

Minutes

Council Meeting

20th July 2009



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	Yes
Miss L Barlow	Apologies	D Mann	Yes
J Baugh	Apologies	T McArdle	Yes
Mrs J C Beavis	Yes	N G McCrea	Apologies
D L Bebb	Yes	J McKee	Yes
E Bishop	Yes	H J Messenger	Apologies
R J Bolton	Apologies	A M Meyer	Yes
G Butland	Yes	R G S Mitchell	Apologies
G Cohen	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton	Yes
M Dunn	Apologies	J P O'Reilly-Cicconi	Apologies
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Yes
R Elliston	Yes	D M Reid	Apologies
Dr R L Evans	Yes	D E A Rice	Yes
A V E Everard	Yes	Mrs C Sandbrook	Apologies
J H G Finbow	Apologies	Mrs W D Scattergood	Yes
Ms L B Flint	Yes	Mrs J W Schmitt	Yes
T J W Foster	Apologies	A F Shelton (Vice Chairman)	Yes
Mrs B A Gage	Apologies	Mrs L Shepherd	Yes
M G Gage	Yes	C Siddall	Yes
Mrs M E Galione (Chairman)	Yes	Mrs J A Smith	Yes
J E B Gyford	Yes	Mrs G A Spray	Yes
N R H O Harley	Yes	F Swallow	Yes
Mrs S A Howell	Yes	Miss M Thorogood	Apologies
P J Hughes	Yes	S M Walsh	Apologies
D L Hume	Yes	R G Walters	Yes
M C M Lager	Yes	R N Wilkins	Apologies
S J Lambourne	No	T S Wilkinson	Yes

The Chairman welcomed all Councillors to the meeting and extended a warm welcome to any public and press present at the meeting.

At the commencement of the meeting the Chairman, Councillor Mrs M E Galione, made a presentation to John Morris who was named 'Council Worker of the Year' in the Lifetime Service Category of the Local Government Association's award ceremony on 2nd July 2009. Mr Morris has worked for the Council for nearly 40 years, looking after care and maintenance at Witham Cemetery, and is well known and respected by many in and around the town for his dedication to managing the grounds and helping visitors. Mr Morris and his wife Christine were presented with a token of the Council's appreciation.

The Chief Executive referred to the great achievement John Morris had achieved in winning a National Award, and announced that the Council has set aside £500 for Mr Morris to spend at Witham Cemetery.

23 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the following issues:-

- (1) **Land Army and Timber Corps Celebration.** The Chairman had hosted an event for past members of the Corps at The Institute, Braintree on 6th July 2009, which was attended by 37 ladies and their guests. Lord Petre, the Lord Lieutenant of Essex presented the certificates.
- (2) **Chairman's Charities 2009/10.** The Charity Banner, with details of the Chairman's two charities – Brainwave (based in Witham) and The Alzheimer's Society – Mid Essex Branch, is on display in the Council's reception area
- (3) **Chairman's Charity Golf Day.** This event is the main fundraiser for the charity appeal and will take place on Wednesday 5th August 2009, with 28 teams taking part.
- (4) **Rural Community Council of Essex (RCCE) 2009 AGM and Essex Village of the Year Awards Presentation.** The Chairman had attended this event on 9th July 2009 and she was pleased to announce that the winner was Great Bardfield, and Helions Bumpstead had come third. The villages of Coggeshall, Finchingfield and Kelvedon were runners up in their categories in the Best Kept Village classes, with Helions Bumpstead the winner of the Class 4 category. Merit Awards were made to Belchamp St Paul, Stebbing and Steeple Bumpstead.
- (5) **Essex Environment Trust – 2009 Report.** The Chairman advised of projects within the Braintree District that had received funding as follows
 - The Community Enterprise Challenge 2008 was won by Wethersfield Pavilion
 - Certificates of Merit were awarded to schemes in Coggeshall, Kelvedon and Sible Hedingham
 - Funding was provided for projects at Black Notley and Hatfield Peverel.

24 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

- Councillors M J Banthorpe, D Mann and A F Shelton all declared a personal interest as being Board Members of Greenfields Community Housing (GCH) as a question was made during Agenda Item 8 – Questions by Members, regarding a maintenance contract.
- Councillor J E Abbott declared a personal interest in Agenda Item 8 – Questions by Members, as a member of Rivenhall Parish Council, as he would be raising an issue relating to Rivenhall, and he is known by the speaker in Question Time.
- Councillor E Bishop declared a personal interest during Item 8 – Questions by Members as he raised an issue relating to art and culture in the District, and he has an indirect connection with the Arts Council.

