

Minutes

Council Meeting



15th December 2008

Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	Yes
Miss L Barlow	Apologies	D Mann	Yes
J Baugh	Yes	T McArdle	Apologies
Mrs J C Beavis	Yes	N G McCrea	Yes
D L Bebb	Yes (from 7.44pm)	J McKee	Yes
E Bishop	Yes	H J Messenger	Yes
R J Bolton	Apologies	A M Meyer	Yes
G Butland	Yes	R G S Mitchell	Yes
G Cohen	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton (Chairman)	Yes
M Dunn	Yes	J P O'Reilly-Cicconi	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Yes
R Elliston	Yes	D M Reid	No
Dr R L Evans	Apologies	D E A Rice	Yes
A V E Everard	Yes	Mrs C Sandbrook	Apologies
J H G Finbow	Yes	Mrs W D Scattergood	Yes
Ms L B Flint	Yes (from 7.45pm)	Mrs J W Schmitt	Apologies
T J W Foster	Apologies	A F Shelton	Yes
Mrs B A Gage	Yes	Mrs L Shepherd	Apologies
M G Gage	Yes	C Siddall	Yes
Mrs M E Galione(Vice-Chair)	Yes	Mrs J A Smith	Yes
J E B Gyford	Yes	Mrs G A Spray	Yes
N R H O Harley	Yes	F Swallow	Yes
Mrs S A Howell	Yes	Miss M Thorogood	Yes
P J Hughes	Yes	S M Walsh	Apologies
D L Hume	Yes	R G Walters	Yes
M C M Lager	Yes	R N Wilkins	No
S J Lambourne	Yes	T S Wilkinson	Apologies

The Chairman welcomed all Councillors and press to the meeting, and drew attention to the evacuation procedure in case of an emergency, for mobile phones to be switched off and for Members to collect their mail.

Members were pleased to welcome Councillor Chris Siddall, the newly elected member for the Three Colnes ward, to the meeting.

53 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the following issues:-

- (1) The recent **Torchlight Procession** through Halstead, and congratulations were extended to Halstead Town Council for another successful event.
- (2) The **Coffee Morning** on 24th November 2008 at the Braintree Town Hall for one of the Chairman's chosen charities – Homestart, Witham, Braintree and Halstead. The coffee morning was attended by 20 volunteers and employees of the charity.
- (3) An Awards Ceremony on 28th November 2008 for **Long Service Awards** to Braintree District Council staff. Other presentations were made to Council staff nominated across five categories, and congratulations were given to members of staff involved.
- (4) The **lists of engagements** carried out by herself and the Vice-Chairman since the last meeting on 20th October 2008.

54 **DECLARATIONS OF INTEREST**

The following interests were declared:-

- Councillor J E Abbott declared a personal interest as Chairman of Rivenhall Parish Council as items on Rivenhall are to be raised in
 - Agenda Item 6.2(a) One District: One Vision Strategy
 - Agenda Item 8 (ii) – Oral Questions under Question Time, and
 - Agenda Item 8 (iv) – Issues from meetings held in public session.
- Councillors Ms L B Flint, Mrs J A Pell and R G Walters all declared a personal interest as members of the Museum Trust, when the item regarding the Braintree District Museum Trust in Private Session of the Cabinet meeting 1st December 2008 was mentioned under Agenda Item 8(iv) – Issues from meetings held in public session. No discussion took place on this item.

In accordance with the Code of Conduct all Members remained in the meeting for these items, unless stated otherwise, and took part in the debate and decision thereon.

55 **MINUTES**

DECISION: That the minutes of the meeting of Council held on 20th October 2008 be approved as a correct record and signed by the Chairman.

56 **QUESTION TIME**

INFORMATION: There was no questions asked or statements made.

57 **POLICY RECOMMENDATIONS AND REFERENCES (PUBLIC SESSION)**

(i) Standards Committee 7th October 2008 – Monitoring Officer Protocol

Councillor Finbow introduced the report and moved the recommendation contained in the extract of the minutes from Standards Committee.

Councillor Gyford requested further clarity of a paragraph on Page 6 with regard to Members and Officers reporting any breaches of statutory duty or Council policies, or procedures etc. to the Monitoring Officer as soon as practicable.

