

# Minutes

## Council Meeting



9<sup>th</sup> June 2008

Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
J E Abbott	Yes	D Mann	Yes
M J Banthorpe	Yes	T McArdle	Yes
Miss L Barlow	Yes	N G McCrea	Apologies
J Baugh	Apologies	J McKee	Apologies
Mrs J C Beavis	Yes	H J Messenger	Apologies
D L Bebb	Yes	A M Meyer	Yes
E Bishop	Yes	R G S Mitchell	Yes
R J Bolton	Yes	Mrs J M Money	Yes
G Butland	Yes	Lady Newton (Chairman)	Yes
J C Collar	Yes	J P O'Reilly-Cicconi	Apologies
M Dunn (from 7.40pm)	Yes	Mrs R O'Shea	Apologies
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	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	W Rose	Yes
Ms L B Flint	Yes	Mrs C Sandbrook	Yes
T J W Foster	Yes	Mrs W D Scattergood	Yes
Mrs B A Gage	Yes	Mrs J W Schmitt	Yes
M G Gage	Yes	A F Shelton	Yes
Mrs M E Galione (Vice-Chairman)	Yes	Mrs L Shepherd	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	Yes
P J Hughes	Yes	S M Walsh	Apologies
D L Hume	Yes	R G Walters	Yes
M C M Lager	Yes	R N Wilkins	Yes
S J Lambourne	Yes	T S Wilkinson	Yes
E R Lynch	Yes	<i>Vacancy</i>	
M Lynch	Yes	<i>Vacancy</i>	

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, and the need for Members to use the microphones as the meeting was being webcast.

## 14 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the following issues:-

- (1) **Councillor Mrs R O'Shea.** The Chairman announced with sadness that Councillor Mrs O'Shea's husband had passed away suddenly on 7<sup>th</sup> June 2008. Condolences were extended to Councillor Mrs O'Shea and her family.
- (2) **Chairman's Charities.** The Chairman announced that her chosen charities for the forthcoming Civic Year would be:-

Braintree Rethink Carers Support Group  
Halstead Day Centre  
Home-Start

- (3) **List of Engagements.** Details of the engagements carried out by the Chairman and Vice- Chairman since the meeting held on 21<sup>st</sup> April 2008 were circulated.

## 15 **DECLARATIONS OF INTEREST**

The following interests were declared:-

- Councillor T J W Foster declared a personal interest in Agenda item 8(iv) – Minutes of Meetings in Public Session (Cabinet 2<sup>nd</sup> June 2008 - Second Runway at Stansted Airport) as his company had been contracted to undertake maintenance work at the airport.
- Councillor Miss M Thorogood declared a personal interest in Agenda item 5 – Question Time as she is a Tenant Member of Greenfields Community Housing Board.

Both Councillors remained in the meeting.

## 16 **MINUTES**

**DECISION:** That the minutes of the Annual General Meeting of the Council held on 21<sup>st</sup> April 2008 be approved as a correct record and signed by the Chairman.

## 17 **QUESTION TIME**

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

## 18 **POLICY RECOMMENDATIONS AND REFERENCES (PUBLIC SESSION)**

- (a) Licensing Committee 9<sup>th</sup> April 2008 – Dress Code for Hackney Carriage and Private Hire Drivers

In considering this matter, it was agreed that the success of the Dress Code should be reviewed by the Licensing Committee after a year.

**DECISION:** That the following Dress Code for hackney carriage and private hire drivers be adopted as guidance:-

‘Braintree District Council is committed to encouraging the professional image of the hackney carriage and private hire trade. The Council considers therefore, that drivers should conform to minimum standards of dress, as set out below, in order to raise and maintain the profile of the licensed trade.

The Council does not impose such standards by way of conditions to any licence. It is expected however that such standards will be maintained at all times.

All drivers are required to dress smartly and to maintain a clean and tidy appearance. Clothing should not be dirty, ripped, snagged or holed or contain words or graphics that are offensive or suggestive. The torso, the tops of arms and the top half of the legs should be covered.’

