

Minutes

Council Meeting

12th April 2010



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	Yes
Mrs J C Beavis	Yes	N G McCrea	Yes
D L Bebb	Yes	J McKee	Apologies
E Bishop	Yes	H J Messenger	Yes
R J Bolton	Yes	A M Meyer	Apologies
G Butland	Yes	R G S Mitchell	Yes
G Cohen	Apologies	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton	Yes
M Dunn	Yes	J P O'Reilly-Cicconi	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Apologies	R Ramage	Yes
R Elliston	Yes	D M Reid	Yes
Dr R L Evans	Yes	D E A Rice	Apologies
A V E Everard	Yes	Mrs C Sandbrook	Apologies
J H G Finbow	Yes	Mrs W D Scattergood	Yes
Ms L B Flint	Yes	Mrs J W Schmitt	Yes
T J W Foster	Yes	A F Shelton (Vice Chairman)	Yes
Mrs B A Gage	Apologies	Mrs L Shepherd	Yes
M G Gage	Apologies	C Siddall	Yes
Mrs M E Galione (Chairman)	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	Apologies	S M Walsh	Apologies
D L Hume	Yes	R G Walters	Apologies
M C M Lager	Yes	R N Wilkins	Apologies
S J Lambourne	Yes	T S Wilkinson	Yes

The Chairman welcomed all Councillors to the meeting and she extended a warm welcome to members of the public and press present at the meeting.

PUBLIC SESSION

74 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed back Councillor Dr Evans and Councillor Mrs Money and wished them the best following their recent hospital operations.

The Chairman wished to thank all those who attended the Civic Service held on 11th April 2010 to mark her term of office.

75 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J E Abbott declared a personal and prejudicial interest in Agenda Item 14(i) Policy Recommendations and References – Committees – Private Session (Disposal of Council-owned land in Braintree) as he was employed by a potential occupier of the site. Councillor Abbott left the meeting whilst this matter was discussed and determined.

Councillor J E B Gyford declared a personal and prejudicial interest in Agenda Item 14(ii) Policy Recommendations and References – Committees – Private Session (Proposed Acquisition of Land in Witham) in his capacity as Treasurer to Witham Constituency Labour Party which owned and operated land in Witham. Councillor Gyford left the meeting whilst this matter was discussed and determined.

Councillor D L Hume declared a personal interest in Agenda Item 7 Halstead Town Council Ward Representation as he was a Member of Halstead Town Council. Councillor Hume declared a personal interest also in Agenda Item 11 Reports on the Business of External Organisations (Braintree District Citizen's Advice Bureau) as his partner was a volunteer with the Citizen's Advice Bureau.

Councillor M C M Lager declared two personal interests in Agenda Item 10(i) Questions by Members – Published Minutes of Meetings Held in Public Session, namely Cabinet - 29th March 2010 - Minute 129 (Improvements to Witham Town Park) as he was a Member of Witham Town Council, and Cabinet - 29th March 2010 - Minute 135 (References from Performance, Innovation and Efficiency Programme Board - 18th March 2010) as he was a Member of Improvement East, the Regional Improvement and Efficiency Panel for the East of England.

Councillor H J Messenger declared a personal interest in Agenda Item 7 Halstead Town Council Ward Representation as he was a Member of Halstead Town Council.

Councillor Lady Newton declared a personal interest in Agenda Item 10(i) Questions by Members - Reports from the Leader and Cabinet Members (Enterprise and Culture) as her daughter was a Director of BAA Regulation and reference was made during the debate to Stansted Airport.

Councillor Mrs J A Pell declared a personal interest in Agenda Item 7 Halstead Town Council Ward Representation as she was a Member of Halstead Town Council.

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.

76 **MINUTES**

DECISION: That the minutes of the meeting of Council held on 15th February 2010 be approved as a correct record and signed by the Chairman.

77 **QUESTION TIME**

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

78 **ANNUAL REPORT OF STANDARDS COMMITTEE FOR 2009/10**

INFORMATION: The Chairman welcomed Mr Chris Webb, the Chairman of the Standards Committee.

Mr Webb was pleased to present the Annual Report of the Standards Committee for 2009/10. Mr Webb stated that 11 complaints had been dealt with since the adoption of the new framework. This was not a high figure in comparison to other Councils and no complaints had been deemed significant or serious. The profile of ethical issues was being promoted to ensure that Councillors and members of the public had a clear understanding of the Code of Conduct.

DECISION: That the Annual Report of the Standards Committee for 2009/10 be noted.

79 **HALSTEAD TOWN COUNCIL WARD REPRESENTATION**

INFORMATION: The Chief Executive presented a report regarding the proportion of Councillors to electorate for the Halstead Town Council Wards of St Andrews (North) and St Andrews (South).

