

# Minutes

## Council Meeting



### 5<sup>th</sup> November 2007

Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
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	Yes	H J Messenger	Yes
E Bishop	Yes	A M Meyer	Apologies
R J Bolton	Yes	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	Apologies	J P O'Reilly-Cicconi	Yes
M Dunn	Yes	Mrs R O'Shea	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Apologies
Dr R L Evans	Yes	D M Reid	Yes
A V E Everard	Yes	D E A Rice	Apologies
J H G Finbow	Yes	W Rose	Yes
Ms L B Flint	Yes	Mrs C Sandbrook	Yes
T J W Foster	Yes	Mrs W D Scattergood	Yes
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	Yes
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	Apologies
S J Lambourne	Yes	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.

## 48 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the lists of engagements carried out by herself and the Vice-Chairman since the last meeting, and drew attention to the following

- (a) **Witham Puppet Festival.** The Chairman congratulated Witham Town Council on the Puppet Festival and stated it was an amazing day for families of all ages, and had attracted many visitors to the town.
- (b) **Art Founders.** The Chairman had visited Art Founders in Braintree two days before they delivered the 30ft bronze statue to St Pancras Station in London. The statue depicts two people embracing and is to stand under the clock on the concourse at St Pancras.
- (c) **Royal British Legion Poppy Appeal.** Members were reminded to support the Poppy Appeal.
- (d) **Certificate of Merit.** The Council had been granted a Certificate of Merit by the Federation of Small Businesses for its partnership work with the business community, and gives recognition to the Council's proactive approach engaging with businesses and business groups in tackling local and regional issues that impact on the economy of the District.
- (e) **Local Democracy Week.** Five Councillors had taken part in an on-line voting game called 'I'm a Councillor, get me out of here' with secondary and primary schools as part of their citizenship classes. Students from Hedingham, Alec Hunter and Lyons Hall schools had voted for their favourite Councillor following a manifesto submission and a question and answer session on-line, and the Councillors visiting the schools. The Chairman had met with students from the schools earlier in the day, together with Councillors who took part, and expressed thanks to the students, teachers and Councillors for the event. Councillors Lucy Barlow, Joanne Beavis, Claire Sandbrook, Fred Swallow and Tim Wilkinson had taken part in the election process and following elimination by the students Councillor Fred Swallow is the Youth Champion for the Braintree District. The Chairman presented Councillor Swallow with a memento of the occasion.

## 49 **DECLARATIONS OF INTEREST**

The following interests were declared:-

- Councillors Abbott, Baugh, Bigden, Bishop, Bolton, Collar, Everard, Finbow, Ms Flint, Foster, Mrs B Gage, Mrs Galione, Lambourne, Mann, Mrs Money, Lady Newton, O'Reilly-Cicconi, Mrs Pell, Mrs Scattergood, Mrs Shepherd, and Mrs Spray all declared a personal interest in Agenda item 8 – recommendation from the Local Government Reform Cabinet Sub Group on the Role of Members of the Planning Committee as they are all members of the Planning Committee.

- Councillor M G Gage declared a personal interest in Agenda Item 8 – recommendation from the Local Government Reform Cabinet Sub Group on the Role of Members of the Planning Committee as Mrs Gage is a member of the Planning Committee.
- Councillors Banthorpe and Mann both declared a personal interest in Agenda Item 5 - Housing Transfer, as Board Members of Greenfields Community Housing (GCH).
- Councillor E R Lynch declared a personal interest in Agenda Item 5 – Housing Transfer as a previous member of the GCH Shadow Board.

Unless stated otherwise, all Councillors remained in the meeting.

50 **MINUTES**

**DECISION:** That the minutes of the meeting of the Council held on 17<sup>th</sup> September 2007 be approved as a correct record and signed by the Chairman.

51 **QUESTION TIME**

Two statements were made, the details of which are appended to these minutes.

52 **HOUSING TRANSFER**

**INFORMATION:** The Leader referred to the recommendations from Minutes 57 and 58 of the Cabinet meeting of 29<sup>th</sup> October 2007 and requested that the Council's legal and financial advisors on the housing transfer address the Council.