*ACTION POINT: Officers to present a report to the Licensing Committee on the success of the Dress Code one year after implementation.*

(b) Licensing Committee 9<sup>th</sup> April 2008 – Penalty Points Scheme for Hackney Carriage and Private Hire Drivers and Operators

**DECISION:** That

- (1) The Penalty Points Scheme, as outlined in the report attached to the Agenda, be endorsed for adoption by Officers as indicated in the report and the Head of Law and Governance authorised to make changes to the Constitution that are necessary, or consequent to give effect to this decision.
- (2) Any appeal against the issue of points be determined by a Panel comprising the Chairman of the Licensing Committee, the Licensing Officer and a representative from Law and Governance.
- (3) In the event of any omissions, new legislation, or additional conditions being introduced, the Licensing Officer in consultation with the Chairman of the Licensing Committee, be authorised to introduce such additional items to the existing list of offences.

(c) Cabinet 2<sup>nd</sup> June 2008 – Capital Programme Update

In discussing the Silver Street Pavilion, Silver End, Councillor Abbott suggested that the proposed expenditure on external lighting to the car park should instead be allocated to the provision of secure fencing to the adjacent allotment site. Councillor Lager, Cabinet Member for Efficiency and Resources, welcomed discussions with Councillor Abbott on this point.

**DECISION:**

- (1) That the requests for additional funding for Silver Street Pavilion, Silver End and car parking and roadway improvements at Spring Lodge, Witham be

approved and financed from the unused balance of capital resources (£91,000) and a revenue contribution (£157,410).

- (2) That the additional allocation of capital grant of £193,200, as notified by GO East, be added to the budget for Grants to Private Sector Housing.

*ACTION POINT: That further discussion takes place between Councillor Abbott, Councillor Lager and Officers regarding expenditure on external lighting and fencing at Silver Street Pavilion, Silver End.*

- (d) Cabinet 2<sup>nd</sup> June 2008 – Best Value Performance Plan 2007-2008

**DECISION:** That the Best Value Performance Plan 2007-2008 be endorsed and referred to the next meeting of the Performance and Efficiency Programme Board.

## 19 **STATEMENTS BY MEMBERS (PUBLIC SESSION)**

INFORMATION: There were no statements made.

## 20 **QUESTION TIME (PUBLIC SESSION)**

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

INFORMATION: The following statements were made: -

**Members' Seminar 7<sup>th</sup> June 2008 – The Frontline Councillor 'Bridging the Gap'.** Councillor Butland, the Leader of the Council, referred to the success of the Seminar held on 7<sup>th</sup> June 2008 and he thanked Members for attending. Councillor Butland stated that one of the main outcomes of the day had been the need for Members to have better access to information, but less paper. It was proposed therefore, that the Council's intranet should be made available for remote access and a Members' section developed. Councillor Butland stated that if there was to be greater investment in the use of information technology this must be for all Members and information would no longer be sent to them in a hard copy format. Councillor Butland stated that there would be a change to the way in which Council papers were produced. Cabinet reports would in future comprise an executive summary only setting out the key points, with additional information being made available electronically.

**Local Committees and Projects.** Councillor Butland stated that Local Committees would be subject to a review at the end of the year, but it was hoped that they would continue to grow from strength to strength. In order to improve information and to enable Members to have greater involvement, it was proposed that all Council projects would be presented to Local Committees at an early stage. This would start with immediate effect. It was hoped also to engage with Essex County Council and local County Councillors.

**Bramston and Rickstones Schools, Witham.** Councillor Butland was pleased to report that there would be significant investment in Witham following the decision of Essex County Council's Cabinet on 20<sup>th</sup> May 2008 to approve Bramston School and Rickstones School, Witham as academies. This meant that each School would receive

a Government grant of £22 million to improve facilities and buildings. In response to a question, Councillor Butland reported that options for the future of Bramston Swimming Pool would be considered in the light of this award and the Government's recent announcement regarding the provision of free swimming for certain people. It was hoped that an announcement on the preferred option would be made soon.

(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 asked why it had not been considered possible to report the draft **Waste Strategy** to the Local Committees when the consultation period had started on 18<sup>th</sup> February 2008 and had lasted for some months.

Councillor Walters, Cabinet Member for Environment and Sustainability, responded by stating that it had not been possible to submit the Strategy to all of the Local Committees due to the need to submit it to the Leadership Group also. However, he indicated that the matter had been debated fully by the Council and that his response to the consultation document had been in accordance with the Council's agreed policy. Councillor Walters stated that there had been ample opportunity for Members to make their views known.