Members were advised, that at the Boundary review in 2001 the Halstead Town Council Ward of St Andrews had been divided, with four Town Councillors being allocated to the North Ward and three Town Councillors being allocated to the South Ward. Currently, this meant that the four St Andrews (North) Councillors represented an average of 591 electors, whilst the three St Andrews (South) Councillors represented an average of 949 electors. Halstead Town Council considered this allocation to be disproportionate and had made representations to the Returning Officer for the imbalance to be reviewed.

As the principal authority, it was Braintree District Council's duty to consider the request and to determine the future allocation of Town Councillors. A formal review and consultation process had commenced in September 2009. Four representations had been submitted and these were summarised in the report attached to the Agenda.

The Returning Officer had considered the representations and had concluded that there was a strong case for the apparent imbalance to be addressed and the

representation for the two Wards reversed. Halstead Town Council supported the proposal.

DECISION: That the existing representation on Halstead Town Council be reversed to provide three Town Councillors for St Andrews (North) Ward and four Town Councillors for St Andrews (South) Ward.

80 POLICY RECOMMENDATIONS AND REFERENCES

Cabinet – 29th March 2010

(i) Clean and Green Initiative (Minute 127)

Councillor Mrs Schmitt, Cabinet Member for Communities, presented the Recommendation of the Cabinet. Councillor Mrs Schmitt referred to the Clean and Green Initiative announced by the Leader of the Council in the District of Tomorrow debate at the Council meeting held on 15th February 2010 and its new title 'Green Heart of Essex' Programme.

The ambition of the Programme was to improve the appearance of the District and to make it a better place to live. Consultation had shown that the public considered litter clearance and enforcement, and parks and open spaces to be important.

There had been a tremendous amount of good work in this area already such as the recycling rate being increased to 50%, the planting of thousands of trees every year, cutting the Council's carbon footprint, winning Green Flag awards for Halstead Public Gardens and Silver End Memorial Gardens and clearing litter from hundreds of miles of roads and from public spaces. However, the Green Heart of Essex Programme built on this successful work and the aim was to make noticeable improvements to the appearance of the District so that residents could see that an excellent service was being provided and that the Council was committed to improving the District for everyone's benefit. The Green Heart of Essex Programme included a number of projects and it would require high visibility and large scale public and partner involvement to succeed. The main themes within the Programme were 'a Cleaner District', 'a Greener District', 'Protecting our Environment', 'Stronger Enforcement', and 'Involving more People and Partners'.

Councillor Mrs Schmitt praised the work of voluntary organisations and individuals who had taken it upon themselves to help keep the District clean, along with several Councillors who had set an example to members of the public. Councillor Mrs Schmitt stated that there would be more visible litter picking on main highways and strategic roads within the District and cleaning times during Summer months would be extended to include evenings and weekends. Councillor Mrs Schmitt outlined plans to publish Braintree District Council's cleaning schedules and response times and to provide a dedicated phone line to enable residents to report incidents of fly-tipping, litter and graffiti.

Councillors supported this initiative which they considered would enhance the numerous community litter picking activities which already took place. With

regards to litter, Councillors highlighted the importance of communities and organisations working together, the need to educate people about not dropping litter, and the proactive steps required to penalise people who have dropped litter. In particular, Members expressed the hope that more robust action could be taken against litter arising from fast food outlets other than via the voluntary code of practice which currently existed. Concern was expressed also about litter accumulating on privately-owned land. This detracted from the appearance of the District, but the Council had limited powers to deal with it. Members queried also whether there would be adequate resources to undertake the enforcement action proposed and reference was made to the intimidating behaviour of some people towards Community Wardens trying to carry out their duties. Councillor Mrs Schmitt indicated that more information regarding enforcement would be available in June 2010.

Councillor E Lynch expressed concern about A-frame advertisement signs placed on paths, particularly in town centres, and the problems associated with these. In response, Councillor Mrs Schmitt concurred with Councillor Lynch and she indicated that this issue would be raised again with Essex County Council which was the responsible authority for dealing with such signs.

With regard to carbon emissions, Councillor Abbott stated that the commercial sector should be encouraged more to save energy and he queried whether this could be taken forward through the Business Improvement District (BIDs) initiative. This was supported.

DECISION:

- (1) That the proposed programme and principles, as outlined in the Green Heart of Essex Programme, be approved.
- (2) That a £250,000 fund be established to address the priorities for the next 12 months (£100,000 to be allocated from the 2010/11 capital programme and £150,000 from earmarked reserves).
- (3) That a further report is made to Cabinet on 14th June 2010 as the Programme develops.

