

Minutes

Council Meeting



15th September 2008

Present:

| Councillors | Present | Councillors | Present |
|---------------------------------|-------------------|------------------------|-------------------|
| J E Abbott | Yes | M Lynch | Apologies |
| M J Banthorpe | Yes | D Mann | Yes |
| Miss L Barlow | Apologies | T McArdle | Apologies |
| J Baugh | Apologies | N G McCrea | Yes |
| Mrs J C Beavis | Yes | J McKee | Yes |
| D L Bebb | Yes | H J Messenger | Yes (from 7.25pm) |
| E Bishop | Yes | A M Meyer | Apologies |
| R J Bolton | Apologies | R G S Mitchell | Yes |
| G Butland | Yes | Mrs J M Money | Yes |
| J C Collar | Yes | Lady Newton (Chairman) | Yes |
| M Dunn | Yes | J P O'Reilly-Cicconi | Yes |
| Mrs E Edey | Yes | Mrs R O'Shea | Yes |
| J G J Elliott | Yes (from 7.50pm) | Mrs J A Pell | Apologies |
| R Elliston | Yes | R Ramage | Yes |
| Dr R L Evans | Yes | D M Reid | Yes |
| A V E Everard | Yes | D E A Rice | Yes |
| J H G Finbow | Yes | Mrs C Sandbrook | Yes |
| Ms L B Flint | Yes | Mrs W D Scattergood | Yes |
| T J W Foster | Yes | Mrs J W Schmitt | Yes |
| Mrs B A Gage | Apologies | A F Shelton | Yes |
| M G Gage | Yes | Mrs L Shepherd | Yes |
| Mrs M E Galione (Vice-Chairman) | Yes | Mrs J A Smith | Yes |
| J E B Gyford | Yes | Mrs G A Spray | Yes |
| N R H O Harley | Apologies | F Swallow | Apologies |
| Mrs S A Howell | Yes | Miss M Thorogood | Yes |
| P J Hughes | Yes | S M Walsh | Yes |
| D L Hume | Yes | R G Walters | Yes |
| M C M Lager | Apologies | R N Wilkins | Apologies |
| S J Lambourne | No | T S Wilkinson | Yes |
| E R Lynch | Yes | Vacancy | |

The Chairman welcomed all Councillors and members of the public and press to the meeting, and drew attention to the evacuation procedure in case of an emergency, for mobile phones to be switched off and for Members to collect their mail.

32 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the following issues:-

- (1) On 24th August the Chairman took part in the **handover of the Olympic Flag** in Braintree. This proved a valuable opportunity to meet young people from the District, who are training hard and hoping to take part in the 2012 Olympics.
- (2) **The Chairman's Charity Golf Day 2008** was again a success, with £5,900 being raised for the Chairman's Charities. The Chairman thanked all the teams that had taken part, and those who had provided sponsorship.
- (3) The Chairman was pleased to report that **Halstead in Bloom** had been awarded Silver Gilt, and congratulations were extended to everyone who had contributed in making the town look so attractive.
- (4) There is still an opportunity for people to be nominated for **Community Achievement Awards 2008/09**, especially the young person category.
- (5) The **lists of engagements** carried out by herself and the Vice-Chairman since the last meeting on 21st July 2008.

33 DECLARATIONS OF INTEREST

The following interests were declared:-

- Councillors Ms L B Flint and R G S Mitchell both declared a personal interest in the presentation by Chief Superintendent Bull, as they were involved with Essex Police through their work.
- Councillors G Butland, E Lynch, Lady Newton and J P O'Reilly-Cicconi all declared a personal interest in the Task and Finish Group on the Review of Fees and Charges Policy as they are involved with charities.
- Councillor Ms M Thorogood declared a personal interest as a tenant of Greenfields Community Housing Association as they were referred to in the discussion of the Rural Isolation Task and Finish Group.

Unless stated otherwise, all Councillors remained in the meeting.

34 MINUTES

DECISION: That the minutes of the meeting of the Council held on 21st July 2008 be approved as a correct record and signed by the Chairman.

35 QUESTION TIME

INFORMATION: There was no questions asked or statements made.

