

# Minutes

## Council Meeting



8<sup>th</sup> October 2018

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](http://www.braintree.gov.uk).

### Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
Councillor J Abbott	Yes	Councillor S Kirby	Yes
Councillor Mrs J Allen	Yes	Councillor G Maclure	Yes
Councillor M Banthorpe	Yes	Councillor D Mann	Yes
Councillor P Barlow	Apologies	Councillor J McKee	Yes
Councillor J Baugh	Yes	Councillor R Mitchell	Yes
Councillor Mrs J Beavis	Yes	Councillor Mrs J Money	Yes
Councillor D Bebb	Apologies	Councillor Lady Newton	Yes
Councillor K Bowers	Yes	Councillor J O'Reilly-Cicconi	Yes
Councillor Mrs L Bowers–Flint	Yes	Councillor Mrs I Parker	Yes
Councillor G Butland	Yes	Councillor Mrs J Pell	Yes
Councillor S Canning	Yes	Councillor R Ramage	Yes
Councillor J Coleridge	Yes	Councillor F Ricci	Yes
Councillor J Cunningham	Yes	Councillor B Rose	Yes
Councillor Mrs M Cunningham	Yes	Councillor Miss V Santomauro (Chairman)	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor M Dunn	Yes	Councillor Mrs W Schmitt	Yes
Councillor J Elliott	Yes	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor C Siddall	Yes
Councillor Mrs D Garrod	Yes	Councillor Mrs G Spray	Yes
Councillor J Goodman	Yes	Councillor P Tattersley	Yes
Councillor A Hensman	Yes	Councillor Miss M Thorogood	Yes
Councillor P Horner	Yes	Councillor R van Dulken	Apologies
Councillor D Hume	Apologies	Councillor Mrs L Walters	Yes
Councillor H Johnson	Yes	Councillor Mrs S Wilson	Yes
Councillor Mrs A Kilmartin (Vice Chairman)	Yes		

The Chairman advised Members that four members of the public had registered to speak at the meeting during Question Time. Furthermore, it was added that the Chairman had re-ordered the business on the Agenda to bring forward 'Declarations of Interest' and 'Public Question Time.' In respect of Agenda Item 2, 'Chairman's and/or Leader's Announcements/Statements,' the Chairman informed Members that the Leader had requested to defer making his announcement until after Item 7, 'Anglia in Bloom Awards Presentation.'

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions. The meeting may be viewed in full via the webcast of the meeting on the Council's website at [www.braintree.gov.uk](http://www.braintree.gov.uk).

## 38 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

Councillor Mrs J Allen declared a non-pecuniary interest in Agenda Item 8 – 'Request for Dispensation under Section 85 of the Local Government Act 1972 for Councillor David Hume' as she was a fellow member of Halstead Town Council with Councillor D Hume.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in all Items relating to garden communities as she was a non-remunerated member of North Essex Garden Communities Ltd where she was deputy to Councillor G Butland.

Councillor G Butland declared a non-pecuniary interest in all Items relating to garden communities as he was a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor Mrs J Pell declared a non-pecuniary interest in Agenda Item 7 – 'Anglia in Bloom Awards Presentation' as Chairman of Friends of Halstead Public Gardens.

Councillor Mrs J Pell declared a non-pecuniary interest also in Agenda Item 8 – 'Request for Dispensation under Section 85 of the Local Government Act 1972 for Councillor David Hume,' as she was a member of the Halstead Resident's Association.

Councillor C Siddall declared a non-pecuniary interest in Agenda Item 14e – 'Cabinet Member Report - Councillor J McKee – Corporate Services and Asset Management,' as a non-paid Director of Ignite Business, which was mentioned within the report.

Councillor Mrs S Wilson declared a non-pecuniary interest in Agenda Item 7, 'Anglia in Bloom,' as Chairman of 'Coggeshall in Bloom.'

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

## 39 **QUESTION TIME**

**INFORMATION:** The Chairman informed Members that two additional requests to speak had been received following the close of the registration period, and that one person had also submitted representations to the Chairman through their Ward Councillor. The Chairman had decided not to exercise her discretion to permit these speakers on this occasion.