Councillor Mitchell referred to a recent report regarding the collection of waste in Vancouver, Canada where one ton of buried municipal waste was considered to be equivalent in value to a barrel of oil and he asked whether the Cabinet Member agreed that the mining of **landfill** for its value was a good idea. Councillor Mitchell made reference also to the Chinese Government's decisions to close down the Country's largest plastic bag manufacturer and to ban retailers from giving away **plastic bags** and he asked whether this example should be followed.

Councillor Walters, Cabinet Member for Environment and Sustainability, responded by stating that the mining of landfill sites was not a new idea and that an American State already did this, using the energy generated to provide power. With regard to plastic bags, Councillor Walters referred to an initiative of George Yard Shopping Centre, Braintree to reduce the use of plastic bags and to the action being taken by local supermarkets to encourage people to use fewer plastic bags.

Councillor Dr Evans drew attention to the reference in the **Waste Strategy** to burning and he stated that a study had recently been launched by the East of England Regional Assembly on how it might be possible to recycle materials which were currently hard to recycle. Councillor Dr Evans asked whether the County's Waste Strategy had been adjusted away from the inclusion of burning in order to identify gaps in the County's recycling capacity.

Councillor Walters, Cabinet Member for Environment and Sustainability, stated that he was aware of this study. He indicated that ReMade Essex had also undertaken research in the past on the recycling of such materials, particularly hard plastics. Councillor Walters stated that Essex County Council was working in conjunction with District Councils to find a solution to this issue and that companies would be invited to submit proposals. As the cost of landfill increased, it was more likely that solutions would be found.

Councillor Everard referred to the discussions which were to take place regarding **Bramston Sports Centre** and he asked whether consideration would be given to keeping the current diving facilities.

Councillor Butland, the Leader of the Council, stated that there were significant cost implications regarding the Sports Centre, but that the views of local people would be sought at the appropriate time and the future of the diving pool would be taken into consideration.

Councillor E Lynch asked whether, in supporting proposals to burn up to a third of household waste, the administration had abandoned the aim of high levels of **recycling** previously agreed by the Council and he queried what the targets for the next four years would be.

Councillor Walters, Cabinet Member for Environment and Sustainability, stated that the Council supported proposals in the Waste Strategy and the PFI which indicated that as much as 21% of residual waste might be turned into solid recoverable fuel. He stated that this did not mean that this would be used to go into a burner that might be in Essex. Councillor Walters indicated that any company bidding for waste contracts could put forward an alternative solution, or the waste could end up being landfilled. It was expected that over the next few years kerbside recycling would be about 47%. This excluded anything taken to a recycling plant where other materials would be extracted from black bag waste.

Councillor Abbott asked why Councillor Walters continued to deny that the draft **Waste Strategy**, which the Council now supported, included waste incineration when an independent consultant's environmental report accompanying the Strategy stated that incineration was the chosen method for residual waste disposal. Councillor Abbott asked what reward was there for communities in the District which had worked with the Council to raise recycling levels to avoid the burning of waste, for the Council to now reverse its policy and appear to be supporting proposals for Rivenhall Airfield which included a 300,000 ton per annum waste incinerator.

Councillor Walters, Cabinet Member for Environment and Sustainability, questioned the assertion that Essex County Council and its partners were totally committed to the burning of waste. He stated that the PFI outline business case included a reference project which used an example of how residual material might be disposed of. Councillor Walters stated that alternative methods might be identified for the disposal of residual waste after all recycling methods had been used. Councillor Walters stated that nothing was certain and that the Council had not supported the submission of a planning application for Rivenhall Airfield for any form of burner, or any proposal for anaerobic digestion. He stated that the owner of the land could decide to submit an application, but this was no indication that the Council supported it.

Councillor Mrs Sandbrook indicated that the District's **Muslim Community** wished to connect with the Council and was seeking better facilities and she asked what could be done to support them.

Councillor Butland, the Leader of the Council, referred to a planning application submitted by the Muslim Community which had been considered by the former Braintree Area Committee. He indicated that the Muslim Community had to support itself in the provision of facilities and that the Council could not treat them any differently to any other faith or community group in the District.

