

Minutes



Council Meeting

17th February 2014

These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available for 6 months at www.braintree.gov.uk.

Present:

Councillors	Present	Councillors	Present
Councillor J E Abbott	Yes	Councillor D Mann	Yes
Councillor J S Allen	Yes	Councillor J T McKee	Yes
Councillor M J Banthorpe	Yes	Councillor R G S Mitchell	Apologies
Councillor P R Barlow	Yes	Councillor J M Money	Yes
Councillor J Baugh	Yes	Councillor Lady P Newton	Yes
Councillor J C Beavis	Yes	Councillor J O'Reilly-Cicconi	Yes
Councillor D L Bebb	Apologies	Councillor I C F Parker	Yes
Councillor E Bishop	Yes	Councillor J A Pell	Yes
Councillor R J Bolton	Apologies	Councillor R P Ramage	Apologies
Councillor L B Bowers – Flint	Yes	Councillor D M Reid	Yes
Councillor G Butland	Yes	Councillor F Ricci	Yes
Councillor C A Cadman	Yes	Councillor D E A Rice	Apologies
Councillor S Canning	Yes	Councillor W J Rose	Yes
Councillor T G Cunningham	Yes	Councillor V Santomauro	No
Councillor J G J Elliott	Yes	Councillor W D Scattergood (Chairman)	Yes
Councillor Dr R L Evans	Yes	Councillor W Schmitt	Yes
Councillor A V E Everard	Yes	Councillor A F Shelton	Yes
Councillor J H G Finbow	Yes	Councillor L Shepherd	Yes
Councillor M J Fincken	Yes	Councillor C E Shute	Yes
Councillor T J W Foster	Yes	Councillor C Siddall	Yes
Councillor M E Galione	Yes	Councillor G A Spray	Yes
Councillor C Gibson	Apologies	Councillor J S Sutton	Yes
Councillor M Green	Yes	Councillor J R Swift	Apologies
Councillor P Horner	Yes	Councillor P Tattersley	Yes
Councillor S A Howell	Yes	Councillor C M Thompson	Yes
Councillor H D Johnson	Yes	Councillor M Thorogood	Yes
Councillor S C Kirby	Yes	Councillor L S Walters	Yes
Councillor M C M Lager	Yes	Councillor R G Walters	Apologies
Councillor C Louis	No	Councillor S A Wilson (Vice- Chairman)	Apologies
Councillor D J Louis	No	Councillor B Wright	Yes

64. **CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS**

The Chairman's announcements covered the following:

- the passing away of former Councillor and Past Chairman of the Council, Allan Millam. A minute's silence was held in memory of former Councillor Millam along with tributes from Members;
- persons in the district receiving honours in the New Year's Honours List;
- presentation of Certificates to schools and staff at the Essex Boys and Girls Clubs, Braintree Respect Presentation;
- attending the Jack Petchey Braintree Schools Achievement Awards;
- attending the Essex Wing Air Training Corps Presentation Evening.

65. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor Barlow declared a non-pecuniary interest in Agenda item 10, Reports from the Leader and Cabinet Members, Report from Councillor Bebb, Cabinet Member, Performance and Efficiency, as an elected member of the Co-operative Group Regional Board Area Committee and a bank account holder at the Co-operative Bank in relation to a question he asked on the report;
- Councillor Baugh declared a Non Pecuniary Interest in Agenda item 8, Council Budget and Council Tax 2014-15 and Medium-Term Financial Strategy 2014-15 to 2017-18 as a Director of the Braintree District Museum Trust;
- Councillors Finbow and Howell declared Non Pecuniary Interests in Agenda item 8, Council Budget and Council Tax 2014-15 and Medium-Term Financial Strategy 2014-15 to 2017-18 as Blue Badge holders;
- Councillor McKee declared Non Pecuniary Interests in Agenda item 8, Council Budget and Council Tax 2014-15 and Medium-Term Financial Strategy 2014-15 to 2017-18 as a Trustee Director of the Braintree District Museum Trust and as a Director of Ignite;
- Councillor Siddall declared Non Pecuniary Interests in Agenda item 8, Council Budget and Council Tax 2014-15 and Medium-Term Financial Strategy 2014-15 to 2017-18 as a Board Member of the Braintree District Museum Trust and as a Board Member of Ignite, and as the Council's representative on both organisations;
- Councillor Thompson declared a Non Pecuniary Interest in Agenda item 8, Council Budget and Council Tax 2014-15 and Medium-Term Financial Strategy 2014-15 to 2017-18 as an allotment holder in Witham.