There were four statements made, which related primarily to the developments proposed under Section 1 of the Publication Draft Local Plan and the issues associated with this, including that of new garden communities, infrastructure, the decline of rural areas and the District's capacity for new housing.

## 40 **CHAIRMAN'S ANNOUNCEMENTS/STATEMENTS**

The Chairman's announcements covered the following:

### **Rural Community Council of Essex**

The Rural Community Council of Essex's AGM was held in July, during which it was announced that the following District villages had achieved success in the Essex Village of the Year Competition for 2018. Within the overall winners; Coggeshall, had achieved second place, and Gosfield and Helions Bumpstead had achieved joint third place. The class winners were Coggeshall and Gosfield, and Merit Awards were achieved by Great Bardfield and Steeple Bumpstead. The Chairman commended the achievements and expressed her congratulations to all involved in the competition.

### **Halstead in Bloom**

It was reported that Halstead in Bloom had another successful year with respect to the Anglia in Bloom Awards 2018. Members were due to receive a presentation by Councillor Mrs W Schmitt of the Anglia in Bloom Awards, although the headlines of awards achieved were provided as follows:

- Halstead achieved Gold and "Best Town" in their category.
- Halstead Public Gardens achieved Gold and "Best Medium Park" for the third year running.
- The Halstead Cemetery achieved Silver.
- Gosfield received Silver Gilt in the "Large Village" category.
- Coggeshall received Silver Gilt in the "Small Town" category.

The Chairman expressed her congratulations to the winners and volunteers.

### **Battle's Over – Commemorative Tree Planting**

The Chairman announced that she was in the process of planting three commemorative trees in order to mark the Centenary of the end of the First World War. The first tree planting was of a Douglas Fir Tree and had taken place at 11:00am on 8<sup>th</sup> October 2018 in Halstead Public Gardens. The second tree planting, of an Alder Tree, was to take place at 11:00am on 15<sup>th</sup> October 2018 at

Witham Town Park and would be followed by the planting of a White Willow Tree at 11:00am on 22<sup>nd</sup> October 2018 at Marshall's Park, Braintree. It was added that three commemorative 'Tommy' silhouettes had been purchased and would be in place at each tree planting event, to be installed and secured at a later date. An invitation to attend the events on any of the dates provided was extended to all Members.

### **Visit from the Kellogg Family**

On 20<sup>th</sup> September 2018, Braintree received a visit from five members of the famous Kellogg family, who had originated from the Braintree District and could be traced back to 1583. A civic reception was held in the family's honour at the Braintree Town Hall where they met several representatives from the Council and were given a tour of the District by St Michael's Church Parishioner, Rod Davey.

The Chairman reminded Members that the Leader would make his announcements following Agenda Item 7, 'Anglia in Bloom Awards Presentation.'

## **41 MINUTES**

**DECISION:** That the Minutes of the meeting of Council held on 23<sup>rd</sup> July 2018 be approved as a correct record and signed by the Chairman.

## **42 APPRENTICESHIP CERTIFICATE PRESENTATION**

The Chairman invited Councillor J McKee, Cabinet Member for Corporate Services and Asset Management, to make the presentation and present the certificates to the Council's apprentices.

Councillor McKee commended the success of the apprentices in attendance and the achievement of their qualifications. There were currently 14 apprentices within the Authority who had now qualified at some level, and the Council was justly proud of its record of recruiting younger staff with high potential and incorporating them within the organisation.

The following apprentices were presented with their certificates:

Katie Bright, Health and Wellbeing Apprentice, who had completed her Level 4 qualification in Business Administration and was now studying towards a Chartered Manager's Degree.

Hannah Denson, former Community Safety Apprentice, who had completed her Level 3 qualification in Business Administration.

Nick Hamilton, Accounting Technician, who had completed his Level 4 qualification in Accountancy and was now studying toward a Level 7 Chartered Accountancy qualification.

Jessica Mann, former Licensing Technical Administrator, who had completed her Level 4 qualification in Business Administration.

Fern Pavitt, Town Hall Apprentice, who had completed her Level 2 qualification in Business Administration and was now studying towards her Level 3.