Simon Martin of PricewaterhouseCoopers stated that since their appointment as the Council's financial advisors earlier this year they had spent considerable time building up an accurate transfer valuation of the Council's housing stock. In line with government guidelines this valuation is based on the forecast income and expenditure related to the housing for the next 30 years. Mr Martin stated that they are now satisfied that the valuation is properly prepared, in accordance with government guidelines, and takes account of agreed future investment commitments of Greenfields Community Housing (GCH).

Rob Beiley, partner at Trowers & Hamlin, solicitors to the Council on the housing transfer, stated that he was satisfied that the transfer document is prepared in accordance with government guidelines and made the following points

- That the document provides a robust mechanism for the Council enforcing the delivery of the promises which was made to the secure tenants at the time of consultation last year
- That the document adequately reflects the valuation agreement which has been reached in accordance with government guidelines and between the Council and GCH, and
- That the residual risks to the Council involved with the transfer are no more onerous than would be that which would be usually expected in a stock transfer situation.

Councillor Butland advised that the recommendation brings to a conclusion a two-year trail on the best way to improve the homes currently in the ownership of Braintree District Council, to the Decent Homes Standard and various options had

been considered. Members were reminded of the four options, the outcome of the ballot and the final agreement of stock transfer from the Council to a Registered Social Landlord (RSL) and the advantage of availability of funding. The new RSL had the interest of tenants at heart in everything it does and it was chosen to use the Community Gateway Model, to give the tenants much more input on housing issues.

The revised valuation would allow the Council and GCH to go much further and will provide additional resources for new affordable housing and promote improvements in the houses and the surrounding environment. Tough negotiations and discussion have ensued between the Council and GCH to achieve the best settlement for tenants, and impact on the wider community. A few outstanding issues were advised and agreement to the single tier workforce had been achieved. It was noted that a protocol has to be made for Councillors to represent their constituents on housing issues, and a tripartite arrangement of networking involving tenant representatives and the gateway group.

The Leader advised that this a new beginning for the Braintree district with £500m of investment over the next 30 years in the housing stock and the housing estates. It is a positive gain for the whole community and, most importantly, it improves the homes to the Braintree Decent Homes Standard.

Members noted that at Item 2.4 in the report there is the statutory requirement to publicly advertise pieces of recreational land that the Council are looking to transfer to GCH. It was noted that, with a deadline date of 8<sup>th</sup> November 2007, only one verbal enquiry has been received.

Councillor E R Lynch stated he had become involved with the housing transfer process for over three years and requested the Council thank Richard Tincknell, Chairman of the Housing Options Steering Group, for his efforts on the issue towards the agreement towards housing transfer and a Community Gateway Model. The Housing Transfer Stakeholder Group followed, the Programme Boards and moved on to become the RSL Shadow Board. Thanks and appreciation was extended to Councillors, Officers (past and present), lawyers, and professional advisors who had been involved throughout this period. However, the most important players are the tenants and the Tenants Network and the Community Gateway Group are also thanked. It was re-affirmed that the single tier workforce arrangements for staff had been agreed and he queried if only one superannuation scheme had been offered to TUPE employees and to new employees. It was also recognised that the Service Level Agreements (SLA) provide important income to the Council and that regular three-monthly monitoring agreements are required. Reassurances had previously been given regarding the cash receipt from transfer and that any profit from net receipts should be used for social and affordable housing.

Councillor Dr Evans advised that his party fully support the recommendation and that long deliberation had been experienced to get to this point– sometimes very difficult – and a democratic decision had resulted by tenants. The scheme was wished every success.

Councillor Abbott explained he did not want to appear churlish not to recognise the work by everyone involved in this project, and advised of reasons why he would

not be supporting the motion. He considered that this Council had been brought to this unfair public housing financial situation created by legislation to take away Council housing from direct public control. Councils now have less control and reference was made to the Council having funds taken away each year, and an ability to provide new builds and access funding and had to be viewed as a quasi-privatisation agenda across public services. The project is for the benefit of tenants in the long term and Councillor Abbott hope the promises become fruition and they are not disappointed.

Councillor M G Gage accepted all work had been done and referred to a previous request for a report to explain how the valuation had changed from £4.5m to £45m, at which date the report will be received and how the mistake occurred and who was responsible. He was pleased housing was going away from the present situation and felt the housing situation had changed over the years, and it is time for somebody else to come and manage housing more effectively and efficiently.

Councillor Harley also thanked those involved in the process and the need to recognise the unlocking of funds and to give tenants a greater say. He advised that the increase in the valuation had allowed part to be earmarked for affordable housing.