36 LOCAL CHANGES AT ESSEX POLICE

INFORMATION: The Chairman introduced Graeme Bull, the new Chief Superintendent for Central Division of Essex Police.

Chief Superintendent Bull, Divisional Commander of Central Division advised that his role covered the four Districts of Uttlesford, Chelmsford, Maldon and Braintree. Reference was made to personal links with the area, earlier posts, local knowledge and commitment to the community. The Braintree District Commander is Alan Gooden and an increase in establishment had been recently announced with one new Sergeant and five additional Police Constables for the District – all visual frontline posts – by March 2009. Local data on crime was provided including the current detection rate, fewer victims of crime, i.e. burglary, assaults, and less antisocial behaviour incidents. The recent pro-active operation in Braintree town had resulted with 46 arrests, of which 26 persons are remanded in custody on drug related crimes. This event was the outcome of community intelligence and had been planned over a period of time.

In response to questions, Chief Superintendent Bull, advised of the use of cautions or prosecution; and the necessity of Police paperwork to provide statistics and to demonstrate certain criteria, i.e. equal opportunities

A Member drew attention to a weight restriction on a bridge at Rivenhall being abused by articulated lorries. This was a Trading Standards issue, and the Member is to contact Chief Superintendent Bull.

37 **TASK AND FINISH GROUPS**

(i) Review of Fees and Charges Policy

Councillor Mrs Sandbrook, Chairman of the Review of Fees and Charges Policy Task and Finish Group, presented a report that sets the strategy for how future discretionary fees should be charged in the Braintree District. The purpose of a discretionary charging policy is to ensure fairness across all communities and to provide a framework ensuring a consistent policy is applied in future years. The Task and Finish Group's work had been open to public consultation, and progressing the charging policy will require further public input. It was noted that the discretionary charges list comprises of 700 items, and no proposals have been made to future charges. The report proposed that the discretionary charge covers the cost of providing the service, within guidelines; and to achieve the necessary standard investment and resources in accounting processes will be required to underpin the policy. With regard to concessions it was proposed that these are addressed to provide fairness and consistency in the final policy.

During the discussion it was clarified that the Charging Policy would be reviewed every five years, with a review of the specific charges held annually.

Councillor E Lynch, a member of the Task and Finish Group, stated that 'charities' had been overlooked from the groups listed in Items 6.3 and 8.3 of the report.

The Leader of the Council congratulated the Task and Finish Group on their concise report. The framework of a Council policy had initially been proposed, with details of the charges list to be looked at, including a plethora of concessions.

DECISION: That the report be noted, and considered at the Cabinet meeting on 9th October 2008.

(ii) Rural Isolation Task and Finish Group

Councillor Mrs Spray, Chairman of the Rural Isolation Task and Finish Group, presented the report and stated that it had been a challenging topic, with lots of

issues. The Task and Finish Group had focused on a small number of relevant topics, including two particularly 'hot' issues of affordable housing and rural transport. The lack of public transport to those living in villages had been recognised, although the community transport scheme had proved a success it also needed a rural base, instead of location in the towns. The Group are hopeful that the new Task and Finish Group on Bus and Rail Services will be able to take this issue forward.

With regard to Affordable Housing, the reports by (i) the Commission for Rural Communities, The State of the Countryside 2008 and (ii) the Living/Working Countryside – the Taylor Review had both referred to living and working in the countryside, and the Group had agreed that affordable housing was required to keep families/young people in their rural area. It was noted that some of the Group's findings would be incorporated into future priorities for Halstead Local Committee, and fed in Essex County Council's Essex Rural Commission. Councillor Mrs Spray extended her thanks to all members of the Group, to those taking part in research, and Council officers.

Councillor Everard, a member of the Task and Finish Group, reiterated the affordable housing need, and accentuated Items 4 & 10 of Section 8 of the report. The Choice Based Lettings scheme may ease the situation, although a structure was required to ensure local people have first choice in their locality.

It was noted that the report was to be amended as 'All Access Points' referred to two Village Halls in Wethersfield and not any in Bocking, whereas there is a village hall in each village.

Councillor Mrs Beavis, Cabinet Member for Customers and Communication, stated the report was now a 'working' document, with strands already being fed into the local Committee. The recommendations are achievable, and the rural proofing would be addressed.