Lawrence Stokes, Human Resources and Organisational Development and Learning Apprentice, who had completed his Level 3 qualification in Business Administration and would now study towards a Chartered Manager's Degree.

Greg Tye, Health and Wellbeing Apprentice, who had completed his Level 3 qualification in Business Administration and was now studying towards a Chartered Manager's Degree.

The Chairman expressed her compliments to the apprentices, adding that they were a credit to the apprenticeship programme as a whole.

#### 43 **PRESENTATION OF ANGLIA IN BLOOM AWARDS**

The Chairman invited Councillor Mrs W Schmitt, Cabinet Member for Environment and Place, to present the Halstead in Bloom Awards 2018 to Officers Roger Grace, Peter Nice, Rick Sargeant, Phil Shears and Steve Wilson.

Councillor Mrs Schmitt expressed her delight that the award for Halstead in Bloom had been achieved for the third year running and praised the Officers present, as well as the other members of the Horticultural Team who weren't in attendance, for the consistently high levels of work delivered which helped to make the District an attractive place to live for residents.

The awards presented included the Silver Award for Halstead Cemetery, the Gold Award for Halstead Public Gardens, which also won in the Best Medium Park Category, and the Gold Award and Best Town for Halstead in their Category.

On behalf of both herself and the Halstead residents, Councillor Mrs Schmitt again expressed her sincere gratitude to the staff for their unceasing hard work each year. The Chairman also added her thanks and appreciation.

Councillor Mrs Pell echoed the commendations given by Councillor Mrs Schmitt and commented further on the exceptional scope of knowledge that the staff had of the Public Gardens, adding that she was extremely proud of their achievements.

Councillor Mrs Wilson also expressed her thanks and appreciation for the work of staff.

#### 44 **LEADER'S ANNOUNCEMENT**

The Chairman invited the Leader to make his announcement and reminded Members that should they raise any questions to the Leader in response to this Item, this would not replace their opportunity to raise questions following the Leader's report under Item 14a of the Agenda.

Further to the statements by the speakers during Public Question Time, the Leader felt it prudent to first address the issues that were raised. In his response, the Leader made reference to the Local Plan and, further to a request from the Planning Inspector, the need for the Council to reassess matters in respect of the proposed garden communities, the ultimate decision of which was to be determined. It was accepted that the Council recognised the need for there to be a five-year housing

land supply and sufficient infrastructure in place to ensure the sustainability of development, and that it was only with the provision of larger scale developments throughout the District that this would occur.

The Leader referred back to his statement made at the previous meeting of Full Council regarding the Local Plan. The Leader stated that since the last meeting, both Colchester Borough Council and Tendring District Council had committed to Section 1 of the Local Plan. It was reported that a letter to the Planning Inspector was to be finalised by the aforementioned Councils and would exhibit the evidence that they intend to produce, the timetable it would be produced in and the methodology for the sustainability appraisal. The response received from the Planning Inspector would be published and Members would receive an update in full on this at a later stage.

It was underlined that a democratic process had been adhered to throughout the duration of the Local Plan development, and that it was the Council's intention to remain as open and transparent as possible with regard to its progress. Any changes proposed to the current state of the Local Plan would be scrutinised in full by the Local Plan Sub-Committee and by Full Council. Furthermore, both the evidence submitted and the subsequent changes that arose would be subject to a full public consultation period that would allow residents and Members alike to refer any comments directly to the Planning Inspector. The Council was committed to a Local Plan that delivered the most effective and efficient solution for long-term sustainable housing growth, local employment opportunities, new infrastructure and community facilities for the District.

The Leader also made reference to a meeting that would take place on Tuesday, 9<sup>th</sup> October 2018 between the leaders of Braintree District Council, Tendring District Council and Colchester Borough Council with the Minister for Housing where the projects under the Local Plan would be discussed. Specific note was made of the need to assist younger people by providing them with affordable future housing, which included all housing types, such as rental and social.

Members asked several questions arising from the Leader's statement.

45 **REQUEST FOR DISPENSATION UNDER SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972 FOR COUNCILLOR DAVID HUME**

**INFORMATION:** Consideration was given to a request for dispensation under Section 85 of the Local Government Act 1972 in respect of Councillor D Hume.