Councillor Mrs Beavis had been involved in the Housing Transfer process over a length of time and referred to a visit to the Havebury Housing Association and wished to thank Rob Atkins for his work and dedication to this project. From the visit to Havebury she recognised the visible changes and the need for transfer and also, from the seminar and the speech by Phil Adams, Chief Executive of GCH, noted proposals to make a difference, the GCH standard for quality and choice, to go beyond people's expectations, improve services and create a special relationship with the Council.

The Leader confirmed there will be one superannuation fund and advised of the significant potential risk to the Council in the future if the SLA's are lost - £1.6m in income – and the need to keep close to the customer and to have regular reviews. He noted the views of Councillors Dr Evans, Abbott and M Gage, and continued to advise that the valuation does fluctuate as the SLA's affect this and impacts on the valuation. The Housing Improvement Programme Board will have a meeting post transfer on 4<sup>th</sup> December 2007 when a report on the significant increase in the valuation will be received. This report will be available to all Members after the meeting.

**DECISION:**

- (1) That the Transfer Agreement to be made between Greenfields Community Housing Ltd and the Council, and any other agreement, to be entered into pursuant to the Transfer Agreement be approved
- (2) That the transfer be approved, subject to receipt of the consent of the Secretary of State for Communities and Local Government pursuant to Sections 32-34 and 43 of the Housing Act 1985 for the disposal of the Council's housing stock to the Association

- (3) That the Chief Executive, in consultation with the Leader of the Council and the Cabinet Member for Resources and Performance, be authorised to agree any final financial issues and take any other necessary action which must be settled before completion of the transfer. (The Leader of the Council undertook to consult other Group Leaders on any significant changes)
- (4) That the principle of obtaining insurance as set out in the report and minutes of the Housing Transfer Programme Board be agreed and the Director of Finance be authorised to obtain cover subject to obtaining competitive quotes in accordance with the Council's financial regulations
- (5) That Environmental Warranty Insurance be taken out covering up to £10m over the next 10 year term at a cost of £164,900
- (6) That the Right to Buy arrangements where Greenfields Community Housing be allowed to retain approximately £20,000 of each sale, with the remainder of the sale proceeds retained by the Council, be accepted.

53 **APPOINTMENT OF THE MONITORING OFFICER**

INFORMATION: Councillor Butland moved the recommendation from the meeting of the Local Government Reform – Cabinet Sub Group of 11<sup>th</sup> October 2007 on proposals for Sharon Lowe, the Head of Law & Governance to become Monitoring Officer for the Council, with effect from 1<sup>st</sup> April 2008.

**DECISION:** That Sharon Lowe, the Head of Law & Governance be appointed as the Monitoring Officer with effect from 1<sup>st</sup> April 2008.

54 **NOTICE OF MOTION – CLOSURE OF POST OFFICES IN THE BRAINTREE DISTRICT**

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

Councillor Mrs Beavis, Cabinet Member for Community Support and Engagement, moved the motion for opposition to the closure of three Post Offices in the Braintree District at Bocking Church Street, White Notley and Panfield Lane, Braintree, and thanked Members for their current and future efforts on this issue. Councillor Mrs Beavis referred to the campaign against the closure of another public service - Barclays Bank in Sible Hedingham and the final outcome of retention of the banking service at the local Post Office in the village. Many people suffer when services are withdrawn in communities, i.e. the elderly, disabled persons, those without a car or without access to internet services. It was noted that Gary Grange of the Post Office had been consulted on the closures and he had advised that a criteria exists (that two of the Post Offices comply with) and as many letters as possible should be submitted as he considered this could make a difference to the outcome and may result with an outreach service.

Therefore, Councillor Mrs Beavis encouraged all Members to support the Ward Members on the closures and write, campaign, involve the press, hold public meetings and strive for the consultation period to be extended.

Councillor Mrs Edey seconded the motion.

Councillor Dr Evans proposed an amendment to the motion – at the end of the final sentence to add

‘and where possible provide financial support and rate relief’.

On being moved, seconded and put to the vote, the amendment to the motion was declared LOST.

Councillor Mrs Scattergood proposed and moved an amendment to the motion – at the end of the final sentence to add

‘and lobby the Post Office Limited and Post Watch’.

The proposer, Councillor Mrs Beavis accepted and seconded this amendment.