DECISION: That the report be noted, and considered at the Cabinet meeting on 9th October 2008.

Councillor M Gage, as Chairman of Overview and Scrutiny Committee, welcomed both reports and requested that when officers are seeking Members to serve on a Task and Finish Group that different Councillors come forward. It was also advised that a Task and Finish Group could comprise of up to 12 Members, and is an opportunity to be involved and make an impression.

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

Cabinet 1st September 2008 – Braintree District Strategic Assessment & Annual Partnership Plan

Councillor Mrs Schmitt, Cabinet Member for Communities and Housing, introduced and moved the recommendation from Cabinet.

Members referred to two issues

- on road safety, when data evidence proves that many injuries and deaths occur on rural roads where the speed limit is 60MPH, and whether this is an area that could be reviewed. The Cabinet Member agreed to take this to the Responsible Authority Group meeting

- many churches are targeted for lead thefts, and to combat this a local diocese has ensured that forensic marks are made on any metal, to comply with insurance requirements. The Cabinet Member advised that the Crime Reduction Officer does recommend this when visiting businesses and homes.

DECISION: That the Braintree District Annual Partnership Plan 2008 be approved.

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

INFORMATION: No statements were made.

40 **QUESTION TIME (PUBLIC SESSION)**

(i) **Statements by the Leader/Cabinet Members and Deputy Cabinet Members**

INFORMATION: The following statements were made: -

First Time Buyer Funding. The Leader stated that the government had recently announced plans to support first time buyers. However, it had not been explained that this funding would be supplied from cuts in funding to other agencies, i.e. Regional Development Agency, that will suffer a 30% reduction in the East of England budget by 2010/11. This loss of funding through to the East of England Development Agency (EEDA) will impact across the region and as Braintree does not fall under Growth Area Fundings, i.e. the Haven Gateway, the M11 corridor, or the Thames Gateway, the District will suffer impact on business and job opportunities.

Choice Based Lettings. Councillor Mrs Schmitt referred to a presentation received at Local Committees on Choice Based Lettings, and advised that the new process goes 'live' in January 2009. There are currently 3,500 on the waiting list and Members were reminded that all those persons will receive a letter inviting them to re-register by email, text, telephone, or at Council offices. It was noted that your place on the queue will not be affected, whether you register early or late in the process.

National Older People's Day. Councillor Mrs Schmitt informed Members that Braintree District Council and Essex Police are holding the National Older People's Day on 1st October 2008, between 10.00am and 4.00pm, at Causeway House. Information and advice will be available from local organisations and on personal safety, homecare support and healthy living.

Customers and Communications Update. Councillor Mrs Beavis advised on various topics

- that she would be attending the Overview & Scrutiny Committee on 17th September 2008 to explain her Portfolio role, and hold a question and answer session
- reference was made to the workload of the Chairman and Vice Chairman of the Council and the numerous, and various, engagements they attend. A reminder on the Community Achievement Awards was also made, and how this whole area links with the Council objective on 'Civic Pride'
- a Parish Council/Town Council event is to held in March 2009, and will provide an opportunity to join together and look at issues
- another Member Seminar is to be held in January 2009 on the Role of the Member/Frontline Councillor

Recycling Materials. Councillor Walters referred to media reports on other Councils of recycling material being exported, and provided an update on where Braintree District Council sends its recyclables, i.e. glass to Harlow, newsprint to Kent, bales of mixed materials to Tilbury. The Council are confident that the companies it uses comply with current legislation and have registration to a voluntary code of practice.

New Calendar for Recycling/Collection Dates. Councillor Walters stated that the new calendar is being distributed and indicates that all dry recycling materials can now be in the same bag, making it easier for recycling. The rollout of additional alternate weekly collections to some further villages is also under way.

(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 Gyford referred to a Court of Appeal decision on the **predetermination of planning applications** by Councillors. It had concluded that Councillors must not predetermine planning applications prior to Committee, although it had expressed that Councillors could give a predisposition for or against before it comes to Planning Committee. It was queried if the Council's Standards Committee should seek advice on this decision. The Leader stated this was an important aspect and requested the Council's legal advisors provide guidance to members of the Planning Committee.

