

# Minutes

## Council Meeting



### 17<sup>th</sup> October 2016

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 J McKee	Yes
Councillor Mrs J Allen	Yes	Councillor R Mitchell	Yes
Councillor M Banthorpe	Yes	Councillor Mrs J Money	Yes
Councillor J Baugh	Yes	Councillor Lady Newton	Yes
Councillor Mrs J Beavis	Apologies	Councillor J O'Reilly-Cicconi	Apologies
Councillor D Bebb	Yes	Councillor Mrs I Parker	Yes
Councillor K Bowers	Yes	Councillor Mrs S Paul	Apologies
Councillor Mrs L Bowers-Flint	Yes	Councillor Mrs J Pell	Yes
Councillor G Butland	Yes	Councillor R Ramage	Yes
Councillor S Canning	Yes	Councillor F Ricci (Chairman)	Yes
Councillor J Cunningham	Yes	Councillor B Rose	Apologies
Councillor Mrs M Cunningham	Yes	Councillor Miss V Santomauro	No
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor M Dunn	Yes	Councillor Mrs W Schmitt	Yes
Councillor J Elliott	Apologies	Councillor P Schwier	Yes
Councillor J Goodman	Yes	Councillor C Siddall	Apologies
Councillor A Hensman	Yes	Councillor Mrs G Spray	Yes
Councillor P Horner	Yes	Councillor P Tattersley	Yes
Councillor D Hufton-Rees	Yes	Councillor Miss M Thorogood	Yes
Councillor D Hume	Yes	Councillor R van Dulken	Yes
Councillor H Johnson	Yes	Councillor Mrs L Walters	Yes
Councillor Mrs A Kilmartin	Yes	Councillor Mrs S Wilson	Yes
Councillor S Kirby (Vice-Chairman)	Yes	Vacancy	
Councillor G Maclure	Yes	Vacancy	
Councillor D Mann	Yes		

## 52 **CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS**

The Chairman's announcements covered the following:

On Wednesday 7<sup>th</sup> September 2016, The Chairman's Charity Golf Day was held at Gosfield Lake Golf Club. The Chairman had participated as a member of the Chairman's Team and a total of £1,858 was raised and would be added to the charity funds.

The Chairman was pleased to announce that Witham Town Council had won The Essex Association of Local Councils, Council of the Year Award. The Chairman, on behalf of Braintree District Council, had written to Witham Town Council to offer congratulations to everyone involved.

On Thursday 13<sup>th</sup> October 2016 the Chairman attended the Essex Playing Field Awards held at the Essex County Cricket Ground and was pleased to announce that the Council had won a total of 21 awards. To celebrate this achievement and to recognise the hard work of the staff involved a formal presentation would be made at the next meeting of Full Council.

The Chairman reminded Members for those who had received invitations to Remembrance Services that if they had not already confirmed their attendance, could they please do so by notifying the Civic Office in order to confirm numbers to the Royal British Legion.

The Leader did not have any announcements to make.

Following his announcements the Chairman made a presentation to former Councillor Robert Bolton who had resigned from the Council in September 2016. Mr Bolton had served as a Braintree District Councillor for 25 years. Councillors Butland, Mann, Mrs Pell, Abbott and Mrs Bowers-Flint paid tribute to their former colleague. All Members joined the Chairman in thanking Mr Bolton for his service and wished him well for the future.

## 53 **DECLARATIONS OF INTEREST**

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

Councillor Mrs J Pell declared a non-pecuniary interest in Agenda Item 6 'Presentation of the Anglia in Bloom Award' as Chairman of the Friends of Halstead Public Gardens.

In accordance with the Code of Conduct, Members remained in the meeting and took part in the debate and decision when the Item was considered.

## 54 **MINUTES**

**INFORMATION:** That the Minutes of the meeting of Council held on 5th September 2016 be approved as a correct record and signed by the Chairman.

55 **QUESTION TIME**

**INFORMATION:** There was one statement made. Details of the person who spoke at the meeting are contained in the Appendix to these Minutes.

56 **PRESENTATION OF THE ANGLIA IN BLOOM AWARD**

**INFORMATION:** The Chairman was pleased to announce that Halstead had been awarded with the Anglia in Bloom Award. The Chairman invited Councillor Mrs Schmitt, Cabinet Member for Environment and Place, along with officers Nick Day, Rodger Grace, Peter Nice, Spencer Wilkin and Kylie Bowler to present the award. Councillor Mrs Schmitt expressed congratulations to the team and all those involved in achieving the high standards recognised by this award.

Councillor Mrs Pell conveyed her gratitude to the team for their continuous hard work and commitment in delivering a high quality service.