This was amended as follows:

‘To ensure the effective and efficient discharge of the arrangements set out above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable where they could give rise to any illegality or maladministration’.

DECISION: That the protocol as amended by the Standards Committee, and as amended above, be adopted and included in Part 5 of the Constitution.

(ii) Cabinet 1st December 2008

(a) ‘One District: One Vision’ Strategy for People and Places in the Braintree District to 2025

The Leader of the Council presented the ‘One District: One Vision’ document that combines the draft Sustainable Community Strategy with the Core element of the Local Development Framework, and closely aligns to the Council’s Corporate Strategy and the priorities of the Essex Local Area Agreement. The consultation process has been under way during November and December 2008, and 200 responses have been received to date. The draft Strategy will be received at the Local Development Framework Panel, and at the Local Strategic Partnership, with final priorities to be published in March 2009.

During the discussion the following issues were raised:

- that Information Technology issues be included in the Strategy, mainly high speed communication for the delivery of broadband, internet, telephone, inter active video, television, and the delivery of TV/internet facilities across the District to benefit home workers, businesses, local residents, and those with limited mobility
- the Cabinet minutes of 1st December 2008 stated that engagement with Town and Parish Council’s are made in the Strategy by Town/Parish appraisals and Village Design Statements. It was stated that the Local Development Framework Panel had not taken the representation made by Rivenhall Parish Council into account, and that Rivenhall is now proposed for one of the largest new developments in the District.
- That Parish/Town Council’s are proactive partners on consultation and look to various parts of the strategy, i.e. employment, housing growth; and recognise risks to their area, i.e. the closure of Premdor at Sible Hedingham, and EMD in Halstead affecting employment and local business, and to identify future use of empty sites.

- The Strategy promotes a 'Safe and Healthy Lifestyle' but proposes the sporting 77 field in Braintree to be withdrawn and replaced with building flats – a loss of a sporting facility to the local community.

In response to these issues, the Leader advised that

- Technology issues for the District will be considered further
- that at the next round of Village Design Guides/Parish Plans a feedback paper will be supplied requesting the aspirations of the Town/Parish Council
- with regard to the loss of sporting facilities it was accentuated that the Strategy is at consultation stage and that the LDF issues on the sporting 77 site/BMX track will be revisited at a later stage

DECISION: That the draft Community Priorities as set out in the One District: One Vision document be endorsed.

(b) Medium Term Financial Strategy

The Leader referred to the content of the Cabinet minutes of 1st December 2008, and the decisions/recommendations at Pages 44 & 45. Revised proposals are being put forward under the Medium Term Financial Strategy (MTFS) as a result of the current economic situation on ways the Council looks at supporting members of the community and small businesses.

It was clarified that a proposed amendment to Decision 2 made by Cabinet (will be made at the next meeting) so it reads – 'That additional funding of £15,000 per annum for each of three years, to the Citizens' Advice Bureau be approved'.

Under the MTFS recommendations to Council, it was also explained that Recommendation 5 should also be amended to make clear that the proposed Council Tax increase of 2.5% also relates to the two following years.

Council were reminded of other proposed measures:

- for Direct Debit payers that currently pay over a 10 month period for their Council Tax, to have the opportunity to pay over 12 months
- that proposals from the report of the Fees and Charges Task and Finish Group will not result in an increase in charges and fees that are within the Council's control until April 2010
- free use of Council owned car parks in Braintree and Witham town centres from 20th to 24th December 2008 inclusive.

Councillor Lager, Cabinet Member for Efficiency and Resources, referred to

- the revised credit worthiness criteria and on more frequent reviews of Treasury Management (Appendix B of report)
- that Decision 12 of Cabinet on Non-Domestic Discretionary Rate Relief for schools and colleges ceasing from 31st March 2009 only refers to foundation schools, private schools and colleges; and the Local Authority state schools and colleges remain unaffected
- under National Non Domestic Rates (NNDR) for small businesses quoted on the Essex County Council website, it was clarified that within the Braintree District Council area there are 81% of eligible business already using the NNDR and claiming rate relief. This results with 190 businesses not utilising the service, and the Council's

Finance department during December 2008 and January 2009 are contacting them to advise of the claim service.

