

Minutes

Council Meeting

18th February 2008



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	Yes
Miss L Barlow	Yes	D Mann	Yes
J Baugh	Yes	T McArdle	Yes
Mrs J C Beavis	Yes	N G McCrea	Yes
D L Bebb	Yes	J McKee	Yes
K E Bigden	Apologies	H J Messenger	Yes
E Bishop	Yes	A M Meyer	Yes
R J Bolton	Apologies	R G S Mitchell	Yes
G Butland	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton (Chairman)	Yes
Ms C J Denise	Yes	J P O'Reilly-Cicconi	Yes
M Dunn	Yes	Mrs R O'Shea	Apologies
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Yes
Dr R L Evans	Yes	D M Reid	Yes
A V E Everard	Yes	D E A Rice	Yes
J H G Finbow	Yes	W Rose	Yes
Ms L B Flint	Yes	Mrs C Sandbrook	Yes
T J W Foster	Apologies	Mrs W D Scattergood	Apologies
Mrs B A Gage	Yes	Mrs J W Schmitt	Yes
M G Gage	Yes	A F Shelton	Apologies
Mrs M E Galione (Vice-Chairman)	Yes	Mrs L Shepherd	Apologies
J E B Gyford	Yes	Mrs G A Spray	Yes
N R H O Harley	Yes	F Swallow	Yes
Mrs S A Howell	Apologies	Miss M Thorogood	Apologies
P J Hughes	Yes	S M Walsh	Yes
D L Hume	Yes	R G Walters	Yes
M C M Lager	Yes	R N Wilkins	Yes
S J Lambourne	Apologies	T S Wilkinson	Yes

The Chairman welcomed all Councillors and members of the public and press to the meeting, and drew attention to the evacuation procedure in case of an emergency, and the need for Members to use the microphones as the meeting was being webcast.

73 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the following issues:-

- (1) The **lists of engagements** carried out by herself and the Vice-Chairman since the last meeting on 17th December 2007.
- (2) **Mrs Rene Underwood, Main Receptionist - Retirement.** The Chairman referred to Rene's career with the Council since 1974, and her position as Main Receptionist at Causeway House since it opened on 1st April 1981. The Chairman presented Rene with gifts and thanked her on behalf of the public and Councillors for being the 'Best Ambassador' for the Council. The Group Leaders expressed their appreciation to Rene for always being unfailingly helpful, professional and smiling, and wished her a long and happy retirement. Rene thanked everyone for their kind words.
- (3) **Patrick Dempsey, Monitoring Officer – Retirement.** The Chairman announced that Patrick Dempsey was retiring in March and this would be his last Council meeting. Patrick had worked in local government for 41 years, and had joined the Council in 1988 as a Senior Legal Officer and had completed significant work on the Great Notley Garden Village development legal agreements. He was appointed Head of Corporate Services and Monitoring Officer in 1997 and is 'guardian' of the Constitution and advisor on the Council's Code of Conduct for Councillors. The Chairman presented Patrick with a gift and thanked him for his support and advice to Councillors. The Group Leaders expressed their thanks to Patrick for his service to the Council and wished him a long and happy retirement. Patrick thanked everyone for their best wishes and stated it had been a 'challenge'.

74 **DECLARATIONS OF INTEREST**

The following interest was declared:-

- Councillor Lady Newton declared a personal interest in Agenda item 10 – Notice of Motion regarding the Community Hospital in Braintree as she is a Non Executive Director of Mid Essex Primary Care Trust.

Unless stated otherwise, all Councillors remained in the meeting.

75 **MINUTES**

DECISION: That the minutes of the meeting of the Council held on 17th December 2007 be approved as a correct record and signed by the Chairman.

76 **QUESTION TIME**

INFORMATION: There was one statement made the details of which is appended to these minutes.

77 **CORPORATE STRATEGY 2008-2012**

INFORMATION: The Leader presented the Direction and Ambitions Statement 2008-2012 tabled at the meeting and summarised the challenges to the Council.

These included more housing, balancing economic growth, to protect and enhance the natural environment, partnership working and Growth Area funding, national and regional agendas, Local Area Agreements and appropriate training for the new roles for Councillors.

The key issues are –

- The environment is clean and green
- Business is encouraged and the local economy prospers
- Everyone can enjoy a healthy lifestyle
- Housing and transport meet local needs
- People take pride in their local areas
- We deliver excellent, cost effective and valued services.