57 **DATES FOR MEETINGS OF FULL COUNCIL FOR CIVIC YEARS 2017-18 AND 2018-19**

**INFORMATION:** The Constitution (Council Procedure Rules 1.1, 1.3.6 and 2.1) reserves the setting of the dates of the ordinary meetings of Full Council to the Annual General Meeting (AGM).

Agreeing the dates in advance would enable the Council to give greater notice of the dates of ordinary meetings of Full Council and AGMs, which were often referred to by other Authorities including Town and Parish Councils when setting their own timetable of meetings.

In order to advance the process for setting down dates for the ordinary meetings of Full Council and its Committees and to enable planned decision making across civic years, Members were asked to agree the dates of the ordinary meetings of Full Council for the civic years 2017/18 and 2018/19 and the dates of the AGMs for 2018/19 and 2019/20. The date of the AGM for 2017/18 was agreed by Full Council on 25th April 2016.

**DECISION:** That Members agreed the timetable of the ordinary meetings of Full Council for 2017/18 and 2018/19 and the AGMs for 2018/19 and 2019/20 as set out in Appendix A of the report.

**REASON FOR DECISION:** To enable early agreement of the dates of the ordinary meetings of Full Council and AGMs in order to prepare a timetable of meetings for the remainder of the current administration.

58 **RECOMMENDATIONS FROM CABINET - 12TH SEPTEMBER 2016 - TREASURY MANAGEMENT ANNUAL REPORT 2015-16**

**INFORMATION:** Consideration was given to the Treasury Management Annual Report 2015/16. It was reported that the Annual Report had been received and noted by the Council's Governance Committee at its meeting on 30th June 2016 and by Cabinet on 12th September 2016 and had been referred to Full Council for approval. The Treasury Management Strategy Statement (TMSS) was

approved by the Council in February 2016 as part of the Budget and Council Tax Setting for the forthcoming financial year.

It was reported that the Governance Committee had considered the Council's loans, investments, interests and dividends amounting to £694,000 and pool funds returning an overall figure of 4.84%. The Strategic Investment Group had met regularly and had also received regular updates from the Council's financial advisors. The Governance Committee had received evaluations of the pool funds and as of the end of September 2016 the market value had increased and was around £500,000 more than the original price paid for the investment.

**DECISION:** That Full Council accepted the Treasury Management Annual Report for 2015/16.

59

**RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY COMMITTEE - 21ST SEPTEMBER 2016 - TASK AND FINISH GROUP SCRUTINY REVIEW INTO BUS SERVICES AND COMMUNITY TRANSPORT**

**INFORMATION:** Councillor Mrs I Parker, Chairman of the Task and Finish Group – Bus Services and Community Transport, presented the final report on the work of the Task and Finish Group. The Group had reviewed the provision of these services in the Braintree District as part of the Overview and Scrutiny Committee's work programme for 2015/16. The Group had made eight recommendations following the review and these were set out in the report.

Clarification was sought amongst Members with regards to recommendation 8 in relation to free transport to school or college for 16 to 18 year olds. Members were advised that this would be an extension to school transport schemes that were already in place.

Following a meeting of the Passenger Transport Representative's Panel, hosted by Essex County Council, Members were informed that there had been an increase in passenger numbers on DaRT2 by 104% and an increase in passenger numbers on DaRT3 by 198%.

It was noted that there had been concerns within the community with regards to potential reductions in the community transports services as a result of budget cuts. Clarity was sought in relation to the ongoing provision of the service given its current annual funding from Essex County Council.

It was brought to Members attention that the Witham Ambulance Trust had funding readily available for those eligible to reimburse ticket fares however, there had been a very low uptake with only one application.

The point was made 16 year olds were having to pay adult fees for train tickets and it was hoped that in sight of the proposals for transport to schools and colleges for 16 to 18 year olds the same approach could be looked at in the future with a view to provide subsidised or reduced train fares for 16 to 18 year olds.

**DECISION:** That the Task and Finish Groups' Scrutiny Review Report into Bus Services and Community Transport be referred to Cabinet on 29th November 2016 for consideration and response.

*It was noted that Councillors Miss Thorogood and Hume were absent for this vote.*

**REASON FOR DECISION:** To approve the report of the Task and Finish Group – Bus Services and Community Transport and to enable the report to be referred to Cabinet.

60 **RECOMMENDATIONS FROM GOVERNANCE COMMITTEE – 28TH SEPTEMBER 2016 - APPOINTMENT OF EXTERNAL AUDITORS**

**INFORMATION:** Consideration was given to a report on arrangements for the future appointment of external auditors.

Members were advised that in accordance with the Local Audit and Accountability Act 2014, the responsibilities of the Audit Commission had ceased and transitional arrangements had been established for the appointment of external auditors and the setting of audit fees.

