizon 120 employment site at Great Notley.

It was reported that the Horizon 120 site had originally been allocated in the Local Plan for the provision of employment land alongside the residential site of Great Notley Garden Village. At the time, a private developer could not be identified for the development of the site, and as such, employment opportunities were not delivered.

At its meeting on 28th May 2020, Cabinet discussed and approved the recommendations contained within a report which pertained to the Horizon 120 site. Further to the delivery of previous reports, it was confirmed that a Local Development Order (LDO) had now been finalised and adopted. Balfour Beatty, who were procured by the Scape Public Sector Framework, had also commenced with the earthworks on site, which included the profiling of the site to allow there to be a gradient from the southeast corner to the northwest corner. Furthermore, the land transaction approved by Cabinet on 2nd December 2019 had also been completed.

Members were informed that prior to the Covid-19 crisis, five companies had agreed terms for bespoke buildings which would provide over two hundred thousand square

feet on seventeen acres. Unfortunately, one company had since withdrawn. It was stressed that the four remaining companies were committed to ensuring that the required buildings were delivered within the next 18 months.

Balfour Beatty had now completed the detailed technical design and were reportedly seeking at least three tenders for each of a range of sub-contract packages. The infrastructure required in respect of the site was to be procured in three stages:-

- The feasibility stage, which included detailed design and planning, was now complete.
- Stage 1, which included the re-profiling the site and formation of a highways junction on the southern boundary. This stage was currently underway and completion was expected in June 2020.
- Stage 2, which regarded infrastructure, and included the northern highways junction, estate roads, landscaping and statutory utilities.

Further to the employment of Balfour Beatty, due diligence, which included negotiations with the statutory utilities, had resulted in an estimated capital cost for the completed infrastructure. The figures discussed related to the estimated maximum external costs.

Members were advised that the Strategic Investment Team had considered several options. It would be possible to delay the infrastructure works or to complete them only in-part, but this option was not advisable due to reasons such as the need for additional future expenditure to meet the costs of contractors and construction, as well risks such as the potential for further delay.

At its meeting on 19th February 2019, Full Council received a business case for Horizon 120, during which a capital budget was approved to progress a phased delivery of infrastructure works. The business case was reviewed once again and presented at the meeting of Full Council on 22nd July 2019, during which an increase in the capital budget for infrastructure was approved and included provision for a secondary access point to the site. The Council had now received updated cost estimates provided by Balfour Beatty, which encompassed proposals to increase the scope of infrastructure works and to complete them as a single phase. Compared with February 2019, it was reported that the scheme cost estimates were higher for infrastructure works, and that this reflected an increased scope of works and generally higher professional and other costs.

In conclusion, it was stated that the Council now had the opportunity and responsibility to realise the potential of the Horizon 120 site, and to achieve what the private sector had not in terms of delivery.

DECISION: That Council approved:-

1. The recommendation to Full Council that the scheme budget, for Horizon 120, to be increased.

REASON FOR DECISION:

The purpose of the decision was to:-

- Enable the infrastructure works to be completed in one phase, and;
- Allow for a constructor to be procured through the appropriate route to ensure that the scheme proceeds in accordance with the project timescales.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting to consider the private report under Agenda Item 15 and for the private report to remain private on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 of the Act.

13 **RECOMMENDATION FROM CABINET - 28TH MAY 2020 - HORIZON 120 - INFRASTRUCTURE – PRIVATE**

INFORMATION: Members gave consideration to a report presented by Councillor J McKee, Cabinet Member for Corporate Transformation which regarded the budget for the infrastructure development at the Horizon 120 employment site at Great Notley.

It was reported that the Horizon 120 site had originally been allocated in the Local Plan for the provision of employment land alongside the residential site of Great Notley Garden Village. At the time, a private developer could not be identified for the development of the site, and as such, employment opportunities were not delivered.

At its meeting on 28th May 2020, Cabinet discussed and approved the recommendations contained within a report which pertained to the Horizon 120 site. Further to the delivery of previous reports, it was confirmed that a Local Development Order (LDO) had now been finalised and adopted. Balfour Beatty, who were procured by the Scape Public Sector Framework, had also commenced with the earthworks on site, which included the profiling of the site to allow there to be a gradient from the southeast corner to the northwest corner. Furthermore, the land transaction approved by Cabinet on 2nd December 2019 had also been completed.

Members were informed that prior to the Covid-19 crisis, five companies had agreed terms for bespoke buildings which would provide over two hundred thousand square feet on seventeen acres. Unfortunately, one company had since withdrawn. It was stressed that the four remaining companies were committed to ensuring that the required buildings were delivered within the next 18 months.

Balfour Beatty had now completed the detailed technical design and were reportedly seeking at least three tenders for each of a range of sub-contract packages. The infrastructure required in respect of the site was to be procured in three stages:-

- The feasibility stage, which included detailed design and planning, was now complete.
- Stage 1, which included the re-profiling the site and formation of a highways junction on the southern boundary. This stage was currently underway and completion was expected in June 2020.
- Stage 2, which regarded infrastructure, and included the northern highways junction, estate roads, landscaping and statutory utilities.

Further to the employment of Balfour Beatty, due diligence, which included negotiations with the statutory utilities, had resulted in an estimated capital cost for the completed infrastructure. The figures discussed related to the estimated maximum external costs.

Members were advised that the Strategic Investment Team had considered several options. It would be possible to delay the infrastructure works or to complete them only in-part, but this option was not advisable due to reasons such as the need for additional future expenditure to meet the costs of contractors and construction, as well risks such as the potential for further delay.

At its meeting on 19th February 2019, Full Council received a business case for Horizon 120, during which a capital budget was approved to progress a phased delivery of infrastructure works. The business case was reviewed once again and presented at the meeting of Full Council on 22nd July 2019, during which an increase in the capital budget for infrastructure was approved and included provision for a secondary access point to the site. The Council had now received updated cost estimates provided by Balfour Beatty, which encompassed proposals to increase the scope of infrastructure works and to complete them as a single phase. Compared with February 2019, it was reported that the scheme cost estimates were higher for infrastructure works, and that this reflected an increased scope of works and generally higher professional and other costs.

In conclusion, it was stated that the Council now had the opportunity and responsibility to realise the potential of the Horizon 120 site, and to achieve what the private sector had not in terms of delivery.

DECISION: That Council approved:-

1. The scheme budget, for Horizon 120, be increased by the sum as set out in the report.

REASON FOR DECISION:

The purpose of the decision was:-

- To enable the infrastructure works to be completed in one phase, and;
- To allow for a constructor to be procured through the appropriate route to ensure that the scheme proceeds in accordance with the project timescales.

During the course of the discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended for 30 minutes beyond 10.15pm to enable the remaining Items on the Agenda to be transacted.

The meeting commenced at 7.15pm and closed at 10.51pm.

Councillor Mrs A Kilmartin

(Chairman)