Councillor Hughes stated that in the Council's Recycling Newsletter the Council supports the **burning of waste** as energy from waste and queried how this can help climate change. Councillor Walters referred to the shortage of natural resources in this country and other countries, and made comparison to a recent quote on one tonne of waste being equal to one barrel of oil, and oil should not go to landfill. It is helping the environment by making the best use of materials that provide energy.

Councillor E Lynch understood that within the Council's budget there are funds to **webcast meetings of Cabinet and Council**. Therefore, it was queried why the last two Council meetings had not been webcast. Councillor Mrs Beavis responded that she would look into this and provide a written position statement.

Councillor Abbott raised concerns on the rapid **increases in energy costs**. As the Council is a leisure provider with three swimming pools in the District, does the Leader regret not ensuring energy saving initiatives, i.e. solar panels, being installed at the swimming pools and other Council buildings? The Leader advised that a 'balance' had to be struck to ensure 'payback' is received within a certain period, and an appropriate business case made. However, since the swimming pool schemes were started the Council has implemented a Policy to encourage energy saving devices in its buildings.

Councillor Gyford referred to the comments made by Councillor Walters with regard to **mix bag dry recyclable materials**, and whether this new introduction would be compulsory. In response, Councillor Walters stated that some residents will continue to bag dry materials separately, although the Council will encourage placing dry recycling material together. It was noted that the tonnage on the split wagons is restrictive, and under the new system the wagons can increase their load.

Councillor Ramage queried the **future of Bramston Swimming Pool**, following the announcement of academy status to Bramston School. The Leader advised that serious consideration would be made to the future of the pool, and any potential opportunity to work with the Academy to improve facilities on the wet side (swimming pool) in Witham, for local residents, and to combine aspirations with the Academy's.

Councillor Mitchell spoke on the **reuse of plastic bags**, and how Tesco main stores in Essex alone had reduced the use of plastic bags in four months by approximately eight million bags. Does the Council support the proposal by the East of England Co-op to charge for plastic bags ? Councillor Walters stated that this scheme was running in other parts of the country, and is a good initiative. The trend by supermarkets to encourage the reuse of plastic bags should be applauded.

(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 as listed on Page 13 of the agenda.

Councillor Dr Evans referred to Minute 60, Braintree District Local Strategic Partnership, of the Cabinet meeting held on 1st September 2008 and the view that wider representation should be considered when appointments are made to the Groups and Partnerships at the Council AGM. It was queried if further discussion would be held before the next AGM and, if so, when it would take place. The Leader stated that Members at Cabinet level would continue for the time being, as they had powers to commit the Council to agreements with other agencies and partners. This issue will be examined to see if changes are feasible, and brought to the meeting of the Group Leaders prior to the next AGM.

Councillor E Lynch questioned the availability of the Chief Executives report that is taken at the Cabinet meeting, and whether it is only circulated to Cabinet attendees. The Leader responded that hard copy is provided to those who attend Cabinet meetings, and the report is available to other Councillors and the public, as soon as it is available, on the website.

Councillor Abbott made reference to the Cabinet meeting held on 1st September 2008, and Councillor Walter's response to the Essex Waste Strategy, and how he refused to record any alternative views submitted to him from other groups. It was questioned whether Councillor Walters was representing the residents in the south of the Braintree District with the prospect of a potential waste site and incinerator in their area, or representing his views as an Essex County Councillor. The Leader stated that the Portfolio Holder is reflecting the views and policies of Braintree District Council, and will continue to do so.

41 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: Councillor Mrs Sandbrook, the Council representative on the Braintree College Governing Body was pleased to make a statement on the proposed merger of Braintree College with Colchester Institute. A strategic options review had recommended a merger for the College as a best solution to move the College forward. Educational training would be extended, through support from the Learning Skills Council, and provide comprehensive support to students for employers and higher education. The process will mean the College is financially sound and run cost effectively, and will improve skills levels and ensure vocational learning courses. The merger is planned for 1st April 2009.

In response to a query, Councillor Mrs Sandbrook advised she was not aware of the College moving to a greenfield site, but would look into the claims.

As there were no items in private session, the Chairman closed the meeting.

The meeting commenced at 7.15pm and closed at 8.56pm.

Lady Newton
(Chairman)

