

Minutes

Council Meeting

5th September 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.

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor G Maclure	Apologies
Councillor Mrs J Allen	Apologies	Councillor D Mann	Yes
Councillor C Bailey	Apologies	Councillor J McKee	Yes
Councillor M Banthorpe	Yes	Councillor R Mitchell	From 7.25pm
Councillor J Baugh	Yes	Councillor Mrs J Money	Yes
Councillor Mrs J Beavis	Apologies	Councillor Lady Newton	Yes
Councillor D Bebb	Yes	Councillor J O'Reilly-Cicconi	Yes
Councillor R Bolton	No	Councillor Mrs I Parker	Yes
Councillor K Bowers	Yes	Councillor Mrs S Paul	Yes
Councillor Mrs L Bowers-Flint	Yes	Councillor Mrs J Pell	Apologies
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	From 7.43pm
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor M Dunn	Apologies	Councillor Mrs W Schmitt	Yes
Councillor J Elliott	From 8.04pm	Councillor P Schwier	Yes
Councillor J Goodman	Apologies	Councillor C Siddall	Yes
Councillor A Hensman	Yes	Councillor Mrs G Spray	Apologies
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	Apologies	Councillor Mrs S Wilson	Yes
Councillor S Kirby (Vice-Chairman)	Yes		

36 CHAIRMAN'S AND/OR LEADER'S ANNOUNCEMENTS

The Chairman's announcements covered the following:

Following the tragic death of Jo Cox, MP for Batley and Spen, the Chairman had sent a letter of condolence on behalf of the Members of Braintree District Council to the Batley and Spen Constituency Office. In response, the Chairman had received an e-mail of thanks from the Secretary of the Constituency Labour party. The condolence letter, along with all others received, would be passed on to Jo's family.

The Chairman was very pleased to have the opportunity to attend the Rural Community Council of Essex, Village of the Year Awards on 6th July where villages from the Braintree district were among the winners:

- The winner of the Essex Village of the Year 2016 was Toppesfield and Gainsford End, with Steeple Bumpstead and Bradwell Juxta Coggeshall in 3rd and 4th place respectively.
- Steeple Bumpstead, Toppesfield and Gainsford End and Great Maplestead were all winners in their individual classes.
- Great Bardfield and Rayne received Merit Awards.
- In the Best Kept Churchyard Competition, St. Ethelbert and All Saints Church, Belchamp Otten was highly commended.

In addition to these, the Chairman had also commented on the following events he had attended:

1st July – Apprentice of the Year Awards Ceremony
21st July – Visit to Halstead Walking Football Club
27th July – Braintree BMX Club National Meeting
30th July – Great Notley Park Run
4th August – Essex Search and Rescue visited Causeway House

The Chairman added also that on Wednesday 7th September the Chairman's Charity Golf Day was being held.

The Leader did not have any announcements to make.

37 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

Councillor M Banthorpe declared a non-pecuniary interest in Agenda Items 11 and 20 – 'Block B at The College at Braintree, Church Lane, Braintree – Approval of funding for conversion works for a medical centre' as a registered patient of Mount Chambers Surgery.

Councillor J Baugh declared a non-pecuniary interest in Agenda Items 11 and 20 – 'Block B at The College at Braintree, Church Lane, Braintree – Approval of funding for conversion works for a medical centre' as he had spoken with and represented several ward members who were registered patients of St Lawrence Surgery.

Councillor T Cunningham declared a non-pecuniary interest in Agenda Items 10 and 19 – ‘Land at Rear of Braintree Enterprise Centre, Springwood Drive, Braintree – Approval of construction funding’ and Agenda Item 13 – ‘Reports from the Leader and Cabinet Members’ as a non-paid Director of Ignite Business Enterprise. Councillor T Cunningham declared a non-pecuniary interest also in Agenda Items 11 and 20 – ‘Block B at The College at Braintree, Church Lane, Braintree – Approval of funding for conversion works for a medical centre’ as a registered patient of St Lawrence Surgery.

Councillor D Mann declared a non-pecuniary interest in Agenda Items 11 and 20 – ‘Block B at The College at Braintree, Church Lane, Braintree – Approval of funding for conversion works for a medical centre’ as a registered patient of St Lawrence Surgery.

Councillor J O’Reilly-Cicconi declared a non-pecuniary interest in Agenda Item 8 – ‘Special Meeting of Full Council for the Local Plan – Proposed Change of Date and Confirmation of Procedural Steps’ as he had a financial interest in sites in Bulmer.

Councillor C Siddall declared a non-pecuniary interest in Agenda Items 10 and 19 – ‘Land at Rear of Braintree Enterprise Centre, Springwood Drive, Braintree – Approval of construction funding’ and Agenda Item 13 – ‘Reports from the Leader and Cabinet Members’ as a non-paid Director of Ignite Business Enterprise.