Other Councillors spoke in support of the motion, and explained the difficulties closing the Post Office will have on their communities and requested the Council to take more positive steps. Many issues were raised during the discussion

- the changing face of the post office/profitable sectors being under private control
- encourage volunteer groups, i.e. service at Toppesfield
- to explore ways people can use the post office
- to encourage the post office to expand their services
- the criteria of Post Watch on the number of people the Post Office serves and the revenue generated, and to be mindful of the social impact caused by closures by travelling three to four miles by car or bus service
- the vulnerability of the White Notley Post Office and the necessity for people to travel out of the village
- government withdrawing services from Post Offices resulting in reduction in the demand for their service, and the impact of local supermarkets on the business
- the franchise of the Post Office service into the Martins store in Halstead, and many people preferring to travel to nearby Greenstead Green
- involvement of the local M.P.
- the scenario at Bocking North & South where 3,800 people left outside the one mile radius in relation to the Post Office at George Yard, and the scarcity of banks, building societies or cash machines
- 75% of Post Office customers arrive on foot
- small businesses near Post Offices threatened by closure being affected or having to use couriers or electronic transactions
- the impact to the elderly, the infirm, young mothers, single parents and the unemployed
- to consider the potential for growth and diversification to more profitable, modern services for each and every branch.

Councillor Mrs Galione stated this was the second occasion the Post Office service in White Notley had been under threat. It provides an invaluable service open 16 hours per week, and financial and other donations are already received from the local community. If the service were to close many people would be

unable to travel to another provider as the local bus service is always under threat, and the opening hours of the Post Office at Black Notley does not coincide with the bus service.

Councillor Mrs Edey spoke as seconder to the motion and advised that four weeks had passed of the six-week local public consultation period on the proposed changes. Reference was made and quotes given from a letter from Lord Hanningfield, Leader of Essex County Council, and 13 other Essex M.P.'s to Andrew Crozier, Chief Executive of Royal Mail and John Hutton, Minister responsible for Post Offices on the timescale of the consultation process for post office closures in Essex.

In conclusion, Councillor Mrs Beavis, stated it is up to all Councillors to write to the contact quoted on the Essex Rural Partnership Advice Sheet, and urged everyone to support the amended motion.

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

'This Council opposes the proposals to close three Post Offices in the Braintree District at Bocking Church Street, White Notley and Panfield Lane. The Post Office provides an invaluable service to the community and, in particular, the elderly and disadvantaged. This Council will therefore campaign against these closures and lobby Government and the local M.P.'s; and lobby the Post Office Limited and Post Watch'.

## 55 **POLICY RECOMMENDATIONS AND REFERENCES (PUBLIC SESSION)**

(a) Licensing Committee – 10<sup>th</sup> October 2007 – Street Trading and Collections Policy

Councillor Banthorpe, Chairman of the Licensing Committee, moved the recommendation from the Licensing Committee meeting held on 10<sup>th</sup> October 2007.

**DECISION:** That the Council's revised Street Trading and Collections Policy, as amended, be adopted.

(b) Cabinet – 29<sup>th</sup> October 2007 – Local Government Reform – Cabinet Sub Group – 11<sup>th</sup> October 2007 – Recommendation of Role of Members of the Planning Committee

Councillor Butland moved the recommendation regarding a Special Responsibility Allowance (SRA) for Members of the Planning Committee as stated in Minute 59 of the Cabinet meeting on 29<sup>th</sup> October 2007.

Councillor Bolton stated that it was his understanding that when the Planning Committee was formed it was to save costs incurred by the previous Council and this proposal five months into the new process would result with expenditure of £17,500. It was his opinion that local people, making local decisions on local committees, should determine planning applications. Therefore, he could not support the proposal.

The Chairman stated that it was her recollection that the new Planning Committee was formed to (i) improve performance, and (ii) improve consistency across the District.

Councillor Ms Flint stated that Councillors who sit on the Planning Committee do not have to accept the payment and requested that, for those Councillors who work during the day, the mandatory training occurs during the evening.

Councillor Mrs Spray also requested evening training, and concurred that the new Planning Committee was to bring consistency to planning decisions and uniformity to the process. It was also stressed the new Planning Committee was under a trial period and that considerable travelling and an extra workload is involved for members of that Committee.

