

COUNCIL MEETING 19TH FEBRUARY 2007POLICY RECOMMENDATIONS IN PUBLIC SESSION**A STANDARDS COMMITTEE - 7TH DECEMBER 2006****16 FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES (16/17 OCTOBER 2006)**

INFORMATION:- The Committee considered a report setting out brief summaries of the various sessions from the fifth annual assembly of Standards Committees held on 16th and 17th October 2006 and referred to a number of specific recommendations. Members discussed each recommendation in turn.

DECISION:- That

- (1) it be **recommended to Council** that, following the District Council elections in May 2007, appointments to the Area Committees, District Development Committee and Licensing Committee [including Hearing Panels] be made on the basis that no Member shall participate in any quasi-judicial function, including the consideration and determination of any planning or licensing application beyond the date of three months following election unless he/she has received training on the Code of Conduct [including pre-determination and bias] or until such a time as training has been received.
- (2) the Organisational Development and Training Manager be asked to consider inviting the independent non-elected members of the Council to participate in the induction programme for newly appointed staff.
- (3) a report be brought to a future meeting of the Committee on the implications for the Standards Committee following publication of the CIPFA/SOLACE framework for good governance in local government.
- (4) the Monitoring Officer prepares and submits to the next meeting of the Committee a draft job description and person specification to cover the role of an independent member of the Standards Committee.
- (5) Members agree that the Council should not subscribe to AIMScE and pay the £15 joining fee and £10 annual subscription for one independent member on the basis that, as Independent Members, they wished to remain independent of any national organisation.

ACTION POINTS:-

- (1) *That the Senior Democratic Services Officer ensures that the recommendation at (1) is placed on the Council agenda for the February meeting.*
- (2) *That the Monitoring Officer liaises with the Organisational Development and Training Manager on the decision at (2).*
- (3) *That the Monitoring Officer prepares a report on the implications of the CIPFA/SOLACE framework and submits it to a future meeting of the Committee.*
- (4) *That the Monitoring Officer prepares a draft job description and person specification for an independent member of the Standards Committee for submission to the next meeting of the Committee.*
- (5) *That the Senior Democratic Services Officer ensures that an item on an independent member's job description is placed on the agenda for the next meeting of the Committee.*

B DISTRICT DEVELOPMENT COMMITTEE – 25TH JANUARY 2007

47 LOCAL DEVELOPMENT FRAMEWORK – GENERAL PROGRESS

INFORMATION: The Committee received a progress report on the preparation of the local development framework (LDF) and, in particular, an update on the review of the local development scheme (LDS).

Members were reminded that the LDS set out the programme for the preparation of the documents making up the LDF. Changes to the Council's LDS, which had been agreed by the Committee in September 2006, had been subject to discussion with the Government Office and as a result a number of further changes had been suggested. It was proposed that a separate Development Control Policies Development Plan Document should be prepared concurrently with the Core Strategy; that the proposed supplementary planning documents on the 'validation of planning applications' and the 'design and layout of business parks;' should be deleted; and that the proposed dates for the submission of the Allocations Development Plan Document should be brought forward by three months. A revised timetable for the preparation of local development framework documents was attached to the report.

It was noted that the Annual Monitoring Report for 2005/6 had been submitted to the Government Office as required and it had been published on the Council's website. A summary of the key findings was set out as an Appendix to the Agenda report.

It was anticipated that as work on the local development framework progressed there would be a need for more Member involvement. This would include detailed work on the urban capacity study and the consideration of representations submitted with respect to consultation documents. To assist with this process, it was proposed that a Local Development Framework Panel should be established. It was proposed that the Panel should have decision-making powers and, as such, it would have to be constituted in accordance with the Widdecombe rules regarding political balance.

In discussing this item and the reference to gypsy and traveller accommodation needs, a Member expressed concern that Essex County Council had not informed her as the Ward Member, nor the District Council, about their negotiations to purchase land and property at Sandiacres, Cressing. Instead, Councillors and District Council Officers had read about the proposal in the local Press. This was not considered to be a good example of the two authorities 'working together'.

DECISION: That the action taken and the proposals for the local development framework be approved.

Recommended to Cabinet and Council:- That the establishment of a Local Development Framework Panel be agreed in principle and the Council requested to agree the constitution and membership of the Panel.