Councillor Miss M Thorogood declared a non-pecuniary interest in Agenda Items 11 and 20 – ‘Block B at The College at Braintree, Church Lane, Braintree – Approval of funding for conversion works for a medical centre’ as she had spoken and represented several ward members who were registered patients of St Lawrence Surgery.

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.

38 **MINUTES**

INFORMATION: That the Minutes of the meeting of Council held on 27th June 2016 be approved as a correct record and signed by the Chairman.

39 **QUESTION TIME**

INFORMATION: There were no questions asked, or statements made.

40 **PRESENTATION OF THE NORTH ESSEX BUSINESS APPRENTICE OF THE YEAR AWARD**

INFORMATION: Two of Braintree District Council’s Level 2 Apprentices were shortlisted for the North Essex Business Awards. Lauren Wiffen (Marketing and Communications) and Michelle Hutchings (Benefits) and both had attended a presentation night where Lauren was successful in winning the North Essex Business Apprentice of the Year. Following her success Lauren had now been entered into the Countywide Awards which would take place in December.

The Chairman congratulated Lauren and Michelle on their success as well as congratulating Tania Roberge and Sue Hayes who had supported Lauren and Michelle in their achievements and Sam Jenkins, who coordinates the Council's apprenticeship programme.

Councillor McKee, Cabinet Member for Corporate Services and Asset Management had attended the awards ceremony along with the Chairman and added that this award was a testament to the work that Braintree District Council had contributed to the apprenticeship programme. The Council was delighted with the result and was grateful for the recognition of the work and effort that had been put in.

41 **PRESENTATION OF THE CUSTOMER SERVICE EXCELLENCE STANDARD ACCREDITATION**

INFORMATION: The Chairman was pleased to announce that Braintree District Council had been awarded with the Customer Service Excellence Standard Accreditation. The Chairman expressed congratulations to the Customer Services team and all those involved in achieving the high standards recognised by this award.

The Council had achieved this award at the end of June 2016 following a three day assessment which was to evaluate the progress made since the award in 2015. The Council had been assessed against a range of criteria and had been recommended by the assessor to retain the standard for a further year with just one area of partial compliance. Further improvements were being reviewed by the Corporate Management team and plans were being put in place to deliver these.

42 **SPECIAL MEETING OF FULL COUNCIL FOR THE LOCAL PLAN – PROPOSED CHANGE OF DATE AND CONFIRMATION OF PROCEDURAL STEPS**

INFORMATION: On 18th April 2016, Council agreed a timetable for the progression of the Local Plan. It had previously been agreed that Braintree District Council would work closely with neighboring authorities in Colchester and Tendring. In developing the Local Plans there was a need to align the Council's decision making process and to co-ordinate the consultation periods with those of Colchester Borough and Tendring District Councils; and for simultaneous submission of the three Authorities' Local Plans to the Planning Inspectorate for examination next year.

It was agreed that the Local Plan would be considered at a Special Meeting of Full Council on 28th November 2016 and following this meeting the draft Local Plan would be subject to its last public consultation period prior to submission to the Planning Inspectorate in January/February 2017 for examination. In reviewing the Council's process for the submission of the Local Plan to the Planning Inspectorate it was considered appropriate to reschedule the November 2016 Special Meeting of Full Council to 7th February 2017 to align with Colchester Borough and Tendring District Councils' respective local plan processes.

The Constitution (Council Procedural Rule 25.1) stated that a decision made by Full Council could not be amended/rescinded within the preceding six months. However, this Rule may be suspended upon a simple majority of any meeting of the Council in accordance with Council procedural Rule 7.1.

Although the date of the meeting was changed the Leader assured Members that the process of preparation for the meeting would be retained as set out in the report.

DECISION: That Full Council agrees:

- 1) That Council Procedure Rule 25.1 is suspended.

Subject to the agreement of 1 above,

- 2) That the Special Meeting of Full Council for the Local Plan is rescheduled to 7th February 2017.
- 3) That the Process steps as set out in the appendix for the meeting of Full Council on 7th February 2017 are agreed.

REASON FOR DECISION: To aid transparency for the rescheduling of a Special Meeting of Full Council and compliance with the Council Procedural Rules (Part 2 of the Constitution).

43 **RECOMMENDATION FROM OVERVIEW AND SCRUTINY COMMITTEE 13TH JULY 2016 - SCRUTINY REVIEW IN TO APPRENTICESHIPS INTO THE BRAINTREE DISTRICT**

INFORMATION: A Task and Finish Group of Braintree District Councillors was formed to explore the current state of apprenticeships in the District and make recommendations to the Council going forward. The Task and Finish Group had met with apprentices from the Council, from outside organisations and gathered evidence of companies and partners across the District.