Council discussed the following issues –

- Smaller service on pest control. There are alternatives to pest control measures, and other companies available to provide this service. The Council has to concentrate on its statutory duties.
- Reduction in service of garden waste collection during winter months. This proposal will require further explanation to the public, to clearly define the service being provided.
- Proposed savings for horticulture/car parks - should seek comment from Local Committees. Sponsorship for roundabouts, and other floral containers in the town centres could generate additional income for Local Committees.
- Revenue contribution reduced per member of each Local Committee. The Local Committee regime had encouraged more of a grant giving service, whereas Local Members should develop their own ideas.
- No increase in Members Allowances for two years was supported
- It was clarified that it is the provision of Concessionary Fare tokens that will be reviewed, whilst ensuring the most vulnerable in the community are not affected
- Concern on £426,000 savings across the Council impacting on services
- Some support was found in retaining the collection of green waste, including kitchen waste, during the winter months
- A query was raised on devising two sets of criteria on the Council's Credit Worthiness issues – Tier 1 and Tier 2 – and an explanation is to be provided by the Leader of the Council, on the specification of the Tiers, any trigger system and how the current market condition is recognised
- It is an appropriate time to join with other Essex Councils and to lobby Government for a refund to businesses on business rates
- That the Council restricts the use of consultants on projects. In response, consultants are used when the Council undertakes a specific project, or a certain area of expertise is required.

DECISION:

1. That the Medium Term Financial Strategy for consultation be amended to reflect a proposed Council Tax increase of 2.5% in each of the next three years
2. That any increase in Parish Support Grant for 2009/10 is limited to the proposed 2.5% as set out in Item 7.4 of the report
3. That subject to final agreement with Essex County Council the operational responsibility of the concessionary fares scheme transfers to Essex County Council with effect from 1st April 2009
4. That the revised credit worthiness criteria, as detailed in Appendix B of the report, be agreed.

(c) Freedom of Information Publication Scheme

The Leader presented the proposed Freedom of Information Scheme for adoption by the Council with effect from 1st January 2009. It was noted that both Town and Parish Councils also have equal responsibility to publish their schemes.

DECISION: That the Freedom of Information Publication scheme be adopted with effect from 1st January 2009.

58 **STATEMENTS BY MEMBERS (PUBLIC SESSION)**

INFORMATION: No statements were made.

59 **QUESTION TIME (PUBLIC SESSION)**

(i) **Statements by the Leader/Cabinet Members and Deputy Cabinet Members**

INFORMATION: The following statements were made: -

Appointments to Committees. The Leader advised that, following the resignation of Rosemary O'Shea from the Council, three vacancies exist on various Committees. Appointments were made, with immediate effect, as follows:

- Audit Committee – Councillor G Cohen
- Licensing Committee – Councillor Mrs J Smith
- Overview and Scrutiny Committee – Councillor C Siddall

Growth Area Funding. The Leader was pleased to announce that under the Growth Area Funding partnership between Braintree District Council and Chelmsford Borough Council, an award of £2.3m capital revenue for 2009/11 had been received. This will result with £800,995 of capital for the Braintree District.

Contribution for the A12. Councillor Harley welcomed the contribution of £60m by way of the Highways Agency, for the A12 trunk road. Essex County Council had instigated an enquiry on the A12 that had encouraged increased discussion on prioritisation initiatives, and it is hoped that as one of the worst sections is within the Braintree District that this can be improved.

Funding for Business Development Services (BDS). Councillor Harley stated that funding from ExDRA had been withdrawn from BDS two years ago. BDS has accessed £90,000 of funding to maintain their service on providing advice to start-up businesses and on surviving the early years and present economic climate.

Payment of Invoices. Councillor Harley advised that it is the policy of Braintree District Council to pay invoices to our suppliers within 15 days of receipt, to assist business in the current financial situation.

Democracy Counts – Member Issues, Support and Training. Councillor Mrs Beavis drew attention to the Law & Governance publication (tabled at the meeting) entitled 'Democracy Counts'. The publication is designed to inform Members on issues, support

and training in their role as Councillors. A Member Seminar day is planned for Saturday 24th January 2009 at Towerlands, Braintree and Members are encouraged to attend and participate.