Councillor Mitchell asked what percentage of the total **waste** would be subject to final treatment by way of incineration.

Councillor Walters, Cabinet Member for Environment and Sustainability, stated that total waste arisings in Essex and Southend-on-Sea were currently approximately 770,000 tons.

Councillor Abbott asked why, the day after Essex County Council agreed its PFI outline business case for submission to the Government, did Golder Associates submit a planning document which included a 300,000 ton per annum waste incinerator for Rivenhall Airfield which was designed to meet the new Essex County Council PFI outline business case and was fully compliant with County Council policies in the **Waste Strategy**. Councillor Abbott asked whether the intention of burning approximately 90,000 tons of treated waste from Basildon in an incinerator at Rivenhall Airfield fitted the clean and green agenda.

Councillor Walters, Cabinet Member for Environment and Sustainability, stated that Golder Associates had recognised a commercial opportunity for their own site and that this was up to them. He stated that the Essex and Southend-on-Sea Waste Plan had designated sites for major waste use and the owners of these sites would therefore put forward plans. However, this did not mean that the plans were part of any County contract.

(iii) **Chairmen's Statements**

INFORMATION: There were no statements were made.

(iv) **Minutes of Meetings in Public Session**

INFORMATION: Members were invited to raise any matters arising from the minutes of meetings held in public session that had been published since the Council Meeting held on 14<sup>th</sup> April 2008.

Councillor Harley, Cabinet Member for Enterprise, Culture and Leisure, drew attention to Minute 4 of the Cabinet meeting held on 2<sup>nd</sup> June 2008. This set out the Council's opposition to the application for a second runway at Stansted Airport on the grounds that it would have an adverse environmental impact; it would have implications for climate change; and it failed to address the infrastructure deficit to the east of the airport, including the completion of the A120 improvement between Braintree and Marks Tey, and the provision of high quality public transport links.

Councillor Harley, Cabinet Member for Enterprise, Culture and Leisure, drew attention to Minute 7 of the Cabinet meeting held on 2<sup>nd</sup> June 2008. This referred to an additional grant of £136,000 which had been received from the Government's Local Authority Business Growth Incentive Scheme. Of this grant, a sum of £45,000 would be allocated to the next Economic Development Strategy and the remaining £91,000 would be distributed to local projects following approval by PACT, the local strategic partnership.

Councillor Mitchell, Deputy Cabinet Member for Environment and Sustainability, referred to Minute 9 of the Cabinet meeting held on 2<sup>nd</sup> June 2008 regarding the capital programme. Councillor Mitchell welcomed the expenditure which had been approved for schemes in the Witham area.

21 **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 8.30pm.

Councillor Lady Newton  
(Chairman)

APPENDIX  
COUNCIL MEETING  
9<sup>TH</sup> JUNE 2008  
PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mrs Sheila Drury, 162 Coldnailhurst Avenue, Braintree  
Relating to Parking in Coldnailhurst Avenue, Braintree

Mrs Drury made the following prepared statement, which was read on her behalf by Miss Alison Webb, Member Resources Officer.

'How can I stop a person using my private dropped kerb to drive approximately 120-150 yards down to their property on the greensward and pavements and, at one point, 100% on the pavement to go round a tree, putting pedestrians lives at risk.

I have been to all these places to try to get this matter resolved:-

Braintree Police  
Braintree Council  
Greenfields Housing Association  
Essex County Council - Highways Department, Springfield  
Essex County Council – Globe House, Chelmsford  
Braintree Council - Planning Department

And nobody can give me an answer to these questions. I think this is bringing the estate into depreciation and also ruins the greensward. I also feel that the time has come to try and lift the profile of the area rather than letting it slide further downwards, as this is a well laid out and lovely green estate.'

*Councillor Butland, Leader of the Council, thanked Mrs Drury for her statement. Councillor Butland stated that this was a difficult issue on which there were varying views, but he hoped that it could be resolved. Councillor Butland indicated that various organisations had been working on the matter, but without success. He suggested that in order to resolve the matter the best way forward was for all agencies to work together and, if necessary, to use the SEAMS arbitration service.*