

COUNCIL

AGENDA



THIS MEETING IS OPEN TO THE PUBLIC

<http://www.braintree.gov.uk/Braintree/councildemocracy/committees/Council>

Please note that this meeting will be webcast

Date: Monday 14th December 2009

Time: 7.15 pm

Venue: Council Chamber, Causeway House, Bocking End, Braintree CM7 9HB

Membership:

| | | |
|---------------------------|--------------------------------------|---------------------------------|
| Councillor J E Abbott | Councillor Mrs B A Gage | Councillor Lady Newton |
| Councillor M J Banthorpe | Councillor M G Gage | Councillor J P O'Reilly-Cicconi |
| Councillor Miss L Barlow | Councillor Mrs M E Galione(Chairman) | Councillor Mrs J A Pell |
| Councillor J Baugh | Councillor J E B Gyford | Councillor R Ramage |
| Councillor Mrs J C Beavis | Councillor N R H O Harley | Councillor D M Reid |
| Councillor D L Bebb | Councillor Mrs S A Howell | Councillor D E A Rice |
| Councillor E Bishop | Councillor P J Hughes | Councillor Mrs C Sandbrook |
| Councillor R J Bolton | Councillor D L Hume | Councillor Mrs W D Scattergood |
| Councillor G Butland | Councillor M C M Lager | Councillor Mrs J W Schmitt |
| Councillor G Cohen | Councillor S J Lambourne | Councillor A F Shelton |
| Councillor J C Collar | Councillor E R Lynch | Councillor Mrs L Shepherd |
| Councillor M Dunn | Councillor M Lynch | Councillor C Siddall |
| Councillor Mrs E Edey | Councillor D Mann | Councillor Mrs J A Smith |
| Councillor J G J Elliott | Councillor T McArdle | Councillor Mrs G A Spray |
| Councillor R Elliston | Councillor N G McCrea | Councillor F Swallow |
| Councillor Dr R L Evans | Councillor J McKee | Councillor Miss M Thorogood |
| Councillor A V E Everard | Councillor H J Messenger | Councillor S M Walsh |
| Councillor J H G Finbow | Councillor A M Meyer | Councillor R G Walters |
| Councillor Ms L B Flint | Councillor R G S Mitchell | Councillor R N Wilkins |
| Councillor T J W Foster | Councillor Mrs J M Money | Councillor T S Wilkinson |

QUESTION TIME

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak about Council business or other matters of local concern. During this period Councillors who have declared a personal and prejudicial interest in any item of business on the agenda may also speak as permitted by the Council's Code of Conduct for members. Whilst members of the public can remain to observe the whole of the public part of the meeting, Councillors with a prejudicial interest must withdraw whilst the item of business in question is being considered. Members of the public wishing to speak should contact the Council's People and Democracy Section on 01376 551414 or e-mail eileen.self@braintree.gov.uk prior to the meeting. The Council's "Question Time" leaflet explains

the procedure and copies of this may be obtained at the Council's offices at Braintree, Witham (library) and Halstead.

- ❖ At the commencement of the meeting the Chairman will present the winners of the Birthday Card competition held among local senior schools, with their prize.

Members of the Council are requested to attend the above meeting to transact the following business: -

PUBLIC SESSION

1. **Apologies for Absence**
2. **To receive any announcements/statements from the Chairman of the Council.**
3. **Declarations of Interest.**
 - (a) To declare the existence and nature of any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 (inclusive) of the Code of Conduct for Members in Part 5 of the Constitution and having taken appropriate advice (where necessary) before the meeting.
 - (b) Any member with a personal and prejudicial interest to indicate whether he/she intends to make representations in accordance with paragraph 12 (2) of the Code of Conduct as part of Question Time
4. **Minutes.** To approve as a correct record the minutes of the Council meeting held on 26th October 2009. (Copy previously circulated)
5. **Question Time.** (See above paragraph)
6. **Review of the East of England Plan to 2031.** To approve the Council's response to the consultation process. Report attached – Page 1
7. To consider a **Notice of Motion** as follows:-

'10:10 is an ambitious project to unite every sector of British society behind one simple idea: that by working together we can achieve a 10% cut in the UK's carbon emissions in 2010.

www.1010uk.org/

This Council notes that:

1. Climate change predictions show that without severe cuts in greenhouse gas emissions, the world will be hit by drought, flooding and famine affecting all of us and poorest countries in particular. Some of these countries are already suffering from the effects of climate change. This is an issue of social justice as well as a call to take environmental action.
2. Under the UK Climate Change Act 2008 the UK is due to cut its emissions by 34% by 2020, and according to climate change scientists, a cut of 10% in 2010 is in line with what is now needed to avert runaway climate change.

3. The United Nations Framework Convention on Climate Change meets in Copenhagen from 7th to 18th December of this year, and may be the world's last chance to negotiate a deal that will avert the worst consequences of climate change.
4. To ensure a breakthrough at the critical Copenhagen conference government ministers need to know that there is support for more dramatic cuts in emissions than have hitherto been proposed.
5. Ten Councils were among those who signed up to the launch of the "10:10 Campaign", which seeks to persuade individuals, businesses, organisations and the UK government to reduce their CO2 emissions by 10% in 2010. Many more have signed up since.