The Leader expressed his sadness on behalf of all Members over Councillor Hume's continued illness, and that it was hoped he would be able to perform his regular civic duties in due course.

**DECISION:**

1. That dispensation for Councillor David Hume from attending meetings of the Council by reason of illness for a six month period commencing 16<sup>th</sup> May 2018 be approved, in order to avoid Councillor Hume ceasing to be a Member of the Authority under Section 85 of the Local Government Act 1972. Any extension to the dispensation for Councillor David Hume is subject to a further approval at the appropriate time under (2) below;

2. It was agreed that any future dispensations under Section 85, in the event of there not being a timely meeting of Full Council to consider the matter, be delegated to the Chief Executive to agree, having obtained the agreement of all of the Group Leaders prior to giving such approval. This was subject to the Chief Executive reporting dispensations agreed under this delegation to the next appropriate meeting of Full Council.

**REASON FOR DECISION:** To enable Councillor Hume's compliance with a Member's obligations under the Local Government Act 1972.

46 **RECOMMENDATION FROM CABINET – 10<sup>TH</sup> SEPTEMBER 2018 –  
STRATEGIC INVESTMENT TEAM – PERMANENT STRUCTURE RESOURCE  
PROPOSAL**

**INFORMATION:** Consideration was given to a report on the Permanent Structure Resource Proposal developed by the Strategic Investment Team.

Members were advised that a portfolio of projects had been identified by the Strategic Investment Team over the past 18 months that had created a pipeline programme with a total value of over £100 million. It was reported that the current Team had expanded through the appointment of consultants and permanent staff in order to accommodate the increase in workload. The transitional arrangement would continue until the end of the Civic Year in March 2019. In order to ensure that the Team had sufficient capacity and dexterity in place to deliver the Council's ambitious capital projects within the stated time-frame and budget, and to a high standard across the medium and long-term, it was necessary for the transitional staffing arrangements to be replaced by a permanent organisational structure.

The proposed structure would include an increase in the number of permanent staff employed within the organisation by 7.6 FTEs. As such, a net additional budget of £2,710,700 was needed in addition to the current approved budget of £737,960 over a four-year period, 2019 to 2023, to enable the recruitment of the Strategic Investment Team. With the requested increase, the new budget over the four-year period would total £3,448,660. It was stated that the sum of £1,991,223 would be sourced from the unallocated New Homes Bonus, and £719,477 from recharges to capital and the Housing Development Company. The estimated unallocated New Homes Bonus as of 31<sup>st</sup> March 2019 was expected to be £2,313,700, and the plan also incorporated the anticipated costs of employing recruitment consultants.

Members were informed that the most acute and furthest progressed of the pipeline projects being developed by the Strategic Investment Team was the Manor Street Regeneration Project, which would soon advance from the planning stage to the execution stage. It was added that the Strategic Investment Team were awaiting the outcome of the planning application that was currently being considered in respect of Manor Street by the Council, and that the time in which this would become known was not yet determinable. Other complex projects were also under implementation and included the establishment of a Housing Company (DevCo), the Great Notley Employment Site (GNES), Witham Enterprise Centre, the I-Construct Innovation Centre, the Millennium Way Slip Roads and the identified housing sites.

In order to support feasibility work and specialist consultancy services, it was proposed that the Strategic Investment Team budget would include a flexible budget of £200,000 per annum. The funding would enable the Team to respond quickly to new opportunities, such as the commissioning of surveys and reports. The budget also encompassed an allowance of £100,000 to support wider anticipated Council resources, such as finance, legal and marketing.

**DECISION:**

1. That the budget increase over a four year period, 2019/2023 of £2,710,700 for the Strategic Investment Team be approved as detailed in the report.
2. That funding be provided from an allocation of £1,991,223 from the unallocated New Homes Bonus and the balance of £719,477 be capitalised and recharged to the Housing Development Company.

**REASON FOR DECISION:** To enable the recruitment of permanent staff to the Strategic Investment Team's new structure, which will enable the delivery of a wide range of capital projects delivering both capital and revenue income to the Council.