- Councillor Lady Newton declared a personal interest during Item 8 – Questions by Members as she is a Non-Executive Director of the Mid Essex PCT who are to provide a Health Presentation at Witham Local Committee.

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

25 **MINUTES**

DECISION: That the minutes of the meeting of Council held on 22nd June 2009 be approved as a correct record and signed by the Chairman, subject to the following two issues

- Minute 19 (i) Rivenhall Airfield Application (Page 11). The second sentence of the second paragraph being amended to ‘...the Essex County Council (ECC) Planning Committee on 24th April 2009 was considered unsatisfactory in respect of the facilities made available to the public. The application has been ‘called in’ by the Secretary of State.....’
- Minute 19(ii) Core Strategy – Growth Locations, decision on the Land to the north-east of Witham – Off Forest Road in the Parish of Rivenhall item (Page 15) where ‘not’ is removed (a typographical error) and the decision now reads ‘That the proposed growth location of 300 dwellings at land to the north-east of Witham – off Forest Road is retained in the Core Strategy’.

26 **QUESTION TIME**

INFORMATION: There was one statement made, the details of which are appended to these minutes.

27 **POLICY RECOMMENDATIONS AND REFERENCES (PUBLIC SESSION)**

Cabinet 6th July 2009

(i) Support for the Sustainable Communities Act 2007

Councillor Mrs Beavis, Cabinet Member for Customers and Communication, referred to the Executive Summary in the report, and advised that the Local Government Association requires a response by 31st July 2009. The Sustainable Communities Act (SCA) has received full cross party support and all parties are committed to devolve powers down, and promote sustainability in local areas.

Members welcomed the proposals in the SCA and to support localism. The phrasing of the fourth recommendation was discussed, and the aspect of ‘from central to local control’. It was considered that this would be ascertained once a project has been put forward, and any need for partnership working identified. Council were advised of some examples already received from residents in the Hedingham and Maplestead Wards, who wish to be involved in the SCA process.

DECISION: That this Council

- (i) notes that local authorities and their communities know best how to improve local areas and solve local problems and so should determine how to promote thriving communities; and so

- (ii) supports the bottom up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the help and assistance that central government gives to promote thriving, sustainable communities;
- (iii) notes that the Act became law in October 2007 with full cross party support and that this was a result of 5 year campaign run by a coalition of over 90 national citizens organisations called Local Works; and
- (iv) notes that the Act gives local authorities the power to make proposals to government on the action and help government must take or give, to promote sustainable communities in that local authority's area, and argues for a transfer of public money spent in that local authority's area and its related functions, from central to local control.

(ii) Organisational Development and Business Efficiency Implications

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the report following on from the Chief Executive's report to Cabinet in June 2009 on preparing the organisation for the future.

In response to a query on whether the Council will be seeking compulsory or voluntary redundancies, it is anticipated to achieve this through staff wastage and avoid any compulsory redundancies. A protocol on redundancies had been agreed with the Unions involved and all Councillors will receive a copy of this.

DECISION: That a provision of £500,000 be set aside from balances to meet any costs arising from staffing reductions to achieve the £800,000 revenue budget reduction target.

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

INFORMATION: No statements were made.

29 **QUESTION TIME (PUBLIC SESSION)**

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

INFORMATION: The Leader and Cabinet Members provided further updates.

Braintree Local Strategic Partnership (LSP)

The Leader of the Council reported on the recent Regional Assembly meeting and stated a consultation document will be coming to local authorities as part of the first revision of the Spatial Strategy, and reminded Council of the replacement of the Regional Assemblies in March 2010, by the Leader's Board. The composition of the Board was noted and for their first meeting in September/October 2009.

Changes in Growth Funding. Under the growth funding initiative of 'Building Britain's Future' and the Growth Fund jointly awarded between Chelmsford Borough Council and Braintree District Council, the Leader of the Council read an extract from a letter received from John Healey MP, the Minister for Housing and Planning. This advised that provisional revenue allocations for 2010/11 will not change. However, it is proposed to alter the Capital Funding for Growth element for 2010 from £4.2m to £2.3m with similar adjustments for other authorities. This will result with a reduction of 43% in Growth Funding collectively to Braintree and Chelmsford, and mean a £600,000 reduction for Braintree.

Weekly Planning List. Further to the Statement on the Weekly Planning List from Councillor E R Lynch at the last Council meeting on 22nd June 2009 (Minute 20 refers) the Leader requested that the Chairman of the Planning Committee be allowed to provide an update.

Councillor Mrs Scattergood advised that following consultation with the Head of Development Control it was found not to be financially viable to inform Councillors when an application is received for their Ward. However, improvements have been made to the weekly planning list that is now in alphabetical order of town and parish. Parish Councils had already found this easier and, it was hoped, that Councillors would also benefit from this.