In accordance with the Code of Conduct, Members remained in the meeting for this item and took part in the debate and decision thereon.

66. **MINUTES**

DECISION: That the Minutes of the meeting of the Council held on 16th December 2013, be approved as a correct record and signed by the Chairman.

67. **QUESTION TIME**

INFORMATION: One statement was made, details of which are listed in the Appendix to these Minutes.

68. **SUBMITTED MOTION – GOVERNMENT’S EFFORTS TO ENCOURAGE PEOPLE TO SHOP LOCALLY AND TO ASSIST SMALL BUSINESSES IN THEIR COMMUNITIES**

INFORMATION: Councillor Canning moved the motion as stated in the Agenda regarding the Government’s efforts to encourage people to shop locally and to assist small businesses in their communities. The motion was seconded by Councillor Beavis.

Members debated the motion with statements made both for and against the motion. The debate can be viewed at: <http://www.braintree.public-i.tv/core/>

On being put to the vote, the motion was declared CARRIED.

DECISION: “This Council commends the Prime Minister’s efforts to encourage people to shop locally and assist small businesses in their communities including his support of the recent Small Business Saturday campaign, doubling of rate relief and helping firms to access finance. It recognises that this fits in strongly with the work the Council has done to rejuvenate its high streets and encourage growth in its small businesses. This Council resolves to continue to back local businesses in the Braintree District by ensuring the area remains a competitive and inviting place to start a business and calls on the Government to continue with policies that support small business”.

69. **SUBMITTED MOTION - REAFFIRMING THE COUNCIL’S SUPPORT AND PROMOTION OF POLICIES HELPING THE ECONOMY OF BRAINTREE DISTRICT**

INFORMATION: Councillor Cunningham moved the motion as stated in the Agenda regarding the Council’s support and promotion of policies helping the economy of the district. The motion was seconded by Councillor Rose.

Members debated the motion with statements made both for and against the motion. The debate can be viewed at: <http://www.braintree.public-i.tv/core/>

On being put to the vote, the motion was declared CARRIED.

DECISION: “This Council reaffirms its support and promotes policies that are helping the economy of the Braintree District to grow and giving its residents real opportunity, greater prosperity and leading to stronger communities across the whole District:

- fixing the tax and benefit system - by cutting income tax and capping welfare - rewarding work and locally cutting Braintree District Council Tax by 1%,
- backing people who want to start their first business by cutting national insurance by £2,000, and locally through the Braintree ‘Pop Up’ shop,

- supporting people who want to own their first home through the Help to Buy scheme and the Local Authority Mortgage Scheme of which Braintree District supported by Essex County Council have been the first authority in Essex to implement,
- offering apprentices opportunity within Braintree District Council and acknowledging the importance of apprentices in organizations across the District”.

70. **COUNCIL BUDGET AND COUNCIL TAX FOR 2014-15 AND MEDIUM-TERM FINANCIAL STRATEGY 2014-15 TO 2017-18**

INFORMATION: Councillor Butland, Leader of the Council, introduced the report. Councillor Butland moved the recommendations in the report which were seconded by Councillor McKee.

Councillor Barlow moved the following amendment which was seconded by Councillor Dr Evans:

“The 1% cut in Council Tax proposed in the budget will result in a Band D saving per household of 3p per week whereas the above-inflation increase in car park charges will cost residents over 6 times as much if they make only one trip into a Council car park in a week. In addition the work in revitalising our Town Centres will be compromised by increased parking charges, as evidenced by the Portas findings and the District’s retailers. The Labour Group therefore propose that the increases in base tariff [of 20p for up to one hour and 30p for 1 to 3 hours] for the Council’s car parks be cancelled and the estimated income likely to be foregone be offset by cancelling the proposed 1% cut in Council Tax and freezing it at the current level.”

On being put to the vote, the proposed amendment was declared LOST.

Councillor Barlow then moved a second amendment which was seconded by Councillor Dr Evans as follows:

“Mindful of residents’ and media concern and resistance to the proposal to charge blue badge holders to park in the Council’s car parks, it seems clear that the Council’s review of these charges, and the consultation with the Access Group on their introduction, did not properly reflect public opinion in the District. The Labour Group therefore propose that the introduction of charges for blue badge holders be delayed until a more meaningful survey is taken of public views, including the effect of the proposed concession that the Cabinet had indicated would be considered, with the estimated income likely to be foregone in the financial year to be offset by drawing the sum from balances.”