It was reported that when the current transitional arrangements end in March 2018, the Council would move to the local appointment of its external auditor. There were three options available. These were: to make a stand-alone appointment and to establish an Auditor Panel with the whole, or a majority of its members being independent; to set up a Joint Auditor Panel/local joint procurement arrangements with other authorities with the whole, or a majority of the Panel's members being independent; or to opt-in to a Sector Led Body (SLB) which would be able to negotiate contracts with national firms in order to maximise opportunities for the most economic and efficient procurement of external audit services for the whole sector. The SLB would be coordinated by the Public Sector Audit Appointments Ltd (PSAA).

**DECISION:** That Full Council accepts the recommendation of the Governance Committee and agrees the 'Opt-in to a Sector Led Body' option with Public Sector Audit Appointments Limited for the procurement of future external audit contracts.

*It was noted that Councillors Miss Thorogood and Hume were absent for this vote.*

**REASON FOR DECISION:** To inform Members of changes to the arrangements for appointing external auditors following the closure of the Audit Commission; the end of transitional arrangements at the conclusion of the 2017/18 audit; and the need to consider the options available and to put in place new arrangements in time to make a first appointment by 31st December 2017.

61 **REPORTS FROM THE LEADER AND CABINET MEMBERS AND ORAL QUESTIONS FROM COUNCILLORS - PUBLIC SESSION**

**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 Cabinet Members.

Councillor Butland updated Members on the devolution proposals. It was reported that it was now almost certain that there would be no changes to Government policy regarding the requirement for a directly elected Mayor to be part of a devolution deal and that a major devolution deal in Essex would be highly unlikely for the foreseeable future. However, this did not disrupt the possibility of the 15 authorities to continue to work together as shown by the joint letter to Government on business rates retention consultation.

Councillor D Bebb referred to the business rates retention scheme and advised Members that as an authority, the Council had submitted a consultation response along with other authorities in Essex as well as being a signatory to the joint letter included in Cllr Butland's report.

Councillor Bebb added to his report also that the Medium Term Financial Strategy efficiency plan agreed by Cabinet at its meeting on 12<sup>th</sup> September had been submitted to the Department of Communities and Local Government. If the scheme was accepted, the Council would receive the amount of revenue support grant provided in a four year settlement last year which would enable a better opportunity for financial planning.

Councillor Bebb commended the finance team for their sterling performance during the recent external audit. Ernst and Young had been extremely impressed with the Finance department and were particularly complimentary about the audit of the Council's 2015/16 Statement of Accounts, and in particular the completeness of the working papers, timeliness of responses to questions, the fact that all staff were approachable and extremely helpful, and that no reportable errors were found.

Councillor T Cunningham updated Member on the visit from the Chairman of the South East Local Enterprise Partnership (SELEP) and the Managing Director of SELEP. The Chairman and Managing Director were given a tour of the Braintree District to gain an insight to various projects that had been achieved as well as outlining future proposals in respect of economic growth development. The tour included a presentation and discussion at Ignite House, this allowed the opportunity to demonstrate the exceptional facilities on offer and also explain plans of the grow on units that would be developed in the immediate locality. The tour also covered the Skyline Eastlink 120, potential Millennium Way slip roads proposed to alleviate congestions at the Galleys Corner Roundabout, proposals of a Witham Enterprise Centre and the work being conducted at the Witham Industrial Estate. The visit also consisted of a tour of the College at Braintree with the ground-breaking of the new STEM centre which had been commissioned with funding from SELEP and the day was completed with a tour of Braintree Town Centre which outlined plans for the Town regeneration project. The feedback from the Chairman and Managing Director had been extremely positive and praised the Council's holistic approach to economic growth and prosperity.

Councillor J McKee updated his report by informing Members that an agreement had now been signed for the freehold purchase and the grant of a 15 year lease to Virgin Healthcare Services Ltd. The works to convert the premises had already

commenced and completion was anticipated for early 2017. This facility would replace the current St. Lawrence surgery.

Councillor McKee also added to his report by recognising two Braintree District Council Apprentices, Lauren Wiffen and Michelle Hutchins, who had received a highly commended award at the regional finals of the National Apprentice of the Year Awards. Lauren had proceeded to reach the finals of the PPMA awards, a national HR recognition apprentice of the year award. Councillor McKee added that Lauren and Michelle were a credit to Braintree District Council, and paid tribute to Sam Jenkins whose continuous hard work on the apprenticeship scheme had achieved exceptional results.

Councillor Tattersley advised Members that the refurbishment of Braintree Swimming Pool was being planned and the Council had been consulting with various schools and user groups on the proposed dates the pool would be closed next year. Cllr Tattersley could not confirm the exact dates yet but would keep Members updated.