(ii) Witham Leisure Centre (Minute 130)

Councillor Lady Newton, Cabinet Member for Housing and Well-being, presented the Recommendation of the Cabinet regarding Witham Leisure Centre. Reference was made to the report submitted to Cabinet which set out the estimated capital and revenue costs of replacing the leisure facilities currently located at Bramston Sports Centre, Witham at a new site in Witham in association with the Academies Enterprise Trust and Essex County Council.

Estimated costs had been prepared based on the 'Standard' Design Option which included a 25 metre swimming pool, a learner pool, a 70-75 station fitness suite with a free weights area, two dance studios, two

squash courts with a movable wall, and a café/shop. Estimated costs had also been submitted for an 'Additional' Design Option which included a movable floor in the learner pool, a wet suite including sauna/ steam room, an additional squash court, two/three small treatment rooms, and a crèche.

Figures had also been calculated for the cost of additional external works including the relocation of the existing hard courts and landscaping and remodelling work to the proposed car park, and the cost of a contingency fund, and project management/specialist consultants' fees.

Councillor Lady Newton explained that Cabinet had supported the 'Standard' Design Option together with the additional external works, contingency fund and project management/specialist consultants' costs outlined above, and had agreed that the wet suite, additional squash court and treatment room elements of the 'Additional' Design Option should also be included. The overall project cost incorporating each of these elements was estimated to be £7.5m. Cabinet had recommended to Council that a capital sum of £7.5m be allocated to Witham Leisure Centre, subject to full cost designs being commissioned from appropriate specialist consultants. Cabinet had not supported the movable pool floor and creche elements of the 'Additional' Design Option. Councillor Lady Newton moved approval of the Cabinet Recommendation and this was seconded by Councillor Butland.

In discussing this report, Councillor Gyford queried the proposed arrangements for public consultation. Councillor Gyford indicated also that the provision of a movable floor in the learner pool would comply with requirements to provide facilities accessible by people with disabilities and he moved an amendment to the original motion that the movable floor be included within the scope of the Witham Leisure Centre project and that the £325,000 estimated capital cost of the floor and associated contingency cost be added to the overall sum required. This amendment was seconded. Councillor Lady Newton responded by stating that there would be two consultation processes on the proposal, namely at the planning application stage and at the detailed design stage. Councillor Butland, Leader of the Council, stated that whilst he supported the amendment this did not mean that a movable floor would ultimately be included within the project. Councillor Butland stated that compliance with disability discrimination legislation did not necessitate the provision of a movable floor at Witham Leisure Centre. This was illustrated by Braintree and Halstead swimming pools which both complied with the law yet did not have movable floors.

Councillor Abbott sought reassurance that the new facility would meet Building Research Establishment Environmental Assessment Method (BREEAM) very good standards at each stage of development and he asked if the provision of a crèche, particularly at peak times, could be reconsidered. In response, Councillor Lady Newton stated that the facility would be constructed to BREEAM very good standards. However, Lady Newton referred to the consultant's report which stated that generally a

creche did not provide surplus income and that the provision of a creche at Witham Leisure Centre would not be viable.

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

DECISION: That a capital sum of £7.825m be allocated to the Witham Leisure Centre project, subject to full cost designs being commissioned from the appropriate specialist consultants.

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

INFORMATION: No statements were made.

82 **QUESTIONS BY MEMBERS (PUBLIC SESSION)**

(i) **Reports from the Leader and Cabinet Members**

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

Councillor Butland, Leader of the Council, corrected his report by stating that it covered the period 16th February 2010 to 9th April 2010 and that Councillor Lager had not attended the meeting held with Colchester Borough Council, as stated. In referring to the continued success of Great Notley Country Park, Councillor Butland indicated that a large screen would be erected in the Park to show forthcoming World Cup football matches. This would be in partnership with Essex County Council. Other entertainment would also be provided and tickets would be £4 each for adults and £2 each for children.

Councillor Harley referred to a petition which had been received from residents of Coggeshall reiterating the importance of improvements being made to the A120 in order to relieve congestion. Councillor Harley stated that it was important that this issue should receive attention by the Government and meetings were being arranged at County and national level to discuss it.

Councillor Abbott expressed disappointment that the Inquiry Inspector had chosen to support Essex County Council's position regarding the development of a waste site at Rivenhall and he sought re-assurance that the Council would continue to work with local Parish Councils and organisations to argue against Rivenhall being selected as the chosen site. Councillor Harley confirmed that the District Council's support would continue.