This Council supports the aims and ambitions of the 10:10 Campaign.

This Council therefore resolves to write to the 10:10 Campaign to confirm its support.'

Appropriate notice of the motion has been given to the Chief Executive under Rule 11 of Part 4 of the Constitution and the motion has been signed by Councillor J E Abbott, and supported by Councillors E Bishop, Dr R L Evans, P J Hughes, E R Lynch and D Mann

Please note that under Rule 11.3(b) if signed by at least six Members of the Council the motion shall be dealt with at the meeting.

8. **Policy Recommendations and References.**

To consider any policy recommendations or references which have arisen since the last Council meeting.

Cabinet – 7th December 2009. Extract from minutes to follow

- (i) Mayland House, Witham. Report attached (Page 15)
- (ii) Delivering the Medium Term Financial Strategy. Report previously circulated – *please bring your papers to this meeting.*
- (iii) Reference from the Licensing Committee 7th October 2009 (This item was deferred at Council on 26th October 2009 to allow all Council members to see the report)
 - Gambling Act 2005 – Revised Statement of Licensing Policy.
Extract from the minutes of Licensing Committee attached (Page 27)
Report sent separately to all Councillors.
- (iv) Reference from the Overview and Scrutiny Committee 28th October 2009
 - Scrutinising LAA Improvement Targets – Local Authorities (Overview and Scrutiny Committees). Minute extract (Page 28)

9. **Statements by Members.**

To receive any statements by Members of which the appropriate written notice has been given to the Chief Executive in accordance with Council Procedure Rule 18.4(a). -
- *There are none.*

The Chairman will invite the Leader or relevant Cabinet Member to comment on each statement.

(Please note that the maximum time set aside for item 9 shall not exceed 30 minutes)

10. **Questions by Members**

(i) **Reports from the Leader and Cabinet Members.** To receive reports from Portfolio Holders.

- Councillor Butland, Leader of the Council (Page 29)
- Councillor Mrs Schmitt, Communities (Page 31)
- Councillor Walters, Environment and Sustainability (Page 33)
- Councillor Harley, Enterprise and Culture (Page 37)
- Councillor Mrs Beavis, Customers and Communication (Page 39)
- Councillor Lager, Efficiency and Resources (Page 42)
- Councillor Lady Newton, Housing and Well-Being (Page 44)

Under this item, Members may also ask questions without notice to the Leader or any Member of the Cabinet on any non-operational matter in which the Council has powers or duties or which affects the district or its inhabitants. (Procedure rules 18.2 and 18.8 apply)

(Please note that the time set aside for this item shall not exceed 30 minutes)

(ii) **Chairmen's Reports.** To receive reports from those Chairmen who have given prior notification in accordance with Council Procedure Rule 18.7 and to respond to questions on such reports. *None have been received.*

(iii) To raise any matters arising from published **minutes of meetings that have been held in public session** since the last Council meeting on 26th October 2009. (Paper attached – Page 46)

11. To receive reports about and receive questions and answers on the **business of external organisations.**

Exclusion of Public and Press: - To give consideration to adopting the following Resolution: -

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12(A) of the Act.

12. **Statements by Members – Private Session**

To receive and give responses to statements by Members which contain confidential or exempt information of which the appropriate written notice has been given to the Chief Executive in accordance with Council Procedure Rule 18.4(a). The Chairman will invite the Leader or relevant Cabinet Member to comment on each statement.

There are no statements

(Please note that the maximum time set aside for item 12 shall not exceed 30 minutes)

13. **Question Time - Private Session**

- (i) **Leader's Statement** or statement by Cabinet Members containing exempt information on a key issue.
- (ii) **Oral questions** without notice to the Leader on any non-operational matter in which the Council has powers or duties or which affects the district or its inhabitants and which contain exempt information. (Procedure rules 18.2 and 18.8 apply) [*The Leader may respond directly, request another Cabinet Member to respond, provide a written response after the meeting or, if the question relates to an operational matter, request that the appropriate officer deals with the issue outside the Council meeting*]

(Please note that the time set aside for item 13 (ii) shall not exceed 30 minutes)

- (iii) **Chairmen's Statements.** To receive statements containing exempt information from those Chairmen who have given prior notification in accordance with Council Procedure Rule 18.7 and to respond to questions on such statements - *There are none.*
- (iv) To raise any matters arising from published **minutes of meetings that have been held in private session** since the last Council meeting on 26th October 2009.

14. **Private Session Policy Recommendations.** To consider any policy recommendations (in private session) which have arisen since the last Council meeting.
There are none.

If you are unable to attend the meeting please forward your apologies for absence to Eileen Self on (01376) 551414 or email eileen.self@braintree.gov.uk The last page of this agenda is numbered 46.

A J REID
Chief Executive

Health and Safety

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by the fire evacuation officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building. Any persons unable to use the stairs will be assisted to the nearest safe refuge.

Mobile Phones

Please ensure that your mobile phone is switched to silent or is switched off during the meeting.

Agendas, reports and minutes for all the Council's public meetings can be accessed via the internet at <http://www.braintree.gov.uk/Braintree/councildemocracy>

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended

Date of Meeting

Comments.....

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Contact details.....