DECISION: That the Direction and Ambition Statement and the related four-year objectives be approved.

78 **PAYMENT OF A SPECIAL RESPONSIBILITY ALLOWANCE TO ALL MEMBERS OF THE PLANNING COMMITTEE**

INFORMATION: John Burrow, Chairman of the Independent Remuneration Panel, presented the report and recommendations. The Leader, on behalf of the Council, thanked Mr Burrow and his colleagues on the Panel and moved the recommendation with the following amendments –

- In Item 1.1 it should be recognised that the Chairman of the Committee has an excessive workload with the additional meetings and briefings, and should not be excluded from the SRA. It also leads to an anomaly where other Committee Chairmen, who sit on the Planning Committee, are entitled to the SRA for planning. This inequality of other Committee Chairmen should be included in any review conducted later in the year.
- In Item 1.3 it was proposed that the new allowance be implemented from the start of the 2007/08 Civic Year.
- The term of office in 4.1 be of a five year period

These recommendations were seconded and it was noted that training for Committee Members should be offered during non-working hours.

DECISION: That the recommendations contained on Pages 14 & 15 of the report be approved subject to the following amendments:-

- 1.1 That subject to the recommendation in 1.2, a Special Responsibility Allowance (SRA) equal to the Basic Allowance multiplied by 0.185 be paid to all members of the Planning Committee. In respect of the Chairman of the Committee this sum shall be an addition to the SRA paid as Chairman of the Committee.
- 1.3 That the date of implementation of recommendations in 1.1 and 1.2 be from the Annual General Meeting of the 2007/08 Civic Year, i.e. 21st May 2007.
- 4.1 That the term of office of members of the Independent Remuneration Panel be five years.

79 **MEDIUM TERM FINANCIAL STRATEGY 2008/09 TO 2011/2012; COUNCIL BUDGET, COUNCIL TAX & RENTS 2008/09 - RECOMMENDATIONS AND REFERENCES – CABINET 4TH FEBRUARY 2008**

INFORMATION: Councillor Lager, Cabinet Member for Resources and Performance, presented the report on the Medium Term Financial Strategy 2008/09 to 2011/2012, and moved the recommendations from Minute 89 of the Cabinet meeting 4th February 2008.

Councillor Lager continued to present the Council Budget, Council Tax & Rents 2008/09 report and went on to move the recommendations at Minute 90 (i) to (xii) of the Cabinet meeting held on 4th February 2008.

Councillor Dr Evans queried if the substantial reserves contained in unallocated balances estimated at £2.53m, the Housing Revenue Account at £6.58m, and the capital receipt of £18.3m for the housing stock transfer could be used to keep the Council Tax increase at 3.3%, instead of going 'off-course' by rising to 4.3%.

Councillor M Gage also considered it unusual that £70,000 of savings could not be found to keep the Council Tax increase on course. He also reiterated that at the Cabinet meeting he had requested this Council, with other Councils, approach the Local Government Association to make representation to government on the impact of an additional 1% to the Council Tax increase would have on residents on a fixed income.

Councillor Gyford requested clarification on two issues. Firstly, in relation to the Senior Management Review and the costs covered from existing resources, it should be recognised that it is not only senior management that are under capacity pressure and that consideration should be given to existing staff at lower levels that are also under pressure and overstretched. He was conscious that, in some parts of the Council, there are areas experiencing 'difficulties in coping' and requested that thought be given to staff in those circumstances.

Secondly, whether Concessionary Fares should remain at 9.00am or move to 9.30am start times. This issue had been raised at Overview & Scrutiny Committee in November 2007 and January 2008, but will not be decided by Cabinet until 31st March 2008 – four months after it was raised. Therefore, it was requested what outcome is expected from the belated discussion at Cabinet as the implementation date for the new scheme is 1st April 2008.

Councillor Abbott stated that the Capital Programme includes significant schemes for additional lighting in the District and he considered that the Council should consider the ongoing costs for energy and adopt energy efficient lighting schemes that are also environmentally friendly, including the replacement of the sports centre floodlighting at the Braintree Sports Centre.