47 **RECOMMENDATION FROM CABINET – 10<sup>TH</sup> SEPTEMBER 2018 – MEDIUM-TERM FINANCIAL STRATEGY 2018-19 TO 2021-22**

**INFORMATION:** Consideration was given to a report on the Medium-Term Financial Strategy (MTFS) for the period 2018-19 to 2021-22. In the absence of Councillor D Bebb, Councillor J McKee, Cabinet Member for Corporate Services and Asset Management, was invited to introduce the report.

The MTFS was agreed by Full Council on 19<sup>th</sup> February 2018, and the projected shortfall at this time over the three-year period, 2018/19 to 2021/22, was £0.928million. The amount was based on savings and additional income identified to be delivered over the period; increases in the level of Council Tax after 2019/20 were based on the previous maximum of 2% and provisional Settlement Funding Assessments figures for the period 2019/20 that were announced by the Government. The projected shortfall for 2019/20 was £622,000.

Reference was also made to the Technical Consultation by the Ministry of Housing, Communities and Local Government (MHCLG) for the 2019/20 Local Government Finance Settlement and an invitation to Local Authorities to submit an application to pilot the 75% business rates retention scheme in 2019/20.

The Technical Consultation covered the following areas, a few of which affected the MTFS:

- Proposal to confirm the final year of the four-year settlement offer which began in 2016/17. The indicative figures for 2019/20 showed that the Settlement Funding Assessment for the Council would be £3.137million, which represented a reduction of £489,570, or 13.5%, over the current year.
- The New Homes Bonus Scheme - the Government was expecting to increase the national baseline for housing growth in 2019/20 from the current figure of 0.4% due



to the continued upward trend for house building. In light of this increase, the Council was unlikely to receive a New Homes Bonus payment for next year.

- Negative Revenue Support Grant (RSG) - due to reductions in Core Spending Power, some Authorities with high business rates had experienced substantial declines in RSG. The four-year settlement indicated that the Council was subject to a negative RSG of £291,482 in 2019/20; however, the Government proposed to eliminate the negative RSG adjustments in 2019/20.

The Government had indicated that it wanted to see Authorities form business rates pools to apply jointly for pilot status, which would comprise a County Council and the associated District Councils, a group of Unitary Authorities, or a two-tier area, and adjoining Unitaries. Members were advised that it was in the interests of the Greater Essex area for the Council to participate in a bid. The deadline for the submission of a proposal to the MHCLG for either a pilot bid, or the revocation of the existing Essex Pool and the creation of a new Pool in 2019/20, was 25<sup>th</sup> September 2018. It was reported that a bid had been submitted.

Local Government accounts were required to apply the International Financial Reporting Standard (IFRS) 9 – Financial Instruments, which introduced the concept of increased accountability within Local Authorities for their investments. The Council would be required to account for any decrease or increase in the value of its financial assets, and it was added that this was an accounting process. Funding reforms of Local Government would be introduced from 2020/21 which would entail a 75% Business Rate Retention Scheme and a reset of Business Rate Baselines, which would be informed by the outcomes of the Fair Funding Review and the Government's Spending Review 2019. It was explained that the Government would consult on its proposals over the next 12 months, and that there were a myriad of issues to be considered during this time, including; the design of the Business Rate Retention Scheme, the treatment of growth above the baseline achieved under the current scheme, safety net arrangements and the funding of appeals, and the mechanics of the Review. It was therefore difficult to anticipate what the impact on the Council's finances would be for 2020/21 onwards, due to the sheer volume of issues under examination by the Government.

Members were informed that a major variation of the MTFs included Development Management, which incorporated a notable increase in development income and the amount of applications received. It was acknowledged that additional staff were required to address the increase in pressure on the Planning Department and, as such, a virement was proposed between income and staffing budgets. Other variations included Recycling which, as a result of changes in market conditions over recent months, the current budget for the gate fees incurred for the disposal of recyclable materials was to be exceeded by £220,000. Vehicle fuel costs had also increased and would result in a budget overspend of £50,000; however, this was partially offset by the rental income streams that were increasing under Asset Management due to the recent addition of commercial properties such as the Enterprise Centre and Osier House, with a predicted additional income of £127,000 in the current year.

