

COUNCIL

AGENDA



THIS MEETING IS OPEN TO THE PUBLIC

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

Date: Monday 26th October 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.

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 21st September 2009. (Copy previously circulated)
5. **Question Time.** (See above paragraph)
6. **Bus and Rail Services Task and Finish Group.** To receive the report of the Task and Finish Group. (Report enclosed)
7. **Policy Recommendations and References.**

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

- (a) **Licensing Committee – 9th September 2009.**
 - (i) Drivers' Panel Responsibilities. Extract from minutes – Page 1.
 - (ii) Change to Scheme of Delegation - Licensing Act 2003 – Minor Variations to Premises Licences and Club Premises Certificates and Alcohol Sales in Community Premises. Extract from minutes – Page 2.
- (b) **Licensing Committee – 7th October 2009.**
 - (i) Gambling Act 2005 – Revised Statement of Licensing Policy. Extract from minutes – Page 3.
- (c) **Cabinet – 12th October 2009.**
 - (i) Growth Area Funding – Governance Arrangements. Extract from minutes – Page 4.
 - (ii) Future of Bramston Leisure Centre – Replacement Pool. Extract from minutes – Page 4. Report attached (Page 6)

- (iii) Proposed Integrated Waste Facility at Rivenhall Airfield – Costs of Planning Inquiry. To receive the attached report (Page 14) – Extract of Cabinet minutes Page 16.
- (iv) References from the Overview and Scrutiny Committee 16th September 2009
(Extract from Cabinet minutes at Page 16)
 - Scrutinising the Crime and Disorder Reduction Partnership (Page 17)
 - Councillor Call for Action (CCfA) – Page 18

8. **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 8 shall not exceed 30 minutes)

9. **Questions by Members**

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

- Councillor Butland, Leader of the Council (Page 20)
- Councillor Lady Newton, Housing and Well-Being (Page 22)
- Councillor Mrs Schmitt, Communities (Page 24)
- Councillor Walters, Environment and Sustainability (Page 26)
- Councillor Harley, Enterprise and Culture (Page 29)
- Councillor Mrs Beavis, Customers and Communication (Page 31)
- Councillor Lager, Efficiency and Resources (Page 34)

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 21st September 2009. (Paper attached – Page 35)

10. 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 Paragraphs 3 & 4 of Part 1 of Schedule 12(A) of the Act.

PRIVATE SESSION

11. **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 10 shall not exceed 30 minutes)

12. **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 12 (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 21st September 2009.

13. **Private Session Policy Recommendations.** To consider any policy recommendations (in private session) which have arisen since the last Council meeting.

(a) **Cabinet – 12th October 2009.** To receive three recommendations:-

- Office Accommodation. Minute Extract – Page P36. Report at Page P37.
- Town Centre Regeneration Projects. Minute Extract – Page P45. Report at Page P47.
- Development Site, Braintree. Minute Extract – Page P66. Report – Page P67.

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 the public agenda is numbered 35 and the last page of the private agenda is numbered P71.

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.....