Councillor Lager provided the following responses

- to balance the books in future years a judgement had been made not to 'raid' any balances on this occasion. The 4.3% increase impacts on the base for following years and it was considered 'prudent' at this time of uncertainty
- the Council has aspirations to continue as a low tax authority although it may not be expressed in a Strategy
- representations are already underway to the LGA and government

- it was agreed that additional capacity was required under the Senior Management Review as the Council are experiencing the loss of senior staff. However, the Council will become smaller and assurance was given that staff will continue to deliver services and rise to future challenges
- with regard to Concessionary Fares negotiations are being held with bus companies and this will be reported to the Cabinet on 31st March 2008, together with how the Council can fit in with the national scheme, i.e. a 9.30am start on main routes. However, the Council may give further consideration on some particular routes under the scheme to extend that concession
- the Council has a robust sustainability strategy within its policies and will have regard to conformance to it, on all buildings and services.

DECISION:

- (i) That the budget variations to the current base budget as summarised in the revised Appendix D to the Cabinet report be approved;
- (ii) That the budget bids detailed in Appendix B to the Cabinet report, as amended for the reduction of £30,000 on Waste Management and the withdrawal of the Senior Management Review ongoing budget of £80,000 (the latter to be found from within existing resources over a two-year period) be approved;
- (iii) That the Fees and Charges for 2008/09 as shown in the Appendix C to the Cabinet report be approved, with a review to be undertaken by the Overview & Scrutiny Committee on the Council's Fees and Charges policy as indicated above;
- (iv) That rent increases for 2008/09 be:
 - 4.4% plus £2.00 per week for rents below target rent; and
 - 4.4% per week for rents at target rent (all figures on a 48 week basis)
- (v) That the Housing service charges for 2008/09 as detailed in Appendix F to the Cabinet report be approved;
- (vi) That the General Fund Capital bids for 2008/09 as listed in Appendix H to the Cabinet report be approved;
- (vii) That the Prudential Indicators and limits set out in Appendix I to the Cabinet report be approved;
- (viii) That the Policy on Minimum Revenue Provision as recommended in Appendix I to the Cabinet report be approved;
- (ix) That the Treasury Management Strategy, including annual investment strategy, for 2008/09 be approved;
- (x) That the policy framework and virement levels as detailed in Appendix J to the Cabinet report be approved;
- (xi) That the proposed detailed estimates, as amended during the discussion above, in Appendix D to the Cabinet report and the Council Tax increase of 4.3% be approved, having taken into consideration:
 - The consultation feedback received (Section 3 of report); and
 - The Finance Director's report on the robustness of the estimates and the adequacy of balances (Appendix K)
- (xii) That the Medium Term Financial Strategy is updated to take account of the information detailed in the report and the decisions made.
- (xiii) That the Council, with other authorities, make representations to the LGA and government on the impact an additional increase in Council Tax has on residents, particularly those on fixed income.

ACTION POINT: Officers to make representation to the LGA as stated above

80 **COUNCIL TAX RESOLUTION 2008/09**

INFORMATION: Councillor Lager, Cabinet Member for Resources and Performance, presented the Council Tax Resolution 2008-09.

DECISION:

- (1) That the General Fund budget of £17,862,860 for 2008/09 be approved.
- (2) That the level of Council Tax for 2008/09 is set, in accordance with the following resolution
 1. Under delegated powers the Finance Director agreed the amount of Council Tax Base for 2008/09 as 52,585 Band D equivalents. He also agreed that the amounts calculated and set out in Column 2 of Schedule A, should be the Council Tax Base for dwellings in those parts of the District listed in Column 1 of that schedule.
 2. The Council agrees a budget for 2008/09 of £17,862,860 after using £92,200 of earmarked reserves (as detailed in Appendix A). After taking into account revenue support grant, redistributed business rates, and the Council's share of the collection fund surplus, the Council's total charge on council taxpayers is £8,149,820. This equates to a Band D tax rate of £154.98, an increase of 4.3% compared to the current year.
 3. That the following amounts are calculated by the Council for the year 2008/09, in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
 - a) £66,168,724, being the expenditure the Council estimates it will incur in 2008/09 in performing its functions and which will be charged to a revenue account. This amount includes contingencies, estimated transfers to financial reserves, and local precepts issued to the Council.
 - b) £46,685,500, being receipts estimated by the Council for 2008/09 and which will be credited to a revenue account. This amount includes specific government grants and estimated transfers from financial reserves required to meet certain sums within the amount shown at (a) above, but excludes revenue support grant, redistributed business rates, and the Council's share of the estimated collection fund surplus.
 - c) £19,483,224, being the budget requirement for the year calculated as the difference between gross expenditure and income as set out at (a) and (b) above, and including the total of local precepts.
 - d) £9,662,030, being the amount which is payable for 2008/09 into the general fund in respect of revenue support grant and redistributed business rates.
 - e) £51,010, being the amount that has been calculated as the Council's share of the estimated collection fund surplus for 2007/08, which will be transferred from the collection fund in 2008/09.