Councillor Tattersley updated his report in respect of the Councillor Community Grant Scheme to add that since writing his report there had been a number of applications and he was very pleased with how the scheme was starting to 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: <http://www.braintree.public-i.tv/core/>

The main topics covered were as follows:

- Update on the proposals for the Millennium Slip Road scheme.
- Details on the visioning workshops planned to capture views on how the Council can best regenerate Braintree town centre.
- Concerns around the coverage of the phase 3 rollout of Superfast Broadband across the Braintree District.
- Proposals from Highways England to transform the A120 and A12 in to expressways, and the concerns this causes in relation to bus services.
- Lack of provision of access for pedestrians and cyclists at the Marks Farm roundabout.
- Concerns around the implemented green waste suspension
- Concerns around a potential increase in fly tipping following procedural changes by Essex County Council at its household waste recycling centre in Witham.
- Role that schools play in educating children on the importance of not littering.

62 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 27TH JUNE 2016**

**INFORMATION:** No matters were raised.

63 **CHAIRMEN'S STATEMENTS – PUBLIC SESSION**

**INFORMATION:** Councillor Mrs Scattergood, Chairman of the Planning Committee made a statement in respect of the Planning Committee's Scheme of Delegation.

The Council's Scheme of Delegation for determining planning applications was set out in article 18 of the constitution. It was reviewed in early 2015 and the new scheme became effective post-election 2015. The scheme of delegating authority to officers was an established part of planning nationally and enabled local planning authorities to determine the majority of applications at officer level rather than through Committee decisions. The Development Management Service sought to review the scheme as it anticipated an increase in the number of applications. The scheme was introduced in summer 2015 and had been reviewed in July 2016.

There were five main objectives sought from the scheme, the first being to reduce the number and proportion of applications considered by the Planning Committee, the review showed that this had been partially achieved as the delegation rate had increased from 89% to over 93%. The second objective was to reduce the scope of applicants and agents to manipulate the number and nature of representations so that applications were considered by the Planning Committee where the significance did not merit it. This manipulation was no longer possible as a key element of the new scheme was a judgement reached by the Development Manager in consultation with the Chairman and Vice-Chairman of the Planning Committee as to whether a proposal was of significant public interest, would have a significant impact on the environment or was significant in some other respect. The number of representations received was no longer a determining factor. The third objective was to increase the transparency of decision making by requiring that applications made by the District Council or involving land owned by the District Council would always need to be considered by the Planning Committee, this also applied to applications from members of staff, members of the Council, agents who were members of the Council, or if the agent was related to a member of the Council or staff; this had been achieved.

The fourth objective was to re-establish the need for Parish Councils to attend Planning Committee to explain their position, particularly when their view had been the only reason for the application to be determined by the Planning Committee. The changed proposals to the scheme were the subject of consultation with Parish Councils and Local Planning Agents. Parish Councils were particularly concerned not to lose their influence on whether an application be considered by the Planning Committee and although originally proposed, no change was made to this aspect of the scheme. The Development Management team ran training sessions for Parish Councils after the new scheme was produced, this ensured that it was clear to parish councils that they needed to back up their position at Committee. The service had since seen an increase in Parish Councils attendance at Committee, but not by all.



The final objective was to address the anomaly of applications of certificates of lawfulness that were to be considered by the Planning Committee where a parish council position was contrary to officer's recommendation. As such applications were determined solely on matters of evidence and legal consideration rather than their planning merits, this had been achieved.

In July a meeting took place where it was agreed to consider the results, representatives at the meeting included members of the Planning Committee from the Braintree, Witham and Hallstead areas, the Chairman and Vice-Chairman along with two representatives from the Braintree Association of Local Councils (BALC). It was agreed at this meeting that the new scheme was working well and that Parish Councils were much more aware of the need to be represented at Committee meetings. It was proposed at the meeting some potential changes to the Committee meeting protocol and the following changes were agreed: that the agenda template would make clear to the public that en bloc items, usually minor applications, may be determined at the start of the meeting; that applications would be considered in the order of the application number rather than alphabetically; and that public speaking in relation to an application would take place in advance of that item being considered by the committee rather than all public speaking at the beginning of the meeting. Where a Parish Council was speaking on an item, the order of the speakers for that item would be as follows: Members of the public, parish councils, County Councillors, District Councillors, applicant and finally agents.

These changes came in to force at the meeting in September and seemed to be working well.

## 64 **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 8.54pm.

Councillor F Ricci  
(Chairman)

APPENDIX

COUNCIL

17TH OCTOBER 2016

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

Statement by Councillor Don Smith, Chairman of Braintree Association of Local Councils, relating to the Braintree District Draft Local Plan and the provision of infrastructure.