Councillor Butland confirmed that Planning Committee was established to provide a consistency of planning and on building up an expertise within those members interested in the planning process. It was also to free up time for the remaining Councillors to provide local involvement and focus on the new Local Committees. As regard to the mandatory training it would be evening training.

**DECISION:**

- (1) That the Independent Remuneration Panel (IRP) be advised that a SRA payment of £800 be made to each member of the Planning Committee subject to conditions of (i) mandatory training and (ii) a minimum attendance level of 75% of the total meetings of the Planning Committee in each civic year.
- (2) That the restriction in the current Members' Allowance Scheme be disappplied to those members of the Planning Committee who are already entitled to a SRA.
- (c) Cabinet – 29<sup>th</sup> October 2007 – Draft Medium Term Financial Strategy

Councillor Lager moved the recommendation on the Draft Medium Term Financial Strategy 2008/09 to 2011/12, in Minute 61 of the Cabinet meeting on 29<sup>th</sup> October 2007.

**DECISION:**

- (1) That an addition of £367,050 to the Invest to Save Reserve be funded from the projected underspend against budget in the current year.
- (2) That the prudential indicator limiting investments longer than 364 days be increased to £25m with immediate effect.

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

INFORMATION: No statements were made.

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

INFORMATION: The following statements were made: -

**CPR07 – Settlement from Central Government.** Councillor Butland advised that the Settlement will be the tightest settlement for a decade and, therefore, will impact on the Council. Figures will be announced early in December, and difficult choices will need to be made when the budget is formed. The Council is keen to keep the Council Tax increase low and it is dependent on the level of other government grants as to whether this is the case or whether figures will have to be revisited.

**Joint Working with Colchester Borough Council.** Councillor Butland reported that the Cabinet Members of Braintree District Council and Colchester Borough Council had a successful joint meeting recently and it is proposed that a joint seminar for all members of both Councils be held in the New Year.

**Braintree Community Hospital.** The Leader stated that he had been in contact with the Chairman of the Mid Essex Primary Care Trust, who are now in a position to move forward with the community facility. Discussions will take place on 14<sup>th</sup> November 2007 with stakeholders and local practitioners, with the Council reserving judgement until proposals are tabled.

**A120 Braintree to Marks Tey.** Councillor Butland recorded his gratitude to Essex County Council on their decision to call on government, through the Highways Agency, to publish a preferred route status for the dualling of the A120 between Braintree and Marks Tey. However, the East Anglian Daily Times had reported that the proposal would not go ahead until 2018 at the earliest, and Councillor Butland stressed this was totally unacceptable and that the Council will work closely with Colchester Borough Council on this issue.

**CCTV in the District.** The Leader stated that the Council is committed to increase and improve the quality of CCTV provision in the three town centres, and resources are available within the budget. The replacement of CCTV from analogue to digital will be made in Braintree and Witham town centres, with a commitment to CCTV in Halstead. Councillor Mrs Schmitt will hold discussions with the Police to ensure the most efficient and effective siting for the cameras. Discussion will also take place between other partners, the Town Councils in Witham and Halstead, and other parties. Councillor Mrs Schmitt will provide a report to the next Council meeting on 17<sup>th</sup> December 2007.

*ACTION POINT: That the Cabinet Member for Public Protection & Healthy Living provide a report on CCTV to the Council meeting on 17<sup>th</sup> December 2007.*

**Enforcement of Fly-Tipping in the District.** Councillor Mrs Schmitt reported that Braintree District Council had the highest prosecution rate amongst local authorities in Essex. The Business Resource Efficiency and Waste Programme under DeFRA will be making a Case Study of Braintree District Council that will be used to improve enforcement across the County, and gratitude was expressed to officers for their tenacity on this issue.

**Stansted Airport Consultative Committee.** Councillor Harley advised that a meeting had been held last week and provided an update. The report and decision of the Inspector as regard the BAA's appeal against Uttlesford District Council's decision to limit the number of passengers using the airport will be heard together in January 2008. It is also understood that BAA is to submit early in the New Year an official application for a second runway, together with a report covering surface access report and environmental considerations. Whilst stating that the Council remain opposed to the proposal it had been made clear that in the initial indications of the surface access document there is limited provision for infrastructure east of the airport, and with the delay on the dualling of the A120 this will exacerbate the issue further. It was noted that National Air Transport had not indicated that a report on airspace will be required if the second runway were to go ahead. BAA presented at the meeting their Corporate Responsibility report for the year showing targets on waste, energy use and any new infrastructure, and quoted 26% on recycling of waste.