- f) £9,770,184, being the Council Tax requirement for the Council including the amount required by local precepting authorities, which will be transferred from the collection fund to the general fund in 2008/09.
- g) £185.80, being the basic amount of council tax for 2008/09 including the average local precept tax rate calculated by dividing (f) by the total Council Tax base for the district.
- h) £1,620,364, being the aggregate amount of all precepts issued to the Council from local precepting authorities and taken into account in making the calculation of the budget requirement at (c) above, and shown in Column 3 of Schedule A.
- i) £154.98, being the basic amount of council tax for dwellings in those parts of the District where no special items relate, i.e. this is the District Council's element of the total council tax rate. This equates to the following charges on council taxpayers:

<u>Valuation Band</u>	<u>Proportion of Band</u> <u>D Tax</u>	<u>Council Tax £</u>
A	6/9	£103.32
B	7/9	£120.54
C	8/9	£137.76
D	9/9	£154.98
E	11/9	£189.42
F	13/9	£223.86
G	15/9	£258.30
H	18/9	£309.96

- j) The amounts shown in Column 5 of Schedule A, calculated by adding to the amount at (i) above, the precept amount relating to each parish/ town council area, divided by the tax base for that area. This represents the basic amount of council tax for each parish/ town council area, incorporating both the District and parish/ town council element of the total council tax amount. The charge for each property Band derived from this basic amount of council tax for each parish/ town council area is also shown in Schedule A.

4. That it be noted that the Essex County Council, Essex Police Authority, and Essex Fire Authority have indicated that the following precepts will be issued to the Council for 2008/09:

Essex County Council	£55,035,987
Essex Police Authority	£6,426,939
Essex Fire Authority	£3,274,994

And expressed as a tax rate for each of the categories of dwelling as shown below:

<u>Valuation Band</u>	<u>Essex County</u> <u>Council</u>	<u>Essex Police</u> <u>Authority</u>	<u>Essex Fire</u> <u>Authority</u>
A	697.74	81.48	41.52
B	814.03	95.06	48.44
C	930.32	108.64	55.36

D	1046.61	122.22	62.28
E	1279.19	149.38	76.12
F	1511.77	176.54	89.96
G	1744.35	203.70	103.80
H	2093.22	244.44	124.56

That having calculated the aggregate of the amounts stated under (i), (j), and 4 above for each area within the District, the Council hereby sets the amounts shown in Schedule B as the amount of Council Tax for 2008/09 for each of the categories of dwellings.

The Council resolves that any expenses incurred in performing in part of its area a function that is performed elsewhere in its area by a parish or town council, or a Chairman of a parish meeting, shall not be treated as Special Expenses for the purposes of Section 35 of the Local Government Finance Act 1992.

81 OVERVIEW AND SCRUTINY/TASK AND FINISH GROUPS

(i) Licensing Enforcement Study

INFORMATION: Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, referred to Minute 93 of the Cabinet meeting 4th February 2008 and moved the Enforcement Study – Module 3 – Licensing Enforcement.

DECISION: That the recommendations at Pages 15,16 & 17 of the Licensing Enforcement Study be noted, and resubmitted to Cabinet.

(ii) Reports from the Task and Finish Groups

(a) BDC Allotments Task Group Report

Councillor Bebb, Chairman of the BDC Allotments Task and Finish Group, presented and moved the report and referred to the demand for allotments, the resurgence to grow your own vegetables, the age range of participants, and the benefits of your own allotment. Allotments link in with the Council's policies and 54 parishes took part in audits and 57 allotment sites in the District had been identified. There is a 100% take-up rate for the Council's allotments with a waiting list of 400 applicants. Key areas of tenants concerns include security and vandalism, water provision, access, damage to sites and fly tipping. There is no budgetary provision in the Council budget, with any funds being vied from the Parks budget. There is current management uncertainty of allotments transferred to Greenfields Community Housing with the housing stock, although under legal aspects it was noted that there is an obligation under a 1908 Act for the Council to provide more allotments.