As part of the review members looked at the take up of apprenticeships in the District relative to County and national levels, the barriers faced by companies and individuals taking up apprenticeships and what role the District Council had, if any, to play in the future of apprenticeships.

The report of the Task and Finish Group Scrutiny Review in to Apprenticeships in the Braintree District had been previously considered by the Overview and Scrutiny Committee at its meeting on 13th July 2016 where it was agreed to refer the report to full Council.

DECISION: To refer the Task and Finish Groups' Scrutiny Review Report into Apprenticeships to Cabinet on 29th November 2016 for consideration and response.

REASON FOR DECISION: To enable the committees' report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny.

44 **LAND AT REAR OF BRAINTREE ENTERPRISE CENTRE, SPRINGWOOD DRIVE, BRAINTREE – APPROVAL OF CONSTRUCTION FUNDING**

INFORMATION: Members were reminded that this Item was linked to Item 19 in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the report as it was necessary to discuss Item 19 of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: Braintree District Council owns the vacant employment site situated to the rear of the Braintree Enterprise Centre off Springwood Drive which is currently operated by Ignite Business Enterprise.

On the 18th July 2016, Cabinet approved the construction of 40 car parking spaces on the front half of this site to provide additional car parking for the newly constructed extension to the Braintree Enterprise Centre to support Ignite to market and promote the training and conference facilities within the new centre providing support to help businesses start and grow.

On the rear half of this site Cabinet also approved the construction of 4 small workshop units to provide much needed grow on space to District Businesses. These workshop units will be managed by the Council to provide employment opportunities and deliver a revenue income.

Members were asked to approve the allocation of funding from the Growth Area Fund and the New Homes Bonus for the construction costs of this development.

DECISION (PUBLIC REPORT): That Council approves:

- 1) The allocation of £350,000 of Growth Area Funding towards the construction of the car park, access road and retaining wall.
- 2) The allocation of £610,300 of New Homes Bonus to fund the construction of the workshop units and access road.

DECISION (PRIVATE REPORT): That Council approves:

- 1) The allocation of £350,000 of Growth Area Funding towards the construction of the car park, access road and retaining wall.
- 2) The allocation of £610,300 of New Homes Bonus to fund the construction of the workshop units and access road.

REASON FOR DECISION: To facilitate the construction of the car park to enable Ignite to market and promote the training and conference facilities within the new centre, and construction of the small workshop units to provide employment opportunities and revenue income for the Council.

45 **BLOCK B AT THE COLLEGE AT BRAINTREE, CHURCH LANE, BRAINTREE – APPROVAL OF FUNDING FOR CONVERSION WORKS FOR A MEDICAL CENTRE**

INFORMATION: Members were reminded that this Item was linked to Item 20 in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the report as it was necessary to discuss Item 20 of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: The recently adopted District Investment Strategy identified the need for infrastructure improvements to support future growth in the District with improved healthcare provision being a priority area.

Working in partnership with NHS England, the Council had an opportunity to facilitate the delivery of the replacement of St. Lawrence Doctors Surgery, Bocking End, Braintree and to create a valuable property investment for its commercial portfolio.

On the 18th July 2016, Cabinet approved the freehold purchase of Block B at The College at Braintree and the funding of the conversion costs to a medical centre to accommodate the new surgery provider.

The purchase of the building would receive a net revenue income of £139,000 plus VAT per annum providing an initial net yield of 7.66% return. This provides excellent value for money for the Council however, the capital funding was from balances set aside for the District Investment Strategy which would cause a reduction in interest per annum.

The conversion cost was covered in an agreed fixed price contract following a tender process undertaken by NHS England. The building is a modern 2 storey office building situated at the entrance to their Campus, comprising a net internal floor area of 7,237 square feet and including 23 parking spaces for use as a medical centre.

Members were asked to approve the allocation of funding from balances set aside for the District Investment Strategy for the development and acquisition costs.

DECISION (PUBLIC REPORT): That Council approves the funding from balances set aside for the District Investment Strategy.

DECISION (PRIVATE REPORT): That Council approves the funding as set out in the report from balances set aside for the District Investment Strategy.

REASON FOR DECISION: To enable the proposed relocation of the St. Lawrence Doctors Surgery to more suitable premises and to create an additional property investment for the Council's commercial portfolio.

46 **BRAINTREE TOWN CENTRE REGENERATION SCHEME – APPROVAL OF FUNDING**

INFORMATION: Members were reminded that this Item was linked to Item 21 in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the report as it was necessary to discuss Item 21 of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: On 30th November 2015, Cabinet was provided with an update on the latest scheme proposals submitted by Henry Boot Developments Limited (Henry Boot) which were a variation from the original retail led scheme to a doctors' surgery / restaurant led scheme. Cabinet approved the latest indicative scheme proposals submitted by Henry Boot and delegated powers to the Director of Sustainable Development in consultation with the Cabinet Member for Economic Development for the approval the final scheme design, specification and associated financial arrangements provided the scheme does not exceed the capital budget.