(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 Mrs Pell requested clarification on the provision of **CCTV in Halstead** as it was understood from the Leader's statement that a meeting would take place on Wednesday 7<sup>th</sup> November 2007. Councillor Mrs Pell expressed thanks to the District Council, on behalf of Halstead, for giving the town CCTV facilities.

In response, Councillor Butland confirmed that the meeting on Wednesday 7<sup>th</sup> November is with Witham Town Council, and he assured Members that stakeholders in Halstead i.e. Halstead Town Council, and the Police would be involved in the siting of the cameras and to devise a scheme that has local support and confidence.

Councillor M G Gage expressed his dismay in the delay to the **dualling of the A120**, and reflected back to when 2013 had been the anticipated date. He therefore questioned the forecast date of a likelihood of a Halstead by-pass with the Highways Agency.

In response, Councillor Butland suggested they could both be in the same place or an opposing place before there is a Halstead by-pass.

Councillor Dr Evans referred to the **Braintree District Rural Policy and Action Statement (2005)** that gave details of support through Allocated Government Funding and BDC Funding – a Policy which helps the economic vitality of villages by supporting local clubs, halls, societies and small rural business through rate relief – which benefits in particular village shops, pubs and filling stations. He asked if the Cabinet Member could explain to what extent this scheme had been used and also comment on the economic success this policy has achieved?

The Leader confirmed that the Council does operate the scheme and advised that further information would be provided on how it is used, including whether it has a successful outcome.

*ACTION POINT: The Finance Director/Leader of the Council to supply the above information to Councillor Dr Evans.*

Councillor Abbott had two questions with regard to the **Essex Waste PFI bid, and the Memorandum of Understanding** at Rivenhall Airfield site. Councillor Abbott commented that previous statements by Essex County Council and Councillor Walters that the MBT process would produce a renewable energy source had been contradicted by DeFRA guidance. Councillor Abbott asked why the Council had failed to follow DeFRA guidance on this matter?

Councillor Abbott questioned the statement made by the Cabinet Member for Environment & Sustainability that 'DeFRA had insisted that waste should not be sent to landfill'. When Councillor Abbott had contacted a representative of DeFRA they had confirmed that they had not issued that advice and had not, at any stage, given Essex County Council that information.

Councillor Walters, Cabinet Member for Environment & Sustainability, stated that advice from DeFRA is not the same every time, and clearly the Council was led to believe they were not in favour of landfill. However, Councillor Walters had understood from DeFRA that there is not an alternative that we can't landfill and he welcomed an alternative to the disposal of output from MBT not going into landfill.

Councillor Walters explained that it is difficult to recycle and get past a recycling rate with some MBT treatment of 60%, still leaving residual waste that is difficult to deal with, other than putting it into landfill. It was considered that the information stands correct, although the figures constantly change.

Councillor Mrs Spray requested an update on the **fire in Council properties in Devere Road, Earls Colne**, and when the tenants and leaseholders will be able to move back into their homes.

Councillor Mrs Beavis, Cabinet Member for Community Support & Engagement, responded that a meeting is to be held on 6<sup>th</sup> November 2007 at Earls Colne Village Hall, involving Councillors, officers and insurance loss adjusters. However, it is anticipated that the homes will not be ready for occupation until the New Year.

Councillor Bolton stated he was pleased to hear of the fly-tipping results earlier in the meeting, but raised concerns to **fly-tipping on farm tracks** and areas away from the public highway.

Councillor Walters advised that the Council was not in a position to be involved with fly-tipping on private land, and referred to discussions with the Country Landowners Association, including Simon Brice the Chairman of the local National Farmers Union. It was farmers responsibility to secure their gateways and whilst the Council had sympathy it was not responsible for fly-tipping on private land.

(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 17<sup>th</sup> September 2007.

The Chairman advised that the Audit Committee minutes of 27<sup>th</sup> September 2007 had recently been made available, and apologised that the Standards Committee minutes of 13<sup>th</sup> September 2007 were not available.