C CABINET – 5TH FEBRUARY 2007

78 IMPLICATIONS OF BALLOT DECISION

Cabinet received a report on the process leading up to the transfer of the housing stock following the positive vote of the tenant ballot and set out details of the ballot result, appointment of consultants, transfer date, delegation and financial arrangements. It was also noted that at the meeting of the Housing Transfer Programme Board held on 27th

November 2006, delegation was sought and terms of reference were recommended for approval. Councillor Butland took Members through the report and drew their attention to the main points. It was noted that, following the positive result of the tenants' ballot to transfer the Council's Housing stock, a significant amount of work was required in terms of negotiations between the Council and Greenfields Community Housing to agree the arrangements and processes to ensure a satisfactory transfer of the stock within 12 months of the ballot date. Members were also advised that, between now and the transfer, Greenfields Community Housing will need to incur costs to enable the set up of the organisation. Although it will be registered and thereby it will have a legal entity, it will not have sufficient funds. Under Section 25 of the Local Government Act 1988, the Council can apply to the relevant minister to get permission to provide financial assistance by way of a grant or a loan and it is usual that such set up costs be met from capital receipts with pre-transfer costs being met from the Housing Association on the day of transfer. In connection with this, Councillor Butland advised that the Chairman of the Housing Shadow Board was requesting a loan and the details of this were set out in the report.

DECISION:- That it be **recommended to Council**

- (i) That the ballot result, appointment of consultants and the proposed transfer date be noted;
- (ii) That the process, terms of reference and delegation to the Programme Board as detailed in the report, be agreed;
- (iii) That the Section 25 loan request of £3.575m and post ballot budget of £395,000 approved;
- (iv) That officers be requested to consider the benefits/risks of other loan requests detailed in the report and that the results be reported back to the Housing Programme Board.

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COUNCIL BUDGET, COUNCIL TAX & RENTS 2007/08

Cabinet received a report on the financial proposals for the General Fund and Housing Revenue Accounts, covering both revenue and capital, for 2007/08. The report provided an update on recent developments since the Priorities and Budget 2007/08 report was agreed by Cabinet on 27th November 2006. Feedback received from each of the elements of the budget consultation process was also included in the report and it provided details of the Council's borrowing and investment requirements for 2007/08, as set out in the Treasury Management Strategy and Prudential Indicators and Limits. Councillor Lager took Members through the report and reminded Cabinet that, some months ago, the Council signalled its intention to set the Council Tax at 3.8% and outlined a process to meet this, namely the Medium Term Financial Strategy [MTFS]. He advised that this sets out an affordable spending envelope and has been widely consulted upon by local businesses, members of the public and Councillors. He added that the MTFS envisages a balanced budget for 2007/08 meaning that income is in line with expenditure. The Implication for the overall strategy is on the lines of 'doing less but doing it better'. Partnership working and joint working with local authorities and agencies will be most important. Councillor Lager drew Members' attention to the main points in the report and the corresponding appendices. He then referred to the recommendations as set out on page 2 of the report.

The Leader asked the Finance Director to clarify how it was proposed that the additional funding in relation to the swimming pool and the BIDs project, as referred to in minutes 80 and 86 below, would be incorporated into the budget.

Chris Fleetham, Finance Director advised that the initial costs for the BIDs would be met from existing resources under Local Authority Growth Business Incentives [LAGBI] funding with future costs being met from the Planning Delivery Grant so there would be no impact on the council tax. With regard to the swimming pool, the summary of the capital programme, which currently shows an amount against the swimming pool for 2007/8 as £2.963m will need to be increased by £250k. The balance of resources which currently shows a figure of £652k will need to be reduced to show £402k.

DECISION:- That it be **recommended to Council**

- (i) That the budget variations to the current base budget, as summarised in Appendix F be approved;
- (ii) That the budget bids detailed in Appendix C be approved, providing the necessary resources required are found within existing resources;
- (iii) That the budget bids detailed in Appendix D be approved;
- (iv) That the Fees and Charges for 2007/08 as shown in Appendix E, be approved;
- (v) That the Housing Revenue Account revised estimates for 2006/07 and the full estimates for 2007/08 as shown in Appendix H, be approved;
- (vi) That the overall rent increase for 2007/08 be limited to 5% and that this be achieved by:
 - Increasing rents by 4.1% plus £2.00 per week for all rents currently more than £6.00 below target rent
 - Increasing all other rents by a maximum of 4.1% minus 40 pence per week (all figures on a 48 week basis)
- (vii) That a change of policy on the rent charged to new tenants of a property be approved. Such that all re-let rents be set at the target level for the property, the change to be effective from 1st April 2007;
- (viii) That the Housing service charges for 2007/08 as detailed in Appendix I, be approved;
- (ix) That The priority rankings assigned by the Cabinet sub group to the General Fund Capital bids for 2007/08, as listed in Appendix K, be approved;
- (x) That the Housing Investment programme for 2007/08, as detailed in Appendix K, be approved;
- (xi) That the Prudential Indicators and limits set out in Appendix L be approved;
- (xii) That the Treasury Management Strategy, including annual investment strategy, for 2007/08, be approved;
- (xiii) That the policy framework and virement levels as detailed in Appendix M, be approved;
- (xiv) That the proposed detailed estimates in Appendix G and the Council Tax increase be approved taking into consideration:
 - The consultation feedback received (Appendix A); and
 - The Finance Director's report on the robustness of the estimates and the adequacy of balances (Appendix N).
- (xi) the Medium Term Financial Strategy be updated to take account of the information detailed in the report and the decisions made.