Other literature enclosed in Council publications. Councillor Mrs Beavis, Cabinet Member for Customers and Communication, reported that information leaflets (from someone who is not connected to the Council) have been delivered with the Council's Contact magazine in some areas of the district. Councillors were requested to advise if this had occurred in their Wards.

Dispersal Order at Freeport, Braintree. Councillor Mrs Schmitt, Cabinet Member for Communities, stated that reports had been received of people in cars playing loud music, driving recklessly, and causing alarm, harassments and distress to local residents in the evenings in the Freeport area. Following consultation between Essex Police, Braintree District Council, Freeport Outlet Shopping Village, Braintree Leisure and Retail Park, DC Leisure and residents an application had been made for a Dispersal Order at Freeport, Braintree that comes into effect for an initial three month period from 26th July.

This will give the Police power to disperse the offenders from the area and stop them returning within 24 hours; and anyone contravening a direction given to him/or her will receive a fine or a term of imprisonment. It also means that between the hours of 9.00pm and 6.00am any person under the age of 16 years who is not under effective control of an adult may be taken home.

Councillor Mrs Schmitt stressed that it is not an exclusion zone, and the Order covers the area of Freeport car park (adjacent to the swimming pool); the B & Q area and the roadway in between; the bus park and the nearby offices. It is understood that this may not solve the problem and could just move the young people to another area. It was noted that this Dispersal Order is in no way connected to the issue discussed at the recent Braintree Local Committee and the Freeport bus service.

The People's Panel. Councillor Bebb, Deputy Cabinet Member for Customers and Communication, advised that recruitment to the People's Panel would be closing on 30th September 2009, and the Panel becomes 'live' on 1st October 2009. Members were requested to promote the Panel in their communities, especially those in rural areas.

(ii) **Oral Questions**

INFORMATION: Members were invited to ask any questions of the Leader on non-operational matters and the following questions were asked: -

Councillor Hughes made reference to when the Leader of the Council stated that he always supports **decisions that had been taken democratically** – this was whilst discussing the Council's objection to the proposed waste site at Rivenhall Airfield at the Council meeting of December 2008. Therefore, it was questioned why he considered it necessary to apply the 'party whip' on Councillors when considering the decisions taken democratically of the Local Development Framework Panel (LDF) and Witham Local Committee on the allocation of housing provision at Rectory Lane/Forest Road, Rivenhall.

The Leader of the Council stated that he had no power to 'whip' the Conservative Party, and it is not part of the Group's rules, and any 'whip' vote has to be with agreement of members of the Group.

Councillor Abbott referred to the **consultation process** on the Core Strategy- Growth Locations, and the disregard for the adopted Rivenhall Parish Plan, the views of local residents, and the recommendations from the Witham Local Committee and the LDF on the Forest Road, Rivenhall site. It was questioned why this vote was 'whipped' at the last Council meeting when there are four other identifiable locations that could and should have been considered.

The Leader of the Council responded to this by stating this issue has been determined and that it was the original recommendation from officers. This decision has been adopted and would be subject to further discussion and consultation through the LDF process.

Councillor Bishop referred to the Cabinet Member report on Enterprise and Culture, and advised that it did not contain any reference to the **F7 Arts Festival Event** during June, July and August across the Braintree area and has over 70 events. It was noted that Braintree District Arts are a voluntary association, and it was questioned why the Cabinet Member has responsibility for Culture, when this Council has no interest in Culture.

Councillor Harley considered this was a slight misconception and there are culture items taking place and reference was made to the Museum Trust and Warner Trust Archive in the report. However, the comments were noted and assurance given that future points will be made to rectify this. Referring to the report, it was noted that a joint case to the Planning Enquiry for Waste Disposal at Rivenhall Airfield is being done, through partnership working. Councillor Abbott registered his thanks to Councillor Harley for all his work on the enquiry, and the joint working with parishes.

Councillor Gyford requested two updates regarding **Witham Replacement Pool** that had been discussed at Witham Local Committee during June 2009. Firstly, on the recommendations to be for the possible replacement of all leisure facilities that currently exist at Bramston; and secondly for an update on the discussion with the Academies Trust and the future provision of leisure facilities, both wet and dry. Councillor Lady Newton, Cabinet Member for Housing and Well-Being, stated that the project had been discussed at Witham Local Committee and at Cabinet, where a number of options were considered on the provision of the swimming pool and some of the dryside facilities. At the Cabinet meeting on 6th July 2009, further costings and information was requested, and a report will be made to Cabinet on 1st September 2009. A meeting has been held with the Chief Executive of the Academies Enterprise Trust and they have expressed an interest in running leisure facilities that may be provided on site – although this will be subject to the usual 'safeguards', i.e. financial considerations.