On being put to the vote, the proposed amendment was declared LOST.

Councillor Barlow then spoke on the item as Leader of the Main Opposition for the Labour Group. Members raised the position of the Braintree Lawn Tennis Club and the Witham River Walk in respect of the report. The Leader agreed to give both points further consideration. Several members also spoke on the item and the debate can be viewed on the Council’s website at: <http://www.braintree.public-i.tv/core/>.

Councillor Butland requested that the vote on the recommendations on the Council Budget Council Budget and Council Tax for 2014-15 and Medium-Term Financial Strategy 2014-15 To 2017-18 be recorded. This was seconded by Councillors McKee and Siddall.

The results of the recorded vote were as follows:

For the Motion

Councillors: Allen, Banthorpe, Baugh, Beavis, Bowers-Flint, Butland, Cadman, Canning, Cunningham, Elliott, Finbow, Foster, Galione, Horner, Howell, Johnson, Kirby, Lager, McKee, Money, Lady Newton, O'Reilly-Cicconi, Parker, Pell, Reid, Ricci, Rose, Scattergood, Schmitt, Shelton, Shepherd, Siddall, Spray, Sutton, Tattersley, Thompson, L Walters (37).

Against the Motion

Councillors: Barlow, Bishop, Dr Evans, Everard, Fincken, Green, Mann, Shute, Thorogood (9).

Abstained

Councillors: Abbott, Wright (2).

Absent

Councillors: Bebb, Bolton, Gibson, C Louis, D Louis, Mitchell, Ramage, Rice, Santomauro, Swift, R Walters, Wilson (12).

The original motion was declared CARRIED.

DECISION: That the following be approved:

1. The budget variations to the current base budget as detailed in Section 4 of the report;
2. The savings as detailed in Appendix B (updated version attached to the report);
3. The Priority Areas Investment bids, ongoing and for one-off expenditure, detailed in Appendix A;
4. The New Burdens Grant of £87,076 to be received in 2014/15 be held in an earmarked reserve, to be utilised in respect of the Local Council Tax Support scheme as authorised by the Cabinet Member for Planning and Property;
5. The Council Tax Freeze grant receivable from the Government in 2014/15 be accepted;
6. The Council's discretionary fees and charges for 2014/15 as detailed in Appendix C;
7. The Council's housing rents and service charges are increased by 3.7% for 2014/15, as detailed in Appendix C;
8. That delegated authority is given to the appropriate Cabinet Member to agree variations to Trade Waste, Town Hall Centre, Building Control and Car Parking fees and charges for commercial purposes;

9. The Council agrees to take on ownership of the former DC Leisure Pension Fund liabilities and assets, providing an estimated net additional deficit of £365,000;
10. Discretionary council tax discounts and exemptions for 2014/15 of:
 - Discount applicable to empty dwellings undergoing major repairs is set at 0% for the twelve month period;
 - Discount applicable to vacant dwellings is set at 0% for the six month period;
 - Discount applicable to second homes is set at 0%;
 - Empty Homes Premium charged on dwellings vacant for over two- years be set at 0%;
11. The Council's Pay Policy for 2014/15 as detailed in Appendix F;
12. An allocation of £485,518 from the General Fund unallocated balance in 2014/15 (updated as set out in Appendix 2 of the report);
13. The New Homes Bonus allocation for year 4 is added to the New Homes Bonus earmarked reserve;
14. Transfers between earmarked reserves and back to the Unallocated Balance in 2013/14 and estimated drawdown from earmarked reserves for 2014/15 as detailed in Appendix J;

Capital

15. The General Fund Capital bids for 2014/15 listed in Appendix L;

Treasury Managements

16. The Prudential Indicators and limits set out in Appendix N;
17. The Policy on Minimum Revenue Provision as recommended in Appendix N;
18. The Treasury Management Strategy, including annual investment strategy, for 2014/15 (Appendix N);

Council Tax

19. The proposed estimates (producing a budget requirement for council tax purposes of £14,714,468) as detailed in Appendix G (updated version attached) and the Council Tax for 2014/15 of £159.57 for a Band D property, having taking into consideration (updated see Appendix 2):
 - The consultation feedback received;
 - The assessment of risks in the budget assumptions;
 - The Equalities Impact Assessments and

- The Section 151 Officer's report on the robustness of the estimates and the adequacy of balances (Appendix P to the report).