PROPOSED CHANGES TO THE EAST OF ENGLAND PLAN

Cabinet received a report setting out the main changes proposed by the Secretary of State to the East of England Plan following consideration of the report of the Panel that conducted the examination in Public of the Plan. Councillor Mrs Scattergood took Members through the report which identified a number of areas of concern for this Council as the basis for making representations on the proposed changes. Members also received an extract of the minutes of the meeting of the District Development Committee

held on 25th January 2007 where this issue had been debated and a decision made to include reference to the need for jobs to be created near to new homes.

On discussing this report, Members expressed concern at the omission of reference to the A120 as part of the trans European road network and also asked that reference be made to the consideration of the Halstead bypass and the improvements to the Braintree branch line. It was also asked that the response be more robust when referring to minimum numbers of new housing and that local authorities should not be expected to demonstrate that they will exceed these figures and that the response be linked to the need to invest in infrastructure. A Member also asked that reference to the potential for flooding be included.

DECISION:- That it be **recommended to Council** :-

That the comments set out in paragraphs 13 to 22 of the report, together with the issues referred to above, be used as the basis of this Council's representations on the Secretary of State's proposed changes to the East of England Plan and that the Cabinet Member for Planning and Rural Issues submits the representations to Government using delegated powers following further discussion of the changes within the Council and with our partners. The response to include the following points:

- i) That the Council considers that the Plan as proposed is neither deliverable or sustainable with its lack of funding to support the infrastructure needed for this District and the region;
- ii) The Plan should recognise the contribution that the District has made to meeting the region's housing needs over the last ten to fifteen years with the appropriate investment in infrastructure and employment.
- iii) The Plan should include a stronger policy that links development to the provision of the necessary infrastructure.
- iv) Concern that the housing figures are now expressed as a minimum. This is likely to encourage unnecessary development exacerbating the problems of infrastructure and employment imbalance and undermining the overall regional spatial strategy.
- v) Concern that the Plan does not contain clear guidance for LDDs on the minimum level of affordable housing to be achieved and that the 35% referred to in the Plan is expressed as an aspiration rather than a requirement.
- vi) Concern that the proposed changes to the Plan have made it less sustainable with little consideration of improvements to the public transport network.
- vii) Objection to proposed paragraphs 4.32 and Policy E8 of the Plan which support a new runway at Stansted Airport.
- viii) The Plan should give greater emphasis to rail improvements, particularly the Braintree line, and improvements to East-West routes.
- ix) The A120 as part of the Trans European road network should be listed in the table of inter-regional linkages and impacts on the north/south routes such as the A131 should not be ignored.
- x) Policy T15 of the Plan should refer to implementing improvements in the London to Ipswich corridor identified by the LOIS study.
- xi) Concern that the requirements for other infrastructure such as health, education, adult social care, water and sewerage will now be dealt with in a non-statutory Implementation Plan.
- xii) The reference to a possible extension of the Green Belt to the north of Chelmsford at paragraph 13.61 of the Plan is inappropriate and should be deleted.
- xiii) Welcome the new Chapter on Carbon Dioxide Emissions and renewable Energy but suggest that these should be backed up by changes to building regulations.

86 **BRAINTREE SWIMMING CENTRE**

Cabinet received a report on the progress in relation to the swimming pool in Braintree. Councillor Mrs Schmitt took Members through the report. It was noted that a capital bid was being made in the sum of £250,000 in order to reinstate the contingency and pay for the Omega Timing System, the raised plinth, a potential claim and landlord costs. Full details of the costs were set out in the report. It was noted that the project was currently four weeks behind schedule but that no further slippage was anticipated.

DECISION:- That it be **recommended to Council**

- (i) That the progress of the Braintree Swimming Centre project be noted;
- (ii) That the Capital Bid in the sum of £250,000 be approved

89 **REPORTS FROM CABINET MEMBERS ON ISSUES THAT NEED TO BE BROUGHT TO THE CABINET'S ATTENTION**

The following issues were brought to the Cabinet's attention:-

(i) **Local Development Framework.**

The Leader referred to the last meeting of the District Development Committee held on 25th January 2007 where the issue of the Local Development Framework had been considered and debated. An extract of the minutes of this meeting was circulated prior to the meeting for the Cabinet's information.

DECISION:- That it be **recommended to Council:-**

That the establishment of a Local Development Framework Panel be agreed in principle and the Council be requested to agree the constitution and membership of the Panel.