Councillor E Lynch made reference to minute 65, Cabinet meeting of 29<sup>th</sup> October 2007, on the Draft Guide to Tackling Fly-Posting in the Braintree District and queried the responses from the Cabinet Member as follows

- guidance from Highways and Essex County Council on possible sites for charities to place their posters
- no answer to the suggestion of a stamp of approval being placed on posters to make the Clean Team aware of the posters' validity, and
- that 'A' frames in the High Street are the responsibility of this Council, not Essex County Council Highways.

In response Councillor Walters stated that a meeting with the Head of Highways is being arranged on all these issues, and he will let everyone know the outcome. It was noted that the suggestion of a stamp of approval on posters will be considered, and that it is Essex County Council's responsibility to deal with 'A' frames on pavements.

58 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: Councillor Mrs Scattergood provided a report on the meeting of the LGA Rural & Urban Commission Members Forum that took place on the future of post offices services, and may clarify issues discussed earlier in the meeting. The speakers were noted, the key messages, the EU state aid clearances and government funding and the proposed network restructuring.

There has to be 2,500 compensated closures and 500 replacement outreach services and the closures are not voluntary but are based on network planning. The background with the EU Commission originating in 2003 was explained, the subsidy issues and axing of post offices, and that the subsidy will end at the end of this closure programme. If any post offices are saved following consultation others will have to close instead and it was stressed to save post offices in the District

both Post Office Limited and Post Watch had to be lobbied. It was made clear that the consultation period will not be extended beyond six weeks and, in no circumstances, will this change. Sue Huggins of Post Office Limited had said at the meeting that to be a viable business without government subsidy 10,000 post offices in total will have to close, and allowing for the closures in past years and those now proposed, and without the EU Commissioners agreement, this will result with 3,500 more closures in the near future.

### **EXCLUSION OF PUBLIC AND PRESS**

DECISION: 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 Part 1 of Schedule 12(A) of the Act.

*Whilst the following items of business were listed on the Agenda for discussion in the private session of the meeting, the Minutes do not contain any confidential information and they are therefore admissible in the public domain.*

### **(ITEMS IN PRIVATE SESSION)**

#### 59 **STATEMENTS BY MEMBERS (PRIVATE SESSION)**

INFORMATION: There was nothing to report under this item.

#### 60 **QUESTION TIME (PRIVATE SESSION)**

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

INFORMATION: There was nothing to report under this item.

(ii) **Oral Questions**

INFORMATION: No questions were asked.

(iii) **Chairmen's Statements**

INFORMATION: No statements were made.

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

INFORMATION: Members were invited to raise any matters arising from the minutes of meetings in private session which had been published since the Council Meeting on 17<sup>th</sup> September 2007.

There was nothing to report under this item.

#### 61 **POLICY RECOMMENDATIONS AND REFERENCES (PRIVATE SESSION)**

INFORMATION: There was nothing to report under this item.

At the closure of the meeting the Chairman informed the meeting that Councillor Doug Rice had recently been ill, but is now out of hospital and is home and recovering. The Council sent Councillor Rice their best wishes for a speedy recovery.

The meeting commenced at 7.15pm and closed at 9.20pm.

Lady Newton

(Chairman)

APPENDIX

COUNCIL MEETING

5<sup>TH</sup> NOVEMBER 2007

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1 Question by Malcolm Mead, 4 Homefield Road, Witham  
Agenda Item 5 – Housing Transfer

‘Prior to the ballot of Council tenants as to whether to join a housing association or stay with the Council we were told that the housing stock was valued at £4.5m. Recently Councillor Butland made a statement that it is now £45m. It appears that tenants were misled on information about the future of their homes. Councillors should now ask for another ballot to be taken using up to date information. If the Council cannot give correct advice the first time on this issue how can they trust other details of the sell off?’

*The Leader addressed this issue during his presentation.*

2 Statement by David Webb, 54 Peel Crescent, Braintree  
Agenda Item 5 – Housing Transfer

‘Even at this 11<sup>th</sup> hour, BDC should indicate that it has considered all its options, and is not dogmatically selling tenants’ homes and selling tenants down the river, by taking account of Gordon Brown’s words. For the new Prime Minister said that ‘by involving and engaging the British public in a national debate about the future of their homes we can make affordable housing one of the great causes of our time.

For given the news that the 2007 Spending Review is to ‘double the budget for social housing’ and given the hints in the press about the ‘return of the council house’, why are you not banging on the door of number 10 about the housing cash and asking Gordon Brown about his promised major new housing role for local councils?’

*The Leader addressed this issue during his presentation.*