A high level assessment of the pressures and/or events that would impact on the Council's financial position over the next four years had identified a number of emerging issues, one of which was the contract for the maintenance of the Council's vehicle fleets, which was due to end on 31<sup>st</sup> March 2019. Following a

review, it was agreed to bring this function back in-house. This would present a number of advantages for the Council overall, such as financial savings of £45,000 per annum, and the ability for the Council to regain full control and management of its fleet operation, allowing it to protect and safeguard its own legal position in relation to its Operator's Licence. A capital provision of £150,000 was requested to be allocated in the current year to enable the vehicle workshop to be equipped and ready for operation in April 2019. Reference was also made to the uncertainties surrounding Essex County Council's (ECC) contributions to the Council, which comprised a number of income streams such as Waste Collection, Council Tax Sharing Agreement and Community Transport. The Council's financial position in this respect was thus indeterminable until budgetary agreements had been confirmed by ECC. It was concluded that the changes to the assumptions and the proposed removal of the negative Revenue Support Grant (RSG) would result in an updated financial shortfall for 2019/20 of £465,000, which entailed an approximate improvement of £127,000 than had been indicated by previous projections.

#### **DECISION:**

##### **That Council agreed:**

##### **General Fund Revenue Account 2018/19:**

1. A virement of £181,500 from the Planning Application Fees budget to the Development Management Staffing budget.

##### **Capital Programme 2018/19:**

2. A capital provision of £150,000 in the current year for the equipping and fitting out of the vehicle maintenance workshop to be ready for operation in April 2019, the provision of which would be funded from capital receipts.

**REASON FOR DECISION:** To ensure that there are good governance arrangements through the proactive management of the Council's finances over the short and medium term.

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#### **RECOMMENDATION FROM CABINET – 10<sup>TH</sup> SEPTEMBER 2018 – TREASURY MANAGEMENT ANNUAL REPORT 2017-18**

**INFORMATION:** Consideration was given to a report on the Council's Treasury Management activities for the period 2017-18. In the absence of Councillor D Bebb, Councillor J McKee, Cabinet Member for Corporate Services and Asset Management, was invited to introduce the report.

The Council's Treasury Management activities were regulated by statutory requirements and by a Code of Practice issued by the Chartered Institute of Public Finance (CIPFA). One of the key requirements of the Code was that, along with an annual strategy to be approved prior to the commencement of the financial year, and at least one mid-year report, the Council should also receive an annual report after the financial year-end.

The Treasury Management Strategy Statement (TMSS) for 2017/18 had been approved by Full Council on 22<sup>nd</sup> February 2017 as part of the overall Budget and Council Tax setting for the forthcoming financial year. The annual report contained

an external context which provided an economic and credit background from the Council's Treasury Management advisors, Arlingclose, as to key events that had taken place over the course of the financial year. It was confirmed that all Treasury Management activities undertaken during 2017/18 had complied fully with the CIPFA Code of Practice and the Council's approved TMSS.

**DECISION:** That the Treasury Management Annual Report 2017/18 was accepted by Full Council.

**RECOMMENDED DECISION:** The Council had adopted the CIPFA Code of Practice for Treasury Management in Public Services, which required that the Council received an annual report on the Treasury Management function. This report was considered first by the Governance Committee in order to exercise its responsibility for scrutiny over Treasury Management activities. The report was then considered by Cabinet before submission to Full Council with the benefit of any proposed changes and/or comments of the Governance Committee.

49 **RECOMMENDATION FROM LICENSING COMMITTEE – 12<sup>TH</sup> SEPTEMBER 2018 – LICENSING POLICY STATEMENT IN RESPECT OF THE GAMBLING ACT 2005**

**INFORMATION:** Consideration was given to a report on a revised Statement of Licensing Policy in respect of the Gambling Act 2005.

Members were advised that it was the responsibility of the Council to review its Policy every three years and to publish a Statement of Licensing Policy that established the principles that it would generally apply when determining applications, ensuring that the three licensing objectives of the Gambling Act were promoted and adhered to.