Councillor Abbott congratulated the Task Group on its findings and queried why the Council could not budget for further sites, as they prove so popular and beneficial; and why allotments sites are sold.

Councillor Butland commended the report and the following topic, and considered the future challenges for the Council to respond to the recommendations of both report(s).

Councillor Mitchell referred to recommendation 8.1.4. on security standards at allotments, and the environmental vandalism experienced at the Cut Throat Lane allotments in Witham.

DECISION: That the recommendations at Pages 25 & 26 of the report be noted and be considered at the Cabinet meeting on 31st March 2008.

(b) Refuse/Recycling Task and Finish Group Report

Councillor E R Lynch, Chairman of the Refuse/Recycling Task and Finish Group, presented and moved the report and thanked all members of the Group and officers involved in culmination of the findings. The Group's Terms of Reference were quoted and the proposals in the recommendations, including data collection and surveys, that the Council should instigate its own survey of residents, and that the County Council should be lobbied to provide a household recycling centre in the north of the District. It was also suggested that fortnightly waste collections should be rolled out to all rural areas, the need for lower level vehicles to aid the loading of black bags, and for further investigations in certain areas, including the higher costs of waste and recycling in this District compared to similar/neighbouring Councils.

Councillor Mrs Sandbrook referred to the statement that 'returning to weekly collections is not an option' and considered that the electorate should be more aware of the cost involved in any such proposal, and of the Group's findings.

Councillor McCrea congratulated the group on their work and considered that the enforcement of non-collection of side waste (5.2 refers) will require careful handling, so fly tipping is not encouraged.

DECISION: That the recommendations at Pages 5 & 6 of the report be noted and be considered at the Cabinet meeting on 2nd June 2008.

82 NOTICE OF MOTION – COMMUNITY HOSPITAL IN BRAINTREE

INFORMATION: The Chairman read the motion and invited the proposer, Councillor Butland, to address the meeting.

The Leader referred to the recent briefing from the Primary Care Trust (PCT), and the support from residents and Councillors for a local community hospital at the St Michael's site in Braintree.

Councillor Mrs Edey seconded the motion, and considered that the statement from the Council's Direction and Ambitions Statement 2008-2012 be quoted when writing to the PCT – 'We will work to secure improvements to local health facilities and access to health services'.

Councillor Gyford proposed an amendment to the motion, by adding the following paragraph –

' The Council also urges the Primary Care Trust to engage in further discussion, via Witham Local Committee, for the need of a minor injuries unit in Witham town – a facility that the town has been seeking since the 1970's'

This was seconded by Councillor Dr Evans, and supported by Councillor Rose.

Councillor Rose stated that a 1,200-signature petition had been made in 1967 on this issue; and advised of recent contact with the PCT for clarification on the criteria they used to ascertain that 'Witham was not a priority area'. A walk-in clinic/minor injuries unit for the 30,000 residents of Witham and surrounding area is very much needed.

Councillor Butland accepted the amendment and stated two issues. Firstly, that although the amendment regarding Witham is incorporated in the motion that it is treated as a separate issue with the PCT; and secondly, that the PCT be invited to the Witham Local Committee and further consideration be given to whether they require a minor injuries unit or the new concept of a 'poly clinic'.

The Chairman advised that the PCT and its Directors are to finalise the Braintree scheme within the next six weeks, after which a suitable date for the PCT to come to Witham Local Committee could be arranged.

Councillor Rice proposed that 'with adequate parking provision' to be included in the motion. The Chairman advised that the plans for the Community Hospital had not changed since the Council granted original planning consent.

DECISION: That the Notice of Motion as set out below be approved –

- (1) 'That this Council urges the Mid-Essex PCT and the East of England Strategic Health Authority to firmly commit to the provision of a local community hospital on the St Michael's site in Braintree. This is a much-needed local health facility, which will meet a local need.

The Council gives its full support to the proposed plan recently issued by the PCT and will do all it can to assist the PCT to deliver this much needed facility.

The Council hopes that the long awaited hospital will be provided without further delay'.