(ii) **Oral Questions**

INFORMATION: Members were invited to ask any questions of the Leader on non-operational matters and the following questions were asked: -

Councillor Hughes referred to the unanimous decision at Planning Committee to object to Essex County Council proposals for a **waste site at Rivenhall Airfield**. Did the Leader accept these views, and should members that are also County Councillors abide by this decision in the consultation process?

The Leader advised that he always supported decisions taken democratically.

Councillor Elliott made reference to difficulties with other authorities being unable to **dispose of recyclable waste**, and having to provide storage for the waste at their own expense. It was questioned whether there is any risk to this Council, and are any measures being implemented as a precaution?

Councillor Walters advised that this Council currently has no problems with disposal of dry recyclables, and that a contract had been signed recently for a further year with Holmans, the paper pulp material recycling facility (MRF) at Tilbury. However, fewer ships are visiting Tilbury to take the waste to Sweden, and any storage issues are being dealt with. Some Council's do not hold a contract and are being turned away from the MRF, but the Cabinet Member had visited Holmans recently and the Council should not experience any problems in the near future.

Councillor E Lynch continued from the earlier question on the **waste facility at Rivenhall Airfield**, and the unanimous decision of the Planning Committee to oppose the proposals. Will it be the intention of Braintree District Council to lobby Essex County Council on the planning application when it is considered at Committee, and will Braintree Members who are also County Councillors take forward our views?

The Leader stated that the District Council's views have been forwarded to the County Council, and it is appropriate for our officers to represent these views at any meeting.

Councillor Abbott questioned what could be done to clear up litter thrown from vehicles, e.g. at Coleman's Bridge at Rivenhall End, to prevent the cost being passed to Council Tax payers ?

The Leader confirmed that litter beside our roads is a problem, and the Highways Agency along the A120 has experienced the problem. In many instances roads need to be closed for our partners or the Council's Clean Team to respond. If the registration number of the vehicle involved in the litter incident is reported there may be opportunity to take the issue further.

Councillor Walters requested that if a bad area is seen, i.e. with litter, dead fox, it should be reported. The Council do rely on litter picking initiatives with partners, and do litter pick as often as possible.

(iii) **Chairmen's Statements**

INFORMATION: No statements were made.

(iv) **Meetings in Public Session**

INFORMATION: Members were invited to raise any matters arising from meetings that had been held in public session as listed on Page 28 of the agenda.

Councillor Abbott made reference to Bramston Leisure Centre and Maltings Academy (Minute 95); and Town Centre Regeneration (Minute 97) from the Cabinet meeting held on 1st December 2008, and stated that, in both cases, there is no reference to sustainability. The Leader and Cabinet promote sustainability as a core part of project planning and opportunities do exist for a sustainable approach on renewables to minimise energy costs, minimise road traffic on out of town routes and other initiatives on both projects.

The Leader considered that it is too early in both projects to incorporate sustainable aspects. With regard to the swimming pool the Council has to work with Maltings Academy and Essex County Council to agree plans; and for the Town Centre Regeneration projects the sustainability aspect will be addressed as the Design Brief stage when plans go into the public sector.

Councillor Butland referred to the Proposal for Joint Parking Service (Minute 103) of the Cabinet meeting of 1st December 2008, and informed Council that Decision 3 – on the appointment of two Members to represent Braintree at Joint Committee meetings with Colchester Borough Council and Uttlesford District Council are to be

- Councillor R G Walters, Cabinet Member for Environment & Sustainability, and
- Councillor R G S Mitchell, Deputy Cabinet Member for Environment & Sustainability

The Chairman of the Council drew attention to the Museum Trust item taken in Private Session at the Cabinet meeting of 1st December 2008, and advised that the minutes are admissible in the public domain.

60 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: There were no reports received from Council representatives on external organisations.

As there were no items in private session, the Chairman wished all Members, Officers and members of the press a good, safe Christmas, and closed the meeting.

The meeting commenced at 7.15pm and closed at 8.38pm.

Lady Newton
(Chairman)

(ii)

For further information regarding these minutes, please contact Eileen Self, Law & Governance, on 01376 551414 or e-mail eileen.self@braintree.gov.uk