Following the meeting Cabinet on 30th November 2015 Henry Boot were unable to progress the Town Centre scheme to the Council's satisfaction and in line with the Council District Investment Strategy to invest and deliver improvements across the District. Therefore the Council has had to review how this scheme could be funded and delivered in order to achieve its objectives. The Council had reviewed its options and identified the only realistic course of action would be to fund and develop the scheme itself.

On 18th July 2016, Cabinet approved the termination of the existing contract with Henry Boot Developments Limited and the negotiation of Intellectual Property Rights Transfer and approved the delivery of this scheme by the Council.

The Council had used cost consultants to give a full assessment of the build costs by the developer with a view to generating a detailed scheme plan. This independent advice pointed to a lack of detail regarding some quality and design

issues. Therefore, the Council having taken independent advice had minimised risk by being able to put forward a good quality well costed scheme.

The Council would own the freehold of the whole development and fully control and manage the site. This would ensure the Council had control over the quality and mix of occupiers in the scheme. Delivery, capability and project management would have greater control from Braintree District Council and the authority had already invested and appointed expert project management resource to help deliver the scheme.

The scheme will provide modern and much larger medical premises for Mount Chambers' surgery which is desperately needed to meet both current and future demand for GP Services in Braintree. Patient numbers were anticipated to increase from 13,000 to 18,000 in the medium term. The additional restaurant units will help improve the variety and quality of the offer in the Town centre for residents and benefit the night-time economy.

DECISION (PUBLIC REPORT): That Council approves the funding for the scheme from balances and borrowing being part of the funds identified for the District Investment Strategy.

DECISION (PRIVATE REPORT): That Council approves the funding for the scheme from balances and borrowing for the sums set out in the report being part of the funds identified for the District Investment Strategy.

REASON FOR DECISION: To agree the financial arrangements for the Braintree Town Centre regeneration site to enable this project to move forward.

47 **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 in the press that the Prime Minister was not keen on directly elected Mayors and may be considering a different approach, however this had not seen its way through to policy at this stage and the devolution board would continue to work on the basis that the policy was as it stood. If Mayors were to come in for the places that had already been agreed there would need to be legislation in place by the end of November 2016 so that these elections could take place next May. It was therefore very unlikely that there would be devolution for Essex in the coming year.

Councillor Butland added also that on Thursday 8th September there would be a meeting of the Essex Leaders and included on the agenda would be a session on the business rates retention consultation conducted by Margaret Lee, Finance Director at Essex County Council and the Finance Director of Chelmsford City

Council. This would encompass what was happening at national level of Counties and Districts working together and recognising that the issue of business rates will become an increasingly major part of funding for authorities. The Leader would report back to Members following the meeting.

Councillor D Bebb added to his report for Members to note that financially the Council had started off the year in good form and was around £200,000 better off reflecting an additional £100,000 of income and £100,000 of reduction on costs. In terms of business rates retention, the Council, together with other authorities in Essex, were submitting a response to the consultation and had to finalise the response by 26th September. Councillor P Tattersley added to his report that the meeting of the Mid Essex CCG would be held on the 26th September rather than the 12th September as stated in his report. The meeting would take place at Causeway house. Councillor Tattersley advised Members that one of the main issues on the agenda was to look at the way in which hospitals organised specialist services between themselves.

Councillor Tattersley advised Members that the Essex Rural Strategy was available to view on the Members Hub. The Essex Rural Strategy had been put together by the Essex Rural Partnership and many of the priorities identified in the document were in line with those set by the Council.

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:

- Additional spending responsibilities as a result of business rate retention.
- Future of the Rural Business Hub at Sible Hedingham.
- Details on the proposed of improvement works with Witham Industrial Watch.
- Improvements to email systems with a view of preventing spam emails and viruses.
- Details on the proposals for the Millennium Slip Road scheme.
- Implications on future affordable housing schemes following the determination of the planning appeal decision on the Premdor site at Sible Hedingham.
- Concerns around the changes enforced by Essex County Council to the Witham recycling centre.
- Concerns around the waiting times of the police non-emergency 101 service.

48 **LIST OF PUBLIC MEETINGS HELD SINCE THE COUNCIL MEETING OF 27TH JULY 2016**

INFORMATION: No matters were raised.

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

INFORMATION: No statements were made.

50 **STATEMENTS BY MEMBERS - PUBLIC SESSION**

INFORMATION: No statements were made.

51 **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 8.56pm.

Councillor F Ricci
(Chairman)