- (2) ' That the Council also urges the Primary Care Trust to engage in further discussion, via Witham Local Committee, for the need of a minor injuries unit in Witham town – a facility that the town has been seeking since the 1970's'

ACTION POINTS:

- (1) *That officers make representation on the two issues to the PCT*
- (2) *That the Witham Locality Coordinator invites the PCT to Witham Local Committee*

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

- (a) Standards Committee – 7th February 2008 – Orders and Regulations relating to the Conduct of Local Authority Members in England

Peter Schwier, Chairman of the Standards Committee, advised of the proposal to make the Standards Committee 'fit for purpose' in line with legislation changes. This includes increasing the membership from nine to 12 - one further independent (non-councillor) member, one further parish representative and one further District Councillor.

Councillor Gyford moved the recommendations, and it was seconded by Councillor O'Reilly-Cicconi.

DECISION:

- (1) That the number of members on the Standards Committee be increased from nine to twelve by the appointment of one further independent (non-councillor) member, one further parish representative and one further District Councillor.
 - (2) That Karen Harman be appointed as the fifth Independent (non-councillor) Member of the Standards Committee for a term of Office expiring on 7th October 2011.
 - (3) That Councillor Lady Newton be appointed as the fourth District Councillor on the Committee until the annual meeting of the Council on 21st April 2008.
 - (4) That any amendments to the Constitution be made, with effect from 1 April 2008, which reflect the arrangements for the local consideration of allegations of breaches of the Code of Conduct and to incorporate the role of the Standards Committee in relation to politically restricted posts.
- (b) Licensing Committee – 13th February 2008

(i) Amendments to the Constitution – Delegation of Powers to the Licensing Committee and Officers

Councillor Banthorpe, Chairman of the Licensing Committee, moved the recommendations for delegated powers to Officers regarding Licensing Hearings, suspension of Hackney Carriage and/or Private Hire licences, and functional responsibilities of the Drivers Panel.

Councillor Butland moved an amendment to the suspension of a Hackney Carriage and/or Private Hire drivers licence to involve consultation with the Head of Law and Governance, the Development Director, and the Chairman or Vice Chairman of the Licensing Committee. This was seconded, and found acceptance from the Chairman of the Licensing Committee.

DECISION:

- (1) That Part 3, Section 5 of the Constitution – Schedule of Functions Delegated to Officers be amended to include:-

The Head of Law and Governance, in consultation with the Chairman of the Licensing Committee, be authorised to adjourn a Licensing Hearing in accordance with the Licensing Act 2003 (Hearing) Regulations 2005.

The Head of Law and Governance be authorised to exercise powers to extend the time limits set out within the Licensing Act 2003 (Hearing) Regulations 2005.

That, in consultation with the Head of Law and Governance, the Development Director and the Chairman or Vice Chairman of the Licensing Committee be authorised to suspend Hackney Carriage and /or Private Hire drivers licences under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately, if in their opinion it is in the interest of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Driver's Panel.

- (2) That Part 3, Section 6 of the Constitution – the functional responsibilities of the Driver's Panel be amended to include the following:-

To make decisions on the continuation of any Private Hire/Hackney Carriage/Dual Driver's Licence where event/s as specified in the Conditions of a Hackney Carriage and Private Hire Vehicle Driver's licence, and/or the Local Government (Miscellaneous Provisions) Act 1976 (as amended), has/have arisen.

(ii) Amendment to the Council's Pavement Permit Policy

Councillor Banthorpe, Chairman of the Licensing Committee, moved a recommendation regarding Clause 12 of the Council's Pavement Permit Policy in relation to 'bottled gas heaters' and halogen heaters being used as outdoor heating.

DECISION: That Clause 12 of the Council's Pavement Permit Policy be amended to 'The Council will not permit the use of bottled gas fuelled patio or outdoor space heaters in the permitted area'.

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

Councillor Wilkins – Disabled access to High Street, Braintree

INFORMATION: Councillor Wilkins advised he was withdrawing his statement at this time.

85 **QUESTION TIME (PUBLIC SESSION)**

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

INFORMATION: The following statements were made: -

Gypsy & Traveller Provision. Councillor Butland reported that at the January meeting of the East of England Regional Assembly it was agreed that local authorities in the East of England make provision for additional pitches for gypsies and travellers, with Braintree to have 16 additional pitches by 2011, bringing the District total to 41.