It was added that the Licensing Committee was advised that the Gambling Act 2005 authorised the Council to approve the use of premises for various gambling activities. A draft, revised Statement of Licensing Policy had been published for public consultation for a period of 12 weeks between 11<sup>th</sup> May and 19<sup>th</sup> August 2018. It was confirmed that no representations had been submitted during the consultation period. The Policy changes that now applied under the Statement in respect of the Gambling Act 2005 stemmed from Central Government, and it was reported that the Licensing Committee were satisfied that a robust system was in place for the Council to effectively inspect and monitor all premises that were licensed by the Authority. The Licensing Committee had also agreed a scheme of delegation.

**DECISION:** That the Gambling Act 2005 - Revised Statement of Licensing Policy, including the scheme of delegation set out in the Policy, be adopted and to come into effect from 1<sup>st</sup> January 2019.

**REASON FOR DECISION:** The re-published Policy will update the Policy in line with current guidance, and set out the principles that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent three years.

50 **RECOMMENDATION FROM LICENSING COMMITTEE – 12<sup>TH</sup> SEPTEMBER 2018 – ANIMAL WELFARE LICENSING**

**INFORMATION:** Consideration was given to a report on the new Policy in respect of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Members were advised that in accordance with the Animal Welfare Act 2006, it was proposed that existing legislation relating to the licensing of animals was repealed, and a new licensing system introduced. The new system would relate to selling animals as pets; providing for, or arranging for, the provision of boarding for cats or dogs; hiring out horses; dog breeding; and keeping or training animals for exhibition.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 would come into force on 1<sup>st</sup> October 2018 and would require the Council to have new procedures in place, proposed fees and charges, a scheme of delegation and a procedure for the determination of appeals in respect of risk ratings. It was advised that procedural guidance had been issued by the Department of Environment, Food and Rural Affairs (DEFRA) which all licensing authorities were required to implement in respect of licensing animal activities. The changes would also include a reduction to the fees charged in respect of licence applications, serving to encourage higher performance amongst businesses and, in turn, higher quality animal welfare standards.

**DECISION:**

1. That the fees and charges with respect to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for the period from 1st October 2018 to 31st March 2019 be approved.
2. That the Scheme of Officer delegation be approved.
3. That the procedure for determining an appeal against a risk rating following the inspection/renewal of an operator be approved.
4. That Article 9 of Chapter 1 of the Constitution (Licensing Committee) be amended to enable the Licensing Committee to discharge the licensing function on behalf of the Council under the Animal Welfare Act 2006 and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and any subsequent Regulations made under the Act for the purpose of animal licensing.
5. That the Head of Governance be authorised to amend the Constitution to reflect these provisions.

**REASON FOR DECISION:** To ensure that the Council has the appropriate arrangements in place to discharge the licensing function.

51 **REPORTS FROM THE LEADER AND CABINET MEMBERS AND ORAL QUESTIONS FROM COUNCILLORS**

**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 the Cabinet Members.

On behalf of Councillor D Bebb, Councillor J McKee, Cabinet Member for Corporate Services and Asset Management, was invited to introduce his report. As indicated in the report, Councillor McKee provided Members with a verbal update in regard to the Council's participation, along with other Essex Authorities, in a pilot bid or pooling arrangement under the Essex Business Rates Pilots/Business Rates Pool for 2019/20. It was announced that Thurrock Borough Council had declined to enter for the pilot bid, whilst Braintree District Council, in addition to other Authorities which included Essex County Council, had made a submission on 25<sup>th</sup> September 2018. The Council's bid had been acknowledged by the Government, and the potential benefits of the pilot status were provided, such as the allocation of £86,000 toward financial sustainability and a share of the allocation for the North Essex Functional Economic Area (Braintree, Colchester and Tendring) of £4.26 million. This was in addition to the agreement under the bid compared to an Essex Business Rates Pool which provided for an allocation of £5.179 million for Braintree. Overall, it was reported that the pilot bid would entail an estimated £15.5 million to Essex. A response from the Local Government Financial Settlement was expected to be received in December 2018.

Councillor McKee, Cabinet Member for Corporate Services and Asset Management, added to his report by informing Members that Mr Neil Jones, Principal Planner, was nominated for and awarded Employee of the Month in September. Mr Jones was recognised as having worked above and beyond the requirements of his role in respect to a recent planning appeal.