Councillor Abbott referred to the announcement made earlier in the day that the Government had abandoned its support for a second runway at Stansted Airport and he questioned whether the Council would encourage people to write to BAA suggesting that their proposal for a second runway be dropped. In response, Councillor Harley welcomed this news and he stated that the Council would continue to work with partners to argue

against a second runway being built. Councillor Harley commended the work of the Stop Stansted Expansion campaign.

Councillor Bebb, Deputy Cabinet Member for Customers and Communication, referred to the Council's six Modern Apprentices who had been challenged by the Chief Executive to suggest how the Council might engage better with young people. The Apprentices had circulated a questionnaire on the matter to all Councillors and Members were encouraged to complete and return it.

In an update to his report, Councillor Lager stated that the Government had not accepted the Council's complaint that the Government's decision to refuse the Council's application to charge Icelandic Bank losses to capital rather than revenue had been flawed.

Councillor Mitchell, Deputy Cabinet Member for Environment and Sustainability, was pleased to report that significant savings were being achieved, particularly with postage and paper costs, following the introduction of electronic receipt and acknowledgement of planning application representations.

(ii) **Chairmen's Statements**

INFORMATION: No reports were made.

(iii) **Minutes of Meetings (Public Session)**

INFORMATION: Members were invited to raise any matters arising from meetings that had been held in public session since the last Council meeting on 15th February 2010. No issues were raised.

83 **BUSINESS OF EXTERNAL ORGANISATIONS**

(i) **Braintree District Citizen's Advice Bureau**

INFORMATION: Councillor Swallow presented an annual report on Braintree District Citizen's Advice Bureau (CAB). Councillor Swallow praised the work of the CAB and he stated that the help they provided to people was particularly important during the current recession. Customer satisfaction levels were high.

It was reported that discussions were taking place with the CAB and the Pensions Service to ensure that people would still be able to obtain appropriate advice after the withdrawal of the Council's Welfare Rights Service.

DECISION: The report was noted.

(ii) **Braintree District Voluntary Support Agency**

INFORMATION: Councillor Mrs Howell presented an annual report on Braintree District Voluntary Support Agency (BDVSA). Councillor Mrs

Howell was pleased to report that Voluntary Sector Training, of which BDVSA was a partner, had recently been awarded MATRIX accreditation following a particularly tough assessment. Councillor Mrs Howell praised the work of the Voluntary Support Agency and its staff and she stated that she was very proud to be associated with the organisation.

DECISION: The report was noted.

Exclusion of Public and Press: -

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 the relevant paragraphs of Part 1 of Schedule 12(A) of the Act.

Although the following items were taken in Private Session the Minutes do not contain any confidential information and are therefore admissible in the public domain.

PRIVATE SESSION

84 **STATEMENTS BY MEMBERS (PRIVATE SESSION)**

INFORMATION: No statements were made.

85 **QUESTIONS BY MEMBERS (PRIVATE SESSION)**

(i) **Reports from the Leader and Cabinet Members**

INFORMATION: No reports were made.

(ii) **Oral Questions**

INFORMATION: There were none.

(iii) **Chairmen's Statements**

INFORMATION: No reports were made.

(iv) **Minutes of Meetings (Private Session)**

INFORMATION: Members were invited to raise any matters arising from meetings that had been held in private session since the last Council meeting on 15th February 2010. No issues were raised.

86 **POLICY RECOMMENDATIONS AND REFERENCES (PRIVATE SESSION)**

Cabinet – 29th March 2010

(i) **Disposal of Council-owned Land in Braintree**

INFORMATION: Councillor Lager, Cabinet Member for Efficiency and Resources, presented a Recommendation from the Cabinet. Councillor Lager reported that the Council had received a conditional offer for the acquisition of land and the grant of access rights in Braintree. The final agreed Heads of Terms were attached to the Agenda report.

In discussing this item, Councillor Miss Thorogood queried who was responsible for the footpath running adjacent to the site as it was in a poor state. Councillor Mitchell, Deputy Cabinet Member for Environment and Sustainability, agreed to investigate the matter.

DECISION: That the site in Braintree (as described in the report) be declared surplus to requirements and disposed of, and access rights granted, in accordance with the Heads of Terms detailed within the report, or on such other terms and conditions as agreed by the Cabinet Member for Efficiency and Resources.

(ii) Acquisition of Land in Witham

INFORMATION: Councillor Lager, Cabinet Member for Efficiency and Resources, presented a Recommendation from the Cabinet. Councillor Lager reported that the Council proposed to acquire an area of land in Witham which it currently leased.

DECISION: That the Head of Asset Management be authorised to proceed with the acquisition of the property described in the report for the value stated, or on such other terms and conditions as agreed by the Cabinet Member for Efficiency and Resources.

The meeting commenced at 7.15pm and closed at 9.00pm.

Councillor Mrs M E Galione

(Chairman)