(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 Abbott referred to the Council meeting on 17th December 2007 on the following issues – Minute 71(iv) Minutes of Meetings in Public Session, and whether Councillor Butland had a progress report relating to **on-street parking/damage to grass verges in Silver End** following the public meeting between County, District, Town and Parish Councils (Witham Local Committee 6th November 2007 refers). Councillor Abbott also queried an issue regarding land behind **Spring Lodge, Witham** and a footway alongside the land at the rear of Spring Lodge had been closed off for a proposed period of 18 months. This had not been disclosed when the planning application was received at Planning Committee and the implication to the cycleway alongside the river was mentioned and the destruction to wildlife habitat. In response, Councillor Butland, stated officers would respond to both issues. However, it was noted that the grass verges issue was a future item for Witham Local Committee.

ACTION POINT:

- (i) *Officers to provide a progress report on the on-street parking/damage to grass verges issue at Silver End and the Conservation Area*
- (ii) *Officers to investigate the closure of the footway to the rear of Spring Lodge, Witham and other associated issues*

Councillor Rice advised that in his ward of Braintree South there are **private sites that require 'tidying up' and maintenance**, and queried if the Council had any powers in this area.

Councillor Butland responded resources are available within Local Committees on this issue, and that Councillor Walters would clarify what can and cannot be done in these circumstances.

ACTION POINT: *Officers and Councillor Walters to respond on the above issue concerning untidy sites in private ownership.*

(iii) **Chairmen's Statements**

INFORMATION: No statements were made.

(iv) **Minutes of Meetings in Public Session**

INFORMATION: Members were invited to raise any matters arising from the minutes of meetings held in public session that had been published since the Council Meeting on 17th December 2007.

Councillor M G Gage, Chairman of the Overview & Scrutiny Committee, presented an extract from the minutes of 23rd January 2008 meeting on Local Petitions and Councillor Calls for Action. This required a response to a government consultation paper by 20th March 2008 on procedural rules for handling petitions, and the operation of the 'Councillor Calls for Action' guidance.

The Leader considered it appropriate that this issue be discussed at the Local Government and Reform Cabinet Sub Group on 20th February 2008, and an overall response sent to the Department for Communities and Local Government in response to the consultation paper 'Local Petitions and Calls for Action'.

Councillor Dr Evans referred to the Cabinet meeting 4th February 2008 - Minute 90, Council Budget, Council Tax & Rents 2008/09, regarding facilities at Forest Road and

Rickstones Road, Witham; and requested an update on the pre-school groups using the Rickstones Road facility.

In response, Councillor Butland and Councillor Mrs Beavis, advised that the playgroup had moved to Spring Lodge as an interim measure, and that local footballers will continue to use the Rickstones facility for the remainder of the season. There are potential options to rebuild the changing rooms and, at an additional cost, to provide a utilitarian room for use by the playgroup and brownies/rainbows.

Councillor E R Lynch referred to the Housing Transfer Programme Board, Minute 94 of Cabinet minutes 4th February 2008, and Member protocol. The outstanding issues that remain between the Council and Greenfields Community Housing was also queried, and how Members will be kept informed.

Councillor Butland advised that the new Chairman of Greenfields Community Housing and their Chief Executive, will meet with the Leader and Chief Executive of the Council to discuss Member Protocol; and the Lead Member, Councillor Mrs Beavis, will make regular reports to Members on outstanding issues.

ACTION POINT: The Leader to ensure a process is in place for regular reports to Councillors on the outstanding issues referred to above

86 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: There were no items raised.

There being no items in private session the Chairman closed the meeting.

The meeting commenced at 7.15pm and closed at 10.02pm.

Lady Newton

(Chairman)

APPENDIX
COUNCIL MEETING
18TH FEBRUARY 2008
PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Relating to Witham Cemetery,

(i) Statement by Mrs Ann Foster, 34 Beadle Way, Great Leighs.

Mrs Foster wished to personally thank the Council for the installation of the gate and railings at Witham Cemetery. She advised that her late son is buried in the cemetery and reminded Members of her campaign for railings to combat antisocial behaviour activities in the area and, now these are installed, her late son can rest in peace. Thanks were also extended to the local police, Council officers and Councillors who have worked hard on the scheme.

Mrs Foster suggested that the opening times to the cemetery should be 10.00am to 3.00pm in the winter period, and 9.00am to 7.00pm in summer, as this would provide ample time to visit loved ones. It was also proposed that the dog refuse bin that is adjacent to the car parking area should be repositioned further along the railings.

Councillor Butland referred to the suggestions from Mrs Foster whilst talking on civic pride under the Corporate Strategy and these would be taken on board.

ACTION POINT: That Officers investigate the positioning of the dog refuse bin at Witham Cemetery