Councillor Mrs W Schmitt, Cabinet Member for Environment and Place, added to her report by announcing that on 7<sup>th</sup> October 2018, Love Essex launched their "Crime Not To Care" Campaign, which was aimed at combating the issue of fly-tipping throughout the County and was due to last for two weeks. Members were advised that during the period 2017/18, 20,567 fly-tips were reported in Essex alone, with 768 in Braintree, which incurred a cost of £44, 936 to clear up. It was stressed that it was the responsibility of the householder as to where their rubbish went, and that in instances where traders were used for the disposal of waste, residents should ensure that those traders had waste carrier/disposal numbers and that either receipts or transfer notices were always received for the work.

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 [www.braintree.gov.uk](http://www.braintree.gov.uk).

The main topics covered were as follows:

- The possibility of reviewing the current procedures in place surrounding Public Question Time, including the need for speakers to register to speak at meetings of the Full Council no later than two working days prior to the date of the meeting, and the right of the Council to decline requests to speak if they were received after this time.

- The total figure of 600 planning permissions granted within the last quarter, and the possibility of receiving a breakdown of these figures, which included the number of consents granted on both allocated and non-allocated sites, and how many were granted on appeal.
- The additional work that was to be undertaken as a result of the Homelessness Reduction Act, and whether representations had been submitted to the Minister.
- A positive outlook as to the continued development of the Premdor site in Sible Hedingham.
- The pledge by Essex County Council's Cabinet Member for Infrastructure to provide a report regarding all aspects of access around Witham Station, as use of the station was rapidly increasing and would result in higher levels of traffic.
- The success of the transfer and opening of the Francis Crittall Pavilion in Silver End and the need for increased new community space in the areas of Cressing and Silver End, especially following the high level of new developments recently granted in respect of these locations.
- The obligations for a waste transfer licence and whether this comprised traders who cut garden hedges and trimmed trees.
- The availability of services with regard to the disposal of household items, such as old furniture, for residents who were disabled or could not afford the fees that would be incurred.
- Gratitude was expressed toward Council staff for their work in conjunction with Witham Town Council in regard to clearing the waste items left behind at the encampment site in Witham.
- The action that could be taken in order to address the high levels of pedestrian litter within the District.
- The success of the Silver Sunday event in Witham and the gratitude toward the groups involved with this, which included staff from Braintree District Council, Essex County Council Libraries, members of the Community Safety Partnership Team, Live Well, Witham Town Council, two Braintree community groups and the Essex County Fire and Rescue Service. Specific praise was also given to the work of the Community Services Team at the Council.

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

- Councillor G Butland, Leader of the Council, agreed to look at the possibility of reviewing the procedures under Public Question Time and to submit a request to the Developing Democracy Group that this item be included on their next Agenda for their appraisal.
- Councillor Mrs L Bowers-Flint, Cabinet Member for Planning and Housing, agreed to provide more detail in future portfolio reports on figures relating to the number of planning permissions issued.

- Councillor Mrs W Schmitt, Cabinet Member for Environment and Place, agreed to remind the Essex County Council Cabinet Member for Infrastructure of their pledge to provide a report in regard to access around Witham Station.
- Councillor Mrs W Schmitt, Cabinet Member for Environment and Place, agreed to write to Members advising of the services which are available to assist residents who were disabled or struggled financially, with the disposal of household items.
- Councillor Mrs W Schmitt, Cabinet Member for Environment and Place, agreed to forward comments made by Members in respect of their gratitude toward the Council staff involved with clearing waste items left at the encampment site in Witham.

52     **LIST OF PUBLIC MEETINGS HELD SINCE LAST COUNCIL MEETING**

**INFORMATION:** No matters were raised.

53     **NOTE THE DATES OF MEETINGS OF FULL COUNCIL FOR THE REMAINDER OF THE CIVIC YEAR 2018/19**

**INFORMATION:** No matters were raised.

The meeting commenced at 7.17pm and closed at 10.00pm.

Councillor Miss V Santomauro  
(Chairman)