REASON FOR DECISION: To determine the budget and council tax level proposals for 2014/15 in accordance with the Budget and Policy Framework Procedure Rules contained in the Constitution.

71. **COUNCIL TAX RESOLUTION 2014/15**

INFORMATION: As information had not been received from a major precepting authority, the Police and Crime Commissioner, Councillor Butland, Leader of the Council, moved an amendment to establish a Council Tax Committee setting out the Terms of Reference and membership of the Committee. The motion was seconded by Councillor McKee, Deputy Cabinet Member, Performance and Efficiency.

A vote on the proposed amendment was taken which was declared CARRIED and became the substantive motion. A vote on the substantive motion was also declared CARRIED.

DECISION:

1. That the Council Tax Requirement and level of Council Tax for 2014/15, in accordance with the information attached to the report be noted.
2. That Council sets up the Council Tax Committee with the following Terms of Reference:
 - a. To exercise the Council's functions, powers and duties relating to the formal acceptance of council tax precepts from precepting authorities and the setting of the overall Council Tax for the year; in accordance with Chapter 3 of the Local Government Finance Act 1992.
 - b. To take such ancillary matters as necessary for the purposes of a above.
 - c. The Committee shall comprise of five (5) Members of the Council.
3. The Council delegates the determination of the level of Council Tax for the year 2014/15 to the Council Tax Committee; for the avoidance of doubt the Committee shall have no power to amend the budget of Braintree District Council.
4. To follow political proportionality (4 Conservative and 1 Labour) and to appoint the following Members to the Committee for the remainder of the municipal year :
 - a. Councillor Barlow
 - b. Councillor Butland
 - c. Councillor McKee
 - d. Councillor Lady Newton
 - e. Councillor Siddall

5. The meeting of the Council Tax Committee will be held on Tuesday 25th February 2014 at 6pm in Committee Room at Causeway House, Braintree.

REASON FOR DECISION: To establish a Council Tax Committee to enable the Council to determine the level of Council Tax for the year 2014/15.

72. REPORTS FROM THE LEADER AND CABINET MEMBERS

INFORMATION: Consideration was given to the reports of the Leader and Cabinet Members.

Councillor Beavis, Cabinet Member, People and Participation, added to her report that fitness participation in the district had increased by 26% and that 3,000 young children per week in the district are now participating in swimming lessons.

Councillor McKee, Deputy Cabinet Member, Performance and Efficiency, added to the Portfolio report that there is significant interest in the district in the Local Authority Mortgage Scheme (LAMS) and that the lower rate of Council Tax collection had been influenced by some Council Tax payers opting to take the new option of making monthly payments over 12 months rather than the previous option of over 10 months only.

Councillor McKee reported also that on 30th January 2014 the Council, together with over 80 other local authorities, sold its claims against the insolvent estate of Landsbanki Islands. The claims had been sold through a competitive auction process. The price at which the claims were sold was based on a reserve price set by the Council on the basis of legal advice received from Bevan Brittan and financial advice procured by the Local Government Association and the Council's own analysis of the financial position. The proceeds of the sale were paid in cash in pounds sterling on 4th February 2014.

The sale means that the Council has recovered £2.869million (or 95.65%) of the £3million that it originally deposited with Landsbanki in 2007 and 2008. Councillor McKee said he was pleased to see that the Council had recovered a very large portion of its Landsbanki deposits. The sale of the Council's claims means that it has realised its funds earlier and eliminated the risk and uncertainty regarding future distributions and foreign exchange rates.

Councillor McKee added that this left two outstanding issues for the Council:

- The Council is expecting further distributions in respect of its £1million deposit with Kaupthing Singer and Friedlander. To date the Council has received £838,500; and
- part of the repayment of the Council's £1million deposit with Glitnir was made in Icelandic Krona which is being held in Iceland due to currency controls in that country. The Local Government Association is working on the Council's and other local authorities' behalf to have these funds repatriated at the earliest opportunity. To date the Council has received £836,500 in pounds sterling. The approximate value of the monies held in Iceland is £213,000.

The total amount recovered to-date is £4.545million with approximately £213,000 currently held in Icelandic Krona in Iceland.

Councillor Schmitt, Cabinet Member, Place, added to her report that as part of the Council's Climate Change agenda, Council Officers had participated in actions with the Green Travel Plan and had this year received a Gold Award. Funds will now be received from Essex County Council which will be used to provide a cycle shed at the Council's facilities at Unit 4, Lakes Road, Braintree.