Councillor Dr Evans stated that the **Health Presentation from NHS Mid Essex PCT**, to Witham Local Committee in June had to be postponed due to staff sickness. The District Council had pledged support for health provision in the Witham area and it was questioned if the Health Presentation when it is received during July or August will be for Members only, or will be open to the public.

Councillor Lady Newton advised that the PCT is trying to attend each Local Committee, and the presentation will be to the Witham Local Committee. It was noted that officers are to arrange a fuller briefing for all Members, on health matters across the District.

Councillor E R Lynch raised an issue on the **Greenfields Community Housing Grounds Maintenance Contract**, in relation to the Performance Indicators that Greenfields Community Housing (GCH) use, since the Housing Transfer, on Service Level Agreements (SLA's). Councillor Lynch reported that GCH have their own Estate Inspection process, and currently ground maintenance is achieving a level 'C' – that is a poor category.

In response, Councillor Walters, Cabinet Member for Environment and Sustainability, stated that his information was 88% satisfaction level on this issue, and as the tender has recently been submitted and contract negotiations are underway, it would be prudent not to discuss this for the moment. It was agreed this could be raised at a future meeting.

Councillor Hughes referred to the 45% new **recycling performance** quoted in the report, and queried the structure in place to bring forward future initiatives to improve that performance rate.

Councillor Walters reported that the Council are re-instating the green waste collection over the winter months (that was to be suspended); and introducing the collection of food waste. These measures are anticipated to drive the recycling rate to over 50%.

(iii) **Chairmen's Statements**

INFORMATION: No statements were made.

(iv) **Meetings in Public Session**

INFORMATION: Members were invited to raise any matters arising from meetings that had been held in public session since the last Council meeting on 22nd June 2009.

Councillor Gyford referred to the meeting of Witham Local Committee and the series of decisions made on Rectory Lane, Rivenhall. The response from the Leader of the Council earlier in the meeting to why he thought it appropriate to get the agreement of his Group Members to be 'whipped' in order to produce an 'over turning' of the decision of Witham Local Committee and that of the LDF Panel, with a reason of being in line with the officers original recommendation, was referred to. Councillor Gyford then considered should Council Members, must of necessity, accept the recommendations of officers under all circumstances. If this statement has been misunderstood perhaps the Leader could make this clear, otherwise it is as if Members must regard officers recommendations as having a status of 'holy writ'.

The Leader of the Council responded and stated he did not mean that. There are certain Members of this Council, aided and abetted by other organisations, who are making certain allegations regarding that site. Officers had put the site forward in the LDF and, therefore, there is no reason for it to be overturned by Members. It was important to take this through - and this relates to the impact any further delay would have on the LDF, and the cost of the whole exercise.

30 **BUSINESS OF EXTERNAL ORGANISATIONS**

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

As there were no items in private session, the Chairman closed the meeting.
The meeting commenced at 7.15pm and closed at 8.20pm.

Mrs M E Galione (Chairman)

APPENDIX
COUNCIL MEETING
20TH JULY 2009
PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement from Bob Wright, 303 Rickstones Road, Rivenhall
The People's Panel

Mr Wright referred to the recent issue of the Council's Contact publication that contained an article by the Leader of the Council requesting the public to become involved in the People's Panel. This was considered a 'waste of time and money' as, in Mr Wright's opinion, the Council did not listen to the views of the public.

Mr Wright continued to state various examples

- 80% of residents in Rivenhall in the consultation on the Core Strategy – Growth Locations did not want any large development in Rivenhall– this was ignored
- 75% of residents in the District in the consultation process objected to the Forest Road/Rectory Lane development – this was ignored
- the recommendation from Withal Local Committee to the Core Strategy - against the Forest Road/Rectory Lane location was ignored
- the recommendation from the Local Development Framework Panel to remove Forest Road/Rectory Lane from the Core Strategy was ignored.

Mr Wright suggested that the vote at Council on 22nd June 2009, to the Forest Road recommendation was the result of a 'whipped' vote to overturn all previous votes against the location at Forest Road/Rectory Lane. It was considered that prior to Council discussing the items, it had already been discussed outside the Council chamber. Furthermore, Mr Wright considered that false information was quoted by Councillor Lager at that meeting, and it is intended to present some facts to the Local Development Framework Panel on 29th July 2009, and he considered that an enquiry should be held on this matter as the administration had behaved undemocratically.