Councillor Siddall, Cabinet Member, Prosperity and Growth, added to his report by outlining a project known as "Business in a Box" which aims to improve the employability and communication skills of young people and which the Council is sponsoring at Braintree College. Councillor Siddall agreed to provide Members with a link to a website providing more details on the project.

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: <http://www.braintree.public-i.tv/core/>

The main topics covered were as follows:

- Policing in the district, reduced fear of crime, and the proposed increase in the Essex Police precept by the Police and Crime Commissioner for Essex and policing outcomes;
- Essex Fire and Rescue Service plans for their Headquarters located in the district;
- Member Development induction in 2015-16;
- Halstead Leisure Centre facilities;
- Visits by Fusion Leisure to Parish Councils;
- Public awareness of improvements to the A120 at Galleys Corner, Braintree by the Highways Agency;
- Update on possible improvements to the A120/A133 Marks Farm Roundabout, Braintree;
- No timetable or route options for road improvements from the M11 to the Eastern ports;
- Next steps in the Essex Minerals Plan and maintaining the Council's position on the Plan and coordination with Parish Councils;
- The roll-out of Superfast Broadband in the district;
- Braintree District Council's views on plans by Essex County Council to reduce the opening hours of recycling centres and likely consultation response;
- Decision of the Planning Inspectorate in respect of a planning appeal by Morrison's Supermarket, Witham;
- A Civic event held by the Chairman for rural businesses in the district;

- Helping young people who are Not in Education, Employment or Training in the district including through a recent jobs fair held at the Town Hall Centre , Braintree, sponsored by the Council and working with Jobcentre Plus.

The following actions were agreed in response to questions raised by Members:

- Councillor McKee, Deputy Cabinet Member, Performance and Efficiency, agreed to look into first time buyers in Witham being directed to a mortgage scheme available through a housing developer when buying a new home in Witham and whether the Council's LAMS may be a better option for those buyers if Councillor Rose forwarded the details to him;
- in response to a question from Councillor Elliott, Councillor Lady Newton, Cabinet Member, Planning and Property, agreed to write to the Highways Agency and Essex County Council seeking safety improvements to the Rivenhall End - A12 junction.
- Councillor Schmitt, Cabinet Member, Place, agreed to provide Councillor Dr Evans with details on tackling dog faeces "Grot Spots" in the district and taking forward the prosecution of offending dog owners;
- Councillor Schmitt, Cabinet Member, Place, agreed to provide Councillor Lager with details on the provision of information to holiday accommodation in the district on recycling arrangements.

73. **ORAL QUESTIONS FROM COUNCILLORS - PUBLIC SESSION**

INFORMATION: In response to a question from Councillor Dr Evans, it was agreed to provide him with information on the reasons behind the drop in the position of Braintree district in the Halifax Quality of Life Survey.

Other subjects covered included:

- Monitoring the issue of recycling sacks in the district, particularly in the Witham area;
- Further discussion on the decision of the Planning Inspectorate in respect of a planning appeal by Morrison's Supermarket, Witham.

74. **MINUTES OF MEETINGS - PUBLIC SESSION**

INFORMATION: No matters were raised.

75. **CHAIRMAN'S STATEMENT – PUBLIC SESSION – CHAIRMAN OF THE MI COMMUNITY SCHEME UPDATE ON THE MI COMMUNITY SCHEME**

INFORMATION: Councillor Spray, Chairman of the Mi Community Scheme presented her report providing an update on the scheme. Councillor Spray advised members that reference to the Glebe Community Hall should be amended to Braintree not Witham. Members asked some questions on the awards to community groups.

DECISION: That the update report on the Mi Community Scheme be noted.

REASON FOR THE DECISION: To inform Members of the outcomes of the Mi Community Scheme.

76. **STATEMENTS BY MEMBERS - PUBLIC SESSION**

INFORMATION: No statements were made.

77. **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: There were no reports received from Council representatives on external organisations, or issues raised.

There were no matters raised in Private Session.

The meeting commenced at 7.15pm and closed at 10.12pm.

W D Scattergood
(Chairman)

Council 17th February, 2014, Questions Asked/Statements Made

Speaker	Subject
Graham Hutton Vice-Chairman of Braintree District Access Group.	Requesting reconsideration of proposals in agenda item 8, Council Budget and Council Tax 2014-15 and Medium-Term Financial Strategy 2014-15 to 2017-18 to charge blue holders for parking in council car parks